

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 436
HOUSE BILL 923

AN ACT TO CLARIFY THE PROCEDURES GOVERNING THE NOMINATION
AND ELECTION OF MEMBERS OF 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 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. ~~Eight members shall be so elected at the regular legislative session in 1987 and 1989, and 16~~ Sixteen members shall be so elected at the regular legislative session in ~~1991~~ 1993 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. Of the 16 members elected every two years beginning in 1993, at least two shall be women, at least two other members shall be members of a minority race, and at least two other members shall be members of the political party to which the largest minority of the members of the General Assembly belongs.

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

(c) In electing members to the Board of Governors, the Senate and the House of Representatives shall select from a slate of candidates made in each house. The slate shall be prepared as provided by resolution of each house. If a sufficient number of nominees who are legally qualified are submitted in a category for which members of the Board of Governors are to be elected, then the slate of candidates shall list at least twice the number of candidates for the total seats open in a category. All qualified candidates in a category shall compete against all other qualified candidates in a category. In 1993 and biennially thereafter, each house shall hold their elections within 30 legislative days after appointments to their education committees are complete.

~~(b)(d)~~ (d) All terms shall commence on July 1 of odd-numbered years and all members shall ~~serve for eight year overlapping terms, except that beginning with members elected in 1987, all members shall~~ serve for four-year overlapping terms.

~~(e)~~(e) ~~Beginning with elections in 1989, no~~ No person may be elected to:

- (1) More than three full four-year terms in succession;
- (2) A four-year term if preceded immediately by election to two full eight-year terms in succession; or
- (3) A four-year term if preceded immediately by election to an eight-year term and a ~~four-year term~~ four-year term in succession.

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

~~(d) The Senate and House of Representatives, in electing members of the Board of Governors, shall select from a slate of nominees made in each house as provided by resolution of that house. In the event there is more than one individual who is seeking a nomination to the Board of Governors, the slate of nominees shall contain at least two nominees for any vacancy. The Senate and the House of Representatives shall elect one half of the persons necessary to fill the vacancies, with the Senate to hold its election prior to the House of Representatives. In the event that an odd number of members are to be elected, the House of Representatives shall select the additional nominee. In 1973 and every four years thereafter through 1989, the Senate shall elect at least one woman and one member of a minority race and the House of Representatives shall elect at least one member of the political party to which the largest minority of the members of the General Assembly belong. In 1975 and every four years thereafter through 1987, the Senate shall elect at least one member of the political party to which the largest minority of the members of the General Assembly belong and the House of Representatives shall elect at least one woman and one member of a minority race. In 1991 and every four years thereafter the Senate shall elect at least two members of the political party to which the largest minority of the members of the General Assembly belong and the House of Representatives shall elect at least two women and two members of a minority race. In 1993 and every four years thereafter the Senate shall elect at least two women and two members of a minority race and the House of Representatives shall elect at least two members of the political party to which the largest minority of the members of the General Assembly belong. In 1989 and biennially thereafter, these elections shall be held during the first 30 legislative days after committee assignments.~~

~~(e) Of the eight members elected every two years through 1989, at least one shall be a woman, at least one other member shall be a member of a minority race, and at least one other member shall be a member of the political party to which the largest minority of the members of the General Assembly belong. Of the 16 members elected every two years beginning in 1991, at least two shall be women, at least two other members shall be members of a minority race, and at least two other members shall be members of the political party to which the largest minority of the members of the General Assembly belong. In subsequent elections to the Board, the General Assembly shall maintain at least these minimum proportions among the members of the Board.~~

~~(f) Effective July 1, 1987, and thereafter, any~~ Any person who has not attained the age of 70 years, and who has served at least one full term as chairman of the Board of Governors shall be a member emeritus of the Board of ~~Governors~~ Governors for one

four-year term beginning at the expiration of that member's regular elected term. Any person already serving as an emeritus member may serve an additional four-year term beginning July 1, 1991. Members emeriti have all the rights and privileges of membership except they do not have a vote."

Sec. 2. G.S. 116-7(c) reads as rewritten:

"(c) Whenever any vacancy shall occur in the elected 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 of the ~~vacancy~~, vacancy. The chamber that originally elected the vacating member shall elect a person to fill the vacancy. ~~and the~~ The vacancy shall remain unfilled until the appropriate chamber of the General Assembly elects a person to fill the vacancy.

~~The General Assembly shall fill 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."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 27th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives