

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 239*

Short Title: Polk School Acquisition.

(Local)

Sponsors: Representative Walend.

Referred to: Local Government I.

March 6, 2003

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE POLK COUNTY TO ACQUIRE PROPERTY FOR USE
2 BY ITS BOARD OF EDUCATION.
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 153A-158.1 reads as rewritten:

6 "**§ 153A-158.1. Acquisition and improvement of school property in certain**
7 **counties.**

8 (a) Acquisition by County. – A county may acquire, by any lawful method, any
9 interest in real or personal property for use by a school administrative unit within the
10 county. In exercising the power of eminent domain a county shall use the procedures of
11 Chapter 40A. The county shall use its authority under this subsection to acquire
12 property for use by a school administrative unit within the county only upon the request
13 of the board of education of that school administrative unit and after a public hearing.

14 (b) Construction or Improvement by County. – A county may construct, equip,
15 expand, improve, renovate, or otherwise make available property for use by a school
16 administrative unit within the county. The local board of education shall be involved in
17 the design, construction, equipping, expansion, improvement, or renovation of the
18 property to the same extent as if the local board owned the property.

19 (c) Lease or Sale by Board of Education. – Notwithstanding the provisions of
20 G.S. 115C-518 and G.S. 160A-274, a local board of education may, in connection with
21 additions, improvements, renovations, or repairs to all or part of any of its property,
22 lease or sell the property to the board of commissioners of the county in which the
23 property is located for any price negotiated between the two boards.

24 (d) Board of Education May Contract for Construction. – Notwithstanding the
25 provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter
26 into contracts for the erection of school buildings upon sites owned in fee simple by one
27 or more counties in which the local school administrative unit is located.

28 (e) Scope. – This section applies to Alamance, Alexander, Alleghany, Anson,
29 Ashe, Avery, Bertie, Bladen, Brunswick, Burke, Cabarrus, Caldwell, Camden, Carteret,

1 Catawba, Chatham, Cherokee, Chowan, Clay, Columbus, Craven, Cumberland,
2 Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin,
3 Gaston, Gates, Graham, Greene, Guilford, Halifax, Harnett, Haywood, Henderson,
4 Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison,
5 Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover,
6 Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Polk,
7 Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland,
8 Stanly, Stokes, Surry, Transylvania, Union, Vance, Wake, Watauga, Wayne, Wilkes,
9 Wilson, and Yadkin Counties."

10 **SECTION 2.** This act is effective when it becomes law.