



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
Dr. R. Scott Ralls, President

March 15, 2010

IMPORTANT ADMINISTRATIVE CODE INFORMATION

MEMORANDUM

TO: Members of the State Board of Community Colleges
Community College Presidents and Boards of Trustees Chairs
NC Community College System Office Staff
Other Interested Parties

FROM: Q. Shanté Martin
General Counsel

SUBJ: Proposed Changes in the Administrative Code

The State Board has initiated the Rule-making process to amend the following rule:

23 NCAC 2C.0503, entitled "Donated or Loaned Property."

The State Board is proposing to amend this rule because the State Board's reporting requirement to the Joint Legislative Education Oversight Committee on the use of community college facilities by private businesses has been repealed by Session Law 2009-451, section 8.9. As such, colleges no longer need to provide an annual report to the State Board on the use of community college facilities by private businesses. The proposed amendment was published in the North Carolina Register today, March 15, 2010, in Volume 24, Issue 18, on pages 1609-1610.

For your convenience, a copy of this rule is attached to this memorandum. Please post a copy of this rule in prominent places so that all individuals affected by the proposed adoption will be informed.

In accordance with the Administrative Procedures Act, no public hearing has been scheduled for these Rule-making proceedings. Requests for a public hearing should be made in writing within 15 days of publication of the proposed rule in the North Carolina Register to the following address: Q. Shanté Martin, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to **publiccomments@nccommunitycolleges.edu**. Written comments for the Rule must be received no later than **5:00 p.m. on May 14, 2010**. Written comments should be directed to the following address: Q. Shanté Martin, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to **publiccomments@nccommunitycolleges.edu**.

Thank you for your attention to this matter.

CC10-010
E-mail Copy

QSM/caa
Attachment

TITLE 23 – DEPARTMENT OF COMMUNITY COLLEGES

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina State Board of Community Colleges intends to amend the rule cited as 23 NCAC 02C .0503.

Proposed Effective Date: *August 1, 2010*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): To demand a public hearing please send the written demand to Q. Shanté Martin, Rulemaking Coordinator, NC Community College System, 200 West Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by emailing the demand to publiccomments@nccommunitycolleges.edu. Demands must be received within 15 days of the publication of the proposed rule in the North Carolina Register.*

Reason for Proposed Action: *The reporting requirement to the Joint Legislative Education Oversight Committee has been repealed in Section 8.9 of Senate Bill 202. As such, colleges no longer need to provide an annual report to the State Board.*

Procedure by which a person can object to the agency on a proposed rule: *Written objections shall be addressed to President, NC Community College System office, 5001 Mail Service Center, Raleigh, NC 27699-5001 within the comment period and must be postmarked by 11:59 p.m. on the last day of the comment period.*

Comments may be submitted to: *Q. Shanté Martin, Rulemaking Coordinator, 200 West Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001; email publiccomments@nccommunitycolleges.edu*

Comment period ends: *May 14, 2010*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- State**
- Local**
- Substantial Economic Impact (>\$3,000,000)**
- None**

CHAPTER 02 - COMMUNITY COLLEGES

SUBCHAPTER 02C - COLLEGES: ORGANIZATION AND OPERATIONS

SECTION .0500 - EQUIPMENT

23 NCAC 02C .0503 DONATED OR LOANED PROPERTY

- (a) A board of trustees may accept property donated to the college for any lawful educational purpose that is consistent with the mission and purpose of the community college system.
- (b) Prior to a board of trustees accepting any property that restricts the use of funds derived from the sale or lease of the property, the college shall submit to the ~~Department~~ System Office a copy of the document transferring the property for review.
- (c) Any funds derived from the sale or lease of property donated to a college for a specific educational purpose shall be used to accomplish that purpose.

(d) A board of trustees may permit a private business enterprise that loans or donates instructional equipment to the college to use the college's facilities to demonstrate the donated or loaned equipment to customers or potential customers of the private business enterprise provided that:

- (1) The board of trustees develop procedures to regulate the use of its facilities for this purpose;
- (2) The procedures must comply with G.S. 115D-15; and
- ~~(3) The college provides an annual report to the State Board regarding the use of its facilities for these purposes; and,~~
- (3)(4) The lender's or donor's use of the college facilities shall not interfere with the education of students.

Authority G.S. 115D-5; 115D-15; 115D-20.