

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 239

Short Title: Community College Property Transfers/AB.

(Public)

Sponsors: Representatives Haire, Tolson (Primary Sponsors); Wainwright, Morris, and Russell.

Referred to: Ways and Means.

March 4, 1999

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW PROPERTY TRANSFERS BETWEEN COMMUNITY
2 COLLEGE BOARDS OF TRUSTEES AND COUNTIES FOR COMMUNITY
3 COLLEGE PURPOSES.
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5 The General Assembly of North Carolina enacts:

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

8 "**§ 153A-158.2. Acquisition and improvement of community college property.**

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

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

18 (c) Public Hearing. – A county may use its authority under this section to acquire
19 an interest in real or personal property for use by a community college within the county

1 only upon request of the board of trustees of the community college for which property is
2 to be made available. The board of county commissioners shall hold a public hearing
3 prior to final action. A notice of the public hearing shall be published at least once at
4 least 10 days before the date fixed for the hearing."

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

7 "**§ 115D-15.1. Disposition, acquisition, and construction of property by community**
8 **college.**

9 (a) Disposition. – Notwithstanding the provisions of G.S. 115D-14, 115D-15, and
10 160A-274, the board of trustees of a community college may, in connection with
11 additions, improvements, renovations, or repairs to all or part of the property, lease, sell,
12 or otherwise dispose of any of its property to the county in which the property is located
13 for any price and on any terms negotiated between the two boards. The agreement shall
14 require the county to transfer the property back to the community college after the
15 additions, improvements, renovations, and repairs are completed.

16 (b) Acquisition and Construction. – Notwithstanding the provisions of G.S. 115D-
17 14 and G.S. 115D-20(3), the board of trustees of a community college may acquire, by
18 any lawful method, any interest in real or personal property for use by the board of
19 trustees from the county in which the community college is located and may contract for
20 the construction, equipping, expansion, improvement, renovation, repair, or otherwise
21 making available for use by the board of trustees of all or part of the property upon any
22 terms negotiated by the two boards.

23 (c) Approval. – The actions of a board of trustees of a community college taken
24 pursuant to this section are subject to the approval of the State Board of Community
25 Colleges to the extent this approval is required by law.

26 (d) Contract Responsibility. – A county's obligations under a contract entered into
27 by the county on behalf of a community college within the county shall be the
28 responsibility of the county and not the responsibility of the board of trustees of the
29 community college."

30 Section 3. This act is effective when it becomes law, and applies to contracts
31 entered into on or after that date.