

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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**SENATE BILL 335
House Committee Substitute Favorable 6/29/17
Proposed Conference Committee Substitute S335-PCCS45568-MC-2**

Short Title: Budget Technical Corrections & Study.

(Public)

Sponsors:

Referred to:

March 22, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO
3 THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2018 AND TO CREATE
4 THE LEGISLATIVE COMMISSION ON THE FAIR TREATMENT OF COLLEGE
5 STUDENT-ATHLETES.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. GENERAL PROVISIONS**

9 **SECTION 1.1.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
10 2.1 of that act reads as rewritten:

11 "SECTION 2.1. Appropriations from the General Fund of the State for the maintenance of
12 the State departments, institutions, and agencies, and for other purposes as enumerated, are
13 adjusted for the fiscal year ending June 30, 2019, according to the schedule that follows. Amounts
14 set out in parentheses are reductions from General Fund appropriations for the 2018-2019 fiscal
15 year:

16
17 **Current Operations – General Fund** **FY 2018-2019**

18
19 **EDUCATION**

20
21 Community Colleges System Office \$ 43,724,296

22
23 Department of Public Instruction 59,847,27659,657,276

24
25 ...

26
27 **HEALTH AND HUMAN SERVICES**

28
29 Department of Health and Human Services

30 ...

31 Division of Mental Health, Developmental Disabilities,
32 & Substance Abuse Services 3,226,4463,600,004

33 ...

34 Division of Social Services 917,664569,106

35 ...



* S 3 3 5 - P C C S 4 5 5 6 8 - M C - 2 *

1	Total Health and Human Services	(37,074,593)(37,049,593)
2		
3	AGRICULTURAL, NATURAL, AND ECONOMIC RESOURCES	
4		
5	...	
6		
7	Department of Commerce	
8	Commerce	(6,707,869)(6,732,869)
9	Commerce State-Aid	3,535,000 <u>3,525,000</u>
10		
11	...	
12		
13	JUSTICE AND PUBLIC SAFETY	
14		
15	Department of Public Safety	50,529,172 <u>51,776,660</u>
16		
17	Judicial Department	12,184,971 <u>13,684,971</u>
18		
19	...	
20		
21	GENERAL GOVERNMENT	
22		
23	Department of Administration	2,562,510 <u>1,062,510</u>
24		
25	...	
26		
27	Office of State Budget and Management	
28	...	
29	OSBM – Reserve for Special Appropriations	9,615,307 <u>9,815,307</u>
30		
31	...	
32		
33	DEPARTMENT OF INFORMATION TECHNOLOGY	10,246,786<u>9,946,786</u>
34		
35	RESERVES, ADJUSTMENTS, AND DEBT SERVICE	
36		
37	...	
38	Compensation Increase Reserve	15,300,000
39	<u>Minimum of Market Adjustment</u>	<u>(947,488)</u>
40		
41	...	
42		
43	TOTAL CURRENT OPERATIONS –	
44	GENERAL FUND	\$ 202,253,200"
45		

PART II. EDUCATION

47 **SECTION 2.1.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
48 8.2(c) of that act reads as rewritten:
49 **"SECTION 8.2.(c)** For purposes of determining the school growth scores for each school
50 the principal supervised in at least two of the prior three school years, the following school
51 growth scores shall be used during the following time periods:

1 (1) Between July 1, 2018, and December 31, 2018, the school growth scores from
2 the 2014-2015, 2015-2016, and 2016-2017 school years. If a principal does
3 not have a school growth score from any of the school years identified in this
4 subdivision, the most recent available growth scores, up to the 2016-2017
5 school year, shall be used.

6 (2) Between January 1, 2019, and June 30, 2019, the school growth scores from
7 the 2015-2016, 2016-2017, and 2017-2018 school years. If a principal does
8 not have a school growth score from any of the school years identified in this
9 subdivision, the most recent available growth scores, up to the 2017-2018
10 school year, shall be used."

11 **SECTION 2.2.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
12 8.4(f) of that act reads as rewritten:

13 "**SECTION 8.4.(f)** Section 8.5 of S.L. ~~2017-97~~2017-57 is repealed."

14 **SECTION 2.3.** If Senate Bill 99, 2017 Regular Session, becomes law then Part VII
15 of that act is amended by adding a new section to read:

16 "**NEW DIMENSIONS CHARTER SCHOOL/USE OF FUNDS**

17 "**SECTION 7.28.** Notwithstanding any other provision of law or a provision of the
18 Committee Report described in Section 39.2 of this act to the contrary, the sum of twenty-five
19 thousand dollars (\$25,000) appropriated to the Department of Public Instruction by this act for
20 the 2018-2019 fiscal year to be allocated to New Dimensions Charter School as a grant-in-aid
21 shall be used only for the operating expenses of the charter school."

22 **SECTION 2.4.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
23 Section 41.1(a) of S.L. 2016-126 reads as rewritten:

24 "**SECTION 41.1.(a)** ~~Effective December 15, 2016, the~~The Center for Safer Schools is
25 hereby moved to the Department of Public Instruction, ~~Division of Safe and Healthy Schools~~
26 ~~Support Instruction.~~ This transfer shall have all of the elements of a Type I transfer, as defined
27 in G.S. 143A-6."

28 **SECTION 2.4.(b)** If Senate Bill 99, 2017 Regular Session, becomes law, then
29 G.S. 115C-105.49A(b) reads as rewritten:

30 "(b) In constructing the SRRMS, the Division of Emergency Management and the Center
31 for Safer ~~Schools~~ Schools, in collaboration with the Department of Public Instruction, Division
32 of School Operations, shall leverage the existing enterprise risk management database, the
33 School Risk Management Planning tool managed by the ~~Division~~ Division of Emergency
34 Management. The Division of Emergency Management shall also leverage the local school
35 administrative unit schematic diagrams of school facilities. Where technically feasible, the
36 SRRMS shall integrate any anonymous tip lines established pursuant to G.S. 115C-105.51 and
37 any 911-initiated panic alarm systems authorized as part of a SRMP pursuant to
38 G.S. 115C-47(40). The Division of Emergency Management and the Center for Safer Schools
39 shall collaborate with the Department of Public ~~Instruction~~ Instruction, Division of School
40 Operations, and the North Carolina 911 Board in the design, implementation, and maintenance
41 of the SRRMS."

42 **SECTION 2.4.(c)** If Senate Bill 99, 2017 Regular Session, becomes law, then
43 G.S. 115C-105.52 reads as rewritten:

44 "**§ 115C-105.52. School crisis kits.**

45 ~~The Department of Public Instruction,~~The Center for Safer Schools, in consultation with the
46 Department of Public Safety ~~through the North Carolina Center for Safer Schools,~~Safety and the
47 Department of Public Instruction, Division of School Operations, may develop and adopt policies
48 on the placement of school crisis kits in schools and on the contents of those kits. The kits should
49 include, at a minimum, basic first-aid supplies, communications devices, and other items
50 recommended by the International Association of Chiefs of Police.

1 The principal of each school, in coordination with the law enforcement agencies that are part
2 of the local board of education's School Risk Management Plan, may place one or more crisis
3 kits at appropriate locations in the school."

4 **SECTION 2.4.(d)** If Senate Bill 99, 2017 Regular Session, becomes law, then
5 Article 8C of Chapter 115C of the General Statutes is amended by adding a new section to read:
6 "**§ 115C-105.57. Center for Safer Schools.**

7 (a) Center for Safer Schools Established. – There is established the Center for Safer
8 Schools. The Center for Safer Schools shall be administratively located in the Department of
9 Public Instruction. The Center for Safer Schools shall consist of an executive director appointed
10 by the Superintendent of Public Instruction and such other professional, administrative, technical,
11 and clerical personnel as may be necessary to assist the Center for Safer Schools in carrying out
12 its powers and duties.

13 (b) Executive Director. – The Executive Director shall report to and serve at the pleasure
14 of the Superintendent of Public Instruction at a salary established by the Superintendent within
15 the funds appropriated for this purpose.

16 (c) Powers and Duties. – The Center for Safer Schools shall have all powers and duties
17 provided in this Article.

18 (d) Agency Cooperation. – All State agencies and departments shall cooperate with the
19 Center for Safer Schools in carrying out its powers and duties, as necessary, in accordance with
20 this Article."

21 **SECTION 2.5.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
22 7.7 of S.L. 2017-57, as amended by Section 7.5 of Senate Bill 99, 2017 Regular Session, is
23 amended by adding a new subsection to read:

24 "**SECTION 7.7.(b1)** For the 2018-2019 fiscal year, the Department of Public Instruction
25 shall also make no transfers from or reduction to funding or positions for the Office of Charter
26 Schools in implementing (i) budget reductions for the 2018-2019 fiscal year, (ii)
27 recommendations resulting from the audit required pursuant to Section 7.23L of this act, or (iii)
28 other changes necessary to improve the efficiency of the Department of Public Instruction."

29 **SECTION 2.6.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
30 8.7 of S.L. 2016-94, as amended by Section 7.9 of Senate Bill 99, 2017 Regular Session, reads
31 as rewritten:

32 "...

33 "**SECTION 8.7.(b)** Request for Proposal. – By September 15, 2016, the State Board of
34 Education shall issue ~~a~~an initial Request for Proposal (RFP) for the pilot. The State Board may
35 issue additional, subsequent RFPs, as necessary, in order to meet the requirements of this section.
36 Local boards of education shall submit their initial proposals by October 15, 2016. ~~The~~Any
37 additional proposals shall be submitted in accordance with requirements set by the State Board.
38 Any RFP issued by the State Board shall require that proposals include the following information
39 at a minimum:

40 ...

41 "**SECTION 8.7.(c)** Selection by State Board of Education. – By December 15, 2016, the
42 State Board of Education shall review the initial proposals submitted by local boards of ~~education~~
43 ~~and education.~~ The State Board shall review additional, subsequent proposals submitted by local
44 boards of education in accordance with requirements set by the State Board. The State Board
45 shall select up to a maximum of 10 local school administrative units to participate in the pilot as
46 follows:

47 ...

48 "**SECTION 8.7.(d)** Pilot Implementation. – The selected local school administrative units
49 shall implement their approved pilots beginning ~~with~~as early as the 2017-2018 school year and
50 ending with the 2024-2025 school year. The local board of education for each selected pilot local
51 school administrative unit shall provide any requested information and access to the independent

1 research organization selected by the State Board of Education to evaluate the pilots pursuant to
2 subsection (f) of this section.

3"

4 **SECTION 2.7.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part IX
5 of that act is amended by adding a new section to read:

6 **"ENROLLMENT GROWTH ADJUSTMENT**

7 **"SECTION 9.12.** Notwithstanding any other provision of law or a provision of the
8 Committee Report described in Section 39.2 of this act to the contrary, for the 2018-2019 fiscal
9 year, the Community Colleges System Office and the Office of State Budget and Management
10 shall certify the enrollment growth adjustment as the reduction of a sum of eleven million seven
11 hundred thousand six hundred six dollars (\$11,700,606) in recurring requirements, the addition
12 of a sum of one million seven hundred seventy-eight thousand eight hundred thirty-two dollars
13 (\$1,778,832) in nonrecurring requirements, and the reduction of the sum of twelve million six
14 hundred twenty-three thousand seven hundred fifty-seven dollars (\$12,623,757) in recurring
15 receipts, resulting in a net sum of two million seven hundred one thousand nine hundred
16 eighty-three dollars (\$2,701,983) in appropriation."

17 **SECTION 2.8.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part IX
18 of that act is amended by adding a new section to read:

19 **"CERTAIN COMMUNITY COLLEGE PROJECT FUNDS**

20 **"SECTION 9.11.(a)** Notwithstanding any other provision of law or a provision of the
21 Committee Report described in Section 39.2 of this act to the contrary, the sum of two hundred
22 thousand dollars (\$200,000) in nonrecurring funds appropriated to the Community Colleges
23 System Office by this act for the 2018-2019 fiscal year to be allocated to Johnston County
24 Community College as a grant-in-aid to support the Fire Tower Training Facility shall be
25 allocated to Johnston Community College for the 2018-2019 fiscal year for this purpose.

26 **"SECTION 9.11.(b)** Notwithstanding any other provision of law or a provision of the
27 Committee Report described in Section 39.2 of this act to the contrary, the sum of fifty thousand
28 dollars (\$50,000) in nonrecurring funds appropriated to the Community Colleges System Office
29 by this act for the 2018-2019 fiscal year to be allocated to Wilkes County Community College
30 as a grant-in-aid for equipment needs for the Wilkes Culinary Arts Building shall be allocated to
31 Wilkes Community College for the 2018-2019 fiscal year for this purpose."

32 **SECTION 2.9.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part X
33 of that act is amended by adding a new section to read:

34 **"SOUTHERN REGIONAL AHEC FUNDS**

35 **"SECTION 10.6.** Notwithstanding any other provision of law or a provision of the
36 Committee Report described in Section 39.2 of this act to the contrary, the sum of four million
37 eight hundred thousand dollars (\$4,800,000) in nonrecurring funds appropriated to the Board of
38 Governors of The University of North Carolina by this act for the 2018-2019 fiscal year to be
39 allocated to the Southern Regional Area Health Education Center (SR AHEC) shall be used for
40 residencies in the SR AHEC service areas and for facility and structural improvements associated
41 with current residency programs."

42 **SECTION 2.10.** If Senate Bill 99, 2017 Regular Session, becomes law, then
43 G.S. 115C-83.6(a2), as enacted by Section 7.24(b) of that act, reads as rewritten:

44 "(a2) The Department of Public Instruction shall provide for EVAAS analysis all formative
45 and diagnostic assessment data collected pursuant to this section ~~or G.S. 115C-174.11~~ for
46 kindergarten through third grade."

47 **SECTION 2.11.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part X
48 of that act is amended by adding a new section to read:

49 **"EXTEND INITIAL TERMS/ADVISORY COUNCIL ON RARE DISEASES**

50 **"SECTION 10.7.** Notwithstanding G.S. 130A-33.65(c), the terms of the initial members
51 appointed to the Advisory Council on Rare Diseases (Council) within the School of Medicine of

1 the University of North Carolina at Chapel Hill in accordance with S.L. 2015-199 shall end on
2 July 1, 2023. A member appointed to fill a vacancy of an initial member of the Council shall
3 serve the remainder of the unexpired term. Members appointed to the Council on or after July 1,
4 2023, shall serve for terms of three years in accordance with G.S. 130A-33.65."

5 **SECTION 2.12.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
6 G.S. 115C-562.1(3)b. reads as rewritten:

7 "b. Resides in a household with an income level not in excess of one
8 hundred thirty-three percent (133%) of the amount required for the
9 student to qualify for the federal free or reduced-price lunch program.
10 The Authority shall not count any distribution from the estate of a
11 decendent in calculating the income level of the applicant's household
12 for the purposes of determining eligibility for a scholarship under this
13 sub-subdivision."

14 **SECTION 2.12.(b)** Subsection (a) of this section is effective the date this act
15 becomes law and applies to any student who was otherwise eligible to receive a scholarship
16 pursuant to Part 2A of Article 39 of Chapter 115C of the General Statutes on or after January 1,
17 2017, for any scholarship application for the 2018-2019 school year or later. A student who
18 becomes eligible for a scholarship in the 2018-2019 school year solely due to subsection (a) of
19 this section shall receive first priority in award of scholarships in the same manner as those
20 previously awarded scholarships.

21 **SECTION 2.13.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
22 6 of S.L. 2016-110, as amended by Section 7.26E of S.L. 2017-57, reads as rewritten:

23 "~~**SECTION 6.** It is the intent of the General Assembly to appropriate to the Department of~~
24 ~~Public Instruction four hundred fifty thousand dollars (\$450,000) for the 2017-2018 fiscal year~~
25 ~~and annually thereafter for innovation zone model grants. Upon appropriation of funds, Beginning~~
26 ~~with the 2018-2019 fiscal year, from the funds appropriated to the Department of Public~~
27 ~~Instruction each fiscal year for the award of innovation zone model grants, the State Board of~~
28 ~~Education shall, upon recommendation of the ISD Superintendent, award innovation zone model~~
29 ~~grants of up to one hundred fifty thousand dollars (\$150,000) per fiscal year for five years to~~
30 ~~local boards of education who (i) have been authorized to adopt the innovation zone model by~~
31 ~~the State Board of Education for up to three schools or for a local school administrative unit with~~
32 ~~more than thirty-five percent (35%) of schools within the unit identified as low-performing and~~
33 ~~(ii) provide a dollar-for-dollar match with non-State funding for the requested grant amount.~~
34 ~~Innovation zone model grants shall be directed by local boards of educations to the innovation~~
35 ~~zone office to address specific issues in innovation zone schools. Notwithstanding any other~~
36 ~~provision of law or a provision of the Committee Report described in Section 39.2 of S.L.~~
37 ~~2017-57 to the contrary, for the 2018-2019 fiscal year only, the Department may also use these~~
38 ~~funds to cover the administrative costs of the Innovative School District during the 2018-2019~~
39 ~~fiscal year."~~

40 **SECTION 2.14.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part VII
41 of that act is amended by adding a new section to read:

42 **"GRANT-IN-AID FOR GRAHAM COUNTY SCHOOLS**

43 **"SECTION 7.29.** Notwithstanding any other provision of law or a provision of the
44 Committee Report described in Section 39.2 of this act to the contrary, of the funds appropriated
45 in this act to the Department of Public Instruction, the Department shall provide a grant-in-aid in
46 the amount of ten thousand dollars (\$10,000) to Graham County Schools."

47 **SECTION 2.15.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
48 Section 7.22 of that act is repealed.

49 **SECTION 2.15.(b)** If Senate Bill 99, 2017 Regular Session, becomes law, then Part
50 VII of that act is amended by adding a new section to read:

51 **"ELIMINATE FUNDS APPROPRIATED FOR DONORSCHOOSE**

1 "SECTION 7.30. Notwithstanding any other provision of law or a provision of the
2 Committee Report described in Section 39.2 of this act to the contrary, the funds appropriated to
3 the Department of Public Instruction by this act for the 2018-2019 fiscal year to provide a
4 grant-in-aid to DonorsChoose.org for teachers to receive classroom supplies shall be reduced by
5 two hundred thousand dollars (\$200,000)."

6 **SECTION 2.16.(a)** Notwithstanding G.S. 115C-83.15(b)(2), for the 2017-2018
7 school year only, for schools serving any students in ninth through twelfth grade, the State Board
8 of Education shall assign points on the following measures available for that school:

- 9 (1) One point for each percent of students who score at or above proficient on
10 either the Algebra I or Integrated Math I end-of-course test or, for students
11 who completed Algebra I or Integrated Math I before ninth grade, another
12 mathematics course with an end-of-course test.
- 13 (2) One point for each percent of students who score at or above proficient on the
14 English II end-of-course test.
- 15 (3) One point for each percent of students who score at or above proficient on the
16 Biology end-of-course test.
- 17 (4) One point for each percent of students who complete Algebra II or Integrated
18 Math III with a passing grade.
- 19 (5) One point for each percent of students who either (i) achieve the minimum
20 score required for admission into a constituent institution of The University
21 of North Carolina on a nationally normed test of college readiness or (ii) are
22 enrolled in Career and Technical Education courses and score at Silver, Gold,
23 or Platinum levels on a nationally normed test of workplace readiness.
- 24 (6) One point for each percent of students who graduate within four years of
25 entering high school.
- 26 (7) One point for each percent of students who progress in achieving English
27 language proficiency.

28 **SECTION 2.16.(b)** Notwithstanding G.S. 115C-83.16(a)(2)b., for the 2017-2018
29 school year only, the school quality and student success indicator shall be made up of the
30 following measures:

- 31 (1) Proficiency on the Biology end-of-course test.
- 32 (2) The percentage of students who complete Algebra II or Integrated Math III
33 with a passing grade.
- 34 (3) The percentage of students who either (i) achieve the minimum score required
35 for admission into a constituent institution of The University of North
36 Carolina on a nationally normed test of college readiness or (ii) are enrolled
37 in Career and Technical Education courses and score at Silver, Gold, or
38 Platinum levels on a nationally normed test of workplace readiness.

39 **SECTION 2.16.(c)** For schools serving any students in ninth through twelfth grade,
40 for the 2017-2018 school year only, in addition to other required data, the report cards issued
41 pursuant to G.S. 115C-12(9)c1. shall include the following data:

- 42 (1) The percentage of students who achieved the minimum score required for
43 admission into a constituent institution of The University of North Carolina
44 on a nationally normed test of college readiness.
- 45 (2) The percentage of students enrolled in Career and Technical Education
46 courses who met the standard when scoring at Silver, Gold, or Platinum levels
47 on a nationally normed test of workplace readiness.
- 48 (3) The percentage of students who either (i) achieve the minimum score required
49 for admission into a constituent institution of The University of North
50 Carolina on a nationally normed test of college readiness or (ii) are enrolled

1 in Career and Technical Education courses and score at Silver, Gold, or
2 Platinum levels on a nationally normed test of workplace readiness.

3 **SECTION 2.16.(d)** This section is effective when it becomes law and applies to
4 school performance grades and report cards issued based on data from the 2017-2018 school
5 year.

6 **SECTION 2.17.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
7 G.S. 116-280, as amended by Section 10A.6(a) of that act, is amended by adding a new
8 subdivision to read:

9 "(1a) Armed Forces. – As defined in G.S. 116-143.3(a)(2)."

10 **SECTION 2.17.(b)** If Senate Bill 99, 2017 Regular Session, becomes law, then
11 G.S. 116-281(3), as amended by Section 10A.6(b) of that act, reads as rewritten:

12 "(3) The student must ~~either (i) qualify~~ meet at least one of the following:

13 a. Qualify as a legal resident of North Carolina and as a resident for
14 tuition purposes under the criteria set forth in G.S. 116-143.1 and in
15 accordance with definitions of residency that may from time to time
16 be adopted by the Board of Governors of The University of North
17 ~~Carolina or (ii) be Carolina.~~

18 b. Be a veteran provided the veteran's abode is in North Carolina and the
19 veteran provides the eligible private postsecondary institution a letter
20 of intent to establish residency in North Carolina.

21 c. Be an active duty member of the Armed Forces provided the member
22 of the Armed Forces is abiding in this State incident to active military
23 duty in this State."

24 **SECTION 2.17.(c)** This section applies beginning with the 2018-2019 academic
25 year.
26

27 **PART III. HEALTH AND HUMAN SERVICES**

28 **SECTION 3.1.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XI
29 of that act is amended by adding a new section to read:

30 **"FUNDS FOR GIGI'S PLAYHOUSE**

31 "SECTION 11F.9A. Notwithstanding any provision of this act or the Committee Report
32 described in Section 39.2 of this act to the contrary, the sum of fifty thousand dollars (\$50,000)
33 in nonrecurring funds appropriated to the Department of Health and Human Services, Division
34 of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2018-2019
35 fiscal year, to provide funding to Gigi's Playhouse located in the city of Raleigh shall instead be
36 used to provide funding to Gigi's Playhouse located in the city of Charlotte."

37 **SECTION 3.2.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XI
38 of that act is amended by adding a new section to read:

39 **"FUNDS FOR FREE CLINIC OF ROCKINGHAM COUNTY, INC.**

40 "SECTION 11A.3A. Notwithstanding any provision of this act or the Committee Report
41 described in Section 39.2 of this act to the contrary, the sum of two hundred fifty thousand dollars
42 (\$250,000) in nonrecurring funds appropriated to the Department of Health and Human Services,
43 Division of Central Management and Support, for the 2018-2019 fiscal year, to provide funding
44 to the Free Clinic of Reidsville shall instead be used to provide funding to the Free Clinic of
45 Rockingham County, Inc."

46 **SECTION 3.3.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XI
47 of that act is amended by adding a new section to read:

48 **"FUNDS FOR ADA JENKINS CENTER**

49 "SECTION 11A.3B. Notwithstanding any provision of this act or the Committee Report
50 described in Section 39.2 of this act to the contrary, the sum of twenty-five thousand dollars
51 (\$25,000) in nonrecurring funds appropriated to the Department of Health and Human Services,

1 Division of Central Management and Support, for the 2018-2019 fiscal year, to provide funding
 2 to the Ada Jenkins Center in Davidson County shall instead be used to provide funding to the
 3 Ada Jenkins Center in the Town of Davidson."

4 **SECTION 3.4.** If Senate Bill 99, 2017 Regular Session, becomes law, then
 5 G.S. 110-130.1(a), as amended by that act, reads as rewritten:

6 "(a) All child support collection and paternity determination services provided under this
 7 Article to recipients of public assistance shall be made available to any individual not receiving
 8 public assistance in accordance with federal law and as contractually authorized by the
 9 nonrecipient, upon proper application and payment of a nonrefundable application fee of
 10 twenty-five dollars (\$25.00). The fee shall be reduced to ten dollars (\$10.00) if the individual
 11 applying for the services is indigent. An indigent individual is an individual whose gross income
 12 does not exceed one hundred percent (100%) of the federal poverty guidelines issued each year
 13 in the Federal Register by the U.S. Department of Health and Human Services. For the purposes
 14 of this subsection, the term "gross income" has the same meaning as defined in
 15 ~~G.S. 105-134.1~~G.S. 105-153.3.

16 In the case of an individual who has never received assistance under a State program funded
 17 pursuant to Title IV-A of the Social Security Act and for whom the State has collected and
 18 disbursed to the family in a federal fiscal year at least five hundred fifty dollars (\$550.00) of
 19 support, the State shall impose an annual fee of thirty-five dollars (\$35.00) for each case in which
 20 services are furnished. The child support agency shall retain the fee from support collected on
 21 behalf of the individual. However, the child support agency shall not retain the fee from the first
 22 five hundred fifty dollars (\$550.00) collected. The child support agency shall use the fee to
 23 support the ongoing operation of the program."

24 **SECTION 3.5.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
 25 11L.1 of S.L. 2017-57, as amended by Section 11L.1 of Senate Bill 99, 2017 Regular Session,
 26 reads as rewritten:

27 "**SECTION 11L.1.(a)** Except as otherwise provided, appropriations from federal block grant
 28 funds are made for each year of the fiscal biennium ending June 30, 2019, according to the
 29 following schedule:

TEMPORARY ASSISTANCE FOR	FY 2017-2018	FY 2018-2019
NEEDY FAMILIES (TANF) FUNDS		
Local Program Expenditures		
Division of Social Services		
01. Work First Family Assistance	\$49,479,444	\$41,722,815
02. Work First County Block Grants	80,093,566	80,093,566
03. Work First Electing Counties	2,378,213	2,378,213
04. Adoption Services – Special Children Adoption Fund	2,026,877	2,026,877
05. Child Protective Services – Child Welfare Workers for Local DSS	9,412,391	9,412,391
<u>05A. Child Protective Services – Child Welfare Workers for Local DSS One-time Swap Out</u>	<u>0</u>	<u>348,558</u>

1			
2	05A,05B. Funding for Counties to Assist with County		
3	Implementation of NC FAST, Project 4	0	639,158
4			
5	06. Child Welfare Program	775,176	775,176
6	Improvement Plan		
7			
8	07. Child Welfare Collaborative	400,000	400,000
9			
10	08. Child Welfare Initiatives	1,400,000	1,400,000
11			
12	...		
13			
14	TOTAL TEMPORARY ASSISTANCE FOR		
15	NEEDY FAMILIES (TANF) FUNDS	\$301,385,315	\$324,463,088 \$324,811,646
16			
17	...		
18			
19	MENTAL HEALTH SERVICES BLOCK GRANT		
20			
21	Local Program Expenditures		
22			
23	01. Mental Health Services – Child	\$3,619,833	\$4,118,045
24			
25	02. Mental Health Services – Adult/Child	10,967,792	12,477,331 16,578,811
26			
27	03. Crisis Solutions Initiative – Critical		
28	Time Intervention	750,000	0
29			
30	04. Mental Health Services – First		
31	Psychotic Symptom Treatment	1,430,851	2,321,873
32			
33	04A. Three-Way Contracts	0	4,101,480
34			
35	DHHS Administration		
36			
37	Division of Mental Health, Developmental Disabilities, and Substance Abuse Services		
38			
39	05. Administration	200,000	200,000
40			
41	TOTAL MENTAL HEALTH SERVICES		
42	BLOCK GRANT	\$16,968,476	\$23,218,729
43			
44	...		
45			
46	MATERNAL AND CHILD HEALTH BLOCK GRANT		
47			
48	Local Program Expenditures		
49			
50	Division of Public Health		
51			

1	01. Women and Children's Health Services		
2	(Safe Sleep Campaign \$45,000; Sickle Cell		
3	Centers \$100,000; Prevent Blindness \$575,000;		
4	March of Dimes \$350,000; Teen Pregnancy		
5	Prevention Initiatives \$650,000;		
6	17P Project \$52,000; Nurse-Family		
7	Partnership \$550,000; Carolina Pregnancy		
8	Care Fellowship \$400,000; Perinatal &		
9	Neonatal Outreach Coordinator Contracts		
10	\$440,000; Mountain Area		
11	Pregnancy Center \$250,000)	\$11,802,435	\$13,858,445 <u>\$16,858,445</u>
12			
13	02. Oral Health	48,227	48,227
14			
15	03. Evidence-Based Programs in Counties		
16	With Highest Infant Mortality Rates	1,575,000	1,575,000
17			
18	03A. Every Week Counts	2,200,000	3,000,000 <u>3,000,000</u>
19			
20	DHHS Program Expenditures		
21			
22	04. Children's Health Services	1,427,323	1,427,323
23			
24	05. Women's Health – Maternal Health	169,864	169,864
25			
26	06. Women and Children's Health – Perinatal		
27	Strategic Plan Support Position	68,245	68,245
28			
29	07. State Center for Health Statistics	158,583	158,583
30			
31	08. Health Promotion – Injury and		
32	Violence Prevention	87,271	87,271
33			
34	DHHS Administration		
35			
36	09. Division of Public Health Administration	552,571	552,571
37			
38	TOTAL MATERNAL AND CHILD		
39	HEALTH BLOCK GRANT	\$18,089,519	\$20,945,529 <u>\$20,945,529</u>
40"		

SECTION 3.6. If Senate Bill 99, 2017 Regular Session, becomes law, then Subpart XI-B of Part XI of that act is amended by adding a new section to read:

"VACANT POSITION REDUCTION

"SECTION 11B.6. Notwithstanding any provision of this act or in the Committee Report described in Section 39.2 of this act to the contrary, the Department of Health and Human Services, Division of Child Development and Early Education (Division), is not required to eliminate the Business Systems Analyst position (65024701) under Item 60 of the Vacant Position Reduction. However, the Division shall achieve the reduction for that item through the elimination of other vacant positions or administrative reductions."

1 **SECTION 3.7.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XI
2 of that act is amended by adding a new section to read:

3 **"SUICIDE PREVENTION LIFELINE**

4 **"SECTION 11F.9C.(a)** Notwithstanding any provision of this act or the Committee Report
5 described in Section 39.2 of this act to the contrary, from the funds appropriated to the
6 Department of Health and Human Services, Division of Mental Health, Developmental
7 Disabilities, and Substance Abuse Services, for the 2018-2019 fiscal year, the sum of three
8 hundred forty-eight thousand five hundred fifty-eight dollars (\$348,558) in nonrecurring funds
9 shall be used to fund a suicide prevention lifeline.

10 **"SECTION 11F.9C.(b)** For the 2019-2021 fiscal biennium, the Office of State Budget and
11 Management shall include the sum of three hundred forty-eight thousand five hundred fifty-eight
12 dollars (\$348,558) in recurring funds in the Department of Health and Human Service's base
13 budget, as defined in G.S. 143C-1-1, to be used to fund a suicide prevention lifeline."

14 **SECTION 3.8.** If Senate Bill 99, 2017 Regular Session, becomes law, then
15 G.S. 90-288.14A, as enacted by Section 11G.1(b) of that act, reads as rewritten:

16 **"§ 90-288.14A. Approval for nursing home administrators to serve as adult care home
17 administrators.**

18 The Department shall approve as an adult care home administrator any individual licensed as
19 a nursing home administrator under Article 20 of this Chapter who, within 90 calendar days after
20 commencing employment as ~~a nursing an~~ adult care home administrator, successfully completes
21 the written examination administered by the Department for assisted living administrator
22 certification. An individual approved as an adult care home administrator pursuant to this section
23 is deemed to meet the requirements of G.S. 90-288.14 and may renew his or her assisted living
24 administrator certification pursuant to G.S. 90-288.15."

25 **SECTION 3.9.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XI
26 of that act is amended by adding a new section to read:

27 **"SECTION 11F.2A.** Notwithstanding any provision of S.L. 2017-57 or the Committee
28 Report described in Section 39.2 of S.L. 2017-57 to the contrary, the sum of up to four million
29 dollars (\$4,000,000) in nonrecurring funds appropriated in that act from the Dorothea Dix
30 Hospital Property Fund to the Department of Health and Human Services, Division of Mental
31 Health, Developmental Disabilities, and Substance Abuse Services, for the 2017-2018 fiscal
32 year, to pay for renovation or building costs associated with the construction of new, licensed
33 inpatient behavioral health beds at Cape Fear Valley Medical Center in Cumberland County shall
34 instead be used to pay for renovation or building costs associated with the construction of new,
35 licensed inpatient behavioral health beds at Betsy Johnson Hospital in Harnett County. Betsy
36 Johnson Hospital is subject to the provisions of Section 11F.5 of S.L. 2017-57 with respect to its
37 receipt and use of these funds."

38 **SECTION 3.10.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
39 11E.5 of that act and Section 11E.12 of S.L. 2017-57 are repealed.

40 **SECTION 3.11.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XI
41 of that act is amended by adding a new section to read:

42 **"STUDY INCREASING GROUP HOME SERVICES**

43 **"SECTION 11H.9A.** The Department of Health and Human Services (Department) shall, in
44 conjunction with stakeholders, develop a comprehensive plan for increased utilization of
45 1915(b)(3) services and "in-lieu-of" services as the foundation for sustained operation of licensed
46 supervised living facilities as defined under 10A NCAC 27G .5601(c)(1) and 10A NCAC 27G
47 .5601(c)(3). The plan shall include standardized processes, methodologies, service definitions,
48 and rates of reimbursement for these increased services. No later than January 7, 2019, the
49 Department shall submit a report that contains this plan to the Joint Legislative Oversight
50 Committee on Medicaid and NC Health Choice, the Joint Legislative Oversight Committee on

1 Health and Human Services, and the Fiscal Research Division. The report shall also contain the
2 following:

- 3 (1) An estimate of the costs associated with implementation of the plan, including
4 Medicaid costs.
- 5 (2) An estimate of the amount of single-stream funding currently being utilized
6 to provide State-funded services that would be replaced by Medicaid services
7 upon implementation of the plan.
- 8 (3) A description of how the amount of funds identified pursuant to subdivision
9 (2) of this section could be reinvested to further sustain operation of licensed,
10 supervised living facilities as defined under 10A NCAC 27G .5601(c)(1) and
11 10A NCAC 27G .5601(c)(3).
- 12 (4) A time line for implementation of the plan.
- 13 (5) Any legislative changes required to implement the plan."

14 **SECTION 3.12.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XI
15 of that act is amended by adding a new section to read:

16 **"FUNDS FOR ADVENTURE HOUSE**

17 **"SECTION 11F.9B.** Notwithstanding any provision of this act or the Committee Report
18 described in Section 39.2 of this act to the contrary, from funds appropriated to the Department
19 of Health and Human Services, Division of Mental Health, Developmental Disabilities, and
20 Substance Abuse Services, for the 2018-2019 fiscal year, the Department shall allocate the sum
21 of twenty-five thousand dollars (\$25,000) in nonrecurring funds as a grant-in-aid to Adventure
22 House, a clubhouse program for adults with mental illness, located in the City of Shelby."

23 **SECTION 3.13.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XI
24 of that act is amended by adding a new section to read:

25 **"INCREASE RATE FOR CAP/DA IN-HOME AIDE SERVICES AND PROVIDE ADULT**
26 **OPTICAL COVERAGE**

27 **"SECTION 11H.13.(a)** Notwithstanding any provision of this act, the Committee Report
28 described in Section 39.2 of this act, any provision of S.L. 2017-57, as amended, or the
29 Committee Report described in Section 39.2 of S.L. 2017-57 to the contrary, the funds
30 appropriated to the Department of Health and Human Services, Division of Medical Assistance,
31 for the Medicaid Rebase for the 2018-2019 fiscal year shall be reduced by the sum of seven
32 million five hundred thousand dollars (\$7,500,000) in recurring funds.

33 **"SECTION 11H.13.(b)** Notwithstanding any provision of this act, the Committee Report
34 described in Section 39.2 of this act, any provision of S.L. 2017-57, as amended, or the
35 Committee Report described in Section 39.2 of S.L. 2017-57 to the contrary, there is appropriated
36 the sum of five million five hundred thousand dollars (\$5,500,000) in recurring funds for fiscal
37 year 2018-2019 to be used to increase the rate to no more than three dollars and ninety cents
38 (\$3.90) paid per 15-minute billing unit for in-home aide services provided under the Community
39 Alternatives Program for Disabled Adults (CAP-DA) waiver pursuant to Clinical Coverage
40 Policy 3K-2, effective January 1, 2019. Notwithstanding G.S. 108A-54(e), the rate paid per
41 15-minute billing unit for in-home aide services provided under the CAP-DA waiver pursuant to
42 Clinical Coverage Policy 3K-2 shall not exceed three dollars and ninety cents (\$3.90).

43 **"SECTION 11H.13.(c)** Notwithstanding any provision of this act, the Committee Report
44 described in Section 39.2 of this act, any provision of S.L. 2017-57, as amended, or the
45 Committee Report described in Section 39.2 of S.L. 2017-57 to the contrary, there is appropriated
46 the sum of two million dollars (\$2,000,000) in recurring funds for fiscal year 2018-2019 to be
47 used to provide adult optical Medicaid coverage, effective January 1, 2019.

48 **"SECTION 11H.13.(d)** No later than March 1, 2019, the Department shall report to the Joint
49 Legislative Oversight Committee on Medicaid and NC Health Choice and the Fiscal Research
50 Division on the following:

- 1 (1) All new services and rate increases implemented for the Medicaid program or
2 NC Health Choice program during the 2017-2019 fiscal biennium and the
3 annualized cost of each new service and rate.
4 (2) Any State Plan amendments or waivers pending approval by the Centers for
5 Medicare and Medicaid Services containing requests for new services or rate
6 increases and the anticipated annualized cost of each pending new service and
7 rate increase."
8

9 **PART IV. AGRICULTURE AND NATURAL AND ECONOMIC RESOURCES**

10 **SECTION 4.1.** If Senate Bill 99, 2017 Regular Session, becomes law, then
11 notwithstanding any provision in that act, or in the Committee Report described in Section 39.2
12 of that act to the contrary, the funds appropriated to Yancey County for the Cane River Park may
13 be used for lighting anywhere in the Park.

14 **SECTION 4.2.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
15 13.2 of that act reads as rewritten:

16 **"SECTION 13.2.** Notwithstanding G.S. 130A-310.11(b), up to two million dollars
17 (\$2,000,000) of the funds credited to the Inactive Hazardous Sites Cleanup Fund under
18 G.S. 105-187.63 for the assessment and remediation of pre-1983 landfills shall instead be used
19 by the Department of Environmental Quality's Division of Waste Management to provide a
20 matching grant to ~~Speedway Motorsports, Incorporated~~ Charlotte Motor Speedway, LLC, (CMS)
21 for the purpose of remediation activities at the Charlotte Motor Speedway in Cabarrus County.
22 The Division shall provide one dollar (\$1.00) for every two non-State dollars (\$2.00) provided
23 in kind or otherwise, up to a maximum of two million dollars (\$2,000,000) for the matching grant
24 described in this section. CMS may allocate all or a portion of the grant provided by this section
25 to an entity that controls CMS or an entity controlled by CMS. Entities receiving such an
26 allocation shall be considered a subgrantee as defined in G.S. 143C-6-23."

27 **SECTION 4.3.** If Senate Bill 99, 2017 Regular Session, becomes law, then
28 notwithstanding any provision in that act, or in the Committee Report described in Section 39.2
29 of that act to the contrary, the funds appropriated to the Mountain Island Educational State Forest
30 shall be transferred to special fund 23702.

31 **SECTION 4.4.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
32 G.S. 143-215.3E, as enacted by Section 13.1(a) of that act, reads as rewritten:

33 **"§ 143-215.3E. Authority of Governor to require facility to cease operations and activities**
34 **for unauthorized PFAS ~~discharges~~ discharges or releases.**

35 (a) The Governor is authorized to require a facility to cease all operations and activities
36 in the State that result in the production of a pollutant if all of the following circumstances exist:

- 37 (1) The facility has a National Pollutant Discharge Elimination System (NPDES)
38 permit.
39 (2) The Department has determined that the facility has had unauthorized
40 discharges or releases of per- and poly-fluoroalkyl substances (PFAS) into the
41 air, surface water, and groundwater and these discharges or releases have
42 resulted in an exceedance of a standard set by the Environmental Management
43 Commission for groundwater, surface water, or air quality, or an exceedance
44 of a health advisory ~~standard~~ level established by the United States
45 Environmental Protection Agency for any chemical classified as a PFAS, and
46 the facility has received more than one notice of violation from the
47 Department within a two-year period for unauthorized discharges or releases
48 of such substances.
49 (3) The Department has been unable to stop all ongoing unauthorized discharges
50 or releases of such substances from the facility that result in the violation of a
51 standard or health advisory ~~standard~~ level within one year from the time the

1 Department first learned of the unauthorized ~~discharges~~discharges or
2 releases.

3 (4) The Department has determined that the best available scientific data indicates
4 that the ongoing unauthorized ~~discharges~~discharges or releases present a
5 danger to the public health.

6 (b) In determining whether to exercise the authority established under this section, the
7 Governor may take into account remedial actions undertaken by the operator of the facility.

8 (c) If the Governor exercises the authority established under this subsection to require a
9 facility to cease operations and activities, the Governor shall issue an order in writing to the
10 operator accordingly, including findings of fact that demonstrate the criteria set forth in
11 subdivisions (1) through (4) of subsection (a) of this section have been met, which order shall be
12 delivered by registered or certified mail, or by any means authorized by G.S. 1A-1, Rule 4, to the
13 facility's operator. An order to cease operations and activities issued pursuant to this subsection
14 shall not become effective until 15 days after issuance of the order. A person to whom such order
15 is issued may commence a contested case by filing a petition under G.S. 150B-23 within 30 days
16 after receipt of notice of the order. If the person does not file a petition within the required time,
17 the Governor's decision is final and is not subject to review.

18 (d) The authority established by this section shall be in addition to, and not exclusive of,
19 other authority given to the Commission, the Secretary, and the Department under this Article to
20 take enforcement action against a person for unauthorized discharges or releases of PFAS into
21 the air, surface water, and groundwater, including the authority granted under G.S. 143-215.6C
22 to request that the Attorney General institute a civil action in the name of the State upon the
23 relation of the Department for injunctive relief to restrain the violation or threatened violation
24 and for such other and further relief in the premises as the court shall deem proper."

25 **SECTION 4.4.(b)** If Senate Bill 99, 2017 Regular Session, becomes law, then
26 G.S. 143-215.2A, as enacted by Section 13.1(c) of that act, reads as rewritten:

27 "**§ 143-215.2A. Relief for contaminated private drinking water wells.**

28 (a) The Secretary shall, upon direction of the Governor, order any person who the
29 Secretary finds responsible for the discharge or release of industrial waste that includes per- and
30 poly-fluoroalkyl substances (PFAS), including the chemical known as "GenX" (CAS registry
31 number 62037-80-3 or 13252-13-6), into the air, groundwater, surface water, or onto the land
32 that results in contamination of a private drinking water well, as that term is defined in
33 G.S. 87-85, to establish permanent replacement water supplies for affected parties. For purposes
34 of this section, the terms (i) "contamination" means an exceedance of a standard established by
35 the Environmental Management Commission for groundwater, surface water, or air quality, or
36 an exceedance of a health advisory ~~standard level~~ established by the United States Environmental
37 Protection Agency, for any chemical classified as a PFAS, including GenX; and (ii) "affected
38 party" means a household, business, school, or public building with a well contaminated with
39 PFAS, including GenX, as a result of the discharge or release of industrial waste.

40 (b) If the Secretary orders a person responsible for the discharge or release of a PFAS,
41 including GenX, that results in contamination of a private drinking water well to establish a
42 permanent replacement water supply for an affected party with such a well pursuant to subsection
43 (a) of this section, preference shall be given to permanent replacement water supplies by
44 connection to public water supplies; provided that (i) an affected party may elect to receive a
45 filtration system in lieu of a connection to public water supplies and (ii) if the Department
46 determines that connection to a public water supply to a particular affected party would not be
47 ~~most prohibitive, cost-effective,~~ the Department shall authorize provision of a permanent
48 replacement water supply to that affected party through installation of a filtration system. For
49 affected parties for which filtration systems are installed, the person responsible shall be liable
50 for any periodic required maintenance of the filtration system. An order issued by the Secretary
51 pursuant to subsection (a) of this section shall include a deadline by which the responsible person

1 must establish the permanent replacement water supply for the affected party or parties subject
2 to the order.

3"

4 **SECTION 4.5.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XII
5 of that act is amended by adding a new section to read:

6 **"HEALTHY FOOD SMALL RETAILERS PROGRAM ADMINISTRATIVE COSTS**

7 **"SECTION 12.6.** Of the funds appropriated in this act to the Department of Agriculture and
8 Consumer Services for the Healthy Food Small Retailers program, the Department may retain up
9 to ten percent (10%) for administrative costs associated with the program."

10 **SECTION 4.6.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XV
11 of that act is amended by adding a new section to read:

12 **"GRANTS-IN-AID CHANGES**

13 **"SECTION 15.9.(a)** Notwithstanding any other provision of law or a provision of the
14 Committee Report described in Section 39.2 of this act to the contrary, the grant-in-aid in the
15 amount of fifty thousand dollars (\$50,000) provided to the Town of Archer Lodge in Fund Code
16 1680 shall not be subject to any matching requirements.

17 **"SECTION 15.9.(b)** Notwithstanding any other provision of law or a provision of the
18 Committee Report described in Section 39.2 of this act to the contrary, the grant-in-aid in the
19 amount of one hundred eighty thousand dollars (\$180,000) provided to the City of Lexington in
20 Fund Code 1534 may also be used for demolition and debris removal.

21 **"SECTION 15.9.(c)** Notwithstanding any other provision of law or a provision of the
22 Committee Report described in Section 39.2 of this act to the contrary, the grant-in-aid to
23 Southwestern North Carolina Planning and Economic Development Commission in Fund Code
24 1913 is reduced by ten thousand dollars (\$10,000).

25 **"SECTION 15.9.(d)** Notwithstanding any other provision of law or a provision of the
26 Committee Report described in Section 39.2 of this act to the contrary, the grant-in-aid provided
27 to the Town of High Shoals for downtown revitalization in Section 15.8(a) of this act is reduced
28 by fifty thousand dollars (\$50,000) and the totals under that subsection are adjusted accordingly.

29 **"SECTION 15.9.(e)** Notwithstanding G.S. 143B-472.127, of the funds appropriated in this
30 act to the Rural Economic Development Division of the Department of Commerce, the Rural
31 Economic Development Division shall provide a grant-in-aid in the amount of twenty-five
32 thousand dollars (\$25,000) to the Town of High Shoals to be used for debt service on its new city
33 hall."

34 **SECTION 4.7.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XV
35 of that act is amended by adding a new section to read:

36 **"DIVISION OF COMMERCE GRAPHICS**

37 **"SECTION 15.10.** Notwithstanding any provision in this act or in the Committee Report
38 described in Section 39.2 of that act to the contrary, the net appropriation reduction to the
39 Department of Commerce, Division of Commerce Graphics, shall be seven thousand four
40 hundred fifteen dollars (\$7,415) and the Department is not required to eliminate the Artist
41 Illustrator II position (60081262). The Department shall take an additional
42 eighty-thousand-dollar (\$80,000) recurring reduction by reducing administrative costs or
43 eliminating vacant positions. The Department shall report its actions to implement the
44 requirements of this section to the Fiscal Research Division no later than October 1, 2018."

45 **SECTION 4.8.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XII
46 of that act is amended by adding a new section to read:

47 **"TOBACCO TRUST FUND COMMISSION/ADMINISTRATIVE AND OPERATING**
48 **EXPENSES**

49 **"SECTION 12.7.** Notwithstanding G.S. 143-717(i), the Tobacco Trust Fund Commission
50 may use three hundred seventy-five thousand dollars (\$375,000) for the 2018-2019 fiscal year

1 for administrative and operating expenses of the Commission and its staff and to purchase a
2 grants management system."

4 **PART V. JUSTICE AND PUBLIC SAFETY**

5 **SECTION 5.1.** If Senate Bill 99, 2017 Regular Session, becomes law, then
6 G.S. 115D-5(b)(2)j., as enacted by that act, reads as rewritten:

7 "j. ~~The Division of Criminal Justice Education and Training Standards~~
8 Criminal Justice Standards Division of the Department of Justice for
9 the training of criminal justice professionals, as defined in
10 G.S. 17C-20(6), who are required to be certified under (i) Chapter 17C
11 of the General Statutes and the rules of the North Carolina Criminal
12 Justice Education and Training Standards Commission or (ii) Chapter
13 17E of the General Statutes and the rules of the North Carolina
14 Sheriffs' Education and Training Standards Commission. The waivers
15 provided for in this sub-subdivision apply to participants and recent
16 graduates of the North Carolina Criminal Justice Fellows Program to
17 obtain certifications for eligible criminal justice professions as defined
18 in G.S. 17C-20(6)."

19 **SECTION 5.2.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
20 5.6 of that act is amended by adding a new subsection to read:

21 "**SECTION 5.6.(a1)** Appropriation/Federal Funds. – Funds received on or after October 1,
22 2016, under the federal Stafford Act (P.L. 93-288) and other federal disaster assistance programs
23 for State disasters are appropriated in the amounts provided in the notifications of award from
24 the federal government or any entity acting on behalf of the federal government to administer
25 federal disaster recovery funds. The Office of State Budget and Management and affected State
26 agencies shall report all notifications of award to the Joint Legislative Commission on
27 Governmental Operations and the Fiscal Research Division of the General Assembly."

28 **SECTION 5.3.** If Senate Bill 99, 2017 Regular Session, becomes law, then
29 notwithstanding any provision in that act or in the Committee Report described in Section 39.2
30 of that act to the contrary, then any direction in the Committee Report that is not consistent with
31 Section 5.6(b)(1) of Senate Bill 99, 2017 Regular Session, is null and void.

32 **SECTION 5.4.** If Senate Bill 99, 2017 Regular Session, becomes law, then
33 G.S. 18B-1003(c1) reads as rewritten:

34 "(c1) **Posting Human Trafficking Hotline.** – All permittees shall prominently display on the
35 premises in a place that is clearly conspicuous and visible to employees ~~and the public~~ a public
36 awareness sign created and provided by the North Carolina Human Trafficking Commission that
37 contains the National Human Trafficking Resource hotline information."

38 **SECTION 5.5.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
39 18B.4(a) reads as rewritten:

40 "**SECTION 18B.4.(a)** Notwithstanding G.S. 143C-1-2(b), ~~for the fiscal year 2018-2019,~~
41 fiscal years 2018-2019, 2019-2020, and 2020-2021, the Judicial Department shall transfer any
42 unexpended, unencumbered funds to Budget Code 22006-2006 to be used to implement an
43 integrated information technology system (e-Courts) in accordance with G.S. 7A-343.2(b). The
44 cumulative sum transferred shall not exceed three percent (3%) of the Judicial Department's
45 certified budgets for Budget Code 12000, Administrative Office of the Courts, and Budget Code
46 12001, Office of Indigent Defense Services, ~~for the 2018-2019 fiscal year.~~ fiscal years 2018-2019,
47 2019-2020, and 2020-2021."

48 **SECTION 5.6.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
49 Subpart XVIII-B of Part VIII of that act is amended by adding a new section to read:

50 "**TRANSFER NC HUMAN TRAFFICKING COMMISSION TO AOC; CONFORMING**
51 **CHANGES**

1 "SECTION 18B.7. The North Carolina Human Trafficking Commission shall be transferred
2 to the Administrative Office of the Courts as a Type II transfer. Article 10 of Chapter 114 of the
3 General Statutes, G.S. 114-70, is recodified as G.S. 7A-354 in Article 29 of Subchapter VII of
4 Chapter 7A of the General Statutes."

5 **SECTION 5.6.(b)** If Senate Bill 99, 2017 Regular Session, becomes law, then
6 G.S. 114-70, recodified as G.S. 7A-354 in subsection (a) of this section, reads as rewritten:

7 **"§ 7A-354. North Carolina Human Trafficking Commission.**

8 (a) Establishment. – There is established in the ~~Department of Justice~~ Administrative
9 Office of the Courts the North Carolina Human Trafficking Commission. For purposes of this
10 section, "Commission" means the North Carolina Human Trafficking Commission.

11 ...

12 (j) Staffing. – The ~~Department of Justice~~ Administrative Office of the Courts shall be
13 responsible for staffing the Commission.

14 (k) Funding. – From funds available to the ~~Department of Justice, the Attorney General~~
15 Administrative Office of the Courts, the Director shall allocate monies to fund the work of the
16 Commission."
17

18 **PART VI. GENERAL GOVERNMENT**

19 **SECTION 6.1.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
20 26.3 of that act reads as rewritten:

21 **"SECTION 26.3.** Of the funds appropriated in this act to the Office of State Budget and
22 Management, Special Appropriations, the sum of three million ~~one~~ three hundred sixty-five
23 thousand three hundred seven dollars ~~(\$3,165,307)~~ (\$3,365,307) in nonrecurring funds for the
24 2018-2019 fiscal year shall be allocated as follows:

25 (1) To provide grants-in-aid to the following local fire departments:

26 ...

27 z. \$2,500 to the ~~Town of Proctorville for the Proctorville~~ Orrum
28 Township Volunteer Fire Department.~~Department, Inc.~~

29 ...

30 ii. \$100,000 to the City of Davidson for the Davidson Fire Department
31 for equipment.

32 ...

33 (3) To provide law enforcement grants-in-aid to the following local governments:

34 ...

35 (k) \$100,000 to the City of Davidson for the Davidson Police Department
36 for equipment.

37"

38 **SECTION 6.2.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part
39 XXXI of that act is amended by adding a new section to read:

40 **"DOA TO ELIMINATE VACANT POSITIONS**

41 **"SECTION 31.4.** Notwithstanding any provision of this act or of the Committee Report
42 described in Section 39.2 of this act to the contrary, for the 2018-2019 fiscal year, the Department
43 of Administration is authorized to eliminate vacant positions in the Department to reduce the
44 Department's operating expenses by the sum of fifty-seven thousand three hundred eighty-six
45 dollars (\$57,386) in recurring funds. The Department is not required to eliminate the Processing
46 Assistant V position (60014389)."

47 **SECTION 6.3.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part
48 XXXI of that act is amended by adding a new section to read:

49 **"FUNDS FOR HUMAN TRAFFICKING COMMISSION**

50 **"SECTION 31.5.** Notwithstanding any provision of this act or of the Committee Report
51 described in Section 39.2 of this act to the contrary, the sum of one million five hundred thousand

1 dollars (\$1,500,000) in nonrecurring funds appropriated in this act to the Department of
2 Administration for the 2018-2019 fiscal year as a grant-in-aid to the North Carolina Coalition
3 Against Sexual Assault is instead appropriated to the Administrative Office of the Courts for the
4 2018-2019 fiscal year to be allocated to the North Carolina Human Trafficking Commission to
5 be used for victim services. The Administrative Office of the Courts may use up to ten percent
6 (10%) of these funds for administrative purposes."

7 **SECTION 6.4.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XXI
8 of that act is amended by adding a new section to read:

9 **"TRANSFER ADDITIONAL FUNDS FROM ESCHEATS FUND FOR VA**
10 **SCHOLARSHIPS**

11 **"SECTION 21.2.** The Department of State Treasurer shall transfer to the Department of
12 Military and Veterans Affairs the sum of two million four hundred thousand dollars (\$2,400,000)
13 in nonrecurring funds for the 2018-2019 fiscal year from the Escheats Fund for scholarships for
14 the children of veterans. These funds are hereby appropriated."

15 **SECTION 6.5.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part XIX
16 of that act is amended by adding a new section to read:

17 **"PROVIDE GRANT-IN-AID TO VETERANS LIFE HOME**

18 **"SECTION 19.4.** Notwithstanding G.S. 143B-1293(b), the sum of five hundred thousand
19 dollars (\$500,000) in nonrecurring funds for 2018-2019 fiscal year is transferred from the North
20 Carolina Veterans Home Trust Fund to the Office of State Budget and Management to provide a
21 grant-in-aid to The Veterans Leadership Council of North Carolina-Cares to be used for the
22 Veterans Life Center in Butner. To the extent any of the funds described in this section are
23 deemed unappropriated, the funds are appropriated for the purpose set forth in this section."
24

25 **PART VII. TRANSPORTATION**

26 **SECTION 7.1.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
27 G.S. 136-44.2(f1)(2)b. reads as rewritten:

28 "b. Funds appropriated from the Highway Fund for the construction
29 programs of the Department, consisting of funds for secondary
30 construction, access and public service roads, spot safety
31 improvement, ~~contingency~~, small urban construction, and economic
32 development programs."

33 **SECTION 7.1.(b)** This section becomes effective June 30, 2018.

34 **SECTION 7.2.** If Senate Bill 99, 2017 Regular Session, becomes law, then
35 notwithstanding any provision in that act or in the Committee Report described in Section 39.2
36 of that act to the contrary, the revised total requirements for the Public Transportation Division
37 of the Department of Transportation is one hundred twenty-four million seventy-two thousand
38 six hundred ninety-nine dollars (\$124,072,699).

39 **SECTION 7.3.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
40 34.16 of that act is amended by adding a new subdivision to read:

41 "(6) The U.S. 221/U.S. 421 Overpass in the Community of Deep Gap in Watauga
42 County as the "Sgt. Dillon C. Baldrige Bridge"."

43 **SECTION 7.4.(a)** If Senate Bill 99, 2017 Regular Session, becomes law,
44 G.S. 160A-307.1, as amended by Section 34.18(a) of that act, reads as rewritten:

45 **"§ 160A-307.1. Limitation on city requirements for street improvements related to schools.**

46 A city may only require street improvements related to schools that are required for safe
47 ingress and egress to the municipal street system and that are physically connected to a driveway
48 on the school site. The required improvements shall not exceed those required pursuant to
49 G.S. 136-18(29). G.S. 160A-307 shall not apply to schools. A city may only require street
50 improvements related to schools as provided in G.S. 160A-372. The cost of any improvements
51 to the municipal street system pursuant to this section shall be reimbursed by the city. Any

1 agreement between a school and a city to make improvements to the municipal street system
2 shall not include a requirement for acquisition of right-of-way by the school, unless the school is
3 owned by an entity that has eminent domain power. Any right-of-way costs incurred by a school
4 for required improvements pursuant to this section shall be reimbursed by the city.
5 ~~Notwithstanding any provision of this Chapter to the contrary, a city may not condition the~~
6 ~~approval of any zoning, rezoning, or permit request on the waiver or reduction of any provision~~
7 ~~of this section.~~ The term "school," as used in this section, means any facility engaged in the
8 educational instruction of children in any grade or combination of grades from kindergarten
9 through the twelfth grade at which attendance satisfies the compulsory attendance law and
10 includes charter schools authorized under G.S. 115C-218.5."

11 **SECTION 7.4.(b)** This section is effective when it becomes law and applies
12 retroactively to August 1, 2017. Any ordinance, resolution, regulation, or policy in effect on or
13 after August 1, 2017, affected by the amendment to G.S. 160A-307.1 in Senate Bill 99, 2017
14 Regular Session, that was nullified pursuant to Section 34.18(c) of that act, is reinstated.

15 **SECTION 7.5.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
16 G.S. 136-189.11(d1), as enacted by Section 34.7(a) of that act, reads as rewritten:

17 "(d1) Additional Requirement for High-Cost Projects. – ~~A State funding may not be~~
18 ~~expended for a light rail project is ineligible for scoring, prioritization, and State funding~~ until a
19 written agreement is provided to the Department establishing that all non-State funding necessary
20 to construct the project has been ~~secured~~ committed."

21 **SECTION 7.5.(b)** If Senate Bill 99, 2017 Regular Session, becomes law, then
22 Section 34.7(b) of that act is repealed.

23 **SECTION 7.5.(c)** If Senate Bill 99, 2017 Regular Session, becomes law, then
24 G.S. 136-189.10(3)g. reads as rewritten:

25 "g. Public transportation service that spans two or more counties and that
26 serves more than one municipality. Programmed funds pursuant to this
27 sub-subdivision shall not exceed ten percent (10%) of any distribution
28 region allocation. This sub-subdivision includes commuter rail,
29 intercity rail, and light rail. Total State funding for a commuter rail or
30 light rail project shall not exceed the lesser of ten percent (10%) of the
31 distribution region allocation or ten percent (10%) of the estimated
32 total project costs used during the prioritization scoring process. The
33 State shall not be responsible or liable for any project costs in excess
34 of the maximum established under this sub-subdivision. Any
35 agreement entered into by the State to fund a commuter rail or light
36 rail project shall include language setting out the limitations set forth
37 in this sub-subdivision."

38 **SECTION 7.5.(d)** Notwithstanding any provision of G.S. 136-189.10(3)g., as
39 amended by subsection (c) of this section, to the contrary, State funding for the Durham-Orange
40 Light Rail Project (Project) (STIP Number TE-5205) shall not exceed the sum of one hundred
41 ninety million dollars (\$190,000,000).

42 **SECTION 7.5.(e)** Unless both of the following requirements are met, the
43 Department of Transportation shall remove the Project from the current and any future State
44 Transportation Improvement Program:

- 45 (1) All non-State and non-federal funding for the Project must be committed by
46 April 30, 2019. Contractual agreements for private funds and proof of
47 adequate tax revenue verifying that all non-State and non-federal funding for
48 the project has been committed by April 30, 2019, must be provided to the
49 Department.
- 50 (2) A written agreement is provided to the Department in accordance with
51 G.S. 136-189.11(d1), as enacted by Section 34.7(a) of Senate Bill 99, 2017

1 Regular Session, and amended by subsection (a) of this section, by November
2 30, 2019, for the Project.

3 **SECTION 7.5.(f)** Any funds resulting from a removal required under subsection (e)
4 of this section shall be expended by the Department in accordance with the provisions of Article
5 14B of Chapter 136 of the General Statutes.

6 **PART VIII. SALARIES AND BENEFITS**

7 **SECTION 8.1.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
8 G.S. 20-185.1, as enacted by that act, reads as rewritten:

9 **"§ 20-185.1. Trooper training; reimbursement.**

10 (a) Trooper Training Reimbursement. – ~~The Trooper Training Reimbursement Program~~
11 ~~(Program) is established. The purpose of the Program is to recruit, prepare, and support~~
12 ~~individuals to become and remain members of the Highway Patrol by providing forgivable loans~~
13 ~~to recipients to cover the cost of their training, which is set herein as tuition in the amount of~~
14 ~~thirty-six thousand dollars (\$36,000) per cadet.~~The training of State Troopers is a substantial
15 investment of State resources that provides individuals with skills that are transferable to other
16 law enforcement opportunities. The State may require an individual to agree in writing to
17 reimburse a portion of the training costs incurred if the individual completes the training and
18 becomes a State Trooper but does not remain a State Trooper for 36 months. The portion of the
19 State's cost to be reimbursed is thirty-six thousand dollars (\$36,000), less one thousand dollars
20 (\$1,000) for each month an individual served as a State Trooper and member of the State
21 Highway Patrol.

22 (b) Administration. – ~~The Secretary of Public Safety shall perform all of the~~
23 ~~administrative functions necessary to implement the Program, reimbursement agreements~~
24 ~~required by this section, including rule making, disseminating information, implementing~~
25 ~~forgivable loan agreements, loan monitoring, loan cancelling through service and collection,~~
26 ~~determining the acceptability of service repayment agreements, enforcing the agreements, and~~
27 ~~all other functions necessary for the execution, payment, and enforcement of reimbursement~~
28 ~~agreements and promissory notes required under this section.~~implementing contracts, and taking
29 other necessary actions.

30 (b) Training Reimbursement Agreement. – ~~Each forgivable loan authorized by this~~
31 ~~section shall be evidenced by execution of a reimbursement agreement and a note made payable~~
32 ~~to the State that may bear interest at a rate not to exceed ten percent (10%) per year, as set by the~~
33 ~~Secretary of Public Safety.~~

34 (c) Loan Forgiveness and Hardships. – ~~The loan and any interest accrued on the loan~~
35 ~~shall be forgiven if the recipient serves a total of 36 months as a member of the Highway Patrol.~~
36 ~~The Secretary of Public Safety shall also forgive the loan.~~No contract shall be enforced under
37 this section if the Secretary finds that it is impossible for the recipient individual to serve as a
38 member of the State Highway Patrol due to death, health-related reasons, or other hardship.

39 (d) Loan Repayment Requirements. – ~~A forgivable loan may be terminated upon the~~
40 ~~recipient's withdrawal from the training program or by the recipient's failure to meet the standards~~
41 ~~set for cadets. If a recipient separates from the Highway Patrol before 36 months of service~~
42 ~~following completion of the training program, then either:~~Law Enforcement Agency
43 Requirements. – If a State Trooper separates from the State Highway Patrol before 36 months of
44 service following completion of the training program and the State Trooper is hired within six
45 months of separation from the State Highway Patrol by a municipal law enforcement agency, a
46 Sheriff's office, or a company police agency certified under Chapter 74E of the General Statutes,
47 then that hiring entity is liable to the State in the amount of thirty-six thousand dollars (\$36,000),
48 to be paid in full within 90 days of the date the State Trooper is employed by the hiring entity.
49 No hiring entity shall make any arrangement to circumvent any portion of this subsection.
50

- 1 (1) ~~In the case of a municipal law enforcement agency, a sheriff's office, or a~~
2 ~~company police agency certified under Chapter 74E of the General Statutes~~
3 ~~that hires the recipient away during the 36-month period, that hiring entity is~~
4 ~~liable to the State for the tuition cost of the recipient's training. No hiring entity~~
5 ~~shall make any payment arrangement that circumvents any portion of this~~
6 ~~subsection; or~~
- 7 (2) ~~The recipient is liable to the State for the tuition cost, less one thousand dollars~~
8 ~~(\$1,000) of the debt on the note for each month the recipient served as a~~
9 ~~member of the Highway Patrol, except as otherwise authorized by this~~
10 ~~section."~~

11 **SECTION 8.1.(b)** If Senate Bill 99, 2017 Regular Session, becomes law, then
12 G.S. 105-153.5(b)(13), as enacted by Section 35.25(g) of that act, is repealed.

13 **SECTION 8.1.(c)** If Senate Bill 99, 2017 Regular Session, becomes law, then
14 Section 35.25(h) of that act reads as rewritten:

15 "**SECTION 35.25.(h)** By January 1, 2021, and annually thereafter, the Secretary shall report
16 to the Joint Legislative Oversight Committee on Justice and Public Safety regarding the
17 following:

- 18 (1) ~~Forgivable loans awarded, including demographic information regarding~~
19 ~~recipients.~~The implementation of the trooper training reimbursement
20 agreements required under G.S. 20-185.1.
- 21 (2) ~~Retention and repayment rates.~~The amount of reimbursements received from
22 individuals who did not remain employed as State Troopers for 36 months
23 after completing training and the amount of reimbursements received from
24 other law enforcement agencies, as required under G.S. 20-185.1(d).
- 25 (3) Program outcomes, including the turnover rate for ~~forgivable loan~~
26 ~~recipients.~~individuals employed as State Troopers on and after the date the
27 Department of Public Safety implemented the trooper training reimbursement
28 agreements."

29 **SECTION 8.2.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
30 Section 35.21 of that act reads as rewritten:

31 "**SECTION 35.21.(a)** Effective July 1, 2018, the annual salaries of Correctional Officers
32 and other staff certified by the Criminal Justice Education and Training Standards Commission
33 in the Department of Public Safety, Division of Adult Correction (Division), in effect on June
34 30, 2018, shall be legislatively increased by four percent (4%). Employees in the following
35 positions are eligible to receive the increases provided by this section:

- 36 (1) Correctional officers.
37 (2) Custody supervisors.
38 (3) Prison facility administrators.
39 (4) Food service officers and managers.
40 (5) Case managers.
41 (6) Correctional Programs personnel.

42 "**SECTION 35.21.(a1)** Effective July 1, 2018, the annual salaries of facility maintenance
43 and technician personnel in the Division budgeted in Fund Code 14550-1310, in effect on June
44 30, 2018, shall be legislatively increased by four percent (4%).

45 "**SECTION 35.21.(a2)** The budgeted salaries of vacant positions in the categories listed
46 above are eligible to receive the four percent (4%) increase and the budgeted salaries shall be
47 adjusted accordingly. There is appropriated from the General Fund to the Department of Public
48 Safety, Division of Adult Correction, the sum of one million two hundred forty-seven thousand
49 four hundred eighty-eight dollars (\$1,247,488) for the 2018-2019 fiscal year to support these
50 increases.

1 "SECTION 35.21.(b) The Division shall establish the following minimum salaries for
2 Correctional Officer position classifications, effective July 1, 2018:

- 3 (1) Correctional Officer I – \$33,130.
- 4 (2) Correctional Officer II – \$34,220.
- 5 (3) Correctional Officer III – \$36,598."

6 SECTION 8.2.(b) If Senate Bill 99, Regular Session 2017, becomes law, then that
7 act is amended by adding a new section to read:

8 **"OSHR MINIMUM OF MARKET FUNDING CHANGE**

9 **"SECTION 35.21A.** Notwithstanding any provisions of this act or S.L. 2017-57 to the
10 contrary, funds in the 2018-2019 fiscal year in Budget Code 19005 for the implementation of the
11 OSHR Minimum of Market Adjustment shall be reduced on a recurring basis by nine hundred
12 forty-seven thousand four hundred eighty-eight dollars (\$947,488)."

13 SECTION 8.3. If Senate Bill 99, 2017 Regular Session, becomes law, then Part
14 XXXV of that act is amended by adding a new section to read:

15 **"CERTAIN STATE AGENCIES/CLASSIFICATION AND SALARY**
16 **ADMINISTRATION FLEXIBILITY/PILOT PROGRAM**

17 **"SECTION 35.19A.(a)** During the 2018-2019 fiscal year, notwithstanding G.S. 126-4(1),
18 G.S. 126-4(2), or any other provision of law to the contrary, the Council of State agencies, the
19 Office of State Controller, the Community College System Office, and The University of North
20 Carolina are granted sole authority and discretion to take the following actions concerning
21 classification and salary administration of their respective personnel:

- 22 (1) Classify new positions or reclassify vacant positions within the classification
23 system adopted by the State Human Resources Commission or as otherwise
24 prescribed by law.
- 25 (2) Make hiring decisions based on the flexibility provided under this section.
- 26 (3) Determine the appropriate salary for their respective employees, provided that
27 funding is available within the budgeted salary appropriated to the agency and
28 the salary remains within the minimum and maximum of the salary range
29 associated with the position classification or as otherwise provided by law.

30 The Human Resources Director for each State agency shall ensure that each new hire employed
31 pursuant to the classification and salary administration flexibility granted by this section meets
32 the minimum qualifications for the position. The Office of State Human Resources shall provide
33 assistance to agencies upon request.

34 **"SECTION 35.19A.(b)** The deadline is extended, through June 30, 2019, for the State
35 agencies identified in subsection (a) of this section to submit all post-implementation studies,
36 including all supporting documentation, to the Office of State Human Resources.

37 **"SECTION 35.19A.(c)** By March 1, 2019, the State entities granted classification and salary
38 administration flexibility under this section shall report to the Joint Legislative Commission on
39 Governmental Operations and the Fiscal Research Division on the following:

- 40 (1) The number of classification actions taken under this section.
- 41 (2) The number of salary adjustments made under this section and total additional
42 salary funds awarded.
- 43 (3) A comparison of the number of agency employees recruited from and the
44 number of agency employees hired by cabinet agencies.
- 45 (4) Impact of the classification and salary administration flexibility on agency
46 operations, including, but not limited to:
 - 47 a. Hiring time line.
 - 48 b. Recruitment of candidates.
 - 49 c. Retention of key personnel.
- 50 (5) Any remaining position classification disagreements with the Office of State
51 Human Resources.

1 (6) Whether the program should be extended and any recommended adjustments
2 to the program."

3 **SECTION 8.4.** If Senate Bill 99, 2017 Regular Session, becomes law, then Part
4 XXXV of that act is amended by adding a new section to read:

5 **"STATE TROOPER INCREASE/ELIGIBILITY FOR SALARY ADJUSTMENTS**

6 "SECTION 35.25A. No State employee employed in the Department of Public Safety, State
7 Highway Patrol, shall be denied an increase authorized by this act based upon a prior infraction
8 or a pending disciplinary action unless the employee has an active disciplinary action related to
9 grossly inefficient job performance which resulted in 10 or more days of unpaid suspension."

10
11 **PART IX. CAPITAL**

12 **SECTION 9.1.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
13 Section 36.7 of that act is amended by adding the following new subsections to read:

14 "SECTION 36.7.(d) The General Assembly authorizes the Department of Military and
15 Veterans Affairs to fund the construction of two new State veterans homes located in the Triangle
16 and Triad Regions with funds available to it from the North Carolina Veterans Home Trust Fund
17 established under G.S. 143B-1293 in an amount not to exceed twenty-seven million two hundred
18 twenty-three thousand five hundred sixty dollars (\$27,223,560). The funds shall be used to
19 provide the required State match for federal funding of the veterans home construction projects,
20 and the matching funds and any federal dollars received for that purpose are hereby appropriated.

21 "SECTION 36.7.(e) Notwithstanding any provision of this act to the contrary, of the funds
22 carried forward for the Manteo Old House Channel, Section 204 CAP in Section 36.3(b) of this
23 act, the Department shall allocate the sum of three hundred thousand dollars (\$300,000) to the
24 North Carolina Wildlife Habitat Foundation for the Oyster Highway project on the New River in
25 Onslow County. The Foundation shall report on its use of the funds allocated by this section no
26 later than September 1, 2019, to the Joint Legislative Oversight Committee on Agriculture and
27 Natural and Economic Resources and the Fiscal Research Division.

28 "SECTION 36.7.(f) Notwithstanding any provision of this act to the contrary, of the funds
29 carried forward for the Manteo Old House Channel, Section 204 CAP in Section 36.3(b) of this
30 act, the Department shall use the sum of one million nine hundred nineteen thousand dollars
31 (\$1,919,000) for maintenance dredging of Range 1 to 4 of the Manteo Channel.

32 "SECTION 36.7.(g) The Department of Military and Veterans Affairs (hereinafter
33 "Department") is authorized to apply for federal funds for the expansion of Sandhills State
34 Veterans Cemetery and Western Carolina State Veterans Cemetery to make site improvements
35 at the cemeteries. The Department is authorized to use the fund balance from Budget Code 23050
36 and any other funds available to the Department, up to eight hundred seventy-four thousand
37 fifty-three dollars (\$874,053) for the required ten percent (10%) match for this grant, and the
38 funds are hereby appropriated for that purpose."

39 **SECTION 9.1.(b)** If Senate Bill 99, 2017 Regular Session, becomes law, then
40 Section 36.3(e) of that act reads as rewritten:

41 "SECTION 36.3.(e) Notwithstanding any other provision of law to the contrary, there shall
42 be no match required for the maintenance dredging of Range 1 to 4 of the Manteo Channel project
43 or the Lindsey Bridge Dam Repair and Stream Restoration project."

44 **SECTION 9.2.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
45 5.6(b) of that act reads as rewritten:

46 "SECTION 5.6.(b) Appropriations. – The sixty million dollars (\$60,000,000) transferred to
47 the State Emergency Response/Disaster Relief Reserve in the General Fund as required by
48 Section 2.2 of this act and subsection (a) of this section are appropriated as follows:

49 ...

50 (5) Housing. – ~~Twenty-five~~ Twenty-four million fourteen ~~nine hundred~~
51 ninety-four thousand seven hundred seventy-six dollars ~~(\$25,014,776)~~

(\$24,994,776) to the Department of Public Safety, Division of Emergency Management, for the following housing-related matters:

(6) Storm debris removal. – Twenty thousand dollars (\$20,000) to the Department of Environmental Quality, Division of Water Resources, to be used to provide a grant-in-aid to Transylvania County for the purpose of storm debris cleanup in streams and rivers in the County."

SECTION 9.3. If Senate Bill 99, 2017 Regular Session, becomes law, then Section 36.2(a), as enacted by that act, reads as rewritten:

"SECTION 36.2.(a) Notwithstanding G.S. 143C-8-10, there is appropriated from the Project Reserve Account, established pursuant to G.S. 143C-8-10, for the 2017-2018 fiscal year, the following amounts for capital improvements:

Capital Improvements – Project Reserve 2017-2018

...	
Department of Natural and Cultural Resources	
Fort Fisher Museum and Visitor Center	7,500,000
Nature Resource Center NC Museum of Natural Sciences Dinosaur project	1,800,000
NC Zoo- Asia/Australia project	2,500,000
NC Museum of History expansion planning	6,500,000
NC Zoo- renovation and rehabilitation	4,500,000
...."	

PART X. INFORMATION TECHNOLOGY

SECTION 10.1.(a) If Senate Bill 99, 2017 Regular Session, becomes law, then G.S. 143B-1373(d)(6), as enacted by that act, reads as rewritten:

"(6) An assessment of the current level of broadband access in the proposed deployment area ~~and the current level of service provided at the point from which broadband deployment will be made.~~area."

SECTION 10.1.(b) If Senate Bill 99, 2017 Regular Session, becomes law, then G.S. 143B-1373(e), as enacted by that act, reads as rewritten:

"(e) Applications shall be made publicly available by posting on the Web site of the Department of Information Technology for a period of at least 30 days prior to award. During the 30-day period, any interested party may submit comments to the Secretary concerning any pending application. A provider of broadband services may submit a protest of any application on the grounds the proposed project covers an area that is not an eligible area under this section. Protests shall be submitted in writing, accompanied by all relevant supporting documentation, and shall be considered by the Office in connection with the review of the application. ~~Protests based upon actual current connection speed in a proposed project area shall not be considered.~~ For applications with filed protests, the Secretary shall issue a written decision to the protesting party at least 15 days prior to the approval of that application."

SECTION 10.2. If Senate Bill 99, 2017 Regular Session, becomes law, then Part XXXVII of that act is amended by adding a new section to read:

"FIRSTNET FUNDING CHANGES

"SECTION 37.6. Notwithstanding any other provision of law or a provision of the Committee Report described in Section 39.2 of this act to the contrary, for the 2018-2019 fiscal year, the net appropriation to FirstNet in Fund Code 1735 is reduced by three hundred thousand dollars (\$300,000) and the revised net appropriation to FirstNet for the 2018-2019 fiscal year is three hundred eighty-six thousand nine hundred thirty-five dollars (\$386,935)."

1 **SECTION 10.3.** If Senate Bill 99, 2017 Regular Session, becomes law, then Section
2 37.4(b), as enacted by that act, reads as rewritten:

3 "**SECTION 37.4.(b)** For any services for which a bill is or has been rendered at any time
4 prior to 180 days following the effective date of this section, whether under G.S. 143B-1403 or
5 its predecessors as previously codified, no subscriber or communications service provider shall
6 be liable to any person or entity for billing or remitting a different number of 911 service charges
7 than is required by Part 10 of Article 15 of Chapter 143B of the General ~~Statutes~~Statutes, as
8 clarified by subsection (a) of this section. Subsection (a) of this section is intended as a
9 clarification of existing law."

10 **SECTION 10.4.** If Senate Bill 99, 2017 Regular Session, becomes law,
11 G.S. 143B-1325(d), as amended by Section 37.5(c) of that act, reads as rewritten:

12 "(d) Report on Transition Planning. – The Community College System Office, the
13 Department of Public Instruction, and the Bipartisan State Board of Elections and Ethics
14 Enforcement shall work with the State CIO to plan their transition to the Department. The
15 information technology transfer and consolidation from the Department of Revenue to the
16 Department shall not take place until the Secretary of the Department of Revenue determines that
17 the system and data security of the Department meets the heightened security standards required
18 by the federal government for purposes of sharing taxpayer information. By October 1, 2018,
19 ~~these agencies, the Department of Public Instruction and the Bipartisan State Board of Elections~~
20 and Ethics Enforcement, in conjunction with the State CIO, shall report to the Joint Legislative
21 Oversight Committee on Information Technology and the Fiscal Research Division on their
22 respective transition plans. By October 1, 2019, the Community College System Office, in
23 conjunction with the State CIO, shall report to the Joint Legislative Oversight Committee on
24 Information Technology and the Fiscal Research Division on its transition plan."

25 26 **PART XI. FINANCE**

27 **SECTION 11.1.** If Senate Bill 99, 2017 Regular Session, becomes law, then
28 G.S. 160A-690(b)(1), as enacted by Section 38.8(b) of that act, reads as rewritten:

29 "(1) For a public school located inside the city limits, for capital, for current
30 operating ~~expenses~~expenses, or for other specific uses directed by the city.
31 Funds appropriated by cities in accordance with this subdivision may be used
32 to enter into operational and financing leases for real property or mobile
33 classroom units for use as school facilities for public schools and may be used
34 for payments on loans made to public schools for facilities, equipment, or
35 operations. However, municipal appropriations shall not be used to obtain any
36 other interest in real property or mobile classroom units. Every contract or
37 lease into which a public school enters involving a municipal appropriation
38 pursuant to this section shall include the following sentence: "No indebtedness
39 of any kind incurred or obligation created by the public school shall constitute
40 an indebtedness or obligation of the city, and no indebtedness or obligation of
41 the public school shall involve or be secured by the faith, credit, or taxing
42 power of the city."

43 **SECTION 11.2.(a)** If Senate Bill 99, 2017 Regular Session, becomes law, then
44 G.S. 105-130.4(l)(3), as amended by Section 38.2(c) of that act, reads as rewritten:

45 "(3) Other sales are in this State if any of the following occur:
46 a. The receipts are from real or tangible personal property located in this
47 State, and includes receipts from incidental services sold as part of, or
48 in connection with, the sale of tangible personal property in this State.
49 b. The receipts are from intangible property ~~to the extent the intangible~~
50 property is used and are received from sources within this State.

- 1 c. The receipts are from services and the income-producing activities are
2 in this State. For the purposes of this subdivision, an
3 "income-producing activity" means an activity directly performed by
4 the taxpayer or its agents for the ultimate purpose of generating the
5 sale of the service. Receipts from income-producing activities
6 performed within and without this State are attributed to this State in
7 proportion to the income-producing activities performed in this State
8 to total income-producing activities performed everywhere that
9 generate the sale of service."

10 **SECTION 11.2.(b)** If Senate Bill 99, 2017 Regular Session, becomes law, then this
11 section becomes effective at the same time as Senate Bill 99.

13 **PART XII. STUDY/FAIR TREATMENT OF COLLEGE ATHLETES**

14 **SECTION 12.1.(a)** The Legislative Commission on the Fair Treatment of College
15 Student-Athletes is created. The purpose of the Commission is to examine the needs and concerns
16 of college students participating in athletics on behalf of the constituent institutions of The
17 University of North Carolina and to propose appropriate legislation where needed to implement
18 the objectives of this Commission.

19 **SECTION 12.1.(b)** The Commission shall consist of six members of the Senate,
20 appointed by the President Pro Tempore of the Senate with political parties represented in
21 proportion to the legislative makeup, and six members of the House of Representatives,
22 appointed by the Speaker of the House of Representatives with political parties represented in
23 proportion to the legislative makeup.

24 Vacancies on the Commission shall be filled by the same appointing authority that
25 made the initial appointment.

26 **SECTION 12.1.(c)** The Lieutenant Governor shall be an ex officio voting member
27 and shall also serve as the chair of the Commission. The Commission shall meet upon the call of
28 the chair.

29 **SECTION 12.1.(d)** A quorum shall be a majority of the Commission members.

30 **SECTION 12.1.(e)** The Commission shall study issues related to the provision of
31 health insurance, sports injuries and non-sports injuries, and profit-sharing for student athletes.
32 In its study, the Commission shall consider all of the following:

- 33 (1) Physical and mental health and safety concerns arising out of participation in
34 athletic competition or resulting from injuries sustained during athletic
35 competition, including, but not limited to, concussions and other
36 life-impacting injuries.
- 37 (2) Long-term physical and mental health and wellness issues grounded in
38 participation in athletic competition but not manifesting until later in an
39 athlete's life and the ability of former athletes to receive adequate long-term
40 treatment for these issues.
- 41 (3) The need for full-time enrolled college students to have adequate time to
42 devote to educational responsibilities separate and apart from time demands
43 for athletic competition.
- 44 (4) Educational opportunities for choosing majors and classes consistent with the
45 nonathletic participating students' opportunities at a constituent institution,
46 including, but not limited to, academic choices and extracurricular abilities to
47 participate in internships and study abroad.
- 48 (5) The right to receive academic instruction from qualified faculty members at
49 the constituent institutions and to be taught at an academic level consistent
50 with the standards of accredited higher education institutions.

- 1 (6) The right to a fair and impartial hearing and the right to be independently
2 represented before being disciplined for alleged eligibility rules violations by
3 any school, conference, or membership association governing participation in
4 college athletics.
- 5 (7) In exchange for his or her participation on behalf of any constituent institution,
6 a fair and adequate financial aid or scholarship assistance package to the
7 extent financial aid or scholarship sources are provided to selected students in
8 exchange for their participation on institutional athletic teams.
- 9 (8) Consideration of remuneration or profit-sharing for student athletes for the use
10 by institutional or commercial entities of the students' image, or other
11 identifiable source, such as television rights or collegiate apparel that produce
12 commercial profit for the institutions, membership associations, or
13 commercial entities.
- 14 (9) The right of students participating in college athletics to be adequately
15 represented by attorneys, agents, or financial advisors throughout their college
16 careers (as do all other students) without being subject to losing their
17 eligibility to participate in college athletics.
- 18 (10) A review of regulatory rules and punishments imposed on student athletes by
19 any governing membership organization, including, but not limited to, the
20 National Collegiate Athletic Association, that limits a student's ability to
21 transfer between schools, or participate on college athletic teams by restricting
22 the student's ability to engage in outside work or compensatory services.
- 23 (11) The obligation of the university to provide the means for a student-athlete to
24 finish their academic requirements to obtain an undergraduate degree after
25 their athletic eligibility or athletic scholarship has expired.
- 26 (12) Any other issue the Commission deems relevant based on testimony or
27 evidence presented to the Commission.

28 **SECTION 12.1.(f)** The Commission, while in the discharge of its official duties,
29 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through
30 G.S. 120-19.4. The Commission may meet in the Legislative Building or the Legislative Office
31 Building. Members of the Commission shall receive subsistence and travel expenses at the rates
32 set forth in G.S. 120-3.1 or G.S. 138-6, as appropriate.

33 The Legislative Services Commission, through the Legislative Services Officer, shall
34 assign professional staff to assist the Commission in its work. The Director of Legislative
35 Assistants of the House of Representatives and the Director of Legislative Assistants of the
36 Senate shall assign clerical support to the Task Force. The Commission may contract for
37 professional, clerical, or consultant services, as provided by G.S. 120-32.02.

38 **SECTION 12.1.(g)** The Commission shall submit a report on the results of its study,
39 including any proposed legislation, by March 1, 2019, to the members of the Senate and the
40 House of Representatives by filing a copy of the report with the Office of the President Pro
41 Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the
42 Legislative Library. The Commission shall terminate on March 1, 2019, or upon the filing of its
43 report, whichever occurs first.

44
45 **PART XII. EFFECTIVE DATE**

46 **SECTION 12.** Except as otherwise provided, this act becomes effective July 1, 2018.