



## The Daily Bulletin: Wednesday, July 2, 2014

### PUBLIC/HOUSE BILLS

H 712 (2013-2014) [CLARIFYING CHANGES/SPECIAL ED SCHOLARSHIPS](#) Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO REVISE AND CLARIFY THE SPECIAL EDUCATION SCHOLARSHIPS FOR CHILDREN WITH DISABILITIES AND TO EXEMPT CERTAIN SCHOOLS FROM CHILD CARE LICENSURE REQUIREMENTS.*

A BILL TO BE ENTITLED AN ACT TO REVISE AND CLARIFY THE SPECIAL EDUCATION SCHOLARSHIPS FOR CHILDREN WITH DISABILITIES AND TO EXEMPT CERTAIN SCHOOLS FROM CHILD CARE LICENSURE REQUIREMENTS. Enacted July 1, 2014. Section 4 is effective July 29, 2013. The remainder is effective July 1, 2014. Sections 1 through 7 apply to grants awarded beginning with the 2014-15 school year.

**Intro. by Glazier, Stam, Jackson.**

GS 110, GS 115C

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**Business and Commerce, Occupational Licensing, Education, Elementary and Secondary Education**

H 1144 (2013-2014) [STUDY 1%/\\$80 RATE FOR MILL MACHINERY \(NEW\)](#). Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE SCOPE AND APPLICATION OF THE ONE PERCENT/EIGHTY-DOLLAR PRIVILEGE TAX APPLICABLE TO MILL MACHINERY AND CERTAIN OTHER MACHINERY AND EQUIPMENT. A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCOPE OF TAX IMPOSED ON MILL MACHINERY.*

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

Deletes all provisions of the 1st edition which imposed a privilege tax at the rate of 1 percent with an \$80 cap on (1) a company engaged in fabrication of metal work or (2) a company that is primarily a secondary metals recycler. Instead, directs the Revenue Laws Study Committee (Committee) to study the scope and application of the privilege tax at the rate of 1 percent with an \$80 cap for purchases of mill machinery and other equipment. Delineates a list of topics, issues, and factors to be examined in the course of the study. Provides that the Committee may report its findings, including any legislative recommendations, to the 2015 General Assembly.

Makes this act effective when it becomes law (was, effective July 10, 2010, and applies to purchases made on or after that date).

Amends the short title and the act's long title to more accurately reflect the title of this act.

**Intro. by Malone, Lewis, Starnes, Collins.**

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**Business and Commerce, Government, Tax**

H 1181 (2013-2014) [NORTH CAROLINA MEDICAID MODERNIZATION \(NEW\)](#). Filed May 21 2014, *AN ACT TO MODERNIZE AND STABILIZE NORTH CAROLINA'S MEDICAID PROGRAM THROUGH PROVIDER LED CAPITATED HEALTH PLANS.*

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

Expands the building blocks of the Medicaid transformation as directed in Section 1 of this act to include allowing the provider-led capitated health plans (a health-care system in which a medical provider is given a set fee per patient regardless of the treatment required) authorized in this act to work in collaboration with the LME/MCOs created in SL 2011-264 (established requirements for the statewide expansion of the 1915(b)(c) Medicaid waiver) to serve the Medicaid population.

Directs the Division of Medical Assistance (DMA) and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH/DD/SA) of the Department of Health and Human Services (DHHS) to conduct an integrated care study to examine issues related to the development of a demonstration pilot to test the feasibility of a single payment to an entity that would cover a full array of Medicaid services for Medicaid recipients with intellectual and developmental disabilities (I/DD) who are currently enrolled under the 1915(c) North Carolina Innovations Waiver (was, directed DMA to establish a pilot program that provided for a single payment for the full array of services to Medicaid recipients with intellectual and developmental disabilities enrolled under 1915(c)).

Directs the DHHS Divisions to study the benefits of and any challenges to establishing a demonstration pilot. Also directs the Divisions to work collaboratively on the study with the NC Council for Developmental Disabilities and the NC Center for Excellence for Integrated Care, and to consult with local management entities that have been approved to operate as managed care organizations (LME/MCOs), I/DD provider organizations, I/DD advocacy organizations, the North Carolina Hospital Association, the North Carolina Medical society, the North Carolina Providers Council, Benchmarks, and self-advocates currently working with the Divisions. Requires the Divisions to submit the results of this collaborative study to the Joint Legislative Oversight Committee on Health and Human Services prior to the convening of the 2015 General Assembly.

**Intro. by Dollar, Burr, Avila, Lambeth.**

[STUDY](#)

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[Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Public Assistance](#)

H 1262 (2013-2014) [SUICIDE PREVENTION RESOLUTION](#). Filed Jun 11 2014, *A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO EXAMINE WAYS TO PREVENT SUICIDE AMONG MINORS AND VETERANS IN NORTH CAROLINA.*

House amendment makes the following changes to the 1st edition:

Provides that the Legislative Research Commission can make its interim report to the General Assembly in 2014, with its final report due to the 2015 General Assembly when it convenes.

**Intro. by Cunningham, Earle, Whitmire, Horn.**

[JOINT RES](#)

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[Government, General Assembly, Health and Human Services, Health, Military and Veteran's Affairs](#)

H 1274 (2013-2014) [TOLLING REFERENDUM](#). Filed Jul 2 2014, *A JOINT RESOLUTION AUTHORIZING THE 2013 GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SUBMISSION OF A REFERENDUM TO THE VOTERS OF NORTH CAROLINA TO PROHIBIT TOLLING OF STATE ROADS AND HIGHWAYS AND TO SUSPEND SUCH AUTHORITY UNTIL CERTIFICATION OF THE RESULTS OF THE REFERENDUM.*

As title indicates.

**Intro. by R. Brawley.**

[JOINT RES](#)

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[Transportation](#)

## PUBLIC/SENATE BILLS

S 42 (2013-2014) [CONFIDENTIALITY OF UC INFORMATION \(NEW\)](#). Filed Jan 31 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CONFIDENTIALITY OF UNEMPLOYMENT COMPENSATION RECORDS.*

The House committee substitute to the 2nd edition deletes the provisions of the 2nd edition and replaces it with AN ACT TO CLARIFY THE CONFIDENTIALITY OF UNEMPLOYMENT COMPENSATION RECORDS.

Amends GS 96-4(x) to provide that for purposes of Chapter 96 (Employment Security), confidential information means any unemployment compensation information in the records of the Division of Employment Security (DES) pertaining to administering the Employment Security Law that is required to keep confidential under 20 CFR Part 603. Provides that confidential information is exempt from the public records disclosure requirements and may be disclosed only as allowed in the subsection. Adds that the Division may disclose final decisions and the records of the hearings that led to those decisions after the appeal rights have expired. Makes a conforming change to GS 132-1.1. Requires the Division to immediately take any action needed to implement the above requirements. Requires the Division to report by September 1, 2014, to the Joint Legislative Oversight Committee on Unemployment Insurance on implementation status.

**Intro. by Daniel, Tillman, Tucker.**

[GS 96, GS 132](#)

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[Employment and Retirement, Government, Public Records and Open Meetings, Health and Human Services, Social Services, Public Assistance](#)

S 729 (2013-2014) [COAL ASH MANAGEMENT ACT OF 2014 \(NEW\)](#). Filed May 14 2014, *AN ACT TO (1) PROHIBIT RECOVERY OF COSTS RELATED TO UNLAWFUL DISCHARGES FROM COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (2) ESTABLISH A MORATORIUM ON CERTAIN RATE CASES; (3) CREATE THE COAL ASH MANAGEMENT COMMISSION TO REVIEW AND APPROVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS CLASSIFICATIONS AND CLOSURE PLANS AND OTHERWISE STUDY AND MAKE RECOMMENDATIONS ON LAWS GOVERNING MANAGEMENT OF COAL COMBUSTION RESIDUALS; (4) REQUIRE EXPEDITED REVIEW BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES OF ANY PERMIT NECESSARY TO CONDUCT ACTIVITIES REQUIRED BY THIS ACT; (5) ESTABLISH VARIOUS REPORTING REQUIREMENTS TO THE GENERAL ASSEMBLY, INCLUDING A QUARTERLY REPORT FROM THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON ITS OPERATIONS, ACTIVITIES, PROGRAMS, AND PROGRESS WITH RESPECT TO ITS OBLIGATIONS UNDER THIS ACT FOR COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (6) PROHIBIT LOCAL GOVERNMENT REGULATION OF MANAGEMENT OF COAL COMBUSTION RESIDUALS OR COAL COMBUSTION PRODUCTS; (7) PROHIBIT CONSTRUCTION OF NEW OR EXPANSION OF*

EXISTING COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS EFFECTIVE JULY 1, 2014; (8) PROHIBIT THE DISPOSAL OF COAL COMBUSTION RESIDUALS INTO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AT COAL-FIRED GENERATING UNITS THAT ARE NO LONGER PRODUCING COAL COMBUSTION RESIDUALS EFFECTIVE OCTOBER 1, 2014; (9) PROHIBIT DISPOSAL OF STORMWATER TO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS EFFECTIVE DECEMBER 31, 2018; (10) REQUIRE ALL ELECTRIC GENERATING FACILITIES TO CONVERT TO GENERATION OF DRY FLY ASH ON OR BEFORE DECEMBER 31, 2017, AND DRY BOTTOM ASH ON OR BEFORE DECEMBER 31, 2020, OR RETIRE; (11) REQUIRE THE ASSESSMENT OF GROUNDWATER AT COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (12) REQUIRE CORRECTIVE ACTION FOR THE RESTORATION OF GROUNDWATER QUALITY AT COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (13) REQUIRE A SURVEY OF DRINKING WATER SUPPLY WELLS AND REPLACEMENT OF CONTAMINATED WATER SUPPLIES; (14) REQUIRE THE IDENTIFICATION, ASSESSMENT, AND CORRECTION OF UNPERMITTED DISCHARGES FROM COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (15) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO, AS SOON AS PRACTICABLE BUT NO LATER THAN AUGUST 1, 2015, 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, WELFARE, THE ENVIRONMENT, AND NATURAL RESOURCES; (16) REQUIRE OWNERS OF COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS TO SUBMIT A PROPOSED PLAN FOR CLOSURE OF ALL IMPOUNDMENTS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (17) REQUIRE CLOSURE AND REMEDIATION OF CERTAIN COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AS SOON AS PRACTICABLE, BUT NO LATER THAN AUGUST 1, 2019; (18) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH A SCHEDULE AND PROCESS FOR CLOSURE AND REMEDIATION OF ALL COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS BASED UPON THE DEPARTMENT'S RISK ASSESSMENT OF THESE SITES, BASELINE REQUIREMENTS SET BY THE GENERAL ASSEMBLY, EVALUATION OF PROPOSED CLOSURE PLANS SUBMITTED BY IMPOUNDMENT OWNERS, AND INPUT FROM THE PUBLIC AND OTHER STAKEHOLDERS; (19) ESTABLISH MINIMUM STATUTORY REQUIREMENTS FOR STRUCTURAL FILL PROJECTS USING COAL COMBUSTION PRODUCTS AND REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO INVENTORY AND INSPECT CERTAIN STRUCTURAL FILL PROJECTS; (20) PLACE A MORATORIUM ON CERTAIN PROJECTS USING COAL COMBUSTION PRODUCTS AS STRUCTURAL FILL UNTIL AUGUST 1, 2015, AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE ENVIRONMENTAL MANAGEMENT COMMISSION TO STUDY THE ADEQUACY OF CURRENT LAW GOVERNING USE OF COAL COMBUSTION PRODUCTS AS STRUCTURAL FILL AND FOR BENEFICIAL USE; (21) PLACE A MORATORIUM ON THE EXPANSION AND CONSTRUCTION OF COAL COMBUSTION RESIDUALS LANDFILLS UNTIL AUGUST 1, 2015, AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSESS THE RISKS TO PUBLIC HEALTH, SAFETY, 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; (22) STRENGTHEN THE REPORTING AND NOTIFICATION REQUIREMENTS APPLICABLE TO DISCHARGES OF WASTEWATER TO WATERS OF THE STATE; (23) REQUIRE CERTAIN EMERGENCY CALLS TO BE RECORDED; (24) 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; (25) TRANSFER SOLID WASTE RULE-MAKING AUTHORITY FROM COMMISSION FOR PUBLIC HEALTH TO ENVIRONMENTAL MANAGEMENT COMMISSION; (26) PROVIDE FOR VARIOUS STUDIES; (27) REQUIRE THE STATE CONSTRUCTION OFFICE AND THE DEPARTMENT OF TRANSPORTATION TO DEVELOP TECHNICAL SPECIFICATIONS FOR USE OF COAL COMBUSTION PRODUCTS; AND (28) PROVIDE RESOURCES FOR IMPLEMENTATION OF THIS ACT.

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

Amendment #1

Amends proposed GS 130A-309.212(a)(3), concerning the closure of low-risk impoundments, providing that such impoundments can be closed in any manner allowed pursuant to GS 130A-309.212(a)(1), but at a minimum they must be dewatered (previously, did not allow closure by any manner in GS 130A-309.212(a)(1)).

Directs the Coal Ash Management Commission to study how to promote, incentivize, and prioritize the beneficial use of coal combustion products over the disposal of coal combustion residuals.

#### Amendment #2

Amends proposed GS 130A-309.203, concerning expedited permit review, providing that DENR must either issue or deny a permit required for dewatering of a retired impoundment within 90 days of receipt of a completed application. Directs DENR to accept written comment on draft permit decisions for a period of not less than 30 days or more than 60 days prior to issuance or denial of said permit. Provides that if DENR fails to act within the above time period, an applicant can treat such failure as a denial of the permit and can challenge the denial as provided in GS Chapter 150B.

#### Amendment #6

Amends the language providing for the moratorium on cost recovery by electric public utilities, providing that any utility is not prohibited from seeking, nor is the Utilities Commission prohibited from authorizing, a deferral for costs related to coal ash impoundments.

#### Amendment #15

Amends the membership of the Coal Ash Management Commission, deleting language that required one member to be employed or recently retired from an industrial manufacturing facility or be a representative of an electric membership corporation and replacing it with language requiring one of the members appointed by the Governor to be a representative of an electric membership corporation who has a background in power supply resource planning and engineering. Further provides that the member required to have a background in science or engineering in order to be appointed must have that science or engineering background in the manufacturing sector in order to be qualified for appointment.

#### Amendment #17

Provides that the Department of Transportation must send the results of its study evaluating opportunities for the use of coal combustion to the Environmental Review Commission and the Joint Legislative Transportation Oversight Committee (previously, report was only to be submitted to the Environmental Review Commission).

#### Amendment #19

Amends GS 143-215.31(a1), which directs the owner of a dam classified as a high-hazard dam or an intermediate-hazard dam to develop an Emergency Action Plan (EAP) for the dam. Amends the items that must be included in the EAP to also require security risks to be included in the description of potential emergency conditions that could occur.

Provides that regardless of the provisions of GS 143-215.31, as amended by this act, the owners of all high-hazard and intermediate-hazard dams in operation on the effective date of this act must submit their EAPs to DENR and the Department of Public Safety no later than March 1, 2015 (was, October 1, 2015).

Amends GS 143-215.30 to require the owner of a dam who legally transfers title to the dam to another as owner to provide DENR with written notice of the transfer within 30 days after title to the dam has been legally transferred. Requires the notice of transfer to include the name and address of the new dam owner.

**Intro. by Apodaca, Berger.**

[View summary](#)

S 729 (2013-2014) [COAL ASH MANAGEMENT ACT OF 2014 \(NEW\)](#). Filed May 14 2014, *AN ACT TO (1) PROHIBIT RECOVERY OF COSTS RELATED TO UNLAWFUL DISCHARGES FROM COAL COMBUSTION RESIDUALS SURFACE*

IMPOUNDMENTS; (2) ESTABLISH A MORATORIUM ON CERTAIN RATE CASES; (3) CREATE THE COAL ASH MANAGEMENT COMMISSION TO REVIEW AND APPROVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS CLASSIFICATIONS AND CLOSURE PLANS AND OTHERWISE STUDY AND MAKE RECOMMENDATIONS ON LAWS GOVERNING MANAGEMENT OF COAL COMBUSTION RESIDUALS; (4) REQUIRE EXPEDITED REVIEW BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES OF ANY PERMIT NECESSARY TO CONDUCT ACTIVITIES REQUIRED BY THIS ACT; (5) ESTABLISH VARIOUS REPORTING REQUIREMENTS TO THE GENERAL ASSEMBLY, INCLUDING A QUARTERLY REPORT FROM THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON ITS OPERATIONS, ACTIVITIES, PROGRAMS, AND PROGRESS WITH RESPECT TO ITS OBLIGATIONS UNDER THIS ACT FOR COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (6) PROHIBIT LOCAL GOVERNMENT REGULATION OF MANAGEMENT OF COAL COMBUSTION RESIDUALS OR COAL COMBUSTION PRODUCTS; (7) PROHIBIT CONSTRUCTION OF NEW OR EXPANSION OF EXISTING COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS EFFECTIVE JULY 1, 2014; (8) PROHIBIT THE DISPOSAL OF COAL COMBUSTION RESIDUALS INTO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AT COAL-FIRED GENERATING UNITS THAT ARE NO LONGER PRODUCING COAL COMBUSTION RESIDUALS EFFECTIVE OCTOBER 1, 2014; (9) PROHIBIT DISPOSAL OF STORMWATER TO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS EFFECTIVE DECEMBER 31, 2018; (10) REQUIRE ALL ELECTRIC GENERATING FACILITIES TO CONVERT TO GENERATION OF DRY FLY ASH ON OR BEFORE DECEMBER 31, 2017, AND DRY BOTTOM ASH ON OR BEFORE DECEMBER 31, 2020, OR RETIRE; (11) REQUIRE THE ASSESSMENT OF GROUNDWATER AT COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (12) REQUIRE CORRECTIVE ACTION FOR THE RESTORATION OF GROUNDWATER QUALITY AT COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (13) REQUIRE A SURVEY OF DRINKING WATER SUPPLY WELLS AND REPLACEMENT OF CONTAMINATED WATER SUPPLIES; (14) REQUIRE THE IDENTIFICATION, ASSESSMENT, AND CORRECTION OF UNPERMITTED DISCHARGES FROM COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (15) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO, AS SOON AS PRACTICABLE BUT NO LATER THAN AUGUST 1, 2015, 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, WELFARE, THE ENVIRONMENT, AND NATURAL RESOURCES; (16) REQUIRE OWNERS OF COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS TO SUBMIT A PROPOSED PLAN FOR CLOSURE OF ALL IMPOUNDMENTS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (17) REQUIRE CLOSURE AND REMEDIATION OF CERTAIN COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AS SOON AS PRACTICABLE, BUT NO LATER THAN AUGUST 1, 2019; (18) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH A SCHEDULE AND PROCESS FOR CLOSURE AND REMEDIATION OF ALL COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS BASED UPON THE DEPARTMENT'S RISK ASSESSMENT OF THESE SITES, BASELINE REQUIREMENTS SET BY THE GENERAL ASSEMBLY, EVALUATION OF PROPOSED CLOSURE PLANS SUBMITTED BY IMPOUNDMENT OWNERS, AND INPUT FROM THE PUBLIC AND OTHER STAKEHOLDERS; (19) ESTABLISH MINIMUM STATUTORY REQUIREMENTS FOR STRUCTURAL FILL PROJECTS USING COAL COMBUSTION PRODUCTS AND REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO INVENTORY AND INSPECT CERTAIN STRUCTURAL FILL PROJECTS; (20) PLACE A MORATORIUM ON CERTAIN PROJECTS USING COAL COMBUSTION PRODUCTS AS STRUCTURAL FILL UNTIL AUGUST 1, 2015, AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE ENVIRONMENTAL MANAGEMENT COMMISSION TO STUDY THE ADEQUACY OF CURRENT LAW GOVERNING USE OF COAL COMBUSTION PRODUCTS AS STRUCTURAL FILL AND FOR BENEFICIAL USE; (21) PLACE A MORATORIUM ON THE EXPANSION AND CONSTRUCTION OF COAL COMBUSTION RESIDUALS LANDFILLS UNTIL AUGUST 1, 2015, AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSESS THE RISKS TO PUBLIC HEALTH, SAFETY, 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; (22) STRENGTHEN THE REPORTING AND NOTIFICATION REQUIREMENTS APPLICABLE TO DISCHARGES OF WASTEWATER TO WATERS OF THE STATE; (23) REQUIRE CERTAIN EMERGENCY CALLS TO BE RECORDED; (24) REQUIRE DEVELOPMENT OF EMERGENCY ACTION PLANS FOR HIGH AND INTERMEDIATE HAZARD DAMS AND AMEND OTHER DAM SAFETY LAW REQUIREMENTS

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

Changes the long title.

Extends the prohibition/moratorium on the Utilities Commission granting an increase in base rates of an electric public utility for costs related to coal combustion residuals surface impoundments (impoundments) to December 31, 2016 (was, January 15, 2015).

Amends proposed GS 130A-309.202, concerning the Coal Ash Management Commission (Commission), providing changes to specified appointees to the Commission, including requiring one member appointed by the General Assembly and recommended by the the Speaker of the House to have special training or scientific expertise in waste management, including solid waste disposal, hauling, or beneficial use (previously, required the member to be actively employed by, or recently retired from, an industrial manufacturing facility). Requires one member appointed by the Governor to be actively employed by, or recently retired from, an industrial manufacturing facility (previously, required the member to be a representative of an electric membership corporation pursuant to GS 117, Article 2) or be a representative of an electric membership corporation. Amends proposed language concerning the appointment of the Commission Chair, now providing that the Governor will appoint the Chair from among the Commission's members and that person will serve at the pleasure of the Governor, serving two-year terms (previously, the Commission was to have a Chair and Vice-Chair, selected by the Commission members to serve two-year terms). Provides that the Commission will be administratively located in the Department of Environment and Natural Resources (DENR) (previously, the Commission was located in the Division of Emergency Management of the Department of Public Safety).

Amends proposed GS 130A-309.205, concerning local ordinances that regulate coal ash combustion residuals and products, clarifying that the prohibition and invalidation of local ordinances, zoning regulations, and so forth that regulate or have the effect of regulating the management of coal combustion residuals and coal combustion products within the local government's jurisdiction also include any restrictions or conditions applied to facilities that primarily engage in processes to prepare coal ash for beneficial use, such as carbon burn-out plants.

Amends proposed GS 130A-309.208, changing the deadline for the construction of new or the expansion of existing impoundments to August 1, 2014 (was, July 1, 2014).

Amends proposed GS 130A-309.209, providing that owners of an impoundment have 90 days after the submittal of the Groundwater Assessment Report or a time-frame otherwise approved by DENR to submit a proposed Groundwater Corrective Action Plan to DENR for its review and approval (the previous edition did not provide for an alternate time-frame approved by DENR). Requires the owner of an impoundment to, in the event that groundwater quality standards are exceeded for water from a drinking water supply well and attributable to the presence of the impoundment, provide potable drinking water within 24 hours of such a determination (previously, was within 30 days). Also requires the owner to provide an alternate supply of water that is safe for other household uses within 30 days of such a determination. Makes conforming changes.

Amends proposed GS 130A-309.215, 130A-309.216, and 130A-309.217, lowering the threshold for requirement applicability for large structural fill projects to 8,000 or more tons of coal combustion products per acre or 80,000 or more tons of coal combustion products in total per project (previously, threshold for the specified requirements to apply to a structural fill project was 10,000 or more tons of coal combustion products per acre or 100,000 or more tons of coal combustion products in total per project).

Amends proposed GS 130A-309.212, concerning the closure of impoundments, providing that low-risk

impoundments are required to comply with the specified closure and post-closure requirements of the NC Administrative Code (Code), except that low-risk impoundments are not required to install and maintain a leachate collection system (previously, required low-risk impoundments to install a leachate system). Makes conforming changes. Corrects a reference to the Code, now referencing Section .1205 of Subchapter T of Chapter 2 of Title 15A of the Code (was, Section .1200).

Enacts new GS 130A-309.213, Variance authority, allowing the Secretary of DENR to grant a variance to any deadline for the closure of an impoundment pursuant to proposed GS 130A-309.212. Requires the owner of an impoundment to submit an application to DENR with the following required information; (1) identification of the site, (2) applicable requirements and applicable deadlines for which the variance is sought, and (3) detailed information as to why compliance with the deadline cannot be achieved by application of the best available technology found to be economically reasonable at the time and would produce serious hardship without equal or greater benefits to the public. Directs the Secretary of DENR, as soon as practicable, but no later than 60 days from receipt of such an application, to evaluate the application and information submitted to determine whether such information warrants the issuance of a variance. Within 10 days of issuing a variance the Secretary of DENR must issue a written declaration of the variance that includes findings of fact. Provides for public participation on the proposed variance as provided in GS 130A-309.212(b). Provides for an appeal process for the parties aggrieved, as provided for in GS Chapter 10B, Article 3.

Makes conforming changes, renumbering proposed sections.

Amends GS 130A-309.216, concerning design and siting requirements for projects using coal combustion products for structural fill, providing that such products, when used as a structural fill, should not be placed within 30 feet of a bedrock outcrop (was, 25 feet).

Amends proposed GS 130A-309.221, concerning inventory and inspection of structural fill projects, making technical changes to Code citations and adding that the specified structural fill projects will also be inspected to ensure compliance with Section .1200 of Subchapter T of Chapter 2 of Title 15A of the Code.

Makes technical changes in Part III of the act concerning statutory and Code references.

Amends proposed GS 143-215.27A, concerning closure of impoundments to render such facilities exempt from NC Dam Safety Law, providing that the requirement that the decommissioning request include a statement that the impoundment facility has not received sluiced coal residuals for at least three years can be waived by the Division of Energy, Mineral, and Land Resources if proper evidence is presented by a NC registered professional engineer that the impounded material is not subject to liquid flow behavior.

Amends GS 143-215.1, concerning the control of sources of water pollution and corrective action required if groundwater standards are exceeded, providing that when operation of a permitted disposal system results in exceedances of the groundwater quality standards at or beyond the compliance boundary, the Environmental Management Commission (EMC) must require a permittee to undertake corrective action, regardless of when the system was first permitted, to restore groundwater quality. Sets out factors to be considered in developing a corrective action plan and schedule, including the extent of the violation of the standards. Directs the permittee to implement the plan and schedule as approved by the EMC Director or designee.

Directs DENR to review and make recommendations on all the deadlines established under Part 2I of Article 9 and report its findings to the Environmental Review Commission no later than December 1, 2014.

Deletes language that provided for the creation and funding of 25 positions in DENR to carry out management duties of coal combustion residuals and coal combustion products. Also deletes language that provided for the creation and funding of 5 positions to provide support for the Coal Ash Management Commission.

Amends proposed GS 143-58.6, concerning the use of coal combustion products to add that it is the goal of the Department of Administration and the Department of Transportation to increase the usage and consumption of coal



combustion products in their respective construction projects.

**Intro. by Apodaca, Berger.**

GS 62, GS 130A, GS 143

[View summary](#)

**Development, Land Use and Housing, Building and Construction, Environment, Environment/Natural Resources, Government, State Agencies, Department of Environment and Natural Resources, Health and Human Services, Health, Public Health**

S 815 (2013-2014) [ENSURING PRIVACY OF STUDENT RECORDS](#). Filed May 20 2014, *AN ACT TO ENSURE THE PRIVACY AND SECURITY OF STUDENT EDUCATIONAL RECORDS*.

AN ACT TO ENSURE THE PRIVACY AND SECURITY OF STUDENT EDUCATIONAL RECORDS. Enacted July 1, 2014. Effective July 1, 2014.

**Intro. by Barefoot, Brock, Soucek.**

GS 115C

[View summary](#)

**Education**

## LOCAL/HOUSE BILLS

H 1113 (2013-2014) [BENT CREEK PROPERTY SULLIVAN ACT EXEMPTION](#). Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO EXEMPT A TRANSFER OF THE BREVARD ROAD SITE PURSUANT TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND HENDERSON COUNTY FROM ARTICLE 16 OF CHAPTER 160A OF THE GENERAL STATUTES AND FROM THE SULLIVAN ACTS*.

A BILL TO BE ENTITLED AN ACT TO EXEMPT A TRANSFER OF THE BREVARD ROAD SITE PURSUANT TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND HENDERSON COUNTY FROM ARTICLE 16 OF CHAPTER 160A OF THE GENERAL STATUTES AND FROM THE SULLIVAN ACTS. Enacted July 2, 2014. Effective July 2, 2014.

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

Buncombe, Henderson

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H 1247 (2013-2014) [ASHEVILLE REGIONAL AIRPORT](#). Filed May 28 2014, *A BILL TO BE ENTITLED AN ACT TO ALLOW LIMITED APPOINTMENT OF ELECTED PUBLIC OFFICIALS TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY AND TO PROVIDE THAT EMINENT DOMAIN MUST BE AUTHORIZED BY THE AFFECTED APPOINTING AUTHORITY*.

A BILL TO BE ENTITLED AN ACT TO ALLOW LIMITED APPOINTMENT OF ELECTED PUBLIC OFFICIALS TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY AND TO PROVIDE THAT EMINENT DOMAIN MUST BE AUTHORIZED BY THE AFFECTED APPOINTING AUTHORITY. Enacted July 2, 2014. Effective July 2, 2014.

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

[Buncombe](#)

[View summary](#)

[Transportation](#)

## LOCAL/SENATE BILLS

S 846 (2013-2014) [SHALLOTTE DEANNEXATIONS/SOUTHPORT OCC TAX](#). Filed May 27 2014, *A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SHALLOTTE AND TO CLARIFY THE TOURISM DEVELOPMENT AUTHORITY REQUIREMENTS PERTAINING TO THE OCCUPANCY TAX AUTHORITY FOR THE TOWN OF SOUTHPORT.*

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

Makes the deannexation of the five described tracts from the town of Shallotte effective July 31, 2014 (was, June 30, 2014). Makes the remainder of the bill effective when it becomes law.

Modifies the distribution process for the proceeds of the occupancy tax to provide that until the Southport Board of Aldermen levies the supplemental 2 percent occupancy tax, Southport is required to use at least 2/3 of the proceeds from the occupancy tax to promote travel and tourism and the remainder for tourism related expenditures. Directs Southport to remit the proceeds to the Southport Tourism Development Authority when the supplemental 2 percent occupancy tax is levied and requires that at minimum 2/3 of the proceeds are to be used to promote travel and tourism and the remainder for tourism related expenditures.

Makes conforming changes to the short title and the long title to reflect the changes in the content of the bill.

**Intro. by Rabon.**

[Brunswick](#)

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[Government, Tax](#)

## ACTIONS ON BILLS

### PUBLIC BILLS

**H 330: [PLANNED COMMUNITY ACT/DECLARANT RIGHTS.](#)**

*Ratified*

**H 1025: [DOT/DMV CHANGES \(NEW\).](#)**

*House: Added to Calendar*

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 1048: AG SELECTION CRITERIA/NCNG AMENDMENTS (NEW).**

*Senate: Passed 3rd Reading*

*Engrossed*

*Senate: Special Message Sent To House*

*House: Special Message Received For Concurrence in S Com Sub*

*House: Added to Calendar*

*House: Failed Concur In S Com Sub*

*House: Conf Com Appointed*

**H 1052: ADJUST THE UTILITY REGULATORY FEE.**

*Pres. To Gov. 7/2/2014*

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

*Pres. To Gov. 7/2/2014*

**H 1144: STUDY 1%/\$80 RATE FOR MILL MACHINERY (NEW).**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 1181: NORTH CAROLINA MEDICAID MODERNIZATION (NEW).**

*House: Reptd Fav Com Sub 2*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Special Message Sent To Senate*

**H 1182: UNC NONAPPROPRIATED CAPITAL PROJECTS.**

*Pres. To Gov. 7/2/2014*

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

*House: Withdrawn From Com*

*House: Re-ref Com On Rules, Calendar, and Operations of the House*

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 1262: SUICIDE PREVENTION RESOLUTION.**

*House: Amend Adopted AI*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**H 1272: JOB CORPS WEEK.**

*House: Adopted*

**H 1273: HONOR RALPH DONALD EDWARDS.**

*House: Passed 1st Reading*

*House: Cal Pursuant 32(a)*

*House: Added to Calendar*

*House: Adopted*

**H 1274: TOLLING REFERENDUM.**

*House: Filed*

**S 42: CONFIDENTIALITY OF UC INFORMATION (NEW).**

*House: Withdrawn From Com*

*House: Re-ref Com On Commerce and Job Development Subcommittee on Energy and Emerging Markets*

*House: Withdrawn From Com*

*House: Re-ref Com On Commerce and Job Development Subcommittee on Energy and Emerging Markets*

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**S 78: LAW ENFORCEMENT PRIVACY/PUBLIC WEB SITES.**

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**S 105: ADD TOWNS TO SHP.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Special Message Sent To Senate*

**S 193: CHILD NUTRITION PROGRAM SOLVENCY AND SUPPORT.**

*House: Withdrawn From Com*

*House: Re-ref Com On Rules, Calendar, and Operations of the House*

**S 201: STANLY COMMUNITY COLLEGE CAPITAL PROJECT (NEW).**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Special Message Sent To Senate*

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

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

**S 614: Military Lands Protection Act.**

*Senate: Conf Com Appointed*

*Senate: Senate Fail to Concur - Late Appoint Message Sent To House*

*House: Conf Com Appointed*

**S 729: COAL ASH MANAGEMENT ACT OF 2014 (NEW).**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Finance*

*House: Reptd Fav*

*House: Serial Referral To Appropriations Stricken*

*House: Added to Calendar*

*House: Added to Calendar*  
*House: Amend Adopted A1*  
*House: Amend Adopted A2*  
*House: Amend Adopted A3*  
*House: Amend Failed A4*  
*House: Amend Tabled A5*  
*House: Amend Adopted A6*  
*House: Amend Tabled A7*  
*House: Amend Tabled A8*  
*House: Amend Tabled A9*  
*House: Amend Tabled A10*  
*House: Amend Failed A11*  
*House: Amend Failed A12*  
*House: Amend Failed A13*  
*House: Amend Failed A14*  
*House: Amend Adopted A15*  
*House: Amend Tabled A16*  
*House: Amend Adopted A17*  
*House: Amendment Withdrawn A18*  
*House: Amend Adopted A19*  
*House: Amend Tabled A20*  
*House: Amend Failed A21*  
*House: Amend Recon A3*  
*House: Amend Failed A3*  
*House: Passed 2nd Reading*

**S 761: CREDIT FOR MILITARY TRAINING.**

*Pres. To Gov. 07/02/2014*

**S 773: IMPLEMENT GSC RECOMMENDATIONS.**

*Senate: Special Message Sent To House*  
*House: Special Message Received From Senate*  
*House: Passed 1st Reading*  
*House: Ref To Com On Rules, Calendar, and Operations of the House*

**S 794: DIS APPROVE INDUSTRIAL COMMISSION RULES.**

*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Special Message Sent To Senate*

**S 797: 911 BOARD/BACK-UP PSAP.**

*House: Withdrawn From Com*  
*House: Cal Pursuant Rule 36(b)*  
*House: Added to Calendar*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Ordered Enrolled*

**S 853: BUSINESS COURT MODERNIZATION.**

*House: Reptd Fav*  
*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

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

*Senate: Special Message Sent To House*

*House: Special Message Received From Senate*

*House: Passed 1st Reading*

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

**LOCAL BILLS**

**H 1056: LAKE LURE OFFICIAL MAP.**

*Senate: Special Message Received From House*

*Senate: Passed 1st Reading*

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

**H 1113: BENT CREEK PROPERTY SULLIVAN ACT EXEMPTION.**

*Ratified*

*Ch. SL 2014-51*

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

*Senate: Conf Com Appointed*

*Senate: House Fail to Concur - Senate Appoint Conferees Message Sent To House*

**H 1247: ASHEVILLE REGIONAL AIRPORT.**

*Ratified*

*Ch. SL 2014-52*

**S 846: SHALLOTTE DEANNEXATIONS/SOUTHPORT OCC TAX.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

**S 851: ALLOW ABSENTEE VOTING/1ST CRAVEN SANITARY DIS.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Enrolled*

**S 874: SPRUCE PINE DEANNEXATION.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Enrolled*

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