

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE BILL 411  
House Committee Substitute Favorable 6/14/11  
Proposed Conference Committee Substitute S411-PCCS55336-LB-1

Short Title: Stanly County Local Changes.

(Local)

Sponsors:

Referred to:

March 24, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE STANLY COUNTY  
3 BOARD OF EDUCATION, TO CHANGE THE MANNER OF SELECTION OF  
4 VOTING MEMBERS OF THE STANLY COMMUNITY COLLEGE, TO ELIMINATE  
5 PARTISAN APPOINTMENTS FROM THE STANLY COUNTY BOARD OF  
6 ECONOMIC DEVELOPMENT, AND RELATING TO VACANCIES IN THE OFFICE  
7 OF SHERIFF OF STANLY COUNTY.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Notwithstanding G.S. 163-106 or anything in the plan of  
10 consolidation and merger of the Stanly County and Albemarle City school administrative units,  
11 candidates for the Stanly County Board of Education shall file notice of candidacy no earlier  
12 than the first Monday in July (except the next business day if the first Monday in July is July 4)  
13 and no later than 12:00 noon on the fourth Friday in July preceding the general election.

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

15 "**§ 115D-12. Each institution to have board of trustees; selection of trustees.**

16 (a) Each community college established or operated pursuant to this Chapter shall be  
17 governed by a board of trustees consisting of 13 members, or of additional members if selected  
18 according to the special procedure prescribed by the third paragraph of this subsection, who  
19 shall be selected by the following agencies. No member of the General Assembly may be  
20 appointed to a local board of trustees for a community college.

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

30 ~~Group Two One — four~~ eight trustees, elected by the board of commissioners of the county  
31 in which the institution is located. Provided, however, if the administrative area of the  
32 institution is composed of two or more counties, the trustees shall be elected jointly by the  
33 boards of commissioners of all those counties, each board having one vote in the election of



\* S 4 1 1 - P C C S 5 5 3 3 6 - C C S L B - 1 \*

1 each trustee. Provided, also, the county commissioners of the county in which the community  
2 college has established a satellite campus may elect an additional two members if the board of  
3 trustees of the community college agrees. No more than one trustee from Group ~~Two~~One may  
4 be a member of a board of county commissioners. Should the boards of education or the boards  
5 of commissioners involved be unable to agree on one or more trustees the senior resident  
6 superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1  
7 where the institution is located shall fill the position or positions by appointment.

8 Group ~~Three~~Two— four trustees, appointed by the Governor.

9 Group ~~Four~~Three – the president of the student government or the chairman of the  
10 executive board of the student body of each community college established pursuant to  
11 G.S. 115D shall be an ex officio nonvoting member of the board of trustees of each said  
12 institution.

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

16 ...."

17 **SECTION 2.(b)** This section applies only to Stanly Community College.

18 **SECTION 3.(a)** Section 2 of Chapter 141, Session Laws of 1961, as amended by  
19 Chapter 355, Session Laws of 1975, and Chapter 237, Session Laws of 1985, and Chapter 185,  
20 Session Laws of 1987, and Chapter 253, Session Laws of 2009, reads as rewritten:

21 "Sec. 2. Such commission shall be composed of 12 members to be appointed by the Board  
22 of County Commissioners for Stanly County. In making said appointments the board shall seek  
23 to achieve representation from the various geographic areas of the county. ~~county and to~~  
24 ~~maintain equal balance insofar as political party affiliation is concerned.~~ In the event a vacancy  
25 occurs in the membership of such commission because of death, resignation, or otherwise, the  
26 board of county commissioners shall fill such vacancy by appointing a member from the same  
27 section of the county ~~and with the same political affiliation~~ as his predecessor. There is hereby  
28 imposed on such member of the board of county commissioners as said board may designate  
29 the duty to serve as chairman of the Economic Development Commission and such  
30 commissioner, acting as chairman, shall be entitled to vote only in case of a tie. The county  
31 board of commissioners shall designate another member of said board as an alternate member  
32 to attend and vote if the original appointee as chairman is unable to attend or is unable to vote."

33 **SECTION 3.(b)** Section 3 of Chapter 141, Session Laws of 1961, as amended by  
34 Chapter 355, Session Laws of 1975, and Chapter 928, Session Laws of 1987, reads as  
35 rewritten:

36 "Sec. 3. The terms of office of the members of the commission, with the exception of the  
37 chairman of the commission, shall be two years, with the exception of the initial years  
38 existence of the commission, in which one-half shall be appointed to serve for a period of one  
39 year. In appointing the initial members of the commission, the board of county commissioners  
40 shall designate those who are appointed for a period of two years and those who are appointed  
41 for a period of one year. ~~The appointments shall be made so as to maintain at all times an equal~~  
42 ~~balance of membership insofar as political party affiliation is concerned.~~ Upon the expiration of  
43 the term of office of those members who are appointed for one year, the board of  
44 commissioners shall appoint their successors for a term of two years. All appointees shall serve  
45 until their successors have been appointed and qualified. Any member shall be eligible to  
46 reappointment. The board of commissioners shall designate the date on which the term of  
47 office of the initial members shall commence. For clarification, ~~a Democrat and a Republican~~  
48 two members from the following areas (voting precincts) of Stanly County are to be appointed  
49 by the Board of Commissioners: North (Almond, Ridenhour, Richfield, New London, and  
50 North Albemarle); South (East Center, West Center, Tyson, and Big Lick #1); East (South  
51 Albemarle, East Albemarle, Badin, and Palmerville); West (Furr #1, Furr #2, Big Lick #2, and

1 Endy); Central (Albemarle #1, Albemarle #2, Albermarle #6, Albemarle #7, Albemarle #8,  
2 Albemarle #10, and Albemarle #11); and two seats at large."

3 **SECTION 4.(a)** G.S. 162-5.1 reads as rewritten:

4 "**§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief**  
5 **deputy.**

6 If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all  
7 process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the  
8 residue of the term, who shall possess the same qualifications, enter into the same bond, and be  
9 subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a  
10 political party, the board of commissioners shall consult the county executive committee of that  
11 political party before filling the vacancy, and shall elect the person recommended by the county  
12 executive committee of that party, if the party makes a recommendation within 30 days of the  
13 occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall  
14 continue to discharge the duties of sheriff until it shall be filled.

15 In those counties where the office of coroner has been abolished, the chief deputy sheriff, or  
16 if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties  
17 of the sheriff until the county commissioners appoint some person to fill the unexpired term. In  
18 all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to  
19 perform their duties with full authority.

20 This section shall apply only in the following counties: Alamance, Alexander, Alleghany,  
21 Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay,  
22 Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood,  
23 Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New  
24 Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson,  
25 ~~Stanly~~, Stokes, Surry, Transylvania, Wake, and Yancey."

26 **SECTION 4.(b)** Vacancies in the office of Sheriff of Stanly County shall be filled  
27 in accordance with G.S. 162-5.

28 **SECTION 5.** This act is effective when it becomes law.