



## The Daily Bulletin: Thursday, June 20, 2013

### PUBLIC/HOUSE BILLS



H 476 (2013-2014) [REWRITE UNDERGROUND DAMAGE PREVENTION ACT](#). Filed Mar 28 2013, *A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING UNDERGROUND UTILITY DAMAGE PREVENTION.*

House amendment to the 3rd edition makes the following changes.

Amends GS 87-120(b) to clarify that before adopting a method of determining the cost allocation for operating the Notification Center, the board of directors must publish the proposed method of cost allocation to the member operators, and the proposed allocation method must be approved by the member operators.

Enacts new GS 87-122.1 to require every person who is an excavator, locator, or operator due to engaging in these activities in the course of a business or trade to provide education and training to employees and provide documentation of such. Specifies what must be included in the training. Provides that the duty to provide education and training does not apply when the excavator, locator, or operator retains an independent contractor; requires independent contractors to provide employee training. Requires that excavation be conducted in accordance with OSHA Standard 1926 and under the direction of a competent person. Requires locators to be properly trained, with training documented.

Amends GS 87-123 to exclude from the notice requirements an excavation or demolition that involves tilling of soil for agricultural purposes (was, excavation or demolition that involves the tilling or plowing of soil less than 12 inches in depth for agricultural purposes). Also adds an exclusion from the notice requirements for an excavation or demolition performed by a farmer on his or her own property that does not encroach on any operator's right of way, easement, or permitted use.

Amends GS 87-128(b) to make clarifying changes and to add that the parties are responsible for selection and contracting with the arbitrator. Amends GS 87-128(c) to require that the Utilities Commission order issued upon the completion of the arbitration process include assessing the costs of arbitration to the non-prevailing party (was, include an award of the costs of arbitration to the prevailing party).

**Intro. by Hager, Moffitt, Murry.**

[GS 87](#)

[View summary](#)

[Public Enterprises and Utilities](#)

### PUBLIC/SENATE BILLS

S 613 (2013-2014) [CREATE MILITARY AFFAIRS COMMISSION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION.*

House committee substitute makes the following changes to the 3rd edition.

Amends GS 127C-1, regarding the purpose of the North Carolina Military Affairs Commission (Commission) established in this act. Deletes provision that authorizes the Commission to protect North Carolina's military installations from incompatible development. Provides that the Commission is authorized to identify and support ways to provide adequate housing and education (was, affordable housing and education) for military members and their families, military retirees, and veterans. Authorizes the Commission to support the Army's Compatible Use Buffer Program, the Working Lands Group, and related initiatives (was, specifically identified additional environmental and sustainability initiatives).

Amends GS 127C-2 to provide that the membership of the Commission is to include nonvoting members and nonvoting ex officio members as designated in this section. Provides that one member of the House of Representatives and one member of the Senate are to serve as nonvoting members of the Commission. Specifies that each of the two legislators is to represent a district which contains all or any portion of one of the military installations described in sub-subdivisions b. through e. of subsection (b)(3) of this section. Provides that of the five appointees to the Commission by the Speaker of the House of Representatives (Speaker), one is to be a member of the House who has served in the military or who has extensive experience in the area of military affairs. Makes identical provision for a Senate member appointed by the President Pro Tempore of the Senate (President Pro Tem). Amends the list of office holders or their designees who are to serve as nonvoting ex officio members of the Commission to include the mayor or the mayor's designee for each of the following municipalities: (1) Elizabeth City, (2) Fayetteville, (3) Goldsboro, (4) Havelock, and (5) Jacksonville. Removes the Executive Director of the North Carolina League of Municipalities as a nonvoting ex officio member. Provides that this act becomes effective August 1, 2013 (was, July 1, 2013).

**Intro. by Brown.**

[GS 127C](#)

[View summary](#)

[Military and Veteran's Affairs](#)

S 372 (2013-2014) [OMNIBUS COUNTY LEGISLATION](#). Filed Mar 19 2013, *AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES AND CLARIFY THAT THE DEPARTMENT'S POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES APPLY TO CONTRACTS LET USING THOSE PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS.*

House committee substitute to the 3rd edition makes the following changes.

Amends GS 143-215.1 to require notice and comment from county governing board before acting on a permit application for the land application of bulk residuals (was, application of waste) from the operation of a wastewater treatment facility. Makes changes to the statute effective August 1, 2013 (was, July 1, 2013). Also makes changes to GS 136-28.1 effective August 1, 2013 (was, July 1, 2013).

**Intro. by J. Davis.**

[STUDY, GS 136, GS 143](#)

[View summary](#)

[Transportation, Environment, Local Government, Public Safety, Tax](#)

S 168 (2013-2014) [CLARIFY EDUCATION REPORTING REQUIREMENTS](#). Filed Mar 4 2013, *A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY REPORTS AND CLARIFY CURRENT EDUCATION PROGRAM REQUIREMENTS.*

House amendment makes the following changes to the 3rd edition.

Adds a new Part XI regarding the elimination of unnecessary reporting by educators and renumbers the remaining part and section accordingly. Amends GS 115C-105.27(b), to require that the strategies for improving student performance include a plan to identify and eliminate unnecessary and redundant reporting requirements for teachers and to streamline the schools reporting system and procedures, including requiring reports to be in electronic form when possible and incorporating relevant documents into the student accessible components of the Instructional Improvement System.

Amends GS 115C-307(g) to authorize a school improvement team (team) to request the superintendent to consider eliminating a

redundant reporting requirement for the teachers at its school. Requires the team to identify, in its school improvement plan, a more expeditious method of providing the information to the local board of education. Directs the superintendent to recommend to the board whether the reporting requirement should be eliminated for that school. Permits the team to request a hearing before the board as provided in GS 115C-45(c), if the superintendent does not recommend the elimination of the reporting requirement.

**Intro. by Tucker.**

[GS 116, GS 115C, GS 96](#)

[View summary](#)

[Education](#)

S 379 (2013-2014) [EXP. OF NATURAL GAS & PROPANE FOR AGRICULTURE \(NEW\)](#). Filed Mar 20 2013, *A BILL TO BE ENTITLED AN ACT AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS TO UTILIZE FUNDS TO SUPPORT NEW AND EXPANDED NATURAL GAS SERVICE AND TO SUPPORT PROPANE GAS SERVICE FOR AGRICULTURAL PROJECTS.*

The House committee substitute to the 1st edition deletes the provisions of the 1st edition and provides for the following instead. Enacts new GS 143B-437.020 to allow state, regional, and local economic development funds to be used to allow the owner of an eligible project to pay for (1) excess infrastructure costs (as defined) associated with the project or (2) cost-effective alternatives that would reduce excess infrastructure costs. Defines eligible project as a discrete and specific economic development project that would expand agricultural production or processing capabilities that is located in a rural area and requires new or expanded natural gas service. Terminates the payment of funds when there are no longer excess infrastructure costs. Requires an owner who is paid funds to reimburse the funds if the eligible project does not maintain business operations for at least five years from receiving the funds. Caps payments to \$5 million per biennium.

Updates the act's short and long titles.

**Intro. by Jackson.**

[GS 143B](#)

[View summary](#)

[Agriculture, Community and Economic Development, Public Enterprises and Utilities](#)

S 328 (2013-2014) [SOLID WASTE MANAGEMENT REFORM ACT OF 2013](#). Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO (1) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO THIRTY YEARS; (2) MODIFY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' AUTHORITY TO ISSUE AND TRANSFER PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES; (3) MODIFY CERTAIN REQUIREMENTS GOVERNING SANITARY LANDFILLS, INCLUDING APPLICABLE BUFFERS, CLEANING AND INSPECTION OF LEACHATE COLLECTION LINES, ALTERNATIVE DAILY COVER, AND REQUIRED STUDIES FOR CERTAIN LANDFILL OWNERS AND OPERATORS; (4) MODIFY REQUIREMENTS FOR FINANCIAL RESPONSIBILITY APPLICABLE TO APPLICANTS AND PERMIT HOLDERS FOR SOLID WASTE MANAGEMENT FACILITIES; (5) AMEND THE RULE GOVERNING COLLECTION AND TRANSPORT OF SOLID WASTE TO REQUIRE THAT CONTAINERS BE "LEAK-RESISTANT" RATHER THAN "LEAK-PROOF," AND AMEND A STATUTE THAT REQUIRES VEHICLES TO BE CONSTRUCTED AND LOADED TO PREVENT LEAKAGE; (6) AMEND THE DEFINITION OF LEACHATE TO EXCLUDE LIQUID ADHERING TO TIRES OF VEHICLES LEAVING SANITARY LANDFILLS AND TRANSFER STATIONS; (7) AUTHORIZE CITIES AND COUNTIES THAT ACCEPT SOLID WASTE FROM OTHER LOCAL GOVERNMENTS TO LEVY A SURCHARGE ON FEES FOR USE OF THEIR DISPOSAL FACILITIES, AND AUTHORIZE THEM TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE JURISDICTION'S GENERAL FUND UPON CERTAIN FINDINGS; (8) REQUIRE THE RETURN OF A*

*PORTRION OF THE REIMBURSEMENTS PAID OUT PURSUANT TO S.L. 2007-543 IN CERTAIN CIRCUMSTANCES; AND (9) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.*

Senate committee substitute makes the following changes to the 2nd edition.

Changes the long title.

**Part I, Extension of Duration of Permits for Sanitary Landfills and Transfer Stations to Thirty Years and Conforming Changes** (was, Extension of Duration of Permits for Sanitary Landfills and Transfer Stations to Thirty Years ("Life of Site") and Conforming Changes

Amends GS 130A-294, providing that permits for sanitary landfills and transfer stations will be issued for up to 30 years (was, issued for a design and operation phase of 30 years). Provides that permits issued pursuant to subsection (a2) must take into account the duration of any permits previously issued for the facility. Provides that each limited review, conducted at five-year intervals, must review the operations plan, closure plan, post-closure plan, financial assurance cost estimates, environmental monitoring plans, and all other applicable plans for the facility. Makes conforming changes to durations of the permits noted above.

Amends GS 130A-295.8, *Fees applicable to permits for solid waste management facilities*, providing that "new permit" includes one site suitability review, the initial permit to construct, and one permit to operate (was, permit to operate the constructed portion of a phase included in the permit to construct, now deleted). Amends the definition of *permit amendment*, deleting language stating that "permit amendment" includes an application for a permit to construct and one permit to operate for the second and subsequent phases of landfill development described in the approved facility plan for a permitted solid waste management facility. Establishes that the provisions and language included in the meaning of "permit amendment" do not apply to sanitary landfills or transfer stations. Provides that *permit modification* means an application for a five-year limited review of a permit issued pursuant to GS 130A-294(a2), which also includes the review of the operations plan, closure plan, post-closure plan, financial assurance cost estimates, environmental monitoring plans, and all other applicable plans for the facility. Deletes all other language and changes previously included in the meaning of "permit modification." Amends the meaning of *major permit modification* to be an application for any change to approved engineering plans for a landfill or transfer station permitted for up to a 30-year design capacity that does not constitute a new permit or permit modification (previously, also included any change that was not considered to be a permit amendment in the meaning, now deleted). Provides that an application for a permit to be issued pursuant to GS 130A-294(a2), issued for less than 30 years and an application for a subsequent permit with a term of up to 30 years for a sanitary landfill or transfer station is also included in the meaning of a "major permit modification." Adds that *ownership modification* means any application that proposes a change to ownership or corporate structure of a permitted landfill or transfer station.

Adds and amends the base fees for permits, effective July 1, 2014, for municipal solid waste landfills according to size, construction and demolition landfills according to size, industrial landfills according to size, tire monofill, and transfer stations according to size and provides a base fee for a permit for ownership modification of municipal solid waste landfills, construction and demolition landfills, industrial landfills, tire monofill, and transfer stations.

Effective July 1, 2014, facilities which are issued permits for a period less than 30 years, based on the duration of all design and operation permits previously issued, must pay a proportional amount of the corresponding base fee, pro-rated in accordance with the duration of the permit. Sets out how the fee will be calculated, providing that, for specified facilities, (1) 50% of the base fee will be paid with the submission of the application, (2) 25% must be paid five years after issuance of the permit, and (3) 25% must be paid 10 years after issuance of the permit. Establishes that if the permit was originally issued for less than 15 years, the fee will be paid at other periodic intervals as required. Fees for facilities falling outside of the categories above must be submitted upon submission of an application.

Adds to and amends the amounts of the annual permit fee, paid before August 1 of each year, for municipal solid waste landfills according to size, construction and demolition landfills according to size, industrial landfills according to size, transfer stations according to size, and tire monofill.

Makes conforming and technical changes throughout Part I.

**Part II, Miscellaneous Modifications to the Department of Environment and Natural Resources' Authority to Issue and Transfer Permits for Solid Waste Management Facilities and Conforming Changes**

Makes conforming changes throughout Part II, deleting language referring to the renewal of permits and replacing it with language such as "major modification" or "majorly modified," reflecting the change to the issuance of 30-year permits without renewals. Amends GS 130A-294, regarding the reasons that an application for a permit for a solid waste management facility must be denied, deleting language that prohibited the approval of applications for a permit that would place a facility in a natural hazard area. Amends GS 130A-294(a1), providing that transferring a permit for a solid waste management facility requires, among other things, Department of Environment and Natural Resources (DENR) approval.

**Part III, Modifications to Certain Requirements Governing Sanitary Landfills Including Applicable Buffers, Cleaning and Inspection of Leachate Collection Lines, Alternative Daily Cover, and Required Studies for Certain Landfill Owners and Operators** (was, Modifications to Certain Requirements Governing Sanitary Landfills including Environmental Impacts Study, Applicable Buffers, Cleaning and Inspection of Leachate Collection Lines, Alternative Daily Cover, and Landfill Gas to Energy Feasibility Study)

Amends GS 130A-295.6(a), concerning requirements for sanitary landfills, deleting previous changes made to this subsection and providing that an applicant for a proposed sanitary landfill must contract with a qualified third-party, approved by DENR, to conduct a study of the environmental impacts of any proposed sanitary landfill, in conjunction with its application for new permits pursuant to GS 130A-295.8. Amends GS 130A-295.6(b), deleting a requirement that DENR must require a buffer between any surface water impoundment and the nearest waste disposal unit of a sanitary landfill. Now provides that a buffer is only required between streams with continuous flow and the nearest waste disposal unit. Provides that a waste disposal unit of a sanitary landfill cannot be constructed within wetlands classified as water of the United States (previously, did not allow the placement of a waste disposal unit within a wetlands except in compliance with applicable federal and state laws). Deletes the prohibition on the construction of any disposal unit of a sanitary landfill within designated critical habitats for a threatened or endangered species and historically or archeologically sensitive sites with more than local significance. Also provides that the prohibition on construction within 1500 feet of a national or state park, forest, wilderness area, recreation area, or various other environmental and natural resources is measured from the outermost boundary, and now provides that the buffer does not apply to preserve or management areas.

Amends GS 130A-295.6(h), concerning leachate collection lines, providing that remote camera inspections of leachate collection lines must occur upon the completion of construction of any sanitary landfill and at least once every five years. Requires the cleaning of leachate collection lines to the point necessary to ensure proper functioning of the lines and to address the buildup of leachate over the landfill liner. Amends GS 130A-295.6(i), providing that DENR will not issue a permit for a sanitary landfill that authorizes a maximum height, including the cap and vegetation, of more than 250 (was, 300) feet above the mean natural elevation of the disposal area. Deletes previously added enhanced closure requirements concerning vegetative cover and reclamation of property.

Repeals SL 2013-25, concerning gameland buffer requirements.

Amends the enactment clause of Part III, providing that GS 130A-295.6(h1) and (h2) apply to new landfills which have been permitted on or after August 1, 2013. Provides that, to the extent GS 103A-295.6 imposes more stringent requirements than those in effect prior to August 1, 2007, the more stringent requirements will not apply to the following:

- (1) An amendment, modification, or other change to a permit for a landfill issued on or before June 1, 2006.
- (2) A permit for a horizontal or vertical expansion of a landfill permitted on or before June 1, 2006.
- (3) A permit to construct a new landfill within the facility boundary identified in the facility plan of a landfill permitted on or before June 1, 2006.
- (4) A permit to operate a new landfill if a permit to construct the new landfill was issued on or before June 1, 2006.
- (5) A permit for a sanitary landfill used only to dispose of waste generated by a coal-fired generating unit that is owned or operated by an investor-owned utility subject to the requirements of GS 143-215.107D.
- (6) A permit for a sanitary landfill determined to be necessary by the Secretary of Environment and Natural Resources in order to respond to an imminent hazard to public health or a natural disaster.

**Part IV, Modifications to Requirements for Financial Responsibility Applicable to Applicants and Permit Holders for Solid Waste Management Facilities**

Amends GS 130A-295.2, concerning financial responsibility requirements for solid waste facilities, providing that the owner or

operators of a sanitary landfill must establish financial assurance sufficient to cover the costs of potential assessment and corrective action at the facility (previously, provided that DENR could increase the amount of financial assurance required of a permit holder).

Deletes Parts V (amending GS 130A-310.68, remediation standards) and Part VI (amending GS 143-214.1, adding a limitation on the development of groundwater standards) of the previous edition of the bill.

**Part V, Amend the Rule Governing Collection and Transport of Solid Waste to Require That Containers be "Leak-Resistant" Rather than "Leak-Proof," and Amend a Statute that Requires Vehicles to be Constructed and Loaded to Prevent Leakage (was, Amend the Rule Governing Collection and Transport of Solid Waste to Require that Containers be "Leak-Resistant" Rather than "Leak-Proof")**

Makes technical and conforming changes.

Amends GS 20-116, concerning the size of vehicles and their load, deleting the requirement that a vehicle must be constructed and loaded in a way to prevent any of its load from leaking. Provides that, for the purposes of this subsection, the terms "load" and "leaking" do not include water accumulated from precipitation.

**Part VI, Amend the Definition of "Leachate" to Exclude Liquid Adhering to Tires of Vehicles Leaving Sanitary Landfills and Transfer Stations (was, Part VIII, Amend Rules Governing Control of Leachate to Clarify that Liquid Adhering to Tires of Vehicles Leaving Sanitary Landfills or Liquid Generated During the Transport of Solid Waste Shall Not Be Treated as Violations of Leachate Control Requirements)**

Amends GS 130A-290(16a), providing that the term "leachate" does not include liquid adhering to tires of vehicles leaving a sanitary landfill and transfer stations (was, did not include liquid adhering to tires of vehicles leaving a sanitary landfill or liquids that are generated during transportation of solid waste). Deletes the remainder of Part VI, concerning the implementation of a temporary Leachate Storage Requirement Rule.

**Part VIII, Return of Reimbursements/SL 2007-543 (new)**

Provides that applicants for a permit for a sanitary landfill that received funds as reimbursement in accordance with subsection (a) through (g) of Section 3 of SL 2007-543 are required to repay 80% of the funds received as reimbursement to the Secretary of Revenue before a permit to construct a sanitary landfill on property that was the subject of the reimbursement. Funds received by the Secretary of Revenue pursuant to the above will be credited or distributed as set forth in GS 105-187.63.

**Intro. by Wade, Brown, Jackson.**

[GS 130A, GS 143, GS 153A, GS 160A](#)

[View summary](#)

[Transportation, Department of Environment and Natural Resources, Public Health](#)

S 127 (2013-2014) [ENERGY/ECONOMIC DEVELOPMENT MODIFICATIONS \(NEW\)](#). Filed Feb 21 2013, *AN ACT TO (1) PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS; (2) MODIFY THE NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY; (3) CREATE COLLABORATION FOR PROSPERITY ZONES; (4) REQUIRE CERTAIN LIAISONS IN EACH COLLABORATION FOR PROSPERITY ZONE; (5) STUDY COMMISSION ON INTERAGENCY COLLABORATION FOR PROSPERITY; (6) MODIFY REPEAL OF CERTAIN REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS; (7) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER JULY 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; AND (8) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES.*

House committee substitute makes the following changes to the 3rd edition.

Changes the short and long title.

**Part I, Authorize Contracting of Economic Development Functions by the Department of Commerce**

Enacts new section GS 143B-431A, *Department of Commerce - contracting of functions*, providing that the purpose of this new section is to establish a framework whereby the Department of Commerce (Department) can support one or more nonprofit corporations, through financial and other means, that will render advisory, research, recruiting recommendations concerning incentives or grants for jobs and business development, as well as consultation on the development of a long-range strategic plan for economic development, through public and private means.

Authorizes the Department to contract with one or more NC nonprofits to perform one or more of the Department's functions, powers, duties, or obligations. Sets out the functions that the Department cannot contract for with the nonprofits, including the administration of unemployment insurance and functions set forth in GS 143B-431(a)(2). Establishes the Economic Development Oversight Committee (Committee) to provide oversight over the newly contracted services. Provides the Committee will have seven ex officio members; sets out who will serve as the seven members, including the Secretary of Transportation and the Secretary of Revenue. Provides that the Committee must meet at least quarterly and sets out the duties of the Committee, including receiving, reviewing, and referring complaints and requesting enforcement of the contract by the Attorney General.

Sets out requirements that must be met prior to contracting with any NC nonprofit including specific requirements concerning the makeup and diversity of the nonprofit's governing board and a requirement that any amount of state funds that can be used for the annual salary of any one employee of the nonprofit cannot exceed the amount provided for in the most recent Operations Appropriations Act of the General Assembly (currently \$120,000). Sets out six mandatory contract terms, which must be included in any contract entered into under this new section, including provisions requiring the nonprofit to provide copies of the nonprofit's annual audited financial statements to specified parties and a certification by the nonprofit that it is in compliance with the requirements of GS Chapter 55A.

Requires the Department, by September 30 of each year, to submit a report on the contracted performances to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Economic Development and Global Engagement Oversight Committee, and the Fiscal Research Division. Sets out what the report must contain, including copies of the reports required to be given to the Department by the contracted nonprofits and any other information determined to be necessary or specifically requested in writing. Provides that the contracted nonprofits are subject to the public information requirements of GS Chapter 132 and Chapter GS 143 for meetings in which the corporation recommends a grant of State funds.

Repeals GS 143B-434, concerning the Economic Development Board. Amends GS 143B-434.01, concerning the Comprehensive Strategic Economic Development Plan, adding and defining the term "Secretary" for use in the section, meaning the Secretary of Commerce. Provides that the Secretary is tasked with preparing the Comprehensive Strategic Economic Development Plan, reviewing and updating the existing plan on or before April 1 of each year (previously, the Board was tasked with preparing the plan). Establishes, notwithstanding the above provisions, the board will prepare the Comprehensive Strategic Economic Development Plan by December 31, 2013. Makes conforming and clarifying changes to the section in response to the Secretary's new assigned duties. Amends GS 143B-431A, as newly enacted above, effective January 1, 2014, providing four new requirements for the governing board of a contracting nonprofit, including requiring the board to provide advice concerning economic and community development planning for the state and requiring the board to annually recommend to the Governor biennial and annual appropriations for economic development programs. Repeals GS 143B-437.03, concerning the allocation of economic development responsibilities. Above changes effective January 1, 2014.

Directs the Department to study and develop a plan for contracting with one or more NC nonprofit corporations for the performance of economic development and tourism marketing activities and duties. Requires the Department to consult with various stakeholders and consider the benefits and costs of implementing such a plan. Requires a schedule for implementation of contracting services to be developed. Also requires a report to be made to the Joint Legislative Commission on Governmental Operations no later than March 1, 2014, and prior to the entering into of any contract pursuant to GS 143B-431A.

Amends GS 126-5(c2), providing a new subdivision concerning those subject to the provisions of the state personnel system, providing that officers and employees of a NC nonprofit that contracts with the Department pursuant to GS 143B-431A are not subject to the provisions of GS 126-5.



All above changes, unless otherwise noted, are effective July 1, 2013.

### **Part II, Modify North Carolina Board of Science and Technology**

Renames the Department's North Carolina Board of Science and Technology to North Carolina Board of Science, Technology, and Innovations. Amends the board's duties and powers to include advising and making recommendations to any NC nonprofit with which the Department contracts pursuant to GS 143B-431A on the role of science, technology, and innovation. Provides new requirements in regards to the makeup of the board's members, providing that the board will have 23 (was, 17) members, requiring one of the members from the components of the University of North Carolina to be from a historically black college or university, one member to be from the NC Community College System, one member representing K-12 public education, and an additional seven at-large members. Makes conforming and clarifying changes.

### **Part III, Creation of Collaboration for Prosperity Zones**

Amends the purpose of Collaboration for Prosperity Zones to include receiving advice on economic development issues by local boards established by a NC nonprofit corporation with which the Department contracts. Alters the counties that are included in each of the eight Prosperity Zones.

### **Part IV, Require at Least One Liaison in Each Collaboration for Prosperity Zone**

Provides a deadline of January 1, 2014, for the Department, DENR, and DOT to physically maintain co-located liaison personnel within each zone and for the Community College System Office to designate a liaison in each zone. Provides that the previously required and specified reports from DOT, DENR, and the Community Colleges System Office, concerning the establishment of collocated liaisons within each Collaboration for Prosperity Zone and a description of the activities the liaisons have been assigned to perform, must be submitted by January 1, 2014 (was, October 1, 2013).

### **Part VI, Regional Economic Development Commissions/Statutes Creating Commissions Repealed**

Repeals Article 2 (*Economic Development Commissions*) and Article 4 (*North Carolina's Eastern Region*) of GS Chapter 158. Provides that upon the dissolution of North Carolina's Eastern Region (Region), the governing body of the entity must liquidate all the assets of the Region to the extent possible and distribute them to the counties of the Region in proportion to the amount of the vehicle registration tax levied by the commission and collected in each county. Any assets that exceed the amount of the registration tax collected by the counties and are attributable to an appropriation made to the Region by the General Assembly must revert to the General Fund and cannot be distributed to the counties. Counties can only use the funds distributed to them, pursuant to this subsection, for economic development projects and infrastructure construction projects. Sets out the formula and process for determining the amount that should be refunded to each county, allocating first the amounts loaned and not yet repaid. Notes and other instruments possessing the right to repayment will be held and collected by the State Treasurer. Assets that are unable to be liquidated will be distributed to the point practicable on an equitable basis.

Amends GS 120-123, concerning service by members of the General Assembly on certain boards or commissions; GS 143-215.42, concerning the acquisition of lands; GS 143-506.10; concerning the designation of growth centers; and GS 153A-398, concerning regional planning and economic development commissions, making clarifying and conforming changes.

Allows the Revisor of Statutes to correct any reference and make other conforming changes where necessary. Provides that if Senate Bill 402 (Appropriations Act) of the 2013 Regular Session becomes law and appropriates money to the regional economic development commissions, then the Department must retain 50% of the appropriation for state marketing and rebranding purposes. Provides that no funds will be disbursed to the regional economic commissions after December 31, 2013.

Part VI effective January 1, 2014.

**Intro. by Brown.**

[GS 120](#), [GS 143](#), [GS 143B](#), [GS 153A](#), [GS 158](#)

[View summary](#)

**[Community and Economic Development, State Agencies, Community Colleges System Office, Department of Commerce, Department of Environment and Natural Resources, Department of Transportation](#)**



S 205 (2013-2014) [ELIMINATE UNNECESSARY TESTING/ANIMAL WASTE](#). Filed Mar 6 2013, *A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY SOIL TESTING REQUIREMENTS IN ANIMAL WASTE MANAGEMENT PLANS.*

House committee substitute makes the following change to the 1st edition. Changes the effective date of this act to August 1, 2013 (was, July 1, 2013).

**Intro. by Walters.**

[GS 143](#)

[View summary](#)

[Agriculture, Environment/Natural Resources](#)

## LOCAL/SENATE BILLS

S 111 (SL 2013-115) (2013-2014) [CLINTON/USE DESIGN-BUILD METHOD](#). Filed Feb 20 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.*

A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION. Enacted June 19, 2013. Effective June 19, 2013.

**Intro. by Jackson.**

[Sampson](#)

[View summary](#)

[Building and Construction](#)

## ACTIONS ON BILLS

## PUBLIC BILLS

### **H 56: AMEND STATE CONTRACT REVIEW LAWS.**

*House: Rec From Senate*

*House: Rec To Concur S Com Sub*

### **H 57: CHILD NUTRITION PROGRAM SOLVENCY AND SUPPORT.**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

### **H 122: AMEND INTERLOCUTORY APPEALS/FAMILY LAW.**

*House: Cal Pursuant 36(b)*

*House: Placed On Cal For 06/24/2013*

### **H 147: AMEND ADOPTION LAWS.**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 209: DV ORDERS/FINDINGS NOT REQUIRED (NEW).**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 220: DESIGNATE NC FRAGILE X AWARENESS DAY.**

*House: Rec From Senate*

*House: Rec To Concur In S Amend 1*

**H 243: LIENS/SELF-SERVICE STORAGE FACILITIES.**

*House: Conf Report Adopted*

*House: Ordered Enrolled*

**H 249: SUBSTITUTE TEACHER DEDUCTION/PERSONAL LEAVE.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

**H 250: CHARTER SCHOOL ENROLLMENT & CHARTER REVISIONS (NEW).**

*Senate: Withdrawn From Com*

*Senate: Re-ref Com On Education/Higher Education*

**H 255: UNC TUITION SURCHARGE/ADVANCE NOTICE.**

*Senate: Conf Com Appointed*

**H 285: AMEND RESPIRATORY CARE PRACTICE ACT.**

*Senate: Withdrawn From Com*

*Senate: Re-ref Com On Health Care*

**H 467: BREAST DENSITY NOTIFICATION & AWARENESS.**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 06/25/2013*

**H 476: REWRITE UNDERGROUND DAMAGE PREVENTION ACT.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

*House: Amend Adopted A1*

**H 563: FOREIGN TRADE ZONE/EXPAND DEF OF PUB CORP.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 614: NC AGRICULTURE AND FORESTRY ACT.**

*House: Added to Calendar*

*House: Failed Concur In S Com Sub*

*House: Conf Com Appointed*

*House: Conferee Change*

**H 626: NOTIFY LAW ENFORCEMENT OF TOWED VEHICLES (NEW).**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 628: PROTECT/PROMOTE LOCALLY SOURCED BLDG. MTRL'S (NEW).**

*House: Ordered Enrolled*

*House: Concurred In S/Com Sub*

**H 649: SMALL GROUP HEALTH INS. TECHNICAL CHANGES.**

*Senate: Conf Com Appointed*

**H 656: FORFEITURE FOR SPEEDING TO ELUDE REVISIONS.**

*House: Cal Pursuant 36(b)*

*House: Placed On Cal For 06/24/2013*

**H 680: JUMP-START OUR BUSINESS START-UPS ACT.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 683: COMMONSENSE CONSUMPTION ACT.**

*Senate: Withdrawn From Com*

*Senate: Re-ref Com On Judiciary I*

**H 686: NC SEAFOOD PARK/NAME CHANGE.**

*Ratified*

**H 688: AMEND CONTINUING ED REQ'S/CERT. WELL K'ORS.**

*Senate: Conf Com Appointed*

**H 700: OMNIBUS STATE IT GOVERNANCE CHANGES.**

*House: Rec From Senate*

*House: Rec To Concur S Com Sub*

**H 784: WORTHLESS CHECK/PRESENT CASHED CHECK.**

*House: Cal Pursuant 36(b)*

*House: Placed On Cal For 06/24/2013*

**H 785: COST-SHARING/TRANSPORTATION IMPROVEMENTS.**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 830: ADOPT STATE SYMBOLS.**

*Ratified*

*Pres. To Gov. 6/20/2013*

**H 832: EXPAND PHARMACISTS' IMMUNIZING AUTHORITY.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**H 868: RESID. SCHOOL CHANGES.**

*House: Ordered Enrolled*

*House: Concurred In S/Com Sub*

**S 15: HONOR JEAN PRESTON.**

*Ch. Res 2013-16*

*Ratified*

**S 18: AMEND LOCKSMITH LICENSE ACT/RAISE FEE CEILING.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 76: DOMESTIC ENERGY JOBS ACT.**

*House: Conf Com Appointed*

**S 103: AMEND ASSESSMENTS FOR INFRASTRUCTURE NEEDS (NEW).**

*House: Withdrawn From Cal*

*House: Ref To Com On Rules, Calendar, and Operations of the House*

**S 127: ENERGY/ECONOMIC DEVELOPMENT MODIFICATIONS (NEW).**

*House: Re-ref Com On Appropriations Subcommittee on Natural and Economic Resources*

*House: Withdrawn From Com*

*House: Re-ref Com On Commerce and Job Development*

*House: Reptd Fav Com Substitute*

**S 168: CLARIFY EDUCATION REPORTING REQUIREMENTS.**

*House: Amend Adopted AI*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**S 205: ELIMINATE UNNECESSARY TESTING/ANIMAL WASTE.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/24/2013*

**S 231: MODIFY DUTIES/ADVISORY COUNCIL ON INDIAN EDUC.**

*Senate: Rec To Concur H Com Sub*

*Senate: Placed On Cal For 06/24/2013*

**S 264: ABATE NUISANCES/DRUG SALES FROM STORES.**

*Senate: Placed On Cal For 06/24/2013*

*Senate: Rec To Concur In H Amend*

**S 285: DWI CASES/NO ILAC REQUIRED (NEW).**

*Pres. To Gov. 06/20/2013*

*Ratified*

**S 305: DMV COMMISSION CONTRACT CHANGES.**

*House: Passed 1st Reading*

*House: Ref To Com On Finance*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*House: Rec From Senate*

**S 328: SOLID WASTE MANAGEMENT REFORM ACT OF 2013.**

*Senate: Passed 2nd Reading*

**S 336: COLLABORATION AMONG STATE DIABETES PROGRAMS.**

*Ratified*

*Pres. To Gov. 06/20/2013*

**S 372: OMNIBUS COUNTY LEGISLATION.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Transportation*

**S 377: SUSPEND TRUCK INSPECTION/SEVERE WEATHER.**

*Senate: Rec To Concur H Com Sub*

*Senate: Placed On Cal For 06/24/2013*

**S 379: EXP. OF NATURAL GAS & PROPANE FOR AGRICULTURE (NEW).**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Finance*

**S 393: CONSTRUCTIVE FRAUD/LIMITATIONS PERIOD.**

*House: Conf Com Appointed*

**S 402: APPROPRIATIONS ACT OF 2013.**

*House: Conf Com Appointed*

**S 407: ELECTRONIC VEHICLE LIEN/TITLE.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 409: ASSESS COSTS/RESTRAINING ORDERS (NEW).**

*Senate: Conf Com Appointed*

*House: Conf Com Appointed*

**S 461: CDL CHANGES.**

*Ratified*

*Pres. To Gov. 06/20/2013*

**S 490: EXCLUDE CUSTOM SOFTWARE FROM PROPERTY TAX (NEW).**

*House: Passed 2nd Reading*

**S 568: BIOPTIC LENSES FOR DRIVERS LICENSE TESTS.**

*Senate: Rec To Concur H Com Sub*

*Senate: Placed On Cal For 06/24/2013*

**S 613: CREATE MILITARY AFFAIRS COMMISSION.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/24/2013*

**S 709: DOT STUDY 75 MPH SPEED/DEVELOP PILOT PROPOSAL (NEW).**

*House: Amend Failed A1*

*House: Withdrawn From Cal*

*House: Re-ref Com On Transportation*

**S 712: ID CARD FOR HOMEBOUND PERSONS.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Enrolled*

**LOCAL BILLS**



**H 140: CITY OF LOWELL / REGULATE UTILITY VEHICLES.**

*Ratified*

*Ch. SL 2013-172*

**H 143: EDEN PAYMENT IN LIEU OF TAXES.**

*Senate: Passed 2nd Reading*

**H 229: HOLDEN BEACH/CANAL DREDGING DISTRICT FEE.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

**H 234: CLARIFY PENDER COUNTY ABC LAWS (NEW).**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

**H 261: KANNAPOLIS/DEANNEXATION.**

*Senate: Passed 2nd Reading*

**H 290: RUTHERFORD AIRPORT AUTHORITY.**

*House: Rec From Senate*

*House: Rec To Concur S Com Sub*

**H 294: AUTHORITY TO REMOVE ABANDONED VESSELS.**

*House: Rec To Concur S Com Sub*

*House: Rec From Senate*

**H 302: REPEAL KANNAPOLIS ANNEXATION.**

*Senate: Passed 2nd Reading*

**H 305: CHAPEL HILL/ECONOMIC DEVELOPMENT PROJECTS.**

*Ch. SL 2013-173*

*Ratified*

**H 326: RUTHERFORD COUNTY CONDEMNATION CONSENT.**

*Ratified*

*Ch. SL 2013-174*

**H 354: 2 COUNTY COMMISSIONERS MAY SERVE/AB TECH. BD.**

*Ratified*

*Ch. SL 2013-175*

**H 408: BEAUFORT/RIGHT-OF-WAY SAFETY.**

*Ratified*

*Ch. SL 2013-176*

**H 409: SHELBY DEANNEXATION.**

*Senate: Withdrawn From Com*

*Senate: Re-ref Com On Finance*

**H 412: EDEN/DUKE ENERGY/ANNEXATION AGREEMENT.**

*Senate: Passed 2nd Reading*

**H 421: MARSHVILLE DEANNEXATION.**

*Senate: Passed 2nd Reading*

**H 427: MIDDLESEX/EXTEND MAYOR'S TERM TO FOUR YEARS.**

*Ratified*

*Ch. SL 2013-177*

**H 526: CHADBOURN VOLUNTARY ANNEXATION.**

*Senate: Passed 2nd Reading*

**H 529: EDGECOMBE COUNTY OCCUPANCY TAX AUTHORIZATION.**

*House: Passed 2nd Reading*

**H 553: AMEND CARTERET CO. OCCUPANCY TAX.**

*Senate: Passed 2nd Reading*

**H 562: CRAMERTON CHARTER REVISAL.**

*Ratified*

*Ch. SL 2013-178*

**H 567: LUMBERTON DEANNEXATION.**

*Senate: Passed 2nd Reading*



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