

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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**HOUSE BILL 14
Committee Substitute Favorable 2/28/17**

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 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 – four 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 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 – 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. The President Pro Tempore of the Senate shall make recommendations for appointments to terms expiring in 2017 and 2019, and every four years



1 thereafter. The Speaker of the House of Representatives shall make recommendations for
2 appointments to terms expiring in 2018 and 2020, and every four years thereafter.

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

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

9 (b1) No person who has been employed full time by the community college within the prior
10 5 years and no spouse or child of a person currently employed full time by the community college
11 shall serve on the board of trustees of that college.

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

19 **SECTION 1.(b)** Notwithstanding G.S. 115D-12, as amended by subsection (a) of this
20 section, the current members serving on the board of trustees of the community colleges identified
21 in Section 3 of this act as of the effective date of this act shall serve the remainder of their terms.
22 Thereafter, as terms expire, or when a vacancy occurs prior to the expiration of a term, the board
23 of trustees members shall be appointed in accordance with G.S. 115D-12, as amended by
24 subsection (a) of this section. If a vacancy occurs in a Group Three seat that was appointed by the
25 Governor, the vacancy shall be filled by joint recommendation of the Speaker of the House of
26 Representatives and the President Pro Tempore of the Senate as provided in G.S. 120-121. Upon
27 expiration of that term, the member shall be appointed in accordance with G.S. 115D-12.

28 **SECTION 1.(c)** This section applies only to Cape Fear Community College,
29 Montgomery Community College, Nash Community College, and Wayne Community College.

30 **SECTION 2.(a)** G.S. 115D-12, as amended by S.L. 2015-243, reads as rewritten:

31 **"§ 115D-12. Each institution to have board of trustees; selection of trustees.**

32 (a) Each community college established or operated pursuant to this Chapter shall be
33 governed by a board of trustees consisting of 15 members, who shall be selected by the following
34 agencies. No member of the General Assembly may be appointed to a local board of trustees for a
35 community college.

36 Group ~~Two~~ One – 10 trustees, elected as follows:

37 (1) Seven members elected by the Rutherford County Commissioners as follows:

- 38 a. The appointment of two trustees for terms commencing July 1, 2016,
39 and quadrennially thereafter.
- 40 b. The appointment of two trustees for terms commencing July 1, 2017,
41 and quadrennially thereafter.
- 42 c. The appointment of one trustee for a term commencing July 1, 2018,
43 and quadrennially thereafter.
- 44 d. The appointment of two trustees for a term commencing July 1, 2019,
45 and quadrennially thereafter.

46 The Rutherford County Commissioners shall ensure that among the members
47 elected, at least one trustee has experience in a small business, one trustee has
48 private sector experience in accounting or budgeting, and one trustee has
49 private sector experience in building maintenance or equipment.

50 (2) Three members elected by the Polk County Commissioners, as follows:

- 1 a. The appointment of one trustee for a term commencing July 1, 2017,
2 and quadrennially thereafter.
3 b. The appointment of one trustee for a term commencing July 1, 2018,
4 and quadrennially thereafter.
5 c. The appointment of one trustee for a term commencing July 1, 2019,
6 and quadrennially thereafter.

7 The Polk County Commissioners shall ensure that among the members elected,
8 at least one trustee has experience in a small business.

9 No more than one trustee from Group ~~Two~~One may be a member of a board of county
10 commissioners. Should the boards of commissioners involved be unable to agree on one or more
11 trustees the senior resident superior court judge in the superior court district or set of districts as
12 defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by
13 appointment.

14 Group ~~Three~~Two – four trustees, appointed by the ~~Governor~~General Assembly under
15 G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House
16 of Representatives and two of whom shall be appointed upon recommendation of the President
17 Pro Tempore of the Senate. The President Pro Tempore of the Senate shall make
18 recommendations for appointments to terms expiring in 2017 and 2019, and every four years
19 thereafter. The Speaker of the House of Representatives shall make recommendations for
20 appointments to terms expiring in 2018 and 2020, and every four years thereafter.

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

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

27 (b1) No person who has been employed full time by the community college within the prior
28 5 years and no spouse or child of a person currently employed full time by the community college
29 shall serve on the board of trustees of that college.

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

37 **SECTION 2.(b)** Notwithstanding G.S. 115D-12, as amended by subsection (a) of this
38 section, the current members serving on the board of trustees of the Isothermal Community
39 College as of the effective date of this act shall serve the remainder of their terms. Thereafter, as
40 terms expire, or when a vacancy occurs prior to the expiration of a term, the board of trustees
41 members shall be appointed in accordance with G.S. 115D-12, as amended by subsection (a) of
42 this section. If a vacancy occurs in a Group Two seat that was appointed by the Governor, the
43 vacancy shall be filled by joint recommendation of the Speaker of the House of Representatives
44 and the President Pro Tempore of the Senate as provided in G.S. 120-121. Upon expiration of that
45 term, the member shall be appointed in accordance with G.S. 115D-12.

46 **SECTION 2.(c)** This section applies only to Isothermal Community College.

47 **SECTION 3.** This act is effective when it becomes law.