

The Daily Bulletin: 2018-01-10

PUBLIC/HOUSE BILLS

H 189 (2017-2018) [SHORT-TERM RESPONSE TO EMERGING CONTAMINANTS \(NEW\)](#). Filed Feb 23 2017, *AN ACT TO IMPLEMENT SHORT-TERM MEASURES TO RESPOND TO EMERGING CONTAMINANTS IN THE ENVIRONMENT.*

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

Changes the long and short titles. Deletes all provisions of the previous edition and now provides the following.

Directs the Department of Health and Human Services (DHHS) to consult with the Secretaries' Science Advisory Board (Advisory Board) established by the Secretary of Environmental Quality and the Secretary of Health and Human Services to review the establishment of health goals for contaminants. Directs the Advisory Board to review and make recommendations for improvement of the process by which DHHS establishes health goals for contaminants, including how to promote greater public understanding of and confidence in the health goals. Requires DHHS to notify the Chair of the Advisory Board prior to issuing a provisional health goal for a contaminant and to submit all newly issued provisional health goals to the Advisory Board at their next scheduled meeting.

Directs the Department of Environmental Quality (DEQ) to study the State's National Pollutant Discharge Elimination System (NPDES) permitting program to ensure that associated requirements are sufficient to protect public health, safety, welfare, and the environment. Specifies four associated permitting requirements and processes DEQ must examine the adequacy of, including the monitoring, sampling, and laboratory analytical requirements applicable to persons currently holding or applying for NPDES permits. Directs DEQ to submit an interim report with findings and recommendations to the House and Senate Select Committees on North Carolina River Water Quality and the Environmental Review Commission no later than April 1, 2018, and a final report to the same no later than December 1, 2018.

Enacts GS 143-215.1D, directing DEQ to coordinate with the specified state environmental agencies in Georgia, South Carolina, Tennessee, Virginia, and West Virginia to improve processes for sharing information about contaminants identified in surface water or groundwater shared by, passing, or flowing across the border of the specified states and NC. Directs DEQ to share with the specified agencies water quality data for and information about any contaminant identified in surface water or ground water shared by, passing, or flowing across the border of the specified states and NC.

Directs DEQ to study the statutory notification requirements for dischargers of untreated wastewater, untreated waste, and other substances to ensure that the requirements are sufficient to protect public health and provide adequate notice to DEQ and the public. Specifically directs DEQ to consider whether there are any conflicts or redundancies in the statutory notice and reporting requirements, and to study DEQ's processes for notifying the General Assembly and the Environmental Management Commission of the presence in the environment of emerging chemicals for which an applicable discharge standard has not been established under State or federal law. Requires DEQ to report its findings and recommendations to the House and Senate Select Committees on North Carolina River Water Quality and the Environmental Review Commission no later than April 1, 2018.

Directs the School of Government at the University of North Carolina at Chapel Hill to study (1) the extent to which public and private water entities can be held civilly liable for distribution of contaminated drinking water without applicable discharge standards established under State or federal law, and (2) the extent to which public and private water utilities are treated differently for purposes of civil liability. Requires the School of Government to submit the study results to the House and Senate Select Committees on North Carolina River Water Quality and the Environmental Review Commission no later than April 1, 2018.

Establishes that the discharges of the poly-fluoroalkyl chemical known as GenX requires supplemental funding to support the identification, characterizations, and monitoring of GenX and other emerging contaminants in the land, air, and waters of the state, and reallocates the following funds for that purpose. Reallocates \$1.3 million in nonrecurring funds appropriated to DEQ for the 2016-17 fiscal year and allocated for in situ nutrient management by Section 14.13(e) of SL 2016-94 (2016

Appropriations Act), as amended. Transfers to DEQ \$25,000 in nonrecurring funds appropriated to the Rural Economic Development Division of the Department of Commerce for the 2017-18 fiscal year and provided as a grant-in-aid to the Town of Stedman by Section 15.8(b)(15) of SL 2017-57 (Appropriations Act of 2017). Requires the reallocated funds provided to DEQ to be allocated for the 2017-18 fiscal year as follows: (1) \$813,000 to the Division of Water Resources for time-limited positions and operations support of water quality sampling related to GenX and other emerging contaminants and to address permitting backlogs; (2) \$232,950 to the Division of Air Quality for sampling and analysis of atmospheric deposition of GenX and other emerging contaminants; and (3) \$279,050 to the Division of Waste Management for sampling and analysis of GenX and other emerging contaminants in groundwater wells, soil, and sediment. Adds that the reallocated funds are to remain available for nonrecurring expenses, including the establishment of time-limited positions, through June 30, 2019.

Appropriates to DEQ \$479,736 in recurring funds for the 2017-18 fiscal year from the unappropriated balance remaining in the General Fund to support sampling and analysis activities associated with discharges of GenX and other emerging contaminants. Allocates to DEQ \$537,000 in nonrecurring funds for the 2017-18 fiscal year from the Contingency and Emergency Fund to support the acquisition of analytic equipment to evaluate in a more timely and cost-effective manner the threat to public health and safety resulting from discharges of GenX and other emerging contaminants. Makes conforming changes to Sections 2.1 and 2.2 of SL 2017-57, as amended. Adds that nonrecurring funds appropriated for the 2017-18 fiscal year are to remain available for nonrecurring expenses through June 30, 2019.

Intro. by Davis, Hardister, Clampitt, Grange.

APPROP, STUDY, GS 143

[View summary](#)

Environment, Environment/Natural Resources, Government, Budget/Appropriations, State Agencies, UNC System, Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Health and Human Services, Health, Public Health

PUBLIC/SENATE BILLS

S 308 (2017-2018) ADDITIONAL SPEAKER APPOINTMENTS (NEW). Filed Mar 16 2017, *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO CORRECT A TERM IN THE 2017 APPOINTMENTS BILL.*

House committee substitute makes the following changes to the 2nd edition.

Changes the long and short titles. Deletes all provisions of the previous edition and now makes the following appointments upon recommendation of the Speaker.

Appoints Haywood Edwin White III to the Board of Trustees of the University of North Carolina at Wilmington for a term expiring on June 30, 2019, to fill the unexpired term of Christopher J. Leonard.

Appoints Harvey "Keith" Purvis to the North Carolina Agriculture Finance Authority for a term expiring on June 30, 2019, to fill the unexpired term of Anthony L. Gordon.

Appoints Heather S. VunCannon to the Charter School Advisory Board for a term expiring on June 30, 2019, to fill the unexpired term of Anthony Helton.

Appoints Frank A. Stewart to the North Carolina State Ports Authority for a term expiring on June 30, 2018, to fill the unexpired term of Daniel L. Gurley.

Appoints Susan D. Neeley to the North Carolina Institute of Medicine for a term expiring January 1, 2020, to fill the unexpired term of Kevin Sowers.

Amends Section 2.2 of SL 2017-213, to change the expiration of the appointment of Bradford T. Smith to the Ferry Transportation Authority Board of Trustees from June 30, 2020, to June 30, 2018.

Intro. by J. Davis.

UNCODIFIED

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[Agriculture, Education, Government, State Agencies, UNC System, Health and Human Services, Health, Transportation](#)

S 699 (2017-2018) [CONFIRM FRANKLIN R. ALLEN/BD OF AG](#). Filed Jan 10 2018, *A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF FRANKLIN R. ALLEN TO THE BOARD OF AGRICULTURE.*

Confirms the appointment as the title indicates for a term to expire on September 1, 2019. Includes whereas clauses.

Intro. by B. Jackson.

SENATE RES

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[Agriculture](#)

S 700 (2017-2018) [CONFIRM CHARLOTTE MITCHELL/UTILITIES COMM](#). Filed Jan 10 2018, *A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF CHARLOTTE A. MITCHELL TO THE UTILITIES COMMISSION.*

Confirms appointment as title indicates for a new term beginning July 1, 2017, and expiring June 30, 2023. Includes whereas clauses.

Intro. by Ford.

JOINT RES

[View summary](#)

[Public Enterprises and Utilities](#)

S 701 (2017-2018) [CONFIRM TONOLA BROWN-BLAND/UTILITIES COMM](#). Filed Jan 10 2018, *A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF TONOLA D. BROWN-BLAND TO THE UTILITIES COMMISSION.*

Confirms appointment as title indicates for a term beginning July 1, 2017, and expiring June 30, 2023. Includes whereas clauses.

Intro. by Ford.

JOINT RES

[View summary](#)

[Public Enterprises and Utilities](#)

S 702 (2017-2018) [INDEPENDENT REDISTRICTING COMMISSION](#). Filed Jan 10 2018, *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION.*

Subject to voter approval at the general election in November 2018, amends Article II, Sections 3 and 5, of the NC Constitution, directing the Independent Redistricting Commission (Commission), beginning as soon as practical, to revise the Senate and Representative districts and the apportionment of Senators and Representatives among those district after the return of every decennial census of population take by order of Congress. Requires the revision of districts and apportionment of Senators and Representatives so that the districts, to the extent possible, meet three goals: (1) the goal of compactness, to avoid elongated and irregularly shaped districts; (2) the goal of one person, one vote to ensure each voter's vote; and (3) the goal of minimizing the number of split counties, municipalities, and other communities of interest. Requires all districts to be contiguous, and prohibits precincts from being split. Requires the Commission to present the General Assembly with three plans. If the General Assembly fails to enact one of those plans within 120 days, requires the Commission to adopt one of the

plans, with the force and effect of acts of the General Assembly. Deletes previous provisions that required the General Assembly to conduct the revisions of districts and the apportionment of Senators and Representatives subject to specified requirements. Effective beginning with the redistricting done upon the return of the 2020 decennial census.

Subject to voter approval at the general election in November 2018, adds new Section 25 to Article II of the NC Constitution, establishing the nine-member Commission. Appointments to the Commission are to be made by the Chief Justice of the Supreme Court, the Governor, the Speaker of the House of Representatives, the leader in the House with the next highest or equal number of House members as the Speaker's party, the President Pro Tempore of the Senate, and the leader in the Senate of the party with the next highest or equal number of Senators as the President Pro Tempore's party. Prohibits a person who has served as a member of the Commission from holding any elective public office for four years after terminating service on the Commission. Effective January 1, 2019.

Effective January 1, 2019, and effective only if voters approve the constitutional amendments set out above, enacts new Part 2A, Redistricting, to Article 20 of GS Chapter 163A.

New GS 163A-1080 requires membership of the Commission to comply with the requirements set out in new Section 25 of Article II of the Constitution. Provides for appointments when there are two or more parties other than the Speaker's party in the House, or the President Pro Tempore's party in the Senate, with equal membership. Sets out procedures and considerations for the appointing officers in the appointment of Commission members. Provides for terms of office, the filling of vacancies, the election of a Chair, and staffing of the Commission. Limits eligibility for appointment to the Commission to persons who are residents of NC and have not held elective public office or been a candidate for elective public office in the four years prior to commencement of service on the Commission.

New GS 163A-1081 sets out parameters for the presentation and adoption of legislative and congressional redistricting plans as follows.

Requires the Commission to present to the General Assembly three plans for revising the Senate districts and three plans for revising the House districts. Provides that each of the bills must be voted on under a procedure or rule permitting no amendments except those that are purely corrective. Requires any bill approved on third reading by the first house in which it is considered to be expeditiously brought to a vote in the second house under a similar procedure or rule. Requires the General Assembly to adopt one Senate plan and one House plan presented by the Commission within 120 days of receiving the plans. Requires the Commission to adopt one of the plans submitted to the General Assembly by majority vote if none of the bills embodying a plan submitted by the Commission is approved by the General Assembly within 120 days of receipt, which will have the force and effect of acts of the General Assembly.

Requires the Commission to present to the General Assembly three district plans for the election of members of the House of Representatives of the US Congress. Provides for identical parameters for the consideration and adoption of a congressional plan as described above for legislative plans, including the requirement of the Commission to adopt a district plan by majority vote if none of the bills embodying a plan submitted by the Commission is approved by the General Assembly within 120 days of receipt, which will have the force and effect of acts of the General Assembly.

Establishes that district plans must be adopted no later than October 1 of the year following the decennial census of population taken by order of Congress. Requires the Commission to ensure there is a minimum period of 45 days of public comment on a plan before it is submitted to the General Assembly. When preparing or adopting a plan, prohibits the Commission from considering the location of incumbents' residences or demographic data from sources other than the US Bureau of Census. Limits the Commission's use of Census racial and ethnic data for purposes of compliance with the US Constitution and laws enacted pursuant to the Constitution. Requires the Commission to ensure that districts are contiguous and do not create an unfair advantage for one party over the other.

Provides for the adoption of a new district plan as required by new GS 163A-1081 in the event that an adopted plan is held invalid. Requires the General Assembly and the Commission to take into account all relevant requirements of the US Constitution and acts of Congress in adopting a plan, as well as comply with the NC Constitution. Expressly authorizes the General Assembly to assign to the Commission the duty to prepare districting and redistricting plans for any county, city, town, special district, and other governmental subdivision if the governing board of the unit or a court of competent jurisdiction so requests.

S 703 (2017-2018) [TECH CORRECT TO APPROPRIATIONS ACT OF 2017](#). Filed Jan 10 2018, *AN ACT TO MAKE TECHNICAL MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2017 REGARDING CLASS SIZE IN KINDERGARTEN THROUGH THIRD GRADE*.

Includes several whereas clauses concerning class size requirements for kindergarten through third grade. Amends Section 7.15A of SL 2017-57 (Appropriations Act of 2017), which amends GS 115C-301(c), to prohibit the average class size for kindergarten through third grade from exceeding the funded allotment ratio of teacher to students, as previously provided, by more than three students (currently, does not allow for exceeding the funded allotment ratio by three students). Prohibits the size of an individual class in kindergarten through third grade, at the end of the second school month and for the remainder of the school year, from exceeding the allotment ratio by more than six students (currently, by more than three students). The act does not change the current provision making Section 7.15A apply beginning with the 2018-19 school year.

Intro. by Chaudhuri, Van Duyn, Smith.

GS 115C

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[Education, Elementary and Secondary Education](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 189: [SHORT-TERM RESPONSE TO EMERGING CONTAMINANTS \(NEW\)](#).

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Added to Calendar

House: Amend Failed A1

House: Passed 2nd Reading

House: Passed 3rd Reading

S 308: [ADDITIONAL SPEAKER APPOINTMENTS \(NEW\)](#).

House: Reptd Fav Com Substitute

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received For Concurrence in H Com Sub

Senate: Placed on Today's Calendar

Senate: Concurred In H/Com Sub

Senate: Ordered Enrolled

Ratified

S 698: [INCREASE VOTER ACCOUNTABILITY OF JUDGES](#).

Senate: Passed 1st Reading

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 699: CONFIRM FRANKLIN R. ALLEN/BD OF AG.

Senate: Filed

Senate: Filed

Senate: Passed 1st Reading

Senate: Ref To Com On Agriculture/Environment/Natural Resources

Senate: Reptd Fav

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Adopted

S 700: CONFIRM CHARLOTTE MITCHELL/UTILITIES COMM.

Senate: Filed

Senate: Passed 1st Reading

Senate: Passed 1st Reading

Senate: Ref To Com On Commerce and Insurance

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received From Senate

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

House: Reptd Fav

House: Added to Calendar

House: Cal Pursuant Rule 36(b)

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

Ratified

Ch. Res 2018-1

S 701: CONFIRM TONOLA BROWN-BLAND/UTILITIES COMM.

Senate: Filed

Senate: Filed

Senate: Passed 1st Reading

Senate: Ref To Com On Commerce and Insurance

Senate: Reptd Fav

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received From Senate

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

Ratified

Ch. Res 2018-2

S 702: INDEPENDENT REDISTRICTING COMMISSION.

Senate: Filed

S 703: TECH CORRECT TO APPROPRIATIONS ACT OF 2017.

Senate: Filed

No local actions on bills

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