



SENATE BILL 582: Budget & Agency Technical Corrections.

2017-2018 General Assembly

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| Committee: | | Date: | October 4, 2017 |
| Introduced by: | | Prepared by: | Luke Gillenwater |
| Analysis of: | Conference Committee Substitute (S582-CCSML-3) | | Dan Ettefagh Committee Counsel |

OVERVIEW: *The CCS for Senate Bill 582 makes technical, clarifying, and other modifications to the 2017 budget and other related legislation and contains agency technical corrections.*

BILL ANALYSIS:

Section 1.1 of the act removes the words "capital projects" and narrows use of grant funds to construction of new school buildings only with respect to lottery proceeds.

Section 1.2 of the act modifies eligibility for certain disaster recovery funds for the Lumber River Council of Government for creation of multi-family affordable housing from a max of 35-unit complexes to 36-unit complexes.

Section 1.3 of the act clarifies the effective dates of legislation relating to financial responsibility for taxicabs and plans prepared by the Department of Transportation.

Section 1.4 of the act directs the Department of Administration to study downtown Raleigh building utilization and report to GovOps by April 1, 2018.

Section 2.1 of the act aligns the due date for the Career and College Promise Program report with the due date for the Cooperative Innovative High Schools report.

Section 2.2 of the act extends deadlines for applications for grants for the Career and Technical Education Grade Expansion Program from 11/1/17 to 11/30/17.

Section 2.3 of the act (i) provides for equivalency scores to be used for the edTPA elementary and world languages tests to align with the required score for all other edTPA disciplines and (ii) creates consistent required scores for all licensure areas to qualify for performance supplement for hires on/after effective date.

Section 2.4 of the act corrects an issue with Section 8.3(c) of S.L. 2017-57 that may result in a small number of principals and assistant principals seeing a reduction in pay due to a loss of longevity.

Section 3.1 of the act removes the requirement for a randomized control group for a medication-assisted opioid use disorder treatment pilot program (Vivitrol) required to be implemented by the NC DHHS in the 2016 budget.

Section 3.2 of the act allows the parent of an eligible individual to sign the application to open an ABLE account and to administer the account on behalf of the designated beneficiary. The change addresses circumstances where an adult eligible individual does not have the intellectual capacity to open or administer an ABLE account and does not have a court-appointed guardian or the capacity to appoint an agent with power of attorney to do so on his/her behalf.

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Director



Legislative Drafting
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Section 3.3 of the act directs DMH/DD/SAS to use appropriated funds to contract with an independent entity that has developed a particular type of software to aid in traumatic brain injury assessment and clinical decision making, to initiate and operate the pilot program. The independent entity must select between three and five trauma hospitals to participate in the pilot program and provide software implementation assistance to those hospitals.

Section 3.4 of the act provides that funds appropriated to DHHS, Division of Aging & Adult Services, for allocation to the Bolton Senior Center be redirected to the Town of Bolton instead.

Section 4.1 of the act allows the \$5M appropriation in S.L. 2017-57 to Haw River for mill rehabilitation to be used for both grants or loans and authorizes the Town to retain \$1M of the \$5M for infrastructure improvements directly related to the rehab project.

Section 4.2 of the act corrects an incorrect reference Section 13.22 of S.L. 2017-57 to a single project and clarifies that the funds are for 2 separate projects.

Section 4.3 of the act eliminates the 7/1/20 sunset for the Film and Entertainment Grant Fund.

Section 4.4 of the act makes binding the business plan applicable to the Food Processing Research Center at the North Carolina Research Campus and limits the means by which it may be amended.

Section 4.5 of the act allows the use of \$50,000 from the funds appropriated to the Wildlife Resource Commission in S.L. 2017-57 for the support of the operation of the Outdoor Heritage Advisory Council, including personnel salaries and benefits.

Section 4.6 of the act removes the rebuttable presumption under the Workers' Compensation Act that certain newspaper or magazine sellers are not employees.

Section 4.7 of the act redirects the \$100,000 grant in aid from the Rural Economic Development Division to Yadkinville to two projects: \$25,000 to Dover for parks and recreation projects and \$75,000 to Lincoln County for VIOP Emergency Responders.

Section 4.8 of the act replace the term "representative" with "member" in reference to the General Assembly's appointees to the Oil and Gas Commission.

Section 4.9 of the act expands the purposes for which the funds appropriated to DNCR for planning of a satellite aquarium area in Scotts Hill to also include permitting and more clearly delineates what the funding can be used for: engaging architects and program consultants for design collaboration, permitting, and production of design and final construction documents.

Section 4.10 of the act extends the pass through treatment of grant funds from the Environmental Quality Incentives Program through the 2017-19 fiscal biennium and provides for payment directly to a grant co-applicant.

Section 5.1 of the act requires the average weekly wage of inmates employed under the Prison Industry Enhancement Program to be calculated in accordance with the Workers' Compensation Act.

Section 5.2 of the act requires the Attorney General to handle all criminal appeals and prohibits delegation of the same to any district attorney's office.

Section 5.3 of the act amends the statute of limitations for misdemeanors to change the phrase requiring that the misdemeanor be "presented or found by the grand jury" within two years after commission of the offense to state that the misdemeanor must be "charged" within two years of the offense in order to encompass the charging methods that are sufficient under current law, as well as any other methods of charging misdemeanors such as by magistrate's order or citation. The provision also removes the

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preliminary requirements that the witness be qualified under the typical foundational requirements for expert witness testimony if the testimony offers an opinion on the issue of impairment based on the results of a Horizontal Gaze Nystagmus (HGN) test or the person's certification as a Drug Recognition Expert.

Sections 6.1 and 6.2 of the act change the due dates of studies from Feb 1, 2018, (Section 34.28A of S.L. 2017-57) and Dec 1, 2017, (Section 34.29 of S.L. 2017-57) to April 1, 2018, which is the same date that another dredging study is due (Section 13.8 of S.L. 2017-57).

Sections 7.1 and 7.2 of the act (i) ensures the tax relief provided to taxpayers who failed to properly collect sales and use tax on charges for vacation rental linens applies equally to all similarly situated taxpayers and (ii) corrects the reference of a repealed statute in Section 38.8(a) of S.L. 2017-57 from G.S. 105-163.13(57a) to G.S. 105-164.13(57a).

Section 8.1 of the act deletes a duplicate insertion of the phrase "farmers markets."

Section 8.2 of the act amends the living probate statutes enacted last year by changing "domicile" to "residence" in order to conform to venue requirements for trusts and other civil matters.

Section 8.3 of the act eliminates 12 lines that were mistakenly left in statute after the language was repeated in the form of subsections.

Section 8.4(a) and (b) of the act amends G.S. 31D-5-505 to remove certain references to "limitation" of a power of appointment that are no longer needed. This section allows the Revisor of Statutes to print explanatory comments.

Section 8.5(a) and (b) of the act amends the law regarding a creditor's claim against a certain trust whose assets are protected against creditors by allowing stepchildren to be beneficiaries as well as children. This section allows the Revisor of Statutes to print explanatory comments.

Section 8.6 of the act corrects a statutory reference within the statute regarding early termination of a vacation rental agreement for any member of the Armed Forces.

Section 8.7(a) and (b) of the act corrects a redlining error in the lead-in language and a typographical error in the subdivision number in the law regarding the definition of service-disabled veteran-owned small business.

Section 8.8(a) and (c) of the act amends Schedule IV of controlled substances by adding as a "Narcotic Drug": 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).

Section 8.8(b) deletes a now-redundant, narrower provision that referenced only Tramadol.

Section 8.9(a) and (b) of the act adds a missing "s" to "Trustee" in a reference to the Board of Trustees of the Teachers' and State Employees' Retirement System of North Carolina.

Section 8.10 of the act eliminates a requirement that notice of appointment to public office be filed with the State Library.

Section 8.11 of the act deletes a duplicative statutory reference.

Section 8.12 of the act adjusts the membership of the Public Librarian Certification Commission to eliminate the chairman of the NC Association of Library Trustees, and substitutes an individual named by the Governor upon nomination by the NC Library Association.

Section 8.13 of the act repeals an obsolete task force that was to have reviewed conflict in NC law concerning recovery of costs in civil cases.

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Section 8.14 of the act repeals an advisory committee on information technology operations that was never operative.

EFFECTIVE DATE: The act is generally effective when it becomes law.