

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 61  
HOUSE BILL 222

AN ACT TO ALLOW PASQUOTANK COUNTY ADDITIONAL FLEXIBILITY TO  
FUND PUBLIC SCHOOL CONSTRUCTION.

The General Assembly of North Carolina enacts:

Section 1. (a) A county may provide for a transfer of any funds from any agency or instrumentality of the county to a special county fund or to a special public school capital outlay fund. This act shall only be applicable where the funds prior to transfer were held by or for the benefit of a separate board of trustees of such agency or instrumentality. The transfer must be approved by ordinance of the county board of commissioners and resolution of the board of trustees.

(b) Any appropriation from such special county fund or special public school capital outlay fund must have the approval of both the board of commissioners of the county and the board of education of the school administrative unit for whose capital projects the funds are to be expended, and may be made only by:

- (1) A project ordinance as provided by G.S. 159-13.2; or
- (2) Appropriation from a special capital outlay fund under the procedures provided by Article 31 of Chapter 115C of the General Statutes for the regular capital outlay fund.

(c) Any appropriation from such special fund may be expended only:

- (1) For capital outlay projects as provided by G.S. 115C-546.2(b); or
- (2) To return funds to the agency or instrumentality from which they were transferred.

Sec. 2. (a) The ordinance and resolution authorizing the transfer shall provide for payment of a like amount of funds back to the agency or instrumentality, or to one or more other parties for the benefit of the agency or instrumentality, which shall include a sum to compensate for use of the funds.

(b) The county shall appropriate sufficient funds from revenues that are not derived from the exercise by the county of its taxing power to meet the schedule. The ordinance may not be amended or repealed after its adoption.

Sec. 3. (a) This act does not provide for the pledge of the faith and credit of the county. This act applies only when the county and its agency or instrumentality are the same person.

(b) The provisions of this act are severable, and if any provision of this act is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of this act which can be given effect without the invalid provision.

Sec. 4. This act applies to Pasquotank County only.

Sec. 5. Nothing herein shall be construed to prohibit or limit the ultimate authority of the county board of commissioners to reallocate the assets of any agency or instrumentality affected by this act, for legitimate county uses as determined by the county board of commissioners.

Sec. 6. This act is effective upon ratification, but any ordinance under Section 1(a) of this act must be adopted no later than December 31, 1993.

In the General Assembly read three times and ratified this the 18th day of April, 1989.