

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 826*
Second Edition Engrossed 4/30/97
House Committee Substitute Favorable 7/24/97
House Committee Substitute #2 Favorable 8/13/97

Short Title: School Board Changes.

(Public)

Sponsors:

Referred to:

April 14, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE "QUICK TAKE" PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY SCHOOL BOARDS; AND TO CHANGE THE TERM OF OFFICE OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FROM FOUR YEARS TO TWO YEARS, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

PART I. SCHOOL BOARD QUICK TAKE

Section 1. G.S. 40A-42(a) reads as rewritten:

"(a) When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a municipal or county board of education or any combination of those boards is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10) or (12), title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in

1 the complaint, together with the right to immediate possession thereof, shall vest in the
2 condemnor upon the filing of the complaint and the making of the deposit in accordance
3 with G.S. 40A-41."

4 Section 2. G.S. 115C-517 reads as rewritten:

5 "**§ 115C-517. Acquisition of sites.**

6 Local boards of education may acquire suitable sites for schoolhouses or other school
7 facilities either within or without the local school administrative unit; but no school may
8 be operated by a local school administrative unit outside its own boundaries, although
9 other school facilities such as repair shops, may be operated outside the boundaries of the
10 local school administrative unit. Whenever any such board is unable to acquire or enlarge
11 a suitable site or right-of-way for a school, school building, school bus garage or for a
12 parking area or access road suitable for school buses or for other school facilities by gift
13 or purchase, condemnation proceedings to acquire same may be instituted by such board
14 under the provisions of Chapter 40A of the General Statutes, including the rights and
15 procedures pursuant to G.S. 40A-42, et seq., and the determination of the local board of
16 education of the land necessary for such purposes shall be conclusive. A local board
17 shall not initiate a proceeding under G.S. 40A-42(a) unless the action is approved by a
18 resolution adopted by the board of county commissioners."

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20 PART II. CHARLOTTE-MECKLENBURG BOARD OF EDUCATION

21 Section 3. Section 2(a) of Chapter 167 of the 1993 Session Laws reads as
22 rewritten:

23 "(a) In ~~1995-1995, and quadrennially thereafter,~~ three members of the Charlotte-
24 Mecklenburg Board of Education shall be elected for four-year terms by all the qualified
25 voters of Mecklenburg County. In 1999 and biennially thereafter, three members of the
26 Charlotte-Mecklenburg Board of Education shall be elected for two-year terms by all the
27 qualified voters of Mecklenburg County."

28 Section 4. Section 2(c) of Chapter 167 of the 1993 Session Laws reads as
29 rewritten:

30 "(c) In 1995, one member of the Charlotte-Mecklenburg Board of Education shall
31 be elected from each district for a two-year term by all the qualified voters of the district.
32 In 1997 and ~~quadrennially~~ biennially thereafter, one member of the Charlotte-
33 Mecklenburg Board of Education shall be elected from each district for a ~~four-year~~ two-
34 year term by all the qualified voters of the district."

35 Section 5. Sections 3 and 4 of this act are effective only if approved by the
36 qualified voters of Mecklenburg County in a referendum to be held on Tuesday after the
37 first Monday in November of 1997. The referendum shall be conducted by the
38 Mecklenburg County Board of Elections.

39 The question on the ballot shall be:

40 " FOR AGAINST

41 changing the manner of election of the Charlotte-Mecklenburg Board of Education to
42 provide for two-year terms of office."

43 Section 6. This act is effective when it becomes law.