

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 12  
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, 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. The Speaker of the House of Representatives shall make recommendations for terms expiring in 2017 and 2019, and every four years thereafter. The President Pro Tempore of the Senate shall make recommendations for appointments to terms expiring in 2018 and 2020, and every four years thereafter.

Group 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~~this Chapter 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)~~, subsection (a) of this section, Group Three.



1 (b1) No person who has been employed full time by the community college within the prior  
2 5 years and no spouse or child of a person currently employed full time by the community college  
3 shall serve on the board of trustees of that college.

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

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

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

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

22 "**§ 115D-12. Each institution to have board of trustees; selection of trustees.**

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

28 ~~Group One~~ four trustees, elected by the board of education of the public school  
29 administrative unit located in the administrative area of the institution. If there are two or more  
30 public school administrative units, whether city or county units, or both, located within the  
31 administrative area, the trustees shall be elected jointly by all of the boards of education of those  
32 units, each board having one vote in the election of each trustee, except as provided in G.S.  
33 115D-59. No board of education shall elect a member of the board of education or any person  
34 employed by the board of education to serve as a trustee, however, any such person currently  
35 serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's  
36 current term.

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

48 ~~Group Three~~Two – four trustees, appointed by the ~~Governor~~General Assembly under  
49 G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House  
50 of Representatives and two of whom shall be appointed upon recommendation of the President  
51 Pro Tempore of the Senate. The Speaker of the House of Representatives shall make

1 recommendations for terms expiring in 2017 and 2019, and every four years thereafter. The  
2 President Pro Tempore of the Senate shall make recommendations for appointments to terms  
3 expiring in 2018 and 2020, and every four years thereafter.

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

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

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

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

20 **SECTION 2.(b)** Notwithstanding G.S. 115D-12, as amended by this act, the current  
21 members serving on the Cleveland Community College board of trustees as of the effective date of  
22 this act shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy  
23 occurs prior to the expiration of a term, the board of trustees members shall be appointed in  
24 accordance with G.S. 115D-12, as amended by this act. If a vacancy occurs in a Group Two seat  
25 that was appointed by the Governor, the vacancy shall be filled by joint recommendation of the  
26 Speaker of the House of Representatives and the President Pro Tempore as provided in  
27 G.S. 120-121. Upon expiration of that term, the member shall be appointed in accordance with  
28 G.S. 115D-12.

29 **SECTION 2.(c)** This section applies only to Cleveland Community College.

30 **SECTION 3.(a)** G.S. 115D-12 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 13 members, or of additional members if selected  
34 according to the special procedure prescribed by the third paragraph of this subsection, who shall  
35 be selected by the following agencies. No member of the General Assembly may be appointed to a  
36 local board of trustees for a community college.

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

46 Group Two – four trustees, elected by the board of commissioners of the county in which the  
47 institution is located. Provided, however, if the administrative area of the institution is composed  
48 of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all  
49 those counties, each board having one vote in the election of each trustee. Provided, also, the  
50 county commissioners of the county in which the community college has established a satellite  
51 campus may elect an additional two members if the board of trustees of the community college

1 agrees. No more than one trustee from Group Two may be a member of a board of county  
2 commissioners. Should the boards of education or the boards of commissioners involved be  
3 unable to agree on one or more trustees the senior resident superior court judge in the superior  
4 court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill  
5 the position or positions by appointment.

6 Group Three – four trustees, appointed by the ~~Governor~~ General Assembly under  
7 G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House  
8 of Representatives and two of whom shall be appointed upon recommendation of the President  
9 Pro Tempore of the Senate. The Speaker of the House of Representatives shall make  
10 recommendations for terms expiring in 2017 and 2019, and every four years thereafter. The  
11 President Pro Tempore of the Senate shall make recommendations for appointments to terms  
12 expiring in 2018 and 2020, and every four years thereafter.

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

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

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

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

29 **SECTION 3.(b)** Notwithstanding G.S. 115D-12, as amended by this act, the current  
30 members serving on the board of trustees of any community college identified in subsection (c) of  
31 this section as of the effective date of this act shall serve the remainder of their terms. Thereafter,  
32 as terms expire, or when a vacancy occurs prior to the expiration of a term, the board of trustees  
33 members shall be appointed in accordance with G.S. 115D-12, as amended by this act. If a  
34 vacancy occurs in a Group Three seat that was appointed by the Governor, the vacancy shall be  
35 filled by joint recommendation of the Speaker of the House of Representatives and the President  
36 Pro Tempore as provided in G.S. 120-121. Upon expiration of that term, the member shall be  
37 appointed in accordance with G.S. 115D-12.

38 **SECTION 3.(c)** This section applies only to Brunswick Community College, Craven  
39 Community College, Davidson County Community College, Gaston College, James Sprunt  
40 Community College, Lenoir Community College, and Rowan-Cabarrus Community College.

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