

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 843
Apr 16, 2019
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10502-MK-179A

Short Title: BOG Membership/Appointments. (Public)

Sponsors: Representatives Martin, Meyer, and Batch (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE MEMBERSHIP OF THE BOARD OF GOVERNORS OF THE
3 UNIVERSITY OF NORTH CAROLINA TO ADD APPOINTMENTS BY THE
4 GOVERNOR.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 116-6 reads as rewritten:

7 "§ 116-6. Election and terms of members of Board of Governors.

8 (a) ~~As the terms of members of the Board of Governors provided for in G.S. 116-5 expire,~~
9 ~~their successors shall be elected by the Senate and House of Representatives. Twelve~~ At the
10 regular legislative session in 2021 and every two years thereafter, eight of the 12 members of the
11 Board of Governors shall be elected at the regular legislative session in 2017 and every two years
12 thereafter, by the Senate and House of Representatives as successors for the terms of members
13 expiring on June 30 of each odd-numbered year. The Senate and the House of Representatives
14 shall each elect one-half of the persons necessary to fill the vacancies for these seats on the Board
15 of Governors.

16 (a1) Beginning in 2021 and every two years thereafter, the Governor shall appoint four of
17 the 12 members as successors for terms of members of the Board of Governors expiring on June
18 30 of each odd-numbered year.

19 (b) Repealed by Session Laws 2001-503, s. 1, effective December 19, 2001.

20 (c) ~~In electing members to the Board of Governors, Governors pursuant to subsection (a)~~
21 of this section, the Senate and the House of Representatives shall select from a slate of candidates
22 made in each house. The slate shall be prepared as provided by resolution of each house. If a
23 sufficient number of nominees who are legally qualified are submitted, then the slate of
24 candidates shall list at least twice the number of candidates for the total seats open. All qualified
25 candidates shall compete against all other qualified candidates. In 1993 and biennially thereafter,
26 each house shall hold their elections within 30 legislative days after appointments to their
27 education committees are complete.

28 (d) All terms shall commence on July 1 of odd-numbered years and all members shall
29 serve for four-year overlapping terms.

30 (e) Beginning with elections held on or after January 1, 2017, no person may be elected
31 to more than three full four-year terms. Beginning with appointments made by the Governor on
32 or after July 1, 2021, no person may be appointed or elected to the Board of Governors for a total
33 of more than three full four-year terms. Election or appointment for a partial term to fill a vacancy
34 as provided in G.S. 116-7 shall not count toward the three-term limitation.

35 (f) Any person who has served at least one full term as chairman of the Board of
36 Governors shall be a member emeritus of the Board of Governors for one four-year term



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1 beginning at the expiration of that member's regular elected or appointed term. Any person
2 already serving as an emeritus member may serve an additional four-year term beginning July 1,
3 1991. Members emeriti have all the rights and privileges of membership except they do not have
4 a vote.

5 (g) Effective July 1, 1991, and thereafter, any person who has served at least one term as
6 a member of the Board of Governors after having served as Governor of North Carolina shall be
7 a member emeritus of the Board of Governors, with all the rights and privileges of membership
8 as in G.S. 116-6(f)."

9 **SECTION 2.** G.S. 116-6.1(a) reads as rewritten:

10 "(a) Commencing July 1, 1991, and during a person's continuance as a student in good
11 standing at a constituent institution of The University of North Carolina, the person serving as
12 president of the University of North Carolina Association of Student Governments (UNCASG)
13 or the person's designee shall serve ex officio as a member of the Board of Governors. This
14 student member shall be in addition to the 24 members elected and appointed to the Board of
15 Governors."

16 **SECTION 3.** G.S. 116-7 reads as rewritten:

17 **"§ 116-7. General provisions concerning members of the Board of Governors.**

18 (a) All members of the Board of Governors shall be ~~selected~~ elected or appointed for
19 their interest in, and their ability to contribute to the fulfillment of, the purposes of the Board of
20 Governors, and all members shall be deemed members-at-large, charged with the responsibility
21 of serving the best interests of the whole State. In electing and appointing members, the objective
22 shall be to obtain the services of the citizens of the State who are qualified by training and
23 experience to administer the affairs of The University of North Carolina. Members shall be
24 ~~selected~~ elected or appointed based upon their ability to further the educational mission of The
25 University through their knowledge and understanding of the educational needs and desires of
26 all the State's citizens, and their economic, geographic, political, racial, gender, and ethnic
27 diversity.

28 (b) No member of the General Assembly or officer or employee of the State, The
29 University of North Carolina, or any constituent institution may be a member of the Board of
30 Governors. No spouse of a member of the General Assembly, or of an officer or employee of
31 The University of North Carolina, or of any constituent institution may be a member of the Board
32 of Governors. Any member of the Board of Governors who is elected or appointed to the General
33 Assembly or who becomes an officer or employee of the State or of any constituent institution
34 or whose spouse is elected or appointed to the General Assembly or becomes an officer or
35 employee of The University of North Carolina or of any constituent institution shall be deemed
36 thereupon to resign from his membership on the Board of Governors.

37 In addition, no individual who has engaged in lobbying as a lobbyist as defined in
38 G.S. 163A-250(a) on or after June 30 of the prior year may be elected or appointed as a member
39 of the Board of Governors.

40 (b1) Upon receipt of a referral from the Bipartisan State Board of Elections and Ethics
41 Enforcement in accordance with G.S. 163A-156(m) concerning a member of the Board of
42 Governors, the principal clerk of the house of the General Assembly receiving the referral shall
43 immediately refer the matter to the appropriate education committee of that house. That
44 committee may recommend to that house a resolution providing for the removal of the Board
45 member. If the committee's proposed resolution is adopted by a majority of the members present
46 and voting of that house, the public servant shall be removed and the seat previously held by that
47 Board member becomes vacant.

48 (c) Whenever any vacancy shall occur in the appointed or elected membership of the
49 Board of Governors, it shall be the duty of the Board to inform the Governor, the Speaker of the
50 House of Representatives-Representatives, and the President of the Senate of the vacancy. The
51 ~~chamber~~ entity that originally elected or appointed the vacating member shall elect or appoint a

1 person to fill the vacancy. The vacancy shall remain unfilled until the appropriate chamber of the
2 General Assembly elects or the Governor appoints a person to fill the vacancy.

3 The vacancy of an elected seat shall be filled not later than the adjournment sine die of the
4 next regular session of the General Assembly. The Governor shall fill the vacancy of an appointed
5 seat not later than 180 days from the date of the vacancy. The election or appointment shall be
6 for the remainder of the unexpired term. Whenever a member shall fail, for any reason other than
7 ill health or service in the interest of the State or nation, to be present for four successive regular
8 meetings of the Board, his or her place as a member shall be deemed vacant."

9 **SECTION 4.** Members of the Board of Governors elected by the Senate or the House
10 of Representatives prior to January 1, 2021, shall serve their full terms of office. In the event of
11 a vacancy of a member elected by the Senate or the House of Representatives prior to January 1,
12 2021, before the expiration of that member's term of office, the vacancy shall be filled as provided
13 in G.S. 120-122 upon the recommendation of the Speaker of the House of Representatives if the
14 member was elected by that chamber, and upon the recommendation of the President Pro
15 Tempore of the Senate if the member was elected by that chamber.

16 **SECTION 5.** Section 2 of this act becomes effective July 1, 2019. The reminder of
17 this act is effective when it becomes law. Notwithstanding G.S. 116-7(b), as amended by this act,
18 the prohibition on the appointment or election of members who are lobbyists shall apply to
19 members appointed or elected, or any members appointed or elected to fill a vacancy, on or after
20 the date this act becomes law.