

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

Short Title: Comm. Coll. Trustee/St. Bd. Mem. Qualifs. (Public)

Sponsors:

Referred to:

April 12, 1995

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

The General Assembly of North Carolina enacts:

Section 1. 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.

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

1 board of education or any person employed by the board of education to serve as a  
2 trustee, however, any such person currently serving on a board of trustees shall be  
3 permitted to fulfill the unexpired portion of the trustee's current term.

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

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

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

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

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

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

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

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

42 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. 115C-4.1(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. Sections 3 and 5 of this act are effective upon ratification. Sections 1,  
20 2, and 4 of this act become effective with respect to terms beginning on or after June 30,  
21 1995.