

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 399
HOUSE BILL 537

AN ACT TO ALLOW GASTON AND GREENE COUNTIES TO ACQUIRE AND OTHERWISE MAKE AVAILABLE PROPERTY FOR USE BY THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITHIN THE COUNTY AND TO VALIDATE CERTAIN GREENE COUNTY EXPENDITURES FOR A FACILITY FOR JOINT COMMUNITY COLLEGE AND PUBLIC SCHOOL USE.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 613 of the 1993 Session Laws reads as rewritten:

"Sec. 3. This act applies only to Gaston, Greene, and Sampson County. Counties."

Sec. 2. G.S. 153A-158, as amended by Chapter 613 of the 1993 Session Laws, reads as rewritten:

"§ 153A-158. Power to acquire property.

(a) Acquisition. — A county may acquire, by ~~gift, grant, devise, bequest, exchange,~~ purchase, lease, or any other lawful method, ~~the fee or any lesser any~~ interest in real or personal property for use by the county or any department, board, commission, or agency of the county or a community college within the county. In exercising the power of eminent domain a county shall use the procedures of Chapter 40A.

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

(c) Public Hearing. ~~—The county shall~~ A county may use its authority under this section to acquire ~~the fee or any lesser an~~ interest in real or personal property for use by a community college within the county only upon request of the board of trustees of the community college for which property is to be made available. The board of county commissioners shall hold a public hearing prior to final action. ~~and after a public hearing by the board of county commissioners.~~ A notice of the public hearing shall be published at least once at least 10 days before the date fixed for the hearing. ~~A county may construct, equip, expand, improve, renovate, or otherwise make available property for use by a community college within the county."~~

Sec. 3. Section 2 of Chapter 613 of the 1993 Session Laws reads as rewritten:

"Sec. 2. Disposition, Acquisition, and Construction by Community College. – Notwithstanding the provisions of G.S. ~~115D-15~~ and G.S. ~~115D-14, 115D-15, and 160A-274~~, the board of trustees of a community college ~~may lease or sell~~ may, in connection with additions, improvements, renovations, or repairs to all or part of the property, lease, sell, or otherwise dispose of any of its property to the county in which the property is located for any price and on any terms negotiated between the two boards, subject to prior approval by the State Board of Community Colleges. ~~boards.~~ A community college may lease or sell property pursuant to this section only in connection with additions, improvements, renovations, or repairs to all or part of the property. Notwithstanding the provisions of G.S. 115D-14 and G.S. 115D-20(3), the board of trustees of a community college also may acquire, by any lawful method, any interest in real or personal property for use by the board of trustees from the county in which the community college is located and may contract for the construction, equipping, expansion, improvement, renovation, repair, or otherwise making available for use by the board of trustees of all or part of the property upon any terms negotiated by the two boards.

The actions of a board of trustees of a community college taken pursuant to this section are subject to the approval of the State Board of Community Colleges to the extent this approval is required by law."

Sec. 4. Chapter 613 of the 1993 Session Laws is amended by adding a new section to read:

"Sec. 2.1. Contract Responsibility. – A county's obligations under a contract entered into by the county on behalf of a community college within the county shall be the responsibility of the county and not the responsibility of the board of trustees of the community college."

Sec. 5. For the purposes of G.S. 105-487, 105-502, 105-503, and 115C-546.2, the term "public school capital outlay" includes capital expenditures by Greene County for an auditorium to be used jointly by the public schools and by Lenoir Community College.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 10th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives