

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 794

Short Title: Reform the UNC BOG. (Public)

Sponsors: Representatives Longest, Prather, and G. Brown (Primary Sponsors).  
*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 19, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE COMPOSITION OF THE BOARD OF GOVERNORS THROUGH  
3 APPOINTMENT BY THE GOVERNOR AND THE GENERAL ASSEMBLY AND TO  
4 PROHIBIT LOBBYISTS AND THE SPOUSES OF LOBBYISTS FROM SERVING AS  
5 MEMBERS ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH  
6 CAROLINA.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 116-6 reads as rewritten:

9 "**§ 116-6. Election Appointment and terms of members of Board of Governors.**

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

15 (a1) The Board of Governors shall consist of 24 appointed members. The members shall  
16 be voting members and shall serve eight-year terms. Vacancies in appointments shall be filled  
17 by the appointing entity. Members shall be appointed as follows:

18 (1) The Governor shall appoint the following members:

- 19 a. One graduate of a historically black college or university appointed  
20 beginning in 2023.  
21 b. One graduate of a non-doctoral constituent institution appointed  
22 beginning in 2025.  
23 c. One individual from a rural area of the State appointed beginning in  
24 2023.  
25 d. Two individuals from the political party other than the Governor's  
26 having the highest number of registered affiliates as reflected by the  
27 latest registration statistics published by the State Board of Elections.  
28 One individual shall be appointed beginning in 2023, and one  
29 individual shall be appointed beginning in 2025.  
30 e. Three individuals at large. One individual shall be appointed  
31 beginning in 2023, and two individuals shall be appointed beginning  
32 in 2025.

33 (2) The General Assembly, upon the recommendation of the President Pro  
34 Tempore of the Senate, shall appoint the following members:



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- 1           a.     One graduate of a historically black college or university appointed  
2           beginning in 2025.
- 3           b.     One graduate of a non-doctoral constituent institution appointed  
4           beginning in 2023.
- 5           c.     One individual from a rural area of the State appointed beginning in  
6           2025.
- 7           d.     Two individuals from the political party other than the President Pro  
8           Tempore of the Senate having the highest number of registered  
9           affiliates as reflected by the latest registration statistics published by  
10          the State Board of Elections. One individual shall be appointed  
11          beginning in 2023, and one individual shall be appointed beginning in  
12          2025.
- 13          e.     Three individuals at large. Two individuals shall be appointed  
14          beginning in 2023, and one individual shall be appointed beginning in  
15          2025.
- 16          (3)    The General Assembly, upon the recommendation of the Speaker of the House  
17          of Representatives, shall appoint the following members:
- 18           a.     One graduate of a historically black college or university appointed  
19           beginning in 2025.
- 20           b.     One graduate of a non-doctoral constituent institution appointed  
21           beginning in 2023.
- 22           c.     One individual from a rural area of the State appointed beginning in  
23           2025.
- 24           d.     Two individuals from the political party other than the Speaker of the  
25           House of Representatives having the highest number of registered  
26           affiliates as reflected by the latest registration statistics published by  
27           the State Board of Elections. One individual shall be appointed  
28           beginning in 2023, and one individual shall be appointed beginning in  
29           2025.
- 30           e.     Three individuals at large. Two individuals shall be appointed  
31           beginning in 2023, and one individual shall be appointed beginning in  
32           2025.
- 33          (b)    Repealed by Session Laws 2001-503, s. 1, effective December 19, 2001.
- 34          ~~(e)    In electing members to the Board of Governors, the Senate and the House of~~  
35          ~~Representatives shall select from a slate of candidates made in each house. The slate shall be~~  
36          ~~prepared as provided by resolution of each house. If a sufficient number of nominees who are~~  
37          ~~legally qualified are submitted, then the slate of candidates shall list at least twice the number of~~  
38          ~~candidates for the total seats open. All qualified candidates shall compete against all other~~  
39          ~~qualified candidates. In 1993 and biennially thereafter, each house shall hold their elections~~  
40          ~~within 30 legislative days after appointments to their education committees are complete.~~
- 41          (d)    All terms shall commence on July 1 of odd-numbered years and all members shall  
42          serve for four-year overlapping terms.~~years.~~
- 43          (e)    Beginning with ~~elections held~~ appointments made on or after January 1, 2017, no  
44          person may be elected to more than three full four-year terms. ~~Election~~ appointed to more than  
45          one eight-year term. Appointment for a partial term to fill a vacancy as provided in G.S. 116-7  
46          shall not count toward the ~~three-term-one-term~~ limitation.
- 47          (f)    Any person who has served at least one full term as chairman of the Board of  
48          Governors shall be a member emeritus of the Board of Governors for one four-year term  
49          beginning at the expiration of that member's regular elected term. Any person already serving as  
50          an emeritus member may serve an additional four-year term beginning July 1, 1991. Members  
51          emeriti have all the rights and privileges of membership except they do not have a vote.

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

5 (h) For the purposes of this section, the following definitions apply:

6 (1) Historically black college or university. – One of the following constituent  
7 institutions:

8 a. Elizabeth City State University.

9 b. Fayetteville State University.

10 c. North Carolina Agricultural and Technical State University.

11 d. North Carolina Central University.

12 e. Winston-Salem State University.

13 (2) Non-doctoral institution. – One of the following constituent institutions that  
14 are not classified as a doctoral university under the Carnegie Classifications  
15 of Higher Education:

16 a. Appalachian State University.

17 b. Elizabeth City State University.

18 c. Fayetteville State University.

19 d. North Carolina Central University.

20 e. North Carolina School of the Arts.

21 f. University of North Carolina at Asheville.

22 g. University of North Carolina at Pembroke.

23 h. University of North Carolina at Wilmington.

24 i. Western Carolina University.

25 j. Winston-Salem State University."

26 **SECTION 2.** G.S. 116-6.1(a) reads as rewritten:

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

33 **SECTION 3.** G.S. 116-7 reads as rewritten:

34 "**§ 116-7. General provisions concerning members of the Board of Governors.**

35 (a) All members of the Board of Governors shall be selected for their interest in, and their  
36 ability to contribute to the fulfillment of, the purposes of the Board of Governors, and all  
37 members shall be deemed members-at-large, charged with the responsibility of serving the best  
38 interests of the whole State. In electing members, the objective shall be to obtain the services of  
39 the citizens of the State who are qualified by training and experience to administer the affairs of  
40 The University of North Carolina. Members shall be selected based upon their ability to further  
41 the educational mission of The University through their knowledge and understanding of the  
42 educational needs and desires of all the State's citizens, and their economic, geographic, political,  
43 racial, gender, and ethnic diversity.

44 (b) No member of the General ~~Assembly~~ Assembly, lobbyist, or officer or employee of  
45 the State, The University of North Carolina, or any constituent institution may be a member of  
46 the Board of Governors. No spouse of a member of the General Assembly, lobbyist, or of an  
47 officer or employee of The University of North Carolina, or of any constituent institution may  
48 be a member of the Board of Governors. Any member of the Board of Governors who is elected  
49 or appointed to the General ~~Assembly~~ Assembly, who becomes a lobbyist, or who becomes an  
50 officer or employee of the State or of any constituent institution or whose spouse is elected or  
51 appointed to the General ~~Assembly~~ Assembly, becomes a lobbyist, or becomes an officer or

1 employee of The University of North Carolina or of any constituent institution shall be deemed  
2 thereupon to resign from his or her membership on the Board of Governors.

3 (b1) Upon receipt of a referral from the State Ethics Commission in accordance with  
4 G.S. 138A-12(m) concerning a member of the Board of Governors, the principal clerk of the  
5 house of the General Assembly receiving the referral shall immediately refer the matter to the  
6 appropriate education committee of that house. That committee may recommend to that house a  
7 resolution providing for the removal of the Board member. If the committee's proposed resolution  
8 is adopted by ~~a majority of the members present and voting of that house, the General Assembly,~~  
9 the public servant shall be removed and the seat previously held by that Board member becomes  
10 vacant.

11 (c) Whenever any vacancy shall occur in the ~~elected~~ appointed membership of the Board  
12 of Governors, it shall be the duty of the Board to inform the ~~Speaker of the House of~~  
13 ~~Representatives and the President of the Senate~~ appointing authority of the vacancy. ~~The chamber~~  
14 ~~that originally elected the vacating member shall elect a person to fill the vacancy. The vacancy~~  
15 ~~shall remain unfilled until the appropriate chamber of the General Assembly elects a person to~~  
16 ~~fill the vacancy. The vacancy shall be filled for the remainder of the term. Vacancies for~~  
17 appointments made by the General Assembly shall be made in accordance with G.S. 120-122.

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

23 **SECTION 4.** Notwithstanding the requirement of G.S. 116-6(a1)(1), members of the  
24 Board of Governors elected by the General Assembly prior to January 1, 2023, shall serve their  
25 full terms of office. In the event of a vacancy of a member elected by the Senate or House of  
26 Representatives prior to January 1, 2023, before the expiration of that member's term of office,  
27 the vacancy shall be filled as provided in G.S. 120-122 upon the recommendation of the Speaker  
28 of the House of Representatives if the member was elected by that chamber and upon the  
29 recommendation of the President Pro Tempore of the Senate if the member was elected by that  
30 chamber.

31 **SECTION 5.** Notwithstanding the requirement of G.S. 116-6(a1)(1), as enacted by  
32 this act, that appointed members of the Board of Governors shall serve eight-year terms, all  
33 members appointed in 2023 shall serve six-year terms of office. Individuals appointed to those  
34 offices in 2029 and thereafter shall be appointed to eight-year terms of office.

35 **SECTION 6.** This act is effective when it becomes law. G.S. 116-7(b), as amended  
36 by Section 3 of this act, applies to members of the Board of Governors of The University of  
37 North Carolina appointed to a term beginning on or after the date this act becomes law.