

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1136  
Committee Substitute Favorable 4/24/97

Short Title: Revise St. Bd. Comm. College Election.

(Public)

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Sponsors:

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Referred to:

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April 21, 1997

A BILL TO BE ENTITLED

1 AN ACT TO REVISE THE STATE BOARD OF COMMUNITY COLLEGE  
2 ELECTION AND TO REVISE THE ELIGIBILITY REQUIREMENTS FOR  
3 MEMBERS OF THE LOCAL BOARDS OF TRUSTEES FOR COMMUNITY  
4 COLLEGES.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115D-2.1(b) reads as rewritten:

8 "(b) The State Board of Community Colleges shall consist of 20 members, as  
9 follows:

- 10 (1) The Lieutenant Governor (or a person designated by the Lieutenant  
11 Governor) shall be a member ex officio.
- 12 (2) The Treasurer of North Carolina shall be a member ex officio.
- 13 (3) The Governor shall appoint to the State Board four members from the  
14 State at large and one member from each of the six Trustee Association  
15 Regions defined in G.S. 115D-63 [G.S. 115D-62]. The initial  
16 appointments by the Governor shall be made effective July 1, 1980, or  
17 as soon as feasible thereafter. In order to establish regularly overlapping  
18 terms, the initial appointments by the Governor shall be made so that  
19 three expire June 30, 1981, three expire June 30, 1983, and four expire

1 June 30, 1985. Each subsequent regular appointment by the Governor  
2 shall be for a term of six years and until a successor is appointed and  
3 qualifies. Any vacancy occurring among his appointees before the  
4 expiration of term shall be filled by appointment of the Governor; the  
5 member so appointed shall meet the same residential qualification, if  
6 any, as the member whom he succeeds and shall serve for the remainder  
7 of the unexpired term of that member.

8 (4) The General Assembly shall elect eight members of the State Board  
9 from the State at large in the following manner:

10 a. In 1980, the Senate shall elect three members, one of whom shall  
11 serve a term expiring June 30, 1981, one of whom shall serve a  
12 term expiring June 30, 1983, and one of whom shall serve a term  
13 expiring June 30, 1985. In 1985, the Senate shall elect two  
14 members to serve terms expiring June 30, 1991. Each subsequent  
15 regular election by the Senate shall be for a term of six years and  
16 until a successor is elected and qualifies.

17 b. In 1980, the House of Representatives shall elect four members,  
18 one of whom shall serve a term expiring June 30, 1981, one of  
19 whom shall serve a term expiring June 30, 1983, and two of  
20 whom shall serve a term expiring June 30, 1985. In 1985, the  
21 House of Representatives shall elect two members, to serve terms  
22 expiring June 30, 1991. Each subsequent regular election by the  
23 House of Representatives shall be for a term of six years and  
24 until a successor is elected and qualifies.

25 c. Repealed by Session Laws 1985, c. 227, s. 5.

26 d. The initial elections by the two houses of the General Assembly  
27 shall be held on or before July 1, 1980.

28 e. Any vacancy occurring among the members elected by the two  
29 houses of the General Assembly before the expiration of term  
30 shall be filled when the General Assembly next convenes. The  
31 member then elected shall be elected by the same house that  
32 elected the member whom he succeeds, and shall serve for the  
33 remainder of the unexpired term of that member.

34 f. At each session of the General Assembly held in an odd-  
35 numbered year, the Speaker of the House of Representatives and  
36 the President Pro Tempore of the Senate shall assign to either a  
37 standing or a special committee of that house the duty of  
38 receiving from the members of that house nominations of persons  
39 to be considered by that house for election to the State Board.  
40 The chairmen of the two committees shall jointly determine a  
41 common final date for receiving nominations from members of  
42 that house, and a common date for reporting to their respective  
43 houses their nominations for the State Board. Each committee

1 shall screen the proposed candidates for nomination as to their  
2 qualifications, background, lack of statutory disabilities, and  
3 willingness and ability to serve if elected. Each Senator and each  
4 Representative may nominate only one candidate. When the  
5 nominating process is closed, each committee shall list all  
6 candidates and shall separately vote "aye" or "no" on each  
7 candidate to determine whether that person shall be listed as a  
8 nominee of the committee. The verbal vote of a majority of those  
9 members of the committee present and voting shall constitute one  
10 nominee of the committee. An individual cannot be a candidate  
11 for nomination to more than one place. If a sufficient number of  
12 candidates is submitted to each committee, then each committee  
13 shall nominate at least two persons for each place to be filled by  
14 that chamber, otherwise each committee shall nominate at least  
15 one person for each place to be filled by each of the House of  
16 Representatives and the Senate. No person may simultaneously  
17 be a candidate for election by both houses, and if one is  
18 nominated in both houses, he shall determine by which house he  
19 shall be nominated and so advise the chairman of both  
20 committees. The two houses shall, by joint resolution, fix a  
21 common date and time for the election of members of the State  
22 Board. At the election session in each house, the committee shall  
23 report its list of nominees with the term of office indicated for  
24 each nominee. ~~The ballot in the House of Representatives shall also~~  
25 ~~include the names of all other persons nominated by a member of that~~  
26 ~~house who are determined by the committee to be qualified for the~~  
27 ~~offices, with the committee's list of nominees being clearly set out on~~  
28 ~~the ballot.~~ No additional nominations shall be received from the  
29 floor. Each house shall then proceed to an election of the State  
30 Board. In order to be chosen, a nominee shall receive the votes of  
31 a majority of all members present and voting.

32 When each house has chosen one person for each place to be  
33 filled on the State Board, the chairman of the committee shall  
34 make a motion for the simultaneous election of those persons by  
35 that house to the indicated positions and for the indicated terms.  
36 The vote shall then be called electronically. If a majority of those  
37 voting shall vote 'aye,' persons named in the motion shall be  
38 declared to have been elected. Each house may adopt rules  
39 consistent with this section with respect to the election by that  
40 house of members of the State Board."

41 Section 2. G.S. 115D-12(b1) reads as rewritten:

42 "(b1) No person who has been employed full time by ~~the~~ any local community  
43 college within the prior 5 years and no ~~spouse~~ spouse, parent, or child of a person

1 currently employed full time by the community college shall serve on the board of  
2 trustees of that college."

3 Section 3. This act is effective when it becomes law. Section 2 applies to  
4 terms beginning on or after that date.