



## The Daily Bulletin: 2013-05-28

### PUBLIC/HOUSE BILLS

H 944 (2013-2014) **OPPORTUNITY SCHOLARSHIP ACT**. Filed Apr 15 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE OPPORTUNITY SCHOLARSHIP GRANTS.*

House committee substitute makes the following changes to the 1st edition.

**2013-14 School Year.** Adds specific provisions applicable only to the awarding of scholarship grants of up to \$4,200 to eligible students to attend nonpublic schools for the 2013-14 school year. Requires the State Education Assistance Authority (Authority) to make applications for those eligible students available no later than August 1, 2013, and to begin awarding grants no later than August 15, 2013, for the 2013-14 school year. Specifies that the nonpublic schools at which the eligible students wish to use their scholarship grants must meet the requirements of Article 39 of GS Chapter 115C. Requires that information on grants and applications be available on the Authority's web site.

Applicable only to the 2013-14 school year, sets two criteria, both of which must be met for a student to be eligible to receive a grant: (1) must reside in a household with an income level that is not in excess of the amount required for the student to qualify for the federal free or reduced price lunch (FRPL) program; and (2) must be a full-time student who has not received a high school diploma and is assigned to and attending a public school pursuant to GS 115C-366 during the 2013 spring semester. Also requires the Authority to establish temporary rules for the administration and awarding of grants for 2013-14 which may include a process for awarding grants via a lottery system.

Provides that the provisions in new GS 115C-562.3 through new GS 115C-562.7 also apply to any scholarship grant awarded for the 2013-14 school year.

**2014-15 School Year and Thereafter.** Provides that beginning with the 2014-15 school year and thereafter, the scholarship grants are to be awarded based on the criteria in Part 2A of Article 39 of GS Chapter 115C as enacted in this act.

Amends new GS 115C-562.1 to remove children of active duty military members as a category for qualification as an eligible student. Additionally amends the definition of eligible students to apply to a student who resides in a household with an income level that is not in excess of 133% of the amount for the student to qualify for the federal FRPL program (was, not in excess of 300% of the federal poverty level).

Requires the Authority to make applications available annually to eligible students no later than February 1 (was, June 1). Directs that beginning March 1, the Authority is to begin awarding grants and specifies criteria under which the grants must be awarded. Requires that first priority be given (was, may be given) to eligible students who received a scholarship grant during the previous school year, if those students have applied by March 1.

Limits the amount of scholarship grants awarded to eligible students residing in households with an income level in excess of the amount required for the student to qualify for the FRPL to not more than 90% of the required tuition and fees for the nonpublic school that the eligible child will attend. Prohibits a scholarship grant from being more than the amount required for tuition and fees at the nonpublic school the eligible child will attend. Authorizes the Authority to include among its rules and regulations a lottery process for selecting scholarship grant recipients.

Directs the Division of Nonpublic Education, Department of Administration (Division), to provide annually by February 1 (was, June 1) a list to the Authority of all public schools operating in the state that meet the requirements of Part 1 or Part 2 of Article 39 of GS Chapter 115C.

Requires annual administration of a nationally standardized test or other nationally standardized equivalent measurement to students enrolled in grades three and higher. Specifies achievement areas to be measured. Provides that aggregated test performance data that does not contain personally identifiable data is a public record under GS Chapter 132.

Amends language in new GS 115C-562.7(c) to require that the Authority's annual report to the Department of Public Instruction and the Joint Legislative Education Oversight Committee provide information on the learning gains or losses of students receiving scholarship grants (was, report on the learning gains). Provides that the first learning gains report is due December 1, 2017.

Appropriates \$10 million (was, \$40 million) from the General Fund to the Authority for the 2013-14 fiscal year and \$40 million (was, \$50 million) for the 2014-15 fiscal year in recurring funds. Declares that it is the intent of the General Assembly to appropriate \$50 million in recurring funds beginning in the 2015-16 fiscal year to be awarded to eligible students as scholarship grants. Additionally, declares that it is the intent of the General Assembly to appropriate funds to public schools for assistance to students at risk of academic failure and to community organizations serving the educational needs of those at-risk students still enrolled in public schools beginning in the 2014-15 fiscal year in an amount equal to the cost savings created by the award of opportunity scholarship grants.

Makes additional technical changes.

**Intro. by Bryan, B. Brown, Brandon, Hanes.**

[GS 116, APPROP, GS 115C](#)

[View summary](#)

[Budget/Appropriations, Elementary and Secondary Education](#)

H 1012 (2013-2014) [PRELIMINARY EMANCIPATION PROCLAMATION EXHIBIT](#). Filed May 28 2013, *A HOUSE RESOLUTION RECOGNIZING THE SIGNIFICANCE OF THE PRELIMINARY EMANCIPATION PROCLAMATION*.

As the title indicates.

**Intro. by Rules, Calendar, and Operations of the House.**

[HOUSE RES](#)

[View summary](#)

[Cultural Resources and Museums](#)

## PUBLIC/SENATE BILLS

S 208 (2013-2014) [EFFECTIVE OPERATION OF 1915\(B\)/\(C\) WAIVER](#). Filed Mar 6 2013, *A BILL TO BE ENTITLED AN ACT TO ENSURE EFFECTIVE STATEWIDE OPERATION OF THE 1915 (B)/(C) MEDICAID WAIVER*.

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

Makes technical changes to the whereas clauses.

Amends GS122C-3, providing that an *LME/MCO* is defined as an LME/MCO that is under contract with the Department of Health and Human Services (Department) to operate the combined Medicaid Waiver program.

Amends GS 122C-124.2(a), providing that the required certification by the Secretary of compliance with the requirements of GS 122C-124.2(b) must be based on an internal and external evaluation by an approved independent External Quality Review Organization (EQRO) (previously, did not require the certification to be based on any specified criteria).

Amends GS 122C-124.2(b), establishing requirements for the Secretary's certification, which were previously provided for in GS 122C-124.2(a) of the 3rd edition. Makes technical and clarifying changes to those requirements. Also, in determining adequate provision against insolvency, deletes the provision that the ratio of assets to liabilities does not include sources of funds that are not Medicaid funds. More precisely defines the intradepartmental monitoring team that reviews financial reports to determine whether adequate provisions against insolvency were taken.

Amends GS 122C-124.2(c), establishing the actions required to be taken by the Secretary when a certificate of compliance for an LME/MCO cannot be issued due to noncompliance with requirements (1)-(3) of subsection (b) (previously provided for in GS 122C-124.2(b) of the 3rd edition), providing that the Secretary must provide a written notice of noncompliance to the

LME/MCO and, not later than 10 days after the notice of noncompliance has been issued, the Secretary must assign the LME/MCO's contract to operate the Medicaid Waiver to a compliant LME/MCO and oversee the transfer of the operations and contracts from the noncompliant LME/MCO to the compliant LME/MCO in accordance with the provisions of GS 122C-124.2(e).

Amends GS 122C-124.2(d), setting out the steps the Secretary must take when, at any time, a determination is made that an LME/MCO is not in compliance with a requirement of the Medicaid Waiver contract other than those specified in subsection (b) (previously provided for in GS 122C-123.2(c)), including requiring the Secretary to prepare and deliver notice of the noncompliance, allow the noncompliant LME/MCO 30 days to respond and cure any defect, and make a final determination on the issue of noncompliance. If an LME/MCO is still determined to be noncompliant, the Secretary is required to reassign its contract to a compliant LME/MCO and oversee the transfer of operations and contracts.

Enacts new GS 122C-124.2(e), specifying the actions the Secretary must take when transferring management, responsibilities, operations, and contracts of a noncompliant LME/MCO to a compliant LME/MCO, providing that the Secretary must ensure that there is no interruption in the provision of services to recipients by doing the following:

- (1) Arranging for service providers to be paid for authorized services previously rendered.
- (2) Effectuating an orderly transfer of management responsibilities from the noncompliant LME/MCO to the compliant LME/MCO.
- (3) Overseeing the dissolution of the noncompliant LME/MCO and transferring its assets and risk reserve to the compliant LME/MCO. The Secretary must also satisfy any liabilities if there are insufficient assets to satisfy the liabilities of the noncompliant LME/MCO.
- (4) Directing the dissolution of the noncompliant LME/MCO and notifying the board of county commissioners in each of its constituent counties of the dissolution.

Enacts new GS 122C-124.2(g), providing definitions, for use in this section, for *contract* and *compliant local management entity/managed care organization*.

Amends GS 122C-112.1(a) by adding a new subdivision (39) to the list of powers and duties of the Secretary, providing that the Secretary must develop and use a standard contract for all LME/MCOs for operation of the Medicaid Waiver.

Amends GS 122C-115(a), eliminating the authority of a county to provide mental health, developmental disabilities, and substance abuse services through a county program. Adds new subsection (a3), which provides that a county can disengage from an LME/MCO and realign with another multicounty area authority operating under the Medicaid Waiver with the approval of the Secretary. Directs the Secretary to adopt rules to establish the process for county disengagement and provides minimum standards that the rules must meet for a realignment. Requires adoption of a resolution by a majority of area board members to add counties to the existing catchment area (was, by agreement).

Makes conforming changes to GS 122C-115.3, *Dissolution of area authority*. Also establishes that any fund balance available to an area authority at the time of its dissolution not utilized for the payment of liabilities upon dissolution is to be transferred to the LME/MCO in the area authority's catchment area.

Amends GS 122C-118.1(a), eliminating the requirement that a resolution of county commissioners to appoint members to an area board must be unanimous as well as a deadline for the resolution.

Amends GS 122C-118.1, adding new subsection (f), providing that if an area authority adds one or more counties to its existing catchment area, the expanded catchment area must be represented through membership on the area board as provided in GS 122C-118.1(a), *Structure of area board*, with or without adding members to the board.

Enacts new GS 122C-118.2, *Establishment of county commissioner advisory board*, providing for such advisory boards for each catchment area, consisting of one county commissioner from each county in the catchment area, designated by the board of commissioners of each county. The function of the board will be to serve as the chief advisory board to the area authority and its director on matters relating to the delivery of services for individuals with mental illness, intellectual or other development disabilities, and substance abuse disorders in the catchment area. Sets out the method for the designation of board members.

Amends GS 122C-142(a), making conforming changes.

Amends GS 150B-1(e), adding a new subdivision (21), which provides that the right to a contested case hearing under the Administrative Procedures Act does not apply to actions taken by the Secretary under the new GS 122C-124.2.

**Intro. by Tucker, Barringer.**

GS 122C, GS 150B

[View summary](#)

**Health, Mental Health, Public Assistance**

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 13: STATE AGENCY PROPERTY USE/BIENNIAL REPORT.**

*House: Placed On Cal For 05/29/2013*

#### **H 371: CHIROPRACTIC ASSISTANT CERTIFICATION/FEE.-AB**

*House: Serial Referral To Appropriations Stricken*

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2013*

#### **H 616: TRANSITIONAL MORTGAGE LOAN ORIGINATOR.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2013*

#### **H 828: UPDATE PHYSICAL THERAPY PRACTICE ACT.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2013*

#### **H 944: OPPORTUNITY SCHOLARSHIP ACT.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Appropriations*

#### **H 1012: PRELIMINARY EMANCIPATION PROCLAMATION EXHIBIT.**

*House: Reptd Fav. For Introduction*

*House: Filed*

#### **S 25: HUNTING & FISHING/ACTIVE DUTY MILITARY.**

*House: Reptd Fav*

*House: Re-ref Com On Finance*

#### **S 208: EFFECTIVE OPERATION OF 1915(B)/(C) WAIVER.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2013*

**S 234: HUNTER EDUCATION/APPRENTICE PERMIT.**

*House: Placed On Cal For 05/29/2013*

**S 334: DOROTHEA DIX LEASE.**

*House: Placed On Cal For 05/29/2013*

**S 402: APPROPRIATIONS ACT OF 2013.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**S 505: CLARIFY AGRICULTURAL ZONING.**

*House: Reptd Fav*

*House: Re-ref Com On Government*

**LOCAL BILLS****H 553: AMEND CARTERET CO. OCCUPANCY TAX.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2013*

**S 177: HOOKERTON/MAYSVILLE SATELLITE ANNEXATIONS.**

*House: Withdrawn From Com*

*House: Ref to the Com on Finance, if favorable, Government*

**S 269: SALISBURY/DEANNEX ROWAN CTY AIRPORT PROPERTY.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/29/2013*

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