

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-286
SENATE BILL 773**

**AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO
PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-20 is amended by adding a new subdivision to read:

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

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

- (13) To enter into a public/private partnership in which all of the following conditions are met:
 - a. The agreement is approved in advance by the State Board of Community Colleges.
 - b. The board of trustees agrees to lease community college land to a private entity on condition that the entity construct a facility on the leased land.
 - c. The facility will be jointly owned and used by the private entity and the community college.
 - d. The board of trustees is not authorized to lease the facility as lessee under a long-term lease or capital lease from the private entity as lessor.
 - e. The board of trustees is not authorized to finance its portion of the facility by entering into an installment contract or other financing contract with the private entity.
 - f. State bond funds shall not be used to pay for construction of that part of the facility to be owned and used by the private entity.
 - g. The provisions of G.S. 143-341(3)a. apply to the construction of a facility under this subsection."

SECTION 2. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 23rd day of
June, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 4:31 p.m. this 4th day of July, 2003