



The Daily Bulletin: Thursday, July 17, 2014

PUBLIC/HOUSE BILLS

H 201 (2013-2014) **BUILDING REUTILIZATION FOR ECONOMIC DEV. ACT**. Filed Mar 4 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICABILITY OF THE ENERGY CONSERVATION CODE TO CERTAIN EXISTING NONRESIDENTIAL BUILDINGS, TO CLARIFY STORMWATER PROGRAM IMPERVIOUS SURFACE CALCULATIONS FOR REDEVELOPMENT, TO CREATE AN EXEMPTION FROM THE NORTH CAROLINA ENVIRONMENTAL PROTECTION ACT FOR THE REOCCUPATION OF AN EXISTING BUILDING OR FACILITY, TO AMEND THE STATUTE GOVERNING THE DEPARTMENT OF COMMERCE RURAL ECONOMIC DEVELOPMENT DIVISION, AND TO REINSTATE GRAVEL UNDER STORMWATER LAWS.*

Senate committee substitute makes the following changes to the 4th edition:

Changes the short and long titles.

Deletes all of the provisions of the previous edition in their entirety and replaces it with the following

Part I.

Enacts new GS 143-138(b15), which excludes certain alterations to commercial buildings from current energy code requirements, providing that alterations to a commercial building or structure that received a certificate of occupancy prior to January 1, 2012, are subject to the rules pertaining to energy efficiency and conservation that were in effect on December 31, 2011. Additions to commercial buildings and structures that received a certificate of occupancy on January 1, 2012 may be subject to the rules in effect on December 31, 2011, unless the addition increases the area of the existing building or structure to be more than 150% of the building area as it was on December 31, 2011. Defines *commercial buildings and structures* for the purposes of the section.

Part II.

Amends GS 143-214.7, establishing definitions for use in the section, including the terms *development* and *redevelopment*. Also incorporates the previously included and defined term *built-upon area* but removes gravel from the list of items excluded in its definitions and clarifies that slatted decks are not included in the definition (previously, excluded wooden slatted decks).

Provides that stormwater runoff rules and programs cannot require new or increased stormwater controls for redevelopment activities if they do not remove or decrease existing stormwater controls, unless required by federal law.

Sets out procedures for determining built-upon areas for stormwater programs. Allows the incorporation of data provided by an applicant if certified as specified in this section. If such data is not provided, the stormwater program will perform the calculations for determining built-upon area.

Provides that, unless specifically authorized by the General Assembly, the Environmental Management Commission and the Department of Environment and Natural Resources do not have the authority to define the term *gravel* for the purposes of implementing stormwater programs. Provides that any such rule that does so is not effective and will not become effective.

Amends Section 2 of SL 2006-246, as amended, making conforming changes, adding references to the definitions proposed in GS 143-214.7(a1) and deleting the definitions for *development* and *redevelopment*.

Part III.

Amends GS 113A-12 to add that environmental documents are not required for the redevelopment or reoccupation of an existing building or facility if any additions do not increase the total footprint to more than 150% of the footprint of the existing building or facility and any new construction does not increase the total footprint to more than 150% of the footprint of the existing building or facility.

Amends GS 113A-8 to add that any ordinance adopted under the statute (allowing local government to adopt ordinances to require any special purpose unit of government or private developer of a major development project to submit detailed statements of the impact of the projects) must exempt from its requirements the certain cases for which an environmental document is not required under GS 113A-12.

Part IV.

Amends GS 143B-472.127 to allow economic development grants or loans awarded by the Rural Infrastructure Authority to be used to provide matching grants or loans to local governmental units located in a development tier one or tier two area or a rural census tract in a development tier three area (was, local government in an economically distressed county) that will productively reuse or demolish buildings (was, reuse vacant buildings) and properties and construct or expand rural health care facilities. Adds that the development tier designation of a county is determined according to GS 143B-437.08. Defines the rural census tract as a census tract with a population density of less than 500 people per square mile according to the most recent decennial federal census.

Part V.

Requires the Building Code Council, the Environmental Management Commission, the Coastal Management Commission, and the Department of Environment and Natural Resources to amend their rules to conform with this act.

Part VI.

Provides that if Senate Bill 38 (Amend Environment Laws 2014) becomes law, Section 28 (Clarify Gravel Under Stormwater Laws) is repealed.

Part VII.

Includes a severability clause.

Intro. by Torbett.

GS 113A, GS 143, GS 143B

[View summary](#)

Development, Land Use and Housing, Building and Construction, Community and Economic Development, Environment, Government, State Agencies, Department of Environment and Natural Resources

H 369 (2013-2014) [CRIMINAL LAW CHANGES](#). Filed Mar 20 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO VARIOUS CRIMINAL LAWS AND TO CLARIFY TO WHICH LOCAL GOVERNMENT CONTRACTS E-VERIFY APPLIES.*

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

Amendment #1

Changes the long title.

Deletes all language and provisions previously concerned with summary ejection service of process.

Amendment #2

Deletes all of the proposed changes to the section of the bill titled CONDITIONAL DISCHARGE IN LIEU OF DEFERRED PROSECUTION. More specifically, deletes changes to GS 15A-1341, 7A-49.4(b), 7A-272, 14-313(f), 15A-146(d), 15A-932, 15A-1342, 15A-1343, and 143B-708.

Replaces the section with a new section titled CONDITIONAL DISCHARGE AUTHORIZED.

Amends GS 15A-1341(a3), replacing authorization for deferred prosecution for prostitution with authorization for conditional discharge.

Enacts new GS 15A-1341(a4), providing for a conditional discharge when a person pleads guilty to or is found guilty of a Class H or I felony or misdemeanor. Provides that on motion of the defendant or the prosecutor, the court may, without entering a judgment of guilt, defer further proceedings and place the person on probation if the following four facts are found: (1) each known victim has been notified of the motion for probation by specified service means and each victim has been given a chance to be heard, (2) the defendant has not been convicted of any felony or of any misdemeanor involving moral turpitude, (3) the defendant has not previously been placed on probation and states so under oath, and (4) the defendant is unlikely to commit another offense other than a Class 3 misdemeanor.

Enacts new GS 15A-1341(a5), providing for a conditional discharge for the purpose of drug treatment court programs where the court can, without entering a judgment of guilt and with the defendant's consent, defer further proceedings and place the defendant on probation in order for the defendant to participate in and complete the Drug Treatment Court Program.

Enacts new GS 15A-1341(a6), which provides that a court can enter an adjudication of guilt and continue proceedings if a term or condition of a conditional discharge is violated. Provides that when terms and conditions of the discharge are fulfilled, any plea or finding of guilty previously entered will be withdrawn and the court must discharge the person and dismiss proceedings against the person.

Amends GS 7A-272, 14-313(f), 15A-146(d), 15A-1342, 15A-1343, and 143B-708, making conforming changes reflecting the statutory creation of conditional discharges.

This section is effective December 1, 2014.

Amendment #3

Amends GS 14-316 to provide that in Caswell County, air rifles, air pistols, and BB guns are not included in the definition of dangerous firearms.

Amendment #4

Adds the NC School Boards Association and the Department of Public Instruction to the list of organizations that the Human Trafficking Commission must consult in carrying out its study on the prevention of sexual abuse of children. Also requires the Commission to receive reports and testimony on child sexual abuse from individuals, state and local agencies, community-based organizations, and other public and private organizations as part of its study.

Amendment #5

Amends GS 14-316 to provide that in Chowan County, air rifles, air pistols, and BB guns are not included in the definition of dangerous firearms.

Amendment #6

Amends GS 15A-145.5(a)(7a), concerning expunction of certain misdemeanors and felonies, providing that although offenses under GS 14-54(a), 14-54(a1), or 14-56 are not considered "nonviolent misdemeanors" or "nonviolent

felonies," a person will remain eligible to receive an expunction if the offense was committed on or before the person's 21st birthday.

Amendment #7

Changes the long title.

Amends GS 160A-20.1(b) and 153A-449(b) to provide that no city or county can enter into a contract subject to GS 143-129, procedures for letting of public contracts, unless the contractor and the contractor's subcontractors comply with the E-verify requirements found in GS Chapter 64, Article 2 (previously, this provision was applicable to all contracts, not just those subject to GS 143-129). Effective October 1, 2014.

Intro. by Waddell, Brody, Langdon, Dixon.

Anson, Caswell, Chowan, Cleveland, Harnett, Stanly, Surry, GS 7A, GS 14, GS 15A, GS 90, GS 143B, GS 153A, GS 160A

[View summary](#)

Courts/Judiciary, Civil, Evidence, Criminal Justice, Criminal Law and Procedure, Government, Local Government

H 680 (2013-2014) [START-UPS ACT/NEW MARKETS TAX CREDIT ACT. \(NEW\)](#) Filed Apr 9 2013, *A BILL TO BE ENTITLED AN ACT TO ENACT THE JUMP-START OUR BUSINESS START-UPS ACT AND TO ENACT THE NEW MARKETS JOBS ACT OF 2014.*

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

Amends GS Chapter 105, adding new Article 3L, *North Carolina New Markets Jobs Act of 2014*, to create a state level reduction of tax that mirrors the federal New Market Tax Credit (NMTC) under Section 45D of the Internal Revenue Code (IRC). Provides a state level below the line reduction of tax (reduction) to investors who commit capital for a seven-year term in the form of loans or quality equity investments to borrowers in low-income communities.

Defines *reduction* to mean a subtraction from the total amount of state premium tax liability made (1) after all additions and deductions have been made to the gross premium amount and (2) after the appropriate rates of tax have been applied. Provides that a reduction has the same property and contractual protections as a credit.

Defines *quality equity investment* as a long-term debt security issued by or an equity investment in a qualified community development entity that (1) is acquired at its original issuance for cash after the effective date of this act; (2) has at least 85 percent of its purchase price used by the qualified community development entity to make qualified low-income community investments in qualified state low-income community businesses by the first anniversary of the initial reduction allowance date; and (3) is designated by the qualified community development entity as a qualified equity investment and certified by the Department of Commerce (Department).

Defines the term *reduction allowance date* as the date on which any qualified equity investment is initially made and each of the following six anniversary dates. Provides that the applicable percentage rates for the reduction allowance date are 0 percent for the first two reduction allowance dates, 12 percent for the next three reduction allowance dates, and 11 percent for the following two reduction allowance dates.

Defines the term *qualified community development entity* as having the same meaning as provided in section 45D of the IRC of 1986, as amended, provided that the entity meets certain specifications.

Also defines *qualified active low-income community business* and additional terms as used in this act.

Provides that the total statewide investment amount that may qualify for the tax credit is \$208,333,333 with a

maximum investment in any one business of \$7 million. Directs the Department to certify \$208,333,333 in qualified equity investment authority under two allocations, one for the Rural Reserve and one for the Statewide Reserve, each as described in new GS 105-129.109(a), as established in this act.

Provides additional details on the tax credit. Sets out the procedure for a qualified community development entity to apply to the Department for an equity investment or long-term debt security to be designated as a qualified equity investment. Allows disallowance of the reduction under certain circumstances. Requires that applicants pay a refundable performance fee. Requires the Secretary to issue binding letter rulings in response to applicants requesting an interpretation of the law to a specific set of facts. Provides that an entity claiming a credit for qualified equity investment is not required to pay any additional retaliatory tax as a result of claiming the credit. Prohibits a certified qualified equity investment from being decertified unless the statute's requirements have not been met. Sets out conditions for decertification. Provides that no qualified community development entity is entitled to pay any affiliate of such entity any fees in connection with any activity under this Article prior to decertification of all qualified equity investment issued to the entity. Does not prohibit a qualified community development entity from allocating or distributing income earned by it to the affiliates or paying reasonable interest on amounts lent to the entity by such affiliates.

Enacts new GS 105-129.109, which provides for the allocation of the \$208,333,333 of qualified equity investments eligible for certification by the Department under new GS 105-129.102. Divides the \$208,333,333 investment pool into two funds: (1) allocates \$156.25 million to the Rural Reserve to credit investments located in rural census tracts in a county designated as Tier 1 or Tier 2 by the NC Department of Commerce and (2) allocates \$52,083,333 to the Statewide reserve to credit investments made anywhere within the state.

Enacts new GS 105-129.110 to prohibit a qualified active low-income community business and any of its affiliates that receive a qualified low-income community investment from a qualified community development entity that issues qualified equity investments under this Article from directly or indirectly (1) owning or acquiring an ownership interest in a qualified community development entity or a member of or affiliate of that entity or (2) making a loan to or investing in a qualified community development entity, or a member of or affiliate of that entity. Provides additional specifications regarding new capital requirements.

Enacts new GS 105-129.111 to specify the reporting requirements for a qualified community development entity that issues qualified equity investments under this Article.

The provisions of this Article apply to qualified equity investments made on or after January 2, 2015.

Clarifies that Part I of this act, Jump-Start Our Business Start-Ups Act, expires on July 1, 2017.

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

Intro. by Murry, Moffitt, Shepard, Hastings.

[GS 78A, GS 105](#)

[View summary](#)

[Business and Commerce, Development, Land Use and Housing, Community and Economic Development, 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 FULL-RISK CAPITATED HEALTH PLANS TO BE MANAGED BY A NEW DEPARTMENT OF MEDICAL BENEFITS.*

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

Amends Section 1, Intent and goals, to include as goals: (1) provide whole-person integrated care, (2) maintain access to care for the state's Medicaid population, and (3) provide accountability for budget and program outcomes (was, require provider accountability for budget and program outcomes).

Rewrites Section 2 of this act, which specifies the principal building blocks of the reform of North Carolina's Medicaid program. Includes as one of the principal building blocks a new Department of Medical Benefits (Department), created in Section 10 of this act, to be managed by a board consisting of experienced business, health care, and health insurance leaders appointed by the Governor and General Assembly. Prescribes that the Department is to focus on the Medicaid and NC Health Choice programs.

Provides that the building blocks are also to include full-risk capitated health plans to manage and coordinate all care for Medicaid recipients and cover all Medicaid health care items and services. (Such plans involve shared financial risk among all participants and place providers in the network not only for their own financial performance but also for the performance of other providers in the network. In a capitated health plan, the medical provider is given a set fee per patient regardless of the treatment required as in an HMO).

Also identifies competition between multiple provider-led and non-provider led health plans as a principal building block of transforming the state's Medicaid program. Provides that full risk for provider-led health plans is to be phased in over a two-year period in order to allow the provider-led plans to become established.

Other new building blocks include regional health plans, subject to four specified conditions; risk adjusted capitated rates based on eligibility categories, geographic areas, and clinical risk profiles of recipients; participant choice of plans offering customized benefits packages; mechanisms to provide incentives and encourage personal accountability for participating in the beneficiaries' own health outcomes; and mechanisms to identify Medicaid recipients who may benefit from other state services and programs to maximize opportunities and reduce reliance on Medicaid and refer those individuals to the appropriate other services and programs.

Establishes timelines from August 1, 2014, through July 1, 2018, by which specified milestones for Medicaid reform must happen, including creating the new Department by August 1, 2014, receiving final approvals from Centers for Medicare & Medicaid Services for reform plan by January 1, 2016, and provider-led plans at full risk by July 1, 2018.

Requires that the Department (was, Department of Health and Human Services Division of Medical Assistance) develop, with stakeholder input, a detailed plan for Medicaid reform. Amends the items that must be included in the plan to add 14 items, including: proposed waivers or state plan amendments that may be necessary to implement and secure federal financial participation in reform; mechanisms for measuring the state's progress toward the reform goals; strategies for ensuring fair negotiations among plans, providers, and the Department of Medical Benefits; and a strategy for program integrity. No longer requires the following to be included in the plan: proposed time frames for implementing system transformation on a phased-in basis and the recommended effective date for full implementation and mechanisms for measuring the state's progress toward increased performance on six specified items, including budget predictability, access to service, and quality management systems.

Adds that the report of the detailed reform plan and the semiannual report on progress toward completing the reform must be provided to the Joint Legislative Oversight committee on Medical Benefits.

Replaces references to the Department of Health and Human Services (DHHS), Division of Medical Assistance, with the Department of Medical Benefits, which is created in this act.

Requires the Department of Medical Benefits to work with the Centers for Medicare & Medicaid Services to attempt to preserve existing levels of funding generated from Medicaid-specific funding streams to the extent that the levels of funding may be preserved (was, preserve existing Medicaid-specific funding streams as they currently exist). Requires the work to be facilitated by the Division of Medical Assistance.

Adds a new section requiring the Division of Medical Assistance, during the time of transition of the Medicaid program into its new form, to cooperate with the Department to ensure a smooth transition. Requires the Division to

facilitate communications between the Department of Medical Benefits and the Centers for Medicare & Medicaid Services and submit requested state plan amendments. Requires DHHS to cease any activities related to implementing Medicaid reform within the existing divisions, except for activities directly related to assisting the new Department with the reform. Requires the two departments to enter into appropriate memoranda of understanding to define responsibilities.

Requires DHHS, Office of the Secretary, to organize a Medicaid stabilization team to do six specified activities, including maintaining the Medicaid and NC Health Choice programs until the transfer; making recommendations to the Joint Legislative Oversight Committee on Medical Benefits on any additional authorization or funding necessary to successfully complete these requirements; and reporting to the Joint Legislative Oversight Committee on Medical Benefits no later than September 1, 2014, on the plan to communicate to employees, as required in the section.

Adds a new section requiring the Secretary of Health and Human Services to identify and designate essential positions, by September 1, 2014, throughout DHHS without which the Medicaid and NC Health Choice programs cannot operate on a day-to-day basis. Provides specified bonuses to those employees serving in positions designated as essential positions, effective August 1, 2014. Appropriates \$600,000 for 2014-15 to the Division of Medical Assistance from the funds appropriated in the Appropriations Act of 2014 for Medicaid reform to fund the state share of the bonuses.

Adds a section requiring the Division of Medical Assistance to ensure that any Medicaid-related or NC Health Choice-related state contract entered into after the effective date of the act contain a clause allowing DHHS or the Division to terminate the contract without cause upon 30 days' notice. Any contract signed by DHHS or the Division after the act becomes effective that does not have such a clause is deemed to include such a clause and is cancellable without cause with 30 days' notice.

Deletes sections that required the Division to begin the restructuring of the Medicaid Program by transitioning into a system for provider lead capitated health plans, and that required specified DHHS divisions to conduct an integrated care pilot and study.

Amends GS 108A-54.1A to allow DHHS to submit amendments to the state plan if the Department requires that DHHS submit an amendment.

Enacts new Article 14, Department of Medical Benefits, in GS Chapter 143B. Establishes the Department of Medical Benefits (Department) to operate the Medicaid and NC Health Choice Programs. Requires that the Department be governed by a Board, which is responsible for ensuring that the programs provide quality medical assistance to eligible recipients at a predictable cost. Require the Medicaid program to be operated through full-risk capitated health plans that include all aspects of care so that the state bears only the risk of enrollment numbers and enrollment mix. Effective August 1, 2014.

Establishes the 7-member Board of The Department of Medical Benefits (Board), with three members appointed by the Governor, two by the General Assembly on recommendation of the President Pro Tempore, and two by the General Assembly on recommendation of the Speaker of the House. The Secretary of Health and Human Services serves as an ex officio non-voting member. Sets out initial appointment term lengths and establishes staggered terms for later appointees; sets terms at four years and allows members to serve up to two consecutive terms. Specifies five categories of individuals who may not serve on the Board, including those who are or have been registered lobbyists for a provider receiving payments from the Medicaid or NC Health Choice program or an employee of such a lobbyist. Provides that Board members serve as fiduciaries for the Medicaid and NC Health Choice programs and are subject to the duties of care, loyalty, and obedience as established under nonprofit corporate law, in addition to duties placed on the Board members as public servants. Provides that Board members are not state employees. Establishes the Board's eleven powers and duties, including employing the Medicaid Director and other staff (including legal staff); setting compensation for the employees and Board of the Department, including performance-based bonuses; and entering into and managing contracts for the administration of the Medicaid and NC Health Choice programs. Provides that until the Board is designated as the single state agency for administering and operating the programs, the

Department of Health and Human Services retains its authority as the single state agency, and the Department's powers are limited to the extent that they conflict with the authority of the Department of Health and Human Services as the single state agency. Provides that the General Assembly retains the authority to determine the eligibility requirements for the Medicaid and NC Health Choice programs. Effective August 1, 2014.

Sets out the following six exemptions, limitations, and modifications of state law that apply to the Department: exempting employees of the Department from portions of the State Personnel Act, but allowing after July 1, 2016, the Department to designate employee positions as subject to the Act; allowing the Department to choose to retain legal counsel other than the Attorney General; exempting personnel contracts from review and approval by the Office of State Human Resources; exempting the Department from state contract review and approval requirements if the Department establishes alternative procedures; allowing the Board to move into a closed session for discussions of four specified topics; and exempting documents created for or developed during a closed session of the Board for one of those four reasons, as well as minutes of the session, from public records until the item under discussion has been made public through the publishing of the relevant rate, finding, or budget forecast report or General Assembly report.

Amends GS 126-5 to add that except as to GS 126-13 (Appropriate political activity of State employees defined), 126-14 (Promise or threat to obtain political contribution or support), 126-14.1 (Threat to obtain political contribution or support), 126-14.2 (Political hirings limited), and the provisions of Articles 6 (Equal Employment and Compensation Opportunity; Assisting in Obtaining State Employment), 7 (The Privacy of State Employee Personnel Records), 14 (Protection for Reporting Improper Government Activities), 15 (Communications With Members of the General Assembly), and 16 (Flexible Compensation Plan) of GS Chapter 126, the provisions of the Chapter (State Personnel System) do not apply to employees of the Department, except for employees designated by the Board as subject to the Chapter. Effective August 1, 2014.

Sets the initial compensation of the Board members at \$8,000 per month. Allocates and appropriates \$280,000 to the Department from the funds appropriated in the Appropriations Act of 2014 for Medicaid reform for 2014-15, to fund the state share of the Board compensation. Effective August 1, 2014.

Enacts new Article 23B, Joint Legislative Oversight Committee on Medical Benefits, in GS Chapter 120. Establishes the 14-member Joint Legislative Oversight Committee on Medical Benefits (Committee), made up of seven members of the Senate and seven members of the House of Representatives with at least two members from each chamber coming from the minority party. Member terms are two years. Requires the Committee to examine budgeting, financing, administrative, and operational issues related to (1) the reform of Medicaid and the transition of the program from the Department of Health and Human Services to the Department; (2) any aspect of the Medicaid and NC Health Choice programs operated by the Division of Health and Human Services; and (3) the Medicaid and NC Health Choice programs, as operated by the Department. Gives the Committee access to any paper or document and allows compelling the attendance of any state official or employee before the Committee or securing evidence under GS 120-19 (State officers, etc., upon request, to furnish data and information to legislative committees or commissions). Effective August 1, 2014.

Amends GS 120-208.1 to remove the duty of the Joint Legislative Oversight Committee on Health and Human Services to examine issues relating to services provided by the Medical Assistance Division within the Department of Health and Human Services. Makes conforming changes. Effective August 1, 2014.

Requires any reports by the Department of Health and Human Services or the Division of Medical Assistance related to Medicaid that are due during the 2014-15 fiscal year to be made to the Joint Legislative Oversight Committee on Medical Benefits. Effective August 1, 2014.

Intro. by Dollar, Burr, Avila, Lambeth.

[APPROP, GS 120, GS 126, GS 143B](#)

[View summary](#)

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

H 1194 (2013-2014) **RETIREMENT ADMIN. CHANGES ACT OF 2014**. Filed May 21 2014, *AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS*.

The Senate committee substitute to the 1st edition makes the following changes.

Amends the proposed language in GS 135-5, GS 135-64, GS 120-4.27, and GS 128-27 to refer to designated beneficiary or beneficiaries (was, beneficiaries).

Amends GS 128-28(j) to require the Board of Trustees to publish an annual report on supplemental insurance offerings that are made available to retirees and the extent to which retirees participate in those offerings (was, report on contracts and usage by retired members regarding any supplemental insurance products offered through the Retirement System).

Deletes the section that amended GS 135-151 (Teacher and State Employees' Retirement System) and GS 128-38.10 (Retirement System for Counties, Cities, and Towns) to provide that no member of the retirement system retiring on or after January 1, 2017 (was, January 1, 2015), was eligible to participate in the Qualified Excess Benefit Arrangement, and the system must not pay any new retiree more retirement benefits than allowed under the limitations of section 415(b) of the Internal Revenue Code.

Intro. by Collins, S. Ross.

GS 120, GS 128, GS 135

[View summary](#)

Courts/Judiciary, Court System, Employment and Retirement, Government, Public Safety, State Government, State Personnel, Local Government

PUBLIC/SENATE BILLS

S 883 (2013-2014) **DISAPPROVE/AMEND BUFFER RULES**. Filed Jun 26 2014, *A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE MITIGATION PROGRAM REQUIREMENTS FOR PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS RULE ADOPTED BY THE MANAGEMENT COMMISSION TO ADOPT A NEW MITIGATION PROGRAM REQUIREMENTS FOR PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS RULE, AND PROVIDE THAT THE PIPING OF A STREAM ALLOWED UNDER A PERMIT ISSUED BY THE UNITED STATES ARMY CORP OF ENGINEERS IS AN EXEMPT USE UNDER THE PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS RULES*.

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

Changes the short and long titles.

Directs the Environmental Management Commission (EMC) to adopt a Mitigation Program Requirement for Protection and Maintenance of Riparian Buffers Rule pursuant to GS 150B-21.1, no later than October 1, 2014. Requires this rule to be substantively identical to the recommended text found in the Consolidated Buffer Mitigation Rule Stakeholder Report of April 10, 2014.

Provides that the Protection and Maintenance of Riparian Buffers Rule refers to the following administrative code sections: 15A NCAC 02B .0233, 15A NCAC 02B .0243, 15A NCAC 02B .0250, 15A NCAC 02B .0259, 15A NCAC 02B .0267, and 15A NCAC 02B .0607.

Provides that until the permanent rules required to be adopted by the EMC are effective, the EMC and the Department of Environment and Natural Resources (DENR) must exempt, notwithstanding the Protection and Maintenance of Riparian Buffers Rule, any riparian buffer impacts associated with the piping of a stream pursuant to a permit issued by the US Army Corps of Engineers. Directs the EMC to adopt rules to amend the Protection and Maintenance of Riparian Buffers Rule consistent with this provision. Provides that the rules adopted for this reason are not subject to review by the Rules Review Commission as provided for in GS 150B, Article 2A, Part 3 of the Administrative Procedure Act and will become effective as though 10 or more written objections had been received as provided by GS 150B-21.3(b2).

Repeals subdivision (2) of Section 2(c) of SL 2013-395, concerning the piping of a stream pursuant to an Army Corps of Engineers permit as an allowable use.

Intro. by Brock.

UNCODIFIED

[View summary](#)

Environment

LOCAL/HOUSE BILLS

H 375 (2013-2014) [INCREASE ALLOWED SIZE OF PASSENGER BUSES](#). Filed Mar 20 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW PASSENGER BUSES OWNED AND OPERATED BY THE CITY OF CHARLOTTE TO HAVE AN OVERALL LENGTH OF SIXTY FEET OR LESS.*

AN ACT TO ALLOW PASSENGER BUSES OWNED AND OPERATED BY THE CITY OF CHARLOTTE TO HAVE AN OVERALL LENGTH OF SIXTY FEET OR LESS. Enacted July 17, 2014. Effective July 17, 2014.

Intro. by Jeter, Bryan, Schaffer, Cotham.

Mecklenburg

[View summary](#)

Transportation

H 1096 (2013-2014) [UNION COUNTY/CONTRACTED AMBULANCE SERVICE](#). Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO ALLOW UNION COUNTY TO USE ATTACHMENT AND GARNISHMENT AND LIEN FOR COUNTY-CONTRACTED AMBULANCE SERVICE SUPPLEMENTED BY COUNTY FUNDS.*

AN ACT TO ALLOW UNION COUNTY TO USE ATTACHMENT AND GARNISHMENT AND LIEN FOR COUNTY-CONTRACTED AMBULANCE SERVICE SUPPLEMENTED BY COUNTY FUNDS. Enacted July 17, 2014. Effective July 17, 2014.

Intro. by Arp.

Union

[View summary](#)

Government, Public Safety

H 1114 (2013-2014) [ELK PARK/DEED TRANSFERRING PROPERTY](#). Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REGISTER OF DEEDS OF AVERY COUNTY TO REFUSE RECORDATION OF A DEED FOR PROPERTY SUBJECT TO DELINQUENT MUNICIPAL PROPERTY TAXES FOR THE TOWN OF ELK PARK.*

AN ACT TO REQUIRE THE REGISTER OF DEEDS OF AVERY COUNTY TO REFUSE RECORDATION OF A DEED FOR PROPERTY SUBJECT TO DELINQUENT MUNICIPAL PROPERTY TAXES FOR THE TOWN OF ELK PARK. Enacted July 16, 2014. Effective July 16, 2014.

Intro. by Dobson.

[Avery](#)

[View summary](#)

H 1120 (2013-2014) [2 CO. COMM./DURHAM TECH. BD.](#) Filed May 19 2014, *A BILL TO BE ENTITLED AN ACT AUTHORIZING TWO COUNTY COMMISSIONERS TO SERVE ON THE BOARD OF DURHAM TECHNICAL COMMUNITY COLLEGE.*

AN ACT AUTHORIZING TWO COUNTY COMMISSIONERS TO SERVE ON THE BOARD OF DURHAM TECHNICAL COMMUNITY COLLEGE. Enacted July 17, 2014. Effective July 17, 2014.

Intro. by Meyer, Luebke, Insko.

[Durham](#)

[View summary](#)

[Education, Higher Education](#)

H 1154 (2013-2014) [MOORE CO. SCHOOLS TRANSFER OF PROPERTY.](#) Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT AUTHORIZING THE MOORE COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN REAL PROPERTY.*

AN ACT AUTHORIZING THE MOORE COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN REAL PROPERTY. Enacted July 16, 2014. Effective July 16, 2014.

Intro. by Boles.

[Moore](#)

[View summary](#)

[Education](#)

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.*

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF BURLINGTON. Enacted July 17, 2014. Effective July 17, 2014.

Intro. by S. Ross.

[Alamance](#)

[View summary](#)

ACTIONS ON BILLS**PUBLIC BILLS****H 101: SPECIAL LICENSE PLATE DEVELOPMENT PROCESS.**

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

H 201: BUILDING REUTILIZATION FOR ECONOMIC DEV. ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 348: PUBLIC SAFETY TECHNOLOGY/STATE ROW.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/21/2014

H 369: CRIMINAL LAW CHANGES.

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Amend Adopted A3

Senate: Amend Adopted A4

Senate: Amend Adopted A5

Senate: Amend Adopted A6

Senate: Amend Adopted A7

Senate: Passed 2nd Reading

Engrossed

H 680: START-UPS ACT/NEW MARKETS TAX CREDIT ACT. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

H 1033: SPECIAL ASSESSMENT/DAM REPAIR.

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1145: INSURANCE & REGISTRATION FOR MOPEDS (NEW).

House: Cal Pursuant 36(b)

H 1181: NORTH CAROLINA MEDICAID MODERNIZATION (NEW).

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 1193: RETIREMENT TECHNICAL CORRECTIONS ACT OF 2014.

Senate: Reptd Fav

Senate: Re-ref Com On Appropriations/Base Budget

H 1194: RETIREMENT ADMIN. CHANGES ACT OF 2014.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Appropriations/Base Budget

H 1195: FISCAL INTEGRITY/PENSION-SPIKING PREVENTION.

Senate: Reptd Fav

H 1224: LOCAL SALES TAX FOR EDUCATION/ECON. DEV CHNGS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/21/2014

Senate: Withdrawn From Cal

Senate: Re-ref Com On Finance

H 1276: ADJOURNMENT SINE DIE.

House: Passed 1st Reading

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

S 105: ADD TOWNS TO SHP.

Pres. To Gov. 07/17/2014

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

Senate: Conf Com Appointed

S 883: DIS APPROVE/AMEND BUFFER RULES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 884: 2014 PRESIDENT PRO TEMPORE'S APPOINTMENTS.

Senate: Passed 1st Reading

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

LOCAL BILLS

H 375: INCREASE ALLOWED SIZE OF PASSENGER BUSES.

Ratified

Ch. SL 2014-71

H 1056: LAKE LURE OFFICIAL MAP.

Senate: Reptd Fav

H 1096: UNION COUNTY/CONTRACTED AMBULANCE SERVICE.

Ratified

Ch. SL 2014-72

H 1120: 2 CO. COMM./DURHAM TECH. BD.

Ratified

Ch. SL 2014-73

H 1155: PINEHURST ANNEXATION.

Senate: Withdrawn From Com

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

H 1212: BURLINGTON CHARTER/REVISION AND CONSOLIDATION.

Ratified

Ch. SL 2014-74

H 1245: PLEASANT GARDEN ANNEX/WATHA DEANNEX (NEW).

Senate: Passed 2nd Reading

[Print Version](#)