



The Daily Bulletin: Friday, May 30, 2014

PUBLIC/SENATE BILLS

S 744 (2013-2014) [APPROPRIATIONS ACT OF 2014](#). Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.*

Senate amendments make the following changes to the 2nd edition.

Part II. Current Operations and Expansion/General Fund

Amendment #13 reduces the appropriation from the General Fund to the Department of Environment and Natural Resources to \$8,972,390 (was, \$9,222,390). Deposits \$250,000 from the General Fund into the Savings Reserve Account. Makes additional changes to adjust the appropriate totals accordingly. Makes conforming changes in Section 14.6 of the act.

Section 2.1

Amendment #17 switches the appropriation amount for Agricultural Extension with the appropriation amount for Agricultural Research. Changes the line item Aid to Private Colleges to Aid to Private Institutions.

Part VI. General Provisions

Section 6.9

Amendment # 17 corrects a statutory reference.

Part VII. Information Technology

Section 7.1

Amendment #17 changes the appropriation to the Government Data Analytics Center from \$9,630,386 to \$9,417,515.

Part VIII. Public Schools

Section 8.16

Amendment #18 adds new Section 8.16 repealing GS 115C-50, which required local boards of education to have 12 hours of training annually.

Part X. Community Colleges

Section 10.4

Amendment #4 adds a new section requiring the Joint Legislative Education Oversight Committee to study six specified issues related to vocational training for individuals with intellectual disabilities. Requires a report to the General Assembly before the convening of the 2015 General Assembly.

Part XI. Universities

Section 11.6

Amendment #1 deletes the requirement that the Board of Governors of the University of North Carolina study the feasibility of dissolving any constituent institution within the UNC System whose full-time equivalent student enrollment declined by more than 20% between the 2010-11 fiscal year and the 2013-14 fiscal year.

Section 11.15

Amendment #6 adds a new section creating the 17 member Study Committee on the University of North Carolina Tuition, to study six specified issues and make recommendations to stem the rise in tuition or to otherwise increase the affordability of higher education for North Carolina residents. Requires a report to the 2015 General Assembly upon its convening. The Committee terminates upon the earlier of filing the final report or the convening of the 2015 General Assembly.

Section 11.14

Amendment #7 adds a new section requiring the facility built by Union Square Inc., a non-profit, through a public private partnership supported by \$2 million in nonrecurring state funds appropriated in this act to be used to house a nursing program for North Carolina A&T State University. This is in addition to other specified nursing programs and training facilities.

Section 11.16 Amendment #9 adds a new section 11.16 providing that if the UNC Board of Governors and the North Carolina School of Science and Math decide that an additional School of Science and Math campus is needed, then the School for the Deaf in Morganton must be considered as a potential site. If the School for the Deaf is not a suitable location, then other available state owned property in Morganton may be considered.

Section 11.13A

Amendment #20 adds new section 11.13A requiring the State Education Assistance Authority to give priority in awarding scholarship loans to an applicant who qualifies for a scholarship loan if the applicant was formerly employed as a teacher assistant and lost their position in the state public school system as a result of a reduction in force. Requires that of the funds appropriated to the NC Need-based Scholarship Program for 2014-15, \$5 million in recurring funds be used to provide scholarship loans to applicants formerly employed as teacher assistants.

Section 11.3

Amendment #17 amends the section to provide that no reduction in State funds, except reductions based on enrollment growth model changes or tuition increases (was, enrollment growth model changes only), shall be allocated to any of the specified institutions.

Subpart XII-C. Division of Social Services

Section 12C.3

Amendment #5 provides that the Eastern Band of Cherokee Indians (Eastern Band) may (was, shall) begin assuming responsibility for the Supplemental Nutrition Assistance Program (SNAP) as of October 1, 2014, or upon federal approval (was, beginning October 1, 2014). Also provides that the Eastern Band may (was, shall) assume responsibility, no later than October 1, 2015, for other programs as described under GS 108A-25(e), enacted in subsection (c) of this section, with the exception of services related to special assistance, childcare, and adult care homes. Amends GS 108A-25 to include Medicaid and NC Health Choice among the social services, healthcare benefit programs, and ancillary services which any federally recognized Native American tribe within the states may assume responsibility and thereby relieve a county of legal responsibility related to the tribe's assumption of those services.

Deletes subsection 12C.3.(e) but retains an effective date of October 1, 2015 for the state plan amendments in this section and waivers authorized by this section. Directs the Department of Health and Human Services (DHHS), Division of Medical Assistance, to submit by October 1, 2014, to the Centers for Medicare and Medicaid Services (CMS), any Medicaid and NC Health Choice state plan amendments and Medicaid waivers needed to address the

healthcare needs identified in community health assessments and plans conducted by the Eastern Band, provided that the changes to Medicaid and NC Health Choice services made by the state plan amendments or waivers will be 100% federally funded. Requires any increase in the state share of administrative or other costs as a result of any state plan amendments or waivers to be reported by DHHS to the Joint Legislative Oversight Committee on Health and Human Services.

Subpart XII-E. Division Of Public Health

Section 12.4 E

Amendment #17 makes technical corrections.

Subpart XII-H. Division Of Medical Assistance (Medicaid)

Section 12H

Amendment #17 makes a technical correction.

Part XIII. Department of Agriculture and Consumer Services

Section 13.4

Amendment #3 amends GS 106-550 to add producers of seafood to those encouraged to act jointly and in cooperation with growers, handlers, dealers and processors in promoting and stimulating the increased production, use and sale of agricultural commodities.

Section 13.5

Amendment #17 deletes Section 13.5, Create Farmers Markets Enterprise Fund.

Part XIV. Department of Environment and Natural Resources

Section 14.7

Amendment #2 rewrites new GS 143-345.18A to create the Outer Banks Land Management Fund (Fund) as a noninterest-bearing special revenue fund in the Department of Administration (was, in the Department of Environment and Natural Resources [DENR]). Makes a conforming change to subsection (b) of this section, and to new GS 143-345.18B, to reflect the creation of the Fund in the Department of Administration.

Section 14.4

Amendment #15 provides that the \$97,324 of the funds appropriated to DENR must be used to hire a consultant to develop, manage, and execute a comprehensive geological and geophysical analysis of shale gas potential of the specified shale basins (was, the money was to be used for the drilling of new stratigraphic test wells and core analysis in the shale basins). Also allows DENR to issue a request for information to potential contractors for the required analysis, and makes any contact for the analysis exempt from Article 3 (Purchases and Contracts) or Article 8 (Public Contracts) of GS Chapter 143.

Amendment #13 repeals the directive that the appropriation from the General Fund in nonrecurring funds of \$250,000 be used for a state attractions consultant study, instead provides that regardless of any other provisions of this act, those funds are not to be used for a consultant study of the state's cultural and natural resource sites, and is to be deposited in the Savings Reserve Account established under GS 143C-4-2.

Section 14.7

Amendment #17 makes a clarifying change.

Section 14.25

Amendment #17 makes a technical correction.

Section 14.24

Amendment #17 amends GS 130A-295.9 by deleting the provision stating the intent that the funds credited to the Solid Waste Management Fund under GS 105-187.63(3) (solid waste disposal tax) be used to fund grants to initiate or enhance local recycling programs and to provide for the management of difficult to manage solid waste (those funds specified in (3) are directed to go to the General Fund, not the Solid Waste Management Fund).

Part XV. Department of Commerce

Section 15.11

Amendment #16 deletes the requirement that the Department of Commerce, in consultation with others, develop a guidebook on the State's nature and heritage tourism sites. Makes conforming changes.

Section 15.13

Amendment #17 make a clarifying change to GS 143B-437.020. Makes a conforming deletion.

Part XVII. Department of Justice

Section 17.1

Amendment #12 amends proposed 143B-926 to add that the Director of the State Bureau of Investigation may be removed from office by the Governor for grounds in GS 143B-13(b) or (c). GS 143B-13(b) includes the following grounds: (1) the death of the incumbent, (2) incompetence as determined by final judgment or final order of a court of competent jurisdiction, (3) resignation, (4) removal from office, (5) ceasing to be a resident of the State, (6) ceasing to discharge the duties of his office over a period of three consecutive months except when prevented by sickness, (7) conviction of a felony or of any offense involving a violation of his official duties, (8) refusal or neglect to take an oath within the time prescribed, (9) the decision of a court of competent jurisdiction declaring void his appointment, and (10) commitment as a substance abuser under Part 8 of Article 5 of Chapter 122C of the General Statutes. GS 143B-13(c) prohibits a person from using his or her position to influence any election or the political activity of any person.

Subpart XVIII-B. Administrative Office Of The Courts

Section 18B.16

Amendment #17 clarifies that the section, three-judge panel/constitutionality of acts, is effective on July 1, 2014, and applies to any claim, whether alleged in any filed action or raised as a defense or claim during proceedings, that asserts that an act of the General Assembly is either facially invalid or invalid as applied to a set of factual circumstances, based on the NC or US constitutions.

Amends 1-81.1 to add that claims that an act of the General Assembly is unconstitutional on its face that are filed or raised in courts other than Wake County Superior Court or are filed in Wake County Superior Court, must be transferred to the three judge panel of the Wake County Superior Court if, a determination as to the facial validity of an act of the General Assembly must be made in order to completely resolve any issues in the case. Makes conforming changes to Rule 42 in GS 1A-1.

Adds that (h) (concerning injunction pending appeal of as-applied constitutional challenge) of Rule 62, GS 1A-1, only applies where the State or a political subdivision of the State is a part in the civil action. Makes the same limitation in GS 7A-27(b)(3)f, concerning appeal of right to the Court of Appeals for an interlocutory order or judgment in a civil action that grants temporary injunctive relief restraining the State or a political subdivision of the State from enforcing the operation or execution of an act of the General Assembly as applied against a party in a civil action.

Part XIX. Department of Cultural Resources

Section 19.3

Amendment #13 inserts provision in Part XIX entitled "DCR Report on Study of State Attractions." Directs the Department of Cultural Resources to report no later than October 1, 2015 to the Joint Legislative Oversight Committee on General Government, established by this act, and to the Fiscal Research Division, on recommendations for reducing the cost of operation of State historic and cultural sites.

Part XXXIV. Department of Transportation

Section 34.11

Amendment #19 amends proposed GS 136-44.17 to add partial or full depth repairs, ultra-thin whitetopping, and thin lift and sand asphalt overlays to the preservation activities or treatments eligible for funding under the pavement preservation program.

Section 34.6

Amendment #17 repeals Section 34.29 of SL 2013-360, as amended by Section 8.1 of SL 2013-363, and Section 6.1.(g) of SL 2014-3.

Amends GS 105-187.3 to provide that the tax rate (was, amount) imposed in this Article is applied to the sum of (1) the retail value of a motor vehicle for which a certificate of title is issued and (2) any fee regulated by GS 20-101.1. Provides that the tax does not apply to the sales price of a service contract and makes the sales price of a service contract subject to the sales tax imposed under Article 5 of GS Chapter 105. Declares the tax rate to be 3%. Effective October 1, 2014.

Amends GS 105-187.3 as amended by subsection (b) of this section. Maintains the tax rate is 3% but increases the maximum tax to \$2,000 (was, \$1,000) for each certificate of title issued for a Class A or Class B commercial motor vehicle as defined in GS 10-4-01. Sets the maximum tax as \$2,000 (was, \$1,500) for each certificate of title issued for a recreational vehicle that is not subject to the commercial vehicle tax imposed by this section. Effective January 1, 2015 and applies to certificates of title issued after that date.

Part XXXVI. Capital Appropriations

Section 36.8

Amendment #17 amends proposed GS 143-129.6 to provide that expenditures which do not include design fees, for a capital project, construction, or repair work (1) that are for training purposes and for a single exercise or undertaking at a National Guard facility, (2) that have a total cost not exceeding federal limits, and (3) that will be funded entirely with federal funds, are not subject to the Article.

Section 36.7

Amendment #17 amends Section 11.10(b) of SL 2013-360, as amended by Section 3.12 of SL 2013-363, to repeal subsection (d) of Section 9.10 of SL 2012-142 (was, repealed Section 11.10(b) of SL 2013-360, as amended).

Intro. by Brown, Harrington, Hunt.

APPROP

[View summary](#)

Government, Budget/Appropriations

S 879 (2013-2014) [HONOR ZEB ALLEY](#). Filed May 30 2014, *A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ZEBULON DOYLE ALLEY, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

As the title indicates.

Intro. by J. Davis.

JOINT RES

[View summary](#)

[Government, General Assembly](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 1027: DWI INTERLOCK VIOLATION/DMV HEARING SITE.

Senate: Passed 1st Reading

Senate: Ref to Transportation. If fav, re-ref to Judiciary II

Senate: Regular Message Received From House

H 1103: VERIFICATION/JURISDICTION IN JUVENILE CASES.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Ref To Com On Judiciary II

H 1117: CONFORM PLEDGE OF JOINT ACCOUNT LAWS.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Ref To Com On Judiciary I

H 1153: OAH ELECTRONIC FILING.

Senate: Ref To Com On Judiciary I

Senate: Regular Message Received From House

Senate: Passed 1st Reading

H 1170: DIS APPROVE FUNERAL BOARD RULE.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Ref To Com On Commerce

S 744: APPROPRIATIONS ACT OF 2014.

Senate: Amend Adopted A20

Senate: Amend Failed A10

Senate: Passed 2nd Reading

Senate: Amend Adopted A12

Senate: Amend Adopted A1

Senate: Amend Failed A11

Senate: Amend Adopted A2

Senate: Amend Adopted A13

Senate: Amend Adopted A3

Senate: Amendment Withdrawn A14

Senate: Amend Adopted A4

Senate: Amend Adopted A15

Senate: Amend Adopted A5

Senate: Amend Adopted A16

Senate: Amend Adopted A6

Senate: Amend Adopted A17

Senate: Amend Adopted A7

Senate: Amend Adopted A18

Senate: Amend Failed A8

Senate: Amend Adopted A19

Senate: Amend Adopted A9

S 786: ENERGY MODERNIZATION ACT.

Pres. To Gov. 05/30/2014

S 879: HONOR ZEB ALLEY.

Senate: Filed

LOCAL BILLS

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

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

Senate: Regular Message Received From House

H 1158: MORGANTON CHARTER AMENDMENT.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

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