

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-84
HOUSE BILL 260

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;
 - c. Vocational, trade, and technical specialty courses and programs, and
 - d. 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 any institution established pursuant to this Chapter except for the North Carolina ~~Vocational Textile School~~.
Center for Applied Textile Technology.

...."

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

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

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

- (2) ~~Each community college that offers a college transfer program to have an articulation agreement with at least one four year college or university for the acceptance of those courses;~~
- (3) ~~Each community college that offers a college transfer program to disclose to students when they register for college transfer courses the articulation agreements the community college has with a four year college or university.~~

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

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 G.S. 115D-5(e) is repealed.

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 G.S. 115D-8 is repealed.

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

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

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

"§ 115D-77. Nondiscrimination policy.

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

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

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

"(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 ~~Department of Community Colleges~~ Community Colleges System Office shall be eligible to serve on the State Board."

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

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

The ~~Department of Community Colleges~~ Community Colleges System Office 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, the State Board of Education, and the Department of Public Instruction. The State Board has authority to adopt and administer all policies, regulations, and standards which it deems necessary for the operation of the ~~Department.~~ System Office.

The State Board shall elect a President of the North Carolina System of Community Colleges who shall serve as chief administrative officer of the ~~Department of Community Colleges.~~ Community Colleges System Office. 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 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 President. The compensation of the staff members elected by the Board shall be fixed by the State Board of Community 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 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 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 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~~ Community Colleges System Office not otherwise stated in this Chapter."

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

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

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

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

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

The board of directors of each private, nonprofit corporation shall secure and pay for the services of the State Auditor's Office or employ a certified public accountant to

conduct an audit of the financial accounts of the corporation. The board of directors shall transmit to the State Board of Community Colleges a copy of the annual financial audit report of the private nonprofit corporation."

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

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

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

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

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

(b) Moneys in the Fund shall be deposited with the State Treasurer and administered under the provisions of G.S. 147-69.3. The State Treasurer shall make the interest earned on the moneys available to the ~~Department of Community Colleges~~ Community Colleges System Office as needed for scholarships."

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

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

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

The ~~Department of Community Colleges~~ Community Colleges System Office shall determine whether the moneys requisitioned are due the institution, and upon determining the amount due, shall cause the requisite amount to be credited to the institution. Upon receiving notice from the ~~Department of Community Colleges~~ Community Colleges System Office that the amount has been placed to the credit of the institution, the institution may issue State warrants up to the amount so certified. Money in the State Current Fund and other moneys made available by the State Board of Community Colleges shall be released only on warrants drawn on the State Treasurer,

signed by two officials of the institution designated for this purpose by the board of trustees."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"§ 116-11. Powers and duties generally.

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

(1) The Board of Governors shall plan and develop a coordinated system of higher education in North Carolina. To this end it shall govern the

16 constituent institutions, subject to the powers and responsibilities given in this Article to the boards of trustees of the institutions, and to this end it shall maintain close liaison with the State Board of Community Colleges, the ~~Department of Community Colleges~~ Community Colleges System Office and the private colleges and universities of the State. The Board, in consultation with representatives of the State Board of Community Colleges and of the private colleges and universities, shall prepare and from time to time revise a long-range plan for a coordinated system of higher education, supplying copies thereof to the Governor, the members of the General Assembly, the Advisory Budget Commission and the institutions. Statewide federal or State programs that provide aid to institutions or students of post-secondary education through a State agency, except those related exclusively to the community college system, shall be administered by the Board pursuant to any requirements of State or federal statute in order to insure that all activities are consonant with the State's long-range plan for higher education.

...

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

...."

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

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

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

...."

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

- "(3) Employees of community colleges whose salaries are fixed in accordance with the provisions of G.S. 115D-5 and G.S. 115D-20, and

employees of the ~~Department of Community Colleges~~ Community Colleges System Office whose salaries are fixed by the State Board of Community Colleges in accordance with the provisions of G.S. 115D-3."

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

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

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

"§ 143B-6. Principal departments.

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

- (1) Department of Cultural Resources
- (2) Department of Health and Human Services
- (3) Department of Revenue
- (4) Department of Crime Control and Public Safety
- (5) Department of Correction
- (6) Department of Environment and Natural Resources
- (7) Department of Transportation
- (8) Department of Administration
- (9) Department of Commerce
- (10) ~~Department of Community Colleges.~~ Community Colleges System Office."

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

"d. The President of the ~~Department of Community Colleges,~~ Community Colleges System, ex officio, or the President's designee;"

Section 25. G.S. 143B-417(1)v. reads as rewritten:

"v. ~~Department of Community Colleges~~ Community Colleges System Office".

Section 26. G.S. 143B-426.9(14) reads as rewritten:

"(14) The President of the ~~Department of Community Colleges,~~ Community Colleges System, ex officio; and".

Section 27. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 13th day of May, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 4:06 p.m. this 21st day of May, 1999