

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 765

Short Title: Jury Instructions for School Budget Dispute. (Public)

Sponsors: Representative Dixon (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Education, if favorable, Judiciary Subcommittee A.

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY AND CODIFY JURY INSTRUCTIONS FOR A BUDGET DISPUTE
3 BETWEEN BOARD OF EDUCATION AND BOARD OF COUNTY
4 COMMISSIONERS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-431(c) reads as rewritten:

7 "(c) Within five days after an announcement of no agreement by the mediator, the local
8 board of education may file an action in the superior court division of the General Court of
9 Justice. The court shall find the facts as to the amount of money necessary from all sources
10 maintain a system of free public schools, and the amount of money needed from the county to
11 make up this total. Either board has the right to have the issues of fact tried by a jury. When a
12 jury trial is demanded, the cause shall be set for the first succeeding term of the superior court
13 in the county, and shall take precedence over all other business of the court. However, if the
14 judge presiding certifies to the Chief Justice of the Supreme Court, either before or during the
15 term, that because of the accumulation of other business, the public interest will be best served
16 by not trying the cause at the term next succeeding the filing of the action, the Chief Justice
17 shall immediately call a special term of the superior court for the county, to convene as soon as
18 possible, and assign a judge of the superior court or an emergency judge to hold the court, and
19 the cause shall be tried at this special term. The issue submitted to the jury shall be ~~what~~
20 ~~amount of money is needed from sources under the control of the board of county~~
21 ~~commissioners to maintain a system of free public schools.~~ what amount of money is necessary
22 from all sources to maintain a system of free public schools and what amount of money is
23 needed from the county to make up this total. The jury shall be instructed that the board of
24 county commissioners is required to provide the appropriation legally necessary to support a
25 system of free public schools as defined by State law and State Board of Education policy, and
26 that the jury shall consider the educational goals and policies of the State, the budgetary request
27 of the local board of education, the financial resources of the county, and the fiscal policies of
28 the board of county commissioners.

29 All findings of fact in the superior court, whether found by the judge or a jury, shall be
30 conclusive. When the facts have been found, the court shall give judgment ordering the board
31 of county commissioners to appropriate a sum certain to the local school administrative unit,
32 and to levy such taxes on property as may be necessary to make up this sum when added to
33 other revenues available for the purpose."

34 **SECTION 2.** This act is effective when it becomes law and applies to all actions
35 commenced on or after that day.

