

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 808\*  
Committee Substitute Favorable 5/13/09  
Senate Education/Higher Education Committee Substitute Adopted 6/3/09  
Fourth Edition Engrossed 6/9/09

Short Title: Com. Coll. Const. Proc./DOI Code Enf. Clarif.

(Public)

Sponsors:

Referred to:

March 26, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE  
3 FACILITIES MORE EFFICIENT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115D-4 reads as rewritten:

6 "**§ 115D-4. Establishment of ~~institutions; capital improvements; institutions.~~**

7 The establishment of all community colleges shall be subject to the approval of the General  
8 Assembly upon recommendation of the State Board of Community Colleges. In no case,  
9 however, shall favorable recommendation be made by the State Board for the establishment of  
10 an institution until it has been demonstrated to the satisfaction of the State Board that a genuine  
11 educational need exists within a proposed administrative area, that existing public and private  
12 post-high school institutions in the area will not meet the need, that adequate local financial  
13 support for the institution will be provided, that public schools in the area will not be affected  
14 adversely by the local financial support required for the institution, and that funds sufficient to  
15 provide State financial support of the institution are available.

16 ~~The expenditures of any State funds for any capital improvements of existing institutions~~  
17 ~~shall be subject to the prior approval of the State Board of Community Colleges and the~~  
18 ~~Governor. The expenditure of State funds at any institution herein authorized to be approved by~~  
19 ~~the State Board shall be subject to the terms of the State Budget Act unless specifically~~  
20 ~~otherwise provided in this Chapter."~~

21 SECTION 2. Article 1 of Chapter 115D of the General Statutes is amended by  
22 adding a new section to read:

23 "**§ 115D-9. Powers of State Board regarding certain fee negotiations, contracts, and**  
24 **capital improvements.**

25 (a) The expenditures of any State funds for any capital improvements of existing  
26 institutions shall be subject to the prior approval of the State Board of Community Colleges and  
27 the Governor. The expenditure of State funds at any institution herein authorized to be  
28 approved by the State Board under G.S. 115D-4 shall be subject to the terms of the State  
29 Budget Act unless specifically otherwise provided in this Chapter.

30 (b) Notwithstanding G.S. 143-341(3), the State Board of Community Colleges may,  
31 with respect to design, construction, repair, or renovation of buildings, utilities, and other State  
32 or non-State funded property developments of the North Carolina Community College System  
33 requiring the estimated expenditure of public money of one million dollars (\$1,000,000) or  
34 less:



- 1           (1)    Conduct the fee negotiations for all design contracts and supervise the letting  
2                   of all construction and design contracts.
- 3           (2)    Develop procedures governing the responsibilities of the North Carolina  
4                   Community College System and its community colleges to perform the  
5                   duties of the Department of Administration and the Director or Office of  
6                   State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).
- 7           (3)    Use existing plans and specifications for construction projects, where  
8                   feasible. Prior to designing a project, the State Board shall consult with the  
9                   Department of Administration on the availability of existing plans and  
10                  specifications and the feasibility of using them for a project.

11       (c)    The State Board may delegate its authority under subsection (b) of this section to a  
12       community college if the community college is qualified under guidelines adopted by the State  
13       Board and approved by the State Building Commission and the Director of the Budget.

14       (d)    The North Carolina Community College System shall use the standard contracts for  
15       design and construction currently in use for State capital improvement projects by the Office of  
16       State Construction of the Department of Administration.

17       (e)    A contract may not be divided for the purpose of evading the monetary limit under  
18       this section.

19       (f)    Notwithstanding any other provision of this Chapter, the Department of  
20       Administration shall not be the awarding authority for contracts awarded under subsections (b)  
21       or (c) of this section.

22       (g)    The State Board shall annually report to the State Building Commission the  
23       following:

- 24           (1)    A list of projects governed by this section.
- 25           (2)    The estimated cost of each project along with the actual cost.
- 26           (3)    The name of each person awarded a contract under this section.
- 27           (4)    Whether the person or business awarded a contract under this section meets  
28                   the definition of "minority business" or "minority person" as defined in  
29                   G.S. 143-128.2(g)."

30       **SECTION 3.** This act is effective when it becomes law and applies to design,  
31       construction, repair, or renovation projects for which bids or proposals are solicited on or after  
32       April 30, 2010.