

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 923  
Committee Substitute Favorable 4/26/91  
Senate Higher Education Committee Substitute Adopted 6/11/91

Short Title: Clarify UNC Board Nomination Process.

(Public)

Sponsors:

Referred to:

April 19, 1991

A BILL TO BE ENTITLED

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

1 minority of the members of the General Assembly belongs, and the House of  
2 Representatives shall elect at least two women and two members of a minority race.

3 (c) In electing members to the Board of Governors, the Senate and the House of  
4 Representatives shall select from a slate of candidates made in each house. The slate  
5 shall be prepared as provided by resolution of each house. If a sufficient number of  
6 nominees who are legally qualified are submitted in a category for which members of  
7 the Board of Governors are to be elected, then the slate of candidates shall list at least  
8 twice the number of candidates for the total seats open in a category. All qualified  
9 candidates in a category shall compete against all other qualified candidates in a  
10 category. In 1993 and biennially thereafter, each house shall hold their elections within  
11 30 legislative days after appointments to their education committees are complete.

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

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

16 (1) More than three full four-year terms in succession;

17 (2) A four-year term if preceded immediately by election to two full eight-  
18 year terms in succession; or

19 (3) A four-year term if preceded immediately by election to an eight-year  
20 term and a ~~four-year term~~ four-year term in succession.

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

24 (d) ~~The Senate and House of Representatives, in electing members of the Board~~  
25 ~~of Governors, shall select from a slate of nominees made in each house as provided by~~  
26 ~~resolution of that house. In the event there is more than one individual who is seeking a~~  
27 ~~nomination to the Board of Governors, the slate of nominees shall contain at least two~~  
28 ~~nominees for any vacancy. The Senate and the House of Representatives shall elect one~~  
29 ~~half of the persons necessary to fill the vacancies, with the Senate to hold its election~~  
30 ~~prior to the House of Representatives. In the event that an odd number of members are~~  
31 ~~to be elected, the House of Representatives shall select the additional nominee. In 1973~~  
32 ~~and every four years thereafter through 1989, the Senate shall elect at least one woman~~  
33 ~~and one member of a minority race and the House of Representatives shall elect at least~~  
34 ~~one member of the political party to which the largest minority of the members of the~~  
35 ~~General Assembly belong. In 1975 and every four years thereafter through 1987, the~~  
36 ~~Senate shall elect at least one member of the political party to which the largest minority~~  
37 ~~of the members of the General Assembly belong and the House of Representatives shall~~  
38 ~~elect at least one woman and one member of a minority race. In 1991 and every four~~  
39 ~~years thereafter the Senate shall elect at least two members of the political party to~~  
40 ~~which the largest minority of the members of the General Assembly belong and the~~  
41 ~~House of Representatives shall elect at least two women and two members of a minority~~  
42 ~~race. In 1993 and every four years thereafter the Senate shall elect at least two women~~  
43 ~~and two members of a minority race and the House of Representatives shall elect at~~  
44 ~~least two members of the political party to which the largest minority of the members of~~

1 the General Assembly belong. In 1989 and biennially thereafter, these elections shall  
2 be held during the first 30 legislative days after committee assignments.

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

12 (f) Effective July 1, 1987, and thereafter, any Any person who has not attained the age  
13 of 70 years, and who has served at least one full term as chairman of the Board of  
14 Governors shall be a member emeritus of the Board of ~~Governors~~. Governors for one  
15 four-year term beginning at the expiration of that member's regular elected term. Any  
16 person already serving as an emeritus member may serve an additional four-year term  
17 beginning July 1, 1991. Members emeriti have all the rights and privileges of  
18 membership except they do not have a vote."

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

20 "(c) Whenever any vacancy shall occur in the elected membership of the Board of  
21 Governors, it shall be the duty of the Board to inform the Speaker of the House of  
22 Representatives and the President of the Senate of the ~~vacancy~~, vacancy. The chamber  
23 that originally elected the vacating member shall elect a person to fill the vacancy. and  
24 ~~the~~ The vacancy shall remain unfilled until the appropriate chamber of the General  
25 Assembly elects a person to fill the vacancy.

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

32 Sec. 3. This act is effective upon ratification.