

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SENATE BILL 411
RATIFIED BILL**

AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE STANLY COUNTY BOARD OF EDUCATION, TO CHANGE THE MANNER OF SELECTION OF VOTING MEMBERS OF THE STANLY COMMUNITY COLLEGE, TO ELIMINATE PARTISAN APPOINTMENTS FROM THE STANLY COUNTY BOARD OF ECONOMIC DEVELOPMENT, AND RELATING TO VACANCIES IN THE OFFICE OF SHERIFF OF STANLY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 163-106 or anything in the plan of consolidation and merger of the Stanly County and Albemarle City school administrative units, candidates for the Stanly County Board of Education shall file notice of candidacy no earlier than the first Monday in July (except the next business day if the first Monday in July is July 4) and no later than 12:00 noon on the fourth Friday in July preceding the general election.

SECTION 2.(a) G.S. 115D-12 reads as rewritten:

"§ 115D-12. Each institution to have board of trustees; selection of trustees.

(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection, who shall be selected by the following agencies. No member of the General Assembly may be appointed to a local board of trustees for a community college.

~~Group One~~ four trustees, elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59. No board of education shall elect a member of the board of education or any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.

~~Group Two~~ One – ~~four~~ eight trustees, elected by the board of commissioners of the county in which the institution is located. Provided, however, if the administrative area of the institution is composed of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all those counties, each board having one vote in the election of each trustee. Provided, also, the county commissioners of the county in which the community college has established a satellite campus may elect an additional two members if the board of trustees of the community college agrees. No more than one trustee from ~~Group Two~~ One may be a member of a board of county commissioners. Should the boards of education or the boards of commissioners involved be unable to agree on one or more trustees the senior resident superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by appointment.

~~Group Three~~ Two – four trustees, appointed by the Governor.

~~Group Four~~ Three – the president of the student government or the chairman of the executive board of the student body of each community college established pursuant to G.S. 115D shall be an ex officio nonvoting member of the board of trustees of each said institution.

(b) All trustees shall be residents of the administrative area of the institution for which they are selected or of counties contiguous thereto with the exception of members provided for in G.S. 115D-12(a), ~~Group Four~~ Three.



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SECTION 2.(b) This section applies only to Stanly Community College.

SECTION 3.(a) Section 2 of Chapter 141, Session Laws of 1961, as amended by Chapter 355, Session Laws of 1975, and Chapter 237, Session Laws of 1985, and Chapter 185, Session Laws of 1987, and Chapter 253, Session Laws of 2009, reads as rewritten:

"Sec. 2. Such commission shall be composed of 12 members to be appointed by the Board of County Commissioners for Stanly County. In making said appointments the board shall seek to achieve representation from the various geographic areas of the county. ~~county and to maintain equal balance insofar as political party affiliation is concerned.~~ In the event a vacancy occurs in the membership of such commission because of death, resignation, or otherwise, the board of county commissioners shall fill such vacancy by appointing a member from the same section of the county ~~and with the same political affiliation as his predecessor.~~ There is hereby imposed on such member of the board of county commissioners as said board may designate the duty to serve as chairman of the Economic Development Commission and such commissioner, acting as chairman, shall be entitled to vote only in case of a tie. The county board of commissioners shall designate another member of said board as an alternate member to attend and vote if the original appointee as chairman is unable to attend or is unable to vote."

SECTION 3.(b) Section 3 of Chapter 141, Session Laws of 1961, as amended by Chapter 355, Session Laws of 1975, and Chapter 928, Session Laws of 1987, reads as rewritten:

"Sec. 3. The terms of office of the members of the commission, with the exception of the chairman of the commission, shall be two years, with the exception of the initial years existence of the commission, in which one-half shall be appointed to serve for a period of one year. In appointing the initial members of the commission, the board of county commissioners shall designate those who are appointed for a period of two years and those who are appointed for a period of one year. ~~The appointments shall be made so as to maintain at all times an equal balance of membership insofar as political party affiliation is concerned.~~ Upon the expiration of the term of office of those members who are appointed for one year, the board of commissioners shall appoint their successors for a term of two years. All appointees shall serve until their successors have been appointed and qualified. Any member shall be eligible to reappointment. The board of commissioners shall designate the date on which the term of office of the initial members shall commence. For clarification, ~~a Democrat and a Republican~~ two members from the following areas (voting precincts) of Stanly County are to be appointed by the Board of Commissioners: North (Almond, Ridenhour, Richfield, New London, and North Albemarle); South (East Center, West Center, Tyson, and Big Lick #1); East (South Albemarle, East Albemarle, Badin, and Palmerville); West (Furr #1, Furr #2, Big Lick #2, and Endy); Central (Albemarle #1, Albemarle #2, Albermarle #6, Albemarle #7, Albemarle #8, Albemarle #10, and Albemarle #11); and two seats at large."

SECTION 4.(a) G.S. 162-5.1 reads as rewritten:

"§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a political party, the board of commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New

Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, ~~Stanly~~, Stokes, Surry, Transylvania, Wake, and Yancey."

SECTION 4.(b) Vacancies in the office of Sheriff of Stanly County shall be filled in accordance with G.S. 162-5.

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18th day of June, 2011.

Philip E. Berger
President Pro Tempore of the Senate

Thom Tillis
Speaker of the House of Representatives