

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1144
Committee Substitute Favorable 4/24/01
Senate Education/Higher Education Committee Substitute Adopted 10/4/01

Short Title: Revise BOG Election Procedure.

(Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY
3 ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE
4 UNIVERSITY OF NORTH CAROLINA AND TO STUDY THE STRUCTURE OF
5 THE BOARD OF GOVERNORS.

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 G.S.
10 116-5 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. ~~Of the 16 members elected every two years beginning in 1993, at least two~~
15 ~~shall be women, at least two other members shall be members of a minority race, and at~~
16 ~~least two other members shall be members of the political party to which the largest~~
17 ~~minority of the members of the General Assembly belongs.~~

18 (b) ~~In 1993 and every four years thereafter the Senate shall elect at least two~~
19 ~~women and two members of a minority race, and the House of Representatives shall~~
20 ~~elect at least two members of the political party to which the largest minority of the~~
21 ~~members of the General Assembly belongs. In 1995 and every four years thereafter the~~
22 ~~Senate shall elect at least two members of the political party to which the largest~~
23 ~~minority of the members of the General Assembly belongs, and the House of~~
24 ~~Representatives shall elect at least two women and two members of a minority race.~~

25 (c) In electing members to the Board of Governors, the Senate and the House of
26 Representatives shall select from a slate of candidates made in each house. The slate
27 shall be prepared as provided by resolution of each house. If a sufficient number of
28 nominees who are legally qualified are ~~submitted in a category for which members of~~

1 ~~the Board of Governors are to be elected, submitted,~~ then the slate of candidates shall
2 list at least twice the number of candidates for the total seats ~~open in a category.~~ open.
3 All qualified candidates ~~in a category~~ shall compete against all other qualified
4 ~~candidates in a category.~~ candidates. In 1993 and biennially thereafter, each house shall
5 hold their elections within 30 legislative days after appointments to their education
6 committees are complete.

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

9 (e) No person may be elected to:

10 (1) More than three full four-year terms in succession;

11 (2) A four-year term if preceded immediately by election to two full
12 eight-year terms in succession; or

13 (3) A four-year term if preceded immediately by election to an eight-year
14 term and a four-year term in succession.

15 Resignation from a term of office does not constitute a break in service for the purpose
16 of this subsection. Service prior to the beginning of those terms in 1989 shall be
17 included in the limitations.

18 (f) Any person who has served at least one full term as chairman of the Board of
19 Governors shall be a member emeritus of the Board of Governors for one four-year term
20 beginning at the expiration of that member's regular elected term. Any person already
21 serving as an emeritus member may serve an additional four-year term beginning July 1,
22 1991. Members emeriti have all the rights and privileges of membership except they do
23 not have a vote.

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

28 **SECTION 2.** G.S. 116-7(a) reads as rewritten:

29 **"§ 116-7. General provisions concerning members of the Board of Governors.**

30 (a) All members of the Board of Governors shall be selected for their interest in,
31 and their ability to contribute to the fulfillment of, the purposes of the Board of
32 Governors, and all members shall be deemed members-at-large, charged with the
33 responsibility of serving the best interests of the whole State. In electing members, the
34 objective shall be to obtain the services of the ~~best qualified~~ citizens of the State, ~~taking~~
35 ~~into consideration the need for representation on the Board by the different races, sexes~~
36 ~~and political parties.~~ State who are qualified by training and experience to administer the
37 affairs of The University of North Carolina. Members shall be selected based upon their
38 ability to further the educational mission of The University through their knowledge and
39 understanding of the educational needs and desires of all the State's citizens, and their
40 economic, geographic, political, racial, sexual, and ethnic diversity."

41 **SECTION 3.(a)** There is created the UNC Board of Governors Study
42 Commission (Commission). The Commission shall consist of 10 members appointed as

1 follows: three by the President Pro Tempore of the Senate, three by the Speaker of the
2 House of Representatives; two by the Governor; and two by the Chairman of the Board
3 of Governors of The University of North Carolina. The President Pro Tempore of the
4 Senate and the Speaker of the House shall each appoint one member to serve as cochair
5 of the Commission. Vacancies on the Commisison shall be filled by the appointing
6 authority. The Commission shall meet upon the call of the chairs. A majority of the
7 members of the Commission shall constitute a quorum.

8 **SECTION 3.(b)** The Commission shall study the structure and mission of
9 the Board of Governors of The University of North Carolina (BOG). As part of the
10 study, the Commission shall consider the length of members' terms, the number of terms
11 a member may serve, the size of the BOG, the scope of the BOG's governance powers,
12 and the effectiveness of the current structure. As part of the study, the Commission may
13 examine the governance systems of other states' institutions of higher education. The
14 Commission shall report its findings and any recommendations to the 2002 Regular
15 Session of the 2001 General Assembly.

16 **SECTION 3.(c)** Members of the Commission shall receive per diem,
17 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
18 appropriate.

19 **SECTION 3.(d)** The Legislative Services Commission shall grant adequate
20 meeting space to the Commission in the State Legislative Building or the Legislative
21 Office Building. The Legislative Administrative Officer shall assign professional staff
22 to assist in the work of the Commission. The House of Representatives' and the
23 Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the
24 direction of the Legislative Services Commission. The expenses relating to the
25 employees shall be borne by the Commission. All State departments and agencies and
26 local governments and their subdivisions shall furnish the Commission with information
27 in their possession or available to them. The Legislative Services Commission shall
28 allocate funds available to the General Assembly to implement the provisions in this
29 section.

30 **SECTION 3.(e)** The Commission shall terminate upon the filing of its final
31 report.

32 **SECTION 4.** This act is effective when it becomes law. Sections 1 and 2
33 apply to elections held on and after that date.