

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE DRS35004-MKfa-38 (01/09)

Short Title: Acad. Standards/Rules Review/Coal Ash/Funds. (Public)

Sponsors: Senators Brown, Harrington, and B. Jackson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FUNDS FOR THE LITIGATION EXPENSES OF THE RULES REVIEW COMMISSION; TO PROVIDE FUNDS FOR THE OPERATING EXPENSES OF THE ACADEMIC STANDARDS REVIEW COMMISSION; TO REQUIRE THAT THE ACADEMIC STANDARDS REVIEW COMMISSION POST CERTAIN PUBLIC RECORDS ON ITS WEB SITE; AND TO CLARIFY COAL ASH MANAGEMENT COMMISSION APPROPRIATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Of the funds allocated to the State Board of Education for the 2014-2015 fiscal year for current operations of the State Board, the State Board of Education shall transfer the sum of one hundred thousand dollars (\$100,000) to the Office of Administrative Hearings to be allocated to the Rules Review Commission, created by G.S. 143B-30.1, to pay for any litigation costs incurred in the defense of *North Carolina State Board of Education v. The State of North Carolina and The Rules Review Commission*, Wake County Superior Court, File No. 14 CVS 14791 (filed November 7, 2014). These funds shall not revert at the end of the 2014-2015 fiscal year but shall remain available during the 2015-2016 fiscal year for expenditure in accordance with this section.

**SECTION 2.** Of the funds appropriated to the Department of Public Instruction for the 2014-2015 fiscal year for current operations of the Department, the Department shall transfer the sum of two hundred seventy-five thousand dollars (\$275,000) to the Department of Administration to support the operations of the Academic Standards Review Commission established in S.L. 2014-78. From these funds, an amount equal to the total of all costs incurred by the Department of Administration prior to the enactment of this act to support the operations of the Commission shall be credited to the Department. Expenditure of the remainder of these funds shall be made upon authorization by the Commission, only for the following:

- (1) Administrative assistance, including professional and clerical staff and any contracts for professional, clerical, and consultant services. Consultant services may include contracts with qualified experts on academic standards that may be used as an alternative to the Common Core Standards, including other state academic standards.
- (2) Technical assistance, including meeting rooms, telephones, office space, equipment, and supplies provided by the Department of Administration in accordance with Section 2(f) of S.L. 2014-78.
- (3) Per diem, subsistence, and travel allowances provided to Commission members in accordance with G.S. 138-5, 138-6, or 120-3.1, as appropriate.



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1           **SECTION 3.** The funds transferred to the Department of Administration in Section  
2 2 of this act shall not revert at the end of the 2014-2015 fiscal year but shall remain available  
3 for expenditure in accordance with that section until the Commission terminates on December  
4 31, 2015, or upon the filing of its final report, whichever occurs first. Any unexpended,  
5 unencumbered balance of these funds shall revert to the General Fund on June 30, 2016.

6           **SECTION 4.** The General Assembly finds that considerable resources have already  
7 been expended to allow teachers and members of the public to make known their opinions and  
8 concerns surrounding adoption of academic standards. Specifically, the General Assembly  
9 finds that (i) on March 20, 2014, a Legislative Research Commission committee heard more  
10 than two hours of comment from stakeholders and interested members of the public on the  
11 subject; and (ii) on October 20, 2014, the Department of Public Instruction surveyed every  
12 public school teacher in the State on the subject. Accordingly, funds transferred pursuant to  
13 Section 2 of this act shall not be used by the Academic Standards Review Commission to  
14 conduct any survey related to the adoption of academic standards or to contract for the  
15 performance of such a survey by any third party.

16           **SECTION 5.** Notwithstanding any other provision of law, the Academic Standards  
17 Review Commission is subject to the Public Records Act, Chapter 132 of the General Statutes,  
18 and the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes. Additionally,  
19 the Commission shall have the duty to comply with all of the following:

- 20           (1) All minutes, agendas, handouts, and presentations created during the course  
21 of the Commission's work, and any audio recordings of the Commission's  
22 meetings, shall be published on the Commission's Web site.
- 23           (2) All official meetings, as that term is defined in G.S. 143-318.10, of the  
24 Commission shall be streamed live over the Internet in a manner that allows  
25 members of the public to listen to the proceedings.

26           **SECTION 6.** In implementing Section 2 of this act, the State Board of Education  
27 shall make reductions to the operating budget of the Department of Public Instruction and shall  
28 make no reduction to funding or positions for:

- 29           (1) The North Carolina Center for Advancement of Teaching.
- 30           (2) The Eastern North Carolina School for the Deaf, the North Carolina School  
31 for the Deaf, and the Governor Morehead School.
- 32           (3) Communities in Schools of North Carolina, Inc.
- 33           (4) Teach for America, Inc.
- 34           (5) Beginnings For Parents of Children Who Are Deaf or Hard of Hearing, Inc.

35           **SECTION 7.** G.S. 62-302.1(d) reads as rewritten:

36 **"§ 62-302.1. Regulatory fee for combustion residuals surface impoundments.**

37           ...

38           (d) Use of Proceeds. – A special fund in the Office of State Treasurer and the Coal Ash  
39 Management Commission is created. The fees collected pursuant to this section and all other  
40 funds received by the Coal Ash Management Commission shall be deposited in the Coal  
41 Combustion Residuals Management Fund. The Fund shall be placed in an interest-bearing  
42 account, and any interest or other income derived from the Fund shall be credited to the Fund.  
43 ~~Moneys in the Fund shall only be spent pursuant to appropriation by the General Assembly.~~  
44 Subject to appropriation by the General Assembly, twenty-six and one-half percent (26.5%) of  
45 the moneys in the Fund shall be used by the Coal Ash Management Commission and the  
46 remainder shall be used by the Department of Environment and Natural Resources. The  
47 Commission shall be subject to the provisions of the State Budget Act, except that no  
48 unexpended surplus of the Coal Combustion Residuals Management Fund shall revert to the  
49 General Fund. All funds credited to the Fund shall be used only to pay the expenses of the Coal  
50 Ash Management Commission and the Department of Environment and Natural Resources in  
51 providing oversight of coal combustion residuals."

1           **SECTION 8.** Sections 15(c) through 15(e) of S.L. 2014-122 read as rewritten:

2           "**SECTION 15.(c)** ~~Twenty-five~~Up to twenty-five receipt-supported positions are created in  
3 the Department of Environment and Natural Resources to carry out the duties in Part 2I of  
4 Article 9 of Chapter 130A of the General Statutes. There is appropriated from the Coal  
5 Combustion Residuals Management Fund the sum of one million seven hundred fifty thousand  
6 dollars (\$1,750,000) to the Department of Environment and Natural Resources to support the  
7 positions for the 2014-2015 fiscal year.

8           **SECTION 15.(d)** Five receipt-supported positions are created in the Division of  
9 Emergency Management of the Department of Public Safety to carry out the duties in  
10 G.S. 130A-309.202. ~~The funds remaining in the Coal Combustion Residuals Management Fund~~  
11 ~~after the appropriation to the Department of Environment and Natural Resources are~~  
12 ~~appropriated to the Department of Public Safety for the 2014-2015 fiscal year. There is~~  
13 appropriated from the Coal Combustion Residuals Management Fund the sum of six hundred  
14 thirty thousand dollars (\$630,000) to the Department of Public Safety to support the positions  
15 for the 2014-2015 fiscal year. These positions shall be used to provide assistance to the Coal  
16 Ash Management Commission established by G.S. 130A-309.202, as enacted by Section 3(a)  
17 of this act. The positions shall be assigned in the following manner: one of the positions shall  
18 be the executive director of the staff, two positions shall be assigned as analysts, one position  
19 shall be assigned as a technician, and one position shall be assigned as administrative. The  
20 Division of Emergency Management in the Department of Public Safety shall consult with the  
21 Chair of the Commission in hiring the staff for the Coal Ash Management Commission. The  
22 Division of Emergency Management in the Department of Public Safety shall provide support  
23 to the Commission until the staff of the Commission is hired, including the designation of an  
24 individual to serve as an interim executive director of the staff.

25           **SECTION 15.(e)** If the moneys in the Coal Combustion Residuals Management Fund are  
26 insufficient to support the appropriations set out in subsection 15(c) and subsection 15(d) of  
27 this section for the 2014-2015 fiscal year, then each appropriation is hereby reduced on a  
28 proportional basis.

29           ~~**SECTION 15.(e)**~~**SECTION 15.(f)** Subsection (a) of this section becomes effective July 1,  
30 2014, and expires April 1, 2030, and applies to jurisdictional revenues earned on or after July 1,  
31 2014, and before April 1, 2030. The remainder of this section becomes effective July 1, 2014."

32           **SECTION 9.** Sections 7 and 8 of this act become effective July 1, 2014. The  
33 remainder of this act is effective when it becomes law.