



The Daily Bulletin: 2019-10-30

PUBLIC/HOUSE BILLS

H 111 (2019-2020) **2019-2021 BASE BUDGETS/CERTAIN AGENCIES. (NEW)** Filed Feb 19 2019, *AN ACT TO ENACT A BASE BUDGET FOR CERTAIN STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS FOR THE 2019-2021 FISCAL BIENNIUM.*

Senate committee substitute deletes the content of the 2nd edition and now provides the following.

Part I.

Sets forth the schedule of appropriations from the General Fund for the budgets of specified State agencies, departments, and institutions, and other enumerated purposes, for each year of the 2019-21 fiscal biennium, with net appropriations totaling \$23,900,304,471 for the 2019-20 fiscal year and \$23,981,490,408 for the 2020-21 fiscal year.

Reduces the total requirements for the Department of Justice, Legal Services by \$3,055,973 in recurring funds for each fiscal year of the biennium.

Repeals Section 5(11) of SL 2019-229, which allocates specified funds to support 65 full-time equivalent positions in the Court Services Section of the Division of Juvenile Justice. Further amends Section 5 of SL 2019-229 to reduce the appropriations set out for the Department of Public Safety (DPS) for the implementation of the Raise the Age legislation from \$30,915,431 to \$27,023,037 for the 2019-20 fiscal year, and from \$43,538,704 to \$39,646,310 for the 2020-21 fiscal year.

Subject to SB 61 becoming law, amends Section 1.2 of that act to specify that the appropriations made by that act for the budget of the Community College System for the fiscal biennium are in addition to the appropriations set out in any other legislation enacted during the 2019 Regular Session expressly appropriating funds to the Community College System. Reduces the Community College System requirements, receipts, and net appropriations set out for the fiscal biennium in SB 61 to include a net appropriation of \$28,216,988 rather than \$1,196,633,387 for 2019-20 and \$25,436,606 rather than \$1,193,853,005 for 2020-21.

Repeals Section 1.1(ff) of SL 2019-192, which appropriated nonrecurring funds to the Department of Health and Human Services (DHHS), Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2019-20 fiscal year to be used to support the Suicide Prevention Lifeline.

Subject to HB 398 becoming law, amends Section 1.2 of that act to reduce the requirements, receipts, and net appropriations set out for the fiscal biennium in HB 398 for the Department of Information Technology (DIT) to include a net appropriation of \$13,759,233 rather than \$67,422,458 for 2019-20 and \$15,283,879 rather than \$68,947,104 for 2020-21.

Subject to SB 683 becoming law, amends Section 5.2 of that act to specify that the appropriations made in that act for the budget of the State Board of Elections (SBE) for the fiscal biennium are in addition to the appropriations set forth in SL 2019-209 for the SBE. Reduces the SBE requirements, receipts, and net appropriations set out for the fiscal biennium in SB 683 to include a net appropriation of \$1,156,004 rather than \$7,989,301 for 2019-20 and \$44,923 rather than \$6,878,220 for 2020-21.

Part II.

Sets forth the General Fund availability used in developing the base budget for each year of the 2019-21 fiscal biennium.

Details procedures for the transfer of funds to the Savings Reserve, and the treatment of receivable as nontax revenue.

Directs DHHS to deposit from its revenues \$165.3 million for the 2019-20 fiscal year, and \$130 million for the 2020-21 fiscal year, with the Department of State Treasurer to be accounted for as nontax revenue to represent the return of resources from State-owned and State-operated hospitals used to provide indigent and nonindigent care services. Provides that the return from State-owned and State-operated hospitals to DHHS will be made from nonfederal resources in an amount equal to the amount of the payments from the Division of Health Benefits for uncompensated care. Requires the treatment of any revenue derived from federal programs to be in accordance with specified federal regulations.

Part III.

States that the act's appropriations, and appropriations made by any other legislation enacted during the 2019 Regular Session expressly appropriating funds to an agency, department, or an institution covered under the act, are for maximum amounts necessary for services and purposes of the applicable agency, department, or institution 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 the requirements set forth in the act, and any other legislation enacted during the 2019 Regular Session expressly appropriating funds to an agency, department, or institution covered by the act, to represent the total amount of funds appropriated to an agency, department, or institution.

Deems state funds appropriated for each year of the 2019-21 fiscal biennium up to the specified amounts for all budget codes listed in the Governor's Recommended Budget Support Document, as adjusted in this act; excludes the budget codes for the Community College System, the Department of Transportation, and the Department of Information Technology. For the Community College System and the DIT, appropriates amounts up to the amounts for budget codes listed in the Governor's Recommended Budget Support Document, as adjusted, only if the agency's bill containing budget appropriations does not become law (SB 61 for the Community College System; HB 398 for DIT). Provides for overrealized receipts. Restricts expenditures to those legislatively authorized.

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

Provides for parameters and application of the biennial budget provided and adjusted by the act.

Specifies that SL 2019-9, SL 2019-15, SL 2019-192, SL 2019-208, SL 2019-209, SL 2019-210, SL 2019-211, SL 2019-221, SL 2019-222, SL 2019-223, and SL 2019-224, and any other enactments during the 2019 Regular Session appropriating funds to an agency, department, or institution covered by the act remain effective except where expressly repealed or amended.

Sets forth limitations and directions that apply, including (1) the limitations and directions on the expenditure of funds for the prior fiscal biennium remain in effect; (2) vacant positions subject to proposed budget reductions in HB 966 cannot be filled; (3) public school employees paid on the teacher salary schedule, the school-based administrator salary schedule, or any other salary schedule established by state law cannot move up on salary schedules or receive automatic step increases until legislatively authorized (this provision is repealed if HB 377, Teacher Step Act, becomes law), and (4) funds cannot be reserved to the Repairs and Renovations Reserve or the State Capital and Infrastructure Fund, and the State Controller cannot transfer funds from the unreserved fund balance to those reserves on June 30 of the prior fiscal year.

Defines the scope of the act to funds appropriated for and activities occurring during the 2019-21 fiscal biennium. Clarifies the effect of the act's headings.

Clarifies that the act and any other legislation enacted during the 2019 Regular Session expressly appropriating funds to an agency, department, or an institution covered under the act, collectively supersedes and replaces the specified provisions of the State Budget Act. Provides that the appropriations and authorizations set out in the act remain in effect until HB 966 becomes law, at which point that act governs, and the Director of the Budget adjusts allotments to give effect to HB 966 from July 1 of the fiscal year.

Part IV.

Provides for the act to become effective July 1, 2019.

Changes the act's titles.

Intro. by Lambeth.

[APPROP, GS 116, GS 143C](#)

[View summary](#)

[Courts/Judiciary, Education, Elementary and Secondary Education, Higher Education, Government, Budget/Appropriations, General Assembly, State Agencies, Community Colleges System Office, UNC System, Department of Administration, Department of Agriculture and Consumer Services, Department of Commerce, Department of Natural and Cultural Resources \(formerly Dept. of Cultural](#)

Resources), Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Department of Information Technology, Department of Insurance, Department of Justice, Department of Labor, Department of Military & Veterans Affairs, Department of Public Instruction, Department of Public Safety, Department of Revenue, Department of State Treasurer, Department of Transportation, Office of State Auditor, Office of State Budget and Management, Office of State Controller, Secretary of State, State Board of Elections, State Government, Executive, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Mental Health, Social Services, Military and Veteran's Affairs

H 1023 (2019-2020) **STORM RECOVERY ACT OF 2019**. Filed Oct 22 2019, *AN ACT TO PROVIDE DISASTER RELIEF FROM HURRICANE DORIAN AND OTHER NAMED STORMS.*

House committee substitute to the 1st edition adds the following content.

Part I.

Section 1.1

Requires the State Controller to transfer \$70,812,336 in nonrecurring funds for 2019-20 from the Savings Reserve to the Hurricane Florence Disaster Recovery Fund to be used to provide a State match for Hurricane Florence federal disaster assistance programs.

Section 1.2

Appropriates \$186,353,258 in nonrecurring funds from the Savings Reserve for 2019-20, to be allocated as follows: (1) \$38,173,258 to the State Emergency Response and Disaster Relief Fund to be used for the four specified purposes; (2) \$40 million to the North Carolina Office of Recovery and Resiliency to be used for the three specified purposes; (3) \$1,350,000 to the Department of Environmental Quality to be used for the two specified purposes; (4) \$30,000 to the Wildlife Resources Commission to be used for the specified purpose; (5) \$36 million to the Department of Transportation to be used for the four specified purposes; (6) \$42.1 million to the Division of Emergency Management to be used for the three specified purposes; (7) \$5.2 million to Elizabeth City State University for the specified purpose; (8) \$1.7 million to the Department of Public Instruction as a directed grant to Hyde County for the specified purpose; (9) \$20 million to the Office of State Budget and Management for the Golden L.E.A.F. Inc., for the specified purpose, and (10) \$1.8 million as a directed grant to Hyde County for the specified purposes.

Section 1.3

Appropriates \$357,813 in recurring funds for 2019-20 and \$753,125 for 2020-21 from the General Fund to the Department of Public Safety with \$250,000 in recurring funds in each year of the biennium allocated for a grant to the United Way of North Carolina to support the NC 2-1-1 program; and \$107,813 in recurring funds in 2019-20 and \$503,125 in recurring funds for 2020-21 allocated to the Division of Emergency Management for positions to support the management of federal grants and other Division operations with the positions effective January 1, 2020. Repeals these provisions if HB 966 (Appropriations Act of 2019) becomes law.

Part II.

Specifies that Section 1.1 and 1.2 apply to the following counties: (1) for disaster relief and recovery related to Hurricane Matthew, counties identified in Part II of SL 2016-124; (2) for disaster relief and recovery related to Hurricane Florence or Michael, those counties identified in SL 2018-136 or SL 2019-3; (3) those declared a major disaster by the President under the Stafford act as a result of Hurricane Dorian.

Part III.

Allows a State agency that received funding under this act or any of the following to reallocate unexpended and unobligated program funds to the same program or purposes for damage caused by Hurricanes Matthew, Florence, Michael, Dorian or future storms: SL 2016-124 (An Act to Enact the Disaster Recovery Act of 2016), SL 2017-119 (An Act to Enact the Disaster Recovery Act of 2017), Section 5.6 of SL 2018-5 (Disaster Recovery – 2018), SL 2018-134 (The Hurricane Florence Emergency Response Act), SL 2018-136 (2018 Hurricane Florence Disaster Recovery Act), SL 2018-138 (An Act to Provide Additional Disaster Relief in Response to Hurricane Florence), SL 2019-3 (An Act to Extend the Deadline to Apply for the Hurricane Florence Agricultural Disaster Program of 2018 for Certain Counties that Received a Presidential or Secretarial Disaster Declaration as a Result of Hurricane Michael After the Original Deadline), and SL 2019-224 (An Act to Enact the 2019 Disaster Recovery Act Consistent with the Provisions of House Bill 966 of the 2019 Regular Session and to Appropriate Funds).

Requires any State agency that reallocates funds to report, at least 30 days before the reallocation, to the chairs of the specified NCGA committees and division. Requires the report to identify six specified items, including the original funding authorization, the original program or purpose for the use of the funds, and the amount of funds to be reallocated.

Amends GS 166A-19.15(f)(1) to allow political subdivisions to award contracts for the repair, rehabilitation, or construction of private residential structures funded by State or federal funds following a disaster declared by the Governor covering the political subdivision. Authorizes a political subdivision to contract directly with pre-qualified contractors under GS 166A-19.12(23) on the basis of price, qualification, capacity, and any other objective criteria.

Amends GS 143-129 to exempt contracts for disaster recovery private residential construction or repair awarded under GS 166A-19.12(23) and GS 166A-19.15(f)(1) from Article 8, Public Contracts, of GS Chapter 143.

Amends Section 5.11(a) of SL 2016-124 to now require that all Community Development Block Grant Disaster Recovery awards received by the State in response to the declarations and executive orders described in the act as well as subsequent federally declared disasters, to be administered by the North Carolina Office of Recovery and Resiliency (was, all Community Development Block Grant Disaster Recovery Program funds received by the Department of Commerce in response to the declaration and executive orders described in the act were to be transferred to the Emergency Management Division).

Allows funds allocated to the Community Colleges System Office in Section 4.12 of SL 2018-136 to be used to offset a receipt shortfall due to enrollment declines caused by Hurricane Florence.

Amends GS 166A-19.11 by giving the Secretary of Public Safety the following additional duties: (1) notifying the Director of the Budget, the Office of the Governor, the chairs of the specified NCGA committees, the Fiscal Research Division, and any other State entities deemed necessary of the potential for using Community Development Block Grant-Disaster Recovery funds to cover the nonfederal share of matching requirements for eligible programs on June 1 of each year and within five days of a presidential disaster declaration for the State and (2) reporting annually by December 1 to the chairs of the specified NCGA committees on the amount of State funds used to pay contractors for performing CDBG-DR activities that could have been paid for using federal CDBG-DR funds during the calendar year.

Enacts new GS 166A-19.13 requiring the Department of Public Safety (DPS) to establish mechanisms to regularly solicit input from entities receiving federal or State disaster recovery funds on how to improve the administration of the funds and associated programs. Requires DPS, by December 1, 2020, to modify its policies and procedures for disaster recovery to: (1) where permitted by State law and administrative rule, require the Office of Recovery and Resiliency (Office) to use cost as a factor when awarding contracts for professional services that may be eligible for reimbursement from federal funds (exempts contracts subject to Article 3D of Chapter 143); (2) establish minimum competencies for staff who administer the Community Development Block Grant-Disaster Recovery (CDBG-DR) program; and (3) describe how the input obtained from the mechanisms will be incorporated into revisions of its policies and procedures. Requires the Office, by January 1, 2020, to develop performance metrics for all entities receiving federal or State disaster recovery funds, including average time-cycle by process step, total number of projects by process step and managed overall, outreach and intake metrics, amount of disaster recovery funds spent on administrative activities, and amount of disaster recovery funds disbursed on behalf of recipients. Requires the performance metrics to be standardized across funding streams to allow for comparisons and identification of areas needing improvement.

Amends Section 5.8 of SL 2018-136, as amended, to require the Office of Recovery and Resiliency (Office) to also provide separate quarterly reports on the use of disaster recovery and assistance funds expended from funds appropriated for disaster relief for Hurricane Dorian, with specified content, in addition to the separate quarterly reports the Office must provide for

funds expended from the Hurricane Florence Recovery Fund and the State Emergency Response and Disaster Relief Fund, beginning January 1, 2019. Further amends Section 5.8 to require the Office to provide separate quarterly reports beginning January 1, 2020, to the Director of the Budget and specified NCGA committees and division on the use of CDBG-DR funds expended starting October 1, 2019, and thereafter. Details required content of the reports, including average time-cycle by process step and average cost per project. Additionally, requires the Office to provide separate quarterly reports beginning January 1, 2020, to the Director of the Budget, and specified NCGA committees and division, on the use of disaster recovery and assistance funds, other than CDBG-DR funds, expended starting October 1, 2019, and thereafter from the Hurricane Florence Recovery Fund and from the State Emergency Response and Disaster Relief Fund for Hurricane Matthew. Details required content of the reports, including average time-cycle and average cost per project. Makes conforming changes.

Directs the Office to make recommendations regarding the staffing levels necessary to (1) administer the CDBG-DR program when the Office is administering CDBG-DR funds; (2) administer the CDBG-DR program when the Office is not administering CDBG-DR funds; (3) maintain a base-level staff to provide resiliency planning and coordination, continuous disaster recovery functions, and adequate preparedness for future disasters; and (4) expand from a base-level staff to provide necessary functions immediately following a natural disaster. Details required content of each recommendation, including funding source of the recommended positions. Requires the Office to report to the specified NCGA committee and division by March 1, 2020.

Directs the Joint Legislative Program Evaluation Oversight Committee to include in the biennial work plan of the Program Evaluation Division (PED) an evaluation of DPS coordination with non-profit organizations for disaster recovery planning. Directs PED to submit its evaluation to specified NCGA committees.

Amends Section 1.1 of SL 2019-224 to decrease the transfer required from the Hurricane Florence Disaster Recovery Reserve to the Hurricane Florence Disaster Recovery Fund for the 2019-20 fiscal year from \$94,103,000 to \$89,103,000. Effective July 1, 2019.

Amends Section 2.1(7)d. of SL 2019-224, which allocated \$2 million to develop a pilot program to help pay for the cost of up to two years' flood insurance for eligible applicants and eligible properties. Modifies who is an eligible applicant under the pilot program to no longer require that the applicant has not received flood insurance for the subject property from any federal program. Modifies eligible properties under the program to no longer require that the property has experienced a repetitive loss as defined by FEMA. Effective July 1, 2019.

Amends Section 2.1(10) of SL 2019-224, which allocated \$1 million to the Wildlife Resources Commission (WRC) to inspect, investigate, and remove derelict and abandoned water vessels. Expands the purpose of the allocation to also include disposal of such vessels. Additionally authorizes WRC to coordinate with the Department of Environmental Quality (DEQ), non-governmental organizations, and private entities to perform WRC's work under the subdivision. Amends the meaning of *abandoned and derelict vessel* under the subdivision to mean a vessel as defined in specified state law located in coastal public trust waters that has been damaged or destroyed by weather-related events and that the WRC determines has been relinquished, left, or given up by the lawful owner without the intention to later resume any right or interest in the vessel (previously, defined the phrase to mean a water-going craft located in a canal or the Intercoastal Waterway that has been damaged or destroyed by weather-related events and that is impeding water traffic; excluded vessels moved to a dock or otherwise not located in an area of normal water traffic). No longer includes language explicitly authorizing the WRC to remove and dispose of vessels identified by the Marine Patrol of the Division of Marine Fisheries. Adds procedures for the WRC to follow before determining the vessel to have been given up by the lawful owner, including requiring 30 days' written notice to the owner and posting notice on the vessel. Allows WRC to proceed with removal and disposal of the vessel if no response is received within 30 days of the notice. Further authorizes the WRC to remove an abandoned and derelict vessel located on private property upon written request of the property owner following specified procedures. Requires the WRC to prioritize removal of vehicles blocking or otherwise impeding vessel traffic in navigable waters.

Part IV.

Requires recipients of State funds to use best efforts to obtain alternative funds to cover losses and needs. Declares State funds paid to be in excess over funds received by a recipient from an insurance claim settlement. Requires higher education institutions and non-State entities that receive State funds to seek private donations to help cover the losses or needs for which the funds are provided.

Sets forth limitations on expenditures relating to federal fund eligibility. Prohibits the Governor from using the described funds of the act to make reallocations under GS 166A-19.40(c) (authority of the Governor to reallocate department appropriations when certain conditions are met).

Encourages agencies to acquire goods and services from historically underutilized business vendors, whether directly or indirectly.

States the legislative intent to review funds federally appropriated for disaster relief and to consider necessary actions to meet remaining unmet needs, as well as review the adequacy of the measures funded by the act.

Prohibits State funds appropriated in the act from being used for the construction of any new residence within the 100-year flood plain, as defined, unless the construction is in an area regulated by a unit of local government pursuant to a floodplain management ordinance and the construction complies with the ordinance.

Requires homeowners in the 100-year floodplain who receive homeowner's housing assistance pursuant to the act to have in effect federal flood insurance, if available, as a precondition to receipt of State homeowner's housing assistance for losses resulting from future flooding.

Limits the use of funds loaned to small and mid-sized businesses to eligible purposes under the Small Business Administration disaster loan assistance program, designated as described. Limits payments for economic losses to documented business expenses necessary for the continued operation of the business.

States that appropriations and allocations made are for maximum amounts necessary and requires savings to be effected where total amounts appropriated or allocated are not required for implementation.

Deems funds received on or after September 1, 2019, for federal disaster assistance programs for State disasters as a result of Hurricane Dorian appropriated in the amounts provided in the award notifications. Requires the Office of State Budget and Management and affected State agencies to report all award notifications to the specified NCGA committees and division.

Details parameters for nonrecurring funds appropriated as directed grants, including that directed grants of more than \$100,000 must be made in quarterly or monthly payments at the discretion of the Director of the Budget; directed grants do not revert until June 30, 2021; and directed grants are limited to nonsectarian, nonreligious purposes only. Sunsets these provisions on June 30, 2021.

Intro. by Rules, Calendar, and Operations of the House.

[APPROP, GS 143, GS 166A](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Community and Economic Development, Environment, Environment/Natural Resources, Government, Budget/Appropriations, General Assembly, Public Safety and Emergency Management, State Agencies, Community Colleges System Office, Department of Environmental Quality \(formerly DENR\), Department of Public Safety, Office of State Budget and Management, Local Government](#)

H 1023 (2019-2020) [STORM RECOVERY ACT OF 2019](#). Filed Oct 22 2019, *AN ACT TO PROVIDE DISASTER RELIEF FROM HURRICANE DORIAN AND OTHER NAMED STORMS.*

House amendments to the 2nd edition make the following changes.

Amendment #1 deletes the proposed change to GS 166A-19.15 and GS 143-129 and instead amends GS 166A-19.15 as follows. Authorizes political subdivisions to award contracts for the repair, rehabilitation, or construction of private residential structures funded by State or federal funds provided to the political subdivision because of a disaster declaration by the Governor covering the political subdivision. Allows a political subdivision, for purposes of contracts awarded under this provision, to contract with contractors prequalified by the Division of Emergency Management for that disaster. Exempts the political subdivision from the procedures for prequalifying contractors under GS 143-135.8.

Amendment #2 increases the amount appropriated from the Savings Reserve by \$5 million, to be allocated to the Department of Agriculture and Consumer Services for the Division of Soil and Water Conservation's Swine Buyout program.

Amendment #3 decreases the amount of the funds allocated to Golden L.E.A.F from the funds appropriated to the Savings Reserve by \$5 million. Adds an allocation of those funds of \$5 million to the Department of Agriculture and Consumer Services, Division of Soil and Water Conservation, for stream debris removal.

Amendment #4 amends Subdivision 2.1(10) of SL 2019-224 to allow the Wildlife Resource Commission to also coordinate with local governments in the inspection, investigation, removal, and disposal of abandoned and derelict vessels.

Amendment #5 amends the allocation of funds appropriated from the Savings Reserve to require that \$30 million of the funds allocated to the Department of Transportation be used for current and future activities related to recovery from Hurricane Dorian such as debris removal and repair of highway infrastructure damage (was, for cash-flow assistance for federal disaster recovery activities such as debris removal, repair of highway infrastructure damage, and other recovery activities related to Hurricane Dorian).

Adds that for the purposes of subsection 3.1(a) (allowing any State agency that received funds under this act or any of the specified enactments to reallocate unexpended and obligated program funds to the same program or purposes for damage caused by Hurricanes Matthew, Florence, Michael, Dorian, or future storms), the term State agency includes the Golden L.E.A.F, Inc.

Amendment #7 amends the allocation of funds appropriated from the Savings Reserve to require that \$20 million of the funds allocated to the North Carolina Office of Recovery and Resiliency be used to assist distressed communities impacted by Hurricane Matthew, Hurricane Florence, Tropical Storm Michael, or Hurricane Dorian. Requires the Office to enter into agreements with local governments to ensure the proper use of the funds and the return of the funds to the State once the local governments have received federal reimbursement. Allows loans to be used for cash-flow assistance while awaiting federal reimbursement. Requires the program to be operated on a revolving loan fund basis. Also increases the amount appropriated from the Savings Reserve by \$17.6 million and allocates those additional funds to the Department of Environmental Quality to match additional federal funds recently made available for the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund.

Intro. by Rules, Calendar, and Operations of the House.

[APPROP, GS 166A](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Community and Economic Development, Environment, Environment/Natural Resources, Government, Budget/Appropriations, General Assembly, Public Safety and Emergency Management, State Agencies, Community Colleges System Office, Department of Environmental Quality \(formerly DENR\), Department of Public Safety, Office of State Budget and Management, Local Government](#)

PUBLIC/SENATE BILLS

S 199 (2019-2020) [CHILD SEX ABUSE/STRENGTHEN LAWS](#). Filed Mar 6 2019, *AN ACT TO PROTECT CHILDREN FROM SEXUAL ABUSE BY INCREASING PROSECUTORIAL OPTIONS FOR DELAYED REPORTS OF CHILD ABUSE, TO EXPAND THE DUTY TO REPORT CHILD ABUSE, TO PROTECT CHILDREN FROM ONLINE PREDATORS, TO EXTEND THE STATUTE OF LIMITATIONS FOR A CIVIL ACTION FOR CHILD SEXUAL ABUSE SO THAT A PLAINTIFF HAS UNTIL AGE THIRTY-EIGHT TO COMMENCE AN ACTION, AND TO REQUIRE TRAINING ON CHILD SEX ABUSE AND SEX TRAFFICKING FOR SCHOOL PERSONNEL.*

Conference report makes the following changes to the 7th edition.

Amends the act's long title.

No longer titles the act as "The Sexual Assault Fast Reporting and Enforcement (Safe child) Act of 2019."

Part I.

Amends proposed GS 14-318.6 to no longer exempt a juvenile's parent or guardian from the requirement for any person aged 18 or older who knows or should have reasonably known that a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse to immediately report the case to the appropriate local law enforcement agency.

Part IV.

Amends GS 1-17(d) to allow a plaintiff to file a civil action against a defendant for claims related to sexual abuse suffered while the plaintiff was under age 18 until the plaintiff attains age 28 (was, age 38). Adds that a plaintiff may file a civil action within two years of the date of a criminal conviction for a related felony sexual offense against a defendant for claims related to sexual abuse suffered while the plaintiff was under age 18. Makes conforming changes to GS 1-52.

Makes all of Part IV effective December 1, 2019, instead of when the act becomes law.

Adds the following provisions.

Part V.

Amends GS 14-27.20 to add to *against the will of the other person* to the terms applicable to Article 7B (Rape and Other Sex Offenses) of GS Chapter 14. Defines the term as either (1) without consent of the other person or (2) after consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked. Applies to offenses committed on or after December 1, 2019.

Part VI.

Amends GS 7B-101 by making clarifying changes to the definition of the term caretaker.

Expands GS 14-401.11, which prohibits the distribution of certain food or eatable substances injurious to a person, making it unlawful for any person to knowingly distribute, sell, give away, or otherwise cause to be placed in a position of human accessibility or ingestion of any beverage or other drinkable substances which the person knows contains certain substances, materials, controlled substances, poisonous chemicals or compounds, or any foreign material as specified. Makes violations punishable as a Class H or I felony depending on the contents of the food or beverage distributed and the degree the actual or possible discomfort caused, as specified. Makes clarifying, technical, and conforming changes.

Amends the definition of *mentally incapacitated* set out in GS 14-27.20, to now define the term as a victim who due to any act is rendered substantially incapable (was, a victim who due to any act committed upon the victim, or a poisonous or controlled substance provided to the victim without the knowledge or consent of the victim, is rendered substantially incapable) of either appraising the nature of his or her conduct or resisting the act of vaginal intercourse or a sexual act.

Part VII.

Amends GS 14-208.12A by adding that the victim of the underlying offense may appear and be heard in a proceeding regarding a request for termination of the sex offender registration requirement. Specifies notification requirements when the victim has elected to receive notices of such proceedings. Requires the judge to inquire as to whether the victim is present and wishes to be heard and requires the court to grant the victim an opportunity to be reasonably heard if the victim is present and wishes to be heard. Allows the right to be reasonably heard to be through an oral statement, written statement, or audio or video statement.

Part VIII.

Amends GS 14-208.16, concerning residential restrictions for sex offender registrants, by providing that for the purposes of the statute, the term *school* includes any construction project designated for use as a public school if the governing body has notified the sheriff or sheriffs with jurisdiction within 1,000 feet of the construction project of the construction of the public school.

Part IX.

Makes new Parts V, VI, VII, and VIII effective December 1, 2019. Makes Part IV (extending civil statute of limitations and requiring training) effective December 1, 2019, instead of when the act becomes law.

Intro. by Britt, Harrington, Chaudhuri.

[GS 1, GS 7B, GS 14, GS 15, GS 115C, GS 116](#)

[Courts/Judiciary, Civil, Civil Law, Civil Procedure, Juvenile Law, Abuse, Neglect and Dependency, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education](#)

[View summary](#)

S 354 (2019-2020) [STRENGTHENING EDUCATORS' PAY ACT. \(NEW\)](#) Filed Mar 25 2019, *AN ACT, CONSISTENT WITH HOUSE BILL 966 OF THE 2019 REGULAR SESSION, TO APPROPRIATE FUNDS FOR LEGISLATIVELY MANDATED COMPENSATION INCREASES FOR CERTAIN PUBLIC SCHOOL PERSONNEL AND, CONTINGENT UPON THE PASSAGE OF HOUSE BILL 966 OF THE 2019 REGULAR SESSION, TO APPROPRIATE FUNDS FOR LEGISLATIVELY MANDATED COMPENSATION INCREASES FOR CERTAIN EDUCATIONAL EMPLOYEES AND INCREASED FUNDING FOR TUITION GRANTS FOR GRADUATES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS. APPROPRIATE FUNDS FOR LEGISLATIVELY MANDATED COMPENSATION INCREASES FOR CERTAIN EDUCATIONAL EMPLOYEES AND INCREASED FUNDING FOR TUITION GRANTS FOR GRADUATES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.*

Conference report deletes the provisions of the 4th edition and now provides the following.

Part I.

Provides that the Part provides for compensation of certain public school employees in accordance with HB 966 in the event that act does not become law.

Appropriates from the General Fund for the 2019-21 fiscal biennium \$74,218,772 and \$119,137,544 for the 2019-20 and 2020-21 fiscal years to provide legislatively mandated compensation increases for public school employees authorized by the Part. Makes allocations in specified amounts for specified entities for the 2019-20 and 2020-21 fiscal years, providing for recurring and nonrecurring amounts.

Deems departmental receipts appropriated for the fiscal biennium up to the amounts needed to implement the salary increases provided for each year.

Sets forth the "A" Teacher Salary Schedule for the 2019-20 fiscal year for licensed personnel of public schools who are classified as teachers, based on years of experience, ranging from \$3,500 to \$5,260. Additionally sets forth salary supplements for licensed teachers who have NBPTS certification (12%), are classified as "M" teachers (10%), have licensure based on academic preparation at the six-year degree level (\$126 over the supplement provided to "M" teachers), have licensure based on academic preparation at the doctoral degree level (\$253 over the supplement provided to "M" teachers), certified nurses (10%), and certified school counselors (\$80), as specified.

Requires that the first step of the salary schedule for school psychologists, school speech pathologists licensed at the master's degree level or higher, and school audiologists licensed at the master's degree level or higher, must be equivalent to the sixth step of the "A" salary schedule. Provides for a 10% salary supplement. Deems these employees eligible to receive salary supplements equivalent to those of teachers for academic preparation at the six-year degree level or the doctoral degree level.

Requires that the twenty-sixth step of the salary schedule for school psychologists, school speech pathologists licensed at the master's degree level or higher, and school audiologists licensed at the master's degree level or higher, must be 7.5% higher than the salary received by these same employees on the twenty-fifth step of the salary schedule.

Provides that in lieu of the amounts of annual longevity payments to teachers paid on the teacher salary schedule, beginning with the 2014-15 fiscal year, the amounts of those longevity payments are included in the monthly amounts under the teacher salary schedule.

Details teacher compensation for the 2019-20 school year based on either the applicable salary schedule or whether the teacher was eligible for longevity pay for the 2013-14 school year, with the compensation amount determined to be the greater amount.

Provides that *teacher* includes instructional support personnel.

States the legislative intent to implement the specified Teacher Monthly Salary Schedule for the 2020-21 fiscal year, applicable to licensed personnel of public schools who are classified as teachers, which provides for base salary based on years of experience, ranging from \$3,500 to \$5,310.

Requires a highly qualified graduate employed by a local board of education to receive a monthly salary supplement at the highest qualifying level for the 2019-21 fiscal biennium. Defines *highly qualified graduate* to mean an individual entering the teaching profession and hired on or after July 1, 2019, who has graduated from an approved educator preparation program located in the state and meets specified GPA and assessment score criteria. Details salary supplement amounts and provides increased amounts for teachers initially employed in low-performing schools and those licensed and employed to teach in the areas of special education, science, technology, engineering, or mathematics. Limits the scope of the provisions to highly qualified graduates hired on or after July 1, 2019, and entering the teaching profession in the 2019-21 fiscal biennium.

Directs the Department of Public Instruction (DPI) to administer a one-time, lump sum bonus of \$500 by November 30, 2019, for any licensed teacher of the public schools who, as of November 1, 2019, is employed as a teacher and has 25 years of teaching experience. Clarifies this bonus is in addition to other wages and bonus the teacher receives or is scheduled to receive. Deems the bonus is not compensation under the State Teachers' and State Employees' Retirement System (TSERS). Defines *teacher* to include instructional support personnel. States the legislative intent to require DPI to administer another one-time, lump sum bonus of \$500 by October 31, 2020, for any licensed teacher of the public schools who, as of October 1, 2020, is employed as a teacher and has 25 or more years of teaching experience.

Provides that for the 2019-20 fiscal year, assistant principals are to receive a monthly salary based on the "A" teacher salary schedule plus 19%, with placement based on total years of experience as a certified employee of the public schools. Deems an administrator with a one-year provisional assistant principal's certificate equivalent to an assistant principal.

Requires assistant principals with certification based on academic preparation at the six-year degree level to be paid a salary supplement of \$126 per month, and at the doctoral degree level to be paid a salary supplement of \$253 per month.

Provides for a 10-month stipend for participants in an approved full-time master's in-school administration program. Details limitations and required certification.

Provides that in lieu of the amounts of annual longevity payments to assistant principals paid on the assistant principal salary schedule, beginning with the 2017-18 fiscal year, the amounts of those longevity payments are included in the monthly amounts provided to assistant principals pursuant to the act.

Details assistant principal compensation for the 2019-20 school year based on either the applicable salary determined by the act or whether the principal was eligible for longevity pay for the 2016-17 fiscal year, with the compensation amount determined to be the greater amount.

Mandates a legislative salary increase of 1% for the 2019-20 fiscal year for superintendents, assistant superintendents, associate superintendents, directors/coordinators, supervisors, and finance officers (collectively: administrators) whose salaries are supported by the State. States the legislative intent to provide another legislatively mandated salary increase of 1% for administrators in the 2020-21 fiscal year, beginning July 1, 2020.

Sets forth monthly salary maximums for the 2019-20 fiscal year for assistant superintendents, associate superintendents, directors/coordinators, supervisors, and finance directors, ranging from \$6,697 to \$8,951. Requires local boards to place each administrator in the appropriate category and within funds appropriated. Requires the category to be included in the employee's contract. Sets forth monthly salary maximums for the 2019-20 fiscal year for superintendents, ranging from \$9,488 to \$11,978. Requires local boards to place each administrator in the appropriate category and within funds appropriated.

Requires longevity pay for administrators to be as provided for State employees under the NC Human Resources Act.

Requires administrators with certification based on academic preparation at the six-year degree level to receive a monthly salary supplement of \$126. Requires administrators with certification based on academic preparation at the doctoral degree level to receive a monthly salary supplement of \$253.

Prohibits the State Board of Education (State Board) from permitting local school administrative units from transferring State funds from other funding categories for salaries for public school central office administrators.

States the legislative intent to apply the schedule of monthly salary maximums set forth for the 2020-21 fiscal year for assistant superintendents, associate superintendents, directors/coordinators, supervisors, and finance officers, ranging from \$6,764 to \$9,040.

State the legislative intent to apply the schedule of monthly salary maximums set forth for the 2020-21 fiscal year for superintendents, ranging from \$9,583 to \$12,097.

Establishes a legislatively mandated salary increase of 1% for the 2019-20 fiscal year for noncertified public school employees who are permanent, full-time employees on a 12-month contract, and whose salaries are supported from State funds. Provides for a prorated salary increase for permanent, full-time employees on a 12-month contract; permanent, part-time employees; and temporary and permanent hourly employees. Establishes a legislatively mandated salary increase of 1% for the 2020-21 fiscal year noncertified public school employees who are permanent, full-time employees on a 12-month contract, and whose salaries are supported from State funds. Provides for a prorated salary increase for permanent, full-time employees on a 12-month contract; permanent, part-time employees; and temporary and permanent hourly employees.

Directs DPI to administer a signing bonus program in the 2019-20 school year to provide bonuses to eligible employees who are employed by an eligible employer and matched on the basis of 1:1, up to \$2,000 in State funds. Limits eligible employees to persons who accept employment as a teacher with an eligible employer (defines to mean the governing board of a local unit that received small county school system supplemental funding in the 2018-19 fiscal year) who was not employed by an eligible employer in the 2018-19 fiscal year, and who is employed by the eligible employer as of December 1, 2019. Defines teacher to include instructional support personnel. Prohibits a teacher from receiving future signing bonuses until July 1, 2022; excludes legislative bonuses that are not signing bonuses. Clarifies that the bonuses are in addition to other wages and bonuses, and are not compensation under TSERS.

Repeals the following: Sections 8.8 and 8.9 of SL 2016-94 (regarding the AP/International Baccalaureate Teacher Bonus Pilot Program and the Industry Certifications and Credentials Teacher Bonus Pilot Program); Sections 8.8B (regarding the previously named pilots, the Third Grade Read to Achieve Teacher Bonus Program), 8.8C (regarding the previously named programs), 8.8D (regarding the Fourth and Fifth Grade Reading Teacher Bonus Pilot Program), and 8.8E (regarding the Fourth to Eighth Grade Math Teacher Bonus Pilot Program) of SL 2017-57; Section 2.10 (regarding the previously named programs) of SL 2017-197; and Sections 8.10, 8.11 and 8.12 of SL 2018-5 (all regarding the previously named programs).

Directs the State Board to establish a teacher bonus program for the 2019-21 fiscal biennium. Sets out defined terms. Provides for the following bonuses, subject to the qualifications provided: a \$50 AP course bonus; a qualifying career and technical education (CTE) bonus ranging from \$25 to \$50; and \$2,000 statewide and local EVAAS bonuses (accompanied by a \$5 million allocation for each EVAAS bonus type). Details limitations and other qualifying criteria, including bonus caps based on the type of bonus or qualifications. Provides that bonuses awarded are payable to qualifying teachers in January based on data from the previous school year. Clarifies that the bonuses are in addition to other wages and bonuses, and are not compensation under TSERS. Additionally, provides for bonuses for *identified teachers*, defined as those teachers having qualified for specified teacher bonuses under specified session laws, following bonus compensation in January of 2020 for third grade reading, fourth and fifth grade reading, and fourth to eighth grade math. Details bonus qualification and compensation of identified teachers. Directs the State Board to study the effect of the program on teacher performance and retention and report its findings and the bonuses awards annually to the specified NCGA leaders, committee and division by March 15. Details required content of the report. Applies to bonuses awarded in January 2020 and 2021, based on the data for the 2018-19 and 2019-20 school years, respectively.

Requires employees of schools operated by the Department of Health and Human Services (DHHS), the Department of Public Safety (DPS) and the State Board who are paid on the Teacher Salary Schedule to be paid as authorized in Part I.

Part II.

Subject to HB 966 becoming law, amends Section 2.1 of that act to adjust the budget requirements and net appropriations set forth for the 2019-21 fiscal biennium in specified amounts for specified departments, institutions, and agencies.

Repeals Section 2.2(a), regarding General Fund availability, of HB 966 if that act becomes law.

Subject to HB 966 becoming law, adds a new subsection to Section 2.2 to set forth the General Fund availability for each year of the 2019-21 fiscal biennium.

Amends Section 2.2(c) of HB 966 if that act becomes law to increase the amounts directed to be transferred to the State Capital and Infrastructure Fund to \$1,517,657,170 in 2019-20 (was, \$200 million) and \$1,338,522,334 in 2020-21 (was, \$100 million). Eliminates the qualification that the transferred amounts are in addition to the amounts required under specified state law and instead provides that the amounts are to be transferred notwithstanding any other law to the contrary.

Amends Section 2.2(d) of HB 966 if that act becomes law to increase the amounts directed to be transferred to the Savings Reserve to \$86,965,000 in 2019-20 (was, \$40 million) and \$623,515,000 in 2020-21 (was, \$460 million). Eliminates the qualification that the transferred amounts are in addition to the amounts required under specified state law and instead provides that the amounts are to be transferred notwithstanding any other law to the contrary.

Amends Section 7B.1 of HB 966 if that act becomes law to set forth an "A" Teacher Monthly Salary Schedule for the 2020-21 fiscal year, based on years of experience, ranging from \$3,500 to \$5,260 (previously, only stated the legislative intent to provide the salary schedule for 2020-21, with a maximum range to \$5,310). Makes conforming changes to the provisions of Section 7B.1 to make the salary supplements and compensation calculations also applicable to the 2020-21 fiscal year.

Amends Section 7B.7 of HB 966 if that act becomes law to increase the legislatively mandated salary increase for administrators for the 2019-20 fiscal year from 1% to 2%. Also establishes a 2% legislatively mandated salary increase for administrators for the 2020-21 fiscal year (previously, provided legislative intent of 1% increase for 2020-21). Increases the monthly salary maximums set forth for school administrators (excluded superintendents) for the 2019-20 fiscal year, now ranging from \$6,764 to \$9,039 (was, \$6,697 to \$8,951), and establishes a monthly salary maximums set forth for school administrators (excluding superintendents) for the 2020-21 fiscal year, ranging from \$6,899 to \$9,220 (previously not included). Increases the monthly salary maximums set forth for superintendents for the 2019-20 fiscal year, now ranging from \$9,582 to \$12,096 (was, \$9,488 to \$11,978), and establishes a monthly salary maximums set forth for superintendents for the 2020-21 fiscal year, ranging from \$9,774 to \$12,338 (previously not included). Makes conforming changes to the provisions of Section 7B.7 to eliminate the legislative intent stated for 2020-21 maximum salary schedules for administrators and superintendents.

Amends Section 7B.8 of HB 966 if that act becomes law to increase the legislatively mandated salary increase for permanent, full-time public school employees on a 12-month contract by 2% rather than 1% for the 2019-20 fiscal year. Also establishes a 2% legislatively mandated salary increase for permanent, full-time employees on a 12-month contract by 2% for the 2020-21 fiscal year (previously, provided legislative intent of 1% increase for 2020-21).

Amends HB 966 if that act becomes law to enact a new Section to provide for a one-time, lump sum bonus to any noncertified public school employee whose salary is supported from State funds that is equivalent to 0.5% of that person's salary. Requires administration of the bonus by October 31, 2020. Adds that bonuses are in addition to other wages and bonuses, and are not compensation under TSERS. Excludes from eligibility individuals no longer employed or whose last workday is prior to October 1, 2020.

Amends GS 116-209.90, as enacted by HB 966, if HB 966 becomes law, to allow students who receive initial tuition grants as a cohort of a graduating class of the NC School of Science and Mathematics (NCSSM) to be eligible to apply for tuition grants for subsequent academic years for up to a total of four academic years (previously, limited to the student's first academic year after graduation). Requires a student to be continuously enrolled in a constituent institution after the initial grant award to be eligible for grants in subsequent academic years. Grants the State Education Assistance Authority the discretion to waive this requirements if the student demonstrates that his or her pursuit of a degree is substantially disrupted or interrupted by a military service obligation, serious medical debilitation, short-term or long-term disability, or other extraordinary hardship. Deems students who graduated from NCSSM in 2018-2019 and were awarded a tuition grant for the 2019-20 academic year are included in the award of tuition grants under the statute beginning with the 2020-21 academic year.

Subject to HB 966 becoming law, additionally appropriates \$69,658,568 for the 2019-20 fiscal year and \$175,830,381 for the 2020-21 fiscal year to be allocated in specified amounts and for specified purposes, including public school employee compensation, community college compensation, UNC System employee compensation, and math tuition grants for the NCSSM graduates.

Conditions the above provisions of Part II upon HB 966 becoming law.

Part III.

Defines the scope and application of the legislative salary increases of Part I, excluding from the increases persons no longer employed or whose last workday was prior to June 30, 2019, or June 30, 2020, for the 2019-20 and 2020-21 fiscal years, respectively. Excludes payroll checks issued after July 1, 2019, and July 1, 2020, respectively. Deems Part I of the act to supersede specified state law in the event they conflict.

Part IV.

Subject to HB 966 not becoming law, Part I of the act remains in effect. Subject to HB 966 becoming law, Sections 1.2, 1.3, 1.4, 1.6, 1.7, and 1.8 of this act are repealed, and Sections 7B.3A, 7B.9, and 7B.10 of HB 966 are repealed.

Repeals Sections 2.1, 2.2, 2.6, and 3.1 of HB 377 (Teacher Step Act) if that act becomes law.

Repeals Section 3.6(b)(3) of HB 111 (2019-21 Base Budget/Certain Agencies) if that act becomes law.

Part V.

Provides that the act is effective July 1, 2019.

Makes conforming title changes.

Intro. by Ballard, Edwards, Harrington.

[APPROP, STUDY, GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Higher Education, Government, Budget/Appropriations, State Agencies, Community Colleges System Office, UNC System, Department of Public Instruction, State Board of Education](#)

S 419 (2019-2020) [TECHNICAL AND OTHER CHANGES. \(NEW\)](#) Filed Mar 28 2019, *AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER CHANGES TO STATUTES AND SESSION LAWS.*

House committee substitute to the 2nd edition deletes the content of the previous edition and now provides the following.

Section 2

Amends various statutes of Article 27A, Sex Offender and Public Protection Registration Programs of GS Chapter 14, to transfer the powers and responsibilities of the Department of Public Safety under the Article to the State Bureau of Investigation, including acting as custodian of the statewide sex offender registry and carrying out notice, reporting, and verification responsibilities set forth therein.

Section 3

Amends GS 15A-145.8, as enacted by SL 2019-186, concerning expunction of records when charges are remanded to district court for juvenile adjudication. Requires the court to order the expunction of DNA records when the person's case has been remanded to district court for juvenile adjudication (was, when the person's case has been dismissed) by the trial court and the person's DNA record or profile has been included in the State DNA Database and the person's DNA sample is stored in the Databank as a result of the charges that were remanded.

Section 4

Amends GS 15A-521 to require persons being committed to a detention facility by written order pending trial who are under the age of 18 to be committed to a Division of Adult Correction and Juvenile Justice (Division) detention facility, a detention facility approved by the Division for operation as a juvenile detention facility, or a holdover facility pursuant to specified state law concerning juvenile holdover. Makes conforming changes regarding receipt, transport, and release of prisoners to provide for procedures relating to juveniles under the statute.

Amends GS 15A-1301 to require persons under 18 sentenced to imprisonment to be committed to a Division detention facility or to a detention facility approved by the Division for operation as a juvenile detention facility. Allows the person to be temporarily confined in a holdover facility pursuant to specified state law concerning juvenile holdover until the person is

transferred to a juvenile detention facility. Provides for juvenile transport. Makes conforming changes to GS 15A-1352 regarding commitment.

Amends GS 153A-218 to prohibit holding persons under 18 in a county confinement facility unless an agreement exists between the facility and the Division that permits housing minors at the facility or a portion of the facility has been approved by the Division as a juvenile detention facility, subject to specified state law regarding juvenile holdover.

The above provisions apply to offenses committed on or after July 1, 2020.

Section 5

Amends GS 18B-800, as amended by SL 2019-182, to permit rather than require ABC stores to allow the purchase of individual bottles of spirituous liquor relating to special orders.

Directs the ABC Commission to adopt rules that direct local ABC boards to allow the purchase of individual bottles of spirituous liquor by a customer through the special order process to the extent practicable without creating undue hardship on the local board.

Section 6

Amends GS 113-273, as amended by SL 2019-204, to establish licensing requirements as a wildlife control technician for employees of a wildlife control agent who engages in wildlife damage control or wildlife removal activities, including bat eviction, for compensation, including reimbursement for the cost of materials. Provides that the wildlife control technician certification is an annual certification issued by the Wildlife Resources Commission at no cost. Clarifies that the certification does not authorize the individual to issue depredation permits. Adds that the certification is not required for licensed trappers taking wild animals during established trapping seasons. Authorizes the Wildlife Resources Commission to adopt rules to certify and set standards for wildlife control technicians. Adds that this certification can be obtained by an alligator control agent as an alternative to the wildlife control agent license required of that certification. Effective November 1, 2019.

Section 7

Amends GS 113-276, as amended by SL 2019-204, to modify the definition of *eligible member* set forth as it applies to eligibility for the discounted adult resident lifetime license, to define the term to mean an individual appearing as a volunteer on the certified roster of eligible firefighters submitted to the NC State Firefighters' Association (previously, did not specify that the individual must appear *as a volunteer* on the roster).

Section 8

Enacts new GS 115C-218.37, providing as follows. Designates the Superintendent of Public Instruction as an applicable elected representative (meaning an elected official of a governmental unit having jurisdiction over the area in which a charter school facility is located) who may approve the issuance of one or more private activity bonds to finance or refinance a charter school facility after a public hearing following reasonable public notice in accordance with specified federal law and other state and federal law and regulations. Defines *charter school facility* as real property, personal property, or both used or intended for use in connection with the operation of a charter school.

Section 9

Amends GS 148-32.1(b3), concerning local confinement facilities' requests to transfer misdemeanants housed pursuant to the Statewide Misdemeanant Confinement Program to a facility operated by the Division when certain conditions are met and certified in writing by the appropriate superior court clerk. Adds new procedures for misdemeanants that require medical or mental health treatment that the county decides can be best provided by the Division, one of the conditions that allow for local confinement facilities to request a transfer under subdivision (b3). Allows for these misdemeanants to be transferred for an initial period not to exceed 30 days. Places transport responsibilities on the sheriff of the county from which the prisoner is removed. Provides for receipt of the prisoner by the officer in charge of the unit in accordance with the transfer order. Requires the Division to conduct an assessment of treatment and venue needs prior to the end of the initial period, as specified, to determine whether the prisoner should remain in the Division's custody or be returned to county custody. Requires the sheriff to provide the Division the assessment and any other relevant information to the appropriate judge to extend the order beyond the initial period. Requires a renewal order to contain a date certain for review by the court. Prior to review, requires the Division to conduct a reassessment of treatment and venue needs and requires the sheriff to provide the reassessment along

with any other relevant information to the court. Provides for the appropriate officer in charge to release custody pursuant to a court order finding that the prisoner should not remain in the Division's custody.

Amends GS 148-19.3 to provide for health care service charges provided to prisoners held pursuant to the Statewide Misdemeanor Confinement Program under GS 148-32.1, as amended, in the same manner as those services provided to prisoners held pursuant to safekeeping orders under GS 162-39 (which places the responsibility upon the health care provider to submit charges to the Inmate Medical Costs Management Plan).

Applies to all prisoners transferred on or after December 1, 2019.

Section 10

Amends GS 47-17.1 to eliminate language added to the statute by Section 2.1, SL 2018-80, which (1) excluded instruments other than deeds and deeds of trust from the statute's provisions and (2) required acceptance of the written representation of the presenting individual or individual related to the transaction that the individual or law firm listed on the first page is a validly licensed attorney or validly existing law firm in North Carolina or another jurisdiction in the country. Instead, amends the statute to require the first page of the deed or deed of trust to show the name of the drafter (was, the name of either the person or law firm who drafted the instrument), and adds a new provision to provide that the register of deeds is not required to verify or make inquiry concerning the capacity or authority of the person or entity shown as the drafter.

Amends SL 2018-80 to change the effective date of Sections 2.1 and 2.2 of the act. Now provides for Section 2.1 (amending GS 47-17.1), concerning deeds and deeds of trust to become effective December 1, 2019, applicable to deeds and deeds of trust presented for registration on or after that date. Provides for Section 2.2 (amending GS 47-18.3), concerning corporate instruments, to become effective December 1, 2019, and apply to instruments entered into on or after December 1, 2019.

Section 11

Amends Section 1 of SL 2019-98 to clarify that it is unlawful to leave or place any equipment or vessels that can be used for the purpose of taking migratory waterfowl between two hours after sunset and 4:00 a.m. each day unless remaining on a portion of the shoreline or attached to a dock as authorized.

Section 12

Amends GS 15A-151.5 to require the Administrative Office of the Courts (AOC) to make confidential files maintained under GS 15A-151 electronically available to prosecutors if the criminal record was expunged on or after July 1, 2018, under GS 15A-145.9, which pertains to expunctions related to human trafficking victims. Makes a conforming repeal of Section 4(c) of SL 2019-158.

Repeals Section 15.8 of HB 966 (Appropriations Act of 2019) if that act becomes law.

Effective July 1, 2019.

Section 13

Makes a technical correction to the lead-in language in Section 3 of SL 2019-176.

Section 14

Changes the effective date of Section 20(a) of SL 2019-182 (which enacts GS 18B-1001.4, Authorization of delivery service permit) from December 1, 2019, to February 1, 2020.

Section 15

Amends Section 1 of SL 2019-205, to increase the membership of the Joint Legislative Study Committee on Small Business Retirement Options from ten to twelve members, adding one representative appointed by the Speaker of the House of Representatives and one senator appointed by the President Pro Tempore (was, one representative and one senator on the Committee appointed by the Speaker and President Pro Tempore).

Section 16

Subject to SB 553 (Regulatory Reform Act of 2019) becoming law, makes clarifying changes to the heading of Section 26 of that bill regarding authorized uses of flood hazard areas.

Section 17

Directs AOC to expand access to its automated electronic information management system for juvenile courts (JWise) to include legal assistants in district attorney offices by July 1, 2020. Restricts access to examining electronic records related to juvenile delinquency information, and excludes access to other information contained in JWise, such as abuse, neglect, and dependency or termination of parental rights.

Section 18

Directs the Department of Transportation (DOT) to defend, indemnify, and hold harmless (1) the City of Wilmington against any claims, civil actions, and proceedings related to or arising out of the City's adoption, filing, or amendment of a transportation corridor official map pursuant to Article 2E of GS Chapter 136 (the Map Act, repealed by SL 2019-35, effective June 2019); and (2) the Wilmington Urban Area Metropolitan Planning Organization and its members against any claims, civil actions, and proceedings related to or arising out of the organization's adoption, filing, or amendment of a transportation corridor official map pursuant to Article 2E of GS Chapter 136. Effective June 21, 2019.

Changes the act's titles.

Intro. by Britt, Johnson, McInnis.

GS 14, GS 15A, GS 18B, GS 47, GS 113, GS 115C, GS 148, GS 153A

Alcoholic Beverage Control, Animals, Business and Commerce, Courts/Judiciary, Civil, Juvenile Law, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure, Education, Elementary and Secondary Education, Environment, Environment/Natural Resources, Government, General Assembly, Public Safety and Emergency Management, State Agencies, Department of Justice, Department of Public Safety, Department of Transportation, Local Government, Health and Human Services, Health, Health Care Facilities and Providers

[View summary](#)

S 537 (2019-2020) **LICENSING & HHS AMENDS & RURAL HEALTH STABLE. (NEW)** Filed Apr 2 2019, *AN ACT TO EXAMINE AND ESTABLISH A NEW ADULT CARE HOME PAYMENT METHODOLOGY; TO AMEND THE LICENSED PROFESSIONAL COUNSELORS ACT; TO UPDATE AND REVISE THE SUBSTANCE ABUSE PROFESSIONAL PRACTICE ACT; TO AMEND THE SOCIAL WORKER CERTIFICATION AND LICENSURE ACT; TO AMEND DEPARTMENT OF HEALTH AND HUMAN SERVICES' STATUTES PERTAINING TO MEDICAID, SOCIAL SERVICES REFORM, CHILD SUPPORT, VOCATIONAL REHABILITATION, EMPLOYEE ASSISTANCE PROFESSIONALS, ADOPTIONS, CHILD ABUSE AND NEGLECT, JOINT SECURITY FORCES, SECURITY RECORDINGS, NC REACH PROGRAM, TRAUMATIC BRAIN INJURY, AND THE MEDICAL CARE COMMISSION MEMBERSHIP; TO POSTPONE DEPLOYMENT OF NC FAST CASE-MANAGEMENT FUNCTIONALITY FOR CHILD WELFARE SYSTEM/AGING AND ADULT SERVICES' PROGRAM, DEVELOP REQUESTS FOR INFORMATION, AND REQUIRE PROGRAM EVALUATION DIVISION TO STUDY THE ISSUE; TO IMPLEMENT CRIMINAL HISTORY RECORD CHECKS FOR CHILD CARE INSTITUTIONS; TO MAKE CHANGES TO INVOLUNTARY COMMITMENT; AND TO ESTABLISH THE RURAL HEALTH CARE STABILIZATION PROGRAM.*

Conference report makes the following changes to the 3rd edition.

Part II-A.

Amends proposed GS 90-337(b) to remove the qualification of other states which the Board of Licensed Clinical Mental Health Counselors may enter into reciprocity agreements with that required other states to have requirements for licensure as a clinical mental health counselor that are substantially similar or that exceed requirements established under Article 24 of GS Chapter 90, as amended, Licensed Clinical Mental Health Counselors Act.

Part II-C.

Amends the effective date of Section 4, which amends the definitions provisions set out in GS 90-113.31A under Article 5C, NC Substance Abuse Professionals Practice Act. Changes the effective date from October 1, 2019, to January 1, 2020.

Part II-D.

Amends proposed GS 90-113.32(c2), adding two more members appointed by the Governor to the NC Addictions Specialist Profession Practice Board (Board). Requires these members to be licensed or certified under Article 5C. Requires the Governor to consider the ethnicity and gender of the Board's members in order to reflect the composition of the State's composition, and consider the experience and knowledge of the drug and alcohol recovery community when selecting members to serve on the Board. Reduces the members appointed to the Board by the General Assembly by two. Makes conforming changes to proposed GS 90-113.32(e1) concerning initial terms of Board members.

Part II-E.

Amends the proposed changes to GS 90-113.40(a)(6), concerning substance abuse counselor certification and substance abuse prevention consultant certification, and (d1)(1), concerning criminal justice addictions professional certification, to maintain the existing education and/or training hours required of each. Changes the effective date of the Part's provisions from October 1, 2019, to January 1, 2020, and no longer includes a scope provision.

Part II-F.

Eliminates the previous provisions of the Part, which enacted GS 90-113.48, establishing the NC Impaired Professionals Program.

Instead, amends GS 90-113.33 to require the North Carolina Substance Abuse Professional Practice Board (Board) to establish a program for licensees who may be experiencing substance abuse disorders, burnout, compassion fatigue, and other mental health concerns. Allows the Board to enter into agreements with existing professional health care programs, and to refer licensees to the program as part of the disciplinary process. Authorizes the Board to adopt rules to implement the program. Effective January 1, 2020.

Part II-G.

Changes the effective date of the proposed changes to Article 5C, NC Addictions Specialist Professional Practice Act, as amended, of GS Chapter 90. Now provides that the provisions apply to licenses granted or renewed on or after January 1, 2020 (was, October 1, 2019).

Part II-I.

Amends the proposed changes to GS 90B-7(e), concerning qualifications for a certificate for a certified social work manager, to require a bachelor's degree rather than a masters or doctoral degree in social work. Makes conforming clarifications to reflect requirements for program accreditation or admission to candidacy for accreditation by the Council on Social Work Education for undergraduate curricula.

Removes the provision limiting the qualifications for the certificate of Certified Social Work Manager, as amended, to applications for certification received by the NC Social Work Certification and Licensure Board on or after January 1, 2021.

Part III-E.

Eliminates the provisions of previous Part III-E, which contained proposed changes to GS 122C-71 and related directives regarding the State Consumer and Family Advisory Committee.

Part III-G.

Makes technical changes to GS 48-3-303, regarding preplacement assessments.

Adds the following new provisions.

Part III-N.

Directs the Department of Health and Human Services (DHHS), Division of Social Services (Division), to postpone deployment of the NC FAST system to the extent it relates to case-management functionality for the child welfare system and aging and adult services programs. Prohibits the Division from deploying the child welfare case-management component of

NCFAST statewide prior to July 1, 2020. Permits the Division to continue the development and improvement of case-management functionality for the child welfare component of NC FAST only in the counties that participated in the initial pilot program prior to January 1, 2019. Authorizes counties that were phased into the NC FAST Child Welfare System after January 1, 2019, to elect to utilize the Intake and Assessment functionality of the NCFAST system.

Directs the Division to move forward with developing and issuing requests for information to consider a vehicle for improving or replacing the child welfare case-management component of NC FAST. Requires legislative approval prior to issuing any contracts. Requires the Division to consult with the Executive Committee of the NC Association of County Directors of Social Services. Requires the Division to report to the specified NCGA committee chairs by May 1, 2020.

Directs the Joint Legislative Program Evaluation Oversight Committee to revise the 2019-20 work plan for PED to include a study of the case management functionality of the child welfare component of NC FAST. Directs PED to submit its evaluation to the specified NCGA committees by May 1, 2020.

Part III-O

Enacts GS 108A-133 to require an offer of employment by a child care institution, or by a contract agency of a child care institution, as well as acceptance of a volunteer in a child care institution, to be conditioned on consent to a state and national criminal history record check of the applicant. Prohibits employing or accepting to volunteer an individual who refuses to consent to a criminal history check, including a check of the applicant's fingerprints. Details procedures of the check, with the Department of Public Safety to conduct the check and return the results to DHHS, Criminal Records Check Unit (Unit). Provides that a check that reveals a conviction of a relevant offense, as defined, is not an automatic bar to employment. Requires the Unit to consider seven enumerated factors in determining whether to recommend the applicant to be hired or the individual be allowed to volunteer, and inform the child care institution or a contract agency whether an applicant should be hired or an individual should be allowed to volunteer. Prohibits DHHS from providing the results of the check to the child care institution or a contract agency of a child care institution. Makes it a Class A1 misdemeanor for any applicant to willfully give false information on an employment application that is the basis for a criminal history check under the statute. Allows for conditional employment pending the results of the criminal history check so long as the applicant or individual wishing to volunteer has consented to the check or completed fingerprint cards and the child care institution submits the record request within five days after the individual begins conditional employment. Requires child care institutions to make available upon request verification that the check was completed on all staff and volunteers. Grants limited civil liability to the Unit, child care institutions, contract agencies, and their officers or employees acting in good faith and in compliance with the statute who deny employment to an applicant or the opportunity to volunteer based on information provided in the criminal history record check. Additionally, provides civil immunity for child care institutions and contract agencies, and their officers and employees, who fail to check an applicant, employee, or volunteer's criminal history if the record check was requested and received in compliance with the statute.

Makes conforming changes to GS 131D-10.6, regarding powers and duties of the Department of Health and Human Services, to require the Department to make licensing actions in accordance with new GS 108A-133.

Enacts GS 143B-968 to require DPS to provide DHHS, Criminal Records Check Unit, the criminal history of any current or prospective employee or volunteer in a child care institution, including those working with a contract agency. Sets forth the requirements and procedure for conducting the checks. Deems all information received by the Criminal Records Check Unit confidential and kept pursuant to GS 108A-133. Authorizes DPS to charge a fee to conduct the checks.

Part IV.

Amends GS 122C-3 to amend the definition for *legally responsible person*. Qualifies the definition applicable to adults who have been adjudicated incompetent, a guardian, as subject to the limitations of specified state law. Applicable to an adult who has a health care power of attorney and who is incapable, defines the term as a health care agent named pursuant to a valid health care power of attorney (HCPOA) unless the adult is adjudicated incompetent following the execution of the HCPOA and the health care agent's authority is suspended pursuant to state law (previously, applicable to an adult who is incapable and who has not been adjudicated incompetent; did not provide for suspension of the HCPOA).

Amends GS 122C-4 to remove the qualification that an adult have not been adjudicated incompetent as it applies to the phrase *client or the legally responsible person* in GS Chapter 122C, wherein a client who is an incapable adult must have his or her duties or rights involved exercised by a health care agent named by a valid HCPOA.

Makes technical changes to GS 122C-55's information sharing provisions in subsections (a2) and (a3).

Makes technical changes to GS 122C-77, concerning the statutory form for advance instruction for mental health treatment. Modifies the form to prohibit the form from providing consent to retain the individual in a facility for more than 15 days (was, 10 days).

Enacts GS 122C-216 to provide for the legally responsible person for an incapable adult in need of treatment that has no HCPOA or advance instruction for mental health treatment that addresses the needed treatment, to include an appointed agent, spouse, a majority of the patient's reasonably available parents and adult children, a majority of the patient's reasonably available adult siblings, or an individual who has established a relationship with the patient. Restricts authority to admit an incapable adult to a 24-hour facility where the adult will be subject to the same or similar restrictions on freedom of movement present in the State facilities for the mentally ill to an agent appointed by the patient, subject to authority granted.

Makes technical corrections to GS 122C-251(h), regarding the cost and expenses of custody and transportation of a respondent required by involuntary commitment placed on the county of residence.

Amends GS 122C-261(d)(8), concerning immunity for sites of first examination and their responsible individuals, to include civil and criminal immunity for taking measures to temporarily detain an individual for the period of time necessary to complete a commitment examination, submit an affidavit to the magistrate or clerk of court, and await issuance of a custody order, as authorized (was, immunity for taking measures prior to the inpatient admission of the individual to a 24-hour facility).

Makes technical corrections to GS 122C-263.1, regarding certification of examiners to perform first examinations.

Amends GS 122C-294 to refer to *local area crisis services plans* (rather than the *local plan*). Requires submission of plans beginning October 1, 2019, but no later than August 1, 2020 (previously, required submission on or before October 1, 2019). Makes conforming changes.

Repeals Section 44 of SL 2018-33, which required every LME/MCO to submit a copy of its current community crisis service plan to DHHS.

Part V.

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 nine defined terms. Establishes the Rural Health Care Stabilization Program (Program) to provide loans 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 operational costs during the transition period, or both, including while the construction of new facilities is undertaken. Requires UNC Health Care to administer the Program. Sets out specific UNC Health Care responsibilities, including assessing Plans submitted by loan applicants, evaluating the applicant's ability to repay the loan under the proposed Plan, determining the security interests necessary to enforce repayment, and implementing approved loan agreements. Excludes UNC Health Care from applying for a loan or being a partner in a partnership that applies for a loan under the Program. Specifies that the Local Government Commission (Commission) cannot approve a loan application if the issuance of the loan would result in a material, direct benefit to UNC Health Care at the time the application and Plan are submitted for approval. Grants UNC Health care rulemaking authority necessary for the Program's implementation.

Establishes the Rural Health Care Stabilization Fund (Fund) as a nonreverting special fund in the Office of State Budget and Management. Directs that the Fund operate as a revolving fund under the custody of the State Treasurer, with funds restricted to use pursuant to the Article. The Fund consists of funds appropriated to or received by the Program and funds received as repayment of the principal of or interest on Fund loans.

Sets out the loan application process. Deems a public agency, an owner of a health care facility, or a partnership of one or more of those entities eligible to apply for a loan under the Program. Requires applicants to develop and submit a hospital stabilization plan for an eligible hospital to UNC Health Care during the application period, as established by UNC Health Care. Requires UNC Health Care to evaluate each Plan submitted 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 applicant with revisions to its Plan. Requires UNC Health Care to notify the applicant and the Commission of its recommendation on whether to approve or disapprove a loan application. Allows UNC Health Care to assign priority in the event of more than one application during the application period. Allows, when a loan application is disapproved, for an applicant to engage a disinterested and qualified third party approved by the Commission to evaluate the applicant's Plan to determine if the applicant demonstrates the required financial sustainability, and permits the applicant to seek Commission approval of the loan based on the third party's written evaluation of the Plan.

Requires the Commission to approve all loans under the Program prior to UNC Health Care's awarding the loan. Explicitly states that if the Commission enters an order denying the loan, the proceedings under new Article 2 are at an end. 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 review UNC Health Care's recommendations, an applicant's Plan and any other relevant information, as well as the third party evaluation, if applicable. Sets forth additional information the Commission can require the applicant and eligible hospital (if different) to provide for consideration. Establishes the following four findings that must be satisfied for the Commission to approve a loan application: (1) that the loan is necessary or expedient; (2) that the amount proposed is adequate and not excessive for the proposed purpose of the loan; (3) that the Plan demonstrates a financially sustainable health care service model for the community in which the eligible hospital is located; and (4) that the applicant's debt management procedures and policies are good, or that reasonable assurances have been given that the debt will be repaid.

Requires UNC Health Care to execute the terms of the loan agreement upon approval of the loan by the Commission. Authorizes UNC Health Care to require changes to the governance structure of the eligible hospital. Limits the loan interest rate at the interest rate obtained by the State in its most recent general obligation bond offering, and sets the maximum maturity at 20 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 publicly 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.

Changes the act's titles.

Intro. by Hise, Krawiec, Bishop.

STUDY, UNCODIFIED, GS 7B, GS 8, GS 48, GS 55B, GS 58, GS 90, GS 90B, GS 108A, GS 110, GS 113A, GS 116, GS 122C, GS 131A, GS 131D, GS 142, GS 143, GS 143B

Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Family Law, Juvenile Law, Abuse, Neglect and Dependency, Government, Public Safety and Emergency Management, State Agencies, UNC System, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health, Social Services, Adult Services, Child Welfare, Public Assistance

[View summary](#)

S 557 (2019-2020) **VARIOUS FINANCE LAW CHANGES. (NEW)** Filed Apr 2 2019, *AN ACT TO INCREASE THE STANDARD DEDUCTION, TO EXPAND THE DEFINITION OF HOLDING COMPANY FOR FRANCHISE TAX PURPOSES, TO IMPLEMENT MARKET-BASED SOURCING FOR MULTISTATE INCOME TAX APPORTIONMENT, TO REQUIRE CERTAIN MARKETPLACE FACILITATORS TO COLLECT SALES TAX, TO DIRECT REVENUE LAWS TO STUDY CERTAIN TAX SUNSET PROVISIONS, AND TO MAKE TECHNICAL CORRECTIONS.*

House committee substitute to the 3rd edition makes the following changes. Adds the following provisions and makes conforming changes to the act's long title.

Amends GS 105-113.35 to no longer exclude vapor products from the 12.8% excise tax on tobacco products (was, vapor products are taxed at the rate of 5 cents per fluid milliliter of consumable product).

Amends GS 105-113.40A to require that of the proceeds collected from the tax on tobacco products other than cigarettes, an amount equal to the revenue generated by the tax on vapor products be credited to the Tobacco Use Prevention Fund (was, to the General Fund).

Enacts new GS 14-313.5 creating the Tobacco Use Prevention Fund (Fund) in the Division of Public Health, Chronic Disease and Injury Section (Division), within DHHS, to prevent the use of new and emerging tobacco products, especially among youth and people of childbearing age. Prohibits DHHS from using the funds in the Fund for anything beyond the seven stated purposes, including creating regional tobacco use prevention programs and tracking youth tobacco use and exposure. Requires DHHS to administer the Fund and allows up to 10% of the amount appropriated to the Fund each fiscal year to be used for administrative purposes. Requires DHHS to report annually by March 1 to the specified NCGA committee and division on the expenditures from the Fund. Effective July 1, 2020.

Intro. by Krawiec, Rabon, Lowe.

[GS 14, GS 105, GS 120, GS 153A, GS 160A](#)

[View summary](#)

Banking and Finance, Business and Commerce, Government, State Agencies, Department of Health and Human Services, Department of Revenue, Tax, Local Government, Health and Human Services, Health, Public Enterprises and Utilities

S 557 (2019-2020) [VARIOUS FINANCE LAW CHANGES. \(NEW\)](#) Filed Apr 2 2019, *AN ACT TO INCREASE THE STANDARD DEDUCTION, TO EXPAND THE DEFINITION OF HOLDING COMPANY FOR FRANCHISE TAX PURPOSES, TO IMPLEMENT MARKET-BASED SOURCING FOR MULTISTATE INCOME TAX APPORTIONMENT, TO REQUIRE CERTAIN MARKETPLACE FACILITATORS TO COLLECT SALES TAX, TO DIRECT REVENUE LAWS TO STUDY CERTAIN TAX SUNSET PROVISIONS, AND TO MAKE TECHNICAL CORRECTIONS.*

House committee substitute to the 4th edition makes the following changes.

Deletes the changes to GS 105-113.35 that no longer excluded vapor products from the 12.8% excise tax on tobacco products.

Deletes the establishment of the Tobacco Use Prevention Fund and related changes.

Makes conforming changes to the act's title.

Intro. by Krawiec, Rabon, Lowe.

[GS 105, GS 120, GS 153A, GS 160A](#)

[View summary](#)

Banking and Finance, Business and Commerce, Government, State Agencies, Department of Revenue, Tax, Local Government, Public Enterprises and Utilities

S 578 (2019-2020) [REDUCE FRANCHISE TAX/EXPAND FILM GRANTS. \(NEW\)](#) Filed Apr 3 2019, *AN ACT TO REDUCE THE FRANCHISE TAX AND TO MODIFY FILM GRANT LIMITS.*

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

Makes a clarifying change to GS 105-122(d2).

Amends GS 143B-437.02A, concerning the Film and Entertainment Grant Fund, by deleting proposed (d1), which provided that an agreement awarding a grant under the statute for which the production company is entitled to payment for performance

under the agreement is a binding obligation of the State and is not subject to State funds being appropriated by the General Assembly.

Intro. by Sawyer.

[GS 105, GS 143B](#)

[View summary](#)

[Business and Commerce, Corporation and Partnerships, Development, Land Use and Housing, Community and Economic Development, Government, Tax](#)

S 693 (2019-2020) [CONGRATULATE THE CAROLINA COURAGE](#). Filed Oct 30 2019, *A SENATE RESOLUTION CONGRATULATING THE NORTH CAROLINA COURAGE ON WINNING ITS SECOND STRAIGHT NATIONAL CHAMPIONSHIP.*

As title indicates.

Intro. by Nickel.

[SENATE RES](#)

[View summary](#)

[Government, Cultural Resources and Museums](#)

S 694 (2019-2020) [ADJOURN 2019 REGULAR SESSION TO NOVEMBER](#). Filed Oct 30 2019, *A JOINT RESOLUTION ADJOURNING THE 2019 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.*

Provides that when the House of Representatives (House) and Senate adjourn on the date this resolution is ratified, they stand adjourned to reconvene on November 13, 2019, at noon. During the session convened on November 13, limits the matters that may be considered to (1) bills responding to actions related to litigation concerning the districts for Congress, State House, and State Senate and (2) a joint resolution further adjourning the 2019 Regular Session or amending a joint resolution adjourning the 2019 Regular Session to a date certain.

Provides that when the House and Senate adjourn the session convened on November 13, they stand adjourned to reconvene on January 14, 2020, at noon.

Limits the matters that may be considered during the session that reconvenes on January 14, to the following: (1) bills returned by the Governor with his objections under Section 22 of Article II of the North Carolina Constitution, for the purpose of considering overriding of the veto; (2) bills providing for the selection, appointment, or confirmation as required by law; (3) bills providing for action on gubernatorial nominations or appointments; (4) bills responding to actions related to litigation concerning the districts for Congressional, State House, State Senate, judicial, municipal, county, and other elected officials' actions and any other litigation challenging the legality of legislative enactments; (5) adoption of conference reports for bills which were in conference on or before the date this resolution is adopted, and conferees had been appointed by both houses on or before that date; (6) bills addressing funding for and oversight of the Department of Transportation; (7) bills addressing access to health care; (8) bills providing for or modifying appropriations of State funds; and (9) a joint resolution further adjourning the 2019 Regular Session or amending a joint resolution adjourning the 2019 Regular Session to a date certain.

Intro. by Rabon.

[JOINT RES](#)

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[Government, General Assembly](#)

ACTIONS ON BILLS

PUBLIC BILLS**H 111: 2019-2021 BASE BUDGETS/CERTAIN AGENCIES. (NEW)**

Senate: Sequential Referral To Rules and Operations of the Senate Stricken

Senate: Sequential Referral To Rules and Operations of the Senate Stricken

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Placed on Today's Calendar

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 36(b)

House: Placed On Cal For 10/31/2019

H 200: VARIOUS EDUCATION CHANGES (NEW)

Senate: Withdrawn From Com

Senate: Re-ref Com On Appropriations/Base Budget

H 231: UNC & COMM. COLL. PAY/RETIREE BONUS. (NEW)

House: Concurred In S Com Sub

House: Ordered Enrolled

H 377: TEACHER STEP ACT. (NEW)

House: Concurred In S Com Sub

House: Ordered Enrolled

H 398: INFO. TECH. BUDGET/2019-2021 FISCAL BIENNIUM. (NEW)

Senate: Amend Tabled A1

Senate: Amend Tabled A2

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 555: MEDICAID TRANSFORMATION IMPLEMENTATION. (NEW)

Senate: Withdrawn From Cal

Senate: Placed On Cal For 10/31/2019

H 852: HISTORIC SCHOOL PRESERVATION ACT.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received From House

Senate: Passed 1st Reading

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

H 966: 2019 APPROPRIATIONS ACT.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 10/31/2019

H 1023: STORM RECOVERY ACT OF 2019.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Adopted A1
 House: Amend Adopted A2
 House: Amend Adopted A3
 House: Amend Adopted A4
 House: Amend Adopted A5
 House: Amendment Withdrawn A6
 House: Amend Adopted A7
 House: Passed 2nd Reading
 House: Passed 3rd Reading
 House: Ordered Engrossed

S 199: CHILD SEX ABUSE/STRENGTHEN LAWS.

Senate: Conf Com Reported
 Senate: Placed On Cal For 10/31/2019
 House: Conf Com Reported
 House: Cal Pursuant Rule 44(d)
 House: Placed On Cal For 10/31/2019

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

House: Conf Report Adopted
 Senate: Conf Report Adopted
 Senate: Ordered Enrolled

S 354: STRENGTHENING EDUCATORS' PAY ACT. (NEW)

Senate: Conf Com Appointed
 House: Conf Com Appointed
 Senate: Conf Com Reported
 Senate: Placed On Cal For 10/31/2019
 House: Conf Com Reported
 House: Re-ref Com On Appropriations, Education
 House: Reptd Fav For Adoption
 House: Cal Pursuant Rule 44(d)
 House: Placed On Cal For 10/31/2019

S 419: TECHNICAL AND OTHER CHANGES. (NEW)

House: Reptd Fav Com Substitute
 House: Cal Pursuant Rule 36(b)
 House: Added to Calendar
 House: Passed 2nd Reading

S 432: BIRTH CENTER & PHARM BENEFITS MGR. LICENSURE (NEW).

House: Conf Com Appointed

S 522: LOW-PERF. SCHOOLS/ADV. TEACHING ROLES. (NEW)

Senate: Ratified

S 537: LICENSING & HHS AMENDS & RURAL HEALTH STABLE. (NEW)

Senate: Conf Com Reported
 Senate: Placed on Today's Calendar
 Senate: Conf Report Adopted
 House: Conf Com Reported
 House: Cal Pursuant Rule 44(d)
 House: Placed On Cal For 10/31/2019

S 553: REGULATORY REFORM ACT OF 2019.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 10/31/2019

S 557: VARIOUS FINANCE LAW CHANGES. (NEW)

House: Reptd Fav Com Substitute

House: Ruled Material

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

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

S 559: STORM SECURITIZATION. (NEW)

Senate: Conf Report Adopted

Senate: Ordered Enrolled

S 578: REDUCE FRANCHISE TAX/EXPAND FILM GRANTS. (NEW)

House: Withdrawn From Com

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

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Passed 2nd Reading

S 683: COMBAT ABSENTEE BALLOT FRAUD.

Senate: Ratified

S 693: CONGRATULATE THE CAROLINA COURAGE.

Senate: Filed

S 694: ADJOURN 2019 REGULAR SESSION TO NOVEMBER.

Senate: Filed

LOCAL BILLS

H 181: YANCEYVILLE/GREENSBORO/MCDOWELL CTY BD ED. (NEW)

House: Conf Report Adopted 2nd

Senate: Conf Report Passed 2nd

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