

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 744
Appropriations/Base Budget Committee Substitute Adopted 5/29/14
Finance Committee Substitute Adopted 5/29/14
Pensions & Retirement and Aging Committee Substitute Adopted 5/29/14
Third Edition Engrossed 5/31/14

Short Title: Appropriations Act of 2014.

(Public)

Sponsors:

Referred to:

May 15, 2014

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS
3 APPROPRIATIONS ACT OF 2013 AND FOR OTHER PURPOSES.

4
5 The General Assembly of North Carolina enacts:

6
7 **PART I. INTRODUCTION AND TITLE OF ACT**

8
9 **TITLE OF ACT**

10 **SECTION 1.1.** This act shall be known as "The Current Operations and Capital
11 Improvements Appropriations Act of 2014."

12
13 **INTRODUCTION**

14 **SECTION 1.2.** The appropriations made in this act are for maximum amounts
15 necessary to provide the services and accomplish the purposes described in the budget. Savings
16 shall be effected where the total amounts appropriated are not required to perform these
17 services and accomplish these purposes and, except as allowed by the State Budget Act, or this
18 act, the savings shall revert to the appropriate fund at the end of each fiscal year as provided in
19 G.S. 143C-1-2(b).

20
21 **PART II. CURRENT OPERATIONS AND EXPANSION GENERAL FUND**

22
23 **CURRENT OPERATIONS AND EXPANSION/GENERAL FUND**

24 **SECTION 2.1.** Appropriations from the General Fund of the State for the
25 maintenance of the State departments, institutions, and agencies, and for other purposes as
26 enumerated, are adjusted for the fiscal year ending June 30, 2015, according to the schedule
27 that follows. Amounts set out in parentheses are reductions from General Fund appropriations
28 for the 2014-2015 fiscal year.

29
30 **Current Operations – General Fund**

2014-2015

31
32 **EDUCATION**



1	Community Colleges System Office	22,150,669
2		
3	Department of Public Instruction	66,541,801
4		
5	University of North Carolina – Board of Governors	
6	Appalachian State University	941,239
7	East Carolina University	
8	Academic Affairs	1,164,501
9	Health Affairs	344,298
10	Elizabeth City State University	261,074
11	Fayetteville State University	444,505
12	NC A&T State University	910,908
13	NC Central University	707,221
14	UNC School of the Arts	230,362
15	NC State University	
16	Academic Affairs	4,818,881
17	Agricultural Extension	259,621
18	Agricultural Research	415,602
19	UNC – Asheville	300,265
20	UNC – Chapel Hill	
21	Academic Affairs	2,225,122
22	Health Affairs	1,170,381
23	Area Health Education Centers	73,789
24	UNC – Charlotte	1,611,465
25	UNC – Greensboro	3,121,477
26	UNC – Pembroke	432,891
27	UNC – Wilmington	927,194
28	Western Carolina University	671,106
29	Winston-Salem State University	320,247
30	General Administration	213,154
31	University Institutional Programs	(6,901,304)
32	Related Educational Programs	9,863,276
33	NC School of Science and Mathematics	124,784
34	Aid to Private Institutions	(7,000,000)
35	Total University of North Carolina – Board of Governors	17,652,059
36		
37	HEALTH AND HUMAN SERVICES	
38		
39	Department of Health and Human Services	
40	Central Management and Support	(5,028,255)
41	Division of Aging & Adult Services	(969,549)
42	Division of Blind Services, Deaf, & Hard of Hearing	0
43	Division of Child Development & Early Education	(18,031,728)
44	Health Service Regulation	(288,000)
45	Division of Medical Assistance	196,188,968
46	Division of Mental Health, Developmental Disabilities, & Substance	
47	Abuse Services	(29,832,154)
48	NC Health Choice	(15,813,961)
49	Division of Public Health	(10,270,197)
50	Division of Social Services	12,389,357
51	Division of Vocation Rehabilitation	(575,336)

1	Total Health and Human Services	127,769,145
2		
3	NATURAL AND ECONOMIC RESOURCES	
4		
5	Department of Agriculture and Consumer Services	921,017
6		
7	Department of Commerce	
8	Commerce	(4,191,353)
9	Commerce State-Aid	271,473
10		
11	Wildlife Resources Commission	(121,982)
12		
13	Department of Environment and Natural Resources	8,972,390
14		
15	Department of Labor	(47,201)
16		
17	JUSTICE AND PUBLIC SAFETY	
18		
19	Department of Public Safety	60,630,171
20		
21	Judicial Department	3,502,988
22		
23	Judicial Department – Indigent Defense	416,556
24		
25	Department of Justice	(48,229,079)
26		
27	GENERAL GOVERNMENT	
28		
29	Department of Administration	(2,023,279)
30		
31	Office of Administrative Hearings	24,521
32		
33	Department of State Auditor	118,338
34		
35	Office of State Controller	1,600,500
36		
37	Department of Cultural Resources	
38	Cultural Resources	(556,787)
39	Roanoke Island Commission	(9,000)
40		
41	State Board of Elections	(55,410)
42		
43	General Assembly	(44,526)
44		
45	Office of the Governor	(50,798)
46		
47	Office of State Budget and Management	
48	Office of State Budget and Management	(71,259)
49	OSBM – Reserve for Special Appropriations	175,000
50		
51	Housing Finance Agency	9,830,322

1		
2	Department of Insurance	
3	Insurance	(399,128)
4		
5	Office of Lieutenant Governor	(5,629)
6		
7	Department of Revenue	727,468
8		
9	Department of Secretary of State	(22,720)
10		
11	Department of State Treasurer	
12	State Treasurer	1,959,528
13	State Treasurer – Retirement for Fire and Rescue Squad Workers	(2,474,496)
14		
15	RESERVES, ADJUSTMENTS, AND DEBT SERVICE	
16		
17	Disability Income Plan	(3,200,000)
18		
19	Information Technology Fund	6,003,162
20		
21	Information Technology Reserve Fund	(11,661,092)
22		
23	Job Development Investment Grants (JDIG)	(15,571,684)
24		
25	One North Carolina Fund	(7,144,263)
26		
27	Reserve for Future Benefit Needs	(56,400,000)
28		
29	State Health Plan Contribution	(22,000,000)
30		
31	Debt Service	
32	Savings Reserve	250,000
33	General Debt Service	(8,240,916)
34		
35	TOTAL CURRENT OPERATIONS –	
36	GENERAL FUND	146,996,506
37		

GENERAL FUND AVAILABILITY STATEMENT

SECTION 2.2.(a) Section 2.2(a) of S.L. 2013-360 is repealed. The General Fund availability used in adjusting the 2014-2015 budget is shown below:

41		
42		FY 2014-2015
43		
44	Unappropriated Balance Remaining from Previous Year	323,693,704
45	Anticipated Undercollections from FY 2013-14	(445,400,000)
46	Anticipated Reversions from FY 2013-14	371,600,000
47	Less Earmarkings of Year End Fund Balance	
48	Savings Reserve	(42,989,870)
49	Repairs and Renovations	(42,989,870)
50	Beginning Unreserved Fund Balance	163,913,964
51		

1	Revenues Based on Existing Tax Structure	19,972,100,000
2		
3	Nontax Revenues	
4	Investment Income	11,300,000
5	Judicial Fees	244,500,000
6	Disproportionate Share	109,000,000
7	Master Settlement Agreement	137,500,000
8	Other Nontax Revenues	195,500,000
9	Insurance	77,000,000
10	Highway Fund Transfer	215,900,000
11	Subtotal Nontax Revenues	990,700,000
12		
13	Total General Fund Availability	21,126,713,964
14		
15	Adjustments to Availability: 2014 Session	
16	Transfer from Cash Balances from Department of Agriculture and	
17	Consumer Services Special Funds	1,449,680
18	Transfer from Cash Balances from Alcoholic Beverage Control	
19	Enterprise Fund	3,500,000
20	Transfer from Interest from Department of Environment and Natural	
21	Resources (DENR) Special Funds	938,670
22	Diversion of Funds from DENR Inspection and Maintenance Control	
23	Special Fund	3,000,000
24	Diversion of Funds from DENR Water and Air Account Special Fund	1,000,000
25	Transfer of Federal Insurance Contribution Act (FICA) Fund Cash Balance	5,255,000
26	Adjustment of Transfer from Insurance Regulatory Fund	(399,128)
27	Adjustment of Transfer from Treasurer's Office	1,959,528
28	Increase from ABC Permit Fees	9,600,000
29	Redirection of Funds from Gross Premiums Tax on Property Coverage	
30	Contracts to General Fund	1,600,000
31	Four-year Phaseout of Provision of Medicaid Hold Harmless Law	
32	Guaranteeing Counties \$500,000 Benefit	5,990,000
33	Subtotal Adjustments to Availability: 2014 Session	33,893,750
34		
35	Revised General Fund Availability	21,160,607,714
36		
37	Less General Fund Appropriations	(21,160,607,714)
38		
39	Unappropriated Balance Remaining	0
40		

41 **SECTION 2.2.(b)** Effective June 30, 2014, Section 2.2 of S.L. 2013-360 reads as
 42 rewritten:

43 "..."

44 **SECTION 2.2.(c)** Notwithstanding the provisions of G.S. 143C-4-3, the State Controller
 45 shall transfer a total of one hundred fifty million dollars (\$150,000,000) from the unreserved
 46 fund balance to the Repairs and Renovations Reserve on June 30, 2013, and a total of ~~twelve~~
 47 ~~million seven hundred fifty one thousand one hundred thirty seven dollars (\$12,751,137)~~
 48 forty-two million nine hundred eighty-nine thousand eight hundred seventy dollars
 49 (\$42,989,870) to the Repairs and Renovations Reserve on June 30, 2014. This subsection
 50 becomes effective June 30, 2013. Funds transferred under this section to the Repairs and

1 Renovations Reserve are appropriated for the 2013-2014 and 2014-2015 fiscal years and shall
2 be used in accordance with G.S. 143C-4-3.

3 **SECTION 2.2.(d)** Notwithstanding G.S. 143C-4-2, the State Controller shall transfer a
4 total of two hundred thirty-two million five hundred thirty-seven thousand nine hundred
5 forty-two dollars (\$232,537,942) from the unreserved fund balance to the Savings Reserve
6 Account on June 30, 2013, and the sum of ~~thirty seven million one hundred twenty two~~
7 ~~thousand three hundred forty six dollars (\$37,122,346)~~ forty-two million nine hundred
8 eighty-nine thousand eight hundred seventy dollars (\$42,989,870) from the unreserved fund
9 balance to the Savings Reserve Account on June 30, 2014. Neither of these transfers is an
10 "appropriation made by law," as that phrase is used in Section 7(1) of Article V of the North
11 Carolina Constitution. This subsection becomes effective June 30, 2013.

12"

13 **SECTION 2.2.(c)** Interest from the following funds shall be redirected to the
14 General Fund:

15 **Budget Fund**

16	Code	Code	Description
17	24303	2990	Marine Conservation Fund
18	24304	Various	Ecosystem Enhancement Fund
19	24305	2002	Clean Water Management Trust Fund
20	24306	2127	Dry Cleaning Solvent Cleanup Fund
21	24309	2235	Parks and Recreation Trust Fund
22	24318	2054	Bernard Allen Drinking Water Fund
23	24323	Various	Marine Resources Fund
24	64301	6342	Water Pollution Control System Account
25	64305	6370	Commercial Leaking Petroleum Storage Tanks Fund
26	64305	6371	Noncommercial Leaking Petroleum Storage Tanks Fund
27	64305	6372	Inactive Hazardous Sites Fund
28	64305	6373	Emergency Response Fund
29	64305	6375	Superfund Cost Share Fund
30	64305	6376	Brownfield Superfund Fund
31	64305	6379	Inactive Hazardous Sites Fund-S1492

32 **SECTION 2.2.(d)** Notwithstanding G.S. 20-183.7(c), fees collected for electronic
33 inspection authorizations during the 2014-2015 fiscal year that would have been credited to the
34 I & M Air Pollution Control Account established under G.S. 143-215.3A(b1) shall be credited
35 to the State's General Fund.

36 **SECTION 2.2.(e)** Notwithstanding G.S. 105-449.125, one million dollars
37 (\$1,000,000) of the revenue collected by the Secretary of Revenue from the motor fuel excise
38 tax levied under Part 7 of Article 36C of the General Statutes that would otherwise be credited
39 to the Water and Air Quality Account shall be credited to the State's General Fund.

40 **SECTION 2.2.(f)** Effective June 30, 2014, G.S. 106-435 and G.S. 106-451.27 are
41 repealed, and the unallotted and unexpended funds in the Cotton Warehouse Fund on that date
42 shall be transferred to the General Fund.

43 **SECTION 2.2.(g)** Effective June 30, 2014, G.S. 106-65.104 is repealed, and the
44 unallotted and unexpended balance of funds in the Bedding Law Account on that date shall be
45 transferred to the General Fund.

46 **PART III. CURRENT OPERATIONS/HIGHWAY FUND**

47 **CURRENT OPERATIONS/HIGHWAY FUND**

48 **SECTION 3.1.** Appropriations from the State Highway Fund for the maintenance
49 and operation of the Department of Transportation and for other purposes as enumerated are
50
51

1 adjusted for the fiscal year ending June 30, 2015, according to the following schedule.
 2 Amounts set out in parentheses are reductions from Highway Fund Appropriations for the
 3 2014-2015 fiscal year.

Current Operations – Highway Fund**2014-2015**

Department of Transportation

Administration

\$ 2,304,648

Division of Highways

Administration

0

Construction

(4,036,171)

Maintenance

63,436,943

Planning and Research

0

OSHA Program

(7,307)

Ferry Operations

(1,542,317)

State Aid to Municipalities

9,453,990

Intermodal Divisions

Public Transportation

(3,393,723)

Aviation

(808,452)

Rail

(960,325)

Bicycle and Pedestrian

(30,043)

Governor's Highway Safety

(5,699)

Division of Motor Vehicles

(1,786,799)

Other State Agencies, Reserves, Transfers

5,206,809

Capital Improvements

0

Total Highway Fund Appropriations**\$ 1,984,142,054****HIGHWAY FUND AVAILABILITY STATEMENT**

37 **SECTION 3.2.** Section 3.2 of S.L. 2013-360 is repealed. The Highway Fund
 38 availability used in adjusting the 2014-2015 fiscal year budget is shown below:

Highway Fund Availability Statement**2014-2015**

Unreserved Fund Balance

\$ 12,000,000

Estimated Revenue

1,973,750,000

Adjustment to Revenue Availability:

Motor Fuel Tax (Shallow Draft Navigation Channel Dredging Fund)

(1,677,134)

Motor Fuel Tax Refund Repeal (Taxi Cabs)

69,188

Revised Total Highway Fund Availability**\$ 1,984,142,054**

Unappropriated Balance

\$ 0

PART IV. HIGHWAY TRUST FUND APPROPRIATIONS**CURRENT OPERATIONS/HIGHWAY TRUST FUND**

SECTION 4.1. Appropriations from the State Highway Trust Fund for the maintenance and operation of the Department of Transportation and for other purposes as enumerated are adjusted for the fiscal year ending June 30, 2015, according to the following schedule. Amounts set out in parentheses are reductions from Highway Trust Fund Appropriations for the 2014-2015 fiscal year.

Current Operations – Highway Trust Fund**2014-2015**

Program Administration	\$ (11,000,000)
Aid to Municipalities	0
Intrastate	0
Secondary Roads	0
Urban Loops	0
Mobility Fund	0
Turnpike Authority	0
Transfer to General Fund	0
Transfer to Highway Fund	0
Debt Service	0
Strategic Prioritization Funding Plan for Transportation Investments	73,661,890

Total Highway Trust Fund Appropriations**\$ 1,168,061,890****HIGHWAY TRUST FUND AVAILABILITY STATEMENT**

SECTION 4.2. Section 4.2 of S.L. 2013-360 is repealed. The Highway Trust Fund availability used in developing the 2014-2015 fiscal year budget is shown below:

Highway Trust Fund Availability**2014-2015**

Unreserved Fund Balance	\$ 0
Estimated Revenue	1,162,370,000
Adjustment to Revenue Availability:	
Motor Fuel Tax Refund Repeal (Taxi Cabs)	23,140
Highway Use Tax Cap Adjustments	5,668,750
Total Highway Trust Fund Availability	\$ 1,168,061,890
Unappropriated Balance	\$ 0

PART V. OTHER APPROPRIATIONS**INDIAN GAMING EDUCATION REVENUE FUND**

SECTION 5.1. Section 5.4 of S.L. 2013-360 reads as rewritten:

"SECTION 5.4.(a) There is appropriated from the Indian Gaming Education Revenue Fund to the Department of Public Instruction, School Technology Fund, the sum of ~~three million dollars (\$3,000,000)~~ five million dollars (\$5,000,000) for the 2013-2014 fiscal year and the sum of ~~three million five hundred thousand dollars (\$3,500,000)~~ six million dollars (\$6,000,000) for the 2014-2015 fiscal year.

"SECTION 5.4.(b) G.S. 143C-9-7 does not apply to the use of these funds for the 2013-2015 fiscal biennium."

EDUCATION LOTTERY FUNDS

SECTION 5.2.(a) Section 6.11(e) of S.L. 2013-360 reads as rewritten:

"**SECTION 6.11.(e)** The appropriations made from the Education Lottery Fund for the 2013-2015 fiscal biennium are as follows:

	FY 2013-2014	FY 2014-2015
Classroom Teachers	\$ 220,643,188	\$ 220,643,188
		<u>\$276,941,530</u>
Prekindergarten Program	75,535,709	75,535,709
Public School Building Capital Fund	100,000,000	100,000,000
Scholarships for Needy Students	30,450,000	30,450,000
UNC Need-Based Financial Aid	10,744,733	10,744,733
UNC Need-Based Financial Aid Forward Funding Reserve	32,530,359	49,130,728
	<u>51,661,087</u>	<u>0</u>
Digital Learning	11,928,735	11,928,735
TOTAL APPROPRIATION	\$ 481,832,724	\$ 468,433,093
	<u>\$500,963,452</u>	<u>\$505,600,707</u>

SECTION 5.2.(b) Section 6.11(f) of S.L. 2013-360 reads as rewritten:

"**SECTION 6.11.(f)** Notwithstanding G.S. 18C-164, the Office of State Budget and Management shall not transfer funds to the Education Lottery Reserve Fund for the 2013-2014 fiscal year ~~year~~ or for the 2014-2015 fiscal year."

SECTION 5.2.(c) Section 6.11(g) of S.L. 2013-360 reads as rewritten:

"**SECTION 6.11.(g)** Funds appropriated for Digital Learning pursuant to subsection (e) of this section shall be used to support grants to local education agencies (LEAs) for (i) delivering educator professional development focused on using digital and other instructional technologies to provide high-quality, integrated digital teaching and learning to all students and (ii) acquiring quality digital content to enhance instruction.

Up to one million dollars (\$1,000,000) for the 2013-2015 fiscal biennium may be used by the Department of Public Instruction to (i) develop a plan to transition from funding for textbooks, both traditional and digital, to funding for digital materials, including textbooks and instructional resources and (ii) provide educational resources that remain current, are aligned with curriculum, and are effective for all learners by 2017. The plan shall also include an inventory of the infrastructure needed to support robust digital learning in public schools.

The Department of Public Instruction shall make an interim report on the implementation of this subsection to the Joint Legislative Education Oversight Committee and the Fiscal Research Division by January 5, 2015, and a final report by August 1, 2015."

SECTION 5.2.(d) Funds appropriated for Digital Learning shall not revert at the end of the fiscal year but shall remain available until expended.

SECTION 5.2.(e) Subsection (d) of this section becomes effective June 30, 2014.

PART VI. GENERAL PROVISIONS**APPROPRIATE ENCUMBERED GRANT FUNDS THAT ARE RETURNED TO THE STATE**

SECTION 6.1. Section 5.1 of S.L. 2013-360 is amended by adding a new subsection to read:

"**SECTION 5.1.(f)** Notwithstanding subsections (a) and (b) of this section, there is appropriated from the General Fund for the 2014-2015 fiscal year an amount equal to the

1 amount of encumbered funds required to be spent in order to honor encumbrances of grant
2 funds in accordance with G.S. 143C-6-23(f2)."

4 **ESTABLISHING OR INCREASING FEES UNDER THIS ACT**

5 **SECTION 6.2.(a)** Notwithstanding G.S. 12-3.1, an agency is not required to
6 consult with the Joint Legislative Commission on Governmental Operations prior to
7 establishing or increasing a fee to the level authorized or anticipated in this act.

8 **SECTION 6.2.(b)** Notwithstanding G.S. 150B-21.1A(a), an agency may adopt an
9 emergency rule in accordance with G.S. 150B-21.1A to establish or increase a fee as authorized
10 by this act if the adoption of a rule would otherwise be required under Article 2A of Chapter
11 150B of the General Statutes.

13 **EXPENDITURES OF FUNDS IN RESERVES LIMITED**

14 **SECTION 6.3.** All funds appropriated by this act into reserves may be expended
15 only for the purposes for which the reserves were established.

17 **MAKE THE BASE BUDGET THE STARTING POINT FOR STATE AGENCY** 18 **BUDGETING**

19 **SECTION 6.4.(a)** G.S. 143C-1-1(d)(7a) is repealed.

20 **SECTION 6.4.(b)** G.S. 143C-1-1(d) is amended by adding a new subdivision to
21 read:

22 "(d) Definitions. – The following definitions apply in this Chapter:

23 ...

24 (1c) Base Budget. – That part of the recommended State budget that provides the
25 baseline for the next biennium. The base budget for each State agency shall
26 be the authorized budget for that agency with adjustments only for the
27 following:

28 a. Annualization of programs and positions.

29 b. Reductions to adjust for items funded with nonrecurring funds during
30 the prior fiscal biennium.

31 c. Increases to adjust for nonrecurring reductions during the prior fiscal
32 biennium.

33 d. Adjustments for federal payroll tax changes.

34 e. Rate increases in accordance with the terms of existing leases of real
35 property.

36 f. Adjustments to receipt projections, made in accordance with
37 G.S. 143C-3-5(b)(2)c.

38 g. Reconciliation of intragovernmental and intergovernmental transfers.

39"

40 **SECTION 6.4.(c)** G.S. 143C-3-5 reads as rewritten:

41 "**§ 143C-3-5. Budget recommendations and budget message.**

42 ...

43 (b) Odd-Numbered Years. – In odd-numbered years the budget recommendations shall
44 include the following components:

45 (1) A Recommended State Budget setting forth goals for improving the State
46 with recommended expenditure requirements, funding sources, and
47 performance information for each State government program and for each
48 proposed capital improvement. The Recommended State Budget may be
49 presented in a format chosen by the Director, except that the Recommended
50 State Budget shall clearly distinguish program ~~continuation~~ base budget
51 requirements, program reductions, program eliminations, program

1 expansions, and new programs, and shall explain all proposed capital
2 improvements in the context of the Six-Year Capital Improvements Plan and
3 as required by G.S. 143C-8-6.

4 (1a) The Governor's Recommended State Budget shall include a ~~continuation~~
5 base budget, which shall be presented in the budget support document
6 pursuant to subdivision (2) of this subsection.

7 (2) A Budget Support Document showing, for each budget code and purpose or
8 program in State government, accounting detail corresponding to the
9 Recommended State Budget.

10 a. The Budget Support Document shall employ the North Carolina
11 Accounting System Uniform Chart of Accounts adopted by the State
12 Controller to show both uses and sources of funds and shall display
13 in separate parallel columns all of the following: (i) actual
14 expenditures and receipts for the most recent fiscal year for which
15 actual information is available, (ii) the certified budget for the
16 preceding fiscal year, (iii) the currently authorized budget for the
17 preceding fiscal year, (iv) program ~~continuation~~base budget
18 requirements for each fiscal year of the biennium, (v) proposed
19 expenditures and receipts for each fiscal year of the biennium, and
20 (vi) proposed increases and decreases.

21 ...

22 (5) A list of budget adjustments made during the prior fiscal year pursuant to
23 G.S. 143C-6-4 that are included in the proposed ~~continuation~~base
24 budget for the upcoming fiscal year.

25"

26 **SECTION 6.4.(d)** G.S. 58-2-215(c) reads as rewritten:

27 "(c) Moneys appropriated by the General Assembly shall be deposited in the Fund and
28 shall become a part of the ~~continuation~~base budget of the Department of Insurance. Such
29 ~~continuation~~base budget amount shall equal the actual expenditures drawn from the Fund
30 during the prior fiscal year plus the official inflation rate designated by the Director of the
31 Budget in the preparation of the State Budget for each ensuing fiscal year; provided that if
32 interest income on the Fund exceeds the amount yielded by the application of the official
33 inflation rate, such ~~continuation~~base budget amount shall be the actual expenditures drawn
34 from the Fund. In the event the amount in the Fund exceeds two hundred fifty thousand dollars
35 (\$250,000) at the end of any fiscal year, such excess shall revert to the General Fund."

36 **SECTION 6.4.(e)** G.S. 116-30.3B(b) reads as rewritten:

37 "(b) It is the intent of the General Assembly that appropriations to the Board of
38 Governors on behalf of a constituent institution not be reduced as a result of the institution's
39 realization of energy savings. Instead, the General Assembly intends that the amount of
40 appropriations be determined as if no energy savings had been realized. The Director of the
41 Budget shall not decrease the recommended ~~continuation~~base budget requirements for utilities
42 for constituent institutions by the amount of energy savings realized from implementing energy
43 conservation measures, including savings achieved through a guaranteed energy savings
44 contract."

45 **SECTION 6.4.(f)** G.S. 116-30.7 reads as rewritten:

46 **"§ 116-30.7. Biennial projection of enrollment growth for The University of North**
47 **Carolina.**

48 By October 15 of each even-numbered year, the General Administration of The University
49 of North Carolina shall provide to the Joint Education Legislative Oversight Committee and to
50 the Office of State Budget and Management a projection of the total student enrollment in The
51 University of North Carolina that is anticipated for the next biennium. The enrollment

1 projection shall be divided into the following categories and shall include the projected growth
2 for each year of the biennium in each category at each of the constituent institutions:
3 undergraduate students, graduate students (students earning master's and doctoral degrees), first
4 professional students, and any other categories deemed appropriate by General Administration.
5 The projection shall also distinguish between on-campus and distance education students. The
6 projections shall be considered by the Director of the Budget when determining the amount the
7 Director proposes to fund ~~as the continuation requirement for the enrollment increase in the~~
8 ~~university system pursuant to G.S. 143C-3-5(b).~~ appropriate to The University of North
9 Carolina in the Recommended State Budget submitted pursuant to G.S. 143C-3-5(b)."

10 **SECTION 6.4.(g)** G.S. 121-6(c) reads as rewritten:

11 "(c) It shall be the duty and the responsibility for the Department of Cultural Resources
12 to edit and publish a second or new series of the most significant records of colonial North
13 Carolina. From records which have been compiled in the North Carolina State Archives
14 concerning the colonial period of North Carolina, a selection of the most significant documents
15 shall be made therefrom by a skilled and competent editor. The editor shall edit, according to
16 acceptable scholarly standards, the selected materials which shall be published in documentary
17 volumes not to exceed approximately 700 pages each in length until full and representative
18 published colonial records of North Carolina shall have been achieved. The number of copies
19 of each volume to be so printed shall be determined by the Department of Cultural Resources,
20 and such determination shall be based on the number of copies the Department can reasonably
21 expect to sell in a period of 10 years from the date of publication. In any year during which the
22 Department of Cultural Resources has completed a volume and has it ready for publication, the
23 Department may include in its ~~continuation base~~ budget for that year sufficient funds to pay the
24 estimated costs of publishing the volume. In the event that the volume is not published during
25 that year, the appropriation made, or any unencumbered balance, shall revert to the general
26 fund."

27 **SECTION 6.4.(h)** This section becomes effective July 1, 2014, and applies
28 beginning with the recommended State budget of the 2015-2017 fiscal biennium.

29 30 **STATUTORY CHANGES RELATING TO THE HANDLING OF GRANTS TO** 31 **NON-STATE ENTITIES**

32 **SECTION 6.5.(a)** G.S. 143C-6-23 reads as rewritten:

33 **"§ 143C-6-23. State grant funds: administration; oversight and reporting requirements.**

34 (a) Definitions. – The following definitions apply in this section:

- 35 (1) ~~"Grant" and "grant funds" means~~ Grant or grant funds. – State funds
36 disbursed as a grant by a State agency; however, the terms do not include
37 any payment made by the Medicaid program, the State Health Plan for
38 Teachers and State Employees, or other similar medical programs.
- 39 (2) ~~"Grantee" means a~~ Grantee. – A non-State entity that receives State funds as
40 a grant from a State agency but does not include any non-State entity subject
41 to the audit and other reporting requirements of the Local Government
42 Commission.
- 43 (3) ~~"Subgrantee" means a~~ Subgrantee. – A non-State entity that receives State
44 funds as a grant from a grantee or from another subgrantee but does not
45 include any non-State entity subject to the audit and other reporting
46 requirements of the Local Government Commission.
- 47 (4) Encumbrance. – A financial obligation created by a purchase order, contract,
48 salary commitment, unearned or prepaid collections for services provided, or
49 other legally binding agreement. A financial obligation is not an
50 encumbrance for purposes of this section unless it (i) is in writing and has
51 been signed by a person or entity who has authority to legally bind the

1 grantee or subgrantee to spend the funds or (ii) was created by the provision
2 of goods or services to the grantee or subgrantee by a third party under
3 circumstances that create a legally binding obligation to pay for the goods or
4 services.

5 ...

6 (d) Office of State Budget Rules Must Require Uniform Administration of State Grants.
7 – The Office of State Budget and Management shall adopt rules to ensure the uniform
8 administration of State grants by all grantor State agencies and grantees or subgrantees. The
9 Office of State Budget and Management shall consult with the Office of the State Auditor and
10 the Attorney General in establishing the rules required by this subsection. The rules shall
11 establish policies and procedures for disbursements of State grants and for State agency
12 oversight, monitoring, and evaluation of grantees and subgrantees. The policies and procedures
13 shall:

14 ...

15 (5) Provide for adequate oversight and monitoring to prevent the misuse of grant
16 funds. These policies shall require each grantee and subgrantee to ensure
17 that, for accounting purposes, State funds and interest earned on those funds
18 remain separate and apart from other funds in the possession or control of
19 the grantee or subgrantee.

20 ...

21 (12) Provide procedures for the recovery and return to the grantor State agency of
22 unexpended grant funds from a grantee or subgrantee ~~if~~ (i) in accordance
23 with subsection (f1) of this section or (ii) in the event that the grantee or
24 subgrantee is unable to fulfill the purposes of the ~~grant~~ grant for a reason not
25 set forth in that subsection.

26 (d1) Required Grant Terms. – The terms of each grant shall include all of the following,
27 which shall be deemed a part of the grant:

28 (1) The limitation contained in G.S. 143C-6-8 concerning the availability of
29 appropriated funds.

30 (2) The relevant provisions of any legislation authorizing or governing the
31 administration of the grant.

32 (3) The terms of this section.

33 ...

34 (f1) Return of Grant Funds. – Except as otherwise required by federal law, a grantee or
35 subgrantee shall return to the State all affected grant funds and interest earned on those funds if
36 any of the following occurs:

37 (1) The funds are in the possession or control of a grantee and are not expended,
38 made subject to an encumbrance, or disbursed to a subgrantee by August 31
39 immediately following the fiscal year in which the funds are appropriated by
40 the General Assembly, or a different period set forth in the terms of the
41 applicable appropriation or federal grant.

42 (2) The funds remain unexpended at the time that the grantee or subgrantee
43 dissolves, ceases operations, or otherwise indicates that it does not intend to
44 spend the funds.

45 (3) The Office of State Budget and Management seeks to recover the funds
46 pursuant to subsection (f) of this act.

47 (f2) Use of Returned Grant Funds. – Encumbered funds returned to the State pursuant to
48 subsection (f1) of this section by a grantee or subgrantee shall upon appropriation by the
49 General Assembly be spent in accordance with the terms of the encumbrance. All other funds
50 returned to the State by a grantee or subgrantee pursuant to subsection (f1) of this section shall
51 be credited to the fund from which they were appropriated and shall remain unexpended and

1 unencumbered until appropriated by the General Assembly. Nothing in this section shall be
2 construed to authorize an expenditure pursuant to an unlawful encumbrance or in a manner that
3 would violate the terms of the appropriation of the grant funds at issue.

4 ...

5 (j) Use of Interest Earned on Grant Funds. – Except as otherwise required by federal
6 law or the terms of a federal grant, interest earned on grant funds after receipt of the funds by a
7 grantee or subgrantee shall be credited to the grantee or subgrantee and shall be used for the
8 same purposes for which the grant or subgrant was made.

9 (k) Reporting by Grantees and Subgrantees That Cease Operations. – A grantee or
10 subgrantee that intends to dissolve or cease operations shall report that decision in writing to
11 the Office of State Budget and Management and to the Fiscal Research Division at least 30
12 days prior to taking that action."

13 **SECTION 6.5.(b)** This section becomes effective July 1, 2014, and applies to
14 grants appropriated on or after that date.

15 16 **STATUTORY CHANGES RELATED TO THE DISPOSITION OF SETTLEMENT** 17 **FUNDS**

18 **SECTION 6.6.(a)** Article 1 of Chapter 114 of the General Statutes is amended by
19 adding a new section to read:

20 **"§ 114-2.4A. Disposition of funds received by the State or a State agency from a**
21 **settlement or other final order or judgment of the court.**

22 (a) Definition. – For purposes of this section, the term "settlement" means an agreement
23 entered into by the State or a State agency, with or without a court's participation, that ends (i) a
24 dispute, lawsuit, or part of the dispute or lawsuit or (ii) the involvement of the State or State
25 agency in the dispute, lawsuit, or part of the dispute or lawsuit. This term includes settlement
26 agreements, stipulation agreements, consent judgments, and consent decrees.

27 (b) Prohibition. – The following restrictions shall apply:

28 (1) Funds received by the State or a State agency from a settlement or other final
29 order or judgment of the court shall not be transferred or expended pursuant
30 to G.S. 143C-6-4 and shall remain unexpended until the funds are
31 appropriated by the General Assembly.

32 (2) The Attorney General, any subordinate who has been delegated the authority
33 to negotiate or approve a settlement, and any private counsel retained to
34 represent a State agency shall have no authority to include or agree to terms
35 or conditions in any settlement that authorizes the expenditure, transfer, or
36 award of funds to any person or entity other than (i) a party to the dispute or
37 lawsuit or (ii) a consumer entitled to a refund or the recovery of damages.

38 (c) Exception. – This section does not apply to funds received by the Department of
39 Health and Human Services to the extent those funds represent the recovery of previously
40 expended Medicaid funds.

41 (d) Recommendation. – The Attorney General may provide a nonbinding written
42 recommendation to the chairs of the Senate and House Appropriations Committees for their
43 consideration as to what purpose the funds subject to the prohibitions in subsection (b) of this
44 section should be appropriated for.

45 (e) Overrealized Receipts. – Any provision of law authorizing the expenditure of
46 overrealized receipts shall not apply to the funds referred to in subdivision (1) of subsection (b)
47 of this section unless the language of the law specifically references this section or specifically
48 references funds received by the State or a State agency from a settlement or other final order
49 or judgment of the court.

50 (f) Required Disposition. – If the terms of a federal grant, another provision of State or
51 federal law, or the State Constitution require a specific disposition of funds received from a

1 settlement or other final order or judgment of the court, nothing in this section shall be
2 construed to supersede, or authorize a deviation from, that specific disposition. Furthermore,
3 nothing in this subsection shall be construed to abrogate the requirement that funds drawn from
4 the State treasury be in consequence of appropriations made by law.

5 (g) Required Submission. – In addition to any other report or filing that may be required
6 by law, and unless the settlement is sealed pursuant to a written order of the court in accordance
7 with G.S. 132-1.3 or federal law, the Attorney General's Office shall submit a copy to the
8 Legislative Library of any settlement or other final order or judgment of the court in which the
9 State or a State agency receives funds. The submission required by this subsection shall be
10 made within 60 days of the date (i) the settlement is entered into or (ii) the final order or
11 judgment of the court is entered. Any information deemed confidential by State or federal law
12 shall be redacted from the copy of the settlement or other final order or judgment of the court
13 prior to submitting it to the Legislative Library."

14 **SECTION 6.6.(b)** This section is effective July 1, 2014, and applies to settlements
15 entered into on or after that date and other final orders or judgments of the court entered on or
16 after that date.

17 18 **PILOT PROGRAM TO IMPROVE BUDGETING OF THE GENERAL FUND**

19 **SECTION 6.7.(a)** Finding. – The General Assembly finds that State budgeting is
20 more transparent when the enacted budget for any given fiscal year appropriates all State funds
21 intended for expenditure during that fiscal year, including funds encumbered in prior fiscal
22 years, funds carried forward from prior fiscal years pursuant to statutory authority, and
23 unearned revenue earned in a prior fiscal year.

24 **SECTION 6.7.(b)** Review of Current Practices. – The Office of State Budget and
25 Management and the Office of the State Controller, in consultation with the Fiscal Research
26 Division, shall examine all of the following:

- 27 (1) How funds in the General Fund are currently accounted for, including
28 practices relating to (i) the reversion of appropriated funds to the General
29 Fund, (ii) the appropriation of funds to pay obligations incurred in prior
30 fiscal years, (iii) the movement of funds into and out of special funds, and
31 (iv) related matters.
- 32 (2) How the practices examined pursuant to subdivision (1) of this section
33 compare with those of other states.
- 34 (3) Whether any statutory or administrative changes would improve the
35 transparency and accounting accuracy of the General Fund.
- 36 (4) Whether the practices examined pursuant to subdivision (1) of this section
37 comply with applicable standards of the Governmental Accounting
38 Standards Board.

39 **SECTION 6.7.(c)** Pilot Program. – The Office of State Budget and Management
40 and the Office of the State Controller, in consultation with the Fiscal Research Division, shall
41 establish and operate a pilot program to test measures for improving the extent to which funds
42 that are to be spent in a given fiscal year are properly budgeted in that fiscal year. The pilot
43 program shall be subject to the following requirements:

- 44 (1) The pilot program shall include at least the following programs and funds:
 - 45 a. All grant programs and special funds within the Department of
46 Environment and Natural Resources.
 - 47 b. All unexpended appropriations carried forward by The University of
48 North Carolina pursuant to G.S. 116-30.3.
- 49 (2) Funds and programs that are included in the pilot program shall be subject to
50 the following requirements:

- 1 a. A 30-day liquidation period for encumbered funds that do not revert
2 at the end of the 2014-2015 fiscal year under G.S. 143C-1-2(b). If
3 encumbered funds have not been spent at the expiration of the 30-day
4 period, the appropriation of those funds shall lapse and the funds
5 shall revert to the fund from which the appropriation was made. The
6 funds required to satisfy the terms of the encumbrance may be
7 appropriated in the 2015-2016 fiscal year.
- 8 b. A requirement (i) that The University of North Carolina prepare an
9 estimate of the amount of funds it anticipates will be carried forward
10 into the 2015-2016 fiscal year pursuant to G.S. 116-30.3 and (ii) that
11 the Governor include this estimate in the budget recommendations
12 submitted pursuant to G.S. 143C-3-5 for the 2015-2016 fiscal year.

13 **SECTION 6.7.(d)** Report. – No later than October 1, 2015, the Office of State
14 Budget and Management and the Office of the State Controller, in consultation with the Fiscal
15 Research Division, shall report the results of the review and pilot program required by this
16 section to the chairs of the Senate Appropriations/Base Budget Committee, to the chairs of the
17 House Appropriations Committee, and to the Director of the Budget. The report may include a
18 recommendation to extend the pilot program for an additional fiscal year, if this is deemed
19 desirable.

20 **SECTION 6.7.(e)** Recommendations for an Alternative Pilot Program. – If the
21 Office of State Budget and Management and the Office of the State Controller, in consultation
22 with the General Assembly's Fiscal Research Division, determine that the pilot program
23 required by this section cannot be implemented, they shall report the reasons for reaching this
24 conclusion, along with any other findings and recommendations for future action, to the chairs
25 of the Senate Appropriations/Base Budget Committee, to the chairs of the House
26 Appropriations Committee, and to the Director of the Budget no later than February 1, 2015. If
27 a report is submitted pursuant to this subsection, then the pilot program required by subsection
28 (c) of this section shall not be implemented, but the review required by subsection (b) of this
29 section shall nonetheless be performed.

30 **SECTION 6.7.(f)** Expiration of Pilot Program. – The pilot program required by
31 this section shall expire upon the submission of the report required by subsection (d) of this
32 section or the submission pursuant to subsection (e) of this section stating that the pilot
33 program cannot be implemented.

34 **SECTION 6.7.(g)** Effective Date. – This section is effective when it becomes law
35 and applies to funds appropriated for the 2014-2015 fiscal year and subsequent fiscal years.
36

37 **ORDER OF APPROPRIATIONS BILLS**

38 **SECTION 6.8.** G.S. 143C-5-2 reads as rewritten:

39 **"§ 143C-5-2. Order of appropriations bills.**

40 (a) Each house of the General Assembly shall first pass its version of the Current
41 Operations Appropriations Act on third reading and order it sent to the other chamber before
42 placing any other appropriations bill on the calendar for second reading. This section does not
43 apply to the following bills:

- 44 (1) An appropriations bill to respond to an emergency as defined by
45 G.S. 166A-19.3.
- 46 (2) An appropriations bill making adjustments to the current year budget.
- 47 (3) An appropriations bill authorizing continued operations at current funding
48 levels.
- 49 (4) In even-numbered years, an appropriations bill that contains a statement that
50 the General Assembly does not intend to enact a Current Operations
51 Appropriations Act that year."

1 (d) Neither the failure to be designated pursuant to subsection (a) or (b) of this section
2 nor the failure to receive notification pursuant to subsection (c) of this section is a defense to a
3 violation of this Article.

4 **"§ 143-64.93. Penalties.**

5 Any person who violates this Article, or solicits or conspires with a person to violate this
6 Article, shall be guilty of a Class 3 misdemeanor and shall be fined in an amount no less than
7 one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000)."

8 **SECTION 6.9.(b)** Each agency shall make the designations required by
9 G.S. 143-64.92, enacted by subsection (a) of this section, no later than three months after the
10 effective date of this act.

11 **SECTION 6.9.(c)** Except for subsection (b) of this section, this section becomes
12 effective December 1, 2014, but shall not apply to any individual who otherwise would be
13 covered by Article 3I of Chapter 143 of the General Statutes, as enacted by subsection (a) of
14 this section, but has either accepted or commenced employment, or received compensation,
15 prior to that date.

16
17 **REPORTING ON AGENCY REORGANIZATIONS AND MOVEMENTS OF**
18 **POSITIONS**

19 **SECTION 6.10.** Article 6 of Chapter 143C of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 143C-6-12. Quarterly report on State agency reorganizations and movements of**
22 **positions.**

23 The Office of State Budget and Management shall report quarterly to the Joint Legislative
24 Commission on Governmental Operations on reorganizations of State agencies and movements
25 of State agency positions. Each report submitted pursuant to this section shall include all of the
26 following information for the previous quarter:

- 27 (1) A list of all reorganizations within State agencies or between State agencies.
28 (2) A list of all positions moved within a State agency or between State
29 agencies.
30 (3) A statement of the purpose of each reorganization and position movement
31 undertaken and of the legal authority under which each reorganization and
32 position movement was made."

33
34 **FISCAL RESPONSIBILITY IN BUDGETING**

35 **SECTION 6.11.(a)** G.S. 143C-5-3 reads as rewritten:

36 **"§ 143C-5-3. Availability statement—Statements of revenue, expenses, and statutory**
37 **compliance required.**

38 (a) In Act. — The Current Operations Appropriations Act enacted by the General
39 Assembly shall state the General Fund, Highway Fund, and Highway Trust Fund availability
40 used as basis for appropriations from those funds set out all of the following information:

- 41 (1) The availability used as a basis for appropriations from the General Fund,
42 the Highway Fund, and the Highway Trust Fund.
43 (2) The amount of nonrecurring revenue the act appropriates from the General
44 Fund, the Highway Fund, and the Highway Trust Fund for recurring
45 expenses and the recurring source of revenue that is expected to support the
46 recurring expenses in the next five fiscal years.
47 (3) The amount required by G.S. 143C-4-2 to be reserved to the Savings
48 Reserve Account, the difference in the amount the statute requires and the
49 act reserves, and the target amount set by statute for the Account.
50 (4) The amount required by G.S. 143C-4-3 to be reserved to the Repairs and
51 Renovations Reserve, the difference in the amount the statute requires and

1 the act reserves, the amount needed to meet the repair and renovations
 2 requirements for that year as identified in the most recent six-year capital
 3 improvement plan submitted by the Director under G.S. 143C-8-5, and the
 4 amount equal to one percent (1%) of the valuation of State buildings
 5 supported by the Reserve.

6 **(b) In Committee Report.** – The committee report that accompanies the Current
 7 Operations Appropriations Act enacted by the General Assembly shall include a budget outlook
 8 that forecasts the anticipated revenue and expenses of the General Fund, the Highway Fund,
 9 and the Highway Trust Fund for the upcoming five-year period. The forecast shall state the
 10 assumptions on which it is based and shall separately identify the expenses of any new program
 11 or program that is expanded by more than ten percent (10%). Anticipated expenses include all
 12 of the following:

13 (1) Those required to be included in a base budget.

14 (2) Those considered necessary by the Controller to provide a realistic forecast.

15 (3) A step increase in pay for each year for teachers and State employees paid
 16 on a stepped salary schedule that are eligible for an experience-based step
 17 and a pay increase of at least one percent (1%) for all State employees not
 18 paid on a stepped salary schedule."

19 **SECTION 6.11.(b)** G.S. 143C-3-5 reads as rewritten:

20 "**§ 143C-3-5. Budget recommendations and budget message.**

21 ...

22 ~~(e) Availability Estimates. Revenue Information.~~ – The recommended Current
 23 Operations Appropriations Act shall contain ~~a statement showing the estimates of General Fund~~
 24 ~~availability, Highway Fund availability, and Highway Trust Fund availability upon which the~~
 25 ~~Recommended State Budget is based.~~ the information on revenue and expenses required by
 26 G.S. 143C-5-3(a).

27 **(f) Budget Message.** – The Governor's budget recommendations shall be accompanied
 28 by a written budget message that does all of the following:

29 (1) Explains the goals embodied in the recommended budget.

30 (2) Explains important features of the activities anticipated in the budget.

31 (3) Explains the assumptions underlying the statement of revenue availability.

32 (4) Sets forth the reasons for changes from the previous biennium or fiscal year,
 33 as appropriate, in terms of programs, program goals, appropriation levels,
 34 and revenue yields.

35 (5) Identifies anticipated sources of funding for major spending initiatives.

36 ~~(6) Prepares a fiscal analysis that addresses the~~ Provides a forecast of the State's
 37 budget outlook for the upcoming five-year period. period that includes the
 38 information required in G.S. 143C-5-3. ~~This fiscal analysis shall include~~
 39 ~~detailed estimates for five years for any proposals to create new or~~
 40 ~~significantly expand programs and for proposals to create new or change~~
 41 ~~existing law.~~

42 "

43 **SECTION 6.11.(c)** G.S. 120-36.7(a) reads as rewritten:

44 **"(a) Budget Outlook; Proposed Legislation.** – Every fiscal analysis or forecast of the
 45 State budget outlook shall encompass the upcoming five-year period. Every fiscal analysis of
 46 the impact of proposed legislation on the State budget shall estimate the impact for the first five
 47 fiscal years the legislation would be in effect."

49 **PART VII. INFORMATION TECHNOLOGY**

51 **INFORMATION TECHNOLOGY FUND**

1 **SECTION 7.1.** Section 7.1 of S.L. 2013-360 reads as rewritten:
 2 **"SECTION 7.1.** The availability used to support appropriations made in this act from the
 3 Information Technology Fund established in G.S. 147-33.72H is as follows:

	FY 2013-2014	FY 2014-2015
6 General Fund Appropriation for IT Fund	\$6,053,142	\$6,055,342 \$7,426,816
7 General Fund Appropriation for		
8 Government Data Analytics Center	\$3,000,000	\$4,417,515 \$7,917,515
9 <u>GDAC Carryforward</u>		<u>\$1,500,000</u>
10 <u>Criminal Justice Law Enforcement Automated Data System</u>		
11 (CJLEADS)		<u>\$1,129,488</u>
12 <u>Transfer from Department of Commerce for LiDAR</u>		<u>\$3,266,157</u>
13 <u>Geodetic Survey Transfer</u>		<u>\$852,492</u>
14 <u>Geospatial Technology Management Transfer</u>		<u>\$6,002</u>
15 Interest	\$2,200	\$2,200
16 IT Fund Balance, June 30	\$0	\$0 \$2,200
17		
18 Total Funds Available	\$9,055,342	\$10,475,057 \$22,102,870
19 Appropriations are made from the Information Technology Fund for the 2013-2015 fiscal		
20 biennium as follows:		
21 Information Technology Operations		
22 Criminal Justice Information Network	\$189,563	\$189,563
23 Center for Geographic Information and Analysis	\$495,338	\$495,338 \$4,619,989
24 Enterprise Security Risk Management	\$864,148	\$864,148
25 Enterprise Project Management Office	\$1,473,285	\$1,473,285
26 Architecture and Engineering	\$851,986	\$851,986
27 State Web Site <u>Portal</u>	\$224,741	\$224,741 \$1,588,415
28 Enterprise Licenses	\$33,000	\$33,000
29 <u>Longitudinal Data Board</u>		<u>\$5,000</u>
30 <u>Unmanned Aircraft Systems Board</u>		<u>\$5,000</u>
31 Subtotal Information Technology Operations	\$4,132,061	\$4,132,061 \$9,630,386
32		
33 Information Technology Projects		
34 Government Data Analytics Center	\$3,000,000	\$4,417,515 \$9,417,515
35 <u>CJLEADS</u>		<u>\$1,129,488</u>
36 IT Consolidation	\$1,021,081	\$1,021,081
37 Electronic Forms/Digital Signatures	\$900,000	\$900,000
38 Subtotal Information Technology Projects	\$4,921,081	\$6,338,596 \$12,468,084
39 Total	\$9,053,142	\$10,470,657 \$22,098,470

41 Unless a change is approved by the State Chief Information Officer after
 42 consultation with the Office of State Budget and Management, funds appropriated to the
 43 Information Technology Fund shall be spent only as specified in this section. Changes shall not
 44 result in any degradation to the information technology operations or projects listed in this
 45 section for which the funds were originally appropriated.

46 Any changes to the specified uses shall be reported immediately in writing to the
 47 Chairs of the Joint Legislative Oversight Committee on Information Technology, the Chair and
 48 Cochair of the House Appropriations Subcommittee on Information Technology, and the Fiscal
 49 Research Division."

51 **INFORMATION TECHNOLOGY INTERNAL SERVICE FUND/RATE SETTING**

1	Prepare/Focus	\$ 250,000	\$ 0
2	Plan	1,570,806	2,239,512 1,570,806
3	Build	1,507,353	2,882,254 1,507,353
4	Remediation	1,100,000	600,000
5	Security	1,571,394	392,788
6	Network Simplification	0	4,832,485
7	Desktop Remediation	17,000,000	13,300,000 6,300,000
8	Desktop Software Licenses	4,015,000	2,300,000
9	Operate	985,447	685,446 185,446
10	Customer Data	0	1,000,000 0
11	Secure Sign-On	0	3,350,000 2,232,515
12	Innovation Center	0	0

13 **"SECTION 7.3.(c)** ~~By September 15, 2013,~~September 15, 2014, the State Chief
 14 Information Officer shall ~~provide a update~~ the time line for completing initiatives included in
 15 the IT Reserve Fund to the Joint Legislative Oversight Committee on Information Technology,
 16 the House Appropriations Subcommittee on Information Technology, and the Fiscal Research
 17 Division. The time line shall include the dates for completion of a strategic plan, an enterprise
 18 architecture, a new business case methodology, and implementation of a new project
 19 management process. Not later than the dates specified in the time line, each of these
 20 documents shall be submitted to the Joint Legislative Oversight Committee on Information
 21 Technology, the House Appropriations Subcommittee on Information Technology, and the
 22 Fiscal Research Division.

23 **"SECTION 7.3.(d)** Unless a change is approved by the State Chief Information Officer
 24 after consultation with the Office of State Budget and Management, funds appropriated to the
 25 IT Reserve Fund shall be spent only as specified in this section. Changes shall not result in any
 26 degradation to the purposes for which the funds were originally appropriated.

27 Any changes to the specified uses shall immediately be reported in writing to the Chairs of
 28 the Joint Legislative Oversight Committee on Information Technology, the Chair and Cochair
 29 of the House Appropriations Subcommittee on Information Technology, and the Fiscal
 30 Research Division."

31
 32 **INFORMATION TECHNOLOGY OPERATIONS**

33 **SECTION 7.4.(a)** Section 7.4 of S.L. 2013-360 is amended by adding a new
 34 subsection to read:

35 **"SECTION 7.4.(a1)** Unless an exception is granted in writing by the State Chief
 36 Information Officer, any new equipment purchased by State agencies to replace equipment
 37 currently housed in State agency data centers and any equipment purchased to provide new data
 38 center capabilities for State agencies shall be installed in Office of Information Technology
 39 Services data centers. Prior to purchasing any new equipment, State agencies shall coordinate
 40 with the Office of the State Chief Information Officer and the Office of Information
 41 Technology Services to ensure ITS has the capability to support planned equipment purchases.

42 By August 1, 2014, the Office of the State Chief Information Officer shall identify the
 43 individual and office responsible for overseeing the process required by this subsection and
 44 report the name of the identified individual to the Joint Legislative Oversight Committee on
 45 Information Technology and the Fiscal Research Division.

46 Beginning October 1, 2014, the Office of the State CIO shall report quarterly in writing to
 47 the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research
 48 Division on the implementation of this requirement, the specific nature of any exceptions
 49 granted, and the reason for each exception."

50 **SECTION 7.4.(b)** Section 7.4(c) of S.L. 2013-360 reads as rewritten:

1 ~~"SECTION 7.4.(c) Restructuring Plan. – The State CIO shall conduct a comprehensive~~
2 ~~review of the State's overall information technology operations, including the efficacy of~~
3 ~~existing exemptions and exceptions from unified State IT governance. Based upon this~~
4 ~~analysis, the~~ The State CIO shall develop a update the plan to restructure the State's IT
5 operations for the most effective and efficient utilization of resources and capabilities. The plan
6 shall include identifying, documenting, and providing a framework for developing and
7 implementing the education and training required for all State information technology
8 personnel, including information technology contracting professionals. Each State agency,
9 department, and institution, and The University of North Carolina, shall (i) cooperate fully with
10 the Office of the State CIO during the review and assessment phase of restructuring plan
11 development and (ii) provide to the State CIO all information needed to carry out the purposes
12 of this subsection. By ~~May 1, 2014,~~ December 1, 2014, the State CIO shall present the plan to
13 the Joint Legislative Oversight Committee on Information Technology, along with any
14 recommended legislative proposals for implementation to be considered for introduction during
15 the 2014 Regular Session of the 2013 General Assembly to the 2015 General Assembly.

16 By August 1, 2014, the Office of the State Chief Information Officer shall identify the
17 individual and office responsible for overseeing the process required by this subsection and
18 report the name of the identified individual to the Joint Legislative Oversight Committee on
19 Information Technology and the Fiscal Research Division."
20

21 TAX INFORMATION MANAGEMENT SYSTEM CHANGES

22 **SECTION 7.5.(a)** The public-private partnerships previously initiated to develop
23 and implement the Tax Information Management Systems (TIMS) are no longer authorized.
24 Effective July 1, 2014, all funding for the TIMS project must be appropriated by the General
25 Assembly to the Department of Revenue for each initiative comprising the project, including all
26 funding generated by the benefits stream.

27 **SECTION 7.5.(b)** Section 7.17 of S.L. 2013-360 reads as rewritten:

28 ~~"SECTION 7.17.(a) Additional Public-Private Partnership. – The Secretary of Revenue~~
29 ~~may enter into an additional public-private arrangement in order to expand the implementation~~
30 ~~of the Tax Information Management System (TIMS). All such arrangements will terminate~~
31 ~~June 30, 2018. The public private arrangement may include terms necessary to implement~~
32 ~~additional revenue increasing or cost savings components if all of the following conditions are~~
33 ~~met: January 31, 2014.~~

- 34 (1) ~~The funding of the project under the arrangement comes from revenue~~
35 ~~generated by or cost savings resulting from the project.~~
36 (2) ~~The funding of the project is dependent on increased revenue or cost savings~~
37 ~~streams that are different from the existing benefits stream for the~~
38 ~~implementation of TIMS.~~
39 (3) ~~The project involves additional identified initiatives that will be integrated~~
40 ~~into the TIMS solution.~~

41 ~~"SECTION 7.17.(b) Contracts. – Work under an additional public private arrangement that~~
42 ~~is authorized by this section may be contracted by requests for proposals, modifications to the~~
43 ~~existing contracts, purchases using existing contracts, or other related contract vehicles.~~

44 **SECTION 7.17.(c)** Management/Performance Measurement. – The Secretary of Revenue
45 shall follow the existing model for public private arrangement oversight and shall establish a
46 measurement process to determine the increased revenue or cost-savings attributed to the
47 additional public private arrangement contracts authorized by this section. To accomplish this,
48 the Secretary shall consult subject matter experts in the Department of Revenue, in other
49 governmental units, and in the private sector, as necessary. At a minimum, the measurement
50 process shall include all of the following:

- 1 (1) Calculation of a revenue baseline against which the increased revenue
2 attributable to the project is measured and a cost-basis baseline against
3 which the cost-savings resulting from the project are measured.
- 4 (2) Periodic evaluation to determine whether the baselines need to be modified
5 based on significant measurable changes in the economic environment.
- 6 (3) Monthly calculation of increased revenue and cost-savings attributable to
7 contracts executed under this section.

8 ~~"SECTION 7.17.(d) Funding. — Of funds generated from increased revenues or~~
9 ~~cost savings, as compared to the baselines established by subdivision (1) of subsection (c) of~~
10 ~~this section, in the General Fund, the Highway Fund, and that State portion of the Unauthorized~~
11 ~~Substance Tax collections of the Special Revenue Fund, the sum of up to a total of sixteen~~
12 ~~million dollars (\$16,000,000) may be authorized by the Office of State Budget and~~
13 ~~Management to make purchases related to the implementation of the additional public-private~~
14 ~~arrangement authorized by this section, including payments for services from non-State~~
15 ~~entities.~~

16 ~~"SECTION 7.17.(e) Internal Costs. — For the 2013-2015 fiscal biennium the Department~~
17 ~~of Revenue may retain an additional sum of eight million eight hundred seventy-four thousand~~
18 ~~three hundred nineteen dollars (\$8,874,319) from benefits generated for the General Fund since~~
19 ~~the beginning of the public-private partnership described under Section 6A.5(a) of S.L.~~
20 ~~2011-145. These funds shall be used as payment of internal costs for the fiscal biennium, and~~
21 ~~such funds are hereby appropriated for this purpose.~~

22 ~~"SECTION 7.17.(f) Expert Counsel Required. — Notwithstanding G.S. 114-2.3, the~~
23 ~~Department of Revenue shall engage the services of private counsel with the pertinent~~
24 ~~information technology and computer law expertise to negotiate and review contracts~~
25 ~~associated with an additional public-private arrangement authorized entered into under this~~
26 ~~section.~~

27 ~~"SECTION 7.17.(g) Oversight Committee. — The Oversight Committee established under~~
28 ~~Section 6A.5(c) of S.L. 2011-145 shall have the same responsibilities and duties with respect to~~
29 ~~an additional public-private arrangement authorized by this section as it does with respect to~~
30 ~~public-private arrangements to implement TIMS and the additional Planning and Design~~
31 ~~Project (PDP) components.~~

32 ~~"SECTION 7.17.(h) Reporting. — Beginning August 1, 2013, and quarterly thereafter, the~~
33 ~~Department of Revenue shall submit detailed written reports to the Chairs of the House of~~
34 ~~Representatives Appropriations Committee, to the Chairs of the Senate Committee on~~
35 ~~Appropriations/Base Budget, to the Joint Legislative Oversight Committee on Information~~
36 ~~Technology, and to the Fiscal Research Division of the General Assembly. The report shall~~
37 ~~include an explanation of all of the following:~~

- 38 (1) Details of each public-private contract.
- 39 (2) The benefits from each contract.
- 40 (3) A comprehensive forecast of the benefits of using public-private agreements
41 to implement TIMS, the additional PDP components, and additional
42 components authorized by this section, including cost savings and the
43 acceleration of the project time-line.
- 44 (4) Any issues associated with the operation of the public-private partnership.

45 ~~"SECTION 7.17.(i) Information Technology Project Oversight. — In addition to the~~
46 ~~oversight provided by the Oversight Committee established in Section 6A.5(c) of S.L.~~
47 ~~2011-145, the additional public-private arrangement Contracts pertaining to TIMS as~~
48 ~~authorized by this section shall be subject to existing State information technology project~~
49 ~~oversight laws and statutes, and the project management shall comply with all statutory~~
50 ~~requirements and other criteria established by the State Chief Information Officer and the~~
51 ~~Office of State Budget and Management for information technology projects. The State Chief~~

1 Information Officer and the Office of State Budget and Management shall immediately report
2 any failure to do so to the Joint Legislative Oversight Committee on Information Technology,
3 the Chairs of the House of Representatives and Senate Committees on Appropriations, and the
4 Fiscal Research Division.

5"

6 **SECTION 7.5.(c)** Section 6A.5 of S.L. 2011-145, as amended by Section 6A.3(j)
7 of S.L. 2012-142 and Section 7.17(j) of S.L. 2013-360, reads as rewritten:

8 "**SECTION 6A.5.(c)** There is established within the Department of Revenue the Oversight
9 Committee for reviewing and approving the benefits measurement methodology and
10 calculation process. The Oversight Committee shall review and approve in writing all contracts,
11 including change orders, amendments to contracts, and addendums to contracts, before they are
12 executed under this section. This shall include (i) details of each public-private contract, (ii) the
13 benefits from each contract, and (iii) a comprehensive forecast of the benefits of using
14 public-private agreements to implement TIMS and the additional PDP components, including
15 the measurement process established for the Secretary of Revenue. The Oversight Committee
16 shall approve all of the fund transfers for this project. Within five days of entering into a
17 contract, the Department shall provide copies of each contract and all associated information to
18 the Joint Legislative Oversight Committee on Information Technology, the Chairs of the House
19 of Representatives and Senate Committees on Appropriations, and the Fiscal Research
20 Division.

21 The members of the Committee shall include the following:

- 22 (1) The Director of the Office of State Budget and Management;
- 23 (2) The Secretary of the Department of Revenue;
- 24 (3) The State Chief Information Officer;
- 25 (3a) The State Auditor;
- 26 (4) Two persons appointed by the Governor;
- 27 (5) One member of the general public having expertise in information
28 technology appointed by the General Assembly upon the recommendation of
29 the Speaker of the House of Representatives; and
- 30 (6) One member of the general public having expertise in economic and revenue
31 forecasting appointed by the General Assembly upon recommendation of the
32 President Pro Tempore of the Senate.

33 The State Budget Director shall serve as chair of the Committee. The Committee shall set
34 its meeting schedule and adopt its rules of operation by majority vote. A majority of the
35 members constitutes a quorum. Vacancies shall be filled by the appointing authority.
36 Administrative support staff shall be provided by the Department of Revenue. Members of the
37 Committee shall receive reimbursements for subsistence and travel expenses as provided by
38 Chapter 138 of the General Statutes. The Committee shall terminate on June 30, 2018.

39 The Department shall provide copies of the minutes of each meeting and all associated
40 information to the Joint Legislative Oversight Committee on Information Technology, the
41 Chairs of the House of Representatives Appropriations Committee, the Chairs of the Senate
42 Committee on Appropriations/Base Budget, and the Fiscal Research Division.

43 **"SECTION 6A.5.(c1) The TIMS Oversight Committee created by Section 6A.5(c) of this**
44 **act shall do all of the following:**

- 45 (1) Approve and monitor management performance measures.
- 46 (2) Approve project initiatives.
- 47 (3) Approve project changes.
- 48 (4) Provide project oversight.
- 49 (5) Review funding requirements and project expenditures.
- 50 (6) Provide TIMS project recommendations to the Department of Revenue and
51 the General Assembly.

1 (7) Ensure Department of Revenue compliance with all applicable laws.

2 "**SECTION 6A.5.(c2)** Beginning August 1, 2014, and quarterly thereafter, the Department
3 of Revenue shall submit detailed quarterly reports to the Joint Legislative Oversight Committee
4 on Information Technology, the Chairs of the Senate Appropriations Committee on General
5 Government and Information Technology, the Chairs of House Appropriations Subcommittee
6 on General Government, the Chair of the House Appropriations Subcommittee on Information
7 Technology, and the Fiscal Research Division. At a minimum, the reports shall include all of
8 the following:

9 (1) Project status, to include any issues identified by the Enterprise Project
10 Management Office.

11 (2) Comparison of project status to the time line, with an explanation of any
12 differences.

13 (3) Any changes in project cost.

14 (4) Actual expenditures to date.

15 (5) Any variances from projected expenditures and the reasons for the variance.

16 (6) Any potential funding shortfalls and their impact.

17 (7) Any issues identified by the Department of Revenue, with a corrective action
18 plan and a time line for resolving the issues.

19 (8) Impact of any issues identified on the project schedule.

20 (9) Impact of any issues identified on project cost.

21 (10) Any changes to the project scope.

22 (11) Any change requests submitted to project vendors and the cost of the
23 changes."

25 **GOVERNMENT DATA ANALYTICS CENTER/BUSINESS INTELLIGENCE**

26 **SECTION 7.6.(a)** G.S. 143B-426.38A reads as rewritten:

27 "(a) State Government Data Analytics. – The State shall initiate across State agencies,
28 departments, and institutions a data integration and data-sharing initiative that is not intended to
29 replace transactional systems but is instead intended to leverage the data from those systems for
30 enterprise-level State business intelligence. For the purposes of this section, the term "business
31 intelligence (BI)" means the process of collecting, organizing, sharing, and analyzing data
32 through integrated data management, reporting, visualization, and advanced analytics to
33 discover patterns and other useful information that will allow policymakers and State officials
34 to make more informed decisions. The term also includes:

35 (1) Broad master data management capabilities such as data integration, data
36 quality and enrichment, data governance, and master data management to
37 collect, reference, and categorize information from multiple sources.

38 (2) Self-service query and reporting capabilities to provide timely, relevant, and
39 actionable information to business users delivered through a variety of
40 interfaces, devices, or applications based on their specific roles and
41 responsibilities.

42 All State agency business intelligence requirements, including any planning or development
43 efforts associated with creating BI capability, shall be implemented through the GDAC using
44 established contracts. The State Chief Information Officer shall ensure that State agencies use
45 the GDAC for agency business intelligence requirements.

46 ...

47 ~~(d1) Appropriations.—Of the funds appropriated to the Information Technology Fund,~~
48 ~~the sum of three million dollars (\$3,000,000) for the 2013-2014 fiscal year and the sum of four~~
49 ~~million four hundred seventeen thousand five hundred fifteen dollars (\$4,417,515) for the~~
50 ~~2014-2015 fiscal year shall be used to support the GDAC and NCFACTS. Of these funds, the~~
51 ~~sum of one million four hundred seventeen thousand five hundred fifteen dollars (\$1,417,515)~~

1 shall be used in each fiscal year of the 2013-2015 biennium for OSC internal costs. For fiscal
2 year 2014-2015, of the funds generated by GDAC and NCFACTS projects and returned to the
3 General Fund, the sum of up to five million dollars (\$5,000,000) is appropriated to fund GDAC
4 and NCFACTS, to include vendor payments. Prioritization for the expenditure of these funds
5 shall be for State costs associated with GDAC first, then vendor costs second. Funds in the
6 2013-2015 fiscal year budgets for GDAC and NCFACTS shall be used solely to support the
7 continuation for these priority project areas.

8"

9 **SECTION 7.6.(b)** Of the funds appropriated to the Information Technology Fund,
10 the sum of nine million four hundred seventeen thousand five hundred fifteen dollars
11 (\$9,417,515) for the 2014-2015 fiscal year shall be used to support the GDAC and NCFACTS.
12 Of these funds, the sum of one million four hundred seventeen thousand five hundred fifteen
13 dollars (\$1,417,515) shall be used in each fiscal year of the 2013-2015 fiscal biennium for
14 Office of State Controller internal costs. An additional one million one hundred twenty-nine
15 thousand four hundred eighty-eight dollars (\$1,129,488) for the 2014-2015 fiscal year shall be
16 used to support the Criminal Justice Law Enforcement Automated Data System.

17 18 INFORMATION TECHNOLOGY CONTRACTS

19 **SECTION 7.7.(a)** Section 7.7(a) of S.L. 2013-360 reads as rewritten:

20 "**SECTION 7.7.(a)** SCIO Review. – The State Chief Information Officer (State CIO) shall
21 review all State information technology (IT) contracts and shall develop a plan to consolidate
22 duplicate IT contracts and multiple IT contracts with the same vendor. The State CIO shall
23 ensure that all State information technology contracts include provisions for a detailed
24 performance schedule with specific milestones and deliverables, including appropriate penalties
25 for any failure to fulfill those requirements."

26 **SECTION 7.7.(b)** Section 7.7 of S.L. 2013-360 is amended by adding a new
27 subsection to read:

28 "**SECTION 7.7.(g)** Enhance State IT Contract Expertise. – The State Chief Information
29 Officer (State CIO), the Office of State Human Resources, the Department of Computer
30 Science at North Carolina State University, the Schools of Government and Law at the
31 University of North Carolina at Chapel Hill, and, in the discretion of the State CIO, schools and
32 departments at other public and private institutions of higher learning in the State, shall work
33 jointly to create a career path for State government information technology contracting
34 professionals that includes defined qualifications, career progression, training opportunities,
35 and appropriate compensation. By December 1, 2014, the State CIO shall submit a detailed,
36 fully implementable plan to create the career path for State government information technology
37 contracting professionals to the Joint Legislative Oversight Committee on Information
38 Technology and the Fiscal Research Division."

39 40 INFORMATION TECHNOLOGY PERSONAL SERVICES CONTRACT 41 REQUIREMENTS

42 **SECTION 7.8.** Section 7.8 of S.L. 2013-360, as amended by Section 2.3 of S.L.
43 2013-363, reads as rewritten:

44 "**SECTION 7.8.(a)** Notwithstanding any provision of law to the contrary,
45 no contract for information technology personal services, or that provides personnel to perform
46 information technology functions, may be established or renewed without written approval
47 from the Statewide Information Technology Procurement Office and the Office of State Budget
48 and Management. To facilitate compliance with this requirement, the Statewide Information
49 Technology Procurement Office shall develop and document the following:

- 50 (1) Standards for determining whether it is more appropriate for an agency to
51 hire an employee or use the services of a vendor.

1 (2) A process to monitor all State agency personal services contracts, as well as
2 any other State contracts providing personnel to perform information
3 technology functions.

4 (3) A process for obtaining approval of contractor positions.

5 By no later than September 1, 2014, this documentation shall be submitted to the Joint
6 Legislative Committee on Information Technology and to the Fiscal Research Division.

7 The Statewide Information Technology Procurement Office shall review current personal
8 services contracts and determine if each contractor is performing a function that could more
9 appropriately be performed by a State employee. Where the determination is made that a State
10 employee should be performing the function, the Statewide Information Technology
11 Procurement Office shall work with the impacted agency, the Office of State Budget and
12 Management, and the Office of ~~State Personnel~~ State Human Resources to identify or create the
13 position.

14 "SECTION 7.8.(b) Beginning October 1, 2014, the Office of the State Chief Information
15 Officer shall submit quarterly a detailed written report to the Joint Legislative Oversight
16 Committee on Information Technology and Fiscal Research Division on information
17 technology (IT) personal services contracts. At a minimum, the report shall include all of the
18 following:

19 (1) The name of the individual and the office responsible for overseeing IT
20 personal services contractors for the State.

21 (2) Number of IT personal services contract personnel in each State agency.

22 (3) Length of time each personal services contractor has been engaged by the
23 State, in any capacity, as a personal services contractor.

24 (4) Cost for each personal services contractor, with subtotals by agency and the
25 grand total for the State as a whole.

26 (5) Comparable cost (including benefits and other support costs) for a State
27 employee providing the same function, with subtotal by agency and the
28 grand total for the State as a whole.

29 (6) Change in number of personal service contractors by State agency, and for
30 the State as a whole, since the previous report.

31 (7) Number of personal service contractors whose contracts have been extended
32 since the previous report, by State agency and for the State as a whole.

33 (8) Number of personal services contractors added by State agency, and the
34 State as a whole, since the previous report.

35 (9) Change in total annualized cost for personal services contractors by State
36 agency and for the State as a whole.

37 (10) Number of personal service contractors who have converted status to State
38 employment, by State agency and for the State as a whole, with the
39 annualized costs savings to the State.

40 (11) Number of status conversions from contractor to State employee pending, by
41 State agency and for the State as a whole.

42 (12) Number of personal services contractor positions eliminated since the
43 previous report.

44 (13) Efforts made by the Office of the State CIO, the Office of State Budget and
45 Management, and the Office of State Human Resources to oversee and
46 manage the IT personal services contractor process.

47 ~~Beginning October 1, 2013, the Statewide Information Technology Procurement Office~~
48 ~~shall report to the Joint Legislative Oversight Committee on Information Technology and the~~
49 ~~Fiscal Research Division on its progress toward standardizing information technology personal~~
50 ~~services contracts. In addition, the report shall include detailed information on the number of~~

1 ~~personal service contractors in each State agency, the cost for each, and the comparable cost~~
2 ~~(including benefits) of a State employee serving in that capacity rather than a contractor."~~
3

4 STATE INFORMATION TECHNOLOGY INNOVATION CENTER

5 SECTION 7.9.(a) Section 7.13 of S.L. 2013-360 reads as rewritten:

6 ~~"SECTION 7.13."~~SECTION 7.13.(a) The State Chief Information Officer (CIO) may
7 operate a State Information Technology Innovation Center (Center) to develop and demonstrate
8 technology solutions with potential benefit to the State and its citizens. The Center may
9 facilitate the piloting of potential solutions to State technology requirements. In operating the
10 Center, the State CIO shall ensure that all State laws, rules, and policies are followed. Vendor
11 participation in the Center shall not be construed to (i) create any type of preferred status for
12 vendors or (ii) abrogate the requirement that the State CIO ensure that agency and statewide
13 requirements for information technology support (including those for the Office of the State
14 CIO and the Office of Information Technology Services) are awarded based on a competitive
15 process that follows information technology procurement guidelines. Beginning July 1, 2013,
16 the State CIO shall report to the Joint Legislative Oversight Committee on Information
17 Technology on a quarterly basis on initiatives being developed and implemented within the
18 Center, as well as on the sources and amounts of resources used to support the Center.

19 "SECTION 7.13.(b) In addition to the requirements of subsection (a) of this section, the
20 State CIO shall report to the Joint Legislative Oversight Committee on Information Technology
21 on the results of any initiatives conducted through the Center and whether each initiative will
22 result in a new information technology project or program."

23 SECTION 7.9.(b) A State agency that undertakes an information technology
24 product or service integration effort shall coordinate that effort with the State Information
25 Technology Innovation Center (Center) and shall document that coordination in writing.
26 Agencies shall use the resources of the Center whenever practicable.
27

28 ENTERPRISE GRANTS MANAGEMENT

29 SECTION 7.10. Section 7.14(b) of S.L. 2013-360 reads as rewritten:

30 "SECTION 7.14.(b) There is established a Grants Management Oversight Committee
31 (Committee) to coordinate the development of an enterprise grants management system. The
32 Committee shall be chaired by the State Chief Information Officer. Committee membership
33 shall include the Director of the Office of State Budget and Management, the State Auditor, the
34 Department of Transportation Chief Information Officer, and the State Controller. The State
35 Auditor shall serve as a nonvoting member. The Committee shall:

- 36 (1) Establish priorities for moving agencies to the enterprise system.
- 37 (2) Establish priorities for development and implementation of system
38 capabilities.
- 39 (3) Define system requirements.
- 40 (4) Approve plans associated with system development and implementation.
- 41 (5) Review costs and approve funding sources for system development and
42 implementation.
- 43 (6) Ensure any system benefits are realistic and realized.

44 The Committee shall meet at least quarterly. The Committee shall prepare and submit
45 meeting minutes promptly to the Joint Legislative Oversight Committee on Information
46 Technology and the Fiscal Research Division no more than five days after each meeting.

47 By August 1, 2014, the Office of the State Chief Information Officer shall identify the
48 individual and office responsible for overseeing development of the grants management system
49 and report that information to the Joint Legislative Oversight Committee on Information
50 Technology and the Fiscal Research Division."
51

VEHICLE MANAGEMENT

SECTION 7.11.(a) If Section 7.16(e) of S.L. 2013-360 is repealed during the 2014 Regular Session of the 2013 General Assembly, then Section 7.16 is amended by adding the following new subsection:

SECTION 7.16.(g) Until December 31, 2015, no State or local governmental entity or officer may procure or operate an unmanned aircraft system or disclose personal information about any person acquired through the operation of an unmanned aircraft system unless the State CIO approves an exception specifically granting disclosure, use, or purchase. Any exceptions to the prohibition in this subsection shall be reported immediately to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division. The following definitions apply in this section:

- (1) "Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft.
- (2) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system."

SECTION 7.11.(b) Section 7.16 of S.L. 2013-360 is amended by adding a new section to read:

SECTION 7.16.(h) The State CIO shall implement a cross-functional UAS Governance Board (Board) to oversee UAS operations within the State of North Carolina. The Board shall meet at least quarterly and shall provide recommendations regarding long term UAS governance and operations to the Office of the State CIO and the Joint Legislative Oversight Committee on Information Technology. Administrative support for the Board shall be provided by the Office of the State CIO. The Board shall be composed of eleven members as follows:

- (1) State Chief Information Officer, who shall serve as chair.
- (2) These officers or their respective designees:
 - a. Secretary of the Department of Transportation.
 - b. Secretary of the Department of Environment and Natural Resources.
 - c. Secretary of the Department of Public Safety.
 - d. North Carolina Attorney General.
 - e. Director of the Next Generation Air Transportation Center.
- (3) One member of the State Bar appointed by the Governor.
- (4) One member of the public with aviation expertise appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
- (5) One member of the North Carolina Sheriffs' Association or North Carolina Police Chiefs' Association appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate
- (6) One member of the public with information privacy expertise appointed the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (7) One member representing local first responders appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives."

USE OF MOBILE COMMUNICATIONS DEVICES

SECTION 7.12.(a) G.S. 147-33.91(a) reads as rewritten:

"(a) With respect to State agencies, the State Chief Information Officer shall exercise general coordinating authority for all telecommunications and mobile electronic communications matters relating to the internal management and operations of those agencies.

In discharging that responsibility, the State Chief Information Officer, in cooperation with affected State agency heads, may:

- ...
 - (14) Monitor the use of mobile electronic communications devices within State agencies and maintain information on the following:
 - a. The total number of devices issued by each agency.
 - b. The total cost of mobile devices issued by each agency.
 - c. The number and cost of new devices issued.
 - d. The contracts used to obtain the devices."

SECTION 7.12.(b) Section 7.18 of S.L. 2013-360 is repealed.

STATE PORTAL IMPLEMENTATION/REQUIREMENTS

SECTION 7.13.(a) The State Chief Information Officer shall implement and operate a statewide electronic portal to increase the convenience of members of the public in conducting online transactions with, and obtaining information from, State government, and to facilitate their interactions and communications with government agencies. The portal shall be developed using State information technology resources, to include resources available through The University of North Carolina and its constituent institutions.

SECTION 7.13.(b) Prior to implementation of a State portal, the State Chief Information Officer shall provide all of the following to the General Assembly:

- (1) A detailed plan for development and implementation of the portal, to include a list of anticipated applications to be implemented during fiscal years 2014-2015 and 2015-2016.
- (2) A description of how the portal is to be implemented, to include detailed information on potential costs, including total cost of ownership of the portal and any applications proposed for implementation during fiscal years 2014-2015 and 2015-2016.
- (3) A funding model for the implementation that does not increase the cost of access to services for any citizen of the State.

SECTION 7.13.(c) The State portal project shall meet all requirements for project management established by the State Chief Information Officer and State law. Participation by State agencies in the State portal shall be voluntary. State agency receipts shall not be affected by the development and implementation of the State portal. Current State agency plans and operations shall not require any changes due to the development and implementation of the State portal.

SECTION 7.13.(d) Notwithstanding any other provision of law, all fees associated with the State portal shall be set by the General Assembly in the Current Operations Appropriations Act.

DEPARTMENT OF TRANSPORTATION INFORMATION TECHNOLOGY MODERNIZATION

SECTION 7.14.(a) Of the funds appropriated to the Department of Transportation (DOT), the sum of twenty-three million three hundred eighty-six thousand eight hundred twenty-two dollars (\$23,386,822) for the 2014-2015 fiscal year is allocated for the following information technology projects and associated activities:

	<u>FY 2014-2015</u>
Replacement of the State Automated Driver License System (SADLS) – Project Phases 1, 2, and 3	\$14,946,903
Division of Motor Vehicles Mobile Unit Replacement	\$796,000
Division of Motor Vehicles Kiosk Pilot Program	\$600,000
Division of Motor Vehicles Card Payment Operations & Maintenance	\$1,512,919

1	Division of Motor Vehicles – Service-Oriented Architecture	\$3,000,000
2	Division of Motor Vehicles Channel Strategy	\$1,800,000
3	Division of Motor Vehicles – Online Renewal	\$475,000
4	Division of Motor Vehicles – Web Application Development	\$256,000
5	(Hearing Fee Implementation)	

6 **SECTION 7.14.(b)** Available funds shall be prioritized to expedite completion of
7 the State Automated Driver License System modernization and replacement project. All DOT
8 business intelligence activities, to include any planning and development, shall be implemented
9 working through the Government Data Analytics Center. Service-oriented architecture efforts
10 shall be coordinated in writing with the Office of the State Chief Information Officer. All DOT
11 information technology product or service integration efforts shall be coordinated in writing
12 with the State Information Technology Innovation Center.

13 **SECTION 7.14.(c)** By September 1, 2014, the DOT Chief Information Officer
14 shall identify a responsible individual for each project listed above and provide those names to
15 the Joint Legislative Oversight Committee on Information Technology and the Joint Legislative
16 Transportation Oversight Committee.

17 **SECTION 7.14.(d)** Beginning October 1, 2014, the DOT Chief Information
18 Officer shall submit a quarterly, written report on the status of each information technology
19 project listed in this section to the Joint Legislative Oversight Committee on Information
20 Technology and the Joint Legislative Transportation Oversight Committee. At a minimum, the
21 report shall include all of the following:

- 22 (1) Project status, to include any issues identified by the Enterprise Project
23 Management Office.
- 24 (2) Comparison of project status to the time line, with an explanation of any
25 differences.
- 26 (3) Any changes in project cost.
- 27 (4) Actual expenditures to date.
- 28 (5) Any variances from projected expenditures and the reasons for the variance.
- 29 (6) Any potential funding shortfalls and the potential impact of the funding
30 shortfalls.
- 31 (7) Any issues identified by the DOT, with a corrective action plan and a time
32 line for resolving the issues.
- 33 (8) Impact of any issues identified on the project schedule.
- 34 (9) Impact of any issues identified on project cost.
- 35 (10) Any changes to the project.
- 36 (11) Any change requests submitted to project vendors and the cost of those
37 changes.

38 39 **ENTERPRISE RESOURCE PLANNING SYSTEM**

40 **SECTION 7.15.(a)** By December 1, 2014, the State Chief Information Officer
41 (State CIO), in coordination with the Office of the State Controller and the Office of State
42 Budget and Management, shall define the requirements and develop a detailed plan for a
43 statewide enterprise resource planning (ERP) system. At a minimum, the plan shall address all
44 of the following:

- 45 (1) Project management.
- 46 (2) Project scope.
- 47 (3) Specific project requirements.
- 48 (4) Time line.
- 49 (5) Cost by State fiscal year.
- 50 (6) Potential funding sources.
- 51 (7) Quality control.

- 1 (8) Change management.
- 2 (9) Risks associated with the project.
- 3 (10) Stakeholder management.

4 **SECTION 7.15.(b)** By August 1, 2014, the Office of the State CIO shall identify
5 the individual and office responsible for the development of the ERP plan required by this
6 section and provide the name of the individual to the Joint Legislative Oversight Committee on
7 Information Technology and the Fiscal Research Division.

8 9 **STUDY FEASIBILITY OF SELLING GIS DATA**

10 **SECTION 7.16.** The Center for Geographic Information and Analysis in the Office
11 of the State Chief Information Officer shall study the feasibility of selling Geographic
12 Information Systems data. By December 1, 2014, the Center shall report its findings to the Joint
13 Legislative Oversight Committee on Information Technology and the Fiscal Research Division.

14 15 **PART VIII. PUBLIC SCHOOLS**

16 17 **FUNDS FOR CHILDREN WITH DISABILITIES**

18 **SECTION 8.1.** The State Board of Education shall allocate additional funds for
19 children with disabilities on the basis of three thousand seven hundred sixty-eight dollars and
20 eleven cents (\$3,768.11) per child for the 2014-2015 fiscal year. Each local school
21 administrative unit shall receive funds for the lesser of (i) all children who are identified as
22 children with disabilities or (ii) twelve and five-tenths percent (12.5%) of its 2014-2015
23 allocated average daily membership in the local school administrative unit. The dollar amounts
24 allocated under this section for children with disabilities shall also adjust in accordance with
25 legislative salary increments, retirement rate adjustments, and health benefit adjustments for
26 personnel who serve children with disabilities.

27 28 **FUNDS FOR ACADEMICALLY GIFTED CHILDREN**

29 **SECTION 8.2.** The State Board of Education shall allocate additional funds for
30 academically or intellectually gifted children on the basis of one thousand two hundred
31 thirty-nine dollars and sixty-five cents (\$1,239.65) per child for the 2014-2015 fiscal year. A
32 local school administrative unit shall receive funds for a maximum of four percent (4%) of its
33 2014-2015 allocated average daily membership, regardless of the number of children identified
34 as academically or intellectually gifted in the unit. The dollar amounts allocated under this
35 section for academically or intellectually gifted children shall also adjust in accordance with
36 legislative salary increments, retirement rate adjustments, and health benefit adjustments for
37 personnel who serve academically or intellectually gifted children.

38 39 **EXTEND THE DATE FOR SCHOOL EMPLOYEES TO QUALIFY FOR CERTAIN 40 EDUCATION BASED SALARY SUPPLEMENTS**

41 **SECTION 8.3.** Section 8.22 of S.L. 2013-360 reads as rewritten:

42 "**SECTION 8.22.** Notwithstanding Section 35.11 of this act, ~~no only the following~~ teachers
43 ~~and instructional support personnel, except for certified school nurses and instructional~~
44 ~~support personnel in positions for which a master's degree is required for licensure, personnel~~
45 shall be paid on the "M" salary schedule or receive a salary supplement for academic
46 preparation at the six-year degree level or at the doctoral degree level for the 2014-2015 school
47 year, ~~unless they were paid on that salary schedule or received that salary supplement prior to~~
48 ~~the 2014-2015 school year and subsequent school years:~~

- 49 (1) Certified school nurses and instructional support personnel in positions for
50 which a master's degree is required for licensure.

- (2) Teachers and instructional support personnel who were paid on that salary schedule or received that salary supplement prior to the 2014-2015 school year.
- (3) Teachers and instructional support personnel who complete a degree at the master's, six-year, or doctoral degree level for which they completed at least one course prior to August 1, 2013."

FUNDS FOR SMALL COUNTY SCHOOL ADMINISTRATIVE UNITS AND STUDY ON CONSOLIDATION.

SECTION 8.4.(a) Section 8.4 of S.L. 2013-360, as amended by Section 3.11 of S.L. 2013-363, reads as rewritten:

"SMALL SCHOOL SYSTEM SUPPLEMENTAL FUNDING

"SECTION 8.4.(d) Allotment ~~Formula~~Schedule for the 2014-2015 Fiscal Year. – Except as otherwise provided in ~~subsection~~subsections (e) and (g) of this section, for the 2014-2015 fiscal year, each eligible county school administrative unit shall receive a dollar allotment ~~equal to the product of the following:~~according to the following schedule:

- (1) ~~A per student funding factor, equal to the product of the following:~~
 - a. ~~One, minus the local school administrative unit's average daily membership divided by the maximum small school system average daily membership.~~
 - b. ~~The maximum small school system dollars per student.~~
- (2) ~~The average daily membership of the eligible county school administrative unit.~~

<u>Allotted ADM</u>	<u>Small County Allotment</u>
<u>0-600</u>	<u>\$ 1,710,000</u>
<u>601-1,300</u>	<u>\$ 1,820,000</u>
<u>1,301-1,700</u>	<u>\$ 1,548,700</u>
<u>1,701-2,000</u>	<u>\$ 1,600,000</u>
<u>2,001-2,300</u>	<u>\$ 1,560,000</u>
<u>2,301-2,600</u>	<u>\$ 1,470,000</u>
<u>2,601-2,800</u>	<u>\$ 1,498,000</u>
<u>2,801-3,200</u>	<u>\$ 1,548,000</u>

"SECTION 8.4.(e) Phase-Out Provisions for the 2014-2015 Fiscal Year. – If a local school administrative unit becomes ineligible for funding under the ~~formula~~schedule in subsection (d) of this section in the 2014-2015 fiscal year, funding for that unit shall be phased out over a five-year period. Funding for such local administrative units shall be reduced in equal increments in each of the five years after the local administrative unit becomes ineligible. Funding shall be eliminated in the fifth fiscal year after the local administrative unit becomes ineligible.

Allotments for eligible local school administrative units shall not be reduced by more than twenty percent (20%) of the amount received in fiscal year 2013-2014 in any fiscal year.

~~**"SECTION 8.4.(f)** Maximum Allotments for the 2014-2015 Fiscal Year. – For the 2014-2015 fiscal year, the maximum small school system dollars per student shall be two thousand ninety four dollars (\$2,094).~~

~~...."~~

SECTION 8.4.(b) It is the intent of the General Assembly to implement a plan to consolidate by region the 25 local school administrative units with the lowest average daily membership of students by the end of the 2018-2019 school year if consolidation would be feasible and result in significant operational efficiencies for those local school administrative units.

1 To determine the feasibility of consolidating those local school administrative units,
2 the Department of Public Instruction shall study consolidation and shall identify, as part of the
3 study, the benefits of consolidation, including potential operational efficiencies, barriers to
4 implementation, including county revenue and budgeting processes, and a potential
5 regionalization plan. In conducting the study required by this subsection, the Department shall
6 consider input from local boards of education of the local school administrative units included
7 in the study.

8 The Department shall report on the results of the study and its recommendations
9 with any proposed legislative changes, including proposed modifications to the small school
10 system supplemental funding formula, to the 2015 General Assembly by March 15, 2015.

11 **REPORTING REQUIREMENT FOR THE NC CENTER FOR ADVANCEMENT OF** 12 **TEACHING**

13 **SECTION 8.5.** In addition to an update of any information included in the report
14 required by Section 8.10 of S.L. 2013-360, the North Carolina Center for the Advancement of
15 Teaching (NCCAT) shall report the following information to the State Board of Education and
16 the Fiscal Research Division of the General Assembly no later than February 1, 2015:

- 17 (1) The number of teachers in service through the program.
- 18 (2) The areas of service for teachers participating in the program.
- 19 (3) The results of performance measures in place for determining whether the
20 program is meeting its mission, goals, and objectives.
- 21 (4) Recommendations for statutory, budgetary, or administrative changes
22 needed to improve the efficiency and effectiveness of the program.

23 **CLARIFY BUDGET REDUCTIONS/DEPARTMENT OF PUBLIC INSTRUCTION**

24 **SECTION 8.6.** Section 8.6 of S.L. 2013-360 reads as rewritten:

25 "**SECTION 8.6.(a)** Notwithstanding G.S. 143C-6-4, the Department of Public Instruction
26 may, after consultation with the Office of State Budget and Management and the Fiscal
27 Research Division, reorganize, if necessary, to implement the budget reductions ~~set out in this~~
28 ~~aet. for the biennium.~~ Consultation shall occur prior to requesting budgetary and personnel
29 changes through the budget revision process. The Department shall provide a current
30 organization chart in the consultation process and shall report to the Joint Legislative
31 Commission on Governmental Operations on any reorganization.

32 "**SECTION 8.6.(b)** In implementing budget reductions for the 2014-2015 fiscal year, the
33 Department of Public Instruction shall make no reduction to funding or positions for the North
34 Carolina Center for the Advancement of Teaching, the Eastern North Carolina School for the
35 Deaf, and the North Carolina School for the Deaf and shall make no reduction in funding to any
36 of the following entities:

- 37 (1) Communities in Schools of North Carolina, Inc.
- 38 (2) Teach for America, Inc.
- 39 (3) Beginnings For Parents of Children Who Are Deaf or Hard of Hearing, Inc."

40 **CLARIFY CARRYFORWARD FOR SUMMER READING CAMPS**

41 **SECTION 8.7.(a)** Section 8.16 of S.L. 2013-360 reads as rewritten:

42 "**SECTION 8.16.** Funds appropriated for the 2013-2015 fiscal biennium and subsequent
43 fiscal years for summer reading camps as defined in G.S. 115C-83.3(9) shall not revert at the
44 end of each fiscal year but shall remain available ~~until expended for expenditure until August~~
45 31 of the subsequent fiscal year."

46 **SECTION 8.7.(b)** This section becomes effective June 30, 2014.

47 **CARRYFORWARD FOR PANIC ALARM GRANTS**

the top of the plate, and an image of a red apple shall be in the lower left corner with the letters "ABC" appearing in white chalk over the apple."

SECTION 8.11.(c) G.S. 20-81.12(b12) reads as rewritten:

"(b12) ~~I Support Public Schools Teachers~~ Plates. – The Division must receive 300 or more applications for ~~at the I Support Public Schools Teachers~~ plate before the plate may be developed. The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of ~~I Support Public Schools Teachers~~ plates to the ~~Fund for the Reduction of Class Size in Public Schools~~ created pursuant to ~~G.S. 115C-472.10~~ North Carolina Education Endowment Fund established pursuant to ~~G.S. 115C-472.16~~."

SECTION 8.11.(d) G.S. 20-79.7 reads as rewritten:

"§ 20-79.7. Fees for special registration plates and distribution of the fees.

...

(a1) Fees. – All other special registration plates are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

Special Plate	Additional Fee Amount
...	
Harley Owners' Group	\$20.00
<u>I Support Teachers</u>	<u>\$20.00</u>
Jaycees	\$20.00
...	
Special Forces Association	\$20.00
Support Public Schools	\$20.00
US Equine Rescue League	\$20.00
...	

(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) of this section among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the Clean Water Management Trust Fund (CWMTF), which is established under G.S. 113A-253, and the Parks and Recreation Trust Fund, which is established under G.S. 113-44.15, as follows:

<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>	<u>PRTF</u>
...				
In-State Collegiate Insignia	\$10	\$15	0	0
<u>I Support Teachers</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>	<u>0</u>
Jaycees	\$10	\$10	0	0
...				
Support Our Troops	\$10	\$20	0	0
Support Public Schools	\$10	\$10	0	0
Support Soccer	\$10	\$15	0	0
...."				

SECTION 8.11.(e) G.S. 20-63(b1) reads as rewritten:

"(b1) The following special registration plates do not have to be a "First in Flight" plate as provided in subsection (b) of this section. The design of the plates that are not "First in Flight" plates must be developed in accordance with G.S. 20-79.4(a3). For special plates authorized in G.S. 20-79.7 on or after July 1, 2013, the Division may not issue the plate on a background under this subsection unless it receives at least 200 applications for the plate in addition to the applications required under G.S. 20-79.4 or G.S. 20-81.12.

...

(43) Mountains-to-Sea Trail, Inc.

1 (44) I Support Teachers."

2 **SECTION 8.11.(f)** The Revisor of Statutes is authorized to alphabetize, number,
3 and renumber the special registration plates listed in G.S. 20-79.4(b) to ensure that all the
4 special registration plates are listed in alphabetical order and numbered accordingly.

5 **SECTION 8.11.(g)** Article 32C of Chapter 115C of the General Statutes is
6 repealed.

7 **SECTION 8.11.(h)** Article 9 of Subchapter I of Chapter 105 of the General
8 Statutes is amended by adding a new section to read:

9 **"§ 105-269.7. Contribution of income tax refund or payment to the North Carolina**
10 **Education Endowment Fund.**

11 Any taxpayer entitled to a refund of income taxes under Article 4 of this Chapter, or any
12 taxpayer who desires to make a contribution, may elect to contribute all or part of the refund or
13 may make a contribution to the North Carolina Education Endowment Fund established
14 pursuant to G.S. 115C-472.16 to be used in accordance with that statute. The Secretary shall
15 provide appropriate language and space on the income tax form in which to make the election
16 or contribution. The taxpayer's election or contribution becomes irrevocable upon filing the
17 taxpayer's income tax return for the taxable year. The Secretary shall transmit the amounts
18 designated pursuant to this section to the State Treasurer for credit to the North Carolina
19 Education Endowment Fund."

20 **SECTION 8.11.(i)** Subsection (h) of this section is effective for taxable years
21 beginning on or after January 1, 2014.

22 **CLARIFY MILITARY SERVICE CREDIT FOR NEWLY HIRED EDUCATORS**

23 **SECTION 8.12.** G.S. 115C-302.3(a) reads as rewritten:

24 "(a) The State Board of Education shall establish rules for awarding credit for salary
25 purposes to principals, assistant principals, and ~~teachers~~ teachers, who (i) served in the Armed
26 Forces of the United States ~~and who States;~~ (ii) have retired or who have received an Honorable
27 ~~Discharge.~~ Discharge; and (iii) have not been previously employed by a public school located
28 in North Carolina. The rules shall include the following provisions:

- 29
- 30 (1) One full year of experience credit shall be awarded for each year of full-time
31 relevant nonteaching work experience completed (i) while on active military
32 duty in the Armed Forces of the United States and (ii) after earning a
33 bachelor's degree.
 - 34 (2) One full year of experience credit shall be awarded for each two years of
35 full-time relevant nonteaching work experience completed (i) while on
36 active duty in the Armed Forces of the United States and (ii) before earning
37 a bachelor's degree.
 - 38 (3) One full year of experience credit shall be awarded for every two years of
39 full-time instructional or leadership duties while on active military duty in
40 the Armed Forces of the United States, regardless of academic degree held
41 while in instruction or leadership roles."
42

43 **SCHOOL TRANSPORTATION FLEET MANUAL REVIEW**

44 **SECTION 8.13.(a)** The Department of Public Instruction shall study and review
45 school bus transportation maintenance issues by convening a committee of school bus
46 transportation maintenance experts, at least half of whom shall be employees of local boards of
47 education from around the State directly involved in the daily maintenance of school buses.
48 The study shall specifically review the provisions of the State's School Transportation Fleet
49 Manual. The Department shall do at least the following when conducting the review:

- 50 (1) Specify those provisions of the current manual that are required by federal
51 law, regulation, or guideline.

- 1 (2) Determine if the procedures in the Manual, including the out-of-service
 2 criteria, can be streamlined and simplified to meet the minimum
 3 requirements of federal law, including Highway Safety Program Guideline
 4 No. 17 on Pupil Transportation Safety, and eliminate any unnecessary or
 5 unduly burdensome requirements.
- 6 (3) Determine if the current 30-day school bus inspection schedule in
 7 G.S. 115C-248 is still appropriate or should be extended.

8 **SECTION 8.13.(b)** The Department of Public Instruction shall report on the study
 9 and the results of the review, along with any recommendations for statutory changes, to the
 10 Joint Legislative Education Oversight Committee by December 15, 2014.

11 **TRANSPORTATION REDUCTION FLEXIBILITY**

12 **SECTION 8.14.** The Department of Public Instruction shall have the authority to
 13 determine the amount of the budget reduction to the transportation allotment that reduces
 14 support for Driver Training and the amount of the budget reduction to the transportation
 15 allotment that reduces support for pupil transportation-related expenses for "yellow bus" use for
 16 eligible school age (K-12) students for travel to and from school and between schools.

17 **DRIVER EDUCATION FUNDING**

18 **SECTION 8.15.(a)** Effective July 1, 2015, G.S. 20-88.1(c) is repealed.

19 **SECTION 8.15.(b)** It is the intent of the General Assembly that, beginning with
 20 the 2015-2016 fiscal year, the driver education program administered by the Department of
 21 Public Instruction in accordance with G.S. 115C-215 shall no longer be paid out of the
 22 Highway Fund based on an annual appropriation by the General Assembly. Local boards of
 23 education shall use funds available to them, including a fee for instruction charged to students
 24 pursuant to G.S. 115C-216(g), to offer noncredit driver education courses in high schools.

25 **SECTION 8.15.(c)** G.S. 115C-216(g) reads as rewritten:

26 "(g) ~~Fee for Instruction Funding for Courses.~~ – The local boards of education shall fund
 27 driver education courses from funds available to them and may charge each student
 28 participating in a driver education course a fee ~~of up to fifty five dollars (\$55.00) to offset in an~~
 29 amount not to exceed the actual costs per student of providing the training and
 30 instruction courses."

31 **ELIMINATE MANDATORY ANNUAL TRAINING FOR LOCAL BOARDS OF** 32 **EDUCATION**

33 **SECTION 8.16.** G.S. 115C-50 is repealed.

34 **PART IX. COMPENSATION OF PUBLIC SCHOOL EMPLOYEES/CAREER STATUS**

35 **PROFESSIONAL STATUS TEACHER SALARY SCHEDULE**

36 **SECTION 9.1.(a)** The following monthly Professional Status Teacher Salary
 37 Schedule shall apply for the 2014-2015 fiscal year to licensed personnel of the public schools
 38 who (i) are classified as teachers, (ii) voluntarily relinquish annual longevity payments and
 39 voluntarily relinquish any claim to longevity pay, (iii) voluntarily relinquish any claim to career
 40 status or to eligibility for career status, (iv) voluntarily agree to the method of computing salary
 41 supplements set out in subsection (c) of this section, and (v) are employed on a contract
 42 pursuant to G.S. 115C-325.1 through G.S. 115C-325.13 for the 2014-2015 school year. The
 43 schedule contains steps with each step corresponding to one year of teaching experience.

44 2014-2015 Professional Status Teacher Monthly Salary Schedule

45 Years of Experience	"A" Teachers
46 0-3	\$3,300

1	4	3,400
2	5	3,500
3	6	3,600
4	7	3,700
5	8	3,800
6	9	3,900
7	10	4,000
8	11	4,100
9	12	4,200
10	13	4,300
11	14	4,400
12	15	4,500
13	16	4,600
14	17	4,700
15	18	4,800
16	19	4,900
17	20+	5,000

18 **SECTION 9.1.(b)** Teachers paid on the Professional Status Teacher Salary
19 Schedule set forth in this section shall not receive annual longevity payments.

20 **SECTION 9.1.(c)** Salary Supplements for Teachers Paid on This Salary Schedule.

21 –

- 22 (1) Licensed public schoolteachers who have NBPTS certification shall receive
23 a salary supplement each month of twelve percent (12%) of their monthly
24 salary on the "A" salary schedule.
- 25 (2) Licensed public schoolteachers who are classified as "M" teachers shall
26 receive a salary supplement each month of ten percent (10%) of their
27 monthly salary on the "A" salary schedule.
- 28 (3) Licensed public schoolteachers with licensure based on academic
29 preparation at the six-year degree level shall receive a salary supplement of
30 one hundred twenty-six dollars (\$126.00) per month in addition to the
31 supplement provided to them as "M" teachers.
- 32 (4) Licensed public schoolteachers with licensure based on academic
33 preparation at the doctoral degree level shall receive a salary supplement of
34 two hundred fifty-three dollars (\$253.00) per month in addition to the
35 supplement provided to them as "M" teachers.
- 36 (5) Certified school nurses shall receive a salary supplement each month of ten
37 percent (10%) of their monthly salary on the "A" salary schedule.

38 **SECTION 9.1.(d)** The first step of the salary schedule for (i) school psychologists,
39 (ii) school speech pathologists who are licensed as speech pathologists at the master's degree
40 level, and (iii) school audiologists who are licensed as audiologists at the master's degree level
41 shall be equivalent to Step 7 of the "A" salary schedule. These employees shall receive a salary
42 supplement each month of ten percent (10%) of their monthly salary and are eligible to receive
43 salary supplements equivalent to those of teachers for academic preparation at the six-year
44 degree level or the doctoral degree level.

45 **SECTION 9.1.(e)** A teacher compensated in accordance with the Professional
46 Status Teacher Salary Schedule set forth in this section shall receive an amount equal to the
47 greater of (i) the applicable amount on the salary schedule or (ii) the sum of the teacher's salary
48 plus the annual longevity payment that was effective for the 2013-2014 school year.

49 In addition, teachers whose 10-month salary and longevity, excluding local
50 supplements, exceeded fifty thousand dollars (\$50,000) for the 2013-2014 school year shall
51 receive the same salary they received in the 2013-2014 fiscal year plus a one percent (1%)

1 bonus after placement on the Professional Status Teacher Salary Schedule for the 2014-2015
2 fiscal year.

3 **SECTION 9.1.(f)** As used in this section, the term "teacher" shall also include
4 instructional support personnel.

5 **SECTION 9.1.(g)** Section 35.11 of S.L. 2013-360 and Section 9.2 of this act do
6 not apply to persons paid on the Professional Status Teacher Salary Schedule.

7
8 **CAREER STATUS TEACHER SALARY SCHEDULE**

9 **SECTION 9.2.(a)** The following monthly salary schedules shall apply for the
10 2014-2015 fiscal year to certified personnel of the public schools who are classified as teachers.
11 The schedules contain 37 steps, with each step corresponding to one year of teaching
12 experience. Public school employees paid according to this salary schedule and receiving
13 NBPTS certification or obtaining a master's degree shall not be prohibited from receiving the
14 appropriate increase in salary. Provided, however, teachers employed during the 2013-2014
15 school year who did not work the required number of months to acquire an additional year of
16 experience shall not receive a decrease in salary as otherwise would be required by the salary
17 schedule below.

18 Teachers who do not elect to be paid on the Professional Status Teacher Salary
19 Schedule shall be paid on the Career Status Teacher Salary Schedule, which is set out in this
20 section.

21 2014-2015 Career Status Teacher Monthly Salary Schedule

22 "A" Teachers

23 Years of Experience	"A" Teachers	NBPTS Certification
24 0-2	\$3,080	N/A
25 3-6	\$3,080	\$3,450
26 7	\$3,122	\$3,497
27 8	\$3,167	\$3,547
28 9	\$3,303	\$3,699
29 10	\$3,445	\$3,858
30 11	\$3,580	\$4,010
31 12	\$3,711	\$4,156
32 13	\$3,816	\$4,274
33 14	\$3,865	\$4,329
34 15	\$3,914	\$4,384
35 16	\$3,965	\$4,441
36 17	\$4,015	\$4,497
37 18	\$4,066	\$4,554
38 19	\$4,118	\$4,612
39 20	\$4,171	\$4,672
40 21	\$4,226	\$4,733
41 22	\$4,282	\$4,796
42 23	\$4,337	\$4,857
43 24	\$4,397	\$4,925
44 25	\$4,456	\$4,991
45 26	\$4,515	\$5,057
46 27	\$4,577	\$5,126
47 28	\$4,639	\$5,196
48 29	\$4,706	\$5,271
49 30	\$4,771	\$5,344
50 31	\$4,836	\$5,416
51 32	\$4,903	\$5,491

1	33	\$4,972	\$5,569
2	34	\$5,044	\$5,649
3	35	\$5,116	\$5,730
4	36	\$5,215	\$5,841
5	37+	\$5,318	\$5,956

2014-2015 Career Status Teacher Monthly Salary Schedule

9	Years of Experience	"M" Teachers	NBPTS Certification
10	0-2	\$3,388	N/A
11	3-6	\$3,388	\$3,795
12	7	\$3,434	\$3,846
13	8	\$3,484	\$3,902
14	9	\$3,633	\$4,069
15	10	\$3,790	\$4,245
16	11	\$3,938	\$4,411
17	12	\$4,082	\$4,572
18	13	\$4,198	\$4,702
19	14	\$4,252	\$4,762
20	15	\$4,305	\$4,822
21	16	\$4,362	\$4,885
22	17	\$4,417	\$4,947
23	18	\$4,473	\$5,010
24	19	\$4,530	\$5,074
25	20	\$4,588	\$5,139
26	21	\$4,649	\$5,207
27	22	\$4,710	\$5,275
28	23	\$4,771	\$5,344
29	24	\$4,837	\$5,417
30	25	\$4,902	\$5,490
31	26	\$4,967	\$5,563
32	27	\$5,035	\$5,639
33	28	\$5,103	\$5,715
34	29	\$5,177	\$5,798
35	30	\$5,248	\$5,878
36	31	\$5,320	\$5,958
37	32	\$5,393	\$6,040
38	33	\$5,469	\$6,125
39	34	\$5,548	\$6,214
40	35	\$5,628	\$6,303
41	36	\$5,737	\$6,425
42	37+	\$5,850	\$6,552

SECTION 9.2.(b) Annual longevity payments for teachers shall be at the rate of one and one-half percent (1.5%) of base salary for 10 to 14 years of State service, two and twenty-five hundredths percent (2.25%) of base salary for 15 to 19 years of State service, three and twenty-five hundredths percent (3.25%) of base salary for 20 to 24 years of State service, and four and one-half percent (4.5%) of base salary for 25 or more years of State service. The longevity payment shall be paid in a lump sum once a year.

SECTION 9.2.(c) Certified public schoolteachers with certification based on academic preparation at the six-year degree level shall receive a salary supplement of one hundred twenty-six dollars (\$126.00) per month in addition to the compensation provided for

1 certified personnel of the public schools who are classified as "M" teachers. Certified public
2 schoolteachers with certification based on academic preparation at the doctoral degree level
3 shall receive a salary supplement of two hundred fifty-three dollars (\$253.00) per month in
4 addition to the compensation provided for certified personnel of the public schools who are
5 classified as "M" teachers.

6 **SECTION 9.2.(d)** The first step of the salary schedule for school psychologists
7 shall be equivalent to Step 11, corresponding to 11 years of experience, on the salary schedule
8 established in this section for certified personnel of the public schools who are classified as
9 "M" teachers. Certified psychologists shall be placed on the salary schedule at an appropriate
10 step based on their years of experience. Certified psychologists shall receive longevity
11 payments based on years of State service in the same manner as teachers.

12 Certified psychologists with certification based on academic preparation at the
13 six-year degree level shall receive a salary supplement of one hundred twenty-six dollars
14 (\$126.00) per month in addition to the compensation provided for certified psychologists.
15 Certified psychologists with certification based on academic preparation at the doctoral degree
16 level shall receive a salary supplement of two hundred fifty-three dollars (\$253.00) per month
17 in addition to the compensation provided for certified psychologists.

18 **SECTION 9.2.(e)** Speech pathologists who are certified as speech pathologists at
19 the master's degree level and audiologists who are certified as audiologists at the master's
20 degree level and who are employed in the public schools as speech and language specialists and
21 audiologists shall be paid on the school psychologist salary schedule.

22 Speech pathologists and audiologists with certification based on academic
23 preparation at the six-year degree level shall receive a salary supplement of one hundred
24 twenty-six dollars (\$126.00) per month in addition to the compensation provided for speech
25 pathologists and audiologists. Speech pathologists and audiologists with certification based on
26 academic preparation at the doctoral degree level shall receive a salary supplement of two
27 hundred fifty-three dollars (\$253.00) per month in addition to the compensation provided for
28 speech pathologists and audiologists.

29 **SECTION 9.2.(f)** Certified school nurses who are employed in the public schools
30 as nurses shall be paid on the "M" salary schedule.

31 **SECTION 9.2.(g)** As used in this section, the term "teacher" shall also include
32 instructional support personnel.

33 **SECTION 9.2.(h)** Section 35.11 of S.L. 2013-360 is repealed.

34 35 **ELECTION TO BE PAID ON THE PROFESSIONAL STATUS TEACHER SALARY** 36 **SCHEDULE**

37 **SECTION 9.3.(a)** A teacher without career status may elect to be compensated on
38 the Professional Status Teacher Salary Schedule by notifying the employing local board of
39 education in writing of that election by September 30, 2014. A teacher without career status
40 who is employed by a local board of education on or after September 1, 2014, shall make the
41 election within 30 days of the teacher's date of employment. If the teacher elects to be paid on
42 the Professional Status Teacher Salary Schedule, the teacher shall (i) be employed on a contract
43 pursuant to G.S. 115C-325.1 through G.S. 115C-325.13 for the 2014-2015 school year, (ii)
44 voluntarily relinquish any claim to be eligible for career status, (iii) voluntarily relinquish any
45 claim to be eligible for annual longevity payments and any claim to longevity pay, and (iv)
46 voluntarily agree to the method of computing salary supplements set out in Section 9.1(c) of
47 this act.

48 **SECTION 9.3.(b)** A career teacher may elect to be compensated on the
49 Professional Status Teacher Salary Schedule by notifying the employing local board of
50 education in writing of that election by September 30, 2014. If the career teacher elects to be
51 paid on the Professional Status Teacher Salary Schedule, the teacher shall (i) be employed on a

1 contract pursuant to G.S. 115C-325.1 through G.S. 115C-325.13 for the 2014-2015 school
2 year, (ii) voluntarily relinquish any claim to career status, (iii) voluntarily relinquish any claim
3 to be eligible for annual longevity payments and any claim to longevity pay, and (iv)
4 voluntarily agree to the method of computing salary supplements set out in Section 9.1(c) of
5 this act.

6 **SECTION 9.3.(c).** The election to be compensated under the Professional Status
7 Teacher Salary Schedule shall be irrevocable and the teacher shall not be eligible to receive
8 compensation under the Career Status Teacher Salary Schedule in any subsequent fiscal year. A
9 teacher who exercises the election under this subsection shall be compensated at the applicable
10 salary amount retroactively from July 1, 2014.

11 **SECTION 9.3.(d)** Any teacher who does not notify a local board of education in
12 writing of the teacher's election for compensation under the Professional Status Teacher Salary
13 Schedule by the deadline applicable to that teacher shall be paid on the Career Status Teacher
14 Salary Schedule.

15 **SECTION 9.3.(e)** Unless a teacher is offered and accepts a four-year
16 performance-based contract, as provided in Section 9.5 of this act, for the 2014-2015 school
17 year, a teacher who elects to be compensated on the Professional Status Teacher Salary
18 Schedule shall be offered a one-year contract.

19 **REPEAL OF SESSION LAWS REPEALING CAREER STATUS**

20 **SECTION 9.4.(a)** Section 9.6(a) of S.L. 2013-360 is repealed.

21 **SECTION 9.4.(b)** Section 9.6(f) of S.L. 2013-360 reads as rewritten:

22 **"SECTION 9.6.(f)** G.S. 115C-325(c)(1) through (c)(3) and G.S. 115-325(c)(5) and (c)(6)
23 are repealed effective August 1, 2013. Individuals who have not received career status prior to
24 the 2013-2014 school year shall not be granted career status during the 2013-2014 school year.
25 ~~All teachers who have not been granted career status prior to the 2013-2014 school year shall~~
26 ~~be offered only one-year contracts, except for qualifying teachers offered a four-year contract~~
27 ~~as provided in subsection (g) of this section, until the 2018-2019 school year."~~

28 **SECTION 9.4.(c)** Section 9.6(i) of S.L. 2013-360 is repealed.

29 **SECTION 9.4.(d)** Section 9.6(j) of S.L. 2013-360 reads as rewritten:

30 **"SECTION 9.6.(j)** Subsection (b) of this section becomes effective July 1, 2014.
31 G.S. 115C-325.1 through G.S. 115C-325.13, as enacted by this section, shall apply to all
32 teachers currently employed as of July 1, 2014, on one or four-year contracts
33 contract or who are employed on contract after beginning July 1, 2014. ~~G.S. 115C-325.1~~
34 ~~through G.S. 115C-325.13, as enacted by this section, shall apply to all teachers employed by~~
35 ~~local boards of education or the State on or after July 1, 2018."~~

36 **SECTION 9.4.(e)** Section 9.6(k) of S.L. 2013-360 reads as rewritten:

37 **"SECTION 9.6.(k)** Subsections (c) and (d) of this section become effective July 1, 2014,
38 and apply to all employees employed by a local board of education as of that date ~~on or~~
39 ~~employees hired or reemployed on or after that date."~~

40 **SECTION 9.4.(f)** Subsections (o) through (t) and (v) through (x) of Section 9.7 of
41 S.L. 2013-360 are repealed.

42 **SECTION 9.4.(g)** Subsection 9.7(y) of S.L. 2013-360 reads as rewritten:

43 **"SECTION 9.7.(y)** Subsection (u) of this section becomes effective August 1, 2013.
44 Subsections (a) through (n) of this section become effective July 1, 2014. ~~Subsections (o)~~
45 ~~through (t) and (v) through (x) become effective June 30, 2018."~~

46 **FOUR-YEAR PERFORMANCE-BASED CONTRACTS OFFERED TO CERTAIN** 47 **TEACHERS**

1 **SECTION 9.5.(a)** Beginning July 1, 2014 to September 30, 2014, local boards of
2 education shall offer four-year performance-based contracts covering the 2014-2015 school
3 year through the 2017-2018 school year to classroom teachers as follows:

4 (1) A local board of education shall identify eligible classroom teachers.
5 Eligible classroom teachers are those teachers that meet all of the following
6 conditions:

- 7 a. Have been employed by the local board of education for at least three
8 consecutive years, beginning with the 2011-2012 school year.
- 9 b. Have been determined based on the most recent three years of
10 teacher evaluations as one of the following:
- 11 1. Effective, based on the teacher's overall status on the teacher
12 evaluation instrument by receiving a rating of at least
13 "proficient" on each of the Teacher Evaluation Standards 1-5
14 and receiving a rating of at least "meets expected growth" on
15 Standard 6 of the Teacher Evaluation Instrument, if the
16 teacher has received a rating on Standard 6 for those three
17 years.
- 18 2. Effective, based on the teacher's overall status on the teacher
19 evaluation instrument by receiving a rating of at least
20 "proficient" on each of the Teacher Evaluation Standards 1-5,
21 if the teacher has not received a rating on Standard 6 for those
22 three years.
- 23 c. Is employed as a teacher who spends at least seventy percent (70%)
24 of his or her work time in classroom instruction and is not employed
25 as instructional support personnel.

26 (2) A local board of education shall develop criteria for the selection of eligible
27 classroom teachers to be offered four-year performance-based contracts
28 under this subsection by considering the needs and educational priorities of
29 that local school administrative unit.

30 (3) A local board of education, using the criteria it developed as required by this
31 subsection, shall offer four-year performance-based contracts to up to
32 twenty-five percent (25%) of the eligible classroom teachers.

33 **SECTION 9.5.(b)** No later than June 30, 2015, local boards of education shall
34 offer four-year performance-based contracts covering the 2015-2016 school year through the
35 2018-2019 school year to classroom teachers as follows:

36 (1) A local board of education shall identify eligible classroom teachers.
37 Eligible classroom teachers are those teachers that meet all of the following
38 conditions:

- 39 a. Have been employed by the local board for at least three consecutive
40 years, beginning with the 2012-2013 school year.
- 41 b. Have been determined based on the most recent three years of
42 teacher evaluations as one of the following:
- 43 1. Effective, based on the teacher's overall status on the teacher
44 evaluation instrument by receiving a rating of at least
45 "proficient" on each of the Teacher Evaluation Standards 1-5
46 and receiving a rating of at least "meets expected growth" on
47 Standard 6 of the Teacher Evaluation Instrument, if the
48 teacher has received a rating on Standard 6 for those three
49 years.
- 50 2. Effective, based on the teacher's overall status on the teacher
51 evaluation instrument by receiving a rating of at least

1 "proficient" on each of the Teacher Evaluation Standards 1-5,
2 if the teacher has not received a rating on Standard 6 for those
3 three years.

4 c. Is employed as a teacher who spends at least seventy percent (70%)
5 of his or her work time in classroom instruction and is not employed
6 as instructional support personnel.

7 (2) A local board of education shall develop criteria for the selection of eligible
8 classroom teachers to be offered four-year performance-based contracts
9 under this subsection by considering the needs and educational priorities of
10 that local school administrative unit.

11 (3) A local board of education, using the criteria it developed as required by this
12 subsection, shall offer additional four-year performance-based contracts to
13 eligible classroom teachers.

14 **SECTION 9.5.(c)** The total number of teachers with four-year performance-based
15 contracts during the 2015-2016 school year, whether such contracts were accepted for the
16 2014-2015 school year or the 2015-2016 school year, shall not exceed thirty-five percent (35%)
17 of the total number of eligible classroom teachers in the 2015-2016 school year. The number of
18 eligible classroom teachers shall be determined in accordance with subsection (b)(1) of this
19 section.

20 **SECTION 9.5.(d)** Classroom teachers employed by a local board of education on
21 four-year performance-based contracts in accordance with subsections (a) through (f) of this
22 section shall be compensated on the Professional Status Teacher Salary Schedule and shall
23 receive an annual bonus of five hundred dollars (\$500.00) for the first year, one thousand
24 dollars (\$1,000) for the second year, one thousand five hundred dollars (\$1,500) for the third
25 year, and two thousand dollars (\$2,000) for the fourth year of the four-year performance-based
26 contract. A classroom teacher shall no longer receive any bonus funds after the end of the
27 four-year period of the contract unless the employee is offered and accepts another four-year
28 performance-based contract that includes a bonus.

29 **SECTION 9.5.(e)** A classroom teacher who accepts a four-year performance-based
30 contract in accordance with subsections (a) through (f) of this section specifically agrees to all
31 of the following:

32 (1) To voluntarily relinquish career status and voluntarily relinquish any claim
33 to career status.

34 (2) To voluntarily relinquish annual longevity payments and voluntarily
35 relinquish any claim to longevity pay.

36 (3) To voluntarily agree to the method of computing salary supplements set out
37 in Section 9.1(c) of this act.

38 (4) To receive compensation and bonuses in accordance with subsection (d) of
39 this section.

40 **SECTION 9.5.(f)** Contracts entered into under this section are subject to the
41 provisions of Part 3A of Article 22 of Chapter 115C of the General Statutes as recodified and
42 amended by Section 9.7 of this act.

43 **SECTION 9.5.(g)** A teacher who entered into a four-year contract no later than
44 June 30, 2014, pursuant to Section 9.6(g) of S.L. 2013-360 may elect to retain that contract
45 under its terms or to waive that contract and make a new election pursuant to Sections 9.1
46 through 9.9 of this act. Teachers who elect to retain that contract shall not receive an annual
47 bonus as part of that contract but shall receive a pay raise of five hundred dollars (\$500.00) for
48 the first year, one thousand dollars (\$1,000) for the second year, one thousand five hundred
49 dollars (\$1,500) for the third year, and two thousand dollars (\$2,000) for the fourth year of the
50 four-year contract. These pay raises shall be a part of the employee's base salary.

1 Teachers who elect to retain that contract may also elect to be compensated on the
2 Professional Status Teacher Salary Schedule in accordance with the provisions of Section 9.1
3 of this act.
4

5 SYSTEM OF EMPLOYMENT FOR TEACHERS WITH CAREER STATUS

6 SECTION 9.6. G.S. 115C-325 reads as rewritten:

7 "§ 115C-325. System of employment for public school teachers.

8 (a) Definition of Terms. – As used in this section unless the context requires otherwise:

9 (1) Repealed by Session Laws 1997-221, s. 13(a).

10 (1a) "Career employee" as used in this section ~~means~~includes all of the
11 following:

12 a. An employee who has obtained career status with that local board as
13 a teacher as provided in ~~G.S. 115C-325(e)~~; G.S. 115C-325(c).

14 b. An employee who has obtained career status with that local board in
15 an administrative position as provided in
16 ~~G.S. 115C-325(d)(2)~~; G.S. 115C-325(d)(2).

17 ~~e. A probationary teacher during the term of the contract as provided in~~
18 ~~G.S. 115C-325(m); and~~

19 d. A school administrator during the term of a school administrator
20 contract as provided in G.S. 115C-287.1(c).

21 (1b) "Career school administrator" means a school administrator who has
22 obtained career status in an administrative position as provided in
23 G.S. 115C-325(d)(2).

24 (1c) "Career teacher" means a teacher who has obtained career status as provided
25 in G.S. 115C-325(c).

26 (1d) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and
27 applicable to persons recommended for dismissal or demotion on or after
28 that date.

29 (2) Repealed by Session Laws 1997, c. 221, s. 13(a).

30 (3) "Day" means calendar day. In computing any period of time, Rule 6 of the
31 North Carolina Rules of Civil Procedure shall apply.

32 (4) "Demote" means to reduce the salary of a person who is classified or paid by
33 the State Board of Education as a classroom teacher or as a school
34 administrator. The word "demote" does not include: (i) a suspension without
35 pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction of
36 bonus payments, including merit-based supplements, or a systemwide
37 modification in the amount of any applicable local supplement; or (iii) any
38 reduction in salary that results from the elimination of a special duty, such as
39 the duty of an athletic coach or a choral director.

40 (4a) "Disciplinary suspension" means a final decision to suspend a teacher or
41 school administrator without pay for no more than 60 days under
42 G.S. 115C-325(f)(2).

43 ~~(4b) "Exchange teacher" means a nonimmigrant alien teacher participating in an~~
44 ~~exchange visitor program designated by the United States Department of~~
45 ~~State pursuant to 22 C.F.R. Part 62 or by the United States Department of~~
46 ~~Homeland Security pursuant to 8 C.F.R. Part 214.2(q).~~

47 (4c) "Hearing officer" means a person selected under G.S. 115C-325(h)(7).

48 ~~(5) "Probationary teacher" means a licensed person, other than a superintendent,~~
49 ~~associate superintendent, or assistant superintendent, who has not obtained~~
50 ~~career teacher status and whose major responsibility is to teach or to~~
51 ~~supervise teaching.~~

- 1 (5a) [Expired.]
- 2 (5b) "School administrator" means a principal, assistant principal, supervisor, or
- 3 director whose major function includes the direct or indirect supervision of
- 4 teaching or any other part of the instructional program as provided in
- 5 G.S. 115C-287.1(a)(3).
- 6 (6) "Teacher" means a person who holds at least a current, not provisional or
- 7 expired, Class A license or a regular, not provisional or expired, vocational
- 8 license issued by the State Board of Education; whose major responsibility is
- 9 to teach or directly supervises teaching or who is classified by the State
- 10 Board of Education or is paid either as a classroom teacher or instructional
- 11 support personnel; ~~and~~ who is employed to fill a full-time, permanent
- 12 ~~position; position; and who is a career teacher.~~
- 13 (7) **(See note)** Redesignated.
- 14 (8) "Year" for purposes of computing time as a probationary teacher shall be not
- 15 less than 120 workdays performed as a probationary teacher in a full time
- 16 permanent position in a school year. Workdays performed pending the
- 17 outcome of a criminal history check as provided in G.S. 115C-332 are
- 18 included in computing time as a probationary teacher.
- 19 ...
- 20 (c) (1) ~~Election of a Teacher to Career Status.— Except as otherwise provided in~~
- 21 ~~subdivision (3) of this subsection, when a teacher has been employed by a~~
- 22 ~~North Carolina public school system for four consecutive years, the board,~~
- 23 ~~near the end of the fourth year, shall vote upon whether to grant the teacher~~
- 24 ~~career status. The teacher has a right to notice and hearing prior to the~~
- 25 ~~board's vote as provided in G.S. 115C-325(m)(3) and G.S. 115C-325(m)(4).~~
- 26 ~~The board shall give the teacher written notice of that decision by June 15 or~~
- 27 ~~such later date as provided in G.S. 115C-325(m)(7). If a majority of the~~
- 28 ~~board votes to grant career status to the teacher, and if it has notified the~~
- 29 ~~teacher of the decision, it may not rescind that action but must proceed under~~
- 30 ~~the provisions of this section for the demotion or dismissal of a teacher if it~~
- 31 ~~decides to terminate the teacher's employment. If a majority of the board~~
- 32 ~~votes against granting career status, the teacher shall not teach beyond the~~
- 33 ~~current school term. If the board fails to vote on granting career status, the~~
- 34 ~~teacher shall be entitled to an additional month's pay for every 30 days or~~
- 35 ~~portion thereof after June 16 or such later date as provided in~~
- 36 ~~G.S. 115C-325(m)(7) if a majority of the board belatedly votes against~~
- 37 ~~granting career status.~~
- 38 (2) ~~Employment of a Career Teacher.— A teacher who has obtained career~~
- 39 ~~status in any North Carolina public school system need not serve another~~
- 40 ~~probationary period of more than one year. The board may grant career~~
- 41 ~~status immediately upon employing the teacher, or after the first year of~~
- 42 ~~employment. The teacher has a right to notice and hearing prior to the~~
- 43 ~~board's vote as provided in G.S. 115C-325(m)(3) and G.S. 115C-325(m)(4).~~
- 44 ~~The board shall give the teacher written notice of that decision by June 15 or~~
- 45 ~~such later date as provided in G.S. 115C-325(m)(7). If a majority of the~~
- 46 ~~board votes against granting career status, the teacher shall not teach beyond~~
- 47 ~~the current term. If after one year of employment, the board fails to vote on~~
- 48 ~~the issue of granting career status, the teacher shall be entitled to one~~
- 49 ~~additional month's pay for every 30 days or portion thereof beyond June 16~~
- 50 ~~or such later date as provided in G.S. 115C-325(m)(7) if a majority of the~~
- 51 ~~board belatedly voted against granting career status.~~

- 1 ~~(2a) Notice of Teachers Eligible to Achieve Career Status.—At least 30 days~~
2 ~~prior to any board action granting career status, the superintendent shall~~
3 ~~submit to the board a list of the names of all teachers who are eligible to~~
4 ~~achieve career status. Notwithstanding any other provision of law, the list~~
5 ~~shall be a public record under Chapter 132 of the General Statutes.~~
- 6 ~~(3) Ineligible for Career Status.—No employee of a local board of education~~
7 ~~except a teacher as defined by G.S. 115C-325(a)(6) is eligible to obtain~~
8 ~~career status or continue in a career status as a teacher if he no longer~~
9 ~~performs the responsibilities of a teacher as defined in G.S. 115C-325(a)(6).~~
10 ~~No person who is employed as a school administrator who did not acquire~~
11 ~~career status as a school administrator by June 30, 1997, shall have career~~
12 ~~status as an administrator. Further, no director or assistant principal is~~
13 ~~eligible to obtain career status as a school administrator unless he or she has~~
14 ~~already been conferred that status by the local board of education.~~
- 15 ~~(4) Leave of Absence. – A career teacher who has been granted a leave of~~
16 ~~absence by a board shall maintain his career status if he returns to his~~
17 ~~teaching position at the end of the authorized leave.~~
- 18 ~~(5) Consecutive Years of Service.—~~
- 19 ~~a. If a probationary teacher in a full-time permanent position does not~~
20 ~~work for at least 120 workdays in a school year because the teacher~~
21 ~~is on sick leave, disability leave, or both, that school year shall not be~~
22 ~~deemed to constitute (i) a consecutive year of service for the teacher~~
23 ~~or (ii) a break in the continuity in consecutive years of service for the~~
24 ~~teacher.~~
- 25 ~~b. If a probationary teacher in a full-time permanent position is~~
26 ~~nonrenewed because of a decrease in the number of positions due to~~
27 ~~decreased funding, decreased enrollment, or a district reorganization,~~
28 ~~and is subsequently rehired by the same school system within three~~
29 ~~years, the intervening years when the teacher was not employed by~~
30 ~~the local school administrative unit shall not be deemed to constitute~~
31 ~~(i) a consecutive year of service for the teacher or (ii) a break in the~~
32 ~~continuity of years of service. However, if at the time of the teacher's~~
33 ~~nonrenewal for the reasons described in this subsection, the teacher~~
34 ~~was eligible for career status after being employed four consecutive~~
35 ~~years pursuant to G.S. 115C-325(c)(1), or one year pursuant to~~
36 ~~G.S. 115C-325(c)(2), and the board subsequently rehires the teacher~~
37 ~~within three years, the teacher will be eligible for a career status~~
38 ~~decision after one additional year of employment. Unless the~~
39 ~~superintendent unilaterally grants a teacher the benefit set forth in~~
40 ~~this subsection pursuant to a policy adopted by the board of~~
41 ~~education for this purpose, the teacher is entitled to such benefit only~~
42 ~~if the teacher notifies the head of human resources for the local~~
43 ~~school administrative unit in writing within 60 calendar days after the~~
44 ~~first day of employment upon being rehired that the teacher was~~
45 ~~nonrenewed because of a decrease in the number of positions~~
46 ~~triggered by decreased funding, decreased enrollment, or a district~~
47 ~~reorganization, and therefore the teacher's nonrenewal did not~~
48 ~~constitute a break in service for purposes of determining eligibility~~
49 ~~for career status. The local school administrative unit shall notify the~~
50 ~~teacher of the 60-day deadline as described herein in the employment~~
51 ~~application, contract, or in some other method reasonably calculated~~

1 to provide the teacher actual notice within 30 calendar days after the
 2 first day of employment for the rehired teacher. The burden is on the
 3 teacher to submit information establishing that the teacher was
 4 nonrenewed because of a decrease in the number of positions
 5 triggered by decreased funding, decreased enrollment, or a district
 6 reorganization. If the local school administrative unit fails to provide
 7 notice to the teacher within this 30-day period, then the teacher's
 8 obligation to notify the local school administrative unit within 60
 9 days does not commence until such time that the teacher is notified
 10 of the 60-day deadline.

11 The superintendent or designee will inform the teacher on
 12 whether the teacher qualifies for the benefit of this subsection within
 13 a reasonable period of time after receiving the information submitted
 14 by the teacher. This decision is final and the teacher has no right to a
 15 hearing or appeal except that the teacher may petition the board in
 16 writing within 10 calendar days after receiving the decision of the
 17 superintendent or designee, and the board or board panel shall review
 18 the matter on the record and provide the teacher a written decision.
 19 Notwithstanding any other provision of law, no appeal to court or
 20 otherwise is permitted in regard to the benefits provided under this
 21 subsection. This subsection creates no private right of action or basis
 22 for any liability on the part of the school system, nor does it create
 23 any reemployment rights for a nonrenewed probationary teacher.

24 The provisions of this subsection also shall apply to a
 25 probationary teacher in a full-time permanent position who resigns
 26 effective the end of the school year in good standing after receiving
 27 documentation that the teacher's position may be eliminated because
 28 of a decrease in the number of positions triggered by decreased
 29 funding, decreased enrollment, or a district reorganization, and is
 30 subsequently rehired by the same school system.

31 (6) ~~Status of Exchange Teachers.~~ Exchange teachers shall not be eligible to
 32 obtain career status. However, for purposes of determining eligibility to
 33 receive employment benefits under this Chapter, including personal leave,
 34 annual vacation leave, and sick leave, an exchange teacher shall be
 35 considered a permanent teacher if employed with the expectation of at least
 36 six full consecutive monthly pay periods of employment and if employed at
 37 least 20 hours per week.

38 (d) ~~Career Teachers and Career School Administrators.~~ Teachers.

39 (1) A career teacher ~~or career school administrator~~ shall not be subjected to the
 40 requirement of annual appointment nor shall he be dismissed, demoted, or
 41 employed on a part-time basis without his consent except as provided in
 42 subsection (e).

43 (2) a. ~~The provisions of this subdivision do not apply to a person who is~~
 44 ~~ineligible for career status as provided by G.S. 115C-325(e)(3).~~

45 b. Repealed by Session Laws 1997, c. 221, s. 13(a).

46 c. Subject to G.S. 115C-287.1, when a teacher has performed the duties
 47 of supervisor or principal for three consecutive years, the board, near
 48 the end of the third year, shall vote upon his employment for the next
 49 school year. The board shall give him written notice of that decision
 50 by June 1 of his third year of employment as a supervisor or
 51 principal. If a majority of the board votes to reemploy the teacher as

1 a principal or supervisor, and it has notified him of that decision, it
 2 may not rescind that action but must proceed under the provisions of
 3 this section. If a majority of the board votes not to reemploy the
 4 teacher as a principal or supervisor, he shall retain career status as a
 5 teacher if that status was attained prior to assuming the duties of
 6 supervisor or principal. A supervisor or principal who has not held
 7 that position for three years and whose contract will not be renewed
 8 for the next school year shall be notified by June 1 and shall retain
 9 career status as a teacher if that status was attained prior to assuming
 10 the duties of supervisor or principal.

11 A year, for purposes of computing time as a probationary
 12 principal or supervisor, shall not be less than 145 workdays
 13 performed as a full-time, permanent principal or supervisor in a
 14 contract year.

15 ~~A principal or supervisor who has obtained career status in that~~
 16 ~~position in any North Carolina public school system may be required~~
 17 ~~by the board of education in another school system to serve an~~
 18 ~~additional three year probationary period in that position before~~
 19 ~~being eligible for career status. However, he may, at the option of the~~
 20 ~~board of education, be granted career status immediately or after~~
 21 ~~-serving a probationary period of one or two additional years. A~~
 22 ~~principal or supervisor with career status who resigns and within five~~
 23 ~~years is reemployed by the same school system need not serve~~
 24 ~~another probationary period in that position of more than two years~~
 25 ~~and may, at the option of the board, be reemployed immediately as a~~
 26 ~~career principal or supervisor or be given career status after only one~~
 27 ~~year. In any event, if he is reemployed for a third consecutive year,~~
 28 ~~he shall automatically become a career principal or supervisor.~~

29 ...

30 (3) Inadequate Performance. – In determining whether the professional
 31 performance of a career employee is adequate, consideration shall be given
 32 to regular and special evaluation reports prepared in accordance with the
 33 published policy of the employing local school administrative unit and to
 34 any published standards of performance which shall have been adopted by
 35 the board. Failure to notify a career employee of an inadequacy or deficiency
 36 in performance shall be conclusive evidence of satisfactory performance.
 37 Inadequate performance for a teacher shall mean (i) the failure to perform at
 38 a proficient level on any standard of the evaluation instrument or (ii)
 39 otherwise performing in a manner that is below standard. ~~However, for a~~
 40 ~~probationary teacher, a performance rating below proficient may or may not~~
 41 ~~be deemed adequate at that stage of development by a superintendent or~~
 42 ~~designee. For a career teacher, a performance rating below proficient shall~~
 43 ~~constitute inadequate performance unless the principal noted on the~~
 44 ~~instrument that the teacher is making adequate progress toward proficiency~~
 45 ~~given the circumstances.~~

46 ...

47 (m) ~~Probationary Teacher.~~

48 (1) ~~The board of any local school administrative unit may not discharge a~~
 49 ~~probationary teacher during the school year except for the reasons for and by~~
 50 ~~the procedures by which a career employee may be dismissed as set forth in~~
 51 ~~subsections (e), (f), (f1), and (h) to (j3) above.~~

- 1 (2) The board, upon recommendation of the superintendent, may refuse to renew
2 the contract of any probationary teacher or to reemploy any teacher who is
3 not under contract for any cause it deems sufficient: Provided, however, that
4 the cause may not be arbitrary, capricious, discriminatory or for personal or
5 political reasons.
- 6 (3) The superintendent shall provide written notice to a probationary teacher no
7 later than May 15 of the superintendent's intent to recommend nonrenewal
8 and the teacher's right, within 10 days of receipt of the superintendent's
9 recommendation, to (i) request and receive written notice of the reasons for
10 the superintendent's recommendation for nonrenewal and the information
11 that the superintendent may share with the board to support the
12 recommendation for nonrenewal; and (ii) request a hearing for those teachers
13 eligible for a hearing under G.S. 115C-325(m)(4). The failure to file a timely
14 request within the 10 days shall result in a waiver of the right to this
15 information and any right to a hearing. If a teacher files a timely request, the
16 superintendent shall provide the requested information and arrange for a
17 hearing, if allowed, and the teacher shall be permitted to submit
18 supplemental information to the superintendent and board prior to the board
19 making a decision or holding a hearing as provided in this section. The board
20 shall adopt a policy to provide for the orderly exchange of information prior
21 to the board's decision on the superintendent's recommendation for
22 nonrenewal.
- 23 (4) If the probationary teacher is eligible for career status pursuant to
24 G.S. 115C-325(e)(1) and (e)(2) and the superintendent recommends not to
25 give the probationary teacher career status, the probationary teacher has the
26 right to a hearing before the board unless the reason is a justifiable board or
27 superintendent approved decrease in the number of positions due to district
28 reorganization, decreased enrollment, or decreased funding.
- 29 (5) For probationary contracts that are not in the final year before the
30 probationary teacher is eligible for career status, the probationary teacher
31 shall have the right to petition the local board of education for a hearing, and
32 the local board may grant a hearing regarding the superintendent's
33 recommendation for nonrenewal. The local board of education shall notify
34 the probationary teacher making the petition of its decision whether to grant
35 a hearing.
- 36 (6) Any hearing held according to this subsection shall be pursuant to the
37 provisions of G.S. 115C-45(e).
- 38 (7) The board shall notify a probationary teacher whose contract will not be
39 renewed for the next school year of its decision by June 15; provided,
40 however, if a teacher submits a request for information or a hearing, the
41 board shall provide the nonrenewal notification by July 1 or such later date
42 upon the written consent of the superintendent and teacher.
- 43 (n) Appeal.—Any career employee who has been dismissed or demoted under
44 G.S. 115C-325(e)(2), or under G.S. 115C-325(j2), or who has been suspended without pay
45 under G.S. 115C-325(a)(4a), or any school administrator whose contract is not renewed in
46 accordance with G.S. 115C-287.1, or any probationary teacher whose contract is not renewed
47 under G.S. 115C-325(m)(2) shall have the right to appeal from the decision of the board to the
48 superior court for the superior court district or set of districts as defined in G.S. 7A-41.1 in
49 which the career employee is employed. This appeal shall be filed within a period of 30 days
50 after notification of the decision of the board. The cost of preparing the transcript shall be
51 determined under G.S. 115C-325(j2)(8) or G.S. 115C-325(j3)(10). A career employee who has

1 ~~been demoted or dismissed, or a school administrator whose contract is not renewed, who has~~
2 ~~not requested a hearing before the board of education pursuant to this section shall not be~~
3 ~~entitled to judicial review of the board's action.~~

4 (o) Resignation. –

5 ...

6 (2) ~~A teacher, career or probationary, career teacher~~ who is not recommended
7 for dismissal should not resign without the consent of the superintendent
8 unless he or she has given at least 30 days' notice. If a teacher who is not
9 recommended for dismissal does resign without giving at least 30 days'
10 notice, the board may request that the State Board of Education revoke the
11 teacher's license for the remainder of that school year. A copy of the request
12 shall be placed in the teacher's personnel file.

13 (p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation
14 to the contrary, this section shall apply to all persons who are employed as career teachers in
15 teaching and related educational classes in the schools and institutions of the Departments of
16 Health and Human Services and Public Instruction and the Divisions of Juvenile Justice and
17 Adult Correction of the Department of Public Safety regardless of the age of the students.

18 (p1) Procedure for Dismissal of School Administrators and Teachers Employed in
19 Low-Performing Residential Schools. –

20 (1) ~~Notwithstanding any other provision of this section or any other law, this~~
21 This subdivision shall govern the dismissal by the Secretary of Health and
22 Human Services of teachers, principals, assistant principals, directors,
23 supervisors, and other licensed personnel who are career employees and are
24 assigned to a residential school that the State Board has identified as
25 low-performing and to which the State Board has assigned an assistance
26 team under Part 3A of Article 3 of Chapter 143B of the General Statutes.
27 The Secretary shall dismiss a teacher, principal, assistant principal, director,
28 supervisor, or other licensed personnel when the Secretary receives two
29 consecutive evaluations that include written findings and recommendations
30 regarding that person's inadequate performance from the assistance team.
31 These findings and recommendations shall be substantial evidence of the
32 inadequate performance of the teacher or school administrator.

33 The Secretary may dismiss a teacher, principal, assistant principal,
34 director, supervisor, or other licensed personnel when:

- 35 a. The Secretary determines that the school has failed to make
36 satisfactory improvement after the State Board assigned an assistance
37 team to that school under Part 3A of Article 3 of Chapter 143B of the
38 General Statutes; and
39 b. That assistance team makes the recommendation to dismiss the
40 teacher, principal, assistant principal, director, supervisor, or other
41 licensed personnel for one or more grounds established in
42 G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.

43 Within 30 days of any dismissal under this subdivision, a teacher, principal,
44 assistant principal, director, supervisor, or other licensed personnel may
45 request a hearing before a panel of three members designated by the
46 Secretary. The Secretary shall adopt procedures to ensure that due process
47 rights are afforded to persons recommended for dismissal under this
48 subdivision. Decisions of the panel may be appealed on the record to the
49 Secretary, with further right of judicial review under Chapter 150B of the
50 General Statutes.

51 ...

- 1 (q) Procedure for Dismissal of School Administrators and Teachers Employed in
2 Low-Performing Schools. –
- 3 ~~(1) Notwithstanding any other provision of this section or any other law, this~~
4 ~~subdivision governs the State Board's dismissal of principals assigned to~~
5 ~~low performing schools to which the Board has assigned an assistance team:~~
- 6 a. ~~The State Board through its designee may, at any time, recommend~~
7 ~~the dismissal of any principal who is assigned to a low performing~~
8 ~~school to which an assistance team has been assigned. The State~~
9 ~~Board through its designee shall recommend the dismissal of any~~
10 ~~principal when the Board receives from the assistance team assigned~~
11 ~~to that principal's school two consecutive evaluations that include~~
12 ~~written findings and recommendations regarding the principal's~~
13 ~~inadequate performance.~~
- 14 b. ~~If the State Board through its designee recommends the dismissal of~~
15 ~~a principal under this subdivision, the principal shall be suspended~~
16 ~~with pay pending a hearing before a panel of three members of the~~
17 ~~State Board. The purpose of this hearing, which shall be held within~~
18 ~~60 days after the principal is suspended, is to determine whether the~~
19 ~~principal shall be dismissed.~~
- 20 c. ~~The panel shall order the dismissal of the principal if it determines~~
21 ~~from available information, including the findings of the assistance~~
22 ~~team, that the low performance of the school is due to the principal's~~
23 ~~inadequate performance.~~
- 24 d. ~~The panel may order the dismissal of the principal if (i) it determines~~
25 ~~that the school has not made satisfactory improvement after the State~~
26 ~~Board assigned an assistance team to that school; and (ii) the~~
27 ~~assistance team makes the recommendation to dismiss the principal~~
28 ~~for one or more grounds established in G.S. 115C-325(e)(1) for~~
29 ~~dismissal or demotion of a career employee.~~
- 30 e. ~~If the State Board or its designee recommends the dismissal of a~~
31 ~~principal before the assistance team assigned to the principal's school~~
32 ~~has evaluated that principal, the panel may order the dismissal of the~~
33 ~~principal if the panel determines from other available information~~
34 ~~that the low performance of the school is due to the principal's~~
35 ~~inadequate performance.~~
- 36 f. ~~In all hearings under this subdivision, the burden of proof is on the~~
37 ~~principal to establish that the factors leading to the school's low~~
38 ~~performance were not due to the principal's inadequate performance.~~
39 ~~In all hearings under sub-subdivision d. of this subdivision, the~~
40 ~~burden of proof is on the State Board to establish that the school~~
41 ~~failed to make satisfactory improvement after an assistance team was~~
42 ~~assigned to the school and to establish one or more of the grounds~~
43 ~~established for dismissal or demotion of a career employee under~~
44 ~~G.S. 115C-325(e)(1).~~
- 45 g. ~~In all hearings under this subdivision, two consecutive evaluations~~
46 ~~that include written findings and recommendations regarding that~~
47 ~~person's inadequate performance from the assistance team are~~
48 ~~substantial evidence of the inadequate performance of the principal.~~
- 49 h. ~~The State Board shall adopt procedures to ensure that due process~~
50 ~~rights are afforded to principals under this subdivision. Decisions of~~
51 ~~the panel may be appealed on the record to the State Board, with~~

1 further right of judicial review under Chapter 150B of the General
 2 Statutes.

3 (2) Notwithstanding any other provision of this section or any other law, this
 4 subdivision shall govern the State Board's dismissal of teachers, assistant
 5 principals, directors, and supervisors who are career employees assigned to
 6 schools that the State Board has identified as low-performing and to which
 7 the State Board has assigned an assistance team under Article 8B of this
 8 Chapter. The State Board shall dismiss a teacher, assistant principal,
 9 director, or supervisor when the State Board receives two consecutive
 10 evaluations that include written findings and recommendations regarding
 11 that person's inadequate performance from the assistance team. These
 12 findings and recommendations shall be substantial evidence of the
 13 inadequate performance of the teacher or school administrator.

14 The State Board may dismiss a teacher, assistant principal, director, or
 15 supervisor when:

- 16 a. The State Board determines that the school has failed to make
 17 satisfactory improvement after the State Board assigned an assistance
 18 team to that school under G.S. 115C-105.38; and
- 19 b. That assistance team makes the recommendation to dismiss the
 20 teacher, assistant principal, director, or supervisor for one or more
 21 grounds established in G.S. 115C-325(e)(1) for dismissal or
 22 demotion of a career teacher.

23 A teacher, assistant principal, director, or supervisor may request a hearing
 24 before a panel of three members of the State Board within 30 days of any
 25 dismissal under this subdivision. The State Board shall adopt procedures to
 26 ensure that due process rights are afforded to persons recommended for
 27 dismissal under this subdivision. Decisions of the panel may be appealed on
 28 the record to the State Board, with further right of judicial review under
 29 Chapter 150B of the General Statutes.

30 ...
 31 (3) ~~The State Board of Education or a local board may terminate the contract of~~
 32 ~~a school administrator dismissed under this subsection.~~ Nothing in this
 33 subsection shall prevent a local board from refusing to renew the contract of
 34 any person employed in a school identified as low-performing under
 35 G.S. 115C-105.37.

36 (4) ~~Neither party to a school administrator contract is entitled to damages under~~
 37 ~~this subsection.~~

38 (5) The State Board shall have the right to subpoena witnesses and documents
 39 on behalf of any party to the proceedings under this subsection."
 40

41 **TEACHER EMPLOYMENT CONTRACTS**

42 **SECTION 9.7.(a)** Part 3A of Article 22 of Chapter 115C of the General Statutes,
 43 consisting of G.S. 115C-326.5, is recodified as Part 3B of Article 22 of Chapter 115C of the
 44 General Statutes. G.S. 115C-325.1 through G.S. 115C-325.13 are recodified as Part 3A of
 45 Article 22 of Chapter 115C of the General Statutes, to be entitled "Teacher Employment
 46 Contracts."

47 **SECTION 9.7.(b)** G.S. 115C-325.1 reads as rewritten:

48 "**§ 115C-325.1. Purpose; definitions.**~~Definitions.~~

49 (a) Purpose. – The purpose of this Part is to authorize a system of employment for
 50 teachers to provide maximum flexibility to local boards of education in regularly evaluating the

1 performance of teachers and employing the most effective teachers in the public schools of the
2 State. This system of employment is designed to further the following objectives:

- 3 (1) Ensure State and local funds to support the public schools shall be utilized in
4 providing the greatest student outcomes in relation to the expenditure of
5 those funds.
6 (2) Allow local boards of education to make teacher employment decisions that
7 are driven by the specific needs of their students.
8 (3) Provide that employment decisions shall be based on teacher performance
9 and that those decisions are independent from the consideration of the length
10 of years a teacher has been employed as a teacher.
11 (4) Provide that teachers who are identified as effective in the classroom shall
12 have the opportunity to be recognized, rewarded, and retained by local
13 boards of education to ensure student growth and improved student
14 outcomes.

15 (b) Definitions. – As used in this Part, the following definitions apply:

- 16 (1) "Day" means calendar day. In computing any period of time, Rule 6 of the
17 North Carolina Rules of Civil Procedure shall apply.
18 (2) "Demote" means to reduce the salary of a person who is classified or paid by
19 the State Board of Education as a classroom teacher or as a school
20 administrator during the ~~time~~term of the contract. The word "demote" does
21 not include (i) a suspension without pay pursuant to G.S. 115C-325.5(a); (ii)
22 the elimination or reduction of bonus payments, including merit-based
23 supplements or a systemwide modification in the amount of any applicable
24 local supplement; (iii) any reduction in salary that results from the
25 elimination of a special duty, such as the duty of an athletic coach or a choral
26 director; ~~or~~(iv) any reduction of pay as compared to a prior term of
27 ~~contract~~contract; or (v) a statewide modification or reduction of the teacher
28 salary schedules.
29 (3) "Disciplinary suspension" means a final decision to suspend a teacher or
30 school administrator without pay for no more than 60 days under
31 G.S. 115C-325.5(b).
32 (4) "Residential school" means a school operated by the Department of Health
33 and Human Services that provides residential services to students pursuant to
34 Part 3A of Article 3 of Chapter 143B of the General Statutes or a school
35 operated pursuant to Article 9C of Chapter 115C of the General Statutes.
36 (5) "School administrator" means a principal, assistant principal, supervisor, or
37 director whose major function includes the direct or indirect supervision of
38 teaching or any other part of the instructional program, as provided in
39 G.S. 115C-287.1(a)(3).
40 (6) "Teacher" means a person meeting each of the following requirements:
41 a. Who holds at least one of the following licenses issued by the State
42 Board of Education:
43 1. A current standard professional educator's license.
44 2. A current lateral entry teaching license.
45 3. A regular, not expired, vocational license.
46 b. Whose major responsibility is to teach or directly supervise teaching
47 or who is classified by the State Board of Education or is paid either
48 as a classroom teacher or instructional support personnel.
49 c. Who is employed to fill a full-time, permanent position.
50 d. Who is not a career teacher as defined in G.S. 115C-325(a)(1c).

(7) "Year" means a calendar year beginning July 1 and ending June 30, means, for purposes of computing time of employment as a teacher, no less than 120 workdays performed as a teacher in a full-time, permanent position in a school year. Workdays performed pending the outcome of a criminal history check as provided in G.S. 115C-332 are included in computing time as a teacher."

SECTION 9.7.(c) G.S. 115C-325.3 is amended by adding a new subsection to read:

"(a1) Contract Shall Be in Writing. – An employment contract between the local board of education and a teacher shall be in writing and shall include the following terms:

(1) Length of contract.

(2) Licensure requirements.

(3) A clause stating that teacher compensation for professional services performed pursuant to the contract shall be at a rate consistent with the North Carolina General Statutes, the salary schedule established by the State of North Carolina for the fiscal year in which the professional services are performed, and any local supplement that may apply. If a teacher is paid from local funds, the clause shall state that the teacher compensation shall be consistent with the local salary schedule adopted pursuant to G.S. 115C-302.1(h).

(4) A clause stating that the contract is subject to modifications as a result of subsequent legislative enactments."

SECTION 9.7.(d) G.S. 115C-325.10 reads as rewritten:

"§ 115C-325.10. Application to certain institutions.

Notwithstanding any law or regulation to the contrary, this Part shall apply to all persons employed in teaching and related educational classes in the schools and institutions of the Departments of Health and Human Services and Public Instruction and the Divisions of Juvenile Justice and Adult Correction of the Department of Public ~~Safety~~, Safety who are not career teachers as defined in G.S. 115C-325(a)(1c), regardless of the age of the students."

SECTION 9.7.(e) Contracts for 2014-2015 School Year Shall Be for One Year Only. – For the 2014-2015 school year only and notwithstanding G.S. 115C-325.3(a), all contracts entered into pursuant to Part 3A of Article 22 of Chapter 115C of the General Statutes, except for four-year performance-based contracts entered into under Section 9.5 of this act, shall be for one year only.

CONFORMING CHANGES

SECTION 9.8.(a) G.S. 115C-105.25(b)(5b) reads as rewritten:

"(5b) Except as provided in subdivision (5a) of this subsection, positions allocated for classroom teachers and instructional support personnel may be converted to dollar equivalents for any purpose authorized by the policies of the State Board of Education. These positions shall be converted at the salary on the first step of the "A" Teachers Career Status Teacher Salary Schedule. Certified position allotments shall not be transferred to dollars to hire the same type of position."

SECTION 9.8.(b) G.S. 115C-105.26(b)(2) reads as rewritten:

"(2) State rules and policies, except those pertaining to public school State salary schedules and employee benefits for school employees, the instructional program that must be offered under the Basic Education Program, the system of employment for public school teachers and administrators set out in G.S. 115C-287.1 and in Part 3 and Part 3A of Article 22 of this Chapter,

1 health and safety codes, compulsory attendance, the minimum lengths of the
2 school day and year, and the Uniform Education Reporting System."

3 **SECTION 9.8.(c)** G.S. 115C-105.37B(a)(2) reads as rewritten:

4 "(2) Restart model, in which the State Board of Education would authorize the
5 local board of education to operate the school with the same exemptions
6 from statutes and rules as a charter school authorized under Part 6A of
7 Article 16 of this Chapter, or under the management of an educational
8 management organization that has been selected through a rigorous review
9 process. A school operated under this subdivision remains under the control
10 of the local board of education, and employees assigned to the school are
11 employees of the local school administrative unit with the protections
12 provided by Part 3 or Part 3A of Article 22 of this Chapter."

13 **SECTION 9.8.(d)** G.S. 115C-276(l) reads as rewritten:

14 "(l) To Maintain Personnel Files and to Participate in Firing and Demoting of Staff. –
15 The superintendent shall maintain in his or her office a personnel file for each teacher that
16 contains complaints, commendations, or suggestions for correction or improvement about the
17 teacher and shall participate in the firing and demoting of staff, as provided in Part 3 and Part
18 3A of Article 22 of this Chapter."

19 **SECTION 9.8.(e)** G.S. 115C-335(b) reads as rewritten:

20 "(b) Training. – The State Board, in collaboration with the Board of Governors of The
21 University of North Carolina, shall develop programs designed to train principals and
22 superintendents in the proper administration of the employee evaluations developed by the
23 State Board. The Board of Governors shall use the professional development programs for
24 public school employees that are under its authority to make this training available to all
25 principals and superintendents at locations that are geographically convenient to local school
26 administrative units. The programs shall include methods to determine whether an employee's
27 performance has improved student learning, the development and implementation of
28 appropriate professional growth and mandatory improvement plans, the process for contract
29 nonrenewal, and the dismissal process under Part 3 and Part 3A of Article 22 of this Chapter.
30 The Board of Governors shall ensure that the subject matter of the training programs is
31 incorporated into the masters in school administration programs offered by the constituent
32 institutions. The State Board, in collaboration with the Board of Governors, also shall develop
33 in-service programs for licensed public school employees that may be included in a mandatory
34 improvement plan created under G.S. 115C-333(b) or G.S. 115C-333.1(b). The Board of
35 Governors shall use the professional development programs for public school employees that
36 are under its authority to make this training available at locations that are geographically
37 convenient to local school administrative units."
38

39 **EFFECT OF POTENTIAL LITIGATION**

40 **SECTION 9.9.(a)** If any section or provision of Sections 9.1 through 9.9 of this act
41 is enjoined or declared unconstitutional or invalid by a court of competent jurisdiction as it
42 applies to the election made by certain classes of teachers to be compensated on the
43 Professional Status Teacher Salary Schedule or the Career Status Teacher Salary Schedule, all
44 such teachers subject to such injunction or declaration shall be compensated on the Career
45 Status Teacher Salary Schedule. If a court of competent jurisdiction makes a final
46 determination that such provision is constitutional and valid and all opportunities for appellate
47 review of such determination are exhausted or abandoned, the following shall apply to teachers
48 subject to the earlier order:

49 (1) A teacher who entered into a contract electing to be paid on the Professional
50 Status Teacher Salary Schedule prior to the entry of the earlier order shall be
51 paid on that schedule retroactive to July 1, 2014. A teacher who entered into

1 a four-year performance-based contract shall receive the annual bonuses
2 associated with that contract.

3 (2) A teacher who elects to enter into a contract electing to be paid on the
4 Professional Status Teacher Salary Schedule within 30 days of entry of the
5 final order shall be paid on that schedule retroactive to July 1, 2014. A
6 teacher who enters into a four-year performance-based contract shall receive
7 the annual bonuses associated with that contract.

8 (3) A teacher who elects not to enter into a contract and to be paid on the Career
9 Status Teacher Salary Schedule shall continue to be paid in accordance on
10 that schedule.

11 **SECTION 9.9.(b)** If any section or provision of Sections 9.1 through 9.9 of this act
12 is enjoined or declared unconstitutional or invalid by a court of competent jurisdiction as it
13 applies to the offer to and acceptance of four-year performance-based contracts by certain
14 classes of teachers in accordance with Section 9.5 of this act or one-year contracts in
15 accordance with Section 9.7 of this act, all such teachers subject to such injunction or
16 declaration shall be compensated on the Career Status Teacher Salary Schedule. If a court of
17 competent jurisdiction makes a final determination that such provision is constitutional and
18 valid and all opportunities for appellate review of such determination are exhausted or
19 abandoned, the following shall apply to teachers subject to the earlier order:

20 (1) A teacher who entered into a four-year performance-based contract electing
21 to be paid on the Professional Status Teacher Salary Schedule prior to the
22 entry of the earlier order shall be paid on that schedule retroactive to July 1,
23 2014, and shall receive the annual bonuses associated with that contract.

24 (2) A teacher who elects to enter into a four-year performance-based contract
25 electing to be paid on the Professional Status Teacher Salary Schedule
26 within 30 days of entry of the final order shall be paid on that schedule
27 retroactive to July 1, 2014, and shall receive the annual bonuses associated
28 with that contract.

29 (3) A teacher who elects not to enter into a contract and to be paid on the Career
30 Status Teacher Salary Schedule shall continue to be paid in accordance with
31 that schedule.

32 **SECTION 9.9.(c)** If any section or provision of Sections 9.1 through 9.9 of this act
33 is enjoined or declared unconstitutional or invalid by a court of competent jurisdiction as it
34 applies to voluntary relinquishment of rights and claims related to longevity pay, career status,
35 or computation of salary supplements by certain classes of teachers in accordance with Sections
36 9.1(a), 9.3, or 9.5 of this act, all such teachers subject to such injunction or declaration shall be
37 compensated on the Career Status Teacher Salary Schedule. If a court of competent jurisdiction
38 makes a final determination that such provision is constitutional and valid and all opportunities
39 for appellate review of such determination are exhausted or abandoned, the following shall
40 apply to teachers subject to the earlier order:

41 (1) A teacher who entered into a contract electing to be paid on the Professional
42 Status Teacher Salary Schedule prior to the entry of the earlier order shall be
43 paid on that schedule retroactive to July 1, 2014. A teacher who entered into
44 a four-year performance-based contract shall receive the annual bonuses
45 associated with that contract.

46 (2) A teacher who elects to enter into a contract electing to be paid on the
47 Professional Status Teacher Salary Schedule within 30 days of entry of the
48 final order shall be paid on that schedule retroactive to July 1, 2014. A
49 teacher who enters into a four-year performance-based contract shall receive
50 the annual bonuses associated with that contract.

- (3) A teacher who elects not to enter into a contract and to be paid on the Career Status Teacher Salary Schedule shall continue to be paid in accordance on that schedule.

SECTION 9.9.(d) If any section or provision of Sections 9.1 through 9.9 of this act is enjoined or declared unconstitutional or invalid by a court of competent jurisdiction, on any basis other than provided in subsection (a), (b), or (c) of this section, all such teachers subject to such injunction or declaration shall be compensated on the Career Status Teacher Salary Schedule. If a court of competent jurisdiction makes a final determination that such provision is constitutional and valid and all opportunities for appellate review of such determination are exhausted or abandoned, the following shall apply to teachers subject to the earlier order:

- (1) A teacher who entered into a contract electing to be paid on the Professional Status Teacher Salary Schedule prior to the entry of the earlier order shall be paid on that schedule retroactive to July 1, 2014. A teacher who entered into a four-year performance-based contract shall receive the annual bonuses associated with that contract.
- (2) A teacher who elects to enter into a contract electing to be paid on the Professional Status Teacher Salary Schedule within 30 days of entry of the final order shall be paid on that schedule retroactive to July 1, 2014. A teacher who enters into a four-year performance-based contract shall receive the annual bonuses associated with that contract.
- (3) A teacher who elects not to enter into a contract and to be paid on the Career Status Teacher Salary Schedule shall continue to be paid in accordance on that schedule.

INTERPRETATION OF THIS PART

SECTION 9.10. Except with respect to the requirements of G.S. 115C-325.3(a1), as enacted by this act, to create express written contracts as to the term of employment for teachers, Sections 9.1 through 9.9 of this act shall be construed to declare a policy that will be followed until the law is changed by the General Assembly. Sections 9.1 through 9.9 of this act shall not be construed to manifest a legislative intent to create private contract rights enforceable against the State or local school administrative units. The General Assembly reserves the right to alter, amend, or repeal Sections 9.1 through 9.9 of this act.

SCHOOL-BASED ADMINISTRATOR SALARY SCHEDULE

SECTION 9.11.(a) The following base salary schedule for school-based administrators shall apply only to principals and assistant principals. This base salary schedule shall apply for the 2014-2015 fiscal year commencing July 1, 2014.

2014-2015 Principal and Assistant Principal Salary Schedules
Classification

Years of Exp	Assistant	Prin I	Prin II	Prin III	Prin IV
Principal	(0-10)	(11-21)	(22-32)	(33-43)	
0-9	\$3,828	-	-	-	-
10	\$3,977	-	-	-	-
11	\$4,123	-	-	-	-
12	\$4,240	-	-	-	-
13	\$4,323	\$4,323	-	-	-
14	\$4,377	\$4,377	-	-	-
15	\$4,434	\$4,434	\$4,489	-	-
16	\$4,489	\$4,489	\$4,547	-	-
17	\$4,547	\$4,547	\$4,606	\$4,665	-

1	18	\$4,606	\$4,606	\$4,665	\$4,726	\$4,788
2	19	\$4,665	\$4,665	\$4,726	\$4,788	\$4,851
3	20	\$4,726	\$4,726	\$4,788	\$4,851	\$4,918
4	21	\$4,788	\$4,788	\$4,851	\$4,918	\$4,983
5	22	\$4,851	\$4,851	\$4,918	\$4,983	\$5,050
6	23	\$4,918	\$4,918	\$4,983	\$5,050	\$5,119
7	24	\$4,983	\$4,983	\$5,050	\$5,119	\$5,188
8	25	\$5,050	\$5,050	\$5,119	\$5,188	\$5,263
9	26	\$5,119	\$5,119	\$5,188	\$5,263	\$5,335
10	27	\$5,188	\$5,188	\$5,263	\$5,335	\$5,409
11	28	\$5,263	\$5,263	\$5,335	\$5,409	\$5,483
12	29	\$5,335	\$5,335	\$5,409	\$5,483	\$5,561
13	30	\$5,409	\$5,409	\$5,483	\$5,561	\$5,641
14	31	\$5,483	\$5,483	\$5,561	\$5,641	\$5,722
15	32	\$5,561	\$5,561	\$5,641	\$5,722	\$5,794
16	33	\$5,641	\$5,641	\$5,722	\$5,794	\$5,909
17	34	\$5,722	\$5,722	\$5,794	\$5,909	\$6,027
18	35	\$5,794	\$5,794	\$5,909	\$6,027	\$6,148
19	36	\$5,909	\$5,909	\$6,027	\$6,148	\$6,271
20	37	-	\$6,027	\$6,148	\$6,271	\$6,396
21	38	-	-	\$6,271	\$6,396	\$6,524
22	39	-	-	\$6,396	\$6,524	\$6,654
23	40	-	-	-	\$6,654	\$6,787
24	41	-	-	-	\$6,787	\$6,923
25	42	-	-	-	-	\$7,061

2014-2015 Principal and Assistant Principal Salary Schedules
Classification

Years of Exp	Prin V	Prin VI	Prin VII	Prin VIII
(44-54)	(55-65)	(66-100)	(101+)	
0-19	\$4,918	-	-	-
20	\$4,983	-	-	-
21	\$5,050	\$5,119	-	-
22	\$5,119	\$5,188	\$5,335	-
23	\$5,188	\$5,263	\$5,409	\$5,483
24	\$5,263	\$5,335	\$5,483	\$5,561
25	\$5,335	\$5,409	\$5,561	\$5,641
26	\$5,409	\$5,483	\$5,641	\$5,722
27	\$5,483	\$5,561	\$5,722	\$5,794
28	\$5,561	\$5,641	\$5,794	\$5,909
29	\$5,641	\$5,722	\$5,909	\$6,027
30	\$5,722	\$5,794	\$6,027	\$6,148
31	\$5,794	\$5,909	\$6,148	\$6,271
32	\$5,909	\$6,027	\$6,271	\$6,396
33	\$6,027	\$6,148	\$6,396	\$6,524
34	\$6,148	\$6,271	\$6,524	\$6,654
35	\$6,271	\$6,396	\$6,654	\$6,787
36	\$6,396	\$6,524	\$6,787	\$6,923
37	\$6,524	\$6,654	\$6,923	\$7,061
38	\$6,654	\$6,787	\$7,061	\$7,202
39	\$6,787	\$6,923	\$7,202	\$7,346

1	40	\$6,923	\$7,061	\$7,346	\$7,493
2	41	\$7,061	\$7,202	\$7,493	\$7,643
3	42	\$7,202	\$7,346	\$7,643	\$7,796
4	43	\$7,346	\$7,493	\$7,796	\$7,952
5	44	-	\$7,643	\$7,952	\$8,111
6	45	-	\$7,796	\$8,111	\$8,273
7	46+	-	-	\$8,273	\$8,438

8 **SECTION 9.11.(b)** The appropriate classification for placement of principals and
 9 assistant principals on the salary schedule, except for principals in alternative schools and in
 10 cooperative innovative high schools, shall be determined in accordance with the following
 11 schedule:

Classification	Number of Teachers Supervised
12 Assistant Principal	
13 Principal I	Fewer than 11 Teachers
14 Principal II	11-21 Teachers
15 Principal III	22-32 Teachers
16 Principal IV	33-43 Teachers
17 Principal V	44-54 Teachers
18 Principal VI	55-65 Teachers
19 Principal VII	66-100 Teachers
20 Principal VIII	More than 100 Teachers

21 The number of teachers supervised includes teachers and assistant principals paid
 22 from State funds only; it does not include teachers or assistant principals paid from non-State
 23 funds or the principal or teacher assistants.

24 The beginning classification for principals in alternative schools and in cooperative
 25 innovative high school programs shall be the Principal III level. Principals in alternative
 26 schools who supervise 33 or more teachers shall be classified according to the number of
 27 teachers supervised.
 28

29 **SECTION 9.11.(c)** A principal shall be placed on the step on the salary schedule
 30 that reflects total number of years of experience as a certificated employee of the public schools
 31 and an additional step for every three years of experience as a principal. A principal or assistant
 32 principal shall also continue to receive any additional State-funded percentage increases earned
 33 for the 1997-1998, 1998-1999, and 1999-2000 school years for improvement in student
 34 performance or maintaining a safe and orderly school.

35 **SECTION 9.11.(d)** Principals and assistant principals with certification based on
 36 academic preparation at the six-year degree level shall be paid a salary supplement of one
 37 hundred twenty-six dollars (\$126.00) per month and at the doctoral degree level shall be paid a
 38 salary supplement of two hundred fifty-three dollars (\$253.00) per month.

39 **SECTION 9.11.(e)** Longevity pay for principals and assistant principals shall be as
 40 provided for State employees under the North Carolina Human Resources Act.

41 **SECTION 9.11.(f)** If a principal is reassigned to a higher job classification because
 42 the principal is transferred to a school within a local school administrative unit with a larger
 43 number of State-allotted teachers, the principal shall be placed on the salary schedule as if the
 44 principal had served the principal's entire career as a principal at the higher job classification.

45 If a principal is reassigned to a lower job classification because the principal is
 46 transferred to a school within a local school administrative unit with a smaller number of
 47 State-allotted teachers, the principal shall be placed on the salary schedule as if the principal
 48 had served the principal's entire career as a principal at the lower job classification.

49 This subsection applies to all transfers on or after the effective date of this section,
 50 except transfers in school systems that have been created, or will be created, by merging two or

1 more school systems. Transfers in these merged systems are exempt from the provisions of this
2 subsection for one calendar year following the date of the merger.

3 **SECTION 9.11.(g)** Participants in an approved full-time masters in-school
4 administration program shall receive up to a 10-month stipend at the beginning salary of an
5 assistant principal during the internship period of the masters program. The stipend shall not
6 exceed the difference between the beginning salary of an assistant principal plus the cost of
7 tuition, fees, and books and any fellowship funds received by the intern as a full-time student,
8 including awards of the Principal Fellows Program. The Principal Fellows Program or the
9 school of education where the intern participates in a full-time masters in-school administration
10 program shall supply the Department of Public Instruction with certification of eligible
11 full-time interns.

12 **SECTION 9.11.(h)** During the 2013-2015 fiscal biennium, the placement on the
13 salary schedule of an administrator with a one-year provisional assistant principal's certificate
14 shall be at the entry-level salary for an assistant principal or the appropriate step on the teacher
15 salary schedule, whichever is higher.

16 **SECTION 9.11.(i)** Effective July 1, 2014, any assistant principal paid on years 0-8
17 on the State Salary Schedule in the 2013-2014 school year and employed on July 1, 2014, shall
18 receive a nonrecurring salary bonus of eight hundred nine dollars (\$809.00).
19

20 CENTRAL OFFICE SALARIES

21 **SECTION 9.12.** Section 35.13 of S.L. 2013-360 reads as rewritten:

22 "**SECTION 35.13.(a)** The monthly salary ranges that follow, which apply to assistant
23 superintendents, associate superintendents, directors/coordinators, supervisors, and finance
24 officers, shall ~~remain unchanged for the 2013-2015 fiscal biennium, beginning July 1, 2013.~~
25 be increased by five hundred dollars (\$500.00) annually as follows:

26	School Administrator I	\$3,349 <u>\$3,391</u>	\$6,281 <u>\$6,323</u>
27	School Administrator II	\$3,550 <u>\$3,592</u>	\$6,662 <u>\$6,704</u>
28	School Administrator III	\$3,769 <u>\$3,811</u>	\$7,068 <u>\$7,110</u>
29	School Administrator IV	\$3,920 <u>\$3,962</u>	\$7,349 <u>\$7,391</u>
30	School Administrator V	\$4,078 <u>\$4,120</u>	\$7,647 <u>\$7,689</u>
31	School Administrator VI	\$4,326 <u>\$4,368</u>	\$8,109 <u>\$8,151</u>
32	School Administrator VII	\$4,500 <u>\$4,542</u>	\$8,436 <u>\$8,478</u>

33 The local board of education shall determine the appropriate category and placement for
34 each assistant superintendent, associate superintendent, director/coordinator, supervisor, or
35 finance officer within the salary ranges and within funds appropriated by the General Assembly
36 for central office administrators and superintendents. The category in which an employee is
37 placed shall be included in the contract of any employee.

38 "**SECTION 35.13.(b)** The monthly salary ranges that follow, which apply to public school
39 superintendents, shall ~~remain unchanged for the 2013-2015 fiscal biennium, beginning July 1,~~
40 2013. be increased beginning July 1, 2014, as follows:

41	Superintendent I	\$4,777 <u>\$4,819</u>	\$8,949 <u>\$8,991</u>
42	Superintendent II	\$5,071 <u>\$5,113</u>	\$9,490 <u>\$9,532</u>
43	Superintendent III	\$5,380 <u>\$5,422</u>	\$10,067 <u>\$10,109</u>
44	Superintendent IV	\$5,710 <u>\$5,752</u>	\$10,679 <u>\$10,721</u>
45	Superintendent V	\$6,060 <u>\$6,102</u>	\$11,330 <u>\$11,372</u>

46 The local board of education shall determine the appropriate category and placement for the
47 superintendent based on the average daily membership of the local school administrative unit
48 and within funds appropriated by the General Assembly for central office administrators and
49 superintendents.

1 "SECTION 35.13.(c) Longevity pay for superintendents, assistant superintendents,
2 associate superintendents, directors/coordinators, supervisors, and finance officers shall be as
3 provided for State employees under the State Personnel Act.

4 "SECTION 35.13.(d) Superintendents, assistant superintendents, associate superintendents,
5 directors/coordinators, supervisors, and finance officers with certification based on academic
6 preparation at the six-year degree level shall receive a salary supplement of one hundred
7 twenty-six dollars (\$126.00) per month in addition to the compensation provided pursuant to
8 this section. Superintendents, assistant superintendents, associate superintendents,
9 directors/coordinators, supervisors, and finance officers with certification based on academic
10 preparation at the doctoral degree level shall receive a salary supplement of two hundred
11 fifty-three dollars (\$253.00) per month in addition to the compensation provided for under this
12 section.

13 "SECTION 35.13.(e) The State Board of Education shall not permit local school
14 administrative units to transfer State funds from other funding categories for salaries for public
15 school central office administrators.

16 "SECTION 35.13.(f) The annual salaries of all permanent, full-time personnel paid from
17 the Central Office Allotment shall ~~remain unchanged for the 2013-2015 fiscal biennium~~ be
18 increased by five hundred dollars (\$500.00)."

19 20 **NONCERTIFIED PERSONNEL SALARIES**

21 **SECTION 9.13.** Section 35.14 of S.L. 2013-360 reads as rewritten:

22 "SECTION 35.14. The annual salary for permanent, full-time ~~and part-time~~ noncertified
23 public school employees whose salaries are supported from the State's General Fund shall be
24 ~~remain unchanged for the 2013-2015 fiscal biennium~~ increased by five hundred dollars
25 (\$500.00). Part-time, noncertified public school employees shall receive the increase authorized
26 by this section on a prorated and equitable basis."

27 28 **PART X. COMMUNITY COLLEGES**

29 30 **CONTINUE COMMUNITY COLLEGES PROGRAM AUDIT**

31 **SECTION 10.1.** Section 10.15(a) of S.L. 2013-360 is repealed.

32 33 **PROCESS FOR PERIODICALLY REVISING ENROLLMENT TIERS**

34 **SECTION 10.2.** The State Board of Community Colleges shall develop a process
35 for periodically reviewing and revising how courses and programs are classified into tiers in the
36 enrollment funding model. The process shall be developed by March 1, 2015, and reported to
37 the Office of State Budget and Management and the Fiscal Research Division of the North
38 Carolina General Assembly.

39 The State Board of Community Colleges shall identify those courses and programs
40 in high-need areas and may suggest any revisions to the model. These revisions shall be
41 submitted as part of their budget requests for the 2017-2019 fiscal biennium.

42 43 **FEES COLLECTED AND ASSESSED BY THE MANUFACTURING SOLUTIONS 44 CENTER AND THE TEXTILE TECHNOLOGY CENTER**

45 **SECTION 10.3.** The State Board of Community Colleges shall report, no later than
46 January 15, 2015, to the Joint Legislative Education Oversight Committee, the Fiscal Research
47 Division, and the Office of State Budget and Management on the structure of the fees assessed
48 and the total fees collected by the Manufacturing Solutions Center at Catawba Valley
49 Community College and by the Textile Technology Center at Gaston College during the
50 2012-2013 and 2013-2014 fiscal years.

1 **JLEOC STUDY ON VOCATIONAL TRAINING FOR INDIVIDUALS WITH**
2 **INTELLECTUAL DISABILITIES**

3 **SECTION 10.4.(a)** The Joint Legislative Education Oversight Committee shall
4 study at least the following issues related to vocational training for individuals with intellectual
5 disabilities:

- 6 (1) Model programs for implementation on a systemwide basis at community
7 college campuses and constituent institutions of The University of North
8 Carolina for training and developing vocational expertise and job readiness
9 in students with intellectual disabilities.
- 10 (2) Enhancing employment outcomes for individuals with intellectual
11 disabilities.
- 12 (3) Barriers to employment for individuals with intellectual disabilities.
- 13 (4) Establishment and expansion of partnerships between community colleges
14 and community-based organizations that offer job training and job
15 placement opportunities for individuals with intellectual disabilities and
16 between constituent institutions of The University of North Carolina and
17 these community-based organizations.
- 18 (5) Policies for ensuring that students with intellectual disabilities are prepared
19 for higher educational opportunities upon completion of their elementary
20 and secondary school education.
- 21 (6) Policies for transition planning and job training for students with intellectual
22 disabilities as they complete their elementary and secondary school
23 education.

24 **SECTION 10.4.(b)** The Joint Legislative Education Oversight Committee shall
25 report the results of the study required by subsection (a) of this section to the General Assembly
26 prior to the convening of the 2015 General Assembly.

27
28 **PART XI. UNIVERSITIES**

29
30 **STRATEGIC PLAN AND DISTINGUISHED PROFESSOR ENDOWMENT FUND**

31 **SECTION 11.1.(a)** Notwithstanding the provisions of G.S. 116-11 and
32 G.S. 116-30.2, the Board of Governors and the campuses of the constituent institutions shall
33 consider reducing State funds for centers and institutes, speaker series, and other nonacademic
34 activities by up to fifteen million dollars (\$15,000,000); if reductions are taken, then the Board
35 of Governors may use those reductions to do either or both of the following:

- 36 (1) Provide a State match of up to ten million dollars (\$10,000,000) for gifts
37 from private sources for the Distinguished Professors Endowment Trust
38 Fund.
- 39 (2) Expend up to five million dollars (\$5,000,000) to implement provisions of
40 The University of North Carolina Strategic Plan as set out in the report "Our
41 Time, Our Future: The University of North Carolina Compact with North
42 Carolina." These funds are in addition to the fifteen million dollars
43 (\$15,000,000) that may be expended pursuant to subsection (h) of Section
44 11.13 of S.L. 2013-360.

45 **SECTION 11.1.(b)** Notwithstanding the provisions of G.S. 116-41.13 through
46 G.S. 116-41.19, for the 2014-2015 fiscal year, no State match shall be required to use donations
47 and gifts that were or are intended by the donor as matching funds for a State appropriation for
48 distinguished professorships. If the terms of a particular donation or gift require a State match,
49 then this subsection shall not apply without the written consent of the donor.

50
51 **UNC TO FUND NORTH CAROLINA RESEARCH CAMPUS**

1 **SECTION 11.2.** Of the funds appropriated in this act to the Board of Governors of
2 The University of North Carolina, the Board of Governors shall use twenty-nine million dollars
3 (\$29,000,000) to support UNC-related activities at the North Carolina Research Campus at
4 Kannapolis.

5 6 **UNC BUDGET REDUCTIONS**

7 **SECTION 11.3.** Notwithstanding any other provisions of this act, no reduction in
8 State funds except reductions based on enrollment growth model changes or tuition increases,
9 shall be allocated to any of the following:

- 10 (1) Any special responsibility constituent institution which has been granted a
11 basic type designation of "Special Focus Institution" under the Carnegie
12 Classification of Institutions of Higher Education.
- 13 (2) Any special responsibility constituent institution which has been granted a
14 basic type designation of "Baccalaureate Colleges–Arts & Sciences" under
15 the Carnegie Classification of Institutions of Higher Education.
- 16 (3) Any constituent high school of The University of North Carolina.

17 18 **REPORT ON INSTITUTIONAL TRUST FUNDS**

19 **SECTION 11.4.** G.S. 116-36.1(e) reads as rewritten:

20 "(e) Each institution shall submit such reports or other information concerning its trust
21 fund accounts as may be required by the ~~Board~~ Board and by the Director of the Budget."

22 23 **REPORT ON ACADEMIC SUMMER BRIDGE**

24 **SECTION 11.5.** No later than November 1, 2014, the Board of Governors of The
25 University of North Carolina shall report to the Office of State Budget and Management and
26 the Joint Legislative Education Oversight Committee on the impact of Academic Summer
27 Bridge programs on student outcomes. At a minimum, the report shall include information by
28 institution on graduation rates, average time to degree, and student academic performance at
29 multiple intervals over a four-year course of study.

30 31 **OPERATION OF 4-H CAMPS AND USE OF VARIOUS SITES OF DEFUNCT 4-H** 32 **CAMPS AND TRANSFER 4-H CAMP SERTOMA/MOORE SPRINGS TO THE** 33 **STATE PARKS SYSTEM.**

34 **SECTION 11.7.(a)** Part 5 of Article 1 of Chapter 116 of the General Statutes is
35 amended by adding a new section to read:

36 **"§ 116-43.20. Operation of 4-H camps.**

37 (a) North Carolina State University shall not close the 4-H camps listed in subdivisions
38 (1) through (3) of this subsection. Further, North Carolina State University shall continue to
39 operate each of those camps as 4-H camps and to offer programs and services at the sites of
40 each of those camps at a level that is at least equivalent to the programs and services offered at
41 each site as of June 30, 2013. The following three 4-H camps are to continue and are to be
42 operated as 4-H camps as provided by this subsection:

43 (1) Eastern 4-H Center located in Columbia, NC.

44 (2) Millstone 4-H Camp located near Ellerbe, NC.

45 (3) Betsy-Jeff Penn 4-H Educational Center located near Reidsville, NC.

46 (b) The 4-H camps that were located at the sites listed in subdivisions (1) and (2) of this
47 subsection have ceased to operate as 4-H camps. At the request of the board of county
48 commissioners of any county that is the site of one of the defunct 4-H camps listed in this
49 subsection, North Carolina State University shall consult with the board regarding actions that
50 may be taken to reopen the 4-H camp in that county and other options that may be available for
51 the use of the site.

1 Within 90 days after any consultation with a board of county commissioners conducted
2 pursuant to this subsection, North Carolina State University shall submit a written report to the
3 Joint Legislative Education Oversight Committee, the Senate Appropriations Committee on
4 Education/Higher Education, the House of Representatives Appropriations Subcommittee on
5 Education, and the Fiscal Research Division regarding the feasibility of reopening the site as a
6 4-H camp and any other options considered for the use of the site.

7 The list of defunct 4-H camps follows:

8 (1) Anita-Alta 4-H Camp in the Pisgah National Forest in Lenoir, NC.

9 (2) Swannanoa 4-H Camp located at Swannanoa, NC.

10 (c) North Carolina State University shall take all practicable measures to operate the
11 4-H camps in a manner that will generate a positive fund balance in the institutional trust funds
12 that account for the activities of the 4-H camps."

13 **SECTION 11.7.(b)** Article 7 of Chapter 146 of the General Statutes is amended by
14 adding a new section to read:

15 **"§ 146-30.1. Application of net proceeds of disposition or use of real property allocated to**
16 **the 4-H Camping Program.**

17 (a) Limitation. – Notwithstanding G.S. 146-30 or any other provision of law, and
18 subject to the limitations contained in any applicable deed, the net proceeds of any disposition
19 of, use of, or activity on real property allocated to the 4-H Camping Program shall be used
20 solely for the operation of the 4-H Camping Program, for the acquisition of real property for
21 the 4-H Camping Program, or for the funding of an endowment to support these purposes.
22 These proceeds shall not be used to pay any debt or other financial obligation owed to a State
23 agency that arose prior to the effective date of this section.

24 (b) Definition of Net Proceeds. – For purposes of this section, the term "net proceeds"
25 shall have the same meaning as in G.S. 146-30.

26 (c) No Supplanting of General Fund Support. – It is the intent of the General Assembly
27 that appropriations for the 4-H Camping Program not be reduced as a result of the realization of
28 proceeds under this section. Instead, the General Assembly intends that the amount of
29 appropriations be determined as if no proceeds had been realized under this section. The
30 Director of the Budget shall not decrease the recommended continuation budget requirements
31 for the 4-H Camping Program as a result of proceeds being realized under this section.

32 (d) Proceeds Must Be Appropriated. – Nothing in this section shall be construed to
33 appropriate the proceeds described in this section."

34 **SECTION 11.7.(c)** If on the effective date of this section the net proceeds of any
35 use of, or activity on, real property allocated to the 4-H Camping Program are being used in a
36 manner prohibited by G.S. 146-30.1, then notwithstanding that section they may continue to be
37 used in that manner.

38 **SECTION 11.7.(d)** The Department of Administration shall reallocate all of the
39 approximately 716 acres of State-owned real property that is part of Camp Sertoma/Moore
40 Springs property to the Department of Environment and Natural Resources. The General
41 Assembly authorizes the Department of Environment and Natural Resources to add this
42 property to the State Parks System as provided in G.S. 113-44.14(b).

43 **SECTION 11.7.(e)** Of the funds appropriated by this act for the 2014-2015 fiscal
44 year to the Board of Governors of The University of North Carolina for North Carolina State
45 University the sum of seven hundred twenty-five thousand dollars (\$725,000) in recurring
46 funds shall be allocated equally among all operating 4-H camps, including any currently
47 defunct 4-H camp that reopens and operates as a 4-H camp. The funds allocated under this
48 section shall be used for the operation, repair, and renovation of operating 4-H camps.

49
50 **STUDY FINANCIAL AID PAYMENT SCHEDULE TO INCENTIVIZE THIRTY**
51 **COMPLETED HOURS PER YEAR**

1 **SECTION 11.8.** Section 11.15(h) of S.L. 2013-360 reads as rewritten:

2 "**SECTION 11.15.(h)** The State Education Assistance ~~Authority shall structure its~~
3 ~~payment schedule~~ Authority, in consultation with The University of North Carolina, the North
4 Carolina Community College System, and the North Carolina Independent Colleges and
5 Universities, shall study ways to structure its financial aid payment schedules to encourage
6 students to complete an average of 30 credit hours per academic year. The State Education
7 Assistance Authority shall report to the Joint Legislative Education Oversight Committee by
8 ~~March 1, 2014, October 1, 2015,~~ regarding the ~~measures implemented by the Authority~~
9 ~~pursuant to this subsection.~~ outcomes of this study."

10 11 **UNC FACULTY TUITION WAIVER**

12 **SECTION 11.9.(a)** G.S. 116-143(d) reads as rewritten:

13 "(d) Notwithstanding the above provision relating to the abolition of free tuition, the
14 Board of Governors of The University of North Carolina may, in its discretion, provide
15 regulations under which a full-time faculty member of the rank of full-time instructor or above,
16 and any full-time staff member of The University of North Carolina may during the period of
17 normal employment enroll for not more than two courses per year in The University of North
18 Carolina free of charge for ~~tuition,~~ tuition and fees, provided such enrollment does not interfere
19 with normal employment obligations and further provided that such enrollments are not
20 counted for the purpose of receiving general fund appropriations."

21 **SECTION 11.9.(b)** This section applies to the 2014-2015 fall academic semester
22 and each subsequent academic semester.

23 24 **STATE EDUCATION ASSISTANCE AUTHORITY TO ASSUME RESPONSIBILITY** 25 **FOR NORTH CAROLINA TEACHING FELLOWS SCHOLARSHIP LOANS**

26 **SECTION 11.10.(a)** The Office of State Budget and Management shall transfer to
27 the State Education Assistance Authority the cash balance remaining in the Teaching Fellows
28 Trust Fund as of December 31, 2014. The funds shall be taken from Budget Code 63501 unless
29 otherwise determined by the Office of State Budget and Management. The Teaching Fellows
30 Commission shall make scholarship loan awards for the 2015 spring academic semester prior to
31 the transfer of the cash balance from the Teaching Fellows Trust Fund. The Office of State
32 Budget and Management shall work with the State Education Assistance Authority to
33 determine the schedule for implementing the transfer of funds; however, the transfer of funds
34 required by this section shall be completed no later than December 31, 2014.

35 **SECTION 11.10.(b)** Article 23 of Chapter 116 of the General Statutes is amended
36 by adding a new section to read:

37 **"§ 116-209.27. Administration of scholarships previously awarded by Teaching Fellows** 38 **Program.**

39 (a) The Authority shall, as of January 1, 2015, administer all outstanding scholarship
40 loans previously awarded by the former Teaching Fellows Commission and subject to
41 repayment under the former North Carolina Teaching Fellows Program.

42 (b) Scholarship loans previously awarded by the Teaching Fellows Commission by
43 notes payable to the Commission shall be deemed payable to the Authority, as the successor in
44 interest to the Teaching Fellows Commission, by the same terms stated in the note.

45 (c) The Authority, as administrator for the Teaching Fellows Program, may use up to
46 seventy-five thousand dollars (\$75,000) annually of the fund balance for costs associated with
47 administration of the Teaching Fellows Program.

48 (d) All funds received by the Authority in association with its administration of the
49 Teaching Fellows Program, including all funds received as repayment of scholarship loans, and
50 all interest earned on these funds shall be deposited into the Forgivable Education Loans for
51 Service Fund established in G.S. 116-209.45."

1 **SECTION 11.10.(c)** The Teaching Fellows Commission shall deliver to the State
2 Education Assistance Authority, in a format acceptable to the Authority, complete electronic
3 and paper records on all outstanding scholarship loans previously awarded, but not canceled by
4 service or otherwise satisfied in full as of the date of delivery, including records of applicable
5 teaching service performed to that date, no later than November 15, 2014. Prior to the transfer
6 of any such outstanding scholarship loan and related records the Teaching Fellows Commission
7 shall discharge its reporting obligations under G.S. 147-86.26 and specifically confirm for the
8 Authority that no account subject to write-off in accordance with the Statewide Accounts
9 Receivable Program has been transferred under this section.

10
11 **REPORT ON COLLEGE FOUNDATION OF NORTH CAROLINA SUSTAINABILITY**

12 **SECTION 11.11.** No later than December 1, 2014, the State Education Assistance
13 Authority shall report to the Office of State Budget and Management and the Fiscal Research
14 Division of the General Assembly on its progress toward funding operations of the College
15 Foundation of North Carolina entirely from non-General Fund sources. This report shall
16 include all of the following:

- 17 (1) The status of fundraising efforts to date.
18 (2) A detailed plan and time line for generating additional revenues.
19 (3) Estimated expenditures and revenues by type for the next four fiscal years.
20 (4) Potential reduction measures and alternative funding options should General
21 Fund appropriations not be provided in the next biennium.

22
23 **TUITION ASSISTANCE TO VETERANS WHO PARTICIPATE IN THE YELLOW**
24 **RIBBON PROGRAM AND THEIR SPOUSES AND DEPENDENT RELATIVES**

25 **SECTION 11.12.(a)** Article 14 of Chapter 116 of the General Statutes is amended
26 by adding a new section to read:

27 **"§ 116-143.8. Tuition assistance for certain veterans and their dependents.**

28 (a) The following definitions apply in this section:

- 29 (1) Institution of higher education. – Has the same meaning as in
30 G.S. 116-143.1(a)(1).
31 (2) Yellow Ribbon Program. – Yellow Ribbon G.I. Education Enhancement
32 Program, 38 U.S.C. § 3317.

33 (b) The Board of Governors of The University of North Carolina shall annually enter
34 into an agreement with the United States Secretary of Veterans Affairs for one or more of the
35 constituent institutions to participate in the Yellow Ribbon Program. The State Board of
36 Community Colleges shall annually enter into an agreement with the United States Secretary of
37 Veterans Affairs for one or more of the community colleges to participate in the Yellow
38 Ribbon Program. The agreements shall include all of the following terms:

- 39 (1) A grant of ninety percent (90%) of the cost of tuition and mandatory fees not
40 otherwise covered shall be provided for every eligible veteran or eligible
41 spouse or dependent relative of a veteran who is enrolled or will be enrolled
42 as an undergraduate student at a constituent institution or as a student at a
43 community college.
44 (2) To be eligible for grants under the Yellow Ribbon Program, a student must
45 meet all program requirements established by the federal government. In
46 addition, to be eligible for a Yellow Ribbon grant in which the school share
47 of the grant is paid with State appropriation, a student must be enrolled as an
48 undergraduate student at a constituent institution or as a student at a North
49 Carolina community college.

1 (c) This section is not intended to prohibit constituent institutions from using private
2 funds to provide Yellow Ribbon grants for students enrolled in master's, or doctoral level
3 programs.

4 (d) The General Assembly encourages private institutions of higher education in North
5 Carolina to participate in the Yellow Ribbon Program."

6 **SECTION 11.12.(b)** It is the intent of the General Assembly to establish two
7 reserve funds for the purpose of forward funding tuition assistance to students who participate
8 in the Yellow Ribbon Program. Therefore, the General Assembly establishes the two following
9 reserve funds:

10 (1) There is established the UNC Yellow Ribbon Reserve to be managed by the
11 Board of Governors of The University of North Carolina. Of the funds
12 appropriated by this act to the Board of Governors, the sum of four million
13 eight hundred sixty-three thousand two hundred seventy-six dollars
14 (\$4,863,276) shall be allocated to the UNC Yellow Ribbon Reserve and
15 shall be held in reserve for the 2014-2015 fiscal year. Beginning with the
16 2015-2016 fiscal year, the funds in the UNC Yellow Ribbon Reserve shall
17 be used to fund undergraduate tuition assistance to participants in the Yellow
18 Ribbon Program for the 2015-2016 academic year and each subsequent
19 academic year.

20 (2) There is established the Community College Yellow Ribbon Reserve to be
21 managed by the State Board of Community Colleges. Of the funds
22 appropriated by this act to the Community Colleges System Office, the sum
23 of one million dollars (\$1,000,000) shall be allocated to the Community
24 College Yellow Ribbon Reserve and shall be held in reserve for the
25 2014-2015 fiscal year. Beginning with the 2015-2016 fiscal year, the funds
26 in the Community College Yellow Ribbon Reserve shall be used to fund
27 tuition assistance to participants in the Yellow Ribbon Program for the
28 2015-2016 academic year and each subsequent academic year.

29 **SECTION 11.12.(c)** The Board of Governors and the State Board of Community
30 Colleges shall each report to the Joint Legislative Education Oversight Committee by January
31 1, 2015, regarding their planned participation in the Yellow Ribbon Program for the 2015-16
32 academic year. Each report shall include the following information:

- 33 (1) The number and identity of constituent institutions or community colleges
34 that will participate in the Yellow Ribbon Program.
- 35 (2) The methodology used by each governing board to select the institutions of
36 higher education that will participate in the Yellow Ribbon Program.
- 37 (3) For each institution that will participate, the maximum number of students
38 and the maximum award amount per student.
- 39 (4) A list of the institutions of higher education that will not participate in the
40 Yellow Ribbon Program and the reason each institution is not participating.

41 **SECTION 11.12.(d)** Except as otherwise provided, subsection (a) of this section
42 applies to the 2015-2016 academic year and each subsequent academic year.

43 44 **OPTOMETRY/FORGIVABLE EDUCATION LOANS FOR SERVICE**

45 **SECTION 11.13.** In implementing the Forgivable Education Loans for Service
46 program authorized under G.S. 116-209.45, the State Education Assistance Authority shall
47 adopt rules and polices necessary to ensure that the annual loan amount for a student attending
48 an optometry program at an eligible institution is twenty-eight thousand dollars (\$28,000),
49 except that the annual loan amount shall not exceed the annual cost of attendance of the
50 program in which the student is enrolled.

1 In establishing the criteria for loan forgiveness, the State Education Assistance
2 Authority shall consider establishing a service schedule that rewards students practicing in an
3 optometry health professional shortage area as determined by the Health Resources and
4 Services Administration of the US Department of Health and Human Services.

5 6 **SCHOLARSHIP LOANS/FORMER TEACHER ASSISTANTS**

7 **SECTION 11.13A.(a)** Notwithstanding the provisions of G.S. 116-209.45 or any
8 other provision of law, when awarding scholarship loans under G.S. 116-209.45, the State
9 Education Assistance Authority shall give priority to any applicant who qualifies for a
10 scholarship loan under G.S. 116-209.45 if the applicant was formerly employed as a teacher
11 assistant at a public school in North Carolina but lost his or her teacher assistant position in the
12 State public school system as a result of a reduction in force.

13 **SECTION 11.13A.(b)** Notwithstanding any other provision of this act, the sum of
14 five million dollars (\$5,000,000) in recurring funds appropriated in this act to the North Carolina
15 Need-based Scholarship Program for the 2014-2015 fiscal year shall not be used to support
16 financial aid for students attending private colleges and universities but shall instead be used to
17 provide scholarship loans to applicants formerly employed as teacher assistants as described under
18 subsection (a) of this section for the 2014-2015 fiscal year.

19 20 **HEALTH CARE EDUCATION/PUBLIC PRIVATE PARTNERSHIP**

21 **SECTION 11.14.** Notwithstanding any other provision of this act, the facility that
22 is to be built by Union Square Campus, Inc., a nonprofit entity, through a public private
23 partnership supported by two million dollars (\$2,000,000) in nonrecurring State funds
24 appropriated by this act shall be used to house a nursing program for North Carolina A&T State
25 University, in addition to housing nursing programs for the University of North Carolina at
26 Greensboro and Guilford Technical Community College and the training facilities for Cone
27 Health Cardiovascular Physician Management Company, LLC.

28 29 **STUDY UNIVERSITY TUITION**

30 **SECTION 11.15.(a)** Creation. – There is created the Study Committee on The
31 University of North Carolina Tuition. The Committee shall consist of 17 members to be
32 appointed as follows:

- 33 (1) Five members of the House of Representatives appointed by the Speaker of
34 the House of Representatives.
- 35 (2) Five members of the Senate appointed by the President Pro Tempore of the
36 Senate.
- 37 (3) Five members of the Board of Governors appointed by a vote of the Board
38 of Governors.
- 39 (4) Two chancellors of constituent institutions of The University of North
40 Carolina, except that neither may be the Chancellor of the North Carolina
41 School of Science and Mathematics or the University of North Carolina
42 School of the Arts.

43 **SECTION 11.15.(b)** Cochairs; Vacancies; Staff. – The Speaker of the House of
44 Representatives shall designate one representative as cochair, and the President Pro Tempore of
45 the Senate shall designate one senator as cochair. Vacancies on the Committee shall be filled by
46 the same appointing authority making the initial appointment. The Committee, while in the
47 discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and
48 G.S. 120-19.1 through G.S. 120-19.4. The Committee may meet at any time upon the joint call
49 of the cochairs.

50 The Legislative Services Commission, through the Legislative Services Officer,
51 shall assign professional staff to assist the Committee in its work. The House of

1 Representatives and the Senate's Directors of Legislative Assistants shall assign clerical staff to
2 the Committee, and the expenses relating to the clerical employees shall be borne by the
3 Committee.

4 Members of the Committee shall receive subsistence and travel expenses at the rates
5 set forth in G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate.

6 **SECTION 11.15.(c) Duties.** – At a minimum, the Committee shall study the
7 following and shall make recommendations to stem the rise in tuition or to otherwise increase
8 the affordability of higher education for North Carolina residents:

- 9 (1) Tuition and fee rates at The University of North Carolina.
- 10 (2) The causes of rising tuition and fee rates at The University of North
11 Carolina.
- 12 (3) Tuition and fee rates at other four-year public institutions, such as peer
13 institutions as designated by the Board of Governors or other universities in
14 Southern Regional Education Board member states.
- 15 (4) Revenues and expenditures of The University of North Carolina, including
16 non-General Fund sources that could be used to offset recent General Fund
17 Budget Reduction.
- 18 (5) National trends in the cost of four-year public university.
- 19 (6) The availability of State- and non-State funded financial aid for North
20 Carolina residents.

21 **SECTION 11.15.(d) Report.** – The Committee shall make a final report, including
22 any proposed legislation, to the 2015 General Assembly upon its convening. The Committee
23 shall terminate upon filing its final report or upon the convening of the 2015 General
24 Assembly, whichever is earlier.

25 **SITE PLANNING FOR NC SCHOOL OF SCIENCE AND MATHEMATICS**

26 **SECTION 11.16.(a)** If the Board of Governors of The University of North
27 Carolina and the North Carolina School of Science and Mathematics (School of Science and
28 Math) jointly determine that an additional School of Science and Math campus is needed, then
29 the School for the Deaf in Morganton shall be considered as a potential site.

30 **SECTION 11.16.(b)** If it is determined that the School for the Deaf is not a
31 suitable site for the location of a western campus, the Board of Governors and the School of
32 Science and Math, in consultation with the Department of Administration, may consider other
33 State-owned property in Morganton that is available as a site.

34 **PART XII. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

35 **SUBPART XII-A. CENTRAL MANAGEMENT AND SUPPORT**

36 **HHS COMPETITIVE GRANTS PROCESS REVISIONS**

37 **SECTION 12A.1.** Section 12A.2 of S.L. 2013-360 reads as rewritten:

38 **"FUNDING FOR NONPROFIT ORGANIZATIONS/ESTABLISH COMPETITIVE**
39 **GRANTS PROCESS**

40 **"SECTION 12A.2.(a)** Of the funds appropriated in this act to the Department of Health
41 and Human Services, Division of Central Management and Support, the sum of nine million
42 five hundred twenty-nine thousand one hundred thirty-four dollars (\$9,529,134) in recurring
43 funds for ~~each year of the 2013-2015 fiscal biennium,~~the 2013-2014 fiscal year and the sum of
44 nine million three hundred three thousand nine hundred eleven dollars (\$9,303,911) in
45 recurring funds for the 2014-2015 fiscal year, the sum of three hundred seventeen thousand
46 four hundred dollars (\$317,400) in nonrecurring funds for each year of the 2013-2015 fiscal
47 biennium, and the sum of three million eight hundred fifty-two thousand five hundred dollars
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49
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51

1 (\$3,852,500) appropriated in Section 12J.1 of this act in Social Services Block Grant funds for
2 each year of the 2013-2015 fiscal biennium shall be used to allocate funds for nonprofit
3 organizations.

4 ...

5 **"SECTION 12A.2.(d)** It is the intent of the General Assembly that, beginning fiscal year
6 2014-2015, the Department implement a competitive grants process for nonprofit funding. To
7 that end, the Department shall develop a plan that establishes a competitive grants process to be
8 administered by the Division of Central Management and Support. The Department shall
9 develop a plan that, at a minimum, includes each of the following:

- 10 (1) A request for application (RFA) process to allow nonprofits to apply for and
11 receive State funds on a competitive basis.
- 12 (2) A requirement that nonprofits match a minimum of ten percent (10%) of the
13 total amount of the grant award.
- 14 (3) A requirement that the Secretary prioritize grant awards to those nonprofits
15 that are able to leverage non-State funds in addition to the grant award.
- 16 (4) A process that awards grants to nonprofits ~~dedicated to providing that have~~
17 the capacity to provide services on a statewide basis and that support any of
18 the following State health and wellness initiatives:
 - 19 a. A program targeting advocacy, support, education, or residential
20 services for persons diagnosed with autism.
 - 21 b. ~~A comprehensive program of education, advocacy, and support~~
22 ~~related to brain injury and those affected by brain injury.~~
 - 23 c. A system of residential supports for those afflicted with substance
24 abuse addiction.
 - 25 d. A program of advocacy and supports for individuals with intellectual
26 and developmental disabilities or severe and persistent mental illness,
27 substance abusers, or the elderly.
 - 28 e. Supports and services to children and adults with developmental
29 disabilities or mental health diagnoses.
 - 30 f. A food distribution system for needy individuals.
 - 31 g. The provision and coordination of services for the homeless.
 - 32 h. The provision of services for individuals aging out of foster care.
 - 33 i. Programs promoting wellness, physical activity, and health education
34 programming for North Carolinians.
 - 35 j. A program focused on enhancing vision screening through the State's
36 public school system.
 - 37 k. Provision for the delivery of after-school services for mentoring
38 at-risk youth.
 - 39 l. The provision of direct services for amyotrophic lateral sclerosis
40 (ALS) and those diagnosed with the disease.
 - 41 m. The provision of assistive information technology services for blind
42 and disabled persons.
- 43 (5) Ensures that funds received by the Department to implement the plan
44 supplement and do not supplant existing funds for health and wellness
45 programs and initiatives.

46 ...

47 **"SECTION 12A.2.(h)** For fiscal year 2014-2015 only, from the sum of nine million three
48 hundred three thousand nine hundred eleven dollars (\$9,303,911) referred to in subsection (a)
49 of this section, the Department shall allocate the sum of three hundred seventy-five thousand
50 dollars (\$375,000) to the Big Brothers Big Sisters of the Triangle, Inc., for the purpose of
51 mentoring at-risk youth. Big Brothers Big Sisters of the Triangle, Inc., shall be required to seek

1 future funding through the competitive grants process in accordance with subsection (d) of this
2 section."

4 **FUNDS FOR STATEWIDE HEALTH INFORMATION EXCHANGE**

5 **SECTION 12A.2.(a)** It is the intent of the General Assembly:

- 6 (1) To maximize receipt of federal funds for administration and support of the
7 statewide health information exchange network (HIE Network).
- 8 (2) To allow the North Carolina Health Information Exchange (NC HIE), the
9 nonprofit corporation responsible for overseeing and administering the HIE
10 Network, to receive the State's share of available federal funds for
11 administration and support of the HIE Network in order to reduce the
12 operating costs of the HIE Network by an amount sufficient to allow for the
13 elimination or reduction of the participation fee the NC HIE currently
14 imposes on hospitals required to connect to the HIE Network pursuant to
15 G.S. 90-413.3A.
- 16 (3) Beginning with the 2015-2016 fiscal year, to make the Department of Health
17 and Human Services, Division of Central Management and Support,
18 responsible for using State funds to draw down available matching federal
19 funds for administration and support of the HIE Network.

20 **SECTION 12A.2.(b)** From the funds appropriated in this act to the Department of
21 Health and Human Services, Division of Central Management and Support, for the health
22 information exchange for the 2014-2015 fiscal year, the Department shall allocate to the North
23 Carolina Health Information Exchange, a nonprofit corporation, an amount sufficient to
24 represent the State share for the maximum amount of approved federal matching funds for
25 allowable Medicaid administrative costs related to the HIE Network.

27 **SINGLE SYSTEM OF MEDICAID CLAIM ADJUDICATION FOR ENTITIES UNDER** 28 **CONTRACT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

29 **SECTION 12A.3.(a)** Section 12A.4(j) of S.L. 2013-360 reads as rewritten:

30 **"SECTION 12A.4.(j)** The Department shall plan and implement system modifications
31 necessary to enable entities under contract with the Department to perform Medicaid claim
32 adjudication in the replacement MMIS. The Department shall implement these system
33 modifications by the earlier of ~~January 1, 2015~~, July 1, 2017, or prior to renewing any contract
34 currently in effect with an entity required to perform Medicaid claim adjudication in the
35 replacement MMIS pursuant to this section. Upon implementation of these system
36 modifications, the Department shall require all Medicaid claim adjudication to be performed by
37 the replacement MMIS, including all Medicaid claim adjudication performed by entities under
38 contract with the Department. The Department may require entities under contract with the
39 Department to contract directly with the State's Medicaid fiscal agent to provide technical
40 support for Medicaid claim adjudication performed by the replacement MMIS for these
41 entities, subject to prior approval of contract terms by the Department. The Department may
42 charge entities under contract with the Department a fee not to exceed the amount necessary to
43 cover the full operating cost of Medicaid claim adjudication performed by the replacement
44 MMIS for these entities."

45 **SECTION 12A.3.(b)** Section 12A.4(k) of S.L. 2013-360, as amended by Section
46 4.11 of S.L. 2013-363, reads as rewritten:

47 **"SECTION 12A.4.(k)** Subsection (j) of this section becomes effective ~~January 1,~~
48 2015.~~January 1, 2016.~~"

49 **SECTION 12A.3.(c)** The Department of Health and Human Services shall develop
50 a plan to implement a single system of Medicaid claim adjudication compatible with the
51 replacement Medicaid Management Information System (MMIS), to be used by all entities

1 under contract with the Department until the Department implements system modifications
 2 necessary to enable these entities to perform Medicaid claim adjudication in the replacement
 3 MMIS. The Department shall submit the plan to the Joint Legislative Oversight Committee on
 4 Health and Human Services and the Fiscal Research Division no later than May 1, 2015.

5
 6 **SUBPART XII-B. DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION**

7
 8 **CHILD CARE SUBSIDY RATES/REVISE CO-PAYMENTS AND ELIGIBILITY**
 9 **CRITERIA**

10 **SECTION 12B.1.** Section 12B.3 of S.L. 2013-360 reads as rewritten:

11 **"CHILD CARE SUBSIDY RATES**

12 **"SECTION 12B.3.(a)** ~~The Beginning September 1, 2014, the maximum gross annual~~
 13 ~~income for initial eligibility, adjusted biennially, for subsidized child care services shall be~~
 14 ~~seventy five percent (75%) of the State median income, adjusted for family size, determined~~
 15 ~~based on a percentage of the federal poverty level as follows:~~

<u>AGE</u>	<u>INCOME PERCENTAGE LEVEL</u>
<u>0-5</u>	<u>200%</u>
<u>6-12</u>	<u>133%</u>

16
 17
 18
 19 The eligibility for any child with special needs, including a child who is 13 years of age or
 20 older, shall be two hundred percent (200%) of the federal poverty level.

21 **"SECTION 12B.3.(b)** ~~Fees Beginning September 1, 2014, fees for families who are~~
 22 ~~required to share in the cost of care shall be established based on a ten percent (10%) of gross~~
 23 ~~family income and adjusted for family size. Fees shall be determined as follows: income.~~
 24 Co-payments shall not be prorated for part-time care.

<u>FAMILY SIZE</u>	<u>PERCENT OF GROSS FAMILY INCOME</u>
<u>1-3</u>	<u>10%</u>
<u>4-5</u>	<u>9%</u>
<u>6 or more</u>	<u>8%</u>

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 30 **"SECTION 12B.3.(b1)** No later than January 1, 2015, the Department of Health and
 31 Human Services, Division of Child Development and Early Education, shall revise its child
 32 care subsidy policy to include in the policy's definition of "income unit" the following:

- 33 (1) A stepparent and the stepparent's child, if applicable.
- 34 (2) A nonparent relative caretaker, and the caretaker's spouse and child, if
 35 applicable, when the parent of the child receiving child care subsidy does not
 36 live in the home with the child.

37 ...
 38 **"SECTION 12B.3.(h)** ~~Payment for subsidized child care services provided with Work First~~
 39 ~~Temporary Assistance for Needy Families Block Grant funds shall comply with all regulations~~
 40 ~~and policies issued by the Division of Child Development for the subsidized child care~~
 41 ~~program.~~

42"
 43
 44 **EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES**
 45 **ENHANCEMENTS/CODIFY TANF MAINTENANCE OF EFFORT**
 46 **REQUIREMENT**

47 **SECTION 12B.2.** G.S. 143B-168.15(g) reads as rewritten:

48 "(g) Not less than thirty percent (30%) of the funds spent in each year of each local
 49 partnership's direct services allocation shall be used to expand child care subsidies. To the
 50 extent practicable, these funds shall be used to enhance the affordability, availability, and
 51 quality of child care services as described in this section. The North Carolina Partnership may

1 increase this percentage requirement up to a maximum of fifty percent (50%) when, based upon
2 a significant local waiting list for subsidized child care, the North Carolina Partnership
3 determines a higher percentage is justified. Local partnerships shall spend an amount for child
4 care subsidies that provides at least fifty-two million dollars (\$52,000,000) for the Temporary
5 Assistance to Needy Families (TANF) maintenance of effort requirement and the Child Care
6 Development Fund and Block Grant match requirement."
7

8 **STUDY CHILD CARE SUBSIDY FOR 11- AND 12-YEAR OLDS**

9 **SECTION 12B.3.(a)** The Department of Health and Human Services, Division of
10 Child Development and Early Education, shall study child care subsidy for 11- and 12-year
11 olds. The Division shall study (i) available options for 11- and 12- year olds for before and after
12 school care, (ii) available resources other than child care subsidy to pay for before and after
13 school care, and (iii) the average cost of care for 11- and 12- year olds.

14 **SECTION 12B.3.(b)** The Division shall report its findings and recommendations
15 to the Joint Legislative Committee on Health and Human Services and the Fiscal Research
16 Division no later than November 30, 2014.
17

18 **REVISE CHILD CARE ALLOCATION FORMULA**

19 **SECTION 12B.4.** Section 12B.4 of S.L. 2013-360 reads as rewritten:

20 **"CHILD CARE ALLOCATION FORMULA**

21 **"SECTION 12B.4.(a)** The Department of Health and Human Services shall allocate child
22 care subsidy voucher funds to pay the costs of necessary child care for minor children of needy
23 families. The mandatory thirty percent (30%) North Carolina Partnership for Children, Inc.,
24 subsidy allocation under G.S. 143B-168.15(g) shall constitute the base amount for each
25 county's child care subsidy allocation. The Department of Health and Human Services shall use
26 the following method when allocating federal and State child care funds, not including the
27 aggregate mandatory thirty percent (30%) North Carolina Partnership for Children, Inc.,
28 subsidy allocation:

- 29 (1) Funds shall be allocated to a county based upon the projected cost of serving
30 children under age 11 in families with all parents working who earn less than
31 ~~seventy five percent (75%) of the State median income~~ the applicable
32 federal poverty level percentage set forth in Section 12B.3(a) of this act, as
33 amended.
- 34 (2) No county's allocation shall be less than ninety percent (90%) of its State
35 fiscal year 2001-2002 initial child care subsidy allocation.
- 36 (3) For fiscal years 2013-2014 and 2014-2015, the Division of Child
37 Development and Early Education shall base the formula identified in
38 subdivision (1) of this subsection on the same data source used for the
39 2012-2013 fiscal year.
- 40 (4) The Department of Health and Human Services shall allocate to counties all
41 State funds appropriated for child care subsidy and shall not withhold funds
42 during the 2013-2014 and 2014-2015 fiscal years.

43 **"SECTION 12B.4.(b)** The Department of Health and Human Services may reallocate
44 unused child care subsidy voucher funds in order to meet the child care needs of low-income
45 families. Any reallocation of funds shall be based upon the expenditures of all child care
46 subsidy voucher funding, including North Carolina Partnership for Children, Inc., funds within
47 a county. Beginning with any funding reallocated in the 2013-2014 fiscal year, reallocated
48 funds shall become part of a county's allocation formula in future fiscal years and, beginning
49 with the 2014-2015 fiscal year, shall apply to both increased and decreased allocations."
50

51 **SUBPART XII-C. DIVISION OF SOCIAL SERVICES**

CHILD PROTECTIVE SERVICES IMPROVEMENT INITIATIVE

SECTION 12C.1.(a) Findings and Intent. – The General Assembly makes the following findings:

- (1) Child Protective Services' policy from the Department of Health and Human Services, Division of Social Services, recommends that the average child protective services caseload be no greater than 10 families at any time for workers performing child protective services assessments and 10 families at any time for staff providing in-home services. However, data suggests that in 43 of the counties in this State, 21 have a caseload size of over 15 cases per worker; and further, in nine of those 21 counties, there is an average caseload size of over 20 cases per worker.
- (2) During the 2013-2014 fiscal year, county departments of social services lost federal funding for child protective services under the Temporary Assistance of Needy Families (TANF) Block Grant and Title IV-E funding. However, the number of Child Protective Services investigations has grown by twenty percent (20%) from fiscal year 2002 to fiscal year 2012.
- (3) There is no current, statewide data available on the performance of county departments of social services regarding child protective services.
- (4) There exists the potential for a conflict of interest to arise when a county department of social services has been appointed as guardian for both (i) a child who is the subject of a report of abuse, neglect, or dependency that would be investigated by Child Protective Services and (ii) for the parent or legal guardian of the child.

It is the intent of the General Assembly to (i) reduce caseload size for Child Protective Services' workers to the recommended standard, (ii) provide adequate resources for county departments of social services to provide child protective services for abused, neglected, and dependent children, (iii) provide for a comprehensive evaluation of various functions and funding regarding child protective services, and (iv) study ways to reduce conflicts of interest regarding guardianship and child protective services. To that end, the General Assembly supports the initiatives and the allocation of funds for child welfare services as described in this section.

SECTION 12C.1.(b) Funds for Child Protective Services. – Of the funds appropriated in this act to the Department of Health and Human Services, Division of Social Services, the sum of eight million three hundred twenty-six thousand six hundred twenty-seven dollars (\$8,326,627) shall be allocated to provide additional child protective services workers at county departments of social services to reduce caseloads to the recommended standard.

SECTION 12C.1.(c) Funds for In-Home Services. – Of the funds appropriated in this act to the Department of Health and Human Services, Division of Social Services, the sum of four million five hundred thousand dollars (\$4,500,000) shall be allocated for Child Welfare in-home services to provide and coordinate interventions and services that focus on child safety and protection, family preservation, and the prevention of further abuse or neglect.

SECTION 12C.1.(d) Funds for Oversight of Child Welfare Services. – Of the funds appropriated in this act to the Department of Health and Human Services, Division of Social Services, the sum of seven hundred fifty thousand dollars (\$750,000) shall be allocated to fund nine positions to the Division to enhance oversight of child welfare services in county departments of social services. These positions shall be used to monitor, train, and provide technical assistance to the county departments of social services to ensure children and families are provided services that address the safety, permanency, and well-being of children served by child welfare services.

1 **SECTION 12C.1.(e)** Pilot Program. – Of the funds appropriated in this act to the
2 Department of Health and Human Services, Division of Social Services, the sum of three
3 hundred thousand dollars (\$300,000) shall be used to establish and implement a child protective
4 services pilot program. The funds shall be used to enhance coordination of services and
5 information among county departments of social services, local law enforcement agencies, the
6 court system, guardian ad litem programs, and other agencies as deemed appropriate by the
7 Department. The Department shall determine the number of sites that may participate in the
8 pilot program and include regions that are geographically diverse.

9 The Division shall make a progress report on the pilot program to the Senate
10 Appropriations Committee on Health and Human Services, the House of Representatives
11 Appropriations Subcommittee on Health and Human Services, and the Fiscal Research
12 Division no later than March 1, 2015. The Division shall make a final report of its findings and
13 recommendations on the pilot program to the Joint Legislative Oversight Committee on Health
14 and Human Services no later than March 1, 2016.

15 **SECTION 12C.1.(f)** Statewide Evaluation. – Of the funds appropriated in this act
16 to the Department of Health and Human Services, Division of Social Services, the sum of
17 seven hundred thousand dollars (\$700,000) shall be used to provide for a comprehensive,
18 statewide evaluation of the State's child protective services system. The Division of Social
19 Services shall contract for an independent evaluation of the system, which evaluation shall
20 include developing recommendations on the following:

- 21 (1) The performance of county departments of social services as related to child
22 protective services.
- 23 (2) Caseload sizes.
- 24 (3) The administrative structure of the child protective services system in the
25 State.
- 26 (4) Any funding needs.
- 27 (5) Child protective services' worker turnover.
- 28 (6) Monitoring and oversight of county departments of social services.

29 The Division shall report the findings and recommendations from the evaluation to
30 the Joint Legislative Oversight Committee on Health and Human Services no later than January
31 1, 2016.

32 **SECTION 12C.1.(g)** Study Conflicts of Interest/Public Guardianship and Child
33 Protective Services. – The Department of Health and Human Services, Division of Social
34 Services, shall study the issue of conflicts of interest in child welfare cases as related to public
35 guardianship. In conducting the study, the Department shall consider the following regarding
36 addressing potential conflicts of interest:

- 37 (1) Creating internal firewalls to prevent information sharing and influence
38 among staff members involved with the conflicting cases.
- 39 (2) Creating a formal or an informal "buddy system" allowing a county with a
40 conflict to refer a case to a neighboring county.
- 41 (3) Referring the guardianship to a corporate guardian until the child welfare
42 case is resolved.
- 43 (4) Having the Department assume responsibility for either the guardianship or
44 the child welfare case.
- 45 (5) Recommending legislation to permit the clerk the option to appoint a public
46 agency or official, other than the Director of Social Services, to serve as a
47 disinterested public agent in exceptional circumstances only.
- 48 (6) Any other issues specific to this matter the Department deems appropriate.

49 The Division shall submit a final report of its findings and recommendations to the
50 Senate Appropriations Committee on Health and Human Services, the House of

1 Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal
 2 Research Division no later than February 1, 2015.

3
 4 **CLARIFY WORK FIRST FAMILY ASSISTANCE INCOME LEVELS**

5 **SECTION 12C.2.** G.S. 108A-27.01 reads as rewritten:

6 "**§ 108A-27.01. Income eligibility and payment level for Work First Family Assistance.**

7 The maximum net family annual income eligibility standards for Work First Family
 8 Assistance are ~~the same standards of need for eligibility for the categorically needy under the~~
 9 ~~Medicaid Program as provided in the table below.~~ The payment level for Work First Family
 10 Assistance shall be fifty percent (50%) of the standard of need."

<u>Family</u>	<u>Income</u>
<u>Size</u>	<u>Level</u>
<u>1</u>	<u>\$ 4,344</u>
<u>2</u>	<u>5,664</u>
<u>3</u>	<u>6,528</u>
<u>4</u>	<u>7,128</u>
<u>5</u>	<u>7,776</u>
<u>6</u>	<u>8,376</u>
<u>7</u>	<u>8,952</u>
<u>8</u>	<u>9,256"</u>

21
 22 **EASTERN BAND OF CHEROKEE INDIANS/ASSUMPTION BY TRIBE OF VARIOUS**
 23 **HUMAN SERVICES**

24 **SECTION 12C.3.(a)** The purpose of this section is to enable the Eastern Band of
 25 Cherokee Indians to assume responsibility for certain social services, healthcare benefit
 26 programs, ancillary services, including Medicaid administrative and service related functions,
 27 and related reimbursements.

28 **SECTION 12C.3.(b)** Beginning October 1, 2014, or upon federal approval, the
 29 Eastern Band of Cherokee Indians may begin assuming the responsibility for the Supplemental
 30 Nutrition Assistance Program (SNAP). When the Eastern Band of Cherokee Indians assumes
 31 responsibility for SNAP, then any State statutes, portions of statutes, or rules relating to the
 32 provision of social services regarding SNAP services by a county department of social services
 33 for members of the Eastern Band of Cherokee Indians shall no longer apply to the Tribe, and
 34 the functions, administration, and funding requirements relating to those social services are
 35 thereby delegated to the Eastern Band of Cherokee Indians.

36 No later than October 1, 2015, and with the exception of services related to special
 37 assistance, childcare, and adult care homes, the Eastern Band of Cherokee Indians may assume
 38 responsibility for other programs as described under G.S. 108A-25(e), enacted in subsection (c)
 39 of this section. When the Eastern Band of Cherokee Indians assumes responsibility for any of
 40 those other programs, then any State statutes, portions of statutes, or rules relating to the
 41 provision of services for those programs by a county department of social services for members
 42 of the Eastern Band of Cherokee Indians shall no longer apply to the Tribe, and the functions,
 43 administration, and funding requirements relating to those programs are thereby delegated to
 44 the Eastern Band of Cherokee Indians.

45 **SECTION 12C.3.(c)** G.S. 108A-25 reads as rewritten:

46 "**§ 108A-25. Creation of ~~programs~~programs; assumption by federally recognized tribe of**
 47 **programs.**

48 ...

49 (e) When any federally recognized Native American tribe within the State assumes
 50 responsibility for any social services, Medicaid and NC Health Choice healthcare benefit
 51 programs, and ancillary services, including Medicaid administrative and service functions, that

1 are otherwise the responsibility of a county under State law, then, notwithstanding any other
 2 provision of law, the county shall be relieved of the legal responsibility related to the tribe's
 3 assumption of those services."

4 **SECTION 12C.3.(d)** G.S. 108A-87 reads as rewritten:

5 "**§ 108A-87. Allocation of nonfederal shares.**

6 (a) The nonfederal share of the annual cost of each public assistance and social services
 7 program and related administrative costs may be divided between the State and counties as
 8 determined by the General Assembly and in a manner consistent with federal laws and
 9 regulations.

10 (b) The nonfederal share of the annual cost of public assistance and social services
 11 programs and related administrative costs provided to Indians living on federal reservations
 12 held in trust by the United States on their behalf shall be borne entirely by the State.

13 (c) Notwithstanding subsections (a) and (b) of this section, when the Eastern Band of
 14 Cherokee Indians assumes responsibility for a program described under G.S. 108A-25(e), the
 15 following shall occur:

16 (1) Nonfederal matching funds designated to Jackson and Swain counties to
 17 serve the Eastern Band of Cherokee Indians for that program previously
 18 borne by the State shall be allocated directly to the Eastern Band of
 19 Cherokee Indians rather than to those counties.

20 (2) Any portion of nonfederal matching funds borne by counties for public
 21 assistance and social services programs and related administrative costs shall
 22 be borne by the Eastern Band of Cherokee Indians."

23 **SECTION 12C.3.(e)** No later than October 1, 2014, the Department of Health and
 24 Human Services, Division of Medical Assistance, shall submit to the Centers for Medicare and
 25 Medicaid Services (CMS) Medicaid and NC Health Choice state plan amendments and
 26 Medicaid waivers necessary to achieve the following:

27 (1) To effectuate the changes required by this section.

28 (2) To address the healthcare needs identified in community health assessments and
 29 plans conducted by the Eastern Band of Cherokee Indians, provided that
 30 changes to Medicaid and NC Health Choice services made by the state plan
 31 amendments or waivers will be one hundred percent (100%) federally funded. If
 32 any state plan amendments or waivers authorized by this subdivision will
 33 increase the state share of administrative or other costs, the Department shall
 34 report the anticipated increased costs to the Joint Legislative Oversight
 35 Committee on Health and Human Services.

36 The state plan amendments and waivers authorized by this section shall have an
 37 effective date no later than October 1, 2015.

39 SUBPART XII-D. DIVISION OF AGING AND ADULT SERVICES

41 ELIGIBILITY FOR STATE-COUNTY SPECIAL ASSISTANCE PROGRAM

42 **SECTION 12D.1.(a)** G.S. 108A-41(b) reads as rewritten:

43 "(b) Assistance shall be granted to any person ~~who~~who meets all of the following
 44 criteria:

45 (1) Meets one of the following:

46 a. Is 65 years of age ~~and older, is or older.~~

47 b. Is between the ages of 18 and 65, and is permanently and totally
 48 disabled or is legally blind pursuant to ~~G.S. 111-11; and~~G.S. 111-11.

49 (2) Meets one of the following:

50 a. Has ~~Applies~~ for assistance prior to November 1, 2014, and has both
 51 (i) insufficient income ~~or~~ and (ii) insufficient other resources to

1 provide a reasonable subsistence compatible with decency and health
 2 as determined by the rules and regulations of the Social Services
 3 ~~Commission; and~~ Commission in effect at the time of application.

4 b. Applies for assistance on or after November 1, 2014, and has both (i)
 5 income at or below one hundred percent (100%) of the federal
 6 poverty level guidelines published by the United States Department
 7 of Health and Human Services and (ii) insufficient other resources to
 8 provide a reasonable subsistence compatible with decency and health
 9 as determined by the rules and regulations of the Social Services
 10 Commission.

11 (3) Is one of the following:

12 a. A resident of North Carolina for at least 90 days immediately prior to
 13 receiving this ~~assistance;~~ assistance.

14 ~~b. A person coming to North Carolina to join a close relative who has~~
 15 ~~resided in North Carolina for at least 180 consecutive days~~
 16 ~~immediately prior to the person's application. The close relative shall~~
 17 ~~furnish verification of his or her residency to the local department of~~
 18 ~~social services at the time the applicant applies for special assistance.~~
 19 ~~As used in this sub-subdivision, a close relative is the person's parent,~~
 20 ~~grandparent, brother, sister, spouse, or child; or~~

21 c. A person discharged from a State facility who was a patient in the
 22 facility as a result of an interstate mental health ~~compact.~~ compact
 23 that requires the State to continue treating the person within the State.
 24 As used in this sub-subdivision the term State facility is a facility
 25 listed under G.S. 122C-181."

26 **SECTION 12D.1.(b)** This section shall not affect the eligibility of State-County
 27 Special Assistance applicants approved to receive State-County Special Assistance benefits
 28 prior to November 1, 2014.

30 STATE-COUNTY SHARE OF COSTS FOR SPECIAL ASSISTANCE PROGRAM

31 **SECTION 12D.2.** G.S. 143B-139.5 reads as rewritten:

32 **"§ 143B-139.5. Department of Health and Human Services; adult care State/county share**
 33 **of costs; ~~maintenance of State/county budget allocations~~ costs for State-County**
 34 **Special Assistance programs.**

35 State funds available to the Department of Health and Human Services shall pay fifty
 36 percent (50%), and the counties shall pay fifty percent (50%) of the authorized rates for care in
 37 adult care homes including area mental health agency-operated or contracted-group homes. ~~The~~
 38 ~~Department shall maintain the State's appropriation to the State-County Special Assistance~~
 39 ~~program at one hundred percent (100%) of the State certified budget enacted by the General~~
 40 ~~Assembly for the 2012-2013 fiscal year. The Department shall use these appropriated funds for~~
 41 ~~the State's appropriation to the State-County Special Assistance program, program for this~~
 42 ~~program, for the State-County Special Assistance in-home program, and for rental assistance.~~
 43 ~~Each county department of social services shall maintain its allocation to the State-County~~
 44 ~~Special Assistance program at one hundred percent (100%) of the county funds budgeted for~~
 45 ~~this program for the 2011-2012 fiscal year. Each county shall use these county funds budgeted~~
 46 ~~for the State-County Special Assistance program, program for this program, for the~~
 47 ~~State-County Special Assistance in-home program, and for rental assistance."~~

49 EXAMINATION OF WAYS TO IMPROVE THE PUBLIC GUARDIANSHIP SYSTEM

50 **SECTION 12D.3.(a)** The Department of Health and Human Services
 51 (Department), Division of Aging and Adult Services, shall collaborate with the Administrative

1 Office of the Courts to develop a plan regarding the Department's evaluation of complaints
2 pertaining to wards under the care of publicly funded guardians in order to ensure that, in
3 addition to current requirements, the complaint process incorporates a face-to-face observation
4 of the ward, an interview with the ward, or both. The plan shall include a requirement that an
5 individual with experience in understanding the unique needs and abilities of the ward be
6 assigned to conduct the observation or interview.

7 **SECTION 12D.3.(b)** The Department shall continue utilizing existing safeguards
8 regarding guardians as paid service providers. In addition, the Division of Aging and Adult
9 Services shall consult with the clerks of superior court, local management entities that have
10 been approved as managed care organizations, the North Carolina Bar Association Section on
11 Elder Law, and any other interested groups to develop a model plan for transitioning a ward to
12 an alternative guardianship arrangement when an individual guardian of the person becomes
13 unable or unwilling to serve. The model plan shall focus on ways to prevent the appointment of
14 a public guardian.

15 **SECTION 12D.3.(c)** The Department shall continue to study whether utilization of
16 care coordination services would provide needed oversight to safeguard against conflicts of
17 interest when guardians serve as paid providers.

18 **SECTION 12D.3.(d)** The Department shall submit a final report of its findings and
19 recommendations for each of the issues described in subsections (a) through (c) of this section
20 to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal
21 Research Division no later than October 1, 2014.

22 23 **STATUS REPORTS FILED BY CORPORATIONS OR DISINTERESTED PUBLIC** 24 **AGENTS SERVING AS GUARDIANS FOR INCOMPETENT WARDS**

25 **SECTION 12D.4.(a)** G.S. 35A-1202(14) reads as rewritten:

26 "(14) "Status report" means the report required by G.S. 35A-1242 to be filed by
27 the general guardian or guardian of the person. ~~A status report shall include a~~
28 ~~report of a recent medical and dental examination of the ward by one or~~
29 ~~more physicians or dentists, a report on the guardian's performance of the~~
30 ~~duties set forth in this Chapter and in the clerk's order appointing the~~
31 ~~guardian, and a report on the ward's condition, needs, and development. The~~
32 ~~clerk may direct that the report contain other or different information. The~~
33 ~~report may also contain, without limitation, reports of mental health or~~
34 ~~mental retardation professionals, psychologists, social workers, persons in~~
35 ~~loco parentis, a member of a multidisciplinary evaluation team, a designated~~
36 ~~agency, a disinterested public agent or agency, a guardian ad litem, a~~
37 ~~guardian of the estate, an interim guardian, a successor guardian, an officer,~~
38 ~~official, employee or agent of the Department of Health and Human~~
39 ~~Services, or any other interested persons including, if applicable to the~~
40 ~~ward's situation, group home parents or supervisors, employers, members of~~
41 ~~the staff of a treatment facility, or foster parents."~~

42 **SECTION 12D.4.(b)** G.S. 35A-1242 reads as rewritten:

43 **"§ 35A-1242. Status reports for incompetent wards.**

44 (a) Any corporation or disinterested public agent that is guardian of the person for an
45 incompetent person, within six months after being appointed, shall file an initial status report
46 ~~with the designated agency, if there is one, or with the clerk. the clerk and submit a copy of the~~
47 initial status report to the designated agency, if there is one. Such guardian shall file a second
48 status report with ~~the designated agency or the clerk~~ one year after being appointed, and
49 subsequent reports annually thereafter. The clerk may order any other guardian of the person to
50 file status reports. If a guardian required by this section to file a status report is employed by
51 the designated agency, the guardian shall file any required status report with ~~both the~~

1 ~~designated agency and the clerk.~~ the clerk and submit a copy of the status report to the
2 designated agency.

3 (a1) Each status report shall include all of the following:

4 (1) A report of recent medical and dental examinations of the ward by one or
5 more physicians and dentists.

6 (2) A report on the guardian's performance of the duties set forth in this Chapter
7 and in the clerk's order appointing the guardian.

8 (3) A report on the ward's residence, education, employment, and rehabilitation
9 or habilitation.

10 (4) A report of the guardian's efforts to restore competency.

11 (5) A report of the guardian's efforts to seek alternatives to guardianship.

12 (6) If the guardian is a disinterested public agent or corporation, a report of the
13 efforts to identify alternative guardians.

14 (7) The guardian's recommendations for implementing a more limited
15 guardianship, preserving for the ward the opportunity to exercise rights that
16 are within the ward's comprehension and judgment.

17 (8) Any additional reports or information required by the clerk.

18 (a2) The guardian may include in each status report additional information pertaining to
19 the ward's best interests.

20 (b) Each status report shall be filed under the guardian's oath or affirmation that the
21 report is complete and accurate so far as ~~he~~ the guardian is informed and can determine.

22 (c) A clerk or designated agency that receives a status report shall not make the status
23 report available to anyone other than the guardian, the ward, the court, or State or local human
24 resource services agencies providing services to the ward.

25 (d) The clerk, on the clerk's own motion, or any interested party, may file a motion in
26 the cause pursuant to G.S. 35A-1207 with the clerk in the county where the guardianship is
27 docketed to request modification of the order appointing the guardian or guardians or for
28 consideration of any matters contained in the status report."

29 **SECTION 12D.4.(c)** This section becomes effective October 1, 2014.

30 31 **SUBPART XII-E. DIVISION OF PUBLIC HEALTH**

32 **CHILDREN'S DEVELOPMENTAL SERVICES AGENCIES**

33 **SECTION 12E.1.** Section 12E.4 of S.L. 2013-360 reads as rewritten:

34 ~~"SECTION 12E.4."~~ **SECTION 12E.4.(a)** In order to achieve the reduced amount of State
35 funds appropriated in this act for the Children's Developmental ~~Service~~ Services Agencies
36 (CDSAs) program, the Department of Health and Human Services, Division of Public Health,
37 ~~may shall~~ close up to four State-operated CDSAs, effective July 1, 2014. January 1, 2015. The
38 Department shall retain the CDSA located in the City of Morganton and the CDSAs with the
39 highest caseloads of children residing in rural and medically underserved areas. ~~If the~~
40 ~~Department elects to close one or more CDSAs pursuant to this section, it~~ The Department
41 shall submit a report to the Joint Legislative Oversight Committee on Health and Human
42 Services and the Fiscal Research Division no later than ~~March 1, 2014, March 1, 2015,~~
43 identifying the CDSAs selected for closure.

44 **SECTION 12E.4.(b)** For the 2014-2015 fiscal year, the Department shall maintain the
45 same eligibility requirements for the CDSA program that were in effect on June 30, 2013."
46

47 48 **REDIRECTION OF SCHOOL NURSE FUNDING INITIATIVE TO TIER 1** 49 **COUNTIES**

50 **SECTION 12E.2.** Section 12E.3 of S.L. 2013-360 reads as rewritten:

1 "SECTION 12E.3.(a) All funds appropriated in this act for the School Nurse Funding
2 Initiative for the 2014-2015 fiscal year shall be distributed only to local health departments
3 located in counties designated as Tier 1 counties by the North Carolina Department of
4 Commerce. These funds shall be used to supplement and not supplant other State, local, or
5 federal funds appropriated or allocated for this purpose. ~~Communities~~All Tier 1 counties shall
6 maintain their current level of effort and funding for school nurses. These funds shall not be
7 used to fund nurses for State agencies. These funds shall be distributed to local health
8 departments according to a formula that includes all of the following:

- 9 (1) School nurse-to-student ratio.
- 10 (2) Percentage of students eligible for free or reduced meals.
- 11 (3) Percentage of children in poverty.
- 12 (4) Per capita income.
- 13 (5) Eligibility as a low-wealth county.
- 14 (6) Mortality rates for children between one and 19 years of age.
- 15 (7) Percentage of students with chronic illnesses.
- 16 (8) Percentage of county population consisting of minority persons.

17 "SECTION 12E.3.(b) The Division of Public Health shall ensure that school nurses ~~funded~~
18 ~~with State funds~~ located in counties designated as Tier 1 counties, who are funded by
19 appropriations for the School Nurse Funding Initiative for the 2014-2015 fiscal year (i) do not
20 assist in any instructional or administrative duties associated with a school's curriculum and (ii)
21 perform all of the following with respect to school health programs:

- 22 (1) Serve as the coordinator of the health services program and provide nursing
23 care.
- 24 (2) Provide health education to students, staff, and parents.
- 25 (3) Identify health and safety concerns in the school environment and promote a
26 nurturing school environment.
- 27 (4) Support healthy food services programs.
- 28 (5) Promote healthy physical education, sports policies, and practices.
- 29 (6) Provide health counseling, assess mental health needs, provide interventions,
30 and refer students to appropriate school staff or community agencies.
- 31 (7) Promote community involvement in assuring a healthy school and serve as
32 school liaison to a health advisory committee.
- 33 (8) Provide health education and counseling and promote healthy activities and
34 a healthy environment for school staff.
- 35 (9) Be available to assist the county health department during a public health
36 emergency.

37 "SECTION 12E.3.(c) Section 6.9(b) of S.L. 2011-145, as amended by Section 6.2 of S.L.
38 2012-142, is repealed."
39

40 INCREASED FEE FOR PRIVATE WELL-WATER TESTING

41 SECTION 12E.3.(a) G.S. 130A-5(16) reads as rewritten:

- 42 "(16) To charge a fee of up to ~~fifty five dollars (\$55.00)~~ seventy-four dollars
43 (\$74.00) for analyzing private well-water samples sent to the State
44 Laboratory of Public Health by local health departments. The fee shall be
45 imposed only for analyzing samples from newly constructed and existing
46 wells. The fee shall be computed annually by the Director of the State
47 Laboratory of Public Health by analyzing the previous year's testing at the
48 State Laboratory of Public Health, and applying the amount of the total cost
49 of the private well-water testing, minus State appropriations that support this
50 effort. The fee includes the charge for the private well-water panel test kit."

1 **SECTION 12E.3.(b)** Subsection (a) of this section becomes effective July 1, 2014,
2 and applies to private well-water samples analyzed on or after that date.
3

4 **TRANSFER OF ON-SITE WATER PROTECTION BRANCH FROM DIVISION OF**
5 **PUBLIC HEALTH TO DIVISION OF WATER RESOURCES, DEPARTMENT OF**
6 **ENVIRONMENT AND NATURAL RESOURCES**

7 **SECTION 12E.4.(a)** The On-Site Water Protection Branch of the Environmental
8 Section of the Division of Public Health within the Department of Health and Human Services,
9 is hereby transferred to the Division of Water Resources within the Department of
10 Environmental and Natural Resources, by a Type I transfer, as defined in G.S. 143A-6, where it
11 will be known as the On-Site Water Protection Section.

12 **SECTION 12E.4.(b)** G.S. 90A-51(2a) reads as rewritten:

13 "(2a) "Environmental health practice" means the provision of environmental
14 health services, including administration, organization, management,
15 education, enforcement, and consultation regarding environmental health
16 services provided to or for the public. These services are offered to prevent
17 environmental hazards and promote and protect the health of the public in
18 the following areas: food, lodging, and institutional sanitation; on-site
19 wastewater treatment and disposal; public swimming pool sanitation;
20 childhood lead poisoning prevention; well permitting and inspection; tattoo
21 parlor sanitation; and all other areas of environmental health requiring the
22 delegation of authority by the Division of Public Health of the Department
23 of Health and Human Services or the On-Site Water Protection Section of
24 the Division of Water Resources of the Department of Environment and
25 Natural Resources to State and local environmental health professionals to
26 enforce rules adopted by the Commission for Public ~~Health~~Health or the
27 Environmental Management Commission. The definition also includes local
28 environmental health professionals enforcing rules of local boards of health
29 for on-site wastewater systems and wells."

30 **SECTION 12E.4.(c)** G.S. 90A-55(a) reads as rewritten:

31 "(a) Board Membership. – The Board shall consist of ~~12~~nine members who shall serve
32 staggered terms: the Secretary of ~~Health and Human Services~~Environment and Natural
33 Resources or the Secretary's duly authorized representative, one public-spirited citizen, ~~one~~
34 ~~environmental sanitation educator from an accredited college or university~~, ~~one local health~~
35 ~~director~~, a representative of the Division of Public Health of the Department of Health and
36 Human Services, and ~~seven~~six practicing environmental health ~~specialists~~specialists,
37 including one environmental sanitation educator from an accredited college or university, and
38 one local health director, who qualify by education and experience for registration under this
39 Article, six of whomArticle. The six members who are practicing environmental health
40 specialists shall represent the Western, Piedmont, and Eastern Regions of the State as described
41 more specifically in the rules adopted by the Board."

42 **SECTION 12E.4.(d)** Transition of Membership of the Board of Environmental
43 Health Specialist Examiners. –

44 (1) The terms of all members of the Board of Environmental Health Specialist
45 Examiners as of the effective date of this act shall expire on July 31, 2014. A
46 new Board of nine members shall be appointed consistent with the
47 requirements specified in G.S. 90A-55(a), as amended by subsection (c) of
48 this section.

49 (2) Notwithstanding the provisions of G.S. 90A-55(b), the initial term of office
50 for the following persons appointed to the Board of Environmental Health
51 Specialist Examiners shall be two years: (i) one public-spirited citizen, (ii) a

1 representative of the Division of Public Health of the Department of Health
2 and Human Services, and (iii) three practicing environmental health
3 specialists. At the end of these initial two-year appointments, the term of
4 office for their successors shall be four years. The remaining members of the
5 Board shall be appointed for an initial term of four years and the term of
6 office for their successors shall be four years. Initial terms shall begin on
7 August 1, 2014, and expire on July 31 of the year of expiration as set forth in
8 this subdivision.

9 **SECTION 12E.4.(e)** G.S. 90A-71(4) reads as rewritten:

10 "(4) "Department" means the Department of ~~Health and Human~~
11 ~~Services-Environment and Natural Resources.~~"

12 **SECTION 12E.4.(f)** G.S. 90A-81(b) reads as rewritten:

13 "(b) Arbitration. – The Board may establish a voluntary arbitration procedure to resolve
14 complaints concerning a certified contractor or inspector or any work performed by a certified
15 contractor or inspector, or conflicts involving any certified contractor or inspector and ~~the~~
16 ~~Division of Public Health~~ of the Department or a local health department."

17 **SECTION 12E.4.(g)** G.S. 130A-4(c) reads as rewritten:

18 "(c) The Secretary of Environment and Natural Resources shall administer and enforce
19 the provisions of ~~Articles 9 and 10~~Articles 9, 10, and 11 of this Chapter and the rules of the
20 Commission."

21 **SECTION 12E.4.(h)** G.S. 130A-17(b) reads as rewritten:

22 "(b) The Secretary of Environment and Natural Resources and a local health director
23 shall have the same rights enumerated in subsection (a) of this section to enforce the provisions
24 of ~~Articles 9 and 10~~Articles 9, 10, and 11 of this Chapter."

25 **SECTION 12E.4.(i)** G.S. 130A-18(b) reads as rewritten:

26 "(b) The Secretary of Environment and Natural Resources and a local health director
27 shall have the same rights enumerated in subsection (a) of this section to enforce the provisions
28 of ~~Articles 9 and 10~~Articles 9, 10, and 11 of this Chapter."

29 **SECTION 12E.4.(j)** G.S. 130A-19(b) reads as rewritten:

30 "(b) The Secretary of Environment and Natural Resources and a local health director
31 shall have the same rights enumerated in subsection (a) of this section to enforce the provisions
32 of ~~Articles 9 and 10~~Articles 9, 10, and 11 of this Chapter."

33 **SECTION 12E.4.(k)** G.S. 130A-20(b) reads as rewritten:

34 "(b) The Secretary of Environment and Natural Resources and a local health director
35 shall have the same rights enumerated in subsection (a) of this section to enforce the provisions
36 of ~~Articles 9 and 10~~Articles 9, 10, and 11 of this Chapter."

37 **SECTION 12E.4.(l)** G.S. 130A-22(c) reads as rewritten:

38 "(c) The Secretary of Environment and Natural Resources may impose an administrative
39 penalty on a person who willfully violates Article 11 of this Chapter, rules adopted by the
40 Commission pursuant to Article 11 or any condition imposed upon a permit issued under
41 Article 11. An administrative penalty may not be imposed upon a person who establishes that
42 neither the site nor the system may be improved or a new system installed so as to comply with
43 Article 11 of this Chapter. Each day of a continuing violation shall constitute a separate
44 violation. The penalty shall not exceed fifty dollars (\$50.00) per day in the case of a wastewater
45 collection, treatment and disposal system with a design daily flow of no more than 480 gallons
46 or in the case of any system serving a single one-family dwelling. The penalty shall not exceed
47 three hundred dollars (\$300.00) per day in the case of a wastewater collection, treatment and
48 disposal system with a design daily flow of more than 480 gallons which does not serve a
49 single one-family dwelling."

50 **SECTION 12E.4.(m)** G.S. 130A-23(e) reads as rewritten:

1 "(e) The Secretary of Environment and Natural Resources shall have all of the applicable
2 rights enumerated in this section to enforce the provisions of ~~Articles 9 and 10~~Articles 9, 10,
3 and 11 of this Chapter."

4 **SECTION 12E.4.(n)** G.S. 130A-24(e) reads as rewritten:

5 "(e) The appeals procedures enumerated in this section shall apply to appeals concerning
6 the enforcement of rules, the imposition of administrative penalties, or any other action taken
7 by the Department of Environment and Natural Resources pursuant to ~~Articles 8, 9, 10, 11, and~~
8 ~~12~~Articles 9, 10, and 11 of this Chapter."

9 **SECTION 12E.4.(o)** G.S. 130A-34.1(a) reads as rewritten:

10 "(a) The Local Health Department Accreditation Board is established within the North
11 Carolina Institute for Public Health. The Board shall be composed of 17 members appointed by
12 the Secretary of the Department of Health and Human Services as follows:

13 (1) Four shall be county commissioners recommended by the North Carolina
14 Association of County Commissioners, and four shall be members of a local
15 board of health as recommended by the Association of North Carolina
16 Boards of Health.

17 (2) Three local health directors.

18 (3) ~~Three~~Two staff members from the Division of Public Health, Department of
19 Health and Human Services.

20 (4) ~~Repealed by Session Laws 2011-145, s. 13.3(zz), effective July 1, 2011. One~~
21 staff member from the Division of Environmental Health, recommended by
22 the Secretary of Environment and Natural Resources.

23 (5) Three at large."

24 **SECTION 12E.4.(p)** G.S. 130A-334(1) is recodified as G.S. 130A-334(1a).

25 **SECTION 12E.4.(q)** G.S. 130A-334 (1a) is recodified as G.S. 130A-334(1b) and
26 reads as rewritten:

27 "~~(1a)~~(1b) "Department" means the Department of ~~Health and Human~~
28 ~~Services~~Environmental and Natural Resources."

29 **SECTION 12E.4.(r)** G.S. 130A-334 is amended by adding a new subdivision to
30 read:

31 "(1) "Commission" means the Environmental Management Commission."

32 **SECTION 12E.4.(s)** G.S. 130A-335(b) reads as rewritten:

33 "(b) ~~All wastewater~~Wastewater systems including all of the following shall be regulated
34 by the Department under rules adopted by the ~~Commission except for the following wastewater~~
35 ~~systems that shall be regulated by the Department under rules adopted by the Environmental~~
36 ~~Management~~Commission:

37 (1) Wastewater collection, treatment, and disposal systems designed to
38 discharge effluent to the land surface or surface waters.

39 (2) Wastewater systems designed for groundwater remediation, groundwater
40 injection, or landfill leachate collection and disposal.

41 (3) Wastewater systems designed for the complete recycle or reuse of industrial
42 process wastewater.

43 (4) Gray water systems as defined in G.S. 143-350."

44 **SECTION 12E.4.(t)** G.S. 130A-335(h) reads as rewritten:

45 "(h) Except as provided in this subsection, a chemical or portable toilet may be placed at
46 any location where the chemical or portable toilet can be operated and maintained under
47 sanitary conditions. A chemical or portable toilet shall not be used as a replacement or
48 substitute for a water closet or urinal where a water closet or urinal connected to a permanent
49 wastewater treatment system is required by the North Carolina State Building Code, except that
50 a chemical or portable toilet may be used to supplement a water closet or urinal during periods
51 of peak use. A chemical or portable toilet shall not be used as an alternative to the repair of a

1 water closet, urinal, or wastewater treatment system. It shall be unlawful to discharge sewage
2 or other waste from a chemical or portable toilet used for human waste except into a
3 wastewater system that has been approved by the Department under rules adopted by the
4 Commission ~~or by the Environmental Management Commission~~ or at a site that is permitted by
5 the Department under G.S. 130A-291.1."

6 **SECTION 12E.4.(u)** The Revisor of Statutes may conform names and titles
7 changed by this section, and may correct statutory references as required by this section,
8 throughout the General Statutes. In making the changes authorized by this section, the Revisor
9 may also adjust subject and verb agreement and the placement of conjunctions.

10 11 **PROGRAM EVALUATION STUDY OF CHIEF MEDICAL EXAMINER'S OFFICE**

12 **SECTION 12E.5.** The Joint Legislative Program Evaluation Oversight Committee
13 shall consider including in the 2014-2015 Work Plan for the Program Evaluation Division of
14 the General Assembly a study on ways to improve North Carolina's medical examiner system.
15 The study shall include (i) an evaluation of the Office of the Chief Medical Examiner within
16 the Epidemiology Section of the Department of Health and Human Services, Division of Public
17 Health, and that Office's policies and procedures with respect to death investigations and (ii)
18 recommendations for best practices in death investigations to achieve greater efficiencies.

19 20 **SUBPART XII-F. DIVISION OF MH/DD/SAS AND STATE OPERATED** 21 **HEALTHCARE FACILITIES**

22 23 **TRAUMATIC BRAIN INJURY FUNDING**

24 **SECTION 12F.1.** Of the funds appropriated to the Department of Health and
25 Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse
26 Services, for the 2014-2015 fiscal year, the sum of two million three hundred seventy-three
27 thousand eighty-six dollars (\$2,373,086) shall be used exclusively to support traumatic brain
28 injury (TBI) services as follows:

- 29 (1) The sum of three hundred fifty-nine thousand two hundred eighteen dollars
30 (\$359,218) shall be used to fund contracts with the Brain Injury Association
31 of North Carolina and Carolinas Rehabilitation.
- 32 (2) The sum of seven hundred ninety-six thousand nine hundred thirty-four
33 dollars (\$796,934) shall be used to support residential programs across the
34 State that are specifically designed to serve individuals with TBI.
- 35 (3) The sum of one million two hundred sixteen thousand nine hundred
36 thirty-four dollars (\$1,216,934) shall be used to support requests submitted
37 by individual consumers for assistance with residential support services,
38 home modifications, transportation, and other requests deemed necessary by
39 the consumer's local management entity and primary care physician.

40 41 **CLOSURE OF WRIGHT SCHOOL**

42 **SECTION 12F.2.(a)** The Department of Health and Human Services shall not
43 allow any new admissions or readmissions to the Wright School after July 1, 2014. The
44 Department shall, in consultation with local management entities that are approved to operate
45 as managed care organizations, develop a plan to transition all students enrolled at the Wright
46 School to other appropriate educational and treatment settings.

47 **SECTION 12F.2.(b)** By September 30, 2014, the Department shall permanently
48 cease operations at the Wright School.

49 **SECTION 12F.2.(c)** G.S. 122C-181(a)(5)b. is repealed effective October 1, 2014.
50

1 **REPORT ON STRATEGIES FOR IMPROVING MENTAL HEALTH,**
2 **DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES**

3 **SECTION 12F.3.(a)** The Department of Health and Human Services (Department)
4 shall submit a report to the Joint Legislative Oversight Committee on Health and Human
5 Services and the Fiscal Research Division by November 1, 2014, that includes all of the
6 following components:

- 7 (1) A strategy for improving communication and coordination among all
8 divisions within the Department that administer funds or programs related to
9 the delivery of behavioral health services, especially regarding the most
10 appropriate and efficient uses of public and private inpatient behavioral
11 health services. The Department shall include as part of its strategy a process
12 to address shortages and deficiencies identified in the annual State Medical
13 Facilities Plan.
- 14 (2) A plan developed in collaboration with local management entities that have
15 been approved to operate as managed care organizations (LME/MCOs) to
16 increase access to, and availability of, community-based outpatient crisis and
17 emergency services for the stabilization and treatment of individuals
18 experiencing mental health, developmental disability, or substance abuse
19 crises in settings other than local hospital emergency departments and
20 State-operated psychiatric hospitals.
- 21 (3) A plan to ensure that a comprehensive array of outpatient treatment and
22 crisis prevention and intervention services are available and accessible to
23 children, adolescents, and adults in every LME/MCO catchment area. The
24 plan shall ensure that an adequate number of crisis stabilization units are
25 available in each LME/MCO catchment area.
- 26 (4) Findings and recommendations for increasing the inventory of inpatient
27 psychiatric and substance abuse services within the State. In developing its
28 findings and recommendations, the Department shall examine the
29 advantages and disadvantages of increasing this inventory of services
30 through (i) additional State-operated facilities, (ii) community hospital beds,
31 (iii) United States Department of Veterans Affairs beds, and (iv)
32 community-based services that decrease the need for inpatient treatment.
- 33 (5) A plan for offering hospitals and other entities incentives to apply for
34 licenses to begin offering new inpatient behavioral health services, or to
35 begin operating existing licensed beds that are currently unstaffed, or both.
- 36 (6) Recommendations on the use of the existing Cherry Hospital buildings after
37 patients and operations are relocated to the replacement facility. In
38 developing its findings and recommendations, the Department shall conduct
39 a study that includes development of an inventory and assessment of the
40 condition of every building located on the existing Cherry Hospital campus.
41 The study shall include an examination of the feasibility of using the existing
42 Cherry Hospital facility to provide community-based and facility-based
43 behavioral health services, including additional child and adolescent
44 inpatient beds.
- 45 (7) A method by which the Division of Health Service Regulation can begin
46 tracking and separately reporting no later than January 1, 2015, on the
47 inventory of inpatient behavioral health beds for children ages six through
48 12 and for adolescents over age 12.
- 49 (8) A status update on the implementation of each component of the 2008
50 Mental Health Commission Workforce Development Plan.

1 **SECTION 12F.3.(b)** The Department shall submit a report to the Joint Legislative
2 Oversight Committee on Health and Human Services and the Fiscal Research Division by
3 March 1, 2015, that includes all of the following components:

- 4 (1) A comprehensive strategy, developed in collaboration with stakeholders
5 deemed relevant by the Department, to address the dearth of licensed child
6 and adolescent inpatient psychiatric beds throughout the State. The strategy
7 shall:
8 a. Ensure that an adequate inventory of child and adolescent beds are
9 available in each LME/MCO catchment area.
10 b. Include the development and implementation of a child and
11 adolescent psychiatric bed registry to provide real-time information
12 on the number of beds available at each licensed inpatient facility in
13 the State.
14 (2) Recommendations for meaningful outcome measures to be implemented by
15 State-operated alcohol and drug abuse treatment centers to assess the impact
16 of inpatient treatment on an individual's substance use following discharge
17 from a State-operated alcohol and drug abuse treatment center. The
18 recommendations shall include a proposed time line for implementation of
19 these outcome measures.
20

21 **SUBPART XII-G. DIVISION OF HEALTH SERVICE REGULATION**

22 23 **TECHNICAL CORRECTION TO CERTIFICATE OF NEED EXEMPTION FOR** 24 **REPLACEMENT OF PREVIOUSLY APPROVED EQUIPMENT**

25 **SECTION 12G.1.(a)** G.S. 131E-184(f) reads as rewritten:

26 "(f) The Department shall exempt from certificate of need review the purchase of any
27 replacement equipment that exceeds the two million dollar (\$2,000,000) threshold set forth in
28 ~~G.S. 131E-176(22)~~ G.S. 131E-176(22a) if all of the following conditions are met:

- 29 (1) The equipment being replaced is located on the main campus.
30 (2) The Department has previously issued a certificate of need for the equipment
31 being replaced. This subdivision does not apply if a certificate of need was
32 not required at the time the equipment being replaced was initially purchased
33 by the licensed health service facility.
34 (3) The licensed health service facility proposing to purchase the replacement
35 equipment shall provide prior written notice to the Department, along with
36 supporting documentation to demonstrate that it meets the exemption criteria
37 of this subsection."

38 **SECTION 12G.1.(b)** This section is effective when it becomes law.
39

40 **HEALTH CARE COST REDUCTION AND TRANSPARENCY ACT REVISIONS**

41 **SECTION 12G.2.** G.S. 131E-214.13 reads as rewritten:

42 "**§ 131E-214.13. Disclosure of prices for most frequently reported DRGs, CPTs, and**
43 **HCPCSs.**

44 (a) The following definitions apply in this Article:

- 45 (1) Ambulatory surgical facility. – A facility licensed under Part 4 of Article 6
46 of this Chapter.
47 (2) Commission. – The North Carolina Medical Care Commission.
48 (3) Health insurer. – ~~As defined in G.S. 108A-55.4, provided that "health~~
49 ~~insurer" shall not include self-insured plans and group health plans as~~
50 ~~defined in section 607(1) of the Employee Retirement Income Security Act~~
51 ~~of 1974.~~ Includes self-insured plans, group health plans (as defined in section

1 607(1) of the Employee Retirement Income Security Act of 1974, [29 U.S.C.
2 § 1167(1)], service benefit plans, managed care organizations, or other
3 parties that are, by statute, contract, or agreement, legally responsible for
4 payment of a claim for a health care item or service as a condition of doing
5 business in the State.

6 (4) Hospital. – A medical care facility licensed under Article 5 of this Chapter or
7 under Article 2 of Chapter 122C of the General Statutes.

8 (5) Public or private third party. – Includes the State, the federal government,
9 employers, health insurers, third-party administrators, and managed care
10 organizations.

11 (b) Beginning with the quarter ending June 30, 2014, and quarterly thereafter, each
12 hospital shall provide to the Department of Health and Human Services, utilizing electronic
13 health records software, the following information about the 100 most frequently reported
14 admissions by DRG for inpatients as established by the ~~Commission~~Department:

15 (1) The amount that will be charged to a patient for each DRG if all charges are
16 paid in full without a public or private third party paying for any portion of
17 the charges.

18 (2) The average negotiated settlement on the amount that will be charged to a
19 patient required to be provided in subdivision (1) of this subsection.

20 (3) The amount of Medicaid reimbursement for each DRG, including claims and
21 pro rata supplemental payments.

22 (4) The amount of Medicare reimbursement for each DRG.

23 (5) For each of the five largest health insurers providing payment to the hospital
24 on behalf of insureds and teachers and State employees, the range and the
25 average of the amount of payment made for each DRG. Prior to providing
26 this information to the Department, each hospital shall redact the names of
27 the health insurers and any other information that would otherwise identify
28 the health insurers.

29 A hospital shall not be required to report the information required by this subsection for any
30 of the 100 most frequently reported admissions where the reporting of that information
31 reasonably could lead to the identification of the person or persons admitted to the hospital in
32 violation of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA)
33 or other federal law.

34 (c) The Commission shall adopt rules on or before March 1, 2014, to ensure that
35 subsection (b) of this section is properly implemented and that hospitals report this information
36 to the Department in a uniform manner. The rules shall include all of the following:

37 (1) The method by which the Department shall determine the 100 most
38 frequently reported DRGs for inpatients for which hospitals must provide the
39 data set out in subsection (b) of this section.

40 (2) Specific categories by which hospitals shall be grouped for the purpose of
41 disclosing this information to the public on the Department's Internet Web
42 site.

43 (d) Beginning with the quarter ending September 30, 2014, and quarterly thereafter,
44 each hospital and ambulatory surgical facility shall provide to the Department, utilizing
45 electronic health records software, information on the total costs for the 20 most common
46 surgical procedures and the 20 most common imaging procedures, by volume, performed in
47 hospital outpatient settings or in ambulatory surgical facilities, along with the related CPT and
48 HCPCS codes. Hospitals and ambulatory surgical facilities shall report this information in the
49 same manner as required by subdivisions (b)(1) through (5) of this section, provided that
50 hospitals and ambulatory surgical facilities shall not be required to report the information
51 required by this subsection where the reporting of that information reasonably could lead to the

1 identification of the person or persons admitted to the hospital in violation of the federal Health
2 Insurance Portability and Accountability Act of 1996 (HIPAA) or other federal law.

3 (e) The Commission shall adopt rules on or before June 1, 2014, to ensure that
4 subsection (d) of this section is properly implemented and that hospitals and ambulatory
5 surgical facilities report this information to the Department in a uniform manner. The rules
6 shall include the ~~list of method by which the Department shall determine~~ the 20 most common
7 surgical procedures and the 20 most common imaging ~~procedures, by volume, performed in a~~
8 ~~hospital outpatient setting and those performed in an ambulatory surgical facility, along with~~
9 ~~the related CPT and HCPCS codes.~~ procedures for which the hospitals must provide the data set
10 out in subsection (d) of this section.

11 (f) Upon request of a patient for a particular DRG, imaging procedure, or surgery
12 procedure reported in this section, a hospital or ambulatory surgical facility shall provide the
13 information required by subsection (b) or subsection (d) of this section to the patient in writing,
14 either electronically or by mail, within three business days after receiving the request.

15 (g) G.S. 150B-21.3 does not apply to rules adopted under this section. A rule adopted
16 under this section becomes effective on the last day of the month following the month in which
17 the rule is approved by the Commission."

18 19 **STUDY CONCERNING EXPANSION OF HEALTH CARE COST REDUCTION AND** 20 **TRANSPARENCY ACT TO ADDITIONAL HEALTH CARE PROVIDERS**

21 **SECTION 12G.3.** By December 1, 2014, the Department of Health and Human
22 Services shall study and submit a written report to the Joint Legislative Oversight Committee
23 on Health and Human Services and the Fiscal Research Division summarizing its
24 recommendations for extending North Carolina's Health Care Cost Reduction and
25 Transparency Act of 2013 (the Act) to additional health care providers. The report shall
26 identify all of the following:

- 27 (1) Recommended categories of additional health care providers that should be
28 subject to the requirements of the Act.
- 29 (2) Recommended data to be collected for the purpose of transparency from
30 each category of identified health care providers.
- 31 (3) Recommended exemptions, if any, from certain requirements of the Act for
32 each category of identified health care providers.
- 33 (4) Recommended effective dates for the applicability of the Act to each
34 category of identified health care providers.

35 36 **MORATORIUM ON HOME CARE AGENCY LICENSES FOR IN-HOME AIDE** 37 **SERVICES**

38 **SECTION 12G.4.(a)** Notwithstanding the provisions of the Home Care Agency
39 Licensure Act set forth in Part 3 of Article 6 of Chapter 131E of the General Statutes or any
40 rules adopted pursuant to that Part, the Department of Health and Human Services shall not
41 issue any licenses for home care agencies as defined in G.S. 131E-136(2) that intend to offer
42 in-home aide services. This prohibition does not apply to companion and sitter services and
43 shall not restrict the Department from doing any of the following:

- 44 (1) Issuing a license to a certified home health agency as defined in
45 G.S. 131E-176(12) that intends to offer in-home aide services.
- 46 (2) Issuing a license to an agency that needs a new license for an existing home
47 care agency being acquired.
- 48 (3) Issuing a license for a new home care agency in any area of the State upon a
49 determination by the Secretary of the Department of Health and Human
50 Services that increased access to care is necessary in that area.

1 **SECTION 12G.4.(b)** This section shall not expire until the General Assembly
2 enacts legislation to lift the moratorium established by this section.

4 **MORATORIUM ON SPECIAL CARE UNIT LICENSES**

5 **SECTION 12G.5.(a)** Section 12G.1(a) of S.L. 2013-360 reads as rewritten:

6 "**SECTION 12G.1.(a)** ~~For the period beginning July 31, 2013, and ending July 1, 2016,~~
7 Notwithstanding the provisions of Article 1 of Chapter 131D of the General Statutes, Article 6
8 of Chapter 131E of the General Statutes, and any rules adopted pursuant to these Articles, the
9 Department of Health and Human Services, Division of Health Service Regulation
10 (Department), shall not issue any licenses for special care units as defined in G.S. 131D-4.6 and
11 G.S.°131E-114. This prohibition shall not restrict the Department from doing any of the
12 following:

- 13 (1) Issuing a license to a facility that is acquiring an existing special care unit.
- 14 (2) Issuing a license for a special care unit in any area of the State upon a
15 determination by the Secretary of the Department of Health and Human
16 Services that increased access to this type of care is necessary in that ~~area~~
17 during the three-year moratorium imposed by this section.
- 18 (3) Processing all completed applications for special care unit licenses received
19 by the Division of Health Service Regulation along with the applicable
20 license fee prior to June 1, 2013.
- 21 (4) Issuing a license to a facility that was in possession of a certificate of need as
22 of July 31, 2013, that included authorization to operate special care unit
23 beds."

24 **SECTION 12G.5.(b)** Section 12G.1(a) of S.L. 2013-360, as amended by
25 subsection (a) of this section, shall not expire until the General Assembly enacts legislation to
26 lift the moratorium established by that Section.

28 **SUBPART XII-H. DIVISION OF MEDICAL ASSISTANCE (MEDICAID)**

30 **MEDICAID REORGANIZATION TO WORK TOWARDS REFORM**

31 **SECTION 12H.1.(a)** It is the intent of the General Assembly to transfer the
32 Medicaid and NC Health Choice programs to a new state entity that will define a new, more
33 successful direction for the programs and that will be able to focus more clearly on the
34 operation of the programs. Specifically, the Medicaid program shall move away from
35 unmanaged fee-for-service towards a system that manages care. To that end, Medicaid shall
36 include all dimensions of care for a recipient through full-risk, provider-led and
37 non-provider-led, capitated health plans. Such full-risk capitated health plans shall include all
38 aspects of care, without exceptions, so that the State will bear only the risk of enrollment
39 numbers and enrollment mix.

40 The governance structure of the new State entity shall include a board. In the short-term,
41 the new State entity shall do the following:

- 42 (1) Strategically design a program that meets the primary goal of providing
43 budget predictability as well as the following goals:
 - 44 a. Controls the growth of program expenditures.
 - 45 b. Reduces programmatic spending, both on payments to providers of
46 services or insurance and on administrative spending.
 - 47 c. Provides "whole person" care.
 - 48 d. Establishes provider accountability for budget and program
49 outcomes, while integrating quality into the basic payment model.
 - 50 e. Maintains administrative accountability for budget and program
51 outcomes.

- 1 f. Ensures transparency of reporting, provider information, decision
2 making, and administrative functions.
- 3 g. Ensures recipient access to appropriate care and services.
- 4 (2) Carefully select individuals to serve in the key leadership positions within
5 the new State entity.
- 6 (3) Develop a detailed timeline for a reform.
- 7 (4) Propose statutory changes or other legal authorization to allow the reform to
8 be implemented.
- 9 (5) Prepare draft State Plan Amendments and waivers necessary to effectuate
10 the reform.
- 11 (6) Design a robust information technology infrastructure, including a strategy
12 to transfer existing data and resources at the Department of Health and
13 Human Services to the new entity.

14 **SECTION 12H.1.(b)** The Department of Health and Human Services shall cease
15 any activities related to implementing Medicaid reform based on its proposed accountable care
16 organization (ACO) model.

17 **SECTION 12H.1.(c)** Funds appropriated elsewhere in this act to the Department of
18 Health and Human Services, Division of Medical Assistance, for Medicaid reform shall be
19 transferred to the Office of State Budget and Management, which shall then transfer the funds
20 to the appropriate new entity that is contemplated in subsection (a) of this section. Such funds
21 may be used only for Medicaid reorganization and reform and, notwithstanding the State
22 Budget Act, may not be used for any other purpose such as funding any shortfalls in the
23 Medicaid program.

24 **REINSTATE MEDICAID ANNUAL REPORT**

25 **SECTION 12H.2.** The Department of Health and Human Services, Division of
26 Medical Assistance, shall reinstate the publication of the Medicaid Annual Report and
27 accompanying tables, which was discontinued after 2008. The Division shall publish the report
28 and tables on its Web site and shall not publish copies in print.

29 **ADJUSTMENTS TO MEDICAID ELIGIBILITY**

30 **SECTION 12H.3.(a)** Effective January 1, 2015, the following adjustments are
31 made to eligibility for the Medicaid Program:

- 32 (1) Categorical coverage for recipients of the optional state supplemental
33 program State-County Special Assistance is eliminated.
- 34 (2) Coverage for the medically needy is eliminated, except those categories that
35 the State is prohibited from eliminating by the maintenance of effort
36 requirement of the Patient Protection and Affordable Care Act. Effective
37 October 1, 2019, coverage for all medically needy categories is eliminated.

38 **SECTION 12H.3.(b)** It is the intent of the General Assembly to reduce optional
39 coverage for certain aged, blind, and disabled persons effective July 1, 2015, while meeting the
40 State's obligation under the Americans with Disabilities Act and the United States Supreme
41 Court decision in *Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 581 (1999). No later than March 1,
42 2015, the Department of Health and Human Services, Division of Medical Assistance, shall
43 submit to the House Appropriations Subcommittee on Health and Human Services and the
44 Senate Appropriations Committee on Health and Human Services a draft waiver or other
45 proposal that limits Medicaid coverage for the aged, blind, and disabled to the minimum
46 required to meet mandatory requirements of the Medicaid program and the Americans with
47 Disabilities Act. The Department may submit drafts of the waiver to the Centers for Medicare
48 and Medicaid Services (CMS) to solicit feedback but shall not submit the waiver for CMS
49 approval until authorized by the General Assembly.

MODIFY INTENSIVE IN-HOME SERVICE

SECTION 12H.4. No later than October 1, 2014, the Department of Health and Human Services, Division of Medical Assistance, shall modify the service definition for the Intensive In-Home Service to reflect a team-to-family ratio of one Intensive In-Home team to 12 families for both the Medicaid and NC Health Choice programs.

STUDY ADDITIONAL 1915(c) WAIVER

SECTION 12H.5. The Department of Health and Human Services, Division of Medical Assistance, shall design and draft a 1915(c) waiver that meets the following requirements:

- (1) The waiver should create 1,000 new slots each year for 3 years, to serve a total of 3,000 additional adults with developmental disabilities from January 1, 2016, to June 30, 2019.
- (2) The budget for each slot should be capped at twenty thousand dollars (\$20,000) per plan year per beneficiary, and slots will target individuals on the registry of unmet needs.
- (3) The slots should be managed as part of the LME/MCO managed care system.

The Department shall report the draft waiver, other findings, and any other options or recommendations to best serve the additional adults with developmental disabilities on the registry of unmet needs to the House Appropriations Subcommittee on Health and Human Services and the Senate Appropriations Committee on Health and Human Services by March 1, 2015. The Department may submit drafts of the waiver to the Centers for Medicare and Medicaid Services (CMS) to solicit feedback but shall not submit the waiver for CMS approval until authorized by the General Assembly.

TRAUMATIC BRAIN INJURY WAIVER

SECTION 12H.6. The Department of Health and Human Services, Division of Medical Assistance, shall design and draft a waiver to add a new service package for Medicaid eligibles with traumatic brain injury (TBI). This draft waiver may be based on an update to the 2010 report on a waiver to serve individuals with traumatic brain injury. The Department shall report the draft waiver, other findings, and any other options to provide Medicaid services to those suffering from TBI to the House Appropriations Subcommittee on Health and Human Services and the Senate Appropriations Committee on Health and Human Services by February 1, 2015. The Department may submit drafts of the waiver to the Centers for Medicare and Medicaid Services (CMS) to solicit feedback but shall not submit the waiver for CMS approval until authorized by the General Assembly.

FREEZE NURSING HOME CASE MIX INDEX

SECTION 12H.7. Section 12H.13(b) of S.L. 2013-360 reads as rewritten:

"SECTION 12H.13.(b) Effective July 1, 2013, any rate methodologies that contain an automatic inflationary or increase factor shall not increase above the rate in effect on June 30, 2013, unless the rate is otherwise increased by the General Assembly. Interim hospital outpatient services' percentage of cost used for payment shall be adjusted to compensate for expected inflation that hospitals would be eligible for, and cost settlement will only be up to the percentage in subsection (e) of this section. The following rates are excluded from this subsection: Federally Qualified Health Centers, Rural Health Centers, critical access hospitals, State-Operated services, Hospice, Part B and D Premiums, third-party and HMO premiums, drugs, MCO capitation payments, and nursing home direct care services case mix index increases. Notwithstanding the foregoing, the exclusion from this subsection for nursing home

1 direct care services case mix index increases expires January 1, 2015, and the rate for nursing
2 home direct care services case mix shall not increase above the rate in effect on December 31,
3 2014."
4

5 **DRUG REIMBURSEMENT USING AVERAGE ACQUISITION COST**

6 **SECTION 12H.8.(a)** The Department of Health and Human Services, Division of
7 Medical Assistance, shall adopt an average acquisition cost methodology for brand and generic
8 drug ingredient pricing to be effective beginning on January 1, 2015. The drug ingredient
9 pricing methodology shall be consistent with new federal requirements or, if the new federal
10 requirements have not yet been finalized by October 1, 2014, consistent with the draft federal
11 requirements. In adopting a new drug ingredient pricing methodology, the Department shall
12 also adjust the rates for dispensing drugs as follows:

- 13 (1) Raise dispensing fees so that the average acquisition cost ingredient pricing
14 plus the dispensing fees, net of any drug rebates, generates nine hundred
15 seventy-five thousand dollars (\$975,000) in savings in General Fund
16 appropriations.
- 17 (2) Maintain a distinction between the dispensing fees for preferred and brand
18 drugs.

19 **SECTION 12H.8.(b)** The Department of Health and Human Services, Division of
20 Medical Assistance, shall issue a request for proposals (RFP) for a contractor to perform a
21 statewide drug dispensing fee study to begin on July 1, 2015. The Department shall, no later
22 than May 1, 2015, submit a cost estimate of such a study (i) to the chairs of the House
23 Appropriations Subcommittee on Health and Human Services and the Senate Appropriations
24 Committee for Health and Human Services and (ii) to the Fiscal Research Division.
25

26 **MENTAL HEALTH DRUG MANAGEMENT**

27 **SECTION 12H.9.(a)** Effective January 1, 2015, Section 12H.13(g) of S.L.
28 2013-360, as amended by Section 4.4 of S.L. 2013-363, is repealed.

29 **SECTION 12H.9.(b)** Effective January 1, 2015, the Department of Health and
30 Human Services, Division of Medical Assistance, shall impose prior authorization
31 requirements, when such prior authorization requirements are cost-effective, or other
32 restrictions on medications prescribed to Medicaid and Health Choice recipients for the
33 treatment of mental illness that are sufficient to produce twelve million dollars (\$12,000,000),
34 net of rebates, in recurring annual savings to General Fund appropriations to the Medicaid
35 program. Notwithstanding the foregoing, because of the effective date of this section, savings
36 in fiscal year 2014-2015 shall be six million dollars (\$6,000,000).

37 **SECTION 12H.9.(c)** No later than October 1, 2015, the Department of Health and
38 Human Services, Division of Medical Assistance, shall report to the Joint Legislative Oversight
39 Committee on Health and Human Services on the Department's fiscal year 2014-2015 savings
40 from making the changes required by subsection (b) of this section.
41

42 **PERSONAL CARE SERVICES MANAGEMENT**

43 **SECTION 12H.10.(a)** The Department of Health and Human Services, Division of
44 Medical Assistance, shall implement the rate reduction specified in Section 2 of S.L. 2013-306
45 retroactively to October 1, 2013, by recouping all payments in excess of the rate approved in
46 the State plan amendment required in Section 3 of the Session Law. The Department shall then
47 additionally recoup the three percent (3%) reduction required by Section 12H.18(b) of S.L.
48 2013-360.

49 **SECTION 12H.10.(b)** Effective July 1, 2014, the Department of Health and
50 Human Services, Division of Medical Assistance, shall further reduce the rate paid for personal
51 care services (PCS) in order to remain within the fiscal year 2013-2014 certified budget for

1 PCS, code 1310, North Carolina Accounting System code 536144, in the Division of Medical
2 Assistance fund 14445. In calculating the reduced rate, the Department shall anticipate usage
3 growth for fiscal year 2014-2015 and factor that rate into the calculation. Any State plan
4 amendments required to implement this section shall not be subject to the 90 day prior
5 submission requirement of G.S. 108A-54.1A(e).

6 **SECTION 12H.10.(c)** The Joint Legislative Oversight Committee on Health and
7 Human Services shall engage a contractor to study issues related to reforming and redesigning
8 personal care services (PCS) while meeting the State's obligations under the Americans with
9 Disabilities Act and the United States Supreme Court's decision in *Olmstead v. L.C. ex rel.*
10 *Zimring*, 527 U.S. 581 (1999). The study shall examine the following issues:

- 11 (1) What categories of Medicaid recipients are currently receiving PCS, and in
12 what settings are they being served?
- 13 (2) What is the total number of Medicaid recipients receiving PCS in each
14 category, and what is the anticipated growth in each category?
- 15 (3) What is the current cost of serving Medicaid recipients in each setting, and
16 specifically, the sources of public funding utilized to serve those
17 individuals?
- 18 (4) What alternative, more cost-effective assistance models could be
19 implemented for each category of Medicaid recipient?
- 20 (5) Specifically, whether more cost-effective assistance could be offered
21 through the new 1915(i) State plan home- and community-based services
22 and 1915 waiver options for each category of Medicaid recipient.
- 23 (6) Recommendations regarding what outcomes the redesigned program should
24 be designed to achieve.
- 25 (7) Other areas as deemed appropriate by the chairs of the Joint Legislative
26 Oversight Committee on Health and Human Services.

27 No later than December 1, 2015, the contractor shall report the results and
28 recommendations of the study to the Joint Legislative Oversight Committee on Health and
29 Human Services. The Department of Health and Human Services shall give the contractor full
30 access to all data necessary to complete the study and the report. The Department of Health and
31 Human Services shall make payments to the contractor hired by the Joint Legislative Oversight
32 Committee on Health and Human Services from the two hundred thousand dollars (\$200,000)
33 appropriated elsewhere in this budget for this contract as well as from federal Medicaid
34 matching funds available for this contract.

35 36 **ADULT CARE HOME COST REPORTING**

37 **SECTION 12H.11.** The Department of Health and Human Services shall require
38 compliance with the adult care home cost reporting requirements set forth in G.S. 131D-4.2.
39 The Department shall make available the data collected from the cost reporting in a
40 character-separated values (CSV) plain text format or other file format that may easily be
41 imported into software used for spreadsheets, databases, and data analytics.

42 43 **CREATE STATEWIDE HOSPITAL BASE RATE**

44 **SECTION 12H.12.(a)** Section 12H.20(b) of S.L. 2013-360 is repealed.

45 **SECTION 12H.12.(b)** Effective January 1, 2015, the individualized base rates for
46 hospital inpatient services under the Medicaid and NC Health Choice programs are hereby
47 replaced with a single statewide base rate for hospital inpatient services equal to the sum of two
48 thousand seven hundred eighty-eight dollars (\$2,788) or the statewide median rate on June 30,
49 2014, whichever is less. This subsection does not apply to the UNC Health Care System or
50 Vidant Medical Center, which was previously known as Pitt County Memorial Hospital, and
51 their base rates shall not be included in the calculation of the statewide median rate.

1
2 **SUPPLEMENTAL PAYMENTS TO ELIGIBLE MEDICAL PROFESSIONAL**
3 **PROVIDERS**

4 **SECTION 12H.13.(a)** Effective July 1, 2014, supplemental payments that increase
5 reimbursement to the average commercial rate for certain eligible medical providers described
6 in the Medicaid State Plan, Attachment 4.19-B, Section 5, Pages 2 and 3, shall be modified to
7 limit the number of eligible medical professional providers as follows:

- 8 (1) 375 with the East Carolina University (ECU) Brody School of Medicine,
9 (2) 1,176 with the University of North Carolina at Chapel Hill (UNC) Faculty
10 Physicians,
11 (3) 14 with the UNC Hospitals Pediatric Clinic,
12 (4) 75 with UNC Physicians Network,
13 (5) 18 with Chatham Hospital.

14 The Department of Health and Human Services shall not make any other
15 modifications to the portion of the Medicaid State Plan referenced in this section, except as
16 provided herein.

17 **SECTION 12H.13.(b)** Beginning on December 31, 2014, and annually thereafter,
18 UNC and ECU shall submit an annual report based on their preceding fiscal year to the Joint
19 Legislative Oversight Committee on Health and Human Services containing all of the
20 following information for each individual provider for whom this supplemental payment is
21 received:

- 22 (1) For each service provided by the provider and for which the supplemental
23 payment is received, the location where the service was provided, including
24 county, municipality, and zip code.
25 (2) The percentage of the provider's total time spent serving Medicaid recipients
26 annually that is for services provided at locations other than the ECU Brody
27 School of Medicine, the Firetower Medical Office, or the UNC School of
28 Medicine.
29 (3) The amount of Medicaid reimbursement for each service for which a
30 supplemental payment was made for services provided by the provider.
31 (4) The percentage of the provider's time spent in clinical practice, the
32 percentage of time spent teaching, and the percentage of time engaging in
33 research on an annual basis.

34 **SECTION 12H.13.(c)** The entities receiving the supplemental payments addressed
35 in subsection (a) of this section shall transfer an amount to the Department of Health and
36 Human Services, Division of Medical Assistance, sufficient to ensure that after reducing the
37 transfer by twenty-eight and eighty-five hundredths percent (28.85%) there are funds for the
38 State share necessary to make the supplemental payments. That twenty-eight and eighty-five
39 hundredths percent (28.85%) shall be retained by the State for the Medicaid program.

40 **SECTION 12H.13.(d)** Any state plan amendments required to implement this
41 section shall not be subject to the 90-day prior submission requirement of G.S. 108A-54.1A(e).

42
43 **REPEAL SHARED SAVINGS PROGRAM; MAINTAIN CERTAIN RATE**
44 **REDUCTIONS**

45 **SECTION 12H.14.(a)** All subsections of Section 12H.18 of S.L. 2013-360, except
46 for subsection (b), are repealed.

47 **SECTION 12H.14.(b)** Section 12H.18(b) of S.L. 2013-360 reads as rewritten:

48 "**SECTION 12H.18.(b)** During the 2013-2015 fiscal biennium, the Department of Health
49 and Human Services shall ~~withhold~~reduce by three percent (3%) ~~of the~~ payments for the
50 following services rendered to Medicaid and NC Health Choice recipients on or after January
51 1, 2014:

1 ...
2 Funds from payments withheld under this section that are budgeted to be shared with providers
3 shall not revert to the General Fund."

4 **SECTION 12H.14.(c)** Effective January 1, 2015, Section 12H.18(b) of S.L.
5 2013-360, as amended by subsection (b) of this section, reads as rewritten:

6 "**SECTION 12H.18.(b)** During the 2013-2015 fiscal biennium, the Department of Health
7 and Human Services shall reduce by three percent (3%) the payments for the following services
8 rendered to Medicaid and NC Health Choice recipients on or after January 1, 2014:

- 9 (1) Inpatient hospital.
- 10 (2) Physician, excluding primary care until January 1, 2015.
- 11 (3) Dental.
- 12 (4) ~~Optical services and supplies.~~
- 13 (5) ~~Podiatry.~~
- 14 (6) ~~Chiropractors.~~
- 15 (7) ~~Hearing aids.~~
- 16 (8) Personal care services.
- 17 (9) Nursing homes.
- 18 (10) Adult care homes.
- 19 (11) Dispensing drugs."

20 **PUBLISH MEDICAID PAYMENTS TO PROVIDERS**

21 **SECTION 12H.15.(a)** For payments made in fiscal year 2013-2014 and for
22 subsequent fiscal years, the Department of Health and Human Services, Division of Medical
23 Assistance, shall publish on its Web site comprehensive information on Medicaid payments
24 made to providers. The information shall be updated annually within three months of the close
25 of a State fiscal year to include payments for that fiscal year. The information published shall
26 include all of the following for each individual providing Medicaid services:

- 27 (1) Name of the individual providing the service.
- 28 (2) Location of service provider's principal place of business.
- 29 (3) Location of provided services, listed with both municipality and county. If
30 an individual provides services in multiple locations, then those shall be
31 specified and the items in subdivisions (6) through (10) of this subsection
32 shall be provided for each location.
- 33 (4) Practice name, hospital name, or other business name with which the
34 individual providing service is affiliated.
- 35 (5) Type of service provider and practice area.
- 36 (6) Number of Medicaid patients seen.
- 37 (7) Number of visits with Medicaid patients.
- 38 (8) Number of procedures performed or items furnished for Medicaid patients.
- 39 (9) Amount of Medicaid service payments received.
- 40 (10) Amount of Medicaid supplemental payments received.
- 41 (11) Amount of Medicaid settlement payments received.
- 42 (12) Amount of Medicaid recoupments.

43 The information shall be published in a character-separated values (CSV) plain text format or
44 other file format that may easily be imported into software used for spreadsheets, databases,
45 and data analytics. The Department shall ensure that no protected patient information be
46 published.

47 **SECTION 12H.15.(b)** The Department of Health and Human Services, Division of
48 Medical Assistance, shall begin discussions with the UNC School of Public Health or any other
49 appropriate party of an educational or nonprofit nature to perform analytics on the information
50 or to generate an interactive Web site to access the information contained within the data
51

1 required to be reported under subsection (a) of this section. Such a Web site should be designed
2 to exceed the functionality of South Carolina's HealthViz Medicaid statistics Web site.

3 4 **STUDY PHYSICIAN ASSESSMENT**

5 **SECTION 12H.16.** The Department of Health and Human Services, in
6 consultation with the North Carolina Medical Society and any other appropriate groups, shall
7 study the imposition of an assessment on physicians as part of the federally authorized
8 Medicaid assessment program. The study shall consider the opportunities to increase funding to
9 the Medicaid program and to providers by collecting additional State funds to leverage
10 additional federal funding. The Department shall report its findings and recommendations to
11 the Joint Legislative Oversight Committee on Health and Human Services by December 1,
12 2014.

13 14 **INCREASE HOSPITAL ASSESSMENT RETENTION BY STATE**

15 **SECTION 12H.17.(a)** G.S. 108A-121(8) reads as rewritten:

16 "(8) State's annual Medicaid payment. – For an assessment collected under this
17 Article, an amount equal to ~~twenty-five and nine-tenths percent (25.9%)~~
18 twenty-eight and eighty-five one hundredths percent (28.85%) of the total
19 amount collected under the assessment."

20 **SECTION 12H.17.(b)** G.S. 108A-128 reads as rewritten:

21 **"§ 108A-128. Payment for providers formerly subject to this Article.**

22 If a hospital provider (i) is exempt from both the equity and UPL assessments under this
23 Article, (ii) makes an intergovernmental transfer (IGT) to the Department of Health and Human
24 Services to be used to draw down matching federal funds, and (iii) has acquired, merged,
25 leased, or managed another provider on or after March 25, 2011, then the hospital provider
26 shall transfer to the State an additional amount, which shall be retained by the State. The
27 additional amount shall be ~~twenty-five and nine-tenths percent (25.9%)~~ a percentage of the
28 amount of funds that (i) would be transferred to the State through such an IGT and (ii) are to be
29 used to match additional federal funds that the hospital provider is able to receive because of
30 the acquired, merged, leased, or managed provider. That percentage shall be the same
31 percentage provided in the definition of "State's annual Medicaid payment" under
32 G.S. 108-121.

33 34 **ASSESSMENT FOR LME/MCOS**

35 **SECTION 12H.18.** The Secretary of Health and Human Services shall implement
36 a Medicaid assessment program for local management entities/managed care organizations
37 (LME/MCOs) at a rate of three and one-half percent (3.5%). The Department of Health and
38 Human Services shall retain for the Medicaid program sixty-five percent (65%) of the amount
39 collected from the assessment program. Collections shall be based on payments to the
40 LME/MCOs for services performed on or after July 1, 2014. Any assessment funds not retained
41 by the Department shall be used to draw federal Medicaid matching funds for implementing
42 increased rates or new reimbursement plans for the LME/MCOs.

43 Receipts from this assessment program are hereby appropriated for the 2014-2015
44 fiscal year, as well as for any future fiscal years, for the purposes set out in this section.

45 46 **REPEAL PLANNED CCNC PAYMENT OF PMPMs**

47 **SECTION 12H.19.** It is the intent of the General Assembly that the structure of per
48 member per month (PMPM) payments or other payments to providers participating in
49 Community Care of North Carolina (CCNC) programs be considered as a part of any Medicaid
50 reform plan for the State. Therefore, Section 12H.22 of S.L. 2013-360 is repealed.

CCNC CONTRACT ADJUSTMENTS

SECTION 12H.20.(a) It is the intent of the General Assembly to grant agency to the new Medicaid entity, which is contemplated in Section 12H.1 of this act, to act on behalf of the Department of Health and Human Services, Division of Medical Assistance, with respect to the authority to terminate without cause contract #28023 on 30 days written notice to North Carolina Community Care Networks, Inc., (CCNC).

SECTION 12H.20.(b) The Department of Health and Human Services shall not exercise the option to renew contract #28023 with CCNC, which contract expires on December 31, 2015.

SECTION 12H.20.(c) The Department of Health and Human Services shall not enter into any new contract with CCNC that would have a termination date after December 31, 2015.

ADDITIONAL NOTICE ON SPAs

SECTION 12H.21.(a) G.S. 108A-54.1A reads as rewritten:

"§ 108A-54.1A. Amendments to Medicaid State Plan and Medicaid Waivers.

...

(d) No fewer than 10 days prior to submitting an amendment to the State Plan to the federal government, the Department shall post the amendment on its Web site and notify the members of the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division that the amendment has been posted. This requirement shall not apply to draft or proposed amendments submitted to the federal government for comments but not submitted for approval. The amendment shall remain posted on the Department's Web site at least until the plan has been approved, rejected, or withdrawn. If the authority for submitting the amendment to the State Plan is pursuant to subdivision (3), (4), (5), or (6) of subsection (b) of this section, then, prior to submitting an amendment to the federal government, the Department shall submit to the General Assembly members receiving notice under this subsection and to the Fiscal Research Division an explanation of the amendment, the need for the amendment, and the federal time limits required for implementation of the amendment.

(e) The Department shall submit an amendment to the State Plan to the federal government by a date sufficient to provide the federal government adequate time to review and approve the amendment so the amendment may be effective by the date required by the directing authority in subsection (b) of this section. Additionally, if a change is made to the Medicaid program by the General Assembly and that change requires an amendment to the State Plan, then the amendment shall be submitted at least 90 days prior to the effective date of the change as provided in the legislation.

(f) Any public notice required under 42 C.F.R. 447.205 shall, in addition to any other posting requirements under federal law, be posted on the Department's Web site. Upon posting such a public notice, the Department shall notify the members of the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division that the public notice has been posted. Public notices shall remain posted on the Department's Web site.

SECTION 12H.21.(b) G.S. 108A-55(c) reads as rewritten:

"(c) The Department shall reimburse providers of services, equipment, or supplies under the Medical Assistance Program in the following amounts:

(1) The amount approved by the ~~Health Care Financing Administration~~Centers for Medicare & Medicaid Services (CMS) of the United States Department of Health and Human Services, if ~~that Administration~~CMS approves an exact reimbursement ~~amount;~~amount.

(2) The amount determined by application of a method approved by the ~~Health Care Financing Administration~~Centers for Medicare & Medicaid Services

1 (CMS) of the United States Department of Health and Human Services, if
2 ~~that Administration~~CMS approves the method by which a reimbursement
3 amount is determined, and not the exact amount.

4 The Department shall establish the methods by which reimbursement amounts are
5 determined in accordance with Chapter 150B of the General Statutes. A change in a
6 reimbursement amount becomes effective as of the date for which the change is approved by
7 the ~~Health Care Financing Administration~~Centers for Medicare & Medicaid Services (CMS) of
8 the United States Department of Health and Human Services.~~The Department shall report to the~~
9 ~~Fiscal Research Division of the Legislative Services Office and to the Senate Appropriations~~
10 ~~Committee on Human Resources and the House of Representatives Appropriations~~
11 ~~Subcommittee on Human Resources or the Joint Legislative Oversight Committee on Health~~
12 ~~and Human Services on any change in a reimbursement amount at the same time as it sends out~~
13 ~~public notice of this change prior to presentation to the Health Care Financing Administration."~~

14 **SECTION 12H.21.(c)** By repealing language in subsection (b) of this section
15 related to giving to the General Assembly notice of a public notice, it is not the intent of the
16 General Assembly to remove the required notice of the changes to reimbursement amounts for
17 services, equipment, or supplies. Rather, it is the intent that those notices be given pursuant to
18 G.S. 108A-54.1A(f), rather than pursuant to both G.S. 108A-54.1A(f) and G.S. 108A-55(c).

19 **SECTION 12H.21.(d)** This section becomes effective July 1, 2014, and the
20 amendment to G.S. 108A-54.1A(e) applies to State Plan Amendments with effective dates on
21 or after October 1, 2014.

22

23 **COMPREHENSIVE PROGRAM INTEGRITY CONTRACT**

24 **SECTION 12H.22.(a)** Effective March 1, 2015, the new Medicaid entity, which is
25 contemplated in Section 12H.1 of this act, shall issue a request for proposals for one contract to
26 become effective on September 1, 2015, for the following program integrity functions:

- 27 (1) Postpayment reviews
- 28 (2) Data analytics
- 29 (3) Medical necessity reviews
- 30 (4) Investigation
- 31 (5) Recovery Audit Contracts
- 32 (6) Prepayment review

33 **SECTION 12H.22.(b)** The Department of Health and Human Services shall not
34 enter into any contract involving the program integrity functions listed in subsection (a) of this
35 section that would have a termination date after September 1, 2015.

36 **SECTION 12H.22.(c)** This section shall not apply to program integrity functions
37 performed by LME/MCOs.

38 **SECTION 12H.22.(d)** The program integrity contract described in this section
39 shall not be subject to review by the State Chief Information Officer pursuant to Section 7.7(a)
40 of S.L. 2013-360.

41

42 **RETURN BURDEN OF PROOF TO PROVIDERS IN MEDICAID APPEALS**

43 **SECTION 12H.23.(a)** G.S. 108C-12(d) reads as rewritten:

44 "(d) Burden of Proof. – The ~~Department~~petitioner shall have the burden of proof in
45 appeals of Medicaid providers or applicants concerning an adverse determination."

46 **SECTION 12H.23.(b)** This section is effective when it becomes law, and applies
47 to contested cases filed at the Office of Administrative Hearings on or after that date.

48

49 **WITHHOLDING OVERPAYMENTS TO MEET FEDERAL PAYBACK**

50 **REQUIREMENTS**

51 **SECTION 12H.24.** G.S. 108C-5 reads as rewritten:

1 **"§ 108C-5. Payment suspension and audits utilizing extrapolation.**

2 (a) The Department may suspend payments to a provider in accordance with the
3 requirements and procedures set forth in 42 C.F.R. § 455.23.

4 (b) In addition to the procedures for suspending payment set forth at 42 C.F.R. §
5 455.23, the Department may also suspend payment to any provider that (i) owes a final
6 overpayment, assessment, or fine to the Department and has not entered into an approved
7 payment plan with the Department or (ii) has had its participation in the Medicaid or Health
8 Choice programs suspended or terminated by the Department. For purposes of this section, a
9 suspension or termination of participation does not become final until all administrative appeal
10 rights have been exhausted and shall not include any agency decision that is being contested at
11 the Department or the Office of Administrative Hearings or in Superior Court provided that the
12 Superior Court has entered a stay pursuant to the provisions of G.S. 150B-48.

13 (b1) The Department shall withhold payment to any North Carolina Medicaid provider
14 or Health Choice provider for whom the Division of Medical Assistance, or its vendor, has
15 identified an overpayment in a written notice to the provider. Withholding shall begin on the
16 75th day after the day the notice of overpayment is mailed and shall continue during the
17 pendency of any appeal until the overpayment becomes a final overpayment. For purposes of
18 this subsection, withholding during any month shall not exceed the amount of any interest
19 required by law plus eleven and one-tenth percent (11.1%) of the sum of the total overpayment
20 amount identified in the notice of overpayment and any penalty required by law. If the
21 Department subsequently reduces the identified overpayment in writing, withholding during
22 any subsequent month shall not exceed the amount of any interest required by law plus eleven
23 and one-tenth percent (11.1%) of the sum of the total reduced identified overpayment and any
24 penalty required by law. Total withholdings shall not exceed the total amount of the
25 overpayment plus any penalty and interest charges required by law. If the total amount
26 withheld exceeds the final overpayment plus interest and penalty required by law, the
27 Department shall pay the provider the amount withheld in excess of the final overpayment plus
28 penalty and interest. Upon request by the provider and for good cause shown, the Department is
29 authorized to approve a payment plan for a provider to pay an overpayment, pursuant to
30 subsection (g) of this section. Absent a showing of good cause for repayment to be made over a
31 period of more than one year, the Department shall take all necessary and appropriate action to
32 recover overpayments within 365 days of the date the notice of overpayment was mailed to the
33 provider.

34 (c) For providers who owe a final overpayment, assessment, or fine to the Department,
35 the payment suspension shall begin the thirty-first day after the overpayment, assessment, or
36 fine becomes final. The payment suspension shall not exceed the amount owed to the
37 Department, including any applicable penalty and interest charges.

38 (d) Providers whose participation in the Medicaid or Health Choice programs has been
39 suspended or terminated shall have all payments suspended beginning on the thirty-first day
40 after the suspension or termination becomes final.

41 (e) The Department shall consult with the N.C. Departments of Treasury and Revenue
42 and other State departments and agencies to determine if a provider owes debts or fines to the
43 State. The Department may collect any of these debts owed to the State subsequent to
44 consideration by the Department of the financial impact upon the provider and the impact upon
45 access to the services provided by the provider.

46 (f) When issuing payment suspensions and withholdings in accordance with this
47 Chapter, the Department may suspend or withhold payment to all providers which share the
48 same IRS Employee Identification Number or corporate parent as the provider or provider site
49 location which owes the final overpayment, overpayment, assessment, or fine. The Department
50 shall give 30 days advance written notice to all providers which share the same IRS Employee

1 Identification Number or corporate parent as the provider or provider site location of the
2 intention of the Department to implement a payment ~~suspension~~, suspension or withholding.

3 (g) The Department is authorized to approve a payment plan for a provider to pay a
4 final overpayment, overpayment, assessment, or fine including interest and any penalty. The
5 payment plan can include a term of up to 24 months. The Department shall establish in rule the
6 conditions of such provider payment plans. Nothing in this subsection shall prevent the
7 provider and the Department from mutually agreeing to modifications of a payment plan.

8 (h) All payments suspended or withheld in accordance with this Chapter shall be
9 applied toward any final overpayment, assessment, or fine owed to the Department.

10"

11 12 **APPEALS OF INTERLOCUTORY ORDERS OF THE OFFICE OF** 13 **ADMINISTRATIVE HEARINGS**

14 **SECTION 12H.25.(a)** G.S. 1A-1 is amended by adding a new Article to read as
15 follows:

16 "Article 9.

17 "Extraordinary Writs.

18 **"Rule 90. Certiorari.**

19 (a) Scope of the Writ; Review of the Judgments, Decisions, and Orders of the Office of
20 Administrative Hearings. – The writ of certiorari may be issued in appropriate circumstances
21 by the Superior Court to permit review of the judgments, decisions, and orders of the Office of
22 Administrative Hearings when no right of appeal from an interlocutory order exists.

23 (b) Petition for Writ; to Which Superior Court Addressed. – Application for the writ of
24 certiorari shall be made by filing a petition therefor with the clerk of the superior court division
25 to which appeal of right might lie from a final decision of the Office of Administrative
26 Hearings in the contested case for which issuance of the writ is sought.

27 (c) Same; Filing and Service; Content. – The petition shall be filed without
28 unreasonable delay and shall be accompanied by proof of service upon all other parties. The
29 petition shall contain a statement of the facts necessary to an understanding of the issues
30 presented by the application, a statement of the reasons why the writ should issue, and certified
31 copies of the judgment, decision, order, or opinion or parts of the record which may be
32 essential to an understanding of the matters set forth in the petition. The petition shall be
33 verified by counsel or the petitioner. Upon receipt of the prescribed docket fee, the clerk will
34 docket the petition.

35 (d) Response; Determination by Court. – Within 10 days after service of the petition
36 any party may file a response thereto with supporting affidavits or certified portions of the
37 record not filed with the petition. Filing shall be accompanied by proof of service upon all other
38 parties. The court for good cause shown may shorten the time for filing a response.
39 Determination will be made on the basis of the petition, the response, and any supporting
40 papers. No briefs or oral argument will be received or allowed unless ordered by the court upon
41 its own initiative.

42 **"Rule 91. Mandamus and Prohibition.**

43 (a) Petition for Writ; to Which Superior Court Addressed. – Applications for the writs
44 of mandamus or prohibition directed to an administrative law judge shall be made by filing a
45 petition therefor with the clerk of the superior court division to which appeal of right might lie
46 from a final decision entered in the contested case for which issuance of the writ is sought.

47 (b) Same; Filing and Service; Content. – The petition shall be filed without
48 unreasonable delay after the action by the Office of Administrative Hearings sought to be
49 prohibited or compelled has been undertaken, or has occurred, or has been refused, and shall be
50 accompanied by proof of service on the respondent administrative law judge or administrative
51 law judges and on all other parties to the action. The petition shall contain a statement of the

1 facts necessary to an understanding of the issues presented by the application, a statement of
2 the issues presented and of the relief sought, a statement of the reasons why the writ should
3 issue, and certified copies of any order or opinion or parts of the record that may be essential to
4 an understanding of the matters set forth in the petition. The petition shall be verified by
5 counsel or the petitioner. Upon receipt of the prescribed docket fee, the clerk shall docket the
6 petition.

7 (c) Response; Determination by Court. – Within 10 days after service of the petition the
8 respondent or any party may file a response thereto with supporting affidavits or certified
9 portions of the record not filed with the petition. Filing shall be accompanied by proof of
10 service upon all other parties. The court for good cause shown may shorten the time for filing a
11 response. Determination will be made on the basis of the petition, the response, and any
12 supporting papers. No briefs or oral argument will be received or allowed unless ordered by the
13 court upon its own initiative.

14 **"Rule 92. Supersedeas.**

15 (a) Pending Review of Office of Administrative Hearings Judgments, Decisions, and
16 Orders. – Application may be made to the appropriate superior court for a writ of supersedeas
17 to stay the execution or enforcement of any judgment, decision, order, or other determination of
18 the Office of Administrative Hearings which is not automatically stayed by the taking of appeal
19 when an appeal has been taken or a petition for mandamus, prohibition, or certiorari has been
20 filed to obtain review of the judgment, decision, order, or other determination and (i) a stay
21 order or entry has been sought by the applicant by deposit of security or by motion at the Office
22 of Administrative Hearings and such order or entry has been denied or vacated by the trial
23 tribunal or (ii) extraordinary circumstances make it impracticable to obtain a stay by deposit of
24 security or by application to the Office of Administrative Hearings for a stay order.

25 (b) Petition; Filing and Service; Content. – The petition shall be filed with the clerk of
26 the superior court division to which appeal of right might lie from a final decision of the Office
27 of Administrative Hearings in the contested case for which issuance of the writ is sought. The
28 petitions shall be accompanied by proof of service upon all other parties. The petition shall be
29 verified by counsel or the petitioner. Upon receipt of the required docket fee, the clerk will
30 docket the petition. For stays of the judgments of the Office of Administrative Hearings, the
31 petition shall contain a statement that a stay has been sought in the Office of Administrative
32 Hearings and denied or vacated or shall contain facts showing that it was impracticable there to
33 seek a stay. For stays of any judgment, the petition shall contain (i) a statement of any facts
34 necessary to an understanding of the basis upon which the writ is sought and (ii) a statement of
35 reasons why the writ should issue in justice to the applicant. The petition may be accompanied
36 by affidavits and by any certified portions of the record pertinent to its consideration. It may be
37 included in a petition to the superior court for certiorari, mandamus, or prohibition.

38 (c) Response; Determination by Court. – Within 10 days after service of the petition,
39 any party may file a response thereto with supporting affidavits or certified portions of the
40 record not filed with the petition. Filing shall be accompanied by proof of service upon all other
41 parties. The court for good cause shown may shorten the time for filing a response.
42 Determination will be made on the basis of the petition, the response, and any supporting
43 papers. No briefs or oral argument will be received or allowed unless ordered by the court upon
44 its own initiative.

45 (d) Temporary Stay. – Upon the filing of a petition for supersedeas, the applicant may
46 apply, either within the petition or by separate paper, for an order temporarily staying
47 enforcement or execution of the judgment, decision, order, or other determination pending
48 decision by the court upon the petition for supersedeas. If application is made by separate
49 paper, it shall be filed and served in the manner provided for the petition for supersedeas in
50 Rule 92(b). The court for good cause shown in such a petition for temporary stay may issue
51 such an order ex parte."

1 **SECTION 12H.25.(b)** Article 4 of Chapter 150B of the General Statutes is
2 amended by adding a new section to read:

3 **"§ 150B-53. Writs.**

4 Any party to a contested case may petition for writs of certiorari, mandamus, prohibition, or
5 supersedeas in the manner prescribed in Rules 90, 91, and 92 of the North Carolina Rules of
6 Civil Procedure."

7 **SECTION 12H.25.(c)** This section is effective when it becomes law, and applies to
8 judgments, decisions, and orders of the Office of Administrative Hearings entered on or after
9 that date.

10
11 **CLARIFY NOTICE OF EXTRAPOLATED OVERPAYMENTS**

12 **SECTION 12H.26.(a)** G.S. 108C-5(i) reads as rewritten:

13 "(i) Prior to extrapolating the results of any audits, the Department shall demonstrate
14 and inform the provider that (i) the provider failed to substantially comply with the
15 requirements of State or federal law or regulation or (ii) the Department has a credible
16 allegation of fraud concerning the provider. Nothing in the subsection shall be construed to
17 prohibit the Department from identifying the extrapolated overpayment amount in the same
18 notice that meets the requirements of this subsection."

19 **SECTION 12H.26.(b)** G.S. 108C-5 is amended by adding a new subsection to
20 read:

21 "(t) Nothing in this Chapter shall be construed to prohibit the Department from utilizing
22 a contractor to send notices to providers on behalf of the Department."

23
24 **MODIFICATIONS TO RECIPIENT APPEALS**

25 **SECTION 12H.27.(a)** G.S. 108A-70.9A(d) reads as rewritten:

26 "(d) Appeals. – Except as provided by this section and G.S. 108A-70.9B, a request for a
27 hearing to appeal an adverse determination of the Department under this section is a contested
28 case subject to the provisions of Article 3 of Chapter 150B of the General Statutes. The
29 recipient ~~shall~~ may request a hearing only ~~within 30 days of the time period beginning upon the~~
30 ~~mailing of the notice required by subsection (c) of this section and ending on the effective date~~
31 ~~of the adverse determination, which shall be the period for appeal. In order to request a hearing,~~
32 ~~a recipient must by sending file an appeal request form to with OAH and the Department.~~
33 ~~Department within the period for appeal. If the recipient does not request a hearing during the~~
34 ~~period for appeal, the recipient shall be deemed to have waived any right of appeal, and OAH~~
35 ~~shall deny any hearing request filed outside the period for appeal. Upon demonstration during~~
36 ~~any contested case that the hearing request was filed outside the period for appeal, OAH shall~~
37 ~~dismiss the contested case. Where a request for hearing concerns the reduction, modification, or~~
38 ~~termination of Medicaid services, including the failure to act upon a timely request for~~
39 ~~reauthorization with reasonable promptness, upon the receipt of a timely appeal, the~~
40 ~~Department shall reinstate the services to the level or manner prior to action by the Department~~
41 ~~as permitted by federal law or regulation. The Department shall immediately forward a copy of~~
42 ~~the notice to OAH electronically. The information contained in the notice is confidential unless~~
43 ~~the recipient appeals. OAH may dispose of the records after one year. The Department may not~~
44 ~~influence, limit, or interfere with the recipient's decision to request a hearing."~~

45 **SECTION 12H.27.(b)** G.S. 108A-70.9B reads as rewritten:

46 **"§ 108A-70.9B. Contested Medicaid cases.**

47 ...

48 "(c) Mediation. – Upon receipt of an appeal request form as provided by
49 G.S. 108A-70.9A(e) or other clear request for a hearing by a Medicaid recipient, OAH shall
50 immediately notify the Mediation Network of North Carolina, which shall contact the recipient
51 within five days to offer mediation in an attempt to resolve the dispute. If mediation is

1 accepted, the mediation must be completed within 25 days of submission of the request for
2 appeal. Upon completion of the mediation, the mediator shall inform OAH and the Department
3 within 24 hours of the resolution by facsimile or electronic messaging. If the parties have
4 resolved matters in the mediation, OAH shall dismiss the case. OAH shall not conduct a
5 hearing of any contested Medicaid case until it has received notice from the mediator assigned
6 that either: (i) the mediation was unsuccessful, or (ii) the petitioner has rejected the offer of
7 mediation, or (iii) the petitioner has failed to appear at a scheduled mediation. ~~Nothing in this~~
8 ~~subsection shall restrict the right to a contested case hearing.~~ If the recipient accepts an offer of
9 mediation and then fails to meaningfully participate without good cause, OAH shall dismiss the
10 contested case.

11 (d) Burden of Proof. – The recipient has the burden of proof ~~to show entitlement to a~~
12 ~~requested benefit or the propriety of requested agency action when the agency has denied the~~
13 ~~benefit or refused to take the particular action. The agency has the burden of proof when the~~
14 ~~appeal is from an agency determination to impose a penalty or to reduce, terminate, or suspend~~
15 ~~a previously granted benefit. The party with the burden of proof on any issue on all issues~~
16 submitted to OAH for a Medicaid contested case hearing and has the burden of going forward,
17 forward. and the The administrative law judge shall not make any ruling on the preponderance
18 of evidence until the close of all evidence.

19"

20 **SECTION 12H.27.(c)** G.S. 108D-15(i) reads as rewritten:

21 "(i) Mediation. – Upon receipt of an appeal request form as provided by G.S.
22 108D-15(f) or other clear request for a hearing by an enrollee, OAH shall immediately notify
23 the Mediation Network of North Carolina, which shall contact the enrollee within five days to
24 offer mediation in an attempt to resolve the dispute. If mediation is accepted, the mediation
25 must be completed within 25 days of submission of the request for appeal. Upon completion of
26 the mediation, the mediator shall inform OAH and the LME/MCO within 24 hours of the
27 resolution by facsimile or electronic messaging. If the parties have resolved matters in the
28 mediation, OAH shall dismiss the case. OAH shall not conduct a hearing of any contested case
29 involving a dispute of a managed care action until it has received notice from the mediator
30 assigned that either (i) the mediation was unsuccessful, (ii) the petitioner has rejected the offer
31 of mediation, or (iii) the petitioner has failed to appear at a scheduled mediation. ~~Nothing in~~
32 ~~this subsection shall restrict the right to a contested case hearing.~~ If the enrollee accepts an offer
33 of mediation and then fails to meaningfully participate without good cause, OAH shall dismiss
34 the contested case."

35 **SECTION 12H.27.(d)** This section is effective October 1, 2014, and applies to
36 appeals of notices of adverse determination mailed on or after that date and appeals of notices
37 of resolution mailed on or after that date.

38 **REPORT ON FUNDING OF STATE MEDICAL SCHOOLS**

39 **SECTION 12H.28.** The University of North Carolina System, working with the
40 appropriate constituent institutions and health systems, shall report to the Joint Legislative
41 Oversight Committee on Health and Human Services on how the medical schools are funded.
42 The report shall include a detailed explanation of the sources of all income within both a
43 current and historical context, noting any changes in funding sources and amounts over time.
44 The report required by this section is due by October 1, 2014.

45 **EXTEND EXISTING IMAGING UTILIZATION MANAGEMENT SERVICES** 46 **CONTRACT; CONTAIN COSTS OF FUTURE CONTRACTS**

47 **SECTION 12H.30.(a)** The Department of Health and Human Services, Division of
48 Medical Assistance, shall renegotiate the existing contract for imaging utilization management
49
50

1 services in order to achieve five million five hundred thousand dollars (\$5,500,000) in annual
2 savings of net General Fund appropriations.

3 **SECTION 12H.30.(b)** The Department of Health and Human Services, Division of
4 Medical Assistance, shall issue a request for proposals (RFP) for a contract for imaging
5 utilization management services to ascertain whether the State can achieve better savings with
6 an alternative vendor and, if so, enter into a contract with the alternative vendor. Such an RFP
7 shall incorporate the same requirements as those specified in Section 10.68B of S.L. 2009-451,
8 which was enacted by Section 6 of S.L. 2009-575.

9 **SECTION 12H.30.(c)** No later than March 1, 2015, the Department of Health and
10 Human Services, Division of Medical Assistance, shall report on the results of this section to (i)
11 the House Appropriations Subcommittee on Health and Human Services, (ii) the Senate
12 Appropriations Committee on Health and Human Services, and (iii) the Fiscal Research
13 Division.

14 **SUBPART XII-I. MISCELLANEOUS**

15 **CONTROL OF DATA DISCLOSED TO THE NORTH CAROLINA HEALTH** 16 **INFORMATION EXCHANGE BY REQUIRED PARTICIPANTS**

17 **SECTION 12I.1.(a)** G.S. 90-413.3A(b) reads as rewritten:

18 "(b) Any hospital, as defined in ~~G.S. 131E-76(e)~~, G.S. 131E-76(3) that has an electronic
19 health record system shall connect to the ~~NC HIE~~ HIE Network and submit individual patient
20 demographic and clinical data on services paid for with Medicaid funds, based upon the
21 findings set forth in subsection (a) of this section and notwithstanding the voluntary nature of
22 the NC HIE under G.S. 90-413.2. The NC HIE shall give the Department of Health and Human
23 Services and professional staff of the Fiscal Research, Bill Drafting, Research, and Program
24 Evaluation Divisions of the General Assembly real-time access to data and information
25 contained in the NC HIE, disclosed through the HIE Network."

26 **SECTION 12I.1.(b)** G.S. 90-413.3A is amended by adding a new subsection to
27 read:

28 "(c) Any data disclosed through the HIE Network pursuant to subsection (b) of this
29 section shall be and will remain the sole property of the State. Any data or product derived
30 from the data disclosed to the HIE Network pursuant to subsection (b) of this section, including
31 a consolidation or analysis of the data, shall be and will remain the sole property of the State.
32 The NC HIE shall not allow proprietary information it receives pursuant to this section to be
33 used by any person or entity for commercial purposes."

34 **SECTION 12I.1.(c)** In order to ensure the successful, uninterrupted operation of
35 the statewide health information exchange network (HIE Network), the Department of Health
36 and Human Services (Department) shall develop a transition plan for transferring the
37 responsibilities imposed on the NC HIE under Article 29A of the General Statutes to another
38 entity in the event the NC HIE is unable or unwilling to continue overseeing and administering
39 the HIE Network. The Department shall develop the plan in consultation with the Office of
40 Information Technology Services and the NC HIE, and submit the plan to the Joint Legislative
41 Oversight Committee on Health and Human Services and the Fiscal Research Division no later
42 than February 1, 2015.

43 **ESTABLISHMENT OF JOINT LEGISLATIVE STUDY COMMISSION ON** 44 **TRAUMATIC BRAIN INJURY**

45 **SECTION 12I.2.(a)** There is created the Joint Legislative Study Commission on
46 the Service Needs of Individuals with Traumatic Brain Injury (TBI). The purpose of the
47 Commission is to study and make recommendations about the service needs of individuals with
48 TBI.
49
50
51

1 **SECTION 12I.2.(b)** The Commission shall consist of 15 members as follows:

- 2 (1) Five members appointed by the Speaker of the House of Representatives
3 with the following qualifications:
4 a. Two members of the House of Representatives.
5 b. One licensed physician with experience assessing and treating adults
6 who have suffered TBI.
7 c. One neuropsychologist with experience assessing and treating
8 individuals with TBI.
9 d. One adult survivor of TBI.
10 (2) Five members appointed by the President Pro Tempore of the Senate with
11 the following qualifications:
12 a. Two members of the Senate.
13 b. One operator of a rehabilitation facility for adults with TBI.
14 c. One representative of the Veterans Administration with knowledge
15 and experience in the range of TBI services available to members of
16 the military and veterans.
17 d. One parent of a child survivor of TBI.
18 (3) The Secretary of the Department of Health and Human Services, or the
19 Secretary's designee.
20 (4) The Director of the Division of Medical Assistance, or the Director's
21 designee.
22 (5) The Executive Director of the North Carolina Brain Injury Council, or the
23 Executive Director's designee.
24 (6) The Executive Director of Community Care of North Carolina, or the
25 Executive Director's designee.
26 (7) One Chief Executive Officer (CEO) of a local management entity that has
27 been approved to operate the 1915(b)/(c) Medicaid Waiver, who is currently
28 managing services for children and adults with TBI, or the CEO's designee,
29 appointed jointly by the cochairs of the Commission.

30 **SECTION 12I.2.(c)** The Commission shall have two cochairs, one designated by
31 the Speaker of the House of Representatives and one designated by the President Pro Tempore
32 of the Senate from among their respective appointees. The Commission shall meet upon the
33 call of the cochairs. Any vacancy on the Commission shall be filled by the original appointing
34 authority. A quorum shall consist of a majority of the total membership of the Commission.

35 **SECTION 12I.2.(d)** The Commission shall study all of the following issues:

- 36 (1) Existing TBI services and any deficiencies in service array, quality of
37 services, accessibility, and availability of services across each age group of
38 persons with TBI regardless of the age at which the trauma occurred.
39 (2) Existing TBI-specific service definitions for children and adults who receive
40 services through federally funded programs, including Medicaid, federal
41 block grants, and the Veterans Administration; through State-funded
42 programs, including the Traumatic Brain Injury Trust Fund; through
43 county-funded programs; and through other funding sources, as well as the
44 need for additional or revised service definitions to meet the specific needs
45 of those with TBI.
46 (3) Current reimbursement rates tied to settings that treat adults with TBI, and
47 the adequacy of these reimbursement rates.
48 (4) Current accessibility to TBI services, service information, educational
49 materials, and family resources; and any deficiencies that need to be
50 addressed.

- 1 (5) Current status of TBI-specific screening, assessment, triage, and service
2 referrals for children, adults, and veterans; and any deficiencies that need to
3 be addressed.
- 4 (6) This State's current organizational model for providing comprehensive needs
5 assessment, information management, policy development, service delivery,
6 monitoring, and quality assurance for children and adults with TBI as
7 compared to TBI organizational structures in other states; and specific
8 organizational models to manage services for persons with TBI that are well
9 coordinated for all citizens, including veterans.
- 10 (7) Any other matters related to TBI services for children, adults, veterans, and
11 their families.

12 **SECTION 12I.2.(e)** Members of the Commission shall receive per diem,
13 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
14 appropriate. The Commission, while in the discharge of its official duties, may exercise all
15 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The
16 Commission may meet in the Legislative Building or the Legislative Office Building.

17 With approval of the Legislative Services Commission, the Legislative Services
18 Officer shall assign professional staff to assist the Commission in its work. Upon the direction
19 of the Legislative Services Commission, the Director of Legislative Assistants of the Senate
20 and of the House of Representatives shall assign clerical staff to the Commission. The expenses
21 for clerical employees shall be borne by the Commission. The Commission may contract for
22 consultants or hire employees in accordance with G.S. 120-32.02.

23 **SECTION 12I.2.(f)** The Commission shall submit a final report of its findings and
24 recommendations, including any proposed legislation, to the 2016 Regular Session of the 2015
25 General Assembly no later than May 1, 2016. The Commission shall terminate upon the filing
26 of its final report.

27
28 **PED STUDY CONCERNING ALCOHOL AND SUBSTANCE ABUSE EDUCATION
29 AND PREVENTION INITIATIVE TO BE FUNDED BY LOCAL ALCOHOLIC
30 BEVERAGE CONTROL BOARDS.**

31 **SECTION 12I.3.(a)** The Joint Legislative Program Evaluation Oversight
32 Committee shall consider including in the 2014-2015 Work Plan for the Program Evaluation
33 Division of the General Assembly a study of the benefits and disadvantages to the State of
34 requiring local Alcoholic Beverage Control boards to (i) cease payments effective July 1, 2015,
35 to the Department of Health and Human Services under G.S. 18B-805(b)(3) for alcoholism or
36 substance abuse research, treatment, or education and (ii) redirect these payments to the North
37 Carolina Alcoholic Beverage Control Commission, effective July 1, 2015, for an alcohol and
38 substance abuse education and prevention initiative.

39 **SECTION 12I.3.(b)** If the Joint Legislative Program Evaluation Oversight
40 Committee adds the study described in subsection (a) to its 2014-2015 Work Plan, the Program
41 Evaluation Division shall submit its findings and recommendations to the Joint Legislative
42 Program Evaluation Oversight Committee and the Fiscal Research Division no later than
43 February 1, 2015.

44
45 **SUBPART XII-J. DHHS BLOCK GRANTS**

46
47 **REVISE DHHS BLOCK GRANTS**

48 **SECTION 12J.1.** Section 12J.1 of S.L. 2013-360 reads as rewritten:
49 **"DHHS BLOCK GRANTS**

"SECTION 12J.1.(a) Except as otherwise provided, appropriations from federal block grant funds are made for each year of the fiscal biennium ending June 30, 2015, according to the following schedule:

TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) FUNDS

Local Program Expenditures

Division of Social Services

01.	Work First Family Assistance	\$ 60,285,413	\$ 60,285,413
02.	Work First County Block Grants	82,485,495	82,485,495
03.	Work First Electing Counties	2,352,521	2,352,521
04.	Adoption Services – Special Children Adoption Fund	2,026,877	2,026,877
05.	Child Protective Services – Child Welfare Workers for Local DSS	9,412,391	9,412,391
06.	Child Welfare Collaborative	632,416	632,416
<u>06A.</u>	<u>Foster Care Services</u>		<u>1,385,152</u>

Division of Child Development and Early Education

07.	Subsidized Child Care Program	57,172,097	55,409,695 <u>54,054,806</u>
08.	Swap Child Care Subsidy	6,352,644	6,352,644
<u>08A.</u>	<u>Pre-K Swap Out</u>		<u>7,195,807</u>

Division of Public Health

09.	Teen Pregnancy Initiatives	2,500,000	2,500,000
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DHHS Administration

10.	Division of Social Services	2,482,260	2,482,260
11.	Office of the Secretary	34,042	34,042

Transfers to Other Block Grants

Division of Child Development and Early Education

12.	Transfer to the Child Care and Development Fund	71,773,001	71,773,001
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1				
2	13.	Transfer to Social Services Block		
3		Grant for Child Protective Services –		
4		Child Welfare Training in Counties	1,300,000	1,300,000
5				
6	14.	Transfer to Social Services Block		
7		Grant for Child Protective Services	5,040,000	5,040,000
8				
9	15.	Transfer to Social Services Block		
10		Grant for County Departments of		
11		Social Services for Children's Services	4,148,001	4,148,001
12				
13		TOTAL TEMPORARY ASSISTANCE TO		
14		NEEDY FAMILIES (TANF) FUNDS	\$307,997,158	\$306,234,756 \$313,460,826
15				
16		TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)		
17		EMERGENCY CONTINGENCY FUNDS		
18				
19		Local Program Expenditures		
20				
21		Division of Social Services		
22				
23	01.	Work First County Block Grants	\$ 5,580,925	\$ 5,580,925
24				
25	02.	Work First Electing Counties	25,692	25,692
26				
27		<u>Division of Child Development and Early Education</u>		
28				
29	03.	Subsidized Child Care	6,549,469	6,549,469 <u>11,679,394</u>
30				
31		TOTAL TEMPORARY ASSISTANCE TO		
32		NEEDY FAMILIES (TANF) EMERGENCY		
33		CONTINGENCY FUNDS	\$12,156,086	\$ 12,156,086 \$ 17,286,011
34				
35		SOCIAL SERVICES BLOCK GRANT		
36				
37		Local Program Expenditures		
38				
39		Divisions of Social Services and Aging and Adult Services		
40				
41	01.	County Departments of Social Services		
42		(Transfer from TANF \$4,148,001)	\$ 29,422,137	\$ 29,422,137 <u>\$ 27,427,015</u>
43				
44	02.	Child Protective Services		
45		(Transfer from TANF)	5,040,000	5,040,000
46				
47	03.	State In-Home Services Fund	1,943,950	1,943,950
48				
49	04.	Adult Protective Services	1,245,363	1,245,363
50				
51	05.	State Adult Day Care Fund	1,994,084	1,994,084

1			
2	06.	Child Protective Services/CPS	
3		Investigative Services – Child Medical	
4		Evaluation Program	563,868 563,868
5			
6	07.	Special Children Adoption Incentive Fund	462,600 462,600
7			
8	08.	Child Protective Services – Child	
9		Welfare Training for Counties	
10		(Transfer from TANF)	1,300,000 1,300,000
11			
12	09.	Home and Community Care Block	
13		Grant (HCCBG)	1,696,888 1,696,888
14			
15	10.	Child Advocacy Centers	375,000 375,000
16			
17	11.	Guardianship	3,978,360 3,978,360
18			
19	12.	UNC Cares Contract	229,376 229,376 57,344
20			
21	13.	Foster Care Services	1,385,152 1,385,152
22			
23		Division of Central Management and Support	
24			
25	14.	DHHS Competitive Block Grants	
26		for Nonprofits	3,852,500 3,852,500
27			
28		Division of Mental Health, Developmental Disabilities, and Substance Abuse Services	
29			
30	15.	Mental Health Services – Adult and	
31		Child/Developmental Disabilities Program/	
32		Substance Abuse Services – Adult	4,030,730 4,030,730
33			
34		DHHS Program Expenditures	
35			
36		Division of Services for the Blind	
37			
38	16.	Independent Living Program	3,361,323 3,361,323
39			
40		Division of Health Service Regulation	
41			
42	17.	Adult Care Licensure Program	381,087 381,087
43			
44	18.	Mental Health Licensure and	
45		Certification Program	190,284 190,284
46			
47		DHHS Administration	
48			
49	19.	Division of Aging and Adult Services	577,745 577,745
50			
51	20.	Division of Social Services	559,109 559,109

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21.	Office of the Secretary/Controller's Office	127,731	127,731
22.	Division of Child Development	13,878	13,878
23.	Division of Mental Health, Developmental Disabilities, and Substance Abuse Services	27,446	27,446
24.	Division of Health Service Regulation	118,946	118,946
TOTAL SOCIAL SERVICES BLOCK GRANT		\$ 62,877,557	\$ 62,877,557 <u>\$ 59,325,251</u>

LOW-INCOME HOME ENERGY ASSISTANCE BLOCK GRANT

Local Program Expenditures

Division of Social Services

01.	Low-Income Energy Assistance Program (LIEAP)	\$ 50,876,440	\$ 50,876,440
02.	Crisis Intervention Program (CIP)	33,866,195	33,866,195

Local Administration

Division of Social Services

03.	County DSS Administration	6,757,731	6,757,731
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DHHS Administration

04.	Office of the Secretary/DIRM	412,488	412,488
05.	Office of the Secretary/Controller's Office	18,378	18,378

Transfers to Other State Agencies

Department of Environment and Natural Resources (DENR)

06.	Weatherization Program	14,947,789	14,947,789 <u>12,473,090</u>
07.	Heating Air Repair and Replacement Program (HARRP)	7,193,873	7,193,873 <u>6,636,633</u>
08.	Local Residential Energy Efficiency Service Providers – Weatherization	37,257	37,257 <u>692,950</u>
09.	Local Residential Energy Efficiency Service Providers – HARRP	338,352	338,352 <u>312,227</u>

1	10.	DENR Administration – Weatherization	37,257	37,257 <u>692,950</u>
2				
3	11.	DENR Administration – HARRP	338,352	338,352 <u>312,226</u>
4				
5		Department of Administration		
6				
7	12.	N.C. Commission on Indian Affairs	87,736	87,736
8				
9		TOTAL LOW-INCOME HOME ENERGY		
10		ASSISTANCE BLOCK GRANT	\$ 114,911,848	\$ 114,911,848 <u>\$113,139,044</u>
11				
12		CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT		
13				
14		Local Program Expenditures		
15				
16		Division of Child Development <u>and Early Education</u>		
17				
18	01.	Child Care Services		
19		(Smart Start \$7,000,000)	\$ 156,566,345	\$ 158,328,747 <u>\$168,536,136</u>
20				
21	02.	Electronic Tracking System	3,000,000	3,000,000
22				
23	03.	Transfer from TANF Block Grant		
24		for Child Care Subsidies	71,773,001	71,773,001
25				
26	04.	Quality and Availability Initiatives		
27		(TEACH Program \$3,800,000)	24,262,402	22,500,000 <u>24,168,551</u>
28				
29		DHHS Administration		
30				
31		Division of Child Development <u>and Early Education</u>		
32				
33	05.	DCDEE Administrative Expenses	6,000,000	6,000,000 <u>7,677,977</u>
34				
35		<u>Division of Social Services</u>		
36				
37	06.	Local Subsidized Child Care		
38		Services Support	13,274,413	13,274,413
39				
40		Division of Central Administration		
41				
42	07.	DHHS Central Administration – DIRM		
43		Technical Services	775,000	775,000
44				
45	08.	<u>Central Regional Maintenance</u>		<u>202,000</u>
46				
47		TOTAL CHILD CARE AND DEVELOPMENT		
48		FUND BLOCK GRANT	\$ 275,651,161	\$ 275,651,161 <u>\$289,407,078</u>
49				
50		MENTAL HEALTH SERVICES BLOCK GRANT		
51				

1	Local Program Expenditures			
2				
3	01.	Mental Health Services – Adult	\$ 10,717,607	\$ 10,717,607
4				
5	02.	Mental Health Services – Child	5,121,991	5,121,991 <u>3,619,833</u>
6				
7	03.	Administration	200,000	200,000
8				
9	<u>04.</u>	<u>Mental Health Services – Adult/Child</u>		<u>12,398,643</u>
10				
11	<u>05.</u>	<u>Crisis Solutions Initiative – Critical</u>		
12		<u>Time Intervention</u>		<u>750,000</u>
13				
14	TOTAL MENTAL HEALTH SERVICES			
15	BLOCK GRANT		\$ 16,039,598	\$ 16,039,598 \$ 16,968,476
16				
17	SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT			
18				
19	Local Program Expenditures			
20				
21	Division of Mental Health, Developmental Disabilities, and Substance Abuse Services			
22				
23	01.	Substance Abuse Services—Adult	\$ 14,960,371	\$ 14,960,371
24				
25	02.	Substance Abuse Treatment Alternative		
26		for Women	6,050,300	6,050,300
27				
28	03.	Substance Abuse – HIV and IV Drug	3,919,723	3,919,723
29				
30	04.	Substance Abuse Prevention—Child	7,186,857	7,186,857
31				
32	<u>04A.</u>	<u>Substance Abuse Prevention</u>		<u>8,669,284</u>
33				
34	05.	Substance Abuse Services—Child	4,190,500	4,190,500
35				
36	<u>05A.</u>	<u>Substance Abuse Services – Treatment for</u>		
37		<u>Children/Adults</u>		<u>31,125,883</u>
38				
39	<u>05B.</u>	<u>Veteran's Crisis – DOA Veterans Affairs</u>		
40		<u>Call-in Crisis Center</u>		<u>250,000</u>
41				
42	06.	Administration	454,000	454,000
43				
44	Division of Public Health			
45				
46	07.	Risk Reduction Projects	575,654	575,654
47				
48	08.	Aid to Counties	190,295	190,295
49				
50	<u>08A.</u>	<u>HIV Testing for Individuals in Substance</u>		
51		<u>Abuse Treatment</u>		<u>765,949</u>

1			
2	TOTAL SUBSTANCE ABUSE PREVENTION		
3	AND TREATMENT BLOCK GRANT	\$ 37,527,700	\$ 37,527,700 \$ 45,184,839
4			
5	MATERNAL AND CHILD HEALTH BLOCK GRANT		
6			
7	Local Program Expenditures		
8			
9	Division of Public Health		
10			
11	01. Children's Health Services		
12	(Safe Sleep Campaign \$45,000)	\$ 8,042,531	\$ 8,042,531 <u>\$ 7,574,703</u>
13			
14	02. Women's Health		
15	(March of Dimes \$350,000; Teen Pregnancy		
16	Prevention Initiatives \$650,000; Perinatal		
17	Quality Collaborative \$350,000;		
18	17P Project \$52,000; Carolina Pregnancy		
19	Care Fellowship \$250,000 ; <u>\$300,000</u> ;		
20	Nurse-Family Partnership \$509,018)	8,532,935	8,532,935 <u>8,095,148</u>
21			
22	03. Oral Health	44,901	44,901
23			
24	DHHS Program Expenditures		
25			
26	Division of Public Health		
27			
28	04. Children's Health Services	1,301,504	1,301,504 <u>1,300,578</u>
29			
30	05. Women's Health – Maternal Health	105,419	105,419 <u>105,361</u>
31			
32	06. State Center for Health Statistics	164,487	164,487 <u>156,230</u>
33			
34	07. Health Promotion – Injury and		
35	Violence Prevention	89,374	89,374 <u>84,919</u>
36			
37	DHHS Administration		
38			
39	Division of Public Health		
40			
41	08. Division of Public Health Administration	573,108	573,108 <u>552,571</u>
42			
43	TOTAL MATERNAL AND CHILD		
44	HEALTH BLOCK GRANT	\$ 18,854,259	\$ 18,854,259 \$ 17,914,411
45			
46	PREVENTIVE HEALTH SERVICES BLOCK GRANT		
47			
48	Local Program Expenditures		
49			
50	01. Physical Activity and Prevention	\$ 1,186,142	\$ 1,186,142 <u>\$ 2,079,945</u>
51			

1	02.	Injury and Violence Prevention		
2		(Services to Rape Victims – Set-Aside)	169,730	169,730 173,476
3				
4		DHHS Program Expenditures		
5				
6		Division of Public Health		
7				
8	03.	HIV/STD Prevention and		
9		Community Planning	145,819	145,819
10				
11	04.	Oral Health Preventive Services	46,302	46,302
12				
13	05.	Laboratory Services – Testing,		
14		Training, and Consultation	10,980	10,980 21,012
15				
16	06.	Injury and Violence Prevention		
17		(Services to Rape Victims – Set-Aside)	199,634	199,634
18				
19	07.	Heart Disease and Stroke Prevention	162,249	162,249 187,693
20				
21	08.	Performance Improvement and Accountability	213,971	213,971 855,075
22				
23	09.	Physical Activity and Nutrition	38,000	38,000 68,073
24				
25	10.	State Center for Health Statistics	61,406	61,406 144,749
26				
27		TOTAL PREVENTIVE HEALTH		
28		SERVICES BLOCK GRANT	\$ 2,234,233	\$ 2,234,233 \$ 3,921,778
29				
30		COMMUNITY SERVICES BLOCK GRANT		
31				
32		Local Program Expenditures		
33				
34		Office of Economic Opportunity		
35				
36	01.	Community Action Agencies	\$ 22,402,724	\$ 22,402,724 \$ 24,168,417
37				
38	02.	Limited Purpose Agencies	1,244,596	1,244,596 1,342,690
39				
40		DHHS Administration		
41				
42	03.	Office of Economic Opportunity	1,244,596	1,244,596 1,342,690
43				
44		TOTAL COMMUNITY SERVICES		
45		BLOCK GRANT	\$ 24,891,916	\$ 24,891,916 \$ 26,853,797
46				

"GENERAL PROVISIONS

"SECTION 12J.1.(b) Information to Be Included in Block Grant Plans. – The Department of Health and Human Services shall submit a separate plan for each Block Grant received and administered by the Department, and each plan shall include the following:

- 1 (1) A delineation of the proposed allocations by program or activity, including
2 State and federal match requirements.
- 3 (2) A delineation of the proposed State and local administrative expenditures.
- 4 (3) An identification of all new positions to be established through the Block
5 Grant, including permanent, temporary, and time-limited positions.
- 6 (4) A comparison of the proposed allocations by program or activity with two
7 prior years' program and activity budgets and two prior years' actual program
8 or activity expenditures.
- 9 (5) A projection of current year expenditures by program or activity.
- 10 (6) A projection of federal Block Grant funds available, including unspent
11 federal funds from the current and prior fiscal years.

12 **"SECTION 12J.1.(c)** Changes in Federal Fund Availability. – If the Congress of the
13 United States increases the federal fund availability for any of the Block Grants or contingency
14 funds and other grants related to existing Block Grants administered by the Department of
15 Health and Human Services from the amounts appropriated in this section, the Department
16 shall allocate the increase proportionally across the program and activity appropriations
17 identified for that Block Grant in this section. In allocating an increase in federal fund
18 availability, the Office of State Budget and Management shall not approve funding for new
19 programs or activities not appropriated in this section.

20 If the Congress of the United States decreases the federal fund availability for any of
21 the Block Grants or contingency funds and other grants related to existing Block Grants
22 administered by the Department of Health and Human Services from the amounts appropriated
23 in this section, the Department shall develop a plan to adjust the block grants based on reduced
24 federal funding.

25 Notwithstanding the provisions of this subsection, for fiscal years 2013-2014 and
26 2014-2015, increases in the federal fund availability for the Temporary Assistance to Needy
27 Families (TANF) Block Grant shall be used only for the North Carolina Child Care Subsidy
28 program to pay for child care in four- or five-star rated facilities for four-year-old
29 ~~children~~ children and shall not be used to supplant State funds.

30 Prior to allocating the change in federal fund availability, the proposed allocation
31 must be approved by the Office of State Budget and Management. If the Department adjusts the
32 allocation of any Block Grant due to changes in federal fund availability, then a report shall be
33 made to the Joint Legislative Oversight Committee on Health and Human Services, the Joint
34 Legislative Commission on Governmental Operations, and the Fiscal Research Division.

35 **"SECTION 12J.1.(d)** Except as otherwise provided, appropriations from federal Block
36 Grant funds are made for each year of the fiscal biennium ending June 30, 2015, according to
37 the schedule enacted for State fiscal years 2013-2014 and 2014-2015 or until a new schedule is
38 enacted by the General Assembly.

39 **"SECTION 12J.1.(e)** All changes to the budgeted allocations to the Block Grants or
40 contingency funds and other grants related to existing Block Grants administered by the
41 Department of Health and Human Services that are not specifically addressed in this section
42 shall be approved by the Office of State Budget and Management, and the Office of State
43 Budget and Management shall consult with the Joint Legislative Commission on Governmental
44 Operations for review prior to implementing the changes. The report shall include an itemized
45 listing of affected programs, including associated changes in budgeted allocations. All changes
46 to the budgeted allocations to the Block Grants shall be reported immediately to the Joint
47 Legislative Oversight Committee on Health and Human Services and the Fiscal Research
48 Division. This subsection does not apply to Block Grant changes caused by legislative salary
49 increases and benefit adjustments.

50 **"SECTION 12J.1.(e1)** Except as otherwise provided, the Department of Health and
51 Human Services shall have flexibility to transfer funding between the Temporary Assistance to

1 Needy Families (TANF) Block Grant and the TANF Emergency Contingency Funds Block
2 Grant so long as the total allocation for the line items within those block grants remains the
3 same.

4
5 **"TEMPORARY ASSISTANCE FOR NEEDED FAMILIES (TANF) FUNDS**

6 "SECTION 12J.1.(f) The sum of eighty-two million four hundred eighty-five thousand
7 four hundred ninety-five dollars (\$82,485,495) appropriated in this section in TANF funds to
8 the Department of Health and Human Services, Division of Social Services, for each year of
9 the 2013-2015 fiscal biennium shall be used for Work First County Block Grants. The Division
10 shall certify these funds in the appropriate State-level services based on prior year actual
11 expenditures. The Division has the authority to realign the authorized budget for these funds
12 among the State-level services based on current year actual expenditures.

13 "SECTION 12J.1.(g) The sum of two million four hundred eighty-two thousand two
14 hundred sixty dollars (\$2,482,260) appropriated in this section in TANF funds to the
15 Department of Health and Human Services, Division of Social Services, for each year of the
16 2013-2015 fiscal biennium shall be used to support administration of TANF-funded programs.

17 "SECTION 12J.1.(h) The sum of nine million four hundred twelve thousand three
18 hundred ninety-one dollars (\$9,412,391) appropriated in this section to the Department of
19 Health and Human Services, Division of Social Services, in TANF funds for each year of the
20 2013-2015 fiscal biennium for child welfare improvements shall be allocated to the county
21 departments of social services for hiring or contracting staff to investigate and provide services
22 in Child Protective Services cases; to provide foster care and support services; to recruit, train,
23 license, and support prospective foster and adoptive families; and to provide interstate and
24 post-adoption services for eligible families.

25 Counties shall maintain their level of expenditures in local funds for Child Protective
26 Services workers. Of the Block Grant funds appropriated for Child Protective Services workers,
27 the total expenditures from State and local funds for fiscal years 2013-2014 and 2014-2015
28 shall not be less than the total expended from State and local funds for the 2012-2013 fiscal
29 year.

30 "SECTION 12J.1.(i) The sum of two million twenty-six thousand eight hundred
31 seventy-seven dollars (\$2,026,877) appropriated in this section in TANF funds to the
32 Department of Health and Human Services, Special Children Adoption Fund, for each year of
33 the 2013-2015 fiscal biennium shall be used in accordance with G.S. 108A-50.2. The Division
34 of Social Services, in consultation with the North Carolina Association of County Directors of
35 Social Services and representatives of licensed private adoption agencies, shall develop
36 guidelines for the awarding of funds to licensed public and private adoption agencies upon the
37 adoption of children described in G.S. 108A-50 and in foster care. Payments received from the
38 Special Children Adoption Fund by participating agencies shall be used exclusively to enhance
39 the adoption services program. No local match shall be required as a condition for receipt of
40 these funds.

41 "SECTION 12J.1.(j) The sum of six hundred thirty-two thousand four hundred sixteen
42 dollars (\$632,416) appropriated in this section to the Department of Health and Human
43 Services in TANF funds for each year of the 2013-2015 fiscal biennium shall be used to
44 continue support for the Child Welfare Collaborative.

45
46 **"SOCIAL SERVICES BLOCK GRANT**

47 "SECTION 12J.1.(k) The sum of twenty-nine million four hundred twenty-two thousand
48 one hundred thirty-seven dollars (\$29,422,137) appropriated in this section in the Social
49 Services Block Grant to the Department of Health and Human Services, Division of Social
50 Services, for each year of the 2013-2015 fiscal biennium, the 2013-2014 fiscal year and the sum
51 of twenty-seven million four hundred twenty-seven thousand fifteen dollars (\$27,427,015)

1 appropriated in this section in the Social Services Block Grant for the 2014-2015 fiscal year
2 shall be used for county block grants. The Division shall certify these funds in the appropriate
3 State-level services based on prior year actual expenditures. The Division has the authority to
4 realign the authorized budget for these funds among the State-level services based on current
5 year actual expenditures.

6 **"SECTION 12J.1.(l)** The sum of one million three hundred thousand dollars (\$1,300,000)
7 appropriated in this section in the Social Services Block Grant to the Department of Health and
8 Human Services, Division of Social Services, for each year of the 2013-2015 fiscal biennium
9 shall be used to support various child welfare training projects as follows:

- 10 (1) Provide a regional training center in southeastern North Carolina.
- 11 (2) Provide training for residential child caring facilities.
- 12 (3) Provide for various other child welfare training initiatives.

13 **"SECTION 12J.1.(m)** The Department of Health and Human Services is authorized,
14 subject to the approval of the Office of State Budget and Management, to transfer Social
15 Services Block Grant funding allocated for departmental administration between divisions that
16 have received administrative allocations from the Social Services Block Grant.

17 **"SECTION 12J.1.(n)** Social Services Block Grant funds appropriated for the Special
18 Childrens Adoption Incentive Fund will require a fifty percent (50%) local match.

19 **"SECTION 12J.1.(o)** The sum of five million forty thousand dollars (\$5,040,000)
20 appropriated in this section in the Social Services Block Grant for each year of the 2013-2015
21 fiscal biennium shall be allocated to the Department of Health and Human Services, Division
22 of Social Services. The Division shall allocate these funds to local departments of social
23 services to replace the loss of Child Protective Services State funds that are currently used by
24 county government to pay for Child Protective Services staff at the local level. These funds
25 shall be used to maintain the number of Child Protective Services workers throughout the State.
26 These Social Services Block Grant funds shall be used to pay for salaries and related expenses
27 only and are exempt from 10A NCAC 71R .0201(3) requiring a local match of twenty-five
28 percent (25%).

29 **"SECTION 12J.1.(p)** The sum of three million eight hundred fifty-two thousand five
30 hundred dollars (\$3,852,500) appropriated in this section in the Social Services Block Grant to
31 the Department of Health and Human Services, Division of Central Management and Support,
32 shall be used for DHHS competitive block grants pursuant to Section 12A.2 of this act for each
33 year of the 2013-2015 fiscal biennium. These funds are exempt from the provisions of 10A
34 NCAC 71R .0201(3).

35 **"SECTION 12J.1.(q)** The sum of three hundred seventy-five thousand dollars (\$375,000)
36 appropriated in this section in the Social Services Block Grant for each year of the 2013-2015
37 fiscal biennium to the Department of Health and Human Services, Division of Social Services,
38 shall be used to continue support for the Child Advocacy Centers and are exempt from the
39 provisions of 10A NCAC 71R .0201(3).

40 **"SECTION 12J.1.(r)** The sum of three million nine hundred seventy-eight thousand three
41 hundred sixty dollars (\$3,978,360) appropriated in this section in the Social Services Block
42 Grant for each year of the 2013-2015 fiscal biennium to the Department of Health and Human
43 Services, Divisions of Social Services and Aging and Adult Services, shall be used for
44 guardianship services pursuant to Chapter 35A of the General Statutes. The Department may
45 expend funds appropriated in this section to support (i) existing corporate guardianship
46 contracts during the 2013-2014 and 2014-2015 fiscal years and (ii) guardianship contracts
47 transferred to the State from local management entities or managed care organizations during
48 the 2013-2014 and 2014-2015 fiscal years.

49
50 **"LOW-INCOME HOME ENERGY ASSISTANCE BLOCK GRANT**

1 "SECTION 12J.1.(s) Additional emergency contingency funds received may be allocated
2 for Energy Assistance Payments or Crisis Intervention Payments without prior consultation
3 with the Joint Legislative Commission on Governmental Operations. Additional funds received
4 shall be reported to the Joint Legislative Commission on Governmental Operations and the
5 Fiscal Research Division upon notification of the award. The Department of Health and Human
6 Services shall not allocate funds for any activities, including increasing administration, other
7 than assistance payments, without prior consultation with the Joint Legislative Commission on
8 Governmental Operations.

9 "SECTION 12J.1.(t) The sum of fifty million eight hundred seventy-six thousand four
10 hundred forty dollars (\$50,876,440) appropriated in this section in the Low-Income Home
11 Energy Assistance Block Grant for each year of the 2013-2015 fiscal biennium to the
12 Department of Health and Human Services, Division of Social Services, shall be used for
13 energy assistance payments for the households of (i) elderly persons age 60 and above with
14 income up to one hundred thirty percent (130%) of the federal poverty level and (ii) disabled
15 persons eligible for services funded through the Division of Aging and Adult Services.

16 County departments of social services shall submit to the Division of Social Services an
17 outreach plan for targeting households with 60-year-old household members no later than
18 August 1 of each year. The outreach plan shall comply with the following:

- 19 (1) Ensure that eligible households are made aware of the available assistance
20 with particular attention paid to the elderly population age 60 and above and
21 disabled persons receiving services through the Division of Aging and Adult
22 Services.
- 23 (2) Include efforts by the county department of social services to contact other
24 State and local governmental entities and community-based organizations to
25 (i) offer the opportunity to provide outreach and (ii) receive applications for
26 energy assistance.
- 27 (3) Be approved by the local board of social services or human services board
28 prior to submission.

30 "CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT

31 "SECTION 12J.1.(u) Payment for subsidized child care services provided with federal
32 TANF funds shall comply with all regulations and policies issued by the Division of Child
33 Development for the subsidized child care program.

34 "SECTION 12J.1.(v) If funds appropriated through the Child Care and Development Fund
35 Block Grant for any program cannot be obligated or spent in that program within the obligation
36 or liquidation periods allowed by the federal grants, the Department may move funds to child
37 care subsidies, unless otherwise prohibited by federal requirements of the grant, in order to use
38 the federal funds fully.

40 "SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT

41 "SECTION 12J.1.(v1) The sum of two hundred fifty thousand dollars (\$250,000)
42 appropriated in this section in the Substance Abuse Prevention and Treatment Block Grant to
43 the Department of Health and Human Services, Division of Mental Health, Developmental
44 Disabilities, and Substance Abuse Services, for the 2014-2015 fiscal year shall be allocated to
45 the Department of Administration, Division of Veterans Affairs, to establish a call-in center to
46 assist veterans in locating service benefits and crisis services. The call-in center shall be staffed
47 by certified veteran peers within the Division of Veterans Affairs and trained by the Division of
48 Mental Health, Developmental Disabilities, and Substance Abuse Services.

50 "MATERNAL AND CHILD HEALTH BLOCK GRANT

1 "SECTION 12J.1.(w) If federal funds are received under the Maternal and Child Health
2 Block Grant for abstinence education, pursuant to section 912 of Public Law 104-193 (42
3 U.S.C. § 710), for the 2013-2014 fiscal year or the 2014-2015 fiscal year, then those funds shall
4 be transferred to the State Board of Education to be administered by the Department of Public
5 Instruction. The Department of Public Instruction shall use the funds to establish an abstinence
6 until marriage education program and shall delegate to one or more persons the responsibility
7 of implementing the program and G.S. 115C-81(e1)(4) and (4a). The Department of Public
8 Instruction shall carefully and strictly follow federal guidelines in implementing and
9 administering the abstinence education grant funds.

10 "SECTION 12J.1.(x) The Department of Health and Human Services shall ensure that
11 there will be follow-up testing in the Newborn Screening Program."
12

13 PART XIII. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

14 PLANT SCIENCES RESEARCH AND INNOVATION INITIATIVE

15 SECTION 13.1.(a) The funds appropriated by this act to the Department of
16 Agriculture and Consumer Services for the Plant Sciences Research initiative shall be
17 transferred to North Carolina State University to develop a formal proposal and economic
18 needs assessment for establishment of a public/private partnership between the University,
19 other academic institutions, private companies in the agribusiness and bioscience sectors, and
20 State regulatory agencies for the following amounts and purposes: (i) the sum of three hundred
21 fifty thousand dollars (\$350,000) for a partnership to be known as the "Plant Sciences Research
22 and Innovation Initiative and (ii) the sum of two hundred fifty thousand dollars (\$250,000) for a
23 partnership to be known as the "Food Processing Initiative."
24

25 SECTION 13.1.(b) North Carolina State University shall submit a copy of the
26 proposal and report to the Agriculture and Forestry Awareness Study Commission on the
27 results of the economic needs assessment by January 1, 2015.
28

29 STATE FAIR ADMISSION

30 SECTION 13.2.(a) G.S. 150B-1(d) is amended by adding a new subdivision to
31 read:

32 "(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the
33 following:

34 ...

35 (26) The Board of Agriculture in the Department of Agriculture and Consumer
36 Services with respect to annual admission fees for the State Fair. The Board
37 shall annually post the admission fee schedule on its Web site and provide
38 notice of the fee schedule, along with a citation to this section, to all persons
39 named on the mailing list maintained pursuant to G.S. 150B-21.2(d)."

40 SECTION 13.2.(b) This section is effective when it becomes law.
41

42 AGRICULTURAL WELL DEVELOPMENT AS CRITERIA FOR AGRICULTURAL 43 WATER RESOURCES ASSISTANCE PROGRAM FUNDING

44 SECTION 13.3.(a) G.S. 139-60(c)(3) reads as rewritten:

45 "(3) Establish criteria to allocate funds to local soil and water conservation
46 districts. The criteria shall include the development of agricultural wells."

47 SECTION 13.3.(b) This section is effective when it becomes law.
48

49 "GOT TO BE NC" MARKETING CAMPAIGN TO BE THE OFFICIAL 50 AGRICULTURAL MARKETING CAMPAIGN FOR THE STATE

51 SECTION 13.4.(a) G.S. 106-550 reads as rewritten:

1 **"§ 106-550. Policy as to promotion of use of, and markets for, farm products.**

2 (a) It is declared to be in the interest of the public welfare that the North Carolina
 3 farmers who are producers of livestock, poultry, seafood, field crops and other agricultural
 4 products, including cattle, sheep, broilers, turkeys, commercial eggs, peanuts, cotton, potatoes,
 5 sweet potatoes, peaches, apples, berries, vegetables and other fruits of all kinds, as well as
 6 bulbs and flowers and other agricultural products having a domestic or foreign market, shall be
 7 permitted and encouraged to act jointly and in cooperation with growers, handlers, dealers and
 8 processors of such products in promoting and stimulating, by advertising and other methods,
 9 the increased production, use and sale, domestic and foreign, of any and all of such agricultural
 10 commodities. The provisions of this Article, however, shall not include the agricultural
 11 products of tobacco, strawberries, strawberry plants, porcine animals, or equines, with respect
 12 to which separate provisions have been made.

13 (b) The "Got to be NC" marketing campaign of the Department of Agriculture and
 14 Consumer Services shall be the official agricultural marketing campaign for the State."

15 **SECTION 13.4.(b)** This section is effective when it becomes law.
 16

17 **CHANGE COUNTY CONTRIBUTION RATE FOR SUPPLEMENTARY FORESTRY**
 18 **FUNDING BY DACS**

19 **SECTION 13.6.** G.S. 106-898 reads as rewritten:

20 **"§ 106-898. Duties of forest rangers; payment of expenses by State and counties.**

21 (a) Forest rangers shall have charge of measures for controlling forest fires, protection
 22 of forests from pests and diseases, and the development and improvement of the forests for
 23 maximum production of forest products; shall post along highways and in other conspicuous
 24 places copies of the forest fire laws and warnings against fires, which shall be supplied by the
 25 Commissioner; shall patrol and man lookout towers and other points during dry and dangerous
 26 seasons under the direction of the Commissioner; and shall perform such other acts and duties
 27 as shall be considered necessary by the Commissioner in the protection, development and
 28 improvement of the forested area of each of the counties within the State. No county may be
 29 held liable for any part of the expenses thus incurred unless specifically authorized by the board
 30 of county commissioners under prior written agreement with the Commissioner; appropriations
 31 for meeting the county's share of such expenses so authorized by the board of county
 32 commissioners shall be provided annually in the county budget. For each county in which
 33 financial participation by the county is authorized, the Commissioner shall keep or cause to be
 34 kept an itemized account of all expenses thus incurred and shall send such accounts
 35 periodically to the board of county commissioners of said county; upon approval by the board
 36 of the correctness of such accounts, the county commissioners shall issue or cause to be issued
 37 a warrant on the county treasury for the payment of the county's share of such expenditures,
 38 said payment to be made within one month after receipt of such statement from the
 39 Commissioner. Appropriations made by a county for the purposes set out in Articles 75, 76, 78,
 40 and 82 of this Chapter in the cooperative forest protection, development and improvement work
 41 are not to replace State and federal funds which may be available to the Commissioner for the
 42 work in said county, but are to serve as a supplement thereto. ~~Funds appropriated to the~~
 43 ~~Department for a fiscal year for the purposes set out in Articles 75, 76, 78, and 82 of this~~
 44 ~~Chapter shall not be expended in a county unless that county shall contribute at least~~
 45 ~~twenty five percent (25%) of the total cost of the forestry program.~~

46 (b) The Commissioner shall annually calculate the current sales ratio adjusted total
 47 taxable property values for each county for the purpose of determining cost-share requirements
 48 for each county. Counties shall be responsible for providing the cost-share requirements for
 49 expenses associated with county forest services based on the following:

<u>County Sales Ratio Adjusted</u>	<u>County Cost-Share</u>
<u>Total Taxable Property</u>	<u>County Cost-Share</u>

1	<u>Less than \$8 billion</u>	<u>40%</u>
2	<u>\$8 billion or more, but less than \$20 billion</u>	<u>50%</u>
3	<u>\$20 billion or greater</u>	<u>60%</u>

4 Funds appropriated to the Department for a fiscal year for the purposes set out in Articles
5 75, 76, 78, and 82 of this Chapter shall not be expended in a county unless that county
6 contributes the cost-share requirement determined by the Commissioner pursuant to this
7 subsection."

9 **UNC TRANSFER FOR USE OF DACS RESEARCH STATIONS**

10 **SECTION 13.7.** The University of North Carolina shall annually transfer to the
11 Department of Agriculture and Consumer Services an amount calculated pursuant to this
12 section for research projects conducted on research stations administered by the Department.
13 For research conducted by an employee, foundation, or affiliate of The University of North
14 Carolina, the amount to be transferred is equal to the greater of (i) one hundred thousand
15 dollars (\$100,000) or (ii) the sum of the following:

- 16 (1) For research conducted that is not funded from State funds, an amount equal
17 to fifty percent (50%) of the total facilities and administrative receipts
18 collected for the project; and
- 19 (2) For research conducted that is funded from State funds, an amount equal to
20 five percent (5%) of the total research project cost.
- 21 (3) For research conducted that is partially funded with State funds, the sum of
22 (i) fifty percent (50%) of the total facilities and administrative receipts
23 collected by the UNC System for the portion of the project funded from non-
24 State funds, and (ii) five percent (5%) of the State funds contributed to the
25 project.

26 If the research is conducted by an entity unaffiliated with The University of North
27 Carolina and is not funded with State funds, the Department may use its discretion to determine
28 the amount to be collected for the project.

30 **DACS RESEARCH STATIONS**

31 **SECTION 13.8.** G.S. 106-6.3 reads as rewritten:

32 **"§ 106-6.3. Create special revenue fund for research stations.**

33 The Research Stations Fund is established as a special revenue fund within the Department
34 of Agriculture and Consumer Services, Division of Research Stations. This Fund shall consist
35 of receipts from the sale of commodities produced on the Department's research stations and
36 any gifts, bequests, or grants for the benefit of this Fund. No General Fund appropriations shall
37 be credited to this Fund. Any balance exceeding one million dollars (\$1,000,000) remaining in
38 this Fund at the end of any fiscal year shall not revert, revert to the General Fund. The
39 Department ~~may~~ shall use this Fund only to develop, improve, repair, maintain, operate, or
40 otherwise invest in research stations operated by the Department's Research ~~Station~~ Stations
41 Division."

43 **DACS AGWRAP & AG COST SHARE SPENDING**

44 **SECTION 13.9.** Section 13.3(a)(2) of S.L. 2013-360 reads as rewritten:

- 45 "(2) Five hundred thousand dollars (\$500,000) for ~~each fiscal year of the~~
46 ~~2013-2014-2015 biennium~~ fiscal year to the North Carolina Agricultural
47 Water Resources Assistance Program or the Agriculture Cost Share Program
48 for Nonpoint Source Pollution Control to fund projects in the following
49 counties: Avery, Buncombe, Burke, Cherokee, Clay, Graham, Haywood,
50 Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain,
51 Transylvania, Watauga, Yancey."

CERTIFICATION OF PRIVATE PESTICIDE APPLICATORS

SECTION 13.10.(a) G.S. 143-440(b) reads as rewritten:

"(b) The Board may include in any such restricted use regulation the time and conditions of sale, distribution, or use of such restricted use pesticides, may prohibit the use of any restricted use pesticide for designated purposes or at designated times; may require the purchaser or user to certify that restricted use pesticides will be used only as labeled or as further restricted by regulation; may require the certification and recertification of private applicators, and charge a fee of up to ten dollars (\$10.00), with the fee set at a level to make the certification/recertification program self-supporting, and, after opportunity for a hearing, may suspend, revoke or modify the certification for violation of any provision of this Article, or any rule or regulation adopted thereunder; may adopt rules to classify private applicators; and may, if it deems it necessary to carry out the provisions of this Part, require that any or all restricted use pesticides shall be purchased, possessed, or used only under permit of the Board and under its direct supervision in certain areas and/or under certain conditions or in certain quantities or concentrations except that any person licensed to sell such pesticides may purchase and possess such pesticides without a permit. The Board may require all persons issued such permits to maintain records as to the use of the restricted use pesticides. The Board may authorize the use of restricted use pesticides by persons licensed under the North Carolina Structural Pest Control Act without a permit. A nonrefundable fee of ten dollars (\$10.00) shall be charged for each examination required by this section. This examination fee is in addition to the certification or recertification fee, and any other fee authorized pursuant to any other provision of Article 4C of Chapter 106 of the General Statutes."

SECTION 13.10.(b) This section is effective when it becomes law.

INCREASE FEES ASSOCIATED WITH NATIONAL POULTRY IMPROVEMENT PLAN

SECTION 13.11. G.S. 106-543 reads as rewritten:

"§ 106-543. Requirements of national poultry improvement plan must be met.

(a) All baby chicks, turkey poults and hatching eggs produced, sold or offered for sale shall originate in flocks that meet the requirements of the national poultry improvement plan as administered by the North Carolina Department of Agriculture and Consumer Services and the regulations issued by authority of this Article for the control of pullorum disease and other infectious diseases provided that nothing in this Article shall require any hatchery to adopt the national poultry improvement plan.

(b) The Department of Agriculture and Consumer Services shall charge the following fees for certification in the national poultry improvement plan:

- (1) An initial certification fee of fifty dollars (\$50.00), plus ten cents (10¢) per bird.
- (2) An annual recertification fee of ten dollars (\$10.00), plus ten cents (10¢) per bird."

FEES FOR FOREST MANAGEMENT PLANS

SECTION 13.13.(a) Article 83 of Chapter 106 of the General Statutes is amended by adding a new section to read:

"§ 106-1013.1. Forest management plans.

The Commissioner shall charge landowners the following fee for preparation of forest management plans:

- (1) Two hundred fifty dollars (\$250.00) for plans for tracts of land of less than 20 acres.

1 (2) Five hundred dollars (\$500.00) for plans for tracts of land of 20 acres or
2 more and less than 50 acres.

3 (3) Seven hundred fifty dollars (\$750.00) for plans for tracts of land of 50 acres
4 of more."

5 **SECTION 13.13.(b)** This section becomes effective July 1, 2014, and applies to
6 forest management plans prepared on or after that date.

7 8 **PART XIV. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

9 10 **AGENCIES REPORT ON FEDERAL GRANTS**

11 **SECTION 14.1.(a)** The Department of Environment and Natural Resources, the
12 Department of Labor, the Department of Commerce, and the Department of Agriculture shall
13 review every federal grant received by the respective departments and report no later than
14 February 1, 2015, to the Chairs of the House of Representatives Appropriations Subcommittee
15 on Natural and Economic Resources, the Chairs of the Senate Appropriations Committee on
16 Natural and Economic Resources, and the Fiscal Research Division regarding the source and
17 amount of the grant, the match required for the grant from State funds, and any conditions,
18 limitations, restrictions, or additional actions or programs the department is required to fulfill or
19 undertake as a result of accepting the grant.

20 **SECTION 14.1.(b)** This section applies to grants received on or after July 1, 2014.

21 22 **NER FACILITIES AND ADMINISTRATIVE FEES**

23 **SECTION 14.2.** The Department of Agriculture, the Department of Commerce, the
24 North Carolina Biotechnology Center, and the Department of Environment and Natural
25 Resources shall negotiate indirect cost waivers with every constituent institution of The
26 University of North Carolina performing State-funded research for the Center or the respective
27 Departments. The waivers shall provide that the Center or the Departments pay facilities and
28 administrative costs at a rate no greater than the lowest rate paid by any other State agency,
29 department, or commission for research at that constituent institution.

30 31 **PROGRAM EVALUATION DIVISION TO STUDY HOUSING PROGRAMS**

32 **SECTION 14.3.(a)** The Joint Legislative Program Evaluation Oversight
33 Committee shall include in the 2014-2015 Work Plan for the Program Evaluation Division of
34 the General Assembly a study of the various programs related to housing conducted by State
35 departments, agencies, and commissions, including the weatherization program of the
36 Department of Environment and Natural Resources. The Program Evaluation Division shall
37 include examinations of the following in the study:

- 38 (1) Overlap or duplication between programs and the possible cost-savings or
39 other benefits from the merger of certain housing programs.
- 40 (2) Unmet needs or gaps in the State's housing programs, when compared to
41 services or programs offered by other states.
- 42 (3) Any recommendations for changes in housing program governance for
43 programs that are outside or only marginally within the core mission of their
44 governing department, agency, or commission.

45 **SECTION 14.3.(b)** The Program Evaluation Division shall submit its findings and
46 recommendations to the Joint Legislative Program Evaluation Oversight Committee, the Chairs
47 of the House of Representatives Appropriations Subcommittee on Natural and Economic
48 Resources, the Chairs of the Senate Appropriations Committee on Natural and Economic
49 Resources, and the Fiscal Research Division at a date to be determined by the Joint Legislative
50 Program Evaluation Oversight Committee.

COASTAL AND ESTUARINE WATER BEACH ACCESS PROGRAM

SECTION 14.4.(a) Funds transferred from the Parks and Recreation Trust Fund to the Division of Coastal Management pursuant to G.S. 113-44.15(b)(3) for the Coastal and Estuarine Water Beach Access Program shall be deposited in a noninterest-bearing special fund to be titled Coastal and Estuarine Water Beach Access Fund. The Fund shall be a special revenue fund consisting of gifts and grants to the Fund and other monies appropriated to the Fund by the General Assembly.

SECTION 14.4.(b) Funds previously transferred from the Parks and Recreation Trust Fund to the Division of Coastal Management for the Coastal and Estuarine Water Beach Access Program that were deposited in capital funds shall be transferred to the Coastal and Estuarine Water Beach Access Fund established by subsection (a) of this section no later than September 30, 2014.

CAROLINA BEACH STATE PARK MARINA

SECTION 14.5.(a) The Department of Environment and Natural Resources, Division of Parks and Recreation, shall issue a request for information (RFI) to solicit proposals for a sublease to private parties for the operation of the State-owned marina at Carolina Beach State Park. The RFI shall contain sufficient detail to address the following:

- (1) The services to be performed by the private party and performance expectations.
- (2) Payment and record-keeping requirements.
- (3) Compliance with State parks system rules and regulations and standards of the Division of Coastal Management's Clean Marina program.

SECTION 14.5.(b) The Division of Parks and Recreation shall report to the chairs of the Senate Appropriations Committee on Natural and Economic Resources, the chairs of the House of Representatives Appropriations Subcommittee on Natural and Economic Resources, and the Fiscal Research Division no later than February 1, 2015, on the results of the RFI and whether it is more cost-effective to have a private party manage the marina than internal management.

STATE ATTRACTIONS FUNDS

SECTION 14.6.(a) Notwithstanding any other provision of this act, the sum of two hundred fifty thousand dollars (\$250,000) in nonrecurring funds appropriated in this act to the Department of Environment and Natural Resources shall not be used for a consultant study of the State's cultural and natural resource sites, and shall instead be deposited into the Savings Reserve Account established under G.S. 143C-4-2.

OREGON INLET

SECTION 14.7.(a) Article 36 of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 4. Outer Banks Land Management.

"§ 143-345.18A. Outer Banks Land Management Fund.

(a) Creation. – There is created the Outer Banks Land Management Fund as a noninterest-bearing special revenue fund in the Department of Administration.

(b) Uses. – The Secretary of Administration may use funds in the Outer Banks Land Management Fund only for any of the following purposes:

- (1) To purchase land, including submerged land, on behalf of the State for inclusion in a State park on or near Oregon Inlet.
- (2) To reimburse the Department of Administration or the Department of Environment and Natural Resources for the costs of any appraisals of real property, studies, surveys, data collection, or analysis conducted in

1 connection with the acquisition of real property for inclusion in a State park
 2 on or near Oregon Inlet.

3 (3) To pay the costs of dredging projects designed to restore the Oregon Inlet
 4 shallow draft navigation channel to a navigable and safe condition. A
 5 dredging project shall not be funded pursuant to this subdivision unless the
 6 Secretary of the Department of Environment and Natural Resources
 7 approves the project. An expenditure of funds pursuant to this subdivision
 8 shall be in addition to any expenditure of funds pursuant to Part 8B of
 9 Article 21 of Chapter 143 of the General Statutes for Oregon Inlet dredging
 10 projects.

11 (4) To pay the costs of engaging the services of private counsel as authorized by
 12 G.S. 143-345.18B and to pay related litigation costs.

13 (c) Inclusion of Land in State Parks System. – Land purchased pursuant to subdivision
 14 (b)(1) of this section is authorized to be added to the State Parks System pursuant to
 15 G.S. 113-44.14(b).

16 **"§ 143-345.18B. Use of private counsel; payment of litigation costs.**

17 (a) Authority. – Notwithstanding G.S. 114-2.3, the Department of Administration may
 18 engage the services of private counsel with the pertinent expertise to timely defend or otherwise
 19 resolve legal challenges related to the purchase, condemnation, exchange, or use of real
 20 property on the Outer Banks and shall not be required to obtain written permission from the
 21 Attorney General.

22 (b) Supervision. – Notwithstanding G.S. 114-2.3, the Departments shall supervise and
 23 manage the private counsel engaged under this section.

24 (c) Reporting. – The Departments shall report the engagement of private counsel under
 25 this section within 30 days to all of the following:

26 (1) To the General Assembly, as follows:

27 a. If the General Assembly is in session, to the chairs of the House of
 28 Representatives Appropriations Subcommittee on General
 29 Government, the chairs of the House of Representatives
 30 Appropriations Subcommittee on Natural and Economic Resources,
 31 the chairs of the Senate Appropriations Committee on General
 32 Government, and the chairs of the Senate Appropriations Committee
 33 on Natural and Economic Resources.

34 b. If the General Assembly is not in session or adjourns during the
 35 30-day period, to the chairs of the Joint Legislative Commission on
 36 Governmental Operations.

37 (2) To the Attorney General.

38 (3) To the Fiscal Research Division."

39 **SECTION 14.7.(b) Funding. – Notwithstanding any other provision of law to the**
 40 **contrary, the following amounts shall be transferred to the Outer Banks Land Management**
 41 **Fund no later than September 1, 2014:**

Budget Code	Fund Code	Description	FY 2014-2015 Amount
23400	2392	Advance License Sales Fund	\$ 3,500,000
24609	2568	Utility Account Cash Balance	3,500,000

45 **SECTION 14.7.(c) Acquisition Agreement. – Notwithstanding Chapter 146 of the**
 46 **General Statutes or any other provision of law, the Department of Administration, on behalf of**
 47 **the State, shall enter into an agreement to acquire the federally owned property described in**
 48 **subsection (h) of this section from the federal government (i) with funds in the Outer Banks**
 49 **Land Management Fund created in G.S. 143-345.18A, as enacted by subsection (a) of this**
 50 **section; (ii) in exchange for State-owned real property; or (iii) with some combination of funds**
 51 **from the Outer Banks Land Management Fund and exchange of State-owned real property, in**

1 the sole discretion of the Secretary of Administration. Only State-owned real property that is
 2 adjacent to federally owned real property or within 100 miles of such real property may be
 3 exchanged pursuant to this subsection.

4 **SECTION 14.7.(d) Terms.** – The Secretary of the Department of Administration
 5 shall have the authority to negotiate the terms of the acquisition agreement. The agreement (i)
 6 shall provide for the acquisition of interests in real property described in subsection (h) of this
 7 section and no other; (ii) shall provide that the conveyances described in the agreement become
 8 effective as soon as practicable; and (iii) shall incorporate the relevant terms of this act.

9 **SECTION 14.7.(e) Execution of Deeds.** – Within 30 days of the acquisition
 10 becoming effective, the Attorney General shall execute any documents or deeds necessary to
 11 effectuate the acquisition under the exact terms set forth in the acquisition agreement. All State
 12 agencies and officials shall cooperate to the fullest extent possible in effectuating the
 13 acquisition agreement.

14 **SECTION 14.7.(f) Reporting.** – Within 30 days after an agreement is entered into
 15 pursuant to this section, the Secretary of the Department of Administration shall report to the
 16 Joint Legislative Commission on Governmental Operations on the terms of the agreement.

17 **SECTION 14.7.(g) Creation of Oregon Inlet State Park.** – If the real property
 18 described in subsection (h) of this section is acquired by the State, then together with any other
 19 real property owned by the State within the area described in subsection (h) of this section, the
 20 General Assembly authorizes the Department of Environment and Natural Resources to add
 21 Oregon Inlet State Park, which shall consist of at least these properties, to the State Parks
 22 System as provided in G.S. 113-44.14(b).

23 **SECTION 14.7.(h) Federal Property to Be Conveyed.** – The federally owned
 24 property to be conveyed shall include all of the federal government's right, title, and interest in
 25 (i) some or all of the subaerial real property located within the area described by connecting the
 26 following latitude and longitude points and (ii) all of the submerged real property located
 27 within the area described by connecting the following latitude and longitude points:

Latitude:

Longitude:

29	35.78099563900	-75.52953510600
30	35.78178528500	-75.52513394400
31	35.78141354400	-75.52334019100
32	35.77887390700	-75.52025162500
33	35.77857436500	-75.51969654900
34	35.77781290800	-75.51900873900
35	35.77734893400	-75.51884305500
36	35.77110009400	-75.51641608800
37	35.76633568000	-75.51356516200
38	35.76116258500	-75.51036495800
39	35.75751496100	-75.50801176500
40	35.75608651600	-75.51228522200
41	35.75777480300	-75.51379949200
42	35.75860596900	-75.51451482100
43	35.75960484700	-75.51540263600
44	35.76100041400	-75.51665469900
45	35.76117351400	-75.51681019600
46	35.76212525300	-75.51767780700
47	35.76287562800	-75.51836186100
48	35.76316770200	-75.51862812200
49	35.76381492400	-75.51921814800
50	35.76415098700	-75.51955669900
51	35.76445468400	-75.51995078300

1	35.76485826900	-75.52059025200
2	35.76505577400	-75.52094720300
3	35.76528160600	-75.52142243500
4	35.76548548000	-75.52198988800
5	35.76556574300	-75.52341266800
6	35.76566877400	-75.52523906000
7	35.76454632200	-75.52902085700
8	35.76357138700	-75.53246190700
9	35.76337226200	-75.53339199600
10	35.76333441200	-75.53364756500
11	35.76332909000	-75.53390886900
12	35.76335819500	-75.53458675100
13	35.76341367100	-75.53498008200
14	35.76354478800	-75.53535025300
15	35.76361737400	-75.53547511500
16	35.76383009500	-75.53584104000
17	35.76425804000	-75.53655388200
18	35.76471137600	-75.53740653000
19	35.76502225800	-75.53875413900
20	35.76521060100	-75.54081681300
21	35.76523404100	-75.54194712400
22	35.76525043500	-75.54273769600
23	35.76526768700	-75.54353888100
24	35.76532715800	-75.54394387700
25	35.76541340600	-75.54428520100
26	35.76550080400	-75.54463107400
27	35.76577010000	-75.54534161500
28	35.76597248500	-75.54579049600
29	35.76632062300	-75.54620555000
30	35.76655164400	-75.54635947100
31	35.76725670200	-75.54660003000
32	35.76764041200	-75.54670534600
33	35.76795847900	-75.54670661900
34	35.77077784300	-75.54629895400
35	35.77115918300	-75.54624921300
36	35.77148150500	-75.54619720600
37	35.77234520600	-75.54605784500
38	35.77377517700	-75.54582711000
39	35.77469339200	-75.54566942900
40	35.77590248800	-75.54531166000
41	35.77673545200	-75.54571296000
42	35.77711645600	-75.54582301200
43	35.77742981800	-75.54581293600
44	35.77771608200	-75.54572387500
45	35.77791539100	-75.54559449800
46	35.77810904100	-75.54546879500
47	35.77904847600	-75.54478184500
48	35.77912430900	-75.54486803600
49	35.77981427400	-75.54534862400
50	35.78042966800	-75.54567367500
51	35.78135818100	-75.54600030500

1	35.78175635200	-75.54606539500
2	35.78221194600	-75.54612839200
3	35.78279713100	-75.54636296300
4	35.78378882800	-75.54668308800
5	35.78766932400	-75.54709605000
6	35.79082109200	-75.54691243300
7	35.79820587700	-75.54665906000
8	35.79859286600	-75.54249624600
9	35.80046065100	-75.53877586500
10	35.79408521600	-75.53252823100
11	35.79248815800	-75.53183764800
12	35.79151104100	-75.53197071600
13	35.78867341400	-75.53323291600
14	35.76886839300	-75.52536743000
15	35.76724598100	-75.52438052100
16	35.76805629700	-75.52240411900
17	35.76966632600	-75.52339266000
18	35.76886839300	-75.52536743000.

19 **SECTION 14.7.(i)** Condemnation Authority. – On July 1, 2015, the Department of
20 Administration shall, in accordance with applicable law and terms reserved in any relevant
21 deeds, commence condemnation proceedings on all federally owned property that are necessary
22 to manage existing and future transportation corridors on the Outer Banks, as determined
23 pursuant to subsection (j) of this section. The Department of Administration shall report the
24 commencement of condemnation proceedings to the General Assembly, as follows:

- 25 (1) If the General Assembly is in session, the Department shall report to the
26 chairs of the House of Representatives Appropriations Committee, the chairs
27 of the Senate Appropriations Committee, and the Fiscal Research Division.
28 (2) If the General Assembly is not in session, the Department shall report to the
29 chairs of the Joint Legislative Commission on Governmental Operations and
30 the Fiscal Research Division.

31 **SECTION 14.7.(j)** Identification of Outer Banks Transportation Corridor. – No
32 later than November 30, 2014, the Department of Transportation shall identify federally-owned
33 property that is necessary to construct or to manage existing and future transportation corridors
34 on the Outer Banks and shall report this information to the chairs of the Joint Legislative
35 Transportation Oversight Committee, to the Secretary of the Department of Administration,
36 and to the Fiscal Research Division.

37 **SECTION 14.7.(k)** G.S. 166A-19.30(a) reads as rewritten:

38 **"§ 166A-19.30. Additional powers of the Governor during state of emergency.**

39 (a) In addition to any other powers conferred upon the Governor by law, during a
40 gubernatorially or legislatively declared state of emergency, the Governor shall have the
41 following powers:

- 42 (1) To utilize all available State resources as reasonably necessary to cope with
43 an emergency, including the transfer and direction of personnel or functions
44 of State agencies or units thereof for the purpose of performing or
45 facilitating emergency services.
46 (2) To take such action and give such directions to State and local law
47 enforcement officers and agencies as may be reasonable and necessary for
48 the purpose of securing compliance with the provisions of this Article and
49 with the orders, rules, and regulations made pursuant thereto.
50 (3) To take steps to assure that measures, including the installation of public
51 utilities, are taken when necessary to qualify for temporary housing

1 assistance from the federal government when that assistance is required to
2 protect the public health, welfare, and safety.

3 (4) Subject to the provisions of the State Constitution to relieve any public
4 official having administrative responsibilities under this Article of such
5 responsibilities for willful failure to obey an order, rule, or regulation
6 adopted pursuant to this Article.

7 (5) Through issuance of an executive order to waive requirements for an
8 environmental document or permit issued under Articles 1, 4, and 7 of
9 Chapter 113A of the General Statutes for the repair, protection, safety
10 enhancement, or replacement of a component of the State highway system
11 that provides the sole road access to an incorporated municipality or an
12 unincorporated inhabited area bordering the Atlantic Ocean or any coastal
13 sound where bridge or road conditions as a result of the events leading to the
14 declaration of the state of emergency pose a substantial risk to public health,
15 safety, or welfare. The executive order shall list the duration of the waiver
16 and the activities to which the waiver applies. For purposes of this
17 subdivision, "coastal sound" shall have the definition set forth in
18 G.S. 113A-103, and "replacement" shall not be interpreted to exclude a
19 replacement that increases size or capacity or that is located in a different
20 location than the component that is replaced."

21 **SECTION 14.7.(l)** G.S. 113A-12 is amended by adding a new subdivision to read:

22 "(7) The issuance of an executive order under G.S. 166A-19.30(a)(5) waiving the
23 requirement for an environmental document."

24 **SECTION 14.7.(m)** G.S. 113A-52.01 reads as rewritten:

25 **"§ 113A-52.01. Applicability of this Article.**

26 This Article shall not apply to the following land-disturbing activities:

27 ...

28 (4) For the duration of an emergency, activities essential to protect human
29 life-life, including activities specified in an executive order issued under
30 G.S. 166A-19.30(a)(5)."

31 **SECTION 14.7.(n)** G.S. 113A-103(5)b.1. reads as rewritten:

32 **"§ 113A-103. Definitions.**

33 As used in this Article:

34 ...

35 (5) a. "Development" means any activity in a duly designated area of
36 environmental concern (except as provided in paragraph b of this
37 subdivision) involving, requiring, or consisting of the construction or
38 enlargement of a structure; excavation; dredging; filling; dumping;
39 removal of clay, silt, sand, gravel or minerals; bulkheading, driving
40 of pilings; clearing or alteration of land as an adjunct of construction;
41 alteration or removal of sand dunes; alteration of the shore, bank, or
42 bottom of the Atlantic Ocean or any sound, bay, river, creek, stream,
43 lake, or canal; or placement of a floating structure in an area of
44 environmental concern identified in G.S. 113A-113(b)(2) or (b)(5).

45 b. The following activities including the normal and incidental
46 operations associated therewith shall not be deemed to be
47 development under this section:

48 1. Work by a highway or road agency for the maintenance of an
49 existing road, if the work is carried out on land within the
50 boundaries of the existing ~~right-of-way;~~right-of-way, or for
51 emergency repairs and safety enhancements of an existing

1 road as described in an executive order issued under
2 G.S. 166A-19.30(a)(5)."

3 **SECTION 14.7.(o)** Notwithstanding the provisions of Chapter 146 of the General
4 Statutes, Article 9A of Chapter 113A of the General Statutes, or any other provision of law,
5 neither the Governor nor the Council of State shall be required to approve any conveyance,
6 exchange, or condemnation made pursuant to this section, nor shall consultation with or
7 reporting to the Joint Legislative Commission on Governmental Operations be required prior to
8 the conveyance, exchange, or condemnation, except as set forth in subsection (j) of this section.
9

10 **TECHNICAL CORRECTIONS: CWMTF**

11 **SECTION 14.8.(a)** G.S. 113A-251 reads as rewritten:

12 **"§ 113A-251. Purpose.**

13 ~~The General Assembly recognizes that a critical need exists in this State to clean up~~
14 ~~pollution in the State's surface waters and to protect, preserve, and conserve those waters that~~
15 ~~are not yet polluted. The task of cleaning up polluted waters and protecting and enhancing the~~
16 ~~State's water resources is multifaceted and requires different approaches, including innovative~~
17 ~~pilot projects, that take into account the problems, the type of pollution, the geographical area,~~
18 ~~and the recognition that the hydrological and ecological values of each resource sought to be~~
19 ~~upgraded, conserved, and protected are unique.~~

20 It is the intent of the General Assembly that moneys from the Fund created under this
21 Article shall be used to help finance projects that enhance or restore degraded surface waters;
22 protect and conserve surface waters, including drinking supplies, and contribute toward a
23 network of riparian buffers and greenways for environmental, educational, and recreational
24 benefits; provide buffers around military bases to protect the military mission; acquire land that
25 represents the ecological diversity of North Carolina; and acquire land that contributes to the
26 development of a balanced State program of historic properties.~~specifically address water~~
27 ~~pollution problems and focus on upgrading surface waters, eliminating pollution, and~~
28 ~~protecting, preserving, and conserving unpolluted surface waters, including enhancement or~~
29 ~~development of drinking water supplies. It is the further intent of the General Assembly that~~
30 ~~moneys from the Fund also be used to build a network of riparian buffers and greenways for~~
31 ~~environmental, educational, and recreational benefits. It is lastly the intent of the General~~
32 ~~Assembly that moneys from the Fund also be used to preserve lands that could be used for~~
33 ~~water supply reservoirs. While the purpose of this Article is to focus on the cleanup and~~
34 ~~prevention of pollution of the State's surface waters, the establishment of a network of riparian~~
35 ~~buffers and greenways, and the preservation of property for establishing clean water supplies,~~
36 ~~the General Assembly believes that the results of these efforts will also be beneficial to wildlife~~
37 ~~and marine fisheries habitats."~~

38 **SECTION 14.8.(b)** G.S. 113A-252 reads as rewritten:

39 **"§ 113A-252. Definitions.**

40 The following definitions apply in this Article:

- 41 (1) Council. – The advisory council for the Clean Water Management Trust
42 Fund.
- 43 (2) ~~Economically distressed local government unit. — An economically~~
44 ~~distressed county, as defined in G.S. 143B-437.01, or a local government~~
45 ~~unit located in that county.~~
- 46 (3) Fund. – The Clean Water Management Trust Fund created pursuant to this
47 Article.
- 48 (4) Land. – Real property and any interest in, easement in, or restriction on real
49 property.
- 50 (4a) Local government unit. – Defined in G.S. 159G-20.
- 51 (4b) ~~Stormwater quality project. — Defined in G.S. 159G-20.~~

1 (5) Trustees. – The trustees of the Clean Water Management Trust Fund.

2 (6) ~~Wastewater collection system. – Defined in G.S. 159G-20.~~

3 (7) ~~Wastewater treatment works. – Defined in G.S. 159G-20."~~

4 **SECTION 14.8.(c)** G.S. 113A-254 reads as rewritten:

5 **"§ 113A-254. Grant requirements.**

6 (a) Eligible Applicants. – Any of the following are eligible to apply for a grant from the
7 Fund for the purpose of protecting and enhancing water quality:

8 (1) A State agency.

9 (2) A local government unit.

10 (3) A nonprofit corporation whose primary purpose is the conservation,
11 preservation, ~~and~~ or restoration of our State's ~~environmental and natural~~
12 cultural, environmental, or natural resources.

13 (a1) Criteria. – The criteria developed by the Trustees under G.S. 113A-256 apply to
14 grants made under this Article. ~~The common criteria for water projects set in G.S. 159G-23 and~~
15 ~~the criteria set out in this section also apply to wastewater collection system projects,~~
16 ~~wastewater treatment works projects, and stormwater quality projects. An application for a~~
17 ~~wastewater collection system project or a wastewater treatment works project that serves an~~
18 ~~economically distressed local government unit has priority.~~

19 ...

20 (d) ~~Wastewater Limits. – A wastewater collection system project or a wastewater~~
21 ~~treatment works project is eligible for a grant under this Article only if it is a high unit cost~~
22 ~~project, as defined in G.S. 159G-20. A planning grant or a technical assistance grant for a~~
23 ~~regional wastewater collection system or a regional wastewater treatment works is not subject~~
24 ~~to the high unit cost threshold. A grant made under this Article for a wastewater collection~~
25 ~~system project or a wastewater treatment works project is subject to the cost limits and~~
26 ~~recipient limits set in G.S. 159G-36 for a grant awarded from the Wastewater Reserve.~~

27 (e) ~~Stormwater Limits. – The amount of a grant awarded under this Article for a~~
28 ~~stormwater quality project may not exceed the construction costs of the project. The total~~
29 ~~amount of grants awarded under this Article to the same recipient for stormwater quality~~
30 ~~projects for a fiscal year may not exceed the limit set in G.S. 159G-36(e)(1) for grants to the~~
31 ~~same recipient from the Wastewater Reserve.~~

32"

33 **SECTION 14.8.(d)** G.S. 113A-255(b1) is amended by adding a new subdivision to
34 read:

35 "(b1) Qualifications. – The office of Trustee is declared to be an office that may be held
36 concurrently with any other executive or appointive office, under the authority of Article VI,
37 Section 9, of the North Carolina Constitution. When appointing members of the Authority, the
38 Governor, the President Pro Tempore of the Senate, and the Speaker of the House of
39 Representatives shall give consideration to adequate representation from the various regions of
40 the State and shall give consideration to the appointment of members who are knowledgeable
41 in any of the following areas:

42 ...

43 (5) Historic preservation."

44 **SECTION 14.8.(e)** G.S. 113A-256(b) reads as rewritten:

45 "(b) Develop Grant Criteria. – The Trustees shall develop criteria for awarding grants
46 under this Article. The criteria developed shall include consideration of the following:

47 ...

48 (2) The objectives of the various basinwide management plans for the State's
49 river basins and watersheds.

50"

51 **SECTION 14.8.(f)** G.S. 113A-259 reads as rewritten:

1 **"§ 113A-259. Clean Water Management Trust Fund: Advisory Council.**

2 There is established the Clean Water Management Trust Fund Advisory Council. The
3 Council shall advise the Trustees with regard to allocations made from the Fund, and other
4 issues as requested by the Trustees. The Council shall be composed of the following or its
5 designees:

- 6 (1) Commissioner of Agriculture.
7 (2) Chair of the Wildlife Resources Commission.
8 (3) Secretary of Environment and Natural Resources.
9 (4) Secretary of the Department of Commerce.
10 (5) Secretary of the Department of Cultural Resources."

11
12 **COMMERCIAL FISHING LICENSES**

13 **SECTION 14.9.(a)** G.S. 113-168.1(h) reads as rewritten:

14 "(h) Replacement Licenses and Endorsements. – The Division shall issue a replacement
15 license, including any endorsements, to a licensee for a license that has not been suspended or
16 revoked. A licensee may apply for a replacement license for a license that has been lost, stolen,
17 or destroyed and shall apply for a replacement license within 30 days of a change in the
18 licensee's name or address. A licensee may apply for a replacement license in person at any
19 office of the Division or by mail to the Morehead City office of the Division. A licensee may
20 use a copy of the application for a replacement license that has been filed with the Division as a
21 temporary license until the licensee receives the replacement license. The Commission may
22 establish a fee for each type of replacement license, not to exceed ~~twelve dollars and fifty cents~~
23 ~~(\$12.50),~~ ten dollars (\$10.00), that compensates the Division for the administrative costs
24 associated with issuing the replacement license."

25 **SECTION 14.9.(b)** G.S. 113-168.2(e) reads as rewritten:

26 "(e) Fees. – The annual SCFL fee for a resident of this State shall be ~~two hundred fifty~~
27 ~~dollars (\$250.00),~~ four hundred dollars (\$400.00). The annual SCFL fee for a person who is not
28 a resident of this State shall be the amount charged to a resident of this State in the
29 nonresident's state. In no event, however, may the fee be less than ~~two hundred fifty dollars~~
30 ~~(\$250.00),~~ four hundred dollars (\$400.00). For purposes of this subsection, a "resident of this
31 State" is a person who is a resident within the meaning of:

- 32 (1) Sub-subdivisions a. through d. of G.S. 113-130(4) and who filed a State
33 income tax return as a resident of North Carolina for the previous calendar
34 or tax year, or
35 (2) G.S. 113-130(4)e."

36 **SECTION 14.9.(c)** G.S. 113-168.3(b) reads as rewritten:

37 "(b) Eligibility; Fees. – Any individual who is 65 years of age or older and who is
38 eligible for a SCFL under G.S. 113-168.2 may apply for either a SCFL or RSCFL. An applicant
39 for a RSCFL shall provide proof of age at the time the application is made. The annual fee for a
40 RSCFL for a resident of this State shall be ~~one hundred twenty five dollars (\$125.00),~~ two
41 hundred dollars (\$200.00). The annual fee for a RSCFL for a person who is not a resident of
42 this State shall be ~~one hundred sixty two dollars and fifty cents (\$162.50),~~ two hundred dollars
43 (\$200.00). For purposes of this subsection, a "resident of this State" is a person who is a
44 resident within the meaning of:

- 45 (1) Sub-subdivisions a. through d. of G.S. 113-130(4) and who filed a State
46 income tax return as a resident of North Carolina for the previous calendar
47 or tax year, or
48 (2) G.S. 113-130(4)e."

49 **SECTION 14.9.(d)** G.S. 113-168.4(c) reads as rewritten:

50 "(c) A person who organizes a recreational fishing tournament may sell fish taken in
51 connection with the tournament pursuant to a recreational fishing tournament license to sell

1 fish. A person who organizes a recreational fishing tournament may obtain a recreational
2 fishing tournament license to sell fish upon application to the Division and payment of a fee of
3 ~~one hundred twenty five dollars (\$125.00)~~ one hundred dollars (\$100.00). It is unlawful for any
4 person licensed under this subsection to sell fish to any person other than a fish dealer licensed
5 under G.S. 113-169.3 unless the seller is also a licensed fish dealer. A recreational fishing
6 tournament is an organized fishing competition occurring within a specified time period not to
7 exceed one week and that is not a commercial fishing operation. Gross proceeds from the sale
8 of fish may be used only for charitable, religious, educational, civic, or conservation purposes
9 and shall not be used to pay tournament expenses."

10 **SECTION 14.9.(e)** G.S. 113-168.6(c) reads as rewritten:

11 "(c) The annual fee for a commercial fishing vessel registration shall be determined by
12 the length of the vessel and shall be in addition to the fee for other licenses issued under this
13 Article. The length of a vessel shall be determined by measuring the distance between the ends
14 of the vessel along the deck and through the cabin, excluding the sheer. The annual fee for a
15 commercial fishing vessel registration is:

- 16 (1) ~~One dollar and twenty five cents (\$1.25)~~ One dollar (\$1.00) per foot for a
17 vessel not over 18 feet in length.
18 (2) ~~One dollar and ninety cents (\$1.90)~~ One dollar and fifty cents (\$1.50) per
19 foot for a vessel over 18 feet but not over 38 feet in length.
20 (3) ~~Three dollars and seventy five cents (\$3.75)~~ Three dollars (\$3.00) per foot
21 for a vessel over 38 feet but not over 50 feet in length.
22 (4) ~~Seven dollars and fifty cents (\$7.50)~~ Six dollars (\$6.00) per foot for a vessel
23 over 50 feet in length."

24 **SECTION 14.9.(f)** G.S. 113-169.1 reads as rewritten:

25 **"§ 113-169.1. Permits for gear, equipment, and other specialized activities authorized.**

26 (a) The Commission may adopt rules to establish permits for gear, equipment, and
27 specialized activities, including commercial fishing operations that do not involve the use of a
28 vessel and transplanting oysters or clams. ~~The Commission may establish a fee for each permit
29 established pursuant to this subsection in an amount that compensates the Division for the
30 administrative costs associated with the permit but that does not exceed one hundred dollars
31 (\$100.00) per permit.~~

32 (b) The Commission may adopt rules to establish gear specific permits to take striped
33 bass from the Atlantic Ocean and to limit the number and type of these permits that may be
34 issued to a person. The Commission may establish a fee for each permit established pursuant to
35 this subsection in an amount that compensates the Division for the administrative costs
36 associated with the permit but that does not exceed ~~thirty dollars (\$30.00)~~ ten dollars (\$10.00)
37 per permit.

38 (c) To ensure an orderly transition from one permit year to the next, the Division may
39 issue a permit prior to July 1 of the permit year for which the permit is valid. Revenue that the
40 Division receives for the issuance of a permit prior to the beginning of a permit year shall not
41 revert at the end of the fiscal year in which the revenue is received and shall be credited and
42 available to the Division for the permit year in which the permit is valid."

43 **SECTION 14.9.(g)** G.S. 113-169.2(c) reads as rewritten:

44 "(c) Fees. – Shellfish licenses issued under this section shall be issued annually upon
45 payment of a fee of ~~thirty one dollars and twenty five cents (\$31.25)~~ fifty dollars (\$50.00) upon
46 proof that the license applicant is a North Carolina resident."

47 **SECTION 14.9.(h)** G.S. 113-169.3 reads as rewritten:

48 **"§ 113-169.3. Licenses for fish dealers.**

49 ...

1 (e) Application Fee for New Fish Dealers. – An applicant for a new fish dealer license
2 shall pay a nonrefundable application fee of ~~sixty-two dollars and fifty cents (\$62.50)~~one
3 hundred dollars (\$100.00) in addition to the license category fees set forth in this section.

4 (f) License Category Fees. – Every fish dealer subject to licensing requirements shall
5 secure an annual license at each established location for each of the following activities
6 transacted there, upon payment of the fee set out:

7 (1) Dealing in oysters: ~~\$62.50~~\$100.00.

8 (2) Dealing in scallops: ~~\$62.50~~\$100.00.

9 (3) Dealing in clams: ~~\$62.50~~\$100.00.

10 (4) Dealing in hard or soft crabs: ~~\$62.50~~\$100.00.

11 (5) Dealing in shrimp, including bait: ~~\$62.50~~\$100.00.

12 (6) Dealing in finfish, including bait: ~~\$62.50~~\$100.00.

13 (7) Operating menhaden or other fish-dehydrating or oil-extracting processing
14 plants: ~~\$62.50~~\$100.00.

15 (8) Consolidated license (all categories): ~~\$375.00~~\$600.00.

16"

17 **SECTION 14.9.(i)** G.S. 113-169.5(b) reads as rewritten:

18 "(b) The fee for a land or sell license for a vessel not having its primary situs in North
19 Carolina is ~~two hundred fifty dollars (\$250.00)~~four hundred dollars (\$400.00), or an amount
20 equal to the nonresident fee charged by the nonresident's state, whichever is greater. Persons
21 aboard vessels having a primary situs in a jurisdiction that would allow North Carolina vessels
22 without restriction to land or sell their catch, taken outside the jurisdiction, may land or sell
23 their catch in the State without complying with this section if the persons are in possession of a
24 valid license from their state of residence."

25 **SECTION 14.9.(j)** G.S. 113-171.1(b) reads as rewritten:

26 "(b) License. – Before an aircraft is used as a spotter plane in a commercial fishing
27 operation, the owner or operator of the aircraft must obtain a license for the aircraft from the
28 Division. The fee for a license for a spotter plane is ~~one hundred twenty five dollars~~
29 ~~(\$125.00)~~one hundred dollars (\$100.00). An applicant for a license for a spotter plane shall
30 include in the application the identity, either by boat or by company, of the specific commercial
31 fishing operations in which the spotter plane will be used during the license year. If, during the
32 course of the license year, the aircraft is used as a spotter plane in a commercial fishing
33 operation that is not identified in the original license application, the owner or operator of the
34 aircraft shall amend the license application to add the identity of the additional commercial
35 fishing operation."

36 **SECTION 14.9.(k)** G.S. 113-173(f) reads as rewritten:

37 "(f) Duration; Fees. – The RCGL shall be valid for a one-year period from the date of
38 purchase. The fee for a RCGL for a North Carolina resident shall be ~~forty three dollars and~~
39 ~~seventy five cents (\$43.75)~~seventy dollars (\$70.00). The fee for a RCGL for an individual who
40 is not a North Carolina resident shall be three hundred twelve dollars and fifty cents (\$312.50)."

41 **SECTION 14.9.(l)** G.S. 113-203 reads as rewritten:

42 **"§ 113-203. Transplanting of oysters and clams.**

43 ...

44 (f) ~~The Commission may establish a fee for each permit established pursuant to this~~
45 ~~subsection in an amount that compensates the Division for the administrative costs associated~~
46 ~~with the permit but that does not exceed one hundred dollars (\$100.00) per permit.~~

47 (g) Advance Sale of Permits; Permit Revenue. – To ensure an orderly transition from
48 one permit year to the next, the Division may issue a permit prior to July 1 of the permit year
49 for which the permit is valid. Revenue that the Division receives for the issuance of a permit
50 prior to the beginning of a permit year shall not revert at the end of the fiscal year in which the

1 revenue is received and shall be credited and available to the Division for the permit year in
2 which the permit is valid."

3 **SECTION 14.9.(m)** G.S. 113-210 reads as rewritten:

4 **"§ 113-210. Under Dock Oyster Culture.**

5 ...

6 (4) ~~Fees.—Under Dock Oyster Culture Permit shall be issued annually upon payment of~~
7 ~~a fee of one hundred dollars (\$100.00).~~

8 (m) Advance Sale of Permits; Permit Revenue. – To ensure an orderly transition from
9 one permit year to the next, the Division may issue a permit prior to July 1 of the permit year
10 for which the permit is valid. Revenue that the Division receives for the issuance of a permit
11 prior to the beginning of a permit year shall not revert at the end of the fiscal year in which the
12 revenue is received and shall be credited and available to the Division for the permit year in
13 which the permit is valid."

14 **SECTION 14.9.(n)** G.S. 113-221.2 reads as rewritten:

15 **"§ 113-221.2. Additional rules to establish sanitation requirements for scallops, shellfish,**
16 **and crustacea; permits and permit fees authorized.**

17 (a) Authority to Adopt Certain Rules and Establish Permits. – For the protection of the
18 public health, the Marine Fisheries Commission shall adopt rules establishing sanitation
19 requirements for the harvesting, processing and handling of scallops, shellfish, and crustacea of
20 in-State origin. The rules of the Marine Fisheries Commission may also regulate scallops,
21 shellfish, and crustacea shipped into North Carolina. The Department is authorized to enforce
22 the rules and may issue and revoke permits according to the rules. ~~The Department is~~
23 ~~authorized to establish a fee for each permit not to exceed one hundred dollars (\$100.00).~~

24 (b) Advance Sale of Permits; Permit Revenue. – To ensure an orderly transition from
25 one permit year to the next, the Division may issue a permit prior to July 1 of the permit year
26 for which the permit is valid. Revenue that the Division receives for the issuance of a permit
27 prior to the beginning of a permit year shall not revert at the end of the fiscal year in which the
28 revenue is received and shall be credited and available to the Division for the permit year in
29 which the permit is valid."

30 **SECTION 14.9.(o)** G.S. 143B-289.52(d1) reads as rewritten:

31 "(d1) The Commission may regulate participation in a fishery that is subject to a federal
32 fishery management plan if that plan imposes a quota on the State for the harvest or landing of
33 fish in the fishery. The Commission may use any additional criteria aside from holding a
34 Standard Commercial Fishing License to develop limited-entry fisheries. ~~The Commission may~~
35 ~~establish a fee for each license established pursuant to this subsection in an amount that does~~
36 ~~not exceed five hundred dollars (\$500.00)."~~

37 **SECTION 14.9.(p)** Article 14A of Chapter 113 of the General Statutes is amended
38 by adding a new section to read:

39 **"§ 113-173.1. North Carolina Commercial Fishing Resource Fund.**

40 (a) There is hereby established the North Carolina Commercial Fishing Resources Fund
41 as a nonreverting special revenue fund in the office of the State Treasurer. The purpose of the
42 Fund is to provide funding for the development of sustainable commercial fishing in the State.
43 The principal of the Fund shall consist of all of the following:

- 44 (1) Two hundred dollars (\$200.00) from each Standard Commercial Fishing
45 License issued pursuant to G.S. 113-168.2.
46 (2) One hundred dollars (\$100.00) from each Retired Standard Commercial
47 Fishing License issued pursuant to G.S. 113-168.3.
48 (3) Twenty-five dollars (\$25.00) from each shellfish license issued pursuant to
49 G.S. 113-169.2
50 (4) Fifty dollars (\$50.00) from each fish dealer license issued pursuant to
51 G.S. 113-169.3.

1 (5) Two hundred dollars (\$200.00) from each land or sell license issued
2 pursuant to G.S. 113-169.5.

3 (6) Thirty-five dollars (\$35.00) from each Recreational Commercial Gear
4 License issued pursuant to G.S. 113-173.

5 (b) The State Treasurer shall hold the North Carolina Commercial Fishing Resources
6 Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer shall
7 invest the assets of the Fund in accordance with the provisions of G.S. 147-69.2, except that
8 interest and other income received on the fund balance shall be treated as set forth in G.S. 147-
9 69.1(d). The State Treasurer shall disburse the principal of the Fund only upon the written
10 direction of both the Marine Fisheries Commission and the Board of Directors of the North
11 Carolina Commercial Fishing Resource Fund established by subsection (c) of this section. The
12 Marine Fisheries Commission and the Board of Directors of the North Carolina Commercial
13 Fishing Resource Fund may authorize the disbursement of the principal of the North Carolina
14 Commercial Fishing Resource Fund only for projects to develop sustainable commercial
15 fishing in the State or to provide funding for North Carolina's incidental take permits for the
16 commercial fishing industry under the federal Endangered Species Act of 1973 (Public Law
17 93-205) or the federal Marine Mammal Protection Act of 1972 (Public Law 92-522). The
18 Marine Fisheries Commission and the Board of Directors of the North Carolina Commercial
19 Fishing Resource Fund shall authorize disbursements to fully fund North Carolina's incidental
20 take permits for the commercial fishing industry under the federal Endangered Species Act of
21 1973 (Public Law 93-205) or the federal Marine Mammal Protection Act of 1972 (Public Law
22 92-522) prior to authorizing disbursements for any other purpose.

23 (c) A Board of Directors of the North Carolina Commercial Fishing Resource Fund is
24 established and shall consist of six members. Each of the following commercial fishing
25 organizations shall appoint one member of the Board:

26 (1) North Carolina Fisheries Association, Inc..

27 (2) North Carolina Watermen United, Inc.

28 (3) Ocracoke Working Watermen's Association.

29 (4) Albemarle Fishermen's Association.

30 (5) Carteret County Fishermen's Association.

31 (6) Brunswick County Fishermen's Association."

32 **SECTION 14.9.(q)** This section is effective when it becomes law and applies to
33 fees collected on or after July 1, 2014.

34 35 **ADVANCED SALE OF LICENSES**

36 **SECTION 14.10.** G.S. 113-168.1 reads as rewritten:

37 **"§ 113-168.1. General provisions governing licenses and endorsements.**

38 ...

39 (j) Advance Sale of Licenses, License Revenue. – To ensure an orderly transition from
40 one license year to the next, the Division may issue a license or endorsement prior to 1 July of
41 the license year for which the license or endorsement is valid. Revenue that the Division
42 receives for the issuance of a license or endorsement prior to the beginning of a license year
43 shall not revert at the end of the fiscal year in which the revenue is received and shall be
44 credited and available to the Division only for the license year in which the license or
45 endorsement is valid. Any license revenue carried forward from one fiscal year to the next
46 under this subsection that remains unencumbered and unexpended at the end of the fiscal year
47 in which the license or endorsement is valid shall revert to the General Fund."

48 49 **NO JOINT ENFORCEMENT AGREEMENTS**

50 **SECTION 14.11.** G.S. 113-224 reads as rewritten:

51 **"§ 113-224. Cooperative agreements by Department.**

1 (a) ~~The~~ Except as otherwise provided in this section, the Department is empowered to
2 enter into cooperative agreements with public and private agencies and individuals respecting
3 the matters governed in this Subchapter. Pursuant to such agreements the Department may
4 expend funds, assign employees to additional duties within or without the State, assume
5 additional responsibilities, and take other actions that may be required by virtue of such
6 agreements, in the overall best interests of the conservation of marine and estuarine resources.

7 (b) The Department may not enter into a joint enforcement agreement with the National
8 Marine Fisheries Service."

10 **STUDY COMMERCIAL SHELLFISH LEASING**

11 **SECTION 14.12.** The Joint Legislative Program Evaluation Oversight Committee
12 shall consider including in the 2015 Work Plan for the Program Evaluation Division of the
13 General Assembly a study of North Carolina's shellfish lease and franchise program, including
14 (i) the regulatory, statutory, and other obstacles faced by the private mariculture industry in
15 establishing or expanding shellfish cultivation operations, (ii) a summary of shellfish leasing
16 and franchising programs in other states and a comparison of the private mariculture industry in
17 North Carolina compared to other states; and (iii) recommendations for best practices to
18 achieve greater opportunities for North Carolina's mariculture industry and greater program
19 efficiencies and outcomes.

21 **PERMIT ELECTRONIC TRANSMISSION OF RULES**

22 **SECTION 14.13.** G.S. 113-221 reads as rewritten:

23 **"§ 113-221. Rules.**

24 ...

25 (b) Upon purchasing a license, each licensee shall be ~~given~~ provided access to a copy of
26 the rules concerning the activities authorized by the license. The copy may be in written or
27 electronic form, including by file download over the Internet. A written copy of the rules shall
28 be provided to a licensee upon request.

29 (c) The Fisheries Director shall notify licensees of a new rule or change to a rule by
30 sending each licensee either a newsletter containing the text of the rule or change or an updated
31 codification of the rules of the Marine Fisheries Commission that contains the new rule or
32 change. The Director may elect to use electronic means rather than mail to notify licensees if
33 electronic means would be more timely and cost-effective. A written copy of any notification
34 produced in accordance with this section shall be provided to a licensee upon request.

35 "

37 **SHALE GAS FUNDS**

38 **SECTION 14.14.(a)** The funds appropriated by this act to the Department of
39 Environment and Natural Resources for shale gas development shall be used for the following
40 purposes:

- 41 (1) One hundred thousand dollars (\$100,000) shall be allocated to the State
42 Energy Office to work jointly with the Department of Commerce to develop
43 marketing materials for parties with an interest in energy exploration,
44 production and development in the State, and for travel and other
45 expenditures by State employees related to the marketing and promotion of
46 the State's shale gas resources. The marketing materials shall include
47 information on energy potential, economic, regulatory, and business climate,
48 locations of natural gas pipelines, transportation infrastructure, and any other
49 pertinent information related to the energy development potential of the
50 State.

- 1 (2) Fifty thousand dollars (\$50,000) shall be used for the digitization, analysis,
2 or reanalysis of geological data related to shale gas exploration or
3 development opportunities.
- 4 (3) Fifty thousand dollars (\$50,000) shall be used for chemical analysis of
5 existing natural gas wells in the State's shale basins, including testing for the
6 presence of helium.
- 7 (4) Nine hundred seventy-three thousand three hundred twenty-four dollars
8 (\$973,324) shall be used to hire a consultant to develop, manage, and
9 execute a comprehensive geological and geophysical analysis, including
10 stratigraphic test wells, of shale gas potential of the following shale basins in
11 priority order from highest to lowest:
- 12 a. The Dan River Basin.
 - 13 b. The Davie Basin.
 - 14 c. The Cumberland-Marlboro Basin.
 - 15 d. Those portions of the Deep River Basin located in Anson,
16 Montgomery, and Richmond counties.

17 The Department may issue a request for information to potential contractors
18 for the analysis required by this subdivision, but any contract for the analysis
19 shall not be subject to Article 3 or Article 8 of Chapter 143 of the General
20 Statutes.

21 **SECTION 14.14.(b)** Notwithstanding any other provision of law, stratigraphic
22 testing funded under subdivision (4) of this section shall be allowed on any State-owned land
23 within the priority basins identified by subdivision (4) of this section at the discretion of the
24 Secretary of the Department of Environment and Natural Resources upon a finding by the
25 Secretary that the testing is needed for proper geologic characterization of the shale gas
26 potential of the basin.

27 **CDBG INFRASTRUCTURE ELIGIBLE ACTIVITIES CLARIFICATION**

28 **SECTION 14.15.** Section 15.14(g) of S.L. 2013-360, as amended by Section
29 5.16(c) of S.L. 2013-363, reads as rewritten:

30 "**SECTION 15.14.(g)** For purposes of this section, eligible activities under the category of
31 Infrastructure in subsection (a) of this section are limited to critical public water and
32 wastewater ~~projects—projects and associated connections to the new lines located on private~~
33 property of eligible homeowners, consistent with federal law. Notwithstanding any State law or
34 rule, eligible activities as defined in this subsection are limited only by applicable HUD
35 regulations and federal law. Notwithstanding the provisions of subsection (e) of this section,
36 funds allocated to the Infrastructure category in subsection (a) of this section shall not be
37 reallocated to any other category."
38

39 **WATER INFRASTRUCTURE GRANT PRIORITY**

40 **SECTION 14.16.** The Department of Environment and Natural Resources,
41 Division of Water Infrastructure, and the State Water Infrastructure Authority shall give
42 priority to loan and grant applications received from any local government meeting the
43 following criteria:
44

- 45 (1) The local government is located in a Tier I county.
- 46 (2) The application seeks funding for a project that is required to be completed
47 due to an EPA administrative order.
- 48 (3) The application is deemed complete by the Division and meets the minimum
49 requirements for the program from which it is seeking funding.

50 **WATER INFRASTRUCTURE**

1 Unless a different meaning is required by the context, the following definitions shall apply
2 throughout this Article:

- 3 (1) ~~"Department" means the Department of Environment and Natural~~
4 ~~Resources.Commission. – The Wildlife Resources Commission.~~
5 (2) ~~"Secretary" means the Secretary of Environment and Natural Resources or~~
6 ~~his Director. – The Executive Director of the Wildlife Resources~~
7 ~~Commission or the Director's designee.~~
8 (3) ~~"Noxious aquatic weed" means any Noxious aquatic weed. – Any plant~~
9 ~~organism so designated under this Article.~~
10 (4) ~~"Waters of the State" means any Waters of the State. – Any surface body or~~
11 ~~accumulation of water, whether publicly or privately owned and whether~~
12 ~~naturally occurring or artificially created, which is contained within, flows~~
13 ~~through, or borders upon any part of this State.~~

14 **"§ 113-300.12 Designation of noxious aquatic weeds.**

15 (a) The ~~Secretary,Director,~~ after consultation with the Director of the North Carolina
16 Agricultural Extension Service, the ~~Wildlife Resources Commission,Department of~~
17 ~~Environment and Natural Resources,~~ and the Marine Fisheries Commission, and with the
18 concurrence of the Commissioner of Agriculture, may designate as a noxious aquatic weed any
19 plant organism which:

- 20 (1) Grows in or is closely associated with the aquatic environment, whether
21 floating, emersed, submersed, or ditch-bank species, and including terrestrial
22 phases of any such plant organism;
23 (2) Exhibits characteristics of obstructive nature and either massive productivity
24 or choking density; and
25 (3) Is or may become a threat to public health or safety or to existing or new
26 beneficial uses of the waters of the State.

27 (b) A plant organism may be designated as being a noxious aquatic weed either
28 throughout the State or within specified areas within the State.

29 (c) The ~~Secretary-Director~~ shall designate a plant organism as a noxious aquatic weed
30 by rules adopted pursuant to Chapter 150B of the General Statutes.

31 (d) The ~~Secretary-Director~~ may modify or withdraw any designation of a plant
32 organism as a noxious aquatic weed made previously under this section. Any modification or
33 withdrawal of such designation shall be made following the procedures for designation set out
34 in this section.

35 **"§ 113-300.13 Powers and duties of the ~~Secretary-Director.~~**

36 (a) The ~~Secretary-Director~~ shall direct the control, eradication, and regulation of
37 noxious aquatic weeds so as to protect and preserve human health, safety, and the beneficial
38 uses of the waters of the State and to prevent injury to property and beneficial plant and animal
39 life. The ~~Secretary-Director~~ shall have the power to:

- 40 (1) Conduct research and planning related to the control of noxious aquatic
41 weeds;
42 (2) Coordinate activities of all public bodies, authorities, agencies, and units of
43 local government in the control and eradication of noxious aquatic weeds;
44 (3) Delegate to any public body, authority, agency, or unit of local government
45 any power or duty under this Article, except that the ~~Secretary-Director~~ may
46 not delegate the designation of noxious aquatic weeds;
47 (4) Accept donations, grants, and services from both public and private sources;
48 (5) Enter into contracts or agreements, including cost-sharing agreements, with
49 public or private agencies for research and development of methods of
50 control of noxious aquatic weeds or for the performance of noxious aquatic
51 weed control activities;

- 1 (6) Construct, acquire, operate, and maintain facilities and equipment necessary
2 for the control of noxious aquatic weeds; and
3 (7) Enter upon private property for purposes of conducting investigations and
4 engaging in aquatic weed control activities.

5 (b) The ~~Secretary-Director~~ may control, remove, or destroy any noxious aquatic weed
6 located in the waters of the State or in areas adjacent to such waters wherever such weeds
7 threaten to invade such waters. The ~~Secretary-Director~~ may employ any appropriate control
8 technology which is consistent with federal and State law, regulations, and rules. Control
9 technologies may include, but are not limited to drawdown of waters, application of chemicals
10 to shoreline and surface waters, mechanical controls, physical removal from transport
11 mechanisms, quarantine of transport mechanisms, and biological controls. Any biological
12 control technology may be implemented only after the environmental review provisions of the
13 State Environmental Policy Act have been satisfied.

14 (c) In determining the appropriate strategies and technologies, the ~~Secretary-Director~~
15 shall consider their relative short-term and long-term cost-efficiency and effectiveness,
16 consistent with a margin of safety adequate to protect public health and the resources of the
17 State.

18 (d) All activities carried out by the ~~Secretary-Director~~, his designees, and others
19 authorized to perform any function under this Article shall be consistent with all applicable
20 federal and State law, regulations, and rules.

21 **"§ 113-300.14 Powers of the Commissioner of Agriculture.**

22 (a) The Commissioner of Agriculture may regulate the importation, sale, use, culture,
23 collection, transportation, and distribution of a noxious aquatic weed as a plant pest under
24 Article 36 of Chapter 106 of the General Statutes.

25 (b) This Article shall not be construed to limit any power of the Commissioner of
26 Agriculture, the Department of Agriculture and Consumer Services, or the Board of Agriculture
27 under any other provision of law.

28 **"§ 113-300.15 Responsibilities of other State agencies.**

29 All State agencies shall cooperate with the ~~Secretary-Director~~ to assist in the
30 implementation of this Article.

31 **"§ 113-300.16 Enforcement.**

32 (a) Any person who violates this Article or any rule adopted pursuant to this Article
33 shall be guilty of a Class 2 misdemeanor for each offense.

34 (b) Whenever there exists reasonable cause to believe that any person has violated this
35 Article or rules adopted pursuant to this Article, the ~~Secretary-Director~~ may request the
36 Attorney General to institute a civil action for injunctive relief to restrain the violation. The
37 Attorney General may institute such action in the name of the State upon relation of the
38 ~~Department-Commission~~ in the superior court of the county in which the violation occurred.
39 Upon a determination by the court that the alleged violation of the provisions of this Article or
40 of rules adopted pursuant to this Article has occurred or is threatened, the court shall grant the
41 relief necessary to prevent or abate the violation or threatened violation. Neither the institution
42 of the action, nor any of the proceedings thereon shall relieve any party to such proceedings
43 from any penalty otherwise prescribed for violations of this Article.

44 **"§ 113-300.17 Adoption of rules.**

45 The ~~Secretary-Director~~ may adopt rules necessary to implement the provisions of this
46 Article pursuant to Chapter 150B of the General Statutes."

47 **SECTION 14.19.(d)** G.S. 106-421.1 reads as rewritten:

48 **"§ 106-421.1. Authority of Board of Agriculture to regulate plants.**

49 The Board of Agriculture shall have the sole authority to prohibit the planting, cultivation,
50 harvesting, disposal, handling, or movement of plants as defined in G.S. 106-202.12. This
51 section shall not prevent the designation of plants as noxious aquatic weeds pursuant to ~~Article~~

1 ~~15 of Chapter 113A~~ Article 22C of Chapter 113 of the General Statutes, nor shall it prevent the
2 adoption or enforcement of city or county ordinances regulating the appearance of property or
3 the handling and collection of solid waste."

4 **SECTION 14.19.(e)** G.S. 153A-301(e) reads as rewritten:

5 "(e) The board of commissioners of a county that adjoins or contains a lake, river, or
6 tributary of a river or lake that has an identified noxious aquatic weed problem may define any
7 number of noxious aquatic weed control service districts composed of property that is
8 contiguous to the water or that provides direct access to the water through a shared, certified
9 access site to the water. As used in this subsection, the term "noxious aquatic weed" is any
10 plant organism identified by the ~~Secretary of Environment and Natural Resources under~~
11 ~~G.S. 113A-222~~ Executive Director of the Wildlife Resources Commission under
12 G.S. 113-300.12 or regulated as a plant pest by the Commissioner of Agriculture under Article
13 36 of Chapter 106 of the General Statutes."

14 **SECTION 14.19.(f)** The Revisor of Statutes may conform names and titles
15 changed by this section, and may correct statutory references as required by this section,
16 throughout the General Statutes. In making the changes authorized by this section, the Revisor
17 may also adjust subject and verb agreement and the placement of conjunctions.

18 **SECTION 14.19.(g)** Under the authority granted by G.S. 113-300.17, as recodified
19 by subsection (c) of this section, the Executive Director of the Wildlife Resources Commission
20 may adopt rules necessary to implement the provisions relative to boat washing for aquatic
21 weed prevention measures, including rules relating to monitoring and enforcement.

22 **SECTION 14.19.(h)** The transfer under this section becomes effective July 1,
23 2014.

24 **SECTION 14.19.(i)** G.S. 143-215.73F reads as rewritten:

25 "**§ 143-215.73F. Shallow Draft Navigation Channel Dredging and Lake Dredging**
26 **Maintenance Fund.**

27 The Shallow Draft Navigation Channel Dredging and Lake ~~Dredging~~ Maintenance Fund is
28 established as a special revenue fund. The Fund consists of fees credited to it under G.S. 75A-3,
29 75A-38, and 105-449.126. Revenue in the Fund may only be used to provide the State's share
30 of the costs associated with any dredging project designed to keep shallow draft navigation
31 channels located in State waters or waters of the state located within lakes navigable and
32 ~~safe-safe~~, or for aquatic weed control projects in waters of the State located within lakes under
33 Article 22C of Chapter 113 of the General Statutes. Funding for aquatic weed control projects
34 is limited to five hundred thousand dollars (\$500,000) in each fiscal year and will be provided
35 to the Wildlife Resources Commission on a reimbursement basis. Any project funded by
36 revenue from the Fund must be cost-shared with non-State dollars on a one-to-one basis. For
37 purposes of this section, "shallow draft navigation channel" means (i) a waterway connection
38 with a maximum depth of 16 feet between the Atlantic Ocean and a bay or the Atlantic
39 Intracoastal Waterway, (ii) a river entrance to the Atlantic Ocean through which tidal and other
40 currents flow, or (iii) other interior coastal waterways. "Shallow draft navigation channel"
41 includes the Atlantic Intracoastal Waterway and its side channels, Beaufort Harbor, Bogue
42 Inlet, Carolina Beach Inlet, the channel from Back Sound to Lookout Back, channels connected
43 to federal navigation channels, Lockwoods Folly River, Manteo/Shallowbag Bay, including
44 Oregon Inlet, Masonboro Inlet, New River, New Topsail Inlet, Rodanthe, Rollinson, Shallotte
45 River, Silver Lake Harbor, and the waterway connecting Pamlico Sound and Beaufort Harbor."
46

47 **COAL ASH MANAGEMENT**

48 **SECTION 14.20.(a)** If S.B. 729, 2013 Regular Session, or substantially similar
49 legislation regulating coal ash does not become law, funds in the amount of one million seven
50 hundred fifty thousand dollars (\$1,750,000) appropriated in this act to the Department of
51 Environment and Natural Resources for coal ash management shall revert to the General Fund.

1 **SECTION 14.20.(b)** If S.B. 729, 2013 Regular Session, becomes law, of the funds
2 appropriated in this Act to the Department of Environment and Natural Resources for coal ash
3 management, the Department may use up to five hundred ninety-six thousand dollars
4 (\$596,000) in lapsed salary and operating funds in fiscal year 2014-2015 to purchase scientific
5 equipment and two new vehicles to support the ongoing surveys and regulatory activities
6 related to coal ash management activities in the State.

7
8 **REDIRECT INTEREST ON CERTAIN ENVIRONMENTAL FUNDS**

9 **SECTION 14.21.(a)** G.S. 143B-289.59 reads as rewritten:

10 **"§ 143B-289.59. Conservation Fund; Commission may accept gifts.**

11 ...

12 (b) The Marine Fisheries Commission is hereby authorized to issue and sell appropriate
13 emblems by which to identify recipients thereof as contributors to a special marine and
14 estuarine resources Conservation Fund that shall be made available to the Marine Fisheries
15 Commission for conservation, protection, enhancement, preservation, and perpetuation of
16 marine and estuarine species that may be endangered or threatened with extinction and for
17 education about these issues. The special Conservation Fund is subject to oversight of the State
18 Auditor pursuant to Article 5A of Chapter 147 of the General Statutes. ~~Statutes, except that~~
19 interest and other income received on the Fund balance shall be treated as set forth in
20 G.S. 147-69.1(d). Emblems of different sizes, shapes, types, or designs may be used to
21 recognize contributions in different amounts, but no emblem shall be issued for a contribution
22 amounting in value to less than five dollars (\$5.00)."

23 **SECTION 14.21.(b)** G.S. 143-214.12(a) reads as rewritten:

24 (a) Ecosystem Restoration Fund. – The Ecosystem Restoration Fund is established as a
25 nonreverting fund within the Department. The Fund shall be treated as a special trust fund ~~and~~
26 ~~shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and~~
27 ~~G.S. 147-69.3.~~ G.S. 147-69.2, except that interest and other income received on the Fund
28 balance shall be treated as set forth in G.S. 147-69.1(d). The Ecosystem Restoration Fund shall
29 provide a repository for monetary contributions and donations or dedications of interests in real
30 property to promote projects for the restoration, enhancement, preservation, or creation of
31 wetlands and riparian areas and for payments made in lieu of compensatory mitigation as
32 described in subsection (b) of this section. No funds shall be expended from this Fund for any
33 purpose other than those directly contributing to the acquisition, perpetual maintenance,
34 enhancement, restoration, or creation of wetlands and riparian areas in accordance with the
35 basinwide plan as described in G.S. 143-214.10. The cost of acquisition includes a payment in
36 lieu of ad valorem taxes required under G.S. 146-22.3 when the Department is the State agency
37 making the acquisition."

38 **SECTION 14.21.(c)** G.S. 113A-253 reads as rewritten:

39 **"§ 113A-253. Clean Water Management Trust Fund.**

40 ...

41 (b) Fund Earnings, Assets, and Balances. – The State Treasurer shall hold the Fund
42 separate and apart from all other moneys, funds, and accounts. ~~Investment earnings credited to~~
43 ~~the assets of the Fund shall become part of the Fund.~~ Any balance remaining in the Fund at the
44 end of any fiscal year shall be carried forward in the Fund for the next succeeding fiscal year.
45 Payments from the Fund shall be made on the warrant of the Chair of the Board of Trustees.

46"

47 **SECTION 14.21.(d)** G.S. 143-215.104C reads as rewritten:

48 **"§ 143-215.104C. Dry-Cleaning Solvent Cleanup Fund.**

49 (a) Creation. – The Dry-Cleaning Solvent Cleanup Fund is established as a special
50 revenue fund to be administered by the Commission. Accordingly, revenue in the Fund at the
51 end of a fiscal year does not ~~revert and interest and other investment income earned by the~~

1 ~~Fund must be credited to it.~~ revert. The Fund is created to provide revenue to implement this
2 Part.

3"

4 **SECTION 14.21.(e)** G.S. 113-44.15 reads as rewritten:

5 **"§ 113-44.15. Parks and Recreation Trust Fund.**

6 (a) Fund Created. – There is established a Parks and Recreation Trust Fund in the State
7 Treasurer's Office. The Trust Fund shall be a special revenue fund consisting of gifts and grants
8 to the Trust Fund and other monies appropriated to the Trust Fund by the General Assembly.
9 ~~Investment earnings credited to the assets of the Fund shall become part of the Fund.~~

10"

11 **SECTION 14.21.(f)** G.S. 87-98 reads as rewritten:

12 **"§ 87-98. Bernard Allen Memorial Emergency Drinking Water Fund.**

13 (a) The Bernard Allen Memorial Emergency Drinking Water Fund is established under
14 the control and direction of the Department. The Fund shall be a ~~nonreverting,~~
15 ~~interest-bearing~~ nonreverting fund consisting of monies appropriated by the General Assembly
16 or made available to the Fund from any other source ~~and investment interest credited to the~~
17 ~~Fund source.~~

18"

19 **SECTION 14.21.(g)** G.S. 113-175.1(b) reads as rewritten:

20 **"§ 113-175.1. North Carolina Marine Resources Fund.**

21 ...

22 (b) The State Treasurer shall hold the Marine Resources Fund separate and apart from
23 all other moneys, funds, and accounts. The State Treasurer shall invest the assets of the Marine
24 Resources Fund in accordance with the provisions of G.S. 147-69.2 and ~~G.S. 147-69.3, and all~~
25 ~~marine resources investment income shall be deposited to the credit of the Marine Resources~~
26 ~~Fund. G.S. 147-69.3, except that interest and other income received on the Fund balance shall~~
27 be treated as set forth in G.S. 147-69.1(d). The State Treasurer shall disburse the principal of
28 the Marine Resources Fund and marine resources investment income only upon the written
29 direction of the Marine Fisheries Commission.

30"

31 **SECTION 14.21.(h)** G.S. 90A-42 reads as rewritten:

32 **"§ 90A-42. Fees.**

33 ...

34 (b) The Water Pollution Control System Account is established as a nonreverting
35 account within the Department. Fees collected under this section shall be credited to the
36 Account and applied to the costs of administering this Article. Interest and other income
37 received on the Fund balance shall be treated as set forth in G.S. 147-69.1(d)."

38 **SECTION 14.21.(i)** G.S. 143-215.94B reads as rewritten:

39 **"§ 143-215.94B. Commercial Leaking Petroleum Underground Storage Tank Cleanup**
40 **Fund.**

41 ...

42 (e) The Commercial Fund shall be treated as a special trust fund ~~and shall be credited~~
43 ~~with interest by the State Treasurer~~ pursuant to G.S. 147-69.2 and ~~G.S. 147-69.3. G.S. 147-69.3,~~
44 except that interest and other income received on the Fund balance shall be treated as set forth
45 in G.S. 147-69.1(d).

46"

47 **SECTION 14.21.(j)** G.S. 143-215.94D reads as rewritten:

48 **"§ 143-215.94D. Noncommercial Leaking Petroleum Underground Storage Tank**
49 **Cleanup Fund.**

50 ...

1 (e) The Noncommercial Fund shall be treated as a special trust fund ~~and shall be~~
2 ~~credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.~~
3 G.S. 147-69.3, except that interest and other income received on the Fund balance shall be
4 treated as set forth in G.S. 147-69.1(d).

5"

6 **SECTION 14.21.(k)** G.S. 130A-310.11 reads as rewritten:

7 "**§ 130A-310.11. Inactive Hazardous Sites Cleanup Fund created.**

8 (a) There is established under the control and direction of the Department the Inactive
9 Hazardous Sites Cleanup Fund. This fund shall be a revolving fund consisting of any monies
10 appropriated for such purpose by the General Assembly or available to it from grants, taxes,
11 and other monies paid to it or recovered by or on behalf of the Department. The Inactive
12 Hazardous Sites Cleanup Fund shall be treated as a nonreverting special trust fund ~~and shall be~~
13 ~~credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.~~
14 G.S. 147-69.3, except that interest and other income received on the Fund balance shall be
15 treated as set forth in G.S. 147-69.1(d).

16"

17 **SECTION 14.21.(l)** G.S. 130A-310.38 reads as rewritten:

18 "**§ 130A-310.38. Brownfields Property Reuse Act Implementation Account.**

19 The Brownfields Property Reuse Act Implementation Account is created as a nonreverting
20 ~~interest-bearing~~ account in the Office of the State Treasurer. The Account shall consist of fees
21 and interest collected under G.S. 130A-310.39, moneys appropriated to it by the General
22 Assembly, moneys received from the federal government, moneys contributed by private
23 organizations, and moneys received from any other source. Funds in the Account shall be used
24 by the Department to defray the costs of implementing this Part. The Department may contract
25 with a private entity for any services necessary to implement this Part."

26 I & M AIR POLLUTION CONTROL ACCOUNT

27 **SECTION 14.22.** The Division of Air Quality of the Department of Environment
28 and Natural Resources shall use the cash balance remaining in the I & M Air Pollution Control
29 Account for operations in the 2014-2015 fiscal year related to the development and
30 implementation of air pollution control programs for mobile sources.

31 WATER AND AIR QUALITY ACCOUNT

32 **SECTION 14.23.** The Division of Air Quality of the Department of Environment
33 and Natural Resources shall use the cash balance remaining in the Water and Air Quality
34 Account to administer its programs in fiscal year 2014-2015.

35 SOLID WASTE DISPOSAL TAX USES

36 **SECTION 14.24.(a)** G.S. 130A-295.9 reads as rewritten:

37 "**§ 130A-295.9. Solid waste disposal tax; use of proceeds.**

38 It is the intent that the proceeds of the solid waste disposal tax imposed by Article 5G of
39 Chapter 105 of the General Statutes shall be used only for the following purposes:

- 40 (1) Funds credited pursuant to G.S. 105-187.63(1) to the Inactive Hazardous
41 Sites Cleanup Fund shall be used by the Department of Environment and
42 Natural Resources to fund the assessment and remediation of pre-1983
43 landfills, except up to ~~thirteen percent (13%)~~ twenty-five percent (25%) of
44 the funds credited under this subdivision may be used to fund administrative
45 expenses related to hazardous and solid waste management, as well as the
46 assessment and remediation of pre-1983 landfills and other inactive
47 hazardous waste sites.
48
49
50

(2) ~~Funds credited pursuant to G.S. 105-187.63(3) to the Solid Waste Management Trust Fund shall be used by the Department of Environment and Natural Resources to fund grants to State agencies and units of local government to initiate or enhance local recycling programs and to provide for the management of difficult to manage solid waste, including abandoned mobile homes and household hazardous waste. Up to seven percent (7%) of the funds credited under this subdivision may be used by the Department to administer this Part."~~

SECTION 14.24.(b) This section applies to funds credited to the Inactive Hazardous Sites Cleanup Fund on or after July 1, 2014.

WILDLIFE LICENSING CHANGES

SECTION 14.25.(a) G.S. 113-270.3(b)(1b) reads as rewritten:

"(b) The special activity licenses and stamp issued by the Wildlife Resources Commission are as follows:

...

(1b) Bear Management Stamp – \$10.00. This electronically generated stamp must be procured before taking any bear within the State. Notwithstanding any other provision of law, a resident or nonresident individual may not take any bear within the State without procuring this stamp; provided, that those persons who have purchased a lifetime license established by G.S. 113-270.1D(b), 113-270.2(c)(2), or 113-351(c)(3) prior to July 1, 2014, and those persons exempt from the license requirements as set forth in ~~G.S. 113-276(e)~~ G.S. 113-276(c), G.S. 113-276(d), and G.S. 113-276(n) shall obtain this stamp free of charge. All of the revenue generated by this stamp shall be dedicated to black bear research and management."

SECTION 14.25.(b) G.S. 113-174.2 reads as rewritten:

"§ 113-174.2. Coastal Recreational Fishing License.

...

(c) Types of CRFLs; Fees; Duration. – The Wildlife Resources Commission shall issue the following CRFLs:

(1) Annual Resident CRFL. – \$15.00. This license is valid from the date of issue for a period of 12 months as defined by G.S. 113-270.1B(b) and G.S. 113-270.1B(c). This license shall be issued only to an individual who is a resident of the State.

(1a) Annual Nonresident CRFL. – \$30.00. This license is valid ~~for a period of one year from the date of issuance.~~ from the date of issue for a period of 12 months as defined by G.S. 113-270.1B(b) and G.S. 113-270.1B(c). This license shall be issued only to an individual who is not a resident of the State.

(2) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.

(3) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.

(4) Ten-Day Resident CRFL. – \$5.00. This license is valid for a period of 10 consecutive days, as indicated on the license. This license shall be issued only to an individual who is a resident of the State.

(4a) Ten-Day Nonresident CRFL. – \$10.00. This license is valid for a period of 10 consecutive days, as indicated on the license. This license shall be issued only to an individual who is not a resident of the State.

(5) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.

- 1 (6) Lifetime CRFLs. – Except as provided in sub-subdivision j. of this
 2 subdivision, CRFLs issued under this subdivision are valid for the lifetime of
 3 the licensee.
 4 a. –d. Repealed by Session Laws 2005-455, s. 1.4, effective January 1,
 5 2007.
 6 e. Infant Lifetime CRFL. – \$100.00. This license shall be issued only to
 7 an individual younger than one year of age.
 8 f. Youth Lifetime CRFL. – \$150.00. This license shall be issued only to
 9 an individual who is one year of age or older but younger than 12
 10 years of age.
 11 g. **(Effective until August 1, 2014)** Resident Adult Lifetime CRFL. –
 12 \$250.00. This license shall be issued only to an individual who is 12
 13 years of age or older but younger than 65 years of age and who is a
 14 resident of the State.
 15 g. **(Effective August 1, 2014)** Resident Adult Lifetime CRFL. –
 16 \$250.00. This license shall be issued only to an individual who is 12
 17 years of age or older but younger than 70 years of age and who is a
 18 resident of the State.
 19 h. Nonresident Adult Lifetime CRFL. – \$500.00. This license shall be
 20 issued only to an individual who is 12 years of age or older and who
 21 is not a resident of the State.
 22 i. **(Effective until August 1, 2014)** Resident Age 65 Lifetime CRFL. –
 23 \$15.00. This license shall be issued only to an individual who is 65
 24 years of age or older and who is a resident of the State.
 25 i. **(Effective August 1, 2014)** Resident Age 70 Lifetime CRFL. –
 26 \$15.00. This license shall be issued only to an individual who is 70
 27 years of age or older and who is a resident of the State.
 28 j. Resident Disabled Veteran CRFL. – \$10.00. This license shall be
 29 issued only to an individual who is a resident of the State and who is
 30 a fifty percent (50%) or more disabled veteran as determined by the
 31 United States Department of Veterans ~~Affairs.~~Affairs or as
 32 established by G.S. 113-351(c)(3)(f). This license remains valid for
 33 the lifetime of the licensee so long as the licensee remains fifty
 34 percent (50%) or more disabled.
 35 k. Resident Totally Disabled CRFL. – \$10.00. This license shall be
 36 issued only to an individual who is a resident of the State and who is
 37 totally and permanently disabled as determined by the Social
 38 Security ~~Administration.~~Administration or as established by
 39 G.S. 113-351(c)(3)(g).

40 "...."

41 **SECTION 14.25.(c)** G.S. 113-173 reads as rewritten:

42 **"§ 113-173. Recreational Commercial Gear License.**

43 ...

44 (f) Duration; Fees. – The RCGL shall be valid ~~for a one-year period from the date of~~
 45 ~~purchase.~~from the date of issue for a period of 12 months as defined by G.S. 113-270.1B(b)
 46 and G.S. 113-270.1B(c). The fee for a RCGL for a North Carolina resident shall be forty-three
 47 dollars and seventy-five cents (\$43.75). The fee for a RCGL for an individual who is not a
 48 North Carolina resident shall be three hundred twelve dollars and fifty cents (\$312.50).

49 "...."

50 **SECTION 14.25.(d)** G.S. 113-351 reads as rewritten:

51 **"§ 113-351. Unified hunting and fishing licenses; subsistence license waiver.**

1 (a) Definitions. – The definitions set out in G.S. 113-174 apply to this Article.

2 (b) General Provisions Governing Licenses and Waivers. – The general provisions
3 governing licenses set out in G.S. 113-174.1 apply to licenses and waivers issued under this
4 section.

5 (c) Types of Unified Hunting and Fishing Licenses; Fees; Duration. – The Wildlife
6 Resources Commission shall issue the following Unified Hunting and Fishing Licenses:

7 (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License. –
8 \$55.00. This license is valid ~~for a period of one year from the date of~~
9 ~~issuance.~~ from the date of issue for a period of 12 months as defined by
10 G.S. 113-270.1B(b) and G.S. 113-270.1B(c). This license shall be issued
11 only to an individual who is a resident of the State. This license authorizes
12 the licensee to take all wild animals and wild birds, including waterfowl, by
13 all lawful methods in all open seasons, including the use of game lands; to
14 fish with hook and line for all fish in all inland fishing waters and joint
15 fishing waters, including public mountain trout waters; and to engage in
16 recreational fishing in coastal fishing waters.

17 (2) Annual Resident Unified Inland/Coastal Recreational Fishing License. –
18 \$35.00. This license is valid ~~for a period of one year from the date of~~
19 ~~issuance.~~ from the date of issue for a period of 12 months as defined by
20 G.S. 113-270.1B(b) and G.S. 113-270.1B(c). This license shall be issued
21 only to an individual who is a resident of the State. This license authorizes
22 the licensee to fish with hook and line for all fish in all inland fishing waters
23 and joint fishing waters, including public mountain trout waters, and to
24 engage in recreational fishing in coastal fishing waters.

25"

26 **SECTION 14.25.(e)** G.S. 113-270.1D reads as rewritten:

27 "**§ 113-270.1D. Sportsman licenses.**

28 (a) Annual Sportsman License – \$50.00. This license shall be issued only to an
29 individual resident of the State and entitles the licensee to take all wild animals and wild birds,
30 including waterfowl, by all lawful methods in all open seasons, including the use of game
31 lands, and to fish with hook and line for all fish in all inland and joint fishing waters, including
32 public mountain trout waters. An annual sportsman license issued under this subsection does
33 not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not
34 joint fishing waters.

35 (b) Lifetime Sportsman Licenses. Except as provided in subdivision (7) of this
36 subsection, lifetime sportsman licenses are valid for the lifetime of the licensees. Lifetime
37 sportsman licenses entitle the licensees to take all wild animals and wild birds by all lawful
38 methods in all open seasons, including the use of game lands, and to fish with hook and line for
39 all fish in all inland and joint fishing waters, including public mountain trout waters. A lifetime
40 sportsman license issued under this subsection does not entitle the licensee to engage in
41 recreational fishing in coastal fishing waters that are not joint fishing waters. Lifetime
42 sportsman licenses issued by the Wildlife Resources Commission are:

43 ...

44 (3) Adult Resident Lifetime Sportsman License – \$500.00. This license shall be
45 issued only to an individual resident of the ~~State.~~ State who is 12 years of age
46 or older but younger than 70 years of age.

47 (4) Nonresident Lifetime Sportsman License – ~~\$1,200~~ \$1,200. This license shall
48 be issued only to an individual nonresident of the State.

49 (5) Age 70 Resident Lifetime Sportsman License – \$15.00. This license shall be
50 issued only to an individual resident of the State who is at least 70 years of
51 age.

1 (6) Repealed by Session Laws 2005-455, s. 1.7 effective January 1, 2007.

2 (7) Resident Disabled Veteran Lifetime Sportsman License – \$100.00. This
3 license shall be issued only to an individual who is a resident of the State
4 and who is a fifty percent (50%) or more disabled veteran as determined by
5 the United States Department of Veterans Affairs or as established by rules
6 of the Wildlife Resources Commission. This license remains valid for the
7 lifetime of the licensee so long as the licensee remains fifty percent (50%) or
8 more disabled.

9 (8) Resident Totally Disabled Lifetime Sportsman License – \$100.00. This
10 license shall be issued only to an individual who is a resident of the State
11 and who is totally and permanently disabled as determined by the Social
12 Security Administration or as established by rules of the Wildlife Resources
13 Commission."

14 **SECTION 14.25.(f)** Subsections (a) and (e) of this section become effective
15 August 1, 2014.

16 17 **INTERAGENCY DEER OVERSIGHT REPORT**

18 **SECTION 14.26.(a)** The Wildlife Resources Commission and the Department of
19 Agriculture and Consumer Services shall jointly study the risks associated with the spread of
20 Chronic Wasting Disease (CWD), also known as transmissible spongiform encephalopathy,
21 due to the importation of cervids from outside the State. The Department shall report no later
22 than January 15, 2015, to the Agriculture and Forestry Awareness Study Commission, the
23 Environmental Review Commission, and the Fiscal Research Division. The report shall include
24 the following:

25 (1) Proposals and recommendations to minimize the risk exposure and potential
26 cost to the State associated with containment, condemnation, and mitigation
27 costs associated with an outbreak of CWD in the State.

28 (2) Proposed legislation and regulations necessary to implement the
29 recommendations made in response to subdivision (1) of this subsection and
30 to indemnify the State from any costs of a CWD outbreak associated with
31 importation of infected deer.

32 (3) Recommendations as to which Department or Commission is most
33 appropriate to oversee and permit the transportation and importation of
34 captive cervids by the State.

35 **SECTION 14.26.(b)** No State Department or Commission shall issue a
36 transportation permit for the importation of cervids into the State until the General Assembly
37 has taken final action in response to the recommendations made under this section.

38 39 **PART XV. DEPARTMENT OF COMMERCE**

40 41 **ABC COMMISSION/USE OF FUNDS CREDITED TO ABC COMMISSION FUND**

42 **SECTION 15.1.** G.S. 18B-208 reads as rewritten:

43 **"§ 18B-208. ABC Commission bonds and funds.**

44 ...

45 (b) Special Fund. – A special fund in the office of the State Treasurer, the ABC
46 Commission Fund, is created. On and after November 1, 1982, all moneys derived from the
47 collection of bailment charges and bailment surcharges shall be deposited in the ABC
48 Commission Fund for the purpose of carrying out the provisions of this Chapter. The ABC
49 Commission Fund shall be subject to the provisions of the State Budget Act except that no
50 unexpended surplus of this fund shall revert to the General Fund. The Commission shall fix the
51 level of the bailment surcharges at an amount calculated to cover operating expenses of the

1 Commission and the retirement of bonds issued for construction of a Commission warehouse
2 and offices. Upon payment of the bonds issued pursuant to this section, the Commission shall
3 reduce the bailment surcharge to an amount no greater than necessary to pay operating
4 expenses of the Commission as authorized by the General Assembly.

5 All moneys credited to the ABC Commission Fund shall be used to carry out the intent and
6 purposes of the ABC law in accordance with plans approved by the North Carolina ABC
7 Commission and the Director of the Budget, ~~and all these funds are appropriated, reserved, set~~
8 ~~aside, and made available until expended for the administration of the ABC law.~~ Budget. The
9 moneys in the Fund shall be expended only upon an act of appropriation by the General
10 Assembly."

11 12 **LOTTERY COMMISSION/LIMITS ON COMPENSATION INCREASES**

13 **SECTION 15.2.** G.S. 18C-173 reads as rewritten:

14 "**§ 18C-173. Limits on compensation increases.**

15 (a) Notwithstanding G.S. 18C-114(a)(11) and G.S. 18C-120(b)(3), the Lottery
16 Commission, during any fiscal year, may not expend funds for merit and performance-based
17 salary increases in excess of the funds that would have been expended had the Lottery
18 Commission employees received the same across-the-board salary increases granted by the
19 General Assembly to State employees subject to the North Carolina Human Resources Act.
20 These merit and performance-based salary increases may be awarded on an aggregated average
21 basis according to rules adopted by the Lottery Commission.

22 (b) Notwithstanding G.S. 18C-114(a)(11) and G.S. 18C-120(b)(3), the Lottery
23 Commission, during any fiscal year, shall not expend funds for merit- and performance-based
24 salary increases if the General Assembly has provided in the Current Operations
25 Appropriations Act or any other act enacted by the General Assembly for that fiscal year that
26 funds are to be expended for across-the-board salary increases only."

27 28 **REPEAL COMMERCE FLEXIBILITY TO REORGANIZE DEPARTMENT**

29 **SECTION 15.3.** Section 15.7A of S.L. 2013-360 is repealed.

30 31 **COLLABORATION FOR PROSPERITY ZONES**

32 33 **CREATION OF COLLABORATION FOR PROSPERITY ZONES**

34 **SECTION 15.3A.1.** Intent to Create Collaboration for Prosperity Zones. – It is the
35 intent of the General Assembly to establish geographically uniform zones in this State to
36 facilitate collaborative and coordinated planning and use of resources, to improve cooperation
37 with other governmental and nonprofit entities at the local and regional level, to facilitate
38 administrative efficiencies within State government, to receive advice on economic
39 development issues by local entities, and, to the extent feasible, to establish one-stop sources in
40 each region for citizens and businesses seeking State services at a regional level.

41 **SECTION 15.3A.2.** Article 1 of Chapter 143B of the General Statutes is amended
42 by adding a new section to read:

43 "**§ 143B-28.1. Create Collaboration for Prosperity Zones.**

44 For purposes of enhanced collaboration and cooperation between governmental agencies,
45 planning, use of resources, and improved efficiency at a regional level, the State is hereby
46 divided into eight permanent zones as follows:

- 47 (1) Western Region, consisting of Buncombe, Cherokee, Clay, Graham,
48 Haywood, Henderson, Jackson, Macon, Madison, Polk, Rutherford, Swain,
49 and Transylvania Counties.

~~Alamance, Caswell, Chatham, Davidson, Forsyth, Guilford, Orange, Person, Randolph, Rockingham, Stokes.~~

SIXTH DISTRICT

~~Anson, Cabarrus, Cleveland, Gaston, Lincoln, Mecklenburg, Stanly, Union.~~

SEVENTH DISTRICT

~~Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Davie, Iredell, Rowan, Surry, Watauga, Wilkes, Yadkin.~~

EIGHTH DISTRICT

~~Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey."~~

SECTION 15.3A.5. Section 15.3A.4 of this act becomes effective April 1, 2015. Members of the State Board of Education appointed by the Governor and confirmed by the General Assembly prior to 2015 with terms ending in 2017, 2019, and 2021 shall be designated as the appointees of the following districts for the remainder of the member's current term:

- (1) Western Region: Wayne McDevitt
- (2) Southwest Region: Gregory Alcorn
- (3) Piedmont-Triad (Central) Region: A.L. Collins
- (4) Sandhills (South Central) Region: Olivia Oxendine
- (5) Northeast Region: Rebecca Taylor
- (6) Southeast Region: Reginald Kenan

REQUIRE AT LEAST ONE LIAISON IN EACH COLLABORATION FOR PROSPERITY ZONE

SECTION 15.3B.1. No later than January 1, 2015, the Departments of Commerce, Environment and Natural Resources, and Transportation shall have at least one employee physically located in the same office in each of the Collaboration for Prosperity Zones set out in G.S. 143B-28.1 to serve as that department's liaison with the other departments and with local governments, schools and colleges, planning and development bodies, and businesses in that zone. The departments shall jointly select the office.

No later than January 1, 2015, the Community Colleges System Office shall designate at least one representative from a community college or from the Community Colleges System Office to serve as a liaison in each Collaboration for Prosperity Zone for the community college system, the community colleges in the zone, and other technical colleges and schools within the zone. A liaison may be from a business center located in a community college. These liaisons are not required to be collocated with the liaisons from the Departments of Commerce, Environment and Natural Resources, and Transportation.

No later than January 1, 2015, the State Board of Education shall designate at least one representative from a local school administrative unit or from the Department of Public Instruction to serve as a liaison in each Collaboration for Prosperity Zone for the local school administrative units and other public schools within the zone. These liaisons are not required to be collocated with the liaisons from the Departments of Commerce, Environment and Natural Resources, and Transportation.

SECTION 15.3B.2. In addition to other related tasks assigned by their respective agencies, liaisons in each Collaboration for Prosperity Zone shall work to enhance

1 collaboration and cooperation between their departments and other State agencies, local
2 governmental agencies, and other regional public and nonprofit entities. The liaisons from the
3 Departments of Environment and Natural Resources and Transportation shall work to
4 consolidate and simplify the process for citizens and businesses seeking permits from their
5 respective agencies. The liaisons from the Department of Commerce shall be used to support
6 local economic development efforts, to coordinate such efforts, and to coordinate the
7 Department of Commerce's activities within each Collaboration for Prosperity Zone. The
8 liaisons from the community college system and local school administrative units shall work
9 closely with the Department of Commerce and other State and local governmental agencies and
10 local businesses in the zone to promote job development through career technical education.

11 **SECTION 15.3B.3.(a)** The Departments of Transportation and Environment and
12 Natural Resources shall jointly report to the Office of State Budget and Management, the Joint
13 Legislative Commission on Governmental Operations, the Joint Legislative Transportation
14 Oversight Committee, the Environmental Review Commission, the Senate Appropriations/Base
15 Budget Committee, and the House Appropriations Committee, as follows:

- 16 (1) No later than January 1, 2015, on the establishment of collocated liaisons
17 within each Collaboration for Prosperity Zone and a description of the
18 activities the liaisons have been assigned to perform.
- 19 (2) No later than April 1, 2015, on the activities of the liaisons, specifically any
20 activities undertaken that resulted in enhanced collaboration and
21 coordination with the other department and with other governmental
22 agencies, improved administrative efficiencies, and any steps taken to make
23 services to citizens and businesses within each zone more efficient,
24 economical, and user-friendly.

25 **SECTION 15.3B.3.(b)** The Community Colleges System Office and the State
26 Board of Education shall each report to the Office of State Budget and Management, the Joint
27 Legislative Commission on Governmental Operations, the Joint Legislative Education
28 Oversight Committee, the Senate Appropriations/Base Budget Committee, and the House
29 Appropriations Committee, as follows:

- 30 (1) No later than January 1, 2015, on the establishment of liaisons within each
31 Collaboration for Prosperity Zone and a description of the activities the
32 liaisons have been assigned to perform.
- 33 (2) No later than April 1, 2015, on the activities of the liaisons, specifically any
34 activities undertaken that resulted in enhanced collaboration and
35 coordination with other governmental agencies, improved planning on use of
36 educational resources, and improved administrative efficiencies.

37 **SECTION 15.3B.3.(c)** The Department of Commerce shall report to the Office of
38 State Budget and Management, the Joint Legislative Economic Development and Global
39 Engagement Oversight Committee, the Joint Legislative Commission on Governmental
40 Operations, the Senate Appropriations/Base Budget Committee, and the House Appropriations
41 Committee, as follows:

- 42 (1) No later than January 1, 2015, on the establishment of liaisons within each
43 Collaboration for Prosperity Zone and a description of the activities the
44 liaisons have been assigned to perform.
- 45 (2) No later than April 1, 2015, on the activities of the liaisons, specifically any
46 activities undertaken that resulted in enhanced collaboration and
47 coordination with other governmental agencies, improved planning on use of
48 economic development resources, and improved administrative efficiencies.

49 **SECTION 15.3B.4.** The Departments of Commerce, Environment and Natural
50 Resources, and Transportation, the Community Colleges System Office, and the State Board of
51 Education shall use funds available to carry out the requirements of this section. Nothing in

1 Sections 15.3A.1 through 15.3B.5 of this act shall be construed as an authorization for payment
2 of additional compensation for persons serving as liaisons.

3 **SECTION 15.3B.5.** Sections 15.3B.1 through 15.3B.5 expire July 1, 2018.
4

5 **GENERAL ASSEMBLY REVIEW OF REPORTS**

6 **SECTION 15.3C.1.(a)** It is the intent of the General Assembly to receive and
7 review the reports required by Section 15.3B.3 of this act concerning the creation of the
8 Collaboration for Prosperity Zones and to use those reports to further address the following
9 topics:

- 10 (1) Enhancing collaboration and cooperation between State and other
11 governmental agencies in order to streamline and improve services to
12 citizens and businesses, to make such services more user-friendly, and to
13 implement collaborative and cooperative interagency measures to enhance
14 access to services.
- 15 (2) Reducing barriers faced by citizens and businesses in accessing services that
16 are unnecessarily caused by agency specialization, which may produce a
17 "silo mentality."
- 18 (3) Additional recommendations regarding liaison personnel, including
19 expanding the requirement to other State departments.
- 20 (4) Ways to integrate collaboration between educational institutions in each
21 Collaboration for Prosperity Zone on the one hand and other governmental
22 agencies and local businesses on the other.
- 23 (5) Requiring the establishment of interagency one-stop shops in each
24 Collaboration for Prosperity Zone.
- 25 (6) Consolidating programs or services.
- 26 (7) Cross-training employees.
- 27 (8) Identifying offices, equipment, and support services that may be efficiently
28 and economically shared between agencies in each Collaboration for
29 Prosperity Zone.
- 30 (9) The grouping of counties within each Collaboration for Prosperity Zone to
31 determine whether there is a better configuration while keeping the same
32 overall number of zones.

33 **SECTION 15.3C.1.(b)** This section is effective when it becomes law.
34

35 **COMMERCE FUNDS USED FOR BASE REALIGNMENT AND CLOSURE** 36 **ACTIVITIES**

37 **SECTION 15.4.(a)** Funds appropriated to the Department of Commerce for the
38 2013-2014 fiscal year that are unexpended and unencumbered as of June 30, 2014, shall not
39 revert to the General Fund but shall remain available to the Department until expended for use
40 in the State's preparation for United States Department of Defense Base Realignment and
41 Closure activities.

42 **SECTION 15.4.(b)** This section becomes effective June 30, 2014.
43

44 **SPECIAL FUNDS TRANSFER/OFFSET COMMERCE ADMINISTRATION** 45 **GENERAL FUND APPROPRIATION**

46 **SECTION 15.5.(a)** The Office of State Budget and Management, in conjunction
47 with the Office of the State Controller and the Department of Commerce, shall transfer the
48 unencumbered cash balances in the following funds as of June 30, 2014, to Commerce
49 Administration (Budget Code 14600-1111):

- 50 (1) 24609-2537 – Energy Research Grants
- 51 (2) 24609-2535 – NC Green Business Fund

1 (3) 24609-2562 – One North Carolina Small Business Fund

2 (4) 24613-2622 – Main Street Solutions

3 **SECTION 15.5.(b)** The Office of State Budget and Management, in conjunction
4 with the Office of the State Controller and the Department of Commerce, shall transfer the
5 unencumbered cash balance in the Economic Development Reserve (Budget Code 24609-2584)
6 as of June 30, 2014, to Commerce Administration (Budget Code 14600-1111) and, upon the
7 transfer, close the Reserve.

8 **SECTION 15.5.(c)** The transfers in subsections (a) and (b) of this section are to
9 offset General Fund appropriations to the Department of Commerce for administration.

10

11 **COMMON FOLLOW-UP/COSTS SHARED BY STATE AGENCIES & LEAD**
12 **DEVELOP PLAN TO TRANSFER COMMON FOLLOW-UP DATA AND**
13 **CAPABILITIES TO GDAC**

14 **SECTION 15.6.(a)** The Commission on Workforce Development (hereinafter
15 "Commission") shall prescribe a method for calculating the amount each of the agencies listed
16 in this subsection shall contribute to fund the Common Follow-Up System at a cost of five
17 hundred thousand dollars (\$500,000) on a nonrecurring basis. In developing the method, the
18 Commission shall consider each agency's proportion of data contribution and System usage.
19 The agencies that shall contribute to fund the Common Follow-Up System are as follows:

20 (1) Department of Public Safety, Division of Adult Correction.

21 (2) Department of Public Instruction.

22 (3) Department of Commerce, Division of Workforce Solutions.

23 (4) Department of Health and Human Services, Division of Services for the
24 Blind; Division of Social Services; and Division of Vocational
25 Rehabilitation Services.

26 (5) North Carolina Community College System.

27 (6) The University of North Carolina.

28 **SECTION 15.6.(b)** The agencies listed in subsection (a) of this section shall
29 transfer their share of the funds needed to fund the Common Follow-Up System, which shall be
30 determined using the method prescribed by the Commission, to the Department of Commerce,
31 Labor & Economic Analysis Division, no later than December 31, 2014.

32 **SECTION 15.6.(c)** The Department of Commerce, Labor & Economic Analysis
33 Division (LEAD), shall develop a plan to transfer the information in and required capabilities
34 of the Common Follow-Up System to the Government Data Analytics Center (GDAC). By
35 February 1, 2015, the Department shall submit the plan to the Office of the State Chief
36 Information Officer, the Joint Legislative Oversight Committee on Information Technology,
37 and the Fiscal Research Division.

38

39 **MERGE ACCESS NC & DEMAND DRIVEN DATA DELIVERY SYSTEMS/NC**
40 **BROADBAND REPORTING REQUIREMENT**

41 **SECTION 15.7.(a)** Of the funds appropriated in this act to the Department of
42 Commerce, the Department shall use the sum of five hundred thousand dollars (\$500,000) in
43 the 2014-2015 fiscal year in nonrecurring funds to merge Access NC and Demand Driven Data
44 Delivery to eliminate the duplication of effort in maintaining multiple economic and labor
45 market data systems. By February 1, 2015, and more frequently as requested, the Department
46 shall report to the Joint Legislative Oversight Committee on Information Technology and the
47 Fiscal Research Division on the progress of the merger, including whether there are improved
48 efficiencies and cost savings.

49 **SECTION 15.7.(b)** By February 1, 2015, and more frequently as requested, the
50 Office of the State Chief Information Officer shall report to the Joint Legislative Oversight
51 Committee on Information Technology and the Fiscal Research Division on NC Connect

1 activities, including providing an update on how NC Broadband in the Department of
2 Commerce has been incorporated into NC Connect.

3
4 **REPEAL COMPETITIVE GRANT PROGRAM FOR UNDERSERVED AND LIMITED**
5 **RESOURCE COMMUNITIES**

6 **SECTION 15.8.** Section 15.10B of S.L. 2013-360 is repealed.

7
8 **COMMUNITY DEVELOPMENT BLOCK GRANTS/STATE MATCHING FUNDS**

9 **SECTION 15.9.(a)** Of the funds appropriated in this act to the Department of
10 Commerce, the sum of six hundred thirty-seven thousand five hundred dollars (\$637,500) in
11 recurring funds for the 2014-2015 fiscal year shall be used to meet the State matching funds
12 requirement for Community Development Block Grant (CDBG) funds. All or a portion of these
13 funds shall be used to purchase and install a new grants management software program in the
14 2014-2015 fiscal year, which shall be coordinated with the existing grants management module
15 used by the Department of Transportation.

16 **SECTION 15.9.(b)** Effective July 1, 2014, the Secretary of Commerce shall reduce
17 expenditures in the amount of six hundred thirty-seven thousand five hundred dollars
18 (\$637,500) in recurring funds for the 2014-2015 fiscal year by eliminating full-time equivalent
19 positions in the Division of Community Assistance and the Office of Urban Development
20 (Fund Code 1620). The recurring reductions provided for in this subsection shall be used to
21 offset the cash-match funds appropriated in subsection (a) of this section.

22 **SECTION 15.9.(c)** The Department shall provide the remaining required State
23 match funds in-kind by taking the necessary steps to ensure that positions with salaries equaling
24 the sum of six hundred thirty-seven thousand five hundred dollars (\$637,500) in recurring
25 funds for the 2014-2015 fiscal year shall be dedicated full-time to performing duties related to
26 CDBG activities. To satisfy the in-kind requirement provided for in this subsection, the
27 Department may include positions in the Department of Environment and Natural Resources,
28 CDBG-Infrastructure, that are funded by the General Fund.

29 **SECTION 15.9.(d)** By February 1, 2015, the Department shall report to the Joint
30 Legislative Commission on Governmental Operations and the Fiscal Research Division
31 regarding (i) the positions eliminated as provided in this section and associated funding and (ii)
32 the manner in which the State match will be achieved and how it will be reported to the United
33 States Department of Housing and Urban Development, CDBG Administration.

34
35 **RURAL DIVISION/LOANS & GRANTS TO LOCAL GOVERNMENTS TO REUSE**
36 **OR DEMOLISH BUILDINGS AND PROPERTIES**

37 **SECTION 15.10.** G.S. 143B-472.127 reads as rewritten:

38 **"§ 143B-472.127. Programs administered.**

39 (a) The Rural Economic Development Division shall be responsible for administering
40 the program whereby economic development grants or loans are awarded by the Rural
41 Infrastructure Authority as provided in G.S. 143B-472.128 to local government units. The
42 Rural Infrastructure Authority shall, in awarding economic development grants or loans under
43 the provisions of this subsection, give priority to local government units of the counties that
44 have one of the 80 highest rankings under G.S. 143B-437.08 after the adjustment of that
45 section. The funds available for grants or loans under this program may be used as follows:

46 ...

47 (2) To provide matching grants or loans to local government units in an
48 economically distressed county that will productively reuse ~~vacant~~ or
49 demolish buildings and properties or construct or expand rural health care
50 ~~facilities~~ facilities, with priority given to towns or communities with
51 populations of less than 5,000. For purposes of this section, the term

1 "economically distressed county" has the same meaning as in
2 G.S. 143B-437.01.

3"
4

5 NATURE AND HERITAGE TOURISM ADVISORY BOARD

6 **SECTION 15.11.** Article 10 of Chapter 143B of the General Statutes is amended
7 by adding a new Part to read as follows:

8 "Part 2L. Nature and Heritage Tourism Advisory Board.

9 "§ 143B-437.110. Nature and Heritage Tourism Advisory Board.

10 (a) Creation. – There is created the Nature and Heritage Tourism Advisory Board,
11 hereinafter referred to in this Part as the Advisory Board. The Advisory Board shall be located
12 administratively within the Division of Tourism, Film, and Sports Development of the
13 Department of Commerce but shall exercise its authority independently of the Department.

14 (b) Membership. – The Advisory Board shall consist of nine members who have
15 knowledge and experience of the nature and heritage tourism industry and who shall be
16 appointed as follows:

17 (1) Three members appointed by the Governor.

18 (2) Three members appointed by the Speaker of the House of Representatives.

19 (3) Three members appointed by the President Pro Tempore of the Senate.

20 (c) Terms of Office and Vacancies. – Members shall serve four-year terms of office,
21 except as provided in this subsection. Initial terms shall commence on September 1, 2014. A
22 vacancy on the Advisory Board shall be filled in the same manner in which the original
23 appointment was made, and the term of office shall be for the balance of the unexpired term.
24 Vacancies in appointments made by the General Assembly shall be filled in accordance with
25 G.S. 120-122.

26 In order to provide for staggered terms, one person appointed to the positions designated in
27 subdivision (b)(1) of this section, one person appointed to the positions designated in
28 subdivision (b)(2) of this section, and one person appointed to the positions designated in
29 subdivision (b)(3) of this section shall be appointed for initial terms ending on September 1,
30 2015. One person appointed to the positions designated in subdivision (b)(1) of this section and
31 one person appointed to the positions designated in subdivision (b)(2) of this section shall be
32 appointed for initial terms ending on September 1, 2016. One person appointed to the positions
33 designated in subdivision (b)(1) of this section and one person appointed to the positions
34 designated in subdivision (b)(3) of this section shall be appointed for initial terms ending on
35 September 1, 2017. One person appointed to the positions designated in subdivision (b)(2) of
36 this section and one person appointed to the positions designated in subdivision (b)(3) of this
37 section shall be appointed for initial terms ending on September 1, 2018.

38 (d) Chair and Quorum. – The Advisory Board shall annually elect a chair from among
39 its membership. The chair shall preside over the Advisory Board's meetings. A majority of the
40 Advisory Board constitutes a quorum.

41 (e) Staffing and Expenses. – Staff to the Advisory Board shall be provided by the
42 Department of Commerce. Members of the Advisory Board shall be reimbursed for travel and
43 subsistence expenses at the rates allowed to State officers and employees by G.S. 138-6(a).

44 (f) Meetings. – Meetings of the Advisory Board shall be held upon the call of the chair.

45 (g) Powers. – The Advisory Board shall have the power to make recommendations to
46 the Secretary of the Department of Commerce and to the General Assembly with respect to the
47 following:

48 (1) Methods for increasing nature and heritage tourism to and within the State.

49 (2) Methods for increasing the level of private investment in the State's nature
50 and heritage tourism industry.

- 1 (3) Identification of the nature and heritage tourism potential of State-owned
2 facilities and assets.
3 (4) Methods of advertising the State's nature and heritage tourism industry.
4 (5) Improvement of interagency cooperation with respect to enhancing and
5 marketing the State's nature and heritage tourism industry.
6 (h) Coordination with other entities. – The Advisory Board shall coordinate its efforts
7 under this Part with NORTH CAROLINA TRAVEL AND TOURISM COALITION, INC. and
8 with North Carolina Travel Industry Association, Inc."

10 **LIDAR RESERVE/TOPOGRAPHICAL MAPPING OF THE STATE**

11 **SECTION 15.12.(a)** Part 1 of Article 3D of Chapter 147 of the General Statutes is
12 amended by adding a new section to read as follows:

13 **"§ 147-33.73. LiDAR Reserve.**

14 The "LiDAR Reserve" is established in the Office of the State Chief Information Officer.
15 Funds in the LiDAR Reserve shall only be used for LiDAR topographical mapping of the
16 State."

17 **SECTION 15.12.(b)** The Office of State Budget and Management, in conjunction
18 with the Office of the State Controller and the Department of Commerce, shall transfer the cash
19 balances in the following funds as of June 30, 2014, to the LiDAR Reserve in the Office of the
20 State Chief Information Officer:

- 21 (1) 24602-2959 – Disaster Relief Fund, Small Business Loans (Hurricane
22 Floyd) – (\$122,243).
23 (2) 24602-2966 – Disaster Relief Fund, Small Business Loans (2005 Disaster
24 Recovery) – (\$3,143,914).
25

26 **AGRICULTURE GAS EXPANSION FUND**

27 **SECTION 15.13.(a)** G.S. 143B-437.020 reads as rewritten:

28 **"§ 143B-437.020. Utilization of economic development incentive programs to support new**
29 **and expanded natural gas service and to support propane gas service for**
30 **agricultural projects.** **Natural gas and propane gas for agricultural projects**
31 **pilot project.**

32 (a) Definitions. –

- 33 (1) Agriculture. – Activities defined in G.S. 106-581.1, whether performed on or
34 off the farm.
35 (2) ~~Economic development incentive programs. – All economic development~~
36 ~~incentives set forth in G.S. 143B-437.07(e).~~
37 (3) Eligible project. – A discrete and specific economic development project
38 that would expand agricultural production or processing capabilities that
39 requires new or expanded natural gas or propane gas service.
40 (4) Excess infrastructure costs. – Any project carrying costs incurred by a
41 natural gas local distribution company to provide new or expanded natural
42 gas service to an eligible project that exceed the income the infrastructure
43 generates for the local natural gas distribution company, including any
44 standard rates, special contract rates, minimum margin agreements, and
45 contributions in aid of construction collected by the natural gas local
46 distribution company.
47 (5) Project carrying costs. – All costs, including depreciation, taxes, operation
48 and maintenance expenses, and, for a natural gas local distribution company,
49 a return on investment equal to the rate of return approved by the Utilities
50 Commission in the natural gas local distribution company's most recent
51 general rate case under G.S. 62-133.

1 (6) Secretary. – The Secretary of Commerce.
2 (a1) Establishment. – The Expanded Gas Products Service to Agriculture Fund is
3 established as a special revenue fund in the Department of Commerce.

4 (b) Facilitation of New and Expanded Natural Gas Service to Agricultural Projects. –
5 Economic development incentive programs may utilize funds for agricultural projects. The
6 Secretary may disburse moneys in the Expanded Gas Products Service to Agriculture Fund for
7 the following purposes:

8 (1) To allow the owner of an eligible project to pay for excess infrastructure
9 costs associated with the eligible project.

10 (2) To allow the owner of an eligible project to pay for cost-effective
11 alternatives that would reduce excess infrastructure costs, including:

12 a. Relocating equipment that uses natural gas to a different location on
13 the property nearer existing natural gas lines to reduce or eliminate
14 the project carrying costs.

15 b. Adding supplemental uses of natural gas to increase annual volume
16 throughput and enhance the feasibility of new natural gas service,
17 including fuel for tractors and equipment, greenhouses, plant or
18 animal production, feed grain drying, and natural gas powered
19 irrigation pumps.

20 (c) Facilitation of New and Expanded Propane Gas Service to Agricultural Production.
21 – Economic development incentive programs may utilize funds for agricultural projects. The
22 Secretary may disburse moneys in the Expanded Gas Products Service to Agriculture Fund to
23 allow the owner of an eligible project to pay for cost-effective alternatives that would do any of
24 the following:

25 (1) reduce infrastructure costs or Reduce infrastructure costs.

26 (2) that would increase Increase energy efficiency or reduce energy
27 consumption.

28 (3) by adding supplemental uses of propane gas to increase annual volume
29 throughput, reduce energy consumption, reduce energy costs, Reduce energy
30 costs.

31 (4) or to enhance Enhance the feasibility of the project or the provision of
32 propane gas service, service by adding supplemental uses of propane gas to
33 increase annual volume throughput, including (i) the conversion or
34 repowering of to convert or repower tractors, trucks, vehicles, and mowers to
35 use propane gas, or (ii) to provide propane gas powered tractors, equipment,
36 appliances, irrigation pumps, and dryers to service agricultural production
37 facilities or operations, or (iii) to provide a dispensing station for the project
38 owner's use.

39 (d) Use of Incentive Funds. – Incentive funds utilized in accordance with subsections
40 Disbursements made pursuant to subsection (b) and or (c) of this section shall be paid directly
41 to the owner of the eligible project.

42 (e) Termination. – Incentive funds utilized in accordance with Disbursements made
43 pursuant to subsection (b) of this section shall terminate when there are no longer excess
44 infrastructure costs.

45 (f) Reimbursement. – The owner of an eligible project who receives incentive funds in
46 accordance with subsections (b) or (c) of this section shall be responsible for reimbursing the
47 incentive funds if, for any reason, the eligible project does not maintain business operations for
48 a period of at least five years from the date of the initial utilization of incentive
49 funds. Forfeiture. – An owner of an eligible project who receives a disbursement pursuant to
50 subsection (b) or (c) of this section forfeits the amount disbursed if the owner fails to maintain
51 business operations for a period of at least five years from the date of initial utilization of the

1 disbursement. An owner that forfeits amounts disbursed under this section is liable for the
2 amount disbursed plus interest at the rate established under G.S. 105-241.21, computed from
3 the date of the disbursement.

4 (g) ~~Limits on Eligible Project Incentive Allocation of Funds.~~ – Total incentive funds for
5 all eligible projects under subsections (b) and (c) of this section shall not cumulatively exceed
6 five million dollars (\$5,000,000) per biennium. The managers of economic development
7 incentive programs shall promptly report payments made in accordance with subsections (b)
8 and (c) of this section to the Department of Commerce, and the Department of Commerce shall
9 promptly notify the managers of economic development incentive programs when the
10 limitation provided by this subsection has been reached for the biennium.The Secretary shall
11 transfer from the Utility Account to the Expanded Gas Products Service to Agriculture Fund at
12 least five million dollars (\$5,000,000) per biennium, as defined in G.S. 143C-1-1. If funds
13 appropriated for a program or fund administered by the Department, other than the Utility
14 Account, remain unexpended and unencumbered at the end of the fiscal year, those funds shall
15 be used to reimburse the Utility Account for transfers made during the fiscal year pursuant to
16 this section, notwithstanding job creation or other statutory requirements otherwise applicable
17 to the programs or funds. Examples of programs or funds from which reimbursement of the
18 Utility Account shall be made include, but are not limited to, the Job Development Investment
19 Grant Program, the Job Maintenance and Capital Development Fund, and the One North
20 Carolina Fund.

21 (h) Mechanism not Exclusive. – The utilization of ~~incentive~~ funds in accordance with
22 subsections (b) or (c) of this section is intended to supplement other available mechanisms for
23 the extension of service to new or expanding customers and may be used in conjunction with
24 special contract arrangements, minimum margin agreements, and contributions in aid of
25 construction.

26 (i) Reporting Requirement. – The Secretary shall publish a report each quarter on the
27 program, including a list of the eligible projects that have applied for funding, a list of the
28 eligible projects that have received funding, the amount of funds allocated to the program, and
29 the amount of funds allocated to eligible projects. The Secretary must make the report available
30 to the public and must submit the report to the Joint Legislative Commission on Energy Policy.

31 (j) The Department of Commerce shall develop guidelines related to the administration
32 of the Expanded Gas Products Service to Agriculture Fund and to the selection of projects to
33 receive allocations from the Fund. At least 20 days before the effective date of any guidelines
34 or nontechnical amendments to guidelines, the Department of Commerce must publish the
35 proposed guidelines on the Department's Web site and provide notice to persons who have
36 requested notice of proposed guidelines. In addition, the Department must accept oral and
37 written comments on the proposed guidelines during the 15 business days beginning on the first
38 day that the Department has completed these notifications. For the purpose of this section, a
39 technical amendment is either of the following:

40 (1) An amendment that corrects a spelling or grammatical error.

41 (2) An amendment that makes a clarification based on public comment and
42 could have been anticipated by the public notice that immediately preceded
43 the public comment."

44 **SECTION 15.13.(c)** G.S. 150B-1(d) is amended by adding a new subdivision to
45 read:

46 "(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the
47 following:

48 ...

49 (18) The Department of Commerce and the Economic Investment Committee in
50 developing criteria and administering the Job Maintenance and Capital
51 Development Fund under G.S. 143B-437.012.

1 (18a) The Department of Commerce in developing criteria and administering the
2 Expanded Gas Products Service to Agriculture Fund under
3 G.S. 143B-437.020.

4 "

5 **SECTION 15.13.(d)** This section becomes effective July 1, 2014. The Department
6 of Commerce shall begin developing the guidelines for the administration of the program when
7 this act becomes law.

8 9 **FUND ONE NC SMALL BUSINESS FUND**

10 **SECTION 15.14.** Of the funds remaining in the One North Carolina Fund
11 established in G.S. 143B-437.71 at the end of fiscal year 2013-2014, an amount equal to two
12 million five hundred thousand dollars (\$2,500,000) shall be transferred to the One North
13 Carolina Small Business Fund and used for the North Carolina SBIR/STTR Incentive Program
14 and the North Carolina SBIR/STTR Matching Funds Program.

15 16 **EMPLOYMENT SECURITY RESERVE FUND**

17 **SECTION 15.15.** Section 15.4(a) of S.L. 2013-360 reads as rewritten:

18 "**SECTION 15.4.(a)** There is appropriated from the Employment Security Reserve Fund to
19 the Department of Commerce, Division of Employment Security, the amount needed for the
20 ~~2013-2014~~2014-2015 fiscal year to fund the interest payment due to the federal government for
21 the debt owed to the U.S. Treasury for unemployment benefits."

22 23 **APPOINTMENT OF DEPUTY COMMISSIONERS FOR INDUSTRIAL COMMISSION**

24 **SECTION 15.16.(a)** G.S. 97-79(b) reads as rewritten:

25 "~~(b) The Commission may appoint deputies who shall have the same power as members~~
26 ~~of the Commission pursuant to G.S. 97-80 and the same power to take evidence, and enter~~
27 ~~orders, opinions, and awards based thereon as is possessed by the members of the Commission.~~
28 The deputies shall be subject to the State Personnel System. The Chair of the Commission may
29 appoint deputy commissioners to serve a term of four years. No person may serve more than
30 two terms as a deputy commissioner. In calculating the number of terms served, a partial term
31 of less than two years shall not be included. Deputy commissioners shall have the same power
32 as members of the Commission pursuant to G.S. 97-80 and the same power to take evidence
33 and enter orders, opinions, and awards based thereon as is possessed by the members of the
34 Commission. Upon the expiration of the initial or subsequent term or terms of any deputy
35 commissioner, the deputy commissioner's employment shall be separated unless the deputy
36 commissioner is reappointed by the Chair of the Commission. Deputy commissioners shall not
37 be subject to the State Personnel System nor to the provisions of G.S. 126-5(d)(7)."

38 **SECTION 15.16.(b)** As of August 1, 2014, the terms of all current deputy
39 commissioners are as follows:

- 40 (1) The seven deputy commissioners with the least time of service shall each
41 serve a term of six months expiring February 1, 2015.
- 42 (2) The seven deputy commissioners with the next least time of service shall
43 each serve a term of 12 months expiring August 1, 2015.
- 44 (3) The remaining deputy commissioners not covered under subdivision (1) or
45 (2) of this subsection shall each serve a term of 18 months expiring February
46 1, 2016.
- 47 (4) Time of service shall be calculated beginning with the hire date of the person
48 as a deputy commissioner.
- 49 (5) Nothing in this section shall prohibit a current deputy commissioner from
50 being eligible for reappointment to a four-year term, as provided by
51 subsection (a) of this section.

1 **SECTION 15.16.(c)** Section 60(b) of S.L. 2013-413 is repealed.

2 **SECTION 15.16.(d)** G.S. 97-78(b3) reads as rewritten:

3 "(b3) The salary of deputy commissioners shall be based upon years of experience as a
4 deputy commissioner as follows:

5 (1) Seventy-five percent (75%) of the salary of a commissioner, with three years
6 of experience or less.

7 (2) Seventy-seven percent (77%) of the salary of a commissioner, with more
8 than three but less than ~~seven~~eight years of experience.

9 ~~(3) Eighty percent (80%) of the salary of a commissioner, with seven or more
10 but less than 10 years of experience.~~

11 ~~(4) Eighty three percent (83%) of the salary of a commissioner, with 10 or more
12 but less than 12 years of experience.~~

13 ~~(5) Eighty five percent (85%) of the salary of a commissioner, with 12 or more
14 years experience."~~

15 **SECTION 15.16.(e)** Subsection (d) of this section becomes effective February 1,
16 2016. Notwithstanding G.S. 97-31.1, the remainder of this section is effective when it becomes
17 law.

18 **NC BIOTECHNOLOGY CENTER**

19 **SECTION 15.17.** Section 15.30 of S.L. 2013-360 reads as rewritten:

20 **"SECTION 15.30.(a)** Of the funds appropriated in this act to the North Carolina
21 Biotechnology Center (hereinafter "Center"), the sum of twelve million six hundred thousand
22 three hundred thirty-eight dollars (\$12,600,338) for each fiscal year in the 2013-2015 biennium
23 shall be allocated as follows:
24

25 (1) Job Creation: Ag Biotech Initiative, Economic and Industrial Development,
26 and related activities – \$2,709,073;

27 (2) Science and Commercialization: Science and Technology Development,
28 Centers of Innovation, Business and Technology Development, Education
29 and Training, and related activities – \$8,165,019; and

30 (3) Center Operations: Administration, Professional and Technical Assistance
31 and Oversight, Corporate Communications, Human Resource Management,
32 Financial and Grant Administration, Legal, and Accounting – \$1,726,246.

33 **"SECTION 15.30.(a1)** The Center shall prioritize funding and distribution of loans over
34 existing funding and distribution of grants.

35 **"SECTION 15.30.(b)** Except to provide administrative flexibility, up to ten percent (10%)
36 of each of the allocations in subsection (a) of this section may be reallocated to one or more of
37 the other allocations in subsection (a) of this section if, in the judgment of Center management,
38 the reallocation will advance the mission of the Center.

39 **"SECTION 15.30.(c)** The Center shall comply with the following reporting requirements:

40 (1) By September 1 of each year, and more frequently as requested, report to the
41 Joint Legislative Commission on Governmental Operations and the Fiscal
42 Research Division on prior State fiscal year program activities, objectives,
43 and accomplishments and prior State fiscal year itemized expenditures and
44 fund sources.

45 (2) Provide to the Fiscal Research Division a copy of the Center's annual audited
46 financial statement within 30 days of issuance of the statement."
47

48 **RESEARCH TRIANGLE INSTITUTE ENERGY RESEARCH**

49 **SECTION 15.18.** The Research Triangle Institute shall share with the State Energy
50 Office any research supported wholly or partially through funds appropriated by this act that
51 pertains to energy or energy efficiency.

GRASSROOTS SCIENCE PROGRAM

SECTION 15.19. Section 15.25A of S.L. 2013-360 reads as rewritten:

"SECTION 15.25A.(a) Of the funds appropriated in this act to the Department of Commerce for State-Aid, the sum of two million three hundred forty-seven thousand seven hundred eighty-two dollars (\$2,347,782) for the 2013-2014 fiscal year and the sum of ~~two million three hundred forty-seven thousand seven hundred eighty-two dollars (\$2,347,782)~~ two million three hundred ninety thousand four hundred twenty-nine dollars (\$2,390,429) for the 2014-2015 fiscal year are allocated as grants-in-aid for each fiscal year as follows:

	2013-2014	2014-2015
Aurora Fossil Museum	\$61,821	\$61,821 <u>\$60,526</u>
Cape Fear Museum	\$85,248	\$85,248 <u>\$84,340</u>
Carolina Raptor Center	\$74,916	\$74,916 <u>\$76,365</u>
Catawba Science Center	\$93,041	\$93,041 <u>\$93,328</u>
Colburn Earth Science Museum, Inc.	\$62,547	\$62,547 <u>\$62,426</u>
Core Sound Waterfowl Museum	\$67,395	\$67,395 <u>\$66,761</u>
Discovery Place	\$261,617	\$261,617 <u>\$254,746</u>
Eastern NC Regional Science Center	\$59,587	\$59,587 <u>\$59,637</u>
Fascinate-U	\$65,616	\$65,616 <u>\$65,792</u>
Granville County Museum Commission, Inc.–Harris Gallery	\$60,651	\$60,651 <u>\$61,068</u>
Greensboro Children's Museum <u>HandsOn</u>	\$83,575	\$83,575 <u>\$79,322</u> <u>\$58,000</u>
The Health Adventure Museum of Pack Place Education, Arts and Science Center, Inc.	\$73,352	\$73,352 <u>\$0</u>
Highlands Nature Center	\$62,816	\$62,816 <u>\$62,887</u>
Imagination Station	\$67,588	\$67,588 <u>\$65,349</u>
The Iredell Museums, Inc.	\$61,013	\$61,013 <u>\$60,720</u>
Kidsenses	\$65,233	\$65,233 <u>\$64,967</u>
<u>Marbles</u>		<u>\$58,000</u>
Museum of Coastal Carolina	\$65,454	\$65,454 <u>\$66,591</u>
The Natural Science Center of Greensboro, Inc.	\$116,532	\$116,532 <u>\$115,410</u>
North Carolina Estuarium	\$58,000	\$58,000 <u>\$62,359</u>
North Carolina Museum of Life and Science	\$203,545	\$203,545 <u>\$197,983</u>
Pisgah Astronomical Research Institute	\$74,925	\$74,925 <u>\$83,281</u>
Port Discover: Northeastern North Carolina's Center for Hands-On Science, Inc.	\$60,610	\$60,610 <u>\$60,248</u>
Rocky Mount Children's Museum	\$66,463	\$66,463 <u>\$67,464</u>
Schiele Museum of Natural History and Planetarium, Inc.	\$100,990	\$100,990 <u>\$107,868</u>
Sci Works Science Center and Environmental Park of Forsyth County	\$83,725	\$83,725 <u>\$84,336</u>
Sylvan Heights Waterfowl Park and Eco-Center	\$69,864	\$69,864 <u>\$68,981</u>
Western North Carolina Nature Center	\$74,973	\$74,973 <u>\$72,400</u>
Wilmington Children's Museum	\$66,684	\$66,684 <u>\$69,274</u>
Total	\$2,347,782	\$2,347,782 <u>\$2,390,429</u>

1 ...
2 ~~"SECTION 15.25A.(f) Each museum listed in subsection (a) of this section shall do the~~
3 ~~following:~~

- 4 (1) ~~By September 1 of each year, and more frequently as requested, report to the~~
5 ~~Joint Legislative Commission on Governmental Operations and the Fiscal~~
6 ~~Research Division on prior State fiscal year program activities, objectives,~~
7 ~~and accomplishments and prior State fiscal year itemized expenditures and~~
8 ~~fund sources.~~
9 (2) ~~Provide to the Fiscal Research Division a copy of the organization's annual~~
10 ~~audited financial statement within 30 days of issuance of the statement."~~

11 12 **STUDY OF FUTURE USE OF BROUGHTON FACILITIES**

13 **SECTION 15.20.(a)** Upon the Department of Commerce's raising of the sum of
14 two hundred thousand dollars (\$200,000) in non-State funds for the study described in
15 subsection (b) of this section, the Department shall use those funds, together with the sum of
16 two hundred thousand dollars (\$200,000) of funds appropriated to the Rural Economic
17 Development Division in Fund Code 1534 for the 2014-2015 fiscal year, to conduct the study
18 described in subsection (b) of this section.

19 **SECTION 15.20.(b)** The Department of Commerce shall, in conjunction with the
20 Department of Health and Human Services, the Department of Administration, the City of
21 Morganton, and the County of Burke, use the funds described in subsection (a) of this section
22 to study potential uses for vacated Broughton Hospital facilities and potential development or
23 redevelopment of adjoining State-owned properties to ascertain the economic benefits of use,
24 development, and redevelopment. The study required by this section shall examine all of the
25 following:

- 26 (1) Potential uses of vacated Broughton Hospital facilities and development or
27 redevelopment of adjoining State-owned properties.
28 (2) Benefits to the State, local governments, and the private sector of each
29 potential use identified in the study.
30 (3) Costs to the State, to the City of Morganton, to the County of Burke, and to
31 the private sector of each potential use identified in the study.
32 (4) Opportunities to use the properties for public-private partnerships.
33 (5) Any other matters that the Department of Administration deems relevant to
34 this study of potential economic benefits in the use of vacated Broughton
35 Hospital facilities and properties.

36 **SECTION 15.20.(c)** No later than December 31, 2014, the Department of
37 Commerce shall submit an interim report on the study to the chairs of the Joint Legislative
38 Oversight Committee on Health and Human Services, to the chairs of the Joint Legislative
39 Committee on Economic Development and Global Engagement, and to the chairs of the Joint
40 Legislative Commission on Governmental Operations. No later than June 30, 2015, the
41 Department of Administration shall submit a final report on the results of the study to the chairs
42 of the same committees.

43 **SECTION 15.20.(d)** The Department of Administration shall cooperate fully with
44 the performance of the study required by this section and shall provide timely information
45 about the facilities and other properties being evaluated as part of the study to the Department
46 of Commerce.

47 48 **PART XVI. DEPARTMENT OF PUBLIC SAFETY**

49 50 **SUBPART XVI-A. GENERAL PROVISIONS**

1 **TRANSFER MAPPING FUNCTIONS TO OFFICE OF THE STATE CHIEF**
2 **INFORMATION OFFICER**

3 **SECTION 16A.1.(a)** The Geospatial and Technology Management Program
4 (Budget Code 14550, Fund Code 1504) and the North Carolina Geodetic Survey Section of the
5 Division of Emergency Management of the Department of Public Safety (Budget Code 14550,
6 Fund Code 1511) are hereby transferred to the Center for Geographic Information and Analysis
7 in the Office of the State Chief Information Officer. This transfer shall have all of the elements
8 of a Type I transfer, as described in G.S. 143A-6.

9 **SECTION 16A.1.(b)** The following statutes are amended by deleting the language
10 "Division of Emergency Management of the Department of Public Safety" or "Department of
11 Public Safety" wherever it appears and substituting "Office of the State Chief Information
12 Officer:" G.S. 47-30(f)(9), 102-1.1, 102-8, and 102-10.

13 **SECTION 16A.1.(c)** G.S. 143-215.52(a)(1c) and (4b) are repealed.

14 **SECTION 16A.1.(d)** G.S. 143-215.52(1b) reads as rewritten:

15 "(1b) "Base floodplain" or "100-year floodplain" means that area subject to a one
16 percent (1%) or greater chance of flooding in any given year, as shown on
17 the current floodplain maps prepared pursuant to the National Flood
18 Insurance Program or approved by the ~~Department.~~Office of the State Chief
19 Information Officer."

20 **SECTION 16A.1.(e)** G.S. 143-215.54A(b) reads as rewritten:

21 "(b) A flood hazard prevention ordinance may include a procedure for granting variances
22 for uses prohibited under G.S. 143-215.54(c). A county or city shall notify the ~~Secretary~~State
23 Chief Information Officer of its intention to grant a variance at least 30 days prior to granting
24 the variance. A county or city may grant a variance upon finding that all of the following apply:

- 25 (1) The use serves a critical need in the community.
26 (2) No feasible location exists for the location of the use outside the 100-year
27 floodplain.
28 (3) The lowest floor of any structure is elevated above the base flood elevation
29 or is designed to be watertight with walls substantially impermeable to the
30 passage of water and with structural components capable of resisting
31 hydrostatic and hydrodynamic loads and the effects of buoyancy.
32 (4) The use complies with all other applicable laws and regulations."

33 **SECTION 16A.1.(f)** G.S. 143-215.56 reads as rewritten:

34 "**§ 143-215.56. Delineation of flood hazard areas and 100-year floodplains; powers of**
35 **~~Department;~~the State Chief Information Officer; powers of local governments**
36 **and of the ~~Department.~~State Chief Information Officer.**

37 (a) For the purpose of delineating a flood hazard area and evaluating the possibility of
38 flood damages, a local government may:

- 39 (1) Request technical assistance from the competent State and federal agencies,
40 including the Army Corps of Engineers, the Natural Resources Conservation
41 Service, the Tennessee Valley Authority, the Federal Emergency
42 Management Agency, the North Carolina Department of Public Safety, ~~the~~
43 ~~North Carolina Geodetic Survey,~~the Office of the State Chief Information
44 Officer, the North Carolina Geological Survey, and the U.S. Geological
45 Survey, or successor agencies.

46 ...

47 (b) The ~~Department~~State Chief Information Officer shall provide advice and assistance
48 to any local government having responsibilities under this Part. In exercising this function the
49 ~~Department~~State Chief Information Officer may furnish manuals, suggested standards, plans,
50 and other technical data; conduct training programs; give advice and assistance with respect to
51 delineation of flood hazard areas and the development of appropriate ordinances; and provide

1 any other advice and assistance that the ~~Department~~ State Chief Information Officer deems
2 appropriate. The ~~Department~~ State Chief Information Officer shall send a copy of every rule
3 adopted to implement this Part to the governing body of each local government in the State.

4 ...

5 (d) The ~~Department~~ State Chief Information Officer may prepare a floodplain map that
6 identifies the 100-year floodplain and base flood elevations for an area for the purposes of this
7 Part if all of the following conditions apply:

8 (1) The 100-year floodplain and base flood elevations for the area are not
9 identified on a floodplain map prepared pursuant to the National Flood
10 Insurance Program within the previous five years.

11 (2) The ~~Department~~ State Chief Information Officer determines that the
12 100-year floodplain and the base flood elevations for the area need to be
13 identified and the use of the area regulated in accordance with the
14 requirements of this Part in order to prevent damage from flooding.

15 (3) The ~~Department~~ State Chief Information Officer prepares the floodplain map
16 in accordance with the federal standards required for maps to be accepted for
17 use in administering the National Flood Insurance Program.

18 (e) Prior to preparing a floodplain map pursuant to subsection (d) of this section, the
19 ~~Department~~ State Chief Information Officer shall advise each local government whose
20 jurisdiction includes a portion of the area to be mapped.

21 (f) Upon completing a floodplain map pursuant to subsection (d) of this section, the
22 ~~Department~~ State Chief Information Officer shall both:

23 (1) Provide copies of the floodplain map to every local government whose
24 jurisdiction includes a portion of the 100-year floodplain identified on the
25 floodplain map.

26 (2) Submit the floodplain map to the Federal Emergency Management Agency
27 for approval for use in administering the National Flood Insurance Program.

28 (g) Upon approval of a floodplain map prepared pursuant to subsection (d) of this
29 section by the Federal Emergency Management Agency for use in administering the National
30 Flood Insurance Program, it shall be the responsibility of each local government whose
31 jurisdiction includes a portion of the 100-year floodplain identified in the floodplain map to
32 incorporate the revised map into its floodplain ordinance."

33 **SECTION 16A.1.(g)** G.S. 143-215.56A reads as rewritten:

34 "**§ 143-215.56A. Floodplain Mapping Fund.**

35 The Floodplain Mapping Fund is established as a special revenue fund. The Fund consists
36 of the fees credited to it under G.S. 161-11.5. Revenue in the fund may be used only to offset
37 the ~~Department's~~ State Chief Information Officer's cost in preparing floodplain maps and
38 performing its other duties under this Part."

39 **GOVERNOR'S CRIME COMMISSION**

40 **SECTION 16A.2.** G.S. 143B-1101(b) reads as rewritten:

41 "(b) The Governor's Crime Commission shall review the level of gang activity
42 throughout the State and assess the progress and accomplishments of the State, and of local
43 governments, in preventing the proliferation of gangs and addressing the needs of juveniles
44 who have been identified as being associated with gang activity.

45 The Governor's Crime Commission shall develop recommendations concerning the
46 establishment of priorities and needed improvements with respect to gang prevention ~~to the~~
47 General Assembly and shall report those recommendations to the Chairs of the Joint
48 Legislative Oversight Committee on Justice and Public Safety on or before March 1 of each
49 year."
50
51

SUBPART XVI-B. DIVISION OF LAW ENFORCEMENT**COMPLIANCE WITH CJIS DATA SECURITY STANDARDS**

SECTION 16B.1. The Department of Public Safety shall use funds available to the Division of Law Enforcement to ensure compliance with applicable Federal Bureau of Investigation security standards relating to the access of data in its Criminal Justice Information System. The Department is encouraged to use funds transferred to the State from federal asset forfeiture programs for this purpose.

ABC PERMIT FEE INCREASE

SECTION 16B.2.(a) G.S. 18B-903 reads as rewritten:

"§ 18B-903. Duration of permit; renewal and transfer.

...

(b) **Renewal.** – Application for renewal of an ABC permit shall be on a form provided by the Commission. An application for renewal shall be accompanied by an application fee ~~of twenty five percent (25%) of the original application fee set in G.S. 18B-902, fee.~~ The application fee shall be the same amount as the initial fee set in G.S. 18B-902, except that the renewal application fee for each wine shop permit shall be five hundred dollars (\$500.00), and the renewal application fee for each mixed beverages permit and each guest room cabinet permit shall be ~~seven hundred fifty dollars (\$750.00)~~ one thousand dollars (\$1,000). A renewal fee shall not be refundable.

(b1) **Registration.** – Each person holding a malt beverage, fortified wine, or unfortified wine permit issued pursuant to G.S. 18B-902(d)(1) through G.S. 18B-902(d)(6) shall register by May 1 of each year on a form provided by the Commission, in order to provide information needed by the State in enforcing this Chapter and to support the costs of that enforcement. The registration required by this subsection shall be accompanied by an annual registration and inspection fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) for each permit held. The fee shall be paid by May 1 of each year. A registration fee shall not be refundable. Failure to pay the annual registration and inspection fee shall result in revocation of the permit.

...."

SECTION 16B.2.(b) This section applies to fees assessed or collected for permits issued or renewed on or after July 1, 2014.

ESTABLISH HAZARDOUS MATERIALS FACILITY FEE

SECTION 16B.3.(a) G.S. 166A-21 reads as rewritten:

"§ 166A-21. Definitions.

~~As used in this Article:~~ The following definitions apply in this Article:

(1) Department. – The Department of Public Safety.

(2) Division. – The Division of Emergency Management.

~~(1)(3)~~ "Hazardous materials emergency response team" or "hazmat team" means an Hazardous materials emergency response team or hazmat team. – An organized group of persons specially trained and equipped to respond to and control actual or potential leaks or spills of hazardous materials.

~~(2)(4)~~ "Hazardous material" means any Hazardous material. – Any material defined as a hazardous substance under 29 Code of Federal Regulations § 1910.120(a)(3).

~~(3)(5)~~ "Hazardous materials incident" or "hazardous materials emergency" means an Hazardous materials incident or hazardous materials emergency. – An uncontrolled release or threatened release of a hazardous substance requiring outside assistance by a local fire department or hazmat team to contain and control.

1 ~~(4)(6)~~ "~~Regional response team~~" means a Regional response team. – A hazmat
2 team under contract with the State to provide response to hazardous
3 materials emergencies occurring outside the hazmat team's local jurisdiction
4 at the direction of the Department of Public Safety, Division of Emergency
5 Management.

6 ~~(5)(7)~~ "~~Secretary~~" means the Secretary. – The Secretary of the Department of
7 Public Safety.

8 ~~(6)(8)~~ "~~Technician-level entry capability~~" means the Technician-level entry
9 capability. – The capacity of a hazmat team, in terms of training and
10 equipment as specified in 29 Code of Federal Regulations § 1910.120, to
11 respond to a hazardous materials incident requiring affirmative measures,
12 such as patching, plugging, or other action necessary to stop and contain the
13 release of a hazardous substance at its source.

14 ~~(7)(9)~~ "~~Terrorist incident~~" means activities Terrorist incident. – Activities that
15 occur within the territorial jurisdiction of the United States, involve acts
16 dangerous to human life that are a violation of the criminal laws of the
17 United States or of any state, and are intended to do one of the following:

18 a. Intimidate or coerce a civilian population.

19 b. Influence the policy of a government by intimidation or coercion.

20 c. Affect the conduct of a government by mass destruction,
21 assassination, or kidnapping."

22 **SECTION 16B.3.(b)** Article 2 of Chapter 166A of the General Statutes is amended
23 by adding a new section to read:

24 **"§ 166A-29.1. Hazardous materials facility fee.**

25 (a) Definitions. – The following definitions apply in this section:

26 (1) EPCRA. – The federal Emergency Planning and Community Right-to-Know
27 Act, P.L. No. 99-499 et. seq.

28 (2) Hazardous chemical. – As defined in 29 C.F.R. 1910.1200(c), except that the
29 term does not include any of the following:

30 a. Any food, food additive, color additive, drug, or cosmetic regulated
31 by the Food and Drug Administration.

32 b. Any substance present as a solid in any manufactured item to the
33 extent exposure to the substance does not occur under normal
34 conditions of use.

35 c. Any substance to the extent that it is used for personal, family, or
36 household purposes or is present in the same form and concentration
37 as a product packaged for distribution and use by the public.

38 d. Any substance to the extent that it is used in a research laboratory or
39 a hospital or other medical facility under the direct supervision of a
40 technically qualified individual.

41 e. Any substance to the extent that it is used in routine agricultural
42 operations or is a fertilizer held for sale by a retailer to the ultimate
43 consumer.

44 (3) Extremely hazardous substance. – Any substance, regardless of its state, set
45 forth in 40 C.F.R. Part 355, Appendix A or B.

46 (b) Annual Fee Shall Be Charged. – A person required under Section 302 or 312 of
47 EPCRA to submit a notification or an annual inventory form to the Division shall be required to
48 pay to the Department an annual fee in the amount set forth in subsection (c) of this section.

49 (c) Amount of Fee. – The amount of the annual fee charged pursuant to subsection (b)
50 of this section shall be calculated in accordance with the following:

1 (1) A fee of fifty dollars (\$50.00) shall be assessed for each substance reported
2 by a facility that is classified as a hazardous chemical.

3 (2) A fee of ninety dollars (\$90.00) shall be assessed for each substance reported
4 by a facility that is classified as an extremely hazardous substance.

5 (d) Late Fees. – The Division may impose a late fee for failure to submit a report or
6 filing that substantially complies with the requirements of EPCRA by the federal filing
7 deadline or for failure to pay any fee, including a late fee. This fee shall be in addition to the fee
8 imposed pursuant to subsection (c) of this section. Prior to imposing a late fee, the Division
9 shall provide the person who will be assessed the late fee with written notice that identifies the
10 specific requirements that have not been met and informs the person of its intent to assess a late
11 fee. The assessment of a late fee shall be subject to the following limitations:

12 (1) If the report filing or fee is submitted within 30 days after receipt of the
13 Division's notice that it intends to assess a late fee, no late fee shall be
14 assessed.

15 (2) If the report filing or fee has not been submitted by the end of the period set
16 forth in subdivision (1) of this subsection, the Division may impose a late fee
17 in an amount equal to the amount of the fee charged pursuant to subsection
18 (c) of this section.

19 (e) Exemptions. – No fee shall be charged under this section to any of the following:

20 (1) An owner or operator of a family farm enterprise, a facility owned by a State
21 or local government, or a nonprofit corporation.

22 (2) An owner or operator of a facility where motor vehicle fuels are stored and
23 from which such fuels are offered for retail sale. However, hazardous
24 chemicals or extremely hazardous substances at such a facility, other than
25 motor vehicle fuels for retail sale, shall not be subject to this exemption.

26 (f) Use of Fee Proceeds. – The proceeds of fees assessed pursuant to this section shall
27 be used for costs associated with the maintenance of a hazardous materials database and to
28 support the operations of the Regional Response Teams."

29 **SECTION 16B.3.(c)** This section applies to fees assessed on or after July 1, 2014.

30 31 **SUBPART XVI-C. DIVISION OF ADULT CORRECTION AND JUVENILE JUSTICE**

32 33 **ALL MISDEMEANANTS TO SERVE SENTENCES IN LOCAL CONFINEMENT** 34 **FACILITIES**

35 **SECTION 16C.1.(a)** G.S. 15A-1351(a) reads as rewritten:

36 (a) The judge may sentence to special probation a defendant convicted of a criminal
37 offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior
38 record or conviction level as found pursuant to Article 81B of this Chapter, an intermediate
39 punishment is authorized for the class of offense of which the defendant has been convicted. A
40 defendant convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special
41 probation. Under a sentence of special probation, the court may suspend the term of
42 imprisonment and place the defendant on probation as provided in Article 82, Probation, and in
43 addition require that the defendant submit to a period or periods of imprisonment in the custody
44 of the Division of Adult Correction of the Department of Public Safety or a designated local
45 confinement or treatment facility at whatever time or intervals within the period of probation,
46 consecutive or nonconsecutive, the court ~~determines~~determines, as provided in this subsection.
47 For probationary sentences for misdemeanors, including impaired driving under G.S. 20-138.1,
48 all imprisonment under this subsection shall be in a designated local confinement or treatment
49 facility. In addition to any other conditions of probation which the court may impose, the court
50 shall impose, when imposing a period or periods of imprisonment as a condition of special
51 probation, the condition that the defendant obey the Rules and Regulations of the Division of

1 Adult Correction of the Department of Public Safety governing conduct of inmates, and this
2 condition shall apply to the defendant whether or not the court imposes it as a part of the
3 written order. ~~Except for probationary sentences for misdemeanors, including impaired~~
4 ~~driving under G.S. 20-138.1, if imprisonment is for continuous periods, the confinement may~~
5 be in the custody of either the Division of Adult Correction of the Department of Public Safety
6 or a local confinement facility. Noncontinuous periods of imprisonment under special probation
7 may only be served in a designated local confinement or treatment facility. Except for
8 probationary sentences of impaired driving under G.S. 20-138.1, the total of all periods of
9 confinement imposed as an incident of special probation, but not including an activated
10 suspended sentence, may not exceed one-fourth the maximum sentence of imprisonment
11 imposed for the offense, and no confinement other than an activated suspended sentence may
12 be required beyond two years of conviction. For probationary sentences for impaired driving
13 under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special
14 probation, but not including an activated suspended sentence, shall not exceed one-fourth the
15 maximum penalty allowed by law. In imposing a sentence of special probation, the judge may
16 credit any time spent committed or confined, as a result of the charge, to either the suspended
17 sentence or to the imprisonment required for special probation. The original period of
18 probation, including the period of imprisonment required for special probation, shall be as
19 specified in G.S. 15A-1343.2(d), but may not exceed a maximum of five years, except as
20 provided by G.S. 15A-1342(a). The court may revoke, modify, or terminate special probation
21 as otherwise provided for probationary sentences."

22 **SECTION 16C.1.(b)** G.S. 15A-1352 reads as rewritten:

23 **"§ 15A-1352. Commitment to ~~Division of Adult Correction of the Department of Public~~**
24 **~~Safety or a local confinement facility.~~**

25 (a) ~~Except as provided in subsection (f) of this section, a person sentenced to~~
26 imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article
27 84 of this Chapter shall be committed for the term designated by the court to the custody of ~~the~~
28 ~~Division of Adult Correction of the Department of Public Safety or to a local confinement~~
29 facility. ~~If the~~ sentence imposed for a misdemeanor is for a period of 90 days or less, the
30 ~~commitment~~ must be to a facility other than one maintained by the Division of Adult
31 Correction of the Department of Public Safety, except as provided in G.S. 148-32.1(b). ~~If the~~
32 ~~sentence or sentences imposed require confinement for more than 180 days, the commitment~~
33 ~~must be to the custody of the Division of Adult Correction of the Department of Public Safety.~~

34 If a person is sentenced to imprisonment for a misdemeanor under this Article or for
35 nonpayment of a fine under Article 84 of this Chapter, the sentencing judge shall make a
36 finding of fact as to whether the person would be suitable for placement in a county satellite
37 jail/work release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a
38 finding of fact that the person would be suitable for placement in a county satellite jail/work
39 release unit and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the
40 custodian of the local confinement facility may transfer the misdemeanant to a county satellite
41 jail/work release unit.

42 (b) A person sentenced to imprisonment for a felony under this Article shall be
43 committed for the term designated by the court to the custody of the Division of Adult
44 Correction of the Department of Public Safety.

45 (c) A person sentenced to imprisonment for nonpayment of a fine under Article 84,
46 Fines, shall be committed for the term designated by the court:

- 47 (1) To the custody of the Division of Adult Correction of the Department of
48 Public Safety if the person was fined for conviction of a felony;
- 49 (2) To the custody of ~~the Division of Adult Correction of the Department of~~
50 ~~Public Safety or to a local confinement facility~~ if the person was fined for
51 conviction of a misdemeanor, ~~provided that (i) if the sentence imposed is for~~

1 a period of 90 days or less, the commitment shall be to a facility other than
2 one maintained by the Division of Adult Correction of the Department of
3 Public Safety, except as provided in G.S. 148-32.1(b) and (ii) if the sentence
4 or sentences imposed require confinement for more than 180 days, the
5 commitment must be to the custody of the Division of Adult Correction of
6 the Department of Public Safety, except as provided in G.S. 148-32.1(b).

7 (d) Notwithstanding any other provision of law, when the sentencing court, with the
8 consent of the person sentenced, orders that a person convicted of a misdemeanor be granted
9 work release, the court may commit the person to a specific prison facility or local confinement
10 facility or satellite jail/work release unit within the county of the sentencing court in order to
11 facilitate the work release arrangement. When appropriate to facilitate the work release
12 arrangement, the sentencing court may, with the consent of the sheriff or board of
13 commissioners, commit the person to a specific local confinement facility or satellite jail/work
14 release unit in another county, or, with the consent of the Division of Adult Correction of the
15 Department of Public Safety, commit the person to a specific prison facility in another county.
16 The Division of Adult Correction of the Department of Public Safety may transfer a prisoner
17 committed to a specific prison facility to a different facility when necessary to alleviate
18 overcrowding or for other administrative purposes.county.

19 (e) A person sentenced for a misdemeanor who has a sentence imposed that requires
20 confinement for a period of more than 90 days and up to 180 days, except for those serving
21 sentences for an impaired driving offense under G.S. 20-138.1 under this Article or for
22 nonpayment of a fine under Article 84 of this Chapter, shall be committed for the term
23 designated by the court to confinement pursuant to the Statewide Misdemeanant Confinement
24 Program established by G.S. 148-32.1.

25 (f) A person sentenced to imprisonment of any duration for impaired driving under
26 G.S. 20-138.1, other than imprisonment required as a condition of special probation under
27 G.S. 15A-1351(a) or G.S. 15A-1344(e), shall be committed to the Statewide Misdemeanant
28 Confinement Program established under G.S. 148-32.1."

29 **SECTION 16C.1.(c)** G.S. 20-176(c1) is repealed.

30 **SECTION 16C.1.(d)** G.S. 20-179(f3) reads as rewritten:

31 "(f3) Aggravated Level One Punishment. – A defendant subject to Aggravated Level One
32 punishment may be fined up to ten thousand dollars (\$10,000) and shall be sentenced to a term
33 of imprisonment that includes a minimum term of not less than 12 months and a maximum
34 term of not more than 36 months. Notwithstanding G.S. 15A-1371, a defendant sentenced to a
35 term of imprisonment pursuant to this subsection shall not be eligible for parole. However, the
36 defendant shall be released from the ~~Division of Adult Correction of the Department of Public~~
37 ~~Safety~~Statewide Misdemeanant Confinement Program on the date equivalent to the defendant's
38 maximum imposed term of imprisonment less four months and shall be supervised by the
39 Section of ~~Prisons~~Community Supervision of the Division of Adult Correction under and
40 subject to the provisions of Article 84A of Chapter 15A of the General Statutes and shall also
41 be required to abstain from alcohol consumption for the four-month period of supervision as
42 verified by a continuous alcohol monitoring system. For purposes of revocation, violation of
43 the requirement to abstain from alcohol or comply with the use of a continuous alcohol
44 monitoring system shall be deemed a controlling condition under G.S. 15A-1368.4.

45 The term of imprisonment may be suspended only if a condition of special probation is
46 imposed to require the defendant to serve a term of imprisonment of at least 120 days. If the
47 defendant is placed on probation, the judge shall impose as requirements that the defendant (i)
48 abstain from alcohol consumption for a minimum of 120 days to a maximum of the term of
49 probation, as verified by a continuous alcohol monitoring system pursuant to subsections (h1)
50 and (h3) of this section, and (ii) obtain a substance abuse assessment and the education or

1 treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of
2 probation. The judge may impose any other lawful condition of probation."

3 **SECTION 16C.1.(e)** G.S. 148-13 reads as rewritten:

4 **"§ 148-13. Regulations as to custody grades, privileges, gain time credit, etc.**

5 (a) The Secretary of Public Safety may issue regulations regarding the grades of
6 custody in which State prisoners are kept, the privileges and restrictions applicable to each
7 custody grade, and the amount of cash, clothing, etc., to be awarded to State prisoners after
8 their discharge or parole. The amount of cash awarded to a prisoner upon discharge or parole
9 after being incarcerated for two years or longer shall be at least forty-five dollars (\$45.00).

10 (a1) The Secretary of Public Safety shall adopt rules to specify the rates at, and
11 circumstances under, which earned time authorized by G.S. 15A-1340.13(d) and
12 G.S. 15A-1340.20(d) may be earned or forfeited by persons serving activated sentences of
13 imprisonment for felony or misdemeanor convictions.

14 (b) With respect to prisoners who are serving ~~prison~~ or jail terms for impaired driving
15 offenses under G.S. 20-138.1, the Secretary of Public Safety may, in his discretion, issue
16 regulations regarding deductions of time from the terms of such prisoners for good behavior,
17 meritorious conduct, work or study, participation in rehabilitation programs, and the like.

18 (c), (d) Repealed by Session Laws 1993, c. 538, s. 32, effective January 1, 1995.

19 (e) The Secretary's regulations concerning earned time and good time credits authorized
20 by this section shall be distributed to and followed by local jail administrators with regard to
21 sentenced jail prisoners.

22 (f) The provisions of this section do not apply to persons sentenced to a term of special
23 probation under G.S. 15A-1344(e) or G.S. 15A-1351(a)."

24 **SECTION 16C.1.(f)** G.S. 148-32.1 reads as rewritten:

25 **"§ 148-32.1. Local confinement, costs, alternate facilities, parole, work release.**

26 (a) Repealed by Session Laws 2009-451, s. 19.22A, effective July 1, 2009.

27 (b) In the event that the custodian of the local confinement facility certifies in writing to
28 the clerk of the superior court in the county in which the local confinement facility is located
29 that the local confinement facility is filled to capacity, or that the facility cannot reasonably
30 accommodate any more prisoners due to segregation requirements for particular prisoners, or
31 that the custodian anticipates, in light of local experiences, an influx of temporary prisoners at
32 that time, or if the local confinement facility does not meet the minimum standards published
33 pursuant to G.S. 153A-221, any judge of the district court in the district court district as defined
34 in G.S. 7A-133 where the facility is located, or any superior court judge who has jurisdiction
35 pursuant to G.S. 7A-47.1 or G.S. 7A-48 in a district or set of districts as defined in
36 G.S. 7A-41.1 where the facility is located may order that a prisoner not housed pursuant to the
37 Statewide Misdemeanant Confinement Program established in subsection (b2) of this section
38 be transferred to any other qualified local confinement facility within that district or within
39 another such district where space is available, including a satellite jail unit operated pursuant to
40 G.S. 153A-230.3 if the prisoner is a non-violent misdemeanor, which local facility shall accept
41 the transferred prisoner.

42 If no other local confinement facility is available and the reason for the requested transfer is
43 that the local confinement facility that would be required to house the prisoner cannot
44 reasonably accommodate any more prisoners due to segregation requirements for particular
45 prisoners or the local facility does not meet the minimum standards published pursuant to
46 G.S. 153A-221, then the judge may order that a prisoner not housed pursuant to the Statewide
47 Misdemeanant Confinement Program established in subsection (b2) of this section be
48 transferred to a facility operated by the Division of Adult Correction of the Department of
49 Public Safety as designated by the Division of Adult Correction. In no event, however, shall a
50 prisoner whose term of imprisonment is less than 30 days be assigned or ordered transferred to
51 a facility operated by the Division of Adult Correction.

1 (b1) It is the intent of the General Assembly to authorize the Division of Adult
2 Correction to enter into voluntary agreements with counties to provide housing for
3 misdemeanants serving periods of confinement of more than 90 days and up to 180 days,
4 except for those serving a sentence for an impaired driving offense. It is further the intent of the
5 General Assembly that the Division of Adult Correction, in conjunction with the North
6 Carolina Sheriffs' Association, Inc., establish a program for housing misdemeanants serving
7 periods of confinement of more than 90 days ~~and up to 180 days, except for those serving~~
8 ~~sentences for an impaired driving offense, and for all sentences imposed for impaired driving~~
9 under G.S. 20-138.1, regardless of length. It is also the intent of the General Assembly that the
10 Division of Adult Correction contract with the North Carolina Sheriffs' Association, Inc., to
11 provide a service that identifies space in local confinement facilities that is available for
12 housing these misdemeanants.

13 The General Assembly intends that the cost of housing and caring for these misdemeanants,
14 including, but not limited to, care, supervision, transportation, medical, and any other related
15 costs, be covered by State funds and not be imposed as a local cost. Therefore, the General
16 Assembly intends that the funds in the Statewide Misdemeanant Confinement Fund established
17 in G.S. 148-10.4 be used to provide funding to cover the costs of managing a system for
18 providing that housing of misdemeanants in local confinement facilities as well as reimbursing
19 the counties for housing and related expenses for those misdemeanants.

20 (b2) The Statewide Misdemeanant Confinement Program is established. The Program
21 shall provide for the housing of misdemeanants from all counties serving sentences imposed for
22 a period of more than 90 days ~~and up to 180 days, except for those serving sentences for an~~
23 ~~impaired driving offense under G.S. 20-138.1~~ and for all sentences imposed for impaired
24 driving under G.S. 20-138.1, regardless of length. Those misdemeanants shall be confined in
25 local confinement facilities except as provided in subsections (b3) and (b4) of this section. The
26 Program shall address methods for the placement and transportation of inmates and
27 reimbursement to counties for the housing of those inmates. Any county that voluntarily agrees
28 to house misdemeanants from that county or from other counties pursuant to the Program may
29 enter into a written agreement with the Division of Adult Correction to do so.

30 This Program shall only operate as long as sufficient State funds are available through the
31 Statewide Misdemeanant Confinement Fund established in G.S. 148-10.4(c).

32"

33 **SECTION 16C.1.(g)** This section becomes effective October 1, 2014, and applies
34 to (i) persons placed on probation or sentenced to imprisonment for impaired driving under
35 G.S. 20-138.1 on or after January 1, 2015, and (ii) persons placed on probation or sentenced to
36 imprisonment for all other misdemeanors other than impaired driving under G.S. 20-138.1 on
37 or after October 1, 2014.

38 REMOVE LIMITATION ON COMMUNITY WORK CREW FEE

39 **SECTION 16C.2.** G.S. 148-32.2 reads as rewritten:

40 "**§ 148-32.2. Community work crew fee.**

41 The Division of Adult Correction of the Department of Public Safety may charge a fee to
42 any unit of local government to which it provides, upon request, a community work crew. The
43 amount of the fee shall be no more than the cost to the Division to provide the crew to the unit
44 of local government, ~~not to exceed a daily rate of one hundred fifty dollars (\$150.00) per work~~
45 ~~crew-government."~~

46 INMATE LABOR CONTRACT

47 **SECTION 16C.3.** The Division of Adult Correction of the Department of Public
48 Safety shall prioritize inmate labor contracts in areas where prisons were closed during the
49 2013-2014 fiscal year. The Division shall charge a transportation fee equivalent to the mileage
50
51

1 cost of transporting inmates to and from the contract site. The Division shall also charge an
2 administrative fee as part of the inmate labor contract that reflects the other costs associated
3 with providing the inmate labor.
4

5 **EVALUATION OF ELECTRICAL DEVICES, APPLIANCES, AND EQUIPMENT** 6 **USED BY THE DIVISION OF ADULT CORRECTION**

7 **SECTION 16C.4.** G.S. 66-25(b) reads as rewritten:

8 "(b) Electrical devices, appliances, or equipment used by the Division of Adult
9 Correction of the Department of Public Safety ~~shall~~ may be evaluated for safety and suitability
10 by the Central Engineering Section of the Department of Public Safety. The evaluation shall be
11 conducted in accordance with nationally recognized standards."
12

13 **MAINTENANCE OF PRISONS**

14 **SECTION 16C.5.** Section 1.1 of S.L. 2011-412, as amended by Section 1.2 of S.L.
15 2011-412, reads as rewritten:

16 "**SECTION 1.1.** The Department of Public Safety shall study the potential benefits and
17 costs of contracting for maintenance services at prison facilities and report its findings to the
18 2013 Session of the General Assembly. ~~The Department shall not expand private maintenance~~
19 ~~contracts to additional prison facilities unless authorized by the 2013 Session of the General~~
20 ~~Assembly.~~ The Department may expand private maintenance contracts to additional prison
21 facilities if it determines that savings can be realized by doing so and that safety can be
22 maintained at those facilities. The Department shall report to the Joint Legislative Commission
23 on Governmental Operations on the anticipated savings and on safety considerations prior to
24 entering any prison maintenance contract under this section."
25

26 **ADULT AND JUVENILE INMATE MEDICAL COSTS**

27 **SECTION 16C.6.(a)** Section 16C.4(a) of S.L. 2013-360 reads as rewritten:

28 "**SECTION 16C.4.(a)** The Department of Public Safety shall reimburse those providers
29 and facilities providing approved inmate medical services outside the correctional or juvenile
30 facility the lesser amount of either a rate of seventy percent (70%) of the provider's then-current
31 prevailing charge or two times the then-current Medicaid rate for any given service. The
32 Department shall have the right to audit any given provider to determine the actual prevailing
33 charge to ensure compliance with this provision.

34 This section does apply to vendors providing services that are not billed on a fee-for-service
35 basis, such as temporary staffing. Nothing in this section shall preclude the Department from
36 contracting with a provider for services at rates that provide greater documentable cost
37 avoidance for the State than do the rates contained in this section or at rates that are less
38 favorable to the State but that will ensure the continued access to care."

39 **SECTION 16C.6.(b)** Section 19.6(c) of S.L. 2010-31 reads as rewritten:

40 "**SECTION 19.6.(c)** ~~The Department of Correction~~ Department of Public Safety shall
41 consult with the Division of Medical Assistance in the Department of Health and Human
42 Services to develop protocols for prisoners and juveniles committed to the Department who
43 would be eligible for Medicaid if they were not incarcerated to access Medicaid while in
44 ~~eustody or under extended limits of confinement.~~ custody, under extended limits of
45 confinement, or committed to the Department. The Department shall seek reimbursement from
46 Medicaid for those health care costs incurred by the Department in those instances when ~~an~~
47 ~~inmate's~~ the Medicaid eligibility of an inmate or of a juvenile held in secure custody or
48 committed to the Department has been temporarily reinstated due to a hospitalization. ~~The~~
49 ~~Department of Correction shall also work with the Division of Medical Assistance to determine~~
50 ~~the feasibility of applying for a Medicaid waiver to cover the inmate population.~~"
51

REPORT ON TREATMENT FOR EFFECTIVE COMMUNITY SUPERVISION PROGRAM

SECTION 16C.7.(a) Section 16C.12 of S.L. 2013-360 is repealed.

SECTION 16C.7.(b) G.S. 143B-1155(c) reads as rewritten:

"(c) The Division of Adult Correction shall report by March 1 of each year to the Chairs of the ~~Senate and House of Representatives Appropriations Committees, the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, Safety~~ and the Joint Legislative Oversight Committee on Justice and Public Safety on the status of the Treatment for Effective Community Supervision Program. The report shall include the following information:

- (1) The dollar amount and purpose of funds provided on a contractual basis to service providers for the previous fiscal ~~year~~ year and the amount of any funds carried over from the previous fiscal year.
- (2) An analysis of offender participation data received, including the following:
 - a. The number of people on probation and post-release supervision that are in the priority population that received services.
 - b. The number of people on probation and post-release supervision that are in the priority population that did not receive services.
 - c. The number of people on probation and post-release supervision outside of the priority population that received services.
 - d. The type of services provided to these ~~populations~~ populations, including data on each program's utilization, capacity, and completion rates.
 - e. The rate of revocations ~~and successful completions for~~ and the educational progress and employment status of people who received services.
 - f. Other measures as determined appropriate.
- (3) The dollar amount needed to provide additional services to meet the needs of the priority population in the upcoming budget year.
- (4) Details of personnel, travel, contractual, operating, and equipment expenditures for each program type."

CLARIFY THE IMPOSITION OF CONFINEMENT IN RESPONSE TO VIOLATIONS

SECTION 16C.8.(a) G.S. 15A-1344(d2) reads as rewritten:

"(d2) Confinement in Response to Violation. – When a defendant under supervision for a felony conviction has violated a condition of probation other than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a period of confinement of 90 consecutive ~~days~~ days, to be served in the custody of the Division of Adult Correction of the Department of Public Safety. The court may not revoke probation unless the defendant has previously received a total of two periods of confinement under this subsection. A defendant may receive only two periods of confinement under this subsection. ~~¶The 90-day term of confinement ordered under this subsection for a felony shall not be reduced by credit for time already served in the case.~~ Any such credit shall instead be applied to the suspended sentence. However, if the time remaining on the maximum imposed sentence on a defendant under supervision for a felony conviction is 90 days or less, then the term of confinement is for the remaining period of the sentence. Confinement under this section shall be credited pursuant to G.S. 15-196.1.

When a defendant under supervision for a misdemeanor conviction has violated a condition of probation other than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a period of confinement of up to 90 consecutive ~~days~~ days, to be served where the defendant would have served an active sentence. The court may not revoke probation unless the defendant has previously received a total of two periods of confinement under this subsection. A

1 defendant may receive only two periods of confinement under this subsection. Confinement
2 under this section shall be credited pursuant to G.S. 15-196.1.

3 If a defendant is arrested for violation of a condition of probation and is lawfully confined
4 to await a hearing for the violation, then the judge shall first credit any confinement time spent
5 awaiting the hearing to any confinement imposed under this subsection; any excess time shall
6 be credited to the activated sentence. The period of confinement imposed under this subsection
7 on a defendant who is on probation for multiple offenses shall run concurrently on all cases
8 related to the violation. Confinement shall be immediate unless otherwise specified by the
9 court.

10 A defendant shall serve any confinement imposed under this subsection in the correctional
11 facility where the defendant would have served an active sentence."

12 **SECTION 16C.8.(b)** This section becomes effective October 1, 2014, and applies
13 to probation violations occurring on or after that date.

14 **PART XVII. DEPARTMENT OF JUSTICE**

15 **TRANSFER THE SBI AND THE ALCOHOL LAW ENFORCEMENT SECTION**

16
17 **SECTION 17.1.(a)** The State Bureau of Investigation is hereby transferred to the
18 Department of Public Safety as a new section within the Law Enforcement Division. This
19 transfer shall have all of the elements of a Type I transfer, as described in G.S. 143A-6.

20 **SBI TRANSFER – CREATION OF STATUTORY SUBPARTS**

21
22 **SECTION 17.1.(b)** Part 4 of Article 13 of Chapter 143B of the General Statutes is
23 amended by adding a new Subpart to read:

24 "Subpart A. General Provisions."

25
26 **SECTION 17.1.(c)** Part 4 of Article 13 of Chapter 143B of the General Statutes is
27 amended by adding a new Subpart to read:

28 "Subpart B. State Capitol Police."

29
30 **SECTION 17.1.(d)** Part 4 of Article 13 of Chapter 143B of the General Statutes is
31 amended by adding a new Subpart to read:

32 "Subpart C. State Bureau of Investigation."

33 **SBI TRANSFER – REPEAL OF CERTAIN STATUTES AND RECODIFICATION OF** 34 **OTHER AFFECTED STATUTES**

35 **SECTION 17.1.(e)** G.S. 114-13 is repealed.

36 **SECTION 17.1.(f)** G.S. 114-2.7 is recodified as G.S. 143B-901 under Subpart A of
37 Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (b) of
38 this section.

39 **SECTION 17.1.(g)** G.S. 114-10 through G.S. 114-10.1 are recodified as
40 G.S. 143B-902 through G.S. 143B-905 under Subpart A of Part 4 of Article 13 of Chapter
41 143B of the General Statutes, as created by subsection (b) of this section.

42 **SECTION 17.1.(h)** G.S. 143B-900 is recodified as G.S. 143B-911 under Subpart B
43 of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (c) of
44 this section.

45 **SECTION 17.1.(i)** The following statutes are recodified as G.S. 143B-915 through
46 G.S. 143B-924 under Subpart C of Part 4 of Article 13 of Chapter 143B of the General
47 Statutes, as created by subsection (d) of this section: G.S. 114-12, 114-12.1, 114-14 through
48 114-15.3, and 114-17 through 114-18.

49 **SECTION 17.1.(j)** G.S. 114-19 is recodified as G.S. 143B-906 under Subpart A of
50 Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (b) of
51 this section.

1 **SECTION 17.1.(k)** G.S. 114-19.01 is recodified as G.S. 143B-925 under Subpart
2 C of Part 4 of Article 13 of Chapter 143B of the General Statutes, as created by subsection (d)
3 of this section.

4 **SECTION 17.1.(l)** All of Part 2 of Article 4 of Chapter 114 of the General
5 Statutes, other than the section recodified by subsection (k) of this section, is recodified as
6 Subpart D of Part 4 of Article 13 of Chapter 143B of the General Statutes, "Criminal History
7 Record Checks", G.S. 143B-930 through G.S. 143B-981. Statutory sections of the former
8 statutes that were reserved for future codification shall have corresponding sections that are
9 reserved for future codification in the recodified statutes.

10 **SECTION 17.1.(m)** Part 3 of Article 4 of Chapter 114 of the General Statutes is
11 recodified as Subpart E of Part 4 of Article 13 of Chapter 143B of the General Statutes,
12 "Protection of Public Officials", G.S. 143B-986 through G.S. 143B-987.

13 **SBI TRANSFER – OTHER CHANGES**

14 **SECTION 17.1.(n)** The following statutes, as recodified by subsections (f) through
15 (m) of this section, as applicable, are amended by deleting the language "Department of
16 Justice" wherever it appears and substituting "Department of Public Safety": G.S. 14-208.15A,
17 14-415.19, 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, 15A-145.4(c) and (j), 15A-145.5(c),
18 15A-145.6(c), 15A-146, 18B-902, 19A-24, 48-3-309, 53-244.050, 58-71-51, 58-89A-60,
19 66-407, 70-13.1, 74C-8.1, 74D-2.1, 74F-18, 84-24, 85B-3.2, 90-11, 90-30, 90-85.15, 90-102.1,
20 90-113.5, 90-113.46A, 90-143.3, 90-171.48, 90-210.25, 90-224, 90-270.22, 90-270.26,
21 90-270.29A, 90-288.01, 90-622, 90-629, 90-629.1, 90-652, 90D-7, 93A-4, 95-47.2, 106-65.26,
22 110-90.2, 115C-238.73, 115C-332, 121-25.1, 143-166.13, 143-143.10A, 143B-916, 143B-930
23 through 143B-965, and 160A-304.

24 **SECTION 17.1.(o)** The following statutes, as recodified by subsections (f) through
25 (m) of this section, as applicable, are amended by deleting the language "Attorney General"
26 wherever it appears and substituting "Secretary of Public Safety": G.S. 15A-1475, 58-79-1
27 through 58-79-15, 58-79-25, 143B-921, and 163-278.

28 **SECTION 17.1.(p)** The following statutes, as recodified by subsections (f) through
29 (m) of this section, as applicable, are amended by deleting the language "Division of Criminal
30 Information" and "State Bureau of Investigation's Division of Criminal Information" wherever
31 they appear and substituting "Department of Public Safety": G.S. 7B-2507, 15A-1340.14,
32 15A-1340.21, 20-26, 85B-3.2, 122C-80, 143B-935, 143B-943, 143B-954, and 143B-981.

33 **SECTION 17.1.(q)** The following statutes are amended by deleting the language
34 "Division" wherever it appears and substituting "Department of Public Safety": G.S. 14-208.7,
35 14-208.8, 14-208.8A, 14-208.9, 14-208.9A, 14-208.12A, 14-208.15, 14-208.15A, 14-208.22,
36 and 14-208.27. However, no substitution shall be made under this subsection to instances of the
37 word "Division" that appear in the phrase "Division of Adult Correction."

38 **SECTION 17.1.(r)** G.S. 7A-349 reads as rewritten:

39 "**§ 7A-349. Criminal history record check; denial of employment, contract, or volunteer**
40 **opportunity.**

41 The Judicial Department may deny employment, a contract, or a volunteer opportunity to
42 any person who refuses to consent to a criminal history check authorized under
43 ~~G.S. 114-19.19~~G.S. 143B-950 and may dismiss a current employee, terminate a contractor, or
44 terminate a volunteer relationship if that employee, contractor, or volunteer refuses to consent
45 to a criminal history record check authorized under ~~G.S. 114-19.19~~G.S. 143B-950."

46 **SECTION 17.1.(s)** G.S. 7B-1904 reads as rewritten:

47 "**§ 7B-1904. Order for secure or nonsecure custody.**

48 The custody order shall be in writing and shall direct a law enforcement officer or other
49 authorized person to assume custody of the juvenile and to make due return on the order. The
50 official executing the order shall give a copy of the order to the juvenile's parent, guardian, or
51

1 custodian. If the order is for nonsecure custody, the official executing the order shall also give a
2 copy of the petition and order to the person or agency with whom the juvenile is being placed.
3 If the order is for secure custody, copies of the petition and custody order shall accompany the
4 juvenile to the detention facility or holdover facility of the jail. A message of ~~the Division of~~
5 ~~Criminal Information, State Bureau of Investigation,~~ the Department of Public Safety stating
6 that a juvenile petition and secure custody order relating to a specified juvenile are on file in a
7 particular county shall be authority to detain the juvenile in secure custody until a copy of the
8 juvenile petition and secure custody order can be forwarded to the juvenile detention facility.
9 The copies of the juvenile petition and secure custody order shall be transmitted to the
10 detention facility no later than 72 hours after the initial detention of the juvenile.

11 An officer receiving an order for custody which is complete and regular on its face may
12 execute it in accordance with its terms and need not inquire into its regularity or continued
13 validity, nor does the officer incur criminal or civil liability for its execution."

14 **SECTION 17.1.(t)** G.S. 8-58.20(c) reads as rewritten:

15 "(c) The analyst who analyzes the forensic sample and signs the report shall complete an
16 affidavit on a form developed by the ~~State Bureau of Investigation, State Crime Laboratory.~~ In
17 the affidavit, the analyst shall state (i) that the person is qualified by education, training, and
18 experience to perform the analysis, (ii) the name and location of the laboratory where the
19 analysis was performed, and (iii) that performing the analysis is part of that person's regular
20 duties. The analyst shall also aver in the affidavit that the tests were performed pursuant to the
21 accrediting body's standards for that discipline and that the evidence was handled in accordance
22 with established and accepted procedures while in the custody of the laboratory. The affidavit
23 shall be sufficient to constitute prima facie evidence regarding the person's qualifications. The
24 analyst shall attach the affidavit to the laboratory report and shall provide the affidavit to the
25 investigating officer and the district attorney in the prosecutorial district in which the criminal
26 charges are pending. An affidavit by a forensic analyst sworn to and properly executed before
27 an official authorized to administer oaths is admissible in evidence without further
28 authentication in any criminal proceeding with respect to the forensic analysis administered and
29 the procedures followed."

30 **SECTION 17.1.(u)** G.S. 14-16.9 reads as rewritten:

31 **"§ 14-16.9. Officers-elect to be covered.**

32 Any person who has been elected to any office covered by this Article but has not yet taken
33 the oath of office shall be considered to hold the office for the purpose of this Article and
34 ~~G.S. 114-15; G.S. 143B-919."~~

35 **SECTION 17.1.(v)** G.S. 14-132(c)(3) reads as rewritten:

36 "(3) Designated by the ~~Attorney General~~ Secretary of Public Safety in accordance
37 with ~~G.S. 114-20.1; G.S. 143B-987."~~

38 **SECTION 17.1.(w)** G.S. 14-208.6 reads as rewritten:

39 **"§ 14-208.6. Definitions.**

40 The following definitions apply in this Article:

41 ...

42 (1c) ~~"Division"~~ "Department" means the ~~Division of Criminal Information of the~~
43 ~~Department of Justice; Department of Public Safety.~~

44 ...

45 (8) "Statewide registry" means the central registry compiled by the ~~Division~~
46 Department in accordance with G.S. 14-208.14.

47"

48 **SECTION 17.1.(x)** G.S. 14-208.13 reads as rewritten:

49 **"§ 14-208.13. File with ~~Police~~ Criminal Information Network.**

50 (a) The ~~Division~~ Department of Public Safety shall include the registration information
51 in the ~~Police~~ Criminal Information Network as set forth in ~~G.S. 114-10.1; G.S. 143B-905.~~

1 (b) The ~~Division~~ Department of Public Safety shall maintain the registration
2 information permanently even after the registrant's reporting requirement expires."

3 **SECTION 17.1.(y)** G.S. 14-208.14 reads as rewritten:

4 "**§ 14-208.14. Statewide registry; ~~Division of Criminal Statistics~~ Department of Public**
5 **Safety designated custodian of statewide registry.**

6 (a) The ~~Division of Criminal Statistics~~ Department of Public Safety shall compile and
7 keep current a central statewide sex offender registry. The ~~Division~~ Department is the State
8 agency designated as the custodian of the statewide registry. As custodian the ~~Division~~
9 Department has the following responsibilities:

10 (1) To receive from the sheriff or any other law enforcement agency or penal
11 institution all sex offender registrations, changes of address, changes of
12 academic or educational employment status, and prerelease notifications
13 required under this Article or under federal law. The ~~Division~~ Department
14 shall also receive notices of any violation of this Article, including a failure
15 to register or a failure to report a change of address.

16 (2) To provide all need-to-know law enforcement agencies (local, State,
17 campus, federal, and those located in other states) immediately upon receipt
18 by the ~~Division~~ Department of any of the following: registration information,
19 a prerelease notification, a change of address, a change of academic or
20 educational employment status, or notice of a violation of this Article.

21 (2a) To notify the appropriate law enforcement unit at an institution of higher
22 education as soon as possible upon receipt by the ~~Division~~ Department of
23 relevant information based on registration information or notice of a change
24 of academic or educational employment status. If an institution of higher
25 education does not have a law enforcement unit, then the
26 ~~Division~~ Department shall provide the information to the local law
27 enforcement agency that has jurisdiction for the campus.

28 (3) To coordinate efforts among law enforcement agencies and penal institutions
29 to ensure that the registration information, changes of address, change of
30 name, prerelease notifications, and notices of failure to register or to report a
31 change of address are conveyed in an appropriate and timely manner.

32 (4) To provide public access to the statewide registry in accordance with this
33 Article.

34 (4a) To maintain the system for public access so that a registrant's full name, any
35 aliases, and any legal name changes are cross-referenced and a member of
36 the public may conduct a search of the system for a registrant under any of
37 those names.

38 (5) To maintain a system allowing an entity to access a list of online identifiers
39 of persons in the central sex offender registry.

40 (b) The statewide registry shall include the following:

41 (1) Registration information obtained by a sheriff or penal institution under this
42 Article or from any other local or State law enforcement agency.

43 (2) Registration information received from a state or local law enforcement
44 agency or penal institution in another state.

45 (3) Registration information received from a federal law enforcement agency or
46 penal institution."

47 **SECTION 17.1.(z)** G.S. 14-208.31 reads as rewritten:

48 "**§ 14-208.31. File with ~~Police~~ Criminal Information Network.**

49 (a) The ~~Division~~ Department of Public Safety shall include the registration information
50 in the ~~Police~~ Criminal Information Network as set forth in ~~G.S. 114-10.1~~ G.S. 143B-905.

1 (b) The ~~Division~~ Department of Public Safety shall maintain the registration
2 information permanently even after the registrant's reporting requirement expires; however, the
3 records shall remain confidential in accordance with Article 32 of Chapter 7B of the General
4 Statutes."

5 **SECTION 17.1.(aa)** G.S. 14-415.4(d)(5) reads as rewritten:

6 "(5) The petitioner submits his or her fingerprints to the sheriff of the county in
7 which the petitioner resides for a criminal background check pursuant to
8 ~~G.S. 114-19-28~~ G.S. 143B-959."

9 **SECTION 17.1.(bb)** G.S. 15A-266.2(4) reads as rewritten:

10 "(4) 'DNA Sample' means blood, cheek swabs, or any biological sample
11 containing cells provided by any person with respect to offenses covered by
12 this Article or submitted to the ~~State Bureau of Investigation~~ State Crime
13 Laboratory pursuant to this Article for analysis pursuant to a criminal
14 investigation or storage or both."

15 **SECTION 17.1.(cc)** G.S. 15A-1341(d) reads as rewritten:

16 "(d) Search of Sex Offender Registration Information Required When Placing a
17 Defendant on Probation. – When the court places a defendant on probation, the probation
18 officer assigned to the defendant shall conduct a search of the defendant's name or other
19 identifying information against the registration information regarding sex offenders compiled
20 by the ~~Division of Criminal Statistics of the Department of Justice~~ Department of Public Safety
21 in accordance with Article 27A of Chapter 14 of the General Statutes. The probation officer
22 may conduct the search using the Internet site maintained by the ~~Division of Criminal~~
23 ~~Statistics~~ Department of Public Safety."

24 **SECTION 17.1.(dd)** G.S. 15A-298 reads as rewritten:

25 **§ 15A-298. Subpoena authority.**

26 Pursuant to rules issued by the ~~Attorney General~~ Department of Public Safety, the Director
27 of the State Bureau of Investigation or the Director's designee may issue an administrative
28 subpoena to a communications common carrier or an electronic communications service to
29 compel production of business records if the records:

- 30 (1) Disclose information concerning local or long-distance toll records or
31 subscriber information; and
32 (2) Are material to an active criminal investigation being conducted by the State
33 Bureau of Investigation."

34 **SECTION 17.1.(ee)** G.S. 18C-151(a)(3) reads as rewritten:

35 "(3) All proposals shall be accompanied by a bond or letter of credit in an amount
36 equal to not less than five percent (5%) of the proposal and the fee to cover
37 the cost of the criminal record check conducted under
38 ~~G.S. 114-19-6~~ G.S. 143B-935."

39 **SECTION 17.1.(ff)** G.S. 74F-6(16) reads as rewritten:

40 "(16) Request that the ~~Department of Justice~~ Department of Public Safety conduct
41 criminal history record checks of applicants for licensure and
42 apprenticeships pursuant to ~~G.S. 114-19-15~~ G.S. 143B-946."

43 **SECTION 17.1.(gg)** G.S. 90-113.33(10) reads as rewritten:

44 "(10) Request that the ~~Department of Justice~~ Department of Public Safety conduct
45 criminal history record checks of applicants for registration, certification, or
46 licensure pursuant to ~~G.S. 114-19-11A~~ G.S. 143B-941."

47 **SECTION 17.1.(hh)** G.S. 90-171.23(b)(19) reads as rewritten:

48 "(19) Request that the ~~Department of Justice~~ Department of Public Safety conduct
49 criminal history record checks of applicants for licensure pursuant to
50 ~~G.S. 114-19-11~~ G.S. 143B-940."

51 **SECTION 17.1.(ii)** G.S. 90-270.63(b) reads as rewritten:

1 "(b) The Board may request that an applicant for licensure, an applicant seeking
2 reinstatement of a license, or a licensee under investigation by the Board for alleged criminal
3 offenses in violation of this Article consent to a criminal history record check. Refusal to
4 consent to a criminal history record check may constitute grounds for the Board to deny
5 licensure to an applicant, deny reinstatement of a license to an applicant, or revoke the license
6 of a licensee. The Board shall ensure that the State and national criminal history of an applicant
7 is checked. The Board shall be responsible for providing to the North Carolina ~~Department of~~
8 ~~Justice~~Department of Public Safety the fingerprints of the applicant or licensee to be checked, a
9 form signed by the applicant or licensee consenting to the criminal history record check and the
10 use of fingerprints and other identifying information required by the State or National
11 Repositories of Criminal Histories, and any additional information required by the ~~Department~~
12 ~~of Justice~~Department of Public Safety in accordance with ~~G.S. 114-19.27~~G.S. 143B-958. The
13 Board shall keep all information obtained pursuant to this section confidential. The Board shall
14 collect any fees required by the ~~Department of Justice~~Department of Public Safety and shall
15 remit the fees to the ~~Department of Justice~~Department of Public Safety for expenses associated
16 with conducting the criminal history record check."

17 **SECTION 17.1.(jj)** G.S. 90-345(b) reads as rewritten:

18 "(b) The Board may request that an applicant for licensure, an applicant seeking
19 reinstatement of a license, or a licensee under investigation by the Board for alleged criminal
20 offenses in violation of this Article consent to a criminal history record check. Refusal to
21 consent to a criminal history record check may constitute grounds for the Board to deny
22 licensure to an applicant, deny reinstatement of a license to an applicant, or revoke the license
23 of a licensee. The Board shall ensure that the State and national criminal history of an applicant
24 is checked. The Board shall be responsible for providing to the North Carolina ~~Department of~~
25 ~~Justice~~Department of Public Safety the fingerprints of the applicant or licensee to be checked, a
26 form signed by the applicant or licensee consenting to the criminal record check and the use of
27 fingerprints and other identifying information required by the State or National Repositories of
28 Criminal Histories, and any additional information required by the ~~Department of~~
29 ~~Justice~~Department of Public Safety in accordance with ~~G.S. 114-19.26~~G.S. 143B-957. The
30 Board shall keep all information obtained pursuant to this section confidential. The Board shall
31 collect any fees required by the ~~Department of Justice~~Department of Public Safety and shall
32 remit the fees to the ~~Department of Justice~~Department of Public Safety for expenses associated
33 with conducting the criminal history record check."

34 **SECTION 17.1.(kk)** G.S. 93E-1-6(c1) reads as rewritten:

35 "(c1) The Board shall also make an investigation as it deems necessary into the
36 background of the applicant to determine the applicant's qualifications with due regard to the
37 paramount interest of the public as to the applicant's competency, honesty, truthfulness, and
38 integrity. All applicants shall consent to a criminal history record check. Refusal to consent to a
39 criminal history record check may constitute grounds for the Board to deny an application. The
40 Board shall ensure that the State and national criminal history of an applicant is checked. The
41 Board shall be responsible for providing to the North Carolina ~~Department of~~
42 ~~Justice~~Department of Public Safety the fingerprints of the applicant to be checked, a form
43 signed by the applicant consenting to the criminal history record check, and the use of
44 fingerprints and other identifying information required by the State or National Repositories of
45 Criminal Histories and any additional information required by the ~~Department of Justice~~
46 Department of Public Safety in accordance with ~~G.S. 114-19.30~~G.S. 143B-961. The Board
47 shall keep all information obtained pursuant to this section confidential. The Board shall collect
48 any fees required by the ~~Department of Justice~~Department of Public Safety and shall remit the
49 fees to the ~~Department of Justice~~Department of Public Safety for expenses associated with
50 conducting the criminal history record check."

51 **SECTION 17.1.(ll)** G.S. 93E-2-11(b) reads as rewritten:

1 "(b) The Board may require that an applicant for registration as an appraisal management
2 company or a registrant consent to a criminal history record check. Refusal to consent to a
3 criminal history record check may constitute grounds for the Board to deny registration to an
4 applicant or registrant. The Board shall ensure that the State and national criminal history of an
5 applicant or registrant is checked. The Board shall be responsible for providing to the North
6 Carolina ~~Department of Justice~~Department of Public Safety the fingerprints of the applicant or
7 registrant to be checked, a form signed by the applicant or registrant consenting to the criminal
8 record check and the use of fingerprints and other identifying information required by the State
9 or National Repositories of Criminal Histories, and any additional information required by the
10 ~~Department of Justice~~Department of Public Safety in accordance with
11 ~~G.S. 114-19.30~~G.S. 143B-961. The Board shall keep all information obtained pursuant to this
12 section confidential. The Board shall collect any fees required by the ~~Department of~~
13 ~~Justice~~Department of Public Safety and shall remit the fees to the ~~Department of~~
14 ~~Justice~~Department of Public Safety for expenses associated with conducting the criminal
15 history record check."

16 **SECTION 17.1.(mm)** G.S. 101-5 reads as rewritten:

17 "**§ 101-5. Name change application requirements; grounds for clerk to order or deny**
18 **name change; certificate and record.**

19 ...

20 (e) The clerk shall forward the order granting the name change to:

21 ...

22 (2) The ~~Division of Criminal Information at the State Bureau of~~
23 ~~Investigation~~Department of Public Safety, which shall update its records to
24 show the name change.

25 ...

26 (g) Upon information obtained by the clerk of fraud or material misrepresentation in the
27 application for a name change, the clerk on his or her own motion may set aside the order
28 granting the name change after notice to the applicant and opportunity to be heard. If the clerk
29 sets aside the name change order, the clerk shall notify the State Registrar of Vital Statistics
30 and the ~~Division of Criminal Information~~Department of Public Safety."

31 **SECTION 17.1.(nn)** G.S. 110-90.2(g), as rewritten by subsection (n) of this
32 section, reads as rewritten:

33 "(g) The child care provider shall pay the cost of the fingerprinting and the federal
34 criminal history record check in accordance with ~~G.S. 114-19.5~~G.S. 143B-934. The
35 Department of Public Safety shall perform the State criminal history record check. The
36 Department of Health and Human Services shall pay for and conduct the county criminal
37 history record check. Child care providers who reside outside the State bear the cost of the
38 county criminal history record check and shall provide the county criminal history record check
39 to the Division of Child Development as required by this section."

40 **SECTION 17.1.(oo)** G.S. 113-172(a) reads as rewritten:

41 "(a) The Secretary shall designate license agents for the Department. The Division and
42 license agents designated by the Secretary under this section shall issue licenses authorized
43 under this Article in accordance with this Article and the rules of the Commission. The
44 Secretary may require license agents to enter into a contract that provides for their duties and
45 compensation, post a bond, and submit to reasonable inspections and audits. If a license agent
46 violates any provision of this Article, the rules of the Commission, or the terms of the contract,
47 the Secretary may initiate proceedings for the forfeiture of the license agent's bond and may
48 summarily suspend, revoke, or refuse to renew a designation as a license agent and may
49 impound or require the return of all licenses, moneys, record books, reports, license forms and
50 other documents, ledgers, and materials pertinent or apparently pertinent to the license agency.
51 The Secretary shall report evidence or misuse of State property, including license fees, by a

1 license agent to the State Bureau of Investigation as provided by
2 G.S. 114-15.1.G.S. 143B-920."

3 **SECTION 17.1(pp)** G.S. 114-2.7, as recodified as G.S. 143B-901 by subsection
4 (f) of this section, reads as rewritten:

5 "**§ 143B-901. Reporting system and database on certain domestic-violence-related**
6 **homicides; reports by law enforcement agencies required; annual report to the**
7 **General Assembly.**

8 The ~~Attorney General's Office~~, Department of Public Safety, in consultation with the North
9 Carolina Council for Women/Domestic Violence Commission, the North Carolina Sheriffs'
10 Association, and the North Carolina Association of Chiefs of Police, shall develop a reporting
11 system and database that reflects the number of homicides in the State where the offender and
12 the victim had a personal relationship, as defined by G.S. 50B-1(b). The information in the
13 database shall also include the type of personal relationship that existed between the offender
14 and the victim, whether the victim had obtained an order pursuant to G.S. 50B-3, and whether
15 there was a pending charge for which the offender was on pretrial release pursuant to
16 G.S. 15A-534.1. All State and local law enforcement agencies shall report information to the
17 ~~Attorney General's Office~~Department of Public Safety upon making a determination that a
18 homicide meets the reporting system's criteria. The report shall be made in the format adopted
19 by the ~~Attorney General's Office~~Department of Public Safety. The ~~Attorney General's Office~~
20 Department of Public Safety shall report to the ~~Joint Legislative Committee on Domestic~~
21 ~~Violence~~,Joint Legislative Oversight Committee on Justice and Public Safety, no later than
22 February 1 of each year, with the data collected for the previous calendar year."

23 **SECTION 17.1(qq)** G.S. 114-10, as recodified as G.S. 143B-902 by subsection
24 (g) of this section, reads as rewritten:

25 "**§ 143B-902. ~~Division of Criminal Information.~~Powers and duties of the Department of**
26 **Public Safety with respect to criminal information.**

27 The ~~Attorney General~~ shall set up in the Department of Justice a division to be designated
28 as the ~~Division of Criminal Information~~. There shall be assigned to this Division by the
29 ~~Attorney General~~ duties as follows:In addition to its other duties, it shall be the duty of the
30 Department of Public Safety to do all of the following:

31 ...

32 (2) To collect, correlate, and maintain access to information that will assist in
33 the performance of duties required in the administration of criminal justice
34 throughout the State. This information may include, but is not limited to,
35 motor vehicle registration, drivers' licenses, wanted and missing persons,
36 stolen property, warrants, stolen vehicles, firearms registration, sexual
37 offender registration as provided under Article 27A of Chapter 14 of the
38 General Statutes, drugs, drug users and parole and probation histories. In
39 performing this function, the ~~Division~~Department may arrange to use
40 information available in other agencies and units of State, local and federal
41 government, but shall provide security measures to insure that such
42 information shall be made available only to those whose duties, relating to
43 the administration of justice, require such information.

44 ...

45 (5) ~~To perform such other duties as may be from time to time prescribed by the~~
46 ~~Attorney General.~~

47 (6) To promulgate rules and regulations for the administration of this Article."

48 **SECTION 17.1(rr)** G.S. 114-10.01, as recodified as G.S. 143B-903 by subsection
49 (g) of this section, reads as rewritten:

50 "**§ 143B-903. Collection of traffic law enforcement statistics.**

1 (a) ~~In addition to the duties set forth in G.S. 114-10, the Division of Criminal~~
2 ~~Information~~In addition to its other duties, the Department of Public Safety shall collect,
3 correlate, and maintain the following information regarding traffic law enforcement by law
4 enforcement officers:

5 ...

6 (b) For purposes of this section, "law enforcement officer" means any of the following:

- 7 (1) All State law enforcement officers.
8 (2) Law enforcement officers employed by county sheriffs or county police
9 departments.
10 (3) Law enforcement officers employed by police departments in municipalities
11 with a population of 10,000 or more persons.
12 (4) Law enforcement officers employed by police departments in municipalities
13 employing five or more full-time sworn officers for every 1,000 in
14 population, as calculated by the ~~Division~~Department for the calendar year in
15 which the stop was made.

16 ...

17 (d) Each law enforcement officer making a stop covered by subdivision (1) of
18 subsection (a) of this section shall be assigned an anonymous identification number by the
19 officer's employing agency. The anonymous identifying number shall be public record and
20 shall be reported to the ~~Division~~Department to be correlated along with the data collected under
21 subsection (a) of this section. The correlation between the identification numbers and the names
22 of the officers shall not be a public record, and shall not be disclosed by the agency except
23 when required by order of a court of competent jurisdiction to resolve a claim or defense
24 properly before the court.

25 (d1) Any agency subject to the requirements of this section shall submit information
26 collected under subsection (a) of this section to the ~~Division~~Department within 60 days of the
27 close of each month. Any agency that does not submit the information as required by this
28 subsection shall be ineligible to receive any law enforcement grants available by or through the
29 State until the information which is reasonably available is submitted.

30 (e) The ~~Division~~Department shall publish and distribute by December 1 of each year a
31 list indicating the law enforcement officers that will be subject to the provisions of this section
32 during the calendar year commencing on the following January 1."

33 **SECTION 17.1(ss)** G.S. 114-10.02, as recodified as G.S. 143B-904 by subsection
34 (g) of this section, reads as rewritten:

35 "**§ 143B-904. Collection of statistics on the use of deadly force by law enforcement**
36 **officers.**

37 (a) In addition to ~~the duties set forth in G.S. 114-10, the Division of Criminal~~
38 ~~Information~~its other duties, the Department of Public Safety shall collect, maintain, and
39 annually publish the number of deaths, by law enforcement agency, resulting from the use of
40 deadly force by law enforcement officers in the course and scope of their official duties.

41 (b) For purposes of this section, "law enforcement officer" means sworn law
42 enforcement officers with the power of arrest, both State and local."

43 **SECTION 17.1(tt)** G.S. 114-10.1, as recodified as G.S. 143B-905 by subsection
44 (g) of this section, reads as rewritten:

45 "**§ 143B-905. Police-Criminal Information Network.**

46 (a) The ~~Division of Criminal Information~~Department of Public Safety is authorized to
47 establish, devise, maintain and operate a system for receiving and disseminating to participating
48 agencies information collected, maintained and correlated under authority of ~~G.S. 114-10 of~~
49 ~~this Article~~G.S. 143B-902. The system shall be known as the ~~Division of Criminal Information~~
50 Network.

1 (b) ~~The Division of Criminal Information~~ Department of Public Safety is authorized to
2 cooperate with the Division of Motor Vehicles, Department of Administration, ~~the Department~~
3 ~~of Public Safety~~, and other State, local and federal agencies and organizations in carrying out
4 the purpose and intent of this section, and to utilize, in cooperation with other State agencies
5 and to the extent as may be practical, computers and related equipment as may be operated by
6 other State agencies.

7 (c) ~~The Division of Criminal Information~~ Department of Public Safety, after
8 consultation with participating agencies, shall adopt rules and regulations governing the
9 organization and administration of the ~~Division of Criminal Information Network~~, including
10 rules and regulations governing the types of information relating to the administration of
11 criminal justice to be entered into the system, and who shall have access to such information.
12 The rules and regulations governing access to the ~~Division of Criminal Information Network~~
13 shall not prohibit an attorney who has entered a criminal proceeding in accordance with
14 G.S. 15A-141 from obtaining information relevant to that criminal proceeding. The rules and
15 regulations governing access to the ~~Division of Criminal Information Network~~ shall not
16 prohibit an attorney who represents a person in adjudicatory or dispositional proceedings for an
17 infraction from obtaining the person's driving record or criminal history.

18 (d) ~~The Division of Criminal Information may impose an initial set up fee of two~~
19 ~~thousand six hundred fifty dollars (\$2,650) for agencies to participate in the Division of~~
20 ~~Criminal Information Network. This one time fee shall be used to offset the cost of the router~~
21 ~~and data circuit needed to access the Network.~~

22 ~~The Division of Criminal Information Department may also impose monthly fees on~~
23 ~~participating agencies. The monthly fees collected under this subsection shall be used to offset~~
24 ~~the cost of operating and maintaining the Police-Criminal Information NetworkNetwork.~~

25 (1) ~~The Division of Criminal Information~~ Department may impose a monthly
26 circuit fee on agencies that access the ~~Division of Criminal Information~~
27 ~~Network through a circuit maintained and operated by the Department of~~
28 ~~Justice~~ Department of Public Safety. The amount of the monthly fee is three
29 hundred dollars (\$300.00) plus an additional fee amount for each device
30 linked to the Network. The additional fee amount varies depending upon the
31 type of device. For a desktop device after the first seven desktop devices, the
32 additional monthly fee is twenty-five dollars (\$25.00) per device. For a
33 mobile device, the additional monthly fee is twelve dollars (\$12.00) per
34 device.

35 (2) ~~The Division of Criminal Information~~ Department may impose a monthly
36 device fee on agencies that access the ~~Police-Criminal~~ Information Network
37 through some other approved means. The amount of the monthly device fee
38 varies depending upon the type of device. For a desktop device, the monthly
39 fee is twenty-five dollars (\$25.00) per device. For a mobile device, the fee is
40 twelve dollars (\$12.00) per device."

41 **SECTION 17.1.(uu)** G.S. 114-12, as recodified as G.S. 143B-915 by subsection (i)
42 of this section, reads as rewritten:

43 **"§ 143B-915. Bureau of Investigation created; powers and duties.**

44 In order to secure a more effective administration of the criminal laws of the State, to
45 prevent crime, and to procure the speedy apprehension of criminals, the ~~Attorney~~
46 ~~General~~ Secretary of Public Safety shall set up in the Division of Law Enforcement of the
47 Department of Justice-Public Safety a division-section to be designated as the State Bureau of
48 Investigation. The ~~Division-Section~~ shall have charge of and administer the agencies and
49 activities herein set up for the identification of criminals, for their apprehension, and
50 investigation and preparation of evidence to be used in criminal courts; and the said Bureau

1 shall have charge of investigation of criminal matters herein especially mentioned, and of such
2 other crimes and criminal procedure as the Governor may direct.

3 In the personnel of the Bureau shall be included a sufficient number of persons of training
4 and skill in the investigation of crime and in the preparation of evidence as to be of service to
5 local enforcement officers, under the direction of the Governor, in criminal matters of major
6 importance.

7 ~~The State radio system shall be made available to the Bureau Laboratory for use in its
8 work."~~

9 **SECTION 17.1.(vv)** G.S. 114-14, as recodified as G.S. 143B-917 by subsection (i)
10 of this section, reads as rewritten:

11 "**§ 143B-917. General powers and duties of ~~Director and assistants,~~law enforcement**
12 **officers of the State Bureau of Investigation.**

13 ~~The Director of the Bureau and his assistants~~Sworn law enforcement officers of the State
14 Bureau of Investigation are given the same power of arrest as is now vested in the sheriffs of
15 the several counties, and their jurisdiction shall be statewide. ~~The Director of the Bureau and~~
16 ~~his assistants~~Sworn law enforcement officers of the Bureau shall, at the request of the
17 Governor, give assistance to sheriffs, police officers, district attorneys, and judges when called
18 upon by them and so directed. ~~They shall also give assistance, when requested, to the~~
19 ~~Department of Public Safety in the investigation of cases pending before the parole office and~~
20 ~~of complaints lodged against parolees, when so directed by the Governor."~~

21 **SECTION 17.1.(ww)** G.S. 114-15, as recodified as G.S. 143B-919 by subsection
22 (i) of this section, reads as rewritten:

23 "**§ 143B-919. Investigations of lynchings, election frauds, etc.; services subject to call of**
24 **Governor; witness fees and mileage for ~~Director and assistants,~~employees.**

25 (a) The Bureau shall, ~~through its Director and~~ upon request of the Governor, investigate
26 and prepare evidence in the event of any lynching or mob violence in the State; shall
27 investigate all cases arising from frauds in connection with elections when requested to do so
28 by the Board of Elections, and when so directed by the Governor. Such investigation, however,
29 shall in nowise interfere with the power of the Attorney General to make such investigation as
30 the Attorney General is authorized to make under the laws of the State. The Bureau is
31 authorized further, at the request of the Governor, to investigate cases of frauds arising under
32 the Social Security Laws of the State, of violations of the gaming laws, and lottery laws, and
33 matters of similar kind when called upon by the Governor so to do. In all such cases it shall be
34 the duty of the Department to keep such records as may be necessary and to prepare evidence
35 in the cases investigated, for the use of enforcement officers and for the trial of causes. The
36 services of ~~the Director of the Bureau, and of the Director's assistants,~~employees of the Bureau
37 may be required by the Governor in connection with the investigation of any crime committed
38 anywhere in the State when called upon by the enforcement officers of the State, and when, in
39 the judgment of the Governor, such services may be rendered with advantage to the
40 enforcement of the criminal law. The State Bureau of Investigation is hereby authorized to
41 investigate without request the attempted arson of, or arson of, damage of, theft from, or theft
42 of, or misuse of, any State-owned personal property, buildings, or other real property or any
43 assault upon or threats against any legislative officer named in G.S. 147-2(1), (2), or (3), any
44 executive officer named in G.S. 147-3(c), or any court officer as defined in G.S. 14-16.10(1).

45 (a1) The Bureau also is authorized at the request of the Governor to conduct a
46 background investigation on a person that the Governor plans to nominate for a position that
47 must be confirmed by the General Assembly, the Senate, or the House of Representatives. The
48 background investigation of the proposed nominee shall be limited to an investigation of the
49 person's criminal record, educational background, employment record, records concerning the
50 listing and payment of taxes, and credit record, and to a requirement that the person provide the
51 information contained in the statements of economic interest required to be filed by persons

1 subject to Chapter 138A of the General Statutes. The Governor must give the person being
2 investigated written notice that the Governor intends to request a background investigation at
3 least 10 days prior to the date that the Governor requests the State Bureau of Investigation to
4 conduct the background investigation. The written notice shall be sent by regular mail, and
5 there is created a rebuttable presumption that the person received the notice if the Governor has
6 a copy of the notice.

7 ...

8 (c) All records and evidence collected and compiled by ~~the Director of the Bureau and~~
9 ~~his assistants~~employees of the Bureau shall, upon request, be made available to the district
10 attorney of any district if the same concerns persons or investigations in his district.

11 (d) In all cases where the cost is assessed against the defendant and paid by him, there
12 shall be assessed in the bill of cost, mileage and witness fees to ~~the Director and any of his~~
13 ~~assistants~~any employees of the Bureau who are witnesses in cases arising in courts of this
14 State. The fees so assessed, charged and collected shall be forwarded by the clerks of the court
15 to the Treasurer of the State of North Carolina, and there credited to the Bureau of
16 Identification and Investigation Fund."

17 **SECTION 17.1.(xx)** G.S. 114-19.1(d), as recodified by subsection (l) of this
18 section, reads as rewritten:

19 "(d) Nothing in this section shall be construed as enlarging any right to receive any
20 record of the State Bureau of Investigation. Such rights are and shall be controlled by
21 ~~G.S. 114-15, G.S. 114-19, G.S.~~G.S. 143B-919, 143B-906, 120-19.4A, and other applicable
22 statutes."

23 **SECTION 17.1.(yy)** G.S. 114-19.6(b), as recodified by subsection (l) of this
24 section and rewritten by subsection (o) of this section, reads as rewritten:

25 "(b) When requested by the Department of Health and Human Services or the Division
26 of Juvenile Justice of the Department of Public Safety, the North Carolina Department of
27 Public Safety may provide to the requesting department or division a covered person's criminal
28 history from the State Repository of Criminal Histories. Such requests shall not be due to a
29 person's age, sex, race, color, national origin, religion, creed, political affiliation, or
30 handicapping condition as defined by G.S. 168A-3. For requests for a State criminal history
31 record check only, the requesting department or division shall provide to the Department of
32 Public Safety a form consenting to the check signed by the covered person to be checked and
33 any additional information required by the Department of Public Safety. National criminal
34 record checks are authorized for covered applicants who have not resided in the State of North
35 Carolina during the past five years. For national checks the Department of Health and Human
36 Services or the Division of Juvenile Justice of the Department of Public Safety shall provide to
37 the North Carolina Department of Public Safety the fingerprints of the covered person to be
38 checked, any additional information required by the Department of Public Safety, and a form
39 signed by the covered person to be checked consenting to the check of the criminal record and
40 to the use of fingerprints and other identifying information required by the State or National
41 Repositories. The fingerprints of the individual shall be forwarded to the State Bureau of
42 Investigation for a search of the State criminal history record file and the State Bureau of
43 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a
44 national criminal history record check. The Department of Health and Human Services and the
45 Division of Juvenile Justice of the Department of Public Safety shall keep all information
46 pursuant to this section confidential. The Department of Public Safety shall charge a reasonable
47 fee for conducting the checks of the criminal history records authorized by this section."

48 **SECTION 17.1.(zz)** G.S. 114-20, as recodified as G.S. 143B-986 by subsection
49 (m) of this section, reads as rewritten:

50 "**§ 143B-986. Authority to provide protection to certain public officials.**

1 The North Carolina State Bureau of Investigation is authorized to provide protection to
2 public officials who request it, and who, in the discretion of the Director of the Bureau with the
3 approval of the Attorney General, demonstrate a need for such protection. The bureau shall not
4 provide protection for any individual other than the Governor for a period greater than 30 days
5 without review and reapproval by the ~~Attorney General~~Secretary of Public Safety. This review
6 and reapproval shall be required at the end of each 30-day period."

7 **SECTION 17.1.(aaa)** G.S. 114-20.1, as recodified as G.S. 143B-987 by subsection
8 (m) of this section, reads as rewritten:

9 **"§ 143B-987. Authority to designate areas for protection of public officials.**

10 (a) The ~~Attorney General~~Secretary of Public Safety is authorized to designate buildings
11 and grounds which constitute temporary residences or temporary offices of any public official
12 being protected under authority of ~~G.S. 114-20~~G.S. 143B-986, or any area that will be visited
13 by any such official, a public building or facility during the time of such use.

14 (b) The ~~Attorney General or the Director of the State Bureau of Investigation~~Secretary
15 of Public Safety may, with the consent of the official to be protected, make rules governing
16 ingress to or egress from such buildings, grounds or areas designated under this section."

17 **SECTION 17.1.(bbb)** G.S. 122C-80 reads as rewritten:

18 **"§ 122C-80. Criminal history record check required for certain applicants for**
19 **employment.**

20 ...

21 (b) Requirement. – An offer of employment by a provider licensed under this Chapter
22 to an applicant to fill a position that does not require the applicant to have an occupational
23 license is conditioned on consent to a State and national criminal history record check of the
24 applicant. If the applicant has been a resident of this State for less than five years, then the offer
25 of employment is conditioned on consent to a State and national criminal history record check
26 of the applicant. The national criminal history record check shall include a check of the
27 applicant's fingerprints. If the applicant has been a resident of this State for five years or more,
28 then the offer is conditioned on consent to a State criminal history record check of the
29 applicant. A provider shall not employ an applicant who refuses to consent to a criminal history
30 record check required by this section. Except as otherwise provided in this subsection, within
31 five business days of making the conditional offer of employment, a provider shall submit a
32 request to the ~~Department of Justice~~Department of Public Safety under
33 ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a criminal history record check required by this
34 section or shall submit a request to a private entity to conduct a State criminal history record
35 check required by this section. Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939, the
36 ~~Department of Justice~~Department of Public Safety shall return the results of national criminal
37 history record checks for employment positions not covered by Public Law 105-277 to the
38 Department of Health and Human Services, Criminal Records Check Unit. Within five business
39 days of receipt of the national criminal history of the person, the Department of Health and
40 Human Services, Criminal Records Check Unit, shall notify the provider as to whether the
41 information received may affect the employability of the applicant. In no case shall the results
42 of the national criminal history record check be shared with the provider. Providers shall make
43 available upon request verification that a criminal history check has been completed on any
44 staff covered by this section. A county that has adopted an appropriate local ordinance and has
45 access to the Division of Criminal Information data bank may conduct on behalf of a provider a
46 State criminal history record check required by this section without the provider having to
47 submit a request to the Department of Justice. In such a case, the county shall commence with
48 the State criminal history record check required by this section within five business days of the
49 conditional offer of employment by the provider. All criminal history information received by
50 the provider is confidential and may not be disclosed, except to the applicant as provided in
51 subsection (c) of this section. For purposes of this subsection, the term "private entity" means a

1 business regularly engaged in conducting criminal history record checks utilizing public
2 records obtained from a State agency.

3 ...

4 (g) Conditional Employment. – A provider may employ an applicant conditionally prior
5 to obtaining the results of a criminal history record check regarding the applicant if both of the
6 following requirements are met:

7 (1) The provider shall not employ an applicant prior to obtaining the applicant's
8 consent for criminal history record check as required in subsection (b) of this
9 section or the completed fingerprint cards as required in
10 ~~G.S. 114-19.10.~~G.S. 143B-939.

11 (2) The provider shall submit the request for a criminal history record check not
12 later than five business days after the individual begins conditional
13 employment."

14 **SECTION 17.1.(ccc)** G.S. 122C-205(c) reads as rewritten:

15 "(c) Upon receipt of notice of an escape or breach of a condition of release as described
16 in subsections (a) and (b) of this section, an appropriate law enforcement officer shall take the
17 client into custody and have the client returned to the 24-hour facility from which the client has
18 escaped or has been conditionally released. Transportation of the client back to the 24-hour
19 facility shall be provided in the same manner as described in G.S. 122C-251 and
20 G.S. 122C-408(b). Law enforcement agencies who are notified of a client's escape or breach of
21 conditional release shall be notified of the client's return by the responsible 24-hour facility.
22 Under the circumstances described in this section, the initial notification by the 24-hour facility
23 of the client's escape or breach of conditional release shall be given by telephone
24 communication to the appropriate law enforcement agency or agencies and, if available and
25 appropriate, by ~~Division of Criminal Information (DCI)~~Department of Public Safety message to
26 any law enforcement agency in or out of state and by entry into the National Crime Information
27 Center (NCIC) telecommunications system. As soon as reasonably possible following
28 notification, written authorization to take the client into custody shall also be issued by the
29 24-hour facility. Under this section, law enforcement officers shall have the authority to take a
30 client into custody upon receipt of the telephone notification or ~~Division of Criminal~~
31 ~~Information~~Department of Public Safety message prior to receiving written authorization. The
32 notification of a law enforcement agency does not, in and of itself, render this information
33 public information within the purview of Chapter 132 of the General Statutes. However, the
34 responsible law enforcement agency shall determine the extent of disclosure of personal
35 identifying and background information reasonably necessary, under the circumstances, in
36 order to assure the expeditious return of a client to the 24-hour facility involved and to protect
37 the general public and is authorized to make such disclosure. The responsible law enforcement
38 agency may also place any appropriate message or entry into either the ~~Division of Criminal~~
39 ~~Information System~~Department of Public Safety's Criminal Information System or National
40 Crime Information System, or both, as appropriate."

41 **SECTION 17.1.(ddd)** G.S. 131D-10.3A reads as rewritten:

42 "**§ 131D-10.3A. Mandatory criminal checks.**

43 ...

44 (d) The ~~Department of Justice~~Department of Public Safety shall provide to the
45 Department the criminal history of the individuals specified in subsection (a) of this section
46 obtained from the State and National Repositories of Criminal Histories as requested by the
47 Department. The Department shall provide to the ~~Department of Justice,~~Department of Public
48 Safety, along with the request, the fingerprints of the individual to be checked, any additional
49 information required by the ~~Department of Justice,~~Department of Public Safety, and a form
50 consenting to the check of the criminal record and to the use of fingerprints and other
51 identifying information required by the State or National Repositories signed by the individual

1 to be checked. The fingerprints of the individual to be checked shall be forwarded to the State
2 Bureau of Investigation for a search of the State's criminal history record file, and the State
3 Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of
4 Investigation for a national criminal history record check.

5 ...

6 (i) ~~The Department of Justice~~Department of Public Safety shall perform the State and
7 national criminal history checks on individuals required by this section and shall charge the
8 Department a reasonable fee only for conducting the checks of the national criminal history
9 records authorized by this section. The Division of Social Services, Department of Health and
10 Human Services, shall bear the costs of implementing this section."

11 **SECTION 17.1.(eee)** G.S. 131D-40 reads as rewritten:

12 **"§ 131D-40. Criminal history record checks required for certain applicants for**
13 **employment.**

14 (a) Requirement; Adult Care Home. – An offer of employment by an adult care home
15 licensed under this Chapter to an applicant to fill a position that does not require the applicant
16 to have an occupational license is conditioned on consent to a criminal history record check of
17 the applicant. If the applicant has been a resident of this State for less than five years, then the
18 offer of employment is conditioned on consent to a State and national criminal history record
19 check of the applicant. The national criminal history record check shall include a check of the
20 applicant's fingerprints. If the applicant has been a resident of this State for five years or more,
21 then the offer is conditioned on consent to a State criminal history record check of the
22 applicant. An adult care home shall not employ an applicant who refuses to consent to a
23 criminal history record check required by this section. Within five business days of making the
24 conditional offer of employment, an adult care home shall submit a request to the ~~Department~~
25 ~~of Justice~~Department of Public Safety under ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a State
26 or national criminal history record check required by this section, or shall submit a request to a
27 private entity to conduct a State criminal history record check required by this section.
28 Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939, the ~~Department of Justice~~ Department of
29 Public Safety shall return the results of national criminal history record checks for employment
30 positions not covered by Public Law 105-277 to the Department of Health and Human
31 Services, Criminal Records Check Unit. Within five business days of receipt of the national
32 criminal history of the person, the Department of Health and Human Services, Criminal
33 Records Check Unit, shall notify the adult care home as to whether the information received
34 may affect the employability of the applicant. In no case shall the results of the national
35 criminal history record check be shared with the adult care home. Adult care homes shall make
36 available upon request verification that a criminal history check has been completed on any
37 staff covered by this section. All criminal history information received by the home is
38 confidential and may not be disclosed, except to the applicant as provided in subsection (b) of
39 this section.

40 (a1) Requirement; Contract Agency of Adult Care Home. – An offer of employment by a
41 contract agency of an adult care home licensed under this Chapter to an applicant to fill a
42 position that does not require the applicant to have an occupational license is conditioned upon
43 consent to a criminal history record check of the applicant. If the applicant has been a resident
44 of this State for less than five years, then the offer of employment is conditioned on consent to
45 a State and national criminal history record check of the applicant. The national criminal
46 history record check shall include a check of the applicant's fingerprints. If the applicant has
47 been a resident of this State for five years or more, then the offer is conditioned on consent to a
48 State criminal history record check of the applicant. A contract agency of an adult care home
49 shall not employ an applicant who refuses to consent to a criminal history record check
50 required by this section. Within five business days of making the conditional offer of
51 employment, a contract agency of an adult care home shall submit a request to the ~~Department~~

1 ~~of Justice~~Department of Public Safety under ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a State
2 or national criminal history record check required by this section, or shall submit a request to a
3 private entity to conduct a State criminal history record check required by this section.
4 Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939, the ~~Department of Justice~~ Department of
5 Public Safety shall return the results of national criminal history record checks for employment
6 positions not covered by Public Law 105-277 to the Department of Health and Human
7 Services, Criminal Records Check Unit. Within five business days of receipt of the national
8 criminal history of the person, the Department of Health and Human Services, Criminal
9 Records Check Unit, shall notify the contract agency of the adult care home as to whether the
10 information received may affect the employability of the applicant. In no case shall the results
11 of the national criminal history record check be shared with the contract agency of the adult
12 care home. Contract agencies of adult care homes shall make available upon request
13 verification that a criminal history check has been completed on any staff covered by this
14 section. All criminal history information received by the contract agency is confidential and
15 may not be disclosed, except to the applicant as provided by subsection (b) of this section.

16 ...

17 (f) Conditional Employment. – An adult care home may employ an applicant
18 conditionally prior to obtaining the results of a criminal history record check regarding the
19 applicant if both of the following requirements are met:

20 (1) The adult care home shall not employ an applicant prior to obtaining the
21 applicant's consent for a criminal history record check as required in
22 subsection (a) of this section or the completed fingerprint cards as required
23 in ~~G.S. 114-19.10~~G.S. 143B-939.

24 (2) The adult care home shall submit the request for a criminal history record
25 check not later than five business days after the individual begins conditional
26 employment.

27"

28 **SECTION 17.1.(fff)** G.S. 131E-159(g) reads as rewritten:

29 "(g) An individual who applies for EMS credentials, seeks to renew EMS credentials, or
30 holds EMS credentials is subject to a criminal background review by the Department. At the
31 request of the Department, the Emergency Medical Services Disciplinary Committee,
32 established by G.S. 143-519, shall review criminal background information and make a
33 recommendation regarding the eligibility of an individual to obtain initial EMS credentials,
34 renew EMS credentials, or maintain EMS credentials. The Department and the Emergency
35 Medical Services Disciplinary Committee shall keep all information obtained pursuant to this
36 subsection confidential. The Medical Care Commission shall adopt rules to implement the
37 provisions of this subsection, including rules to establish a reasonable fee to offset the actual
38 costs of criminal history information obtained pursuant to ~~G.S. 114-19.21~~G.S. 143B-952."

39 **SECTION 17.1.(ggg)** G.S. 131E-265 reads as rewritten:

40 "**§ 131E-265. Criminal history record checks required for certain applicants for
41 employment.**

42 (a) Requirement; Nursing Home or Home Care Agency. – An offer of employment by a
43 nursing home licensed under this Chapter to an applicant to fill a position that does not require
44 the applicant to have an occupational license is conditioned on consent to a criminal history
45 record check of the applicant. If the applicant has been a resident of this State for less than five
46 years, then the offer of employment is conditioned on consent to a State and national criminal
47 history record check of the applicant. The national criminal history record check shall include a
48 check of the applicant's fingerprints. If the applicant has been a resident of this State for five
49 years or more, then the offer is conditioned on consent to a State criminal history record check
50 of the applicant. An offer of employment by a home care agency licensed under this Chapter to
51 an applicant to fill a position that requires entering the patient's home is conditioned on consent

1 to a criminal history record check of the applicant. In addition, employment status change of a
2 current employee of a home care agency licensed under this Chapter from a position that does
3 not require entering the patient's home to a position that requires entering the patient's home
4 shall be conditioned on consent to a criminal history record check of that current employee. If
5 the applicant for employment or if the current employee who is changing employment status
6 has been a resident of this State for less than five years, then the offer of employment or change
7 in employment status is conditioned on consent to a State and national criminal history record
8 check. The national criminal history record check shall include a check of the applicant's or
9 current employee's fingerprints. If the applicant or current employee has been a resident of this
10 State for five years or more, then the offer is conditioned on consent to a State criminal history
11 record check of the applicant or current employee applying for a change in employment status.
12 A nursing home or a home care agency shall not employ an applicant who refuses to consent to
13 a criminal history record check required by this section. In addition, a home care agency shall
14 not change a current employee's employment status from a position that does not require
15 entering the patient's home to a position that requires entering the patient's home who refuses to
16 consent to a criminal history record check required by this section. Within five business days of
17 making the conditional offer of employment, a nursing home or home care agency shall submit
18 a request to the ~~Department of Justice~~Department of Public Safety under
19 ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a State or national criminal history record check
20 required by this section, or shall submit a request to a private entity to conduct a State criminal
21 history record check required by this section. Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939,
22 the ~~Department of Justice~~Department of Public Safety shall return the results of national
23 criminal history record checks for employment positions not covered by Public Law 105-277 to
24 the Department of Health and Human Services, Criminal Records Check Unit. Within five
25 business days of receipt of the national criminal history of the person, the Department of Health
26 and Human Services, Criminal Records Check Unit, shall notify the nursing home or home care
27 agency as to whether the information received may affect the employability of the applicant. In
28 no case shall the results of the national criminal history record check be shared with the nursing
29 home or home care agency. Nursing homes and home care agencies shall make available upon
30 request verification that a criminal history check has been completed on any staff covered by
31 this section. All criminal history information received by the home or agency is confidential
32 and may not be disclosed, except to the applicant as provided in subsection (b) of this section.

33 (a1) Requirement; Contract Agency of Nursing Home or Home Care Agency. – An offer
34 of employment by a contract agency of a nursing home or home care agency licensed under this
35 Chapter to an applicant to fill a position that does not require the applicant to have an
36 occupational license is conditioned upon consent to a criminal history record check of the
37 applicant. If the applicant has been a resident of this State for less than five years, then the offer
38 of employment is conditioned on consent to a State and national criminal history record check
39 of the applicant. The national criminal history record check shall include a check of the
40 applicant's fingerprints. If the applicant has been a resident of this State for five years or more,
41 then the offer is conditioned on consent to a State criminal history record check of the
42 applicant. A contract agency of a nursing home or home care agency shall not employ an
43 applicant who refuses to consent to a criminal history record check required by this section.
44 Within five business days of making the conditional offer of employment, a contract agency of
45 a nursing home or home care agency shall submit a request to the ~~Department of~~
46 ~~Justice~~Department of Public Safety under ~~G.S. 114-19.10~~G.S. 143B-939 to conduct a State or
47 national criminal history record check required by this section, or shall submit a request to a
48 private entity to conduct a State criminal history record check required by this section.
49 Notwithstanding ~~G.S. 114-19.10~~G.S. 143B-939, the ~~Department of Justice~~Department of
50 Public Safety shall return the results of national criminal history record checks for employment
51 positions not covered by Public Law 105-277 to the Department of Health and Human

1 Services, Criminal Records Check Unit. Within five business days of receipt of the national
2 criminal history of the person, the Department of Health and Human Services, Criminal
3 Records Check Unit, shall notify the contract agency of the nursing home or home care agency
4 as to whether the information received may affect the employability of the applicant. In no case
5 shall the results of the national criminal history record check be shared with the contract agency
6 of the nursing home or home care agency. Contract agencies of nursing homes and home care
7 agencies shall make available upon request verification that a criminal history check has been
8 completed on any staff covered by this section. All criminal history information received by the
9 contract agency is confidential and may not be disclosed, except to the applicant as provided by
10 subsection (b) of this section.

11 ...

12 (f) Conditional Employment. – A nursing home or home care agency may employ an
13 applicant conditionally prior to obtaining the results of a criminal history record check
14 regarding the applicant if both of the following requirements are met:

- 15 (1) The nursing home or home care agency shall not employ an applicant prior
16 to obtaining the applicant's consent for a criminal history record check as
17 required in subsection (a) of this section or the completed fingerprint cards
18 as required in ~~G.S. 114-19.10~~G.S. 143B-939.
- 19 (2) The nursing home or home care agency shall submit the request for a
20 criminal history record check not later than five business days after the
21 individual begins conditional employment.

22"

23 **SECTION 17.1.(hhh)** G.S. 143-143.10(b)(6) reads as rewritten:

24 "(6) To request that the Department of Justice conduct criminal history checks of
25 applicants for licensure pursuant to ~~G.S. 114-19.13~~G.S. 143B-944."

26 **SECTION 17.1.(iii)** G.S. 148-37.3(c) reads as rewritten:

27 "(c) Any private corporation described in subsection (a) of this section shall reimburse
28 the State and any county or other law enforcement agency for the full cost of any additional
29 expenses incurred by the State or the county or other law enforcement agency in connection
30 with the pursuit and apprehension of an escaped inmate from the facility.

31 In the event of an escape from the facility, any private corporation described in subsection
32 (a) of this section shall immediately notify the sheriff in the county in which the facility is
33 located, who shall cause an immediate entry into the ~~State Bureau of Investigation Division of~~
34 ~~Criminal Information network~~Department of Public Safety's Criminal Information Network.
35 The sheriff of the county in which the facility is located shall be the lead law enforcement
36 officer in connection with the pursuit and apprehension of an escaped inmate from the facility."

37 **SECTION 17.1.(jjj)** G.S. 153A-94.2 reads as rewritten:

38 "**§ 153A-94.2. Criminal history record checks of employees permitted.**

39 The board of commissioners may adopt or provide for rules and regulations or ordinances
40 concerning a requirement that any applicant for employment be subject to a criminal history
41 record check of State and National Repositories of Criminal Histories conducted by the
42 ~~Department of Justice~~Department of Public Safety in accordance with
43 ~~G.S. 114-19.14~~G.S. 143B-945. The local or regional public employer may consider the results
44 of these criminal history record checks in its hiring decisions."

45 **SECTION 17.1.(kkk)** G.S. 160A-164.2 reads as rewritten:

46 "**§ 160A-164.2. Criminal history record check of employees permitted.**

47 The council may adopt or provide for rules and regulations or ordinances concerning a
48 requirement that any applicant for employment be subject to a criminal history record check of
49 State and National Repositories of Criminal Histories conducted by the ~~Department of~~
50 ~~Justice~~Department of Public Safety in accordance with ~~G.S. 114-19.14~~G.S. 143B-945. The city
51 may consider the results of these criminal history record checks in its hiring decisions."

1 **SECTION 17.1.(III)** G.S. 164-44(a) reads as rewritten:

2 "(a) The Commission shall have the secondary duty of collecting, developing, and
3 maintaining statistical data relating to sentencing, corrections, and juvenile justice so that the
4 primary duties of the Commission will be formulated using data that is valid, accurate, and
5 relevant to this State. All State agencies shall provide data as it is requested by the
6 Commission. For the purposes of ~~G.S. 114-19.1~~, G.S. 143B-930, the Commission shall be
7 considered to be engaged in the administration of criminal justice. All meetings of the
8 Commission shall be open to the public and the information presented to the Commission shall
9 be available to any State agency or member of the General Assembly."

10 **SECTION 17.1.(mmm)** Subpart C of Part 2 of Article 4 of Chapter 114 of the
11 General Statutes is amended by adding a new section to read:

12 **"§ 143B-926. Appointment and term of the Director of the State Bureau of Investigation.**

13 (a) The Director of the State Bureau of Investigation shall be appointed by the
14 Governor for a term of eight years subject to confirmation by the General Assembly by joint
15 resolution. The name of the person to be appointed by the Governor shall be submitted by the
16 Governor to the General Assembly for confirmation by the General Assembly on or before
17 May 1 of the year in which the term for which the appointment is to be made expires. Upon
18 failure of the Governor to submit a name as herein provided, the President Pro Tempore of the
19 Senate and the Speaker of the House of Representatives jointly shall submit a name of an
20 appointee to the General Assembly on or before May 15 of the same year. The appointment
21 shall then be made by enactment of a bill. The bill shall state the name of the person being
22 appointed, the office to which the appointment is being made, the effective date of the
23 appointment, the date of expiration of the term, the county of residence of the appointee, and
24 that the appointment is made upon the joint recommendation of the Speaker of the House of
25 Representatives and the President Pro Tempore of the Senate. Nothing precludes any member
26 of the General Assembly from proposing an amendment to any bill making such an
27 appointment."

28 (b) The Director may be removed from office by the Governor for any of the grounds
29 set forth in G.S. 143B-13(b) or (c)."

30
31 **SECTION 17.1.(nnn)** Notwithstanding anything in G.S. 143B-926, as enacted by
32 subsection (mmm) of this section, to the contrary, the Governor shall appoint an acting Director
33 of the State Bureau of Investigation who shall serve until a new Director is appointed pursuant
34 to G.S. 143B-926. A Director shall be appointed pursuant to G.S. 143B-926 no later than June
35 1, 2015, for a term that shall end on June 30, 2023.

36 **SECTION 17.1.(ooo)** Notwithstanding any other provision of law, there shall be
37 no transfer of positions to or from the State Bureau of Investigation and no changes to the
38 authorized budget of the State Bureau of Investigation, as it existed on March 1, 2014, prior to
39 the transfer of the State Bureau of Investigation to the Department of Public Safety.

40 **ALCOHOL LAW ENFORCEMENT SECTION TRANSFER**

41 **SECTION 17.1.(ppp)** The Alcohol Law Enforcement Section shall be relocated as
42 a branch under the State Bureau of Investigation.

43 **SECTION 17.1.(qqq)** G.S. 18B-500 reads as rewritten:

44 **"§ 18B-500. Alcohol law-enforcement agents.**

45 (a) Appointment. – The ~~Secretary of Public Safety~~ Director of the State Bureau of
46 Investigation shall appoint alcohol law-enforcement agents and other enforcement personnel.
47 The ~~Secretary of Public Safety~~ Director may also appoint regular employees of the Commission
48 as alcohol law-enforcement agents. Alcohol law-enforcement agents shall be designated as
49 "alcohol law-enforcement agents". Persons serving as reserve alcohol law-enforcement agents
50 are considered employees of the Alcohol Law Enforcement Section for workers' compensation
51

1 purposes while performing duties assigned or approved by the ~~Director~~Head of the Alcohol
2 Law Enforcement ~~Section~~Branch or the ~~Director's~~Head's designee.

3 (b) Subject Matter Jurisdiction. – After taking the oath prescribed for a peace officer, an
4 alcohol law-enforcement agent shall have authority to arrest and take other investigatory and
5 enforcement actions for any criminal offense. The primary responsibility of an agent shall be
6 enforcement of the ~~ABC laws, lottery laws, and Article 5 of Chapter 90 (The Controlled~~
7 ~~Substances Act); however, an agent may perform any law enforcement duty assigned by the~~
8 ~~Secretary of Public Safety or the Governor.~~ABC and lottery laws.

9 ...
10 (g) Shifting of Personnel From One District to Another. – The ~~Director~~Head of the
11 Alcohol Law Enforcement ~~Section~~Branch, under rules adopted by the Department of Public
12 Safety may, from time to time, shift the forces from one district to another or consolidate more
13 than one district force at any point for special purposes. Whenever an agent of the Alcohol Law
14 Enforcement Section is transferred from one district to another for the convenience of the State
15 or for reasons other than the request of the agent, the Department shall be responsible for
16 transporting the household goods, furniture, and personal apparel of the agent and members of
17 the agent's household."

18 **SECTION 17.1.(rrr)** The following statutes are amended by deleting the word
19 "Section" wherever it appears in uppercase and substituting "Branch": G.S. 18B-101(5),
20 18B-201, 18B-202, 18B-203, 18B-504, 18B-805, 18B-902, 18B-903, 18B-904, 19-2.1,
21 105-259(b)(15), and 143-652.1 through 143-658.

22 **SECTION 17.1.(sss)** G.S. 143-651 reads as rewritten:

23 **"§ 143-651. Definitions.**

24 The following definitions apply in this Article:

25 ...

26 (4a) Branch. – The Alcohol Law Enforcement Branch of the State Bureau of
27 Investigation.

28 ...

29 (23b) Sanctioned amateur match. – Any match regulated by an amateur sports
30 organization that has been recognized and approved by the ~~Section~~Branch.

31 ...

32 (24a) ~~Section. – The Alcohol Law Enforcement Section of the Department of~~
33 ~~Public Safety.~~

34"

35
36 **MISCELLANEOUS PROVISIONS**

37 **SECTION 17.1.(ttt)** The Department of Public Safety shall consolidate ALE and
38 SBI Regions and Regional Offices. These regional offices shall be operational by October 1,
39 2014.

40 **SECTION 17.1.(uuu)** The Department of Public Safety shall make the following
41 reports on progress implementing this section to the Joint Legislative Oversight Committee on
42 Justice and Public Safety:

43 (1) An interim report on or before January 1, 2015.

44 (2) A second interim report on or before April 1, 2015.

45 (3) A final report on or before October 1, 2015. This report may include any
46 recommendations for changes to applicable statutes.

47 **SECTION 17.1.(vvv)** Subsection (ooo) of this section is effective when it becomes
48 law. The remainder of this section becomes effective July 1, 2014.

49
50 **TRANSFER THE NORTH CAROLINA STATE CRIME LABORATORY TO THE**
51 **DEPARTMENT OF PUBLIC SAFETY**

1 **SECTION 17.2.(a)** The North Carolina State Crime Laboratory and the State DNA
2 Database and Databank are hereby transferred from the Department of Justice to the
3 Department of Public Safety. This transfer shall have all of the elements of a Type I transfer, as
4 described in G.S. 143A-6.

5 **SECTION 17.2.(b)** The Forensic Science Advisory Board is hereby transferred
6 from the Department of Justice to the Department of Public Safety. This transfer shall have all
7 of the elements of a Type I transfer, as described in G.S. 143A-6.

8 **SECTION 17.2.(c)** Article 9 of Chapter 114 of the General Statutes is recodified as
9 Part 8 of Article 13 of Chapter 143B of the General Statutes, G.S. 143B-1205 through
10 G.S. 143B-1208

11 **SECTION 17.2.(d)** G.S. 114-8.6 is recodified as G.S. 143B-1209 under Part 8 of
12 Article 13 of Chapter 143B of the General Statutes, as created by subsection (c) of this section.

13 **SECTION 17.2.(e)** G.S. 7A-304(a) reads as rewritten:

14 **"§ 7A-304. Costs in criminal actions.**

15 (a) In every criminal case in the superior or district court, wherein the defendant is
16 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
17 prosecuting witness, the following costs shall be assessed and collected. No costs may be
18 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of
19 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs
20 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8),
21 (11), or (12) of this section.

22 ...

23 (7) For the services of the North Carolina State Crime Laboratory facilities, the
24 district or superior court judge shall, upon conviction, order payment of the
25 sum of six hundred dollars (\$600.00) to be remitted to the ~~Department of~~
26 ~~Justice~~Department of Public Safety for support of the Laboratory. This cost
27 shall be assessed only in cases in which, as part of the investigation leading
28 to the defendant's conviction, the laboratories have performed DNA analysis
29 of the crime, tests of bodily fluids of the defendant for the presence of
30 alcohol or controlled substances, or analysis of any controlled substance
31 possessed by the defendant or the defendant's agent.

32 ...

33 (9) For the support and services of the State DNA Database and DNA Databank,
34 the sum of two dollars (\$2.00). This amount is annually appropriated to the
35 ~~Department of Justice~~Department of Public Safety for this purpose.
36 Notwithstanding the provisions of subsection (e) of this section, this cost
37 does not apply to infractions.

38 ...

39 (11) For the services of an expert witness employed by the North Carolina State
40 Crime Laboratory who completes a chemical analysis pursuant to
41 G.S. 20-139.1 or a forensic analysis pursuant to G.S. 8-58.20 and provides
42 testimony about that analysis in a defendant's trial, the district or superior
43 court judge shall, upon conviction of the defendant, order payment of the
44 sum of six hundred dollars (\$600.00) to be remitted to the ~~Department of~~
45 ~~Justice~~Department of Public Safety for support of the State Crime
46 Laboratory. This cost shall be assessed only in cases in which the expert
47 witness provides testimony about the chemical or forensic analysis in the
48 defendant's trial and shall be in addition to any cost assessed under
49 subdivision (7) of this subsection.

50 "

51 **SECTION 17.2.(f)** G.S. 15A-266.2(1c) reads as rewritten:

1 **"§ 15A-266.2. Definitions.**

2 As used in this Article, unless another meaning is specified or the context clearly requires
3 otherwise, the following terms have the meanings specified:

4 ...

5 (1c) "Crime Laboratory" means the North Carolina State Crime Laboratory of the
6 ~~Department of Justice.~~Department of Public Safety.

7"

8 **SECTION 17.2.(g)** G.S. 15A-266.3A(d) reads as rewritten:

9 "(d) After taking a DNA sample from an arrested person required to provide a DNA
10 sample pursuant to this section, the person taking the DNA sample shall provide the arrested
11 person with a written notice of the procedures for seeking an expunction of the DNA sample
12 pursuant to subsections (h), (i), (j), (k), and (l) of this section. The ~~Department of~~
13 ~~Justice~~Department of Public Safety shall provide the written notice required by this
14 subsection."

15 **SECTION 17.2.(h)** G.S. 114-60, as recodified as G.S. 143B-1205 by subsection
16 (c) of this section, reads as rewritten:

17 **"§ 143B-1205. Laboratory and clinical facilities; employment of criminologists; services
18 of scientists, etc., employed by State; radio system.**State.

19 In the ~~Department of Justice~~Department of Public Safety there shall be provided laboratory
20 facilities for the analysis of evidences of crime, including the determination of presence,
21 quantity and character of poisons, the character of bloodstains, microscopic and other
22 examination material associated with the commission of crime, examination and analysis of
23 projectiles of ballistic imprints and records which might lead to the determination or
24 identification of criminals, the examination and identification of fingerprints, and other
25 evidence leading to the identification, apprehension, or conviction of criminals. A sufficient
26 number of persons skilled in such matters shall be employed to render a reasonable service to
27 the public through the criminal justice system and to the criminal justice system in the
28 discharge of their duties.

29 The laboratory and clinical facilities of the institutions of the State, both educational and
30 departmental, shall be made available to the Laboratory, and scientists and doctors now
31 working for the State through its institutions and departments may be called upon by the
32 Governor to aid the Laboratory in the evaluation, preparation, and preservation of evidence in
33 which scientific methods are employed, and a reasonable fee may be allowed by the Governor
34 for such service.

35 The Director of the State Crime Laboratory shall be subject to the direction and control of
36 the Secretary of Public Safety."

37 **SECTION 17.2.(i)** G.S. 114-61, as recodified as G.S. 143B-1206 by subsection (c)
38 of this section, reads as rewritten:

39 **"§ 143B-1206. Forensic Science Advisory Board.**

40 (a) Creation and Membership. – The North Carolina Forensic Science Advisory Board
41 (Board) is hereby established as an advisory board within the ~~Department of~~
42 ~~Justice.~~Department of Public Safety. The Board shall consist of 16 members, consisting of the
43 State Crime Laboratory Director, and 15 members appointed by the ~~Attorney General~~Secretary
44 of Public Safety as follows:

45 ...

46 A chairman shall be elected from among the members appointed, and staff shall be
47 provided by the ~~Department of Justice.~~Department of Public Safety.

48 (b) Meetings. – The Board shall meet quarterly and at such other times and places as it
49 determines. Members of the Board cannot designate a proxy to vote in their absence.

50 (c) Terms. – Members of the Board initially appointed shall serve the following terms:
51 five members shall serve a term of two years; five members shall serve a term of three years;

1 and five members shall serve a term of four years. Thereafter, all appointments shall be for a
2 term of four years. A vacancy other than by expiration of term shall be filled by the ~~Attorney~~
3 ~~General~~Secretary of Public Safety for the unexpired term. Members of the Board cannot
4 designate a proxy to vote in their absence.

5"

6 **SECTION 17.2.(j)** G.S. 114-62, as recodified as G.S. 143B-1207 by subsection (c)
7 of this section, reads as rewritten:

8 **"§ 143B-1207. North Carolina State Crime Laboratory Ombudsman.**

9 The position of ombudsman is created in the North Carolina State Crime Laboratory within
10 the ~~North Carolina Department of Justice.~~Department of Public Safety. The primary purpose
11 of this position shall be to work with defense counsel, prosecutorial agencies, criminal justice
12 system stakeholders, law enforcement officials, and the general public to ensure all processes,
13 procedures, practices, and protocols at the State Crime Laboratory are consistent with State and
14 federal law, best forensic law practices, and in the best interests of justice in this State. The
15 ombudsman shall mediate complaints brought to the attention of the ombudsman between the
16 Crime Laboratory and defense counsel, prosecutorial agencies, law enforcement agencies, and
17 the general public. The ombudsman shall ensure all criminal justice stakeholders and the
18 general public are aware of the availability, responsibilities, and role of the ombudsman and
19 shall regularly attend meetings of the Conferences of the District Attorneys, District and
20 Superior Court Judges, Public Defenders, the Advocates for Justice, and Bar Criminal Law
21 Sections. The ombudsman shall make recommendations on a regular basis to the Director of
22 the State Crime Laboratory and the ~~Attorney General of North Carolina~~Secretary of Public
23 Safety as to policies, procedures, practices, and training of employees needed at the Laboratory
24 to ensure compliance with State and federal law, best forensic law practices, and to resolve any
25 meritorious systemic complaints received by the ombudsman."

26 **SECTION 17.2.(k)** G.S. 114-8.6, as recodified as G.S. 143B-1209 by subsection
27 (d) of this section, reads as rewritten:

28 **"§ 143B-1209. Designation of State Crime Laboratory as Internet Crimes Against**
29 **Children affiliated agency.**

30 The ~~Attorney General~~Secretary of Public Safety shall designate the North Carolina State
31 Crime Laboratory as a North Carolina Internet Crimes Against Children (ICAC) affiliated
32 agency."

33 **SECTION 17.2.(l)** Notwithstanding any other provision of law, there shall be no
34 transfer of positions to or from the State Crime Laboratory and no changes to the authorized
35 budget of the State Crime Laboratory, as it existed on March 1, 2014, prior to the transfer of the
36 State Crime Laboratory to the Department of Public Safety.

37 **SECTION 17.2.(m)** Section 17.2 of S.L. 2013-360 is repealed.

38 **SECTION 17.2.(n)** Part 8 of Article 13 of Chapter 143B of the General Statutes, as
39 created by subsection (c) of this section, is amended by adding a new section to read:

40 **"§ 143B-1210. Annual Crime Laboratory report.**

41 No later than October 1 every year, the Department of Public Safety shall report on the
42 work of the North Carolina State Crime Laboratory during the previous fiscal year. The reports
43 required by this section shall be filed with the Chairs of the Joint Legislative Oversight
44 Committee on Justice and Public Safety and with the Fiscal Research Division. Each report
45 shall include at least the following:

- 46 (1) Information about the workload of the Laboratory during the previous fiscal
47 year, including the number of submissions, identified by forensic discipline,
48 received at each location of the Laboratory.
49 (2) Information about the number of cases completed in the previous fiscal year,
50 identified by forensic discipline, at each location of the Laboratory.

1 (3) A breakdown by county of the number of submissions received by the
2 Laboratory in the previous fiscal year.

3 (4) An average estimate of the dollar and time cost to perform each type of
4 procedure and analysis performed by the Laboratory."

5 **SECTION 17.2.(o)** Section 17.4 of S.L. 2013-360 reads as rewritten:

6 **"USE OF TOXICOLOGY ANALYSIS FUNDS**

7 **"SECTION 17.4.** If the ~~Attorney General~~Secretary of the Department of Public Safety
8 determines that it is not appropriate to outsource toxicology cases due to legal or fiscal
9 concerns involving analyst testimony, funds appropriated in this act for that purpose shall be
10 reallocated to increase toxicology analysis capabilities within the North Carolina State Crime
11 Laboratory."

12 **SECTION 17.2.(p)** Section 17.5 of S.L. 2013-360 reads as rewritten:

13 **"NO HIRING OF SWORN STAFF POSITIONS FOR THE NORTH CAROLINA**
14 **STATE CRIME LABORATORY**

15 **"SECTION 17.5.** The ~~Department of Justice~~Department of Public Safety shall not hire
16 sworn personnel to fill vacant positions in the North Carolina State Crime Laboratory. Nothing
17 in this section shall be construed to require the termination of sworn personnel, but as vacant
18 positions in the State Laboratory are filled, they shall be filled only with nonsworn personnel.
19 Nothing in this section shall be construed to affect North Carolina State Crime Laboratory
20 personnel who are sworn and employed by the Laboratory as of the effective date of this
21 section and who continue to meet the sworn status retention standards mandated by the NC
22 Criminal Justice Education and Standards Commission."

23 **SECTION 17.2.(q)** Subsection (l) of this section is effective when it becomes law.

24 The remainder of this section becomes effective on July 1, 2014.

25
26 **PART XVIII. JUDICIAL DEPARTMENT**

27
28 **SUBPART XVIII-A. OFFICE OF INDIGENT DEFENSE SERVICES**

29
30 **INDIGENT DEFENSE SERVICES FEE TRANSPARENCY**

31 **SECTION 18A.1.** The Office of Indigent Defense Services, in consultation and
32 cooperation with the Office of the State Controller and the Office of State Budget and
33 Management, shall develop and implement a plan for making all fee applications by attorneys
34 publicly available online. The plan shall provide for (i) the information to be updated at least
35 monthly, (ii) the fee applications to be searchable, and (iii) all fee applications in capital cases
36 to be clearly labeled as such. The Office of Indigent Defense Services shall report on the
37 development and implementation of this plan to the Chairs of the Senate and House
38 Appropriations Subcommittees on Justice and Public Safety by October 1, 2014.

39
40 **SUBPART XVIII-B. ADMINISTRATIVE OFFICE OF THE COURTS**

41
42 **AMEND VARIOUS PROVISIONS REQUIRING REPORTS ON THE OPERATIONS**
43 **OF THE COURTS**

44 **SECTION 18B.1.(a)** G.S. 7A-343 reads as rewritten:

45 **"§ 7A-343. Duties of Director.**

46 The Director is the Administrative Officer of the Courts, and the Director's duties include
47 all of the following:

48 ...

49 (8) Prepare and submit an annual report on the work of the Judicial Department
50 to the Chief Justice, and transmit a copy to ~~each member of the General~~
51 ~~Assembly.~~the Chairs of the Joint Legislative Oversight Committee on Justice

1 and Public Safety. The annual report shall include the activities of each
2 North Carolina Business Court site, including the number of new, closed,
3 and pending cases, the average age of pending cases, and the annual
4 expenditures for the prior fiscal year.

5 "

6 **SECTION 18B.1.(b)** G.S. 7A-343.2 reads as rewritten:

7 **"§ 7A-343.2. Court Information Technology Fund.**

8 (a) Fund. – The Court Information Technology Fund is established within the Judicial
9 Department as a special revenue fund. Interest and other investment income earned by the Fund
10 accrues to it. The Fund consists of the following revenues:

11 (1) All monies collected by the Director pursuant to G.S. 7A-109(d) and
12 G.S. 7A-49.5.

13 (2) State judicial facilities fees credited to the Fund under G.S. 7A-304 through
14 G.S. 7A-307.

15 (b) Use. – Money in the Fund derived from State judicial facilities fees must be used to
16 upgrade, maintain, and operate the judicial and county courthouse phone systems. All other
17 monies in the Fund must be used to supplement funds otherwise available to the Judicial
18 Department for court information technology and office automation needs.

19 (c) Report. – The Director must report annually by ~~August 1~~ and February 1 of each
20 year to the ~~Joint Legislative Commission on Governmental Operations, the Chairs of the Senate~~
21 ~~and House Appropriations Committees, and the Chairs of the Joint Legislative Oversight~~
22 Committee on Justice and Public Safety and the Chairs of the Senate and House Appropriations
23 Subcommittees on Justice and Public Safety. The report must include the following:

24 (1) Amounts credited in the preceding ~~six months~~year to the Fund.

25 (2) Amounts expended in the preceding ~~six months~~year from the Fund and the
26 purposes of the expenditures.

27 (3) Proposed expenditures of the monies in the Fund."

28 **SECTION 18B.1.(c)** G.S. 7A-809 reads as rewritten:

29 **"§ 7A-809. Reports.**

30 The Conference of Clerks of Superior Court shall, in consultation with the registers of
31 deeds, annually study the status of the individual counties and judicial districts as to whether or
32 not the clerks of superior court or the registers of deeds are implementing G.S. 132-1.10(f1)
33 and report results of the study to the ~~Joint Legislative Commission on Governmental~~
34 ~~Operations~~Joint Legislative Oversight Committee on Justice and Public Safety on or before
35 March 1 of each year."

36 **SECTION 18B.1.(d)** Section 15.4 of S.L. 2009-451 is repealed.

37 **SECTION 18B.1.(e)** Article 7 of Chapter 7A of the General Statutes is amended
38 by adding a new section to read:

39 **"§ 7A-45.5. Annual report on Business Court activities.**

40 The Administrative Office of the Courts shall report to the Chairs of the House of
41 Representatives Appropriations Subcommittee on Justice and Public Safety and the Senate
42 Appropriations Committee on Justice and Public Safety by March 1 of each year on the
43 activities of each North Carolina Business Court site, including the number of new, closed, and
44 pending cases, average age of pending cases, and annual expenditures for the prior fiscal year."

45 **SECTION 18B.1.(f)** Section 18B.2 of S.L. 2013-360 is repealed.

46 **SECTION 18B.1.(g)** G.S. 15A-1475 reads as rewritten:

47 **"§ 15A-1475. Reports.**

48 ~~Beginning January 1, 2008, and annually thereafter, the~~The North Carolina Innocence
49 Inquiry Commission shall report annually by February 1 of each year on its activities to the
50 Joint Legislative Oversight Committee on Justice and Public Safety and the State Judicial
51 Council. The report may contain recommendations of any needed legislative changes related to

1 the activities of the Commission. The report shall recommend the funding needed by the
2 Commission, the district attorneys, and the State Bureau of Investigation in order to meet their
3 responsibilities under S.L. 2006-184. Recommendations concerning the district attorneys or the
4 State Bureau of Investigation shall only be made after consultations with the North Carolina
5 Conference of District Attorneys and the Attorney General."

6 **SECTION 18B.1.(h)** G.S. 7A-38.6 is repealed.

7 **SECTION 18B.1.(i)** G.S. 7A-409.1(g) reads as rewritten:

8 "(g) The State Judicial Council shall report annually to the ~~General Assembly~~ Chairs of
9 the Joint Legislative Oversight Committee on Justice and Public Safety and the Chief Justice ~~no~~
10 ~~later than December 31, 2009, and~~ no later than December 31 of every third year, regarding the
11 implementation of ~~S.L. 2006-184~~ S.L. 2006-184, the act creating the North Carolina Innocence
12 Inquiry Commission, and shall include in its report the statistics regarding inquiries and any
13 recommendations for changes. The House of Representatives and the Senate shall refer the
14 report of the State Judicial Council to the Joint Legislative Oversight Committee on Justice and
15 Public Safety and such other committees as the Speaker of the House of Representatives or the
16 President Pro Tempore of the Senate shall deem appropriate, for their review."

17 **SECTION 18B.1.(j)** Section 18A.1 of S.L. 2013-360 is repealed.

18 **SECTION 18B.1.(k)** Article 39B of Chapter 7A of the General Statutes is
19 amended by adding a new section to read:

20 "**§ 7A-498.9. Annual report on Office of Indigent Defense Services.**

21 The Office of Indigent Defense Services shall report to the Chairs of the Joint Legislative
22 Oversight Committee on Justice and Public Safety and the Chairs of the House of
23 Representatives Subcommittee on Justice and Public Safety and the Chairs of the Senate
24 Appropriations Committee on Justice and Public Safety by February 1 of each year on the
25 following:

- 26 (1) The volume and cost of cases handled in each district by assigned counsel or
27 public defenders;
- 28 (2) Actions taken by the Office to improve the cost-effectiveness and quality of
29 indigent defense services, including the capital case program;
- 30 (3) Plans for changes in rules, standards, or regulations in the upcoming year;
31 and
- 32 (4) Any recommended changes in law or funding procedures that would assist
33 the Office in improving the management of funds expended for indigent
34 defense services, including any recommendations concerning the feasibility
35 and desirability of establishing regional public defender offices."

36 **SECTION 18B.1.(l)** Section 18A.4 of S.L. 2013-360 reads as rewritten:

37 "**SECTION 18A.4.** The Office of Indigent Defense Services shall issue a request for
38 proposals from private law firms or not-for-profit legal representation organizations for the
39 provision of all classes of legal cases for indigent clients in all judicial districts. The Office of
40 Indigent Defense Services shall report on the issuance of this request for proposals to the ~~Joint~~
41 ~~Legislative Commission on Governmental Operations by October 1, 2013.~~ Chairs of the Joint
42 Legislative Oversight Committee on Justice and Public Safety by October 1 of each year. In
43 cases where the proposed contract can provide representation services more efficiently than
44 current costs and ensure that the quality of representation is sufficient to meet applicable
45 constitutional and statutory standards, the Office of Indigent Defense Services shall use private
46 assigned counsel funds to enter into contracts for this purpose. In selecting contracts, the Office
47 of Indigent Defense Services shall consider the cost-effectiveness of the proposed contract.
48 Disputes regarding the ability of the potential contractor to provide effective representation for
49 clients served by the contract shall be determined by the senior resident superior court judge for
50 the district."

ANNUAL REPORT ON CRIMINAL COURT COST WAIVERS

SECTION 18B.2. Section 15.10(b) of S.L. 2011-145 reads as rewritten:

"**SECTION 15.10.(b)** The Administrative Office of the Courts shall make the necessary modifications to its information systems to maintain records of all cases in which the judge makes a finding of just cause to grant a waiver of criminal court costs under G.S. 7A-304(a) and shall report on those waivers to the Joint Legislative Commission on Governmental Operations by October 1 Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by February 1 of each year. The report shall aggregate the waivers by the district in which the waiver or waivers were granted and by the name of each judge granting a waiver or waivers."

COMPENSATION OF COURT REPORTERS

SECTION 18B.3. Section 18B.21 of S.L. 2013-360 reads as rewritten:

"**SECTION 18B.21.** The Administrative Office of the Courts, in consultation with the National Center for State Courts, shall study the most effective and efficient deployment of court reporters to produce timely records of court proceedings and the most appropriate and effective compensation for court reporters. The Administrative Office of the Courts shall make an interim report of its findings and recommendations to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2014. February 1, 2014, and a final report of its findings and recommendations by September 1, 2014."

FAMILY COURT PROGRAMS

SECTION 18B.4. Section 18B.6 of S.L. 2013-360 reads as rewritten:

"**SECTION 18B.6.** The Administrative Office of the Courts shall provide direction and oversight to the existing family court programs in order to ensure that each district with a family court program is utilizing best practices and is working effectively and efficiently in the disposition of domestic and juvenile cases. The Administrative Office of the Courts shall report on its efforts in this regard and the results of those efforts to the Chairs of the House of Representatives Appropriations Subcommittee on Justice and Public Safety, the Senate Appropriations Committee on Justice and Public Safety, and the Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2014. March 1 of each year."

TRAINING FOR SUPERIOR AND DISTRICT COURT JUDGES

SECTION 18B.5. The School of Government at the University of North Carolina at Chapel Hill shall ensure that the continuing judicial training conducted by its faculty on behalf of the Conference of District Court Judges and the Conference of Superior Court Judges provides annual training for superior and district court judges in the State on the work of the State Crime Laboratory and the proper custody and handling of biological evidence in the court system.

ABOLISH FOUR SPECIAL SUPERIOR COURT JUDGESHIPS

SECTION 18B.6. G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a8) Notwithstanding any other provision of this section, the four special superior court judgeships held as of April 1, 2014, by judges whose terms expire between July 1, 2014, and June 30, 2016, and who had not been designated under G.S. 7A-45.3 as business court judges, are abolished when any of the following first occurs:

- (1) Retirement of the incumbent judge.
- (2) Resignation of the incumbent judge.
- (3) Removal from office of the incumbent judge.
- (4) Death of the incumbent judge.
- (5) Expiration of the term of the incumbent judge."

1
2 **ALLOCATION OF ASSISTANT DISTRICT ATTORNEYS**

3 **SECTION 18B.7.(a)** G.S. 7A-60 reads as rewritten:

4 **"§ 7A-60. District attorneys and prosecutorial districts.**

5 ...

6 (a1) The counties of the State are organized into prosecutorial districts, and each district
7 has the counties ~~and the number of full-time assistant district attorneys~~ set forth in the
8 following table:

9			No. of Full-Time
10	Prosecutorial		Asst. District
11	District	Counties	Attorneys
12	1	Camden, Chowan, Currituck,	11
13		Dare, Gates, Pasquotank,	
14		Perquimans	
15	2	Beaufort, Hyde, Martin,	8
16		Tyrrell, Washington	
17	3A	Pitt	11
18	3B	Carteret, Craven, Pamlico	12
19	4	Duplin, Jones, Onslow,	18
20		Sampson	
21	5	New Hanover, Pender	18
22	6A	Halifax	5
23	6B	Bertie, Hertford,	5
24		Northampton	
25	7	Edgecombe, Nash, Wilson	18
26	8	Greene, Lenoir, Wayne	14
27	9	Franklin, Granville,	10
28		Vance, Warren	
29	9A	Person, Caswell	6
30	10	Wake	41
31	11A	Harnett, Lee	9
32	11B	Johnston	10
33	12	Cumberland	23
34	13	Bladen, Brunswick, Columbus	13
35	14	Durham	18
36	15A	Alamance	11
37	15B	Orange, Chatham	10
38	16A	Scotland, Hoke	7
39	16B	Robeson	12
40	17A	Rockingham	7
41	17B	Stokes, Surry	8
42	18	Guilford	32
43	19A	Cabarrus	9
44	19B	Montgomery, Randolph	9
45	19C	Rowan	8
46	19D	Moore	5
47	20A	Anson, Richmond,	11
48		Stanly	
49	20B	Union	10
50	21	Forsyth	25
51	22A	Alexander, Iredell	11

1	22B	Davidson, Davie	11
2	23	Alleghany, Ashe, Wilkes,	8
3		Yadkin	
4	24	Avery, Madison, Mitchell,	7
5		Watauga, Yancey	
6	25	Burke, Caldwell, Catawba	18
7	26	Mecklenburg	58
8	27A	Gaston	14
9	27B	Cleveland,	11
10		Lincoln	
11	28	Buncombe	14
12	29A	McDowell, Rutherford	7
13	29B	Henderson, Polk, Transylvania	8
14	30	Cherokee, Clay, Graham,	10
15		Haywood, Jackson, Macon,	
16		Swain.	

(a2) Upon the convening of each regular session of the General Assembly and its reconvening in the even-numbered year, the Administrative Office of the Courts shall report its recommendations regarding the allocation of assistant district attorneys for the upcoming fiscal biennium and fiscal year to the General Assembly, including any request for additional assistant district attorneys. The report shall include the number of assistant district attorneys that the Administrative Office of the Courts recommends to be ~~has~~ allocated to each prosecutorial district and the caseload and criteria on which each ~~recommended~~ allocation is based. Any reports required under this subsection shall be made to the Joint Legislative Commission of Governmental Operations, the House of Representatives and Senate Appropriations Subcommittees on Justice and Public, and the Fiscal Research Division.

...."

SECTION 18B.7.(b) G.S. 7A-63 reads as rewritten:

"§ 7A-63. Assistant district attorneys.

Each district attorney shall be entitled to the number of full-time assistant district attorneys ~~set out in this Subchapter,~~ allocated by the Administrative Office of the Courts, to be appointed by the district attorney, to serve at his pleasure. A vacancy in the office of assistant district attorney shall be filled in the same manner as the initial appointment. An assistant district attorney shall take the same oath of office as the district attorney, and shall perform such duties as may be assigned by the district attorney. ~~He~~ The district attorney shall devote his or her full time to the duties of ~~his~~ the office and shall not engage in the private practice of law during his or her term."

POSSESSION OF MARIJUANA PARAPHERNALIA/CLASS 3 MISDEMEANOR

SECTION 18B.8.(a) G.S. 90-113.22 reads as rewritten:

"§ 90-113.22. Possession of drug paraphernalia.

(a) It is unlawful for any person to knowingly use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, or conceal a controlled substance which it would be unlawful to possess, or to inject, ingest, inhale, or otherwise introduce into the body a controlled substance which it would be unlawful to possess.

(b) ~~Violation~~ Except as provided in G.S. 90-113.22A, a violation of this section is a Class 1 misdemeanor.

(c) Prior to searching a person, a person's premises, or a person's vehicle, an officer may ask the person whether the person is in possession of a hypodermic needle or other sharp object that may cut or puncture the officer or whether such a hypodermic needle or other sharp

1 object is on the premises or in the vehicle to be searched. If there is a hypodermic needle or
2 other sharp object on the person, on the person's premises, or in the person's vehicle and the
3 person alerts the officer of that fact prior to the search, the person shall not be charged with or
4 prosecuted for possession of drug paraphernalia for the needle or sharp object. The exemption
5 under this subsection does not apply to any other drug paraphernalia that may be present and
6 found during the search. For purposes of this subsection, the term "officer" includes "criminal
7 justice officers" as defined in G.S. 17C-2(3) and a "justice officer" as defined in
8 G.S. 17E-2(3)."

9 **SECTION 18B.8.(b)** Article 5B of Chapter 90 of the General Statutes is amended
10 by adding a new section to read:

11 **"§ 90-113.22A. Possession of marijuana drug paraphernalia.**

12 (a) It is unlawful for any person to knowingly use, or to possess with intent to use, drug
13 paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert,
14 produce, process, prepare, test, analyze, package, repack, store, contain, or conceal
15 marijuana, or to inject, ingest, inhale, or otherwise introduce marijuana into the body.

16 (b) A violation of this section is a Class 3 misdemeanor."

17 **SECTION 18B.8.(c)** This section becomes effective December 1, 2014, and
18 applies to offenses committed on or after that date.

19
20 **AMEND DEFERRED PROSECUTION**

21 **SECTION 18B.9.(a)** G.S. 15A-1341(a1) reads as rewritten:

22 "(a1) Deferred Prosecution. – ~~A person who has been charged with~~ Whenever a person
23 pleads guilty to or is found guilty of a Class H or I felony or a misdemeanor may be placed
24 misdemeanor, the court may, without entering a judgment of guilt and with the consent of the
25 person, defer further proceedings and place the person on probation as provided in this Article
26 on motion of the defendant and the prosecutor if the court finds each of the following facts:

- 27 (1) Prosecution has been deferred by the prosecutor pursuant to written
28 agreement with the defendant, with the approval of the court, for the purpose
29 of allowing the defendant to demonstrate ~~his~~ the defendant's good conduct.
30 (2) Each known victim of the crime has been notified of the motion for
31 probation by subpoena or certified mail and has been given an opportunity to
32 be heard.
33 (3) The defendant has not been convicted of any felony or of any misdemeanor
34 involving moral turpitude.
35 (4) The defendant has not previously been placed on probation and so states
36 under oath.
37 (5) The defendant is unlikely to commit another offense other than a Class 3
38 misdemeanor."

39 **SECTION 18B.9.(b)** This section becomes effective December 1, 2014, and
40 applies to offenses committed on or after that date.

41
42 **UNLAWFUL TO CHARGE FEE TO RETRACT OR REMOVE BOOKING PHOTO**
43 **AND OTHER CRIMINAL RECORD INFORMATION WHEN NO CONVICTION**

44 **SECTION 18B.10.(a)** Article 23 of Chapter 15A of the General Statutes is
45 amended by adding a new section to read:

46 **"§ 15A-502.2. Prohibition on providing copy of booking photograph; statement required;**
47 **criminal liability for false statement.**

48 (a) Notwithstanding the provisions of G.S. 132-1, a law enforcement agency shall not
49 provide a copy of a photograph taken pursuant to G.S. 15A-502(a)(1) or G.S. 15A-502(a2) or
50 authorized by G.S. 15A-502(b) in any format to a person requesting a copy of the photograph
51 for the following purposes:

- 1 (1) The photograph will be placed in a publication or posted to a Web site; and
2 (2) Removal of the photograph from the publication or Web site will require the
3 payment of a fee or other consideration.

4 (b) A person who requests a copy of a photograph taken pursuant to G.S. 15A-502(a)(1)
5 or G.S. 15A-502(a2) or authorized by G.S. 15A-502(b) from a law enforcement agency shall, at
6 the time of making the request, submit a written statement signed by the person affirming that
7 the photograph will not be placed in a publication or posted to a Web site that requires the
8 payment of a fee or other consideration in order to remove or delete the photograph from the
9 publication or Web site. A person who submits a false statement under this subsection is
10 criminally liable under G.S. 14-101.1."

11 **SECTION 18B.10.(b)** Article 19 of Chapter 14 of the General Statutes is amended
12 by adding a new section to read:

13 **"§ 14-101.1. Written false statement to law enforcement agency to obtain booking**
14 **photograph.**

15 Any person who, with the intent to deceive a law enforcement agency, submits a false
16 statement to obtain a photograph under G.S. 15A-502.2 is guilty of a Class 1 misdemeanor."

17 **SECTION 18B.10.(c)** Article 1 of Chapter 75 of the General Statutes is amended
18 by adding a new section to read:

19 **"§ 75-43. Unfair use of criminal record information.**

20 (a) The violation of any provision of this section shall be considered an unfair trade
21 practice, as prohibited by G.S. 75-1.1.

22 (b) A person commits a violation under this section if the person does both of the
23 following:

- 24 (1) Engages in publishing or otherwise disseminating, in print or over the
25 Internet, photographs of an individual taken pursuant to G.S. 15A-502(a)(1)
26 or G.S. 15A-502(a2) or authorized by G.S. 15A-502(b); and
27 (2) Solicits or accepts the payment of a fee or other consideration to remove the
28 individual's photograph when the individual is acquitted or the charges are
29 dropped or otherwise resolved without a conviction.

30 (c) Any publisher of a print publication or operator of an Internet Web site that contains
31 criminal record information of a person charged with a crime shall, within 15 days after written
32 notification from the person or the person's designee, remove, or retract if removal is not
33 possible, criminal record information and any other personal information if the person is
34 acquitted or the charges are dropped or otherwise resolved without a conviction. The removal
35 or retraction shall be without charge to the person. Failure of the publisher or operator to
36 remove the person's name or personal information shall result in a civil penalty of one hundred
37 dollars (\$100.00) per instance per week and, after 45 days, shall create a presumption of
38 defamation of character of the person.

39 (d) For the purposes of this section, "criminal record information" includes any and all
40 of the following:

- 41 (1) Descriptions or notations of any arrests, any formal criminal charges, and the
42 disposition of those criminal charges.
43 (2) Photographs of the person taken pursuant to an arrest or other involvement
44 in the criminal justice system.
45 (3) Personal identifying information, including a person's name, address, date of
46 birth, photograph, and social security number or other government-issued
47 identification number.
48 (4) Any information collected pursuant to Article 23 of Chapter 15A of the
49 General Statutes."

50 **SECTION 18B.10.(d)** This section becomes effective December 1, 2014.
51 Subsection (a) of this section applies to requests made on or after December 1, 2014.

1 Subsection (b) of this section applies to offenses committed on or after December 1, 2014.
2 Subsection (c) of this section applies to photographs and other criminal record information
3 published or disseminated on or after December 1, 2014.
4

5 **INCREASE PENALTY FOR CRIMINAL OFFENSE OF CARRYING A CONCEALED**
6 **WEAPON WHEN WEAPON IS A GUN**

7 **SECTION 18B.11.(a)** G.S. 14-269(c) reads as rewritten:

8 "(c) Any person violating the provisions of subsection (a) of this section shall be guilty
9 of a Class 2 misdemeanor. Any person violating the provisions of subsection (a1) of this
10 section shall be guilty of a ~~Class 2 misdemeanor~~ Class A1 misdemeanor for the first offense. A
11 second or subsequent offense is punishable as a ~~Class I felony~~ Class H felony. A violation
12 punishable under G.S. 14-415.21(a) is not punishable under this section."

13 **SECTION 18B.11.(b)** This section becomes effective December 1, 2014, and
14 applies to offenses committed on or after that date.
15

16 **MAINTAIN TRIAL COURT ADMINISTRATOR**

17 **SECTION 18B.13.** The Administrative Office of the Courts shall maintain the trial
18 court administrator position serving Superior Court Districts 7B and 7C and ensure that the
19 position remains filled during the 2014-2015 fiscal year.
20

21 **AUTHORIZE THE COURT TO ASSESS A FEE FOR THE COSTS OF THE**
22 **SERVICES OF A PRIVATE HOSPITAL PERFORMING TOXICOLOGICAL**
23 **TESTING FOR A PROSECUTORIAL DISTRICT**

24 **SECTION 18B.14.(a)** G.S. 7A-304(a) reads as rewritten:

25 "(a) In every criminal case in the superior or district court, wherein the defendant is
26 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
27 prosecuting witness, the following costs shall be assessed and collected. No costs may be
28 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of
29 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs
30 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8),
31 (8a), (11), or ~~(12)~~ (12), or (13) of this section.
32

33 ...

34 (7) For the services of the North Carolina State Crime Laboratory facilities, the
35 district or superior court judge shall, upon conviction, order payment of the
36 sum of six hundred dollars (\$600.00) to be remitted to the Department of
37 Justice for support of the Laboratory. This cost shall be assessed only in
38 cases in which, as part of the investigation leading to the defendant's
39 conviction, the laboratories have performed DNA analysis of the crime, tests
40 of bodily fluids of the defendant for the presence of alcohol or controlled
41 substances, or analysis of any controlled substance possessed by the
42 defendant or the defendant's agent.

43 (8) For the services of any crime laboratory facility operated by a local
44 government or group of local governments, the district or superior court
45 judge shall, upon conviction, order payment of the sum of six hundred
46 dollars (\$600.00) to be remitted to the general fund of the local
47 governmental unit that operates the laboratory to be used for law
48 enforcement purposes. The cost shall be assessed only in cases in which, as
49 part of the investigation leading to the defendant's conviction, the laboratory
50 has performed DNA analysis of the crime, test of bodily fluids of the
51 defendant for the presence of alcohol or controlled substances, or analysis of
any controlled substance possessed by the defendant or the defendant's

1 agent. The costs shall be assessed only if the court finds that the work
2 performed at the local government's laboratory is the equivalent of the same
3 kind of work performed by the North Carolina State Crime Laboratory under
4 subdivision (7) of this subsection.

5 (8a) For the services of any private hospital performing toxicological testing
6 under contract with a prosecutorial district, the district or superior court
7 judge shall, upon conviction, order payment of the sum of six hundred
8 dollars (\$600.00) to be remitted to the Judicial Department for
9 reimbursement to and support of the prosecutorial district. The cost shall be
10 assessed only in cases in which, as part of the investigation leading to the
11 defendant's conviction, the laboratory has performed testing of bodily fluids
12 of the defendant for the presence of alcohol or controlled substances. The
13 costs shall be assessed only if the court finds that the work performed by the
14 local hospital is the equivalent of the same kind of work performed by the
15 North Carolina State Crime Laboratory under subdivision (7) of this
16 subsection.

17 ...

18 (11) For the services of an expert witness employed by the North Carolina State
19 Crime Laboratory who completes a chemical analysis pursuant to
20 G.S. 20-139.1 or a forensic analysis pursuant to G.S. 8-58.20 and provides
21 testimony about that analysis in a defendant's trial, the district or superior
22 court judge shall, upon conviction of the defendant, order payment of the
23 sum of six hundred dollars (\$600.00) to be remitted to the Department of
24 Justice for support of the State Crime Laboratory. This cost shall be assessed
25 only in cases in which the expert witness provides testimony about the
26 chemical or forensic analysis in the defendant's trial and shall be in addition
27 to any cost assessed under subdivision (7) of this subsection.

28 (12) For the services of an expert witness employed by a crime laboratory
29 operated by a local government or group of local governments who
30 completes a chemical analysis pursuant to G.S. 20-139.1 or a forensic
31 analysis pursuant to G.S. 8-58.20 and provides testimony about that analysis
32 in a defendant's trial, the district or superior court judge shall, upon
33 conviction of the defendant, order payment of the sum of six hundred dollars
34 (\$600.00) to be remitted to the general fund of the local governmental unit
35 that operates the laboratory to be used for local law enforcement. This cost
36 shall be assessed only in cases in which the expert witness provides
37 testimony about the chemical or forensic analysis in the defendant's trial and
38 shall be in addition to any cost assessed under subdivision (8) of this
39 subsection.

40 (13) For the services of an expert witness employed by a private hospital
41 performing toxicological testing under contract with a prosecutorial district
42 who completes a chemical analysis pursuant to G.S. 20-139.1 and provides
43 testimony about that analysis in a defendant's trial, the district or superior
44 court judge shall, upon conviction of the defendant, order payment of the
45 sum of six hundred dollars (\$600.00) to be remitted to the Judicial
46 Department for reimbursement to and support of the prosecutorial district.
47 This cost shall be assessed only in cases in which the expert witness
48 provides testimony about the chemical analysis in the defendant's trial and
49 shall be in addition to any cost assessed under subdivision (8a) of this
50 subsection."

1 **SECTION 18B.14.(b)** This section becomes effective July 1, 2014, and applies to
2 fees assessed or collected on or after that date.

3
4 **REPEAL OF TRANSFER OF CERTAIN FEE PROCEEDS TO THE NC STATE BAR**

5 **SECTION 18B.15.(a)** G.S. 7A-304(a)(4) reads as rewritten:

6 "(a) In every criminal case in the superior or district court, wherein the defendant is
7 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
8 prosecuting witness, the following costs shall be assessed and collected. No costs may be
9 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of
10 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs
11 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8),
12 (11), or (12) of this section.

13 ...

14 (4) For support of the General Court of Justice, the sum of one hundred
15 twenty-nine dollars and fifty cents (\$129.50) in the district court, including
16 cases before a magistrate, and the sum of one hundred fifty-four dollars and
17 fifty cents (\$154.50) in the superior court, to be remitted to the State
18 Treasurer. For a person convicted of a felony in superior court who has made
19 a first appearance in district court, both the district court and superior court
20 fees shall be assessed. The State Treasurer shall remit the sum of ~~one dollar~~
21 ~~and fifty cents (\$1.50) of each fee collected under this subdivision to the~~
22 ~~North Carolina State Bar for the provision of services described in~~
23 ~~G.S. 7A-474.4, and ninety-five cents (\$.95)~~ninety-five cents (95¢) of each
24 fee collected under this subdivision to the North Carolina State Bar for the
25 provision of services described in G.S. 7A-474.19."

26 **SECTION 18B.15.(b)** G.S. 7A-305 reads as rewritten:

27 **"§ 7A-305. Costs in civil actions.**

28 (a) In every civil action in the superior or district court, except for actions brought
29 under Chapter 50B of the General Statutes, shall be assessed:

30 ...

31 (2) For support of the General Court of Justice, the sum of one hundred eighty
32 dollars (\$180.00) in the superior court and the sum of one hundred thirty
33 dollars (\$130.00) in the district court except that if the case is assigned to a
34 magistrate the sum shall be eighty dollars (\$80.00). If a case is assigned to a
35 special superior court judge as a complex business case under G.S. 7A-45.3,
36 upon assignment the party filing the notice of designation pursuant to
37 G.S. 7A-45.4 or the motion for complex business designation shall pay an
38 additional one thousand dollars (\$1,000) for support of the General Court of
39 Justice; if a case is assigned to a special superior court judge as a complex
40 business case under G.S. 7A-45.3 by a court on its own motion, upon
41 assignment the plaintiff shall pay an additional one thousand dollars
42 (\$1,000) for support of the General Court of Justice. Sums collected under
43 this subdivision shall be remitted to the State Treasurer. The State Treasurer
44 shall remit the sum of ~~one dollar and fifty cents (\$1.50) of each fee collected~~
45 ~~under this subdivision to the North Carolina State Bar for the provision of~~
46 ~~services described in G.S. 7A-474.4, and ninety-five cents (\$.95)~~ninety-five
47 cents (95¢) of each fee collected under this subdivision to the North Carolina
48 State Bar for the provision of services described in G.S. 7A-474.19.

49 ...

50 (a5) In every civil action in the superior or district court wherein a party files a pleading
51 containing one or more counterclaims, third-party complaints, or cross-claims, except for

1 counterclaim and cross-claim actions brought under Chapter 50B of the General Statutes for
 2 which costs are assessed pursuant to subsection (a1) of this section, the following shall be
 3 assessed:

- 4 ...
- 5 (3) For support of the General Court of Justice, the sum of one hundred eighty
 6 dollars (\$180.00) in the superior court, except that if a case is assigned to a
 7 special superior court judge as a complex business case under G.S. 7A-45.3,
 8 filing fees shall be collected and disbursed in accordance with subsection (a)
 9 of this section, and the sum of one hundred thirty dollars (\$130.00) in the
 10 district court, except that if the case is assigned to a magistrate, the sum shall
 11 be eighty dollars (\$80.00). Sums collected under this subdivision shall be
 12 remitted to the State Treasurer. The State Treasurer shall remit the sum of
 13 ~~one dollar and fifty cents (\$1.50) of each fee collected under this subdivision~~
 14 ~~to the North Carolina State Bar for the provision of services described in~~
 15 ~~G.S. 7A-474.4, and ninety five cents (\$.95)~~ninety-five cents (95¢) of each
 16 fee collected under this subdivision to the North Carolina State Bar for the
 17 provision of services described in G.S. 7A-474.19.

18"

19 **SECTION 18B.15.(c)** G.S. 7A-307(a)(2) reads as rewritten:

20 "(a) In the administration of the estates of decedents, minors, incompetents, of missing
 21 persons, and of trusts under wills and under powers of attorney, in trust proceedings under
 22 G.S. 36C-2-203, in estate proceedings under G.S. 28A-2-4, and in collections of personal
 23 property by affidavit, the following costs shall be assessed:

- 24 ...
- 25 (2) For support of the General Court of Justice, the sum of one hundred six
 26 dollars (\$106.00), plus an additional forty cents (40¢) per one hundred
 27 dollars (\$100.00), or major fraction thereof, of the gross estate, not to exceed
 28 six thousand dollars (\$6,000). Gross estate shall include the fair market
 29 value of all personalty when received, and all proceeds from the sale of
 30 realty coming into the hands of the fiduciary, but shall not include the value
 31 of realty. In collections of personal property by affidavit, the fee based on
 32 the gross estate shall be computed from the information in the final affidavit
 33 of collection made pursuant to G.S. 28A-25-3 and shall be paid when that
 34 affidavit is filed. In all other cases, this fee shall be computed from the
 35 information reported in the inventory and shall be paid when the inventory is
 36 filed with the clerk. If additional gross estate, including income, comes into
 37 the hands of the fiduciary after the filing of the inventory, the fee for such
 38 additional value shall be assessed and paid upon the filing of any account or
 39 report disclosing such additional value. For each filing the minimum fee
 40 shall be fifteen dollars (\$15.00). Sums collected under this subdivision shall
 41 be remitted to the State Treasurer. ~~The State Treasurer shall remit the sum of~~
 42 ~~one dollar and fifty cents (\$1.50) of each one hundred six dollar (\$106.00)~~
 43 ~~General Court of Justice fee collected under this subdivision to the North~~
 44 ~~Carolina State Bar for the provision of services described in G.S. 7A-474.4."~~

45 **SECTION 18B.15.(d)** G.S. 7A-306(a)(2) reads as rewritten:

46 "(a) In every special proceeding in the superior court, the following costs shall be
 47 assessed:

- 48 ...
- 49 (2) For support of the General Court of Justice the sum of one hundred six
 50 dollars (\$106.00). In addition, in proceedings involving land, except
 51 boundary disputes, if the fair market value of the land involved is over one

1 hundred dollars (\$100.00), there shall be an additional sum of thirty cents
2 (30¢) per one hundred dollars (\$100.00) of value, or major fraction thereof,
3 not to exceed a maximum additional sum of two hundred dollars (\$200.00).
4 Fair market value is determined by the sale price if there is a sale, the
5 appraiser's valuation if there is no sale, or the appraised value from the
6 property tax records if there is neither a sale nor an appraiser's valuation.
7 Sums collected under this subdivision shall be remitted to the State
8 Treasurer. ~~The State Treasurer shall remit the sum of one dollar and fifty~~
9 ~~eents (\$1.50) of each one hundred six dollar (\$106.00) General Court of~~
10 ~~Justice fee collected under this subdivision to the North Carolina State Bar~~
11 ~~for the provision of services described in G.S. 7A-474.4."~~

12 **SECTION 18B.15.(e)** This subsection applies to fees assessed or collected on or
13 after July 1, 2014.

14 **THREE-JUDGE PANEL/CONSTITUTIONALITY OF ACTS**

15 **SECTION 18B.16.(a)** Article 26A of Chapter 1 of the General Statutes reads as
16 rewritten:

17 "Article 26A.

18 "Three-Judge Panel for Redistricting ~~Challenges.~~Challenges and
19 for Certain Challenges to State Laws.

20 **"§ 1-267.1. Three-judge panel for actions challenging plans apportioning or redistricting**
21 **State legislative or congressional ~~districts.~~districts; claims challenging the facial**
22 **validity of an act of the General Assembly.**

23 (a) Any action challenging the validity of any act of the General Assembly that
24 apportions or redistricts State legislative or congressional districts shall be filed in the Superior
25 Court of Wake County and shall be heard and determined by a three-judge panel of the
26 Superior Court of Wake County organized as provided by subsection (b) of this section.

27 (a1) Except as otherwise provided in subsection (a) of this section, any challenge to the
28 validity of an act of the General Assembly on its face shall be transferred pursuant to
29 G.S. 1A-1, Rule 42(b)(4) to the Superior Court of Wake County and shall be heard and
30 determined by a three-judge panel of the Superior Court of Wake County, organized as
31 provided by subsection (b1) of this section.

32 (b) Whenever any person files in the Superior Court of Wake County any action
33 challenging the validity of any act of the General Assembly that apportions or redistricts State
34 legislative or congressional districts, a copy of the complaint shall be served upon the senior
35 resident superior court judge of Wake County, who shall be the presiding judge of the
36 three-judge panel required by subsection (a) of this section. Upon receipt of that complaint, the
37 senior resident superior court judge of Wake County shall notify the Chief Justice, who shall
38 appoint two additional resident superior court judges to the three-judge panel of the Superior
39 Court of Wake County to hear and determine the action. Before making those appointments,
40 the Chief Justice shall consult with the North Carolina Conference of Superior Court Judges,
41 which shall provide the Chief Justice with a list of recommended appointments. To ensure that
42 members of the three-judge panel are drawn from different regions of the State, the Chief
43 Justice shall appoint to the three-judge panel one resident superior court judge from the First
44 through Fourth Judicial Divisions and one resident superior court judge from the Fifth through
45 Eighth Judicial Divisions. In order to ensure fairness, to avoid the appearance of impropriety,
46 and to avoid political bias, no member of the panel, including the senior resident superior court
47 judge of Wake County, may be a former member of the General Assembly. Should the senior
48 resident superior court judge of Wake County be disqualified or otherwise unable to serve on
49 the three-judge panel, the Chief Justice shall appoint another resident superior court judge of
50 Wake County as the presiding judge of the three-judge panel. Should any other member of the
51

1 three-judge panel be disqualified or otherwise unable to serve on the three-judge panel, the
2 Chief Justice shall appoint as a replacement another resident superior court judge from the
3 same group of judicial divisions as the resident superior court judge being replaced.

4 (b1) Any challenge to the validity of an act of the General Assembly on its face filed in
5 the Superior Court of Wake County, other than a challenge to plans apportioning or
6 redistricting State legislative or congressional districts that shall be heard pursuant to
7 subsection (b) of this section, or any claim transferred to the Superior Court of Wake County
8 pursuant to subsection (a1) of this section, shall be assigned by the senior resident superior
9 court judge of Wake County to the three-judge panel established pursuant to subsection (b2) of
10 this section.

11 (b2) The Chief Justice of the Supreme Court shall appoint three resident superior court
12 judges to a three-judge panel of the Superior Court of Wake County to hear and determine
13 challenges to the validity of statutes and acts pursuant to subsection (a1) of this section. The
14 initial judges appointed to the panel shall remain as a standing three-judge panel to hear any
15 action transferred to the panel for determination pursuant to this section, and the Chief Justice
16 shall appoint a presiding judge of the three-judge panel. To ensure that members of the
17 three-judge panel are drawn from different regions of the State, the Chief Justice shall appoint
18 to the three-judge panel one resident superior court judge from the First or Second Judicial
19 Division, one resident superior court judge from the Seventh or Eighth Judicial Division, and
20 one resident superior court judge from the Third, Fourth, Fifth, or Sixth Division. Should any
21 member of the three-judge panel be disqualified or otherwise unable to serve on the three-judge
22 panel, or is removed from the panel at the discretion of the Chief Justice, the Chief Justice shall
23 appoint as a replacement another resident superior court judge from the same group of judicial
24 divisions as the resident superior court judge being replaced.

25 (c) No order or judgment shall be entered affecting the validity of any act of the
26 General Assembly that apportions or redistricts State legislative or congressional ~~districts~~
27 districts, or finds that an act of the General Assembly is facially invalid based upon the North
28 Carolina or United States Constitutions, except by the three-judge panel of the Superior Court
29 of Wake County organized as provided by subsection (b) or subsection (b1) of this section. In
30 the event of disagreement among the three resident superior court judges comprising the
31 three-judge panel, then the opinion of the majority shall prevail.

32 (d) This section applies only to civil proceedings, and nothing in this section shall be
33 deemed to apply to a defendant in criminal proceedings, or to proceedings in which Chapter
34 15A of the General Statutes, is applicable."

35 **SECTION 18B.16.(b)** G.S. 1-81.1 reads as rewritten:

36 **"§ 1-81.1. Venue in apportionment or redistricting ~~eases~~cases; certain injunctive relief**
37 **actions.**

38 (a) Venue lies exclusively with the Wake County Superior Court in any action
39 concerning any act of the General Assembly apportioning or redistricting State legislative or
40 congressional ~~districts~~districts lies exclusively with the Wake County Superior Court.

41 (a1) Venue lies exclusively with the Wake County Superior Court with regard to any
42 claim, seeking an order or judgment of a court, either final or interlocutory, to restrain the
43 enforcement, operation, or execution of an act of the General Assembly, in whole or in part,
44 based upon an allegation that the act of the General Assembly is unconstitutional on its face
45 pursuant to the United States Constitution or North Carolina Constitution. Pursuant to
46 G.S. 1-267.1(a) and Rule 42(b)(4), claims described in this subsection that are filed or raised in
47 courts other than Wake County Superior Court or are filed in Wake County Superior Court,
48 shall be transferred to the three-judge panel of the Wake County Superior Court if, after all
49 other matters in the action have been resolved, a determination as to the facial validity of an act
50 of the General Assembly must be made in order to completely resolve any issues in the case.

1 (b) Any action brought concerning an act of the General Assembly apportioning or
2 redistricting the State legislative or congressional districts shall be filed in the Superior Court of
3 Wake County."

4 **SECTION 18B.16.(c)** G.S. 1A-1, Rule 42, reads as rewritten:

5 **"Rule 42. Consolidation; separate trials.**

6 (a) Consolidation. – Except as provided in subdivision (b)(2) of this section, when
7 actions involving a common question of law or fact are pending in one division of the court, the
8 judge may order a joint hearing or trial of any or all the matters in issue in the actions; he may
9 order all the actions consolidated; and he may make such orders concerning proceedings
10 therein as may tend to avoid unnecessary costs or delay. When actions involving a common
11 question of law or fact are pending in both the superior and the district court of the same
12 county, a judge of the superior court in which the action is pending may order all the actions
13 consolidated, and he may make such orders concerning proceedings therein as may tend to
14 avoid unnecessary costs or delay.

15 (b) Separate trials. –

16 (1) The court may in furtherance of convenience or to avoid prejudice and shall
17 for considerations of venue upon timely motion order a separate trial of any
18 claim, cross-claim, counterclaim, or third-party claim, or of any separate
19 issue or of any number of claims, cross-claims, counterclaims, third-party
20 claims, or issues.

21 (2) Upon motion of any party in an action that includes a claim commenced
22 under Article 1G of Chapter 90 of the General Statutes involving a managed
23 care entity as defined in G.S. 90-21.50, the court shall order separate
24 discovery and a separate trial of any claim, cross-claim, counterclaim, or
25 third-party claim against a physician or other medical provider.

26 (3) Upon motion of any party in an action in tort wherein the plaintiff seeks
27 damages exceeding one hundred fifty thousand dollars (\$150,000), the court
28 shall order separate trials for the issue of liability and the issue of damages,
29 unless the court for good cause shown orders a single trial. Evidence relating
30 solely to compensatory damages shall not be admissible until the trier of fact
31 has determined that the defendant is liable. The same trier of fact that tries
32 the issues relating to liability shall try the issues relating to damages.

33 (4) Pursuant to G.S. 1-267.1, any challenge to the validity of an act of the
34 General Assembly on its face, other than a challenge to plans apportioning
35 or redistricting State legislative or congressional districts, shall be heard by a
36 three-judge panel in the Superior Court of Wake County. If a claimant brings
37 such a challenge in any court in this State, or if such a challenge is raised by
38 the defendant in the defendant's motions or pleadings in any court in this
39 State, the court shall, on its own motion, transfer that portion of the action
40 challenging the validity of the act of the General Assembly to the Superior
41 Court of Wake County for resolution by the three-judge panel if, after all
42 other matters in the action have been resolved, a determination as to the
43 facial validity of an act of the General Assembly must be made in order to
44 completely resolve any matters in the case. The court in which the action
45 originated shall maintain jurisdiction over all matters other than the
46 constitutional challenge. The court shall stay all matters that are contingent
47 upon the outcome of the constitutional challenge pending a ruling on the
48 constitutional challenge and until all appeal rights are exhausted. Once the
49 three-judge panel has ruled and all appeal rights have been exhausted, the
50 matter shall be transferred or remanded back to the trial court in which the
51 action originated for resolution of any outstanding matters."

1 **SECTION 18B.16.(d)** G.S. 1A-1, Rule 62, reads as rewritten:

2 **"Rule 62. Stay of proceedings to enforce a judgment.**

3 (a) Automatic stay; exceptions – Injunctions and receiverships. – Except as otherwise
4 stated herein, no execution shall issue upon a judgment nor shall proceedings be taken for its
5 enforcement until the expiration of the time provided in the controlling statute or rule of
6 appellate procedure for giving notice of appeal from the judgment. Unless otherwise ordered by
7 the court, an interlocutory or final judgment in an action for an injunction or in a receivership
8 action shall not be stayed during the period after its entry and until an appeal is taken or during
9 the pendency of an appeal. The provisions of section (c) govern the suspending, modifying,
10 restoring, or granting of an injunction during the pendency of an appeal.

11 (b) Stay on motion for new trial or for judgment. – In its discretion and on such
12 conditions for the security of the adverse party as are proper, the court may stay the execution
13 of or any proceedings to enforce a judgment pending the disposition of a motion for a new trial
14 or to alter or amend a judgment made pursuant to Rule 59, or of a motion for relief from a
15 judgment or order made pursuant to Rule 60, or of a motion for judgment made pursuant to
16 Rule 50, or of a motion for amendment to the findings or for additional findings made pursuant
17 to Rule 52(b). If the time provided in the controlling statute or rule of appellate procedure for
18 giving notice of appeal from the judgment had not expired before a stay under this subsection
19 was entered, that time shall begin to run immediately upon the expiration of any stay under this
20 section, and no execution shall issue nor shall proceedings be taken for enforcement of the
21 judgment until the expiration of that time.

22 (c) Injunction pending appeal. – When an appeal is taken from an interlocutory or final
23 judgment granting, dissolving, or denying an injunction, the court in its discretion may
24 suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such
25 terms as to bond or otherwise as it considers proper for the security of the rights of the adverse
26 party.

27 (d) Stay upon appeal. – When an appeal is taken, the appellant may obtain a stay of
28 execution, subject to the exceptions contained in section (a), by proceeding in accordance with
29 and subject to the conditions of G.S. 1-289, G.S. 1-290, G.S. 1-291, G.S. 1-292, G.S. 1-293,
30 G.S. 1-294, and G.S. 1-295.

31 When stay is had by giving supersedeas bond, the bond may be given at or after the time of
32 filing the notice of appeal or of procuring the order allowing the appeal as the case may be, and
33 stay is then effective when the supersedeas bond is approved by the court.

34 (e) Stay in favor of North Carolina, city, county, local board of education, or agency
35 thereof. – When an appeal is taken by the State of North Carolina, or a city or a county thereof,
36 a local board of education, or an officer in his official capacity or agency thereof or by direction
37 of any department or agency of the State of North Carolina or a city or county thereof or a local
38 board of education and the operation or enforcement of the judgment is stayed, no bond,
39 obligation, or other security shall be required from the appellant.

40 (f) Power of appellate court not limited. – The provisions of this rule do not limit any
41 power of an appellate court or of a judge or justice thereof to stay proceedings during the
42 pendency of an appeal or to suspend, modify, restore, or grant an injunction during the
43 pendency of an appeal or to make any order appropriate to preserve the status quo or the
44 effectiveness of the judgment subsequently to be entered.

45 (g) Stay of judgment as to multiple claims or multiple parties. – When a court has
46 ordered a final judgment under the conditions stated in Rule 54(b), the court may stay
47 enforcement of that judgment until the entering of a subsequent judgment or judgments and
48 may prescribe such conditions as are necessary to secure the benefit thereof to the party in
49 whose favor the judgment is entered.

50 (h) Injunction pending appeal of as-applied constitutional challenge. – Notwithstanding
51 any other provision of law, where a trial court grants interlocutory, temporary, or permanent

1 injunctive or declaratory relief restraining the State or a political subdivision of the State from
2 enforcing the operation or execution of an act of the General Assembly as applied against a
3 party in a civil action, the court shall stay the relief granted pending appeal. This subsection
4 only applies where the State or a political subdivision of the State is a party in the civil action.
5 This subsection does not apply to facial challenges heard by a three-judge panel pursuant to
6 G.S. 1-267.1."

7 **SECTION 18B.16.(e)** G.S. 7A-27 reads as rewritten:

8 "**§ 7A-27. Appeals of right from the courts of the trial divisions.**

9 (a) Appeal lies of right directly to the Supreme Court in all cases in which the
10 defendant is convicted of murder in the first degree and the judgment of the superior court
11 includes a sentence of death.

12 (a1) Appeal lies of right directly to the Supreme Court from any order or judgment of a
13 court, either final or interlocutory, that holds that an act of the General Assembly, based upon
14 the United States Constitution or North Carolina Constitution, is unconstitutional on its face.

15 (b) Appeal lies of right directly to the Court of Appeals in any of the following cases:

16 (1) From any final judgment of a superior court, other than the one described in
17 subsection (a) of this section, or one based on a plea of guilty or nolo
18 contendere, including any final judgment entered upon review of a decision
19 of an administrative agency, except for a final judgment entered upon review
20 of a court martial under G.S. 127A-62.

21 (2) From any final judgment of a district court in a civil action.

22 (3) From any interlocutory order or judgment of a superior court or district court
23 in a civil action or proceeding which does any of the following:

24 a. Affects a substantial right.

25 b. In effect determines the action and prevents a judgment from which
26 an appeal might be taken.

27 c. Discontinues the action.

28 d. Grants or refuses a new trial.

29 e. Determines a claim prosecuted under G.S. 50-19.1.

30 f. Grants temporary injunctive relief restraining the State or a political
31 subdivision of the State from enforcing the operation or execution of
32 an act of the General Assembly as applied against a party in a civil
33 action. This subsection only applies where the State or a political
34 subdivision of the State is a party in the civil action. This subsection
35 does not apply to facial challenges heard by a three-judge panel
36 pursuant to G.S. 1-267.1.

37 (4) From any other order or judgment of the superior court from which an
38 appeal is authorized by statute.

39 (c) through (e) Repealed by Session Laws 2013-411, s. 1, effective August 23, 2013."

40 **SECTION 18B.16.(f)** This section becomes effective on July 1, 2014, and applies
41 to any claim filed on or after that date, whether alleged in any filed action or raised as a defense
42 or claim during proceedings on any action, that asserts that an act of the General Assembly is
43 either facially invalid or invalid as applied to a set of factual circumstances, based upon the
44 North Carolina or United States Constitutions.

45 **PART XIX. DEPARTMENT OF CULTURAL RESOURCES**

46 **CLOSURE OF HOUSE IN THE HORSESHOE STATE HISTORIC SITE**

47 **SECTION 19.1.** Effective July 1, 2014, the Department of Cultural Resources,
48 Division of State Historic Sites and Properties, shall close the House in the Horseshoe State
49 Historic Site in Moore County.
50
51

CAP GRANTS FROM STATE AID TO LIBRARIES FUND

SECTION 19.2. The Department of Cultural Resources shall not allocate a grant to any municipal, county, or regional library from the Aid to Public Libraries Fund that exceeds four hundred thousand dollars (\$400,000) for the 2014-2015 fiscal year.

DCR TO STUDY THE FEASIBILITY OF DESIGNATING THE AVERASBORO BATTLEFIELD AS A STATE HISTORIC SITE

SECTION 19.3. The Department of Cultural Resources shall study the feasibility of designating the Averasboro Battlefield as a State Historic Site. The Department shall submit the results of its study to the 2015 General Assembly upon its convening.

DCR REPORT ON STUDY OF STATE ATTRACTIONS

SECTION 19.3. The Department of Cultural Resources shall report to the Joint Legislative Oversight Committee on General Government established by this act and to the Fiscal Research Division no later than October 1, 2015 regarding the activities, conclusions and recommendations of the Cultural and Natural Assets Task Force. The report shall include recommendations for reducing the cost of operation of State historic and cultural sites.

PART XX. DEPARTMENT OF INSURANCE**FIRE AND RESCUE SQUAD SUPPLEMENTAL PENSIONS AND GRANT FUNDS**

SECTION 20.1.(a) Effective October 1, 2014, G.S. 58-86-55 reads as rewritten:

"§ 58-86-55. Monthly pensions upon ~~retirement~~ attaining the age of 55 years.

(a) Any member who has served 20 years as an "eligible firefighter" or "eligible rescue squad worker" in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-86-30, and who has attained the age of 55 years is entitled to be paid a monthly pension from this fund. The monthly pension shall be in the amount of one hundred seventy dollars (\$170.00) per month. Any retired firefighter receiving a pension shall, effective July 1, 2008, receive a pension of one hundred seventy dollars (\$170.00) per month.

(b) Members shall pay ten dollars (\$10.00) per month as required by G.S. 58-86-35 and G.S. 58-86-40 for a period of no longer than 20 years. No "eligible rescue squad member" shall receive a pension prior to July 1, 1983. ~~No member shall be entitled to a pension hereunder until the member's official duties as a fireman or rescue squad worker for which the member is paid compensation shall have been terminated and the member shall have retired as such according to standards or rules fixed by the board of trustees.~~

(c) A member who is totally and permanently disabled while in the discharge of the member's official duties as a result of bodily injuries sustained or as a result of extreme exercise or extreme activity experienced in the course and scope of those official duties and who leaves the fire or rescue squad service because of this disability shall be entitled to be paid from the fund a monthly benefit in an amount of one hundred seventy dollars (\$170.00) per month beginning the first month after the member's fifty-fifth birthday. All applications for disability are subject to the approval of the board who may appoint physicians to examine and evaluate the disabled member prior to approval of the application, and annually thereafter. Any disabled member shall not be required to make the monthly payment of ten dollars (\$10.00) as required by G.S. 58-86-35 and G.S. 58-86-40.

(d) A member who is totally and permanently disabled for any cause, other than line of duty, who leaves the fire or rescue squad service because of this disability and who has at least 10 years of service with the pension fund, may be permitted to continue making a monthly contribution of ten dollars (\$10.00) to the fund until the member has made contributions for a total of 240 months. The member shall upon attaining the age of 55 years be entitled to receive

1 a pension as provided by this section. All applications for disability are subject to the approval
2 of the board who may appoint physicians to examine and evaluate the disabled member prior to
3 approval of the application and annually thereafter.

4 (e) A member who, because the member's residence is annexed by a city under Part 2 or
5 Part 3 of Article 4A of Chapter 160A of the General Statutes, or whose department is closed
6 because of an annexation by a city under Part 2 or Part 3 of Article 4A of Chapter 160A of the
7 General Statutes, or whose volunteer department is taken over by a city or county, and because
8 of such annexation or takeover is unable to perform as a firefighter or rescue squad worker of
9 any status, and if the member has at least 10 years of service with the pension fund, may be
10 permitted to continue making a monthly contribution of ten dollars (\$10.00) to the fund until
11 the member has made contributions for a total of 240 months. The member upon attaining the
12 age of 55 years and completion of such contributions shall be entitled to receive a pension as
13 provided by this section. Any application to make monthly contributions under this section
14 shall be subject to a finding of eligibility by the Board of Trustees upon application of the
15 member.

16 (f) The pensions provided shall be in addition to all other pensions or benefits under
17 any other statutes of the State of North Carolina or the United States, notwithstanding any
18 exclusionary provisions of other pensions or retirement systems provided by law."

19 **SECTION 20.1.(b)** G.S. 105-228.5(d)(3) reads as rewritten:

20 "(3) Additional Rate on Property Coverage Contracts. – An additional tax at the
21 rate of seventy-four hundredths percent (0.74%) applies to gross premiums
22 on insurance contracts for property coverage. The tax is imposed on ten
23 percent (10%) of the gross premiums from insurance contracts for
24 automobile physical damage coverage and on one hundred percent (100%)
25 of the gross premiums from all other contracts for property coverage.
26 ~~Twenty five percent (25%)~~ Twenty percent (20%) of the net proceeds of this
27 additional tax must be credited to the Volunteer Fire Department Fund
28 established in Article 87 of Chapter 58 of the General Statutes. Twenty
29 percent (20%) of the net proceeds must be credited to the Department of
30 Insurance for disbursement pursuant to G.S. 58-84-25. Up to twenty percent
31 (20%), as determined in accordance with G.S. 58-87-10(f), must be credited
32 to the Workers' Compensation Fund. The remaining net proceeds must be
33 credited to the General Fund.

34"

35 **SECTION 20.1.(c)** The Department of State Treasurer shall report by March 1,
36 2015, and annually thereafter for two years, to the House Committee on State Personnel and the
37 Senate Committee on Pensions & Retirement and Aging on the Department's progress toward
38 the following efforts related to the North Carolina Firefighters' and Rescue Squad Workers'
39 Pension Fund:

40 (1) Building appropriate lapse assumptions into the State's annual required
41 contribution to the pension fund.

42 (2) Collecting timely member contributions to the pension fund.

43 **SECTION 20.1.(d)** Effective January 1, 2015, and applicable to the 2015 grant
44 process, G.S. 58-87-1(a1) reads as rewritten:

45 "(a1) Grant Program. – An eligible fire department may apply to the Commissioner for a
46 grant under this section. In awarding grants under this section, the Commissioner must, to the
47 extent possible, select applicants from all parts of the State based upon need. The
48 Commissioner must award the grants on May 15 of each year subject to the following
49 limitations:

50 (1) The size of a grant may not exceed thirty thousand dollars (\$30,000).

1 (2) The applicant shall match the grant on a dollar-for-dollar ~~basis.~~basis, unless
2 the applicant receives less than fifty thousand dollars (\$50,000) per year
3 from other sources, in which case the applicant shall match one dollar
4 (\$1.00) for each three dollars (\$3.00) of grant funds.

5 (3) The grant may be used only for equipment purchases, payment of highway
6 use taxes on those purchases, or capital expenditures necessary to provide
7 fire protection services.

8"

9 **SECTION 20.1.(e)** G.S. 58-87-1(c) reads as rewritten:

10 "(c) Report. – The Commissioner must submit a written report to the General Assembly
11 within 60 days after the grants have been made. This report must contain the following:

12 (1) The amount of the grant and the name of the recipient.

13 (2) The Fund balance at the beginning of the grant cycle.

14 (3) Cash receipts through the grant cycle.

15 (4) Cash disbursements through the grant cycle.

16 (5) The Fund balance at the end of the grant cycle."

17 **SECTION 20.1.(f)** G.S. 58-87-5 is amended by adding a new subsection to read:

18 "(d) Report. – The Commissioner shall submit a written report to the General Assembly
19 within 60 days after the grants have been made. This report shall contain the following:

20 (1) The amount of the grant and the name of the recipient.

21 (2) The Fund balance at the beginning of the grant cycle.

22 (3) Cash receipts through the grant cycle.

23 (4) Cash disbursements through the grant cycle.

24 (5) The Fund balance at the end of the grant cycle."

25 **SECTION 20.1.(g)** Effective July 1, 2015, G.S. 58-87-7 reads as rewritten:

26 **"§ 58-87-7. Oversight and accountability of grant awards.**

27 (a) Examination of Purchased Equipment and Supplies. – To increase accountability
28 and to expedite receipt of certain grant awards, notwithstanding any other provision, the Office
29 of the State Fire Marshal and other employees of the Department of Insurance may in their
30 discretion conduct on-site examinations of fire, rescue, and EMS equipment and supplies
31 purchased with funds awarded from either the Volunteer Fire Department Fund or the
32 Volunteer Rescue/EMS ~~Fund.~~Fund, for up to five years from the date of the grant award. The
33 on-site examinations may include the inspection of equipment purchased from prior grants and
34 may be conducted prior to or simultaneous with the delivery of the grant awards. The on-site
35 examination shall document what equipment and supplies have been purchased by the
36 volunteer fire department or volunteer rescue/EMS department and whether those items were
37 received by the department and visually reviewed by the on-site examiner. Items that have
38 already been distributed or put in the field shall be noted by the on-site examiner. The Office of
39 the State Fire Marshal shall maintain records of on-site inspections and provide ~~them, or a~~
40 summary thereof, in reports ~~reports~~ of such inspections, upon request, to the State Auditor or
41 the Office of State Budget and Management.

42 (b) Reimbursement to Funds. – If equipment purchased with grant funds is disposed of
43 within five years of the date of the grant award funding its purchase, then the grant recipient
44 shall reimburse the appropriate fund the amount of matching funds used for the purchase of the
45 equipment, less depreciation.

46 (c) Transfer of Purchased Equipment. – If a grant recipient shall cease to exist within
47 five years of the date of award of the grant, it shall transfer any and all equipment purchased
48 with such grant funds to whichever department shall assume responsibility for providing
49 service to the grant recipient's area of service or to another appropriate department that may
50 effectively use the equipment."

1 improve the effectiveness, efficiency, and quality of State government services. The Committee
2 has the following powers and duties:

- 3 (1) Study the programs, organization, operations, and policies of the following
4 agencies:
- 5 a. Department of Administration.
 - 6 b. Department of State Auditor.
 - 7 c. Department of Cultural Resources.
 - 8 d. Governor's Office.
 - 9 e. Housing Finance Agency.
 - 10 f. Department of Insurance.
 - 11 g. Lieutenant Governor's Office.
 - 12 h. Office of Administrative Hearings.
 - 13 i. Office of State Personnel.
 - 14 j. Department of Revenue.
 - 15 k. Department of Secretary of State.
 - 16 l. State Board of Elections.
 - 17 m. Office of State Budget and Management.
 - 18 n. Office of State Controller.
 - 19 o. State Ethics Commission.
 - 20 p. Department of State Treasurer.
 - 21 q. General Assembly.
 - 22 r. Any other agency under the jurisdiction of the Senate and House of
23 Representatives appropriations subcommittees on General
24 Government.
- 25 (2) Review compliance of budget actions directed by the General Assembly.
- 26 (3) Monitor expenditures, deviations, and changes made by the agencies set out
27 in subdivision (a)(1) of this section to the certified budget.
- 28 (4) Review policy changes as directed by law.
- 29 (5) Receive presentations of reports from agencies directed in the law, including
30 audits, studies, and other reports.
- 31 (6) Review any issues that arise during the interim period between sessions of
32 the General Assembly and provide a venue for any of these issues to be
33 heard in a public setting.
- 34 (7) Monitor the quality of services provided by general government agencies to
35 other agencies and the public.
- 36 (8) Identify opportunities for general government agencies to coordinate and
37 collaborate to eliminate duplicative functions.
- 38 (9) Have presentations and reports on any other matters that the Committee
39 considers necessary to fulfill its mandate.

40 (b) The Committee may make reports to the General Assembly. A report to the General
41 Assembly may contain legislation needed to implement a recommendation of the Committee.

42 **"§ 120-297. Organization of Committee.**

43 (a) The President Pro Tempore of the Senate and the Speaker of the House of
44 Representatives shall each designate a cochair of the Joint Legislative Oversight Committee on
45 General Government. The Committee shall meet upon the joint call of the cochairs.

46 (b) A quorum of the Committee is five members. No action may be taken except by a
47 majority vote at a meeting at which a quorum is present. While in the discharge of its official
48 duties, the Committee has the powers of a joint committee under G.S. 120-19 and
49 G.S. 120-19.1 through G.S. 120-19.4.

50 (c) Members of the Committee shall receive subsistence and travel expenses as
51 provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in

1 accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative
2 Services Officer, shall assign professional staff to assist the Committee in its work. Upon the
3 direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and
4 of the House of Representatives shall assign clerical staff to the Committee. The expenses for
5 clerical employees shall be borne by the Committee.

6 (d) The Committee cochairs may establish subcommittees for the purpose of examining
7 issues relating to services provided by particular divisions within the State's general
8 government departments.

9 **"§ 120-298. Reports to Committee.**

10 Whenever a department, office, or agency set out in subdivision (a)(1) of G.S. 120-296 is
11 required by law to report to the General Assembly or to any of its permanent committees or
12 subcommittees on matters affecting the services the department or agency provides, the
13 department or agency shall transmit a copy of the report to the cochairs of the Joint Legislative
14 Oversight Committee on General Government."

15 **SECTION 22.1.(b)** This section is effective when it becomes law.

16
17 **PART XXIII. RESERVED**

18
19 **PART XXIV. OFFICE OF STATE BUDGET AND MANAGEMENT**

20
21 **MUSEUM OF WAXHAW AMPHITHEATER**

22 **SECTION 24.1.** Funds appropriated in this act for The Andrew Jackson Historical
23 Foundation, Inc., a nonprofit organization, to rebuild the dilapidated amphitheater at the
24 Museum of the Waxhaw shall be used to supplement any other funds obtained for this purpose.

25
26 **WOMEN'S SHELTER FOR MACON AND JACKSON COUNTIES**

27 **SECTION 24.2.** Funds appropriated in this act for Resources, Education,
28 Assistance, Counseling, and Housing of Macon County, Inc., a nonprofit organization, for the
29 construction of a facility to shelter battered women and their children in Macon and Jackson
30 Counties shall be matched on a dollar-for-dollar basis by non-State funds.

31
32 **STAFFING ANALYSIS OF STATE AGENCY BUSINESS FUNCTIONS AND**
33 **REDEPLOYMENT OF RESOURCES FROM HR/PAYROLL MANAGEMENT**

34 **SECTION 24.3.** Section 6.7 of S.L. 2007-323 is repealed.

35
36 **PART XXV. OFFICE OF THE STATE AUDITOR**

37
38 **PRIVATE AUDIT OF PENSION FUND**

39 **SECTION 25.1.(a)** For the State Retirement Systems listed in G.S. 147-69.2(b)(8),
40 the State Treasurer shall prepare a comprehensive annual financial report that conforms with
41 the standards established by the Governmental Accounting Standards Board. In the
42 management discussion and analysis section of the comprehensive annual financial report, the
43 State Treasurer shall include a discussion of the State Retirement Systems' risk and returns
44 compared to benchmarks, total management fees and incentives paid, and comparisons to peer
45 cost benchmarks.

46 **SECTION 25.1.(b)** The State Auditor shall select a commercial independent
47 third-party audit firm to conduct an audit of the comprehensive annual financial report prepared
48 by the State Treasurer pursuant to subsection (a) of this section. The State Auditor shall provide
49 the audit firm's report, and the State Treasurer shall provide the comprehensive annual financial
50 report prepared pursuant to subsection (a) of this section, to the General Assembly on or before
51 January 1, 2015.

1 **SECTION 25.1.(c)** The State Treasurer shall transfer to the State Auditor the funds
2 necessary to conduct the third-party audit required under this section.

3
4 **PART XXVI. DEPARTMENT OF REVENUE**

5
6 **MODIFY TAX LOCATOR SERVICES CAP**

7 **SECTION 26.1.(a)** G.S. 105-243.1(e) reads as rewritten:

8 "(e) Use. – The fee is a receipt of the Department and must be applied to the costs of
9 collecting overdue tax debts. The proceeds of the fee must be credited to a special account
10 within the Department and may be expended only as provided in this subsection. The proceeds
11 of the fee may not be used for any purpose that is not directly and primarily related to
12 collecting overdue tax debts. The Department may apply the proceeds of the fee for the
13 purposes listed in this subsection. The remaining proceeds of the fee may be spent only
14 pursuant to appropriation by the General Assembly. The fee proceeds do not revert but remain
15 in the special account until spent for the costs of collecting overdue tax debts. The Department
16 and the Office of State Budget and Management must account for all expenditures using
17 accounting procedures that clearly distinguish costs allocable to collecting overdue tax debts
18 from costs allocable to other purposes and must demonstrate that none of the fee proceeds are
19 used for any purpose other than collecting overdue tax debts.

20 The Department may apply the fee proceeds for the following purposes:

21 ...

- 22 (3) To pay for taxpayer ~~locator~~-locator services, not to exceed ~~one hundred~~
23 ~~fiftyfive hundred~~ thousand dollars (~~\$150,000~~)(\$500,000) a year.

24 "

25 **SECTION 26.1.(b)** This section becomes effective July 1, 2014.

26
27 **SECONDARY TAXPAYER ASSISTANCE CALL CENTER REPORT**

28 **SECTION 26.2.(a)** The Department of Revenue shall study the feasibility of
29 establishing and locating a second taxpayer assistance call center within the State. In
30 conducting the feasibility study, the Department shall issue a report that considers each of the
31 following:

- 32 (1) The necessity of establishing a second taxpayer assistance call center. In
33 considering this element, the Department shall provide historical data for the
34 previous 10 years for the following measures. If data from the previous 10
35 years is not available for a particular measure, the Department may provide
36 data for a shorter period, but not less than three years.
- 37 a. Current and projected call volumes.
 - 38 b. The history and length of call center outages for the current facility.
 - 39 c. The number of calls dropped or abandoned.
 - 40 d. The percentage of calls answered within 30 seconds.
 - 41 e. Average and median wait-time for calls.
 - 42 f. Calls answered per agent.
 - 43 g. Average backlog of unanswered questions or issues, including any
44 callbacks.
 - 45 h. Resolution rate for taxpayer questions at levels 1, 2, and 3.
 - 46 i. Average resolution time for taxpayer questions at levels 1, 2, and 3.
- 47 (2) Site location options, including the following:
- 48 a. Potential site locations.
 - 49 b. Cost associated with locating a new site, or relocating the existing
50 facility.
 - 51 c. Site development and leasing cost options.

1 d. Labor pool access data for proposed locations and impact on local
2 employment for each proposed site.

3 (3) A listing of deficiencies in current call center facilities and equipment,
4 including a list of current assets and equipment, estimates for both repair and
5 replacement costs of those assets and equipment, and projected impact on
6 labor costs and taxpayer assistance measures.

7 (4) To the extent not required elsewhere in this feasibility study, a cost-benefit
8 analysis that includes total and itemized cost estimates and projected benefits
9 for all options considered by the Department.

10 **SECTION 26.2.(b)** The Department of Revenue shall submit its feasibility study to
11 the Senate Appropriations Committee on General Government and Information Technology
12 and to the House Appropriations Subcommittee on General Government on or before January
13 1, 2015.

14
15 **PART XXVII. RESERVED**

16
17 **PART XXVIII. RESERVED**

18
19 **PART XXIX. RESERVED**

20
21 **PART XXX. DEPARTMENT OF ADMINISTRATION**

22
23 **ELIMINATE AUTHORITY FOR STATE CONTRIBUTION TO COUNTY VETERANS**
24 **SERVICE PROGRAMS**

25 **SECTION 30.1.** G.S. 165-6(9) is repealed.

26
27 **CLOSURE OF CERTAIN NC DIVISION OF VETERANS AFFAIRS OFFICES**
28 **PROHIBITED**

29 **SECTION 30.2.** The District Offices of the North Carolina Division of Veterans
30 Affairs located in the Town of Garner and the City of Wilson shall not be closed during the
31 2013-2015 fiscal biennium.

32
33 **PART XXXI. HOUSING FINANCE AGENCY**

34
35 **WORKFORCE HOUSING LOAN PROGRAM**

36 **SECTION 31.1.(a)** Of the funds appropriated in this act to the North Carolina
37 Housing Trust Fund, the sum of ten million dollars (\$10,000,000) in nonrecurring funds for the
38 2014-2015 fiscal year shall be used by the North Carolina Housing Finance Agency for the
39 purpose of making loans for qualified North Carolina low-income housing development.

40 **SECTION 31.1.(b)** The following definitions apply in this section:

41 (1) Code. – As defined in G.S. 105-228.90.

42 (2) Qualified North Carolina low-income housing development. – A qualified
43 low-income project or building that is allocated a federal tax credit under
44 section 42(h)(1) of the Code.

45 (3) Qualified residential unit. – A housing unit that meets the requirements of
46 section 42 of the Code.

47 **SECTION 31.1.(c)** Of the funds referred to in subsection (a) of this section, the
48 Housing Finance Agency shall, pursuant to criteria established by the Agency, make loans to a
49 taxpayer who is allocated a federal low-income housing tax credit under section 42 of the Code
50 to construct or substantially rehabilitate a qualified North Carolina low-income housing
51 development. The amount of the loan to the taxpayer shall equal the funds referred to in

1 subsection (a) of this section divided by the number of qualified residential units constructed or
2 substantially rehabilitated in the 2014-2015 fiscal year and then multiplied by the number of
3 qualified residential units constructed or substantially rehabilitated by the taxpayer in the
4 2014-2015 fiscal year. However, the Agency shall take into consideration all eligible sources of
5 funding for each development project and may reduce the amount of the loan authorized in this
6 subsection if there are other eligible sources of funding available for the development project.
7 No loan made to a taxpayer under this subsection shall exceed one million dollars (\$1,000,000)
8 if the low-income housing development is located in a low-income county, as designated by the
9 Agency; seven hundred fifty thousand dollars (\$750,000) in a medium-income county, as
10 designated by the Agency; and two hundred fifty thousand dollars (\$250,000) in a high-income
11 county, as designated by the Agency.

12 **SECTION 31.1.(d)** By February 1, 2015, the Housing Finance Agency shall report
13 to the Joint Legislative Commission on Governmental Operations and the Fiscal Research
14 Division on the number of loans made under this section, the amount of each loan, and whether
15 the low-income housing development is located in a low-, medium-, or high-income county, as
16 designated by the agency.

17
18 **PART XXXII. RESERVED**

19
20 **PART XXXIII. DEPARTMENT OF STATE TREASURER**

21
22 **RECIPT-SUPPORTED COMPLIANCE POSITIONS FOR RETIREMENT SYSTEM**

23 **SECTION 33.1.** Two receipt-supported positions are hereby created in the
24 Department of State Treasurer, Retirement Systems Division, in order to staff a compliance
25 unit within the Division. The unit is tasked with reducing the risk of fraud, abuse, and waste
26 within the retirement systems. Receipts for the positions may come from investment income
27 from, contributions to, or other assets of the retirement systems managed by the Department.
28 The Department may use up to two hundred twenty-five thousand dollars (\$225,000) to fund
29 these two positions.

30
31 **PART XXXIV. DEPARTMENT OF TRANSPORTATION**

32
33 **STATE AID TO MUNICIPALITIES APPROPRIATION BASELINE**

34 **SECTION 34.1.** G.S. 136-41.1 reads as rewritten:

35 **"§ 136-41.1. Appropriation to municipalities; allocation of funds generally; allocation to**
36 **Butner.**

37 (a) There is annually appropriated out of the State Highway Fund a sum equal to ten
38 and four-tenths percent (10.4%) of the net amount after refunds that was produced during the
39 fiscal year by the tax imposed under Article 36C of Chapter 105 of the General Statutes and on
40 the equivalent amount of alternative fuel taxed under Article 36D of that Chapter. One-half of
41 the amount appropriated shall be allocated in cash on or before October 1 of each year to the
42 cities and towns of the State in accordance with this section. The second one-half of the amount
43 appropriated shall be allocated in cash on or before January 1 of each year to the cities and
44 towns of the State in accordance with this section. The appropriation from the Highway Fund
45 shall be based on revenue collected during the fiscal year preceding the date the distribution is
46 made.

47 Seventy-five percent (75%) of the funds appropriated for cities and towns shall be
48 distributed among the several eligible municipalities of the State in the percentage proportion
49 that the population of each eligible municipality bears to the total population of all eligible
50 municipalities according to the most recent annual estimates of population as certified to the
51 Secretary of Revenue by the State Budget Officer. This annual estimation of population shall

1 include increases in the population within the municipalities caused by annexations
2 accomplished through July 1 of the calendar year in which these funds are distributed.
3 Twenty-five percent (25%) of said fund shall be distributed among the several eligible
4 municipalities of the State in the percentage proportion that the mileage of public streets in
5 each eligible municipality which does not form a part of the State highway system bears to the
6 total mileage of the public streets in all eligible municipalities which do not constitute a part of
7 the State highway system.

8 It shall be the duty of the mayor of each municipality to report to the Department of
9 Transportation such information as it may request for its guidance in determining the eligibility
10 of each municipality to receive funds under this section and in determining the amount of
11 allocation to which each is entitled. Upon failure of any municipality to make such report
12 within the time prescribed by the Department of Transportation, the Department of
13 Transportation may disregard such defaulting unit in making said allotment.

14 The funds to be allocated under this section shall be paid in cash to the various eligible
15 municipalities on or before October 1 and January 1 of each year as provided in this section.
16 Provided that eligible municipalities are authorized within the discretion of their governing
17 bodies to enter into contracts for the purpose of maintenance, repair, construction,
18 reconstruction, widening, or improving streets of such municipalities at any time after January
19 1 of any calendar year in total amounts not to exceed ninety percent (90%) of the amount
20 received by such municipality during the preceding fiscal year, in anticipation of the receipt of
21 funds under this section during the next fiscal year, to be paid for out of such funds when
22 received.

23 The Department of Transportation may withhold each year an amount not to exceed one
24 percent (1%) of the total amount appropriated for distribution under this section for the purpose
25 of correcting errors in allocations: Provided, that the amount so withheld and not used for
26 correcting errors will be carried over and added to the amount to be allocated for the following
27 year.

28 The word "street" as used in this section is hereby defined as any public road maintained by
29 a municipality and open to use by the general public, and having an average width of not less
30 than 16 feet. In order to obtain the necessary information to distribute the funds herein
31 allocated, the Department of Transportation may require that each municipality eligible to
32 receive funds under this section submit to it a statement, certified by a registered engineer or
33 surveyor of the total number of miles of streets in such municipality. The Department of
34 Transportation may in its discretion require the certification of mileage on a biennial basis.

35"

37 CLARIFY DOT PRIVATE DEVELOPER REPORTING

38 SECTION 34.2. G.S. 136-28.6 reads as rewritten:

39 "§ 136-28.6. Participation by the Department of Transportation with private developers.

40 ...

41 (h) The Secretary shall report in writing, on a quarterly basis, to the Joint Legislative
42 Commission on Governmental Operations on all agreements entered into between a private
43 developer and the Department of Transportation for participation in private engineering and
44 construction contracts under this ~~section~~ section, as well as (i) agreements by counties and
45 municipalities to participate in private engineering and construction contracts under subsection
46 (i) of this section and (ii) pass-through funding from private developers to counties or
47 municipalities for State transportation projects.

48 (i) Counties and municipalities may participate financially in private engineering, land
49 acquisition, and construction contracts for transportation projects which meet the requirements
50 of subsection (b) of this section within their jurisdiction.

51"

REPEAL RIGHT TURN ON RED REPORT

SECTION 34.3. G.S. 20-158(b)(2)d. is repealed.

TURNPIKE AUTHORITY ANNUAL AUDIT DATE CHANGE

SECTION 34.4. G.S. 136-89.193 reads as rewritten:

"§ 136-89.193. Annual plan of work; annual and quarterly reports.

(a) Annual Plan of Work. – The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. – The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. ~~Each report shall be accompanied by an~~ In addition, an annual audit of its books and accounts ~~accounts shall be submitted to the~~ Governor, the General Assembly, and the Department of Transportation when completed in October of each year.

...."

DEPARTMENT OF TRANSPORTATION OUT-OF-STATE TRAVEL

SECTION 34.5. Expenditures for out-of-state travel by the Department of Transportation for the 2014-2015 fiscal year and all subsequent fiscal years shall not exceed the amount expended during the 2009-2010 fiscal year. For purposes of this section, "expenditures for out-of-state travel" includes transportation, conference, registration, and education expenses, lodging, and meals for Department of Transportation employees traveling outside of the State.

HIGHWAY USE TAX AND FUEL EXCISE TAX CHANGES

SECTION 34.6.(a) Section 34.29 of S.L. 2013-360, as amended by Section 8.1 of S.L. 2013-363, and Section 6.1.(g) of S.L. 2014-3 is repealed.

SECTION 34.6.(b) G.S. 105-187.3 reads as rewritten:

"§ 105-187.3. Rate of tax.

(a) ~~Amount.~~ Tax Rate. – The ~~rate of the use tax~~ imposed by this Article is applied to the sum of three percent (3%) of the retail value of a motor vehicle for which a certificate of title is issued ~~issued and any fee regulated by G.S. 20-101.1. The tax does not apply to the sales price of a service contract. The sales price of a service contract is subject to the sales tax imposed under Article 5 of this Chapter.~~

(a1) Rate. – The tax rate is three percent (3%). ~~is payable as provided in G.S. 105-187.4.~~ The maximum tax is one thousand dollars (\$1,000) for each certificate of title issued for a Class A or Class B motor vehicle that is a commercial motor vehicle, as defined in G.S. 20-4.01. The maximum tax is one thousand five hundred dollars (\$1,500) for each certificate of title issued for a recreational vehicle that is not subject to the one thousand dollar (\$1,000) maximum tax. The tax is payable as provided in G.S. 105-187.4.

...."

SECTION 34.6.(c) G.S. 105-187.3, as amended by subsection (b) of this section, reads as rewritten:

"§ 105-187.3. Rate of tax.

(a) Tax Rate. – The tax imposed by this Article is applied to the sum of the retail value of a motor vehicle for which a certificate of title is issued and any fee regulated by G.S. 20-101.1. The tax does not apply to the sales price of a service contract. The sales price of a service contract is subject to the sales tax imposed under Article 5 of this Chapter.

1 (a1) Rate. – The tax rate is three percent (3%). The maximum tax is ~~one-two~~ thousand
2 dollars ~~(\$1,000)~~(\$2,000) for each certificate of title issued for a Class A or Class B motor
3 vehicle that is a commercial motor vehicle, as defined in G.S. 20-4.01. The maximum tax is
4 ~~one-two~~ thousand ~~five hundred~~ dollars ~~(\$1,500)~~(\$2,000) for each certificate of title issued for a
5 recreational vehicle that is not subject to the ~~one thousand dollar~~ ~~(\$1,000)~~ maximum
6 ~~tax-commercial vehicle tax imposed by this section.~~ The tax is payable as provided in
7 G.S. 105-187.4.

8"

9 **SECTION 34.6.(d)** G.S. 105-187.3, as amended by subsection (c) of this section,
10 reads as rewritten:

11 "**§ 105-187.3. Rate of tax.**

12 (a) Tax Rate. – The tax imposed by this Article is applied to the sum of the retail value
13 of a motor vehicle for which a certificate of title is issued and any fee regulated by
14 G.S. 20-101.1. The tax does not apply to the sales price of a service contract. The sales price of
15 a service contract is subject to the sales tax imposed under Article 5 of this Chapter.

16 (a1) Rate. – The tax rate is three percent (3%). The maximum tax is ~~two-three~~ thousand
17 dollars ~~(\$2,000)~~(\$3,000) for each certificate of title issued for a Class A or Class B motor
18 vehicle that is a commercial motor vehicle, as defined in G.S. 20-4.01. The maximum tax is
19 ~~two-three~~ thousand dollars ~~(\$2,000)~~(\$3,000) for each certificate of title issued for a recreational
20 vehicle that is not subject to the commercial vehicle tax imposed by this section. The tax is
21 payable as provided in G.S. 105-187.4.

22"

23 **SECTION 34.6.(e)** G.S. 105-187.6 reads as rewritten:

24 "**§ 105-187.6. Exemptions from highway use tax.**

25 ...

26 (c) Out-of-state Vehicles. – A maximum tax of ~~one hundred fifty dollars~~ ~~(\$150.00)~~two
27 hundred fifty dollars (\$250.00) applies when a certificate of title is issued for a motor vehicle
28 that, at the time of applying for a certificate of title, is and has been titled in another state for at
29 least 90 days."

30 **SECTION 34.6.(f)** G.S. 105-449.106(b) is repealed.

31 **SECTION 34.6.(g)** Subsection (a) of this subsection is effective when it becomes
32 law. Subsections (b) and (e) of this section become effective October 1, 2014, and applies to
33 certificates of title issued on or after that date. Subsection (c) of this section becomes effective
34 January 1, 2015, and applies to certificates of title issued on or after that date. Subsection (d) of
35 this section becomes effective July 1, 2015, and applies to certificates of title issued on or after
36 that date. Subsection (f) of this section becomes effective January 1, 2015.

37
38 **CONVERSION OF PAPER TITLES**

39 **SECTION 34.7.(a)** G.S. 20-58.4A is amended by adding a new subsection to read:

40 "(1) The Division may convert an existing paper title to an electronic lien upon request
41 of a primary lienholder. The Division or a party contracting with the Division under this section
42 is authorized to collect a fee not to exceed three dollars (\$3.00) for each conversion."

43 **SECTION 34.7.(b)** G.S. 20-63(h) is amended by adding a new subdivision to read:

44 "(11) Conversion of an existing paper title to an electronic lien upon request of a
45 primary lienholder."

46
47 **REMOTE DRIVERS LICENSE RENEWAL**

48 **SECTION 34.8.(a)** G.S. 20-7 reads as rewritten:

49 "**§ 20-7. Issuance and renewal of drivers licenses.**

50 ...

1 (f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
 2 pursuant to the provisions of this subsection:

3 ...

4 (6) Remote renewal. – The Division may offer remote renewal of a drivers
 5 license issued by the Division. For purposes of this subdivision, "remote
 6 renewal" means renewal of a drivers license by mail, telephone, electronic
 7 device, or other secure means approved by the Commissioner.

8 a. Requirements. – To be eligible for remote renewal under this
 9 subdivision, a person must meet all of the following requirements:

10 1. The license holder possesses a valid, unexpired Class C
 11 drivers license that was issued when the person was at least
 12 18 years old.

13 2. The license holder is currently less than 66 years old.

14 3. The license holder's current license includes no restrictions
 15 other than a restriction for corrective lenses.

16 4. The license holder attests, in a manner designated by the
 17 Division, that (i) the license holder is a resident of the State
 18 and currently resides at the address on the license to be
 19 renewed, (ii) the license holder's name as it appears on the
 20 license to be renewed has not changed, and (iii) all other
 21 information required by the Division for an in-person renewal
 22 under this Article has been provided completely and
 23 truthfully.

24 5. The most recent renewal was an in-person renewal and not a
 25 remote renewal under this subdivision.

26 6. The license holder is otherwise eligible for renewal under this
 27 subsection.

28 b. Waiver of requirements. – When renewing a drivers license pursuant
 29 to this subdivision, the Division may waive the examination and
 30 photograph that would otherwise be required for the renewal.

31 c. Duration of remote renewal. – A renewed drivers license issued to a
 32 person by remote renewal under this subsection expires on the
 33 birthday of the licensee in the eighth year after issuance.

34 d. Rules. – The Division may adopt rules to implement this subdivision.

35 e. Federal law. – Nothing in this subdivision shall be construed to
 36 supersede any more restrictive provisions for renewal of drivers
 37 licenses prescribed by federal law or regulation.

38"

39 **SECTION 34.8.(b)** This section is effective when it becomes law and applies to
 40 drivers licenses renewed on or after the Division of Motor Vehicles adopts rules under
 41 G.S. 20-7(f)(6)d., as enacted by subsection (a) of this section.

42 **DMV HEARING FEES**

43 **SECTION 34.9.(a)** The Department of Transportation, Division of Motor
 44 Vehicles, shall develop a plan and proposed schedule of fees to recover the direct and indirect
 45 costs incurred for the performance of administrative hearings required by law or under rules
 46 adopted by the Board of Transportation. The plan and proposed schedule shall address, at a
 47 minimum, the following:

48 (1) Current hearing process and recommended modifications to achieve
 49 cost-efficiencies, including proposed revisions to existing laws or rules.
 50

- 1 (2) Historical and projected funding requirements for each category of hearing
- 2 performed by the Division.
- 3 (3) Schedule of fees and projected receipts.
- 4 (4) Proposed processes and rules for the collection of fees and the refunding of
- 5 fees for hearings initiated by the Division in which the original decision of
- 6 the Division is reversed.
- 7 (5) Implementation milestones.

8 **SECTION 34.9.(b)** The Division shall report on its recommended schedule to the
9 Joint Legislative Transportation Oversight Committee no later than December 1, 2014.

10 **SECTION 34.9.(c)** The Department shall implement modifications to supporting
11 information technology systems necessary to timely implement the hearing fee schedule
12 required by subsection (a) of this section using funds appropriated to the Department of
13 Transportation, Information Technology Section for the 2014-15 fiscal year.

14 **DEPARTMENT OF TRANSPORTATION AIRCRAFT FLEET**

15 **SECTION 34.10.(a)** The Division of Aviation of the Department of Transportation
16 shall sell the following aircraft from its fleet as expeditiously as possible in order to modernize
17 the fleet:

- 18 (1) Sikorsky S-76C helicopter.
- 19 (2) Cessna 550 Citation Bravo airplane.

20 Proceeds from these sales as well as any future sales under the plan required by
21 subsection (b) of this section shall be credited to a nonreverting reserve within the Highway
22 Fund to be used for future aircraft or equipment acquisitions by the Division of Aviation. The
23 Division shall not acquire or dispose of additional aviation assets prior to its report to the Joint
24 Legislative Transportation Oversight Committee required by subsection (c) of this section.

25 **SECTION 34.10.(b)** The Division of Aviation shall develop a plan to further
26 reduce operating requirements and optimize its fleet to fulfill its regional passenger and
27 photogrammetry missions, addressing, at a minimum, the following:

- 28 (1) Asset utilization.
- 29 (2) Assets recommended for disposal or acquisition.
- 30 (3) Contracted services.
- 31 (4) Cost efficiencies.
- 32 (5) Recommendations for adjustments to passenger transport rates.
- 33 (6) Interagency coordination of assets and personnel.

34 **SECTION 34.10.(c)** The Division shall report on the plan required by subsection
35 (b) of this section to the Joint Legislative Transportation Oversight Committee no later than
36 October 1, 2014.

37 **PAVEMENT PRESERVATION PROGRAM**

38 **SECTION 34.11.(a)** Article 2A of Chapter 136 of the General Statutes is amended
39 by adding a new section to read:

40 **"§ 136-44.17. Pavement preservation program.**

41 (a) Program Established; Definition; Standard. – The Department of Transportation
42 shall establish the pavement preservation program. For purposes of this section, "pavement
43 preservation" shall mean the use by the Department of the most cost-effective prevention
44 applications to extend pavement life, improve safety, and to meet motorist expectations, while
45 delaying costly rehabilitation or reconstruction activities. When selecting preservation
46 applications to be used in the pavement preservation program, the Department shall select the
47 application that represents the most cost-effective solution to maximize the life of structurally
48 sound pavement.
49
50

1 **(b) Eligible Activities.** – Applications eligible for funding under the pavement
2 preservation program include the following preservation activities or treatments for asphalt
3 pavement structures:

- 4 (1) Chip seals, slurry seals, fog seals, sand seals, scrub seals, and cape seals.
- 5 (2) Micro-surfacing.
- 6 (3) Profile milling not covered by resurfacing.
- 7 (4) Asphalt rejuvenators.
- 8 (5) Open graded asphalt friction course.
- 9 (6) Overlays less than 1,000 feet in length.
- 10 (7) Diamond grinding.
- 11 (8) Joint sealing.
- 12 (9) Dowel bar retrofit.
- 13 (10) Partial-depth or full depth repairs.
- 14 (11) Ultra-thin whitetopping.
- 15 (12) Thin lift and sand asphalt overlays

16 **(c) Ineligible Activities.** – The pavement preservation program shall not include the
17 following preservation activities or treatments:

- 18 (1) Contract resurfacing activities or major pavement rehabilitation treatments
19 and pretreatments that are used in combination with a resurfacing treatment,
20 such as profile milling or chip seals.
- 21 (2) Routine maintenance activities used to maintain and preserve the condition
22 of roads. Treatments include, but are not limited to, asphalt crack sealing,
23 pothole patching, rut filling, cleaning of roadside ditches and structures,
24 shoulder maintenance, and retracing of pavement markings.
- 25 (3) Maintenance and preservation activities performed on bridges or culverts.
- 26 (4) Activities related to positive guidance or signal maintenance program
27 functions."

28 **SECTION 34.11.(b)** The Department of Transportation shall establish a new
29 account within its maintenance account to receive funds allocated under this section for
30 pavement preservation.

31 **SECTION 34.11.(c)** Of funds allocated in this act for pavement preservation, no
32 more than eighty percent (80%) may be used for projects undertaken by the Department, with
33 the remaining funds used for projects outsourced to private contractors.

34 **SECTION 34.11.(d)** From funds allocated in this act for pavement preservation,
35 the Department shall treat a minimum of 6,000 lane miles with a chip seal, slurry seal, or
36 micro-surfacing application.

37 **SECTION 34.11.(e)** It is the intent of the General Assembly that the Department
38 work cooperatively with the paving industry so that the industry grows in size, scope, and
39 geographic reach and has the capability to fulfill contracts for pavement preservation work
40 across the State. Therefore, the Department is directed to do the following:

- 41 (1) Conduct workshops, trainings, or other meetings to encourage greater
42 privatization of pavement preservation activities with the intent of reducing
43 the amount of pavement preservation activities conducted by the
44 Department.
- 45 (2) Increase the use of outsourcing of preservation activities to reach the
46 following targets for outsourcing of pavement preservation projects:
 - 47 a. Fifty percent (50%) of pavement preservation funds allocated yearly
48 by the 2016-2017 fiscal year.
 - 49 b. Ninety percent (90%) of pavement preservation funds allocated
50 yearly by the 2018-2019 fiscal year.

1 **SECTION 34.11.(f)** The Department shall report to the Joint Legislative
 2 Transportation Oversight Committee and the Fiscal Research Division no later than August 1,
 3 2014, on its outreach plan to achieve greater industry participation in pavement preservation
 4 activities for the five-year period beginning with the 2014-2015 fiscal year. The Department
 5 shall report no later than December 1, 2014, and annually thereafter to the Joint Legislative
 6 Transportation Oversight Committee and the Fiscal Research Division on the Department's
 7 progress toward achieving the goals set forth in this section. The annual report shall include the
 8 following:

- 9 (1) A monthly examination of expenditures, by treatment type, indicating the
 10 amount and percentage performed by contract.
- 11 (2) The number of lane miles covered, by treatment type, along with an average
 12 cost per lane miles, by treatment type, indicating costs for each type for
 13 work performed by the Department and by contract.
- 14 (3) The statewide cost per lane mile (hereafter, "unit cost") along with unit cost
 15 for each division and for each type of treatment. The Department shall
 16 provide an explanation for unit costs that vary by more than twenty percent
 17 (20%) from the statewide unit cost.

18 **SECTION 34.11.(g)** Subsections (e) and (f) of this section expire December 31,
 19 2019.

20 **DOT BUDGET TRANSFERS**

21 **SECTION 34.12.** Of funds appropriated in this act to the Department of
 22 Transportation, budget transfers to the Office of the Governor undertaken under the authority
 23 set forth in Chapter 143C of the General Statutes shall not exceed two hundred sixty-seven
 24 thousand four hundred sixteen dollars (\$267,416). These funds shall be used to support the
 25 following positions:

<u>Position number</u>	<u>Title</u>
27 65019379	Assistant Legal Counsel
28 65019380	Communications Specialist
29 60008477	Policy Analyst
30 60008516	Deputy Communications Director
31 60008502	Boards and Commissions Specialist
32 60008504	Legislative Director

33 **OUTSOURCING OF PRECONSTRUCTION ACTIVITY**

34 **SECTION 34.13.(a)** The Department of Transportation shall seek to increase the
 35 use of contracts to further privatize preconstruction work where practical, economical, and
 36 likely to lead to increased efficiency. In doing so, the Department of Transportation shall meet
 37 each of the following privatization requirements:

- 38 (1) Increase the outsourcing of all activities performed by the Department's
 39 Preconstruction and Technical Services units to sixty-eight percent (68%) of
 40 the total cost of activities performed by those units in fiscal year 2014-2015,
 41 excluding the cost of activities performed by the Turnpike Authority, the
 42 Structures Design and Management unit, and the Bridge Program.
- 43 (2) Increase the outsourcing of all activities performed by the Department's
 44 Roadway Design unit to fifty percent (50%) of the total cost of activities
 45 performed by those units in fiscal year 2014-2015.
- 46 (3) Increase the outsourcing of all activities performed by the Department's
 47 Project Development and Environmental Analysis unit to sixty-five percent
 48 (65%) of the total cost of activities performed by those units in fiscal year
 49 2014-2015.
 50
 51

- 1 (4) The Department's Right-of-Way unit shall increase the total expenditures for
2 outsourced activity by five percent (5%) in fiscal year 2014-2015.

3 **SECTION 34.13.(b)** The Department may credit any reduction in expenditures due
4 to a reduction in force towards meeting the requirements imposed by subsection (a) of this
5 section.

6 **SECTION 34.13.(c)** The Department shall increase contracts for construction of
7 transportation projects on a design-build basis awarded under the provisions of G.S. 136-28.11.

8 **SECTION 34.13.(d)** The Department shall report no later than October 1, 2014,
9 and quarterly thereafter, to the Joint Legislative Transportation Oversight Committee and the
10 Fiscal Research Division regarding its implementation of this section, including any reductions
11 in force used to meet privatization requirements.

12 **DOT SIGNAGE**

13 **SECTION 34.14.(a)** G.S. 136-89.56 reads as rewritten:

14 **"§ 136-89.56. Commercial enterprises.**

15 No commercial enterprises or activities shall be authorized or conducted by the Department
16 of Transportation, or the governing body of any city or town, within or on the property acquired
17 for or designated as a controlled-access facility, as defined in this Article, except for:

- 18 (1) Materials displayed at welcome centers which shall be directly related to
19 travel, accommodations, tourist-related activities, tourist-related services,
20 and attractions. The Department of Transportation shall issue rules
21 regulating the display of these materials. These materials may contain
22 advertisements for real estate; and
23
24 (2) Vending machines permitted by the Department of Transportation and
25 placed by the Division of Services for the Blind, Department of Health and
26 Human Services, as the State licensing agency designated pursuant to
27 Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The
28 Department of Transportation shall regulate the placing of the vending
29 machines in highway rest areas and shall regulate the articles to be
30 dispensed. In order to permit the establishment of adequate fuel and other
31 service facilities by private owners or their lessees for the users of a
32 controlled-access facility, the Department of Transportation shall permit
33 access to service or frontage roads within the publicly owned right-of-way of
34 any controlled-access facility established or designated as provided in this
35 Article, at points which, in the opinion of the Department of Transportation,
36 will best serve the public interest. The location of such fuel and other service
37 facilities may be indicated to the users of the controlled-access facilities by
38 appropriate signs, the size, style, and specifications of which shall be
39 determined by the Department of Transportation.

40 The location of fuel, gas, food, lodging, camping, and attraction facilities may be indicated
41 to the users of the controlled-access facilities by appropriate logos placed on signs owned,
42 controlled, and erected by the Department of Transportation. The owners, operators or lessees
43 of fuel, gas, food, lodging, camping, and attraction facilities who wish to place a logo
44 identifying their business or service on a sign shall furnish a logo meeting the size, style and
45 specifications determined by the Department of Transportation and shall pay the Department
46 ~~for the costs of initial installation and subsequent maintenance. The fees for logo sign~~
47 ~~installation and maintenance shall be set by the Board of Transportation based on cost.~~a fee set
48 by the Board of Transportation. The Board shall set the fee to cover the initial costs of signs,
49 sign installation and maintenance, and the costs of administering the program."

50 **SECTION 34.14.(b)** G.S. 136-140.19 reads as rewritten:

1 "**§ 136-140.19. ~~Department~~ Board of Transportation to adopt rules to implement the**
2 **TODS program.**

3 The ~~Department~~ Board of Transportation shall adopt rules to implement the TODS program
4 created by this Article. The rules shall include all of the following:

- 5 (1) The ~~Department~~ Board shall set fees to cover the initial costs of signs, sign
6 installation and maintenance, and the costs of administering the program.
7 (2) The ~~Department~~ Board shall establish a standard for the size, color, and
8 letter height of the TODS as specified in the National Manual of Uniform
9 Traffic Control Devices for Streets and Highways.
10 ...
11 (8) The ~~Department~~ Board shall limit the placement of TODS to highways other
12 than fully controlled access highways and to rural areas in and around towns
13 or cities with a population of less than 40,000."

14 **SECTION 34.14.(c)** G.S. 106-22.5(a) reads as rewritten:

15 "**§ 106-22.5. Agricultural tourism signs.**

16 (a) The Department of Agriculture and Consumer Services shall work with the
17 Department of Transportation to provide directional signs on major highways at or in
18 reasonable proximity to the nearest interchange ~~or within one mile~~ leading to an agricultural
19 facility that promotes tourism by providing tours and on-site sales or samples of North Carolina
20 agricultural products to area tourists. The Department shall follow the sign location and
21 placement rules for the Department of Transportation's Tourist-Oriented Directional Signs as
22 authorized by G.S.136-140.19."

23
24 **STATE PARKS AND TRAILS SIGNAGE**

25 **SECTION 34.15.(a)** The Department of Transportation, in conjunction with the
26 State Parks and Recreation Division of the Department of Environment and Natural Resources,
27 the Department of Commerce, and Friends of the Mountains-to-Sea Trail, Inc., a nonprofit
28 corporation, shall study the use of highway signage as a means of improving the North Carolina
29 residents' and tourists' awareness of State parks, including historic and cultural sites as well as
30 the Mountains-to-Sea Trail. The study shall include an examination of at least all of the
31 following:

- 32 (1) Whether signs currently located on or near highways in this State are
33 sufficient in number, location, and size and presentation to make travelers on
34 the highways of this State aware of the existence and location of all State
35 parks, including historic and cultural sites as well as the Mountains-to-Sea
36 Trail.
37 (2) Whether signs currently located on or near highways in this State adequately
38 inform travelers that portions of the roads they travel on are part of the
39 current route of the Mountains-to-Sea Trail.
40 (3) What measures could be taken to improve the efficacy of highway signage in
41 achieving the goals described in subdivisions (1) and (2) of this subsection.
42 (4) What the costs and benefits of implementing the measures described in
43 subdivision (3) of this subsection would be.

44 **SECTION 34.15.(b)** No later than April 1, 2015, the Department of Transportation
45 shall report the results of the study required by this section to the chairs of the Joint Legislative
46 Transportation Oversight Committee and to the Fiscal Research Division.
47

48 **DOT STAFFING**

49 **SECTION 34.16.(a)** The Department of Transportation shall review the
50 organization and staffing of the Division of Highways and the Division of Preconstruction and
51 identify areas of unnecessary duplication within management structures and variations in the

1 number of employees reporting to persons identified as supervisors. Based on its review, the
2 Department shall create and implement a plan for staffing changes and staffing efficiencies.
3 The plan should reduce layers of management to the level needed for carrying out the
4 Department's functions and responsibilities and ensure that employees designated as
5 supervisors have workloads and staff size that are appropriate given the function or task for
6 which that supervisor has responsibility.

7 **SECTION 34.16.(b)** The Department shall report its progress on implementing this
8 section to the Joint Legislative Transportation Oversight Committee and the Fiscal Research
9 Division no later than December 1, 2014.

10 11 **BOARD OF TRANSPORTATION TO STUDY FEES, SPONSORSHIP, AND** 12 **PRIVATIZATION**

13 **SECTION 34.17.(a)** The Board of Transportation shall study how fees,
14 sponsorship, or privatization might be used to reduce the use of public funds for services
15 provided by the Department. The services the Board shall study include, but are not limited to,
16 the following:

- 17 (1) Inspection of streets and bridges within a private development for future
18 addition to the State highway system.
- 19 (2) Inspection, site review, and permitting of the installation of driveways by
20 private parties providing access to a component of the State highway system.
- 21 (3) Review and inspection of encroachments onto the State highway system.
- 22 (4) Lease or sale of property related to the resolution of encroachments or the
23 disposition of surplus right-of-way.
- 24 (5) Review of or consultation on development plats or plans.
- 25 (6) Review, engineering, or consultation regarding drainage issues,
26 improvements, or maintenance adjacent to components of the State highway
27 system.
- 28 (8) Training sessions or workshops offered to private consultants and
29 contractors.
- 30 (9) Review and engineering consultation regarding traffic plans.

31 **SECTION 34.17.(b)** The Board shall also study the existing fee structure for
32 services performed by Highway Division personnel and identify any fees that no longer cover
33 the direct and indirect costs incurred by the Department to perform the service.

34 **SECTION 34.17.(c)** The Department of Transportation shall report on the Board's
35 study and recommendations for fee adjustments or additions to the Joint Legislative
36 Transportation Oversight Committee and the Fiscal Research Division no later than December
37 1, 2014. This report shall also include recommendations from the Board on the use of
38 sponsorships for activities, programs, or functions currently performed by the Department or
39 the privatization of these functions, and include the following information:

- 40 (1) The current cost of activities proposed for sponsorship support or
41 privatization.
- 42 (2) The potential receipts that could reasonably be collected through
43 sponsorships or the cost-savings achieved through privatization.
- 44 (3) A proposed process for the screening and selection of sponsors.
- 45 (4) Mock-ups of potential sponsorship signage on materials, buildings, vehicles,
46 vessels, or other locations.
- 47 (5) Any administrative, statutory, or regulatory changes needed for the
48 Department to proceed with sponsorship or privatization programs.

49 50 **RENAME AND REDIRECT TAX PROCEEDS OF SYSTEM PRESERVATION** 51 **PROGRAM**

1 **SECTION 34.18.(a)** The Department of Transportation shall rename the "system
2 preservation program" (fund center 1500/157839) the "bridge program." Funds allocated to this
3 program shall be used for improvements to structurally deficient and functionally obsolete
4 bridges. All projects funded under this program, with the exception of inspection,
5 pre-engineering, contract preparation, contract administration and oversight, and planning
6 activities, shall be outsourced to private contractors.

7 **SECTION 34.18.(b)** G.S. 119-18 reads as rewritten:
8 "**§ 119-18. Inspection tax and distribution of the tax proceeds.**

9 ...
10 (b) Proceeds. – The proceeds of the inspection tax levied by this section shall be applied
11 first to the costs of administering this Article and Subchapter V of Chapter 105 of the General
12 Statutes. The remainder of the proceeds shall be credited on a monthly basis to the Highway
13 Fund to be used for ~~system preservation~~ pavement preservation under the Department of
14 Transportation in the highway maintenance program.
15 "

16 17 **HIGHWAY FUND CREDIT RESERVE**

18 **SECTION 34.19.(a)** G.S. 136-44.2 is amended by adding a new subsection to read:
19 "**§ 136-44.2. Budget and appropriations.**

20 ...
21 (f1) The credit reserve for the Highway Fund consists of the following:

- 22 (1) The unreserved credit balance in the Highway Fund on the last day of the
23 fiscal year to the extent the balances exceed the amount estimated for that
24 date in the Current Operations Appropriations Act for the following fiscal
25 year.
26 (2) The unallotted and unencumbered balances on the last day of the fiscal year
27 for the following:
28 a. Funds appropriated from the Highway Fund for the multimodal
29 programs of the Department, consisting of funds for bicycle and
30 pedestrian, ferry, railroad, aviation, and public transportation
31 programs, excluding funds deposited in the Freight Rail & Rail
32 Crossing Safety Improvement Fund.
33 b. Funds appropriated from the Highway Fund for the construction
34 programs of the Department, consisting of funds for secondary
35 construction, access and public service roads, spot safety
36 improvement, contingency, small urban construction, and economic
37 development programs.
38 (3) The unencumbered and unexpended balances on the last day of the fiscal
39 year for the following:
40 a. Central and program administration.
41 b. Transfers to other State agencies or departments not used or
42 returned."

43 **SECTION 34.19.(b)** The sum of twelve million dollars (\$12,000,000) of the
44 unallotted and unexpended balance of funds within the Bicycle program (fund center
45 1500/0036), Ferry Operations (fund center 1500/7825), Railroad program (fund center
46 1500/7829), Airports program (fund center 1500/7830), and the Public Transportation program
47 (fund center 1500/7831), excluding funds deposited in the Freight Rail & Rail Crossing Safety
48 Improvement Fund, shall be transferred to the Pavement Preservation program created in
49 Section 34.11 of this act.

50 51 **SALE OF CERTAIN FORMER NC RAILROAD PROPERTIES**

1 **SECTION 34.20.(a)** Subject to the right of first refusal in subsection (b) of this
 2 section, the Department of Administration shall dispose of the following parcels following the
 3 procedures set out in Chapter 146 of the General Statutes, provided that the Department may
 4 not dispose of the properties by gift or for less than fair market value:

5 Property Description	6 County	7 Nearest Town	8 Parcel ID
9 4th Street Lot	Carteret	Morehead	638620808907000
10 Station & Former Industrial Lot	Carteret	Morehead	638620718127000
11 Waterfront & Riparian Rights	Carteret	Morehead	638620708857000 & 638620709868000

12 **SECTION 34.20.(b)** Before the Department disposes of any property described in
 13 subsection (a), the city of Morehead City, Carteret County, or the city and county jointly shall
 14 be given the right of first refusal to purchase, lease, or rent any or all of the parcels at fair
 15 market value as determined by rules adopted by the Department under G.S. 146-29. Any lease
 16 or rental agreement under this subsection shall provide that the lessee or tenant may not
 17 sublease the property, except to a public entity for a public purpose. The right of first refusal
 18 shall expire on June 30, 2015.

19 **SECTION 34.20.(c)** Following expiration of the right of first refusal period set
 20 forth in subsection (b) of this section, or upon written notice from the city of Morehead City
 21 and Carteret County waiving the right of first refusal, the Department shall dispose of the
 22 properties by sale.

23 **SECTION 34.20.(d)** Notwithstanding G.S. 146-30, the Department shall deposit
 24 the net proceeds from the disposition of the properties into the Freight Rail & Rail Crossing
 25 Safety Improvement Fund of the Highway Fund.

26 **MAINTENANCE CONDITION ASSESSMENT PROGRAM CHANGES**

27 **SECTION 34.21.** G.S. 136-44.3 reads as rewritten:

28 **"§ 136-44.3. Maintenance program.**

29 The Department shall establish performance standards for the maintenance and operation of
 30 the State highway system. In each even-numbered year, the Department of Transportation shall
 31 survey the condition of the State highway system and shall prepare a report of the findings of
 32 the survey. The report shall provide both quantitative and qualitative descriptions of the
 33 condition of the system and shall provide estimates of the following:

- 34 (1) The annual cost to meet and sustain the established performance standards
 35 for the ~~primary and secondary~~ State highway system, delimited by costs to
 36 the primary or secondary system, to include: (i) routine maintenance and
 37 operations, (ii) system preservation, and (iii) pavement and bridge
 38 rehabilitation. ~~include the following categories of work: (i) contract~~
 39 resurfacing, (ii) pavement preservation, (iii) routine highway maintenance,
 40 (iv) disasters and emergencies, (v) structurally sound bridge maintenance,
 41 and (vi) structurally unsound bridge rehabilitation, repair, or replacement.
- 42 (2) Projected system condition and corresponding optimal funding requirements
 43 for a seven-year plan to sustain established performance standards. The
 44 report shall also identify target levels of service for each maintenance
 45 activity and assess historical program performance across divisions,
 46 including project delivery rates, staffing, and direct and indirect costs. The
 47 Department shall clearly denote prioritized maintenance needs and
 48 recommended resource allocations and distribution methods to achieve each
 49 target.
- 50 (3) Any significant variations in system conditions among highway divisions.
 51 The report should include an examination of how well the highway divisions

1 streamline project delivery, maximize efficiency, and prioritize spending
2 based on needs and make recommendations on ways to improve these
3 processes. The report should analyze the cost of delivering maintenance
4 activities by division and make recommendations on how to reduce these
5 costs regionally and statewide.

6 (4) An assessment of the level of congestion throughout the primary highway
7 system based on traffic data, and a ranking of the most congested areas
8 based on travel time reliability and the average number of congested hours,
9 together with the Department's recommendations for congestion reduction
10 and mobility improvement.

11 (5) An analysis of existing highway division staffing levels and
12 recommendations to ensure staffing levels are distributed appropriately
13 based on need.

14 (6) A cross-divisional comparison summary document, not to exceed one page
15 in length, which includes the divisional performance data described in
16 subdivision (2) of this section as well as the most deficient roads and bridges
17 in each division.

18 On the basis of the report and from funds available, the Department of Transportation shall
19 develop a statewide annual maintenance program for the State highway system, which shall be
20 subject to the approval of the Board of Transportation and is consistent with performance
21 standards.

22 The report on the condition of the State highway system and maintenance funding needs
23 shall be presented to the Joint Legislative Transportation Oversight Committee by December
24 31 of each even-numbered year, and copies shall be made available to any member of the
25 General Assembly upon request."
26

27 **DIVISION OF MOTOR VEHICLES POSITION FUNDING**

28 **SECTION 34.22.** The Department of Transportation shall not use funds
29 appropriated for the 2014-2015 fiscal year from the Highway Trust Fund to fund positions
30 within the Division of Motor Vehicles.
31

32 **DOT CASH MANAGEMENT**

33 **SECTION 34.23.(a)** G.S. 143C-6-11 reads as rewritten:

34 "**§ 143C-6-11. Highway appropriation.**

35 ...
36 (f) ~~Five Percent (5%) of the Cash Balance Required.~~ Seven and One-Half Percent
37 (7.5%) Cash Balance Required. – The Department of Transportation shall maintain an available
38 cash balance at the end of each month equal to at least ~~five percent (5%)~~ seven and one-half
39 percent (7.5%) of ~~the unpaid balance of the total transportation project contract obligations.~~ the
40 total appropriations for the current fiscal year from the Highway Fund and the Highway Trust
41 Fund. In projecting cash balances in future years, the Department shall use the estimated cash
42 flow as specified in the Current Operations Appropriation Act. In the event this cash position is
43 not maintained, no further transportation project contract commitments may be entered into
44 until the cash balance has been regained. For the purposes of awarding contracts involving
45 federal aid, any amount due from the federal government and the Highway Bond Fund as a
46 result of unreimbursed expenditures may be considered as cash for the purposes of this
47 provision. Any federal funds on hand shall not be considered as cash for the purposes of this
48 subsection.

49 ...
50 (k) The Department of Transportation shall do all of the following:

- 1 (1) Utilize cash flow financing to the extent possible to fund transportation
2 projects with the goal of reducing the combined average daily cash balance
3 of the Highway Fund and the Highway Trust Fund to an amount equal to ~~the~~
4 ~~twelve percent (12%) of the combined estimate of the yearly receipts of the~~
5 ~~Funds.~~ between fifteen and twenty percent (15-20%) of the total
6 appropriations for the current fiscal year from those funds. In projecting cash
7 balances in future years, the Department shall use the estimated cash flow as
8 specified in the Current Operations Appropriation Act. Any federal funds on
9 hand shall not be considered as cash for the purposes of this subsection. The
10 target amount shall include an amount necessary to make all municipal-aid
11 funding requirements of the Department.
- 12 (2) Establish necessary management controls to facilitate use of cash flow
13 financing, such as establishment of a financial planning committee,
14 development of a monthly financing report, establishment of appropriate
15 fund cash level targets, review of revenue forecasting procedures, and
16 reduction of accrued unbilled costs.
- 17 (3) Report annually, on October 1 of each year, to the Joint Legislative
18 Transportation Oversight Committee on its cash management policies and
19 results."

20 **SECTION 34.23.(b)** The Board of Transportation shall study the Department's
21 cash management policies and identify ways to strengthen these policies in order to prevent
22 excessive cash balances. The Department shall report to the House of Representatives
23 Appropriations Subcommittee on Transportation, the Senate Appropriations Committee on
24 Department of Transportation, and the Fiscal Research Division by April 1, 2015, on the
25 findings from this study and any resulting policy changes made based on the findings of the
26 study.

27 **SECTION 34.23.(c)** In any month in which the Department's total cash balance on
28 hand from the Highway Fund and the Highway Trust Fund exceeds one billion dollars
29 (\$1,000,000,000), the Department shall report its cash balance no later than the 15th day of the
30 following month as follows:

- 31 (1) To the Board of Transportation.
- 32 (2) If the General Assembly is in session, the Department shall report to the
33 Chairs of the House of Representatives Appropriations Subcommittee on
34 Transportation, the Chairs of the Senate Appropriations Committee on
35 Department of Transportation, and the Fiscal Research Division.
- 36 (3) If the General Assembly is not in session, the Department shall report to the
37 Chairs of the Joint Legislative Transportation Oversight Committee and the
38 Fiscal Research Division.

39 The report shall include an explanation from the Department of the reasons the cash
40 balance has exceeded the amount specified in this subsection, the actions to be taken by the
41 Department to reduce the cash balance, and the estimated amount of time it will take to bring
42 the cash balance to the target identified in G.S. 143C-6-11(k)(1), as amended by subsection (a)
43 of this section.

44 **SECTION 34.23.(d)** Subsection (c) of this section becomes effective July 1, 2015.

45 DOT LEGAL SERVICES

46 **SECTION 34.24.(a)** Section 34.27 of S.L. 2013-360 reads as rewritten:

47 "SECTION 34.27. The Department of Transportation may engage the services of private
48 counsel with the pertinent expertise to ~~timely defend or otherwise resolve legal~~
49 ~~challenges~~ provide legal services related to transportation projects undertaken by the
50 Department. The Department shall supervise and manage the private counsel engaged under
51

1 this section and shall not be required to obtain written permission or approval from the
2 Attorney General under G.S. 114-2.3. ~~The Department shall report the engagement of private~~
3 ~~counsel authorized by this section within 30 days to the General Assembly, as follows:~~

4 (1) ~~If the General Assembly is in session, the Department shall report to the~~
5 ~~Chairs of the Appropriations Subcommittee on Transportation of the House~~
6 ~~of Representatives, the Chairs of the Appropriations Committee on~~
7 ~~Transportation of the Senate, and the Fiscal Research Division.~~

8 (2) ~~If the General Assembly is not in session, or adjourns sine die during the~~
9 ~~30 day period, the Department shall report to the Chairs of the Joint~~
10 ~~Legislative Transportation Oversight Committee and the Fiscal Research~~
11 ~~Division."~~

12 **SECTION 34.24.(b)** It is the intent of the General Assembly that the Department
13 of Transportation exercise the authority granted by subsection (a) of this section to maximize
14 operational and project delivery benefits attributed to the avoidance or successful defense of
15 litigation. To accomplish this intent, the Department is directed to increase its utilization of
16 external counsel to no less than ten percent (10%) of new cases arising during the 2014-2015
17 fiscal year, increasing to no less than twenty percent (20%) of new cases arising during the
18 2015-2016 fiscal year.

19 **SECTION 34.24.(c)** The Department shall develop performance metrics to
20 evaluate its utilization of in-house and outside counsel, to include the following:

- 21 (1) A summary of new matters opened by legal area.
- 22 (2) Case cycle times.
- 23 (3) Resolution of cases.
- 24 (4) A comparison of in-house costs to billable rates for external counsel.
- 25 (5) The process for procurement for legal services.

26 The Department shall report no later than January 1, 2015, and quarterly thereafter,
27 to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Justice
28 and Public Safety Oversight Committee regarding the performance metrics set forth in this
29 subsection.

30 **SECTION 34.24.(d)** G.S. 136-103.1 reads as rewritten:

31 "**§ 136-103.1. Outside counsel.**

32 The ~~Attorney General~~Secretary of Transportation is authorized to employ outside counsel
33 as ~~he~~the Secretary deems necessary for the purpose of obtaining title abstracts and title
34 certificates for transportation system rights-of-way and for assistance in the trial of
35 condemnation cases involving the acquisition of rights-of-way and other interests in land for
36 the purpose of transportation construction. Compensation, as approved by the ~~Attorney~~
37 ~~General~~Secretary, shall be paid out of the appropriations from the Highway Fund."

38 **SECTION 34.24.(e)** Legal positions assigned to the Department from the
39 Department of Justice which become vacant during the 2014-2015 fiscal year shall not be
40 filled.

41 **MPO/RPO ETHICS FINES**

42 **SECTION 34.25.(a)** G.S. 136-200.2 reads as rewritten:

43 "...

44 (g) Ethics Provisions. – All individuals with voting authority serving on a metropolitan
45 planning organization who are not members of the Board of Transportation shall do all of the
46 following:
47

48 ...

- 49 (4) File, with and in the same manner as the statement of economic interest filed
50 under subdivision (3) of this subsection, an additional disclosure of a list of
51 all real estate owned wholly or in part by the MPO member, the MPO

1 member's extended family, or a business with which the MPO member is
2 associated within the jurisdiction of the MPO on which the MPO member is
3 serving. All additional disclosures of real estate filed by MPO members are
4 public records under Chapter 132 of the General Statutes. The penalties for
5 failure to file shall be as set forth in G.S. 138A-25(d).

6 ...
7 (j) Violations. – A violation of subdivision (1) of subsection (g) of this section shall be
8 a Class 1 misdemeanor. An MPO member who knowingly conceals or knowingly fails to
9 disclose information that is required to be disclosed on a required filing under subdivisions (3)
10 or (4) of subsection (g) of this section shall be guilty of a Class 1 misdemeanor. An MPO
11 member who provides false information on a required filing under subdivisions (3) or (4) of
12 subsection (g) of this section knowing that the information is false is guilty of a Class H felony.
13 If the State Ethics Commission receives written allegations of violations of this section, the
14 Commission shall report such violations to the Attorney General for investigation and referral
15 to the District Attorney for possible prosecution. All written allegations or related documents
16 are confidential and are not matters of public record.

17"

18 **SECTION 34.25.(b)** G.S. 136-211 reads as rewritten:

19 "...

20 (f) Ethics Provisions. – All individuals with voting authority serving on a rural
21 transportation planning organization who are not members of the Board of Transportation shall
22 do all of the following:

23 ...

24 (4) File, with and in the same manner as the statement of economic interest filed
25 under subdivision (3) of this subsection, an additional disclosure of a list of
26 all real estate owned wholly or in part by the rural transportation planning
27 organization member, the rural transportation planning organization
28 member's extended family, or a business with which the rural transportation
29 planning organization member is associated within the jurisdiction of the
30 rural transportation planning organization on which the rural transportation
31 planning organization member is serving. All additional disclosures of real
32 estate filed by members are public records under Chapter 132 of the General
33 Statutes. The penalties for failure to file shall be as set forth in
34 G.S. 138A-25(d).

35 ...

36 (j) Violations. – A violation of subdivision (1) of subsection (f) of this section shall be
37 a Class 1 misdemeanor. A rural transportation planning organization member who knowingly
38 conceals or knowingly fails to disclose information that is required to be disclosed on a
39 required filing under subdivisions (3) or (4) of subsection (f) of this section shall be guilty of a
40 Class 1 misdemeanor. A rural transportation planning organization member who provides false
41 information on a required filing under subdivisions (3) or (4) of subsection (f) of this section
42 knowing that the information is false is guilty of a Class H felony. If the State Ethics
43 Commission receives written allegations of violations of this section, the Commission shall
44 report such violations to the Attorney General for investigation and referral to the District
45 Attorney for possible prosecution. All written allegations or related documents are confidential
46 and are not matters of public record.

47"

48 **SECTION 34.25.(c)** G.S. 138A-25 is amended by adding the following new
49 subsections to read:

50 "(d) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify
51 persons who are required to file a Statement of Economic Interest under G.S. 136-200.2(g)(3)

1 or G.S. 136-211(f)(3) of a failure to file the Statement of Economic Interest or the filing of an
 2 incomplete Statement of Economic Interest. The Commission shall notify the filing person that
 3 if the Statement of Economic Interest is not filed or completed within 30 days of receipt of the
 4 notice of failure to file or complete, the filing person shall be fined and referred for prosecution
 5 after an additional 30 days, as provided for in this section.

6 (1) Any filing person who fails to file a Statement of Economic Interest under
 7 G.S. 136-200.2(g)(3) or G.S. 136-211(f)(3) within 30 days of the receipt of
 8 the notice required under this section shall be fined two hundred fifty dollars
 9 (\$250.00) by the Commission for not filing or filing an incomplete
 10 Statement of Economic Interest, except in extenuating circumstances as
 11 determined by the Commission.

12 (2) Failure by any filing person to file or complete the Statement of Economic
 13 Interest within 60 days of the receipt of the notice required under this
 14 subsection shall be a Class 1 misdemeanor. The Commission shall report
 15 such failure to the Attorney General for investigation and referral to the
 16 District Attorney for possible prosecution, unless the Commission
 17 determines extenuating circumstances exist.

18 (e) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify
 19 persons who are required to file an additional disclosure under G.S. 136-200.2(g)(4) or
 20 G.S. 136-211(f)(4) of a failure to file the additional disclosure or the filing of an incomplete
 21 additional disclosure. The Commission shall notify the filing person that if the additional
 22 disclosure is not filed or completed within 30 days of receipt of the notice of failure to file or
 23 complete, the filing person shall be fined and referred for prosecution after an additional 30
 24 days, as provided for in this section.

25 (1) Any filing person who fails to file or who files an incomplete additional
 26 disclosure within 30 days of the receipt of the notice required under this
 27 section shall be fined two hundred fifty dollars (\$250.00) for not filing or
 28 filing an incomplete additional disclosure, except in extenuating
 29 circumstances as determined by the Commission.

30 (2) Failure by any filing person to file or complete the additional disclosure
 31 within 60 days of the receipt of the notice required under this subsection
 32 shall be a Class 1 misdemeanor. The Commission shall report such failure to
 33 the Attorney General for investigation and referral to the District Attorney
 34 for possible prosecution, unless the Commission determines extenuating
 35 circumstances exist."

36 **SECTION 34.25.(d)** This section becomes effective October 1, 2014, and applies
 37 to obligations to file additional disclosures arising on or after that date.

38 PART XXXV. SALARIES AND BENEFITS

39 GOVERNOR AND COUNCIL OF STATE

40 **SECTION 35.1.(a)** G.S. 147-11(a) reads as rewritten:

41 "(a) The salary of the Governor shall be ~~one hundred forty one thousand two hundred~~
 42 ~~sixty five dollars (\$141,265)~~ one hundred forty-two thousand seventy-four dollars (\$142,074)
 43 annually, payable monthly."

44 **SECTION 35.1.(b)** Section 35.1(b) of S.L. 2013-360 reads as rewritten:

45 "**SECTION 35.1.(b)** ~~Effective for the 2013-2015 fiscal biennium, the~~ The annual salaries
 46 for members of the Council of State, payable monthly, shall remain unchanged ~~be increased by~~
 47 eight hundred nine dollars (\$809.00) as follows:

48 Council of State	Annual Salary
49 Lieutenant Governor	\$124,676\$125,485

1	Attorney General	124,676 <u>125,485</u>
2	Secretary of State	124,676 <u>125,485</u>
3	State Treasurer	124,676 <u>125,485</u>
4	State Auditor	124,676 <u>125,485</u>
5	Superintendent of Public Instruction	124,676 <u>125,485</u>
6	Agriculture Commissioner	124,676 <u>125,485</u>
7	Insurance Commissioner	124,676 <u>125,485</u>
8	Labor Commissioner	124,676 <u>125,485</u> "

9 **SECTION 35.1.(c)** Section 35.1(a) of S.L. 2013-360 is repealed.

11 **CERTAIN EXECUTIVE BRANCH OFFICIALS**

12 **SECTION 35.2.** Section 35.2 of S.L. 2013-360 reads as rewritten:

13 "**SECTION 35.2.** ~~Effective for the 2013-2015 fiscal biennium, the~~ The annual salaries,
14 payable monthly, for the following executive branch officials shall ~~remain unchanged~~ be
15 increased by eight hundred nine dollars (\$809.00) as follows:

16	<u>Executive Branch Officials</u>	<u>Annual Salary</u>
17	Chairman, Alcoholic Beverage Control Commission	\$110,868 <u>\$111,677</u>
18	State Controller	155,159 <u>155,968</u>
19	Commissioner of Banks	124,676 <u>125,485</u>
20	Chair, Board of Review, Division of Employment Security	122,255 <u>123,064</u>
21	Members, Board of Review, Division of Employment Security	120,737 <u>121,546</u>
22	Chairman, Parole Commission	101,235 <u>102,044</u>
23	Members of the Parole Commission	93,464 <u>94,273</u>
24	Chairman, Utilities Commission	138,849 <u>139,658</u>
25	Members of the Utilities Commission	124,676 <u>125,485</u>
26	Executive Director, North Carolina	
27	Agricultural Finance Authority	107,915 <u>108,724</u> "

29 **JUDICIAL BRANCH**

30 **SECTION 35.3.(a)** Section 35.3 of S.L. 2013-360 reads as rewritten:

31 "**SECTION 35.3.(a)** ~~Effective for the 2013-2015 fiscal biennium, the~~ The annual salaries,
32 payable monthly, for specified judicial branch officials shall ~~remain unchanged~~ be increased by
33 eight hundred nine dollars (\$809.00) as follows:

34	<u>Judicial Branch Officials</u>	<u>Annual Salary</u>
35	Chief Justice, Supreme Court	\$142,623 <u>\$143,432</u>
36	Associate Justice, Supreme Court	138,896 <u>139,705</u>
37	Chief Judge, Court of Appeals	136,682 <u>137,491</u>
38	Judge, Court of Appeals	133,109 <u>133,918</u>
39	Judge, Senior Regular Resident Superior Court	129,492 <u>130,301</u>
40	Judge, Superior Court	125,875 <u>126,684</u>
41	Chief Judge, District Court	114,301 <u>115,110</u>
42	Judge, District Court	110,684 <u>111,493</u>
43	District Attorney	120,737 <u>121,546</u>
44	Administrative Officer of the Courts	128,259 <u>129,068</u>
45	Assistant Administrative Officer of the Courts	117,152 <u>117,961</u>
46	Public Defender	120,737 <u>121,546</u>
47	Director of Indigent Defense Services	124,498 <u>125,307</u>

48 ~~**SECTION 35.3.(b)** Effective for the 2013-2015 fiscal biennium, the annual salaries of~~
49 ~~employees of the Judicial Department shall remain unchanged as follows:~~

- (1) ~~The annual salaries of permanent full-time and part-time employees of the Judicial Department whose salaries are not itemized in this act shall remain unchanged.~~
- (2) ~~Notwithstanding anything to the contrary, the annual salaries of clerks of superior court under G.S. 7A-101(a) shall not change when a county changes from one population group to another.~~
- (3) ~~The annual salaries of assistant and deputy clerks of court set under G.S. 7A-102(c1) shall remain unchanged.~~
- (4) ~~The annual salaries of magistrates set under G.S. 7A-171.1(a) or G.S. 7A-171.1(a1)(1) shall remain unchanged."~~

SECTION 35.3.(b) Except for employees eligible to receive step increases under G.S. 7A-102(c1), G.S. 7A-171.1(a), or G.S. 7A-171.1(a1)(1), the annual salaries of permanent full-time and part-time employees of the Judicial Department whose salaries are not itemized in this act shall be increased by eight hundred nine dollars (\$809.00).

SECTION 35.3.(c) The district attorney or public defender of a judicial district, with the approval of the Administrative Officer of the Courts or the Commission on Indigent Defense Services, respectively, shall set the salaries of assistant district attorneys or assistant public defenders, respectively, in that district such that the average salaries of assistant district attorneys or assistant public defenders in that district do not exceed seventy-two thousand six hundred six dollars (\$72,606) and the minimum salary of any assistant district attorney or assistant public defender is at least thirty-eight thousand four hundred thirty-seven dollars (\$38,437), effective July 1, 2014.

SECTION 35.3.(d) G.S. 7A-101(a) reads as rewritten:

"(a) The clerk of superior court is a full-time employee of the State and shall receive an annual salary, payable in equal monthly installments, based on the population of the county as determined in subsection (a1) of this section, according to the following schedule:

Population	Annual Salary
Less than 100,000	\$ 83,390 <u>\$84,199</u>
100,000 to 149,999	93,578 <u>94,387</u>
150,000 to 249,999	103,766 <u>104,575</u>
250,000 and above	113,958 <u>114,767</u>

When a county changes from one population group to another, the salary of the clerk shall be changed, on July 1 of the fiscal year for which the change is reported, to the salary appropriate for the new population group, except that the salary of an incumbent clerk shall not be decreased by any change in population group during his continuance in office."

SECTION 35.3.(e) G.S. 7A-102(c1) reads as rewritten:

"(c1) A full-time assistant clerk or a full-time deputy clerk, and up to one full-time deputy clerk serving as head bookkeeper per county, shall be paid an annual salary subject to the following minimum and maximum rates:

Assistant Clerks and Head Bookkeeper	Annual Salary
Minimum	\$32,609
Maximum	55,424 <u>56,233</u>
Deputy Clerks	Annual Salary
Minimum	\$28,223
Maximum	43,107 <u>43,916</u> ."

SECTION 35.3.(f) G.S. 7A-171.1(a)(1) reads as rewritten:

"(a) The Administrative Officer of the Courts, after consultation with the chief district judge and pursuant to the following provisions, shall set an annual salary for each magistrate.

- (1) A full-time magistrate shall be paid the annual salary indicated in the table set out in this subdivision. A full-time magistrate is a magistrate who is assigned to work an average of not less than 40 hours a week during the term

of office. The Administrative Officer of the Courts shall designate whether a magistrate is full-time. Initial appointment shall be at the entry rate. A magistrate's salary shall increase to the next step every two years on the anniversary of the date the magistrate was originally appointed for increases to Steps 1 through 3, and every four years on the anniversary of the date the magistrate was originally appointed for increases to Steps 4 through 6. The minimum and maximum salary amounts are as follows:

Table of Salaries of Full-Time Magistrates	
Step Level	Annual Salary <u>Range Minimum - Maximum</u>
Entry Rate	\$33,025 <u>\$33,834</u>
Step 1	<u>35,951 - 36,760</u>
Step 2	<u>39,135 - 39,944</u>
Step 3	<u>42,640 - 43,449</u>
Step 4	<u>46,551 - 47,360</u>
Step 5	<u>50,959 - 51,768</u>
Step 6	55,901 <u>55,901 - 56,710.</u>

SECTION 35.3.(g) G.S. 7A-171.1(a1)(1) reads as rewritten:

"(a1) Notwithstanding subsection (a) of this section, the following salary provisions apply to individuals who were serving as magistrates on June 30, 1994:

- (1) The minimum and maximum salaries of magistrates who on June 30, 1994, were paid at a salary level of less than five years of service under the table in effect that date shall be as follows:

	<u>Minimum</u>	<u>Maximum</u>
Less than 1 year of service	\$26,846	<u>\$27,655</u>
1 or more but less than 3 years of service	<u>28,027</u>	<u>28,836</u>
3 or more but less than 5 years of service	<u>30,405</u>	<u>31,214</u>

Upon completion of five years of service, those magistrates shall receive the salary set as the Entry Rate in the table in subsection (a)."

LEGISLATIVE BRANCH

SECTION 35.4.(a) Section 35.4 of S.L. 2013-360 reads as rewritten:

"SECTION 35.4. For the 2013-2015 fiscal biennium, the salaries of members and officers of the General Assembly shall remain unchanged at the amounts set under G.S. 120-3, as provided in 1994 by the 1993 General Assembly. ~~Effective for the 2013-2015 fiscal biennium, salaries in the legislative branch shall remain unchanged, as follows:~~

- ~~(1) The annual salaries set by G.S. 120-37(c) for the principal clerks in each house shall remain unchanged.~~
- ~~(2) The annual salaries set by G.S. 120-37(b) of the sergeant-at-arms and the reading clerk in each house shall remain unchanged.~~
- ~~(3) The annual salaries of the Legislative Services Officer and of nonelected employees of the General Assembly set under G.S. 120-32 shall remain unchanged."~~

SECTION 35.4.(b) G.S. 120-37(b) reads as rewritten:

"(b) The sergeant-at-arms and the reading clerk in each house shall be paid a salary of ~~three hundred eighty five dollars (\$385.00)~~ four hundred one dollars (\$401) per week plus subsistence at the same daily rate provided for members of the General Assembly, plus mileage at the rate provided for members of the General Assembly for one round trip only from their homes to Raleigh and return. The sergeants-at-arms shall serve during sessions of the General Assembly and at such time prior to the convening of, and subsequent to adjournment or recess of, sessions as may be authorized by the Legislative Services Commission. The reading clerks shall serve during sessions only."

1 **SECTION 35.4.(c)** G.S. 120-37(c) reads as rewritten:

2 "(c) The principal clerks shall be full-time officers. Each principal clerk shall be entitled
3 to other benefits available to permanent legislative employees and shall be paid an annual
4 salary of ~~one hundred five thousand three hundred thirty three dollars (\$105,333), one hundred~~
5 six thousand one hundred forty-two dollars (\$106,142), payable monthly. Each principal clerk
6 shall also receive such additional compensation as approved by the Speaker of the House of
7 Representatives or the President Pro Tempore of the Senate, respectively, for additional
8 employment duties beyond those provided by the rules of their House. The Legislative Services
9 Commission shall review the salary of the principal clerks prior to submission of the proposed
10 operating budget of the General Assembly to the Governor and shall make appropriate
11 recommendations for changes in those salaries. Any changes enacted by the General Assembly
12 shall be by amendment to this paragraph."

13 **SECTION 35.4.(d)** The annual salaries of the Legislative Services Officer and of
14 nonelected employees of the General Assembly in effect on June 30, 2014, shall be increased
15 by eight hundred nine dollars (\$809.00).
16

17 **COMMUNITY COLLEGES PERSONNEL**

18 **SECTION 35.5.** Section 35.5 of S.L. 2013-360 reads as rewritten:

19 "**SECTION 35.5.(a)** The annual salaries of all community college nonfaculty and
20 professional staff whose salaries are supported from the State's General Fund shall ~~remain~~
21 unchanged for the 2013-2015 fiscal biennium. ~~be increased by eight hundred nine dollars~~
22 (\$809.00).

23 "**SECTION 35.5.(b)** ~~For the 2013-2015 fiscal biennium, the Effective July 1, 2014, the~~
24 annual salaries of all community college faculty whose salaries are supported from the State's
25 General Fund shall ~~remain unchanged. The~~ be increased by eight hundred nine dollars
26 (\$809.00). ~~The~~ minimum salaries for nine-month, full-time curriculum community college
27 faculty shall also remain unchanged be increased as follows:

28 <u>Education Level</u>	<u>Minimum Salary</u>
29 Vocational Diploma/Certificate or Less	\$34,314 <u>\$35,123</u>
30 Associate Degree or Equivalent	34,819 <u>35,628</u>
31 Bachelor's Degree	37,009 <u>37,818</u>
32 Masters Degree or Education Specialist	38,952 <u>39,761</u>
33 Doctoral Degree	41,753 <u>42,562</u>

34 No full-time faculty member shall earn less than the minimum salary for his or her education
35 level.

36 The pro rata hourly rate of the minimum salary for each education level shall be
37 used to determine the minimum salary for part-time faculty members."
38

39 **UNIVERSITY OF NORTH CAROLINA SYSTEM**

40 **SECTION 35.6.** Section 35.6 of S.L. 2013-360 reads as rewritten:

41 "**SECTION 35.6.(a)** The annual compensation of all University of North Carolina ~~EPA~~
42 ~~faculty, EPA nonfaculty, SPA employees, and teachers employed by the North Carolina School~~
43 ~~of Science and Mathematics shall remain unchanged for the 2013-2015 fiscal biennium.~~
44 employees who are not exempt from the North Carolina Human Resources Act shall be
45 increased by eight hundred nine dollars (\$809.00).

46 "**SECTION 35.6.(b)** The annual compensation of all employees of the University of North
47 Carolina Health Care System and the Medical Faculty Practice Plan at East Carolina University
48 shall remain unchanged for the ~~2013-2015 fiscal biennium.~~2013-2014 fiscal year."
49

50 **SALARY ADJUSTMENT REQUIREMENTS/LIMIT ON CUMULATIVE INCREASES**

51 **SECTION 35.7.** Section 35.8 of S.L. 2013-360 reads as rewritten:

1 "**SECTION 35.8.(a)** The annual compensation of all employees subject to or exempt from
2 the ~~State Personnel Act, North Carolina Human Resources Act,~~ including employees of local
3 boards of education, community colleges, and The University of North Carolina, for the
4 ~~2013-2015 fiscal biennium~~ 2013-2014 fiscal year shall remain unchanged from that authorized
5 on June 30, 2013, or the last date in pay status during the 2011-2013 fiscal biennium, if earlier,
6 unless an increase is authorized by this section or under the Salary Adjustment Fund
7 established by this act.

8 **SECTION 35.8.(b)** Salary increases may be awarded during the ~~2013-2015 fiscal~~
9 ~~biennium~~ 2013-2014 fiscal year under this ~~section~~ subsection only for the following special
10 circumstances:

11 (1) For all State employees regardless of funding source, and for employees of
12 the North Carolina Community College System and local school boards who
13 are paid from State funds, salaries may be increased for reallocations or
14 promotions, in-range adjustments for job change, career progression
15 adjustments for demonstrated competencies, or any other adjustment related
16 to an increase in job duties or responsibilities, none of which are subject to
17 the salary freeze otherwise provided by this Part. All other salary increases
18 are prohibited.

19 (1a) For employees of the North Carolina Community College System,
20 notwithstanding subdivision (1) of this subsection, salaries may be increased
21 if the increase is (i) funded from local funding sources or (ii) for the
22 purposes of retention or equity.

23 (2) For The University of North Carolina, (i) faculty using funds from the
24 Faculty Recruiting and Retention Fund, the Distinguished Professors
25 Endowment Fund, or the University Cancer Research Fund in the case of
26 faculty involved in cancer research supported by that fund; (ii) faculty,
27 nonfaculty, and other employee adjustments, including retention
28 adjustments, funded from non-State funding sources; (iii) faculty,
29 nonfaculty, and other employees for the purposes of retention or equity.

30 (3) For employees of the judicial branch, for local supplementation as
31 authorized by G.S. 7A-300.1.

32 The cumulative salary adjustment allowed under this subsection ~~for each fiscal year~~ during
33 the ~~2013-2015 fiscal biennium~~ 2013-2014 fiscal year may exceed ten percent (10%) of annual
34 salary only if the adjustment is approved in advance by the Office of State Budget and
35 Management, The University of North Carolina Board of Governors, the Board of the North
36 Carolina Community College System, the Legislative Services Commission, the local board of
37 education, or other authorized body as appropriate.

38 **SECTION 35.8.(b1)** For fiscal year 2014-2015, the cumulative salary adjustment awarded
39 to any employee may exceed ten percent (10%) of annual salary only if the adjustment is
40 approved in advance by the Office of State Budget and Management, The University of North
41 Carolina Board of Governors, the Board of the North Carolina Community College System, the
42 Legislative Services Commission, the local board of education, or other authorized body as
43 appropriate.

44 **SECTION 35.8.(c)** The automatic salary step increases for assistant and deputy clerks of
45 superior court and magistrates are suspended for the ~~2013-2015 fiscal biennium~~ 2013-2014
46 fiscal year.

47 **SECTION 35.8.(d)** The salary increase provisions of G.S. 20-187.3 are suspended for the
48 ~~2013-2015 fiscal biennium~~ 2013-2014 fiscal year.

49 **SECTION 35.8.(e)** ~~During the 2013-2015 fiscal biennium,~~ For the 2013-2014 fiscal year,
50 notwithstanding G.S. 53C-2-3(c), employees of the Office of the Commissioner of Banks shall

1 not be awarded (i) compensation increases unless allowed under subdivision (1) of subsection
2 (b) of this section or (ii) compensation bonuses.

3 **SECTION 35.8.(f)** Employees of the Lottery Commission shall not receive compensation
4 bonuses during the ~~2013-2015 fiscal biennium~~, 2013-2014 fiscal year."

5 6 **USE OF FUNDS APPROPRIATED FOR LEGISLATIVELY MANDATED SALARY** 7 **INCREASES**

8 **SECTION 35.8.(a)** The appropriations set forth in Section 2.1 of this act include
9 appropriations for legislatively mandated salary increases in amounts set forth in the committee
10 report described in Section 38.2 of this act. The Office of State Budget and Management shall
11 ensure that those funds are used only for legislatively mandated salary increases.

12 **SECTION 35.8.(b)** If the Director of the Budget determines that funds
13 appropriated to a State agency for legislatively mandated salary increases exceed the amount
14 required by that agency for that purpose, the Director may reallocate those funds to other State
15 agencies that received insufficient funds for legislatively mandated salary increases.

16 **SECTION 35.8.(c)** No later than October 1, 2014, the Office of State Budget and
17 Management shall report to the Joint Legislative Commission on Governmental Operations on
18 the expenditure of funds for legislatively mandated salary increases. This report shall include at
19 least the following information for each State agency for the 2014-2015 fiscal year:

- 20 (1) The total amount of funds that the agency received for legislatively
21 mandated salary increases.
- 22 (2) The total amount of funds transferred from the agency to other State
23 agencies pursuant to subsection (b) of this section. This section of the report
24 shall identify the amounts transferred to each recipient State agency.
- 25 (3) The total amount of funds used by the agency for legislatively mandated
26 salary increases.
- 27 (4) The total amount of funds received by the agency for legislatively mandated
28 salary increases that are anticipated to revert at the end of the fiscal year.

29 30 **ALL STATE-SUPPORTED PERSONNEL/SALARY INCREASES**

31 **SECTION 35.9.(a)** Salaries and related benefits for positions that are funded
32 partially from the General Fund or Highway Fund and partially from sources other than the
33 General Fund or Highway Fund shall be increased from the General Fund or Highway Fund
34 appropriation only to the extent of the proportionate part of the salaries paid from the General
35 Fund or Highway Fund.

36 **SECTION 35.9.(b)** The salary increases provided in this act become effective July
37 1, 2014, and do not apply to persons separated from State service due to resignation, dismissal,
38 reduction in force, death, or retirement, or whose last workday is prior to July 1, 2014.

39 **SECTION 35.9.(c)** Payroll checks issued to employees after July 1, 2014, which
40 represent payment of services provided prior to July 1, 2014, shall not be eligible for salary
41 increases provided for in this act. This subsection applies to all employees paid from State
42 funds, whether or not subject to or exempt from the North Carolina Human Resources Act,
43 including employees of public schools, community colleges, and The University of North
44 Carolina.

45 **SECTION 35.9.(d)** Nothing in this act authorizes the transfer of funds between the
46 General Fund and the Highway Fund for salary increases.

47 48 **MOST STATE EMPLOYEES**

49 **SECTION 35.10.(a)** Section 35.7 of S.L. 2013-360 reads as rewritten:

50 ~~"SECTION 35.7. For the 2013-2015 fiscal biennium, the salaries in effect June 30, 2013,~~
51 ~~for the following employees shall remain unchanged, effective July 1, 2013: Except as~~

1 otherwise specifically set forth in this act, the salaries in effect for the following employees on
2 June 30, 2014, shall be increased by eight hundred nine dollars (\$809.00):

- 3 (1) Permanent full-time State officials and persons whose salaries are set in
4 accordance with the ~~State Personnel Act.~~North Carolina Human Resources
5 Act.
6 (2) Permanent full-time State officials and persons in positions exempt from the
7 ~~State Personnel Act.~~North Carolina Human Resources Act.
8 (3) Permanent part-time State ~~employees.~~employees and temporary and
9 permanent hourly State employees, on a prorated and equitable basis subject
10 to the availability of funds in the employing State agency, department, or
11 institution and within regular State Budget Act procedures.
12 (4) ~~Temporary and permanent hourly State employees.~~

13 Employees eligible to receive step increases under G.S. 20-187.3, 7A-102(c1), 7A-171.1(a),
14 or 7A-171.1(a1)(1) shall not receive the eight hundred nine dollars (\$809.00) salary increase
15 authorized by this act."

16 **SECTION 35.10.(b)** An employee eligible to receive a step increase as provided
17 by this act may move up no more than one step on the applicable salary schedule.

18
19 **STATE EMPLOYEES REASSIGNMENT/NO THIRTY-FIVE-MILE RADIUS**
20 **REQUIREMENT**

21 **SECTION 35.11.(a)** G.S. 126-5(e)(2) reads as rewritten:

22 "(e) An exempt employee may be transferred, demoted, or separated from his or her
23 position by the department head authorized to designate the exempt position except:

- 24 ...
25 (2) When an employee who has 10 years or more cumulative service, including
26 the immediately preceding 12 months, in subject positions prior to
27 placement in an exempt position is removed from an exempt position, for
28 reasons other than just cause, the employee shall be reassigned to a subject
29 position within the same department or agency, or if necessary within
30 another agency, ~~and within a 35 mile radius of the exempt position,~~ at the
31 same grade and salary, including all across-the-board increases since
32 placement in the position designated as exempt, as ~~his~~the employee's most
33 recent subject position."

34 **SECTION 35.11.(b)** This section is effective when it becomes law and applies to
35 State employees hired before June 30, 2013.

36
37 **AMEND THE SALARY CONTINUATION LAWS TO PROVIDE THAT ONLY LAW**
38 **ENFORCEMENT OFFICERS INJURED AND INCAPACITATED AS THE**
39 **RESULT OF THE HEIGHTENED RISK AND SPECIAL HAZARDS POSED BY**
40 **THEIR OFFICIAL DUTIES RECEIVE A HIGHER COMPENSATION RATE FOR**
41 **THE TWO-YEAR PERIOD BEFORE REVERTING TO THE RATES PROVIDED**
42 **UNDER THE WORKERS' COMPENSATION LAWS**

43 **SECTION 35.12.(a)** Article 12B of Chapter 143 of the General Statutes reads as
44 rewritten:

45 "Article 12B.

46 "Salary Continuation Plan for Certain State Law-Enforcement Officers.

47 **"§ 143-166.13. Persons entitled to benefits under Article.**

48 (a) The following persons who are subject to the Criminal Justice Training and
49 Standards Act are entitled to benefits under this Article:

- 50 (1) State Government Security Officers, Department of Administration;

- 1 (2) State Correctional Officers, Division of Adult Correction of the Department
2 of Public Safety;
- 3 (3) State Probation and Parole Officers, Division of Adult Correction of the
4 Department of Public Safety;
- 5 (4) Sworn State Law-Enforcement Officers with the power of arrest, Division of
6 Adult Correction of the Department of Public Safety;
- 7 (5) Alcohol Law-Enforcement Agents, Department of Public Safety;
- 8 (6) State Highway Patrol Officers, Department of Public Safety;
- 9 (7) General Assembly Special Police, General Assembly;
- 10 (8) Sworn State Law-Enforcement Officers with the power of arrest,
11 Department of Health and Human Services;
- 12 (9) Juvenile Justice Officers, Division of Juvenile Justice of the Department of
13 Public Safety;
- 14 (10) Insurance Investigators, Department of Insurance;
- 15 (11) State Bureau of Investigation Officers and Agents, Department of Justice;
- 16 (12) Director and Assistant Director, License and Theft Enforcement Section,
17 Division of Motor Vehicles, Department of Transportation;
- 18 (13) Members of License and Theft Enforcement Section, Division of Motor
19 Vehicles, Department of Transportation, designated by the Commissioner of
20 Motor Vehicles as either "inspectors" or uniformed weigh station personnel;
- 21 (14) Utilities Commission Transportation Inspectors and Special Investigators;
- 22 (15) North Carolina Ports Authority Police, Department of Transportation;
- 23 (16) Sworn State Law-Enforcement Officers with the power of arrest,
24 Department of Environment and Natural Resources;
- 25 (17) Sworn State Law-Enforcement Officers with the power of arrest,
26 Department of Public Safety.
- 27 (18) Sworn State Law-Enforcement Officers with the power of arrest,
28 Department of Revenue.
- 29 (19) Sworn State Law-Enforcement Officers with the power of arrest, University
30 System.

31 (b) The following persons are entitled to benefits under this Article regardless of
32 whether they are subject to the Criminal Justice Training and Standards Act:

- 33 (1) Driver License Examiners injured by accident arising out of and in the
34 course of giving a road test, Division of Motor Vehicles, Department of
35 Transportation;
- 36 (2) Employees of the Division of Adult Correction of the Department of Public
37 Safety injured by a direct and deliberate act of an offender supervised by the
38 Division or while performing supervisory duties over offenders which place
39 the employees at risk of such injury.

40 (c) As used in this Article, the term "eligible person" or "person" shall mean any
41 individual listed under subsection (a) or (b) of this section.

42 **"§ 143-166.14. Payment of salary notwithstanding incapacity; Workers' Compensation**
43 **Act applicable after two years; duration of payment.**

44 The salary of any ~~of the above listed persons~~ eligible person shall be paid as long as ~~his~~ the
45 person's employment in that position continues, notwithstanding ~~his~~ the person's total or partial
46 incapacity to perform any duties to which ~~he~~ the person may be lawfully assigned, if that
47 incapacity is the result of an injury ~~by accident or an occupational disease arising out of and in~~
48 the course of the performance by him of his or injuries proximately caused by the heightened
49 risk and special hazards directly related to the violent nature of the eligible person's official
50 duties, except if that incapacity continues for more than two years from its inception, the person
51 shall, during the further continuance of that incapacity, be subject to the provisions of Chapter

1 97 of the General Statutes pertaining to workers' compensation. Salary paid to ~~aan~~ an eligible
2 person pursuant to this Article shall cease upon the resumption of ~~his~~ the person's regularly
3 assigned duties, retirement, resignation, or death, whichever first occurs, except that temporary
4 return to duty shall not prohibit payment of salary for a subsequent period of incapacity which
5 can be shown to be directly related to the original injury.

6 **"§ 143-166.15. Application of § 97-27; how payments made.**

7 Notwithstanding the provisions of G.S. 143-166.14 of this Article, the persons entitled to
8 benefits shall be subject to the provisions of G.S. 97-27 during the two-year period of payment
9 of full salary. All payments of salary shall be made at the same time and in the same manner as
10 other salaries are paid to other persons in the same department.

11 **"§ 143-166.16. Effect on workers' compensation and other benefits; application of §**
12 **97-24.**

13 The provisions of G.S. 143-166.14 shall be in lieu of all compensation provided for the first
14 two years of incapacity by G.S. 97-29 and 97-30, but shall be in addition to any other benefits
15 or compensation to which such person shall be entitled under the provisions of the Workers'
16 Compensation Act. The provisions of G.S. 97-24 will commence at the end of the two-year
17 period for which salary is paid pursuant to G.S. 143-166.14.

18 **"§ 143-166.17. Period of incapacity not charged against sick leave or other leave.**

19 The period for which the salary of any person is paid pursuant to G.S. 143-166.14 while ~~he~~
20 the person is incapacitated as a result of an injury ~~by accident or an occupational disease arising~~
21 ~~out of and in the course of the performance by him of his~~ injuries proximately caused by the
22 heightened risk and special hazards directly related to the violent nature of the eligible person's
23 official duties, shall not be charged against any sick or other leave to which ~~he~~ the person shall
24 be entitled under any other provision of law.

25 **"§ 143-166.18. Report of incapacity.**

26 Any person designated in G.S. 143-166.13, who, as a result of an injury ~~by accident arising~~
27 ~~out of and in the course of the performance by him of his~~ injuries proximately caused by the
28 heightened risk and special hazards directly related to the violent nature of the eligible person's
29 official duties, is totally or partially incapacitated to perform any duties to which ~~he~~ the person
30 may be lawfully assigned, shall report the incapacity as soon as practicable in the manner
31 required by the secretary or other head of the department to which the agency is assigned by
32 statute.

33 **"§ 143-166.19. Determination of cause and extent of incapacity; hearing before Industrial**
34 **Commission; appeal; effect of refusal to perform duties.**

35 Upon the filing of the report, the secretary or other head of the department or, in the case of
36 the General Assembly, the Legislative Services Officer, shall determine the cause of the
37 incapacity and to what extent the claimant may be assigned to other than ~~his~~ the claimant's
38 normal duties. The finding of the secretary or other head of the department shall determine the
39 right of the claimant to benefits under this Article. Notice of the finding shall be filed with the
40 North Carolina Industrial Commission. ~~Unless the claimant, within 30 days after he receives~~
41 ~~notice, files with the North Carolina Industrial Commission, upon the form it shall require, a~~
42 ~~request for a hearing, the finding of the secretary or other department head shall be final.~~
43 The finding of the secretary or other department head shall be final unless the claimant, within 30
44 days of receipt of the notice, files a request for a hearing with the North Carolina Industrial
45 Commission using a form required by the Commission. Upon the filing of a request, the North
46 Carolina Industrial Commission shall proceed to hear the matter in accordance with its
47 regularly established procedure for hearing claims filed under the Worker's Compensation Act,
48 and shall report its findings to the secretary or other head of the department. From the decision
49 of the North Carolina Industrial Commission, an appeal shall lie as in other matters heard and
50 determined by the Commission. Any person who refuses to perform any duties to which ~~he~~ the
51 person may be properly assigned as a result of the finding of the secretary, other head of the

1 department or of the North Carolina Industrial Commission shall be entitled to no benefits
2 pursuant to this Article as long as the refusal continues. Any eligible person whose salary
3 continuation benefits are terminated by the secretary or other head of the department shall be
4 immediately entitled to benefits under G.S. 97-29 or G.S. 97-30. Such benefits under
5 G.S. 97-29 or G.S. 97-30 shall only be suspended or terminated by the employer pursuant to
6 G.S. 97-18.1.

7 **"§ 143-166.20. Subrogation.**

8 The same rights and remedies set forth in G.S. 97-10.2 shall apply in all third party liability
9 cases occurring under this Article, including cases involving the right of the affected State
10 agency to recover the salary paid to an injured officer during ~~his~~the officer's period of
11 disability."

12 **SECTION 35.12.(b)** This section becomes effective October 1, 2014, and applies
13 to injuries occurring on or after that date.
14

15 **SALARY-RELATED CONTRIBUTIONS**

16 **SECTION 35.13.(a)** Section 35.15(b) of S.L. 2013-360 reads as rewritten:

17 **"SECTION 35.15.(b)** Effective July 1, 2013, the State's employer contribution rates
18 budgeted for retirement and related benefits as a percentage of covered salaries for the
19 ~~2013-2015 fiscal biennium~~2013-2014 fiscal year are (i) fourteen and sixty-nine hundredths
20 percent (14.69%) – Teachers and State Employees; (ii) nineteen and sixty-nine hundredths
21 percent (19.69%) – State Law Enforcement Officers; (iii) twelve and sixty-eight hundredths
22 percent (12.68%) – University Employees' Optional Retirement Program; (iv) twelve and
23 sixty-eight hundredths percent (12.68%) – Community College Optional Retirement Program;
24 (v) thirty-three and forty-one hundredths percent (33.41%) – Consolidated Judicial Retirement
25 System; and (vi) five and forty hundredths percent (5.40%) – Legislative Retirement System.
26 Each of the foregoing contribution rates includes five and forty hundredths percent (5.40%) for
27 hospital and medical benefits. The rate for the Teachers and State Employees, State Law
28 Enforcement Officers, University Employees' Optional Retirement Program, and the
29 Community College Optional Retirement Program includes forty-four hundredths percent
30 (0.44%) for the Disability Income Plan. The rates for Teachers and State Employees and State
31 Law Enforcement Officers include sixteen hundredths percent (0.16%) for the Death Benefits
32 Plan. The rate for State Law Enforcement Officers includes five percent (5%) for Supplemental
33 Retirement Income. The rate for Teachers and State Employees and State Law Enforcement
34 Officers includes one hundredths percent (0.01%) for the Qualified Excess Benefit
35 Arrangement."

36 **SECTION 35.13.(b)** Effective July 1, 2014, the State's employer contribution rates
37 budgeted for retirement and related benefits as a percentage of covered salaries for the
38 2014-2015 fiscal year are (i) fifteen and twelve hundredths percent (15.12%) – Teachers and
39 State Employees; (ii) twenty and twelve hundredths percent (20.12%) – State Law Enforcement
40 Officers; (iii) twelve and seventy-four hundredths percent (12.74%) – University Employees'
41 Optional Retirement Program; (iv) twelve and seventy-four hundredths percent (12.74%) –
42 Community College Optional Retirement Program; (v) thirty-two and fifty-two hundredths
43 percent (32.52%) – Consolidated Judicial Retirement System; and (vi) five and forty-nine
44 hundredths percent (5.49%) – Legislative Retirement System. Each of the foregoing
45 contribution rates includes five and forty-nine hundredths percent (5.49%) for hospital and
46 medical benefits. The rate for the Teachers and State Employees, State Law Enforcement
47 Officers, University Employees' Optional Retirement Program, and the Community College
48 Optional Retirement Program includes forty-one hundredths percent (0.41%) for the Disability
49 Income Plan. The rates for Teachers and State Employees and State Law Enforcement Officers
50 include sixteen hundredths percent (0.16%) for the Death Benefits Plan. The rate for State Law
51 Enforcement Officers includes five percent (5%) for Supplemental Retirement Income. The

1 rate for Teachers and State Employees and State Law Enforcement Officers includes one
2 hundredths percent (0.01%) for the Qualified Excess Benefit Arrangement.

3 **SECTION 35.13.(c)** Section 35.15(d) of S.L. 2013-360 reads as rewritten:

4 **"SECTION 35.15.(d)** Effective July 1, 2014, the maximum annual employer
5 contributions, payable monthly, by the State for each covered employee or retiree for the
6 2014-2015 fiscal year to the State Health Plan for Teachers and State Employees are (i)
7 Medicare eligible employees and retirees – ~~four thousand two hundred twenty four dollars~~
8 (\$4,224)four thousand one hundred seventy-nine dollars (\$4,179) and (ii) non-Medicare
9 eligible employees and retirees – ~~five thousand four hundred thirty five dollars (\$5,435).~~five
10 thousand three hundred seventy-eight dollars (\$5,378)."

11
12 **PROVIDE COST-OF-LIVING INCREASES FOR RETIREES OF THE TEACHERS'**
13 **AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE JUDICIAL**
14 **RETIREMENT SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM**

15 **SECTION 35.14.(a)** G.S. 135-5 is amended by adding a new subsection to read:

16 "(ttt) From and after July 1, 2014, the retirement allowance to or on account of
17 beneficiaries whose retirement commenced on or before July 1, 2013, shall be increased by
18 eight-tenths of one percent (0.8%) of the allowance payable on June 1, 2014, in accordance
19 with G.S. 135-5(o). Furthermore, from and after July 1, 2014, the retirement allowance to or on
20 account of beneficiaries whose retirement commenced after July 1, 2013, but before June 30,
21 2014, shall be increased by a prorated amount of eight-tenths of one percent (0.8%) of the
22 allowance payable as determined by the Board of Trustees based upon the number of months
23 that a retirement allowance was paid between July 1, 2013, and June 30, 2014."

24 **SECTION 35.14.(b)** G.S. 135-65 is amended by adding a new subsection to read:

25 "(ee) From and after July 1, 2014, the retirement allowance to or on account of
26 beneficiaries whose retirement commenced on or before July 1, 2013, shall be increased by
27 eight-tenths of one percent (0.8%) of the allowance payable on June 1, 2014. Furthermore,
28 from and after July 1, 2014, the retirement allowance to or on account of beneficiaries whose
29 retirement commenced after July 1, 2013, but before June 30, 2014, shall be increased by a
30 prorated amount of eight-tenths of one percent (0.8%) of the allowance payable as determined
31 by the Board of Trustees based upon the number of months that a retirement allowance was
32 paid between July 1, 2013, and June 30, 2014."

33 **SECTION 35.14.(c)** G.S. 120-4.22A is amended by adding a new subsection to
34 read:

35 "(y) In accordance with subsection (a) of this section, from and after July 1, 2014, the
36 retirement allowance to or on account of beneficiaries whose retirement commenced on or
37 before January 1, 2014, shall be increased by eight-tenths of one percent (0.8%) of the
38 allowance payable on June 1, 2014. Furthermore, from and after July 1, 2014, the retirement
39 allowance to or on account of beneficiaries whose retirement commenced after January 1,
40 2014, but before June 30, 2014, shall be increased by a prorated amount of eight-tenths of one
41 percent (0.8%) of the allowance payable as determined by the Board of Trustees based upon the
42 number of months that a retirement allowance was paid between January 1, 2014, and June 30,
43 2014."

44
45 **USE OF FUNDS APPROPRIATED FOR STATE RETIREMENT SYSTEM**
46 **CONTRIBUTION INCREASES**

47 **SECTION 35.15.(a)** The appropriations set forth in Section 2.1 of this act include
48 appropriations for State Retirement System contribution increases in amounts set forth in the
49 committee report described in Section 38.2 of this act. The Office of State Budget and
50 Management shall ensure that those funds are used only for State Retirement System
51 contribution increases.

1 **SECTION 35.15.(b)** If the Director of the Budget determines that funds
2 appropriated to a State agency for increases exceed the amount required by that agency for that
3 purpose, the Director may reallocate those funds to other State agencies that received
4 insufficient funds for State Retirement System contribution increases.

5 **SECTION 35.15.(c)** No later than October 1, 2014, the Office of State Budget and
6 Management shall report to the Joint Legislative Commission on Governmental Operations on
7 the expenditure of funds for State Retirement System contribution increases. This report shall
8 include at least the following information for each State agency for the 2014-2015 fiscal year:

- 9 (1) The total amount of funds that the agency received for State Retirement
10 System contribution increases.
- 11 (2) The total amount of funds transferred from the agency to other State
12 agencies pursuant to subsection (b) of this section. This section of the report
13 shall identify the amounts transferred to each recipient State agency.
- 14 (3) The total amount of funds used by the agency for State Retirement System
15 contribution increases.
- 16 (4) The total amount of funds received by the agency for State Retirement
17 System contribution increases that are anticipated to revert at the end of the
18 fiscal year.

19
20 **ALTERNATIVE HEALTH BENEFIT COVERAGE FOR NONPERMANENT**
21 **FULL-TIME STATE EMPLOYEES**

22 **SECTION 35.16.(a)** Section 1 of S.L. 2013-324 is repealed. The amendment to
23 G.S. 135-48.43(a)(2) made in Section 4 of S.L. 2013-324 is repealed.

24 **SECTION 35.16.(b)** G.S. 135-48.22 reads as rewritten:

25 "**§ 135-48.22. Board powers and duties.**

26 The Board of Trustees shall have the following powers and duties:

- 27 (1) Approve benefit programs, as provided in G.S. 135-48.30(a)(2).
- 28 (2) Approve premium rates, co-pays, deductibles, and coinsurance percentages
29 and maximums for the Plan, as provided in G.S. 135-48.30(a)(2).
- 30 (2a) Approve the benefit program, premium rates, co-pays, deductibles, and
31 coinsurance percentages and maximums for the coverage offered under
32 G.S. 135-48.40(e).
- 33 (3) Oversee administrative reviews and appeals, as provided in G.S. 135-48.24.
- 34 (4) Approve large contracts, as provided in G.S. 135-48.33(a).
- 35 (5) Consult with and advise the State Treasurer as required by this Article and as
36 requested by the State Treasurer.
- 37 (6) Develop and maintain a strategic plan for the Plan."

38 **SECTION 35.16.(c)** G.S. 135-48.40 is amended by adding a new subsection to
39 read:

40 "(e) Other Contributory Coverage. – Any employee of an employing unit is eligible for
41 coverage under this section on a contributory basis, subject to the provisions of G.S. 135-48.43
42 and of this section, if (i) the employee's employing unit determines that the employee is a
43 full-time employee and (ii) the employee does not qualify for coverage under subdivision (1),
44 (5), (6), (7), (8), (9), or (10) of G.S. 135-48.40(b). For the purposes of this subsection, the
45 full-time status of an employee shall be determined by the employing unit, in its sole discretion,
46 in accordance with Section 4980H of the Internal Revenue Code and the applicable regulations,
47 as amended. The coverage offered and the contribution required for coverage under this section
48 shall be determined by the Treasurer and approved by the Board of Trustees. Such coverage
49 shall do all of the following:

- 1 (1) Be designed to meet the requirements of minimum essential coverage under
- 2 the Patient Protection and Affordable Care Act, P.L. 111-148, and the
- 3 applicable regulations, as amended (Affordable Care Act).
- 4 (2) Provide no greater coverage than a bronze-level plan, as defined under the
- 5 Affordable Care Act.
- 6 (3) Minimize the required employer contribution in an administratively feasible
- 7 manner."

8 **SECTION 35.16.(d)** G.S. 135-48.43 (a)(2) reads as rewritten:

9 "(2) New employees may apply for coverage to be effective on the first day of

10 the month following employment, or on a like date the following month if

11 the employee has ~~enrolled~~-enrolled, except that the effective date of

12 coverage for employees who become eligible in accordance with

13 G.S. 135-48.40(e) will be determined by the employing unit in a manner that

14 is consistent with section 4980H of the Internal Revenue Code and the

15 applicable regulations, as amended."

16 **SECTION 35.16.(e)** Article 1 of Chapter 116 of the General Statutes is amended

17 by adding the following new section:

18 **"§ 116-17.3. Health plans for nonretirement eligible employees.**

19 The university may establish or maintain, through the purchase of insurance or otherwise,

20 health plans or programs to provide medical, surgical, or hospital care and pharmacy benefits,

21 including dependent coverage, to employees who are not eligible for coverage under

22 subdivision (1), (5), (6), (7), (8), (9), or (10) of G.S. 135-48.40(b). If the university establishes a

23 plan under this section, then such employees are not eligible for coverage under

24 G.S. 135-48.40(e)."

25 **SECTION 35.16.(f)** Subsection (a) of this section is effective when this act

26 becomes law. Subsections (b) through (e) of this section become effective January 1, 2015, and

27 apply to plan years beginning on or after that date.

28

29 **SEPARATE INSURANCE BENEFITS PLAN FOR LAW ENFORCEMENT**

30 **SECTION 35.17.** Section 35.17(c) of S.L. 2013-360 reads as rewritten:

31 **"SECTION 35.17.(c)** For each fiscal year of the 2013-2015 fiscal biennium, the

32 Department of State Treasurer shall calculate the total compensation for which the Department

33 of Public Safety and Department of Justice have paid retirement contributions on behalf of

34 sworn law enforcement officers. The Department of State Treasurer shall multiply this total

35 compensation by five and forty hundredths percent (5.40%) for months during the 2013-2014

36 fiscal year and by ~~five and fifty-five hundredths percent (5.55%)~~ five and forty-nine hundredths

37 percent (5.49%) for months during the 2014-2015 fiscal year and shall ensure that the General

38 Fund is fully reimbursed for these costs by executing periodic transfers of the resulting amounts

39 from the Separate Insurance Benefits Plan established under G.S. 143-166.60 to the General

40 Fund."

41

42 **PART XXXVI. CAPITAL APPROPRIATIONS**

43

44 **CAPITAL APPROPRIATIONS/GENERAL FUND**

45 **SECTION 36.1.** Section 36.2(a) of S.L. 2013-360 reads as rewritten:

46 **"SECTION 36.2.(a)** There is appropriated from the General Fund for the 2013-2015 fiscal

47 biennium the following amounts for capital improvements:

48 Capital Improvements – General Fund	49 2013-2014	50 2014-2015
51 Department of Administration		
Sandhills State Veterans Facility – Committal		

1	Enclosure	\$ 125,000	-
2	Goldsboro State Veterans' Cemetery	600,000	-
3			
4	<u>Department of Agriculture and Consumer Services</u>		
5	<u>Western NC Agricultural Center – McGough Arena Roof</u>		<u>\$ 2,000,000</u>
6			
7	<u>Department of Cultural Resources</u>		
8	<u>USS North Carolina Battleship Hull Repairs</u>		<u>3,000,000</u>
9			
10	Department of Environment and Natural Resources		
11	Water Resources Development Projects	11,522,000	<u>5,810,000</u>
12			
13	Department of Justice		
14	Western Crime Lab Planning	1,442,000	-
15			
16	Department of Public Safety		
17	Samarkand Training Facility	5,250,000	5,173,000
18	National Guard	5,000,000	3,250,000
19			
20	<u>Office of State Budget and Management-Special Appropriations</u>		
21	<u>NC History Museum Challenge Grant</u>		<u>1,000,000</u>
22	<u>Outer Banks Land Management Reserve</u>		<u>3,000,000</u>
23			
24	The University of North Carolina System		
25	University of North Carolina Asheville –		
26	Land Purchases	2,000,000	-
27	Appalachian State University – Health Sciences		
28	Building Advance Planning	2,000,000	-
29			
30	TOTAL CAPITAL IMPROVEMENTS –		
31	GENERAL FUND	\$ 27,939,000	<u>\$8,423,000</u>
32			<u>\$23,233,000"</u>
33			

WATER RESOURCES DEVELOPMENT PROJECTS

SECTION 36.2.(a) The Department of Environment and Natural Resources shall allocate funds for water resources development projects in accordance with the schedule that follows. The amounts set forth in the schedule include funds appropriated in this act for water resources development projects and funds carried forward from previous fiscal years in accordance with subsection (b) of this section. These funds will provide a State match for an estimated nine million six hundred fifty thousand dollars (\$9,650,000) in federal funds.

42	Name of Project		2014-2015
43	(1) B. Everett Jordan Lake Water Supply Storage		\$ 200,000
44	(2) Wilmington Harbor Maintenance – Disposal Area 8 & 10		4,000,000
45	(3) Morehead City Harbor Maintenance		-
46	(4) Wilmington Harbor Deepening		600,000
47	(5) Wilmington Harbor Improvements Feasibility Study		200,000
48	(6) Natural Resources Conservation Service (NRCS) Equipment Projects		2,000,000
49	(7) Planning Assistance to Communities		25,000
50	(8) Hookerton, NC – Stream Bank Erosion Repair (Sec 14)		410,000
51	(9) State/Local Water Resource Development Grants		1,000,000

1
2 **TOTALS** **\$ 8,435,000**

3
4 **SECTION 36.2.(b)** It is the intent of the General Assembly that funds carried
5 forward from previous fiscal years be used to supplement the five million eight hundred ten
6 thousand dollars (\$5,810,000) appropriated for water resources development projects in Section
7 36.2(a) of S.L. 2013-360, as amended by Section 36.1(a) of this section. Therefore, the
8 following funds carried forward from previous fiscal years shall be used for the following
9 projects:

11 Name of Project	11 Amount Carried Forward
12 (1) Wilmington Harbor Maintenance – Disposal Area 8 & 10	\$ 2,000,000
13 (2) Wilmington Harbor Deepening	600,000
14 (3) Planning Assistance to Communities	25,000

15
16 **TOTALS** **\$ 2,625,000**

17 **SECTION 36.2.(c)** Where the actual costs are different from the estimated costs
18 under subsection (a) of this section, the Department may adjust the allocations among projects
19 as needed. If any projects funded under subsection (a) of this section are delayed and the
20 budgeted State funds cannot be used during the 2014-2015 fiscal year or if the projects funded
21 under subsection (a) of this section are accomplished at a lower cost, the Department may use
22 the resulting fund availability to fund any of the following:

- 23 (1) U.S. Army Corps of Engineers project feasibility studies.
- 24 (2) U.S. Army Corps of Engineers projects whose schedules have advanced and
25 require State-matching funds in the 2014-2015 fiscal year.
- 26 (3) State-local water resources development projects.

27 Funds subject to this subsection that are not expended or encumbered for the
28 purposes set forth in subdivisions (1) through (3) of this subsection shall revert to the General
29 Fund at the end of the 2015-2016 fiscal year.

30 **SECTION 36.2.(d)** The Department shall make semiannual reports on the use of
31 these funds to the Joint Legislative Commission on Governmental Operations, the Fiscal
32 Research Division, and the Office of State Budget and Management. Each report shall include
33 all of the following:

- 34 (1) All projects listed in this section.
- 35 (2) The estimated cost of each project.
- 36 (3) The date that work on each project began or is expected to begin.
- 37 (4) The date that work on each project was completed or is expected to be
38 completed.
- 39 (5) The actual cost of each project.

40 The semiannual reports also shall show those projects advanced in schedule, those
41 projects delayed in schedule, and an estimate of the amount of funds expected to revert to the
42 General Fund.

43 **SECTION 36.2.(e)** Notwithstanding any provision of law to the contrary, funds
44 appropriated for a water resources development project shall be used to provide no more than
45 fifty percent (50%) of the nonfederal portion of funds for the project. This subsection applies to
46 funds appropriated in this act and to funds appropriated prior to the 2013-2015 fiscal biennium
47 that are unencumbered and proposed for reallocation to provide the nonfederal portion of funds
48 for water resources development projects. The limitation on fund usage contained in this
49 subsection applies only to projects in which a local government or local governments
50 participate.

NON-GENERAL FUND CAPITAL IMPROVEMENT AUTHORIZATIONS

SECTION 36.3. The General Assembly authorizes the following capital projects to be funded with receipts or from other non-General Fund sources available to the appropriate department:

Name of Project	Amount of Non-General Fund Funding Authorized for FY 2014-2015
Department of Administration	
Salisbury Veteran Home Renovation	\$ 3,715,000
Department of Agriculture and Consumer Services	
Alexander County Head Quarters Site Development and Modular Placement	210,000
Alexander County Office Purchase	100,000
Tidewater Research Station – Deer Fence	20,000
DuPont Recreational State Forest – Trail Improvement	100,000
Raleigh Farmers Market	
Parking	200,000
New Vendor Building	700,000
Research Stations	
Safety Improvements	80,000
Land Acquisitions	1,000,000
Jordan Lake Classroom Development and Modular Placement	75,000
Western North Carolina Agricultural Center	
Livestock Improvements	3,000,000
E&F Barns Roof Replacements	500,000
North Carolina State Fairgrounds	
HVAC Improvements	1,500,000
Renovations to Existing Buildings	2,000,000
Infrastructure Repairs	1,550,000
Horse Complex Improvements	2,000,000
Mountain Island Educational Forest – Visitor and Interpretive Center	3,000,000
Holmes Educational State Forest – Repair and Renovation of Facilities	15,000
Tuttle Education Forest – Repair and Renovation of Facilities	15,000
Piedmont Research Station – New Bridge	200,000
Western North Carolina Farmers Market – Paving Improvements	100,000
Rendezvous Mountain Education State Forest – Repair and Renovation	15,000
Department of Cultural Resources	
Museum of Art – East Building Technology Improvement	1,118,750
Department of Justice	
Raleigh Crime Lab Renovation	807,000
Department of Public Safety	
Caledonia Farms Grain Station	361,340
Maury Correctional Institution – Industrial Area Uplift	2,830,499
Raleigh Facilities Maintenance – Latrine Renovations	165,000
Raleigh Troop Motor Pool – Latrine Renovations	130,000
Camp Butner Training Site	
Range Control Building	738,000
Training Building	495,000
Multipurpose Building	800,000
Water Tower and System Improvements	494,000
Land Buffer Acquisitions	300,000
Youngsville Field Maintenance Shop – Lighting Upgrade	95,000
High Point Field Maintenance Shop	

1	Office and Storage Building	525,000
2	Military Owned Vehicle Lot Paving	525,000
3	Morrisville Army Aviation Support Facility	
4	Latrine Renovations	88,000
5	Guard Shack and Access Improvements	525,000
6	Fort Bragg Regional Training Site	
7	Fire Alarm System	27,000
8	Wash Rack Addition	525,000
9	Red Springs Field Maintenance Shop Expansion	788,000
10	Winston-Salem Field Maintenance Shop – Addition and Alteration	775,000
11	Wildlife Resources Commission	
12	Land Acquisition	3,750,000
13	Fishing Access Areas – New Construction	200,000
14	Boating Access Areas	
15	New Construction	900,000
16	Renovations	900,000
17	Balsam Depot – Renovation	1,300,000
18		
19	TOTAL AMOUNT OF NON-GENERAL FUND CAPITAL	
20	PROJECTS AUTHORIZED	\$39,257,589

JUVENILE FACILITIES PROJECTS

SECTION 36.4.(a) Notwithstanding G.S. 143C-4-3, of the funds allocated to the Department of Public Safety from the Reserve for Repairs and Renovations for the 2013-2014 fiscal year, the sum of one million seven hundred seventy-four thousand dollars (\$1,774,000) for Dobbs Youth Development Center Kitchen Renovations may be used by the Department to support construction, expansions, renovations, and repairs necessary to implement the Department's 2014 Juvenile Justice Facilities Strategic Plan.

SECTION 36.4.(b) Section 16D.9 of S.L. 2013-360 is repealed.

USE OF CERTAIN FUNDS CARRIED FORWARD BY UNC FOR CAPITAL PROJECTS

SECTION 36.5. G.S. 143C-8-12 reads as rewritten:

"§ 143C-8-12. University system capital improvement projects from sources that are not General Fund sources: approval of new project or change in scope of existing project.

(a) Notwithstanding any other provision of this Chapter, the Board of Governors of The University of North Carolina may approve: (i) expenditures to plan a capital improvement project of The University of North Carolina the planning for which is to be funded entirely with non-General Fund money, (ii) expenditures for a capital improvement project of The University of North Carolina that is to be funded and operated entirely with non-General Fund money, or (iii) a change in the scope of any previously approved capital improvement project of The University of North Carolina provided that both the project and change in scope are funded entirely with non-General Fund money. The Board of Governors shall report any expenditure made pursuant to this section to the Office of State Budget and Management and to the Joint Legislative Commission on Governmental Operations.

(b) For purposes of this section, the term "non-General Fund money" includes funds carried forward from one fiscal year to another pursuant to G.S. 116-30.3 and G.S. 116-30.3B. These funds shall only be used for projects listed in G.S. 143C-4-3(b)."

1 **REPEAL UNC CHANCELLORS' AUTHORITY TO APPROVE CERTAIN**
2 **MAINTENANCE PROJECTS**

3 **SECTION 36.6.** G.S. 116-13.1 reads as rewritten:

4 "**§ 116-13.1. Capital facilities; reports; chancellors may authorize certain repair,**
5 **renovation, and maintenance projects.**facilities; reports.

6 ...
7 (e) ~~Approval of Certain Repair and Maintenance Projects. Notwithstanding~~
8 ~~G.S. 143C-8-7, the chancellor of a constituent institution may approve the expenditure of~~
9 ~~available operating funds in an amount not to exceed one million dollars (\$1,000,000) per~~
10 ~~project for projects that are of a type listed in G.S. 143C-4-3(b) and that are for State facilities~~
11 ~~and related infrastructure that are supported from the General Fund. Funds contractually~~
12 ~~obligated to an approved project shall not revert at the end of the fiscal year and will remain~~
13 ~~available to fund the completion of the project. Projects approved pursuant to this subsection~~
14 ~~shall in all other respects accord with applicable laws governing capital improvement projects.~~
15 ~~The chancellor of a constituent institution shall report the approval of an expenditure under this~~
16 ~~subsection to the Office of State Budget and Management and to the Fiscal Research Division~~
17 ~~of the Legislative Services Commission within 60 days of the approval."~~

18
19 **EXPAND UNC LEASING AUTHORITY**

20 **SECTION 36.7.(a)** G.S. 116-198.34(5) reads as rewritten:

21 "**§ 116-198.34. General powers of Board of Governors.**

22 The Board may exercise any one or more of the following powers:

23 ...

24 (5) To acquire, hold, lease, and dispose of real and personal property in the
25 exercise of its powers and the performance of its duties hereunder and to
26 lease all or any part of any project or projects and any existing facilities upon
27 such terms and conditions as the Board determines, subject to the provisions
28 of G.S. 143-341 and Chapter 146 of the General Statutes.

29 Notwithstanding G.S. 143-341 and Chapter 146 of the General Statutes, an
30 acquisition for a period of 10 years or less or a disposition of ~~65 years~~ 99
31 years or less by easement, lease, or rental agreement of real property or
32 space in any building on the Centennial Campus, on the Horace Williams
33 Campus, on a Millennial Campus, or on a Kannapolis Research Campus
34 shall not require the approval of the Governor and the Council of State. The
35 Board shall report the acquisitions or dispositions described in this paragraph
36 of this subdivision to the Department of Administration for inclusion in the
37 inventory maintained by Department pursuant to G.S. 143-341(4)a. and b.
38 and the information regarding those transactions that is required by
39 G.S. 143-341(4)a. and b. All other acquisitions and dispositions made under
40 this subdivision for a period in excess of the terms described in this
41 paragraph of this subdivision are subject to the provisions of G.S. 143-341
42 and Chapter 146 of the General Statutes."

43 **SECTION 36.7.(b)** Section 11.10(b) of S.L. 2013-360, as amended by Section
44 3.12 of S.L. 2013-363, reads as rewritten:

45 "**SECTION 11.10.(b)** ~~This section expires June 30, 2015.~~ Subsection (d) of Section 9.10 of
46 S.L. 2012-142 is repealed."

47
48 **INCREASE NATIONAL GUARD FLEXIBILITY WITH RESPECT TO CERTAIN**
49 **CAPITAL PROJECTS**

50 **SECTION 36.8.(a)** G.S. 143C-8-12, as amended by Section 36.5 of this act, reads
51 as rewritten:

1 ~~"§ 143C-8-12. University system capital~~Capital improvement projects from sources that
2 ~~are not General Fund sources: approval of new project or change in scope of~~
3 ~~existing project other than the General Fund.~~

4 (a) University Projects. – Notwithstanding any other provision of this Chapter, the
5 Board of Governors of The University of North Carolina may approve: (i) expenditures to plan
6 a capital improvement project of The University of North Carolina the planning for which is to
7 be funded entirely with non-General Fund money, (ii) expenditures for a capital improvement
8 project of The University of North Carolina that is to be funded and operated entirely with
9 non-General Fund money, or (iii) a change in the scope of any previously approved capital
10 improvement project of The University of North Carolina provided that both the project and
11 change in scope are funded entirely with non-General Fund money. The Board of Governors
12 shall report any expenditure made pursuant to this section to the Office of State Budget and
13 Management and to the Joint Legislative Commission on Governmental Operations.approve
14 any of the following:

15 (1) Expenditures to plan a capital improvement project of The University of
16 North Carolina, the planning for which is to be funded entirely with
17 non-General Fund money.

18 (2) Expenditures for a capital improvement project of The University of North
19 Carolina that is to be funded and operated entirely with non-General Fund
20 money.

21 (3) A change in the scope of any previously approved capital improvement
22 project of The University of North Carolina provided that both the project
23 and change in scope are funded entirely with non-General Fund money.

24 (b) Carryforward Funds. – For purposes of this section, the term 'non-General Fund
25 money' includes funds carried forward from one fiscal year to another pursuant to
26 G.S. 116-30.3 and G.S. 116-30.3B. These funds shall only be used for projects listed in
27 G.S. 143C-4-3(b).

28 (c) National Guard Projects. – Notwithstanding any other provision of this Chapter, the
29 North Carolina National Guard may approve expenditures for a capital project of the North
30 Carolina National Guard but only if (i) the project will be funded entirely with federal funds
31 and (ii) any operating costs associated with the project will be paid entirely with federal funds.

32 (d) Reporting. – The Board of Governors and the National Guard shall report any
33 expenditure made pursuant to this section to the Office of State Budget and Management and to
34 the Joint Legislative Commission on Governmental Operations."

35 **SECTION 36.8.(b)** Section 36.11(c) of S.L. 2013-360 reads as rewritten:

36 **"SECTION 36.11.(c)** Where the actual costs are different from the estimated costs under
37 subsection (a) of this section, the Adjutant General of the National Guard may adjust the
38 allocations among projects as needed. However, State funds shall not be allocated to a project
39 in excess of the maximum amount of State funds authorized to be allocated to the project under
40 subsection (a) of this section. If any projects funded under subsection (a) of this section are
41 delayed or cancelled and the budgeted State funds cannot be used during the 2013-2015 fiscal
42 biennium, or if the projects funded under subsection (a) of this section are accomplished at a
43 lower cost, the Department may use the resulting fund availability to fund any of the following:

44 (1) Future project feasibility studies.

45 (2) Survey, testing, and permitting.

46 (3) Planning and execution for reversion of facilities no longer in use.

47 (4) Armory and facilities projects approved by the Congress of the United States
48 that are not listed in subsection (a) of this section and that require State-
49 matching funds."

50 **SECTION 36.8.(c)** Article 8 of Chapter 143 of the General Statutes is amended by
51 adding a new section to read:

1 **"§ 143-129.6. Exemption for certain training projects of the North Carolina National**
2 **Guard.**

3 Expenditures, excluding design fees, for a capital project, construction, or repair work (i)
4 that is for training purposes and for a single exercise or undertaking at a National Guard
5 facility; (ii) that has a total cost that does not exceed applicable federal limits; and (iii) that will
6 be funded entirely with federal funds, shall not be subject to this Article."
7

8 **MUSEUM OF HISTORY CHALLENGE GRANT/EXPANSIONS, RENOVATIONS,**
9 **AND EXHIBITS**

10 **SECTION 36.9.(a)** The funds appropriated in this act to the Office of State Budget
11 and Management-Special Appropriations for the North Carolina Museum of History Challenge
12 Grant shall be allocated to the North Carolina Museum of History upon the Museum's raising
13 of the sum of one million dollars (\$1,000,000) in non-State funding.

14 **SECTION 36.9.(b)** The General Assembly authorizes expansions, renovations, and
15 exhibit designs at the North Carolina Museum of History to be funded at a maximum cost of
16 two million dollars (\$2,000,000) with funds allocated to the North Carolina Museum of History
17 pursuant to subsection (a) of this section and non-State funding raised pursuant to that
18 subsection. All non-State funds shall be spent before any State funds are spent on this project.
19

20 **USS NORTH CAROLINA BATTLESHIP HULL REPAIRS**

21 **SECTION 36.10.** The General Assembly authorizes USS North Carolina
22 Battleship hull repairs to be funded at a maximum cost of thirteen million dollars (\$13,000,000)
23 in accordance with this section. The sum of three million dollars (\$3,000,000) of funds
24 appropriated in Section 36.2(a) of S.L. 2013-360, as amended by Section 36.1(a) of this act,
25 shall be used for this project. The remainder of the project shall be funded with receipts or from
26 other non-General Fund sources available to the Department of Cultural Resources, and those
27 funds are hereby appropriated for that purpose.
28

29 **USE OF UNSPENT FUNDS FOR MCGOUGH ARENA ROOF REPAIRS**

30 **SECTION 36.11.** Funds appropriated in Section 36.2(a) of S.L. 2013-360, as
31 amended by Section 36.1(a) of this act, for repairs to the roof of the McGough Arena at the
32 Western North Carolina Agricultural Center that remain unspent and unencumbered after
33 completion of that project may be used for projects at the State Fair Grounds that are of a type
34 listed in G.S. 143C-4-3(b).
35

36 **TWO-THIRDS BONDS ACT OF 2014**

37 **SECTION 36.12.(a)** Short Title. – This section may be cited as the "Two-Thirds
38 Bonds Act of 2014."

39 **SECTION 36.12.(b)** Findings and Determinations. – It is the intent and purpose of
40 the General Assembly by this section to provide for the issuance of general obligation bonds or
41 notes of the State in order to provide funds for the cost of State capital facilities.

42 **SECTION 36.12.(c)** Definitions. – The following definitions apply in this section
43 unless the context otherwise requires:

44 (1) Bonds. – Bonds issued under this section.

45 (2) Cost. – The term includes all of the following:

- 46 a. The cost of constructing, reconstructing, renovating, repairing,
47 enlarging, acquiring, and improving State capital facilities, including
48 the acquisition of land, rights-of-way, easements, franchises,
49 equipment, machinery, furnishings, and other interests in real or
50 personal property acquired or used in connection with a State capital
51 facility.

- 1 b. The cost of engineering, architectural, and other consulting services
2 as may be required.
- 3 c. Administrative expenses and charges.
- 4 d. The cost of providing personnel to ensure effective project
5 management.
- 6 e. The cost of bond insurance, investment contracts, credit enhancement
7 and liquidity facilities, interest-rate swap agreements or other
8 derivative products, financial and legal consultants, and related costs
9 of bond and note issuance, to the extent and as determined by the
10 State Treasurer.
- 11 f. Finance charges, reserves for debt service, and other types of
12 reserves required pursuant to the terms of any bond or note or related
13 documents, interest before and during construction or acquisition of a
14 State capital facility and, if considered advisable by the State
15 Treasurer, for a period not exceeding two years after the estimated
16 date of completion of construction or acquisition.
- 17 g. The cost of bond insurance, investment contracts, credit enhancement
18 facilities and liquidity facilities, interest-rate swap agreements or
19 other derivative products, financial and legal consultants, and related
20 costs of the incurrence or issuance of any bond or note.
- 21 h. The cost of reimbursing the State for any payments made for any cost
22 described in this subdivision.
- 23 i. Any other costs and expenses necessary or incidental to the purposes
24 of this section.
- 25 (3) Credit facility. – An agreement entered into by the State Treasurer on behalf
26 of the State with a bank, savings and loan association or other banking
27 institution, an insurance company, reinsurance company, surety company or
28 other insurance institution, a corporation, investment banking firm or other
29 investment institution, or any financial institution or other similar provider
30 of a credit facility, which provider may be located within or without the
31 United States, such agreement providing for prompt payment of all or any
32 part of the principal or purchase price (whether at maturity, presentment or
33 tender for purchase, redemption or acceleration), redemption premium, if
34 any, and interest on any bonds or notes payable on demand or tender by the
35 owner, in consideration of the State agreeing to repay the provider of the
36 credit facility in accordance with the terms and provisions of such
37 agreement.
- 38 (4) Notes. – Notes issued under this section.
- 39 (5) Par formula. – A provision or formula adopted by the State to provide for the
40 adjustment, from time to time, of the interest rate or rates borne by any
41 bonds or notes, including:
- 42 a. A provision providing for such adjustment so that the purchase price
43 of such bonds or notes in the open market would be as close to par as
44 possible.
- 45 b. A provision providing for such adjustment based upon a percentage
46 or percentages of a prime rate or base rate, which percentage or
47 percentages may vary or be applied for different periods of time.
- 48 c. Such other provision as the State Treasurer may determine to be
49 consistent with this act and will not materially and adversely affect
50 the financial position of the State and the marketing of bonds or notes
51 at a reasonable interest cost to the State.

1 (6) State. – The State of North Carolina, including any State agency.

2 (7) State agency. – Any agency, institution, board, commission, bureau, council,
3 department, division, officer, or employee of the State. The term does not
4 include counties, municipal corporations, political subdivisions, local boards
5 of education, or other local public bodies.

6 **SECTION 36.12.(d)** Authorization of Bonds and Notes. – The State Treasurer is
7 authorized, by and with the consent of the Council of State, to issue and sell at one time or from
8 time to time general obligation bonds of the State to be designated "State of North Carolina
9 General Obligation Bonds," with any additional designations as may be determined, or notes of
10 the State, in the aggregate principal amount of up to two hundred twenty-one million four
11 hundred thousand dollars (\$221,400,000), this amount being not in excess of two thirds of the
12 amount by which the State's outstanding indebtedness was reduced during the biennium ended
13 June 30, 2013, for the purpose of providing funds, with any other available funds, for the
14 purposes authorized by this section.

15 **SECTION 36.12.(e)** Uses of Bond and Note Proceeds. – The proceeds of bonds
16 and notes shall be used for financing the cost of State capital facilities as provided in this
17 section. Any additional moneys which may be received by grant from the United States of
18 America or any agency or department thereof or from any other source to aid in financing the
19 cost of any State capital facilities authorized by this section may be placed by the State
20 Treasurer in a separate fund or funds and shall be disbursed, to the extent permitted by the
21 terms of the grant, without regard to any limitations imposed by this section.

22 The proceeds of bonds and notes may be used with any other moneys made
23 available by the General Assembly for the cost of State capital facilities, including the proceeds
24 of any other State bond or special indebtedness issues, whether heretofore made available or
25 which may be made available at the session of the General Assembly at which this section is
26 ratified or any subsequent sessions. The proceeds of bonds and notes shall be expended and
27 disbursed under the direction and supervision of the Director of the Budget. The funds provided
28 by this section shall be disbursed for the purposes provided in this section upon warrants drawn
29 on the State Treasurer by the State Controller, which warrants shall not be drawn until
30 requisition has been approved by the Director of the Budget and which requisition shall be
31 approved only after full compliance with the State Budget Act, Chapter 143C of the General
32 Statutes.

33 The Office of State Budget and Management shall provide semiannual reports to the
34 Chairs of the Senate and House of Representatives Appropriation Committees and to the Fiscal
35 Research Division on the expenditure of moneys authorized by this section. The reports shall
36 continue until the completion of the projects provided for in this section.

37 **SECTION 36.12.(f)** Allocation of Proceeds. – The proceeds of bonds and notes
38 shall be allocated and expended as provided in this subsection:

39 (1) A maximum aggregate principal amount of fifteen million four hundred
40 thousand dollars (\$15,400,000) to finance the capital facility costs of a
41 Western Crime Lab.

42 (2) A maximum aggregate principal amount of two hundred six million dollars
43 (\$206,000,000) to finance the capital facility costs of projects previously
44 authorized or subsequently to be authorized by the General Assembly to be
45 financed pursuant to Article 9 of Chapter 142 of the General Statutes but for
46 which some or all of the amount of bonds authorized to be issued under that
47 Article have not yet been issued. To the extent that bonds and notes are
48 issued pursuant to this subdivision, there shall be a corresponding reduction
49 in the amount of debt that has been authorized to be issued, but has not been
50 issued pursuant to Article 9 of Chapter 142 of the General Statutes.

51 **SECTION 36.12.(g)** Issuance of bonds and notes. –

- 1 (1) Terms and conditions. – Bonds or notes may bear a date or dates, may be
2 serial or term bonds or notes, or any combination thereof, may mature in
3 such amounts and at such time or times, not exceeding 40 years from their
4 date or dates, may be payable at such place or places, either within or
5 without the United States of America, in such coin or currency of the United
6 States of America as at the time of payment is legal tender for payment of
7 public and private debts, may bear interest at such rate or rates, which may
8 vary from time to time, and may be made redeemable before maturity, at the
9 option of the State or otherwise as may be provided by the State, at such
10 price or prices, including a price less than or greater than the face amount of
11 the bonds or notes, and under such terms and conditions, all as may be
12 determined by the State Treasurer, by and with the consent of the Council of
13 State.
- 14 (2) Signatures; form and denomination; registration. – Bonds or notes may be
15 issued in certificated or uncertificated form. If issued in certificated form,
16 bonds or notes shall be signed on behalf of the State by the Governor or shall
17 bear the Governor's facsimile signature, shall be signed by the State
18 Treasurer or shall bear the State Treasurer's facsimile signature, and shall
19 bear the Great Seal of the State, or a facsimile of the Seal shall be impressed
20 or imprinted thereon. If bonds or notes bear the facsimile signatures of the
21 Governor and the State Treasurer, the bonds or notes shall also bear a
22 manual signature which may be that of a bond registrar, trustee, paying agent
23 or designated assistant of the State Treasurer. Should any officer whose
24 signature or facsimile signature appears on bonds or notes cease to be such
25 officer before the delivery of the bonds or notes, the signature or facsimile
26 signature shall nevertheless have the same validity for all purposes as if the
27 officer had remained in office until delivery. Bonds or notes may bear the
28 facsimile signatures of persons who at the actual time of the execution of the
29 bonds or notes shall be the proper officers to sign any bond or note, although
30 at the date of the bond or note such persons may not have been such officers.
31 The form and denomination of bonds or notes, including the provisions with
32 respect to registration of the bonds or notes and any system for their
33 registration, shall be as the State Treasurer may determine in conformity
34 with this section.
- 35 (3) Manner of sale; expenses. – Subject to the approval by the Council of State
36 as to the manner in which bonds or notes shall be offered for sale, whether at
37 public or private sale, whether within or without the United States, and
38 whether by publishing notices in certain newspapers and financial journals,
39 mailing notices, inviting bids by correspondence, negotiating contracts of
40 purchase or otherwise, the State Treasurer is authorized to sell bonds or
41 notes at one time or from time to time at any rates of interest, which may
42 vary from time to time, and at any prices, including a price less than or
43 greater than the face amount of the bonds or notes, as the State Treasurer
44 may determine. All expenses incurred in the preparation, sale, and issuance
45 of bonds or notes shall be paid by the State Treasurer from the proceeds of
46 bonds or notes or other available moneys.
- 47 (4) Notes; repayment. –
48 a. By and with the consent of the Council of State, the State Treasurer
49 is hereby authorized to borrow money and to execute and issue notes
50 of the State for the same, but only in the following circumstances and
51 under the following conditions:

- 1 1. For anticipating the sale of bonds, the issuance of which the
2 Council of State has approved, if the State Treasurer
3 considers it advisable to postpone the issuance of the bonds;
- 4 2. For the payment of interest on or any installment of principal
5 of any bonds then outstanding, if there are not sufficient
6 funds in the State treasury with which to pay the interest or
7 installment of principal as they respectively become due;
- 8 3. For the renewal of any loan evidenced by notes authorized in
9 this section;
- 10 4. For the purposes authorized in this section; and
- 11 5. For refunding bonds or notes as authorized in this section.
- 12 b. Funds derived from the sale of bonds or notes may be used in the
13 payment of any bond anticipation notes issued under this section.
14 Funds provided by the General Assembly for the payment of interest
15 on or principal of bonds shall be used in paying the interest on or
16 principal of any notes and any renewals thereof, the proceeds of
17 which shall have been used in paying interest on or principal of the
18 bonds.
- 19 (5) Refunding bonds and notes. – By and with the consent of the Council of
20 State, the State Treasurer is authorized to issue and sell refunding bonds and
21 notes pursuant to the provisions of the State Refunding Bond Act for the
22 purpose of refunding bonds or notes issued pursuant to this section. The
23 refunding bonds and notes may be combined with any other issues of State
24 bonds and notes similarly secured. Refunding bonds or notes may be issued
25 at any time prior to the final maturity of the debt obligation to be refunded.
26 The proceeds from the sale of any refunding bonds or notes shall be applied
27 to the immediate payment and retirement of the bonds or notes being
28 refunded or, if not required for the immediate payment of the bonds or notes
29 being refunded, the proceeds shall be deposited in trust to provide for the
30 payment and retirement of the bonds or notes being refunded and to pay any
31 expenses incurred in connection with the refunding. Money in a trust fund
32 may be invested in (i) direct obligations of the United States government, (ii)
33 obligations the principal of and interest on which are guaranteed by the
34 United States government, (iii) obligations of any agency or instrumentality
35 of the United States government if the timely payment of principal and
36 interest on the obligations is unconditionally guaranteed by the United States
37 government or (iv) certificates of deposit issued by a bank or trust company
38 located in the State if the certificates are secured by a pledge of any of the
39 obligations described in (i), (ii), or (iii) above having an aggregate market
40 value, exclusive of accrued interest, equal at least to the principal amount of
41 the certificates so secured. This section does not limit the duration of any
42 deposit in trust for the retirement of bonds or notes being refunded but that
43 have not matured and are not presently redeemable, or if presently
44 redeemable, have not been called for redemption.
- 45 (6) Tax exemption. – Bonds and notes shall at all times be free from taxation by
46 the State or any political subdivision or any of their agencies, excepting
47 estate, inheritance or gift taxes, income taxes on the gain from the transfer of
48 bonds or notes, and franchise taxes. The interest on bonds or notes is not
49 subject to taxation as income.
- 50 (7) Investment eligibility. – Bonds and notes are securities in which all of the
51 following may invest, including capital in their control or belonging to them:

1 public officers, agencies, and public bodies of the State and its political
2 subdivisions, all insurance companies, trust companies, investment
3 companies, banks, savings banks, savings and loan associations, credit
4 unions, pension or retirement funds, other financial institutions engaged in
5 business in the State, executors, administrators, trustees, and other
6 fiduciaries. Bonds and notes are hereby made securities which may properly
7 and legally be deposited with and received by any officer or agency of the
8 State or political subdivision of the State for any purpose for which the
9 deposit of bonds, notes, or obligations of the State or any political
10 subdivision is now or may hereafter be authorized by law.

11 (8) Faith and credit. – The faith and credit and taxing power of the State are
12 hereby pledged for the payment of the principal of and the interest on bonds
13 and notes. The State expressly reserves the right to amend any provision of
14 this section to the extent it does not impair any contractual right of a bond
15 owner.

16 (9) Other agreements. – The State Treasurer may authorize, execute, obtain, or
17 otherwise provide for bond insurance, investment contracts, credit and
18 liquidity facilities, interest rate swap agreements and other derivative
19 products, and any other related instruments and matters the State Treasurer
20 determines are desirable in connection with issuance, incurrence, carrying,
21 or securing of bonds or notes. The State Treasurer is authorized to employ
22 and designate any financial consultants, underwriters, and bond attorneys to
23 be associated with any bond or note issue under this section as the State
24 Treasurer considers necessary.

25 **SECTION 36.12.(h) Variable Rate Demand Bonds and Notes.** – In fixing the
26 details of bonds and notes, the State Treasurer may provide that any of the bonds or notes may:

27 (1) Be made payable from time to time on demand or tender for purchase by the
28 owner, if a credit facility supports the bonds or notes, unless the State
29 Treasurer specifically determines that a credit facility is not required upon a
30 finding and determination by the State Treasurer that the absence of a credit
31 facility will not materially and adversely affect the financial position of the
32 State and the marketing of the bonds or notes at a reasonable interest cost to
33 the State;

34 (2) Be additionally supported by a credit facility;

35 (3) Be made subject to redemption or a mandatory tender for purchase prior to
36 maturity;

37 (4) Bear interest at a rate or rates that may vary for any period of time, as may
38 be provided in the proceedings providing for the issuance of the bonds or
39 notes, including, without limitation, such variations as may be permitted
40 pursuant to a par formula; and

41 (5) Be made the subject of a remarketing agreement whereby an attempt is made
42 to remarket bonds or notes to new purchasers prior to their presentment for
43 payment to the provider of the credit facility or to the State.

44 If the aggregate principal amount payable by the State under a credit facility is in
45 excess of the aggregate principal amount of bonds or notes secured by the credit facility,
46 whether as a result of the inclusion in the credit facility of a provision for the payment of
47 interest for a limited period of time or the payment of a redemption premium or for any other
48 reason, then the amount of authorized but unissued bonds or notes during the term of such
49 credit facility shall not be less than the amount of such excess, unless the payment of such
50 excess is otherwise provided for by agreement of the State executed by the State Treasurer.

51 **SECTION 36.12.(i) Interpretation of Section.** –

- 1 (1) Additional method. – The foregoing sections of this section shall be deemed
2 to provide an additional and alternative method for the doing of the things
3 authorized under it and shall be regarded as supplemental and additional to
4 powers conferred by other laws, and shall not be regarded as in derogation of
5 any powers now existing.
- 6 (2) Statutory references. – References in this section to specific sections or
7 Chapters of the General Statutes or to specific acts are intended to be
8 references to such sections, Chapters, or acts as they may be amended from
9 time to time by the General Assembly.
- 10 (3) Broad construction. – This section, being necessary for the health and
11 welfare of the people of the State, shall be broadly construed to effect the
12 purposes thereof.
- 13 (4) Inconsistent provisions. – Insofar as the provisions of this section are
14 inconsistent with the provisions of any general, special, or local laws, or
15 parts thereof, the provisions of this section shall be controlling.
- 16 (5) Severability. – If any provision of this section or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the section which can be given effect
19 without the invalid provision or application, and to this end the provisions of
20 this section are declared to be severable.

21 **SECTION 36.12.(j)** This section is effective when it becomes law.
22

23 **USE OF FUNDS IN OUTER BANKS LAND MANAGEMENT RESERVE**

24 **SECTION 36.13.** Funds appropriated in Section 36.2(a) of S.L. 2013-360, as
25 amended by Section 36.1(a) of this act, to the Outer Banks Land Management Reserve shall be
26 transferred to the Outer Banks Land Management Fund created by G.S. 143-345.18A, as
27 enacted by Section 14.7(a) of this act, but only to the extent that the funds are needed to
28 purchase some or all of the property described in Section 14.7(h) of this act. Notwithstanding
29 G.S. 143-345.18A, as enacted by Section 14.7(a) of this act, these funds shall only be used to
30 pay the costs of acquiring the property described in Section 14.7(h) of this act. Any of the funds
31 that are not spent or encumbered for this purpose as of June 30, 2015, shall revert to the
32 General Fund.
33

34 **PART XXXVII. FINANCE PROVISIONS**

35 36 **CLARIFY "NET GENERAL FUND TAX COLLECTED" FOR PURPOSES OF THE** 37 **CORPORATE INCOME TAX RATE REDUCTION TRIGGER**

38 **SECTION 37.1.(a)** G.S. 105-130.3C reads as rewritten:

39 **"§ 105-130.3C. Rate reduction trigger.**

40 (a) Trigger. – If the amount of net General Fund tax collected in fiscal year 2014-2015
41 or fiscal year 2015-2016 exceeds the anticipated General Fund tax collections targeted amount
42 for that fiscal year, the rate of tax set in G.S. 105-130.3 may be decreased in accordance with
43 this section effective for the taxable year that begins on the following January 1. ~~The amount of~~
44 ~~net General Fund tax collected for a fiscal year is the amount reported by the State Controller in~~
45 ~~the State's Comprehensive Annual Financial Report, required to be prepared under~~
46 ~~G.S. 143B-426.39.~~ The Secretary must ~~monitor the net General Fund tax collections and~~ notify
47 taxpayers if the rate decreases under this section. The rate is decreased by one percent (1%) if
48 net General Fund tax collections for fiscal year 2014-2015 exceed the targeted amount of
49 twenty billion two hundred million dollars (\$20,200,000,000). The rate is decreased by one
50 percent (1%) if net General Fund tax collections for fiscal year 2015-2016 exceed the targeted
51 amount of twenty billion nine hundred seventy-five million dollars (\$20,975,000,000).

1 Effective for taxable years beginning on or after January 1, 2017, the rate of tax set in
2 G.S. 105-130.3 is the rate determined in accordance with this section.

3 (b) Tax Collections. – For purposes of this section, the amount of net General Fund tax
4 collected for a fiscal year is the amount of net revenue as reported by the Department of
5 Revenue's June Statement of Collection as "Total General Fund Revenue" for the 12-month
6 period that ended the previous June 30, modified as follows:

7 (1) Less any large one-time, nonrecurring revenue as reported to the Fiscal
8 Research Division of the General Assembly by the Department and verified
9 by the Fiscal Research Division of the General Assembly.

10 (2) Adjusted by any changes in net collections resulting from the suspension or
11 termination of transfers out of General Fund tax collections."

12 **SECTION 37.1.(b)** This section is effective when it becomes law.
13

14 **MODIFY COUNTY HOLD HARMLESS FOR REPEALED LOCAL TAXES**

15 **SECTION 37.2.(a)** Effective July 1, 2014, G.S. 105-523 reads as rewritten:

16 "**§ 105-523. County hold harmless for repealed local taxes.**

17 (a) Intent. – It is the intent of the General Assembly that each county benefit by at least
18 ~~five hundred thousand dollars (\$500,000)~~ three hundred seventy-five thousand dollars
19 (\$375,000) annually from the exchange of a portion of the local sales and use taxes for the
20 State's agreement to assume the responsibility for the non-administrative costs of Medicaid.

21 (b) Definitions. – The following definitions apply in this section:

22 ...

23 (2) Hold harmless threshold. – The amount of a county's Medicaid service costs
24 and Medicare Part D clawback payments assumed by the State under
25 G.S. 108A-54 for the fiscal year, less ~~five hundred thousand dollars~~
26 ~~(\$500,000)~~ three hundred seventy-five thousand dollars (\$375,000). A
27 county's Medicaid service costs for fiscal years 2008-2009, 2009-2010, and
28 2010-2011 are determined without regard to the changes made to the Federal
29 Medical Assistance Percentage by section 5001 of the American Recovery
30 and Reinvestment Act of 2009.

31"

32 **SECTION 37.2.(b)** Effective July 1, 2015, G.S. 105-523, as amended by
33 subsection (a) of this section, reads as rewritten:

34 "**§ 105-523. County hold harmless for repealed local taxes.**

35 (a) Intent. – It is the intent of the General Assembly that each county benefit by at least
36 ~~three hundred seventy-five thousand dollars (\$375,000)~~ two hundred fifty thousand dollars
37 (\$250,000) annually from the exchange of a portion of the local sales and use taxes for the
38 State's agreement to assume the responsibility for the non-administrative costs of Medicaid.

39 (b) Definitions. – The following definitions apply in this section:

40 ...

41 (2) Hold harmless threshold. – The amount of a county's Medicaid service costs
42 and Medicare Part D clawback payments assumed by the State under
43 G.S. 108A-54 for the fiscal year, less ~~three hundred seventy-five thousand~~
44 ~~dollars (\$375,000)~~ two hundred fifty thousand dollars (\$250,000). A county's
45 Medicaid service costs for fiscal years 2008-2009, 2009-2010, and
46 2010-2011 are determined without regard to the changes made to the Federal
47 Medical Assistance Percentage by section 5001 of the American Recovery
48 and Reinvestment Act of 2009.

49"

50 **SECTION 37.2.(c)** Effective July 1, 2016, G.S. 105-523, as amended by
51 subsection (b) of this section, reads as rewritten:

1 **"§ 105-523. County hold harmless for repealed local taxes.**

2 (a) Intent. – It is the intent of the General Assembly that each county benefit by at least
3 ~~two hundred fifty thousand dollars (\$250,000)~~ one hundred twenty-five thousand dollars
4 (\$125,000) annually from the exchange of a portion of the local sales and use taxes for the
5 State's agreement to assume the responsibility for the non-administrative costs of Medicaid.

6 (b) Definitions. – The following definitions apply in this section:

7 ...

8 (2) Hold harmless threshold. – The amount of a county's Medicaid service costs
9 and Medicare Part D clawback payments assumed by the State under
10 G.S. 108A-54 for the fiscal year, less ~~two hundred fifty thousand dollars~~
11 ~~(\$250,000)~~ one hundred twenty-five thousand dollars (\$125,000). A county's
12 Medicaid service costs for fiscal years 2008-2009, 2009-2010, and
13 2010-2011 are determined without regard to the changes made to the Federal
14 Medical Assistance Percentage by section 5001 of the American Recovery
15 and Reinvestment Act of 2009.

16"

17 **SECTION 37.2.(d)** Effective July 1, 2017, G.S. 105-523, as amended by
18 subsection (c) of this section, reads as rewritten:

19 **"§ 105-523. County hold harmless for repealed local taxes.**

20 (a) Intent. – It is the intent of the General Assembly that each county ~~benefit by at least~~
21 ~~one hundred twenty five thousand dollars (\$125,000)~~ annually be held harmless from the
22 exchange of a portion of the local sales and use taxes for the State's agreement to assume the
23 responsibility for the non-administrative costs of Medicaid.

24 (b) Definitions. – The following definitions apply in this section:

25 ...

26 (2) Hold harmless threshold. – The amount of a county's Medicaid service costs
27 and Medicare Part D clawback payments assumed by the State under
28 G.S. 108A-54 for the fiscal year, less ~~one hundred twenty five thousand~~
29 ~~dollars (\$125,000)~~ year. A county's Medicaid service costs for fiscal years
30 2008-2009, 2009-2010, and 2010-2011 are determined without regard to the
31 changes made to the Federal Medical Assistance Percentage by section 5001
32 of the American Recovery and Reinvestment Act of 2009.

33"

34
35 **PART XXXVIII. MISCELLANEOUS PROVISIONS**

36
37 **STATE BUDGET ACT APPLIES**

38 **SECTION 38.1.** The provisions of the State Budget Act, Chapter 143C of the
39 General Statutes, are reenacted and shall remain in full force and effect and are incorporated in
40 this act by reference.

41
42 **COMMITTEE REPORT**

43 **SECTION 38.2.(a)** The Senate Appropriations/Base Budget Committee Report on
44 the Continuation, Expansion, and Capital Budgets for Senate Bill 744, dated May 29, 2014,
45 which was distributed in the Senate and used to explain this act, shall indicate action by the
46 Senate on this act and shall, therefore, be used to construe this act, as provided in the State
47 Budget Act, Chapter 143C of the General Statutes, as appropriate, and for these purposes shall
48 be considered a part of this act and, as such, shall be printed as a part of the Session Laws.

49 **SECTION 38.2.(b)** The budget enacted by the General Assembly is for the
50 maintenance of the various departments, institutions, and other spending agencies of the State

1 for the 2014-2015 budget as provided in G.S. 143C-3-5. This budget includes the
2 appropriations of State funds as defined in G.S. 143C-1-1(d)(25).

3 The Director of the Budget submitted recommended adjustments to the budget to
4 the General Assembly in May 2014 in the document "The Governor of North Carolina's
5 Recommended Budget Adjustments" for the 2014-2015 fiscal year for the various departments,
6 institutions, and other spending agencies of the State. The adjustments to these documents
7 made by the General Assembly are set out in the Committee Report.

8 **SECTION 38.2.(c)** The budget enacted by the General Assembly shall also be
9 interpreted in accordance with G.S. 143C-5-5, the special provisions in this act, and other
10 appropriate legislation.

11 In the event that there is a conflict between the line-item budget certified by the
12 Director of the Budget and the budget enacted by the General Assembly, the budget enacted by
13 the General Assembly shall prevail.
14

15 **REPORT BY FISCAL RESEARCH DIVISION ON CHANGES TO 2014-2015** 16 **BUDGET/PUBLICATION**

17 **SECTION 38.3.(a)** The Fiscal Research Division of the Legislative Services
18 Commission shall issue a report on budget actions taken by the 2013 Regular Session of the
19 General Assembly in 2014. The report shall be in the form of a revision of the Committee
20 Report adopted for Senate Bill 744 pursuant to G.S. 143C-5-5 and shall include all
21 modifications made to the 2014-2015 budget prior to sine die adjournment of the 2013 Regular
22 Session.

23 **SECTION 38.3.(b)** The Director of the Fiscal Research Division of the Legislative
24 Services Commission shall send a copy of the report issued pursuant to this section to the
25 Director of the Budget. The report shall be published on the General Assembly's Internet Web
26 site for public access.
27

28 **MOST TEXT APPLIES ONLY TO 2014-2015 FISCAL YEAR**

29 **SECTION 38.4.** Except for statutory changes or other provisions that clearly
30 indicate an intention to have effects beyond the 2014-2015 fiscal year, the textual provisions of
31 this act apply only to funds appropriated for, and activities occurring during, the 2014-2015
32 fiscal year.
33

34 **EFFECT OF HEADINGS**

35 **SECTION 38.5.** The headings to the parts and sections of this act are a
36 convenience to the reader and are for reference only. The headings do not expand, limit, or
37 define the text of this act, except for effective dates referring to a part.
38

39 **APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

40 **SECTION 38.6.(a)** Except where expressly repealed or amended by this act, the
41 provisions of S.L. 2013-360, S.L. 2013-363, S.L. 2013-364, and S.L. 2013-397 remain in
42 effect.

43 **SECTION 38.6.(b)** Notwithstanding any modifications by this act in the amounts
44 appropriated, except where expressly repealed or amended, the limitations and directions for
45 the 2014-2015 fiscal year in S.L. 2013-360, S.L. 2013-363, S.L. 2013-364, and S.L. 2013-397
46 that applied to appropriations to particular agencies or for particular purposes apply to the
47 newly enacted appropriations and budget reductions of this act for those same particular
48 purposes.
49

50 **SEVERABILITY**

1 **SECTION 38.7.** If any section or provision of this act is declared unconstitutional
2 or invalid by the courts, it does not affect the validity of this act as a whole or any part other
3 than the part so declared to be unconstitutional or invalid.
4

5 **EFFECTIVE DATE**

6 **SECTION 38.8.** Except as otherwise provided, this act becomes effective
7 July 1, 2014.