

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 490
Mar 27, 2017
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30202-MK-117A (03/09)

Short Title: Caldwell CC/Bd. of Trustees Appointments. (Local)

Sponsors: Representatives Destin Hall and Jordan (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE APPOINTMENT METHOD OF THE CALDWELL
COMMUNITY COLLEGE AND TECHNICAL INSTITUTE BOARD OF TRUSTEES.

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. 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 – four 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 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 – 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



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1 community college, the Speaker of the House of Representatives shall make recommendations
2 for appointments to terms expiring in 2017 and 2019 and every four years thereafter. Following
3 consultation with members of the Senate whose districts include counties within the
4 administrative area of the community college, the President Pro Tempore of the Senate shall
5 make recommendations for terms expiring in 2018 and 2020 and every four years thereafter.

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

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

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

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

23 **SECTION 2.** Notwithstanding G.S. 115D-12, as amended by this act, the current
24 members serving on the Caldwell Community College and Technical Institute Board of
25 Trustees as of the effective date of this act shall serve the remainder of their terms. Thereafter,
26 as terms expire, or when a vacancy occurs prior to the expiration of a term, the Board of
27 Trustees members shall be appointed in accordance with G.S. 115D-12, as amended by this act.
28 If a vacancy occurs in a Group Three seat that was appointed by the Governor, the vacancy
29 shall be filled by joint recommendation of the Speaker of the House of Representatives and the
30 President Pro Tempore of the Senate, as provided in G.S. 120-121. Upon expiration of that
31 term, the member shall be appointed in accordance with G.S. 115D-12.

32 **SECTION 3.** This act applies only to Caldwell Community College and Technical
33 Institute.

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