



2023-2024 General Assembly

HOUSE BILL 259: 2023 Appropriations Act, Sec. 6.10: Community College System Governance and Authority Changes

Committee:
Introduced by:
Analysis of: Sec. 6.10 of S.L. 2023-134

Date: November 16, 2023
Prepared by: Drupti Chauhan
Staff Attorney

OVERVIEW: *Section 6.10 of S.L. 2023-134 makes changes to the governance structure of the North Carolina Community College System.*

The State Board of Community Colleges (SBCC) must use the following process to elect a President: (i) at least three final candidates must be submitted to the full SBCC from which the full SBCC must make its election; and (ii) the SBCC must conduct a vote on the election of the President with the candidate receiving a majority of votes of the entire SBCC being elected. The SBCC must then submit the name of the person elected as President for confirmation to the presiding officers of the Senate and the House of Representatives of the General Assembly on or before the 15th day following the election. The General Assembly must adopt a joint resolution to either confirm or deny confirmation with the following conditions: (i) the person elected can serve as interim President until the General Assembly adopts a joint resolution and (ii) if the General Assembly fails to adopt a joint resolution confirming the person by the date that either chamber reaches the 30th legislative day following the receipt of the name by the presiding officers, it is deemed that the General Assembly has denied confirmation. A person denied confirmation cannot serve as President or interim President.

The section of the act also makes the following governance and authority changes:

- *Clarifies that SBCC actions that affect local boards of trustees or a person elected as the chief administrative officer of a local community college regarding withdrawal of State support; issues of noncompliance; and removal of trustees are not subject to judicial review.*
- *Changes the SBCC from 22 members to 19 members by removing the Lieutenant Governor, State Treasurer, and the Commissioner of Labor from the SBCC.*
- *Removes the Governor's appointments to the SBCC and increases the number of appointments by the General Assembly to the SBCC from 8 to 18.*
- *Allows the SBCC to meet 8 times per year rather than 10.*
- *Allows current members of the SBCC to serve out the remainder of their terms with new staggered terms beginning with elections in 2023.*

Local Community Colleges —This section of the act changes the selection of trustees for local community colleges as follows:

- *Eight members appointed by the General Assembly with two members annually, one appointed upon recommendation of the Speaker of the House of Representatives and one upon recommendation of the President Pro Tempore.*

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

House Bill 259

Page 2

- *Four trustees elected by the board of county commissioners in which the main campus of the institution is located, one of whom can be a county commissioner. Each board of commissioners of any other county in the administrative area that provides plant funds to the institution must elect two additional trustees to the board, one of whom can be a county commissioner. A board of commissioners can delegate the election of one or more of its trustees to a board of education of a local school administrative unit located in the administrative area of the institution with the delegation having certain limitation such as expiring at the end of the term of office of the trustee with the possibility of renewal by the board of county commissioners.*
- *The president of the student government of the institution can be an ex officio member if the board of trustees agrees.*

Each local board of trustees must submit information to the Legislative Library of the General Assembly by August 1 annually that includes: (i) the name, address, and county of residence of each trustee; (ii) the appointing or electing entity of each trustee; (iii) the name of a trustee being replaced in case of vacancy; and (iv) the dates each trustee's term begins and ends. Current members serving on a board of trustees of a local community college on the effective date of this section can serve the remainder of their terms with new members then being appointed or elected as provided in this section. Finally, the section repeals and amends various local modifications to boards of trustees of local community colleges.

All members serving on the SBCC and local boards of trustees will remain in their seats for the remainder of their terms; thereafter, new members will be elected or appointed in accordance with the new requirements. The changes removing the Lieutenant Governor, State Treasurer, and the Commissioner of Labor from the SBCC are effective July 1, 2027, while the remainder of this section became effective July 1, 2023.