

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 1285

Short Title: Modify Bd. of Governors Terms.

(Public)

Sponsors: Representative Haire.

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

April 19, 2005

A BILL TO BE ENTITLED

1 AN ACT TO MODIFY THE ELECTION AND TERMS OF THE BOARD OF
2 GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA BY
3 INCREASING THE TERM LENGTH OF A MEMBER FROM FOUR YEARS TO
4 SIX YEARS, DECREASING THE NUMBER OF MEMBERS FROM
5 THIRTY-TWO MEMBERS TO THIRTY MEMBERS, AND ELIMINATING THE
6 POSITION OF MEMBER EMERITUS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Chapter 116 of the General Statutes is amended by adding a
9 new section to read:

10 **"§ 116-6.01. Election and terms of members of Board of Governors after July 1,**
11 **2005.**

12 (a) As the terms of members of the Board of Governors elected before July 1,
13 2005, under G.S. 116-6 expire, their successors shall be elected by the Senate and
14 House of Representatives under this section. In electing members to the Board of
15 Governors, the Senate and the House of Representatives shall consider whether the
16 Board of Governors appropriately reflects the genders, diversity, and geographical areas
17 of the State.

18 (b) Beginning July 1, 2007, the Board of Governors shall consist of 30 members
19 elected by the General Assembly and one student member as provided in G.S. 116-6.1.
20 At each session of the General Assembly held in an odd-numbered year, the Senate and
21 the House of Representatives shall each elect one-half of the number of persons
22 necessary to fill the vacancies on the Board of Governors.

23 (1) In 2007, the Senate shall elect seven members to the Board of
24 Governors, five of whom shall serve a term expiring June 30, 2011,
25 and two of whom shall serve a term expiring June 30, 2013. In 2009,
26 the Senate shall elect eight members to the Board of Governors, three
27 of whom shall serve a term expiring June 30, 2013, and five of whom
28 shall serve a term expiring June 30, 2015. In 2011 and in each
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1 subsequent regular session, the Senate shall elect five members to the
2 Board of Governors, each of whom shall serve for a six-year term.

3 (2) In 2007, the House of Representatives shall elect seven members to the
4 Board of Governors, five of whom shall serve a term expiring June 30,
5 2011, and two of whom shall serve a term expiring June 30, 2013. In
6 2009, the House of Representatives shall elect eight members to the
7 Board of Governors, three of whom shall serve a term expiring June
8 30, 2013, and five of whom shall serve a term expiring June 30, 2015.
9 In 2011 and in each subsequent regular session, the House of
10 Representatives shall elect five members to the Board of Governors,
11 each of whom shall serve for a six-year term.

12 (c) In electing members to the Board of Governors, the Senate and the House of
13 Representatives shall select from a slate of candidates made in each house. The slate
14 shall be prepared as provided by resolution of each house. If a sufficient number of
15 nominees who are legally qualified are submitted, then the slate of candidates shall list
16 at least twice the number of candidates for the total seats open. In 2007, and biennially
17 thereafter, each house shall hold their elections within 30 legislative days after
18 appointments to their education committees are complete.

19 (d) All terms shall commence on July 1 of odd-numbered years and, except as
20 provided in subdivisions (b)(1) and (b)(2) of this section, all members shall serve for
21 six-year overlapping terms.

22 (e) No person may be elected to:

23 (1) More than two full six-year terms in succession; or

24 (2) A six-year term if preceded immediately by election to three
25 consecutive four-year terms.

26 Resignation from a term of office does not constitute a break in service for the purpose
27 of this subsection. Service on the Board of Governors before July 1, 2007, shall be
28 included in the limitations of this subsection."

29 **SECTION 2.** G.S. 116-6(f) is repealed.

30 **SECTION 3.** G.S. 116-6(g) is repealed.

31 **SECTION 4.** G.S. 116-7(c) reads as rewritten:

32 "(c) Whenever any vacancy shall occur in the elected membership of the Board of
33 Governors, it shall be the duty of the Board to inform the Speaker of the House of
34 Representatives and the President of the Senate of the vacancy. The chamber that
35 originally elected the vacating member shall elect a person to fill the vacancy. Any
36 vacancy occurring on or after July 1, 2005, shall be filled under G.S. 116-6.01 for the
37 unexpired term. The vacancy shall remain unfilled until the appropriate chamber of the
38 General Assembly elects a person to fill the vacancy.

39 The vacancy shall be filled not later than the adjournment sine die of the next regular
40 session of the General Assembly. The election shall be for the remainder of the
41 unexpired term. Whenever a member shall fail, for any reason other than ill health or
42 service in the interest of the State or nation, to be present for four successive regular
43 meetings of the Board, his place as a member shall be deemed vacant."

1 **SECTION 5.** This act becomes effective July 1, 2005, and applies to terms
2 of office commencing on or after that date.