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HOUSE BILL 12
Committee Substitute Favorable 2/28/17
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Short Title: Community College Boards of Trustees.

(Local)

Sponsors:

Referred to:

January 26, 2017

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE APPOINTMENT METHODS OF CERTAIN COMMUNITY
COLLEGE BOARDS OF TRUSTEES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115D-12, as amended by S.L. 2011-175, 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~~second 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 ~~—~~ 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 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 Two – four trustees, appointed by the ~~Governor~~ General Assembly under G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House of Representatives and two of whom shall be appointed upon recommendation of the President Pro Tempore of the Senate. Following consultation with members of the House of Representatives whose districts include counties within the administrative area of the community college, the Speaker of the House of Representatives shall make recommendations to the General Assembly for appointments to terms expiring in 2017 and 2019, and every four years thereafter. Following consultation with members of the Senate whose districts include counties within the administrative area of the community college, the President Pro Tempore of the Senate shall make recommendations to the General Assembly for appointments to terms expiring in 2018 and 2020, and every four years thereafter.



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

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

7 (b1) No person who has been employed full time by the community college within the prior
8 5 years and no spouse or child of a person currently employed full time by the community college
9 shall serve on the board of trustees of that college.

10 (c) Vacancies occurring in Group Two shall be filled as provided in G.S. 120-122.
11 Vacancies occurring in any other group for whatever reason shall be filled for the remainder of the
12 unexpired term by the agency or agencies authorized to select trustees of that group and in the
13 manner in which regular selections are made. Should the selection of a trustee not be made by the
14 agency or agencies having the authority to do so within 60 days after the date on which a vacancy
15 occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill
16 the vacancy by appointment for the remainder of the unexpired term."

17 **SECTION 1.(b)** Notwithstanding G.S. 115D-12, as amended by this act, the current
18 members serving on the Stanly Community College board of trustees, as of the effective date of
19 this act, shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy
20 occurs prior to the expiration of a term, the board of trustees members shall be appointed in
21 accordance with G.S. 115D-12, as amended by this act. If a vacancy occurs in a Group Two seat
22 that was appointed by the Governor, the vacancy shall be filled by joint recommendation of the
23 Speaker of the House of Representatives and the President Pro Tempore as provided in
24 G.S. 120-121. Upon expiration of that term, the member shall be appointed in accordance with
25 G.S. 115D-12.

26 **SECTION 1.(c)** This section applies only to Stanly Community College.

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

28 "**§ 115D-12. Each institution to have board of trustees; selection of trustees.**

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

34 ~~Group One — four trustees, elected by the board of education of the public school~~
35 ~~administrative unit located in the administrative area of the institution. If there are two or more~~
36 ~~public school administrative units, whether city or county units, or both, located within the~~
37 ~~administrative area, the trustees shall be elected jointly by all of the boards of education of those~~
38 ~~units, each board having one vote in the election of each trustee, except as provided in G.S.~~
39 ~~115D-59. No board of education shall elect a member of the board of education or any person~~
40 ~~employed by the board of education to serve as a trustee, however, any such person currently~~
41 ~~serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's~~
42 ~~current term.~~

43 ~~Group Two~~One – ~~four~~eight trustees, elected by the board of commissioners of the county in
44 which the institution is located. Provided, however, if the administrative area of the institution is
45 composed of two or more counties, the trustees shall be elected jointly by the boards of
46 commissioners of all those counties, each board having one vote in the election of each trustee.
47 Provided, also, the county commissioners of the county in which the community college has
48 established a satellite campus may elect an additional two members if the board of trustees of the
49 community college agrees. No more than one trustee from ~~Group Two~~One may be a member of a
50 board of county commissioners. Should the ~~boards of education or the~~ boards of commissioners
51 involved be unable to agree on one or more trustees the senior resident superior court judge in the

1 superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is located
2 shall fill the position or positions by appointment.

3 ~~Group Three~~ Group Two – four trustees, appointed by the ~~Governor~~ General Assembly under
4 G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House
5 of Representatives and two of whom shall be appointed upon recommendation of the President
6 Pro Tempore of the Senate. Following consultation with members of the House of Representatives
7 whose districts include counties within the administrative area of the community college, the
8 Speaker of the House of Representatives shall make recommendations to the General Assembly
9 for appointments to terms expiring in 2017 and 2019, and every four years thereafter. Following
10 consultation with members of the Senate whose districts include counties within the administrative
11 area of the community college, the President Pro Tempore of the Senate shall make
12 recommendations to the General Assembly for appointments to terms expiring in 2018 and 2020,
13 and every four years thereafter.

14 ~~Group Four~~ Group Three – the president of the student government or the chairman of the executive
15 board of the student body of each community college established pursuant to this Chapter shall be
16 an ex officio nonvoting member of the board of trustees of each said institution.

17 (b) All trustees shall be residents of the administrative area of the institution for which
18 they are selected or of counties contiguous thereto with the exception of members provided for in
19 subsection (a) of this section, ~~Group Four~~ Group Three.

20 (b1) No person who has been employed full time by the community college within the prior
21 5 years and no spouse or child of a person currently employed full time by the community college
22 shall serve on the board of trustees of that college.

23 (c) Vacancies occurring in Group Two shall be filled as provided in G.S. 120-122.
24 Vacancies occurring in any other group for whatever reason shall be filled for the remainder of the
25 unexpired term by the agency or agencies authorized to select trustees of that group and in the
26 manner in which regular selections are made. Should the selection of a trustee not be made by the
27 agency or agencies having the authority to do so within 60 days after the date on which a vacancy
28 occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill
29 the vacancy by appointment for the remainder of the unexpired term."

30 **SECTION 2.(b)** Notwithstanding G.S. 115D-12, as amended by this act, the current
31 members serving on the board of trustees of any community college identified in subsection (c) of
32 this section as of the effective date of this act shall serve the remainder of their terms. Thereafter,
33 as terms expire, or when a vacancy occurs prior to the expiration of a term, the board of trustees
34 members shall be appointed in accordance with G.S. 115D-12, as amended by this act. If a
35 vacancy occurs in a Group Two seat that was appointed by the Governor, the vacancy shall be
36 filled by joint recommendation of the Speaker of the House of Representatives and the President
37 Pro Tempore as provided in G.S. 120-121. Upon expiration of that term, the member shall be
38 appointed in accordance with G.S. 115D-12.

39 **SECTION 2.(c)** This section applies only to Cleveland Community College and
40 Davidson County Community College.

41 **SECTION 3.(a)** G.S. 115D-12 reads as rewritten:

42 "**§ 115D-12. Each institution to have board of trustees; selection of trustees.**

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

48 Group One – four trustees, elected by the board of education of the public school
49 administrative unit located in the administrative area of the institution. If there are two or more
50 public school administrative units, whether city or county units, or both, located within the
51 administrative area, the trustees shall be elected jointly by all of the boards of education of those

1 units, each board having one vote in the election of each trustee, except as provided in
2 G.S. 115D-59. No board of education shall elect a member of the board of education or any person
3 employed by the board of education to serve as a trustee, however, any such person currently
4 serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's
5 current term.

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

17 Group Three – four trustees, appointed by the ~~Governor~~ General Assembly under
18 G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House
19 of Representatives and two of whom shall be appointed upon recommendation of the President
20 Pro Tempore of the Senate. Following consultation with members of the House of Representatives
21 whose districts include counties within the administrative area of the community college, the
22 Speaker of the House of Representatives shall make recommendations to the General Assembly
23 for appointments to terms expiring in 2017 and 2019, and every four years thereafter. Following
24 consultation with members of the Senate whose districts include counties within the administrative
25 area of the community college, the President Pro Tempore of the Senate shall make
26 recommendations to the General Assembly for appointments to terms expiring in 2018 and 2020,
27 and every four years thereafter.

28 Group Four – the president of the student government or the chairman of the executive board
29 of the student body of each community college established pursuant to this Chapter shall be an ex
30 officio nonvoting member of the board of trustees of each said institution.

31 (b) All trustees shall be residents of the administrative area of the institution for which
32 they are selected or of counties contiguous thereto with the exception of members provided for in
33 subsection (a) of this section, Group Four.

34 (b1) No person who has been employed full time by the community college within the prior
35 5 years and no spouse or child of a person currently employed full time by the community college
36 shall serve on the board of trustees of that college.

37 (c) Vacancies occurring in Group Three shall be filled as provided in G.S. 120-122.
38 Vacancies occurring in any other group for whatever reason shall be filled for the remainder of the
39 unexpired term by the agency or agencies authorized to select trustees of that group and in the
40 manner in which regular selections are made. Should the selection of a trustee not be made by the
41 agency or agencies having the authority to do so within 60 days after the date on which a vacancy
42 occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill
43 the vacancy by appointment for the remainder of the unexpired term."

44 **SECTION 3.(b)** Notwithstanding G.S. 115D-12, as amended by this act, the current
45 members serving on the board of trustees of any community college identified in subsection (c) of
46 this section as of the effective date of this act shall serve the remainder of their terms. Thereafter,
47 as terms expire, or when a vacancy occurs prior to the expiration of a term, the board of trustees
48 members shall be appointed in accordance with G.S. 115D-12, as amended by this act. If a
49 vacancy occurs in a Group Three seat that was appointed by the Governor, the vacancy shall be
50 filled by joint recommendation of the Speaker of the House of Representatives and the President

1 Pro Tempore as provided in G.S. 120-121. Upon expiration of that term, the member shall be
2 appointed in accordance with G.S. 115D-12.

3 **SECTION 3.(c)** This section applies only to Brunswick Community College, Craven
4 Community College, Gaston College, James Sprunt Community College, Lenoir Community
5 College, and Rowan-Cabarrus Community College.

6 **SECTION 4.** This act is effective when it becomes law.
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