

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 355
House Committee Substitute Favorable 4/10/13
PROPOSED HOUSE COMMITTEE SUBSTITUTE S355-PCS45192-LB-129

Short Title: Tech Correction/Gaston, Nash, Union Local Act.

(Local)

Sponsors:

Referred to:

March 20, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CHANGES AND CLARIFICATIONS IN AN ACT TO
3 ESTABLISH A MORATORIUM ON FILING OF ACTIONS BY CERTAIN LOCAL
4 BOARDS OF EDUCATION CHALLENGING THE SUFFICIENCY OF LOCAL FUNDS
5 APPROPRIATED TO THE PUBLIC SCHOOLS BY THE BOARD OF COUNTY
6 COMMISSIONERS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** If House Bill 292, 2013 Regular Session, becomes law, then that act
9 is rewritten to read:

10 "**SECTION 1.(a)** A local board of education shall not file any legal action under
11 G.S. 115C-426, 115C-431, or 115C-432 challenging the sufficiency of the funds appropriated
12 by the Union County Board of Commissioners to the local current expense fund, the capital
13 outlay fund, or both. This subsection expires upon the adoption of the 2016-2017 fiscal year
14 budget by the Union County Board of Commissioners.

15 "**SECTION 1.(b)** G.S. 115C-429(b) reads as rewritten:

16 "(b) The board of county commissioners shall complete its action on the school budget
17 on or before July 1, or such later date as may be agreeable to the board of education. The
18 commissioners shall ~~determine the amount of county revenues to be appropriated in the county~~
19 ~~budget ordinance to the local school administrative unit for the budget year. The board of~~
20 ~~county commissioners may, in its discretion, allocate part or all of its appropriation by purpose,~~
21 ~~function, or project as defined in the uniform budget format.~~ appropriate moneys as follows for
22 each indicated fiscal year:

23 (1) For the 2014-2015 fiscal year, at least eighty-seven million ninety-seven
24 thousand eight hundred eighty-four dollars (\$87,097,884) for the local
25 current expense fund and at least nineteen million five hundred thirty-one
26 thousand five hundred eighty-two dollars (\$19,531,582) for capital outlay.

27 (2) For the 2015-2016 fiscal year, at least an amount equal to the local current
28 expense fund appropriation for the 2014-2015 budget year plus (i) an
29 inflationary increase based on the most recent annual consumer price index
30 for all urban workers (CPI-U) and (ii) any increase in the average daily
31 membership in the local school administrative unit in the first 20 days of the
32 school year from the prior school year, and at least nineteen million seven
33 hundred eighty-six thousand twenty-four dollars (\$19,786,024) for capital
34 outlay."



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1 **"SECTION 1.(c)** On or before August 1, 2014, the Union County Board of
2 Commissioners and the Union County Board of Education shall jointly establish a working
3 group to develop a multiyear plan to address existing and ongoing capital needs of the Union
4 County Board of Education. The working group shall consist of up to 14 people, half appointed
5 by each board. The working group shall complete its work and report to the Union County
6 Board of Commissioners and the Union County Board of Education on or before June 30,
7 2015.

8 **"SECTION 1.(d)** This section applies only to Union County.

9 **"SECTION 2.(a)** G.S. 115C-431 is repealed. This subsection expires upon the adoption of
10 the 2016-2017 fiscal year budget by the appropriate board of county commissioners.

11 **"SECTION 2.(b)** A local board of education shall not file any legal action under
12 G.S. 115C-426, 115C-431, or 115C-432 challenging the sufficiency of the funds appropriated
13 by the board of county commissioners to the local current expense fund, the capital outlay fund,
14 or both. This subsection expires upon the adoption of the 2016-2017 fiscal year budget by the
15 appropriate board of county commissioners.

16 **"SECTION 2.(c)** This section applies only to the counties of Gaston and Nash.

17 **"SECTION 3.** If any provision of this act or its application is held invalid, the invalidity
18 does not affect the other provisions or applications of this act that can be given effect without
19 the invalid provisions or applications, and to this end the provisions of this act are severable.

20 **"SECTION 4.** This act becomes effective June 11, 2014, and shall not affect any action
21 filed prior to that date."

22 **SECTION 2.** This act becomes effective June 11, 2014.