

**§ 58-31A-45. Adjustment of losses; determination and report of appraisers; payment of amounts to treasurers of local school administrative units; disbursement of funds.**

(a) In the event of loss or damage by insurable hazards to public education buildings and properties for the public education boards, the Fund shall pay the loss (i) in the same proportion as the amount of insurance carried bore to the valuation of the property at the time it was insured, but not exceeding the amount which it would cost to repair or replace the property with material of like kind and quality within a reasonable time after the loss, (ii) not in excess of the amount of insurance provided for the property, and (iii) not in excess of the amount of the loss that the Fund is required to pay in participation with property insurance companies having policies of insurance in force on the properties at the time of the loss or damage. The Fund shall not be liable for a greater proportion of any loss than the amount of insurance shall bear to the whole insurance covering the property against the peril involved.

(b) In the event of loss or damage by insurable hazards to public education buildings and properties of the public education boards, to the property insured, when an agreement as to the extent of the loss or damage cannot be arrived at between the Commissioner and the public education board with control charge of the property, the amount of the loss or damage shall be determined by three appraisers selected as follows: the Commissioner shall select one appraiser, the public education board in control of the property shall select one appraiser, and the two appraisers selected by the Commissioner and the public education board shall select a third appraiser. The selected appraisers shall be disinterested persons and shall be qualified from experience to appraise and value the property. If the appraisers appointed by the Commissioner and the public education board shall fail to agree upon a third appraiser within 15 days of their selection, then, on request of the Commissioner or the public education board, a third appraiser shall be selected by any regular resident superior court judge of the superior court district or set of districts as defined in G.S. 7A-41.1 in which the property is located. The selected appraisers shall file their written report with the Commissioner and with the public education board. The costs of the appraisal shall be paid from the Fund. Upon the determination of the loss by the appraisers, the Commissioner shall pay the amount of the loss or damage to the education property to the finance officer of the public education board, upon proper warrant of the Commissioner. The funds shall be paid out by the finance officer for the disbursement of the funds to the public education board. (2019-176, s. 3(b).)