

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 843

Short Title: BOG Membership/Appointments. (Public)

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

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House

April 18, 2019

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19 (b) Repealed by Session Laws 2001-503, s. 1, effective December 19, 2001.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



1 (f) Any person who has served at least one full term as chairman of the Board of  
2 Governors shall be a member emeritus of the Board of Governors for one four-year term  
3 beginning at the expiration of that member's regular elected or appointed term. Any person  
4 already serving as an emeritus member may serve an additional four-year term beginning July 1,  
5 1991. Members emeriti have all the rights and privileges of membership except they do not have  
6 a vote.

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

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

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

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

19 **"§ 116-7. General provisions concerning members of the Board of Governors.**

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

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

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

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

50 (c) Whenever any vacancy shall occur in the appointed or elected membership of the  
51 Board of Governors, it shall be the duty of the Board to inform the Governor, the Speaker of the

1 House of ~~Representatives~~ Representatives, and the President of the Senate of the vacancy. The  
2 ~~chamber~~ entity that originally elected or appointed the vacating member shall elect or appoint a  
3 person to fill the vacancy. The vacancy shall remain unfilled until the appropriate chamber of the  
4 General Assembly elects or the Governor appoints a person to fill the vacancy.

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

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

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