

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1285
Committee Substitute Favorable 6/1/05

Short Title: Modify Bd. of Governors Terms.

(Public)

Sponsors:

Referred to:

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.
5

6 The General Assembly of North Carolina enacts:

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

8 "**§ 116-6. Election and terms of members of Board of Governors.**

9 (a) ~~As the terms of members of the Board of Governors provided for in~~
10 ~~G.S. 116-5 expire, their successors shall be elected by the Senate and House of~~
11 ~~Representatives. Sixteen members shall be elected at the regular legislative session in~~
12 ~~1993 and every two years thereafter. The Senate and the House of Representatives shall~~
13 ~~each elect one half of the persons necessary to fill the vacancies on the Board of~~
14 ~~Governors.~~The Board of Governors shall consist of 32 members, 16 of whom are
15 elected by the Senate and 16 of whom are elected by the House of Representatives as
16 provided in this section and according to the following schedule:

17 (1) The Senate and the House of Representatives shall each elect six
18 members to terms that begin on 1 July of years that precede by three
19 years those years that are evenly divisible by six.

20 (2) The Senate and the House of Representatives shall each elect five
21 members to terms that begin on 1 July of years that precede by one
22 year those years that are evenly divisible by six.

23 (3) The Senate and the House of Representatives shall each elect five
24 members to terms that begin on 1 July of years that follow by one year
25 those years that are evenly divisible by six.

26 (b) Repealed by Session Laws 2001-503, s. 1.

27 (c) In electing members to the Board of Governors, the Senate and the House of
28 Representatives shall select from a slate of candidates made in each house. The slate
29 shall be prepared as provided by resolution of each house. If a sufficient number of

1 nominees who are legally qualified are submitted, then the slate of candidates shall list
2 at least twice the number of candidates for the total seats open. All qualified candidates
3 shall compete against all other qualified candidates. ~~In 1993 and biennially thereafter,~~
4 ~~each~~ Each house shall hold their elections within 30 legislative days after appointments
5 to their education committees are complete. In electing members to the Board of
6 Governors, the Senate and the House of Representatives shall consider whether the
7 Board of Governors appropriately reflects the genders, diversity, and geographical areas
8 of the State.

9 (d) All terms shall commence on July 1 of odd-numbered years and all members
10 shall serve for ~~four year overlapping staggered six-year~~ terms.

11 (e) No person may be elected to:

12 (1) More than ~~three full four-year terms~~ two full six-year terms in
13 succession;

14 (2) A ~~four-year six-year~~ term if preceded immediately by election to ~~two~~
15 ~~full eight year terms in succession;~~ three consecutive four-year terms;
16 or

17 (3) ~~A four year term if preceded immediately by election to an eight year~~
18 ~~term and a four year term in succession.~~ Any combination of
19 consecutive terms that totals more than 14 years.

20 (e1) Resignation from a term of office does not constitute a break in service for
21 the purpose of this subsection. Service on the Board prior to ~~the beginning of those~~
22 ~~terms in 1989~~ 1 July 2007 shall be included in the limitations.

23 (f) Any person who has served at least one full term as chairman of the Board of
24 Governors shall be a member emeritus of the Board of Governors for one four-year term
25 beginning at the expiration of that member's regular elected term. Any person already
26 serving as an emeritus member may serve an additional four-year ~~term beginning July 1,~~
27 ~~1991 term.~~ Members emeriti have all the rights and privileges of membership except
28 they do not have a vote.

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

33 **SECTION 2.** G.S. 116-5 is repealed.

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

35 "**§ 116-7. General provisions concerning members of the Board of Governors.**

36 (a) All members of the Board of Governors shall be selected for their interest in,
37 and their ability to contribute to the fulfillment of, the purposes of the Board of
38 Governors, and all members shall be deemed members-at-large, charged with the
39 responsibility of serving the best interests of the whole State. In electing members, the
40 objective shall be to obtain the services of the citizens of the State who are qualified by
41 training and experience to administer the affairs of The University of North Carolina.
42 Members shall be selected based upon their ability to further the educational mission of
43 The University through their knowledge and understanding of the educational needs and

1 desires of all the State's citizens, and their economic, geographic, political, racial,
2 gender, and ethnic diversity.

3 (b) ~~From and after July 1, 1973, no~~ No member of the General Assembly or
4 officer or employee of the State or of any constituent institution or spouse of any such
5 member, officer or employee may be a member of the Board of Governors. Any
6 member of the Board of Governors who is elected or appointed to the General
7 Assembly or who becomes an officer or employee of the State or of any constituent
8 institution or whose spouse is elected or appointed to the General Assembly or becomes
9 such officer or employee shall be deemed thereupon to resign from his membership on
10 the Board of Governors.

11 (c) Whenever any vacancy shall occur in the elected membership of the Board of
12 Governors, it shall be the duty of the Board to inform the Speaker of the House of
13 Representatives and the President of the Senate of the vacancy. The chamber that
14 originally elected the vacating member shall elect a person to fill the vacancy. A
15 vacancy shall be filled for the unexpired balance of the term. The vacancy shall remain
16 unfilled until the appropriate chamber of the General Assembly elects a person to fill the
17 vacancy.

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

23 **SECTION 4.** In order to provide for an orderly transition in membership of
24 the Board of Governors of The University of North Carolina to the six-year terms
25 specified in G.S. 116-6(d) and notwithstanding G.S. 116-6(a), as amended by Section 1
26 of this act, the following provisions shall apply:

- 27 (1) The 16 members of the Board of Governors who were elected to
28 four-year terms that began 1 July 2003 shall serve until 1 July 2007.
- 29 (2) The 16 members of the Board of Governors who were elected to
30 four-year terms that began 1 July 2005 shall serve until 1 July 2009.
- 31 (3) In addition to the six members of the Board of Governors who are to
32 be elected by the Senate during the 2007 Regular Session to six-year
33 terms that begin 1 July 2007, the Senate shall elect two members to
34 four-year terms that begin 1 July 2007.
- 35 (4) In addition to the six members of the Board of Governors who are to
36 be elected by the House of Representatives during the 2007 Regular
37 Session to six-year terms that begin 1 July 2007, the House shall elect
38 two members to four-year terms that begin 1 July 2007.
- 39 (5) In addition to the five members of the Board of Governors who are to
40 be elected by the Senate during the 2009 Regular Session to six-year
41 terms that begin 1 July 2009, the Senate shall elect three members to
42 two-year terms that begin 1 July 2009.
- 43 (6) In addition to the five members of the Board of Governors who are to
44 be elected by the House of Representatives during the 2009 Regular

1 Session to six-year terms that begin 1 July 2009, the House shall elect
2 three members to two-year terms that begin 1 July 2009.

3 **SECTION 5.** This act is effective when it becomes law and, except as
4 provided in Section 4 of this act, applies to elections of members of the Board of
5 Governors to terms that begin 1 July 2007 and thereafter.