

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 260
Committee Substitute Favorable 4/15/99

Short Title: Community College Tech. Changes/AB.

(Public)

Sponsors:

Referred to:

March 4, 1999

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

4 The General Assembly of North Carolina enacts:

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

6 "**§ 115D-2. Definitions.**

7 As used in this Chapter:

8 ...

9 (2) The term "community college" is defined as an educational institution
10 operating under the provisions of this Chapter and dedicated primarily
11 to the educational needs of the service area which it serves, and may
12 offer

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

15 b. Organized credit curricula for the training of technicians;
16 curricular courses may carry transfer credit to a senior college or
17 university where the course is comparable in content and quality
18 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 reads as rewritten:

28 **"§ 115D-5. Administration of institutions by State Board of Community Colleges;**
29 **personnel exempt from State Personnel Act; extension courses; tuition**
30 **waiver; in-plant training; contracting, etc., for establishment and**
31 **operation of extension units of the community college system; use of**
32 **existing public school facilities.**

33 ...
34 (e) ~~The State Board of Community Colleges is authorized to enter into agreements~~
35 ~~with local boards of education, upon approval by the Governor, for the establishment and~~
36 ~~operation of extension units of the community college system, provided that the~~
37 ~~Governor may consult with the Advisory Budget Commission before giving approval.~~
38 ~~The State Board is further authorized to provide the financial support for matching capital~~
39 ~~outlay and for operating and equipping extension units as provided in this Chapter for~~
40 ~~other institutions, subject to available funds.~~

41 ~~On petition of a board of education of the school administrative unit in which an~~
42 ~~extension unit is proposed to be established, the State Board of Community Colleges may~~

1 approve the use by the proposed institution of existing public school facilities, if the State
2 Board finds:

- 3 (1) That an adequate portion of these facilities can be devoted to the
4 exclusive use of the institution, and
5 (2) That use of these facilities will be consistent with sound educational
6 considerations.

7"

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

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

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

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

13 **"§ 115D-77. Nondiscrimination policy.**

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

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

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

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

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

30 **"§ 115D-3. ~~Department of Community Colleges;~~ Community Colleges System Office;**
31 **staff.**

32 The ~~Department of Community Colleges~~ Community Colleges System Office shall be a
33 principal administrative department of State government under the direction of the State
34 Board of Community Colleges, and shall be separate from the free public school system
35 of the State, the State Board of Education, and the Department of Public Instruction. The
36 State Board has authority to adopt and administer all policies, regulations, and standards
37 which it deems necessary for the operation of the ~~Department~~ System Office.

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

1 The President shall be assisted by such professional staff members as may be deemed
2 necessary to carry out the provisions of this Chapter, who shall be elected by the State
3 Board on nomination of the President. The compensation of the staff members elected by
4 the Board shall be fixed by the State Board of Community Colleges, upon
5 recommendation of the President of the Community College System, from funds
6 provided in the Current Operations Appropriations Act. These staff members shall
7 include such officers as may be deemed desirable by the President and State Board.
8 Provision shall be made for persons of high competence and strong professional
9 experience in such areas as academic affairs, public service programs, business and
10 financial affairs, institutional studies and long-range planning, student affairs, research,
11 legal affairs, health affairs and institutional development, and for State and federal
12 programs administered by the State Board. In addition, the President shall be assisted by
13 such other employees as may be needed to carry out the provisions of this Chapter, who
14 shall be subject to the provisions of Chapter 126 of the General Statutes. The staff
15 complement shall be established by the State Board on recommendation of the President
16 to insure that there are persons on the staff who have the professional competence and
17 experience to carry out the duties assigned and to insure that there are persons on the staff
18 who are familiar with the problems and capabilities of all of the principal types of
19 institutions represented in the system. The State Board of Community Colleges shall
20 have all other powers, duties, and responsibilities delegated to the State Board of
21 Education affecting the ~~Department of Community Colleges~~ Community Colleges System
22 Office not otherwise stated in this Chapter."

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

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

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

32 **"§ 115D-7. Establishment of private, nonprofit corporations.**

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

40 The board of directors of each private, nonprofit corporation shall secure and pay for
41 the services of the State Auditor's Office or employ a certified public accountant to
42 conduct an audit of the financial accounts of the corporation. The board of directors shall

1 transmit to the State Board of Community Colleges a copy of the annual financial audit
2 report of the private nonprofit corporation."

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

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

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

12 **"§ 115D-40. Community College Scholarship Fund.**

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

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

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

28 **"§ 115D-58.3. Provision for disbursement of State money.**

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

35 The ~~Department of Community Colleges~~ Community Colleges System Office shall
36 determine whether the moneys requisitioned are due the institution, and upon determining
37 the amount due, shall cause the requisite amount to be credited to the institution. Upon
38 receiving notice from the ~~Department of Community Colleges~~ Community Colleges System
39 Office that the amount has been placed to the credit of the institution, the institution may
40 issue State warrants up to the amount so certified. Money in the State Current Fund and
41 other moneys made available by the State Board of Community Colleges shall be
42 released only on warrants drawn on the State Treasurer, signed by two officials of the
43 institution designated for this purpose by the board of trustees."

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

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

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

7 **"§ 115D-72. Motorcycle Safety Instruction Program.**

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

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

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

24 **"§ 115D-78. Access to information and public records.**

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

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

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

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

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

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

38 **"§ 116-11. Powers and duties generally.**

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

40 (1) The Board of Governors shall plan and develop a coordinated system of
41 higher education in North Carolina. To this end it shall govern the 16
42 constituent institutions, subject to the powers and responsibilities given
43 in this Article to the boards of trustees of the institutions, and to this end

1 it shall maintain close liaison with the State Board of Community
2 Colleges, the ~~Department of Community Colleges~~ Community Colleges
3 System Office and the private colleges and universities of the State.
4 The Board, in consultation with representatives of the State Board of
5 Community Colleges and of the private colleges and universities, shall
6 prepare and from time to time revise a long-range plan for a coordinated
7 system of higher education, supplying copies thereof to the Governor,
8 the members of the General Assembly, the Advisory Budget
9 Commission and the institutions. Statewide federal or State programs
10 that provide aid to institutions or students of post-secondary education
11 through a State agency, except those related exclusively to the
12 community college system, shall be administered by the Board pursuant
13 to any requirements of State or federal statute in order to insure that all
14 activities are consonant with the State's long-range plan for higher
15 education.

16 ...

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

23 ..."

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

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

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

37 ..."

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

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

1 Community Colleges in accordance with the provisions of G.S. 115D-
2 3."

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

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

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

7 **"§ 143B-6. Principal departments.**

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

- 14 (1) Department of Cultural Resources
- 15 (2) Department of Health and Human Services
- 16 (3) Department of Revenue
- 17 (4) Department of Crime Control and Public Safety
- 18 (5) Department of Correction
- 19 (6) Department of Environment and Natural Resources
- 20 (7) Department of Transportation
- 21 (8) Department of Administration
- 22 (9) Department of Commerce
- 23 (10) ~~Department of Community Colleges.~~ Community Colleges System
24 Office."

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

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

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

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

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

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

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