



## The Daily Bulletin: Wednesday, May 28, 2014

### PUBLIC/HOUSE BILLS

H 230 (2013-2014) **AMEND LAW DEFINING HOME SCHOOLS**. Filed Mar 5 2013, *AN ACT TO CLARIFY PROVISIONS OF THE READ TO ACHIEVE ACT AND SCHOOL PERFORMANCE GRADES AND TO EXPAND THE TESTING WINDOW FOR ONE YEAR*.

The Senate committee substitute to the 1st edition deletes the provisions of the 1st edition and replaces it with AN ACT TO CLARIFY PROVISIONS OF THE READ TO ACHIEVE ACT AND SCHOOL PERFORMANCE GRADES AND TO EXPAND THE TESTING WINDOW FOR ONE YEAR.

Amends the definition of *alternative assessment* in GS 115C-83.3 to add that the State Board of Education (State Board) must (1) provide several valid and reliable alternative assessments to local school administrative units upon request, (2) approve valid and reliable alternative assessments submitted by local units, and (3) establish achievement level ranges for each approved alternative assessment. Requires the State Board to annually review all alternative assessments. Amends the definition of *student reading portfolio* to specify that it means a compilation of independently produced student work selected by the teacher, beginning during the first half of the school year, and signed by the teacher and principal. Adds that a single piece of evidence may show mastery of up to two standards. Changes the term "summer reading camp" to "reading camp." Requires that reading camps offer at least 72 hours of reading instruction; be taught by compensated, licensed teachers; and allow volunteer mentors to read with students at times other than the 72 hours of instruction. Requires that the 72 hours be provided over no less than three weeks for students in schools that are not year-round.

Amends GS 115C-83.5 to add the requirement that the kindergarten entry assessment yield both qualitative and quantitative data. Requires the data obtained from the assessment be used for specified databases and specified assessments.

Amends GS 115C-83.7(b) to provide that students exempt from mandatory retention in third grade for good cause are still eligible to participate in reading camps. Amends the good cause exemptions from the mandatory retention in third grade as follows. Allows an exemption for Limited English Proficient students with less than two school years (was, two years) of instruction in an English As a Second Language program. Expands the good cause exemptions for students with disabilities to include those whose individualized education program indicates (1) use of the NCEXTEND1 alternate assessment, (2) at least a two-school-year delay in educational performance, or (3) receipt of intensive reading interventions for at least two school years. Amends the exemption for students demonstrating reading proficiency appropriate for third grade on an alternative assessment to remove the provision concerning when the alternative assessment may be administered. Amends the exemption for students demonstrating reading proficiency appropriate for third grade through a student reading portfolio to remove the provision concerning when the portfolio may be submitted and require the portfolio and review process used by the local school administrative unit to be approved by the State Board.

Amends GS 115C-83.8 to encourage parents or guardians of students not demonstrating reading proficiency to enroll the student in a reading camp (was, required students to be enrolled). Requires local school administrative units to provide at least one opportunity for students not participating to demonstrate appropriate reading proficiency. Deletes the language concerning the promotion to fourth grade of students demonstrating reading proficiency on an alternative assessment or student reading portfolio after completing a summer reading camp. Adds the requirement that principals use specified provisions to grade and classify students demonstrating reading proficiency after the November 1 midyear promotion deadline.

Amends GS 115C-83.9 to add that the opportunities for teachers and principals to discuss with parents the notification that a student may be retained include information sessions.

Enacts new GS 115C-83.11 to allow parents or guardians of a student demonstrating reading proficiency appropriate for a third grader to enroll the student in a reading camp, for a fee, not to exceed \$825.

Amends GS 115C-238.29F(d1) to amend the good cause exemptions for mandatory retention in third grade as follows. Allows an exemption for Limited English Proficient students with less than two school years (was, two years) of instruction in an English As a Second Language program. Expands the good cause exemptions for students with disabilities to include those whose individualized education program indicates (1) use of the NCEXTEND1 alternate assessment, (2) at least a two-school-year delay in educational performance, or (3) receipt of intensive reading interventions for at least two school years.

Requires the State Board to implement the developmental screening instrument in each school in a local school administrative unit enrolling kindergarten students, and according to the approved time line for administration in Section 3.9 of SL 2013-363. Requires additional components of the assessment to be fully implemented in each school in a local school administrative unit enrolling kindergarten students beginning with the 2016-17 school year.

Changes the title of Part 5 of Article 10A of GS Chapter 115C to Career and College Readiness.

Amends GS 115C-83.15(b) to require the State Board, in calculating the overall school achievement score earned by a school, to (1) use a composite approach to weigh the achievement elements based on the number of students measured and (2) proportionally adjust the scale to account for the absence of a school achievement element for award of scores to a school that does not have a measure of one of the school achievement elements annually assessed for the grades taught at that school.

Amends GS 115C-83.15(d) to require the State Board to use EVAAS to calculate the school performance score by adding the school achievement score and the school growth score. Requires that the school achievement score account for 80 percent and the school growth score account for 20 percent of the total. Provides that if a school has met expected growth and inclusion of the school's growth score reduces the school's performance score and grades, a school may choose to use the school achievement score solely to calculate the performance score and grade.

Provides that despite GS 115C-83.05(d), for the 2013-14 school year, for all schools, the total school performance score must be converted to a 100-point scale and used to determine a school performance grade based on the specified scale.

Allows local boards of education, for the 2014-15 school year only, to apply for waivers from the requirements in GS 115C-174.12(4), which limits the administration of final exams for year long courses to the final 10 instructional days of the school year and the final 5 instructional days of the semester for semester courses. The waiver application must be made by September 1, 2014, with notification decisions made by October 1, 2014.

**Intro. by Malone, Martin, Brody, Samuelson.**

**GS 115C**

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**Education, Government, State Agencies, State Board of Education**

H 1032 (2013-2014) **PATENT ABUSE BILL**. Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO PREVENT THE ABUSIVE USE OF PATENTS*.

The House committee substitute to the 2nd edition makes the following changes. Amends the General Assembly's findings in GS 75-137 to provide that the expense of patent litigation can be a significant burden on all companies (was, on small- and medium-sized companies). Amends GS 75-139 to make clarifying changes. Amends GS 75-141 to

make language gender neutral.

**Intro. by Murry.**

GS 14, GS 75

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**Courts/Judiciary, Civil, Civil Law, Criminal Justice, Criminal Law and Procedure**

H 1034 (2013-2014) **VOLUNTEER FIRE AND RESCUE FINANCES (PED)**. Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATED TO (1) LOCAL FIREFIGHTERS' RELIEF FUNDS, THE STATEWIDE FIREFIGHTERS' RELIEF FUND, AND THE RESCUE SQUAD WORKERS' RELIEF FUND, (2) WORKERS' COMPENSATION FOR FIREFIGHTERS AND RESCUE SQUAD WORKERS, (3) SUPPLEMENTAL PENSIONS FOR FIREFIGHTERS AND RESCUE SQUAD WORKERS, AND (4) THE VOLUNTEER FIRE DEPARTMENT FUND AND VOLUNTEER RESCUE/EMS FUND, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

House Committee Substitute makes the following changes to the 2nd edition. Amends GS 58-84-25 (c) to require a county to provide the Insurance Commissioner with the tax value of property located in each fire district in that county by February 1 of each year (was, January 1 of each year). Makes a clarifying change to subsection (d), deleting an extraneous dependent clause.

Amends GS 58-84-35(a)(7) to declare that a local board of trustees may disburse funds to provide for annual physicals required for firefighter positions by the Department of Labor or that are recommended by the National Fire Protection Association (was, by the federal Occupational Safety and Health Administration and recommended by the National Fire Protection Administration.)

Amends GS 58-84-40(d) to provide that if the local relief fund provided for in this Article finds itself impaired due to lack of funds, then the Statewide Firefighters' Relief Fund (was, Firefighters' Relief Fund) may at the discretion of its board of trustees assist the local unit administering the fund in providing for relief to injured firefighters.

Amends GS 58-84-46 to provide that a fire chief authorized by a city or county to do so may file a certificate of eligibility.

Makes additional changes to clarify when references are to the Statewide Firefighters' Relief Fund and when they are to a local Firefighters' Relief Fund.

Makes changes to GS 58-84-25(c1) to authorize the Insurance Commissioner to reallocate funds from a county with local relief funds' balances that exceed the amount provided under GS 58-84-33(a) to other counties with fire districts that do not exceed the amount provided under GS 58-84-33(a).

Amends GS 58-84-33 by adding a subsection (d) which allows a board of trustees of a local Firefighters' Relief Fund, with authorization from and under guidelines provided by the North Carolina State Firemen's Association (Association), to dedicate a portion of the local Firefighters Relief Fund towards providing supplemental retirement. Provides that regardless of the cap on maximum fund balances under subsection (a) of this section, if the dedicated amounts are used only for supplemental retirement within the guidelines provided by the Association, then the dedicated amounts do not count towards the maximum allowable balance under subsection (a).

Provides clarifying changes to the 2015 grant process in GS 58-87-1(a1), providing that the grants must be awarded by the Commissioner on May 15 or on the first business day after May 15 if it falls on a weekend or holiday. Amends the limitations for the awarding of the grants, providing that the applicant for the grant must match the grant on a dollar-for-dollar basis unless the applicant receives less than \$50,000 per year from municipal and county funding (previously, if received less than \$50,000 per year from other sources). Expands the limitations on what the grant funds can be used towards to include costs of putting property acquired from the Department of Defense through the Firefighter Property and federal Excess Property programs.

Amends GS 58-87-5, Volunteer Rescue/EMS Fund to provide that grants can be awarded to volunteer rescue/EMS units and EMS units in addition to just volunteer rescue units. Provides clarifying changes to the requirement that grants are to be awarded on December 15, if that day falls on a non-business day. Makes technical changes. Enacts new GS 58-87-5(d), providing that “emergency medical service” or “EMS” has the same meaning as in GS 131E-155(6). Provides further clarification on the definition of these terms. Makes conforming changes.

Amends GS 58-87-7, concerning oversight of grant awards, providing that if the grant recipient ceases to exist in a specified time period, it must transfer, subject to the approval of the Department of Insurance, all equipment purchased with grant funds to the entity that will provide service to the grant recipient’s service area.

**Intro. by Howard, Moffitt, Lucas.**

[APPROP, GS 58, GS 97, GS 105](#)

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[Employment and Retirement, Government, Budget/Appropriations, Public Safety](#)

H 1050 (2013-2014) [OMNIBUS TAX LAW CHANGES](#). Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO AMEND THE REVENUE LAWS, AS RECOMMENDED BY THE REVENUE LAWS STUDY COMMITTEE.*

Senate committee substitute to the 3rd edition makes the following changes:

Enacts new GS 105-130.5B(g), concerning adjustments when the state decouples from federal accelerated depreciation and expensing, providing that for certain transactions AGI must be increased or decreased to account for any difference in the amount of depreciation, amortization, or gains or losses applicable to specified property.

Amends previously repealed GS 105-134.6A(g) and GS 105-153.6, concerning adjustments when the state decouples from federal accelerated depreciation and expensing, making clarifying and conforming changes.

Amends GS 105-164.28A(a), deleting proposed language that required the issued preferential rate or use-based exemption number to be included on a person's certificate of exemption.

Amends effective dates provided in Section 5.1(g) of the act, clarifying that when effective, provisions apply to gross receipts derived from an admission charge sold at retail on or after the effective date.

Amends proposed language in GS 105-187.5(a), making clarifying changes. Also clarifies that when effective, the provisions apply to gross receipts derived from a service contract sold at retail on or after the effective date.

Amends GS 105-164.3(35), making a technical change.

Amends GS 105-164.4(a), making technical and clarifying changes.

Deletes proposed language and changes to GS 105-164.13 that were to be effective July 1, 2014, concerning tax exemption for modular or manufactured homes.

Amends GS 105-449.52, deleting changes made to subsection (a) of the previous edition and instead amends subsection (b) to provide that the Secretary of Revenue can reduce or waive the specified penalty as provided in GS 105-449.119. Makes technical changes.

Amends proposed GS 105-339A, renumbering it as GS 105-339.1.

Amends GS 160A-211(a), which was reenacted by Section 12.1(a) of this act, provided that the occupations and professions that can have a tax levied against them must be physically located in the city (previously, stated occupations and professions carried on in the city). Effective when it becomes law and applies to taxable years beginning on or after July 1, 2014.

Provides that for fiscal year 2014-15, a city can only apply any privilege license tax ordinance that was in effect for that city in the 2013-14 fiscal year. If no tax was enacted, the city is prohibited from enacting a privilege license tax ordinance for 2014-15. Effective when the act becomes law and applies to taxable years beginning on or after July 1, 2014.

Repeals GS 160A-211 concerning privilege taxes, effective for taxable years beginning on or after July 1, 2015.

Also repeals GS 105-88(e), 105-109(e), 130A-294(r), 160A-211.1, and 153A-152.1 which authorized specified privilege license taxes.

Amends GS 160A-194, concerning licensing for business and trades, and GS 160A-215.1, concerning the gross receipts tax on short-term leases or rentals, making technical and conforming changes in both sections.

Makes conforming and technical changes.

Amends the enactment clause for Section 12.3 of the bill, providing clarifying language and setting out certain limitations of the provisions enacted.

Deletes proposed changes to GS 105-163.5(b).

Amends GS 105-163.2, concerning the withholding of taxes due by employers, requiring employers to allow for additions that the employee is required to make in regards to income tax liability.

Amends GS 105-163.5(b), making clarifying changes. Also provides that changes to this subsection are effective for taxable years beginning on or after January 1, 2014.

Provides that proposed changes to GS 105-163.2A(c) are to become effective January 1, 2015, applying to payments made on or after that date.

Amends changes to GS 105-164.44L(c), making clarifying changes in regards to the ad valorem share a city can receive from excise taxes.

Amends GS 105-309(d), making clarifying changes regarding additional information that can be requested by the Department of Revenue.

Amends GS 14-344.1(a)(3), concerning Internet sale of admission tickets, clarifying that the person who has obtained a certification of registration under GS 105-164.29 collects and remits to the state the sales and use tax (previously, the person reselling the ticket collected and remitted the privilege tax). Effective December 1, 2014.

Amends GS 105-163.22, concerning reciprocity of tax withholding statutes, making clarifying and technical changes.

Amends GS 105-113.4 and GS 148-23.1(d), updating the definition of vapor products, clarifying that they are nonlighted, noncombustible products that employ a mechanical heating element (previously, did not include nonlighted in the description/definition).

Amends GS 105-113.37(b), updating statutory references.

Amends GS 105-113.40A, to provide that the Secretary of Revenue is required to transfer proceeds from the tax on vapor products to the General Fund.

Amends the effective date for the provisions concerning vapor products to June 1, 2015 (was, February 1, 2015).

Deletes Part XVI of the act, Reinstate Hospital Set-Off Debt Collection, which amended GS 105A-2.

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H 1050 (2013-2014) [OMNIBUS TAX LAW CHANGES](#). Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO AMEND THE REVENUE LAWS, AS RECOMMENDED BY THE REVENUE LAWS STUDY COMMITTEE.*

Senate amendment #2 makes the following changes to the 4th edition.

Adds a new subsection (b) to GS 105-164.13E and makes an organizational change labeling the existing content of this section as subsection (a). Makes additional technical corrections, identifying subsection (a) with the title "Exemption" and subsection (b) as "Conditional Exemption." Rewrites the title of GS 105-164.13E as "Exemption for Farmers" (was, "Exemption for Qualifying Farmers"). Clarifies the meaning of the term "farming operations" as it is used in this section.

Subsection (b) identifies a conditional exemption which is available to a person who doesn't meet the definition of a qualifying farmer in subsection (a). Provides that a person not meeting the definition of a qualifying farmer may apply to the Department of Agriculture (Department) for a conditional exemption certificate under GS 105-164.28A. Allows a person with a conditional exemption certificate to purchase items that are exempt from the sales and use tax to the same extent as a qualifying farmer under subsection (a) of this statute. Provides that to receive a conditional exemption certificate, the person must certify his or her intent (1) to engage in farming operations as that term is defined in subsection (a) of this section and (2) to file in a timely manner state and federal income tax returns that reflect income and expenses incurred from farming operations during the taxable years that the conditional exemption certificate (certificate) applies.

Designates a certificate issued under this section as valid for the taxable year in which it is issued and the following two taxable years provided that the person to whom the certificate is issued provides copies of applicable state and federal income tax returns to the Department within 90 days following the end of each taxable year covered by the certificate.

Imposes the following restrictions on a certificate issued under this subsection: (1) it may not be renewed or extended beyond the original three-year period and (2) the Department may not issue the certificate to a person who has a conditional exemption certificate issued under this subsection during the previous 15 taxable years.

Requires that a person who purchases items with a conditional exemption certificate has to maintain documentation of the items purchased and copies of state and federal income tax returns for three years following the expiration of the certificate. Permits the Secretary to require a person with a certificate to provide any information requested in a timely manner by the Secretary to be used to verify that the person has met the requirements of this section. Imposes penalties on a person who fails to provide the requested information in a timely manner or fails to meet the requirements of this subsection. Makes technical and conforming changes to GS 105-164.28A.

Makes conforming changes to GS 105-236(a)(5a) regarding civil penalties for the misuse of an exemption certificate.

**Intro. by Howard, W. Brawley, Lewis, Setzer.**

[GS 14](#), [GS 18B](#), [GS 20](#), [GS 105](#), [GS 113](#), [GS 148](#), [GS 153A](#), [GS 160A](#)

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**Government, Tax**

H 1081 (2013-2014) [REFORM AGENCY REVIEW OF ENGINEERING WORK](#). Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO REFORM THE PROCESS BY WHICH REGULATORY AUTHORITIES REVIEW SUBMITTALS OF*



*APPLICATIONS FOR PERMITS, LICENSES, AND APPROVALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

The House committee substitute to the 1st edition makes the following changes. Removes the Department of Transportation (DOT) from the definition of *regulatory authority* but retains DOT in the requirements concerning reviewing and revising the working job titles.

Adds the requirement that regulatory authorities develop formal written procedures to prepare and maintain a list of consulting professional engineers.

**Intro. by Millis, Hager, Moffitt.**

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**Government, State Agencies, Department of Environment and Natural Resources, Department of Health and Human Services, Department of Transportation, Local Government**

H 1101 (2013-2014) **MECHANICS LIENS - LEASED PUBLIC PROPERTY**. Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PROTECTION PROVIDED TO PERSONS MAKING IMPROVEMENTS TO LEASED REAL PROPERTY UNDER ARTICLE 3 OF CHAPTER 44A OF THE GENERAL STATUTES, AS RECOMMENDED BY THE LRC COMMITTEE ON MECHANICS LIENS AND LEASEHOLD IMPROVEMENTS.*

The House committee substitute to the 1st edition makes the following changes. Amends GS 44A-26(d) to include instances when the contracting body requires the lessee to construct, reconstruct, alter, or repair public improvements on leased real property to the circumstances in which performance and payment bonds are required. Adds that for purposes of the subsection, any building or other work or improvement constructed on land owned by a contracting body is deemed to be a public building or other public work or public improvement. Makes clarifying changes.

**Intro. by Stevens, Arp.**

GS 44A

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**Development, Land Use and Housing**

H 1109 (2013-2014) **CLARIFY EXISTING RULE READOPTION PROCESS**. Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCESS FOR READOPTION OF EXISTING RULES IN ACCORDANCE WITH THE PERIODIC REVIEW AND EXPIRATION OF EXISTING RULES PROVISION OF THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.*

The House committee substitute to the 1st edition makes a clarifying change.

**Intro. by Moffitt, Murry, Floyd, Bryan.**

GS 150B

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**Government, APA/Rule Making**

H 1140 (2013-2014) **AMEND HOTEL CARBON MONOXIDE ALARM REQUIREMENT**. Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS FOR CARBON MONOXIDE ALARMS IN HOTELS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

The House committee substitute to the 1st edition makes the following changes. Amends GS 143-138(b2) to add that the carbon monoxide alarm requirements for lodging establishments in (b2)(2) through (5) do not apply to properties that are subject to GS 42-42 (rental properties) or GS 42A-31 (vacation rental property).

**Intro. by Samuelson, Hanes, Hager, Catlin.**

[GS 130A, GS 143](#)

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**[Business and Commerce, Environment, Health and Human Services, Health](#)**

H 1222 (2013-2014) [AMEND EXPUNCTION LAWS](#). Filed May 27 2014, *AN ACT TO AMEND THE EXPUNCTION LAWS TO SHORTEN THE WAITING PERIOD REQUIRED TO OBTAIN SOME EXPUNCTIONS, TO MAKE SOME EXPUNCTIONS MORE AVAILABLE FOR CERTAIN PERSONS DEDICATED TO MOVING BEYOND THEIR CRIMINAL RECORDS, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO ASSIST WITH THE ADDITIONAL COSTS OF CRIMINAL RECORD CHECKS.*

Amends GS 15A-145.5(c), concerning filing a petition for expunction, providing that a petition for expunction of a nonviolent felony will not be filed earlier than 10 years (was, 15 years) after the date of the conviction or the completion of any active sentence, period of probation, and post-release supervision, which ever occurs later. Further provides that a petition for expunction of a nonviolent misdemeanor cannot be filed earlier than five years after the date of a conviction or the completion of any active sentence, period of probation, and post-release supervision has been served, whichever occurs later. Makes clarifying changes and conforming changes.

Amends GS 15A-146, concerning expunctions of records when charges are dismissed or there is a finding of not guilty, deleting many requirements and procedures for applying for and receiving an expunction when charges are dropped or for a finding of not guilty. Section now provides that in such instances a person can apply to have any and all such changes expunged and the court will hold a hearing on the application and order the expunctions outright.

Repeals GS 15A-145.5(a)(5), which provided that felony offenses in GS Chapter 90 involving methamphetamines, heroin, or possession with intent to sell or deliver or sell and deliver cocaine cannot be considered nonviolent felonies or misdemeanors.

Amends GS 15A-145.2(c), concerning the expunction of records for first offenders not over 21 years of age at the time of the offense of certain drug offenses, adding language that provides that the provisions of GS 15A-145.2(c) apply retroactively.

Amends GS 15A-173.2(a), concerning qualification for a certificate of relief providing that a person that is convicted of no more than two Class G, H, or I felonies or misdemeanors in one session of court and who has no other convictions for a felony (was, had no other convictions for a felony or misdemeanor other than a traffic violation) can petition the court for a certificate of relief of collateral consequences.

Appropriates \$250,000 from the General Fund to the Department of Justice for fiscal year 2014-15 to be used to assist with additional costs of criminal record checks. Effective July 1, 2014.

Unless otherwise noted, effective December 1, 2014.

**Intro. by Harrison, Adams.**

[APPROP, GS 15A](#)

**[Courts/Judiciary, Criminal Justice, Criminal Law and](#)**



[View summary](#)[Procedure, Government, Budget/Appropriations](#)

H 1226 (2013-2014) [COAL ASH MANAGEMENT ACT OF 2014](#). Filed May 27 2014, *AN ACT TO (1) PROHIBIT RECOVERY OF COSTS RELATED TO THE MANAGEMENT OF COAL COMBUSTION RESIDUALS AND UNLAWFUL DISCHARGES FROM COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (2) PROHIBIT CONSTRUCTION OF NEW OR EXPANSION OF EXISTING COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS EFFECTIVE JULY 1, 2014; (3) PROHIBIT THE DISPOSAL OF COAL COMBUSTION RESIDUALS GENERATED AFTER AUGUST 1, 2014, INTO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AND REQUIRE THAT COAL COMBUSTION RESIDUALS GENERATED AFTER THAT DATE BE DISPOSED OF IN SANITARY LANDFILLS OR PUT TO BENEFICIAL USE AS ALLOWED BY LAW; (4) REQUIRE A SURVEY OF DRINKING WATER SUPPLY WELLS AND REPLACEMENT OF CONTAMINATED WATER SUPPLIES; (5) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO, AS SOON AS PRACTICABLE BUT NO LATER THAN DECEMBER 1, 2014, PRIORITIZE FOR THE PURPOSE OF CLOSURE AND REMEDIATION COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS, INCLUDING ACTIVE AND RETIRED SITES, BASED ON THESE SITES' RISKS TO PUBLIC HEALTH, SAFETY, AND WELFARE; THE ENVIRONMENT; AND NATURAL RESOURCES; (6) ESTABLISH A SCHEDULE FOR CLOSURE AND REMEDIATION OF ALL IMPOUNDMENTS BASED UPON THE DEPARTMENT'S RISK ASSESSMENT OF THESE SITES AND ESTABLISH BASELINE CLOSURE REQUIREMENTS; (7) REQUIRE CLOSURE AND REMEDIATION OF CERTAIN COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AS SOON AS PRACTICABLE BUT NO LATER THAN JANUARY 1, 2017; (8) PROVIDE FOR THE POSSIBILITY OF FEDERAL PREEMPTION; (9) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT QUARTERLY ON ITS OPERATIONS, ACTIVITIES, PROGRAMS, AND PROGRESS WITH RESPECT TO ITS OBLIGATIONS UNDER THIS ACT FOR COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (10) PLACE A TEMPORARY MORATORIUM ON THE USE OF COAL COMBUSTION RESIDUALS AS STRUCTURAL FILL AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE COMMISSION FOR PUBLIC HEALTH TO STUDY THE ADEQUACY OF CURRENT LAWS GOVERNING USE OF COAL COMBUSTION RESIDUALS FOR STRUCTURAL FILL AND OTHER BENEFICIAL USES; (11) PLACE A TEMPORARY MORATORIUM ON THE DISPOSAL OF COAL COMBUSTION RESIDUALS INTO COMBUSTION PRODUCTS LANDFILLS AND THE CONSTRUCTION OF SUCH LANDFILLS UNTIL AUGUST 1, 2015, AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSESS THE RISKS TO PUBLIC HEALTH, SAFETY, AND WELFARE; THE ENVIRONMENT; AND NATURAL RESOURCES, OF COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS LOCATED BENEATH THESE LANDFILLS TO DETERMINE THE ADVISABILITY OF CONTINUED OPERATION OF THESE LANDFILLS; (12) STRENGTHEN THE REPORTING AND NOTIFICATION REQUIREMENTS APPLICABLE TO DISCHARGES OF WASTEWATER TO WATERS OF THE STATE; (13) REQUIRE DEVELOPMENT OF EMERGENCY ACTION PLANS FOR HIGH AND INTERMEDIATE HAZARD DAMS AND AMEND OTHER DAM SAFETY LAW REQUIREMENTS APPLICABLE TO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (14) REPEAL COMPLIANCE BOUNDARY AMENDMENTS; AND (15) PROVIDE RESOURCES FOR IMPLEMENTATION OF THIS ACT.*

#### Part I.

Amends Article 7 of GS Chapter 62, Public Utilities Act, enacting new GS 62-133.13 to provide for the recovery of costs related to the management of coal combustion residuals surface impoundments to surface waters in North Carolina. Defines the phrase *coal combustion residuals surface impoundments* to have the same meaning as in GS 130A-290 (appears to mean as in GS 130A-309.201 as enacted in this act). Provides that for the purposes of this section, *costs related to unlawful discharges to the surface waters of the state* include any corrective actions required of the electric public utility under state or federal law. Prohibits the North Carolina Utilities Commission (Commission) from allowing an electric public utility to recover any of the following costs incurred on or after January 1, 2014, from the retail electric customers of the state: (1) costs related to the management of coal combustion residuals disposed of in coal combustion residuals surface impoundments, including costs associated with complying with the provisions of Part 2I. Coal Ash Management (added in this act) of Article 9 of GS Chapter 130A and (2) costs related to an unlawful discharge from a coal combustion residuals surface impoundment to the state's surface waters, unless the

Commission determines the discharge was due to an event of force majeure (any natural and unavoidable catastrophe, or force of nature).

## Part II.

Amends Article 9 of GS Chapter 130A by adding a new Part 21, Coal Ash Management Act of 2014. Provides that unless a different meaning is required by the context, the definitions in GS 130A-290 and the following definitions apply throughout this Part: (1) *beneficial and beneficial use*, (2) *coal combustion residuals surface impoundment*, (3) *structural fill*, and (4) *receptor*.

Part 21 prohibits (1) the construction of new and (2) the expansion of existing coal combustion residuals surface impoundments on or after July 1, 2014. Also prohibits, on or after August 1, 2014, the disposal of coal combustion residuals into a coal combustion residuals surface impoundment. Requires that coal combustion residuals generated on or after August 1, 2014, must be either (1) disposed of in a sanitary landfill properly permitted under this Article and the rules adopted under it or (2) put to beneficial use in compliance with the requirements of 15A NCAC 13B.1700 and other applicable rules.

Requires the owner of a coal combustion residuals surface impoundment to conduct, no later than October 1, 2014, a Drinking Water Supply Well Survey (Well Survey) that identifies all drinking water supply wells within one-half mile from the established compliance boundary of the impoundment. Directs that the Well Survey be submitted to the Department of Environment and Natural Resources (DENR). Authorizes DENR to determine based on the Well Survey and no later than December 1, 2014, which drinking water supply wells the owner must sample, how frequently the samples must be taken, and for what time period the sampling must be done. Provides actions that may be taken by DENR and requirements that DENR may impose on the owners based on the sampling and water quality analysis results.

Directs DENR, as soon as is practical but no later than December 1, 2014, to work in coordination with other appropriate agencies, including the United States Environmental Protection Agency (EPA) to prioritize coal combustion residual surface impoundments, including active and retired sites, based on the need for closure or remediation of the impoundments. Directs DENR to assess the risk of these sites to public health, safety, and welfare; the environment; and natural resources, and requires DENR to determine a schedule for closure and required remediation based on the degree of risk from these sites. Authorizes DENR to request other information from the owner or operator of an impoundment which DENR deems relevant, and specifies factors that, at minimum, DENR should consider.

Directs DENR to issue a proposed classification for each impoundment based upon the assessment conducted under subsection (a) of this section, classifying the impoundments as low-risk, intermediate-risk, or high-risk. Requires the Secretary of the Environment and Natural Resources (Secretary) to issue a written declaration that includes findings of fact and documents the proposed classification within 30 days after a proposed classification has been issued. Requires that the Secretary make copies of the written declaration issued under this section available for inspection and specifies that copies should be provided to the local health director, posted on DENR's web site, and placed at the local public library and other locations to ensure accessibility to the public.

Provides that before a final classification of an impoundment is issued, the Secretary must give notice of the intent to issue the written declaration. Specifies time frame for posting notice and guidelines governing the posting of notice via differing mediums. Requires the Secretary to hold a public meeting to explain the written declaration to the public no later than 30 days after the issuance of the written declaration. Provides that the public meeting is to be held in the county or counties in which the site is located. Also specifies timelines to allow receipt of written comment on the declaration.

Provides detailed criteria governing the method of closure to be utilized for closing a coal combustion residual surface impoundment. Also presents a schedule of closure for impoundments classified under new GS 130A-309.204: (1) high-risk impoundments are to be closed as soon as feasible but no later than August 1, 2019; (2) intermediate-risk impoundments are to be closed as soon as feasible but no later than August 1, 2024; and (3) low-risk impoundments

are to be closed as soon as feasible but no later than August 1, 2029.

Requires the Secretary to submit a preliminary inspection and evaluation report to the Environmental Review Commission (ERC) no later than October 1, 2014, and a final inspection and evaluation report to the ERC no later than January 1, 2015. Specifies that the inspection and evaluation report must include (1) a detailed description of each impoundment, (2) findings from inspections and evaluations to ascertain compliance with all applicable state and federal laws, and (3) findings from inspections and evaluations of all infrastructure related to each impoundment to ensure that the infrastructure is in good repair and functioning properly. Directs the Secretary to submit quarterly written reports to the ERC on DENR's operations, activities, programs, and progress made with respect to its obligations under this Part concerning all impoundments. Provides additional specifications as to the required content of these quarterly reports. Directs DENR to supplement the written reports required by this subsection with additional written and oral reports as may be requested by the ERC. Directs DENR to submit the required written reports whether or not the General Assembly is in session at the time the report is due. Additionally requires DENR to report, on or before October 1 of each year, to each member of the General Assembly who has a coal combustion residuals surface impoundment in the member's district. Specifies the report is to contain the location of the impoundment, the amount of coal combustion residuals known or believed to be located in the impoundment, the last action taken at the impoundment, and the date of that last action. The first reports are due October 1, 2014.

Despite the new statutes, classifies the following coal combustion residuals surface impoundments as high-risk and requires that they be closed as soon as practicable, but no later than January 1, 2017: (1) impoundments located at the Dan River Steam Station, operated by Duke Energy Carolinas, located in Rockingham County; (2) impoundments located at the Riverbend Steam Station, operated by Duke Energy Carolinas, located in Gaston County; (3) impoundments located at the Asheville Steam Electric Generating Plant, operated by Duke Energy Progress, located in Buncombe County; and (4) impoundments located at the Sutton Plant, operated by Duke Energy Carolinas, located in New Hanover County. Requires that these impoundments be dewatered and that the owner remove all coal combustion residuals from the impoundment, return the former impoundment to a nonerosive and stable condition, and dispose of the coal combustion residuals in a municipal solid waste landfill located on the same property as the impoundment. Requires municipal solid waste landfills that receive coal combustion residuals to include a bottom liner system consisting of three components, as specified in the act.

Amends GS 130A-290 by replacing the term *combustion products* with *coal combustion residuals* and the term *combustion products landfill* with *coal combustion residuals landfill*. Amends the term "open dump" to mean any facility or site where solid waste is disposed of that is not a sanitary landfill and that is not a coal combustion residuals surface impoundment or a facility for the disposal of hazardous waste. Amends the term "solid waste" to add that the term includes coal combustion residuals.

### Part III.

Prohibits the use of coal combustion residuals as structural fill in order to give DENR, the Commission for Public Health (Commission), and the General Assembly time to review and evaluate the use of residuals as structural fill. Requires DENR and the Commission to review 15A NCAC 13B .1701 et seq. Specifies the actions that must be taken in conducting the review, including reviewing the use of the residuals as structural fill or for other beneficial uses and the related regulations of those uses to determine if the rules are sufficient to protect public health, safety, and welfare; the environment; and natural resources. Requires a report to the Environmental Review Commission by January 15, 2015. Applies to the use of coal combustion residuals as structural fill for projects for which construction has not begun or for which the use of coal combustion residuals as structural fill has not been permitted on or before the date that the act becomes law.

Establishes a moratorium on (1) disposal of combustion products or coal combustion residuals in a combustion products landfill or coal combustion residuals landfill and (2) construction of new or expansion of existing combustion products landfills. Requires DENR to evaluate each combustion products landfill currently operating in the state and assess specified types of risk to determine the advisability of continued operation. Requires a report to the Environmental Review Commission by January 15, 2015. These provisions expire August 1, 2015.

Amends Section 9(b) of SL 2007-550 to remove the exemption from the more stringent permitting requirements of GS 130A-295.6 for a permit for a sanitary landfill used only to dispose of waste from a coal-fired generating unit owned or operated by an investor-owned utility.

#### Part IV.

Amends GS 143-215.1C to add the requirement that the owner or operator of any wastewater collection or treatment works for which a permit is issued report a discharge of 1,000 gallons or more of untreated wastewater or wastewater containing coal combustion residuals or a discharge of any amount of untreated wastewater or wastewater containing residuals to the surface waters to DENR as soon as possible but no later than 24 hours after first knowledge of the spill. Also shortens the time within which a press release must be issued to 24 hours (was, 48 hours) after first knowledge of the discharge of untreated wastewater or untreated waste to surface waters. Adds the requirement of publishing a notice in the newspaper of the county immediately downstream from the point of discharge for any discharge of 15,000 gallons or more of untreated wastewater or untreated waste to surface waters. Also makes the notice requirements applicable to all of the specified owners or operators of wastewater collection or treatment works, not just those to which a permit has been issued under Part 1 (Organization and Powers Generally; Control of Pollution) of Article 21.

#### Part V.

Amends GS 143-215.27 to require notification when emergency dam repairs are needed as soon as possible, but no later than 24 hours after first knowledge of the need for the emergency repairs.

Amends GS 143-215.31 to add the requirement that the owner of a dam classified as a high-hazard dam or intermediate-hazard dam develop an Emergency Action Plan (Plan) for the dam. Requires that the Plan be submitted within 90 days of the classification to DENR and the Department of Public Safety (DPS) for approval. Specifies items that must be included in the Plan. Requires that the Plan be updated annually and submitted to DENR and DPS for approval within one year of the prior approval. Requires that copies of the plan be submitted to regional offices and to local emergency management agencies that might respond to an emergency at the dam. Requires information in the Plan that constitutes sensitive public security information to be maintained as confidential information.

Repeals Section 3(b) of SL 2009-390, which deemed impoundments or other facilities that were in use on the effective date of this section in connection with nonnuclear electric generating facilities under the jurisdiction of the North Carolina Utilities Commission and that had been exempted under GS 143-215.25A(4) prior to amendment by Section 3(a) of this act to have received all of the necessary approvals and not be required to submit materials in connection with the continued normal operation and maintenance of those facilities.

Amends GS 143-215.32 to require the inspection of coal combustion residual surface impoundments, including annual inspections of each dam associated with an impoundment and weekly inspection by the owner of a impoundment to detect specified conditions. If the conditions are observed, requires the owner to document the condition and a registered professional engineer to investigate and develop a plan of corrective action. Requires an impoundment owner to provide for the annual inspection of the impoundment by an independent registered professional engineer.

Repeals Section 46 of SL 2013-413 (Clarify requirements for compliance boundaries with respect to groundwater quality standards).

Appropriates \$1.75 million for 2013-14 from the General Fund to DENR to establish 19 positions to implement the act.

#### Part VIII.

Includes a severability clause.

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**Environment, Government, Budget/Appropriations, State Agencies, Department of Environment and Natural Resources, Department of Public Safety, Public Enterprises and Utilities**

## PUBLIC/SENATE BILLS

S 477 (2013-2014) **NO SET FEE/NONCOVERED VISION SERVICES**. Filed Mar 27 2013, *A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURERS AND HEALTH BENEFIT PLANS FROM LIMITING OR FIXING THE FEE AN OPTOMETRIST MAY CHARGE PATIENTS FOR SERVICES OR MATERIALS UNLESS THE SERVICES OR MATERIALS ARE COVERED BY REIMBURSEMENT UNDER THE PLAN OR INSURER CONTRACT WITH THE OPTOMETRIST.*

The House committee substitute to the 3rd edition makes the following changes. Deletes the portion of proposed GS 58-50-300 that required optometrists to provide patients with a written disclosure telling the patient that they are under no obligation to purchase vision products from the prescribing provider. Makes conforming changes to the act's long title. Changes the effective date of the act to October 1, 2014 (was, 2013).

**Intro. by Meredith, Newton, Walters.**

GS 58

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**Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance**

S 786 (2013-2014) **ENERGY MODERNIZATION ACT**. Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO (1) EXTEND THE DEADLINE FOR DEVELOPMENT OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION IN THE STATE AND THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (2) ENACT OR MODIFY CERTAIN EXEMPTIONS FROM REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT APPLICABLE TO RULES FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION IN THE STATE AND THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (3) AUTHORIZE ISSUANCE OF PERMITS FOR OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION ACTIVITIES SIXTY DAYS AFTER APPLICABLE RULES BECOME EFFECTIVE; (4) CREATE THE NORTH CAROLINA OIL AND GAS COMMISSION AND RECONSTITUTE THE NORTH CAROLINA MINING COMMISSION; (5) AMEND MISCELLANEOUS STATUTES GOVERNING OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION ACTIVITIES; (6) ESTABLISH A SEVERANCE TAX APPLICABLE TO OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION ACTIVITIES; (7) AMEND MISCELLANEOUS STATUTES UNRELATED TO OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION ACTIVITIES; AND (8) DIRECT STUDIES ON VARIOUS ISSUES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY.*

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

Changes the long title.

Changes the title of Part III to "Authorize Issuance of Permits" (previously, Date Certain for Issuance of Permits to July 1, 2015). Amends Part III to provide that DENR and the Mining and Energy Commission are authorized to issue permits for oil and gas exploration, development, and production activities using horizontal drilling and hydraulic fracturing treatments on or after the 61st calendar day following the date all rules adopted pursuant to Section 2(m) of SL 2012-143 have become effective.

Amends proposed GS 113-391.1, concerning the determination of trade secret and confidential information and the duties of the State Geologist adding a requirement that the State Geologist, in consultation with the State Health Director, must review the confidential information concerning hydraulic fracturing fluid in order to advise local health departments of any additional parameters that should be included in private drinking water well testing. Makes organizational changes.

Amends proposed GS 113-395.3, concerning environmental compliance review for permit applicants, requiring permit applicants to provide environmental compliance history for each business or entity owned, to notify DENR of any change in their environmental compliance history or changes to the structure of the business entity, with significant changes to the structure or business entity being required to be reported within 30 days of any such change (previously, the environmental compliance information was only required to be submitted at the request of DENR).

Adds a requirement that the State Energy Office must also study and include, in its report to the Joint Legislative Commission on Energy Policy, information regarding the impact to the electrical grid and to the economy by allowing third-party sales of electricity on the state's military installations.

Makes technical changes.

**Intro. by Rucho, Newton, Brock.**

GS 87, GS 105, GS 113, GS 114, GS 143B

**Environment, Energy, Environment/Natural Resources, Government, APA/Rule Making, State Agencies, Department of Public Instruction, Department of Commerce, Department of Environment and Natural Resources, Department of Transportation, Tax, Local Government**

[View summary](#)

S 786 (2013-2014) **ENERGY MODERNIZATION ACT**. Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO (1) EXTEND THE DEADLINE FOR DEVELOPMENT OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION IN THE STATE AND THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (2) ENACT OR MODIFY CERTAIN EXEMPTIONS FROM REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT APPLICABLE TO RULES FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION IN THE STATE AND THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (3) AUTHORIZE ISSUANCE OF PERMITS FOR OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION ACTIVITIES SIXTY DAYS AFTER APPLICABLE RULES BECOME EFFECTIVE; (4) CREATE THE NORTH CAROLINA OIL AND GAS COMMISSION AND RECONSTITUTE THE NORTH CAROLINA MINING COMMISSION; (5) AMEND MISCELLANEOUS STATUTES GOVERNING OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION ACTIVITIES; (6) ESTABLISH A SEVERANCE TAX APPLICABLE TO OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION ACTIVITIES; (7) AMEND MISCELLANEOUS STATUTES UNRELATED TO OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION ACTIVITIES; AND (8) DIRECT STUDIES ON VARIOUS ISSUES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY.*

House amendments to the 4th edition make the following changes.

Amendment #1 amends GS 113-415.1(h) to provide that the scope of judicial review of the Mining and Energy Commission's decisions is as set forth in GS 150B-51, except as provided regarding the record on appeal (deletes earlier language concerning the scope of judicial review and specified circumstances under which the decision may be reversed or modified).

Amendment #2 amends GS 113-395.2 to add that a violation of (a), prohibiting the subsurface injection of waste is a



Class 1 misdemeanor. Applies to offenses committed on or after December 1, 2014.

Amendment #3 amends GS 113-391.1(e) to provide that concerning appeals from Commission decisions concerning confidentiality, individuals have 30 days after receiving notification to appeal by filing an action in superior court and in accordance with the procedures for a mandatory complex business case. Requires that the appeal be heard de novo by a judge designated as a Business Court Judge.

**Intro. by Rucho, Newton, Brock.**

[GS 87](#), [GS 105](#), [GS 113](#), [GS 114](#), [GS 143B](#)

[View summary](#)

**Environment, Energy, Environment/Natural Resources, Government, APA/Rule Making, State Agencies, Department of Public Instruction, Department of Commerce, Department of Transportation, Tax, Local Government**

S 856 (2013-2014) [COAL ASH MANAGEMENT ACT OF 2014](#). Filed May 27 2014, *AN ACT TO (1) PROHIBIT RECOVERY OF COSTS RELATED TO THE MANAGEMENT OF COAL COMBUSTION RESIDUALS AND UNLAWFUL DISCHARGES FROM COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (2) PROHIBIT CONSTRUCTION OF NEW OR EXPANSION OF EXISTING COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS EFFECTIVE JULY 1, 2014; (3) PROHIBIT THE DISPOSAL OF COAL COMBUSTION RESIDUALS GENERATED AFTER AUGUST 1, 2014, INTO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AND REQUIRE THAT COAL COMBUSTION RESIDUALS GENERATED AFTER THAT DATE BE DISPOSED OF IN SANITARY LANDFILLS OR PUT TO BENEFICIAL USE AS ALLOWED BY LAW; (4) REQUIRE A SURVEY OF DRINKING WATER SUPPLY WELLS AND REPLACEMENT OF CONTAMINATED WATER SUPPLIES; (5) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO, AS SOON AS PRACTICABLE BUT NO LATER THAN DECEMBER 1, 2014, PRIORITIZE FOR THE PURPOSE OF CLOSURE AND REMEDIATION COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS, INCLUDING ACTIVE AND RETIRED SITES, BASED ON THESE SITES' RISKS TO PUBLIC HEALTH, SAFETY, AND WELFARE; THE ENVIRONMENT; AND NATURAL RESOURCES; (6) ESTABLISH A SCHEDULE FOR CLOSURE AND REMEDIATION OF ALL IMPOUNDMENTS BASED UPON THE DEPARTMENT'S RISK ASSESSMENT OF THESE SITES AND ESTABLISH BASELINE CLOSURE REQUIREMENTS; (7) REQUIRE CLOSURE AND REMEDIATION OF CERTAIN COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AS SOON AS PRACTICABLE BUT NO LATER THAN JANUARY 1, 2017; (8) PROVIDE FOR THE POSSIBILITY OF FEDERAL PREEMPTION; (9) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT QUARTERLY ON ITS OPERATIONS, ACTIVITIES, PROGRAMS, AND PROGRESS WITH RESPECT TO ITS OBLIGATIONS UNDER THIS ACT FOR COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (10) PLACE A TEMPORARY MORATORIUM ON THE USE OF COAL COMBUSTION RESIDUALS AS STRUCTURAL FILL AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE COMMISSION FOR PUBLIC HEALTH TO STUDY THE ADEQUACY OF CURRENT LAWS GOVERNING USE OF COAL COMBUSTION RESIDUALS FOR STRUCTURAL FILL AND OTHER BENEFICIAL USES; (11) PLACE A TEMPORARY MORATORIUM ON THE DISPOSAL OF COAL COMBUSTION RESIDUALS INTO COMBUSTION PRODUCTS LANDFILLS AND THE CONSTRUCTION OF SUCH LANDFILLS UNTIL AUGUST 1, 2015, AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSESS THE RISKS TO PUBLIC HEALTH, SAFETY, AND WELFARE; THE ENVIRONMENT; AND NATURAL RESOURCES, OF COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS LOCATED BENEATH THESE LANDFILLS TO DETERMINE THE ADVISABILITY OF CONTINUED OPERATION OF THESE LANDFILLS; (12) STRENGTHEN THE REPORTING AND NOTIFICATION REQUIREMENTS APPLICABLE TO DISCHARGES OF WASTEWATER TO WATERS OF THE STATE; (13) REQUIRE DEVELOPMENT OF EMERGENCY ACTION PLANS FOR HIGH AND INTERMEDIATE HAZARD DAMS AND AMEND OTHER DAM SAFETY LAW REQUIREMENTS APPLICABLE TO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (14) REPEAL COMPLIANCE BOUNDARY AMENDMENTS; AND (15) PROVIDE RESOURCES FOR IMPLEMENTATION OF THIS ACT.*

Identical to [H 1226](#), filed 5/27/14.

#### Part I.

Amends Article 7 of GS Chapter 62, Public Utilities Act, enacting new GS 62-133.13 to provide for the recovery of costs related to the management of coal combustion residuals surface impoundments to surface waters in North Carolina. Defines the phrase *coal combustion residuals surface impoundments* to have the same meaning as in GS 130A-290 (appears to mean as in GS 130A-309.201 as enacted in this act). Provides that for the purposes of this section, *costs related to unlawful discharges to the surface waters of the state* include any corrective actions required of the electric public utility under state or federal law. Prohibits the North Carolina Utilities Commission (Commission) from allowing an electric public utility to recover any of the following costs incurred on or after January 1, 2014, from the retail electric customers of the state: (1) costs related to the management of coal combustion residuals disposed of in coal combustion residuals surface impoundments, including costs associated with complying with the provisions of Part 2I. Coal Ash Management (added in this act) of Article 9 of GS Chapter 130A and (2) costs related to an unlawful discharge from a coal combustion residuals surface impoundment to the state's surface waters, unless the Commission determines the discharge was due to an event of force majeure (any natural and unavoidable catastrophe, or force of nature).

#### Part II.

Amends Article 9 of GS Chapter 130A by adding a new Part 2I, Coal Ash Management Act of 2014. Provides that unless a different meaning is required by the context, the definitions in GS 130A-290 and the following definitions apply throughout this Part: (1) *beneficial and beneficial use*, (2) *coal combustion residuals surface impoundment*, (3) *structural fill*, and (4) *receptor*.

Part 2I prohibits (1) the construction of new and (2) the expansion of existing coal combustion residuals surface impoundments on or after July 1, 2014. Also prohibits, on or after August 1, 2014, the disposal of coal combustion residuals into a coal combustion residuals surface impoundment. Requires that coal combustion residuals generated on or after August 1, 2014, must be either (1) disposed of in a sanitary landfill properly permitted under this Article and the rules adopted under it or (2) put to beneficial use in compliance with the requirements of 15A NCAC 13B.1700 and other applicable rules.

Requires the owner of a coal combustion residuals surface impoundment to conduct, no later than October 1, 2014, a Drinking Water Supply Well Survey (Well Survey) that identifies all drinking water supply wells within one-half mile from the established compliance boundary of the impoundment. Directs that the Well Survey be submitted to the Department of Environment and Natural Resources (DENR). Authorizes DENR to determine based on the Well Survey and no later than December 1, 2014, which drinking water supply wells the owner must sample, how frequently the samples must be taken, and for what time period the sampling must be done. Provides actions that may be taken by DENR and requirements that DENR may impose on the owners based on the sampling and water quality analysis results.

Directs DENR, as soon as is practical but no later than December 1, 2014, to work in coordination with other appropriate agencies, including the United States Environmental Protection Agency (EPA) to prioritize coal combustion residual surface impoundments, including active and retired sites, based on the need for closure or remediation of the impoundments. Directs DENR to assess the risk of these sites to public health, safety, and welfare; the environment; and natural resources, and requires DENR to determine a schedule for closure and required remediation based on the degree of risk from these sites. Authorizes DENR to request other information from the owner or operator of an impoundment which DENR deems relevant, and specifies factors that, at minimum, DENR should consider.

Directs DENR to issue a proposed classification for each impoundment based upon the assessment conducted under subsection (a) of this section, classifying the impoundments as low-risk, intermediate-risk, or high-risk. Requires the Secretary of the Environment and Natural Resources (Secretary) to issue a written declaration that includes findings of

fact and documents the proposed classification within 30 days after a proposed classification has been issued. Requires that the Secretary make copies of the written declaration issued under this section available for inspection and specifies that copies should be provided to the local health director, posted on DENR's web site, and placed at the local public library and other locations to ensure accessibility to the public.

Provides that before a final classification of an impoundment is issued, the Secretary must give notice of the intent to issue the written declaration. Specifies time frame for posting notice and guidelines governing the posting of notice via differing mediums. Requires the Secretary to hold a public meeting to explain the written declaration to the public no later than 30 days after the issuance of the written declaration. Provides that the public meeting is to be held in the county or counties in which the site is located. Also specifies timelines to allow receipt of written comment on the declaration.

Provides detailed criteria governing the method of closure to be utilized for closing a coal combustion residual surface impoundment. Also presents a schedule of closure for impoundments classified under new GS 130A-309.204: (1) high-risk impoundments are to be closed as soon as feasible but no later than August 1, 2019; (2) intermediate-risk impoundments are to be closed as soon as feasible but no later than August 1, 2024; and (3) low-risk impoundments are to be closed as soon as feasible but no later than August 1, 2029.

Requires the Secretary to submit a preliminary inspection and evaluation report to the Environmental Review Commission (ERC) no later than October 1, 2014, and a final inspection and evaluation report to the ERC no later than January 1, 2015. Specifies that the inspection and evaluation report must include (1) a detailed description of each impoundment, (2) findings from inspections and evaluations to ascertain compliance with all applicable state and federal laws, and (3) findings from inspections and evaluations of all infrastructure related to each impoundment to ensure that the infrastructure is in good repair and functioning properly. Directs the Secretary to submit quarterly written reports to the ERC on DENR's operations, activities, programs, and progress made with respect to its obligations under this Part concerning all impoundments. Provides additional specifications as to the required content of these quarterly reports. Directs DENR to supplement the written reports required by this subsection with additional written and oral reports as may be requested by the ERC. Directs DENR to submit the required written reports whether or not the General Assembly is in session at the time the report is due. Additionally requires DENR to report, on or before October 1 of each year, to each member of the General Assembly who has a coal combustion residuals surface impoundment in the member's district. Specifies the report is to contain the location of the impoundment, the amount of coal combustion residuals known or believed to be located in the impoundment, the last action taken at the impoundment, and the date of that last action. The first reports are due October 1, 2014.

Despite the new statutes, classifies the following coal combustion residuals surface impoundments as high-risk and requires that they be closed as soon as practicable, but no later than January 1, 2017: (1) impoundments located at the Dan River Steam Station, operated by Duke Energy Carolinas, located in Rockingham County; (2) impoundments located at the Riverbend Steam Station, operated by Duke Energy Carolinas, located in Gaston County; (3) impoundments located at the Asheville Steam Electric Generating Plant, operated by Duke Energy Progress, located in Buncombe County; and (4) impoundments located at the Sutton Plant, operated by Duke Energy Carolinas, located in New Hanover County. Requires that these impoundments be dewatered and that the owner remove all coal combustion residuals from the impoundment, return the former impoundment to a nonerosive and stable condition, and dispose of the coal combustion residuals in a municipal solid waste landfill located on the same property as the impoundment. Requires municipal solid waste landfills that receive coal combustion residuals to include a bottom liner system consisting of three components, as specified in the act.

Amends GS 130A-290 by replacing the term *combustion products* with *coal combustion residuals* and the term *combustion products landfill* with *coal combustion residuals landfill*. Amends the term "open dump" to mean any facility or site where solid waste is disposed of that is not a sanitary landfill and that is not a coal combustion residuals surface impoundment or a facility for the disposal of hazardous waste. Amends the term "solid waste" to add that the term includes coal combustion residuals.

Part III.

Prohibits the use of coal combustion residuals as structural fill in order to give DENR, the Commission for Public Health (Commission), and the General Assembly time to review and evaluate the use of residuals as structural fill. Requires DENR and the Commission to review 15A NCAC 13B .1701 et seq. Specifies the actions that must be taken in conducting the review, including reviewing the use of the residuals as structural fill or for other beneficial uses and the related regulations of those uses to determine if the rules are sufficient to protect public health, safety, and welfare; the environment; and natural resources. Requires a report to the Environmental Review Commission by January 15, 2015. Applies to the use of coal combustion residuals as structural fill for projects for which construction has not begun or for which the use of coal combustion residuals as structural fill has not been permitted on or before the date that the act becomes law.

Establishes a moratorium on (1) disposal of combustion products or coal combustion residuals in a combustion products landfill or coal combustion residuals landfill and (2) construction of new or expansion of existing combustion products landfills. Requires DENR to evaluate each combustion products landfill currently operating in the state and assess specified types of risk to determine the advisability of continued operation. Requires a report to the Environmental Review Commission by January 15, 2015. These provisions expire August 1, 2015.

Amends Section 9(b) of SL 2007-550 to remove the exemption from the more stringent permitting requirements of GS 130A-295.6 for a permit for a sanitary landfill used only to dispose of waste from a coal-fired generating unit owned or operated by an investor-owned utility.

#### Part IV.

Amends GS 143-215.1C to add the requirement that the owner or operator of any wastewater collection or treatment works for which a permit is issued report a discharge of 1,000 gallons or more of untreated wastewater or wastewater containing coal combustion residuals or a discharge of any amount of untreated wastewater or wastewater containing residuals to the surface waters to DENR as soon as possible but no later than 24 hours after first knowledge of the spill. Also shortens the time within which a press release must be issued to 24 hours (was, 48 hours) after first knowledge of the discharge of untreated wastewater or untreated waste to surface waters. Adds the requirement of publishing a notice in the newspaper of the county immediately downstream from the point of discharge for any discharge of 15,000 gallons or more of untreated wastewater or untreated waste to surface waters. Also makes the notice requirements applicable to all of the specified owners or operators of wastewater collection or treatment works, not just those to which a permit has been issued under Part 1 (Organization and Powers Generally; Control of Pollution) of Article 21.

#### Part V.

Amends GS 143-215.27 to require notification when emergency dam repairs are needed as soon as possible, but no later than 24 hours after first knowledge of the need for the emergency repairs.

Amends GS 143-215.31 to add the requirement that the owner of a dam classified as a high-hazard dam or intermediate-hazard dam develop an Emergency Action Plan (Plan) for the dam. Requires that the Plan be submitted within 90 days of the classification to DENR and the Department of Public Safety (DPS) for approval. Specifies items that must be included in the Plan. Requires that the Plan be updated annually and submitted to DENR and DPS for approval within one year of the prior approval. Requires that copies of the plan be submitted to regional offices and to local emergency management agencies that might respond to an emergency at the dam. Requires information in the Plan that constitutes sensitive public security information to be maintained as confidential information.

Repeals Section 3(b) of SL 2009-390, which deemed impoundments or other facilities that were in use on the effective date of this section in connection with nonnuclear electric generating facilities under the jurisdiction of the North Carolina Utilities Commission and that had been exempted under GS 143-215.25A(4) prior to amendment by Section 3(a) of this act to have received all of the necessary approvals and not be required to submit materials in connection with the continued normal operation and maintenance of those facilities.

Amends GS 143-215.32 to require the inspection of coal combustion residual surface impoundments, including annual

inspections of each dam associated with an impoundment and weekly inspection by the owner of a impoundment to detect specified conditions. If the conditions are observed, requires the owner to document the condition and a registered professional engineer to investigate and develop a plan of corrective action. Requires an impoundment owner to provide for the annual inspection of the impoundment by an independent registered professional engineer.

Repeals Section 46 of SL 2013-413 (Clarify requirements for compliance boundaries with respect to groundwater quality standards).

Appropriates \$1.75 million for 2013-14 from the General Fund to DENR to establish 19 positions to implement the act.

Part VIII.

Includes a severability clause.

**Intro. by Woodard.**

APPROP, GS 62, GS 130A, GS 143

[View summary](#)

**Environment, Government, Budget/Appropriations, State Agencies, Department of Environment and Natural Resources, Department of Public Safety, Public Enterprises and Utilities**

S 858 (2013-2014) **AMEND EXPUNCTION LAWS**. Filed May 27 2014, *AN ACT TO AMEND THE EXPUNCTION LAWS TO SHORTEN THE WAITING PERIOD REQUIRED TO OBTAIN SOME EXPUNCTIONS, TO MAKE SOME EXPUNCTIONS MORE AVAILABLE FOR CERTAIN PERSONS DEDICATED TO MOVING BEYOND THEIR CRIMINAL RECORDS, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO ASSIST WITH THE ADDITIONAL COSTS OF CRIMINAL RECORD CHECKS.*

Identical to [H 1222](#), filed 5/27/14.

Amends GS 15A-145.5(c), concerning filing a petition for expunction, providing that a petition for expunction of a nonviolent felony will not be filed earlier than 10 years (was, 15 years) after the date of the conviction or the completion of any active sentence, period of probation, and post-release supervision, which ever occurs later. Further provides that a petition for expunction of a nonviolent misdemeanor cannot be filed earlier than five years after the date of a conviction or the completion of any active sentence, period of probation, and post-release supervision has been served, whichever occurs later. Makes clarifying changes and conforming changes.

Amends GS 15A-146, concerning expunctions of records when charges are dismissed or there is a finding of not guilty, deleting many requirements and procedures for applying for and receiving an expunction when charges are dropped or for a finding of not guilty. Section now provides that in such instances a person can apply to have any and all such changes expunged and the court will hold a hearing on the application and order the expunctions outright.

Repeals GS 15A-145.5(a)(5), which provided that felony offenses in GS Chapter 90 involving methamphetamines, heroin, or possession with intent to sell or deliver or sell and deliver cocaine cannot be considered nonviolent felonies or misdemeanors.

Amends GS 15A-145.2(c), concerning the expunction of records for first offenders not over 21 years of age at the time of the offense of certain drug offenses, adding language that provides that the provisions of GS 15A-145.2(c) apply retroactively.

Amends GS 15A-173.2(a), concerning qualification for a certificate of relief providing that a person that is convicted of no more than two Class G, H, or I felonies or misdemeanors in one session of court and who has no other convictions for a felony (was, had no other convictions for a felony or misdemeanor other than a traffic violation) can

petition the court for a certificate of relief of collateral consequences.

Appropriates \$250,000 from the General Fund to the Department of Justice for fiscal year 2014-15 to be used to assist with additional costs of criminal record checks. Effective July 1, 2014.

Unless otherwise noted, effective December 1, 2014.

**Intro. by Robinson.**

[APPROP, GS 15A](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Budget/Appropriations](#)

S 872 (2013-2014) [UI/NON-EMPLOYEES/DIRECT SELLERS](#). Filed May 28 2014, *A JOINT RESOLUTION AUTHORIZING THE 2013 GENERAL ASSEMBLY TO CONSIDER AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS TO CLARIFY THAT A DIRECT SELLER IS NOT AN EMPLOYEE.*

As the title indicates.

**Intro. by Tarte.**

[JOINT RES](#)

[View summary](#)

[Employment and Retirement](#)

S 878 (2013-2014) [RETIREMENT INVESTMENT ACCOUNTABILITY](#). Filed May 28 2014, *AN ACT TO ENHANCE THE ACCOUNTABILITY AND TRANSPARENCY OF THE STATE RETIREMENT SYSTEMS' INVESTMENT PROGRAMS BY PROVIDING FOR AUDITED FINANCIAL STATEMENTS, PERFORMANCE REVIEWS, EXPANDED AND MODERNIZED REPORTING, A SUNSET ON THE CONFIDENTIALITY OF PROPRIETARY INFORMATION, RESOURCE FLEXIBILITY FOR THE INVESTMENT MANAGEMENT DIVISION, AND OTHER MEASURES.*

Identical to [H1209](#), filed 5/27/14.

Enacts new GS 147-69.9 to require the State Treasurer to issue financial statements, at the end of each fiscal year, regarding the investment programs for the Retirement Systems in GS 147-69.2(b)(8) (Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Firefighters' and Rescue Workers' Pension Fund, the Local Governmental Employees' Retirement System, the Legislative Retirement System, the North Carolina National Guard Pension Fund, and the Retiree Health Benefit Fund). Requires the statements to be audited by a commercial independent third party audit firm, who is selected based on criteria developed by the State Auditor in consultation with the State Treasurer. Requires that the audit firm's report and the financial statements be provided to the General Assembly within six months after the reporting period closes. Specifies supplementary information that must accompany the financial statements. Effective for audits and reports relating to the 2014-15 fiscal year. Provides that for 2014-15, the requirements must be met by an independent review of the Retirement Systems' pro forma financial statements. Requires for 2015-16 and thereafter that the audit requirement take the form of an independent opinion concerning the Retirement System's initial financial statements. Requires that an audit firm be selected by January 1, 2105, and that the Treasurer separately account for any Retirement Systems investment portfolios commingled with the Treasurer's other investment programs by June 30, 2015. The above provisions are effective July 1, 2014.

Enacts new GS 147-69.10 to require the State Treasurer to, at least once every four years, engage a commercial independent expert firm to evaluate the governance, operations, and investment practices of the State Treasurer to develop recommendations for improvement; the firm's report must be provided to the General Assembly.



Enacts new GS 147-69.11 to require the State Treasurer to make public a report on the fees and performance of external investment managers engaged for the Retirement Systems as of the end of each fiscal year. Specifies entities that are to receive a copy of the report within nine months of the end of the fiscal year. Specifies eight items that are to be included in the report, including the value of the State Treasurer's investment as of the end of the fiscal year, the amount of the management fees and incentive fees paid to the external investment manager, and whether any placement agent fees were borne by the Retirement System. Enacts new GS 132-1.14 to specify that those eight items that are to be listed in the State Treasurer's report are also public record for each Treasurer investment. Provides that these records are not public record until 90 days after the transaction has closed, in order to prevent investment traders from using knowledge of potential or pending investment trades for personal gain. Specifies six items that are not public record until 10 years after the termination of an investment vehicle in which the State Treasurer has made an investment, including information regarding the portfolio positions in which the investment vehicle invests, capital call and distribution notices to investors of the investment vehicle, and the investment's contractual documents, to the extent stated in any clauses that place a duty of confidentiality on the State Treasurer. Provides that any information described in these six items is to be available to the General Assembly and State Auditor at any time, even if it is not public record. Effective July 1, 2014, with the reporting requirements applicable to the reports for the 2013-14 fiscal year.

Amends GS 147-69.3(f) to delete the requirement that the costs of administration, management, and operation of investment programs established under the statute be deposited with the State Treasury as a General Fund nontax revenue. Requires that the costs of investment programs established under the statute be reported to the General Assembly by June 15 of each year, providing the actual incurred costs for the previous fiscal year, the estimated costs for the current fiscal year and next fiscal year. Deletes the provision requiring these costs, if they are not directly paid from the income or assets of the program, be covered by an appropriation. Amends GS 147-69.3 to allow the State Treasurer to appoint employees possessing specialized skills or knowledge necessary for the proper administration of investment programs created under the statute. Amends GS 147-69.3(i2) to authorize the State Treasurer to establish market-oriented compensation plans, including salaries and performance-related bonuses, for employees possessing specialized skills or knowledge, who will be exempt from the classification and compensation rules established by the Office of State Human Resources (was, the State Treasurer may establish compensation, including bonuses for the Chief Investment Officer and Investment Directors). Makes conforming changes. Amends GS 126-5(c1) to make employees of the State Treasurer's Investment Management Division exempt from GS Chapter 126, State Personnel System [except as to Articles 6 (Equal Employment and Compensation Opportunity; Assisting in Obtaining State Employment) and Article 7 (Privacy of State Employee Personnel Records)].

Enacts new GS 147-69.12 to require that a person acting as a placement agent in connection with any Treasurer investment be registered as a lobbyist. Defines *placement agent* as any person or entity directly or indirectly hired, used, engaged, retained, compensated, or otherwise given anything having monetary value or benefit by an external investment manager to assist in securing investment commitments or other ongoing investment management business from any Treasury investment funds.

Amends GS 147-69.3 to require the State Treasurer to adopt, publish, and regularly review investment policy statements for each investment program. Also amends the statute to require the State Treasurer's report to the Finance Committee to include a summary (was, a statement) of the investment policies for the revenues invested. Amends the definition of *rule* in GS 150B-2(8a) to also exclude investment policy statements. Effective July 1, 2014, for the Retirement Systems and becomes effective July 1, 2015, for the other investment programs created under GS 147-69.3.

Amends GS 147-69.3(j) to allow the State Treasurer to adopt any rules necessary to establish, operate, conduct, and carry out all activities related to the investment program established under the statute (was, the State Treasurer must adopt rules necessary to carry out the provisions of the statute).

Repeals GS 128-29.1 (Authority of the Board of Trustees to the Counties, Cities, and Towns Retirement System to invest in certain common and preferred stocks). Amends GS 147-69.2(b) to specify that investments made pursuant

to (b)(1) through (6) of the statute may be made directly by the State Treasurer, through investment companies registered under the Investment Company Act of 1940, individual, common, or collective trust funds of banks and trust companies, group trusts, and limited partnerships, limited liability companies or other limited liability investment vehicles that invest primarily in investments authorized by subdivisions (1) through (6) of the subsection, or through other specified agreements.

Unless otherwise indicated, effective July 1, 2014.

**Intro. by Hise.**

[GS 126, GS 128, GS 132, GS 147, GS 150B](#)

[View summary](#)

[Courts/Judiciary, Court System, Employment and Retirement, Government, APA/Rule Making, General Assembly, Public Safety, State Agencies, Department of State Treasurer, State Government, State Personnel, Local Government, Military and Veteran's Affairs](#)

## LOCAL/HOUSE BILLS

H 1108 (2013-2014) [DUPLIN BCC ELECTIONS/HARNETT VACANCIES \(NEW\)](#). Filed May 15 2014, *AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY, TO PROVIDE THAT VACANCIES ON THE HARNETT COUNTY BOARD OF COMMISSIONERS AND SCHOOL BOARD ARE FILLED IN ACCORDANCE WITH G.S. 153A-27.1 AND G.S. 115C-37.1, AND TO PROVIDE THAT ANY EMPLOYMENT CONTRACT FOR CERTAIN LOCAL OFFICIALS IN HARNETT COUNTY MUST BE DONE BY UNANIMOUS VOTE IN CERTAIN INSTANCES.*

House committee substitute makes the following changes to the 1st edition:

Changes the long title.

Provides that vacancies on the Harnett County Board of Commissioners and School Board are to be filled pursuant to the provisions in GS 153A-27.1(h) and 115C-37.1(d). Provides that the changes proposed to GS 153A-27.1(h) and GS 115C-37.1(d) only apply to the county of Harnett.

Amends GS 115C-47(13) to provide that if the election of the superintendent by the local board occurs within seven months before the meeting in which newly elected members of the local board qualify pursuant to GS 115C-37(d), the election and terms must be by unanimous vote of the local board. Only applies to the county of Harnett.

Also amends GS 153A-81 to provide that if the appointment of the manager by the board of commissioners occurs within seven months before the meeting in which newly elected members of the board take the oath of office under GS 153A-26, the appointment and terms must be by unanimous vote of the board of commissioners. Only applies to the county of Harnett.

**Intro. by Dixon.**

[Duplin, Harnett](#)

[View summary](#)

H 1158 (2013-2014) [MORGANTON CHARTER AMENDMENT](#). Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF MORGANTON CONCERNING THE PROCEDURE FOR REMOVING THE MAYOR AND MEMBERS OF THE CITY COUNCIL FROM OFFICE AND MAKING CHANGES RELATED TO THE METHOD*

*AND TIME OF MUNICIPAL ELECTIONS.*

House committee substitute makes the following changes to the 1st edition:

Clarifies in the Morganton Charter that elections are to be held biennially on the Tuesday after the first Monday in November of odd-numbered years (previously, did not require election to be in odd-numbered years).

Amends the Charter of the City of Morganton to provide clarifying changes to the provisions and limitations concerning recall elections for certain officials. Provides that any registered voter may file a recall petition.

Makes various technical and clarifying changes.

Provides that a copy of the recall petition must be promptly delivered to the city manager for record keeping requirements.

Clarifies that, after a recall petition has been determined to be sufficient, the recall election must take place somewhere between 45 and 90 days after the petition has been certified with the understanding that if there is another general or special election during that time period the recall election is to be held in conjunction with that election. If no other election is taking place, the city is to call a special recall election to be held within that time period.

Clarifies that an official that resigned after a sufficient petition or removed after a recall election is not eligible for appointment to fill the vacancy caused by the removal or resignation.

Amends the effective date to provide that the act is effective July 1, 2014, applying to affidavits and petitions filed on or after that date (previously, effective when act became law).

**Intro. by Blackwell.**

[Burke](#)

[View summary](#)

H 1211 (2013-2014) [MOUNT GILEAD CHARTER REVISION & CONSOLIDATION](#). Filed May 27 2014, *AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MOUNT GILEAD*.

As title indicates, revises the Town of Mount Gilead's charter and consolidates certain local acts related to town property, affairs, and government. Makes conforming repeals of specified session laws.

**Intro. by Goodman.**

[Montgomery](#)

[View summary](#)

H 1212 (2013-2014) [BURLINGTON CHARTER/REVISION AND CONSOLIDATION](#). Filed May 27 2014, *AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF BURLINGTON*.

As title indicates, revises the City of Burlington's charter and consolidates certain local acts related to the city's property, affairs, and government. Makes conforming repeals of specified session laws.

**Intro. by S. Ross.**

[Alamance](#)

[View summary](#)

H 1244 (2013-2014) [WILSON COUNTY OCCUPANCY TAX INCREASE](#). Filed May 28 2014, *AN ACT TO AUTHORIZE INCREASING THE WILSON COUNTY OCCUPANCY TAX*.

Amends SL 1987-484, concerning Wilson County occupancy tax, adding a new subsection that authorizes the Wilson County Board of Commissioners to levy an additional room occupancy tax of up to 3 percent. Provides that this tax cannot be levied unless the base occupancy tax of 3 percent is also levied.

**Intro. by S. Martin, Farmer-Butterfield.**

[Wilson](#)

[View summary](#)

[Government, Tax](#)

H 1245 (2013-2014) [PLEASANT GARDEN/VOLUNTARY ANNEXATION](#). Filed May 28 2014, *AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF PLEASANT GARDEN AT THE REQUEST OF THE PROPERTY OWNER AND THE TOWN*.

As the title indicates. Effective July 1, 2014.

**Intro. by Hardister.**

[Guilford](#)

[View summary](#)

H 1246 (2013-2014) [ARMED DETENTION OFFICERS/FORSYTH COUNTY](#). Filed May 28 2014, *AN ACT TO PROVIDE THAT THE LAW PROHIBITING WEAPONS ON CAMPUS OR OTHER EDUCATIONAL PROPERTY DOES NOT APPLY TO AN ARMED DETENTION OFFICER WHEN THE OFFICER IS DISCHARGING HIS OR HER OFFICIAL DUTIES IN FORSYTH COUNTY*.

As the title indicates. Effective December 1, 2014.

**Intro. by Conrad, Hanes, Lambeth, Terry.**

[Forsyth](#)

[View summary](#)

H 1247 (2013-2014) [ASHEVILLE REGIONAL AIRPORT](#). Filed May 28 2014, *AN ACT TO ALLOW LIMITED APPOINTMENT OF ELECTED PUBLIC OFFICIALS TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY*.

Amends Section 1.4(a) of SL 2012-121, as amended, to add that no person holding any elected public office may be a member of the Greater Asheville Regional Airport Authority, except that at any given time no more than one elected public official may serve as an appointee of each of the Asheville City Council, the Buncombe County Board of Commissioners, and the Henderson County Board of Commissioners.

**Intro. by McGrady, Fisher, Moffitt, Ramsey.**

[Buncombe](#)

[View summary](#)

[Transportation](#)

H 1248 (2013-2014) [AUTHORITY TO REMOVE ABANDONED VESSELS](#). Filed May 28 2014, *AN ACT TO ALLOW WASHINGTON COUNTY TO REMOVE ABANDONED VESSELS FROM NAVIGABLE WATERS IN THE SAME MANNER THAT BRUNSWICK AND DARE COUNTIES MAY REMOVE ABANDONED VESSELS*.

As the title indicates.

**Intro. by Tine.**

Washington

[View summary](#)

**Transportation**

H 1249 (2013-2014) [BREVARD MEALS TAX](#). Filed May 28 2014, *AN ACT TO AUTHORIZE THE CITY OF BREVARD TO LEVY A PREPARED FOOD AND BEVERAGES TAX*.

As the title indicates. Authorizes the city council of Brevard to levy a prepared food and beverages tax of up to 1.5% of the sales price of prepared food and beverages sold within the City of Brevard at retail for consumption on or off the premises by a retailer subject to sales tax under GS 105-164.4(a)(1). Provides that the tax applies to catering if the food is served in the city, regardless of the caterer's residency. Provides that this tax is in addition to state and local sales tax. Provides additional specifics as to the administration, collection, and use of the tax. Also includes provisions identifying prepared food and beverages sales that are exempt from the tax and criteria for when the tax must be refunded. Provides criteria governing the repeal of the tax levied under this section and selecting the effective date for the levying of the tax.

**Intro. by Whitmire.**

Transylvania

[View summary](#)

**Government, Tax**

H 1250 (2013-2014) [AMEND DEFINITION OF DANGEROUS FIREARM](#). Filed May 28 2014, *AN ACT TO PROVIDE THAT AIR RIFLES, AIR PISTOLS, AND BB GUNS ARE NOT INCLUDED IN THE DEFINITION OF "DANGEROUS FIREARMS" FOR CERTAIN PURPOSES IN THE FOLLOWING COUNTIES: ANSON, CLEVELAND, HARNETT, STANLY, AND SURRY*.

As title indicates. Effective December 1, 2014.

**Intro. by Stevens, Burr, Lewis, Stone.**

Anson, Cleveland, Harnett, Stanly, Surry

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and Procedure**

H 1251 (2013-2014) [BUNCOMBE COUNTY FIRE DISTRICTS](#). Filed May 28 2014, *AN ACT TO ALLOW BUNCOMBE COUNTY TO CONSOLIDATE BY ORDINANCE ITS CHAPTER 69 FIRE PROTECTION DISTRICTS AND CHAPTER 153A FIRE PROTECTION SERVICE DISTRICTS*.

Allows the Buncombe County Board of Commissioners to adopt an ordinance, after a public hearing with at least 10 days' notice, to consolidate the fire protection districts under Article 3A of GS Chapter 69 and the fire protection service districts under Article 16 of GS Chapter 153A. Sets guidelines for setting the effective date. Provides that the act does not affect the rights or liabilities of the county, a taxpayer, or other persons concerning taxes previously

levied.

**Intro. by Moffitt, Fisher, Ramsey.**

Buncombe

[View summary](#)

**Government, Public Safety**

H 1252 (2013-2014) [UNNEEDED AMBULANCE/BLADEN & COLUMBUS](#). Filed May 28 2014, *AN ACT TO MAKE IT A CLASS 3 MISDEMEANOR TO MAKE AN UNNEEDED AMBULANCE REQUEST IN BLADEN AND COLUMBUS COUNTIES*.

Amends GS 14-111.3 to make it a Class 3 misdemeanor to obtain or attempt to obtain unneeded ambulance service or to make a false ambulance request in Bladen and Columbus counties. Applies to offenses committed on or after December 1, 2014.

**Intro. by Brisson, Waddell.**

Bladen, Cumberland

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety**

H 1253 (2013-2014) [EXEMPT TIME-SHARES/RULE AGAINST PERPETUITIES](#). Filed May 28 2014, *AN ACT TO EXEMPT CERTAIN REAL ESTATE TIME-SHARES FROM THE RULE AGAINST PERPETUITIES*.

Amends Article 4 of GS Chapter 93A, enacting new GS 93A-42.1, Construction and validity of declarations adopted prior to the Time-Share Act.

Makes all provisions in time-share declarations that were adopted and recorded at the appropriate register of deeds office before July 1, 1984, severable. Prohibits applying the rule against perpetuities to defeat any time-share declarations or bylaws adopted and recorded at the appropriate register of deeds office before July 1, 1984. Provides additional specifications regarding the construction and validity of the provisions contained in time-share declarations adopted and recorded prior to the Time-Share Act.

Declares that this act only applies to time-share projects located entirely within the counties of Currituck and Dare.

**Intro. by Tine, Steinburg.**

Currituck, Dare

[View summary](#)

**Development, Land Use and Housing, Property and Housing**

## LOCAL/SENATE BILLS

S 861 (2013-2014) [BURLINGTON CHARTER/REVISION AND CONSOLIDATION](#). Filed May 27 2014, *AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF BURLINGTON*.

Identical to [H 1212](#), filed on May 27, 2014.

As title indicates, revises the City of Burlington's charter and consolidates certain local acts related to the city's



property, affairs, and government. Makes conforming repeals of specified session laws.

**Intro. by Gunn.**

[Alamance](#)

[View summary](#)

S 864 (2013-2014) [YANCEYVILLE ATV USE](#). Filed May 28 2014, *AN ACT TO PERMIT EMPLOYEES OF THE TOWN OF YANCEYVILLE TO OPERATE MOTORIZED ALL-TERRAIN VEHICLES ON CERTAIN HIGHWAYS PURSUANT TO G.S. 20-171.24.*

Amends GS 20-171.24(f), concerning the use of motorized ATVs by municipal and county employees on certain highways, adding the Town of Yanceyville to the list of approved municipalities where such operation of ATVs by employees is allowed.

**Intro. by Woodard.**

[Caswell](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

S 865 (2013-2014) [TOWN OF BOONE/EXTRATERRITORIAL JURISDICTION](#). Filed May 28 2014, *AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION.*

As title indicates. Effective January 1, 2015.

**Intro. by Soucek.**

[Watauga](#)

[View summary](#)

S 866 (2013-2014) [SAMPSON COUNTY LOCAL OPTION SALES TAX](#). Filed May 28 2014, *AN ACT TO AUTHORIZE SAMPSON COUNTY TO LEVY AN ADDITIONAL ONE-QUARTER CENT SALES AND USE TAX.*

Enacts new Article 47 of GS Chapter 105 authorizing Sampson County to levy a second 1/4 percent sales tax, subject to approval by the voters, to be used for any public purpose, including to retire indebtedness incurred by the county. Only applies if the county has already levied the first 1 cent local sales and use tax, the first 1/2 cent local sales and use tax, and the second 1/2 cent local sales and use tax.

The new sales tax is administered in the same way as other local sales taxes except that (1) it does not apply to food; (2) it does not apply to the sales price of a bundled transaction, pursuant to GS 105-467(a)(5a); and (3) it is not shared with municipalities.

Does not apply to construction materials purchased for a lump-sum or unit-price contract awarded or entered into before the effective date of the levy.

Effective when the act becomes law.

Applies only to Sampson County.

**Intro. by B. Jackson.**

[Sampson](#)

[View summary](#)**Government, Tax**

S 867 (2013-2014) [TOWN OF MCDONALD/TERMS OF OFFICE](#). Filed May 28 2014, *AN ACT TO EXTEND THE TERMS OF OFFICE FROM TWO TO FOUR YEARS FOR THE MAYOR AND THE MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF MCDONALD AND TO ESTABLISH STAGGERED TERMS FOR THE BOARD OF ALDERMEN.*

Amends the McDonald Town Charter, Chapter 443 of the Private Laws of 1911, as the title indicates. Also removes outdated provisions. Deletes Section 15 of the Charter, which required a person elected as mayor or alderman who does not take the oath of office within five days of election or who fails to serve during the term for which the person was elected to forfeit and pay \$50.

**Intro. by Walters.**

Robeson

[View summary](#)**Government, Elections**

S 868 (2013-2014) [TOWN OF PROCTORVILLE/TERMS OF OFFICE](#). Filed May 28 2014, *AN ACT TO EXTEND THE TERMS OF OFFICE FROM TWO TO FOUR YEARS FOR THE MAYOR AND THE MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF PROCTORVILLE AND TO ESTABLISH STAGGERED TERMS FOR THE BOARD OF ALDERMEN.*

Amends the Proctorville Town Charter, Chapter 369 of the Private Laws of 1913, as the title indicates. Deletes Section 15 of the Charter, which required a person elected as mayor or alderman who does not take the oath of office within five days of election or who fails to serve during the term for which the person was elected to forfeit and pay \$50.

**Intro. by Walters.**

Robeson

[View summary](#)**Government, Elections**

S 869 (2013-2014) [WILSON COUNTY OCCUPANCY TAX INCREASE](#). Filed May 28 2014, *AN ACT TO AUTHORIZE INCREASING THE WILSON COUNTY OCCUPANCY TAX.*

Identical to [H 1244](#), filed 5/28/14.

Amends SL 1987-484, concerning Wilson County occupancy tax, adding a new subsection that authorizes the Wilson County Board of Commissioners to levy an additional room occupancy tax of up to 3 percent. Provides that this tax cannot be levied unless the base occupancy tax of 3 percent is also levied.

**Intro. by Bryant.**

Wilson

[View summary](#)**Government, Tax**

S 870 (2013-2014) [DURHAM/PAYMENTS FOR ON-STREET PARKING](#). Filed May 28 2014, *AN ACT AUTHORIZING THE CITY OF DURHAM TO ALLOW PAYMENT FOR ON-STREET PARKING BY VARIOUS MEANS AND TO USE PROCEEDS FROM ON-STREET PARKING FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES.*

Identical to [H 1214](#), filed 5/27/14.

Amends GS 160A-301, providing that the City of Durham can require that payment for parking be made by payment means specified by the city, including coins, currency, credit cards, tokens, other electronic means (previously, could only be activated by coins or tokens). Provides that proceeds from meters or devices for parking must be used to defray costs of operating the city's parking program or parking facilities (previously, had to be used to defray the cost of enforcing and administering traffic and parking ordinances/regulations). Makes clarifying changes.

Applies only to the City of Durham.

**Intro. by Woodard, McKissick.**

[Durham](#)

[View summary](#)

S 871 (2013-2014) [RALEIGH/DURHAM/DEANNEXATION/ANNEXATION](#). Filed May 28 2014, *AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY LOCATED IN DURHAM COUNTY FROM THE CORPORATE LIMITS OF THE CITY OF RALEIGH AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM.*

As the title indicates.

**Intro. by McKissick, Woodard.**

[Durham, Wake](#)

[View summary](#)

S 873 (2013-2014) [EXEMPT HENDERSON CO./SALE & DISPOSAL STAT.](#) Filed May 28 2014, *AN ACT TO EXEMPT A CERTAIN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND HENDERSON COUNTY CONCERNING THE BENT CREEK PROPERTY FROM ARTICLE 16 OF CHAPTER 160A OF THE GENERAL STATUTES AND FROM THE SULLIVAN ACTS.*

As the title indicates.

**Intro. by Apodaca.**

[Buncombe, Henderson](#)

[View summary](#)

S 874 (2013-2014) [SPRUCE PINE DEANNEXATION](#). Filed May 28 2014, *AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SPRUCE PINE.*

As the title indicates. Effective June 30, 2014.

**Intro. by Hise.**

[Mitchell](#)

[View summary](#)

S 875 (2013-2014) [BAKERSVILLE/STAGGER TERMS OF TOWN COUNCIL](#). Filed May 28 2014, *AN ACT TO STAGGER*

*THE TERMS OF THE MEMBERS OF THE TOWN COUNCIL OF THE TOWN OF BAKERSVILLE.*

As the title indicates.

**Intro. by Hise.**

[Mitchell](#)

[View summary](#)

S 876 (2013-2014) [BREVARD MEALS TAX](#). Filed May 28 2014, *AN ACT TO AUTHORIZE THE CITY OF BREVARD TO LEVY A PREPARED FOOD AND BEVERAGES TAX.*

Identical to [H 1249](#), filed on May 28, 2014.

As the title indicates. Authorizes the city council of Brevard to levy a prepared food and beverages tax of up to 1.5% of the sales price of prepared food and beverages sold within the City of Brevard at retail for consumption on or off the premises by a retailer subject to sales tax under GS 105-164.4(a)(1). Provides that the tax applies to catering if the food is served in the city, regardless of the caterer's residency. Provides that this tax is in addition to state and local sales tax. Provides additional specifics as to the administration, collection, and use of the tax. Also includes provisions identifying prepared food and beverages sales that are exempt from the tax and criteria for when the tax must be refunded. Provides criteria governing the repeal of the tax levied under this section and selecting the effective date for the levying of the tax.

**Intro. by Apodaca.**

[Transylvania](#)

[View summary](#)

[Government, Tax](#)

S 877 (2013-2014) [EXEMPT TIME-SHARES/RULE AGAINST PERPETUITIES](#). Filed May 28 2014, *AN ACT TO EXEMPT CERTAIN REAL ESTATE TIME-SHARES FROM THE RULE AGAINST PERPETUITIES.*

Identical to [H 1253](#), filed on May 28, 2014.

Amends Article 4 of GS Chapter 93A, enacting new GS 93A-42.1, Construction and validity of declarations adopted prior to the Time-Share Act.

Makes all provisions in time-share declarations that were adopted and recorded at the appropriate register of Deeds office before July 1, 1984, severable. Prohibits applying the rule against perpetuities to defeat any time-share declarations or bylaws adopted and recorded at the appropriate Register of Deeds office before July 1, 1984. Provides additional specifications regarding the construction and validity of the provisions contained in time-share declarations adopted and recorded prior to the Time-Share Act.

Declares that this act only applies to time-share projects located entirely within the counties of Currituck and Dare.

**Intro. by Cook.**

[Currituck, Dare](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing](#)

**ACTIONS ON BILLS****PUBLIC BILLS****H 230: AMEND LAW DEFINING HOME SCHOOLS.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Placed On Cal For 05/29/2014*

*Senate: Withdrawn From Cal*

*Senate: Re-ref Com On Finance*

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

*Ratified*

**H 725: YOUNG OFFENDERS REHABILITATION ACT.**

*Senate: Held in Senate Clerk's Office*

**H 1027: DWI INTERLOCK VIOLATION/DMV HEARING SITE.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2014*

**H 1032: PATENT ABUSE BILL.**

*House: Reptd Fav Com Sub 2*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/03/2014*

**H 1034: VOLUNTEER FIRE AND RESCUE FINANCES (PED).**

*House: Reptd Fav Com Sub 2*

*House: Re-ref Com On Appropriations*

**H 1050: OMNIBUS TAX LAW CHANGES.**

*Senate: Amend Failed A1*

*Senate: Amend Adopted A2*

*Senate: Amend Failed A3*

*Senate: Amend Failed A4*

*Senate: Amend Failed A5*

*Senate: Passed 2nd Reading*

**H 1060: MILITARY STUDENT IDENTIFIER.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 1074: CONFIRM LINDA COMBS AS STATE CONTROLLER.**

*Senate: Ref To Com On Commerce*

*Senate: Special Message Received From House*

*Senate: Passed 1st Reading*

**H 1079: POSITIONS FOR STATE TREASURER COMPLIANCE UNIT.**

*House: Reptd Fav*

*House: Re-ref Com On Appropriations*

**H 1081: REFORM AGENCY REVIEW OF ENGINEERING WORK.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Environment*

**H 1097: SERVICE OF HEARING ORDER/MV DEALER LICENSEE.**

*House: Reptd Fav*

*House: Re-ref Com On Transportation*

**H 1101: MECHANICS LIENS - LEASED PUBLIC PROPERTY.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/03/2014*

**H 1102: MECHANICS LIENS - CLARIFY LIEN AGENT NOTICE.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/03/2014*

**H 1103: VERIFICATION/JURISDICTION IN JUVENILE CASES.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2014*

**H 1104: STUDY OVERSIGHT/CONFLICTS OF INT./FOSTER CARE.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/03/2014*

**H 1105: LOCAL EROSION PRGRMS/TAKEOVER EXISTING PLANS.**

*House: Reptd Fav*

*House: Re-ref Com On Environment*

**H 1106: EROSION CONTROL DESIGNER CERTIFICATION.**

*House: Reptd Fav*

*House: Re-ref Com On Environment*

**H 1109: CLARIFY EXISTING RULE READOPTION PROCESS.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/03/2014*

**H 1110: IMPROVE OVERSIGHT OF PUBLIC GUARDIANSHIP.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/03/2014*

**H 1112: CONFIRM CHARLTON L. ALLEN TO INDUSTRIAL COMM.**

*House: Passed 3rd Reading*

**H 1117: CONFORM PLEDGE OF JOINT ACCOUNT LAWS.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2014*

**H 1121: HONOR LEO MERCER, FORMER MEMBER.**

*Ch. Res 2014-3*

*Ratified*

**H 1140: AMEND HOTEL CARBON MONOXIDE ALARM REQUIREMENT.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/03/2014*

**H 1143: BURDEN OF PROOF IN CERTAIN CONTESTED CASES.**

*House: Serial Referral To State Personnel Added*

**H 1146: SET DATE FOR COMMUNITY COLLEGE ELECTION.**

*House: Adopted*

**H 1152: ELIMINATE OBSOLETE BOARDS AND COMMISSIONS.**

*House: Placed On Cal For 06/03/2014*

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

**H 1153: OAH ELECTRONIC FILING.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2014*

**H 1163: STREAMLINE RULE-MAKING PROCESS.**

*House: Reptd Fav*

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

**H 1165: AMEND OLB REPORTING REQUIREMENTS.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/03/2014*

**H 1170: DIS APPROVE FUNERAL BOARD RULE.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2014*

**H 1173: LICENSING BOARDS RULES FOR PROF. CORPS.**

*House: Placed On Cal For 06/03/2014*

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

**H 1203: PRIVATE HOSPITAL TOXICOLOGY FEE.**

*House: Ref to the Com on Judiciary Subcommittee C, if favorable, Finance*



*House: Passed 1st Reading*

**H 1204: TELEMATICS PILOT PROJECT.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**H 1205: WOUNDED WARRIOR MOTORS PORT SCHOLARSHIP/FUNDS.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**H 1206: HOUSE SELECT/CONST. CONVENTION OF STATES.**

*House: Passed 1st Reading*

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

**H 1208: GOVERNOR'S BUDGET.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**H 1209: RETIREMENT INVESTMENT ACCOUNTABILITY.**

*House: Passed 1st Reading*

*House: Ref to the Com on State Personnel, if favorable, Appropriations*

**H 1210: RESCIND INCOME TAX CUT FOR MILLIONAIRES.**

*House: Passed 1st Reading*

*House: Ref To Com On Finance*

**H 1213: LOCAL GOVERNMENTS IN STATE HEALTH PLAN.**

*House: Ref to the Com on Government, if favorable, Finance*

*House: Passed 1st Reading*

**H 1215: CC WAIVER/NONPROFIT HOSPITAL POLICE DEPTS.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**H 1216: CEMETERY COMMISSION FUNDS.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**H 1217: TORT CLAIMS ACT CLARIFICATION.**

*House: Passed 1st Reading*

*House: Ref to the Com on Government, if favorable, Judiciary*

**H 1219: FUNDS FOR WILSON ACAD. OF INNOV.**

*House: Ref To Com On Appropriations*

*House: Passed 1st Reading*

**H 1220: HOPE 4 HALEY AND FRIENDS.**

*House: Passed 1st Reading*

*House: Ref to the Com on Health and Human Services, if favorable, Judiciary Subcommittee B*

*House: Serial Referral To Finance Added*

**H 1221: LIMIT E-VERIFY EXEMPTION/AGRICULTURE INDUSTRY.**

*House: Passed 1st Reading*

*House: Ref To Com On Judiciary*

**H 1222: AMEND EXPUNCTION LAWS.**

*House: Passed 1st Reading*

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

**H 1223: VACANCY/US HOUSE OF REP/EXEC. COMM. NOMINAT'N.**

*House: Passed 1st Reading*

*House: Ref To Com On Elections*

**H 1224: JMAC DEVELOPMENT FUND MODIFICATIONS.**

*House: Ref To Com On Appropriations*

*House: Passed 1st Reading*

**H 1225: FUTURE USE OF BROUGHTON HOSPITAL/FUNDS.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**H 1226: COAL ASH MANAGEMENT ACT OF 2014.**

*House: Passed 1st Reading*

*House: Ref To Com On Public Utilities and Energy*

**H 1227: HONORING THE HIGHWAY PATROL.**

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

*House: Passed 1st Reading*

**H 1228: GOVERNOR'S COAL ASH ACTION PLAN.**

*House: Passed 1st Reading*

*House: Ref to the Com on Environment, if favorable, Public Utilities and Energy*

**H 1229: PLATE BACKGROUND/S.T.A.R. PLATE.**

*House: Passed 1st Reading*

*House: Ref to the Com on Transportation, if favorable, Finance*

**H 1230: MODIFY 2013 APPROPRIATIONS ACT.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**H 1231: GAS CITY SALES TAX EXEMPTION.**

*House: Passed 1st Reading*

*House: Ref To Com On Finance*

**H 1232: SALES TAX EXCEMPTION FOR CERTAIN COINS.**

*House: Passed 1st Reading*

*House: Ref to the Com on Banking, if favorable, Finance*

**H 1233: CEMETARY SALES TAX EXEMPTION.**

*House: Passed 1st Reading*

*House: Ref To Com On Finance*

**H 1234: FERRY TOLLING/REPLACEMENT FUNDS.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**H 1237: RETIREMENT INVESTMENT TRANSPARENCY.**

*House: Passed 1st Reading*

*House: Ref To Com On State Personnel*

**H 1238: INCREASE PARTICIPATION/LOWER THE AGE TO RUN.**

*House: Ref To Com On Elections*

*House: Passed 1st Reading*

**H 1239: RESTORE EARLY VOTING PERIOD.**

*House: Passed 1st Reading*

*House: Ref To Com On Elections*

**H 1240: NC COLLEGE STUDENT PHOTO ID.**

*House: Passed 1st Reading*

*House: Ref To Com On Elections*

**H 1241: EUGENICS COMPENSATION CHANGES.**

*House: Passed 1st Reading*

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

**H 1243: STEM TEACHER FORGIVABLE LOAN PROGRAM.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**S 261: SALES TAX ON PRIVATE RES. RENTED BY BROKER (NEW).**

*Senate: Ref To Com On Rules and Operations of the Senate*

*Senate: Special Message Received For Concurrence in H Com Sub*

**S 294: ALLOW USE OF DOT STORMWATER BMPs (NEW).**

*Ratified*

**S 477: NO SET FEE/NONCOVERED VISION SERVICES.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Judiciary Subcommittee A*

**S 734: REGULATORY REFORM ACT OF 2014 (NEW).**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 05/29/2014*

**S 744: APPROPRIATIONS ACT OF 2014.**

*Senate: Sequential Referral To Pensions & Retirement and Aging Added*

*Senate: Sequential Referral To Finance Added*

**S 786: ENERGY MODERNIZATION ACT.**

*House: Amend Adopted A3*

*House: Amend Failed A4*

*House: Passed 2nd Reading*

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Amend Adopted A1*

*House: Amend Adopted A2*

**S 838: UP MINIMUM WAGE.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Rules and Operations of the Senate*

**S 842: GOVERNOR'S BUDGET.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Appropriations/Base Budget*

**S 843: NORTH CAROLINA MASTER GARDENER SPECIAL PLATE.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Finance*

**S 847: FUTURE USE OF BROUGHTON HOSPITAL/FUNDS.**

*Senate: Passed 1st Reading*

*Senate: Ref to Health Care. If fav, re-ref to Commerce. If fav, re-ref to Appropriations/Base Budget*

**S 849: CLARIFY REGIONAL SCHOOL CHRS APPLICATIONS.**

*Senate: Passed 1st Reading*

*Senate: Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget*

**S 850: PERMANENT LICENSE PLATES / CHARTER SCHOOLS.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Transportation*

**S 852: NBPTS BONUS FOR TEACHERS IN TITLE I SCHOOLS.**

*Senate: Passed 1st Reading*

*Senate: Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget*

**S 853: BUSINESS COURT MODERNIZATION.**

*Senate: Passed 1st Reading*

*Senate: Ref to Judiciary I. If fav, re-ref to Finance*

**S 854: ESTABLISH URBAN SEARCH & RESCUE PROGRAM.**

*Senate: Passed 1st Reading*

*Senate: Ref to Judiciary II. If fav, re-ref to Appropriations/Base Budget*

**S 855: NO EMP. DISC. FOR REPRO. HEALTH DECISIONS.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Rules and Operations of the Senate*

**S 856: COAL ASH MANAGEMENT ACT OF 2014.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Rules and Operations of the Senate*

**S 857: TASK FORCE/ERIN'S LAW.**

*Senate: Passed 1st Reading*

*Senate: Ref to Judiciary I. If fav, re-ref to Appropriations/Base Budget*

**S 858: AMEND EXPUNCTION LAWS.**

*Senate: Passed 1st Reading*

*Senate: Ref to Judiciary II. If fav, re-ref to Appropriations/Base Budget*

**S 860: PUBLIC SCHOOL CHANGES.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Education/Higher Education*

**S 862: WAYNE REGIONAL RESEARCH & ED. AG. CTR FUNDS.**

*Senate: Passed 1st Reading*

*Senate: Ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Appropriations/Base Budget*

**S 863: MODIFY EXEMPTIONS FROM MOTOR FUELS EXCISE TAX.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Finance*

**S 872: UI/NON-EMPLOYEES/DIRECT SELLERS.**

*Senate: Filed*

**S 878: RETIREMENT INVESTMENT ACCOUNTABILITY.**

*Senate: Filed*

**LOCAL BILLS**

**H 1108: DUPLIN BCC ELECTIONS/HARNETT VACANCIES (NEW).**

*House: Placed On Cal For 05/29/2014*

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 1131: CLAY COUNTY OPOSSUM EXCLUSION/WILDLIFE LAWS.**

*Senate: Special Message Received From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**H 1158: MORGANTON CHARTER AMENDMENT.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2014*

**H 1207: HIGH POINT CHARTER/COUNCIL HIRE CITY ATTORNEY.**

*House: Passed 1st Reading*

*House: Ref To Com On Government*

**H 1211: MOUNT GILEAD CHARTER REVISION & CONSOLIDATION.**

*House: Passed 1st Reading*

*House: Ref to the Com on Government, if favorable, Finance*

**H 1212: BURLINGTON CHARTER/REVISION AND CONSOLIDATION.**

*House: Passed 1st Reading*

*House: Ref to the Com on Government, if favorable, Finance*

**H 1214: DURHAM/PAYMENTS FOR ON-STREET PARKING.**

*House: Passed 1st Reading*

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

**H 1218: CITY OF MONROE/SUPERVISION OF ATTORNEY.**

*House: Passed 1st Reading*

*House: Ref to the Com on Government, if favorable, Judiciary Subcommittee A*

**H 1235: ABC STORE ELECTION/TOWN OF LELAND.**

*House: Passed 1st Reading*

*House: Ref To Com On Elections*

**H 1236: BALD HEAD ISLAND/CONTRACT POST OFFICE.**

*House: Ref To Com On Government*

*House: Passed 1st Reading*

**H 1242: BLADEN/COLUMBUS-TAX PMT BEFORE RECORDATION.**

*House: Ref to the Com on Government, if favorable, Finance*

*House: Passed 1st Reading*

**H 1244: WILSON COUNTY OCCUPANCY TAX INCREASE.**

*House: Filed*

**H 1245: PLEASANT GARDEN/VOLUNTARY ANNEXATION.**

*House: Filed*

**H 1246: ARMED DETENTION OFFICERS/FORSYTH COUNTY.**

*House: Filed*

**H 1247: ASHEVILLE REGIONAL AIRPORT.**

*House: Filed*

**H 1248: AUTHORITY TO REMOVE ABANDONED VESSELS.**

*House: Filed*

**H 1249: BREVARD MEALS TAX.**

*House: Filed*

**H 1250: AMEND DEFINITION OF DANGEROUS FIREARM.**

*House: Filed*

**H 1251: BUNCOMBE COUNTY FIRE DISTRICTS.**

*House: Filed*

**H 1252: UNNEEDED AMBULANCE/BLADEN & COLUMBUS.**

*House: Filed*

**H 1253: EXEMPT TIME-SHARES/RULE AGAINST PERPETUITIES.**

*House: Filed*

**S 839: WINSTON-SALEM/PARKING METERS.**

*Senate: Ref To Com On State and Local Government*

*Senate: Passed 1st Reading*

**S 840: W-S/MEETINGS BY SIMULTANEOUS COMMUNICATION.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 841: CITY OF GREENVILLE/PRIVATE SALE.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 844: CITY OF MONROE/SUPERVISION OF ATTORNEY.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 845: BALD HEAD ISLAND/CONTRACT POST OFFICE.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 846: SHALLOTTE DEANNEXATIONS.**

*Senate: Passed 1st Reading*

*Senate: Ref to State and Local Government. If fav, re-ref to Finance*

**S 848: INFRASTRUCTURE REIMBURSEMENT AGMTS.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 851: ALLOW ABSENTEE VOTING/IS T CRAVEN SANITARY DIS.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 859: CITIES/REGULATION OF VACATION RENTALS.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 861: BURLINGTON CHARTER/REVISION AND CONSOLIDATION.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 864: YANCEYVILLE ATV USE.**

*Senate: Filed*

**S 865: TOWN OF BOONE/EXTRATERRITORIAL JURISDICTION.**

*Senate: Filed*

**S 866: SAMPSON COUNTY LOCAL OPTION SALES TAX.**

*Senate: Filed*

**S 867: TOWN OF MCDONALD/TERMS OF OFFICE.**

*Senate: Filed*



**S 868: TOWN OF PROCTORVILLE/TERMS OF OFFICE.**

*Senate: Filed*

**S 869: WILSON COUNTY OCCUPANCY TAX INCREASE.**

*Senate: Filed*

**S 870: DURHAM/PAYMENTS FOR ON-STREET PARKING.**

*Senate: Filed*

**S 871: RALEIGH/DURHAM/DEANNEXATION/ANNEXATION.**

*Senate: Filed*

**S 873: EXEMPT HENDERSON CO./SALE & DISPOSAL STAT.**

*Senate: Filed*

**S 874: SPRUCE PINE DEANNEXATION.**

*Senate: Filed*

**S 875: BAKERSVILLE/STAGGER TERMS OF TOWN COUNCIL.**

*Senate: Filed*

**S 876: BREVARD MEALS TAX.**

*Senate: Filed*

**S 877: EXEMPT TIME-SHARES/RULE AGAINST PERPETUITIES.**

*Senate: Filed*

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