

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1312
Finance Committee Substitute Adopted 6/10/98
Third Edition Engrossed 6/16/98
House Committee Substitute Favorable 7/20/98

Short Title: Certain Counties School Acquisition.

(Local)

Sponsors:

Referred to:

May 27, 1998

A BILL TO BE ENTITLED
AN ACT TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR USE
BY THEIR COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-158.1 as rewritten by S.L. 1998-33 and House Bill 1284
as enacted by the 1997 General Assembly reads as rewritten:

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

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

(b) Construction or Improvement by County. – A county may construct, equip,
expand, improve, renovate, or otherwise make available property for use by a school
administrative unit within the county. The local board of education shall be involved in

1 the design, construction, equipping, expansion, improvement, or renovation of the
2 property to the same extent as if the local board owned the property.

3 (c) Lease or Sale by Board of Education. – Notwithstanding the provisions of G.S.
4 115C-518 and G.S. 160A-274, a local board of education may, in connection with
5 additions, improvements, renovations, or repairs to all or part of any of its property, lease
6 or sell the property to the board of commissioners of the county in which the property is
7 located for any price negotiated between the two boards.

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

12 (e) Scope. – This section applies to Alamance, Alexander, Alleghany, Ashe,
13 Avery, Bladen, Brunswick, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell,
14 Catawba, Cherokee, Chowan, Columbus, Cumberland, Currituck, Dare, Davidson, Davie,
15 Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Greene,
16 Guilford, Halifax, Harnett, Haywood, Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee,
17 Lincoln, Lenoir, Macon, Madison, Martin, Mitchell, Moore, Nash, New Hanover,
18 Onslow, Orange, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond,
19 Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Union, Vance,
20 Wake, Wilkes, Wilson, Watauga, and Wayne Counties."

21 Section 2. This act is effective when it becomes law.