

The Daily Bulletin: 2019-10-01

PUBLIC/HOUSE BILLS

H 1001 (2019-2020) **RAISE THE AGE FUNDING. (NEW)** Filed Apr 25 2019, *AN ACT CONSISTENT WITH HOUSE BILL 966 OF THE 2019 REGULAR SESSION PROVIDING THE RESOURCES NECESSARY TO IMPLEMENT THE LEGISLATION KNOWN AS RAISE THE AGE.*

House committee substitute deletes the provisions of the 1st edition and instead provides the following.

Part I.

Effective July 1, 2019, amends GS 7A-60(a1) to add one assistant district attorney to the following prosecutorial districts: District 5 (Duplin, Jones, Onslow, and Sampson); District 6 (New Hanover and Pender); District 9 (Greene, Lenoir, and Wayne); District 13 (Johnston); District 20 (Roberson); District 24 (Guilford); District 25 (Cabarrus); District 36 (Burke, Caldwell, and Catawba); and District 38 (Gaston).

Effective July 1, 2020, amends GS 7A-60(a1), as amended, to add one assistant district attorney to the following prosecutorial districts: District 1 (Camden, Chowan, Currituck, Dare, Gates, Pasquotank, and Perquimans); District 12 (Harnett and Lee); District 15 (Bladen, Brunswick, and Columbus); District 22 (Caswell and Rockingham); District 32 (Alexander and Iredell); District 39 (Cleveland and Lincoln); and District 43 (Cherokee, Clay, Graham, Haywood, Jackson, Macon, and Swain).

Effective January 1, 2023, amends GS 7A-60(a1), as amended, to add one assistant district attorney to Prosecutorial District 36 (Burke and Caldwell).

Part II.

Effective January 1, 2021, amends GS 7A-133(a) to add one district court judge to the following judicial districts: District 3A (Pitt); District 4 (Sampson, Duplin, Jones, and Onslow); District 10D (part of Wake); District 16B (Robeson); District 19A (Cabarrus); District 20D (Union); District 22A (Alexander and Iredell); District 25 (Burke, Caldwell, and Catawba); and District 29A (McDowell and Rutherford). Requires elections conducted in 2020 to comply with these provisions.

Effective July 1, 2019, amends Section 2(b) of SL 2018-14, which sets forth terms for judges in districts enacted by that act. Now provides for two, rather than three, judges in District 10D (part of Wake) to take office on January 1, 2021, with elections in 2020, and every four years thereafter.

Part III.

Appropriates from the General Fund to the Administrative Office of the Courts (AOC): \$373,191 in recurring funds for the 2019-20 fiscal year; \$16,093 in nonrecurring funds for the 2019-20 fiscal year; \$1,366,131 in recurring funds for the 2020-21 fiscal year; and \$69,503 in nonrecurring funds for the 2020-21 fiscal year. Restricts use of the funds to (1) creating seven deputy clerk positions, effective July 1, 2019, located in Alamance, Burke, Davidson, Johnston, McDowell, Randolph, and Yadkin counties, and (2) creating seven district court judge positions, effective January 1, 2021.

Appropriates from the General Fund to AOC: \$1,332,252 in recurring funds for each fiscal year of the 2019-21 fiscal biennium; and \$46,362 in nonrecurring funds for the 2019-20 fiscal year. Restricts use of the funds to creating nine assistant district attorney positions and three district attorney legal assistant positions, effective July 1, 2019. Provides for the legal assistant positions to be assigned to Prosecutorial District 28 (Stanley and Montgomery); 33 (Davie and Davidson); and 36 (Burke, Caldwell, and Catawba).

Appropriates from the General Fund to AOC \$879,123 in recurring funds for the 2020-21 fiscal year to be used to create seven assistant district attorney positions starting in the 2020-21 fiscal year.

Part IV.

Appropriates from the General Fund to the Office of Indigent Defense Services (IDS): \$87,681 in recurring funds for the 2019-20 fiscal year; and \$109,131 in recurring funds for the 2020-21 fiscal year. Restricts use of the funds to creating a position, effective October 1, 2019, to provide training and consulting services to private assigned counsel attorneys in the State assigned to juvenile justice cases.

Part V.

Appropriates from the General Fund to the Department of Public Safety (DPS): \$30,915,431 for the 2019-20 fiscal year; and \$43,538,704 for the 2020-21 fiscal year. Allocates the funds in specified amounts for specified purposes, including: creating certain staffing positions in the Division of Juvenile Justice; creating support positions for the operations at Juvenile Detention Centers, Youth Development Centers, and other Division of Juvenile Justice facilities; creating transportation positions and purchasing vans; increasing bed capacity at Juvenile Detention Centers; creating positions at and covering operating expenses for the C.A. Dillon Youth Development Center; creating new school counselor positions; providing additional funding for contracts for community-based and residential programs for adjudicated juveniles and creating a contract management position; creating positions in the Community Programs section to support and assist the Juvenile Crime Prevention Council programs; providing additional funding to the county-level Juvenile Crime Prevention Councils; creating Juvenile Court Counselor positions; and providing recurring funding for certain Court Services section positions.

Part VI.

Repeals Section 15.6, Allocation of Assistant District Attorneys, and 15.10, Additional District Court Judges, of HB 966 (Appropriations Act of 2019) if that act becomes law.

Part VII.

Deems departmental receipts appropriated for the fiscal biennium.

Provides that if any provision of this act and GS 143C-5-4 (enactment deadline; procedures to be followed when the Current Operations Appropriations Act does not become law prior to the end of certain fiscal years) are in conflict, the provisions of this act prevail. Provides that the appropriations and the authorizations to allocate and spend funds set out in this act remain in effect until the Current Operations Appropriations Act for the applicable fiscal year becomes law, at which time that act becomes effective and governs appropriations and expenditures.

Effective July 1, 2019.

Makes conforming changes to the act's titles.

Intro. by Boles, Murphy, C. Smith.

[APPROP, GS 7A](#)

[View summary](#)

Courts/Judiciary, Juvenile Law, Court System, Criminal Justice, Corrections (Sentencing/Probation), Government, Budget/Appropriations, State Agencies, Department of Justice, Department of Public Safety, State Government, State Personnel

H 1008 (2019-2020) [REAL PROPERTY DONATION TAX CREDIT](#). Filed Apr 25 2019, *AN ACT TO INCENTIVIZE BUFFERING OF MILITARY INSTALLATIONS FROM INCOMPATIBLE DEVELOPMENT AND PROTECTION OF FLOODPLAINS IN HURRICANE-DISASTER COUNTIES THROUGH THE USE OF TIME-LIMITED TAX CREDITS*.

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

Amends reenacted GS 105-151.12, recodified as GS 105-153.11, concerning tax credits for individuals and pass-through entities for real property donations which can be used to buffer military installations from incompatible development. Changes a statutory cross-reference, now providing that the portion of a qualifying donation that is the basis for a credit under the statute is not eligible for a deduction as a charitable donation under GS 105-153.5(a)(2) (was, GS 105-130.9, which concerns charitable donations by corporations).

[View summary](#)

[Development, Land Use and Housing, Property and Housing, Government, Tax](#)

PUBLIC/SENATE BILLS

S 250 (2019-2020) [REMOVE FOREIGN CITIZENS FROM VOTING ROLLS. \(NEW\)](#) Filed Mar 13 2019, *AN ACT TO CODIFY THE COMMON LAW REQUIREMENT FOR UNITED STATES CITIZENSHIP TO QUALIFY AS A JUROR, TO ALLOW A CLERK OF COURT TO HEAR JURY EXCUSES IF SO DESIGNATED BY THE CHIEF DISTRICT COURT JUDGE, AND TO PROVIDE THAT THE NAMES AND ADDRESSES OF PERSONS REQUESTING TO BE EXCUSED FROM JURY DUTY BASED ON DISQUALIFICATION SHALL BE SHARED WITH THE STATE BOARD OF ELECTIONS IF THE DISQUALIFICATION IS DUE TO UNITED STATES CITIZENSHIP.*

House committee substitute to the 5th edition makes the following changes.

Amends GS 9-3, adding United States citizenship to the qualifications of prospective jurors.

Further amends GS 9-6, adding new subsection (a1) to require all applications for excuses from jury duty to be made on a form developed and furnished by the Administrative Office of the Courts. Specifically requires the applications to allow prospective jurors to specify the reason for excusal based on disqualification, including lack of United States citizenship. Makes additional clarifying changes.

Further amends GS 9-6.1 to make technical changes.

Modifies proposed GS 9-6.2, regarding reports of excusals from jury duty based on disqualification. Makes organizational changes and adds to the information the clerk must include in the electronic quarterly report to the State Board of Elections (State Board) regarding juror disqualifications based on US citizenship, to include the disqualified person's date of birth and other personal information from the master jury list. Clarifies that the records retained by the State Board are public records, despite the provisions of GS 20-43.4(c), concerning the confidentiality of the list of licensed drivers provided by the Division of Motor Vehicles to jury commissions.

Deletes the proposed changes to GS 163A-877, regarding maintenance of the list of registered voters. Instead, amends GS 163-82.14, concerning list maintenance (SL 2018-146 recodified GS 163A-877 as GS 163-82.14). Adds a new subsection to establish a procedure for the State Board to review the electronic quarterly reports transmitted by the clerks of superior court regarding juror disqualifications due to citizenship pursuant to new GS 9-6.2. Requires the State Board to, within 30 days of receipt of the report, review the voter registration and citizenship status of each person identified in the report, and distribute to each appropriate county board of elections a report of those identified persons, along with the specified electronic file and identifying information. Prohibits including in the reports persons determined to have become US citizens after the disqualification, unless the State Board determines the prospective juror voted prior to obtaining US citizenship, in which case the State Board is required to furnish the district attorney a copy of its investigation for prosecution of the violation pursuant to GS 163-278. Requires county boards to, within 30 days of a report from the State Board, give 30 days' written notice to the voter prior to removal from the county's registration records. Provides for a voter to object to the removal within 30 days, as specified. Deems the records under new subsection (c1) public records and requires the State Board and county boards to retain the electronic records for four years, allowing for the records to be destroyed only when they are no longer public records. Makes further clarifying and technical changes.

Makes conforming changes. Clarifies that the act does not exempt records held by the Administrative Office of the Courts from the public records laws of GS Chapter 132, except as provided in proposed GS 9-6.2, as enacted.

Changes the act's long title.

[View summary](#)

[Courts/Judiciary, Court System, Government, Elections,](#)

**Public Records and Open Meetings, State Agencies,
Department of Justice, Local Government**

S 433 (2019-2020) [DCNR OMNIBUS & OTHER CHANGES. \(NEW\)](#) Filed Mar 28 2019, *AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AS RECOMMENDED BY THE DEPARTMENT; TO MAKE ADDITIONS TO CERTAIN REPORTS OF THE NORTH CAROLINA POLICY COLLABORATORY TO THE GENERAL ASSEMBLY; TO CLARIFY CERTAIN APPROPRIATIONS IN THE 2018 HURRICANE FLORENCE DISASTER RECOVERY ACT; TO CORRECT AN EFFECTIVE DATE; AND TO REPEAL AND REPLACE AN ACT PROVIDING FOR EMERGENCY OPERATING FUNDS FOR UTILITIES.*

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

Eliminates the proposed changes to Article 55, Regulation of Certain Reptiles, of GS Chapter 55, set forth in previous Section 3.

Adds the following new provisions.

Section 7

Directs the NC Policy Collaboratory (Collaboratory) to create an inventory of aqueous film-forming foam (AFFF) used or stored by fire departments in the state operated, managed, or overseen by local governments. Requires the inventory to include those fire departments that are located at or serve airports. Details the minimum information the Collaboratory's inventory must be comprised of, including identifying information of each fire department that owns or has on its premises a firefighting vehicle that carries AFFF or a storage tank or other vessel for AFFF; the volume, trade name, and CAS number of AFFF used by each department in 2018 for fighting fires or firefighting training; and the annual cost of acquiring AFFF and last known purchases of AFFF for each fire department. Requires the Office of the State Fire Marshal and local governments to assist the Collaboratory upon request. Additionally, directs the Collaboratory to develop a proposal for identifying and collecting AFFF that is expired or no longer wanted or needed by each of these fire departments, as specified. Requires the Office of the State Fire Marshal, the Department of Environmental Quality (DEQ), the Department of Health and Human Services (DHHS), and the Department of Public Safety (DPS) to assist the Collaboratory upon request. Requires the Collaboratory to include the results of these studies in its final report required by Section 13.1(g) of SL 2018-5 (concerning the coordination of specified faculty and resources, and establishment of a protocol for testing certain public water supply samples for specified chemicals), and provide an interim report to the specified NCGA committee and the Environmental Review Commission by April 1, 2020.

Sections 8 and 9

Explicitly authorizes funds appropriated to the Hurricane Florence Disaster Recovery Fund and allocated to DEQ for a coastal beach and dredging needs assessment to be used for a dredge material management plan to assess any non-federal disposal area for dredged material in the State. Amends Section 1.3 of SL 2018-138 (Hurricane Florence/Supplemental Act), which allocates \$18.5 million to DEQ for the Coastal Storm Damage Mitigation Fund and limits the use of the allocated funds to provide no more than 50% of the nonfederal share for a federally funded eligible project and no more than 50% of the total cost of an eligible project that is not federally funded. Modifies the limitations set forth for the allocated funds to now restrict use of the funds to provide no more than 50% of the total cost of an eligible project. Adds a new provision to require DEQ to disburse the funds for any eligible project in a single payment upon the execution of a grant contract between the State and a local government, and to require local government grantees to revert any portion of State funds subsequently reimbursed by federal funding.

Section 10

Modifies SB 553 (Regulatory Reform Act of 2019), subject to that act becoming law, to postpone the effective date of Section 12, which amends GS 159G-23 concerning priority consideration for certain applications for loans and grants from the Wastewater Reserve or Drinking Water Reserve, from July 1, 2019, to November 1, 2019. Effective July 1, 2019.

Section 11

Repeals SL 2019-226 (Emergency Operating Funds for Utilities), which enacted GS 159G-25.5, *Emergency expenditure for operating deficits incurred by certain public water systems and wastewater systems*, effective October 1, 2019. Provides a savings clause for any rights, obligations, or liabilities of the State or local government arising under SL 2019-226 as it existed prior to repeal.

Authorizes DEQ to use funds in the Wastewater Reserve or the Drinking Water Reserve to provide grants to the Local Government Commission (Commission) to cover operating deficits, as defined, in an enterprise funds accounting for a public water or wastewater system. Restricts funding availability to instances in which either (1) the Commission has assumed control over the affairs of the public water or wastewater system or of the local government or public authority that owns or operates the public water or wastewater system; or (2) the local government or public authority that owns or operates the public water or wastewater system has had its charter suspended or revoked by local act. Limits funding under the provisions to no more than \$1 million in each fiscal year. Requires grant applications to be filed by the Commission on behalf of the local government. Excludes the applications from the provisions of GS 159G-37(b), which requires local governments to certify that grant funds are not used to supplement the resources of the general fund. Sunsets these provisions on the earlier of the date HB 966 (Appropriations Act of 2019) becomes law, or June 30, 2020.

Makes the following changes, subject to SB 553, HB 966, or legislation substantially similar to Section 12.15, Water/Wastewater Public Enterprise Reform, of HB 966, becoming law.

Enacts GS 159G-20(14a), adding *operating deficit* to the Chapter's defined terms.

Enacts GS 159G-32(d)(6), adding the provision of emergency grants for operating deficits for certain local governments to the permitted uses of grants from the Viable Utility Reserve (Reserve, established under GS 159G-22(h), enacted in HB 966, Section 12.15).

Enacts GS 159G-34.5(a)(4), adding emergency grants for operating deficits to the types of grants available from the Reserve (GS 159G-34.5 is enacted in HB 966, Section 12.15).

Amends GS 159G-36(d), limiting emergency grants for operating deficits from the Reserve to \$750,000 in any fiscal year. Also restricts the award of these grants to no more than three consecutive fiscal years. Makes conforming changes.

Enacts GS 159G-31(e), making the Commission eligible to apply for an emergency grant for an operating deficit from the Reserve on behalf of a local government.

Makes conforming changes to the act's titles.

Intro. by Burgin, Ballard, Woodard.

STUDY, [GS 113A](#), [GS 140](#), [GS 143](#), [GS 143B](#), [GS 159G](#)

[Environment](#), [Environment/Natural Resources](#), [Government](#), [Cultural Resources and Museums](#), [Public Safety and Emergency Management](#), [State Agencies](#), [UNC System](#), [Department of Commerce](#), [Department of Natural and Cultural Resources \(formerly Dept. of Cultural Resources\)](#), [Department of Environmental Quality \(formerly DENR\)](#), [Local Government](#), [Health and Human Services](#), [Health](#), [Public Health](#), [Nonprofits](#)

[View summary](#)

S 572 (2019-2020) [UNIVERSITY SYSTEM RISK MANAGEMENT PROVISIONS. \(NEW\)](#) Filed Apr 3 2019, *AN ACT TO AUTHORIZE PUBLIC UNIVERSITIES TO OBTAIN LIABILITY INSURANCE FOR ALCOHOL SALES.*

House committee substitute deletes the provisions of the 3rd edition and now provides the following.

Enacts GS 116-40.13 to authorize constituent institutions of UNC to procure liability insurance relating to the sale or service of alcohol on campus or at a facility leased or owned by the constituent institution.

Makes conforming changes to the act's titles.

Intro. by Perry.

GS 116

[View summary](#)

**Alcoholic Beverage Control, Government, State Agencies,
UNC System**

S 690 (2019-2020) **MODIFICATIONS TO 2019 APPOINTMENTS BILL**. Filed Aug 13 2019, *AN ACT TO MAKE MODIFICATIONS TO APPOINTMENTS MADE IN THE 2019 APPOINTMENTS BILLS AND TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.*

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

Makes organizational changes. Adds the following provisions.

Part I.

Eliminates the proposed changes to Section 2.38 of SL 2019-122 (Appointments Bill 2019) concerning appointments to the NC Professional Educator Preparation and Standards Commission upon recommendation of the Speaker of the House of Representatives.

Part II appoints the specified persons to the following boards and commissions upon the recommendation of the President Pro Tempore, effective on the specified date, with terms expiring as provided: the Boxing Commission; the NC Brain Injury Advisory Council; the NC Capital Facilities Finance Agency Board of Directors; the NC Charter Schools Advisory Board; the Information Technology Strategy Board; and the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services.

Part III appoints the specified persons to the following boards and commissions upon the recommendation of the Speaker of the House of Representatives, effective on the specified date, with terms expiring as provided: the Boxing Commission, the Information Technology Strategy Board, the NC Professional Educator Preparation and Standards Commission, and the Rural Infrastructure Authority.

Adds to the act's effective date provisions, now providing for the terms of appointees to begin on the date the act becomes law unless otherwise provided.

Changes the act's long title.

Intro. by Rabon.

UNCODIFIED

[View summary](#)

**Business and Commerce, Education, Government, General
Assembly, State Government, Executive, Health and Human
Services**

LOCAL/HOUSE BILLS

H 181 (2019-2020) **REPEAL YANCEYVILLE ANNEXATION. (NEW)** Filed Feb 26 2019, *AN ACT TO REPEAL ANNEXATION OF CERTAIN DESCRIBED TERRITORY INTO THE TOWN OF YANCEYVILLE PRIOR TO THE EFFECTIVE DATE OF THAT ANNEXATION.*

Senate committee substitute deletes the provisions of the 1st edition and now provides the following.

Repeals Section 2 of SL 2019-160, which annexed certain described property into the corporate limits of the Town of Yanceyville. The annexation was to become effective June 30, 2020.

Makes conforming changes to the act's titles.

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 283: CONNER'S LAW.

House: Placed On Cal For 10/02/2019

H 1001: RAISE THE AGE FUNDING. (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 10/02/2019

H 1008: REAL PROPERTY DONATION TAX CREDIT.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 10/02/2019

S 250: REMOVE FOREIGN CITIZENS FROM VOTING ROLLS. (NEW)

House: Reptd Fav Com Sub 3

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 10/02/2019

S 315: NORTH CAROLINA FARM ACT OF 2019.

Senate: Withdrawn From Com

Senate: Re-ref Com On Agriculture/Environment/Natural Resources

Senate: Withdrawn From Com

Senate: Placed on Today's Calendar

Senate: Failed Concur In H Com Sub

S 433: DCNR OMNIBUS & OTHER CHANGES. (NEW)

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 10/02/2019

S 559: STORM SECURITIZATION/ALT. RATES.

House: Conferees Changed

S 572: UNIVERSITY SYSTEM RISK MANAGEMENT PROVISIONS. (NEW)

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 10/02/2019

S 690: MODIFICATIONS TO 2019 APPOINTMENTS BILL.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 10/02/2019

LOCAL BILLS

H 181: REPEAL YANCEYVILLE ANNEXATION. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

Senate: Reptd Fav

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