



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 97

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

H97-AML-50 [v.9]

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Amends Title [NO]  
PCS

Date \_\_\_\_\_, 2015

Senator Brown

- 1 Moves to amend the Committee Report on page K3, item 22, by adding after "Vehicles." in the
- 2 item description the following sentence:
- 3 "These DMV fees were last adjusted in 2005."; and
- 4
- 5 Moves to amend the Committee Report on page K6, item 38, by adding after "Vehicles." in the
- 6 item description the following sentence:
- 7 "These DMV fees were last adjusted in 2005."; and
- 8
- 9 Moves to amend the Committee Report, on page H-26, by replacing the recurring adjustments
- 10 in each year of the biennium for the Boating Safety Account with a recurring decrease in
- 11 funding of \$2,318,667 for each year; and
- 12
- 13 Moves to amend the Committee Report, on page H-27, by increasing the nonrecurring amount
- 14 in the 2015-2016 fiscal year for the Boating Safety Account by \$35.00; and
- 15
- 16 Moves to amend the bill on page 360, line 36, by deleting "G.S. 114 2.3 and G.S. 147 17" and
- 17 substituting "G.S. 114-2.3 and G.S. 147-17"; and
- 18
- 19 Moves to amend the bill on Page 166, line 43, by inserting immediately after the line the
- 20 following:
- 21 **"BROUGHTON HOSPITAL FACILITIES STUDY**
- 22 **SECTION 12F.18.** Of the funds appropriated in this act for the 2015-2016 fiscal
- 23 year for technology infrastructure, furniture, and equipment for the Broughton Hospital
- 24 replacement facility, the sum of two hundred thousand dollars (\$200,000) shall be used to
- 25 conduct the study of potential uses for vacated Broughton Hospital facilities authorized in S.L.
- 26 2014-100."; and
- 27
- 28 Moves to amend the bill on page 93, lines 12-23, by deleting those lines and substituting the
- 29 following:
- 30



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1           **"SECTION 9.1.(d)** Beginning with the 2014-2015 fiscal year, in lieu of providing  
2 annual longevity payments to teachers paid on the teacher salary schedule, the amounts of those  
3 longevity payments are included in the monthly amounts under the teacher salary schedule.

4           **SECTION 9.1.(e)** A teacher compensated in accordance with this salary schedule  
5 for the 2015-2016 and 2016-2017 school years shall receive an amount equal to the greater of  
6 the following:

- 7           (1) The applicable amount on the salary schedule for the applicable school year.  
8           (2) For teachers who were eligible for longevity for the 2013-2014 school year,  
9 the sum of the following:  
10           a. The teacher's salary provided in S.L. 2013-360, Sec. 35.11.  
11           b. The longevity that the teacher would have received under the  
12 longevity system in effect for the 2013-2014 school year provided in  
13 S.L. 2013-360, Sec. 35.11, based on the teacher's current years of  
14 service.  
15           c. The annual bonus provided in S.L. 2014-100, Sec. 9.1(e).  
16           (3) For teachers who were not eligible for longevity for the 2013-2014 school  
17 year, the sum of the teacher's salary and annual bonus provided in S.L.  
18 2014-100, Sec. 9.1."; and  
19

20 moves to amend the bill on page 212, line 26, through page 213, line 43, by deleting the lines  
21 and substituting the following language to read:

22 **"ENVIRONMENTAL MANAGEMENT OF IMPAIRED WATER BODIES**

23           **SECTION 14.5.(a)** Of the funds appropriated in this act to the Clean Water  
24 Management Trust Fund, the sum of four million five hundred thousand dollars (\$4,500,000) in  
25 the 2015-2017 fiscal biennium shall be used by the Department of Environment and Natural  
26 Resources to research, implement, and monitor in-situ strategies beyond traditional watershed  
27 controls that have the potential to mitigate water quality impairments resulting from aquatic  
28 flora, sediment, nutrients, or other water quality variables that impair or have the potential to  
29 impair water bodies of the State.

30           **SECTION 14.5.(b)** The Department shall extend existing contracts related to  
31 in-situ water quality remediation strategies for two years at a price less than current terms and  
32 may enter into new purchase or lease agreements for equipment, goods or contractor services  
33 prior to June 30, 2017. The Department, in consultation with the Environmental Management  
34 Commission, shall have the authority to determine the size, scope, and location of a new project  
35 or expansion of the scope of an existing project as well as the methods to be deployed,  
36 provided, however, that the Department shall issue a Request for Proposal for any new leases  
37 or purchases authorized by this subsection and shall evaluate and select contractors or  
38 equipment based on likelihood of success in addition to price.

39           **SECTION 14.5.(c)** The General Assembly finds that there is a need for timely  
40 initiation of projects authorized by this section during the biennium to expedite mitigation of  
41 impaired waters of the State and federal review and approval of these projects prior to  
42 deployment. Therefore, any contract, lease, purchase or other agreement entered into under this

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1 section shall not be subject to the requirements of Articles 3, 3D or 8 of Chapter 143 of the  
2 General Statutes in order to expedite deployment.

3       **SECTION 14.5.(d)** The General Assembly further finds that existing rules or  
4 proposed rules intended to address water quality of impaired water bodies may need to be  
5 modified based on the completion and analysis of projects authorized or extended by this  
6 section and that there is a need to better understand the impact of in-situ mitigation on overall  
7 water quality of impaired water bodies. Therefore, any rules issued by the Commission or  
8 directed by the General Assembly that pertain to basinwide nutrient management and  
9 mitigation of water quality for impaired water bodies, as defined by the federal government,  
10 and that have been temporarily delayed by a prior act of the General Assembly or Commission,  
11 shall have an effective date of two additional years or one year after the completion of the  
12 projects described in this subsection, whichever is later.

13       **SECTION 14.5.(e)** The Department and Commission shall consider and include  
14 in-situ strategies, as described in subsection (a) of this section, in their development, review,  
15 and modifications of basinwide water quality management plans or related water quality  
16 mitigation modeling."; and

17  
18 Moves to amend the bill on page 389, line 18 by rewriting that line to read:

19       **"SECTION 27.7.(e)** Subsections (d) and (e) of this section are effective when this  
20 act"; and

21  
22 Moves to amend the bill on page 346, lines 46-50, by deleting those lines; and

23  
24 Moves to amend the bill on page 306, line 50, by deleting "2016" and substituting "2015"; and

25  
26 Moves to amend the bill on page 400, lines 37-38, by inserting between the lines a new section  
27 to read:

28 **"EXTEND SUNSET/MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN**  
29 **TRANSPORTATION CONTRACTS**

30       **SECTION 29.9B.** G.S. 136-28.4(e) reads as rewritten:

31       "(e) This section expires August 31, ~~2015-2017.~~"; and

32  
33 Moves to amend the bill on page 491, lines 9-18, by rewriting the line to read:

34       "Sec. 9. Distribution. The Secretary of Revenue must ~~divide-allocate~~ the net proceeds of the  
35 tax collected under this division on items other than food in accordance with G.S. 105-472(a) in  
36 the First One-Cent (1¢) Local Government Sales and Use Tax Act, Article 39 of Chapter 105 of  
37 the General Statutes. The Secretary must divide the amount allocated to Mecklenburg County  
38 and its municipalities in accordance with the ad valorem distribution method described in  
39 G.S. 105-472(b)(2).The Secretary of Revenue must distribute the taxes levied by Mecklenburg  
40 County on food to Mecklenburg County and the municipalities within Mecklenburg County in  
41 accordance with G.S. 105-469(a). This amount shall be divided between the county and its  
42 municipalities in accordance with the ad valorem distribution method described in

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1 G.S. 105-472(b)(2). The net proceeds from the tax levied under this division and distributed to  
2 Mecklenburg County must be used as provided in G.S. 105-472(a1)."; and

3  
4 Moves to amend the bill on page 491, line 22 through page 492, line 22, by rewriting the lines  
5 to read:

6 "SECTION 32.19.(b) G.S. 105-469(a) reads as rewritten:

7 '(a) The Secretary shall collect and administer a tax levied by a county pursuant to this  
8 Article. As directed by G.S. 105-164.13B, taxes levied by a county on food are administered as  
9 if they were levied by the State under Article 5 of this Chapter. The Secretary must, on a  
10 monthly basis, distribute local taxes levied on food to the taxing counties in accordance with  
11 G.S. 105-472(a). as follows:The net proceeds of the local taxes on food distributed to counties  
12 must be used by the taxing counties as provided in G.S. 105-472(a1).

13 (1) ~~The Secretary must allocate one-half of the net proceeds on a per capita~~  
14 ~~basis according to the most recent annual population estimates certified to~~  
15 ~~the Secretary by the State Budget Officer. The Secretary must then adjust the~~  
16 ~~amount allocated to each county as provided in G.S. 105-486(b). The~~  
17 ~~Secretary must include one-half of the amount allocated under this~~  
18 ~~subdivision in the distribution made under Article 40 of this Chapter and~~  
19 ~~must include the remaining one-half in the distribution made under Article~~  
20 ~~42 of this Chapter.~~

21 (2) ~~The Secretary must allocate the remaining net proceeds proportionately to~~  
22 ~~each taxing county based upon the amount of sales tax on food collected in~~  
23 ~~the taxing county in the 1997-1998 fiscal year under Article 39 of this~~  
24 ~~Chapter or under Chapter 1096 of the 1967 Session Laws relative to the total~~  
25 ~~amount of sales tax on food collected in all taxing counties in the 1997-1998~~  
26 ~~fiscal year under Article 39 of this Chapter and under Chapter 1096 of the~~  
27 ~~1967 Session Laws. The Secretary must include the amount allocated under~~  
28 ~~this subdivision in the distribution made under Article 39 of this Chapter.'~~

29 SECTION 32.19.(c) G.S. 105-472(a) reads as rewritten:

30 '§ 105-472. Disposition and distribution Allocation, distribution, and use of taxes  
31 collected.

32 "(a) County Allocation. – The Secretary shall, on a monthly basis, allocate the net  
33 proceeds of the tax collected under this Article to each taxing county ~~for which the Secretary~~  
34 ~~collects the tax the net proceeds of the tax collected in that county under this Article. as~~  
35 provided in this subsection. For the purpose of this section, "net proceeds" means the gross  
36 proceeds of the tax collected in each county under this Article less taxes refunded, the cost to  
37 the State of collecting and administering the tax in the county as determined by the Secretary,  
38 and other deductions that may be charged to the county. For the percentage allocation made on  
39 a point of collection basis, the Secretary must allocate the net proceeds of the tax collected  
40 under this Article in that county. If the Secretary collects local sales or use taxes in a month and  
41 the taxes cannot be identified as being attributable to a particular taxing county, the Secretary  
42 shall allocate the taxes among the taxing counties in proportion to the amount of taxes collected  
43 in each county under this Article during that month and shall include them in the monthly

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1 distribution. Amounts collected by electronic funds transfer payments are included in the  
2 distribution for the month in which the return that applies to the payment is received. For the  
3 percentage allocation made on a per capita basis, the Secretary must allocate the net proceeds  
4 of the tax collected under this Article to the taxing counties according to the most recent annual  
5 population estimates certified to the Secretary by the State Budget Office.

6 The net proceeds are allocated as follows:

<u>Distribution for Net Proceeds</u>	<u>Per Capita</u>	<u>Point of Collection</u>
<u>Collected in Fiscal Year</u>		
2016-2017	40%	60%
2017-2018	55%	45%
2018-2019	70%	30%
2019-2020 and thereafter	80%	20%.

7  
8  
9  
10  
11  
12  
13 (a) Use. – The net proceeds of the revenue received by a county from the per capita  
14 allocation must be used by the county for public education and community college purposes.  
15 The remaining net proceeds received by a county may be used for any public purpose."; and  
16

17 Moves to amend the bill on page 492, lines 24-29, by rewriting the lines to read:

18 **"§ 105-486. Distribution and use of additional taxes.**

19 (a) ~~County Allocation.~~ Allocation and Use. – The Secretary shall, on a monthly basis,  
20 allocate the net proceeds of the additional one-half percent (1/2%) sales and use taxes levied  
21 under this Article to the taxing counties ~~on a per capita basis according to the most recent~~  
22 ~~annual population estimates certified to the Secretary by the State Budget Officer.~~ in accordance  
23 with G.S. 105-472(a). The net proceeds of the tax revenue received by a county under this  
24 Article must be used as provided in G.S. 105-472(a1)."; and  
25

26 Moves to amend the bill on page 493, lines 29-44, by rewriting the lines to read:

27 **"SECTION 32.19.(e) G.S. 105-501(a) reads as rewritten:**

28 (a) ~~Method.~~ Distribution and Use. – The Secretary must, on a monthly basis, allocate ~~to~~  
29 ~~each taxing county~~ the net proceeds of the additional one-half percent (1/2%) sales and use  
30 taxes collected in that county levied under this Article. ~~If the Secretary collects taxes under this~~  
31 ~~Article in a month and the taxes cannot be identified as being attributable to a particular taxing~~  
32 ~~county, the Secretary must allocate the net proceeds of these taxes among the taxing counties in~~  
33 ~~proportion to the amount of taxes collected in each county under this Article in that month.~~  
34 Article in accordance with G.S. 105-472(a). The net proceeds of the tax revenue received by a  
35 county under this Article must be used as provided in G.S. 105-472(a1).

36 The Secretary must divide and distribute the funds allocated to a taxing county each month  
37 under this section between the county and the municipalities located in the county in  
38 accordance with the method by which the one percent (1%) sales and use taxes levied in that  
39 county pursuant to Article 39 of this Chapter or Chapter 1096 of the 1967 Session Laws are  
40 distributed. No municipality may receive any funds under this section if it was incorporated  
41 with an effective date of on or after January 1, 2000, and is disqualified from receiving funds  
42 under G.S. 136-41.2. No municipality may receive any funds under this section, incorporated

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1 with an effective date on or after January 1, 2000, unless a majority of the mileage of its streets  
2 are open to the public."; and

3  
4 Moves to amend the bill on page 495, line 17, by rewriting the line to read:

5 "SECTION 32.19.(h) G.S. 105-487 and G.S. 105-502 are repealed.

6 SECTION 32.19.(i) Except as otherwise provided, this section becomes effective";

7 and

8  
9 Moves to amend the bill on page 211, lines 9 and 12, by deleting the word "craft" each time it  
10 appears; and

11  
12 Moves to amend the bill on page 307, line 25 through page 308, line 12, by deleting those lines;  
13 and

14  
15 Moves to amend the Committee Report on page H-11, item 52, by reducing the recurring cut in  
16 both years of the biennium by \$150,000; and by changing the FTE count reduction to -1.00 in  
17 both years of the biennium and by rewriting the description to read:

18 "Reduces funding for the Museum of Natural Sciences at Whiteville."; and

19  
20 Moves to amend the Committee Report on page H-12, item 56, by reducing the recurring  
21 increase in each year of the biennium by \$150,000; and

22  
23 Moves to amend the bill on page 212, line 25, by inserting after that line the following:

24 "**SEPARATE NATURAL HERITAGE PROGRAM FROM CLEAN WATER**  
25 **MANAGEMENT TRUST FUND**

26 SECTION 14.4. Subdivisions (8e) and (9) of subsection (c) and subsection (d) of  
27 G.S. 113A-253 are repealed."; and

28  
29 Moves to amend the bill on page 213, line 45, through page 215, line 24, by deleting those  
30 lines; and

31  
32 Moves to amend the bill on page 314, line 2, by deleting "SECTION 15.8A." and substituting  
33 "SECTION 15.8A.(a)"; and

34  
35 Moves to amend the bill on page 314, lines 14-15, by inserting between those lines a new  
36 subsection to read as follows:

37 "SECTION 15.8A.(b) Of the funds appropriated in this act to the Department of  
38 Commerce for the Main Street Solutions Fund for the 2015-2016 fiscal year, the Department  
39 shall allocate one hundred thousand dollars (\$100,000) in nonrecurring funds for the 2015-2016  
40 fiscal year to Renaissance West Community Initiative to provide quality housing, education,  
41 health, wellness, and opportunity."; and

42  
43

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1 Moves to amend the bill on page 211, lines 21-22, by inserting between those lines a new  
2 section to read as follows:

3 **"LABOR CONSULTATIVE SERVICES BUREAU INSPECT MINES & QUARRIES**

4 **SECTION 13.11.(a)** The Department of Labor, Consultative Services Bureau, shall  
5 inspect mines and quarries in the State in a manner consistent with inspections conducted by  
6 the Mine and Quarry Bureau prior to the date this section becomes effective.

7 **SECTION 13.11.(b)** This section is effective when it becomes law."; and  
8

9 Moves to amend the bill on page 354, lines 48-49, by inserting between those lines the  
10 following:

11 **"USE OF COURT INFORMATION TECHNOLOGY FUND**

12 **SECTION 18A.23.** G.S. 7A-343.2(b) reads as rewritten:

13 "(b) Use. – Money in the Fund derived from State judicial facilities fees must be used to  
14 upgrade, maintain, and operate the judicial and county courthouse ~~phone systems.~~ data  
15 connectivity. All other monies in the Fund must be used to supplement funds otherwise  
16 available to the Judicial Department for court information technology and office automation  
17 needs."  
18

19 **CLARIFY AUTHORIZATION TO CONTRACT FOR THE PROVISION OF REMOTE**  
20 **ACCESS TO COURT RECORDS**

21 **SECTION 18A.24.** G.S. 7A-109(d) reads as rewritten:

22 "(d) In order to facilitate public access to ~~court records,~~ the electronic data processing  
23 records or any compilation of electronic court records or data of the clerks of superior court,  
24 except where public access is prohibited by law, the Director may enter into one or more  
25 nonexclusive contracts under reasonable cost recovery terms with third parties to provide  
26 remote electronic access to the electronic data processing records or any compilation of  
27 electronic court records or data of the clerks of superior court by the public. Neither the  
28 Director nor the Administrative Office of the Courts is the custodian of the records of the clerks  
29 of superior court or of the electronic data processing records or any compilation of electronic  
30 court records or data of the clerks of superior court. Costs recovered pursuant to this subsection  
31 shall be remitted to the State Treasurer to be held in the Court Information Technology Fund  
32 established in G.S. 7A-343.2.""; and  
33

34 Moves to adjust the appropriate totals accordingly.

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SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_