



The Daily Bulletin: 2019-06-13

PUBLIC/HOUSE BILLS

H 495 (2019-2020) [NO MUNICIPAL REG/OFF-SITE WASTEWATER SYSTEMS. \(NEW\)](#) Filed Mar 27 2019, *AN ACT TO PROHIBIT MUNICIPALITIES FROM REGULATING OFF-SITE WASTEWATER SYSTEMS.*

Senate committee substitute to the 2nd edition changes the act's titles.

Intro. by McElraft.

[GS 130A](#)

[View summary](#)

[Government, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities](#)

H 656 (2019-2020) [MEDICAID CHANGES FOR TRANSFORMATION.](#) Filed Apr 9 2019, *AN ACT TO MODIFY THE LAWS PERTAINING TO MEDICAID AND NC HEALTH CHOICE AS NEEDED FOR THE IMPLEMENTATION OF MEDICAID TRANSFORMATION.*

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

Section 1

Makes technical changes to the proposed changes to GS 108D-1, now using the terms *behavioral health and intellectual/developmental disabilities tailored plan or BH IDD tailored plan* (was, *Behavioral Health and Individuals with Developmental Disabilities Tailored or BH IDD Tailored Plan*) and *standard benefit plan* (rather than *standard plan*). Additionally, modifies the definition of *prepaid health plan* (PHP) to now define the term to mean a PHP that is under a capitated contract with the Department of Health and Human Services (DHHS) for the delivery of Medicaid and NC Health Choice services, or a local management entity/managed care organization that is under a capitated contract with DHHS to operate a BH IDD tailored plan (previously, defined as a PHP or a local management entity/managed care organization operating a BH IDD tailored plan). Makes further technical changes.

Amends new Article 1A, Disenrollment and Prepaid Health Plans (PHP), of GS Chapter 108D, to no longer allow for beneficiaries under the age of 26 who formerly received Title IV-E adoption assistance to disenroll from a PHP at any time. Makes technical changes.

Amends the proposed changes to Article 2, Enrollee Grievances and Appeals, of GS Chapter 108D, as follows. Eliminates the proposed changes to GS 108D-13 which required reinstatement of benefits by a PHP for a Medicaid enrollee under certain circumstances. Amends the proposed changes to GS 108D-14, concerning expedited managed care entity level appeals, to require a managed care entity to presume an expedited appeal is necessary when the expedited appeal is made by a network provider as an enrollee's authorized representative or when the network provider has otherwise indicated that the managed care entity that an expedited appeal is necessary (previously, only presumed necessary when requests are made by a network provider as an enrollee's authorized representative). Similar to the changes to GS 108D-13, eliminates the proposed changes which required reinstatement of benefits by a PHP for a Medicaid enrollee under certain circumstances. Makes conforming changes to GS 108D-15, and further amends the statute to no longer mandate that the Office of Administrative Hearings dismiss a contested case if the enrollee accepts an offer of mediation and then fails to attend mediation without good cause.

Makes the following changes to new Article 3, Managed Care Entity Provider Networks, of GS Chapter 108D. Requires each LME/MCO operating the combined 1915(b) and (c) waivers to develop and maintain (rather than maintain and utilize) a closed network of providers to furnish MH/IDD/SA services to its enrollees. Requires entities operating BH IDD Tailored Plans to

develop and maintain (rather than utilize) closed provider networks only for the provision of behavioral health, intellectual and developmental disability, and traumatic brain injury services.

Section 6

Makes technical changes to GS 108A-70.9A. Regarding contested Medicaid cases, amends GS 108A-70.9B to no longer mandate the Office of Administrative Hearings to dismiss a contested case if the enrollee accepts an offer of mediation and then fails to attend mediation without good cause (similar to GS 108D-15, as amended).

Section 9

Modifies GS 122C-3 to make conforming terminology changes, now defining *behavioral health and intellectual/developmental disabilities tailored plan*. Makes further technical changes. Adds *prepaid health plan* to the defined terms, defining the term by statutory cross-reference to GS 108D-1.

Section 9A

Amends GS 122C-55, as amended, concerning client confidentiality. Defines *client*, and amends the definition of *facility* and *area facility* as used in the statute to include a PHP. Makes conforming changes to make the confidentiality parameters applicable to PHPs. Provides for disclosure of confidential client information when the area authority or PHP determines the disclosure is necessary to develop, manage, monitor, or evaluate the area authority's or PHP's network of qualified providers, as provided in specified state law, including new Article 3 of GS Chapter 108D, the State Plan, rules of the DHHS Secretary and contracts between the facility and DHHS (previously, did not include contracts between the facility and DHHS).

Section 12

Modifies the proposed changes to Section 4 of SL 2015-245, as amended, concerning services covered by PHPs, to exclude Medicaid services covered by the LME/MCO under combined 1915(b) and (c) waivers and provides that they cannot be covered under a standard benefit plan (was, a BH IDD Tailored Plan). Makes conforming changes. Also excludes receiving behavioral health, intellectual and developmental disability, or traumatic brain injury services that are covered by LME/MCOs under the combined 1915(b) and (c) waivers and that are not covered through a standard benefit plan under the specified provisions of the law.

Section 13A

Makes clarifying changes to Section 6 of SL 2015-245.

Section 14

Makes technical changes to the directive requiring the Revisor of Statutes to codify specified portions of SL 2015-245 into a new Article 4, Prepaid Health Plans, GS Chapter 108D.

Sections 15 and 16

Makes further technical changes.

Intro. by Lambeth, Dobson, Murphy, Sasser.

[GS 108A](#), [GS 108D](#), [GS 122C](#)

[View summary](#)

Government, APA/Rule Making, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Mental Health, Social Services, Public Assistance

H 929 (2019-2020) [GAMING COMMISSION](#). Filed Apr 16 2019, *AN ACT TO ESTABLISH THE NORTH CAROLINA GAMING COMMISSION*.

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

Amends new GS Chapter 18E to remove fantasy sports regulations (proposed Subchapter V, Articles 25 and 26). Amends proposed GS 18A-113 (appears to intend GS 18E-113) to bar a legislator or former legislator from serving on the NC Gaming Commission (Commission) while in office or within 12 months after leaving office. Amends proposed GS 18E-117 to specify that the Commission does not have authority to regulate or oversee any gaming conducted pursuant to a compact between the State and a federally recognized Indian Tribe.

Modifies the required study by the Commission, now also requiring the Commission to examine whether gambling losses should be eligible for deduction on state income tax filings. Now requires the Commission to report to the Joint Legislative Oversight Committee on the State Lottery by February 15, 2020 (rather than to the 2020 Regular Session of the 2019 General Assembly by January 31, 2020).

Provides that no action or proceeding pending on August 31, 2019, rather than those pending on May 1, 2019, brought by or against the North Carolina Lottery Commission, the State Bureau of Investigation, the Alcohol Law Enforcement Branch of the Department of Public Safety, or the Boxing Advisory Commission is affected by any provision of this act, and may be prosecuted or defended in the name of the North Carolina Gaming Commission. Makes conforming date changes to allow any business or other matter undertaken or commanded by any State program or office or contract transferred to the Commission pertaining to or connected with the functions, powers, obligations, and duties set forth herein, which is pending on August 31, 2019, to be conducted and completed by the Commission in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the original program, office, or commissioners or directors thereof. Further specifies that the consolidation does not affect any ongoing investigation or audit and that prosecutions for offenses or violations committed before August 31, 2019 (was, May 1, 2019), are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Adds that the members of the NC Lottery Commission appointed under current law will operate as the NC Gaming Commission until appointments have been made to the Gaming Commission pursuant to the act.

Changes the effective date of the act from January 1, 2020, to September 1, 2019.

Makes conforming changes to the act's long title.

Intro. by Warren, Hardister, Saine, Hunter.

[STUDY, GS 14, GS 18C, GS 18E, GS 143](#)

[View summary](#)

[Alcoholic Beverage Control, Government, Public Safety and Emergency Management, Lottery and Gaming](#)

H 934 (2019-2020) [RIGHT TO TRY ADULT STEM CELL TREATMENTS](#). Filed Apr 16 2019, *AN ACT EXPANDING THE RIGHT TO TRY ACT TO PROVIDE ACCESS TO INVESTIGATIONAL ADULT STEM CELL TREATMENTS FOR PATIENTS DIAGNOSED WITH A TERMINAL OR CHRONIC ILLNESS*.

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

Amends new GS 90-325.12, by requiring that investigational adult stem cell treatment, as authorized, be provided at an accredited medical school located in the state, an affiliated facility of an accredited medical school located in the state, or any other facility approved by the institutional review board overseeing the treatment (previously, allowed for treatment at a licensed hospital, a licensed ambulatory surgical center, or an accredited medical school located in the state). Amends new GS 90-325.13, by requiring an institutional review board overseeing investigational adult stem cell treatments be affiliated with an accredited medical school located in the state or an affiliated facility of a medical school located in the state (previously, required affiliation with an accredited medical school in the state or a licensed hospital with at least 150 beds).

Amends new GS 90-325.14, which prohibits the purchase and sale of adult stem cells for certain investigational treatments, by excepting from the prohibition health care providers, medical researchers, or biosciences professionals who are either (1) engaged in research, clinical trials, or investigational adult stem cell treatment being overseen or having been approved by an institutional review board meeting the specified requirements or (2) otherwise engaged in legal research, clinical trials, or investigational adult stem cell research. Makes conforming changes.

Intro. by Blackwell, Lambeth, Murphy, Reives.

GS 90

[View summary](#)[Health and Human Services, Health, Health Care Facilities and Providers](#)

PUBLIC/SENATE BILLS

S 523 (2019-2020) [REV. LAWS CLARIFYING & ADMINISTRATIVE CHANGES](#). Filed Apr 2 2019, *AN ACT TO MAKE VARIOUS CLARIFYING AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS*.

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

Part III. Sales and Use Tax Changes

Eliminates the proposed changes to the terms *capital improvement* and *lease or rental* as defined in GS 105-164.3, which modified the scope of the terms to include improvement or transfer of certain digital property.

Amends the proposed changes to GS 105-164.6 regarding complementary use tax to impose the complementary use tax on certain digital property purchased (was, purchased, leased, or rented) inside or outside the state for storage, use, or consumption in the state so long as the property is subject to tax under GS 105-164.4 (providing for the privilege tax imposed on retailers).

Further amends GS 105-164.13 to exempt from sales and use tax sales of items to the NC Life and Health Insurance Guaranty Association.

Makes the following modifications to the proposed changes to GS 105-164.4 (Tax imposed on retailers and certain facilitators). Specifies that the combined general tax rate on retailers applies to the gross receipts derived from providing telecommunications service and ancillary service or video programming to a subscriber in the state, and sales of electricity and piped natural gas, including any separately stated charges billed to a customer for repair, maintenance, and installation services or a contribution in aid of construction (previously, specified for the installation of utilities only).

Modifies the proposed changes to GS 105-164.3 to further amend the definition of *capital improvement* to include the installation of a transmission, distribution, or other network asset on land owned by a service provider or on a right-of-way or easement in favor of a service provider (previously, included installation of utilities on utility-owned land, a utility right-of-way, or a utility easement), no matter that any separately stated charges billed to a customer for repair, maintenance, and installation services or a contribution in aid of construction are included in the gross receipts derived from services subject to the combined general tax rate under GS 105-164.4 (previously, provided for the inclusion notwithstanding that a utility could recover a portion of the cost of the installation as a contribution in aid of construction and that those charged are included in the gross receipts derived from services subject to the combined general tax rate). Defines *services provider* and lists the provision of services applicable under the provision to include telecommunications service or ancillary service, video programming, and electricity or piped natural gas, or water or sewer service. Further amends GS 105-164.13 to make conforming changes to include in the sales and use tax exemption services performed on a transmission, distribution, or other network asset on land owned by a service provider or on a right-of-way or an easement in favor of a service provider. Maintains the proposed change that the exemption does not apply to charges included in the gross receipts derived from services subject to the combined general rate under GS 105-164.4, more specifically referring to charges billed to a customer for repair, maintenance, and installation services or a contribution in aid of construction. Adds statutory cross-references to define *service provider* and *governmental entity*.

Amends the proposed definition of *property management contract* in GS 105-164.3 to eliminate the specifications regarding the contract amount. Additionally, amends the proposed term *property management services*, now more specifically termed as *real property management services*, and modifying the definition to include providing repair, maintenance, and installation services to comply with obligations of a homeowners' association or a landlord under a lease, rental, or management agreement (no longer requiring the direct provision of these services, and no longer including the provision of these services for compliance with facility-related needs of the real property's occupants). Also provides that real property management services includes incurring and paying expenses for the management, repair, and maintenance of the real property (was,

incurring and paying expenses derived from the operation of the real property). Terms "property manager" as "real property manager." Makes further conforming changes.

Amends proposed GS 105-164.4K concerning the taxability of services under a real property management contract. Makes conforming terminology changes to refer to real property managers and real property management services. Eliminates the provision exempting property management services provided by a property manager under a property management contract from sales and use tax other than as provided in the statute. Subjects services to sales and use tax when more than 25% of the time spent managing the real property for a billing or invoice period is attributable to taxable repair, maintenance, and installation services and not otherwise excluded under the statute (previously, when more than 25% of the specified contract amount payable during the period of the contract or per year for the taxable services). Clarifies that under this circumstance, the tax applies to the sales price of or the gross receipts derived from the taxable services portion of the property management contract. More specifically requires the real property manager to determine an allocated sales price for the services portion of the contract based on a reasonable allocation of revenue supported by the person's business records kept in the ordinary course of business. Clarifies that the charges for the services must be separately stated on the invoice given to the customer at the time of sale. Adds tax exemptions for the real property manager's troubleshooting, inspecting, and monitoring of the real property pursuant to the real property management contract, as specified. Adds requiring substantiation for tax exemption for the services. Adds a grace period, prohibiting the Department of Revenue from taking action to access any tax due for a filing period beginning on or after January 1, 2019, through January 1, 2021, if the retailer did not assess tax on the specified taxable services. Makes the grace period inapplicable to retailers who received specific written advices from the Secretary of Revenue for the transactions at issue for the applicable period. Makes further clarifying, conforming, and technical changes.

Amends GS 105-237.1 to allow the Secretary of Revenue to compromise a taxpayer's liability when the Secretary determines it is in the best interest of the State and finds the assessment is for sales tax the taxpayer failed to collect for or use tax the taxpayer failed to pay on specified services provided by a real property manager under a property management contract. Requires the Secretary to determine the taxpayer made a good-faith effort to comply with the law, which is presumed if the taxpayer substantiated the time spent managing real property for the specified period, absent fraud or other egregious activities.

Amends GS 105-164.13(11) to exclude from the sales and use tax exemption for specified motor fuel, motor fuel eligible for a monthly refund under GS 105-449.105A.

Further amends GS 105-164.13 to exempt from sales and use tax limited-service vehicle washes in addition to self-service car washes and vacuums. Defines limited-service vehicle washes to include the cleaning of a vehicle by mechanical means where the only activities performed by an employee include receipt of payment, guiding the vehicle, applying low-pressure spray of chemicals, or placing protective tape or covers on the vehicle; excludes activities whereby the employee physically touches the vehicle for cleaning or restoring purposes, enters or cleans the vehicle's interior, or any other activity. Defines *self-service vehicle washes and vacuums* to exclude any employee-performed activity. Applies to sales made on or after October 1, 2019.

Amends proposed GS 105-113.4F concerning delivery sales of certain tobacco products. Eliminates the provisions concerning delivery service requirements, including requiring that the delivery seller must obtain the signature and proof of age of the person accepting the delivery.

Eliminates the proposed changes to GS 105-449.81, which made changes to include in the motor fuel rate tax fuel alcohol.

Eliminates the proposed changes to GS 105-449.105A to remove kerosene sales for the purpose of heating from those distributors who can obtain a monthly refund.

Amends GS 105-113.29 to make it illegal to maintain a place of business required to be licensed to be engaged in the business of selling, offering for sale, or possessing with the intent to sell (was, selling or offering for sale only) cigarettes or other tobacco products without obtaining the licenses first. Effective December 1, 2020.

Changes the effective date of the changes to GS 105-243.1 from when the act becomes law to January 1, 2020.

Amends GS 105-241.22, allowing the Department of Revenue to collect tax when a petition for a contested case at the Office of Administrative hearings is dismissed and the period for timely filing a petition has expired (was, when the Office dismisses a petition only for lack of jurisdiction due to the constitutionality of a statute, and not the application of a statute).

Adds new Part VII. Other Changes

Amends GS 66-252 concerning peddlers and sellers at specialty markets, to deem the requirement to display a certificate of registration to be satisfied when the vendor displays evidence that the certificate has been applied for within 30 days before the date the certificate was required to be displayed (no longer also requiring the applicable registration fee to have been paid).

Makes conforming organizational changes.

Intro. by Tillman, Hise, Newton.

[GS 66, GS 105](#)

[View summary](#)

Agriculture, Alcoholic Beverage Control, Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Government, Tax

S 568 (2019-2020) [RECYCLING AND RESTORATION/RENEWABLE ENERGY](#). Filed Apr 3 2019, *AN ACT TO REQUIRE (I) RESPONSIBLE DECOMMISSIONING OF UTILITY-SCALE SOLAR FACILITIES AND WIND ENERGY FACILITIES UPON CESSATION OF ACTIVITIES AT A FACILITY AND (II) RECYCLING OF ALL END-OF-LIFE SOLAR ENERGY EQUIPMENT LOCATED WITHIN THE STATE.*

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

Deletes proposed GS 62-352 and instead places that proposed language into new GS 130A-309.240, located in new Part 2J, Management of Solar Energy Equipment, under Article 9 of GS Chapter 130A, and makes the following changes to that language. Requires that decommissioning and reclamation of utility-scale solar projects take place no later than two years (was, one year) following completion of the operation. Adds the requirement that the owner or operator notify the Department of Environmental Quality (DEQ) within 30 days of cessation of activities for the purpose of completion of the project's operation; notice must include a description of the steps taken to decommission the project, and for the site reclamation. Makes clarifying changes to the component recycling and reuse requirements to be met when decommissioning a project, including amending the components listed as included in this requirement, including adding energy storage batteries. Adds that when decommissioning a project, an owner or operator must clear, clean, and remove the foundation, and any subsurface cable or other equipment, from the ground to at least three feet below the surface; allows waiving this requirement for property on which soil contamination is present for which the project is not responsible. Adds that the owner or operator must maintain financial assurance until decommissioning of the facility and reclamation of the property has been completed. Provides that if ownership of the project is transferred, the financial assurance established by the project transferor remains in effect until the transferee has established financial assurance acceptable to DEQ. Requires that the rules establishing criteria to set the amount of required financial assurance take into consideration the number and size of PV modules (was, solar panels) included in the solar arrays to be constructed. Adds that DEQ may take into account the salvage value of the project's equipment when establishing requirements for financial assurance. Adds the requirement that the owner or operator of a utility-scale solar project pay a \$3,500 fee to DEQ at the time the owner or operator establishes financial assurance. Makes owners or operators responsible for properly recycling each PV module (was, solar panel) used in the project at the end of the module's useful life. Allows DEQ to adopt rules to implement the statutes' recycling requirements. Amends the definitions of terms used in the statute by adding and defining the term end-of-life photovoltaic module, and photovoltaic module or PV module; deletes the term reuse; and amends the term recycle to include processing of PV modules (was, solar modules) to recover a usable product. Makes additional conforming and technical changes.

Amends GS 143-215.121 to make permit holders, rather than owner or operators, of a wind energy facility responsibility for decommissions of the facility and reclamation of the property and makes conforming changes. Requires that decommissioning and reclamation happen no later than two years (was, one year) following completion of the operation. Adds the requirement that the owner or operator notify the Department of Environmental Quality (DEQ) within 30 days of cessation of activities for the purpose of completion of the project's operation; notice must include a description of the steps taken to decommission the project, and for the site reclamation. Makes clarifying changes to the component recycling and reuse requirements to be met when decommissioning a project, including amending the components listed as included in this requirement, including adding energy storage batteries. Adds that when decommissioning a project, the permit holder must clear, clean, and remove the foundation, and any subsurface cable or other equipment, from the ground to at least three feet below the surface; allows waiving this requirement for property on which soil contamination is present for which the project is not responsible. Adds that

the permit holder must maintain financial assurance until decommissioning of the facility and reclamation of the property has been completed. Provides that if ownership of the project is transferred, the financial assurance established by the project transferor remains in effect until the transferee has established financial assurance acceptable to DEQ. Adds the requirement that DEQ adopt rules establishing criteria to set the amount of required financial assurance and sets out issues to be considered when setting that amount. Allows DEQ to take into account the salvage values of the facility's equipment when establishing requirements for financial assurance for a wind energy facility. Requires DEQ to adopt rules to establish environmentally sound recovery standard for the purpose to be used when an owner or operator (possibly intends permit holder) conducts and documents due diligence assessments of the recyclers it contracts with. Allows DEQ to adopt rules to implement the statute's recycling requirements. Deletes the definition of the term reuse.

Renumbers previously proposed GS 130A-309.240, recycling required for end-of-life solar energy equipment, as GS 130A-309.241, and makes the following changes to the proposed statute. Amends the finding related to heavy metals to provide that solar panel waste can include heavy metals that at certain levels may be classified as hazardous wastes (was, heavy metals are found in solar cells which can harm the natural environment if they are not recycled or disposed of properly). Amends the definition of consumer electronic device by adding mobile telephone to the list of examples. Makes the term photovoltaic module interchangeable with PV module and makes conforming changes throughout the statute. Deletes the definitions of the terms rare earth element and reuse. Deletes the requirement related to the DEQ's responsibilities for a photovoltaic module stewardship and takeback program. Requires manufactures to register, prepare, and submit (was, prepare and submit) a stewardship plan by the later of December (was, January) 1, 2021, or within 30 days of its first sale of a photovoltaic module in or into the State. No longer requires the stewardship plan to describe how the program will maximize the recovery of rare earth elements. Requires the stewardship plan to provide for environmentally sound management practices to transport and recycle discarded PV modules (was, discarded computer equipment). Adds that beginning July 1, 2022, no manufacturer may sell or offer for sale a photovoltaic module in or into the State unless the manufacturer has submitted a stewardship plan to DEQ, which has been approved by DEQ. Requires DEQ to establish an initial registration fee, not to exceed \$10,000 to be paid by a manufacturer before the manufacture sells or offers for sale photovoltaic modules in the State (was, required an initial registration fee of \$2,500); and an annual registration fee, not to exceed \$10,000 (was, required an annual renewal registration fee of \$2,500). Provides that the Photovoltaic Module Management Funds consists of revenue credited to the Fund from the proceeds of the fee imposed on PV module manufactures (was, fee imposed on computer equipment manufactures). Deletes the proposed annual report requirements. Requires manufacturers or stewardship organizations to report to DEQ annually by October 1 on the total weight of all photovoltaic modules collected for recycling or reuse in the previous fiscal year, and a summary of other actions taken to comply with the statute's requirements. Requires that the report be posted on a publicly accessible website. Requires that information on permanent recycling programs for photovoltaic modules for which funds are received under the statute be included in the annual report required under GS 130A-309.09A. Adds the requirement that DEQ adopt rules as necessary to implement the statute's requirements.

Enacts new GS 130A-309.241 allowing Part 2J to be enforced as provided by Part 2 (Remedies) of Article 1 of GS Chapter 130A.

Adds new Part 2K, Management of Energy Storage Batteries, to Article 9 of GS Chapter 130A. Enacts new GS 130A-309.250, setting forth legislative findings and definitions concerning recycling for batteries used for energy storage, as defined. Requires manufacturers to register, prepare and submit a stewardship plan to DEQ by December 1, 2021, or within its first 30 days of its first sale of an energy storage system battery in or into the State. Defines manufacturer to mean any person in business or no longer in business but having a successor interest who, irrespective of the selling technique used, including by means of distance or remote sale meets any of the specified criteria concerning the manufacture, assembly, resell, imports, or retail sale of batteries for use in an energy storage system. Details the requirements of manufacturers' stewardship plans, including providing for how the manufacturer will finance the takeback and recycling or reuse of all energy storage system batteries it manufactures and sells in or into the State, and providing for environmentally sound management practices to transport and recycle discarded energy storage system batteries. Allows a stewardship organization to be designated to act as an agent on behalf of the manufacturer(s) in operating and implementing the stewardship program, subject to notification requirements to DEQ. Allows for manufacturers to periodically amend its stewardship plan, subject to DEQ approval. Provides for DEQ approval or denial of a stewardship plan within six months of receipt. Beginning July 1, 2022, prohibits any manufacturer from selling or offering for sale an energy storage system battery in or into the State without the manufacturer having a DEQ approved stewardship plan. Sets the initial and annual registration fee at \$10,000, payable by the manufacturer as specified, with the proceeds credited to the Energy Storage System Battery Management Fund (Fund). Creates the Fund and restricts use of its funds to DEQ's implementation of the statute. Establishes annual reporting requirements for manufacturers or

stewardship organizations to report to DEQ the total weight of all energy storage system batteries collected in the previous fiscal year and a summary of actions taken to comply with the statute's requirements. Requires the manufacturers or stewardship organizations to post the report on its website. Requires DEQ to include the information in its annual solid waste management report required by GS 130A-309.06, as specified. Provides for enforcement of new Part 2K as provided in Part 2, Article 1 of the Chapter, which sets forth the Chapter's general remedies provisions. Directs DEQ to adopt rules necessary to implement the statute.

Amends GS 130A-309.10 to prohibit persons from knowingly disposing of photovoltaic modules and energy storage system batteries, as those terms are defined, in landfills or by incineration in an incinerator for which a permit is required by law.

Now requires DEQ to adopt permanent rules implementing the act by July 1, 2021 (previously, required the adoption of temporary rules by September 1, 2019). Changes the reporting requirement for DEQ, now requiring DEQ to submit quarterly reports, beginning December 1, 2019, to the Environmental Review Commission and the specified NCGA committee on its rulemaking and costs estimates for implementation of a recycling oversight program (previously, required a report to be submitted by September 1, 2019).

Provides for applicability of Sections 1(a) and 1(b) of the act (concerning decommissioning of utility-scale solar projects and wind energy facilities upon cessation of activities) to contracts executed on or before the effective date of the act, establishing that the act's provisions abrogate or impair conflicting contractual provisions. Requires compliance with the act's provisions to the maximum extent that decommissioning and/or reclamation activities are not in direct conflict with the contract's terms.

Changes the effective date provisions. Makes Section 1(a) and 1(b) effective September 1, 2019 (as previously provided). Makes the financial assurance requirements established by GS 130A-309.240(b), as enacted, and GS 143-215.121(b), as amended, effective August 1, 2021 (previously, made the financial assurance requirements effective January 1, 2020). Makes the remainder of the act effective when the act becomes law.

Makes conforming changes to both titles.

Intro. by Newton, Rabon, Hise.

[GS 130A, GS 143](#)

[View summary](#)

[Environment, Energy, Government, State Agencies, Department of Environmental Quality \(formerly DENR\), Health and Human Services, Health, Public Health, Public Enterprises and Utilities](#)

LOCAL/SENATE BILLS

S 267 (2019-2020) [BUNCOMBE 1/4 CENT SALES TAX USE RESTRICTION](#). Filed Mar 14 2019, *AN ACT TO RESTRICT THE USE OF THE QUARTER-CENT SALES TAX PROCEEDS IN BUNCOMBE COUNTY FOR COMMUNITY COLLEGE NEEDS AT ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE*.

Senate committee substitute to the 1st edition adds whereas clauses.

Intro. by Edwards, Van Duyn.

[Buncombe](#)

[View summary](#)

[Education, Higher Education, Government, Tax](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 57: CREATE TERM FOR PUBLIC SCHS. & CODIFY NCVPS.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 82: RAILROAD CROSSINGS/ON-TRACK EQUIPMENT.

House: Ratified

H 99: TRANSFER ALE.

Senate: Reptd Fav

Senate: Placed On Cal For 06/17/2019

H 131: REPEAL MAP ACT.

House: Ratified

H 179: MINI-TRUCK CLASSIFICATION.

House: Ratified

H 219: NAIC ACCREDITATION AMENDMENTS.-AB

Senate: Reptd Fav

Senate: Re-ref Com On Rules and Operations of the Senate

H 224: ASSAULT W/ FIREARM ON LEO/INCREASE PUNISHMENT.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

H 228: MODERNIZE LAWS PERTAINING TO NC MEDICAL BOARD.-AB

House: Regular Message Sent To Senate

H 283: CONNER'S LAW.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Pensions and Retirement and Aging. If fav, re-ref to Rules and Operations of the Senate

H 301: CIP REVISIONS/JUVENILE CODE.

House: Ratified

H 310: CLARIFY INSURANCE PROD'R CRIM. BCKGRD CHECK.

Senate: Withdrawn From Com

Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate

H 386: ENSURE SAFETY OF SCHOOL DRINKING WATER.

House: Serial Referral To Health Stricken

House: Serial Referral To Appropriations, Education Stricken

House: Serial Referral To Appropriations Stricken

House: Withdrawn From Com

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 389: ABC/UNIV ATHLETIC FACILITY.

Senate: Reptd Fav

Senate: Placed On Cal For 06/17/2019

H 402: UNC CAPITAL PROJECTS.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 415: PHOTOS OF JUVENILES/SHOW-UPS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 432: WATER/SEWER TO CONTIGUOUS DWELLING UNITS.

Senate: Reptd Fav

Senate: Re-ref Com On Rules and Operations of the Senate

H 495: NO MUNICIPAL REG/OFF-SITE WASTEWATER SYSTEMS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 531: PROTECT. TENANTS AT FORECLOSURE ACT RESTORED.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 537: ALT. HWY USE TAX VEHICLE SUBSCRIPTIONS.

Senate: Reptd Fav

Senate: Re-ref Com On Rules and Operations of the Senate

H 548: MODIFY PHYSICAL THERAPY DEFINITION.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 553: LICENSING CERTAIN FIRE SAFETY EQUIP. WORK.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 578: MODIFY LEGITIMATIONS PROVISIONS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 590: AMEND ADMINISTRATIVE PROCEDURE LAWS.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate

H 615: NC CONSUMER FIREWORKS SAFETY ACT.

House: Withdrawn From Com

House: Re-ref to the Com on Regulatory Reform, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

H 617: ALLOW REPEAT REFERRAL TO TEEN COURT.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 656: MEDICAID CHANGES FOR TRANSFORMATION.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 658: ALLOW DONATIONS OF UNEXPIRED DRUGS.

Senate: Reptd Fav

Senate: Placed On Cal For 06/17/2019

H 664: MYFUTURENC/POSTSECONDARY ATTAINMENT GOAL.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 871: FAIR CONTRACTS. (NEW)

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

H 886: STUDY PARTICIPATION OF OPERATORS IN NC PRE-K.

Senate: Withdrawn From Com

Senate: Re-ref to Health Care. If fav, re-ref to Rules and Operations of the Senate

H 924: TEACHER CONTRACT CHANGES.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/17/2019

H 929: GAMING COMMISSION.

House: Reptd Fav Com Sub 2

House: Re-ref Com On Finance

H 934: RIGHT TO TRY ADULT STEM CELL TREATMENTS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 954: QUALIFIED DISABLED VETERAN PREFERENCE. (NEW)

House: Withdrawn From Com

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 1015: CONFIRM CHRIS AYERS/EX. DIR. UTILITES COMM PS.

Senate: Reptd Fav

Senate: Placed On Cal For 06/17/2019

H 1017: SPECIAL MASTER WAKE HOUSE PLAN.

House: Regular Message Sent To Senate

S 11: ABC REGULATION AND REFORM.

House: Passed 2nd Reading

House: Passed 3rd Reading

S 148: PUBLIC RECORDS/RELEASE OF LEO RECORDINGS.

House: Regular Message Sent To Senate

S 151: BREAK OR ENTER PHARMACY/INCREASE PENALTY.

Senate: Ratified

S 219: MODIFY TEACHER LICENSING REQUIREMENTS.

Senate: Failed Concur In H Com Sub

Senate: Conf Com Appointed

House: Conf Com Appointed

S 231: STUDY MILITARY ECONOMIC ZONES.

House: Withdrawn From Com

House: Re-ref to the Com on Commerce, if favorable, Rules, Calendar, and Operations of the House

S 239: CHILDREN OF WARTIME VETS/SCHOLARSHIPS.

House: Withdrawn From Com

House: Re-ref to the Com on Education - Universities, if favorable, Rules, Calendar, and Operations of the House

S 255: STATE BOARD CONSTRUCTION CONTRACT CLAIM.

Senate: Ratified

S 313: PERF. GUAR. TO STREAMLINE AFFORD. HOUSING.

House: Withdrawn From Com

House: Re-ref to the Com on Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House

S 315: NORTH CAROLINA FARM ACT OF 2019.

Senate: Reptd Fav

Senate: Placed On Cal For 06/17/2019

S 361: HEALTH CARE EXPANSION ACT OF 2019.

Senate: Reptd Fav

Senate: Re-ref Com On Rules and Operations of the Senate

S 378: LOCAL ECONOMIC DEVELOPMENT MODIFICATIONS.

House: Withdrawn From Com

House: Re-ref to the Com on State and Local Government, if favorable, Rules, Calendar, and Operations of the House

S 381: RECONSTITUTE/CLARIFY BOARDS AND COMMISSIONS. (NEW)

Senate: Pres. To Gov. 6/13/2019

S 384: CLARIFY MOTOR VEHICLE DEALER LAWS.

House: Withdrawn From Com

House: Re-ref to the Com on Transportation, if favorable, Rules, Calendar, and Operations of the House

S 385: CLARIFY/AUTO DEALERS REGULATORY REQ.

House: Withdrawn From Com

House: Re-ref to the Com on Transportation, if favorable, Rules, Calendar, and Operations of the House

S 394: CHANGES TO ESTATES & AMP TRUSTS STATUTES.

House: Withdrawn From Com

House: Re-ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

S 448: AMEND APPT FOR COMPACT ON EDUCATION/MILITARY.

Senate: Ratified

S 500: MODIFY ADVANCED MATH COURSE ENROLLMENT.

House: Regular Message Sent To Senate

S 523: REV. LAWS CLARIFYING & ADMINISTRATIVE CHANGES.

Senate: Reptd Fav

Senate: Placed On Cal For 06/17/2019

S 553: REGULATORY REFORM ACT OF 2019.

House: Withdrawn From Com

House: Re-ref to the Com on Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House

S 568: RECYCLING AND RESTORATION/RENEWABLE ENERGY.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

S 572: S CORP PRO SE REPRESENTATION IN COURT.

House: Withdrawn From Com

House: Re-ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

S 584: CRIMINAL LAW REFORM.

House: Withdrawn From Com

House: Re-ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

S 594: REGISTER OF DEEDS UPDATES.

House: Withdrawn From Com

House: Re-ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

S 610: AUTHORIZE NORTHERN PEAKS TRAIL.

House: Withdrawn From Com

House: Re-ref to the Com on State and Local Government, if favorable, Rules, Calendar, and Operations of the House

S 648: SUPPORT SHELLFISH AQUACULTURE.

Senate: Ratified

LOCAL BILLS**H 336: EXTEND SUSPENSION OF SPENCER MOUNTAIN.**

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Concurred In S Amend SA1

House: Ordered Enrolled

H 383: TOPSAIL BEACH CHARTER/BOARD VACANCIES.

Senate: Reptd Fav

Senate: Placed On Cal For 06/17/2019

S 138: EVEN-YR MUNICIPAL ELECTIONS/TOWN OF BLACK MTN.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 139: EVEN-YR. MUNICIPAL ELECTIONS/TOWN OF MONTREAT.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 267: BUNCOMBE 1/4 CENT SALES TAX USE RESTRICTION.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On State and Local Government

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