

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 256
State and Local Government Committee Substitute Adopted 3/17/21
PROPOSED HOUSE COMMITTEE SUBSTITUTE S256-PCS35408-BN-15

Short Title: Rockingham Community College BOT.

(Local)

Sponsors:

Referred to:

March 15, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE APPOINTMENT METHOD FOR THE BOARD OF TRUSTEES
3 OF ROCKINGHAM COMMUNITY COLLEGE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) G.S. 115D-12 reads as rewritten:

6 "§ 115D-12. Each institution to have board of trustees; selection of trustees.

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

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

21 Group Two – ~~four~~six trustees, elected by the board of commissioners of the county in which
22 the institution is located. Provided, however, if the administrative area of the institution is
23 composed of two or more counties, the trustees shall be elected jointly by the boards of
24 commissioners of all those counties, each board having one vote in the election of each trustee.
25 Provided, also, the county commissioners of the county in which the community college has
26 established a satellite campus may elect an additional two members if the board of trustees of the
27 community college agrees. No more than one trustee from Group Two may be a member of a
28 board of county commissioners. Should the boards of education or the boards of commissioners
29 involved be unable to agree on one or more trustees the senior resident superior court judge in
30 the superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is
31 located shall fill the position or positions by appointment.

32 Group Three – four trustees, appointed by the ~~Governor~~General Assembly under
33 G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the
34 House of Representatives and two of whom shall be appointed upon recommendation of the
35 President Pro Tempore of the Senate. Following consultation with members of the House of



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1 Representatives whose districts include counties within the administrative area of the community
2 college, the Speaker of the House of Representatives shall make recommendations to the General
3 Assembly for appointments to terms expiring in 2023 and 2025, and every four years thereafter.
4 Following consultation with members of the Senate whose districts include counties within the
5 administrative area of the community college, the President Pro Tempore of the Senate shall
6 make recommendations to the General Assembly for appointments to terms expiring in 2022 and
7 2024, and every four years thereafter.

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

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

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

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

24 **SECTION 1.(b)** Notwithstanding G.S. 115D-12, as amended by this section, the
25 current members serving on the board of trustees of any community college identified in
26 subsection (c) of this section as of the effective date of this act shall serve the remainder of their
27 terms. Thereafter, as terms expire, or when a vacancy occurs in a Group One, Two, or Four seat
28 prior to the expiration of a term, the board of trustees members shall be appointed in accordance
29 with G.S. 115D-12, as amended by this section. If a vacancy occurs in a Group Three seat that
30 was appointed by the Governor, the vacancy shall be filled as provided in G.S. 120-122 and as
31 follows:

- 32 (1) If the vacancy occurs in a term expiring in an odd-numbered year, and the
33 General Assembly is not in a regular or extra session at the time of the
34 vacancy, the Governor shall consult with the Speaker of the House of
35 Representatives before making the appointment as required by G.S. 120-122.
- 36 (2) If the vacancy occurs in a term expiring in an even-numbered year, and the
37 General Assembly is not in a regular or extra session at the time of the
38 vacancy, the Governor shall consult with the President Pro Tempore of the
39 Senate before making the appointment as required by G.S. 120-122.
- 40 (3) Notwithstanding G.S. 120-122, after receiving the written recommendation
41 for the appointment to fill the vacancy, the Governor shall appoint the person
42 recommended within 30 days and shall not reject the recommendation. Upon
43 the expiration of the term, the seat shall be filled in accordance with
44 G.S. 115D-12, as amended by this section.

45 **SECTION 1.(c)** This section applies only to Rockingham Community College.

46 **SECTION 2.** This act is effective when it becomes law.