

The Daily Bulletin: 2019-10-02

PUBLIC/HOUSE BILLS

H 100 (2019-2020) [DOT BUDGET FOR 2019-2021 BIENNIUM. \(NEW\)](#) Filed Feb 19 2019, *AN ACT, CONSISTENT WITH HOUSE BILL 966 OF THE 2019 REGULAR SESSION, TO ENACT A BUDGET FOR THE DEPARTMENT OF TRANSPORTATION, TO MAKE ADDITIONAL APPROPRIATIONS, TRANSFERS, AND REDUCTIONS TO THE DEPARTMENT, AND TO MAKE OTHER MODIFICATIONS RELATED TO THE OPERATIONS OF THE DEPARTMENT.*

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

Part I.

States that the act's appropriations are for maximum amounts necessary for services and purposes of the Department of Transportation (DOT) pursuant to the State Budget Act. Requires any savings to revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law.

Deems state funds appropriated for each year of the 2019-21 fiscal biennium up to the specified amounts for all DOT budget codes listed in the Governor's Recommended Budget and the identified Budget Support Document, as adjusted in this act, and departmental receipts up to the amounts needed to implement the legislatively mandated salary increases and employee benefit increases provided in the act for each year of the fiscal biennium. Provides for overrealized receipts. Restricts expenditures to those legislatively authorized.

Authorizes DOT to spend, subject to the Director of the Budget's approval, grants awarded subsequent to the act that (1) are less than \$2.5 million, (2) do not require State matching funds, and (3) will not be used for a capital project. Requires DPT to report receipt of these funds to the specified NCGA committee within 30 days of receipt. Directs the Office of State Budget and Management (OSBM) to work with DOT to budget grant awards as specified, including employing additional time-limited State personnel. Explicitly prohibits DOT from accepting a grant not anticipated by the act if acceptance would obligate the State to make future expenditures.

Establishes that DOT is not required to consult with the specified NCGA committee prior to establishing or increasing a fee as authorized by the act. Additionally, authorizes DOT to adopt emergency rules to establish or increase a fee as authorized by the act if adoption of a rule would be otherwise required under GS Chapter 150B (APA).

Part II.

Sets forth schedules for appropriations from the State Highway Fund and the State Highway Trust Fund for the fiscal biennium and provides the Highway Fund and Highway Trust Fund availability used in developing the fiscal biennium budget.

Part III.

Allocates \$198,491,809 and \$292,988,957 for the 2019-20 and 2020-21 fiscal years of the funds appropriated to DOT from the Highway Fund in specified amounts for specified purposes, including allocations for the general maintenance, road and highway improvements, the new lease for DOT headquarters and relocation expenses, and department-wide compensation increases and employee benefit increases.

Reduces \$46,565,704 and \$41,288,202 for the 2019-20 and 2020-21 fiscal years of the funds appropriated to DOT from the Highway Fund in specified amounts from specified purposes, including the Bridge Program and Bridge Preservation Program.

Provides that if Section 41.8 of HB 966 (Appropriations Act of 2019) or substantially similar legislation becomes law, \$5.4 million in recurring funds for the 2020-21 fiscal year is reduced from the aviation program.

Requires DOT and OSBM to adjust and certify the 2019-21 biennial budget to remove \$4,111,995,220 in requirements and \$4,111,995,220 in receipts that are double-budgeted in the DOT budget.

Allocates \$49,462,437 and \$166,336,452 for the 2019-20 and 2020-21 fiscal years of the funds appropriated to DOT from the Highway Trust Fund in specified amounts for specified purposes, including debt service payments and the Strategic Transportation Initiatives Program.

Part IV.

Repeals Section 34.1(b) and (c), regarding anticipated revenues of the Highway Fund and the Highway Trust Fund, of SL 2018-5 (Appropriations Act of 2018).

Authorizes and certifies specified anticipated revenues for the Highway Fund and the Highway Trust Fund for 2021-22 through 2024-25 fiscal years. Directs DOT and OSBM to develop a four-year revenue forecast beginning with the 2025-26 fiscal year to be used to develop cash flow estimates, develop the Strategic Transportation Improvement Program, and compute transportation debt capacity.

Allocates the funds appropriated from the Highway Fund for capital, repairs, and renovations in specified amounts for specified purposes.

Directs that funds appropriated to the DOT, Construction - Contingency Fund for the 2019-20 fiscal year are to be allocated statewide for highway improvements and related transportation enhancements, subject to prior approval by the Secretary of Transportation. Requires unexpended funds to remain available until expended.

Amends GS 124-5.1 to no longer require dividends of the NC Railroad Company to be deposited into the Freight Rail & Rail Crossing Safety Improvement Fund within the Highway Fund. Repeals GS 124-18, which requires State-owned railroad companies to issue dividends.

Requires DOT to submit a report to the specified NCGA committee and division by March 15, 2020, on the issues specified regarding governance of the Metropolitan Planning Organizations and Rural Transportation Planning Organizations.

Allocates the funds appropriated to DOT for general airport improvements in specified amounts for specified purposes. Authorizes recipient airports to use the funds allocated to funds improvement to the airport and pay debt service or related financing costs and expenses on revenues bonds or notes issued by the airport, subject to DOT approval of the airport's report outlining its proposed use of the funds, as specified. Details further limitations and parameters regarding the use of the funds. Requires DOT to report on the use of funds by each airport to the specified NCGA committee and division by March 15, 2020.

Provides for budgeting of the legislative salary increases for DOT employees and requires DOT to report to the specified NCGA committee amounts allocated to each division or unit within 30 days after an allocation.

Directs DOT to purchase the property described as the Ellerbe Rest Area with funds appropriated, and to maintain the property, erect signage, and make related updates to its publications and website.

Authorizes DOT to reclassify nine vacant positions as specified.

Directs DOT to designate two described bridges as the Lance Corporal Nicholas S. O'Brian, U.S.M.C. Bridge, and the Corporal J. Ralph Holder Bridge, as provided.

Enacts Article 14C, Mobility/Modernization Fund, to GS Chapter 136. Mandates that 40% of the funds appropriated to the Mobility/Modernization Fund in the Highway Fund be used for a Spot Mobility Program, managed by the DOT State Traffic Engineer, to provide funding for small projects that will reduce traffic congestion and vehicular delay times. Directs DOT to develop a formula for selecting projects to receive funding, including four specified considerations. Requires priority be given for projects that will improve access from the State highway system to school, as defined. Mandates that 12% of the funds appropriated to the Mobility/Modernization Fund be used for (1) improvements and infrastructure that expedite economic development; (2) small construction projects, as provided; and (3) the development and expansion of access roads to industrial facilities. Mandates that 48% of the funds appropriated to the Mobility/Modernization Fund be used for construction projects that are high impact and low cost, including intersection improvement projects, minor widening projects, and operational improvement projects. Directs DOT to develop a formula for selecting projects to receive funding, including five specified considerations. Requires DOT to submit an annual report, beginning March 1, 2020, to the specified NCGA committee and division regarding the types of projects funded and the total funding allocated per project under new Article 14C. Makes conforming changes to repeal Sections 34.7(a) through (d) of SL 2017-57 (Appropriations Act of 2017), which contains similar provisions regarding the Mobility/Modernization Fund.

Directs the OSBM and the Division of Motor Vehicles (DMV) to adjust the Hearings Unit's certified budget for the 2019-20 fiscal year to align total requirements and receipts to reflect the requirements set forth in Section 34.9 of SL 2014-100, as amended, that all hearing administration must be fully receipt-supported from the fee proceeds collected by the Hearings Unit. Mandates this adjustment be completed by January 1, 2020.

Requires the DMV to report on any organizational changes occurring October 1, 2018, through October 1, 2019, to the specified NCGA committees and division by January 1, 2020. Details required content of the report.

Directs DOT to expand its performance dashboard available on its website to track nine data identified data points about the DMV, including the number of conventional hybrid vehicle, plug-in hybrid vehicle, and plug-in electric vehicle new registrations issued per month and year-to-date. Sets forth related defined terms. Requires DOT to complete the dashboard expansion by January 1, 2020.

Amends GS 20-79.4 to reduce the number of years required for a vehicle to qualify for an antique registration plate from 35 years to 30 years.

Directs the Department of Administration (DOA) to review the inventory of State-owned office space in the City of Raleigh for purposes of relocating the State License Plate Agency located on New Bern Avenue. Directs DOT to issue an RFP within 30 days of January 1, 2020, if unable to locate suitable office space, within the geographic scope of the RFP being the City of Raleigh. Requires DOT to report to the specified NCGA committees and division by March 15, 2020, on the results of the DOA's review, the RFP issued and summary of responses, and the estimated cost to relocate the State License Plate Agency. Requires the DOA to submit a report detailing any agreement to lease or purchase new office space for the State License Plate Agency to the specified NCGA committees and division at least 30 days prior to approval by the Council of State. Requires the DMV to report to the specified NCGA committees and division by January 15, 2021, with an itemized list of expenses associated with the DMV headquarters relocation, an itemized list of expenses associated with the State License Plate Agency relocation, and lease rates and agreements for both locations.

Directs the DMV to reopen a Division office in the Town of Marshall by January 1, 2020, with the same operating hours and services the office had prior to closing.

Amends GS 20-63 to increase the rates set for commission contracts for the issuance of registration plates and certificates. Increases the commission paid for the collection of the highway use tax or the removal of an inspection stop from \$1.30 to \$1.56. Increases the commission paid for specified transactions, including the issuance of a registration plate, a registration card, a registration sticker, or a certificate of title, from \$1.46 to \$1.75.

Directs the DMV to develop and evaluate plans to staff all Drivers License Offices currently open a minimum of five days per week with a minimum of three full-time equivalent employees by considering five specified options. Requires the DMV to submit a report outlining the options and a final recommendation by March 1, 2020, to the specified NCGA committees and division.

Authorizes the Ferry Division to contract to lease a passenger ferry vessel for operation between Hatteras and Ocracoke from May 20, 2019, to September 5, 2019, without complying with specified law. Limits the contract to no more than \$1 million.

Directs DOT to conduct a feasibility study on raising ferry tolls for nonresidents. Details required considerations of the study, including compliance with federal law. Directs DOT to report its findings and recommendations to specified NCGA committee and division chairs by March 15, 2020.

Requires DOT to submit an itemized report detailing the use of all funds appropriated by the act for the Piedmont locomotives and cars to the specified NCGA committees and division by March 1, 2020. Details required content of the report.

Directs DOT to submit an itemized report detailing the use of all funds appropriated by the act for the train station maintenance needs to the specified NCGA committees and division by March 1, 2020. Details required content of the report.

Allocates \$257,500 in nonrecurring funds of the funds appropriated by the act to DOT for train station maintenance to the Selma Union Station Depot for train station maintenance.

Strictly restricts use of the nonrecurring funds appropriated by the act to the NC Ports Authority for the 2019-20 fiscal year to raise the power line over the Cape Fear River near Wilmington to that single purpose, and limits allocation of the funds by DOT to the NC Ports Authority on a reimbursement basis after the Authority has provided a report outlining the costs incurred.

Directs the NC Ports Authority to submit a status report, as specified, on the use of the funds to the specified NCGA committee by January 1, 2020, and quarterly thereafter until the project is completed.

Part V.

Reenacts and incorporates the provisions of GS Chapter 143C, the State Budget Act.

Provides for parameters and application of the DOT biennial budget provided and adjusted by the act. Establishes that the legislative budget supersedes the budget certified by the Director of the Budget in the event line-items conflict.

Repeals Parts III and XL of HB 966 if that act becomes law.

Repeals Section 1.1(b) of SL 2019-209. However, clarifies that the instructions contained in SL 2019-209 governing the implementation of salaries and benefits apply to the funds appropriated in this act for those purposes.

Specifies that SL 2019-15, SL 2019-209, and any other enactments affecting the State budget during the 2019 Regular Session remain effective except where expressly repealed or amended.

Defines the scope of the act to funds appropriated for and activities occurring during the 2019-21 fiscal biennium unless clearly indicated otherwise.

Clarifies the effect of the act's headings.

Includes a severability clause.

Part VI.

Effective July 1, 2019.

Makes conforming changes to the act's titles.

Intro. by Faircloth, Torbett, C. Smith, Speciale.

[APPROP, STUDY, GS 20, GS 124, GS 136](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, Budget/Appropriations, State Agencies, Department of Administration, Department of Transportation, Office of State Budget and Management, State Government, State Personnel, State Property, Transportation](#)

H 387 (2019-2020) [GROWING G.R.E.A.T \(NEW\)](#) Filed Mar 19 2019, *AN ACT CONSISTENT WITH HOUSE BILL 966 TO ENACT CHANGES TO THE GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY PROGRAM AND TO PROVIDE FUNDING FOR THAT PROGRAM.*

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

Section 1

Amends GS 143B-1373, Growing Rural Economies with Access to Technology (GREAT) program, as follows.

Adds to the definition of *eligible project*, deeming a project to be located in the county where the greatest number of unserved household projects are proposed to be served in instances where a contiguous project area crosses from one eligible county into one or more eligible adjacent counties. Modifies the term *eligible recipient* to no longer specifically require partnerships to be formed on or after January 1, 2018. Amends the definition of *infrastructure costs* to no longer specifically include equipment, fiber, and construction. Adds to the defined terms *infrastructure*, *partnership*, and *prospective broadband recipient*. Defines *partnership* to mean a project for which an Internet service provider affirms that a formalized agreement exists between the provider and one or more unaffiliated partners where the partner is either: (1) a separate Internet service provider or (2) a nonprofit or not-for-profit, or a for-profit subsidiary of either, and the Internet service provider is being allowed access and use of the partner's infrastructure, on special terms and conditions designed to facilitate the provision of broadband services in unserved areas, or is utilizing a financial contribution provided by one or more partners where the total contribution is not less

than 10%, but not more than 49%, of the match required by the statute. Adds that a county that is not engaged in providing consumer broadband service may qualify as a nonprofit for the purpose of the statute.

Modifies program eligibility. Now deems ineligible project areas comprised of census blocks, or portions of census blocks, within which a broadband provider is receiving matching funds to deploy broadband services within the next 18 months (previously, specified receipt of State or federal matching funds to deploy technologically neutral scalable broadband service within that time period). Permits a private provider receiving Universal Service or Connect America Phase II, or nonfederal funds (previously, State or federal matching) to deploy broadband service to qualify for protection by submitting within 60 days of the application period a listing of the census blocks or portions of census blocks comprising the federally funded project areas meeting the requirement and nothing more to the Broadband Infrastructure Office (Office) in the Department of Information Technology (DIT). Requires the cutoff date for submitting census block data to be established by the office, but requires the date be no less than 60 days prior to the beginning date of the application period (previously, set the cutoff date on May 15). Adds that upon the expiration of the 18-month reservation period, a private provider that has received a reservation of census blocks must submit written documentation by April 30 of the year following the program year that broadband development has begun or been completed in the census blocks or portions of the census blocks deemed ineligible by the Office due to the existence of a federally funded project area.

Adds to the information that grant applications must include to now require available addresses or other identifying information satisfactory to the Office relating to the area to be served, as specified. Authorizes the Office to require an applicant to submit additional information in the event the Office is unable to identify the proposed project area with specificity. Also requires applications to, in the event construction of the proposed project would result in the provision of broadband services to areas that are not eligible for funding, identify the ineligible areas.

Establishes that a provider submitting an application bears the burden of proof that the proposed area to be served can be served using the proposed technology. Provides that the burden of proof can be satisfied by the submission of data, maps, and any other information satisfactory to the Office that demonstrates that the area and number of prospective broadband recipients proposed to be served can be provided the minimum upload and download speeds indicated in the application.

Provides for applications to be amended to accurately reflect the level of current broadband service, and allows the Office to revise application scores based on the amended application. Concerning provider protest to an application, allows the Office to release to an applicant the locations or areas declared ineligible following a protest granted for a portion of the application. Deems this information not public record and confidential. Adds a new requirement for any provider submitting a protest to verify the accuracy of the protest and that the protest is submitted in good faith. Authorizes the Office to deny any protest or application that contains inaccurate information, and to use speed tests to resolve a protest, as provided.

Amends the scoring of project applications. Concerning points for projects involving a partnership, as defined, increases the points given for projects involving a partnership, including a county in certain instances, as specified. Concerning the points given to projects located in counties that will serve certain estimated numbers of unserved households, reduces the thresholds set forth with coordinating point values. Concerning points given to projects that will serve certain thresholds of unserved households within the eligible economically distressed county the project will serve, now provides for points based on the percentage of unserved households within the project area with coordinating point values. Additionally, modifies the base speed score multiplier schedule.

Provides for priority of applications proposing to serve the highest number of new households at the lowest cost per household in the event there is a tie for applications receiving the same score.

Adds a new requirement for grant recipients to certify and provide to the Office evidence consistent with FCC attestation that either speeds greater than those identified in the application guidelines or the proposed upstream and downstream broadband speeds identified in the application guidelines are available throughout the project area prior to any end user connections (previously, require attestation that the proposed minimum upstream and downstream broadband speeds identified in the application guidelines are available throughout the project area as specified).

Modifies the grant recipient matching requirements that are based on the application score. Prohibits Connect America Phase II Fund from being used for the required matching funds, in addition to Universal Service Fund (previously, Connect America Fund was prohibited, as well as other grants awarded for broadband expansion through a separate State or federal program). Permits any current or future federal funds to be used for the required matching funds within the parameters of the program, including any future phase of the Connect America Fund.

Sections 2 and 3

Amends GS 143B-1373, as amended, to include a county designated as a development tier two area in the definition of *eligible economically distressed county* under the program (was, limited to counties designated as development tier one areas). Restricts use of program funds for projects located in development tier two counties to no more than one-third of the funds appropriated to the GREAT fund. Effective July 1, 2020.

Section 4

Amends GS 143B-1373, as amended, to allow the use of program funds for projects located in development tier two counties to no more than one-half (was, one-third) of the funds appropriated to the GREAT fund, and allows the Office to allocate more if not enough grant applications for projects located in development tier one counties have been received to distribute one-half of the funds appropriated to the GREAT fund as of March 1. Effective July 1, 2021.

Section 5

Enacts GS 143B-1373(p) to authorize DIT to use up to 1% of the appropriated funds to administer the program.

Section 6

Directs the Department of Administration (DOA) to collaborate with the Office to develop a streamlined approval process for the negotiation and execution of lease agreements for collocation, installation, and operation of broadband equipment on State-owned property. Requires involvement of identified stakeholders. Requires the Office to develop a streamlined approval process of no more than 270 days from the date the formal lease proposal is submitted to a State agency. Details the priority of reducing or eliminating the need for renegotiating primary lease terms. Requires DOA to establish a market-based rate for lease amounts that can be used as a basis for similar agreements across the State. Requires DOA to implement the process and submit a report detailing the process, along with a list of stakeholders and their input, to the specified NCGA committee and division on or before December 1, 2019.

Section 7

Transfers from the General Fund to the State Capital and Infrastructure Fund (Fund) \$15 million for each fiscal year from the 2019-20 fiscal year through the 2028-29 fiscal year. Appropriates from the Fund \$15 million for each fiscal year from the 2019-20 fiscal year through the 2028-29 fiscal year to the GREAT fund.

Section 8

Provides for the appropriations and authorizations to allocate and spend funds set forth in the act to remain in effect until the Current Operations Appropriations Act for the applicable fiscal year becomes law, at which time that act governs the appropriations and expenditures and the Director of the Budget will adjust allotments to give effect to that act from July 1 of the fiscal year.

Repeals the act if HB 966 (Appropriations Act of 2019) becomes law.

Section 9

Effective July 1, 2019.

Amends the act's titles.

Intro. by Arp, Szoka, Lewis, Hunter.

[APPROP, GS 143B](#)

[View summary](#)

[Business and Commerce, Government, Budget/Appropriations, State Agencies, Department of Administration, Department of Information Technology, Public Enterprises and Utilities](#)

PUBLIC/SENATE BILLS

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 amendment to the 4th edition makes the following changes.

Adds new Section 9.5. Permits any funds appropriated to the Hurricane Florence Disaster Recovery Fund and allocated to the Department of Environmental Quality (DEQ) for the Coastal Storm Damage Mitigation Fund to be used for coastal storm damage in any county designated under a Presidential major disaster declaration with respect to any natural disaster occurring after January 1, 2016, causing damage to the ocean beaches and dune systems in that county. Prohibits requiring fund recipients to determine which major disaster caused particular coastal storm damage.

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

Conference report makes the following changes to the 5th edition.

Part II.

Eliminates all provisions of Part II, which required the Utilities Commission (Commission) to study the advisability of authorizing certain alternative methods to fixing rates.

Instead, enacts GS 62-133A (similar to proposed GS 62-133A as it appeared in the 4th edition) to authorize the Commission to approve multiyear rate plans, banding of authorized terms, or a combination thereof, upon application by an electric public utility, filed in and along with a general rate case proceeding to fix rates pursuant to GS 62-133. Defines *banding of authorized returns* to mean a rate mechanism under which the Commission sets an authorized return on equity for an electric utility that acts as a midpoint and then applies a low- and high-end range of returns to that midpoint under which an electric public utility will not overearn if within the high-end range and will not underearn if within the low-end range. Defines *multiyear rate plan* to mean a rate mechanism under which the Commission sets base rates and revenue requirements for a multiyear plan period based on a known and measurable set of capital investments and all the expenses associated with those capital investments and authorizes periodic changes in base rates during the approved plan period without the need for a base rate proceeding during the plan period.

Details limitations and conditions required of any banding of authorized returns approved, including (1) requiring a petition for Commission approval of an electric public utility operating under a banding of authorized returns to make specified investments and issue refunds totaling the verified earnings exceeding the high-end range of the approved band and (2)

allowing the electric public utility to file a general rate case proceeding if the utility is operating under a banding of authorized returns and falls below the low-end range of the approved band.

Sets forth procedures for the Commission to approve or deny, with or without modifications, an electric public utility's proposed rate-making mechanism, plan, or settlement that includes multiyear rate plans, banding of authorized terms, or a combination thereof, after notice and opportunity to be heard, to require the Commission to make its determination and issue an order within 365 days of the proposed mechanism, plan, or settlement's filing. Provides that the Commission's order ruling on the electric public utility's request to adjust base rates governs in instances in which the Commission denies a utility's proposed rate-making mechanism, plan, or settlement that includes multiyear rate plans, banding of authorized terms, or a combination thereof. Restricts approval of such alternative rate-making mechanisms only if the Commission finds that mechanisms are just and reasonable, and are in the public interest. Details five considerations the Commission must look to in reviewing an application, including whether the application will result in sudden substantial rate increases to customers. Authorizes the Commission to impose conditions for application approval necessary to ensure the rates are just and reasonable, and in the public interest. Allows a utility subject to approval with modifications to, at its option, accept the modification and implement the multiyear rate plan, banding of authorized returns, or a combination thereof, as modified, or withdraw its application and be governed by the Commission's order ruling on the utility's request to adjust base rates.

Provides for any approved rate-making mechanisms, plans, or settlements to be effective for a period of no more than three years. Requires electric public utilities to make an annual filing that sets forth the utility's earned return on equity for the prior 12-month period for purposes of measuring earnings under any mechanisms.

Provides a savings clause for existing rate-making authority of the Commission and any rates approved by the Commission prior to the effective date of the statute. Further provides that any approved rate-making mechanisms, plans, or settlements operate independently, and will be considered separately, from riders or other cost recovery mechanisms otherwise allowed by law, unless otherwise incorporated.

Applies to any rate-making mechanisms, designs, plans, or settlements filed by a public utility on or after January 1, 2021.

Part III.

Directs the Commission to adopt rules to govern use of alternate rate methodologies authorized under new GS 62-133A, as enacted, and details five requirements the Commission must comply with in the course of any rule making, including: (1) establishing an online portal for interested parties to sign up to receive notice of rule-making activities and for submittal of written comment; (2) publishing proposed rules online at least 30 business days prior to adoption, with notice of any public hearings; (3) accepting written comments on the proposed rules for at least 15 business days prior to adoption; (4) holding at least two public hearings on the proposed rules, with the first having 5 days' notice; and (5) soliciting input from 12 stakeholders, to the extent feasible.

Intro. by Rabon, Hise, Blue.

GS 25, GS 62

[View summary](#)

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

ACTIONS ON BILLS

PUBLIC BILLS

H 100: DOT BUDGET FOR 2019-2021 BIENNIUM. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 283: CONNER'S LAW.

House: Concurred In S Amend SA1

House: Ordered Enrolled

H 387: GROWING G.R.E.A.T (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 1001: RAISE THE AGE FUNDING. (NEW)

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1008: REAL PROPERTY DONATION TAX CREDIT.

House: Passed 2nd Reading

House: Passed 3rd Reading

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

House: Passed 2nd Reading

House: Passed 3rd Reading

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

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

S 559: STORM SECURITIZATION/ALT. RATES.

Senate: Conf Com Reported

Senate: Placed on Today's Calendar

House: Conf Com Reported

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

Senate: Conf Report Adopted

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

House: Passed 2nd Reading

House: Passed 3rd Reading

S 683: COMBAT ABSENTEE BALLOT FRAUD.

Senate: Conf Com Appointed

S 690: MODIFICATIONS TO 2019 APPOINTMENTS BILL.

House: Passed 2nd Reading

House: Passed 3rd Reading

LOCAL BILLS

H 181: REPEAL YANCEYVILLE ANNEXATION. (NEW)

Senate: Passed 2nd Reading

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