

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 241
Feb 28, 2019
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30098-MCxf-29C

Short Title: Education Bond Act of 2019. (Public)

Sponsors: Representatives Moore, Johnson, Elmore, and Horn (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE EDUCATION BOND ACT OF 2019.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** Short Title. – This section shall be known as the "Education Bond
5 Act of 2019."

6 **SECTION 1.(b)** Purpose. – It is the intent of the General Assembly by this act to
7 provide, subject to a vote of the qualified voters of the State, for the issuance of one billion nine
8 hundred million dollars (\$1,900,000,000) general obligation bonds of the State for the purpose
9 of providing funds, with any other available funds, (i) for public school facilities through grants
10 to counties for public school capital outlay projects and repairs and renovations, in the amount
11 of one billion five hundred million dollars (\$1,500,000,000), (ii) for community college facilities
12 for community college capital outlay projects and repairs and renovations, in the amount of two
13 hundred million dollars (\$200,000,000), and (iii) for The University of North Carolina facilities
14 for capital outlay projects for constituent institutions and repairs and renovations at such
15 institutions, in the amount of two hundred million dollars (\$200,000,000).

16 **SECTION 1.(c)** Definitions. – Unless the context otherwise requires, the following
17 definitions apply in this section:

18 (1) Bonds. – Bonds issued under this section.

19 (1a) Capital outlay project for a constituent institution. – A project for the
20 construction of one or more new buildings or the renovation of one or more
21 existing buildings located at a constituent institution of The University of
22 North Carolina, for the building of technology infrastructure, for the purchase
23 of equipment for a building located at a constituent institution of The
24 University of North Carolina where the building has never been used for
25 education purposes or equipment related to the improvement of an existing
26 constituent institution building that will be used at the building or become
27 affixed to the building during its use for education, for the purchase of land
28 necessary for construction to commence within 24 months of one or more
29 constituent institution buildings, and for other related capital outlay projects
30 to provide facilities for individual constituent institutions that are used for
31 instructional or related purposes. The term does not include projects for
32 facilities for centralized administration, trailers, relocatable classrooms, or
33 mobile classrooms.

34 (1b) Community college capital outlay project. – A project for the construction of
35 one or more new community college buildings located on a community
36 college campus or the renovation of one or more existing community college



1 buildings, for the building of the enterprise resource planning information
2 technology and other technology infrastructure, for the purchase of equipment
3 for a community college building that has never been used for community
4 college purposes or equipment related to the improvement of an existing
5 community college building that will be used at the building or become
6 affixed to the building during its use for education, for the purchase of land
7 necessary for construction to commence within 24 months of one or more
8 community college buildings, and for other related capital outlay projects to
9 provide facilities for individual community college campuses that are used for
10 instructional or related purposes. The term does not include projects for
11 facilities for centralized administration, trailers, relocatable classrooms, or
12 mobile classrooms.

13 (2) Cost. – Without intending thereby to limit or restrict any proper definition of
14 this term in financing the cost of public school capital outlay projects
15 authorized by this section, any of the following:

- 16 a. The cost of constructing, reconstructing, enlarging, acquiring, and
17 improving projects and acquiring equipment and land therefor.
18 b. The cost of engineering, architectural, and other consulting services as
19 may be required.
20 c. Administrative expenses and charges, including expenses related to
21 determining compliance with applicable requirements of federal law
22 and expenses relating to issuance. Nothing in this section shall permit
23 use of bond funds to pay salaries or fees for bond administration; such
24 salaries and fees shall come from funds appropriated by the General
25 Assembly.
26 d. Finance charges and interest prior to and during construction and, if
27 deemed advisable by the State Treasurer, for a period not exceeding
28 three years after the estimated date of completion of construction.
29 e. The cost of bond insurance, investment contracts, credit enhancement
30 and liquidity facilities, interest rate swap agreements or other
31 derivative products, financial and legal consultants, and related costs
32 of bond and note issuance, to the extent and as determined by the State
33 Treasurer.
34 f. The cost of reimbursing the State for any payments made for any cost
35 described in this subdivision.
36 g. Any other costs and expenses necessary or incidental to the purposes
37 of this section.

38 Allocations in this section of proceeds of bonds to the costs of a project or
39 undertaking in each case may include allocations to pay the costs set forth in
40 sub-subdivisions c. through g. of this subdivision in connection with the
41 issuance of bonds for the project or undertaking.

42 (3) Credit facility agreement. – An agreement entered into by the State Treasurer
43 on behalf of the State with a bank, savings and loan association, or other
44 banking institution; an insurance company, reinsurance company, surety
45 company, or other insurance institution; a corporation, investment banking
46 firm, or other investment institution; or any financial institution or other
47 similar provider of a credit facility agreement, which provider may be located
48 within or without the United States of America, such agreement providing for
49 prompt payment of all or any part of the principal or purchase price (whether
50 at maturity, presentment or tender for purchase, redemption, or acceleration),
51 redemption premium, if any, and interest on any bonds or notes payable on

1 demand or tender by the owner, in consideration of the State agreeing to repay
2 the provider of the credit facility agreement in accordance with the terms and
3 provisions of such agreement.

4 (4) Notes. – Notes issued under this section.

5 (5) Par formula. – Any provision or formula adopted by the State to provide for
6 the adjustment, from time to time, of the interest rate or rates borne by any
7 bonds or notes, including the following:

8 a. A provision providing for such adjustment so that the purchase price
9 of such bonds or notes in the open market would be as close to par as
10 possible;

11 b. A provision providing for such adjustment based upon a percentage or
12 percentages of a LIBOR rate, a prime rate, or base rate, which
13 percentage or percentages may vary or be applied for different periods
14 of time; or

15 c. Such other provision as the State Treasurer may determine to be
16 consistent with this section and will not materially and adversely affect
17 the financial position of the State and the marketing of bonds or notes
18 at a reasonable interest cost to the State.

19 (6) Public school capital outlay project. – A project for the construction of one or
20 more new public school buildings or the renovation of one or more existing
21 public school buildings, for the building of technology infrastructure, for the
22 purchase of measures to ensure building security, for the purchase of
23 equipment for a public school building that has never been used for public
24 education purposes or equipment related to the improvement of an existing
25 public school building that will be used at the building or become affixed to
26 the building during its use for public education, for the purchase of land
27 necessary for construction to commence within 24 months of one or more
28 school buildings, and for other related capital outlay projects to provide
29 facilities for individual schools that are used for instructional or related
30 purposes. The term does not include projects for facilities for centralized
31 administration, trailers, relocatable classrooms, or mobile classrooms.

32 (7) State. – The State of North Carolina.

33 **SECTION 1.(d)** Authorization of Bonds and Notes. – Subject to a favorable vote of
34 a majority of the qualified voters of the State who vote on the question of issuing bonds for capital
35 outlay projects for public schools and for capital outlay projects and repairs and renovations
36 funds for community colleges and The University of North Carolina in the election called and
37 held as provided in this section, the State Treasurer is hereby authorized, by and with the consent
38 of the Council of State, to issue and sell, at one time or from time to time, general obligation
39 bonds of the State to be designated "State of North Carolina Education Bonds," with any
40 additional designations as may be determined to indicate the issuance of bonds from time to time,
41 or notes of the State as provided in this section, in an aggregate principal amount not exceeding
42 one billion nine hundred million dollars (\$1,900,000,000) for the purpose of providing funds,
43 with any other available funds, for the purposes authorized in this section. The principal amounts
44 of bonds or notes issued in any 12-month period shall not exceed five hundred ninety-one million
45 dollars (\$591,000,000). In determining whether this limit has been reached, the issuance of a note
46 or bond to pay an outstanding note is not considered an issuance.

47 **SECTION 1.(e)** Use of Education Bond and Note Proceeds. –

48 (1) Subject to the provisions of subdivision (2) of this subsection, one billion five
49 hundred million dollars (\$1,500,000,000) of the proceeds of education bonds
50 and notes, including premium thereon, if any, shall be used for the purpose of
51 making grants to counties for paying the cost of public school capital outlay

1 projects and repairs and renovations in the following general amounts set forth
 2 in this subdivision. Any additional monies that may be received by means of
 3 a grant or grants from the United States of America or any agency or
 4 department thereof or from any other source to aid in financing the cost of
 5 public school capital outlay projects authorized by this act may be placed by
 6 the State Treasurer in the Education Bonds Fund or in a separate account or
 7 fund and shall be disbursed, to the extent permitted by the terms of the grant
 8 or grants, without regard to limitations imposed by this act.

9	LEA	ADM	Low-Wealth	ADM	Adjustment	Total
10			County	Growth	Factor	
11	Alamance-Burlington					
12	Schools	\$ 4,011,009	\$11,774,969	\$ 536,440	\$0	\$16,322,419
13	Alexander County					
14	Schools	\$ 844,052	\$ 5,393,020	\$0	\$ 3,762,928	\$10,000,000
15	Alleghany County					
16	Schools	\$ 236,419	\$0	\$0	\$ 9,763,581	\$10,000,000
17	Anson County					
18	Schools	\$ 560,349	\$ 4,829,715	\$0	\$ 4,609,936	\$10,000,000
19	Ashe County					
20	Schools	\$ 523,827	\$0	\$0	\$ 9,476,173	\$10,000,000
21	Avery County					
22	Schools	\$ 338,220	\$0	\$0	\$ 9,661,780	\$10,000,000
23	Beaufort County					
24	Schools	\$ 1,134,106	\$ 2,093,891	\$0	\$ 6,772,003	\$10,000,000
25	Bertie County					
26	Schools	\$ 371,213	\$ 3,171,842	\$0	\$ 6,456,945	\$10,000,000
27	Bladen County					
28	Schools	\$ 727,077	\$ 5,497,313	\$0	\$ 3,775,610	\$10,000,000
29	Brunswick County					
30	Schools	\$ 2,200,286	\$0	\$0	\$ 7,799,714	\$10,000,000
31	Buncombe County					
32	Schools	\$ 4,168,034	\$0	\$0	\$ 4,286,925	\$ 8,454,959
33	Asheville City					
34	Schools	\$ 761,658	\$0	\$0	\$ 783,384	\$ 1,545,041
35	Burke County					
36	Schools	\$ 2,093,191	\$12,570,359	\$0	\$0	\$14,663,550
37	Cabarrus County					
38	Schools	\$ 5,823,673	\$0	\$27,614,468	\$0	\$33,438,141
39	Kannapolis City					
40	Schools	\$ 959,438	\$ 846,734	\$ 1,438,635	\$0	\$ 3,244,807
41	Caldwell County					
42	Schools	\$ 2,002,329	\$11,544,037	\$0	\$0	\$13,546,365
43	Camden County					
44	Schools	\$ 327,811	\$ 890,833	\$0	\$ 8,781,356	\$10,000,000
45	Carteret County Public					
46	Schools	\$ 1,429,101	\$0	\$0	\$ 8,570,899	\$10,000,000
47	Caswell County					
48	Schools	\$ 434,200	\$ 3,140,147	\$0	\$ 6,425,653	\$10,000,000
49	Catawba County					
50	Schools	\$ 2,797,332	\$0	\$0	\$ 4,133,815	\$ 6,931,148
51	Hickory City					

1	Schools	\$ 719,314	\$0	\$0	\$ 1,062,981	\$ 1,782,295
2	Newton Conover City					
3	Schools	\$ 519,240	\$0	\$0	\$ 767,317	\$ 1,286,557
4	Chatham County					
5	Schools	\$ 1,558,425	\$0	\$ 6,376,321	\$ 2,065,254	\$10,000,000
6	Cherokee County					
7	Schools	\$ 553,291	\$ 1,413,119	\$0	\$ 8,033,590	\$10,000,000
8	Edenton-Chowan					
9	Schools	\$ 345,278	\$ 1,040,793	\$0	\$ 8,613,930	\$10,000,000
10	Clay County					
11	Schools	\$ 223,892	\$0	\$0	\$ 9,776,108	\$10,000,000
12	Cleveland County					
13	Schools	\$ 2,527,391	\$13,516,386	\$0	\$0	\$16,043,777
14	Columbus County					
15	Schools	\$ 974,611	\$ 9,818,151	\$0	\$0	\$10,792,763
16	Whiteville City					
17	Schools	\$ 392,385	\$ 3,982,294	\$0	\$0	\$ 4,374,679
18	Craven County					
19	Schools	\$ 2,388,186	\$ 3,835,943	\$0	\$ 3,775,871	\$10,000,000
20	Cumberland County					
21	Schools	\$ 8,834,489	\$28,236,792	\$0	\$0	\$37,071,280
22	Currituck County					
23	Schools	\$ 715,256	\$0	\$ 2,584,665	\$ 6,700,079	\$10,000,000
24	Dare County					
25	Schools	\$ 907,038	\$0	\$ 2,548,090	\$ 6,544,872	\$10,000,000
26	Davidson County					
27	Schools	\$ 3,315,161	\$10,754,088	\$0	\$0	\$ 14,069,249
28	Lexington City					
29	Schools	\$ 526,297	\$ 1,724,754	\$0	\$0	\$ 2,251,051
30	Thomasville City					
31	Schools	\$ 401,030	\$ 1,278,236	\$0	\$0	\$ 1,679,266
32	Davie County					
33	Schools	\$ 1,078,001	\$ 126,655	\$0	\$ 8,795,345	\$10,000,000
34	Duplin County					
35	Schools	\$ 1,675,224	\$14,363,983	\$0	\$0	\$16,039,207
36	Durham Public					
37	Schools	\$ 5,708,640	\$0	\$0	\$ 4,291,360	\$10,000,000
38	Edgecombe County Public					
39	Schools	\$ 1,028,070	\$ 9,078,982	\$0	\$0	\$10,107,052
40	Winston-Salem/Forsyth County					
41	Schools	\$ 9,492,934	\$0	\$ 195,069	\$ 311,997	\$10,000,000
42	Franklin County					
43	Schools	\$ 1,432,453	\$ 9,214,386	\$0	\$0	\$10,646,839
44	Gaston County					
45	Schools	\$ 5,478,572	\$10,370,854	\$0	\$0	\$15,849,426
46	Gates County					
47	Schools	\$ 292,348	\$ 2,304,596	\$0	\$ 7,403,056	\$10,000,000
48	Graham County					
49	Schools	\$ 196,545	\$ 181,439	\$0	\$ 9,622,016	\$10,000,000
50	Granville County					
51	Schools	\$ 1,298,717	\$10,527,816	\$0	\$0	\$11,826,533

1	Greene County					
2	Schools	\$ 515,006	\$ 5,786,310	\$0	\$ 3,698,684	\$10,000,000
3	Guilford County					
4	Schools	\$12,599,551	\$0	\$0	\$0	\$12,599,551
5	Halifax County					
6	Schools	\$ 414,086	\$ 2,879,981	\$0	\$ 664,636	\$ 3,958,703
7	Roanoke Rapids City					
8	Schools	\$ 494,716	\$ 3,344,835	\$0	\$ 774,696	\$ 4,614,247
9	Weldon City					
10	Schools	\$ 140,087	\$ 1,047,372	\$0	\$ 239,591	\$ 1,427,049
11	Harnett County					
12	Schools	\$ 3,576,986	\$31,495,234	\$0	\$0	\$35,072,220
13	Haywood County					
14	Schools	\$ 1,255,668	\$0	\$0	\$ 8,744,332	\$10,000,000
15	Henderson County					
16	Schools	\$ 2,349,018	\$0	\$0	\$ 7,650,982	\$10,000,000
17	Hertford County					
18	Schools	\$ 480,778	\$ 3,813,581	\$0	\$ 5,705,641	\$10,000,000
19	Hoke County					
20	Schools	\$ 1,545,193	\$16,729,054	\$ 6,230,019	\$0	\$24,504,266
21	Hyde County					
22	Schools	\$ 102,331	\$0	\$ 170,685	\$ 9,726,984	\$10,000,000
23	Iredell-Statesville					
24	Schools	\$ 3,570,282	\$0	\$0	\$ 4,148,669	\$7,718,950
25	Mooresville Graded School					
26	District	\$ 1,055,064	\$0	\$0	\$ 1,225,985	\$2,281,050
27	Jackson County					
28	Schools	\$ 635,862	\$0	\$0	\$ 9,364,138	\$10,000,000
29	Johnston County					
30	Schools	\$ 6,415,074	\$39,223,050	\$31,381,739	\$0	\$77,019,864
31	Jones County					
32	Schools	\$ 180,843	\$ 564,377	\$0	\$ 9,254,780	\$10,000,000
33	Lee County					
34	Schools	\$ 1,738,739	\$ 6,962,542	\$0	\$ 1,298,719	\$10,000,000
35	Lenoir County Public					
36	Schools	\$ 1,496,321	\$ 8,803,599	\$0	\$0	\$10,299,921
37	Lincoln County					
38	Schools	\$ 2,012,385	\$ 484,727	\$0	\$7,502,888	\$10,000,000
39	Macon County					
40	Schools	\$ 778,948	\$0	\$ 158,494	\$9,062,558	\$10,000,000
41	Madison County					
42	Schools	\$ 400,325	\$ 344,508	\$0	\$ 9,255,167	\$10,000,000
43	Martin County					
44	Schools	\$ 513,771	\$ 3,603,154	\$0	\$ 5,883,076	\$10,000,000
45	McDowell County					
46	Schools	\$ 1,043,596	\$ 5,917,374	\$0	\$ 3,039,030	\$10,000,000
47	Charlotte-Mecklenburg					
48	Schools	\$26,007,162	\$0	\$35,795,177	\$0	\$61,802,340
49	Mitchell County					
50	Schools	\$ 322,518	\$ 303,978	\$0	\$ 9,373,504	\$10,000,000
51	Montgomery County					

1	Schools	\$ 672,030	\$ 2,190,091	\$0	\$ 7,137,879	\$10,000,000
2	Moore County					
3	Schools	\$ 2,251,098	\$0	\$0	\$ 7,748,902	\$10,000,000
4	Nash-Rocky Mount					
5	Schools	\$ 2,611,373	\$14,555,363	\$0	\$0	\$17,166,736
6	New Hanover County					
7	Schools	\$ 4,537,659	\$0	\$0	\$ 5,462,341	\$10,000,000
8	Northampton County					
9	Schools	\$ 267,824	\$ 2,099,454	\$0	\$ 7,632,722	\$10,000,000
10	Onslow County					
11	Schools	\$ 4,699,977	\$ 6,089,634	\$14,764,292	\$0	\$25,553,902
12	Orange County					
13	Schools	\$ 1,287,955	\$0	\$0	\$ 1,867,955	\$ 3,155,910
14	Chapel Hill-Carrboro City					
15	Schools	\$ 2,171,351	\$0	\$ 621,783	\$ 4,050,956	\$ 6,844,090
16	Pamlico County					
17	Schools	\$ 232,008	\$0	\$ 402,330	\$ 9,365,662	\$10,000,000
18	Elizabeth City-Pasquotank Public					
19	Schools	\$ 952,381	\$ 4,850,575	\$0	\$ 4,197,044	\$10,000,000
20	Pender County					
21	Schools	\$ 1,615,060	\$ 6,949,447	\$ 5,644,812	\$0	\$14,209,319
22	Perquimans County					
23	Schools	\$ 285,468	\$ 250,868	\$0	\$ 9,463,664	\$10,000,000
24	Person County					
25	Schools	\$ 768,186	\$ 1,435,534	\$0	\$ 7,796,280	\$10,000,000
26	Pitt County					
27	Schools	\$ 4,121,103	\$17,668,069	\$0	\$0	\$21,789,172
28	Polk County					
29	Schools	\$ 372,625	\$0	\$0	\$ 9,627,375	\$10,000,000
30	Randolph County					
31	Schools	\$ 2,806,507	\$17,202,566	\$0	\$0	\$20,009,073
32	Asheboro City					
33	Schools	\$ 790,240	\$ 4,804,089	\$0	\$0	\$ 5,594,329
34	Richmond County					
35	Schools	\$ 1,248,963	\$11,174,939	\$0	\$0	\$12,423,902
36	Public Schools of Robeson					
37	County	\$ 3,823,815	\$47,851,010	\$0	\$0	\$51,674,825
38	Rockingham County					
39	Schools	\$ 2,042,732	\$12,301,109	\$0	\$0	\$14,343,841
40	Rowan-Salisbury					
41	Schools	\$ 3,302,634	\$12,658,049	\$0	\$0	\$15,960,683
42	Rutherford County					
43	Schools	\$ 1,380,758	\$ 9,196,221	\$0	\$0	\$10,576,979
44	Sampson County					
45	Schools	\$ 1,413,045	\$11,872,434	\$0	\$0	\$13,285,480
46	Clinton City					
47	Schools	\$ 520,828	\$ 4,329,120	\$0	\$0	\$ 4,849,948
48	Scotland County					
49	Schools	\$ 981,316	\$ 9,986,327	\$0	\$0	\$10,967,643
50	Stanly County					
51	Schools	\$ 1,479,913	\$ 7,377,809	\$0	\$ 1,142,278	\$10,000,000

1	Stokes County					
2	Schools	\$ 1,023,483	\$ 5,673,717	\$0	\$ 3,302,800	\$10,000,000
3	Surry County					
4	Schools	\$ 1,345,119	\$ 6,700,636	\$0	\$0	\$ 8,045,755
5	Elkin City					
6	Schools	\$ 207,308	\$ 1,003,140	\$0	\$0	\$ 1,210,447
7	Mount Airy City					
8	Schools	\$ 288,290	\$ 1,401,846	\$0	\$0	\$ 1,690,136
9	Swain County					
10	Schools	\$ 341,573	\$ 435,076	\$0	\$ 9,223,351	\$10,000,000
11	Transylvania County					
12	Schools	\$ 587,519	\$0	\$0	\$ 9,412,481	\$10,000,000
13	Tyrrell County					
14	Schools	\$ 111,682	\$ 747,828	\$ 658,358	\$ 8,482,132	\$10,000,000
15	Union County Public					
16	Schools	\$ 7,269,182	\$0	\$4,925,494	\$0	\$12,194,677
17	Vance County					
18	Schools	\$ 973,023	\$ 9,963,922	\$0	\$0	\$10,936,946
19	Wake County					
20	Schools	\$28,312,249	\$0	\$81,295,042	\$0	\$109,607,291
21	Warren County					
22	Schools	\$ 333,457	\$ 665,924	\$0	\$ 9,000,619	\$10,000,000
23	Washington County					
24	Schools	\$ 227,068	\$ 1,526,792	\$0	\$ 8,246,140	\$10,000,000
25	Watauga County					
26	Schools	\$ 811,765	\$0	\$ 1,658,087	\$ 7,530,148	\$10,000,000
27	Wayne County Public					
28	Schools	\$ 3,215,124	\$20,431,119	\$0	\$0	\$23,646,243
29	Wilkes County					
30	Schools	\$ 1,595,123	\$ 7,544,916	\$0	\$ 859,961	\$10,000,000
31	Wilson County					
32	Schools	\$ 1,965,807	\$ 9,032,301	\$0	\$0	\$10,998,108
33	Yadkin County					
34	Schools	\$ 911,449	\$ 5,605,490	\$0	\$3,483,061	\$10,000,000
35	Yancey County					
36	Schools	\$ 373,507	\$ 1,676	\$0	\$9,624,817	\$10,000,000
37	Total	\$250,500,000	\$600,402,894	\$225,000,000	\$424,097,106	\$1,500,000,000

(1a) Subject to the provisions of subdivision (2) of this subsection, two hundred million dollars (\$200,000,000) of the proceeds of education bonds and notes, including premium thereon, if any, shall be used for paying the costs of capital outlay projects for constituent institutions and repairs and renovations in the following general amounts set forth below:

The University of North Carolina

48	Various Statewide	New Construction, Repairs, Renovations	\$200,000,000
50	Total for The University of North Carolina		\$200,000,000

(1b) Subject to the provisions of subdivision (2) of this subsection, two hundred million dollars (\$200,000,000) of the proceeds of education bonds and notes, including premium thereon, if any, shall be used for paying the costs of community college capital outlay projects and repairs and renovations in the following general amounts set forth below:

NC Community Colleges

Various Statewide	Technology Upgrades, New Construction, Repairs, Renovations	\$200,000,000
Total for NC Community Colleges		\$200,000,000

(2) Special allocation provisions. – In determining the use of the proceeds of education bonds and notes, including premium thereon, if any, set forth in this act, the following special allocation provisions apply:

- a. With respect to proceeds allocated in subdivision (1) of this subsection:
 - 1. The proceeds shall be used for new construction or rehabilitation of existing facilities and repairs and renovations. Any items purchased with such proceeds and installed or replaced as part of a renovation or rehabilitation must have a useful life of at least 10 years or must extend the life of the facility by at least 10 years once renovated or rehabilitated.
 - 2. In the case of a local school administrative unit located entirely in one county, the unit's total distribution amount shall be allocated to that county. In the case of a local school administrative unit located in more than one county, the unit's distribution amount shall be allocated among the counties in which the unit is located in proportion to average daily membership of the unit in each county. A unit's distribution amount allocated to a county may be used only with respect to public school facilities of that unit. If two or more local school administrative units are consolidated into one unit, the distribution amounts provided in subdivision (1) of this subsection for the units shall be considered the distribution amount for the merged unit.
 - 3. Bond proceeds for a county for any designation require no local match if any portion of the proceeds results from low-wealth county or adjustment factor designation allocations. Any other county receiving bond proceeds allocated shall provide local matching funds from county funds, other non-State funds, or a combination of these sources for such proceeds. The amount of matching funds shall be (i) one dollar (\$1.00) of local matching funds for every three dollars (\$3.00) of such proceeds for a local school administrative unit located in a county that is a development tier one area, as defined in G.S. 143B-437.08, (ii) one dollar (\$1.00) of local matching funds for every two dollars (\$2.00) of such proceeds for a local school administrative unit located in a county that is a development tier two area, as defined in

1 G.S. 143B-437.08, and (iii) one dollar (\$1.00) of local
2 matching funds for every one dollar (\$1.00) of such proceeds
3 for a local school administrative unit located in a county that is
4 a development tier three area, as defined in G.S. 143B-437.08.
5 The match requirement may be satisfied by non-State
6 expenditures for public school facilities made on or after
7 January 1, 2015. If a debt has been incurred since January 1,
8 2015, for the general purpose of public school facilities, then
9 the face amount of the debt shall be considered as a non-State
10 expenditure for public school facilities for the purpose of the
11 match. No other expenditures made or debts incurred before
12 January 1, 2015, may be used to satisfy the match requirement.
13 As counties satisfy the match requirements of this subsection,
14 they shall document the extent to which they have done so in
15 periodic reports to the State Board of Education. These reports
16 shall include any information and documentation required by
17 the State Board of Education. The State Board of Education
18 shall certify to the State Treasurer from time to time the extent
19 to which the match requirements of this subsection have been
20 met with respect to each county. Bond proceeds shall be
21 distributed for expenditure only as, and to the extent, the
22 matching requirement of this section are satisfied, as certified
23 by the State Board of Education. The State Board of Education
24 shall also require counties to report annually on the impact of
25 funds provided under this act on the property tax rate for that
26 year. These reports shall be public documents and shall be
27 furnished to any citizen upon request. If the State Board of
28 Education determines that a county has not met the matching
29 requirement set forth in this sub-subdivision by January 1,
30 2026, the State Board of Education shall certify that fact to the
31 State Treasurer by March 1, 2026. Amounts that are allocated
32 in the ADM Growth Allocation of bond proceeds under
33 subdivision (1) of this subsection and that have not been
34 certified as matched by the State Board of Education by
35 January 1, 2026, shall be reallocated among the counties that
36 have been certified as having met the matching requirement for
37 that allocation. The reallocation shall be made among the
38 eligible counties in proportion to the amount of ADM Growth
39 Allocations for those counties under subdivision (1) of this
40 subsection. Amounts that are allocated in the ADM Allocation
41 of bond proceeds under subdivision (1) of this subdivision and
42 that have not been certified as matched by the State Board of
43 Education by January 1, 2026, shall be reallocated among the
44 counties that have been certified as having met the matching
45 requirement for that allocation. The reallocation shall be made
46 on the basis of average daily membership of the local school
47 administrative units within the remaining counties. Bond
48 proceeds reallocated to a county because of a local school
49 administrative unit's average daily membership within the
50 county may be used only with respect to public school capital
51 outlay projects of that unit. Bond proceeds reallocated to a

- 1 county under this sub-subdivision must be matched at the same
2 rate as bond proceeds allocated to the county under
3 sub-subdivision b. of this subdivision.
- 4 4. In determining between projects for which bond proceeds are
5 allocated, the State Board of Education shall give
6 consideration to those projects that primarily involve
7 materially improving the energy efficiency of the school
8 facility.
- 9 b. With respect to proceeds allocated in subdivision (1a) of this
10 subsection:
- 11 1. The proceeds shall be used for new construction or
12 rehabilitation of existing facilities and repairs and renovations.
13 Any items purchased with such proceeds and installed or
14 replaced as part of a renovation or rehabilitation must have a
15 useful life of at least 10 years or must extend the life of the
16 facility by at least 10 years once renovated or rehabilitated. In
17 order to receive the proceeds under this sub-subdivision for
18 projects for new construction, the constituent institution
19 receiving the proceeds shall provide matching funds from other
20 non-State funds. Constituent institutions are not required to
21 match bond proceeds allocated in this section for rehabilitation
22 of existing facilities and repairs and renovations.
- 23 2. In determining the allocation of proceeds, the Board of
24 Governors shall consider the following factors: (i) size of the
25 entity, with a focus on smaller campuses; (ii) population
26 historically served, with a focus on historically
27 minority-serving institutions; (iii) development tier area
28 designations, with a focus on lower development tier areas; (iv)
29 constituent institutions operating a school serving any grade,
30 kindergarten through 12, with a focus on such institutions; and
31 (v) length of outstanding repairs and renovations requests, with
32 a focus on longer outstanding requests.
- 33 c. With respect to proceeds allocated in subdivision (1b) of this
34 subsection:
- 35 1. The proceeds shall be used for upgrades to the enterprise
36 resource planning information technology ("the ERP system"),
37 new construction or rehabilitation of existing facilities, and
38 repairs and renovations.
- 39 2. Any items purchased with such proceeds for new construction
40 or rehabilitation of existing facilities and repairs and
41 renovations and installed or replaced as part of a renovation or
42 rehabilitation must have a useful life of at least 10 years or
43 must extend the life of the facility by at least 10 years once
44 renovated or rehabilitated. In order to receive the proceeds
45 under this sub-subdivision for projects for new construction,
46 the community college receiving the proceeds shall provide
47 local matching funds from county funds, other non-State funds,
48 or a combination of these sources for such proceeds. The
49 amount of matching funds shall be (i) one dollar (\$1.00) of
50 local matching funds for every three dollars (\$3.00) of such
51 proceeds for a community college with a main campus located

1 in a development tier one area, as defined in
2 G.S. 143B-437.08, (ii) one dollar (\$1.00) of local matching
3 funds for every two dollars (\$2.00) of such proceeds for a
4 community college with a main campus located in a
5 development tier two area, as defined in G.S. 143B-437.08,
6 and (iii) one dollar (\$1.00) of local matching funds for every
7 one dollar (\$1.00) of such proceeds for a community college
8 with a main campus located in a development tier three area,
9 as defined in G.S. 143B-437.08. Community colleges are not
10 required to match bond proceeds allocated in this section for
11 rehabilitation of existing facilities and repairs and renovations.
12 The provisions of G.S. 115D-31, or any other provision of law
13 permitting prior expenditures to be used for match purposes,
14 do not apply for purposes of meeting the matching funds
15 requirements of this act.

- 16 3. In determining between projects for which bond proceeds are
17 allocated, the Community Colleges System Office shall give
18 first priority to the ERP system project and shall prioritize
19 allocation of the remainder of funds among projects for new
20 construction and repairs and renovations by ranking the
21 projects for the various community colleges according to three
22 components, as follows: (i) the county wealth rank of the
23 county in which the main campus is located, which shall be
24 single weighted, (ii) the community college's repairs and
25 renovations needs, which shall be double weighted, and (iii)
26 the community college's additional square footage needs,
27 which shall be single weighted.

28 **SECTION 1.(f) Allocation and Tracking of Proceeds. –**

- 29 (1) Education bonds. – The proceeds of education bonds and notes, including
30 premium thereon, if any, except the proceeds of bonds, the issuance of which
31 has been anticipated by bond anticipation notes or the proceeds of refunding
32 bonds or notes, shall be placed by the State Treasurer in a special fund to be
33 designated "Education Bonds Fund," which may include such appropriate
34 special accounts therein as may be determined by the State Treasurer and shall
35 be disbursed as provided in this section. Monies in the Education Bonds Fund
36 shall be allocated and expended as provided in this section.

37 Any additional monies that may be received by means of a grant or grants
38 from the United States of America or any agency or department thereof or
39 from any other source for deposit to the Education Bonds Fund may be placed
40 in the Education Bonds Fund or in a separate account or fund and shall be
41 disbursed, to the extent permitted by the terms of the grant or grants, without
42 regard to any limitations imposed by this section.

43 Monies in the Education Bonds Fund or any separate account established
44 under this section may be invested from time to time by the State Treasurer in
45 the same manner permitted for investment of monies belonging to the State or
46 held in the State treasury, except with respect to grant money to the extent
47 otherwise directed by the terms of the grant. Investment earnings, except
48 investment earnings with respect to grant monies to the extent otherwise
49 directed or restricted by the terms of the grant, may be (i) credited to the
50 Education Bonds Fund or (ii) used to satisfy compliance with applicable
51 requirements of the federal tax law.

1 projects, repairs and renovations, in the amount of two hundred million dollars (\$200,000,000),
2 and (iii) for The University of North Carolina facilities for capital outlay projects for constituent
3 institutions, and repairs and renovations at such institutions, in the amount of two hundred million
4 dollars (\$200,000,000)."

5 If a majority of those voting on a bond question in the election vote in favor of the
6 issuance of the bonds described in the question, those bonds may be issued as provided in this
7 section. If a majority of those voting on a bond question in the election do not vote in favor of
8 the issuance of the bonds described in the question, those bonds shall not be issued.

9 The results of the election shall be canvassed and declared as provided by law for
10 elections for State officers; the results of the election shall be certified by the State Board to the
11 Secretary of State in the manner and at the time provided by the general election laws of the
12 State.

13 **SECTION 1.(h) Issuance of Bonds and Notes. –**

14 (1) Terms and conditions. – Bonds or notes may bear such date or dates, may be
15 serial or term bonds or notes, or any combination thereof, may mature in such
16 amounts and at such time or times, not exceeding 40 years from their date or
17 dates, may be payable at such place or places, either within or without the
18 United States of America, in such coin or currency of the United States of
19 America as at the time of payment is legal tender for payment of public and
20 private debts, may bear interest at such rate or rates, which may vary from
21 time to time, and may be made redeemable before maturity, at the option of
22 the State or otherwise as may be provided by the State, at such price or prices,
23 including a price less than the face amount of the bonds or notes, and under
24 such terms and conditions, all as may be determined by the State Treasurer by
25 and with the consent of the Council of State.

26 (2) Signatures; form and denomination; registration. – Bonds or notes may be
27 issued as certificated or uncertificated obligations. If issued as certificated
28 obligations, bonds or notes shall be signed on behalf of the State by the
29 Governor or shall bear the Governor's facsimile signature, shall be signed by
30 the State Treasurer or shall bear the State Treasurer's facsimile signature, and
31 shall bear the Great Seal of the State of North Carolina or a facsimile thereof
32 shall be impressed or imprinted thereon. If bonds or notes bear the facsimile
33 signatures of the Governor and the State Treasurer, the bonds or notes shall
34 also bear a manual signature, which may be that of a bond registrar, trustee,
35 paying agent, or designated assistant of the State Treasurer. Should any officer
36 whose signature or facsimile signature appears on bonds or notes cease to be
37 such officer before the delivery of the bonds or notes, the signature or
38 facsimile signature shall nevertheless have the same validity for all purposes
39 as if the officer had remained in office until delivery, and bonds or notes may
40 bear the facsimile signatures of persons who at the actual time of the execution
41 of the bonds or notes shall be the proper officers to sign any bond or note,
42 although at the date of the bond or note such persons may not have been such
43 officers. The form and denomination of bonds or notes, including the
44 provisions with respect to registration of the bonds or notes and any system
45 for their registration, shall be as the State Treasurer may determine in
46 conformity with this section; provided, however, that nothing in this section
47 shall prohibit the State Treasurer from proceeding, with respect to the issuance
48 and form of the bonds or notes, under the provisions of Chapter 159E of the
49 General Statutes, the Registered Public Obligations Act, as well as under this
50 section.

- 1 (3) Manner of sale; expenses. – Subject to the consent of the Council of State, the
2 State Treasurer shall determine the manner in which bonds or notes shall be
3 offered for sale, whether at public or private sale, whether within or without
4 the United States of America, and whether by publishing notices in certain
5 newspapers and financial journals, mailing notices, inviting bids by
6 correspondence, negotiating contracts of purchase, or otherwise, and the State
7 Treasurer is authorized to sell bonds or notes at one time or from time to time
8 at such rate or rates of interest, which may vary from time to time, and at such
9 price or prices, including a price less than the face amount of the bonds or the
10 notes, as the State Treasurer may determine. All expenses incurred in
11 preparation, sale, and issuance of bonds or notes shall be paid by the State
12 Treasurer from the proceeds of bonds or notes or other available monies.
- 13 (4) Notes; repayment. –
- 14 a. Subject to the consent of the Council of State, the State Treasurer is
15 hereby authorized to borrow money and to execute and issue notes of
16 the State for the same, but only in the following circumstances and
17 under the following conditions:
- 18 1. For anticipating the sale of bonds to the issuance of which the
19 Council of State shall have given consent, if the State Treasurer
20 shall deem it advisable to postpone the issuance of the bonds.
- 21 2. For the payment of interest on or any installment of principal
22 of any bonds then outstanding, if there shall not be sufficient
23 funds in the State treasury with which to pay the interest or
24 installment of principal as they respectively become due.
- 25 3. For the renewal of any loan evidenced by notes herein
26 authorized.
- 27 4. For the purposes authorized in this section.
- 28 5. For refunding bonds or notes as herein authorized.
- 29 b. Funds derived from the sale of bonds or notes may be used in the
30 payment of any bond anticipation notes issued under this section.
31 Funds provided by the General Assembly for the payment of interest
32 on or principal of bonds shall be used in paying the interest on or
33 principal of any notes and any renewals thereof, the proceeds of which
34 shall have been used in paying interest on or principal of the bonds.
- 35 (5) Refunding bonds and notes. – By and with the consent of the Council of State,
36 the State Treasurer is authorized to issue and sell refunding bonds and notes
37 pursuant to the provisions of the State Refunding Bond Act for the purpose of
38 refunding bonds or notes issued pursuant to this section. The refunding bonds
39 and notes may be combined with any other issues of State bonds and notes
40 similarly secured.
- 41 (6) Tax exemption. – Bonds and notes shall be exempt from all State, county, and
42 municipal taxation or assessment, direct or indirect, general or special,
43 whether imposed for the purpose of general revenue or otherwise, excluding
44 inheritance and gift taxes, income taxes on the gain from the transfer of bonds
45 and notes, and franchise taxes. The interest on bonds and notes shall not be
46 subject to taxation as to income.
- 47 (7) Investment eligibility. – Bonds and notes are hereby made securities in which
48 all public officers, agencies, and public bodies of the State and its political
49 subdivisions; all insurance companies, trust companies, investment
50 companies, banks, savings banks, savings and loan associations, credit unions,
51 pension or retirement funds, other financial institutions engaged in business

1 in the State; executors, administrators, trustees, and other fiduciaries may
2 properly and legally invest funds, including capital in their control or
3 belonging to them. Bonds and notes are hereby made securities that may
4 properly and legally be deposited with and received by any officer or agency
5 of the State or political subdivision of the State for any purpose for which the
6 deposit of bonds, notes, or obligations of the State or any political subdivision
7 of the State is now or may hereafter be authorized by law.

- 8 (8) Faith and credit. – The faith and credit and taxing power of the State are hereby
9 pledged for the payment of the principal of and the interest on bonds and notes.
10 In addition to the State's right to amend any provision of this section to the
11 extent it does not impair any contractual right of a bond owner, the State
12 expressly reserves the right to amend any provision of this section with respect
13 to the making and repayment of loans, the disposition of any repayments of
14 loans, and any intercept provisions relating to the failure of a local government
15 unit to repay a loan, the bonds not being secured in any respect by loans, any
16 repayments thereof, or any intercept provisions with respect thereto.

17 **SECTION 1.(i)** Variable Interest Rates. – In fixing the details of bonds and notes,
18 the State Treasurer may provide that any of the bonds or notes may:

- 19 (1) Be made payable from time to time on demand or tender for purchase by the
20 owner thereof, provided a credit facility agreement supports the bonds or
21 notes, unless the State Treasurer specifically determines that a credit facility
22 agreement is not required, upon a finding and determination by the State
23 Treasurer that the absence of a credit facility agreement will not materially or
24 adversely affect the financial position of the State and the marketing of the
25 bonds or notes at a reasonable interest cost to the State;
26 (2) Be additionally supported by a credit facility agreement;
27 (3) Be made subject to redemption or a mandatory tender for purchase prior to
28 maturity;
29 (4) Bear interest at a rate or rates that may vary for such period or periods of time,
30 all as may be provided in the proceedings providing for the issuance of the
31 bonds or notes, including, without limitation, such variations as may be
32 permitted pursuant to a par formula; and
33 (5) Be made the subject of a remarketing agreement whereby an attempt is made
34 to remarket bonds or notes to new purchasers prior to their presentment for
35 payment to the provider of the credit facility agreement or to the State.

36 If the aggregate principal amount repayable by the State under a credit facility
37 agreement is in excess of the aggregate principal amount of bonds or notes secured by the credit
38 facility agreement, whether as a result of the inclusion in the credit facility agreement of a
39 provision for the payment of interest for a limited period of time or the payment of a redemption
40 premium or for any other reason, then the amount of authorized but unissued bonds or notes
41 during the term of such credit facility agreement shall not be less than the amount of such excess,
42 unless the payment of such excess is otherwise provided for by agreement of the State executed
43 by the State Treasurer.

44 **SECTION 1.(j)** Interpretation of Section. –

- 45 (1) Additional method. – The foregoing subsections of this section shall be
46 deemed to provide an additional and alternative method for the doing of the
47 things authorized thereby and shall be regarded as supplemental and
48 additional to powers conferred by other laws and shall not be regarded as in
49 derogation of any powers now existing.
50 (2) Statutory references. – References in this section to specific sections or
51 Chapters of the General Statutes or to specific acts are intended to be

1 references to these sections, Chapters, or acts as they may be amended from
2 time to time by the General Assembly.

3 (3) Broad construction. – The General Assembly specifically has chosen to
4 combine what otherwise might be considered differing projects to be financed
5 into one bond bill and bond question because the General Assembly finds that
6 such differing projects, when taken together, constitute an interrelated, united,
7 and single plan for the State's infrastructure as stated aforesaid. Accordingly,
8 this section, being necessary for the health, welfare, and advancement of the
9 people of the State, shall be broadly construed to affect the purposes thereof.

10 (4) Inconsistent provisions. – Insofar as the provisions of this section are
11 inconsistent with the provisions of any general laws, or parts thereof, the
12 provisions of this section shall be controlling.

13 (5) Severability. – If any provision of this section or the application thereof to any
14 person or circumstance is held invalid, such invalidity shall not affect other
15 provisions or applications of the section that can be given effect without the
16 invalid provision or application, and to this end, the provisions of this section
17 are declared to be severable.

18 **SECTION 1.(k) Other Agreements.** – The State Treasurer may authorize, execute,
19 obtain, or otherwise provide for bond issuance, investment contracts, credit and liquidity
20 facilities, interest rate swap agreements and other derivative products, and any other related
21 instruments and matters the State Treasurer determines to be desirable in connection with the
22 issuance of bonds and notes.

23 **SECTION 2.** Each entity, upon receiving the proceeds of education bonds and notes,
24 including premium thereon, if any, issued pursuant to and for projects listed in Section 1 of this
25 act, shall administer, supervise, and ensure that use of the proceeds comport with the purposes
26 provided in this act. Each local school administrative unit, along with the corresponding board
27 of county commissioners, shall jointly submit to the State Board of Education a plan for the
28 expenditure of proceeds allocated to it under this act. After the State Board of Education
29 determines that a local school administrative unit's planned expenditure of part or all of the
30 proceeds allocated to it is within the purposes provided in this act, the State Board of Education
31 shall make the proceeds to which the plans apply available to the local school administrative unit.
32 Each local school administrative unit receiving the proceeds of education bonds and notes,
33 including premium thereon, if any, issued pursuant to Section 1 of this act shall report by January
34 1, 2022, and quarterly thereafter, to the State Board of Education on the projects funded from
35 education general obligation bonds authorized by Section 1 of this act, and the State Board of
36 Education shall combine the reports and submit them to the Joint Legislative Capital Oversight
37 Committee, the House of Representatives Appropriations Committee, and the Senate Committee
38 on Appropriations/Base Budget. Each report shall include the total project costs, the amount to
39 be funded from the bonds, the expenditures to date from the bonds and other sources, and the
40 percentage of each project completed.

41 Each constituent institution of The University of North Carolina receiving the
42 proceeds of education bonds and notes, including premium thereon, if any, issued pursuant to
43 subdivision (1a) of Section 1(e) of this act shall report by January 1, 2022, and quarterly
44 thereafter, to the Joint Legislative Oversight Committee on Capital Improvements, the House of
45 Representatives Appropriations Committee, and the Senate Committee on Appropriations/Base
46 Budget on the projects funded from education general obligation bonds authorized by Section 1
47 of this act. Community colleges receiving the proceeds of education bonds and notes, including
48 premium thereon, if any, issued pursuant to subdivision (1b) of Section 1(e) of this act shall
49 report by January 1, 2022, and quarterly thereafter, to the North Carolina Community Colleges
50 System Office on the projects funded from education general obligation bonds authorized by
51 Section 1 of this act, and the System Office shall combine the reports and submit them to the

1 Joint Legislative Oversight Committee on Capital Improvements, the House of Representatives
2 Appropriations Committee, and the Senate Committee on Appropriations/Base Budget. Each
3 report shall include the total project costs, the amount to be funded from the bonds, the
4 expenditures to date from the bonds and other sources, and the percentage of each project
5 completed.

6 **SECTION 3.(a)** Projects funded in whole or in part with the proceeds of education
7 bonds and notes, including premium thereon, if any, issued pursuant to this act, and that portion
8 of funds estimated to be needed for escalation of costs shall remain with the Office of State
9 Budget and Management and shall be disbursed only for the following purposes:

10 (1) To address unforeseen contingencies related to the specific project for which
11 the funds were made available.

12 (2) To address inflation costs related to that specific project.

13 **SECTION 3.(b)** Any funds retained by the Office of State Budget and Management
14 pursuant to subsection (a) of this section at the time a project is completed shall be retained by
15 the Office of State Budget and Management. The Office of State Budget and Management shall
16 report on any funds retained pursuant to this subsection within 90 days of a project's completion.

17 **SECTION 4.** Notwithstanding the period of time provided in G.S. 163A-1045(a) for
18 which transfers are effective, transfers of voters from a given precinct, for the purpose of voting,
19 to an adjacent precinct for the election held in November of 2020 shall be for that election only
20 and shall not apply to any subsequent election.

21 **SECTION 5.** Any funds from the Education Bond expended for school technology
22 for public schools shall be reported to the State Board of Education and shall be credited against
23 the judgment in *N.C. Sch. Bds. Ass'n. v. Moore*, No. 98-CVS-14159 (N.C. Super. Ct.).

24 **SECTION 6.** This act is effective when it becomes law.