

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 561

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H561-ATC-70 [v.5]

Page 1 of 2

Amends Title [YES]
Second Edition

Date _____, 2015

Senator Soucek

1 moves to amend the bill on page 1, line, 3, by rewriting that line to read:

2
3 "LEGAL PROCEEDINGS AND INVESTIGATIONS, AND TO ESTABLISH A FIVE-YEAR
4 MORATORIUM ON FILING OF ACTIONS BY LOCAL BOARDS OF EDUCATION
5 CHALLENGING THE SUFFICIENCY OF LOCAL FUNDS APPROPRIATED TO THE
6 PUBLIC SCHOOLS BY THE BOARD OF COUNTY COMMISSIONERS.";

7
8 and on page 1, line 25, by deleting "Board of Education." and substituting with "board of
9 education.";

10
11 and on page 1, line 26 to page 2, line 5 by rewriting those lines to read:

12
13 "SECTION 2. G.S. 115C-45(a) reads as rewritten:

14 "(a) Power to Subpoena and to Punish for Contempt. – Local boards of education shall
15 have power to issue subpoenas for the attendance of witnesses. Subpoenas for the attendance of
16 witnesses may be issued in any and all matters which may lawfully come within the powers of
17 the board and which, in the discretion of the board, require ~~investigation; investigation. and it~~
18 ~~shall be the duty of the sheriff or any process serving officer to serve such subpoena upon~~
19 ~~payment of their lawful fees.~~ Local boards of education may request the chief district court
20 judge or the judge's designee to grant approval for the local board of education to issue a
21 subpoena for the production of all tangible things in matters where an employee is suspected of
22 committing job-related misconduct and which, in the discretion of the board, require
23 investigation. Subpoenas for the production of tangible things may include, but is not limited,
24 to documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or
25 other tapes, electronic communications, electronic data-processing records, artifacts, or other
26 documentary material, regardless of physical form or characteristics. In making the
27 determination to approve the subpoena, the judge shall consider the following: (i) whether the
28 subpoena allows reasonable time for compliance; (ii) if the subpoena requires disclosure of
29 privileged or other protected matter and if any exception or waiver applies to the privilege or
30 protection; (iii) whether the individual would be subject to undue burdens or expenses; and (iv)
31 whether the subpoena is otherwise unreasonable or oppressive.



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1 It shall be the duty of the sheriff or any process serving officer to serve any such subpoenas
2 upon payment of their lawful fees.

3 Local boards of education shall have power to punish for contempt for any disorderly
4 conduct or disturbance tending to disrupt them in the transaction of official business.";

5
6 And on page 2, line 6, by rewriting that line to read:

7
8 "SECTION 3. Notwithstanding G.S. 115C-431, a local board of education shall not
9 file any legal action as provided in that statute for the 2015-2016, 2016-2017, 2017-2018,
10 2018-2019, and 2019-2020 fiscal years.

11 SECTION 4. Section 2 of this act becomes effective October 1, 2015. Section 3 of
12 this act shall not apply to any legal actions filed prior to the date this act becomes law. The
13 remainder of this act becomes effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**