

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 690

Short Title: Centennial Authority Changes.

(Public)

Sponsors: Senators Weinstein; Purcell and Wellons.

Referred to: Education/Higher Education.

March 26, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND THE FACILITY AUTHORITY ACT SO AS TO CLARIFY
3 THAT THE CHANCELLOR REPRESENTS THE INTEREST OF A
4 CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH
5 CAROLINA.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 160A-480.3(g) reads as rewritten:

8 "(g) Conflicts. – If any member, officer, or employee of an Authority shall be:

9 (1) Interested either directly or indirectly; or

10 (2) An officer or employee of or have an ownership interest in any firm or
11 corporation, not including units of local government or the Chancellor
12 of the main campus of a constituent institution of The University of
13 North Carolina within the county, or the Chancellor's designee,
14 interested directly or indirectly,

15 in any contract with that Authority, the interest shall be disclosed to the Authority and
16 shall be set forth in the minutes of the Authority. The member, officer, or employee
17 having an interest shall not participate on behalf of the Authority in the authorization of
18 such contract. Other provisions of law notwithstanding, failure to take any or all actions
19 necessary to carry out the purposes of this subsection do not affect the validity of any
20 bonds or notes issued under this Chapter.

21 It is not a violation of this subsection for the Chancellor of the main campus of a
22 constituent institution of The University of North Carolina within the county, or the
23 Chancellor's designee, to participate in discussion of or to vote on any matter, including
24 but not limited to the execution of any contract by the Authority, where the matter
25 relates to the interest of a constituent institution of The University of North Carolina
26 within the county."

27 **SECTION 2.** G.S. 160A-480.3(d) reads as rewritten:

1 "(d) Charter and Bylaws. – The act creating an authority and any amendments to it
2 is the Authority's charter. The charter of an authority shall include the name of the
3 Authority. An authority may adopt bylaws. Any bylaw that conflicts with the declared
4 public policy of the State as expressed by law is void and unenforceable. The bylaws
5 ~~which~~ may do any one or more of the following:

- 6 (1) Limit the powers, duties, and functions that the Authority may exercise
7 and perform.
- 8 (2) Prescribe the compensation and allowances not to exceed those
9 provided by G.S. 93B-5, if any, to be paid to the members of the
10 Authority.
- 11 (3) Contain rules for the conduct of Authority business and any other
12 matter pertaining to the organization, powers, and functioning of the
13 Authority that the members consider appropriate."

14 **SECTION 3.** This act is effective when it becomes law.