

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

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

The General Assembly of North Carolina enacts:

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

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

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

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

(1) The Governor shall appoint the following members:

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

(2) The General Assembly, upon the recommendation of the President Pro 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.~~

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

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

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

- a. Elizabeth City State University.
- b. Fayetteville State University.
- c. North Carolina Agricultural and Technical State University.
- d. North Carolina Central University.
- e. Winston-Salem State University.

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

- a. Appalachian State University.
- b. Elizabeth City State University.
- c. Fayetteville State University.
- d. North Carolina Central University.
- e. North Carolina School of the Arts.
- f. University of North Carolina at Asheville.
- g. University of North Carolina at Pembroke.
- h. University of North Carolina at Wilmington.
- i. Western Carolina University.
- j. Winston-Salem State University."

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

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

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

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

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

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

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

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

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

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

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

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

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