### 2003

# HOUSE EDUCATION COMMUNITY COLLEGES

# COMMITTEE MINUTES

# House Education Subcommittee for Community Colleges

Volume I

2003 Session

Chairs:
Representative Marian N. McLawhorn
Representative Wayne Sexton

Committee Assistants:
Susan Burleson
Debbie Turner

#### HOUSE EDUCATIOUBCOMMITTEE ON COMMUNITY COLLEGES

#### <u>2003 – 2004 SESSION</u>

<b>MEMBER</b>		<u>ASSISTANT</u>	<b>PHONE</b>	<b>OFFICE</b>	<b>SEAT</b>
McLawhorn, Marian	n Chair	Susan Burleson Committee Assistant	733-5757	1217	34
Sexton, Wayne	Chair	Debbie Turner Committee Assistant	733-5607	609	90
Bordsen, Alice	Vice-Chair	Marian Phillips	733-5820	533	119
Rayfield, John	Vice-Chair	Brenda Olls	733-5868	510	85
Allen, Bernard		Mildred Alston	733-5772	1325	94
Allen, Gordon		Nancy Brantley	733-5662	534	10
England, Bob		Lisa Brown	733-5749	2219	117
Frye, Phillip		Mary Hayes	733-5661	1019	62
Goodwin, Wayne		Charlotte Graham	733-5823	1305	81
Justice, Carolyn		Linda McCrodden	715-9664	418B	15
Lewis, David		Marie Strickland	715-3015	509	73
Nye, Edd		Jo Bobbitt	733-5477	639	23
Owens, Bill		Linda A. Johnson	733-0010	635	9
Pate, Louis		Edna Pearce	733-5755	607	63
Ray, Karen		Susan Brothers	733-5741	1315	75
Sauls, John		Shara Graham	715-3012	418A	40
Tolson, Joe	•	Gayle Christian	715-3024	402	59
West, Thomas		Linda C. Johnson	733-5859	1004	50

#### **STAFF**

Shirley Iorio Drupti Chauhan

733-2578

# NORTH CAROLINA GENERAL ASSEMBLY EDUCATION SUBCOMMITTEE ON COMMUNITY COLLEGES 2003 – 2004 SESSION



Rep. McLawhorn Chair



Rep. Sexton Chair



Rep. Bordsen Vice chair



Rep. Rayfield Vice chair



Rep. Allen, B.



Rep. Allen, G.



Rep. England



Rep. Frye



Rep. Goodwin



Rep. Justice



Rep. Lewis



Rep. Nye



Rep. Owens



Rep. Pate



Rep. Ray



Rep. Sauls



Rep. Tolson



Rep. West

#### **ATTENDANCE**

#### **EDUCATION SUBCOMMITTEE ON COMMUNITY COLLEGES**

#### 2003-2004 SESSION

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MCLAWHORN, Marian CHAIR	V	,/	V						<u> </u>					 
SEXTON, Wayne CHAIR	<u>V</u>	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	V						<u> </u>					
BORDSEN, Alice VICE-CHAIR	V	V	1			_								
RAYFIELD, John VICE-CHAIR	./	· V	\ <u>V</u>											 
ALLEN, Bernard	1	, <b>V</b>	, <b>v</b>									·		
ALLEN, Gordon	1/	, <b>V</b>	/ <b>V</b>											
ENGLAND, Bob	V	$V_{/}$					-			<u> </u>				
FRYE, Phillip	$V_{j}$	<u> </u>	V		:									
GOODWIN, Wayne	V	/_	N,	<u> </u>								ļ		
JUSTICE, Carolyn	V	V	V							<u> </u>		<u> </u>		
LEWIS, David	, ,	/_	V				_				!			
NYE, Edd	$\mathcal{Y}$	/_	1									ļ		
OWENS, Bill	$V_{/}$	//	<u> </u>										<u> </u>	
PATE, Louis		N	V						ļ			ļ		
RAY, Karen														
SAULS, John	V													
TOLSON, Joe	V		V											
WEST, Thomas								].						
EX_OFFICIO MEMBERS														
BRUBAKER, Harold														
CULPEPPER, Bill														
CUNNINGHAM, Pete														
EDDINS, Rick														
STAFF .														
IORIO, Shirley														
CHAUHAN, Drupti	V													

#### NORTH CAROLINA HOUSE OF REPRESENTATIVES **COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION** 2003-2004 SESSION

You are hereby noti Colleges will meet	ified that the EDUCATION Sub-Committee on Community as follows:
DAY & DATE:	Thursday, March 20, 2003
TIME:	11:00 AM
LOCATION:	424 LOB
HB 223 Voc. Reh	will be considered (Bill # & Short Title & Bill Sponsor):  ab. Students in Community College/Funds – AB  tive Linda Johnson – Bill Sponsor
	nity College Financial Aid Process Clarified. – AB tive Joe Tolson – Bill Sponsor
	Respectfully, Representatives McLawhorn and Sexton Chairs
•	notice was filed by the committee assistant at the following offices at y, March 18, 2003.
Principa Reading	l Clerk Clerk - House Chamber

Susan Burleson (Committee Assistant)



### HOUSE EDUCATION SUBCOMMITTEE ON COMMUNITY COLLEGES

March 20, 2003 Room 424 LOB 11:00 AM

#### **OPENING REMARKS AND INTRODUCTIONS**

Representative Marian N. McLawhorn, Chair Representative Wayne Sexton, Chair

#### **AGENDA ITEMS**

HB 223 Voc. Rehab. Students in Community College/Funds – AB Rep. Linda Johnson – Bill Sponsor

HB 234 Community College Financial Aid Process Clarified – AB Representative Joe Tolson – Bill Sponsor

#### **ADJOURNMENT**

#### Susan Burleson (Rep. McLawhorn)

From: An

Ann Stancil (Rep. Warner)

Sent:

Wednesday, March 19, 2003 11:15 AM

To:

Susan Burleson (Rep. McLawhorn); Debbie Turner (Rep. Sexton)

**Subject: CORRECTION TO H 223** 

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES ASSIGNMENT OF BILLS TO SUBCOMMITTEE

**COMMITTEE:** 

**EDUCATION** 

**CHAIRMAN:** 

Representative REPS. BONNER, HILTON, WARNER, WOOD

DATE:

THURSDAY, MARCH 13, 2003

Bill Number (Indicate H or S):

H223

Short Title:

VOC. REHAB. STUDENTS IN COMM. COLL./FUNDS-AB

Assigned to Subcommittee on:

**COMMUNITY COLLEGES** 

Re-Assigned to Subcommittee on:

Bill Number (Indicate H or S):

H 234

Short Title:

COMM. COLL. FINANCIAL AID PROCESS CLARIFIED-AB

Assigned to Subcommittee on:

**COMMUNITY COLLEGES** 

Re-Assigned to Subcommittee on:

Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on: Re-Assigned to Subcommittee on:

Bill Number (Indicate H or S):

Short Title:

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Bill Number (Indicate H or S):

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Bill Number (Indicate H or S):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

# MINUTES HOUSE EDUCATION SUBCOMMITTEE ON COMMUNITY COLLEGES

March 20, 2003

The House Education Subcommittee on Community Colleges met on Thursday, March 20, 2003, in Room 424 of the Legislative Office Building at 11:00 AM. The following members were present: Chairwoman Marian McLawhorn, Chairman Wayne Sexton, Vice-Chair Alice Bordsen, Vice-Chair John Rayfield, Representatives B.Allen, G. Allen, England, Frye, Goodwin, Justice, Nye, Owens, Pate, Ray, Sauls, and Tolson. Shirley Iorio and Drupti Chauhan, Staff Counselors, were in attendance. A Visitor Registration list is attached and made part of these minutes.

Chairwoman McLawhorn called the meeting to order and asked to the committee members to introduce themselves. Chairman Sexton also made a brief introduction.

The following bills were considered:

Representative Johnson was recognized to explain HB 223, AN ACT TO PERMIT THE STATE BOARD OF COMMUNITY COLLEGES TO USE CERTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STUDENTS WITH DISABILITIES. Upon motion made by Representative Rayfield, the bill received a favorable report and is to be reported directly to the floor of the House.

Representative Tolson was recognized to explain HB 234, AN ACT TO CLARIFY THE APPLICATION PROCESS FOR COMMUNITY COLLEGE STUDENTS REQUESTING FINANCIAL ASSISTANCE. Upon motion made by Representative Goodwin, the bill received a favorable report and to is to be reported directly to the floor of the House.

There being no further business, the Chair adjourned the meeting at 11:25 AM.

Respectfully submitted,

Representative Marian N. McLawhorn

Chairwoman

Susan H. Burleson

Committee Assistant



#### **HOUSE BILL 223:** Voc. Rehab. Students in Comm. Coll./Funds-AB

**BILL ANALYSIS** 

House Education Subcommittee Committee:

on Community Colleges

Date:

March 20, 2003

Version:

Introduced by: Representative L. Johnson

Summary by:

Shirley Iorio

Committee Staff.

SUMMARY: House Bill 223 would permit the State Board of Community Colleges to use certain funds to provide financial assistance to students with disabilities.

House Bill 223 is an agency bill and would become effective July 1, 2003.

**CURRENT LAW:** G.S. 115D-40.1 contains the current need-based financial assistance program for community college students. In order to qualify, a student must apply for either federal Pell Grants or complete a Free Application for Federal Student Aid (FAFSA). The program is targeted to the most needy students who are not eligible for other financial aid programs that fully cover the required educational expenses. The State grants are designed to supplement any federal financial aid that might otherwise be available to a student, and some of the funds may be used for short term loans for students who anticipate receiving either federal HOPE or Lifetime Learning Tax Credits. In the Targeted Assistance Program, the State Board may allocate no more than 10% of the funds to students who do not qualify for need-based assistance but who enroll in low-enrollment programs that prepare students for high-demand occupations. The State Board of Community Colleges may contract with the State Education Assistance Authority to administer the financial assistance funds. The funds appropriated do not revert. The State Board must ensure at least one counselor is at each college to inform students of the federal programs and assistance that are available.

**BILL ANALYSIS:** House Bill 223 would make eligible for the targeted assistance a second group of students. Students with disabilities who have been referred by the Division of Vocational Rehabilitation and are enrolled in a community college would qualify for the Targeted Assistance program. The intent is to provide some financial assistance so that these students do not drop out because of cost, thus enabling them to continue their education at the community college.

H223-SMSF-001



#### **HOUSE BILL 234:** Comm. Coll. Financial Aid Process Clarified-AB

Committee: House Education Subcommittee

on Community Colleges

Date:

March 20, 2003

Version:

First

Introduced by: Representatives Tolson and

Alexander

Summary by: Shirley Iorio

Committee Staff

SUMMARY: House Bill 234 would limit the requirement to apply for a Federal Pell Grant or to complete a Free Application for Federal Student Aid (FAFSA) to degree, diploma, and certificate students.

The bill would become effective when it becomes law.

To be eligible for consideration for financial assistance, students must apply for **CURRENT LAW:** either federal Pell Grants or complete a Free Application for Federal Student Aid (FAFSA).

**BILL ANALYSIS:** House Bill 234 would require only students who are enrolled in degree, diploma or certificate programs to complete a Free Application for Federal Student Aid (FAFSA) to be eligible for financial assistance. Students who go to the community college to take non-credit continuing education courses would not be required to complete the FAFSA application.



#### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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#### **HOUSE BILL 223**

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Short Title: Voc. Rehab. Students in Comm. Coll./Funds.-AB (Public) Representatives L. Johnson; and Gorman. Sponsors: Referred to: Education. March 5, 2003 A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE BOARD OF COMMUNITY COLLEGES TO USE CERTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STUDENTS WITH DISABILITIES. The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 115D-40.1(b) reads as rewritten: Targeted Assistance. - Notwithstanding subsection (a) of this section, the State Board may allocate no more than ten percent (10%) of the funds appropriated for Financial Assistance for Community College Students to: Students who do not qualify for need-based assistance but who enroll (1) in low-enrollment programs that prepare students for high-demand occupations, and Students with disabilities who have been referred by the Division of **(2)** Vocational Rehabilitation and are enrolled in a community college."

**SECTION 2.** This act becomes effective July 1, 2003.

#### GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

H

#### **HOUSE BILL 234**

1

Short Title: Comm. Coll. Financial Aid Process Clarified.-AB (Public) Representatives Tolson and Alexander. Sponsors: Referred to: Education.

#### March 6, 2003

1

AN ACT TO CLARIFY THE APPLICATION PROCESS FOR COMMUNITY COLLEGE STUDENTS REQUESTING FINANCIAL ASSISTANCE.

A BILL TO BE ENTITLED

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-40.1(c) reads as rewritten:

Administration of Program. – The State Board shall adopt rules and policies "(c) for the disbursement of the financial assistance provided in this section. Students must apply for either federal Pell Grants or complete a Free Application for Federal Student Aid (FAFSA) to be eligible for consideration for financial assistance. Degree, diploma, and certificate students must complete a Free Application for Federal Student Aid (FAFSA) to be eligible for financial assistance. The State Board may contract with the State Education Assistance Authority for administration of these financial assistance funds. These funds shall not revert at the end of each fiscal year but shall remain available until expended for need-based financial assistance.

The State Board shall ensure that at least one counselor is available at each college to inform students about federal programs and funds available to assist community college students including, but not limited to, Pell Grants and HOPE and Lifetime Learning Tax Credits and to actively encourage students to utilize these federal programs and funds."

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

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#### 2003 PERMANENT SUBCOMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from permanent sub committee(s) is/are presented:  By Representatives McLawhorn and Sexton (Chairs) for the Permanent Subcommittee on  COMMUNITY COLLEGES of the Standing Committee on EDUCATION.				
Committee Substitute for  H.B. 234  A BILL TO BE ENTITLED AN ACT TO CLARIFY THE  APPLICATION PROCESS FOR COMMUNITY COLLEGE STUDENTS REQUESTING  FINANCIAL ASSISTANCE.				
REPORTED TO THE STANDING COMMITTEE ON				
RECOMMENDED ACTION:  With a favorable recommendation.				
With a favorable recommendation and recommend that the bill be re-referred to the Committee on .				
With a favorable recommendation, as amended.				
With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on				
With an unfavorable recommendation.				
With a favorable recommendation as to proposed committee substitute bill, which changes the title, unfavorable as to original bill.				
☐ With a favorable recommendation as to proposed House committee substitute bill, ☐ which changes the title, unfavorable as to Senate committee substitute bill.				
Without prejudice.				
Other recommended action:				
WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:  Representative Warner, Hilton, Bonner, and Wood for the Standing Committee on EDUCATION.				
With a favorable report.  With a favorable report, as amended.  With a favorable report as to the committee substitute bill (# ), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill # ). (and recommendation that the committee substitute bill (# ) be referred to the Committee on .)  01/29/03				

### 2003 PERMANENT SUBCOMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from permanent sub committee(s) is/are presented:  By Representatives McLawhorn and Sexton (Chairs) for the Permanent Subcommittee on  COMMUNITY COLLEGES of the Standing Committee on EDUCATION.				
Committee Substitute for  H.B. 234  A BILL TO BE ENTITLED AN ACT TO CLARIFY THE  APPLICATION PROCESS FOR COMMUNITY COLLEGE STUDENTS REQUESTING  FINANCIAL ASSISTANCE.				
REPORTED TO THE STANDING COMMITTEE ON				
RECOMMENDED ACTION:  With a favorable recommendation.				
With a favorable recommendation and recommend that the bill be re-referred to the Committee on				
With a favorable recommendation, as amended.				
With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on				
With an unfavorable recommendation.				
☐ With a favorable recommendation as to proposed committee substitute bill, ☐ which changes the title, unfavorable as to original bill.				
With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.				
Without prejudice.				
Other recommended action:				
WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:  Representative Warner, Hilton, Bonner, and Wood for the Standing Committee on EDUCATION.				
With a favorable report.  With a favorable report, as amended.  With a favorable report as to the committee substitute bill (# ), which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill # ). (and recommendation that the committee substitute bill (# ) be referred to the Committee on )  01/29/03				

#### 2003 PERMANENT SUBCOMMITTEE REPORT HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE The following report(s) from permanent sub committee(s) is/are presented: By Representatives MCLAWHORN AND SEXTON (Chairs) for the Permanent Subcommittee on COMMUNITY COLLEGES of the Standing Committee on EDUCATION. Committee Substitute for A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE H.B. 223 BOARD OF COMMUNITY COLLEGES TO USE CERTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STUDENTS WITH DISABLITIES. REPORTED TO THE STANDING COMMITTEE ON RECOMMENDED ACTION: With a favorable recommendation. With a favorable recommendation and recommend that the bill be re-referred to the Committee on With a favorable recommendation, as amended. With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on With an unfavorable recommendation. With a favorable recommendation as to proposed committee substitute bill, \( \square\) which changes the title, unfavorable as to original bill. With a favorable recommendation as to proposed House committee substitute bill, \( \square\$ which changes the title, unfavorable as to Senate committee substitute bill. Without prejudice. Other recommended action: WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE: Representative Warner, Hilton, Bonner and Wood for the Standing Committee on EDUCATION. With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (# ), which changes the title, ). (and recommendation unfavorable as to (the original bill) (Committee Substitute Bill # ) be referred to the Committee on that the committee substitute bill (# .) 01/29/03

#### **VISITOR REGISTRATION SHEET**

Education Subcommittee on Community Colleges March 20, 2003

Name of Committee Date

#### VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS

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Keum Bruk	$\forall ccc$ ?
Ken Whitahirst	11
Aun Pobson	NCStateWatch.
Rob Decations	NC State Work
Shause Clin	NCCCS
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#### NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE **AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION**

Colleges will meet	as follows:
DAY & DATE:	Tuesday, April 8, 2003
TIME:	10:00AM
LOCATION:	424 LOB
The following bills	will be considered (Bill # & Short Title & Bill Sponsor):
SJR416 – Setting I	Date/Election Community Colleges Board Members Senator Lucas – Bill Sponsor
	Respectfully, Representatives McLawhorn and Sexton Chairs
I hereby certify this 3:00 on Thursday,	notice was filed by the committee assistant at the following offices at April 3, 2003.
Principal Reading	l Clerk Clerk - House Chamber
Susan Burleson (Co	mmittee Assistant)



### HOUSE EDUCATION SUBCOMMITTEE ON COMMUNITY COLLEGES

April 8, 2003 Room 424 LOB 10:00 AM

#### **OPENING REMARKS**

Representative Wayne Sexton, Chair Representative Marian N. McLawhorn, Chair

**AGENDA ITEMS** 

SJR 416 Setting Date/Election Community Colleges Board Members Senator Lucas – Bill Sponsor

**ADJOURNMENT** 

# MINUTES HOUSE EDUCATION SUBCOMMITTEE ON COMMUNITY COLLEGES

April 8, 2003

The House Education Subcommittee on Community Colleges met on Tuesday, April 08, 2003, in Room 424 of the Legislative Office Building at 11:00 AM. The following members were present: Chairwoman Marian McLawhorn, Chairman Wayne Sexton, Vice-Chair Alice Bordsen, Vice-Chair John Rayfield, Representatives B. Allen, G. Allen, England, Frye, Justice, and Pate. Staff Counselor in attendance was Shirley Iorio. Attached and made a part of these minutes is a Visitor Registration List.

Chairman Sexton called the meeting to order and welcomed the members.

The following Senate Joint Resolution was considered:

Senator Jeanne Lucas was recognized to explain SJR 416, A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES. Chairwoman McLawhorn made a motion to give SJR 416 a favorable report. A quorum being present the resolution passed and will be reported directly to the floor of the House.

There being no further business, the Chair adjourned the meeting at 11:20 AM.

Respectfully submitted,

Representative P. Wayne Sexton

Chairman

Debbie L. Turner

Committee Assistant



#### **SENATE JOINT RESOLUTION 416:** Set date for State Bd. Of Comm. Coll. Election

**Committee:** House Education Subcommittee

on Community Colleges

Date:

April 3, 2003

Version:

Second Edition

Introduced by: Senator Lucas Summary by: Shirley Iorio

Committee Staff

SUMMARY: Senate Joint Resolution 416 would set May 15, 2003 as the common date when the Senate and House of Representatives will elect members to the State Board of Community Colleges during the regular session of the two chambers.

The resolution would be effective upon ratification.

G.S. 115D-2.1 establishes the State Board of Community Colleges and describes the process by which the Senate and the House of Representatives shall consider nominees for election to the State Board.

Twenty-one members serve on the State Board of Community Colleges in staggered six-year terms:

- The Lieutenant Governor (or designee) ex officio
- The Treasurer of North Carolina ex officio
- Governor's appointments four from the State at-large and one from each of the six Trustee Association Regions defined in G.S. 115D-62 (attached)
- Senate four from the State at-large
- House of Representatives four from the State at-large
- Student the person serving as president of the North Carolina Comprehensive Community College Student Government Association – ex officio

Members may not serve more than two consecutive terms of six years on the State Board.

SJR416-SMSF-002

#### § 115D-62. Trustee Association Regions.

The State is divided into six Trustee Association Regions as follows:

Region 1: The counties of Buncombe, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Polk, Rutherford, Swain, and Transylvania.

Region 2: The counties of Alexander, Alleghany, Ashe, Avery, Burke, Cabarrus, Caldwell, Catawba, Iredell, Mitchell, Rowan, Surry, Watauga, Wilkes, Yadkin, and Yancey.

Region 3: The counties of Alamance, Davidson, Caswell, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Orange, Person, Randolph, Rockingham, Stokes, Vance, Warren, and Wake.

Region 4: The counties of Anson, Chatham, Cumberland, Harnett, Hoke, Johnston, Lee, Mecklenburg, Montgomery, Moore, Richmond, Robeson, Scotland, Stanly, and Union.

Region 5: The counties of Bladen, Brunswick, Carteret, Craven, Columbus, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Sampson, and Wayne.

Region 6: The counties of Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, and Wilson. (1979, c. 896, s. 9; 1993, c. 69, s. 1.)

#### § 115D-2.1. State Board of Community Colleges.

- (a) The State Board of Community Colleges is established.
- (b) The State Board of Community Colleges shall consist of 21 members, as follows:
  - (1) The Lieutenant Governor (or a person designated by the Lieutenant Governor) shall be a member ex officio.
  - (2) The Treasurer of North Carolina shall be a member ex officio.
  - The Governor shall appoint to the State Board four members from the State at large and one member from each of the six Trustee Association Regions defined in G.S. 115D-62. The initial appointments by the Governor shall be made effective July 1, 1980, or as soon as feasible thereafter. In order to establish regularly overlapping terms, the initial appointments by the Governor shall be made so that three expire June 30, 1981, three expire June 30, 1983, and four expire June 30, 1985. Each subsequent regular appointment by the Governor shall be for a term of six years and until a successor is appointed and qualifies. Any vacancy occurring among his appointees before the expiration of term shall be filled by appointment of the Governor; the member so appointed shall meet the same residential qualification, if any, as the member whom he succeeds and shall serve for the remainder of the unexpired term of that member.
  - (4) The General Assembly shall elect eight members of the State Board from the State at large in the following manner:
    - a. In 1980, the Senate shall elect three members, one of whom shall serve a term expiring June 30, 1981, one of whom shall serve a term expiring June 30, 1983, and one of whom shall serve a term expiring June 30, 1985. In 1985, the Senate shall elect two members to serve terms expiring June 30, 1991. Each subsequent regular election by the Senate shall be for a term of six years and until a successor is elected and qualifies.
    - b. In 1980, the House of Representatives shall elect four members, one of whom shall serve a term expiring June 30, 1981, one of whom shall serve a term expiring June 30, 1983, and two of whom shall serve a term expiring June 30, 1985. In 1985, the House of Representatives shall elect two members, to serve terms expiring June 30, 1991. Each subsequent regular election by the House of Representatives shall be for a term of six years and until a successor is elected and qualifies.
    - c. Repealed by Session Laws 1985, c. 227, s. 5.
    - d. The initial elections by the two houses of the General Assembly shall be held on or before July 1, 1980.
    - e. Any vacancy occurring among the members elected by the two houses of the General Assembly before the expiration of term

- shall be filled when the General Assembly next convenes. The member then elected shall be elected by the same house that elected the member whom he succeeds, and shall serve for the remainder of the unexpired term of that member.
- At each session of the General Assembly held in an f. odd-numbered year, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall assign to either a standing or a special committee of that house the duty of receiving from the members of that house nominations of persons to be considered by that house for election to the State Board. The chairmen of the two committees shall jointly determine a common final date for receiving nominations from members of that house, and a common date for reporting to their respective houses their nominations for the State Board. Each committee shall screen the proposed candidates for nomination as to their qualifications, background, lack of statutory disabilities, and willingness and ability to serve if elected. Each Senator and each Representative may nominate only one candidate. When the nominating process is closed, each committee shall list all candidates and shall separately vote "aye" or "no" on each candidate to determine whether that person shall be listed as a nominee of the committee. The verbal vote of a majority of those members of the committee present and voting shall constitute one nominee of the committee. An individual cannot be a candidate for nomination to more than one place. If a sufficient number of candidates is submitted to each committee, then each committee shall nominate at least two persons for each place to be filled by that chamber, otherwise each committee shall nominate at least one person for each place to be filled by each of the House of Representatives and the Senate. No person may simultaneously be a candidate for election by both houses, and if one is nominated in both houses, he shall determine by which house he shall be nominated and so advise the chairman of both committees. The two houses shall, by joint resolution, fix a common date and time for the election of members of the State Board. At the election session in each house, the committee shall report its list of nominees with the term of office indicated for each nominee. The ballot in the House of Representatives shall also include the names of all other persons nominated by a member of that house who are determined by the committee to be qualified for the offices, with the committee's list of nominees being clearly set out on the ballot. No additional nominations shall be received from the floor. Each house shall then proceed to

an election of the State Board. In order to be chosen, a nominee shall receive the votes of a majority of all members present and voting.

When each house has chosen one person for each place to be filled on the State Board, the chairman of the committee shall make a motion for the simultaneous election of those persons by that house to the indicated positions and for the indicated terms. The vote shall then be called electronically. If a majority of those voting shall vote "aye," persons named in the motion shall be declared to have been elected. Each house may adopt rules consistent with this section with respect to the election by that house of members of the State Board.

- Community College Student Government Association shall be an ex officio member of the State Board. If the president of the Association is unable for any reason to serve as the student member of the State Board, then pursuant to the constitution of the Association, the vice-president of the Association shall serve as the student member of the State Board. Any person serving as the student member of the State Board must be a student in good standing at a North Carolina community college. The student member of the State Board shall have all the rights and privileges of membership, except that the student member shall not have a vote.
- (c) No person may be appointed or elected to more than two consecutive terms of six years on the State Board.
- (d) No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board and no spouse of any of those persons, shall be eligible to serve on the State Board. Furthermore, no person who within the prior five years has been an employee of the Community Colleges System Office shall be eligible to serve on the State Board.
- (e) The Governor shall convene the membership of the State Board on July 1, 1980, or as soon as feasible thereafter. The State Board at that meeting shall elect from its appointed or elected membership a chairman and such other officers as it may deem necessary.
- (f) At its first meeting after July 1, 1981, and every two years thereafter, the State Board shall elect from its membership a chairman and such other officers as it may deem necessary.
- (g) The State Board of Community Colleges shall meet at stated times established by the State Board, but not less frequently than 10 times a year. The State Board of Community Colleges shall also meet with the State Board of Education and the Board of Governors of The University of North Carolina at least once a year to discuss educational matters of mutual interest and to recommend to the General Assembly such policies as are appropriate to encourage the improvement of public education at every level in this

State; these joint meetings shall be hosted by the three Boards according to the schedule set out in G.S. 115C-11(b1). Special meetings of the State Board may be set at any regular meeting or may be called by the chairman. A majority of the qualified members of the State Board shall constitute a quorum for the transaction of business.

- (h) Whenever any vacancy shall occur in the appointed membership of the State Board, the chairman shall inform the appropriate appointing authority of the vacancy.
- (i) The State Board of Community Colleges may declare vacant the office of an appointed or elected member who does not attend three consecutive scheduled meetings without justifiable excuse. The chairman of the State Board shall notify the appropriate appointing or electing authority of any vacancy. (1979, c. 896, s. 2; 1979, 2nd Sess., c. 1130, s. 5; 1981, c. 47, s. 8; c. 474; 1983, c. 311; c. 479, ss. 1-3; 1985, c. 227, ss. 1-5; c. 428; 1987 (Reg. Sess., 1988), c. 1102, s. 2; 1991, c. 83, s. 1; 1993, c. 69, s. 2; 1995, c. 192, s. 1; c. 470, ss. 3, 4; 1997-456, ss. 18, 19; 1999-61, ss. 1, 2; 1999-84, s. 7.)

#### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

#### SENATE JOINT RESOLUTION 416 Education/Higher Education Committee Substitute Adopted 3/19/03

### 2003 PERMANENT SUBCOMMITTEE REPORT HOUSE OF REPRESENTATIVES

FO The	R RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE e following report(s) from permanent sub committee(s) is/are presented:  By Representatives MCLAWHORN AND SEXTON (Chairs) for the Permanent Subcommittee on COMMUNITY COLLEGES of the Standing Committee on EDUCATION.
	Committee Substitute for SJR 416 A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.
RE	PORTED TO THE STANDING COMMITTEE ON
RE	COMMENDED ACTION: With a favorable recommendation.
	With a favorable recommendation and recommend that the bill be re-referred to the Committee on
	With a favorable recommendation, as amended.
	With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
	With an unfavorable recommendation.
	With a favorable recommendation as to proposed committee substitute bill, \( \subseteq \text{ which changes the title, unfavorable as to original bill.} \)
	With a favorable recommendation as to proposed House committee substitute bill, \( \square \) which changes the title, unfavorable as to Senate committee substitute bill.
	Without prejudice.
	Other recommended action:
WIT DIR	With a favorable report, as amended. With a favorable report as to the committee substitute bill (# ), \_ which changes the title,
	unfavorable as to (the original bill) (Committee Substitute Bill # ). (and recommendation that the committee substitute bill (# ) be referred to the Committee on .)  03/26/03

#### **VISITOR REGISTRATION SHEET**

Education Subcommittee on Community Colleges

August 1, 2001

Name of Committee

Date

#### VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS						
Mike Hawkins	AdvantageWest						
HaldTiller	ncaect						
Ron Ottairo	Wachovia						
Eric Guckian	Teach For America						
Frie Guckian Amy Ross	intern Sen, Daton						
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# NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the **EDUCATION Sub-Committee on Community** Colleges will meet as follows:

•	
DAY & DATE:	Monday, June 9, 2003
TIME:	6:30 PM
LOCATION:	424 LOB
The following bills	will be considered (Bill # & Short Title & Bill Sponsor):
SB773 – Commun	ity College Facility/Public-Private Partnership Senator Dalton – Bill Sponsor
	Respectfully, Representatives McLawhorn and Sexton Chairs
I hereby certify this 3:00 on Thursday,	s notice was filed by the committee assistant at the following offices at June 5, 2003.
Principa Reading	al Clerk g Clerk - House Chamber
Susan Burleson (Co	ommittee Assistant)



### HOUSE EDUCATION SUBCOMMITTEE ON COMMUNITY COLLEGES

June 9, 2003 Room 424 LOB 6:30 PM

#### **OPENING REMARKS**

Representative Marian N. McLawhorn, Chair

**AGENDA ITEMS** 

SB 773 - Community College Facility/Public-Private Partnership Senator Dalton - Bill Sponsor

**ADJOURNMENT** 

## MINUTES HOUSE EDUCATION SUBCOMMITTEE ON COMMUNITY COLLEGES

June 9, 2003

The House Education Subcommittee on Community Colleges met on Monday, June 9, 2003, in Room 424 of the Legislative Office Building at 6:30PM. The following members were present: Chairwoman Marian McLawhorn, Chair Wayne Sexton, Vice Chairs Bordsen and Rayfield, Representatives B. Allen, G. Allen, Frye, Goodwin, Justice, Lewis, Nye, Pate, and Tolson. Staff Counselors Shirley Iorio and Drupti Chauhan were also in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairwoman called the meeting to order to consider the following bill.

Representative Tolson made a motion to adopt a proposed committee substitute. Senator Walter Dalton was recognized to explain SB 773, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS. A copy of the bill, proposed committee substitute, and bill summary is attached and made part of these minutes. Upon motion made by Representative Tolson, the committee voted for a favorable report to the proposed committee substitute, unfavorable to the original bill, to be reported directly to the floor of the House.

There being no further business, the Chairwoman adjourned the meeting at 6:43 PM.

Respectfully submitted,

Representative Marian N. McLawhorn

Chair

Susan H. Burleson

Committee Assistant



#### **SENATE BILL 773:** Comm. Coll. Facility/Public-Private P'ship.

Committee: House Education Subcommittee

on Community Colleges

Date:

June 9, 2003

Version:

S773-CSLC-69[v.5]

Introduced by: Senator Dalton

Summary by:

Drupti Chauhan\*

Committee Counsel

SUMMARY: SB 773 allows a community college board of trustees to enter into an agreement to lease college property to a private entity in exchange for the entity constructing a facility on the property. The State Board of Community Colleges would have to approve the agreement in advance and the Department of Administration would have to approve the plans and specifications if the cost of the building exceeds \$300,000.

Generally, community colleges construct facilities with funds provided by the **CURRENT LAW:** county or State bond funds, however, a board of trustees can also transfer property to a county for the purpose of constructing, repairing or renovating a facility. When the facility is completed, the county transfers the property back to the college.

**BILL ANALYSIS:** In order for a community college to enter a public/private partnership, all of the following conditions would have to be met:

- The State Board approves the agreement in advance
- The local board of trustees leases the land on the condition that the entity leasing the land construct a facility
- The local board of trustees is not leasing the facility as a lessee under a long-term lease or capital lease from the private entity
- The local board of trustees is not financing its portion of the facility through any kind of installment or financing contract with the private party
- State bond funds are not being used for construction of that part of the facility that is to be owned and used by the private entity

In 2002, the General Assembly authorized the College of the Albemarle and BACKGROUND: Guilford Technical Community College to lease property to the YMCA in exchange for constructing a facility on property owned by the colleges.

The act is effective when it becomes law.

\*Kory Goldsmith, Research Attorney, and Martha Harris, Bill Drafting Attorney, contributed significantly to this summary. S773-SMRO-001

#### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

#### **SENATE BILL 773**

### Commerce Committee Substitute Adopted 4/14/03 PROPOSED HOUSE COMMITTEE SUBSTITUTE S773-CSLC-69 [v.5]

6/9/2003 5:11:47 PM

	Short Title: Co	omm. C	oll. Facility/Public-Private P'ship.	(Public)		
	Sponsors:  Referred to:					
,						
•	April 3, 2003					
1			A BILL TO BE ENTITLED			
2 3	AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS.					
4	The General Assembly of North Carolina enacts:					
5	SECTION 1. G.S. 115D-20 is amended by adding a new subsection to read:					
6	"§ 115D-20. Powers and duties of trustees.					
7	The trustees of each institution shall constitute the local administrative board of such					
8	institution, with such powers and duties as are provided in this Chapter and as are					
9	delegated to it by the State Board of Community Colleges. The powers and duties of					
10	trustees shall include the following:					
11	• • •					
12	<u>(13)</u>		ter into a public/private partnership in which all of the	tollowing		
13		<u>condi</u>	tions are met:	T 1 C		
14		<u>a.</u>	The agreement is approved in advance by the State	Board of		
15			Community Colleges.	1 1,		
16		<u>b.</u>	The board of trustees agrees to lease community colle	ge land to		
17			a private entity on condition that the entity construct	t a racility		
18			on the leased land.			
19		<u>c.</u>	The facility will be jointly owned and used by the pri	vate entity		
20			and the community college.	0 11:		
21		<u>d.</u>	The board of trustees is not authorized to lease the			
22			lessee under a long-term lease or capital lease from	the private		
23			entity as lessor.			
24		<u>e.</u>	The board of trustees is not authorized to finance its	portion of		
25			the facility by entering into an installment contract	t or other		
26			financing contract with the private entity.			

 $\mathbf{D}$ 

1	<u>f.</u>	State bond funds shall not be used to pay for construction of
2		that part of the facility to be owned and used by the private
3		entity.
4	<u>g.</u>	The provisions of G.S. 143-341(3)a. apply to the construction
5	——————————————————————————————————————	of a facility under this subsection."
_	CECTION 1	This art is affective when it has some laws

GENERAL ASSEMBLY OF NORTH CAROLINA

**SESSION 2003** 

Page 2 Senate Bill 773 S773-CSLC-69 [v.5]

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## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

### SENATE BILL 773 Commerce Committee Substitute Adopted 4/14/03

omm. Coll. Facility/Public-Private P'snip.	(Public)
April 3, 2003	
IVATE PARTNERSHIPS FOR CONSTRUCTION PROJECT sembly of North Carolina enacts:  FION 1. G.S. 115D-20 is amended by adding a new subsection owers and duties of trustees.  of each institution shall constitute the local administrative board such powers and duties as are provided in this Chapter as by the State Board of Community Colleges. The powers and	S.  to read:  d of such  nd as are
with the prior approval of the State Board of Community Under such an agreement, the board of trustees may lease concluded property to a private entity on condition that the construct a facility on the leased property for the use of the entity and the community college. State bond funds may only to finance that part of the facility to be used by the college.	Colleges. community he entity he private y be used lege. The
	April 3, 2003  A BILL TO BE ENTITLED  AUTHORIZE COMMUNITY COLLEGES TO ENTE IVATE PARTNERSHIPS FOR CONSTRUCTION PROJECT sembly of North Carolina enacts: FION 1. G.S. 115D-20 is amended by adding a new subsection owers and duties of trustees. of each institution shall constitute the local administrative boar in such powers and duties as are provided in this Chapter as by the State Board of Community Colleges. The powers and clude the following:  To enter into a public/private partnership for construction of with the prior approval of the State Board of Community Under such an agreement, the board of trustees may lease co college property to a private entity on condition that t construct a facility on the leased property for the use of the entity and the community college. State bond funds may onl to finance that part of the facility to be used by the coll provisions of G.S. 143-341(3)a. apply to the construction of under this subsection."

#### 2003 PERMANENT SUBCOMMITTEE REPORT HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE The following report(s) from permanent sub committee(s) is/are presented: By Representatives MCLAWHORN AND SEXTON (Chairs) for the EDUCATION Subcommittee on COMMUNITY COLLEGES. Committee Substitute for S.B. 773 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS. REPORTED TO THE STANDING COMMITTEE ON RECOMMENDED ACTION: With a favorable recommendation. With a favorable recommendation and recommend that the bill be re-referred to the Committee on With a favorable recommendation, as amended. With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on With an unfavorable recommendation. With a favorable recommendation as to proposed committee substitute bill, which changes the title. unfavorable as to original bill. With a favorable recommendation as to proposed House committee substitute bill, \( \square\) which changes the title, unfavorable as to Senate committee substitute bill. Without prejudice. Other recommended action: WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE: Representative Warner, Hilton, Bonner and Wood for the Standing Committee on EDUCATION. s Mars Wilton Co With a favorable report. With a favorable report, as amended.

With a favorable report as to the committee substitute bill (# ), which changes the title, that the committee substitute bill (#--) be referred to the Committee on-

03/26/03

#### **VISITOR REGISTRATION SHEET**

Education Subcommittee on Community Colleges

June 9, 2003

Name of Committee

Date

#### VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS
· NCCES
Predmont Comm Collège
sen. Douton
NC StateWaker.
Collect
N.C. Assoc. of Ca Commissioner
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