

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 284

Short Title: Repeal Right of Action/Capital Outlay Fund. (Public)

Sponsors: Representatives Potts, Hanig, Moss, and Pless (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State Government, if favorable, Judiciary 1, if favorable, Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 15, 2021

A BILL TO BE ENTITLED
AN ACT TO REPEAL THE RIGHT OF A LOCAL BOARD OF EDUCATION TO FILE
LEGAL ACTION CHALLENGING THE SUFFICIENCY OF FUNDS APPROPRIATED
TO THE CAPITAL OUTLAY FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Subsections (c), (d), and (e) of G.S. 115C-431 are repealed.

SECTION 2. G.S. 115C-431 is amended by adding a new subsection to read:

"(f) If agreement is not reached in mediation on the amount of money appropriated to the capital outlay fund, the decision of the county commissioners is final. The local board of education shall not file any legal action challenging the sufficiency of the funds appropriated by the board of county commissioners to the capital outlay fund."

SECTION 3. G.S. 115C-432(a) reads as rewritten:

"(a) After the board of county commissioners has made its appropriations to the local school administrative unit, or after the ~~appeal~~ procedure set out in G.S. 115C-431 ~~for the capital outlay fund~~ has been concluded, the board of education shall adopt a budget resolution making appropriations for the budget year in such sums as the board may deem sufficient and proper. The budget resolution shall conform to the uniform budget format established by the State Board of Education."

SECTION 4. This act is effective when it becomes law and applies to budget ordinances adopted on or after that date.

