

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 260

Committee Substitute Favorable 4/15/99

Senate Education/Higher Education Committee Substitute Adopted 5/5/99

Short Title: Community College Tech. Changes/AB.

(Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED  
AN ACT TO UPDATE AND MAKE TECHNICAL CHANGES TO THE  
COMMUNITY COLLEGE LAWS.

The General Assembly of North Carolina enacts:

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

**"§ 115D-2. Definitions.**

As used 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 service area which it serves, and may offer

- a. The freshmen and sophomore courses of a college of arts and sciences, authorized by G.S. 115D-4.1;
- b. 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;

1 c. Vocational, trade, and technical specialty courses and programs,  
2 and

3 d. Courses in general adult education.

4 ~~Local boards of trustees, with concurrence of the respective county~~  
5 ~~commissioners, may, before January 1, 1988, adopt names of their~~  
6 ~~respective institutions that include the words "Community College".~~

7 (3) The term "institution" refers to any institution established pursuant to  
8 this Chapter except for the North Carolina ~~Vocational Textile School~~  
9 Center for Applied Textile Technology.

10 ... ."

11 Section 2. G.S. 115D-4.1(e) reads as rewritten:

12 "(e) The State Board of Community Colleges shall develop appropriate criteria and  
13 standards to regulate the operation of college transfer programs. The criteria and  
14 standards shall ~~require~~: require all college transfer programs to continue to meet the  
15 accreditation standards of the Southern Association of Colleges and Schools.

16 (1) ~~All college transfer programs to continue to meet the accreditation~~  
17 ~~standards of the Southern Association of Colleges and Schools;~~

18 (2) ~~Each community college that offers a college transfer program to have~~  
19 ~~an articulation agreement with at least one four-year college or~~  
20 ~~university for the acceptance of those courses;~~

21 (3) ~~Each community college that offers a college transfer program to~~  
22 ~~disclose to students when they register for college transfer courses the~~  
23 ~~articulation agreements the community college has with a four-year~~  
24 ~~college or university.~~

25 The State Board of Community Colleges shall report annually to the General  
26 Assembly on compliance of the community colleges with these criteria and standards."

27 Section 3. G.S. 115D-5(c) is repealed.

28 Section 4. G.S. 115D-8 is repealed.

29 Section 5. G.S. 115D-32(a)(2)a.2. reads as rewritten:

30 "2. Cost of fuel, water, power, and ~~telephones~~: telephone  
31 services."

32 Section 6. G.S. 115D-77 reads as rewritten:

33 **"§ 115D-77. Nondiscrimination policy.**

34 It is the policy of the State Board of Community Colleges and of local boards of  
35 trustees of the State of North Carolina not to discriminate among students on the basis of  
36 race, ~~gender or gender~~, national origin, origin, religion, age, or disability.

37 The State Board and each board of trustees shall give equal opportunity for  
38 employment and compensation of personnel at community colleges, without regard to  
39 race, religion, color, creed, national origin, sex, age, or ~~handicapping conditions~~, disability,  
40 except where specific age, sex or physical or mental requirements constitute bona fide  
41 occupational qualifications."

42 Section 7. G. S. 115D-2.1(d) reads as rewritten:

1       "(d) No member of the General Assembly, no officer or employee of the State, and  
2 no officer or employee of an institution under the jurisdiction of the State Board and no  
3 spouse of any of those persons, shall be eligible to serve on the State Board.  
4 Furthermore, no person who within the prior five years has been an employee of the  
5 ~~Department of Community Colleges~~ Community Colleges System Office shall be eligible to  
6 serve on the State Board."

7           Section 8. G.S. 115D-3 reads as rewritten:

8       "**§ 115D-3. ~~Department of Community Colleges;~~ Community Colleges System Office;**  
9       **staff.**

10       The ~~Department of Community Colleges~~ Community Colleges System Office shall be a  
11 principal administrative department of State government under the direction of the State  
12 Board of Community Colleges, and shall be separate from the free public school system  
13 of the State, the State Board of Education, and the Department of Public Instruction. The  
14 State Board has authority to adopt and administer all policies, regulations, and standards  
15 which it deems necessary for the operation of the ~~Department~~ System Office.

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

21       The President shall be assisted by such professional staff members as may be deemed  
22 necessary to carry out the provisions of this Chapter, who shall be elected by the State  
23 Board on nomination of the President. The compensation of the staff members elected by  
24 the Board shall be fixed by the State Board of Community Colleges, upon  
25 recommendation of the President of the Community College System, from funds  
26 provided in the Current Operations Appropriations Act. These staff members shall  
27 include such officers as may be deemed desirable by the President and State Board.  
28 Provision shall be made for persons of high competence and strong professional  
29 experience in such areas as academic affairs, public service programs, business and  
30 financial affairs, institutional studies and long-range planning, student affairs, research,  
31 legal affairs, health affairs and institutional development, and for State and federal  
32 programs administered by the State Board. In addition, the President shall be assisted by  
33 such other employees as may be needed to carry out the provisions of this Chapter, who  
34 shall be subject to the provisions of Chapter 126 of the General Statutes. The staff  
35 complement shall be established by the State Board on recommendation of the President  
36 to insure that there are persons on the staff who have the professional competence and  
37 experience to carry out the duties assigned and to insure that there are persons on the staff  
38 who are familiar with the problems and capabilities of all of the principal types of  
39 institutions represented in the system. The State Board of Community Colleges shall  
40 have all other powers, duties, and responsibilities delegated to the State Board of  
41 Education affecting the ~~Department of Community Colleges~~ Community Colleges System  
42 Office not otherwise stated in this Chapter."

43           Section 9. G.S. 115D-5(g) reads as rewritten:

1       "(g) Funds appropriated to the ~~Department of Community Colleges~~ Community  
2 Colleges System Office as operating expenses for allocation to the institutions  
3 comprising the North Carolina Community College System shall not be used to support  
4 recreation extension courses. The financing of these courses by any institution shall be on  
5 a self-supporting basis, and membership hours produced from these activities shall not be  
6 counted when computing full-time equivalent students (FTE) for use in budget-funding  
7 formulas at the State level."

8           Section 10. G.S. 115D-7 reads as rewritten:

9       "**§ 115D-7. Establishment of private, nonprofit corporations.**

10       The State Board of Community Colleges shall encourage the establishment of private,  
11 nonprofit corporations to support the community college system. The President of the  
12 ~~Department of Community Colleges~~ Community Colleges System with the approval of the  
13 State Board of Community Colleges, may assign employees to assist with the  
14 establishment and operation of such nonprofit corporation and may make available to the  
15 corporation office space, equipment, supplies and other related resources; provided, the  
16 sole purpose of the corporation is to support the community college system.

17       The board of directors of each private, nonprofit corporation shall secure and pay for  
18 the services of the State Auditor's Office or employ a certified public accountant to  
19 conduct an audit of the financial accounts of the corporation. The board of directors shall  
20 transmit to the State Board of Community Colleges a copy of the annual financial audit  
21 report of the private nonprofit corporation."

22           Section 11. G.S. 115D-31(c) reads as rewritten:

23       "(c) State funds appropriated to the State Board of Community Colleges for  
24 equipment and library books, except for funds appropriated to the Equipment Reserve  
25 Fund, shall revert to the General Fund 12 months after the close of the fiscal year for  
26 which they were appropriated. Encumbered balances outstanding at the end of each  
27 period shall be handled in accordance with existing State budget policies. The ~~Department~~  
28 System Office shall identify to the Office of State Budget and Management the funds that  
29 revert at the end of the 12 months after the close of the fiscal year."

30           Section 12. G.S. 115D-40 reads as rewritten:

31       "**§ 115D-40. Community College Scholarship Fund.**

32       (a) A nonreverting Community College Scholarship Fund is created in the  
33 ~~Department of Community Colleges~~ Community Colleges System Office to provide  
34 community college scholarships for needy residents of North Carolina. The State Board  
35 of Community Colleges shall adopt rules regarding administration of the Fund and  
36 eligibility for scholarships from it. The ~~Department of Community Colleges~~ Community  
37 Colleges System Office shall administer the Fund. The ~~Department of Community Colleges~~  
38 Community Colleges System Office shall make an effort to assure that the scholarships  
39 are distributed on a geographically equitable basis throughout the State among the several  
40 institutions. The principal of the Fund may not be used for any purpose; interest from the  
41 Fund may not be used for administering the Fund.

42       (b) Moneys in the Fund shall be deposited with the State Treasurer and  
43 administered under the provisions of G.S. 147-69.3. The State Treasurer shall make the

1 interest earned on the moneys available to the ~~Department of Community Colleges~~  
2 Community Colleges System Office as needed for scholarships."

3 Section 13. G.S. 115D-58.3 reads as rewritten:

4 **"§ 115D-58.3. Provision for disbursement of State money.**

5 The deposit of money in the State treasury to the credit of the institution shall be made  
6 in monthly installments, and additionally as necessary, at such time and in such manner  
7 as may be convenient for the operation of the community college system. Before an  
8 installment is credited, the institution shall certify to the ~~Department of Community~~  
9 Colleges, Community Colleges System Office, the expenditures to be made by the  
10 institution from the State Current Fund during the month.

11 The ~~Department of Community Colleges~~ Community Colleges System Office shall  
12 determine whether the moneys requisitioned are due the institution, and upon determining  
13 the amount due, shall cause the requisite amount to be credited to the institution. Upon  
14 receiving notice from the ~~Department of Community Colleges~~ Community Colleges System  
15 Office that the amount has been placed to the credit of the institution, the institution may  
16 issue State warrants up to the amount so certified. Money in the State Current Fund and  
17 other moneys made available by the State Board of Community Colleges shall be  
18 released only on warrants drawn on the State Treasurer, signed by two officials of the  
19 institution designated for this purpose by the board of trustees."

20 Section 14. G.S. 115D-58.5(a) reads as rewritten:

21 "(a) Each institution shall establish and maintain an accounting system consistent  
22 with procedures as prescribed by the ~~Department of Community Colleges~~ Community  
23 Colleges System Office and the State Auditor, which shows its assets, liabilities, equities,  
24 revenues, and expenditures."

25 Section 15. G.S. 115D-72 reads as rewritten:

26 **"§ 115D-72. Motorcycle Safety Instruction Program.**

27 (a) There is created a Motorcycle Safety Instruction Program for the purpose of  
28 establishing statewide motorcycle safety instruction to be delivered through the  
29 ~~Department of Community Colleges~~ Community Colleges System Office. The Program  
30 may be administered by a motorcycle safety coordinator who shall be responsible for the  
31 planning, curriculum, and completion requirements of the Program. The State Board of  
32 Community Colleges may elect a motorcycle safety coordinator upon nomination of the  
33 President of the Community College System, and the compensation of the motorcycle  
34 safety coordinator shall be fixed by the State Board upon recommendation of the  
35 President of the Community College System pursuant to G.S. 115D-3. The State Board  
36 of Community Colleges may contract with an appropriate public or private agency or  
37 person to carry out the duties of the motorcycle safety coordinator.

38 (b) The Motorcycle Safety Instruction Program shall be implemented through the  
39 ~~Department of Community Colleges~~ Community Colleges System Office at institutions  
40 which choose to provide the Program. The motorcycle safety coordinator shall select and  
41 facilitate the training and certification of instructors who will implement the Program."

42 Section 16. G.S. 115D-78 reads as rewritten:

43 **"§ 115D-78. Access to information and public records.**

1 In accordance with Chapter 132 of the General Statutes, all rules, regulations and  
2 public records of the State Board of Community Colleges, the ~~Department of Community~~  
3 ~~Colleges, Community Colleges System Office,~~ and local boards of trustees shall be  
4 available for examination and reproduction on payment of fees by any person."

5 Section 17. G.S. 58-33-135(b)(7) reads as rewritten:

6 "(7) One representative from a list of two nominees submitted by the  
7 ~~Department of Community Colleges, Community Colleges System~~  
8 ~~Office."~~

9 Section 18. G.S. 58-33-135(c)(9) reads as rewritten:

10 "(9) One representative from a list of two nominees submitted by the  
11 ~~Department of Community Colleges, Community Colleges System~~  
12 ~~Office."~~

13 Section 19. G.S. 116-11 reads as rewritten:

14 **"§ 116-11. Powers and duties generally.**

15 The powers and duties of the Board of Governors shall include the following:

16 (1) The Board of Governors shall plan and develop a coordinated system of  
17 higher education in North Carolina. To this end it shall govern the 16  
18 constituent institutions, subject to the powers and responsibilities given  
19 in this Article to the boards of trustees of the institutions, and to this end  
20 it shall maintain close liaison with the State Board of Community  
21 Colleges, the ~~Department of Community Colleges, Community Colleges~~  
22 ~~System Office~~ and the private colleges and universities of the State.  
23 The Board, in consultation with representatives of the State Board of  
24 Community Colleges and of the private colleges and universities, shall  
25 prepare and from time to time revise a long-range plan for a coordinated  
26 system of higher education, supplying copies thereof to the Governor,  
27 the members of the General Assembly, the Advisory Budget  
28 Commission and the institutions. Statewide federal or State programs  
29 that provide aid to institutions or students of post-secondary education  
30 through a State agency, except those related exclusively to the  
31 community college system, shall be administered by the Board pursuant  
32 to any requirements of State or federal statute in order to insure that all  
33 activities are consonant with the State's long-range plan for higher  
34 education.

35 ...

36 (10) The Board shall collect and disseminate data concerning higher  
37 education in the State. To this end it shall work cooperatively with the  
38 ~~Department of Community Colleges, Community Colleges System Office~~  
39 and shall seek the assistance of the private colleges and universities. It  
40 may prescribe for the constituent institutions such uniform reporting  
41 practices and policies as it may deem desirable

42 ..."

43 Section 20. G.S. 120-70.81(a) reads as rewritten:

1       "(a) The Joint Legislative Education Oversight Committee shall examine, on a  
2 continuing basis, the several educational institutions in North Carolina, in order to make  
3 ongoing recommendations to the General Assembly on ways to improve public education  
4 from kindergarten through higher education. In this examination, the Committee shall:

- 5           (1) Study the budgets, programs, and policies of the Department of Public  
6 Instruction, the State Board of Education, the ~~Department of Community~~  
7 ~~Colleges, Community Colleges System Office,~~ the Board of Governors  
8 of The University of North Carolina, and the constituent institutions of  
9 The University of North Carolina to determine ways in which the  
10 General Assembly may encourage the improvement of all education  
11 provided to North Carolinians and may aid in the development of more  
12 integrated methods of institutional accountability;

13       ... ."

14       Section 21. G.S. 126-5(c2)(3) reads as rewritten:

- 15       "(3) Employees of community colleges whose salaries are fixed in  
16 accordance with the provisions of G.S. 115D-5 and G.S. 115D-20, and  
17 employees of the ~~Department of Community Colleges~~ Community  
18 Colleges System Office whose salaries are fixed by the State Board of  
19 Community Colleges in accordance with the provisions of G.S. 115D-  
20 3."

21       Section 22. G.S. 143-151.9(a)(12) reads as rewritten:

- 22       "(12) One member selected from the ~~Department of Community Colleges;~~  
23 Community Colleges System Office;".

24       Section 23. G.S. 143B-6 reads as rewritten:

25       "**§ 143B-6. Principal departments.**

26       In addition to the principal departments enumerated in the Executive Organization  
27 Act of 1971, all executive and administrative powers, duties, and functions not including  
28 those of the General Assembly and its agencies, the General Court of Justice and the  
29 administrative agencies created pursuant to Article IV of the Constitution of North  
30 Carolina, and higher education previously vested by law in the several State agencies, are  
31 vested in the following principal departments:

- 32           (1) Department of Cultural Resources  
33           (2) Department of Health and Human Services  
34           (3) Department of Revenue  
35           (4) Department of Crime Control and Public Safety  
36           (5) Department of Correction  
37           (6) Department of Environment and Natural Resources  
38           (7) Department of Transportation  
39           (8) Department of Administration  
40           (9) Department of Commerce  
41           (10) ~~Department of Community Colleges.~~ Community Colleges System  
42 Office."

43       Section 24. G.S. 143B-168.12(a)(1)d. reads as rewritten:

- 1                    "d. The President of the ~~Department of Community Colleges,~~  
2                    Community Colleges System, ex officio, or the President's  
3                    designee;"
- 4                    Section 25. G.S. 143B-417(1)v. reads as rewritten:
- 5                    "v. ~~Department of Community Colleges~~ Community Colleges System  
6                    Office."
- 7                    Section 26. G.S. 143B-426.9(14) reads as rewritten:
- 8                    "(14) The President of the ~~Department of Community Colleges,~~ Community  
9                    Colleges System, ex officio; and"
- 10                    Section 27. This act is effective when it becomes law.