

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H.B. 455  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10172-MK-95

Short Title: UNC BOG/Legislative Members. (Public)

Sponsors: Representative Howard.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE APPOINTMENT OF TWO MEMBERS OF THE HOUSE  
3 OF REPRESENTATIVES AND TWO MEMBERS OF THE SENATE TO THE BOARD  
4 OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

5 Whereas, Section 8 of Article IX of the North Carolina Constitution vests the  
6 responsibility for maintaining a public system of higher education in the North Carolina General  
7 Assembly; and

8 Whereas, Section 8 of Article IX of the North Carolina Constitution provides that the  
9 General Assembly may enact laws necessary and expedient for the maintenance and management  
10 of The University of North Carolina and the other public institutions of higher education; and

11 Whereas, North Carolinians have long valued and supported higher education in this  
12 State; and

13 Whereas, The University of North Carolina has had profound educational, social, and  
14 economic impacts on our citizens and the State such that The University of North Carolina should  
15 continue to be a priority for the State and the General Assembly; and

16 Whereas, it is in the best interests of this State for the General Assembly to better  
17 understand the priorities, opportunities, and challenges of The University of North Carolina and  
18 to improve communication between The University of North Carolina and the General  
19 Assembly; and

20 Whereas, the appointment of nonvoting legislators to the Board of Governors of The  
21 University of North Carolina will serve to strengthen the relationship between the General  
22 Assembly and The University of North Carolina and will serve as a conduit to further the support  
23 of higher education in this State by the General Assembly; Now, therefore,  
24 The General Assembly of North Carolina enacts:

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

27 **"§ 116-6.2. Appointment of legislative members to the Board of Governors.**

28 (a) Beginning in 2021, and every two years thereafter, the following legislative members  
29 of the Board of Governors shall be appointed as follows:

30 (1) Two candidates shall be appointed upon the recommendation of the President  
31 Pro Tempore of the Senate from the current membership of the Senate.

32 (2) Two candidates shall be appointed upon the recommendation of the Speaker  
33 of the House of Representatives from the current membership of the House of  
34 Representatives.

35 (b) All terms shall commence on July 1 of odd-numbered years, and all legislative  
36 members shall serve two-year terms.



1       (c)    The legislative members appointed by the General Assembly shall have all the rights  
2 and privileges of membership, except that the legislative members shall not have a vote.

3       (d)    No legislator may be appointed to serve more than two full two-year terms as a  
4 legislative member. Election for a partial term to fill a vacancy as provided in subsection (e) of  
5 this section shall not count toward the two-term limitation.

6       (e)    Whenever a vacancy occurs for the position of an appointed legislative member,  
7 notwithstanding G.S. 120-122, the vacancy shall remain unfilled until the General Assembly fills  
8 the vacancy by appointment in the same manner provided in subsection (a) of this section based  
9 on the chamber of the vacating legislative member. The position of a legislative member that  
10 resigns or is removed from office as a legislator shall be deemed vacant.

11       (f)    A legislator appointed as a member to the Board of Governors pursuant to this section  
12 serves on the Board of Governors in an ex officio capacity and such service shall not constitute  
13 the holding of an office for the purpose of determining dual office holding under Section 9 of  
14 Article VI of the Constitution of North Carolina or of Article 1 of Chapter 128 of the General  
15 Statutes."

16       **SECTION 2.** G.S. 116-7(b) reads as rewritten:

17       "~~b) No~~ Except as provided in G.S. 116-6.2, no member of the General Assembly or  
18 officer or employee of the State, The University of North Carolina, or any constituent institution  
19 may be a member of the Board of Governors. No spouse of a member of the General Assembly,  
20 or of an officer or employee of The University of North Carolina, or of any constituent institution  
21 may be a member of the Board of Governors. Any member of the Board of Governors who is  
22 elected or appointed to the General Assembly or who becomes an officer or employee of the  
23 State or of any constituent institution or whose spouse is elected or appointed to the General  
24 Assembly or becomes an officer or employee of The University of North Carolina or of any  
25 constituent institution shall be deemed thereupon to resign from his membership on the Board of  
26 Governors."

27       **SECTION 3.** This act is effective when it becomes law.