

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 730

Short Title: BOG/Bd of Trustee Appt. Changes. (Public)

Sponsors: Representative Everitt.

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 29, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE METHOD OF APPOINTMENT FOR THE BOARD OF
3 GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE BOARDS OF
4 TRUSTEES FOR CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH
5 CAROLINA.

6 The General Assembly of North Carolina enacts:

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

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

9 (a) ~~As the terms of members of the~~ The Board of Governors provided for in G.S. 116-5
10 ~~expire, their successors shall be elected-appointed by the Senate and the House of~~
11 ~~Representatives. Twelve Representatives and the Governor in accordance with this section. Ten~~
12 ~~members shall be elected-appointed by the Senate and the House of Representatives at the regular~~
13 ~~legislative session in 2017-2023 and every two years thereafter. The Senate and the House of~~
14 ~~Representatives shall each elect one half of the persons necessary to fill the vacancies on the~~
15 ~~Board of Governors thereafter in accordance with subsection (c) of this section. Two members~~
16 ~~shall be appointed by the Governor in 2023 and every two years thereafter.~~

17 (b) Repealed by Session Laws 2001-503, s. 1, effective December 19, 2001.

18 (c) ~~In electing-appointing members to the Board of Governors, the Senate and the House~~
19 ~~of Representatives shall select from a slate of candidates made in each house. The slate shall be~~
20 ~~prepared as provided by resolution of each house. If a sufficient number of nominees who are~~
21 ~~legally qualified are submitted, then the slate of candidates shall list at least twice the number of~~
22 ~~candidates for the total seats open. All qualified candidates shall compete against all other~~
23 ~~qualified candidates. In 1993 and biennially thereafter, each house shall hold their elections~~
24 ~~within 30 legislative days after appointments to their education committees are complete.~~ do the
25 following:

26 (1) Four candidates shall be appointed upon the recommendation of the President
27 Pro Tempore of the Senate.

28 (2) Four candidates shall be appointed upon the recommendation of the Speaker
29 of the House of Representatives.

30 (3) One candidate shall be appointed upon recommendation of the Minority
31 Leader of the House of Representatives.

32 (4) One candidate shall be appointed upon recommendation of the Minority
33 Leader of the Senate.

34 (d) All terms shall commence on July 1 of odd-numbered years and all members shall
35 serve for four-year overlapping terms.



1 (e) Beginning with ~~elections~~appointments held on or after January 1, ~~2017~~2023, no
2 person may be ~~elected~~appointed to more than three full four-year terms. ~~Election~~Appointments
3 for a partial term to fill a vacancy as provided in G.S. 116-7 shall not count toward the three-term
4 limitation.

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

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

14 **SECTION 1.(b)** G.S. 116-6.1(a) reads as rewritten:

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

21 **SECTION 1.(c)** G.S. 116-7 reads as rewritten:

22 **"§ 116-7. General provisions concerning members of the Board of Governors.**

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

32 ...

33 (c) Whenever any vacancy shall occur in the elected membership of the Board of
34 Governors, it shall be the duty of the Board to inform the Governor, the Speaker of the House of
35 ~~Representatives~~Representatives, and the President of the Senate of the vacancy. The ~~chamber~~
36 appointing authority that originally ~~elected~~appointed the vacating member shall ~~elect~~appoint
37 a person to fill the vacancy. The vacancy shall remain unfilled until the appropriate ~~chamber of the~~
38 General Assembly electsappointing authority appoints a person to fill the vacancy.

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

44 **SECTION 2.(a)** G.S. 116-31 reads as rewritten:

45 **"§ 116-31. Membership of the boards of trustees.**

46 ...

47 (d) Except as provided in G.S. 116-65, each of the 16 institutions of higher education set
48 out in G.S. 116-2(4) shall have board of trustees composed of 13 persons chosen as follows:

49 (1) ~~Eight~~Six elected by the Board of Governors.

50 (2) Repealed by Session Laws 2016-126, 4th Ex. Sess., s. 35, effective December
51 19, 2016. See editor's note for applicability.

1 (2a) Four members appointed by the General Assembly under G.S. 120-121, two
2 of whom shall be appointed upon the recommendation of the President Pro
3 Tempore of the Senate and two of whom shall be appointed upon the
4 recommendation of the Speaker of the House of Representatives.

5 (2b) Two appointed by the Governor.

6 (3) The president of the student government ex officio.

7 The Board of Trustees of the North Carolina School of Science and Mathematics shall be
8 established in accordance with G.S. 116-233.

9 (e) The term of office of all trustees, except the ex officio member, shall be four years,
10 commencing on July 1 of odd-numbered years. In every odd-numbered year the Board of
11 Governors shall elect ~~four~~ three persons to each board of ~~trustees~~ trustees, the Governor shall
12 appoint one person to each board of trustees, and the General Assembly shall appoint one person
13 upon the recommendation of the President Pro Tempore of the Senate and one person upon the
14 recommendation of the Speaker of the House of Representatives to each such board.

15 ...

16 (j) Whenever any vacancy shall occur in the membership of a board of trustees among
17 those appointed by the General Assembly, it shall be the duty of the secretary of the board to
18 inform the General Assembly of the existence of such vacancy, and the vacancy shall be filled
19 as provided in G.S. 120-122, and whenever any vacancy shall occur among those elected by the
20 Board of ~~Governors~~, Governors or appointed by the Governor, it shall be the duty of the secretary
21 of the board to inform the Board of ~~Governors~~ or the Governor, as the appointing authority, of
22 the existence of the vacancy, and the Board of ~~Governors~~ or the Governor, as the appointing
23 authority, shall elect or appoint a person to fill the unexpired term. Whenever a member shall
24 fail, for any reason other than ill health or service in the interest of the State or nation, to be
25 present for three successive regular meetings of a board of trustees, his or her place as a member
26 shall be deemed vacant."

27 **SECTION 2.(b)** G.S. 116-233 reads as rewritten:

28 "**§ 116-233. Board of Trustees; appointment; terms of office.**

29 (a) Notwithstanding the provisions of G.S. 116-31(d), there shall be a Board of Trustees
30 of the School, which shall consist of up to 30 members as follows:

31 (1) Thirteen members who shall be appointed by the Board of Governors of The
32 University of North Carolina, one from each congressional district.

33 (2) ~~Four~~ Two members without regard to residency who shall be appointed by the
34 Board of Governors of The University of North Carolina.

35 (3) Three members, ex officio, who shall be the chief academic officers,
36 respectively, of constituent institutions. The Board of Governors shall in 1985
37 and quadrennially thereafter designate the three constituent institutions whose
38 chief academic officers shall so serve, such designations to expire on June 30,
39 1989, and quadrennially thereafter.

40 (4) The chief academic officer of a college or university in North Carolina other
41 than a constituent institution, ex officio. The Board of Governors shall
42 designate in 1985 and quadrennially thereafter which college or university
43 whose chief academic officer shall so serve, such designation to expire on
44 June 30, 1989, and quadrennially thereafter.

45 (5) Three members appointed by the General Assembly upon the
46 recommendation of the President Pro Tempore of the Senate in accordance
47 with G.S. 120-121.

48 (6) Three members appointed by the General Assembly upon the
49 recommendation of the Speaker of the House of Representatives in
50 accordance with G.S. 120-121.

51 (6a) Two members appointed by the Governor.

- 1 (7) Repealed by Session Laws 2016-126, 4th Ex. Sess., s. 36, effective December
2 19, 2016. See editor's note for applicability.
- 3 (8) The president of the student government, ex officio, who shall be a nonvoting
4 member.
- 5 (9) Up to two additional nonvoting members selected at the discretion of the
6 chancellor and the Board of Trustees, with terms expiring June 30 of each
7 year.

8 ...

9 (d2) Any vacancy in the membership of the Board of Trustees appointed under
10 ~~G.S. 116-233(a)(1)~~ subdivision (1) or (2) of subsection (a) of this section shall be reported
11 promptly by the Secretary of the Board of Trustees to the Board of Governors of The University
12 of North Carolina, which shall fill any such vacancy by appointment of a replacement member
13 to serve for the balance of the unexpired term. Any vacancy in the members appointed under
14 subdivision (6a) of subsection (a) of this section shall be reported promptly by the Secretary of
15 the Board of Trustees to the Governor, which shall be filled by appointment of a replacement
16 member to serve for the balance of the unexpired term. Any vacancy in members appointed under
17 ~~G.S. 116-233(a)(5)~~ subdivision (5) or (6) of subsection (a) of this section shall be filled in
18 accordance with G.S. 120-122. Reapportionment of congressional districts does not affect the
19 right of any member to complete the term for which the member was appointed.

20"

21 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes law
22 and applies to (i) appointments to fill terms expiring on or after that date and (ii) vacancy
23 appointments made on or after that date. The terms of members holding office as of the effective
24 date of this act shall not be affected.