

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 773

Short Title: Comm. Coll. Facility/Public-Private P'ship. (Public)

Sponsors: Senators Dalton; Garrou and Sloan.

Referred to: Commerce.

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO
3 PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115D-15 reads as rewritten:

6 "**§ 115D-15. Sale, exchange or lease of property; use of proceeds from donated**
7 **property; property; public/private partnerships for construction projects.**

8 (a) The board of trustees of any institution organized under this Chapter may,
9 with the prior approval of the North Carolina Community Colleges System Office,
10 convey a right-of-way or easement for highway construction or for utility installations
11 or modifications. When in the opinion of the board of trustees the use of any other real
12 property owned or held by the board of trustees is unnecessary or undesirable for the
13 purposes of the institution, the board of trustees, subject to prior approval of the State
14 Board of Community Colleges, may sell, exchange, or lease the property. The board of
15 trustees may dispose of any personal property owned or held by the board of trustees
16 without approval of the State Board of Community Colleges.

17 Article 12 of Chapter 160A of the General Statutes shall apply to the disposal or sale
18 of any real or personal property under this subsection. Personal property also may be
19 disposed of under procedures adopted by the North Carolina Department of
20 Administration. The proceeds of any sale or lease shall be used for capital outlay
21 purposes, except as provided in subsection (b) of this section.

22 (b) Subject to rules adopted by the State Board, if real or personal property is
23 donated to a community college to support a specific educational purpose, the board of
24 trustees may use the proceeds from the sale or lease of the property according to the
25 terms of the donation. The board of trustees shall use the procedures authorized under
26 Article 12 of Chapter 160A of the General Statutes when selling or leasing property
27 under this subsection.

28 (c) The board of trustees of any institution organized under this Chapter may,
29 with the prior approval of the State Board of Community Colleges, enter into a

1 public/private partnership for construction of a facility. Under such an agreement, the
2 institution shall lease college property to a private entity on condition that the entity
3 construct a facility on that property for the use of the private entity and the institution.
4 State bond funds may only be used to finance that part of the facility used by the
5 college. The provisions of G.S. 143-341(3)a. apply to the construction of a facility
6 constructed pursuant to this subsection."

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