



HOUSE BILL 299: Henderson Cty/Build Community College Bldgs.

2019-2020 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 10, 2019
Introduced by:	Reps. McGrady, Henson	Prepared by:	Nicholas Giddings Staff Attorney
Analysis of:	PCS to First Edition H299-CSBA-7		

OVERVIEW: House Bill 299 would allow Henderson County to construct and renovate community college buildings on the Henderson County campus of Blue Ridge Community College, provided the County funds the construction entirely with County funds.

The PCS would change the deadline for Henderson County to incur debt against the land transferred to it under this act from December 31, 2022 to December 31, 2023. If this deadline is not met, Henderson County must transfer title to the land back to Blue Ridge Community College. This is a conforming change to match the dates outlined in the effective date section.

CURRENT LAW: G.S. 115D-9 requires approval by the State Board of Community Colleges before the expenditure of any State funds on capital improvements of existing community college institutions. G.S. 115D-15.1 requires approval by the State Board of Community Colleges before a community college may dispose, transfer, or acquire property. Chapter 143 gives the Department of Administration control of real property owned or leased by the State. G.S. 143-341(3) gives the Department of Administration control over the architecture and engineering of community college buildings.

BILL ANALYSIS:

Section 1 would authorize Henderson County to do the following:

- Construct or renovate community college buildings located on the campus of Blue Ridge Community College in Henderson County to be used for (i) a new arts, sciences, and general studies center and (ii) a new police officers physical abilities test training center.
- Make substantial renovations to existing buildings on campus.

Section 1 also sets forth requirements that Henderson County would have to meet in order to construct or renovate community college buildings located within Henderson County.

Section 2 would allow Henderson County and the Board of Trustees of Blue Ridge Community College (BOT) to enter into a memorandum of understanding to allow Henderson County to construct community college buildings in a timely fashion and cost-efficient manner.

Section 3(a) would set a deadline of within 120 days of the effective date of this act for the BOT to identify to Henderson County (i) the real property upon which it intends the new buildings to be constructed and (ii) any other real property needed for the financing of the construction and renovations authorized by this

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House PCS 299

Page 2

act. The real property identified by the BOT must be a portion of the real property described in Book 490, Page 373 of the Henderson County Registry.

Section 3(b) would set a deadline of within 30 days of the identification of the real property, as provided in Section 3(a), for the BOT to transfer title to the identified property to Henderson County for the life of the debt incurred against the property for the construction or renovation authorized in Section 1.

Section 3(c) would require Henderson County to transfer the property back to the BOT upon satisfaction of the debt incurred in the construction or renovation of the buildings. If no debt is incurred against the property by December 31, 2023, Henderson County would be required to transfer title back to the BOT.

Section 4 would allow Henderson County and the BOT to enter into a lease agreement for any space in county-owned buildings located within Henderson County.

EFFECTIVE DATE: Sections 1, 2, and 3 would be effective when they become law and apply only to construction and renovation projects by Henderson County on the Henderson County campus of Blue Ridge Community College between January 1, 2019, and December 31, 2023. The remainder of this act would be effective when it becomes law.

BACKGROUND: Similar acts affecting Henderson County and Blue Ridge Community College were enacted in 2016 (S.L. 2016-22) and 2017 (S.L. 2017-21).

Samantha Yarborough, counsel to House Education - Community Colleges, substantially contributed to this summary.