

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-15
HOUSE BILL 12

AN ACT TO MODIFY THE APPOINTMENT METHOD FOR THE BOARD OF TRUSTEES
OF CLEVELAND COMMUNITY COLLEGE.

The General Assembly of North Carolina enacts:

SECTION 2.(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~~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 — 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~~One – ~~four~~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 ~~Two~~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 ~~Three~~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 2019 and 2021, 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.

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

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

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

SECTION 2.(b) Notwithstanding G.S. 115D-12, as amended by this act, the current members serving on the board of trustees of any community college identified in subsection (c) of this section as of the effective date of this act shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy occurs prior to the expiration of a term, the board of trustees members shall be appointed in accordance with G.S. 115D-12, as amended by this act. If a vacancy occurs in a Group Two seat that was appointed by the Governor, the vacancy shall be filled as provided in G.S. 120-122. If that vacancy occurs in a term expiring in an odd year, and the General Assembly is not in a regular or extra session at the time of the vacancy, the Governor shall consult with the Speaker of the House before making the appointment as required by G.S. 120-122. If that vacancy occurs in a term expiring in an even year, and the General Assembly is not in a regular or extra session at the time of the vacancy, the Governor shall consult with the President Pro Tempore before making the appointment as required by G.S. 120-122. Notwithstanding G.S. 120-122, after receiving the written recommendation for the appointment to fill that vacancy, the Governor must within 30 days appoint the person recommended, and shall not reject the recommendation. Upon expiration of that term, the member shall be appointed in accordance with G.S. 115D-12.

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

SECTION 4. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 20th day of June, 2018.

s/ Bill Rabon
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives