

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 97

Committee Substitute Favorable 5/18/15

Committee Substitute #2 Favorable 5/20/15

Committee Substitute #3 Favorable 5/20/15

Committee Substitute #4 Favorable 5/21/15

Fifth Edition Engrossed 5/22/15

Senate Appropriations Committee Substitute with Amendments Adopted 6/16/15

Senate Pensions & Retirement and Aging Committee Substitute Adopted 6/16/15

Seventh Edition Engrossed 6/18/15

Short Title: 2015 Appropriations Act.

(Public)

Sponsors:

Referred to:

February 24, 2015

A BILL TO BE ENTITLED
AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS
OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER
PURPOSES.

The General Assembly of North Carolina enacts:

PART I. INTRODUCTION AND TITLE OF ACT

TITLE OF ACT

SECTION 1.1. This act shall be known as the "Current Operations and Capital
Improvements Appropriations Act of 2015."

INTRODUCTION

SECTION 1.2. The appropriations made in this act are for maximum amounts
necessary to provide the services and accomplish the purposes described in the budget. Savings
shall be effected where the total amounts appropriated are not required to perform these
services and accomplish these purposes and, except as allowed by the State Budget Act or this
act, the savings shall revert to the appropriate fund at the end of each fiscal year.

PART II. CURRENT OPERATIONS AND EXPANSION GENERAL FUND

CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

SECTION 2.1. Appropriations from the General Fund of the State for the
maintenance of the State's departments, institutions, and agencies, and for other purposes as
enumerated, are made for the fiscal biennium ending June 30, 2017, according to the following
schedule:

Current Operations – General Fund

FY 2015-2016

FY 2016-2017

EDUCATION

- (1) Interagency cooperation. – The North Carolina Ports Authority and the Department of Transportation shall be included in the planning and carrying out of these negotiations, but the ultimate approval authority remains solely with the Secretary of the Department of Administration.
- (2) Terms of agreement. – The Secretary of the Department of Administration shall have the authority to negotiate the terms of the acquisition agreement. The agreement (i) shall provide for the acquisition of interests in real property described in this subsection and no other; (ii) shall provide that the conveyances described in the agreement become effective as soon as practicable; and (iii) shall incorporate the relevant terms of this subsection.
- (3) Execution of deeds. – Within 30 days of the acquisition becoming effective, the Attorney General shall execute any documents or deeds necessary to effectuate the acquisition under the exact terms set forth in the acquisition agreement. All State agencies and officials shall cooperate to the fullest extent possible in effectuating the acquisition agreement.
- (4) Reporting. – Within 30 days after an agreement is entered into pursuant to this section, the Secretary of the Department of Administration shall report to the Joint Legislative Commission on Governmental Operations on the terms of the agreement.

SECTION 14.6.(g) Contested Case Exemption. – G.S. 150B-1(e) is amended by adding a new subdivision to read:

"(e) Exemptions From Contested Case Provisions. – The contested case provisions of this Chapter apply to all agencies and all proceedings not expressly exempted from the Chapter. The contested case provisions of this Chapter do not apply to the following:

...

- (22) The Secretary of Environment and Natural Resources for the waiver or modification of non-State cost-share requirements under G.S. 143-215.73F and G.S. 143-215.73G."

SECTION 14.6.(h) The General Assembly finds that the New Inlet Dam or "The Rocks" is a breakwater established by the United States Army Corps of Engineers in the late 1800s. The New Inlet Dam is composed of two components, a Northern Component that extends from Federal Point to Zeke's Island and a Southern Component that extends southwestward from Zeke's Island and separates the New Inlet from the main channel of the Cape Fear River. The General Assembly further finds that the Southern Component of the New Inlet Dam impedes the natural flow of water between the Cape Fear River and the Atlantic Ocean that occurred prior to emplacement of the dam. The General Assembly further finds that it is necessary to remove the Southern Component of the New Inlet Dam in order to reestablish the natural hydrodynamic flow between the Cape Fear River and the Atlantic Ocean. To this end, the Department of Environment and Natural Resources shall do all of the following:

- (1) Notify the United States Army Corps of Engineers of the State's intent to remove the Southern Component of the New Inlet Dam.
- (2) Issue a Request for Proposals for a firm capable of conducting all aspects of removal of the Southern Component of the New Inlet Dam, including securing all necessary State and federal permits and developing and implementing a removal plan. Identification of a capable firm pursuant to this section shall be done in accordance with Article 8 of Chapter 143 of the General Statutes.
- (3) Execute a contract with the firm chosen to implement subdivision (2) of this subsection and exercise oversight of the fulfillment of the contract. Execution of a contract pursuant to this section shall be done in accordance with Article 8 of Chapter 143 of the General Statutes.

- 1 (4) Request approval from the National Oceanic and Atmospheric
2 Administration to adjust the boundary established for Zeke's Island for both
3 of the following changes:
- 4 a. Moving the current western boundary 200 feet seaward and
5 removing the area that lies between the current boundary and the new
6 boundary from the North Carolina National Estuarine Research
7 Reserve.
- 8 b. Compensating for any loss of acreage pursuant to sub-subdivision a.
9 of this subdivision by adding a corresponding amount of acreage to
10 the northern boundary of Zeke's Island from adjacent acreage at Fort
11 Fisher State Recreation Area.
- 12 (5) If the Department obtains approval from the National Oceanic and
13 Atmospheric Administration to adjust the boundary established for Zeke's
14 Island as described in subdivision (4) of this subsection, the Coastal
15 Resources Commission shall amend 15A NCAC 070 .0105 (North Carolina
16 Coastal Reserve: Reserve Components) as follows:
- 17 a. Definitions. – "Reserve Components Rule" means 15A NCAC 070
18 .0105 (North Carolina Coastal Reserve: Reserve Components) for
19 purposes of this section and its implementation.
- 20 b. Reserve Components Rule. – Until the effective date of the revised
21 permanent rule that the Coastal Resources Commission is required to
22 adopt pursuant to sub-subdivision d. of this subdivision, the
23 Commission and the Department of Environment and Natural
24 Resources shall implement the Reserve Components Rule, as
25 provided in sub-subdivision c. of this subdivision.
- 26 c. Implementation. – Notwithstanding the Reserve Components Rule,
27 the Commission shall adjust the boundary established for Zeke's
28 Island in conformance with any boundary change that is approved by
29 the National Oceanic and Atmospheric Administration pursuant to
30 subdivision (4) of this subsection.
- 31 d. Additional rule-making authority. – The Commission shall adopt a
32 rule to replace the Reserve Components Rule. Notwithstanding
33 G.S. 150B-19(4), the rule adopted by the Commission pursuant to
34 this subdivision shall be substantively identical to the provisions of
35 sub-subdivision c. of this subdivision. Rules adopted pursuant to this
36 subdivision are not subject to Part 3 of Article 2A of Chapter 150B
37 of the General Statutes. Rules adopted pursuant to this subdivision
38 shall become effective as provided in G.S. 150B-21.3(b1) as though
39 10 or more written objections had been received as provided by
40 G.S. 150B-21.3(b2).
- 41 e. Effective date. – Sub-subdivision c. of this subdivision expires when
42 permanent rules to replace sub-subdivision c. of this subdivision have
43 become effective, as provided by sub-subdivision d. of this
44 subdivision.

45 Notwithstanding any other provision of law, the Department of Environment and
46 Natural Resources may use funds from the Deep Draft Navigation Channel Dredging and
47 Maintenance Fund, established pursuant to G.S. 143-215.73G, as enacted by subsection (c) of
48 this section, to implement this subsection.

49 **SECTION 14.6.(i)** Coastal Waterways User Identification Number and Fee. –
50 Article 1 of Chapter 75A of the General Statutes is amended by adding a new section to read:
51 **"§ 75A-5.3. Coastal Waterways User Identification Number required."**