

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 564
HOUSE BILL 1006

AN ACT TO CONVERT COMMUNITY COLLEGES AND TECHNICAL
INSTITUTES INTO COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-2 reads as rewritten:

"§ 115D-2. **Definitions.**—As used in this Chapter:

- (1) The 'administrative area' of an institution comprises the county or counties directly responsible for the local financial support and local administration of such institution as provided in this Chapter.
- (2) The term 'community college' is defined as an educational institution operating under the provisions of this Chapter and dedicated primarily to the educational needs of the ~~particular~~ service area for ~~which established, it serves, and may offer~~
 - a. ~~Which offers~~ the freshmen and sophomore courses of a college of arts and sciences, authorized by G.S. 115D-4.1;
 - b. ~~Which offers~~ organized credit curricula for the training of technicians; curricular courses may carry transfer credit to a senior college or university where the course is comparable in content and quality and is appropriate to a chosen course of study;
 - c. ~~Which offers~~ vocational, trade, and technical specialty courses and programs, and
 - d. ~~Which offers~~ courses in general adult education.Local boards of trustees, with concurrence of the respective county commissioners, may, before January 1, 1988, adopt names of their respective institutions that include the words 'Community College'.
- (3) The term 'institution' refers to ~~a community college or a technical institute.~~ any institution established pursuant to this Chapter except for the North Carolina Vocational Textile School.
- (4) The term 'regional institution' means an institution ~~which serves residents from three or more counties that were assigned as of July 1, 1973, to the institution~~ whose service area as assigned by the State Board of Community Colleges for the purpose of conducting adult basic education classes. includes three or more counties; provided, however, any institution receiving funds as a regional institution on May 1, 1987, shall continue to receive funds on that basis.

- (5) The term 'State Board' refers to the State Board of Community Colleges.
- (6) The 'tax-levying authority' of an institution is the board of commissioners of the county or all of the boards of commissioners of the counties, jointly, which constitute the administrative area of the institution.
- (7) ~~The term 'technical institute' is defined as an educational institution operating under the provisions of this Chapter and dedicated primarily to the educational needs of the particular area for which established, and~~
 - a. Which offers organized credit curricula for the training of technicians; curricular courses may carry transfer credit to a senior college or university where the course is comparable in content and quality and is appropriate to a chosen course of study;
 - b. ~~Which offers vocational, trade, and technical specialty courses and programs,~~
 - c. ~~Which offers courses in general adult education.~~
 - d. ~~The terms 'technical institute' and 'technical college' are deemed to be synonymous. Local boards of trustees, with concurrence of the respective county commissioners, may elect to use either term.~~
- (8) 'Vending facilities' has the same meaning as it does in G.S. 143-12.1."

Sec. 2. G.S. 115D-3 reads as rewritten:

"§ 115D-3. Department of Community Colleges; staff; ~~advisory council.~~—The Department of Community Colleges shall be a principal administrative department of State government under the direction of the State Board of Community Colleges, and shall be separate from the free public school system of the State and the Department of Public Education. The State Board ~~shall have~~ has authority to adopt and administer all policies, regulations, and standards which it ~~may deem~~ deems necessary for the operation of the Department.

The State Board shall elect a ~~State~~—President of the ~~Department of Community Colleges.~~ He shall be the chief administrative officer of the Department. North Carolina System of Community Colleges who shall serve as chief administrative officer of the Department of Community Colleges. The compensation of this position shall be fixed by the State Board from funds provided by the General Assembly in the Current Operations Appropriations Act.

The ~~State~~—President shall be assisted by such professional staff members as may be deemed necessary to carry out the provisions of this Chapter, who shall be elected by the State Board on nomination of the ~~State~~—President. The compensation of the staff members elected by the Board shall be fixed by the ~~Governor and~~—State Board of Community Colleges. Colleges, upon recommendation of the President of the Community College System, from funds provided in the Current Operations

Appropriations Act. These staff members shall include such officers as may be deemed desirable by the ~~State~~ President and State Board. Provision shall be made for persons of high competence and strong professional experience in such areas as academic affairs, public service programs, business and financial affairs, institutional studies and long-range planning, student affairs, research, legal affairs, health affairs and institutional development, and for State and federal programs administered by the State Board. In addition, the ~~State~~ President shall be assisted by such other employees as may be needed to carry out the provisions of this Chapter, who shall be subject to the provisions of Chapter 126 of the General Statutes. The staff complement shall be established by the State Board on recommendation of the ~~State~~ President to insure that there are persons on the staff who have the professional competence and experience to carry out the duties assigned and to insure that there are persons on the staff who are familiar with the problems and capabilities of all of the principal types of institutions represented in the system. The State Board of Community Colleges shall have all other powers, duties, and responsibilities delegated to the State Board of Education affecting the Department of Community Colleges not otherwise stated in this Chapter. ~~Prior to taking any action under this section where joint approval is required, the Governor and State Board of Community Colleges may consult with the Advisory Budget Commission."~~

Sec. 3. G.S. 115D-4 reads as rewritten:

"§ 115D-4. Establishment ~~and transfer~~ of institutions; capital improvements.—The establishment of all community colleges ~~and technical institutes or the conversion of any such existing institution into a new type of institution~~ shall be subject to the approval of the General Assembly upon recommendation of the State Board of Community Colleges. In no case, however, shall favorable recommendation be made by the State Board for the establishment of an institution until it has been demonstrated to the satisfaction of the State Board that a genuine educational need exists within a proposed administrative area, that existing public and private post-high school institutions in the area will not meet the need, that adequate local financial support for the institution will be provided, that public schools in the area will not be affected adversely by the local financial support required for the institution, and that funds sufficient to provide State financial support of the institution are available.

The expenditures of any State funds for any capital improvements of existing institutions shall be subject to the prior approval of the State Board of Community Colleges and the Governor, provided that the Governor may consult with the Advisory Budget Commission before giving approval. The expenditure of State funds at any institution herein authorized to be approved by the State Board shall be subject to the terms of the Executive Budget Act unless specifically otherwise provided in this Chapter."

Sec. 4. Chapter 115D of the General Statutes is amended by adding a new section to read:

"§ 115D-4.1. College transfer program approval.—Enrollment in the college transfer program of a community college that offered this program before July 1, 1987, shall not exceed its current percent of college transfer enrollment or fifteen percent (15%) of the institution's total budget full-time equivalent students or 132 full-time equivalent

students, whichever is greater. The State Board of Community Colleges may, in its own discretion, make exception to this requirement where the inherent market demand of a community causes an institution to exceed the fifteen percent (15%), or its current enrollment percentage.

(b) The State Board of Community Colleges may approve the addition of the college transfer program to a community college. If addition of the college transfer program to an institution would require a substantial increase in funds, State Board approval shall be subject to appropriation of funds by the General Assembly for this purpose.

(c) Addition of the college transfer program shall not decrease an institution's ability to provide programs within its basic mission of vocational and technical training and basic academic education. Enrollment in the college transfer program shall not exceed fifteen percent (15%) of an institution's total budget full-time equivalent students or 132 full-time equivalent students, whichever is greater, in each institution where the college transfer program is added after June 30, 1987; provided, however, the State Board of Community Colleges may, in its own discretion, make exceptions to this requirement where the inherent market demand of a community causes an institution to exceed the fifteen percent (15%).

(d) The State Board of Community Colleges shall develop appropriate criteria and standards to regulate addition of the college transfer program to institutions. The State Board is authorized to apply the criteria and standards for addition of the college transfer program adopted as a proposed rule at its April 9, 1987, meeting until modified through the rule-making process."

Sec. 5. G.S. 115D-36 reads as rewritten:

"§ 115D-36. Elections on question of ~~conversion of institutions~~ the addition of a college transfer program at an institution and issuance of bonds therefor.—Whenever the board of trustees of an institution requests the State Board of Community Colleges to ~~convert the institution from a technical institute to a community college,~~ authorize the addition of ~~in~~ transfer program, the Board shall require, as a prerequisite to such ~~conversion:~~ addition:

- (1) The authorization by the voters of the administrative area of an annual levy of taxes within a specified maximum annual rate sufficient to provide the required local financial support for the ~~converted institution,~~ institution after the addition of the college transfer program, in an election held in accordance with the appropriate provisions of G.S. 115D-33 and 115D-35.
- (2) The approval by the voters of the administrative area of the issuance of bonds for capital outlay necessary for the ~~conversion of the institution,~~ institution after the addition of the college transfer program, in an election held in accordance with the appropriate provisions of G.S. 115D-33 and 115D-35."

Sec. 6. The Chapter name of Chapter 115D of the General Statutes reads as rewritten:

"CHAPTER 115D.

"Community Colleges and Technical Institutes—Colleges."

Sec. 7. G.S. 116-143.3(c) is amended by deleting the language "North Carolina Board of Community Colleges" and substituting "State Board of Community Colleges".

Sec. 8. G.S. 115D-5(d) is amended by deleting the language "Community colleges and technical institutes" wherever it appears and substituting "Community colleges".

Sec. 9. The following sections of the General Statutes are amended by deleting the language "community colleges and technical institutes" wherever it appears and substituting "community colleges": G.S. 58-27.22, 115D-26, 115D-31(a)(1), 143B-216.4(3) and (4), 143B-418, and 147-86.13.

Sec. 10. The following sections of the General Statutes are amended by deleting the language "community college and technical institute" wherever it appears and substituting "community college": G.S. 115D-12(a), and 159-48(c)(1).

Sec. 11. The following sections of the General Statutes are amended by deleting the language "community colleges or technical institutes" wherever it appears and substituting "community colleges": G.S. 115D-25, 115D-32(d), 143B-471.4(d), and G.S. 153A-450(a) and the catch line of 153A-450.

Sec. 12. The following sections of the General Statutes are amended by deleting the language "community college or technical institute" wherever it appears and substituting "community college": G.S. 7A-171.1(a)(3), 115C-340(a), 115C-342(a), 115D-5(c), (d) and (f), 115D-12(a), 115D-31(a), 127-194(b)(1), 143-554(c), and 153A-450(b) and (c).

Sec. 13. G.S. 40A-3(c)(11) is amended by deleting the language "community college or technical college or technical institute" and substituting "community college".

Sec. 14. The following sections of the General Statutes are amended by deleting the language "industrial education center, technical institute or community college" and substituting "community college": G.S. 54B-151(i) and 54B-189.

Sec. 15. The following section of the General Statutes is amended by deleting the language "community colleges, technical institutes" wherever it appears and substituting "community colleges": G.S. 143-151.12.

Sec. 16. The following sections of the General Statutes are amended by deleting the language "community college, technical institute" wherever it appears and substituting "community college": G.S. 115C-340(b), and 115C-342(b).

Sec. 17. G.S. 135-40.1(6) is amended by deleting the language "Technical Institute; Community College" and substituting "Community College".

Sec. 18. G.S. 105A-2 is amended by deleting the language "State Board of Education through community colleges, technical institutes, and industrial education centers" and substituting "State Board of Community Colleges through community colleges".

Sec. 19. G.S. 116-143.1(a)(3) is amended by deleting the language "community colleges and technical institutes under the jurisdiction of the North Carolina State Board of Education" and substituting "community colleges under the jurisdiction of the State Board of Community Colleges".

Sec. 20. G.S. 115D-34(a)(1) is amended by deleting the language "college as provided in G.S. 115D-32" and substituting "institution as a community college as provided in G.S. 115D-32".

Sec. 21. G.S. 96-8(5)j. is amended by deleting the language "community college, or technical institute" and substituting "or community college".

Sec. 22. G.S. 116-71 is amended by deleting the language "technical institutes" and substituting "community colleges".

Sec. 23. G.S. 116-209.19 is amended by inserting after the language "(ii) institutions, such as community colleges and technical institutes created and existing under Chapter 115A of the General Statutes" the language "and community colleges created and existing under Chapter 115D of the General Statutes".

Sec. 24. G.S. 127A-192(d) is amended by deleting the language "community college or technical institute operated under the provision of Chapter 115A or Article 3 of Chapter 116" and substituting "community college operated under the provisions of Chapter 115D".

Sec. 25. G.S. 143-12.1(h) is amended by deleting the language "community college, technical institute, technical college," and substituting "community college".

Sec. 26. G.S. 143-31.5 is amended by deleting the language "community college, technical college, or technical institute" and substituting "community college".

Sec. 27. G.S. 143-47.6(2) is amended by deleting the language "community colleges and technical institutes created pursuant to G.S. 115A-7" and substituting "community colleges operated pursuant to Chapter 115D of the General Statutes".

Sec. 28. G.S. 143-151.9(a)(14) is amended by deleting the language "Division of Community Colleges" and substituting "Community College System".

Sec. 29. The following sections of the General Statutes are amended by deleting the language "community college or technical institute under Chapter 115A" and substituting "community college under Chapter 115D": G.S. 143-552(1)c. and 143-555(2)c.

Sec. 30. G.S. 143-555(3) is amended by deleting the language "community colleges and technical institutes created pursuant to G.S. 115A-7" and substituting "community colleges under Chapter 115D of the General Statutes".

Sec. 31. G.S. 147-64.4(4) is amended by deleting the language "community or technical college, technical institute," and substituting "community college, or".

Sec. 32. G.S. 147-86.11(a) is amended by deleting the language ", community colleges, and technical institutes" and substituting "and community colleges".

Sec. 33. The following statutes are amended by deleting the language "State President" wherever it appears and substituting "President": G.S. 115D-5(c) and G.S. 116-37.1.

Sec. 34. G.S. 115D-34(a)(2) is amended by deleting the language "technical institute or community college" and substituting "community college".

Sec. 35. G.S. 12-3.1(b) is amended by deleting the language "community colleges, technical institutes, industrial education centers" and substituting "community colleges".

Sec. 36. G.S. 116-174.1(2) is amended by deleting the language "community college, technical institute, industrial education center" and substituting "community college".

Sec. 37. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 6th day of July, 1987.