

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 131

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

S131-ASV-10 [v.2]

Page 1 of 3

Amends Title [NO]
Second Edition

Date _____, 2025

Senator Moffitt

1 moves to amend the bill on page 2, line 11, through page 3, line 46, by rewriting the lines to read:
2 "SECTION 2.(a) Chapter 134 of the 1983 Session Laws, as amended by Chapter
3 534 of the 1983 Session Laws and S.L. 2016-19, is rewritten and recodified as subsections (b)
4 through (m) of this section.

5 SECTION 2.(b) There is hereby created a Commission to be known as the School
6 Capital Fund Commission for Buncombe County, which Commission shall have and possess all
7 the powers conferred by this act and such other powers as may be useful or necessary to permit
8 it fully to carry out the purposes of this act. The Commission is hereby declared to be a
9 corporation with perpetual succession, the right to adopt and use a corporate seal, to sue and to
10 be sued, and to hold, manage and control the moneys and properties received by it under the
11 provisions of this act. It shall have the right to make reasonable rules and regulations for the
12 conduct of its business.

13 SECTION 2.(c) The Commission shall consist of five members. Members of the
14 Commission shall serve two-year terms and shall be appointed as follows: one appointed by the
15 Asheville City Board of Education, one appointed by the Buncombe County Board of Education,
16 two appointed by the Buncombe County Board of Commissioners, and one appointed by the
17 other four appointees. A member appointed by a local governing board or a school board shall
18 serve at the pleasure of that board. The member appointed by the other appointees shall serve at
19 the pleasure of the majority of the other appointees. Any vacancy shall be filled by the appointing
20 authority of the member creating the vacancy to fill the unexpired term.

21 SECTION 2.(d) A quorum shall be three members of the Commission.

22 SECTION 2.(e) The Commission shall organize, adopt bylaws or rules and
23 regulations to govern its procedure and the conduct of the business and affairs of the Commission
24 and appoint a chairman and vice-chairman from among its membership who shall serve a
25 one-year term and appoint a secretary for a one-year term and until their successors are appointed
26 by the Commission. The finance officer for Buncombe County shall be the finance officer of the
27 Commission. The county finance officer shall give bond for the faithful performance of his
28 duties as the finance officer of the Commission in an amount determined by the Commission.
29 The finance officer of the Commission shall manage the funds of the Commission only as
30 directed by the Commission. The Commission may select and appoint an attorney of the
31 Commission to serve at the pleasure of the Commission. The Commission may fix the
32 compensation for the attorney.



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1 **SECTION 2.(f)** Regular or stated meetings of the Commission shall be held at such
2 time and place as may be provided by the Commission in its bylaws or rules and regulations, and
3 special meetings may be held on the call of the chairman after due notice.

4 **SECTION 2.(g)** One-half of any local government sales and use tax revenue
5 distributed to Buncombe County under G.S. 105-472 shall be paid to the Commission by the
6 Secretary of Revenue; provided that if distribution of the local government sales and use tax
7 revenue is made under G.S. 105-472(2), (the ad valorem method), then taxing districts shall
8 receive their funds under G.S. 105-472(2) as if no funds had been paid to the Commission by the
9 Secretary of Revenue, and in computing what amount is one-half of the sales and use tax revenue,
10 the Secretary of Revenue shall not reduce the total by the amount to be distributed to the taxing
11 districts. This section does not affect the distribution of any local or State sales and use tax
12 revenue to the municipalities in Buncombe County.

13 **SECTION 2.(h)** Any other capital funds appropriated by Buncombe County
14 pursuant to Article 40 and Article 42 of Chapter 105 of the General Statutes shall be apportioned
15 among the Asheville City Board of Education and the Buncombe County Board of Education
16 according to the membership of each unit using the process set forth in G.S. 115C-430.
17 Buncombe County shall maintain separate internal accounts for each school board in order to
18 comply with this section. These funds are not under the control of the School Capital Fund
19 Commission.

20 **SECTION 2.(i)** All funds received by the Commission under subsection (g) of this
21 section shall be placed in a capital reserve fund as provided in Part 2 of Article 3 of Chapter 159
22 of the General Statutes. The capital reserve fund shall be known as the Public School Capital
23 Needs Fund.

24 **SECTION 2.(j)** All funds in the Public School Capital Needs Fund shall be used to
25 finance new public school construction, to finance public school improvement and renovation
26 projects that exceed one hundred thousand dollars (\$100,000), or to retire any indebtedness
27 incurred by the county for these purposes.

28 The Commission shall consider the capital needs of both the Buncombe County School
29 System and the Asheville City School System, prioritize those needs, and recommend projects
30 to be funded from the Public School Capital Needs Fund to the board of county commissioners
31 based on the priority of needs determined.

32 By joint agreement of the Board of County Commissioners and both boards of education,
33 money may be transferred from the account under this section of one board of education to the
34 account under this section of the other board of education, provided that the agreement must
35 require a transfer back of an equal amount of funds at some fixed date in the future, plus a sum
36 to be determined at that date which represents interest which would have accrued on the funds if
37 they had remained in the first account.

38 **SECTION 2.(k)** Moneys in the Public School Capital Needs Fund shall be subject
39 to appropriation by the board of county commissioners. The Commission shall disburse such
40 moneys as a ministerial duty upon receiving a written request from the board of county
41 commissioners after the county board of commissioners has adopted an ordinance and after
42 receipt of a written request from the appropriate board of education indicating it is prepared to
43 enter into a contract, and G.S. 115C-521 shall continue to apply.

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1 **SECTION 2.(l)** Notwithstanding any other provision of this act, if the Buncombe
2 County Board of Commissioners appropriates any federal revenue sharing funds to the
3 Commission for the purpose of substituting revenue sharing funds for sales tax funds, then it
4 must at the same time appropriate from the Commission to the county an equal amount of funds
5 received under subsection (g) of this section to be used for such purposes as the Board of
6 Commissioners shall deem appropriate and are otherwise authorized by law, provided that such
7 federal revenue sharing funds shall be divided pro rata under subsection (j) of this section.
8 **SECTION 2.(m)** The reasonable and necessary expenses of the Commission,
9 including the compensation of its officers and employees and the cost of any bond required by
10 it, shall be paid by the County of Buncombe. The chairman of the Commission shall, on or about
11 the first day of each calendar month, certify to the governing body of Buncombe County the
12 expenses of the Commission incurred during the preceding month, and the governing body of the
13 county shall forthwith, and within five days thereafter, cause to be paid to the Commission the
14 expenses required to be paid. All such payments shall be charged to the general fund of the
15 county.".

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**