



The Daily Bulletin: 2019-06-20

PUBLIC/HOUSE BILLS

H 268 (2019-2020) **AMEND ON-SITE WASTEWATER LAWS. (NEW)** Filed Mar 5 2019, *AN ACT TO DISAPPROVE CERTAIN WASTEWATER TREATMENT AND DISPERSAL RULES ADOPTED BY THE NORTH CAROLINA COMMISSION FOR PUBLIC HEALTH, TO CREATE A TASK FORCE TO RECOMMEND NEW WASTEWATER TREATMENT AND DISPERSAL RULES, AND TO CREATE STANDARDS FOR AN ON-SITE WASTEWATER EVALUATOR.*

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

Modifies the membership of the On-Site Wastewater Task Force (Task Force) as follows. Removes the qualification that members are appointed. Now provides for a representative of rather than a member from each of the following: the NC Division of Public Health, On-Site Water Protection Branch; the NC Environmental Health Supervisors Association; the NC Home Builders Association; the NC On-Site Wastewater Contractor Inspector Certification Board; the NC Septic Tank Association; the Consulting Soil Scientists Association of North Carolina; the NC Board of Examiners for Engineers and Surveyors with specified experience; and the NC Board for Licensing of Soil Scientists. Further specifies that representatives of the Consulting Soil Scientists Association of North Carolina and the NC Board for Licensing of Soil Scientists must have experience conducting private consultative services of sites evaluated for on-site wastewater systems. Adds to the membership a person currently certified as a Water Pollution Control Systems Operator and actively conducting business as an operator of on-site wastewater systems (replacing a member from the Department of Environmental Quality) and a representative of the NC Licensing Board for General Contractors (replacing a member from the Carolinas Association of General Contractors).

More specifically establishes that the specified administrative rules regarding the treatment and disposal of domestic type sewage will remain in effect until replacement rules adopted by the Commission for Public Health become effective. Exempts the specified rules from the periodic review and expiration of existing rules process required by state law.

Provides that the specified administrative rules regarding on-site wastewater treatment and dispersal adopted by the Commission for Public Health on August 8, 2018, and approved by the Rules Review Commission will not become effective if the enumerated rules of the act are in fact disapproved.

Amends GS 130A-343, concerning the approval of on-site surface water systems. Modifies the definition of *accepted wastewater dispersal system* to include a wastewater dispersal system specifically identified in a rule adopted by the Public Health Commission (rather than other approved trench dispersal systems by the Department of Environmental Quality) meeting the existing criteria. Makes further conforming and technical changes. Concerning the Public Health Commission's designation of a wastewater dispersal system as an accepted wastewater dispersal system, requires the Commission to make the previously specified findings based on clear, convincing, and cogent evidence based on actual field surveys and county activity reports (previously, did not specify the bases for the evidence).

Modifies proposed GS 130A-336.2 by eliminating the provision which restricted a wastewater system owner's remedies against authorized on-site wastewater evaluators, certified contractors, and certified pollution control systems operators to the remedies provided in the laws and rules governing each individual profession.

Amends the act's short title.

Intro. by Brody, Wray.

STUDY, UNCODIFIED, GS 130A

[View summary](#)

Business and Commerce, Occupational Licensing, Development, Land Use and Housing, Building and Construction, Health and Human Services, Health, Public Health

H 325 (2019-2020) **OPIOID EPIDEMIC RESPONSE ACT. (NEW)** Filed Mar 11 2019, *AN ACT REMOVING THE REQUIREMENT THAT BUPRENORPHINE PRESCRIBERS REGISTER WITH THE STATE, IN ADDITION TO REGISTERING WITH THE FEDERAL GOVERNMENT; DECRIMINALIZING THE USE OF DRUG TESTING EQUIPMENT TO DETECT CONTAMINANTS; BROADENING THE OBJECTIVES OF SYRINGE EXCHANGE PROGRAMS TO ENCOMPASS REDUCING THE NUMBER OF DRUG OVERDOSES IN THE STATE; AND REMOVING THE BAN ON THE USE OF STATE FUNDS TO PURCHASE CERTAIN SUPPLIES.*

Senate committee substitute to the 2nd edition deletes the contents of the previous edition and replaces it with the following.

Part I repeals GS 90-101(a1), which required physicians who prescribe buprenorphine to annually register with the Department of Health and Human Services (DHHS).

Part II

Amends GS 90-113.22 and GS 90-113.22A, concerning the possession of paraphernalia and marijuana paraphernalia, explicitly providing that (1) it is not unlawful for a person who introduces a controlled substance into his or her body or intends to do so, to knowingly use or to possess with the intent to use testing equipment for identifying or analyzing the strength, effectiveness, or purity of the controlled substance or (2) a governmental or nongovernmental organization that promotes scientifically proven ways of mitigating health risks associated with drug use and other high-risk behaviors to possess such testing equipment or distribute such testing equipment to a person who intends to introduce a controlled substance into his or her body.

Part III

Amends GS 90-113.27, adding to the objectives of authorized needle and hypodermic syringe exchange programs, the goal to reduce the number of drug overdoses in the state. Eliminates the prohibition against the use of State funds to purchase needles, hypodermic syringes, or other injection supplies.

Makes conforming changes to the act's titles.

Intro. by Dobson, White, Barnes, Black.

GS 90

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Health and Human Services, Health, Public Health

H 329 (2019-2020) **RENEWABLE ENERGY AMENDS. (NEW)** Filed Mar 11 2019, *AN ACT TO (I) EXEMPT ELECTRIC VEHICLE CHARGING STATIONS FROM REGULATION AS PUBLIC UTILITIES, (II) REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT RULES TO ESTABLISH A REGULATORY PROGRAM TO GOVERN THE MANAGEMENT OF END-OF-LIFE PHOTOVOLTAIC MODULES AND ENERGY STORAGE SYSTEM BATTERIES, AND DECOMMISSIONING OF UTILITY-SCALE SOLAR PROJECTS AND WIND ENERGY FACILITIES, AND REQUIRE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH A STAKEHOLDER PROCESS TO SUPPORT DEVELOPMENT OF THE RULES, AND (III) PROVIDE SMALL HYDROELECTRIC POWER FACILITIES CERTAIN TREATMENT SIMILAR TO THAT GIVEN TO SMALL POWER PRODUCERS THAT PRODUCE ENERGY FROM SWINE AND POULTRY WASTE.*

Senate committee substitute to the 1st edition adds the following.

Requires the Environmental Management Commission (Commission) to adopt rules by January 1, 2022, establishing a regulatory program to govern (1) the management of end-of-life photovoltaic modules and energy storage system batteries and (2) decommissioning of utility-scale solar projects and wind energy facilities. Defines *end-of-life*, *energy storage system battery*, *photovoltaic module*, *utility-scale solar project*, and *wind energy facility*. Details nine elements the Commission must consider in developing the rules, including (1) whether any photovoltaic modules, energy storage system batteries, or their constituent materials or other equipment used in utility-scale solar projects or wind energy facilities exhibit any characteristics of hazardous waste or solid waste; (2) preferred methods of reuse, refurbishing, recycling, and safe disposal of the materials and equipment; and (3) a survey of federal and other states' and countries' related regulatory requirements. Directs the Department of Environmental Quality (DEQ) to establish a stakeholder process within 60 days of the date the act becomes law

for development of the regulatory program. Requires DEQ and the Commission to submit quarterly joint interim reports beginning December 1, 2019, and submit a joint final report to the Environmental Review Commission and the NCGA by January 1, 2021. Requires that the interim report due April 1, 2020, must include legislative recommendations regarding the resources needed to implement the act's requirements.

Amends GS 62-156(b)(3), which requires that the rates to be paid by electric public utilities for capacity purchased from a small power producer be established with consideration of the reliability and availability of the power. Provides that a future capacity need must only be avoided in a year where the utility's most recent biennial integrated resource plan filed with the Utilities Commission (Commission) has identified a projected capacity need to serve system load and the identified need can be met by the type of small power producer resource based upon its availability and reliability of power, other than hydropower small power producers with purchase agreements with an electric public utility in effect as of July 27, 2017, and the renewal of such a power purchase agreement, if the hydroelectric power facility total capacity is equal to or less than five megawatts (MW) (maintains existing exclusion for swine or poultry waste for which a need is established).

Makes conforming changes to the act's titles.

Intro. by Szoka, Arp, Hanig, Warren.

UNCODIFIED, GS 62, GS 63

[View summary](#)

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

H 469 (2019-2020) [VARIOUS FAMILY LAW CHANGES. \(NEW\)](#) Filed Mar 26 2019, *AN ACT TO REVISE THE LAWS PERTAINING TO EQUITABLE DISTRIBUTION, AMEND THE LAWS PERTAINING TO PARENTING COORDINATORS, AND TO MAKE VARIOUS CHANGES UNDER THE LAWS PERTAINING TO ADOPTIONS.*

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

Amends GS 135-9(a), applicable to the Retirement System for Teachers and State Employees, and GS 128-31(a), applicable to the Retirement System for Counties, Cities and Towns by adding that the Retirement System must only make payment of a share of the member's retirement benefits to the member's former spouse and on a domestic relations order, and the former spouse is not permitted to receive a share of the member's retirement benefits until the member begins to receive the benefits, consistent with the system-designated template order. Provides that the former spouse is not entitled to any form of benefit or any option not otherwise available to the member. Makes additional clarifying changes.

Intro. by Stevens.

GS 1, GS 7B, GS 48, GS 50, GS 128, GS 135, GS 150B

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Family Law, Juvenile Law, Abuse, Neglect and Dependency, Government, APA/Rule Making

H 546 (2019-2020) [PROHIBIT COUNTERFEIT/NONFUNCTIONAL AIRBAGS.](#) Filed Apr 2 2019, *AN ACT TO PROHIBIT THE IMPORT, MANUFACTURE, SALE, OFFER OF SALE, INSTALLATION, OR REINSTALLATION OF COUNTERFEIT AND NONFUNCTIONAL AIRBAGS.*

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

Clarifies the proposed language in GS 20-136.2 multiple times by making the provisions applicable to and inclusive of the entire statute (was, subdivision).

Intro. by Faircloth, R. Turner, Cleveland, McNeill.

GS 20

[View summary](#)[Courts/Judiciary, Motor Vehicle](#)

H 777 (2019-2020) [VARIOUS RETIREMENT CHNGS/WASTEWATER REFORM. \(NEW\)](#) Filed Apr 15 2019, *AN ACT TO AMEND THE LAWS GOVERNING THE PURCHASE OF OMITTED MEMBERSHIP SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM; TO MAKE CHANGES TO THE UNCLAIMED PROPERTY STATUTES; TO REQUIRE STRESS TESTING FOR THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, AS RECOMMENDED BY THE PEW FOUNDATION; TO MAKE TECHNICAL CORRECTIONS TO THE LAWS PERTAINING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE NORTH CAROLINA NATIONAL GUARD PENSION FUND, THE NORTH CAROLINA PUBLIC SCHOOL TEACHERS' AND PROFESSIONAL EDUCATORS' INVESTMENT PLAN, AND THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE 15 EMPLOYEES; TO IMPROVE VIABILITY OF THE WATER AND WASTEWATER SYSTEMS OF CERTAIN UNITS OF LOCAL GOVERNMENT BY REQUIRING LOCAL GOVERNMENT COMMISSION APPROVAL OF GRANT APPLICATIONS; TO REQUIRE CERTAIN WATER AND WASTEWATER SYSTEMS TO UNDERGO A REVIEW OF INFRASTRUCTURE MANAGEMENT, ORGANIZATIONAL MANAGEMENT, AND FINANCIAL MANAGEMENT; TO CREATE THE VIABLE UTILITY RESERVE TO PROVIDE GRANT MONEY FOR LOCAL GOVERNMENT UNITS; TO PROVIDE A STATUTORY PROCESS FOR MERGER AND DISSOLUTION OF WATER AND WASTEWATER SYSTEMS ESTABLISHED UNDER CHAPTER 162A OF THE GENERAL STATUTES; TO PROMOTE THE IMPORTANCE OF INTERLOCAL AGREEMENTS TO THE OPERATION OF WATER AND WASTEWATER SYSTEMS; AND TO STUDY SUB-BASIN TRANSFERS AND HISTORICAL CHARTERS.*

Senate committee substitute to the 1st edition eliminates the previous provisions and instead provides the following.

Part I. Omitted Membership Service

Amends GS 135-4 (concerning the Teachers' and State Employees' Retirement System) and GS 128-26 (concerning the Local Governmental Employees' Retirement System) with regard to omitted membership service to require employers to provide written notification of the total hours worked by an employee in the preceding 12 months to an employee classified as part-time upon request. Additionally requires employers to provide a copy of the notification upon request of the Retirement Systems Division. Adds a new requirement for employers to pay the applicable employer contributions specified if an employee classified as part-time was classified in error and ineligible to earn membership service due to that error, and the employee has paid a lump sum equal to the applicable employee contributions specified within one year of the omission. Applies to the purchase of service for work performed on or after January 1, 2020.

Part II. Unclaimed Real and Personal Property

Renames Article 1 of GS Chapter 116B as General. Recodifies GS 116B-1 as GS 116B-2.1 and places it under new Article 1A, Escheats, of GS Chapter 116B. Recodifies GS 116B-2 as GS 116B-2.2 and amends it to make conforming changes. Amends GS 116-3 and GS 29-12 to also make conforming changes reflecting the new statute numbers.

Enacts new GS 116B-1.1, Stating the state's policy to recover and transfer property to rightful owners in a way that is consistent with the interest of rightful owners. When the rightful owner cannot be determined, states that it is the policy that all benefits realized from any unclaimed or abandoned property accrue to the benefit of higher education.

Amends GS 116B-64 to require that when property is delivered or paid to the Treasurer under GS Chapter 116B (Escheats and Abandoned Property), the Treasurer must hold it without liability for loss, as well as income or gain.

Amends GS 116B-75 by expanding upon the things that the Treasurer can call upon a person required to report, pay, or deliver property under the Chapter (or related specified individuals) to do, to also include producing reports (in addition to records), make the required payments, and make the required delivery of property.

Amends GS 116B-60 to require all abandoned property holders to file reports electronically (was, only those holders reporting 50 or more property owners' records were required to file the report electronically). Applies to reports filed on or after January 1, 2020.

Amends GS 116B-60 to make exceptions to the requirement that amounts due to an owner may be reported in an aggregate amount without furnishing any of the specified information; those exceptions are for property subject to GS 116B-53(c)(4)

(security or other equity interest in a business association, including a security entitlement unclaimed three years after the earlier of specified events), (c)(5) (debt of a business association, including debt evidenced by a matured or called bearer bond or an original issue discount bond, unclaimed three years after the date of an interest or principal payment unclaimed by the apparent owner), and (c)(5a) (any dividend, profit, distribution, interest, redemption, payment on principal, cash compensation held or owing by a business association for or to its shareholder, certificate holder, policyholder, member, bondholder, or other security holder, who has not claimed it, or corresponded in writing with the business association concerning it, within three years after the date prescribed for payment or delivery).

Amends GS 116B-63 by adding that a holder who has in good faith paid or delivered property to the Treasurer in error may request a refund, and allows the Treasurer to issue a refund after the holder has filed a form on proof of the error. Makes additional technical and clarifying changes.

Part III. Require Stress Testing of the Retirement System as Recommended by the PEW Foundation

Amends GS 135-6 to require at least once in each five-year period that the actuary completes an actuarial experience review of (was, make an actuarial investigation into) the mortality, service, and compensation experience of the members and beneficiaries of the Retirement System for Teachers and State Employees. Adds that before undertaking each quinquennial actuarial experience review, the Board of Trustees must report to the NCGA and the Governor on 12 items concerning the Retirement System, including projections of assets, liabilities, pension debt, service costs, employee contributions, employer contributions, net amortization, benefit payments, payroll, and funded ratio for the Retirement System for each of the next 30 years based upon the then-current actuarial assumptions, including the assumed rate of return, the market value of the assets controlled by the Board of Trustees and an explanation of how the actuarial value assigned to those assets differs from the market value of those assets, and an assessment of how the changes of assumptions adopted by the Board of Trustees in the experience review affect any of the other results in the report. Allows the Retirement System Division to increase receipts from the retirement assets of the corresponding retirement system or allows the payment of costs directly from the retirement assets for payment for the administration of the required actuarial experience review, required report, and annual valuation of the assets and liabilities of the System funds.

Part IV. Technical Changes

Amends GS 135-48.8, which sets out statements of public interest on health insurance by removing references to group insurance and benefits. Makes conforming changes to GS 135-48.40.

Amends GS 135-48.40 by adding that nothing is to be construed to either permit a person to enroll, or require the State Health Plan for Teachers and State Employees (Plan) to enroll, a person in the plan when doing so would jeopardize the Plan's preferential tax exempt status as a governmental plan.

Amends GS 135-66 by adding that the assets of the Consolidated Judicial Retirement System include employers' contributions held with the Pension Accumulation Fund and employees' contributions held in the Annuity Savings Fund. Requires that the Board of Trustees have performed an annual actuarial valuation of the System and gives it the responsibility for maintaining the System on a generally accepted actuarial basis. Requires that an actuarially determined employer contribution be calculated annually by the actuary using the specified method. Allows the Board of Trustees to adopt a contribution policy that would recommend a contribution not less than the actuarially determined employer contribution. Prohibits the recommended employer contribution rate from being less than the actuarially determined employer contribution.

Removes provisions governing the North Carolina National Guard Pension Fund from GS 127A-40(f) into new GS 127A-40.1 and adds the following. Specifies that the Fund is to include General Fund appropriations made to the State Treasurer and held with the Pension Accumulation Fund of the Teachers' and State Employees' Retirement System. Requires an actuarially determined employer contribution to be calculated annually by the actuary using the specified method. Allows the Board of Trustees to adopt a contribution policy that would recommend a contribution not less than the actuarially determined employer contribution. Prohibits the recommended employer contribution rate from being less than the actuarially determined employer contribution.

Amends GS 135-8 (concerning the Retirement System for Teachers and State Employees) and GS 128-30 (concerning the Retirement System for Counties, Cities and Towns) by adding that if an employer made contributions on account of a retiree subject to the contribution-based benefit cap under GS 135-8(f)(2)f and that retiree later forfeits retirement benefits under the specified statutes concerning the forfeiture of retirement benefits for committing certain felonies, then the Retirement Systems Division may provide a credit to the employer.

Enacts new GS 135-5.5 (applicable to the Retirement System for Teachers and State Employees) and GS 128-23.1 (applicable to the Retirement System for Counties, Cities and Towns) to consider an employer as an inactive employer if the four specified criteria are met, including that the employer has no employees that qualify for membership in the System. Requires annual reporting on all employers determined to be inactive employers.

Amends GS 159-33.1 by amending the items to be included in the semiannual report of financial information to require that it include the total revenues received from building inspections, by sources (was, by type) and the total expenditures paid from all revenues received, by object (was, by type). Effective June 30, 2019.

Amends GS 135-18.1 by removing outdated provisions. Provides that prior to retirement, any person who was a member of the North Carolina Governmental Employees' Retirement System (local system) and who becomes a member of the Retirement System for Teachers and State Employees is entitled to transfer to the system his or her credits for membership and prior service in the local system.

Repeals the following statutes: GS 135-5.2 (concerning retirement of Chapel Hill utilities and telephone employees), GS 135-13 (which specified certain laws were not repealed and concerning suspension of payments and compulsory retirement), GS 135-14 (concerning pensions of certain former teachers and State employees), GS 135-14.1 (concerning retirement benefits for certain school superintendents and assistant superintendents), GS 135-16 (employees transferred to the North Carolina State Employment Service by act of Congress), GS 135-18.3 (conditions under which amendments to the system are void), and GS 135-18.5 (provision for emergency expenses of integration of System).

Amends GS 135-16.1 by removing provisions concerning the enrollment of blind or visually impaired DHHS employees in the Teachers' and State Employees' Retirement System. Deletes outdated provisions.

Amends GS 128-23 to refer to the levy of property taxes as authorized by GS Chapter 153A, Article 7, instead of under GS 153-65.

Amends GS 115D-25.4 by adding that the administrative costs of the North Carolina Public School Teachers' and Professional Educators' Investment Plan may be charged to members or deducted from members' accounts.

Amends GS 135-6.1 (applicable to the Retirement System for Teachers and State Employees) and GS 128-33.1 (applicable to the Retirement System for Counties, Cities and Towns) by adding that the Retirement Systems Division of the Department of State Treasurer may disclose to employers and former employers that made a contribution for an employee or former employee to the Retirement System any information that is not public under this statute regarding that employee necessary to conduct the business of the Retirement System.

Amends GS 135-8(f)(2)f and GS 128-30(g)(2)b to specify that the reports received under the statute are not public records. Also provides that pension-spiking reports are not public records.

Amends GS 135-48.47 to make a local government's election to participate in the State Health Plan irrevocable.

Amends GS 147-69.7(b)(1)f to correct a statutory cross reference.

Corrects a statutory cross-reference in GS 1-359.

Part V. Water/Wastewater Public Enterprise Reform

Makes the following changes to GS Chapter 159G, Water Infrastructure.

Amends GS 159G-20 to define distressed unit and Viable Utility Reserve. Modifies the term local government unit to include a metropolitan water district, a metropolitan sewerage district, and a county water and sewer district. Makes organizational changes and updates GS Chapter 162A Article and GS Chapter 160A references.

Amends GS 159G-22 to establish the Viability Utility Reserve (Reserve) account within the Water Infrastructure Fund to receive State appropriations. Specifies that credited revenue to the account is neither received from the federal government nor provided as a match for federal funds. Directs the Department of Environmental Quality (DEQ) to establish accounts within the Reserve to administer grants for public water systems or wastewater systems owned by local government units.

Amends GS 159G-30 to include the administration of grants made from the Reserve, through the Division of Water Infrastructure (Division), in DEQ's responsibilities. Makes clarifying and technical changes.

Amends GS 159G-31 to establish that a local government unit, as now defined, is eligible to apply for a grant from the Reserve.

Amends GS 159G-32 to specify five authorized uses for grants from the Reserve, including rehabilitating existing public water or wastewater infrastructure, decentralizing an existing public water or wastewater system, and funding a study of rates or merger and regionalization options.

Enacts GS 159G-34.5, detailing three types of authorized Reserve grants: (1) an asset assessment and rate study grant; (2) a merger/regionalization feasibility grant; and (3) a project grant. Requires separate accounts in the Reserve for each type of grant. Allows for grants to be awarded to a regional council of government or a regional planning commission if DEQ and the Local Government Commission determine it is in the best interest of the local government unit.

Amends GS 159G-35 to require the Local Government Commission and the State Water Infrastructure Authority (Authority) to jointly develop evaluation criteria to review grant applications and award grants from the Reserve as provided in GS 159G-39, as amended. Makes clarifying changes.

Amends GS 159G-36 to prohibit the amount of a Reserve grant from exceeding the construction costs of a project. Specifies that grant availability is limited to the extent that other funding sources are not reasonably available to the applicant. Caps grants from the Reserve to any single local government unit at \$15 million, and at \$30 million where two or more governmental units are merging into a single utility.

Expands the application provisions set forth in GS 159G-37 concerning loans and grants from other Reserves under the Chapter to include applications for grants from the Reserve.

Amends GS 159G-39 to require the Local Government Commission to approve the grant award and terms before a grant can be awarded. Authorizes DEQ and the Local Government Commission to impose specific performance measures or conditions on a Reserve grant, in their discretion.

Enacts GS 159G-45 to require the Authority and the Local Government Commission to develop criteria for assessment and review of local government units to identify distressed units, defined as a public water or wastewater system exhibiting signs of failure to identify or address those financial or operating needs necessary to enable that system to become or to remain a local government unit generating sufficient revenues to adequately fund management and operations, personnel, appropriate levels of maintenance, and reinvestment that facilitate the provision of reliable water or wastewater services. Details five components which the criteria should address, including whether the public water or wastewater system has an established, operational, and adequately funded program for its repair, maintenance and management. Requires distressed units to take certain actions, as described, including developing an action plan for short- and long-term infrastructure repair, maintenance and management, continuing education of the governing board and system operating staff, and long-term financial management. Also requires distressed units to conduct an asset assessment and rate study, and participate in a training and educational program. Provides that once the requirements are met, the local government unit is no longer identified as a distressed unit for the remainder of that assessment and review cycle. Requires the assessment and review cycle of local government units to be no less than every two years, with frequency to be established by the Authority and the Local Government Commission.

Enacts Article 10, Dissolution and Merger of Units, to GS Chapter 162A. Defines *unit* to mean and of the following entities created pursuant to GS Chapter 162A: a water and sewer authority; a metropolitan water district; a metropolitan sewerage district; a metropolitan water and sewerage district; or a county water and sewer district. Details information which must be provided to the Environmental Management Commission (Commission) prior to any action under the Article to merge or dissolve. Requires the Commission to provide a copy of the information submitted to DEQ and the Local Government Commission upon receipt of a request to dissolve or merge. Specifies notice requirements for district boards of affected units and any other governing boards affected upon confirmation of the time and place for a public hearing on dissolution or merger.

Authorizes a unit to merge with any other unit, county, city, consolidated city-county, sanitary district, or joint agency, as described, (1) if the merger is a condition of receiving a grant from the Reserve, or (2) upon approval of the Commission, in consultation with DEQ and the Local Government Commission. Provides for the the transfer of assets, liabilities, and obligations by resolution of the Commission, as specified, and details dissolving a unit upon satisfaction of certain criteria.

Authorizes a unit to be dissolved, (1) if the merger is a condition of receiving a grant from the Reserve, or (2) in order to merge with another unit, county, city, consolidated city-county, sanitary district, or joint agency, as described, and establish a new entity upon approval of the Commission, in consultation with DEQ and the Local Government Commission. Provides for the the transfer of assets, liabilities, and obligations by resolution of the Commission, as specified, and dissolving a unit.

Establishes the effective date for merger or dissolution upon the adoption of a resolution by the Commission to be fixed as of June 30 following the adoption or the second June 30 following the adoption of the resolution. Details the effect of a merger or dissolution upon adoption of a resolution by the Commission and authorizes all governing boards and district boards to take actions and execute the documents necessary to effectuate the described provisions.

Enacts Article 5, Water and Wastewater Systems, to GS Chapter 160A. Sets forth defined terms. Authorizes interlocal cooperation between local government units for any purpose. Specifies that interlocal cooperation contracts for one or more undertakings under Part 5 are governed by the provisions of Part 1, Joint Exercise of Powers, Article 20, GS Chapter 160A.

Makes all of the above provisions of Part V effective August 1, 2019.

Directs DEQ to study the statutes and rules governing subbasin transfers. Details requirements of the study, including whether the costs of complying with specific statutory requirements are worth the benefits of the requirements. Requires DEQ to submit a report to the Commission by October 1, 2019.

Directs the State Treasurer and Secretary of State to study the feasibility of authorizing historical charts for local government units that have become or may become defunct. Details requirements of the study, including the consequences of such charters. Requires the State Treasurer and the Secretary of State to report to the General Assembly by March 1, 2020.

Makes conforming changes to the act's titles.

Intro. by Belk, Gill, Hurley, Martin.

STUDY, [GS 115D](#), [GS 116B](#), [GS 127A](#), [GS 128](#), [GS 135](#), [GS 153A](#), [GS 159](#), [GS 159G](#), [GS 160A](#), [GS 162](#)

[View summary](#)

[Courts/Judiciary](#), [Court System](#), [Development](#), [Land Use and Housing](#), [Property and Housing](#), [Education](#), [Elementary and Secondary Education](#), [Employment and Retirement](#), [Government](#), [State Agencies](#), [Department of Environmental Quality \(formerly DENR\)](#), [Department of State Treasurer](#), [Secretary of State](#), [State Government](#), [State Personnel](#), [Local Government](#), [Health and Human Services](#), [Health](#), [Health Insurance](#), [Public Enterprises and Utilities](#)

PUBLIC/SENATE BILLS

S 219 (2019-2020) (2019-2020) [MODIFY TEACHER LICENSING REQUIREMENTS](#). Filed Mar 11 2019, *AN ACT TO MODIFY TEACHER LICENSURE REQUIREMENTS*.

Conference report makes the following changes to the 4th edition.

Makes organizational changes, moving proposed GS 115C-270.20(a)(4a) set forth in Part I, establishing a limited license, to Part II of the act.

Part II.

Modifies proposed GS 115C-270.20(a)(4a) as follows. Expands the restrictions on who can request a limited license (LL) to now include local boards of education currently employing or seeking to employ the individual. Prohibits the State Board of Education from requiring individuals to demonstrate preparation through standardized testing for a limited license. Now provides two avenues to receiving an LL: (1) for IPL (initial professional license) licensees, the individual must meet the previously prescribed requirements, with the modification that the local board must include in its affidavit submitted to the State Board that the teacher is currently employed by that local board and (2) for out-of-state licensees, the individual must

hold current teacher licensure in another state that is in good standing and have the local board submit an affidavit signed by the local board superintendent seeking to employ the teacher stating that that local board seeks to employ the teacher, the teacher has been employed as a licensed teacher in another state for at least three years, and that the teacher will be encouraged to pursue an IPL or CPL as appropriate.

Eliminates proposed GS 115C-270.20(a)(7), which established a transitional license (TL) for out-of-state teachers.

Modifies the proposed changes to GS 115C-270.25 to provide that an individual who does not include evidence of that teacher's effectiveness with the initial application for a continuing professional license (CPL) is only eligible for an IPL or LL (previously, limited eligibility to a transitional license, now eliminated by the conference report, for three years).

Makes conforming changes to proposed GS 93B-15.1, concerning requests for LLs for a military spouse currently licensed in another jurisdiction.

Part III.

Makes organizational changes to move proposed GS 115C-302.1(b3) in Part II, which sets forth payment provisions for teachers with a TL, to Part III. Modifies proposed subsection (b3) to instead provide for pay for newly employed teachers with experience credit (TLs are eliminated by the conference report). Now requires a local board to determine experience credit for a teacher in that teacher's first year of employment with the board for purposes of paying the teacher with State-allotted funds in accordance with the State salary schedule. Makes conforming changes to make the provisions applicable to newly employed teachers. Adds that the local board is responsible for the repayment of overpayment of State funds if it did not use due diligence to verify prior employment (existing provisions hold the local board and the teacher not responsible for repayment for overpayment if misapplication of experience credit was in good faith). Further adds that a teacher paid under the new provisions is not deemed demoted under Part 3, Article 22, if the State Board's determination of experience credit results in a reduction in salary in subsequent years of employment.

Makes conforming organizational changes to the remainder of the act.

Intro. by McInnis, Tillman, Johnson.

GS 115C

[View summary](#)

**Business and Commerce, Occupational Licensing, Education,
Elementary and Secondary Education**

S 355 (2019-2020) **LAND-USE REGULATORY CHANGES**. Filed Mar 26 2019, *AN ACT TO CLARIFY, CONSOLIDATE, AND REORGANIZE THE LAND-USE REGULATORY LAWS OF THE STATE*.

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

Part I

Adds to the proposed changes to GS 143-755 to require development permit applications to be discontinued and the development regulations in effect at the time permit processing is resumed to be applied to the application if (1) the permit application is placed on hold at the request of the applicant for a period of six consecutive months or more or (2) the applicant fails to respond to comments or provide additional information requested by the local or State government for a period of six consecutive months or more.

Modifies the proposed changes to GS 160A-385 (concerning cities) and GS 153A-344 (concerning counties) to limit the option to choose the version of applicable local land development regulations in instances where multiple local development permits are required to complete a development permit, making the provision only applicable for subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. Concerning the expiration of the statutory vesting period due to discontinuance, adds that the 24-month discontinuance period is automatically tolled during the pendency of any board of adjustment proceeding or civil action regarding the development permit's validity, the use of the property, or the existence of the statutory vesting period. Further, tolls the statutory vesting period during the pendency of any litigation involving the development project or property that is the subject of the vesting.

Eliminates the proposed addition to GS 160A-388(b1)(2), which required written notice by a board of adjustment making a decision on an appeal to include language that the determination is final and give notice for appeal of the decision as provided by law in order for the board's decision to be effective.

Adds to proposed GS 160A-393.1 concerning standing for civil action concerning the enforceability, validity, or effect of a local land development regulation as previously described. Establishes that a civil action is not moot if, during pendency of the action, the aggrieved person loses the applicable property interest as a result of the local government action being challenged and exhaustion of an appeal described therein is required to preserve a damages claim. Enacts an identical provision to GS 160A-393 concerning standing on appeal.

Further amends GS 160A-393 to modify the standard of review on appeal to include whether the decision-making body's findings, inferences, conclusions, or decisions were unsupported by competent, material, and substantial evidence in view of the entire record (was, unsupported by substantial competent evidence in view of the entire record). Establishes that whether the record contains competent, material, and substantial evidence is a conclusion of law, reviewable de novo.

Modifies proposed GS 160A-393.2, now prohibiting an estoppel defense by a city or county if the landowner or permit applicant is challenging conditions that were imposed and not consented to in writing by the landowner or permit applicant (previously, required that the challenged conditions be illegally imposed to limit the defense).

Modifies the proposed changes to GS 160A-381 (concerning cities) and GS 153A-340 (concerning counties) to no longer prohibit the denial of a development permit on the basis that existing public facilities are inadequate to serve the property described in the permit application regardless of the type of use or development of the property.

Intro. by Bishop, Newton, Searcy.

[GS 1](#), [GS 6](#), [GS 63](#), [GS 113A](#), [GS 130A](#), [GS 143](#), [GS 153A](#), [GS 160A](#), [GS 160D](#)

[View summary](#)

[Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Civil Procedure](#), [Development, Land Use and Housing](#), [Land Use, Planning and Zoning](#), [Government](#), [Local Government](#)

S 556 (2019-2020) [GSC PEOPLE FIRST LANGUAGE 2019](#). Filed Apr 2 2019, *AN ACT TO UPDATE STATUTES RELATING TO THE PROVISION OF SERVICES WITH PEOPLE FIRST LANGUAGE BY CHANGING THE PHRASE "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY" OR "INTELLECTUAL OR OTHER DEVELOPMENTAL DISABILITY" AND TO MAKE FURTHER PEOPLE FIRST LANGUAGE, TECHNICAL, AND CLARIFYING AMENDMENTS IN THOSE STATUTES, AND ALSO TO AMEND THE MEMBERSHIP OF THE GENERAL STATUTES COMMISSION TO REPEAL THE APPOINTING AUTHORITY OF THE CHARLOTTE SCHOOL OF LAW, WHICH HAS CLOSED, TO PROVIDE FOR THE TERMS OF MEMBERS TO BEGIN ON SEPTEMBER 1 RATHER THAN JUNE 1, AND TO HARMONIZE TWO PROVISIONS DEALING WITH VACANCIES AND HOLDOVER MEMBERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

House amendment to the 2nd edition makes the following changes.

Adds new Part II-A. Amends GS 164-14 to decrease the membership of the General Statutes Commission (Commission) from 14 to 13 members, eliminating one member appointed by the dean of the Charlotte School of Law. Makes technical changes to eliminate provisions providing for the terms of original members. Provides that member appointments are for two-year terms beginning September 1 of the year when the appointments are to become effective and expiring August 31 two years thereafter (currently, terms begin June 1 of the year when the appointments are to become effective and expire May 31 two years thereafter). Eliminates the requirement that appointments must be made no later than May 31 of the year when appointments are to become effective. Eliminates existing language concerning vacancies and instead provides that the original appointing authority must appoint a new member to fill a vacancy for the duration of the unexpired term when a vacancy occurs for any reason (currently, provides for the Governor to appoint new members in cases where original appointments or subsequent vacancies were not timely filled). Adds new provision to specify that the new vacancy provisions do not apply when a member is continuing to serve until the appointment of a successor has been made and reported to the secretary of the Commission, despite the expiration of the member's term. Makes conforming changes. Extends the terms of current members of the Commission to August 31 of the year in which they would otherwise expire.

Makes conforming changes to limit the act's effective date and applicability provisions to Parts I and II of the act. Makes conforming changes to the act's long title.

Intro. by Edwards, Hise, Perry.

[GS 7B](#), [GS 14](#), [GS 58](#), [GS 90](#), [GS 115C](#), [GS 122C](#), [GS 131D](#), [GS 131E](#), [GS 136](#), [GS 143](#), [GS 148](#), [GS 153A](#), [GS 159](#), [GS 164](#)

[Courts/Judiciary](#), [Juvenile Law](#), [Delinquency](#), [Education](#), [Higher Education](#), [Government](#), [General Assembly](#), [Health and Human Services](#), [Health](#), [Health Care Facilities and Providers](#), [Public Health](#), [Mental Health](#), [Social Services](#), [Adult Services](#), [Child Welfare](#)

[View summary](#)

S 559 (2019-2020) [STORM SECURITIZATION/ALT. RATES](#). Filed Apr 2 2019, *AN ACT TO PERMIT FINANCING FOR CERTAIN STORM RECOVERY COSTS AND TO AUTHORIZE THE UTILITIES COMMISSION TO FIX RATES FOR ELECTRIC PUBLIC UTILITIES USING "MULTIYEAR RATE PLAN" AND "BANDING OF AUTHORIZED RETURN" MECHANISMS.*

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

Part I.

Amends proposed GS 62-172 concerning financing for certain storm recovery costs by public utilities. Amends the definitions set forth as follows. Modifies the term *financing costs* to include any costs incurred by the Utilities Commission (Commission) or public staff for any outside consultants or counsel retained in connection with the securitization of storm recovery costs (previously, made an internal cross-reference). Modifies *storm recovery activity* to mean any activity by a public utility, its affiliates, or its contractors, directly and specifically in connection with the restoration of service and infrastructure associated with electric power outages affecting customers of a public utility as the result of (a) storm(s) (previously, an activity by or on behalf of a public utility in connection with the restoration of service and infrastructure as specified). Removes from the term *storm recovery activity* the explicit inclusion of incremental internal and external labor costs in excess of labor costs that would have been paid even in the absence of the storm, incremental corporate overhead, and incremental costs related to mobilization, staging, and construction, reconstruction, replacement, or repair of electric generation, transmission, distribution, or general plant facilities. Instead, now explicitly includes in the term activities related to mobilization, staging, and construction, reconstruction, replacement, or repair of electric generation, transmission, distribution, or general plant facilities. Modifies *storm recovery costs* to include (1) all incremental costs, including capital costs, appropriate for recovery from existing and future retail customers receiving transmission or distribution service from the public utility that a public utility has incurred or expects to incur as a result of the storm that are caused by, associated with, or remain as a result of undertaking storm recovery activity (previously, qualified by the utility having obtained an approved petition) and (2) adjustments for capital replacement and operating costs previously considered in determining normal amounts in the public utility's most recent general rate proceeding (previously, adjustments for normal capital replacements and operating costs). Further, requires, with respect to storm recovery costs that the public utility expects to incur, any difference between costs expected to be incurred and actual, reasonable, and prudent costs incurred, or any other rate-making adjustments appropriate to fairly and reasonably assign or allocate storm cost recovery to customers over time to be addressed in future general rate proceedings, provided that the Commission's adoption of a financing order and approval of the issuance of storm recovery bonds cannot be revoked or modified. Makes a clarifying change to the definition of *storm recovery property* to refer to a financing order rather than an internal cross-reference.

Modifies the public utility petition requirements for a financing order to now require the petition to include (1) the storm recovery costs and estimate of any storm recovery activity costs being undertaken but not completed (was, included activities for which the costs are not yet known as identified and requested by the public utility); (2) a comparison between the net present value of the costs to customers estimated to result from the issuance of storm recovery bonds and the costs that would result from traditional financing and recovering recovery costs from customers, specifically demonstrating that the issuance of the storm recovery bonds and the imposition of storm recovery charges are expected to provide quantifiable benefits to customers (was, an estimate of projected cost savings or demonstration of how the bond issuance and recovery charges imposed would reasonably be expected to avoid or mitigate rate impacts to customers as compared with the traditional financing and recovery method); and (3) direct testimony and exhibits supporting the petition (was, only direct testimony).

Removes the prohibition against the Commission authorizing the principal costs to be included or excluded as storm recovery costs if precluded by the public utility's settlement agreement. Now requires the Commission to establish a procedural schedule (was, publish a case schedule) within 14 days of a petition being filed that permits a Commission decision no later than 135 days (was, 120 days) after filing. Makes conforming changes. Removes the provisions allowing the Commission to issue a financing order authorizing the financing of reasonable and prudently incurred storm recovery costs and financing costs if it finds that the issuance of the storm recovery bonds and the imposition of storm recovery charges authorized by the financing order is reasonably expected to result in lower overall costs or would avoid or mitigate rate impacts to customers as compared with the traditional method of financing and recovering storm recovery costs.

Makes clarifying and organizational changes to, and modifies and adds to, the provisions setting forth the elements required to be included in the Commission's financing order. Requires the financing order to include, in addition to the existing required elements, (1) a finding that the proposed issuance of storm recovery bonds and the imposition and collection of a storm recovery charge are expected to provide quantifiable benefits to customers compared to the costs incurred absent the bond issuance and (2) a finding that the structuring and pricing of the storm recovery bonds are reasonably expected to result in the lowest storm recovery charges consistent with market conditions at the time the bonds are priced and the terms set forth in the financing order (was, a determination of whether the proposed issuance would reasonably be expected to result in lower overall costs or would avoid or mitigate rate impacts to customers as compared with the traditional method). Makes further technical and clarifying changes. Regarding annual petitions of the public utilities for adjustments, requires the Commission to limit review to mathematical or clerical errors (previously, only mathematical errors). Makes conforming changes. Clarifies that subsequent to the earlier of the transfer of storm recovery property to an assignee or the issuance of storm recovery bonds authorized thereby, a financing order is irrevocable except for changes made pursuant to the formula-based mechanism authorized. Allows for the proceeding and issuance of a subsequent financing order at the request of the public utility if the subsequent order satisfies the financing order criteria specified in the statute (was, criteria specified in a particular subdivision requiring the charges be nonbypassable until the financing is paid in full). Extends the period to petition for judicial review by the Supreme Court from within 30 days to within 60 days after the Commission issues a financing order or a decision denying a request for reconsideration. Concerning the duration of a financing order, specifies that the order remains in effect and storm recovery property under the order continues to exist until storm recovery bonds issued pursuant to the order have been paid in full or defeased (previously, did not include defeasance) and the Commission-approved financing costs of the bonds have been recovered in full.

Concerning the security interest parameters, establishes that no application of the formula-based adjustment mechanism pursuant to the statute affects the validity, perfection, or priority of a security interest in or transfer of storm recovery property (previously, made an internal cross-reference to the provision concerning the adjustment mechanism, and did not specifically provide for the mechanism as formula-based). Makes similar changes concerning the sale, assignment, or transfer of storm recovery property.

Establishes that storm recovery bonds are not special obligations or indebtedness of the State or any agency or political subdivision.

Concerning the obligation of nonimpairment, clarifies that changes made pursuant to the formula-based adjustment mechanism authorized under the statute are excluded from the specified prohibition.

Makes further technical and clarifying changes.

Part II.

Amends GS 62-133A as follows. Requires an electric public utility to file an application before the Commission may approve multiyear rate plans, banding of authorized returns, or a combination thereof. Requires that the application be filed in and along with a general rate case proceeding initiated under GS 62-133. Amends the definition of *multiyear rate plan* to require the base rates and revenue requirements for a multiyear plan period be based on a known and measurable set of capital investments. Adds that any banding of authorized returns must not exceed 125 basis points above or 125 basis points below the authorized return on equity set by the Commission. Requires that if the high-end range of the band is exceeded, that the electric public utility refund or credit earnings above that range to customers. Allows the electric public utility to file a general rate case proceeding if the utility falls below the low-end range of the band. Requires the Commission, in setting a midpoint authorized rate of return on equity for banding, to consider any decreased or increased risk to an electric public utility that may result from having an approved multiyear rate plan, banding of authorized returns, or a combination thereof. Requires the Commission's order denying or approving the proposed rate-making mechanism, plan, or settlement to be in addition to its

order ruling on the electric public utility's request to adjust base rates. Requires that the orders be issued no later than 365 days after the electric public utility files a proposed rate-making mechanism, plan, or settlement that includes multi-year rate plans, banding of authorized returns, or a combination thereof. Adds that if the Commission denies the proposal, then the Commission's order ruling on the electric public utility's request to adjust base rates will govern. Allows the Commission to approve rate-making mechanisms, plans, or settlements proposed by an electric public utility only upon a finding by the Commission that such mechanisms, plans, or settlements are just and reasonable (was, will establish rates that are just and reasonable), and which are in the public interest. Adds to the issues that the Commission must consider in reviewing an application to include if the utility's application will not result in sudden substantial rate increases, or "rate shock" to consumers. Provides that if the Commission approves the multiyear rate plan, banding of authorized returns, or a combination thereof, with modifications, the utility may accept the modifications and implement the multiyear rate plan, banding of authorized returns, or a combination thereof, as modified or may withdraw its application and be governed under the Commission's order ruling on the electric public utility's request to adjust base rates. Adds the requirement that the Commission adopt rules necessary to implement GS 62-133A. Requires that the rules be adopted no later than 120 days after the date the act become law. Makes conforming changes to the act's effective date provisions.

Intro. by Rabon, Hise, Blue.

[GS 25, GS 62](#)

[View summary](#)

**Government, Public Safety and Emergency Management,
Public Enterprises and Utilities**

S 681 (2019-2020) [RURAL HEALTH CARE STABILIZATION ACT](#). Filed Jun 20 2019, *AN ACT TO ESTABLISH THE RURAL HEALTH CARE STABILIZATION PROGRAM*.

Designates GS 131A-1 through GS 131A-25 as Article 1 of GS Chapter 135, the Health Care Facility Finances Act. Directs the Revisor of Statutes to make necessary changes to statutory cross-references. Makes conforming changes to GS 113A-12 (environmental document exemption) and GS 142-15.16 (defining *State-supported financing arrangement*).

Enacts new Article 2, Rural Health Care Stabilization Program, to GS Chapter 131A. Sets forth 11 defined terms. Establishes the Rural Health Care Stabilization Program (Program) to provide loans to eligible applicants for the support of eligible hospitals located in rural areas that are in financial crisis due to operation of oversized and outdated facilities and recent changes to the viability of health care delivery in their communities, with loans to be used to finance construction of new health care facilities or to provide for operations costs during the transition period, or both, including while the construction of new facilities is undertaken. Requires UNC Health Care, in collaboration with the Local Government Commission (Commission) to administer the Program. Sets out specific UNC Health Care responsibilities, including but not limited to assessing Plans submitted by loan applicants and implementing approved loan agreements. Requires UNC Health Care to evaluate the applicant's ability to repay the loan under the proposed Plan and what security interests are necessary to enforce loan repayment. Requires the Commission to review UNC Health Care's recommendations, eligible applicants' Plans, and approve or disapprove the awarding of loans. Establishes the Rural Health Care Stabilization Fund (Fund) under the control and direction of the UNC Health Care System, with funds to be used for loans. The Fund consists of funds appropriated to the Program, funds received as repayment of the principal of or interest on Fund loans, and all interest credited to the Fund by the State Treasurer. Sets out the loan application process and details items that must be included in the applicant's Plan. Requires eligible applicants to develop a hospital stabilization plan for an eligible hospital as part of the loan application. Requires UNC Health Care to evaluate each Plan submitted by an eligible applicant to determine whether the applicant's Plan demonstrates a financially sustainable health care service model for the community in which the eligible hospital is located. Also allows UNC Health Care to assist an eligible applicant with revisions to its Plan. Requires UNC Health Care to notify the eligible applicant and the Commission of its recommendation on whether to approve or disapprove a loan application. Allows, when a loan application is recommended to be disapproved, for an applicant to request that the Commission review UNC Health Care's determination and allows the Commission to approve the applicant for a loan if it finds that the applicant demonstrates a financially sustainable health care service model for the community where the eligible hospital is located. If a loan is approved in this manner, requires UNC Health Care to administer the loan agreement negotiated between the Commission and the applicant. Requires UNC Health Care to disclose to the Commission any potential conflict of interest in its review of an application and Plan. Prohibits the Commission from approving an eligible applicant if the issuance of a loan would result in a material, direct financial benefit to UNC Health Care at the time the application and Plan are submitted to the Commission

for its approval. Requires the Commission to consider approval of a loan recommended by UNC Health Care. Allows the Commission to require changes to the governance structure of the eligible hospital in adopting the terms of the loan agreement. Allows the Commission to require eligible applicants and hospitals to provide current and historical financial information in considering the loan. Provides for the Commission to recommend modifications to an agreement denied approval, allowing UNC Health Care to resubmit its recommendations and the Commission to consider the revised recommendations. Requires the Commission to also consider applications submitted which request the Commission's review of UNC Health Care's disapproval of the loan application. Makes UNC Health Care responsible for notification of loan awards and conditions. Requires the loan interest rate to be below market rate and the maximum maturity of the loan to be seven years. Requires execution of a debt instrument to evidence the obligation. Requires UNC Health Care to annually publish a report on the Fund by November 1 to cover the preceding year. Requires the report to be publically available as well as a copy submitted to the specified NCGA committee and division. Details required content of the report, including the Fund balance at the beginning and end of the fiscal year, the amount of revenue and its source credited to the Fund during the fiscal year, the total amount of loans awarded from the Fund, and specified information regarding each loan awarded.

Amends GS 116-37 to require General Fund appropriations for the Program to be deposited in the Fund with use restricted to the purposes set forth in new Article 2 of GS Chapter 131A. Requires the UNC Health Care System to administer the Program pursuant to new Article 2 in order to further its mission.

Applies to applications for a loan submitted on or after July 1, 2019.

Intro. by Berger, Tillman.

[GS 113A](#), [GS 116](#), [GS 131A](#), [GS 142](#)

[View summary](#)

[Government, State Agencies, UNC System, Health and Human Services, Health, Health Care Facilities and Providers](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 19: CERTAIN DRE EQUIPMENT. (NEW)

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 37: CHILD SEX ABUSE/EXTEND STATUTE OF LIMITATIONS.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 99: TRANSFER ALE.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 144: HANDS FREE NC.

Senate: Withdrawn From Com

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

H 219: NAIC ACCREDITATION AMENDMENTS.-AB

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 226: 2019 AOC LEGISLATIVE CHANGES.-AB

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 268: AMEND ON-SITE WASTEWATER LAWS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

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

Senate: Reptd Fav

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

H 325: OPIOID EPIDEMIC RESPONSE ACT. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 329: RENEWABLE ENERGY AMENDS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 370: REQUIRE COOPERATION WITH ICE DETAINERS. (NEW)

Senate: Reptd Fav

Senate: Placed On Cal For 06/24/2019

H 432: WATER/SEWER TO CONTIGUOUS DWELLING UNITS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 469: VARIOUS FAMILY LAW CHANGES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 483: LET THEM SPAWN.

House: Passed 3rd Reading

House: Ordered Engrossed

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

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/24/2019

H 537: ALT. HWY USE TAX VEHICLE SUBSCRIPTIONS.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 546: PROHIBIT COUNTERFEIT/NONFUNCTIONAL AIRBAGS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Judiciary

H 607: MESSAGE BOARD MEMBERSHIP.

House: Withdrawn From Cal

House: Placed On Cal For 06/26/2019

H 656: MEDICAID CHANGES FOR TRANSFORMATION.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 675: 2019 BUILDING CODE REGULATORY REFORM.

Senate: Withdrawn From Com

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

H 724: TRUTH IN CALLER ID ACT.

Senate: Withdrawn From Com

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

H 735: ADOPT RULES INCORPORATING 2017 FOOD CODE.

Senate: Withdrawn From Com

Senate: Re-ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Rules and Operations of the Senate

H 761: CLARIFY WASTEWATER PERMITTING LIABILITY.

Senate: Reptd Fav

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

H 777: VARIOUS RETIREMENT CHNGS/WASTEWATER REFORM. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 934: RIGHT TO TRY ADULT STEM CELL TREATMENTS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/24/2019

H 954: QUALIFIED DISABLED VETERAN PREFERENCE. (NEW)

House: Withdrawn From Com

House: Placed on Unfav Cal

H 1016: UNC BOARDS OF TRUSTEES APPOINTMENTS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/24/2019

H 1017: SPECIAL MASTER WAKE HOUSE PLAN.

Senate: Reptd Fav

Senate: Placed On Cal For 06/24/2019

S 88: ELECTRICIAN REQUIREMENTS FOR CERTAIN ORGS.

House: Reptd Fav

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

S 95: VETERANS MEMORIAL FUNDS/DO NOT REVERT.

House: Regular Message Sent To Senate

Senate: Regular Message Received For Concurrence in H Com Sub

Senate: Placed On Cal For 06/24/2019

S 191: OUT-OF-STATE LAW ENFORCEMENT/2020 REP CONVTN.

House: Withdrawn From Cal

House: Placed On Cal For 06/25/2019

S 219: MODIFY TEACHER LICENSING REQUIREMENTS.

Senate: Conf Com Reported

Senate: Placed On Cal For 06/24/2019

House: Conf Com Reported

House: Added to Calendar

House: Conf Report Adopted

S 227: TP3/PRINCIPAL FELLOWS CONSOLIDATION. (NEW)

House: Passed 2nd Reading

House: Passed 3rd Reading

S 250: RECORDS OF EXCUSALS FOR JURY DUTY.

House: Withdrawn From Com

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

S 290: DISTILLER REGULATORY REFORM BILL.

Senate: Reptd Fav

Senate: Placed On Cal For 06/24/2019

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

House: Reptd Fav

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

S 316: AFFORDABLE HOUSING.

House: Reptd Fav

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

S 355: LAND-USE REGULATORY CHANGES.

House: Reptd Fav Com Substitute

House: Serial Referral To Judiciary Stricken

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

S 361: HEALTH CARE EXPANSION ACT OF 2019.

Senate: Reptd Fav

Senate: Placed On Cal For 06/24/2019

S 362: ANNUAL REPORT STANDARDIZATION.

Senate: Reptd Fav

Senate: Placed On Cal For 06/24/2019

S 366: 10TH GRADE/COLLEGE TRANSFER PATHWAYS. (NEW)

House: Passed 2nd Reading

House: Passed 3rd Reading

S 483: VACATION RENTAL ACT CHANGES.

House: Withdrawn From Com

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

S 500: MODIFY ADVANCED MATH COURSE ENROLLMENT.

House: Conf Com Appointed

S 523: REV. LAWS CLARIFYING & ADMINISTRATIVE CHANGES.

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 the Com on Finance, if favorable, Rules, Calendar, and Operations of the House

S 529: FEES/RETURNED CHECKS (NEW)

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 556: GSC PEOPLE FIRST LANGUAGE 2019.

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

S 681: RURAL HEALTH CARE STABILIZATION ACT.

Senate: Filed

LOCAL BILLS

H 15: LEXINGTON/DISSOLVE UTILITIES COMMISSION.

Senate: Reptd Fav

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

H 80: WATERFOWL HUNTING/ROANOKE RAPIDS LAKE.

Senate: Withdrawn From Com

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

S 30: STANLY CC/CONTRACTING DATE EXTENSION. (NEW)

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 80: CHINA GROVE SATELLITE ANNEXATION. (NEW)

House: Passed 3rd Reading

S 190: EXPAND SPECIAL ASSESSMENTS FOR DAM REPAIR.

Senate: Reptd Fav

Senate: Placed On Cal For 06/24/2019

S 201: TOWN OF BOLTON/DEANNEXATION.

Senate: Reptd Fav

Senate: Placed On Cal For 06/24/2019

S 242: RECREATIONAL LAND FEE CHANGES.

House: Regular Message Sent To Senate

Senate: Regular Message Received For Concurrence in H Com Sub

Senate: Placed On Cal For 06/24/2019

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

Senate: Withdrawn From Com

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

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