

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1229  
Committee Substitute Favorable 5/3/89

Short Title: Co. Col. Bd. Instructor of Year.

(Public)

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Sponsors:

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Referred to:

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April 12, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO PLACE THE COMMUNITY COLLEGES' INSTRUCTOR OF THE  
3 YEAR ON THE STATE BOARD OF COMMUNITY COLLEGES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115D-2.1(b) reads as rewritten:

6 "(b) The State Board of Community Colleges shall consist of ~~20~~21 members, as  
7 follows:

8 (1) The Lieutenant Governor (or a person designated by the Lieutenant  
9 Governor) shall be a member ex officio.

10 (2) The Treasurer of North Carolina shall be a member ex officio.

11 (2a) The Community Colleges' Instructor of the Year shall be a nonvoting  
12 ex officio member.

13 (3) The Governor shall appoint to the State Board four members from the  
14 State at large and one member from each of the six Trustee  
15 Association Regions defined in G.S. 115D-63 [G.S. 115D-62]. The  
16 initial appointments by the Governor shall be made effective July 1,  
17 1980, or as soon as feasible thereafter. In order to establish regularly  
18 overlapping terms, the initial appointments by the Governor shall be  
19 made so that three expire June 30, 1981, three expire June 30, 1983,  
20 and four expire June 30, 1985. Each subsequent regular appointment  
21 by the Governor shall be for a term of six years and until a successor is  
22 appointed and qualifies. Any vacancy occurring among his appointees  
23 before the expiration of term shall be filled by appointment of the

1 Governor; the member so appointed shall meet the same residential  
2 qualification, if any, as the member whom he succeeds and shall serve  
3 for the remainder of the unexpired term of that member.

4 (4) The General Assembly shall elect eight members of the State Board  
5 from the State at large in the following manner:

6 a. In 1980, the Senate shall elect three members, one of whom  
7 shall serve a term expiring June 30, 1981, one of whom shall  
8 serve a term expiring June 30, 1983, and one of whom shall  
9 serve a term expiring June 30, 1985. In 1985, the Senate shall  
10 elect two members to serve terms expiring June 30, 1991. Each  
11 subsequent regular election by the Senate shall be for a term of  
12 six years and until a successor is elected and qualifies.

13 b. In 1980, the House of Representatives shall elect four members,  
14 one of whom shall serve a term expiring June 30, 1981, one of  
15 whom shall serve a term expiring June 30, 1983, and two of  
16 whom shall serve a term expiring June 30, 1985. In 1985, the  
17 House of Representatives shall elect two members, to serve  
18 terms expiring June 30, 1991. Each subsequent regular election  
19 by the House of Representatives shall be for a term of six years  
20 and until a successor is elected and qualifies.

21 c. Repealed by Session Laws 1985, c. 227, s. 5, effective May 23,  
22 1985.

23 d. The initial elections by the two houses of the General Assembly  
24 shall be held on or before July 1, 1980.

25 e. Any vacancy occurring among the members elected by the two  
26 houses of the General Assembly before the expiration of term  
27 shall be filled when the General Assembly next convenes. The  
28 member then elected shall be elected by the same house that  
29 elected the member whom he succeeds, and shall serve for the  
30 remainder of the unexpired term of that member.

31 f. At each session of the General Assembly held in an odd-  
32 numbered year, the presiding officer of each house shall assign  
33 to either a standing or a special committee of that house the  
34 duty of receiving from the members of that house nominations  
35 of persons to be considered by that house for election to the  
36 State Board. The chairmen of the two committees shall jointly  
37 determine a common final date for receiving nominations from  
38 members of that house, and a common date for reporting to  
39 their respective houses their nominations for the State Board.  
40 Each committee shall screen the proposed candidates for  
41 nomination as to their qualifications, background, lack of  
42 statutory disabilities, and willingness and ability to serve if  
43 elected. Each Senator and each Representative may nominate  
44 only one candidate. When the nominating process is closed,

1 each committee shall list all candidates and shall separately vote  
2 'aye' or 'no' on each candidate to determine whether that person  
3 shall be listed as a nominee of the committee. The verbal vote  
4 of a majority of those members of the committee present and  
5 voting shall constitute one nominee of the committee. An  
6 individual cannot be a candidate for nomination to more than  
7 one place. If a sufficient number of candidates are submitted to  
8 the committee of the House of Representatives then that  
9 committee shall nominate at least two persons for each place to  
10 be filled by the House of Representatives, otherwise that  
11 committee shall nominate at least one person for each place to  
12 be filled by the House of Representatives. The committee of  
13 the Senate shall nominate at least two persons for each place to  
14 be filled by the Senate. No person may simultaneously be a  
15 candidate for election by both houses, and if one is nominated  
16 in both houses, he shall determine by which house he shall be  
17 nominated and so advise the chairman of both committees. The  
18 two houses shall, by joint resolution, fix a common date and  
19 time for the election of members of the State Board. At the  
20 election session in each house, the committee shall report its list  
21 of nominees with the term of office indicated for each nominee.  
22 The ballot in the House of Representatives shall also include the  
23 names of all other persons nominated by a member of that  
24 house who are determined by the committee to be qualified for  
25 the offices, with the committee's list of nominees being clearly  
26 set out on the ballot. No additional nominations shall be  
27 received from the floor. Each house shall then proceed to an  
28 election of the State Board. In order to be chosen, a nominee  
29 shall receive the votes of a majority of all members present and  
30 voting.

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

40 Sec. 2. G.S. 115D-2.1(d) reads as rewritten:

41 "(d) No member of the General Assembly, no officer or employee of the State,  
42 and no officer or employee of an institution under the jurisdiction of the State Board,  
43 with the exception of the member appointed pursuant to Section (b)(2a) above, and no  
44 spouse of any of those persons, shall be eligible to serve on the State Board."

1           Sec. 3. This act shall become effective July 1, 1989.