

## The Daily Bulletin: 2018-11-29

### PUBLIC/HOUSE BILLS

H 1108 (2017-2018) [PED/INMATE PHARMACY PURCHASING/MONITORING](#). Filed Nov 28 2018, *AN ACT TO MODIFY INMATE PHARMACY PURCHASING AND MONITORING*.

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

Changes the act's long title.

Deletes the proposed provisions in Section 1 of the act, which directed the UNC Health Care System (UNCHCS), in cooperation with the Department of Public Safety, Health Services Section (Health Services) to modify its 340B program to provide HIV/AIDS and Hepatitis C medications to inmates.

Instead, directs the Legislative Services Commission to contract for an expert consultant to prepare a proposal for the federally compliant purchasing of inmate medications through a Disproportionate Share Hospital, including UNCHCS. Requires the proposal to include mechanisms for purchasing treatment drugs for HIV/AIDS, Hepatitis C, cancer, neurological conditions, rheumatic diseases, and other costly medical conditions (the previous version focused on HIV/AIDS and Hepatitis C medications and directed UNCHCS and DPS Health Services to develop a plan for obtaining additional medications through the 340B program). Further requires the proposal to include specific purchasing implementation provisions. Requires the consultant to submit the proposal and any necessary legislative changes to the specified NCGA Office and Committee on or before May 1, 2019.

Increases the budget of the General Assembly by \$25,000 for the 2018-19 fiscal year to cover the cost of the consultant contract (the previous version also provided \$25,000 for UNCHCS to hire a legal consultant to assist in the 340B program design).

Amends proposed GS 143B-707.7 regarding contracting for limited use of local purchase of inmate pharmacy needs. Now requires Health Services to adopt a statewide reimbursement rate for local purchases of limited quantities of medicine and allowing any pharmacy willing to accept the statewide reimbursement rate to participate in the plan (the previous edition directed Health Services to award a statewide contract to a private pharmacy and require prison health staff to use that pharmacy except under extenuating circumstances and with approval). Requires the reimbursement rate to be based on the State Health Plan for Teachers and State Employees reimbursement rate for prescription drugs.

Changes the effective date to now become effective when the act becomes law (was, July 1, 2019).

**Intro. by Horn.**

GS 143B

[View summary](#)

**Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Government, General Assembly, State Agencies, UNC System, Department of Public Safety, Office of State Budget and Management, Health and Human Services, Health, Health Care Facilities and Providers**

H 1113 (2017-2018) [HURRICANE FLORENCE/SUPPLEMENTAL ACT](#). Filed Nov 29 2018, *AN ACT TO PROVIDE ADDITIONAL DISASTER RELIEF IN RESPONSE TO HURRICANE FLORENCE*.

Part I

Appropriates \$299,800,000 from the Hurricane Florence Disaster Recovery Fund (created by SL 2018-134) for the 2018-19 fiscal year in the amounts and for the hurricane recovery purposes specified to: the Department of Public Instruction, the Department of Agriculture and Consumer Services, the Office of State Budget and Management, the Department of Environmental Quality/Division of Marine Fisheries, Department of Environmental Quality/Division of Coastal Management, the Wildlife Resources Commission, the Department of Environmental Quality, and the Judicial Department.

## Part II

Allows the Department of Public Instruction (DPI) to transfer up to \$350,000 from the State Public School Fund to the Education Fund to support the Florence Aid to Students and Teachers of North Carolina initiative.

Modifies the formula for determining the average daily membership of the school supervised by the principal under the 2018-19 Principal Annual Salary Schedule. Limits this change to principals supervising schools that (1) are located in a county designated under a major disaster declaration by the President as a result of Hurricane Florence and (2) were closed for at least 15 school days September-November 2018 as a result of the hurricane.

Allows the funds provided to UNC for repair and renovation of capital facilities damaged by Hurricane Florence on the campus at Wilmington, Pembroke, and Fayetteville to also be used for temporary facility costs associated with hurricane damage.

Sets the beginning date for peak season for soil testing for 2018 as December 15.

Amends Section 5.11 of SL 2018-136 by amending the criteria that must be met in order to be eligible for financial assistance for losses of agricultural commodities to require that the commodity be planted but not harvested (was, be planted) on or before September 13, 2018. Also amends Section 5.11 by requiring that the Department of Agriculture and Consumer Services (DACS) report quarterly on six specified issues related to the financial assistance program to the Fiscal Research Division. Effective October 16, 2018.

Provides that if a county is included in either a Secretarial Disaster Declaration for Hurricane Michael or a Presidential Federal Emergency Management Agency Declaration for Hurricane Michael and the Commissioner of Agriculture and Consumer Services determines that funds from the Hurricane Florence Disaster Recovery Fund that are allocated to the Hurricane Florence Agricultural Disaster Program for 2018 are needed to address the impacts of Hurricane Michael in those counties, then the Office of State Budget and Management (OSBM) must transfer the needed funds from the Hurricane Florence Disaster Recovery Fund to the State Emergency Response and Disaster Relief Fund with the funds to be used for the purposes in the Hurricane Florence Agricultural Disaster Program of 2018.

Allows funds allocated to DACS for stream debris removal to be transferred to the Hurricane Florence Disaster Recovery Fund and used to fund removal of stream debris deposited by Hurricane Florence. Requires DACS to track and submit a quarterly report to the Fiscal Research Division on funds transferred under this authority.

Requires funds allocated by this act for commercial fishing assistance to be used to reimburse persons holding a Standard Commercial Fishing License, a Retired Standard Commercial Fishing License, or a North Carolina Resident Shellfish License for all or part of September 1, 2018, through November 30, 2018, for reductions in landings. Allows for the issuance of emergency and temporary rules to implement this provision and allows the Division to use up to 2.5% of the funds for administrative costs.

Requires the Wildlife Resources Commission to recommend legislation to specified NCGA committees and division by March 1, 2019, on facilitating the identification of persons responsible for abandoned or derelict vessels in order to require those individuals to take responsibility for their vessels and to give the state the authority to dispose of vessels when no responsible owner is found. Requires consultation with a working group consisting of specified entities.

Amends Section 13.9 of SL 2018-5 by changing the permissible use of the \$5 million appropriated to the Department of Environmental Quality, Division of Water Resources, to provide a grant-in-aid to Resource Institute, Inc., by specifying that the purpose is to work with local governments on Topsail Island and engineering firms to develop, plan, or implement projects intended to mitigate the impacts of future hurricanes on the Island (was, for the purpose of working with coastal local governments and engineering firms to explore emerging techniques that can extend the useful life of beach nourishment projects). Expands the items that must be included in the report by Resource Institute, Inc., to also include a list of projects funded on Topsail Island, including project costs and scope.

Allows funds provided to Golden L.E.A.F. Inc. to repair and replace local government infrastructure, vehicles, equipment, and facilities to also be used to provide grants for similar purposes to 501(c)(3) organizations as well as private nonprofit organizations and established religious organizations to repair and replace places of worship impacted by flooding from Hurricane Florence.

Amends GS 7A-64, authorizing the Director of the Administrative Office of the Courts (AOC) to provide temporary district attorneys upon request from a district attorney of a county in a jurisdiction subject to a gubernatorial disaster declaration. Amends GS 7A-130, allowing for district court sessions to be conducted at a location outside a district county seat by order of the chief district court judge when exigent circumstances exist within a judicial district and prior approval is obtained as specified. Makes organizational and clarifying changes to these statutes. Amends GS 7A-146, adopting similar language to modify the chief district court judge's administrative authority to assign magistrates to temporary duty outside their county of residence but within their district when exigent circumstances exist (currently, characterized as an emergency circumstance), or to temporary duty in another district at the request of another chief district court judge (currently, limited to adjoining districts). Makes conforming changes to GS 7A-343.

Directs the Director of the Budget to develop a five-year plan, beginning in the 2019-20 fiscal year, to replenish the Savings Reserve and submit the plan to the specified NCGA committee and division chairs by March 1, 2019.

Modifies Section 5.8 of SL 2018-136, establishing a separate quarterly reporting requirement beginning January 1, 2019, for the Office of Recovery and Resiliency (Office) to the specified NCGA entities on the use of disaster recovery and assistance funds expended from the State Emergency Response and Disaster Relief Fund for Hurricane Matthew, with identical required content as the quarterly report for expenditures of the Hurricane Florence Recovery Fund set out in the section. These reports must be included in the Office's annual report compiling the quarterly reports required by the section. Adds that the separate quarterly reports must include information about all expenditures and encumbrances pursuant to the act and any other act providing funds to address the impacts of Hurricanes Matthew and Florence, including administration or receipt of funds by any non-state entities.

Amends Section 5.7(a) of SL 2018-136, further specifying that the Office is responsible for the administration of funds provided by the Community Development Block Grant Disaster Recovery program for Hurricanes Florence and Matthew.

Amends Section 5.11 of SL 2016-124, requiring all Community Development Block Grant Disaster Recovery Program funds received by the Department of Commerce in response to the described declarations and executive orders to be transferred to the Office instead of the Emergency Management Division (EMD). Makes conforming change to require the Office instead of EMD to assist the Department of Commerce in its required reporting related to Disaster Recovery Program funds.

Repeals monthly reporting requirements of the OSBM regarding the implementation of the Disaster Recovery Acts of 2016 and 2017 and the 2018 Disaster Recovery provisions set out in: Section 5.8 of SL 2016-124, Section 6 of SL 2017-119, and subsection 5.6(g) of SL 2018-5.

Modifies Section 5.19 of SL 2018-136, separating the financial and performance components of the required preliminary audit by the State Auditor of the Hurricane Florence Disaster Recovery Fund. Now requires the preliminary financial audit be conducted by October 1, 2019; March 1, 2021; and every two years thereafter (was, March 1, 2019); and requires performance audits of the Fund be conducted by March 1, 2020, and every three years thereafter. Requires a final financial and performance audit to be conducted once all funds are expended, or by March 1, 2025, whichever is earlier (previously, additional periodic financial and performance audits were at the request of the Director of the Budget and the General Assembly).

### Part III

Limits the scope of Section 1.3 of the act (which allocates the appropriated funds to for the specified uses) to the counties designated a major disaster under a Presidential declaration as a result of Hurricane Florence.

Incorporates by reference Sections 4.2 (Reimbursement of funds provided by the act), 4.3 (Additional limitations to the use of funds), 5.18 (Expansion of eligibility for disaster housing assistance), 5.21 (Involvement of historically underutilized businesses), 5.22 (Legislative review of federal involvement and remaining unmet needs), 5.23 (Prohibition on the use of state funds to construct certain residences), 5.24 (Subrogation by state of right to insurance coverage for damaged homes purchased or relocated under the Hazard Mitigation program), and 6.1 (Integration of the Joint Appropriations Committee Report dated October 15, 2018) of SL 2018-136 (2018 Hurricane Florence Disaster Recovery Act).

Amends Section 5.24 of SL 2018-136 to refer to the Hurricane Florence Disaster Recovery Fund instead of the State Emergency Response and Disaster Relief Fund, subrogating the Hurricane Florence Disaster Recovery Fund to a person's rights under and insurance coverage for damage to a home relocated or purchased with funds from the Hazard Mitigation Program or the State Acquisition and Relocation Fund.

**Intro. by Dollar, McGrady, Johnson, Lambeth.**

[APPROP, STUDY, GS 7A](#)

[View summary](#)

[Agriculture, Animals, Business and Commerce, Courts/Judiciary, Court System, Development, Land Use and Housing, Community and Economic Development, Education, Elementary and Secondary Education, Environment, Aquaculture and Fisheries, Environment/Natural Resources, Government, Budget/Appropriations, State Agencies, Department of Agriculture and Consumer Services, Department of Environmental Quality \(formerly DENR\), Department of Justice, Department of Public Instruction, Office of State Budget and Management, Transportation](#)

H 1114 (2017-2018) [CHANGE BURDEN OF PROOF/CANDIDACY CHALLENGE](#). Filed Nov 29 2018, *AN ACT TO REQUIRE THAT THE BURDEN OF PROOF IN CERTAIN CHALLENGES TO CANDIDACY BE PLACED ON THE CHALLENGER UNDER THE LAWS GOVERNING ELECTIONS.*

Amends GS 163A-1029, shifting the burden of proof in a challenge of a candidate's qualification from the candidate under current law to the challenger. Maintains current law that places the burden of proof upon the candidate to defend a residency challenge. Applies to challenges to candidacy on or after the date the act becomes law.

**Intro. by Clampitt.**

[GS 163A](#)

[View summary](#)

[Government, Elections](#)

## PUBLIC/SENATE BILLS

S 826 (2017-2018) [CONFIRM CRAIG CROOM/SPECIAL SUPERIOR CT JUDGE](#). Filed Nov 29 2018, *A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF CRAIG CROOM AS A SPECIAL SUPERIOR COURT JUDGE.*

As title indicates. The term of office will end five years from the appointment.

**Intro. by Rabon.**

[JOINT RES](#)

[View summary](#)

[Courts/Judiciary, Court System](#)

## LOCAL/HOUSE BILLS

H 1112 (2017-2018) [CHINA GROVE SATELLITE ANNEXATIONS](#). Filed Nov 29 2018, *AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF CHINA GROVE.*

Amends GS 160A-58.1 as title indicates.

**Intro. by Ford.**

[Rowan](#)

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 1108: PED/INMATE PHARMACY PURCHASING/MONITORING.**

*House: Passed 1st Reading*  
*House: Ref To Com On Appropriations*  
*House: Reptd Fav Com Substitute*  
*House: Cal Pursuant Rule 36(b)*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Special Message Sent To Senate*  
*House: Special Message Sent To Senate*  
*Senate: Special Message Received From House*  
*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Rules and Operations of the Senate*

#### **H 1111: ADDITIONS & CORRECTIONS TO 2018 APPOINTMENTS.**

*House: Passed 1st Reading*  
*House: Cal Pursuant 32*  
*House: Added to Calendar*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Special Message Sent To Senate*  
*Senate: Special Message Received From House*  
*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Rules and Operations of the Senate*

#### **H 1113: HURRICANE FLORENCE/SUPPLEMENTAL ACT.**

*House: Filed*

#### **H 1114: CHANGE BURDEN OF PROOF/CANDIDACY CHALLENGE.**

*House: Filed*

#### **S 117: FORFEIT. RETIREMENT BENEFITS/ANTI-PEN. SPIKING (NEW).**

*House: Withdrawn From Com*  
*House: Re-ref Com On Pensions and Retirement*

#### **S 820: HIGH-PAY JDIG JOB CAP MODIFICATION.**

*House: Withdrawn From Cal*  
*House: Re-ref Com On Finance*  
*House: Reptd Fav*  
*House: Cal Pursuant Rule 36(b)*  
*House: Added to Calendar*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Ordered Enrolled*

#### **S 823: HURRICANE FLORENCE/SUPPLEMENTAL ACT.**

*House: Reptd Fav*  
*House: Cal Pursuant Rule 36(b)*  
*House: Added to Calendar*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Ordered Enrolled*

**S 824: IMPLEMENTATION OF VOTER ID CONST. AMENDMENT.**

*Senate: Passed 3rd Reading*  
*Senate: Engrossed*  
*Senate: Special Message Sent To House*  
*House: Special Message Received From Senate*  
*House: Passed 1st Reading*  
*House: Ref To Com On Elections and Ethics Law*

**S 825: PED/INMATE PHARMACY PURCHASING/MONITORING.**

*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Rules and Operations of the Senate*

**S 826: CONFIRM CRAIG CROOM/SPECIAL SUPERIOR CT JUDGE.**

*Senate: Filed*

**LOCAL BILLS**

**H 1105: CLEVELAND CO. BD. OF ED./EVEN-YEAR ELECTIONS.**

*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Special Message Sent To Senate*  
*Senate: Special Message Received From House*  
*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Rules and Operations of the Senate*

**H 1109: MACON/CLAY/NO RIGHT-OF-WAY SPOTLIGHTING.**

*House: Passed 1st Reading*  
*House: Ref To Com On State and Local Government I*

**H 1110: TEN-TEN FIRE DISTRICT GOVERNANCE.**

*House: Passed 1st Reading*  
*House: Ref to the Com on State and Local Government I, if favorable, Finance*

**H 1112: CHINA GROVE SATELLITE ANNEXATIONS.**

*House: Filed*