

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH50331-LH-130 (03/10)

Short Title: Modify Bd. of Governors Terms.

(Public)

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Sponsors: Representative Haire.

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Referred to:

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A BILL TO BE ENTITLED

1  
2 AN ACT TO MODIFY THE ELECTION AND TERMS OF THE BOARD OF  
3 GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA BY  
4 INCREASING THE TERM LENGTH OF A MEMBER FROM FOUR YEARS TO  
5 SIX YEARS, DECREASING THE NUMBER OF MEMBERS FROM  
6 THIRTY-TWO MEMBERS TO THIRTY MEMBERS, AND ELIMINATING THE  
7 POSITION OF MEMBER EMERITUS.

8 The General Assembly of North Carolina enacts:

9       **SECTION 1.** Chapter 116 of the General Statutes is amended by adding a  
10 new section to read:

11 **"§ 116-6.01. Election and terms of members of Board of Governors after July 1,**  
12 **2005.**

13       (a) As the terms of members of the Board of Governors elected before July 1,  
14 2005, under G.S. 116-6 expire, their successors shall be elected by the Senate and  
15 House of Representatives under this section. In electing members to the Board of  
16 Governors, the Senate and the House of Representatives shall consider whether the  
17 Board of Governors appropriately reflects the genders, diversity, and geographical areas  
18 of the State.

19       (b) Beginning July 1, 2007, the Board of Governors shall consist of 30 members  
20 elected by the General Assembly and one student member as provided in G.S. 116-6.1.  
21 At each session of the General Assembly held in an odd-numbered year, the Senate and  
22 the House of Representatives shall each elect one-half of the number of persons  
23 necessary to fill the vacancies on the Board of Governors.

24           (1) In 2007, the Senate shall elect seven members to the Board of  
25 Governors, five of whom shall serve a term expiring June 30, 2011,  
26 and two of whom shall serve a term expiring June 30, 2013. In 2009,  
27 the Senate shall elect eight members to the Board of Governors, three

1 of whom shall serve a term expiring June 30, 2013, and five of whom  
2 shall serve a term expiring June 30, 2015. In 2011 and in each  
3 subsequent regular session, the Senate shall elect five members to the  
4 Board of Governors, each of whom shall serve for a six-year term.

5 (2) In 2007, the House of Representatives shall elect seven members to the  
6 Board of Governors, five of whom shall serve a term expiring June 30,  
7 2011, and two of whom shall serve a term expiring June 30, 2013. In  
8 2009, the House of Representatives shall elect eight members to the  
9 Board of Governors, three of whom shall serve a term expiring June  
10 30, 2013, and five of whom shall serve a term expiring June 30, 2015.  
11 In 2011 and in each subsequent regular session, the House of  
12 Representatives shall elect five members to the Board of Governors,  
13 each of whom shall serve for a six-year term.

14 (c) In electing members to the Board of Governors, the Senate and the House of  
15 Representatives shall select from a slate of candidates made in each house. The slate  
16 shall be prepared as provided by resolution of each house. If a sufficient number of  
17 nominees who are legally qualified are submitted, then the slate of candidates shall list  
18 at least twice the number of candidates for the total seats open. In 2007, and biennially  
19 thereafter, each house shall hold their elections within 30 legislative days after  
20 appointments to their education committees are complete.

21 (d) All terms shall commence on July 1 of odd-numbered years and, except as  
22 provided in subdivisions (b)(1) and (b)(2) of this section, all members shall serve for  
23 six-year overlapping terms.

24 (e) No person may be elected to:

25 (1) More than two full six-year terms in succession; or

26 (2) A six-year term if preceded immediately by election to three  
27 consecutive four-year terms.

28 Resignation from a term of office does not constitute a break in service for the purpose  
29 of this subsection. Service on the Board of Governors before July 1, 2007, shall be  
30 included in the limitations of this subsection."

31 **SECTION 2.** G.S. 116-6(f) is repealed.

32 **SECTION 3.** G.S. 116-6(g) is repealed.

33 **SECTION 4.** G.S. 116-7(c) reads as rewritten:

34 "(c) Whenever any vacancy shall occur in the elected membership of the Board of  
35 Governors, it shall be the duty of the Board to inform the Speaker of the House of  
36 Representatives and the President of the Senate of the vacancy. The chamber that  
37 originally elected the vacating member shall elect a person to fill the vacancy. Any  
38 vacancy occurring on or after July 1, 2005, shall be filled under G.S. 116-6.01 for the  
39 unexpired term. The vacancy shall remain unfilled until the appropriate chamber of the  
40 General Assembly elects a person to fill the vacancy.

41 The vacancy shall be filled not later than the adjournment sine die of the next regular  
42 session of the General Assembly. The election shall be for the remainder of the  
43 unexpired term. Whenever a member shall fail, for any reason other than ill health or

1 service in the interest of the State or nation, to be present for four successive regular  
2 meetings of the Board, his place as a member shall be deemed vacant."

3           **SECTION 5.** This act becomes effective July 1, 2005, and applies to terms  
4 of office commencing on or after that date.