

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 271
HOUSE BILL 771

AN ACT TO PERMIT CITIES AND COUNTIES TO PROVIDE PUBLIC SERVICES
THROUGH CONTRACTS WITH PRIVATE AGENCIES.

Whereas, Article V, Section 2(7) of the Constitution, which became effective in 1973, permits the General Assembly to authorize local governments to contract with private entities for the accomplishment of public purposes; and

Whereas, the North Carolina Supreme Court, in the 1979 case of Hughey v. Cloninger, held that there must be specific statutory authority for a local government to take advantage of this constitutional provision; and

Whereas, it would be very difficult and cumbersome to amend each relevant section of the General Statutes to specifically authorize private provision of each separate service of city or county government; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-20.1. **Contracts with private entities.**—A city may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the city is authorized by law to engage in."

Sec. 2. Article 23 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-449. **Contracts with private entities.**—A county may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the county is authorized by law to engage in."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.