

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 914
Committee Substitute Favorable 5/4/95
Third Edition Engrossed 5/10/95
Senate Education/Higher Education Committee Substitute Adopted 6/29/95
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Short Title: Comm. Coll. Trustee/St. Bd. Mem. Qualifs. (Public)

Sponsors:

Referred to:

April 12, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE APPOINTMENT AND CONDITIONS OF OFFICE OF
3 MEMBERS OF THE STATE BOARD OF COMMUNITY COLLEGES AND
4 BOARDS OF TRUSTEES OF COMMUNITY COLLEGES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115D-12 reads as rewritten:

7 "**§ 115D-12. Each institution to have board of trustees; selection of trustees.**

8 (a) Each community college established or operated pursuant to this Chapter shall
9 be governed by a board of trustees consisting of 13 members, or of additional members if
10 selected according to the special procedure prescribed by the third paragraph of this
11 subsection, who shall be selected by the following agencies.

12 Group One – four trustees, elected by the board of education of the public school
13 administrative unit located in the administrative area of the institution. If there are two or
14 more public school administrative units, whether city or county units, or both, located
15 within the administrative area, the trustees shall be elected jointly by all of the boards of
16 education of those units, each board having one vote in the election of each trustee,

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

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

17 Group Three – four trustees, appointed by the Governor.

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

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

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

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

35 Sec. 2. G.S. 115D-19(b) reads as rewritten:

36 "(b) A board of trustees may declare vacant the office of a member who does not
37 attend three consecutive, scheduled meetings without justifiable excuse. A board of
38 trustees may also declare vacant the office of a member who, without justifiable excuse,
39 does not participate within six months of appointment in a trustee orientation and
40 education session sponsored by the North Carolina Association of Community College
41 Trustees. The board of trustees shall notify the appropriate appointing authority of any
42 vacancy."

43 Sec. 3. G.S. 115D-2.1(b)(4)f. reads as rewritten:

1 "f. At each session of the General Assembly held in an odd-
2 numbered year, the Speaker of the House of Representatives and
3 the President Pro Tempore of the Senate shall assign to either a
4 standing or a special committee of that house the duty of
5 receiving from the members of that house nominations of persons
6 to be considered by that house for election to the State Board.
7 The chairmen of the two committees shall jointly determine a
8 common final date for receiving nominations from members of
9 that house, and a common date for reporting to their respective
10 houses their nominations for the State Board. Each committee
11 shall screen the proposed candidates for nomination as to their
12 qualifications, background, lack of statutory disabilities, and
13 willingness and ability to serve if elected. Each Senator and each
14 Representative may nominate only one candidate. When the
15 nominating process is closed, each committee shall list all
16 candidates and shall separately vote "aye" or "no" on each
17 candidate to determine whether that person shall be listed as a
18 nominee of the committee. The verbal vote of a majority of
19 those members of the committee present and voting shall
20 constitute one nominee of the committee. An individual cannot
21 be a candidate for nomination to more than one place. If a
22 sufficient number of candidates ~~are~~ is submitted to ~~the committee~~
23 ~~of the House of Representatives then that committee shall nominate at~~
24 ~~least two persons for each place to be filled by the House of~~
25 ~~Representatives, each committee, then each committee shall~~
26 nominate at least two persons for each place to be filled by that
27 chamber, otherwise that each committee shall nominate at least
28 one person for each place to be filled by each of the House of
29 Representatives and the Senate. ~~The committee of the Senate shall~~
30 ~~nominate at least two persons for each place to be filled by the Senate.~~
31 No person may simultaneously be a candidate for election by
32 both houses, and if one is nominated in both houses, he shall
33 determine by which house he shall be nominated and so advise
34 the chairman of both committees. The two houses shall, by joint
35 resolution, fix a common date and time for the election of
36 members of the State Board. At the election session in each
37 house, the committee shall report its list of nominees with the
38 term of office indicated for each nominee. The ballot in the
39 House of Representatives shall also include the names of all
40 other persons nominated by a member of that house who are
41 determined by the committee to be qualified for the offices, with
42 the committee's list of nominees being clearly set out on the
43 ballot. No additional nominations shall be received from the

1 floor. Each house shall then proceed to an election of the State
2 Board. In order to be chosen, a nominee shall receive the votes
3 of a majority of all members present and voting.

4 When each house has chosen one person for each place to be
5 filled on the State Board, the chairman of the committee shall
6 make a motion for the simultaneous election of those persons by
7 that house to the indicated positions and for the indicated terms.
8 The vote shall then be called electronically. If a majority of
9 those voting shall vote "aye," persons named in the motion shall
10 be declared to have been elected. Each house may adopt rules
11 consistent with this section with respect to the election by that
12 house of members of the State Board."

13 Sec. 4. G.S. 115D-2.1(d) reads as rewritten:

14 "(d) No member of the General Assembly, no officer or employee of the State, and
15 no officer or employee of an institution under the jurisdiction of the State Board and no
16 spouse of any of those persons, shall be eligible to serve on the State Board.
17 Furthermore, no person who within the prior 5 years has been an employee of the
18 Department of Community Colleges shall be eligible to serve on the State Board."

19 Sec. 5. This act is effective upon ratification and shall apply to terms
20 beginning on or after that date except Section 2 shall apply to terms beginning after June
21 30, 1995.