

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

**SENATE BILL 355  
RATIFIED BILL**

AN ACT TO MAKE TECHNICAL CHANGES AND CLARIFICATIONS IN AN ACT TO ESTABLISH A MORATORIUM ON FILING OF ACTIONS BY CERTAIN LOCAL BOARDS OF EDUCATION CHALLENGING THE SUFFICIENCY OF LOCAL FUNDS APPROPRIATED TO THE PUBLIC SCHOOLS BY THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina enacts:

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

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

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

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

- (1) For the 2014-2015 fiscal year, at least eighty-seven million ninety-seven thousand eight hundred eighty-four dollars (\$87,097,884) for the local current expense fund and at least nineteen million five hundred thirty-one thousand five hundred eighty-two dollars (\$19,531,582) for capital outlay.
- (2) For the 2015-2016 fiscal year, at least an amount equal to the local current expense fund appropriation for the 2014-2015 budget year plus (i) an inflationary increase based on the most recent annual consumer price index for all urban workers (CPI-U) and (ii) any increase in the average daily membership in the local school administrative unit in the first 20 days of the school year from the prior school year, and at least nineteen million seven hundred eighty-six thousand twenty-four dollars (\$19,786,024) for capital outlay."

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

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

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

**"SECTION 2.(b)** A local board of education shall not file any legal action under G.S. 115C-426, 115C-431, or 115C-432 challenging the sufficiency of the funds appropriated by the board of county commissioners to the local current expense fund, the capital outlay fund,



or both. This subsection expires upon the adoption of the 2016-2017 fiscal year budget by the appropriate board of county commissioners.

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

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

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

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

In the General Assembly read three times and ratified this the 17<sup>th</sup> day of June, 2014.

s/ Daniel J. Forest  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives