

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 455

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

Sponsors: Representatives Howard, Saine, Bell, and Richardson (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Education - Universities, if favorable, State Government, if favorable, Rules,  
Calendar, and Operations of the House

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,  
The General Assembly of North Carolina enacts:

**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.



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

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

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

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

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

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

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

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