GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

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SENATE BILL 914 Education/Higher Education Committee Substitute Adopted 4/24/01

Short Title:	Amend Law Regarding Sch. Construction Projects.	(Public)
Sponsors:		
Referred to:		
	April 5, 2001	

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL CONSTRUCTION PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-521 reads as rewritten:

"§ 115C-521. Erection of school buildings.

(a) It shall be the duty of local boards of education to provide classroom facilities adequate to meet the requirements of G.S. 115C-47(10) and 115C-301. Local boards of education shall submit their long-range plans for meeting school facility needs to the State Board of Education by January 1, 1988, and every five years thereafter.years. In developing these plans, local boards of education shall consider the costs and feasibility of renovating old school buildings instead of replacing them.

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(c) The building of all new school buildings and the repairing of all old school buildings shall be under the control and direction of, and by contract with, the board of education for which the building and repairing is done. If a board of education is considering building a new school building to replace an existing school building, the board shall not invest any construction money in the new building unless it submits to the State Superintendent and the State Superintendent submits to the North Carolina Historical Commission an analysis that compares the costs and feasibility of building the new building and of renovating the existing building and that clearly indicates the desirability of building the new building. No board of education shall invest any money in any new building until it has (i) developed plans based upon a consideration of the State Board's facilities guidelines, (ii) submitted these plans to the State Board for its review and comments, and-(iii) reviewed the plans based upon a consideration of the comments it receives from the State Board. School Planning Section of the Department of Public Instruction as to structural and functional soundness, safety, and sanitation, and (iv) ensured that the proposed construction or renovation complies with all applicable requirements of the North Carolina State Building Code and of local building and electrical codes. No local board of education shall contract for more money than is made available for the erection of a new building. However, this subsection shall not be construed so as to prevent boards of education from investing any money in buildings that are being constructed pursuant to a continuing contract of construction as provided for in G.S. 115C-441(c). All contracts for buildings shall be in writing and all buildings shall be inspected, received, and approved by the local superintendent and the architect before full payment is made therefor. Nothing in this subsection shall prohibit boards of education from repairing and altering buildings with the help of janitors and other regular employees of the board.

In the design and construction of new school buildings and in the renovation of existing school buildings that are required to be designed by an architect or engineer under G.S. 133-1.1, the local board of education shall participate in the planning and review process of the Energy Guidelines for School Design and Construction that are developed and maintained by the Department of Public Instruction and shall adopt local energy-use goals for building design and operation that take into account local conditions in an effort to reduce the impact of operation costs on local and State budgets. In the design and construction of new school facilities and in the repair and renovation of existing school facilities, the local board of education shall consider the placement and design of windows to use the climate of North Carolina for both light and ventilation in case of power shortages. A local board shall also consider the installation of solar energy systems in the school facilities whenever practicable.

In the case of any school buildings erected, repaired, or equipped with any money loaned or granted by the State to any local school administrative unit, no board of education shall invest any money until it has (i) developed plans based upon a consideration of the State Board's facilities guidelines, (ii) submitted these plans to the State Board for its review and comments, and—(iii) reviewed the plans based upon a consideration of the comments it receives from the State Board. School Planning Section of the Department of Public Instruction as to structural and functional soundness, safety, and sanitation, and (iv) ensured that the proposed construction or renovation complies with all applicable requirements of the North Carolina State Building Code and of local building and electrical codes.

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SECTION 2. G.S. 115C-530(a)(4) reads as rewritten:

"(a) Local boards of education may enter into operational leases of real or personal property for use as school buildings or school facilities. Operational leases for terms of less than three years shall not be subject to the approval of the board of county commissioners. Operational leases for terms of three years or longer, including periods that may be added to the original term through the exercise of options to renew or extend, are permitted if all of the following conditions are met:

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(4) Any construction, repair, or renovation of the property is in compliance with the requirements of G.S. 115C-521(c) relating to energy guidelines.G.S. 115C-521.

For purposes of this section, an operational lease is defined according to generally excepted accounting principles.

SECTION 3. This act becomes effective July 1, 2001, and applies to projects submitted to the School Planning Section of the State Board of Education on or after that date.