GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

HOUSE BILL 455

March 31, 2021

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

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

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

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

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

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

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

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

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

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

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

(2) Two candidates shall be appointed upon the recommendation of the Speaker
of the House of Representatives from the current membership of the House of
Representatives.
(b) All terms shall commence on July 1 of odd-numbered years, and all legislative members shall serve two-year terms.

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

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

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

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

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

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

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