

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 914

Short Title: Amend Law Regarding Sch. Construction Projects. (Public)

Sponsors: Senator Dalton.

Referred to: Education/Higher Education.

April 5, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL
3 CONSTRUCTION PROJECTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-521 reads as rewritten:

6 "§ 115C-521. Erection of school buildings.

7 (a) It shall be the duty of local boards of education to provide classroom facilities
8 adequate to meet the requirements of G.S. 115C-47(10) and 115C-301. Local boards of
9 education shall submit their long-range plans for meeting school facility needs to the
10 State Board of Education ~~by January 1, 1988, and every five years thereafter.~~years. In
11 developing these plans, local boards of education shall consider the costs and feasibility
12 of renovating old school buildings instead of replacing them.

13 ...

14 (c) The building of all new school buildings and the repairing of all old school
15 buildings shall be under the control and direction of, and by contract with, the board of
16 education for which the building and repairing is done. If a board of education is
17 considering building a new school building to replace an existing school building, the
18 board shall not invest any construction money in the new building unless it submits to
19 the State Superintendent and the State Superintendent submits to the North Carolina
20 Historical Commission an analysis that compares the costs and feasibility of building
21 the new building and of renovating the existing building and that clearly indicates the
22 desirability of building the new building. No board of education shall invest any money
23 in any new building until it has (i) developed plans based upon a consideration of the
24 State Board's facilities guidelines, (ii) submitted these plans to the State Board for its
25 review and comments, ~~and~~ (iii) reviewed the plans based upon a consideration of the
26 comments it receives from the ~~State Board~~ School Planning Section of the State Board
27 of Education as to structural and functional soundness, safety, and sanitation, and (iv)
28 ensured that the proposed construction or renovation complies with all applicable

1 requirements of the North Carolina State Building Code and of local building and
2 electrical codes. No local board of education shall contract for more money than is
3 made available for the erection of a new building. However, this subsection shall not be
4 construed so as to prevent boards of education from investing any money in buildings
5 that are being constructed pursuant to a continuing contract of construction as provided
6 for in G.S. 115C-441(c). All contracts for buildings shall be in writing and all buildings
7 shall be inspected, received, and approved by the local superintendent and the architect
8 before full payment is made therefor. Nothing in this subsection shall prohibit boards of
9 education from repairing and altering buildings with the help of janitors and other
10 regular employees of the board.

11 In the design and construction of new school buildings and in the renovation of
12 existing school buildings that are required to be designed by an architect or engineer
13 under G.S. 133-1.1, the local board of education shall participate in the planning and
14 review process of the Energy Guidelines for School Design and Construction that are
15 developed and maintained by the Department of Public Instruction and shall adopt local
16 energy-use goals for building design and operation that take into account local
17 conditions in an effort to reduce the impact of operation costs on local and State
18 budgets. In the design and construction of new school facilities and in the repair and
19 renovation of existing school facilities, the local board of education shall consider the
20 placement and design of windows to use the climate of North Carolina for both light
21 and ventilation in case of power shortages. A local board shall also consider the
22 installation of solar energy systems in the school facilities whenever practicable.

23 In the case of any school buildings erected, repaired, or equipped with any money
24 loaned or granted by the State to any local school administrative unit, no board of
25 education shall invest any money until it has (i) developed plans based upon a
26 consideration of the State Board's facilities guidelines, (ii) submitted these plans to the
27 State Board for its review and comments, and (iii) reviewed the plans based upon a
28 consideration of the comments it receives from the State Board.

29 (d) Local boards of education shall make no contract for the erection of any
30 school building unless the site upon which it is located is owned in fee simple by the
31 ~~board: Provided, that the~~ board except as follows:

- 32 (1) The board of education of a local school administrative unit, with the
33 approval of the board of county commissioners, may appropriate funds
34 to aid in the establishment of a school facility and the operation thereof
35 in an adjoining local school administrative unit when a written
36 agreement between the boards of education of the administrative units
37 involved has been reached and the same recorded in the minutes of the
38 boards, whereby children from the administrative unit making the
39 appropriations shall be entitled to attend the school so established.
- 40 (2) The board of education may enter into an operational lease as
41 authorized by G.S. 115C-530.
- 42 (3) The board of education may enter into a lease or lease-purchase
43 agreement for the operation of a school building as authorized by local
44 legislation.

1 In all cases where title to property has been vested in the trustees of a special charter
2 district which has been abolished and has not been reorganized, title to the property
3 shall be vested in the local board of education of the county embracing the former
4 special charter district.

5"

6 **SECTION 2.** G.S. 115C-530(a)(4) reads as rewritten:

7 "(a) Local boards of education may enter into operational leases of real or
8 personal property for use as school buildings or school facilities. Operational leases for
9 terms of less than three years shall not be subject to the approval of the board of county
10 commissioners. Operational leases for terms of three years or longer, including periods
11 that may be added to the original term through the exercise of options to renew or
12 extend, are permitted if all of the following conditions are met:

13 ...

14 (4) Any construction, repair, or renovation of the property is in
15 compliance with the requirements of ~~G.S. 115C-521(e) relating to~~
16 ~~energy guidelines.~~ G.S. 115C-521.

17 For purposes of this section, an operational lease is defined according to generally
18 accepted accounting principles.

19"

20 **SECTION 3.** This act becomes effective July 1, 2001, and applies to
21 projects submitted to the School Planning Section of the State Board of Education on or
22 after that date.