

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 773  
Commerce Committee Substitute Adopted 4/14/03  
House Committee Substitute Favorable 6/10/03

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

(Public)

Sponsors:

Referred to:

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-20 is amended by adding a new subdivision to  
6 read:

7 "§ 115D-20. Powers and duties of trustees.

8 The trustees of each institution shall constitute the local administrative board of such  
9 institution, with such powers and duties as are provided in this Chapter and as are  
10 delegated to it by the State Board of Community Colleges. The powers and duties of  
11 trustees shall include the following:

12 . . .

13 (13) To enter into a public/private partnership in which all of the following  
14 conditions are met:

- 15 a. The agreement is approved in advance by the State Board of  
16 Community Colleges.  
17 b. The board of trustees agrees to lease community college land to  
18 a private entity on condition that the entity construct a facility  
19 on the leased land.  
20 c. The facility will be jointly owned and used by the private entity  
21 and the community college.  
22 d. The board of trustees is not authorized to lease the facility as  
23 lessee under a long-term lease or capital lease from the private  
24 entity as lessor.  
25 e. The board of trustees is not authorized to finance its portion of  
26 the facility by entering into an installment contract or other  
27 financing contract with the private entity.

- 1                    f. State bond funds shall not be used to pay for construction of  
2                    that part of the facility to be owned and used by the private  
3                    entity.  
4                    g. The provisions of G.S. 143-341(3)a. apply to the construction  
5                    of a facility under this subsection."

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