

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 537
Corrected Copy 3/29/95
Committee Substitute Favorable 4/19/95

Short Title: Gaston Community College Acquisition.

(Local)

Sponsors:

Referred to:

March 23, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW GASTON COUNTY TO ACQUIRE AND OTHERWISE MAKE
3 AVAILABLE PROPERTY FOR USE BY THE BOARD OF TRUSTEES OF A
4 COMMUNITY COLLEGE WITHIN THE COUNTY.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 3 of Chapter 613 of the 1993 Session Laws reads as
7 rewritten:

8 "Sec. 3. This act applies only to Gaston and Sampson County-Counties."

9 Sec. 2. G.S. 153A-158, as amended by Chapter 613 of the 1993 Session Laws,
10 reads as rewritten:

11 "**§ 153A-158. Power to acquire property.**

12 (a) Acquisition. – A county may acquire, by ~~gift, grant, devise, bequest, exchange,~~
13 purchase, lease, or any other lawful method, ~~the fee or any lesser~~ any interest in real or
14 personal property for use by the county or any department, board, commission, or agency
15 of the county or a community college within the county. In exercising the power of
16 eminent domain a county shall use the procedures of Chapter 40A.

17 (b) Construction; Disposition. – A county may construct, equip, expand, improve,
18 renovate, repair, or otherwise make available property for use by a community college

1 within the county and may lease, sell, or otherwise dispose of property for use by a
2 community college within the county for any price and on any terms negotiated by the
3 board of county commissioners and the board of trustees of the community college.

4 (c) Public Hearing. ~~The county shall~~ A county may use its authority under this
5 section to acquire ~~the fee or any lesser an~~ an interest in real or personal property for use by a
6 community college within the county only upon request of the board of trustees of the
7 community college for which property is to be made available. The board of county
8 commissioners shall hold a public hearing prior to final action. ~~and after a public hearing by~~
9 ~~the board of county commissioners.~~ A notice of the public hearing shall be published at
10 least once at least 10 days before the date fixed for the hearing. ~~A county may construct,~~
11 ~~equip, expand, improve, renovate, or otherwise make available property for use by a community~~
12 ~~college within the county."~~

13 Sec. 3. Section 2 of Chapter 613 of the 1993 Session Laws reads as rewritten:

14 "Sec. 2. Disposition, Acquisition, and Construction by Community College. –
15 Notwithstanding the provisions of G.S. 115D-15 and G.S. 115D-14, 115D-15, and 160A-
16 274, the board of trustees of a community college may lease or sell may, in connection
17 with additions, improvements, renovations, or repairs to all or part of the property, lease,
18 sell, or otherwise dispose of any of its property to the county in which the property is
19 located for any price and on any terms negotiated between the two boards, subject to prior
20 approval by the State Board of Community Colleges boards. A community college may lease
21 or sell property pursuant to this section only in connection with additions, improvements,
22 renovations, or repairs to all or part of the property. Notwithstanding the provisions of G.S.
23 115D-14 and G.S. 115D-20(3), the board of trustees of a community college also may
24 acquire, by any lawful method, any interest in real or personal property for use by the
25 board of trustees from the county in which the community college is located and may
26 contract for the construction, equipping, expansion, improvement, renovation, repair, or
27 otherwise making available for use by the board of trustees of all or part of the property
28 upon any terms negotiated by the two boards.

29 The authority of a board of trustees of a community college under this section is
30 subject to the approval of the State Board of Community Colleges of any related actions
31 to the extent that this approval is required by law."

32 Sec. 4. Chapter 613 of the 1993 Session Laws is amended by adding a new
33 section to read:

34 "Sec. 2.1. Installment Contract Responsibility. – The preparation of a budget for and
35 the payment of a county's obligations under an installment contract entered into by the
36 county on behalf of a community college within the county shall be the responsibility of
37 the county finance officer and is not the responsibility of the board of trustees of the
38 community college."

39 Sec. 5. This act is effective upon ratification.