A BILL TO BE ENTITLED

AN ACT TO PROVIDE LOCAL SCHOOL ADMINISTRATIVE UNITS ADDITIONAL FLEXIBILITY WITH RESPECT TO CASH MANAGEMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-438 reads as rewritten:

"§ 115C-438. Provision for disbursement of State money.

(a) The deposit of money in the State treasury to the credit of local school administrative units shall be made in monthly installments, and additionally as necessary, at such time and in such a manner as may be most convenient for the operation of the public school system. Before an installment is credited, the school finance officer shall certify to the State Board of Education the expenditures to be made by the local school administrative unit from the State Public School Fund during the month. This certification shall be filed on or before the fifth day following the end of the month preceding the period in which the expenditures will be made. The State Board of Education shall determine whether the moneys requisitioned are due the local school administrative unit, and upon determining the amount due, shall cause the requisite amount to be credited to the local school administrative unit. Upon receiving notice from the State Treasurer of the amount placed to the credit of the local school administrative unit, the finance officer may issue State warrants up to the amount so certified.

Upon notification by the Board of Trustees of the Teachers' and State Employees' Retirement System to the State Treasurer and the Office of State Budget and Management as to the default of the local school administrative unit, the State Board of Education shall withhold from any State appropriation due to the local school administrative unit an amount equal to the sum of all delinquent contributions and payments due to the Retirement Systems Division and shall transmit that amount to the Retirement Systems Division.

The State Board of Education may withhold money for payment of salaries for administrative officers of local school administrative units if any report required to be filed with State school authorities is more than 30 days overdue. The State Board of Education shall withhold money for payment of salaries for the superintendent, finance officer, and all other administrative officers charged with providing payroll information pursuant to G.S. 115C-12(18), if the local school administrative unit fails to provide the payroll information to the State Board in a timely fashion and substantially in accordance with the standards set by the State Board. The State Board of Education shall also withhold money used for payment of salaries for the superintendent, transportation director, and all other administrative officers or employees charged by the local board of education or the local superintendent with implementing the Transportation Information Management System, pursuant to G.S. 115C-240(d), if the State Board finds that a local school
administrative unit is not progressing in good faith and is not using its best efforts to implement
the Transportation Information Management System.

(b) Notwithstanding any provision of this Article to the contrary, with respect to the
receipt, deposit, and disbursement of moneys (i) required by law to be deposited with the State
Treasurer or (ii) made available for expenditure by warrants drawn on the State Treasurer, local
school administrative units are subject to Article 6A of Chapter 147 of the General Statutes.

(c) Money in the State Public School Fund and State bond moneys shall be released only
on warrants drawn on the State Treasurer, signed by such local official as may be required by the
State Board of Education.

SECTION 2. G.S. 147-86.11(f)(1) reads as rewritten:
"(1) Moneys deposited with the State Treasurer remain on deposit with the State
Treasurer until final disbursement to the ultimate payee, except as
provided in G.S. 147-86.12."

SECTION 3. G.S. 147-86.12 reads as rewritten:
"(a) All local school administrative units and their officers and employees are subject to
the provision of G.S. 147-86.11 with respect to moneys required by law to be deposited with the
State Treasurer and with respect to moneys made available to the local school administrative unit
for expenditure by warrants drawn on the State Treasurer.

(b) With respect to disbursements made by local school administrative units and their
officers and employees, moneys deposited with the State Treasurer may be drawn on no earlier
than four business days prior to final disbursement to the ultimate payee. For purposes of this
subsection, "business day" means every day except Saturday, Sunday, or a federal banking
holiday.

(c) Notwithstanding G.S. 147-80, and subject to the provisions of Articles 30 and 31 of
Chapter 115C of the General Statutes, a local school administrative unit or school finance officer
may deposit moneys drawn on the State Treasurer pursuant to subsection (b) of this section in an
official depository designated by a local board of education pursuant to G.S. 115C-444(a)."

SECTION 4. This act is effective when it becomes law.