

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 765
Committee Substitute Favorable 4/24/13
PROPOSED COMMITTEE SUBSTITUTE H765-PCS70387-TC-18

Short Title: Jury Instructions for School Budget Dispute.

(Public)

Sponsors:

Referred to:

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY AND CODIFY JURY INSTRUCTIONS FOR A BUDGET DISPUTE
3 BETWEEN BOARD OF EDUCATION AND BOARD OF COUNTY
4 COMMISSIONERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115C-431(c) reads as rewritten:

7 "(c) Within five days after an announcement of no agreement by the mediator, the local
8 board of education may file an action in the superior court division of the General Court of
9 Justice. ~~The court shall find the facts as to the amount of money necessary to maintain a system
10 of free public schools, and the amount of money needed from the county to make up this total.~~
11 Either board has the right to have the issues of fact tried by a jury. When a jury trial is
12 demanded, the cause shall be set for the first succeeding term of the superior court in the
13 county, and shall take precedence over all other business of the court. However, if the judge
14 presiding certifies to the Chief Justice of the Supreme Court, either before or during the term,
15 that because of the accumulation of other business, the public interest will be best served by not
16 trying the cause at the term next succeeding the filing of the action, the Chief Justice shall
17 immediately call a special term of the superior court for the county, to convene as soon as
18 possible, and assign a judge of the superior court or an emergency judge to hold the court, and
19 the cause shall be tried at this special term. ~~The issue submitted to the jury~~The judge shall find,
20 or if the issue is submitted to the jury, the jury shall find shall be what amount of money is
21 needed from sources under the control of the board of county commissioners to maintain a
22 system of free public schools.~~the facts as to the following in order to maintain a system of free~~
23 public schools as defined by State law and State Board of Education policy: (i) the amount of
24 money legally necessary from all sources and (ii) the amount of money legally necessary from
25 the board of county commissioners. In making the finding, the judge or the jury shall consider
26 the educational goals and policies of the State and the local board of education, the budgetary
27 request of the local board of education, the financial resources of the county and the local board
28 of education, and the fiscal policies of the board of county commissioners and the local board
29 of education.

30 All findings of fact in the superior court, whether found by the judge or a jury, shall be
31 conclusive. When the facts have been found, the court shall give judgment ordering the board
32 of county commissioners to appropriate a sum certain to the local school administrative unit,
33 and to levy such taxes on property as may be necessary to make up this sum when added to
34 other revenues available for the purpose."



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1 **SECTION 2.** This act is effective when it becomes law and applies to all actions
2 commenced on or after that date.