

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

HOUSE BILL 239
RATIFIED BILL

AN ACT TO AMEND THE LAW GOVERNING PROPERTY TRANSFERS
BETWEEN COMMUNITY COLLEGE BOARDS OF TRUSTEES AND
COUNTIES FOR COMMUNITY COLLEGE PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. Article 8 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-158.2. Acquisition and improvement of community college property.

(a) Acquisition. – A county may acquire, by any lawful method, any interest in real or personal property for use by a community college within the county. In exercising the power of eminent domain for real property, a county shall use the procedures of Chapter 40A of the General Statutes.

(b) Construction; Disposition. – A county may construct, equip, expand, improve, renovate, repair, or otherwise make available property for use by a community college within the county and may lease, sell, or otherwise dispose of property for use by a community college within the county for any price and on any terms negotiated by the board of county commissioners and the board of trustees of the community college.

(c) Public Hearing. – A county may use its authority under this section to acquire an interest in real or personal property for use by a community college within the county only upon request of the board of trustees of the community college for which property is to be made available. The board of county commissioners shall hold a public hearing prior to final action. A notice of the public hearing shall be published at least once at least 10 days before the date fixed for the hearing."

Section 2. Article 2 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"§ 115D-15.1. Disposition, acquisition, and construction of property by community college.

(a) Disposition. – Notwithstanding the provisions of G.S. 115D-14, 115D-15, and 160A-274, the board of trustees of a community college may, in connection with additions, improvements, renovations, or repairs to all or part of its property, lease, sell, or otherwise dispose of any of its property to the county in which the property is located for any price and on any terms negotiated between the board of trustees of the community college and the board of county commissioners.

(b) Transfer. – An agreement under subsection (a) of this section shall require the county to transfer the property back to the board of trustees of the community college when any financing agreement entered into by the county to finance the additions, improvements, renovations, and repairs has been satisfied. If the county did not enter into a financing agreement, the agreement under subsection (a) of this section shall require the county to transfer the property back to the board of trustees of the community college upon the completion of the additions, improvements, renovations, and repairs.

(c) Acquisition and Construction. – Notwithstanding the provisions of G.S. 115D-14 and G.S. 115D-20(3), the board of trustees of a community college may acquire, by any lawful method, any interest in real or personal property from the county in which the community college is located for use by the board of trustees and may contract for the construction, equipping, expansion, improvement, renovation, repair, or

otherwise making available for use by the board of trustees of the community college of all or part of the property upon any terms negotiated between the board of trustees of the community college and the board of county commissioners.

(d) Approval. – The actions of a board of trustees of a community college taken pursuant to this section are subject to the approval of the State Board of Community Colleges.

(e) Contract Responsibility. – A county's obligations under a financing contract entered into by the county to finance improvements to real or personal property pursuant to this section shall be the responsibility of the county and not the responsibility of the board of trustees of the community college."

Section 3. The following laws are repealed:

- (1) Chapter 613 of the 1993 Session Laws
- (2) Section 3 of Chapter 154 of the 1995 Session Laws
- (3) Sections 1, 2, 3, and 4 of Chapter 399 of the 1995 Session Laws
- (4) Chapter 706 of the 1995 Session Laws
- (5) Chapter 42 of the 1997 Session Laws.

Section 4. Section 3 of this act becomes effective January 1, 2000, and shall not be construed to alter any agreements entered into before that date. The remainder of this act is effective when it becomes law and applies to agreements entered into on or after that date.

In the General Assembly read three times and ratified this the 19th day of May, 1999.

Dennis A. Wicker
President of the Senate

James B. Black
Speaker of the House of Representatives

James B. Hunt, Jr.
Governor

Approved _____ .m. this _____ day of _____ , 19