

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1242

Short Title: Modify Bd. of Govs. Terms.

(Public)

Sponsors: Representative Haire.

Referred to: UNC Board of Governors Nominating.

April 15, 1999

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 THIRTY-
5 TWO MEMBERS TO THIRTY MEMBERS, ELIMINATING THE CATEGORIES
6 FOR MEMBERS, AND ELIMINATING THE POSITION OF MEMBER
7 EMERITUS.
8

9 The General Assembly of North Carolina enacts:

10 Section 1. Chapter 116 of the General Statutes is amended by adding a new
11 section to read:

12 "**§ 116-6.01. Election and terms of members of Board of Governors after July 1,**
13 **1999.**

14 (a) As the terms of members of the Board of Governors elected before July 1,
15 1999 under G.S. 116-6 expire, their successors shall be elected by the Senate and House
16 of Representatives under this section. In electing members to the Board of Governors,
17 the Senate and the House of Representatives shall consider whether the Board of
18 Governors appropriately reflects the genders, diversity, and geographical areas of the
19 State.

1 **(b)** Beginning July 1, 2001, the Board of Governors shall consist of 30 members
2 elected by the General Assembly and one student member as provided in G.S. 116-6.1.
3 At each session of the General Assembly held in an odd-numbered year, the Senate and
4 the House of Representatives shall each elect one-half of the number of persons
5 necessary to fill the vacancies on the Board of Governors.

6 **(1)** In 2001, the Senate shall elect seven members to the Board of
7 Governors, five of whom shall serve a term expiring June 30, 2005, and
8 two of whom shall serve a term expiring June 30, 2007. In 2003, the
9 Senate shall elect eight members to the Board of Governors, three of
10 whom shall serve a term expiring June 30, 2007, and five of whom shall
11 serve a term expiring June 30, 2009. In 2005 and in each subsequent
12 regular session, the Senate shall elect five members to the Board of
13 Governors, each of whom shall serve for a six-year term.

14 **(2)** In 2001, the House of Representatives shall elect seven members to the
15 Board of Governors, five of whom shall serve a term expiring June 30,
16 2005, and two of whom shall serve a term expiring June 30, 2007. In
17 2003, the House of Representatives shall elect eight members to the
18 Board of Governors, three of whom shall serve a term expiring June 30,
19 2007, and five of whom shall serve a term expiring June 30, 2009. In
20 2005 and in each subsequent regular session, the House of
21 Representatives shall elect five members to the Board of Governors,
22 each of whom shall serve for a six-year term.

23 **(c)** In electing members to the Board of Governors, the Senate and the House of
24 Representatives shall select from a slate of candidates made in each house. The slate
25 shall be prepared as provided by resolution of each house. If a sufficient number of
26 nominees who are legally qualified are submitted, then the slate of candidates shall list at
27 least twice the number of candidates for the total seats open. In 2001 and biennially
28 thereafter, each house shall hold their elections within 30 legislative days after
29 appointments to their education committees are complete.

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

33 **(e)** No person may be elected to:

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

35 **(2)** A six-year term if preceded immediately by election to three
36 consecutive four-year terms.

37 Resignation from a term of office does not constitute a break in service for the purpose of
38 this subsection. Service on the Board of Governors before July 1, 2001, shall be included
39 in the limitations of this subsection."

40 Section 2. G.S. 116-6(f) is repealed.

41 Section 3. G.S. 116-6(g) is repealed.

42 Section 4. G.S. 116-7(c) reads as rewritten:

1 "(c) Whenever any vacancy shall occur in the elected membership of the Board of
2 Governors, it shall be the duty of the Board to inform the Speaker of the House of
3 Representatives and the President of the Senate of the vacancy. The chamber that
4 originally elected the vacating member shall elect a person to fill the vacancy. Any
5 vacancy occurring on or after July 1, 1999 shall be filled under G.S. 116-6.01 for the
6 unexpired term. The vacancy shall remain unfilled until the appropriate chamber of the
7 General Assembly elects a person to fill the vacancy.

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

13 Section 5. This act becomes effective July 1, 1999, and applies to terms of
14 office commencing on or after that date.