

**JOSH STEIN**  
**ATTORNEY GENERAL**



REPLY TO:  
MARY L. LUCASSE  
(919) 716-6962  
[MLUCASSE@NCDOJ.GOV](mailto:MLUCASSE@NCDOJ.GOV)

**Memorandum**

To: North Carolina Coastal Resource Commission  
Fr: Mary L Lucasse, Esq.  
Re: Update on Session Law 2023-136 (CRC-23-22)  
Date: November 1, 2023

---

Session Law 2023-136 was enacted and became law on October 10, 2023. Part V of the Session Law made changes to the composition of the Coastal Resources Commission and deleted three seats and added three seats. In addition, the Session Law provides that the Commission will elect its Chair. I have attached a copy of the Session Law for your information.

Attorneys for Governor Cooper filed a complaint, 23CV 23CV028505-910 alleging among other things that the Session Law was unconstitutional and requested a preliminary injunction and a motion to stay to prevent the law from taking effect. During a hearing on November 1, 2023, the court denied the request as to the Coastal Resources Commission and the Environmental Management Commission. As a result, the law is in effect. I have updated the Commission's Internal Operating Procedures to conform to the changes and includes some additional minor changes. I recommend these changes be adopted.

In addition, the Session Law changes the manner in which the Chair is selected. The Commission will select a Chair at the beginning of the November 9, 2023 meeting.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

**SESSION LAW 2023-136  
SENATE BILL 512**

AN ACT TO INCREASE THE ACCOUNTABILITY OF PUBLIC BOARDS AND COMMISSIONS TO THE CITIZENS OF NORTH CAROLINA BY CHANGING THE APPOINTMENT STRUCTURE OF THOSE BOARDS AND COMMISSIONS.

The General Assembly of North Carolina enacts:

**PART I. ECONOMIC INVESTMENT COMMITTEE**

**SECTION 1.1.(a)** G.S. 143B-437.54 reads as rewritten:

**"§ 143B-437.54. Economic Investment Committee established.**

(a) Membership. – The Economic Investment Committee is established. The Committee consists of the following members:

- (1) The Secretary of Commerce.
- (2) The Secretary of Revenue.
- (3) The Director of the Office of State Budget and Management.
- (4) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (5) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
- (6) The Speaker of the House of Representatives or a designee of the Speaker.
- (7) The President Pro Tempore of the Senate or a designee of the President Pro Tempore.

~~The members of the Committee appointed by the General Assembly may not be members of the General Assembly.~~ The members of the Committee appointed by the General Assembly serve two-year terms that begin upon appointment. The other members, who are ex officio members or designees of those members, shall serve until they are no longer in office or are replaced with another designee.

(b) Decision Required. – The Committee may act only upon a decision of ~~three of its five~~ a majority of its members.

...."

**SECTION 1.1.(b)** G.S. 120-123(76) is repealed.

**PART II. ENVIRONMENTAL MANAGEMENT COMMISSION**

**SECTION 2.1.(a)** G.S. 143B-283 reads as rewritten:

**"§ 143B-283. Environmental Management Commission – members; selection; removal; compensation; quorum; services.**

(a) Repealed by Session Laws 2013-360, s. 14.23(a), effective July 1, 2013.

(a1) Composition. – The Environmental Management Commission shall consist of 15 members as follows:

- (1) One appointed by the Governor who shall be a licensed physician.
- (2) One appointed by the Governor who shall at the time of appointment have special training or scientific expertise in hydrology, water pollution control, or the effects of water pollution.



- (3) One appointed by the Governor who shall at the time of appointment have special training or scientific expertise in hydrology, water pollution control, or the effects of water pollution.
- (4) One appointed by the Governor who shall at the time of appointment have special training or scientific expertise in air pollution control or the effects of air pollution.
- (5) One appointed by the ~~Governor~~ Commissioner of Agriculture who shall at the time of appointment be actively connected with or have had experience in agriculture.
- (6) One appointed by the Governor who shall at the time of appointment have special training and scientific expertise in freshwater, estuarine, marine biological, or ecological sciences or be actively connected with or have had experience in the fish and wildlife conservation activities of the State.
- (7) One appointed by the Governor who shall at the time of appointment be actively employed by, or recently retired from, an industrial manufacturing facility and shall be knowledgeable in the field of industrial pollution control.
- (8) One appointed by the Governor who shall at the time of appointment be a licensed engineer with specialized training and experience in water supply or water or air pollution control.
- (9) One appointed by the ~~Governor~~ Commissioner of Agriculture who shall serve at large.
- (10) One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall serve at large.
- (11) One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall serve at large.
- (12) One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall serve at large.
- (13) One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall serve at large.
- (14) One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall serve at large.
- (15) One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall serve at large.

(b) Filling of Vacancies. – Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. The Governor may reappoint a member of the Commission to an additional term if, at the time of the reappointment, the member qualifies for membership on the Commission under ~~subdivisions (1) through (9)~~ subdivision (1), (2), (3), (4), (6), (7), or (8) of subsection (a1) of this section. The Commissioner may reappoint a member of the Commission to an additional term if, at the time of the reappointment, the member qualifies for membership on the Commission under subdivision (5) or (9) of subsection (a1) of this section. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122.

(b1) ~~The Governor shall have the power to~~ Removal of Members. – Each appointing authority may remove any member of the Commission appointed by that appointing authority

from office for misfeasance, malfeasance, or ~~nonfeasance in accordance with the provisions of G.S. 143B-13 of the Executive Organization Act of 1973.~~nonfeasance.

(b2) Per Diem and Expenses. – The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(b3) Quorum. – A majority of the Commission shall constitute a quorum for the transaction of business.

(b4) Administrative Support. – All clerical and other services required by the Commission shall be supplied by the Secretary of Environmental Quality.

(c) Repealed by Session Laws 2015-9, s. 1.2, effective April 27, 2015.

(c1) Ethics. – All members of the Commission are covered persons for the purposes of Chapter 138A of the General Statutes, the State Government Ethics Act. As covered persons, members of the Commission shall comply with the applicable requirements of the State Government Ethics Act, including mandatory training, the public disclosure of economic interests, and ethical standards for covered persons. Members of the Commission shall comply with the provisions of the State Government Ethics Act to avoid conflicts of interest. The Governor may require additional disclosure of potential conflicts of interest by members. The Governor may promulgate criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of persons under this subsection, giving due regard to the requirements of federal legislation, and, for this purpose, may promulgate rules, regulations, or guidelines in conformance with those established by any federal agency interpreting and applying provisions of federal law.

(d) Repealed by Session Laws 2013-360, s. 14.23(a), effective July 1, 2013.

(e) Terms. – Members of the Commission shall serve terms of four years."

**SECTION 2.1.(b)** G.S. 143B-284 reads as rewritten:

**"§ 143B-284. Environmental Management Commission – officers.**

The Environmental Management Commission shall have a chairman and a ~~vice chairman.~~  
~~The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at the pleasure of the Governor. The vice chairman shall be vice-chairman~~  
elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of ~~his~~their regularly appointed ~~term~~terms whichever comes first."

### **PART III. COMMISSION FOR PUBLIC HEALTH**

**SECTION 3.1.(a)** G.S. 130A-30 reads as rewritten:

**"§ 130A-30. Commission for Public Health – Members; selection; quorum; compensation.**

(a) Composition. – The Commission for Public Health shall consist of the following 13 members, ~~four of whom shall be elected~~members:

(1) Four elected by the North Carolina Medical Society and nine of whom shall be Society.

(2) Four at-large members appointed by the General Assembly in accordance with G.S. 120-121, two upon the recommendation of the President Pro Tempore of the Senate and two upon the recommendation of the Speaker of the House of Representatives.

(3) Five appointed by the Governor.

(b) Qualifications of Members Appointed by the Governor. – One of the members appointed by the Governor shall be a licensed pharmacist, ~~one a registered engineer experienced in sanitary engineering or a soil scientist,~~ one a licensed veterinarian, one a licensed optometrist, one a licensed dentist, and one a registered nurse. ~~The initial members of the Commission shall be the members of the State Board of Health who shall serve for a period equal to the remainder of their current terms on the State Board of Health, three of whose appointments expire May 1, 1973, and two of whose appointments expire May 1, 1975.~~

(b1) Length of Terms. – Members appointed to the Commission shall serve for a term of ~~four years.~~ At the end of the respective terms of office of ~~initial~~ members of the Commission, their successors shall be appointed for terms of four ~~years and until their successors are appointed and qualify.~~ years. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be filled by the appointing authority for the balance of the unexpired term. As used in this section, the term "appointing authority" means the North Carolina Medical Society in the case of members elected by the Medical Society, the General Assembly in the case of members appointed by the General Assembly, and the Governor in the case of members appointed by the Governor.

(c) ~~The North Carolina Medical Society shall have the right to remove any member elected by it for misfeasance, malfeasance, or nonfeasance, and the Governor shall have the right to~~ Removal of Members. – Each appointing authority may remove any member appointed by ~~him~~ that appointing authority for misfeasance, malfeasance, or ~~nonfeasance in accordance with the provisions of G.S. 143B-13.~~ nonfeasance.

(c1) Filling of Vacancies. – Vacancies on ~~said~~ the Commission among the membership elected by the North Carolina Medical Society shall be filled by the executive committee of the Medical Society until the next meeting of the Medical Society, when the Medical Society shall fill the vacancy for the unexpired term. Vacancies on ~~said~~ the Commission among the membership appointed by the General Assembly shall be filled by the General Assembly as provided in subdivision (a)(2) of this section for the unexpired term. Vacancies on the Commission among the membership appointed by the Governor shall be filled by the Governor for the unexpired term.

(d) Quorum. – A majority of the members of the Commission ~~shall constitute~~ constitutes a quorum for the transaction of business.

(e) Per Diem and Expenses. – The members of the Commission shall receive per diem and necessary traveling and subsistence expenses in accordance with the provisions of G.S. 138-5."

**SECTION 3.1.(b)** To minimize the impact of this section on the work of the Commission for Public Health, the Governor shall not appoint successors to the four members of the Commission whose terms expire on April 30, 2023. Instead, the General Assembly shall appoint four at-large members to the Commission in accordance with G.S. 130A-30(a)(2), as enacted by this section, to succeed the four members appointed by the Governor whose terms expire on April 30, 2023.

## **PART IV. BOARD OF TRANSPORTATION**

**SECTION 4.1.(a)** G.S. 143B-350 reads as rewritten:

**"§ 143B-350. Board of Transportation – organization; powers and duties, etc.**

(a) Board of Transportation. – There is hereby created a Board of Transportation. The Board shall carry out its duties consistent with the needs of the State as a whole. The diversity and size of the State require that regional differences be considered by Board members as they develop transportation policy and projects for the benefit of the citizens of the State. The Board shall carry out its duties consistent with the fiduciary responsibility to ensure the solvency of the State Highway Fund and Highway Trust Fund.

(b) Membership of the Board. –

(1) Number, appointment. – The Board of Transportation shall have 20 voting members. Voting members shall be appointed as provided in subdivisions (2) and (3) of this subsection for terms of office beginning ~~July 31~~ July 1 of the year of initial appointment, and every four years thereafter. Fourteen of the members shall be ~~division~~ distribution region members appointed by the ~~Governor.~~ Six members shall be at-large members appointed by the General Assembly, three ~~seven~~ upon recommendation of the President Pro Tempore

of the Senate in accordance with G.S. 120-121 and ~~three~~ seven upon recommendation of the Speaker of the House of ~~Representatives.~~ Representatives in accordance with G.S. 120-121. Six members shall be at-large members appointed by the Governor. The Secretary of Transportation shall serve as an ex officio nonvoting member of the Board. No more than three members of the Board may reside in the same ~~highway division~~ distribution region.

(2) ~~Division~~ Distribution region members. – ~~One member~~ Two members shall be appointed from and be a resident of each of the ~~14 highway divisions.~~ Division members shall regularly consult with and consider the views of local government units and Transportation Advisory Committees in the region they represent. The Governor shall appoint one member from each of the fourteen divisions as follows: seven distribution regions defined in G.S. 136-189.10(1). Distribution region members shall be appointed as follows:

a. Four members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate with one member each from Distribution Regions A, C, E, and G, beginning in 2025.

b. Four members appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives with one member each from Distribution Regions A, C, E, and G, beginning in 2025.

c. Three members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate with one member each from Distribution Regions B, D, and F, beginning in 2023.

d. Three members appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives with one member each from Distribution Regions B, D, and F, beginning in 2023.

a. ~~Division 1, beginning in 2020.~~

b. ~~Division 2, beginning in 2022.~~

c. ~~Division 3, beginning in 2020.~~

d. ~~Division 4, beginning in 2022.~~

e. ~~Division 5, beginning in 2022.~~

f. ~~Division 6, beginning in 2020.~~

g. ~~Division 7, beginning in 2022.~~

h. ~~Division 8, beginning in 2022.~~

i. ~~Division 9, beginning in 2020.~~

j. ~~Division 10, beginning in 2022.~~

k. ~~Division 11, beginning in 2022.~~

l. ~~Division 12, beginning in 2020.~~

m. ~~Division 13, beginning in 2022.~~

n. ~~Division 14, beginning in 2020.~~

(3) At-large members. – Six at-large members shall be appointed as follows: by the Governor beginning in 2023.

a. ~~Two members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, beginning in 2020.~~

- ~~b. One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, beginning in 2022.~~
- ~~e. Two members appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, beginning in 2020.~~
- ~~d. One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, beginning in 2022.~~

(c) Staggered Terms. – The terms of all Board members serving on the Board prior to ~~July 31, 2020, July 1, 2023,~~ shall expire on ~~July 30, 2020, June 30, 2023.~~ A new board of 20 voting members shall be appointed with terms beginning on ~~July 31, 2020, July 1, 2023.~~

...

(e) Organization and Meetings of the Board. – ~~Within 30 days after July 31, 2020, the Governor shall call the Board into session. The Governor~~ The Board shall select a chair from among the Board's membership for a two-year term. The Board shall select a vice-chair from among its membership for a two-year term. ~~The Governor~~ Board may select a chair for one additional two-year term. The Board may select a vice-chair for one additional two-year term. The Board of Transportation shall meet at least once a month at such regular meeting times as the Board may by rule provide and at any place in the State as the Board may provide. The Board may hold special meetings at any time at the call of the chair or any three members. The Board shall have the power to adopt and enforce rules and regulations for the government of its business and proceedings. The Board shall keep minutes of its meetings, which shall at all times be open to public inspection. The majority of the Board shall constitute a quorum for the transaction of business. Board members shall receive per diem and necessary travel and subsistence expenses in accordance with G.S. 138-5 and G.S. 138-6, as appropriate.

...."

**SECTION 4.1.(b)** Notwithstanding the four-year terms outlined in G.S. 143B-350(b), as amended by this section, the following voting members shall be appointed to the Board of Transportation for a two-year term beginning July 1, 2023:

- (1) The General Assembly shall appoint four distribution region members upon recommendation of the President Pro Tempore of the Senate with one member each from Distribution Regions A, C, E, and G.
- (2) The General Assembly shall appoint four distribution region members upon recommendation of the Speaker of the House of Representatives with one member each from Distribution Regions A, C, E, and G.

All members appointed as provided in this subsection shall be subject to all other provisions of G.S. 143B-350, as amended by this section.

**SECTION 4.1.(c)** This section is effective July 1, 2023. For Division members continuing to serve after that date pursuant to G.S. 143B-350(d) until successors are appointed, distribution region members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with this section shall replace members from Divisions 1, 2, 5, 7, 8, 11, and 13, and distribution region members appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with this section shall replace members from Divisions 3, 4, 6, 9, 10, 12, and 14.

**PART V. COASTAL RESOURCES COMMISSION**

**SECTION 5.1.(a)** G.S. 113A-104 reads as rewritten:

"§ 113A-104. Coastal Resources Commission.

...

(b1) Composition. – The Coastal Resources Commission shall consist of 13 members as follows:

- (1) One appointed by the Governor who shall at the time of appointment be a coastal property owner or experienced in land development.
- ~~(2) One appointed by the Governor who shall at the time of appointment be a coastal property owner or experienced in land development.~~
- (3) One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in engineering in the coastal area or a marine-related science.
- (4) One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in engineering in the coastal area or a marine-related science.
- ~~(5) One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in coastal related business.~~
- (6) One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in local government within the coastal area.
- ~~(7) One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in coastal agriculture.~~
- (8) One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in commercial fishing.
- (9) One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in coastal forestry.
- (9a) One appointed by the Commissioner of Insurance who shall at the time of appointment be a coastal property owner or experienced in land development.
- (10) One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall at the time of appointment be actively connected with or have experience in sports fishing.
- (11) One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall serve at large.
- (11a) One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall serve at large.
- (12) One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall at the time of appointment be actively connected with or have experience in wildlife.
- (13) One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall serve at large.
- (13a) One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall serve at large.

(c) Appointment of Members. – As used in this section, the term "appointing authority" means the Governor in the case of members appointed by the ~~Governor~~ Governor, the Commissioner of Insurance in the case of the member appointed by the Commissioner of Insurance, and means the General Assembly in the case of members appointed by the General Assembly. Appointments to the Commission shall be made to provide knowledge and experience in a diverse range of coastal interests. The members of the Commission shall serve and act on



the Commission solely for the best interests of the public and public trust, and shall bring their particular knowledge and experience to the Commission for that end alone. Counties and cities in the coastal area may designate and transmit to the appointing authorities no later than May 1 of each even-numbered year qualified persons in the categories set out in subsection (b1) of this section corresponding to the Commission positions to be filled that year.

(c1) Restriction on Certain Members. – The members of the Commission whose qualifications are described in subdivisions (3), (6), ~~(7)~~, (8), (9), (11), and (12) of subsection (b1) of this section shall be persons who do not derive any significant portion of their income from land development, construction, real estate sales, or lobbying and do not otherwise serve as agents for development-related business activities.

(c2) Ethics. – All members of the Commission are covered persons for the purposes of Chapter 138A of the General Statutes, the State Government Ethics Act. As covered persons, members of the Commission shall comply with the applicable requirements of the State Government Ethics Act, including mandatory training, the public disclosure of economic interests, and ethical standards for covered persons. Members of the Commission shall comply with the provisions of the State Government Ethics Act to avoid conflicts of interest. The Governor may require additional disclosure of potential conflicts of interest by the members described in subsection (c1) of this section. The Governor may promulgate criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of persons described in subsection (c1) of this section.

(d) Repealed by Session Laws 2013-360, s. 14.24(a), effective July 1, 2013.

(e) Repealed by Session Laws 2013-360, s. 14.24(a), effective July 1, 2013.

(f) Office May Be Held Concurrently with Others. – Membership on the Coastal Resources Commission is hereby declared to be an office that may be held concurrently with other elective or appointive offices in addition to the maximum number of offices permitted to be held by one person under G.S. 128-1.1.

(g) Terms. – The members shall serve staggered terms of office of four years. At the expiration of each member's term, the appointing authority shall reappoint or replace the member with a new member of like qualification as specified in subsection (b1) of this section.

(h) Vacancies. – In the event of a vacancy arising otherwise than by expiration of term, the appointing authority shall appoint a successor of like qualification as specified in subsection (b1) of this section who shall then serve the remainder of his predecessor's term.

(i) Officers. – The chairman ~~shall be designated by the Governor from among the members of the Commission to serve as chairman at the pleasure of the Governor. The~~ and vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of ~~the vice-chairman's~~ their regularly appointed ~~term-terms.~~

(j) Compensation. – The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(k) Repealed by Session Laws 2013-360, s. 14.24(a), effective July 1, 2013.

(l) Attendance. – Regular attendance at Commission meetings is a duty of each member. The Commission shall develop procedures for declaring any seat on the Commission to be vacant upon failure by a member to perform this duty.

(m) Quorum. – A majority of the Commission shall constitute a quorum."

**SECTION 5.1.(b)** To minimize the impact of this section on the work of the Commission, the seat eliminated by the repeal of G.S. 113A-104(b1)(2) in subsection (a) of this section shall be the member who was at the time of appointment a coastal property owner or experienced in land development and whose term expires on June 30, 2023.

## **PART VI. WILDLIFE RESOURCES COMMISSION**

### **SECTION 6.1.(a)** G.S. 143-241 reads as rewritten:

**"§ 143-241. Appointment and terms of office of Commission members; filling of vacancies.**

The members of the North Carolina Wildlife Resources Commission shall be appointed as follows:

The Governor shall appoint one member each from the first, fourth, and seventh wildlife districts to serve six-year terms;

The Governor shall appoint one member each from the second, fifth, and eighth wildlife districts to serve two-year terms;

The Governor shall appoint one member each from the third, sixth, and ninth wildlife districts to serve four-year terms;

The Governor shall also appoint two at-large members to serve four-year terms.

The General Assembly shall appoint ~~eight~~ 10 members of the Commission to serve two-year terms, ~~four~~ five upon the recommendation of the Speaker of the ~~House~~, ~~four~~ House, and ~~five~~ upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121. Of the members appointed upon the recommendation of the Speaker of the House and upon the recommendation of the President Pro Tempore of the Senate, at least one of each shall be a member of the political party to which the largest minority of the members of the General Assembly belongs.

Thereafter as the terms of office of the members of the Commission appointed by the Governor from the several wildlife districts expire, their successors shall be appointed for terms of six years each. As the terms of office of the members of the Commission appointed by the General Assembly expire, their successors shall be appointed for terms of two years each. All members appointed by the Governor serve at the pleasure of the Governor that appointed them and they may be removed by that Governor at any time. A successor to the appointing Governor may remove a Commission member only for cause as provided in G.S. 143B-13. Members appointed by the General Assembly serve at the pleasure of that body and may be removed by law at any time. In the event that a Commission member is removed, the member appointed to replace the removed member shall serve only for the unexpired term of the removed member."

**SECTION 6.1.(b)** G.S. 143-241, as amended by subsection (a) of this section, reads as rewritten:

**"§ 143-241. Appointment and terms of office of Commission members; filling of vacancies.**

The members of the North Carolina Wildlife Resources Commission shall be appointed as follows:

The Governor shall appoint one member each from the first, fourth, and seventh wildlife districts to serve six-year terms;

The Governor shall appoint one member each from the second, fifth, and eighth wildlife districts to serve two-year terms;

The Governor shall appoint one member each from the third, sixth, and ninth wildlife districts to serve four-year terms;

The Governor shall ~~also~~ ~~appoint two at-large members~~ one at-large member and the Commissioner of Agriculture shall appoint one at-large member to serve four-year terms.

The General Assembly shall appoint 10 members of the Commission to serve two-year terms, five upon the recommendation of the Speaker of the House, and five upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121. Of the members appointed upon the recommendation of the Speaker of the House and upon the recommendation of the President Pro Tempore of the Senate, at least one of each shall be a member of the political party to which the largest minority of the members of the General Assembly belongs.

Thereafter as the terms of office of the members of the Commission appointed by the Governor from the several wildlife districts expire, their successors shall be appointed for terms of six years each. As the terms of office of the members of the Commission appointed by the General Assembly expire, their successors shall be appointed for terms of two years each. All members appointed by the Governor or by the Commissioner of Agriculture serve at the pleasure

of the ~~Governor authority~~ that appointed them and they may be removed by that ~~Governor~~ appointing authority at any time. A successor to the appointing ~~Governor authority~~ may remove a Commission member only for cause as provided in G.S. 143B-13. Members appointed by the General Assembly serve at the pleasure of that body and may be removed by law at any time. In the event that a Commission member is removed, the member appointed to replace the removed member shall serve only for the unexpired term of the removed member."

**SECTION 6.1.(c)** G.S. 143-242 reads as rewritten:

**"§ 143-242. Vacancies by death, resignation or otherwise.**

Appointments to fill vacancies of gubernatorial appointees on the Commission occurring by reason of death, disability, resignation or otherwise shall be made by the Governor for the balance of the unexpired terms by appointment of a member from the State at large, or from the appropriate district in accordance with the procedure set out in G.S. 143-241. Appointments to fill vacancies of those members of the Commission appointed by the General Assembly shall be made under G.S. 120-122. Appointments to fill vacancies of members of the Commission appointed by the Commissioner of Agriculture shall be made by the Commissioner of Agriculture for the balance of the unexpired terms by appointment of a member from the State at large in accordance with the procedure set out in G.S. 143-241. The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance."

**SECTION 6.1.(d)** Subsections (b) and (c) of this section become effective June 30, 2025.

## **PART VII. NORTH CAROLINA RAILROAD BOARD OF DIRECTORS**

**SECTION 7.1.(a)** G.S. 124-15 reads as rewritten:

**"§ 124-15. Board of directors; appointment and approval of encumbrances.**

(a) Notwithstanding subsection (a) of G.S. 124-6, for any State-owned railroad company that has trackage in more than two counties, ~~seven-six~~ of the members of the Board of Directors shall be appointed by the Governor, one member of the Board of Directors shall be appointed by the State Treasurer, three of the members of the Board of Directors shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and three of the members of the Board of Directors shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The Board of Directors shall consist of 13 members. Of the Governor's ~~seven-six~~ appointments, one shall be from the appointees to the Board of Transportation and one shall be the Secretary of Commerce or the Secretary's designee. ~~Of the initial members appointed by the Governor, three shall be appointed for terms of four years and four shall be appointed for terms of two years. Of the initial members recommended to the General Assembly by the Speaker of the House of Representatives, two shall be appointed for terms of four years and one shall be appointed for a term of two years. Of the initial members recommended to the General Assembly by the President Pro Tempore of the Senate, two shall be appointed for terms of four years and one shall be appointed for a term of two years. Thereafter all All Board members shall serve four-year terms. The Board shall elect the chairman from among its membership.~~

...."

**SECTION 7.1.(b)** The appointee of the Governor replaced by the appointee of the State Treasurer because of the revision to G.S. 124-15 enacted in subsection (a) of this section shall be one of the appointees of the Governor with a term expiring in 2023. The Board of Directors shall determine which of these appointees will be replaced by the appointee of the State Treasurer.

**SECTION 7.1.(c)** This section becomes effective on the date that revisions to the Articles of Incorporation of a State-owned railroad to implement the changes in appointing

authority made by this section are enacted by the Board of Directors of the State-owned railroad become effective. The railroad shall report to the Revisor of Statutes the effective date of those changes.

## **PART VIII. BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM**

**SECTION 8.1.(a)** G.S. 116-37(b) reads as rewritten:

"(b) Board of Directors. – The board of directors of the University of North Carolina Health Care System is hereby restructured effective November 1, 2012:shall be organized as follows:

- (1) The board of directors shall be composed of 24-25 members as follows:
  - a. ~~Eight members ex officio shall be the President of The University of North Carolina (or the President's designee); the Chief Executive Officer of the University of North Carolina Health Care System; the Chancellor of the University of North Carolina at Chapel Hill and one additional administrative officer of the University of North Carolina at Chapel Hill designated by the Chancellor; the President of the University of North Carolina Hospitals; the President of the UNC Faculty Physicians; and two members of the faculty of the School of Medicine of the University of North Carolina at Chapel Hill designated by the Dean of the School of Medicine. If the Dean of the School of Medicine of the University of North Carolina at Chapel Hill does not also hold one of the positions designated as an ex officio member of the board, the Dean shall serve in one of the positions reserved for a member of the faculty.~~Five ex officio members as follows:
    1. The President of The University of North Carolina or the President's designee.
    2. The Chief Executive Officer of the University of North Carolina Health Care System.
    3. The Chancellor of the University of North Carolina at Chapel Hill.
    4. Two individuals designated by the Chief Executive Officer who meet the following criteria:
      - I. Both designees must be members of the executive staff of the University of North Carolina Health Care System.
      - II. At least one of the two designees must be a permanent member of the faculty of the School of Medicine of the University of North Carolina at Chapel Hill.
      - III. One of the designees must have primary responsibility for hospital leadership.
      - IV. One of the designees must have primary responsibility for physician leadership.
  - a1. Eight members at large shall be appointed by the General Assembly as follows:
    1. One member shall be appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives annually.

2. One member shall be appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate annually.
- b. ~~Sixteen members at large shall be appointed for four-year terms, commencing on November 1 of the year of appointment. Twelve of the members at large shall be appointed by the President of The University of North Carolina and confirmed by the Board of Governors after consultation with the President of The University of North Carolina. Four of the members at large shall be appointed by the ~~board of directors.~~Governors. The President shall appoint a slate of three members annually for confirmation by the Board of Governors.~~
  - e. ~~The initial class of at-large members shall be composed of the following individuals:~~
    1. ~~The persons who hold the appointed memberships on the board of directors as of October 31, 2012, and whose terms do not expire on that date. The terms of membership for these at-large members will expire on the last day of October of the year in which their term would have expired.~~
    2. ~~Three persons appointed by the Board of Governors after consultation with the President of The University of North Carolina whose terms will commence on November 1, 2012, and will expire on October 31, 2016.~~
    3. ~~One person appointed by the board of directors whose term will commence on November 1, 2012, and will expire on October 31, 2016.~~

~~The Board of Governors shall appoint successor at-large members for those members whose terms end on October 31, 2013, October 31, 2014, and four of the five members whose terms end on October 31, 2016. The board of directors shall appoint successor at-large members for those members whose terms end on October 31, 2015, and one of the five members whose terms end on October 31, 2016.~~
  - d. All at-large positions shall serve four-year terms beginning November 1 of the year of appointment. At-large positions shall be filled by the appointment of persons from the business and professional public at large who have special competence in business management, hospital administration, health care delivery, or medical practice or who otherwise have demonstrated dedication to the improvement of health care in North Carolina, and who are neither Carolina. At-large positions shall not be filled by any of the following:
    1. ~~members~~Members of the Board of ~~Governors,~~Governors.
    2. ~~members~~Members of the board of trustees of a constituent institution of The University of North ~~Carolina,~~nor Carolina.
    3. ~~officers~~Officers or employees of the State.
    4. Individuals required by Chapter 120C of the General Statutes to register as lobbyists on or during any of the following:
      - I. The two years immediately preceding the effective date of appointment.
      - II. The effective date of the appointment.
      - III. At any point during the term of appointment.

- e. No member may be appointed to more than two full four-year terms in succession, including members serving as of June 30, 2012, succession.
- f. Any vacancy in an unexpired term shall be filled by the appointing authority for the balance of the term remaining remainder of the unexpired term. Vacancies for members appointed by the General Assembly shall be filled as provided in G.S. 120-122. Vacancies for members appointed by the President of The University of North Carolina shall be confirmed by the Board of Governors.
- g. Whenever an at-large member shall fail, for any reason other than ill health or service in the interest of the State or nation, to be present for three successive regular meetings of the board of directors, that at-large member's place as a member shall be deemed vacant.

...  
(5)

- The board of directors shall operate according to the following principles:
  - a. All members of the board of directors shall be considered fiduciaries of the University of North Carolina Health Care System and shall be responsible for the following:
    1. Discharging their duties to the System with care, skill, prudence, and diligence.
    2. Acting in good faith and in the best interests of the System.
    3. Conducting themselves, at all times, in furtherance of the System's organizational goals and not the member's personal or business interests.
    4. Providing oversight to ensure that the System's resources are dedicated to the fulfillment of its mission.
    5. Becoming knowledgeable about issues that affect the System.
  - b. The authority of board members shall be collective, not individual, and shall only arise from each member's participation with other members of the board of directors when officially convened. Individual board members shall hold no authority to exercise administrative or executive functions on behalf of the System, which shall be vested in the Chief Executive Officer of the System. Individual board members may not bind the board of directors or the System, enter into contracts on behalf of the board of directors or the System, or otherwise act on behalf of or in the name of the board of directors or System unless authorized to do so by official action of the board of directors or the Chief Executive Officer.
  - c. Board members shall adhere to the highest standards of ethical conduct by complying with laws, regulations, and System policies applicable to their service."

**SECTION 8.1.(b)** The terms of office for all ex officio members of the board of directors of the University of North Carolina Health Care System repealed by this section shall expire on the date this act becomes law. All at-large members of the board of directors of the University of North Carolina Health Care System serving as of July 1, 2023, shall remain in office until their current term of appointment expires. Any vacancy occurring in a seat appointed by the board of directors expiring October 31, 2024, shall be filled by the General Assembly upon recommendation of the Speaker of the House of Representatives for the remainder of that term of office.

**SECTION 8.1.(c)** Notwithstanding the requirement for annual appointments by the General Assembly established by G.S. 116-37(b)(1)a1. and length of terms established by

G.S. 116-37(b)(1)d., as enacted and amended by this section, the following appointments shall be made in 2023:

- (1) For a term beginning the date this act becomes law, and ending October 31, 2027, one member shall be appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives and one member shall be appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate. Members appointed to fill those terms of office in 2027 shall be appointed to four-year terms of office as provided in G.S. 116-37(b)(1)d. These members shall fill seats vacated by the prior ex officio members of the board.
- (2) For a term beginning the date this act becomes law, and ending October 31, 2026, one member shall be appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives and one member shall be appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate. Members appointed to fill those terms of office in 2026 shall be appointed to four-year terms of office as provided in G.S. 116-37(b)(1)d. These members shall fill seats vacated by the prior ex officio members of the board.
- (3) For a term beginning October 1, 2023, and ending October 31, 2025, one member shall be appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate. The member appointed to fill that term of office in 2025 shall be appointed to a four-year term of office as provided in G.S. 116-37(b)(1)d. This member shall fill a position expiring in 2023 held by a board of trustee appointment.
- (4) For a term beginning October 1, 2023, and ending October 31, 2024, one member shall be appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate. This member shall fill a position expiring in 2023 held by a board of trustee appointment.
- (5) For a term beginning October 1, 2023, and ending October 31, 2025, one member shall be appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives. The member appointed to fill that term of office in 2025 shall be appointed to a four-year term of office as provided in G.S. 116-37(b)(1)d. This member shall fill a position expiring in 2023 held by a board of trustee appointment.

**SECTION 8.1.(d)** In accordance with the requirements of G.S. 116-37(b)(1)a1., in 2024, the General Assembly shall make the following appointments:

- (1) Upon recommendation of the Speaker of the House of Representatives, appoint one member to the board for the expiring position held by the board of trustee appointment expiring in 2024. The member appointed to fill that term of office in 2024 shall be appointed to a four-year term of office as provided in G.S. 116-37(b)(1)d.
- (2) Upon recommendation of the President Pro Tempore of the Senate, appoint one member to the board for the expiring one-year term appointed by the General Assembly upon the recommendation of the President Pro Tempore in 2023. The member appointed to fill that term of office in 2024 shall be appointed to a four-year term of office as provided in G.S. 116-37(b)(1)d.

**SECTION 8.1.(e)** Notwithstanding the requirement for the President of The University of North Carolina to appoint three members annually for confirmation by the Board of Governors, established by G.S. 116-37(b)(1)b., and length of terms established by G.S. 116-37(b)(1)d., as amended by this section, appointments shall be made by the President of

The University of North Carolina and confirmed by the Board of Governors as follows in 2023, 2024, 2025, and 2026:

- (1) No appointments shall be made in 2023.
- (2) In 2024, the President shall appoint three members to terms ending October 31, 2028, and one member to a term ending October 31, 2027. Members appointed to fill those terms of office when expired shall be appointed to four-year terms of office as provided in G.S. 116-37(b)(1)d.
- (3) In 2025, the President shall appoint one member to a term of office ending October 31, 2029. The member appointed to fill that term of office when expired shall be appointed to a four-year term of office as provided in G.S. 116-37(b)(1)d.
- (4) In 2026, the President shall appoint three members to terms ending October 31, 2030, two members to terms of office ending October 31, 2029, and two members to terms of office ending October 31, 2027. Members appointed to fill those terms of office when expired shall be appointed to four-year terms of office as provided in G.S. 116-37(b)(1)d.

## **PART X. UTILITIES COMMISSION**

**SECTION 10.1.(a)** G.S. 62-10 reads as rewritten:

**"§ 62-10. Number; appointment; terms; qualifications; chairman; vacancies; compensation; other employment prohibited.**

(a) ~~The North Carolina Utilities Commission shall consist of seven commissioners who shall be five commissioners who shall be appointed as follows: three by the Governor, one by the General Assembly, upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and one by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. Each commissioner shall serve for a term of six years commencing on July 1 of the year in which the predecessor term expired and ending on June 30 of the sixth year thereafter. Commissioners appointed by the Governor are subject to confirmation by the General Assembly by joint resolution. The names of commissioners to be appointed by the Governor shall be submitted by the Governor to the General Assembly for confirmation by the General Assembly on or before May 1, of the year in which the terms for which the appointments are to be made are to expire. Upon failure of the Governor to submit names as herein provided, the Lieutenant Governor-President Pro Tempore of the Senate and Speaker of the House of Representatives jointly shall submit the names of a like number of commissioners to the General Assembly on or before May 15 of the same year for confirmation by the General Assembly. Regardless of the way in which names of commissioners are submitted, confirmation of commissioners must be accomplished prior to adjournment of the then current session of the General Assembly. This subsection shall be subject to the provisions of subsection (c) of this section.~~

~~(b) The terms of the commissioners now serving shall expire at the conclusion of the term for which they were appointed which shall remain as before with two regular eight-year terms expiring on July 1 of each fourth year after July 1, 1965, and the fifth term expiring on July 1 of each eighth year after July 1, 1963. The terms of office of utilities commissioners thereafter shall be six years commencing on July 1 of the year in which the predecessor terms expired, and ending on July 1 of the sixth year thereafter.~~

~~(c) In order to increase the number of commissioners to seven, the names of two additional commissioners shall be submitted to the General Assembly on or before May 27, 1975, for confirmation by the General Assembly as provided in G.S. 62-10(a). The commissioners so appointed and confirmed shall serve new terms commencing on July 1, 1975, one of which shall be for a period of two years (with the immediate successor serving for a period of six years), and one of which shall be for a period of two years.~~



~~Thereafter, the terms of office of the additional commissioners shall be for six years as provided in G.S. 62-10(b).~~

(d) A commissioner in office shall continue to serve until his successor is duly confirmed and qualified but such holdover shall not affect the expiration date of such succeeding term.

(e) On July 1, 1965, and every ~~four~~three years thereafter, one of the commissioners shall be designated by the Governor to serve as chairman of the Commission for the succeeding ~~four~~three years and until his successor is duly confirmed and qualifies. Upon death or resignation of the commissioner appointed as chairman, the Governor shall designate the chairman from the remaining commissioners and appoint a successor as hereinafter provided to fill the vacancy on the Commission.

(f) In case of death, incapacity, resignation or vacancy for any other reason in the office of any commissioner appointed by the Governor prior to the expiration of his the commissioner's term of office, the name of his successor shall be submitted by the Governor within four weeks after the vacancy arises to the General Assembly for confirmation by the General Assembly. the name of the successor shall be submitted to the General Assembly by the Governor within four weeks after the vacancy arises for confirmation by the General Assembly. Upon failure of the Governor to submit the name of the successor, the ~~Lieutenant Governor~~ President Pro Tempore and Speaker of the House jointly shall submit the name of a successor to the General Assembly within six weeks after the vacancy arises. Regardless of the way in which names of commissioners are submitted, confirmation of commissioners must be accomplished prior to the adjournment of the then current session of the General Assembly. In case of death, incapacity, resignation, or vacancy for any other reason in the office of any commissioner appointed by the General Assembly prior to the expiration of the commissioner's term of office, the vacancy shall be filled as provided in G.S. 120-122.

(g) If a vacancy arises or exists pursuant to either subsection (a) ~~or (e)~~ or (f) of this section when the General Assembly is not in session, and the appointment is deemed urgent by the Governor, the commissioner may be appointed and serve on an interim basis pending confirmation by the General Assembly; provided, however, no person may be appointed to serve on an interim basis pending confirmation by the General Assembly if the person was subject to but not confirmed by the General Assembly within the preceding four years. The limitation on appointment contained in this subsection includes, among other things, unfavorable action on a joint resolution for confirmation, such as the resolution failing on any reading in either chamber of the General Assembly, and failure to ratify a joint resolution for confirmation prior to adjournment of the then current session of the General Assembly.

...."

**SECTION 10.1.(b)** In order to decrease the number of commissioners to five, two of the three terms expiring on June 30, 2025, shall expire, and upon expiration, no additional appointments for those two terms shall be made.

**SECTION 10.1.(c)** Notwithstanding G.S. 62-10, as amended by this act, the terms of the commissioners now serving shall expire at the conclusion of the term for which they were appointed. Upon the expiration of the terms of the commissioners now serving, appointments to the Commission shall be made as follows:

- (1) For the two terms expiring June 30, 2023, one commissioner shall be appointed by the General Assembly, upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and one by the General Assembly, upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
- (2) For one of the three terms expiring on June 30, 2025, one commissioner shall be appointed by the Governor.
- (3) For the term expiring June 30, 2027, one commissioner shall be appointed by the Governor.

- (4) For the term expiring June 30, 2029, one commissioner shall be appointed by the Governor.

## **PART XI. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA**

**SECTION 11.1.(a)** G.S. 116-5 is repealed.

**SECTION 11.1.(b)** 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. 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. Members of the Board of Governors shall be elected as follows:~~

- (1) Twelve members of the Board of Governors shall be elected by resolution of the House of Representatives. Six members shall be elected at the regular legislative session in 2025 and every two years thereafter.
- (2) Twelve members of the Board of Governors shall be elected by the Senate. Six members shall be elected at the regular legislative session in 2025 and every two years thereafter. In electing members to the Board of Governors, the Senate shall select from a slate of candidates. The slate shall be prepared as provided by resolution of the Senate. If a sufficient number of nominees who are legally qualified are submitted, then the slate of candidates shall list at least twice the number of candidates for the total seats open. All qualified candidates shall compete against all other qualified candidates. The Senate shall hold its elections within 30 legislative days after appointments to its education committee are complete.

(b) Repealed by Session Laws 2001-503, s. 1, effective December 19, 2001.

(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, then the slate of candidates shall list at least twice the number of candidates for the total seats open. All qualified candidates shall compete against all other qualified candidates. In 1993 and biennially thereafter, each house shall hold their elections within 30 legislative days after appointments to their education committees are complete.~~

(d) All terms shall commence on July 1 of odd-numbered years and all members shall serve for four-year overlapping terms.

(e) ~~Beginning with elections held on or after January 1, 2017, no~~ No person may be elected to ~~serve~~ serve more than three full four-year terms. ~~Election Service~~ for a partial term to fill a vacancy as provided in G.S. 116-7 shall not count toward the three-term limitation.

(f) Any person who has served at least one full term as ~~chairman~~ chair of the Board of Governors shall be a member emeritus of the Board of 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.

(g) ~~Effective July 1, 1991, and thereafter, any~~ 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)."

**SECTION 11.1.(c)** Notwithstanding G.S. 116-6(a), as amended by this section, members elected to the Board of Governors as of the effective date of this section shall serve the remainder of their terms.

**SECTION 11.1.(d)** This section is effective when it becomes law.

**PART XII. BOARDS OF TRUSTEES OF NORTH CAROLINA STATE UNIVERSITY AND THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL**

**SECTION 12.1.(a)** G.S. 116-31 reads as rewritten:

**"§ 116-31. Membership of the boards of trustees.**

...

(d) Except as provided in G.S. 116-31.5, G.S. 116-31.7, and G.S. 116-65, each of the 16 institutions of higher education set out in G.S. 116-2(4) shall have board of trustees composed of 13 persons chosen as follows:

- (1) Eight elected by the Board of Governors.
- (2) Repealed by Session Laws 2016-126, 4th Ex. Sess., s. 35, effective December 19, 2016. See editor's note for applicability.
- (2a) Four members appointed by the General Assembly under G.S. 120-121, two of whom shall be appointed upon the recommendation of the President Pro Tempore of the Senate and two of whom shall be appointed upon the recommendation of the Speaker of the House of Representatives.
- (3) The president of the student government ex officio.

The Board of Trustees of the North Carolina School of Science and Mathematics shall be established in accordance with G.S. 116-233.

(e) The term of office of all trustees, except the ex officio member, shall be four years, commencing on July 1 of odd-numbered years. In every odd-numbered year the Board of Governors shall elect four persons to each board of trustees ~~and~~ and, except as provided in G.S. 116-31.5 and G.S. 116-31.7, the General Assembly shall appoint one person upon the recommendation of the President Pro Tempore of the Senate and one person upon the recommendation of the Speaker of the House of Representatives to each such board.

(f) In electing boards of trustees to serve commencing July 1, 1973, the Board of Governors shall designate four persons for four-year terms and four for two-year terms. The Governor, in making appointments of trustees to serve commencing July 1, 1973, shall designate two persons for four-year terms and two for two-year terms.

(g) Any person who has served two full four-year terms in succession as a member of a board of trustees shall, for a period of one year, be ineligible for election or appointment to the same board but may be elected or appointed to the board of another institution.

...."

**SECTION 12.1.(b)** Article 1 of Chapter 116 of the General Statutes is amended by adding a new section to read:

**"§ 116-31.5. North Carolina State University Board of Trustees.**

(a) Notwithstanding G.S. 116-31(d) and (e), all of the following shall apply to the North Carolina State University Board of Trustees:

- (1) The Board of Trustees shall be composed of 15 persons chosen as follows:
  - a. Eight members elected by the Board of Governors.
  - b. Six members appointed by the General Assembly under G.S. 120-121, three of whom shall be appointed upon the recommendation of the President Pro Tempore of the Senate and three of whom shall be appointed upon the recommendation of the Speaker of the House of Representatives.
  - c. The president of the student government ex officio.
- (2) Beginning July 1, 2025, and every four years thereafter, the General Assembly shall appoint one person upon the recommendation of the President Pro Tempore of the Senate and one person upon the recommendation of the Speaker of the House of Representatives to the Board of Trustees.

(3) Beginning July 1, 2027, and every four years thereafter, the General Assembly shall appoint two persons upon the recommendation of the President Pro Tempore of the Senate and two persons upon the recommendation of the Speaker of the House of Representatives to the Board of Trustees.

(b) Except as provided in this section, the requirements of G.S. 116-31 shall apply to the North Carolina State University Board of Trustees."

**SECTION 12.1.(c)** Article 1 of Chapter 116 of the General Statutes is amended by adding a new section to read:

**"§ 116-31.7. University of North Carolina at Chapel Hill Board of Trustees.**

(a) Notwithstanding G.S. 116-31(d) and (e), all of the following shall apply to the University of North Carolina at Chapel Hill Board of Trustees:

- (1) The Board of Trustees shall be composed of 15 persons chosen as follows:
  - a. Eight members elected by the Board of Governors.
  - b. Six members appointed by the General Assembly under G.S. 120-121, three of whom shall be appointed upon the recommendation of the President Pro Tempore of the Senate and three of whom shall be appointed upon the recommendation of the Speaker of the House of Representatives.
  - c. The president of the student government ex officio.

(2) Beginning July 1, 2025, and every four years thereafter, the General Assembly shall appoint one person upon the recommendation of the President Pro Tempore of the Senate and one person upon the recommendation of the Speaker of the House of Representatives to the Board of Trustees.

(3) Beginning July 1, 2027, and every four years thereafter, the General Assembly shall appoint two persons upon the recommendation of the President Pro Tempore of the Senate and two persons upon the recommendation of the Speaker of the House of Representatives to the Board of Trustees.

(b) Except as provided in this section, the requirements of G.S. 116-31 shall apply to the University of North Carolina at Chapel Hill Board of Trustees."

**SECTION 12.1.(d)** Notwithstanding G.S. 116-31.5, as enacted by this section, the General Assembly shall appoint two additional members of the North Carolina State University Board of Trustees to terms beginning on the date of appointment and expiring June 30, 2027. In accordance with G.S. 120-121, one appointment shall be upon the recommendation of the President Pro Tempore of the Senate and one appointment shall be upon the recommendation of the Speaker of the House of Representatives. A term served pursuant to this subsection shall not count as a full four-year term under G.S. 116-31(g).

**SECTION 12.1.(e)** Notwithstanding G.S. 116-31.7, as enacted by this section, the General Assembly shall appoint two additional members of the University of North Carolina at Chapel Hill Board of Trustees to terms beginning on the date of appointment and expiring June 30, 2027. In accordance with G.S. 120-121, one appointment shall be upon the recommendation of the President Pro Tempore of the Senate and one appointment shall be upon the recommendation of the Speaker of the House of Representatives. A term served pursuant to this subsection shall not count as a full four-year term under G.S. 116-31(g).

**SECTION 12.1.(f)** This section is effective when it becomes law.

### **PART XIII. MISCELLANEOUS**

**SECTION 13.1.** If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

law.  
2023.

**SECTION 13.2.** Except as otherwise provided, this act is effective when it becomes  
In the General Assembly read three times and ratified this the 17<sup>th</sup> day of August,

s/ Phil Berger  
President Pro Tempore of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

VETO Roy Cooper  
Governor

Became law notwithstanding the objections of the Governor at 1:11 p.m. this 10<sup>th</sup> day  
of October, 2023.

s/ Mr. James White  
House Principal Clerk