



**STATE OF NORTH CAROLINA**  
**OFFICE OF STATE BUDGET AND MANAGEMENT**  
**Employment First State for Individuals with Disabilities**

ROY COOPER  
GOVERNOR

CHARLES PERUSSE  
STATE BUDGET DIRECTOR

February 19, 2020

**MEMORANDUM**

TO: Department Heads and Chief Fiscal Officers  
State Departments, Agencies and Institutions

FROM: Charles Perusse *Charles Perusse*  
State Budget Director

SUBJECT: Summary Mini-Appropriation Bills from the 2019 Legislative Session for the 2019-2021 Biennium: H.B. 961 (S.L. 2019-192); H.B. 609 (S.L. 2019-208); H.B. 226 (S.L. 2019-209); H.B. 126 (S.L. 2019-210); H.B. 777 (S.L. 2019-211); H.B. 29 (S.L. 2019-221); H.B. 75 (S.L. 2019-222); S.B. 118 (S.L. 2019-223); S.B. 429 (S.L. 2019-224); H.B. 1001 (S.L. 2019-229); H.B. 387 (S.L. 2019-230); H.B. 100 (S.L. 2019-231); S.B. 61 (S.L. 2019-235); H.B. 399 (S.L. 2019-237); S.B. 683 (S.L. 2019-239); S.B. 537 (S.L. 2019-240); H.B. 111 (S.L. 2019-242); H.B. 377 (S.L. 2019-247); H.B. 200 (S.L. 2019-250); and S.B. 356 (S.L. 2019-251)

During the 2019 legislative session of the General Assembly, several mini-appropriation bills were enacted into law which established the current 2019-21 biennial budget. These individual Acts contain appropriations and special provisions that affect specific agencies and in some cases all state agencies. These bills may be downloaded from the General Assembly's website at (<http://www.ncleg.net>).

The purpose of this memorandum is to advise you of special provisions and monetary items that are contained in each mini-appropriation bill. It is not intended to replace an agency's responsibility to review all legislation that may have an impact on an agency's general statutes and/or operations.

**Session Law 2019-192, House Bill 961**

An Act to provide for certain federal funding

**GENERAL PROVISIONS**

**SECTION 1.1.(b)**

This subsection adds a requirement for information to be included in Block Grant Plans. Each plan shall include the required amount of maintenance of effort and the amount of funds qualifying for maintenance of effort in the previous year delineated by program or activity.

## **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) FUNDS**

### **SECTION 1.1.(k)**

This subsection allows the Department of Health and Human Services, Division of Public Health to use \$500,000 of the \$3,450,000 allocated in TANF funds for teen pregnancy prevention initiatives to be used to provide services for youth in foster care or the juvenile justice system for each year of the 2019-21 fiscal biennium.

### **SECTION 1.1.(k1)**

This subsection appropriates \$4,100,000 in recurring funds for the 2019-20 fiscal year and an additional \$6,100,000 in recurring funds for the 2020-21 fiscal year from TANF funds to NC Pre-K but leaves the total requirements for NC Pre-K unchanged.

### **SECTION 1.1.(k2)**

This subsection appropriates \$5,400,000 in nonrecurring funds for the 2019-20 fiscal year and an additional \$12,600,000 in nonrecurring funds for the 2020-21 fiscal year from TANF funds to the Child Care Subsidy program but leaves the total requirements for the Child Care Subsidy program unchanged.

## **SOCIAL SERVICES BLOCK GRANT**

### **SECTION 1.1.(t)**

This subsection allows the Department of Health and Human Services, Division of Aging and Adult Services to use \$893,041 of the funds appropriated in the Social Services Block Grant for Adult Protective Services to increase the number of Adult Protective Services workers.

## **MATERNAL AND CHILD HEALTH BLOCK GRANT**

### **SECTION 1.1.(ff)**

This subsection appropriates \$348,558 in nonrecurring funds from the General Fund to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services for the 2019-20 fiscal year to be used for the Suicide Prevention Lifeline. This subsection was repealed in S.L. 2019-242.

## **PART III. STATE REVOLVING INFRASTRUCTURE FUNDS**

### **SECTION 3.1**

This subsection appropriates funds for the 2019-21 fiscal biennium from the General Fund to the Department of Environmental Quality and allocates them to the Division of Water Infrastructure to match maximum available federal funds for the Clean Water and Drinking Water State Revolving Fund.

## **Session Law 2019-208, House Bill 609**

An Act awarding legislatively mandated salary increases and special annual leave to state adult correctional facility employees

## **APPROPRIATION**

### **SECTION 1**

This section appropriates \$35,914,734 in FY 2019-20 and \$56,829,468 in FY 2020-21 recurring to the Department of Public Safety for compensation increases for state adult correctional facility employees. Of these funds, \$15,000,000 is designated to provide salary supplements to employees in high-need correctional facilities per Part IV of this act. This section also appropriates agency receipts needed to implement the legislatively mandated increase.

## **ELIGIBLE EMPLOYEES AWARDED LEGISLATIVE SALARY INCREASES / EFFECTIVE JULY 1, 2019 AND JULY 1, 2020**

### **SECTION 2**

This section provides for salary increases for state adult correctional facility employees for the 2019-21 biennium. Employees who are employed in a state-funded position on June 30 of 2019 and 2020 respectively are eligible for increases of 2.5% in each year of the biennium. Part-time employees are also eligible for the increase (on a prorated basis).

Funds appropriated for legislatively mandated salary increases may not be used to adjust the budget salary of vacant positions, to provide salary increases in excess of those required by the General Assembly, or to increase the budgeted salary of filled positions to the minimum of the positions respective salary range unless otherwise provided by law.

Funds in excess of those needed to implement the legislatively mandated salary increases shall be credited to the Pay Plan Reserve. The Office of State Budget and Management is required to report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on expenditure of funds appropriated for legislatively mandated salary increases and funds credited to the Pay Plan Reserve no later than May 1, 2020 and May 1, 2021 respectively.

## **CONTINUE CORRECTIONAL OFFICERS/CUSTODY-BASED PAY DIFFERENTIAL**

### **SECTION 3**

This section continues the custody-based pay differential for employees temporarily required to staff a higher custody facility. The pay differential shall be applied to their base salary for the period an employee works at the higher custody level facility as follows:

- 1) For employees assigned to minimum custody facilities that are required to staff medium custody facilities, the pay differential is ten percent (10%).
- 2) For employees assigned to medium custody facilities that are required to staff close custody facilities, the pay differential is ten percent (10%).
- 3) For employees assigned to minimum custody facilities that are required to staff close custody facilities, the pay differential is twenty percent (20%).

## **CORRECTIONAL FACILITY HIGH-NEED SALARY SUPPLEMENTS**

### **SECTION 4**

This section establishes flat-dollar salary supplements, payable monthly, for Department of Public Safety employees serving in correctional facilities having the highest number of vacant positions. The supplement can be received for up to a two-year period. The minimum base

supplement shall be \$2,500.

This section establishes three levels of high-need facilities based on staffing difficulty as measured by the vacancy rate for at least 12 months in the prior biennium:

- 1) Level I – If the correctional facility had a vacancy rate of at least twenty percent (20%), employees shall receive a salary supplement equal to the base supplement rate.
- 2) Level II – If the correctional facility had a vacancy rate of at least twenty-five percent (25%), employees shall receive a salary supplement equal to twice the base rate.
- 3) Level III – If the correctional facility had a vacancy rate of at least thirty percent (30%), employees shall receive a salary supplement equal to three times the base rate.

## **SPECIAL ANNUAL LEAVE**

### **SECTION 5**

This section provides a one-time additional five-days of annual leave to full-time, permanent adult correctional facility employees, who are employed as of July 1, 2019 and eligible to earn annual leave. This leave must be accounted for separately in the same manner as the leave provided in Section 35.26 of S.L 2018-5.

The leave shall remain available during the length of the employee's employment, notwithstanding any other limitation on the total number of days of annual leave that may be carried forward. The additional leave awarded under this section has no cash value and is not eligible for cash in.

The special annual leave granted by S.L. 2019-208 has the same stipulations as the leave provided by S.L. 2018-5, Sec. 35.26, retaining the provision that any vacation leave remaining on December 31 of each year in excess of 30 days shall be reduced by the number of Sec. 35.26 and Sec. 5 bonus days that were actually used by the employee during the year. Thus, the number of days that would convert to sick leave shall reflect a deduction in the amount of the number of Sec. 35.26 or Sec. 5 special annual leave used by the employee during the year. No employee may be required to use the additional leave awarded by this section.

## **STATE BUDGET ACT APPLICABILITY**

### **SECTION 6**

If any provision of this act and G.S. 143C-5-4, the statutory continuing resolution, are in conflict, the provisions of this act prevail. This act remains in effect until the Current Operations Appropriations Act for the applicable fiscal year becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations Appropriations Act for that fiscal year becomes law, the Budget Director shall adjust allotments to give effect to that act from July 1 of the fiscal year.

## **Session Law 2019-209, House Bill 226**

An Act appropriating funds for the 2019-21 fiscal biennium to award public employee benefits increases and legislatively mandated salary increases to state employees

## **APPROPRIATION**

### **SECTION 1**

This section appropriates \$239,220,554 in FY 2019-20 and \$5,722,705,157 in FY 2020-21 recurring from the General Fund to state agencies and \$9,508,035 in FY 2019-20 and \$22,327,533 in FY 2020-21 recurring from the Highway Fund to the Department of Transportation for compensation increases for state-funded employees. These funds are for a 2.5% salary increase as well as cost increases for the retirement systems and the State Health Plan. This section also appropriates agency receipts needed to implement the legislatively mandated increase.

## **TRANSFERS**

### **SECTION 2**

This section requires two transfers. First, it transfers \$1,249,541 for FY 2019-20 and \$2,700,421 for FY 2020-21 from the Department of Insurance to the General Fund. Second, it requires the transfer of \$41,913 in FY 2019-20 and \$91,132 in FY 2020-21 from the Office of the State Treasurer to the General Fund.

## **ELIGIBLE STATE-FUNDED EMPLOYEES AWARDED LEGISLATIVE SALARY INCREASES/EFFECTIVE JULY 1, 2019, AND JULY 1, 2020**

### **SECTION 3.1**

This section provides for salary increases for state employees for the 2019-21 biennium. Employees who are employed in a state-funded position on June 30 of 2019 and 2020 respectively are eligible for increases of 2.5% in each year of the biennium. Part-time employees are also eligible for the increase (on a prorated and equitable basis); employees whose salary, after applying the legislative increase, would exceed the maximum of the salary range prescribed by the State Human Resources Commission should nonetheless receive the full value of the increase.

For the 2019-21 fiscal biennium, employees of the following entities are not eligible for legislative salary increases under this section:

- 1) Employees of local boards of education.
- 2) Local community college employees.
- 3) Employees of The University of North Carolina.
- 4) Clerks of superior court compensated under G.S. 7A-101.
- 5) Correctional employees to which House Bill 609, 2019 Regular Session, applies.
- 6) Law enforcement officers to which either House Bill 126 or House Bill 777, 2019 Regular Session, applies.
- 7) Employees of schools operated by the Department of Health and Human Services, the Department of Public Safety, and the State Board of Education who are paid based on the Teacher Salary Schedule.

*Note:* Employees paid in accordance with an experience-based step schedule, such as eligible assistant and deputy clerks, magistrates, and State Highway Patrol troopers may

request funds from the Pay Plan Reserve after January 1 of each fiscal year. There is not a direct appropriation to the Pay Plan Reserve.

**ALL STATE SUPPORTED  
PERSONNEL SECTION 3.12**

The legislative salary increases provided in this act do not apply to persons separated from service due to resignation, dismissal, reduction in force, death, or retirement or whose last workday was prior to June 30 of 2019 and/or 2020. Payroll checks issued to employees after July 1 of each year that represent payment of services provided prior to July 1 of each year shall not be eligible for salary increases provided for in this act. This section of the Act applies to all employees paid from state funds, including employees of public schools, community colleges and The University of North Carolina.

**USE OF FUNDS APPROPRIATED FOR LEGISLATIVELY MANDATED INCREASES  
SECTION 3.13**

Appropriations for most employee salary and benefit adjustments are made at the agency level, instead of in a statewide reserve. The first section of this Act details the appropriated reserves to fund legislative increases and benefit adjustments. The Budget Director may reallocate these funds between agencies as needed to ensure that each agency receives sufficient funds. Any recurring funds remaining in the compensation and benefits reserves after this distribution shall be credited to the Pay Plan Reserve. The Office of State Budget and Management is required to report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on expenditure of funds appropriated for legislatively mandated salary increases and funds credited to the Pay Plan Reserve no later than May 1, 2020 and May 1, 2021 respectively.

**SPECIAL ANNUAL LEAVE  
SECTION 3.14**

This section provides a one-time additional five-days of annual leave to full-time, permanent state employees, who are (1) employed as of July 1, 2019, (2) eligible to earn annual leave, (3) not an employees of the University of North Carolina and (4) not an employee to which any of the following 2019 Regular Session bills apply: House Bill 609, House Bill 126, or House Bill 777.

This leave must be accounted for separately in the same manner as the leave provided in Section 35.26 of S.L. 2018-5. The leave shall remain available during the length of the employee's employment, notwithstanding any other limitation on the total number of days of annual leave that may be carried forward. The additional leave awarded under this section has no cash value and is not eligible for cash in. No employee may be required to use the additional leave awarded by this section.

The special annual leave granted by S.L. 2019-208 has the same stipulations as the leave provided by S.L. 2018-5, Sec. 35.26, retaining the provision that any vacation leave remaining on December 31 of each year in excess of 30 days shall be reduced by the number of Sec. 35.26 and Sec. 5 bonus days that were actually used by the employee during the year. Thus, the number of days that would convert to sick leave shall reflect a deduction in the

amount of the number of Sec. 35.26 or Sec. 5 special annual leave used by the employee during the year.

**SALARY-RELATED CONTRIBUTIONS**

**SECTION 3.14**

The General Assembly adopted revised employer contribution rates for the Retirement System for the 2019-21 fiscal biennium as follows:

	<u>FY 2019-20</u>	FY 2020-21
Teachers and State Employees	19.70%	21.44%
Law Enforcement Officers	24.70%	26.44%
University Employees Optional Retirement	13.41%	13.76%
Community College Optional Retirement	13.41%	13.76%
Consolidated Judicial Retirement	40.07%	42.82%
Legislative Retirement	32.93%	35.82%

The annual employer contributions, payable monthly, for each covered employee or retiree for the 2019-21 fiscal biennium to the State Health Plan are as follows:

	<u>FY 2019-20</u>	FY 2020-21
Medicare Eligible Employees and Retirees	\$4,900	\$5,165
Non-Medicare Eligible Employees and Retirees	\$6,306	\$6,647

This section also appropriates funds for the North Carolina Firefighters’ and Rescue Squad Workers’ Pension Fund and the North Carolina National Guard Pension Fund. There is no cost-of-living adjustment for retirees of the Teachers’ and State Employees’ Retirement System, the Consolidated Judicial Retirement System, and the Legislative Retirement System.

**OSC/SAP-SKILLED EMPLOYEES SALARY ADJUSTMENTS**

**SECTION 3.16.**

This section requires the Office of State Controller to use \$215,000 of funds appropriated to the Office to adjust the salaries of SAP-skilled employees closer to eighty-five percent (85%) of the midpoint of average market pay rates.

**SHORT-TERM DISABILITY BENEFITS**

**SECTION 3.17.**

This section states that of the funds appropriated in this Act 0.05% of the estimated General Fund payroll for each entity shall be used to pay short-term disability benefits.

**STATE BUDGET ACT APPLICABILITY**

**SECTION 6**

If any provision of this act and G.S. 143C-5-4, the statutory continuing resolution, are in

conflict, the provisions of this act prevail. This act remains in effect until the Current Operations Appropriations Act for the applicable fiscal year becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations Appropriations Act for that fiscal year becomes law, the Budget Director shall adjust allotments to give effect to that act from July 1 of the fiscal year.

### **Session Law 2019-210, House Bill 126**

An Act awarding legislatively mandated salary increases and special annual leave to Law Enforcement Officers (LEOs) of the State Highway Patrol (SHP)

#### **APPROPRIATION**

##### **SECTION 1**

This section appropriates \$3,600,000 in 2019-20 and \$7,200,000 in 2020-21, on a recurring basis, to the Department of Public Safety to award compensation increases to the SHP. It also appropriates agency receipts needed to implement the legislatively mandated increase.

#### **ELIGIBLE STATE-FUNDED EMPLOYEES AWARDED LEGISLATIVE SALARY INCREASES/EFFECTIVE JULY 1, 2019, AND JULY 1, 2020**

##### **SECTION 2**

This section provides for salary increases for LEOs employed by the SHP for the 2019-21 biennium. LEOs who are employed in a state-funded position on June 30 of 2019 and 2020 respectively are eligible for increases of 2.5% in each year of the biennium, effective July 1, 2019 and July 1, 2020 respectively. Part-time employees are also eligible for the increase (on a prorated and equitable basis).

These increases are only applicable for LEOs who are not paid on the experience-based pay schedule established under Section 3 of this Act. Note that this means that LEOs who joined the SHP after June 30, 2019 are not eligible for a legislative pay increase under the terms of this section; their pay is covered under Section 3.

This section also ensures that all eligible LEOs receive the full 2.5% legislative increase, irrespective of their position on the pay scale; in particular, the maximum of the salary range does not constrain LEOs from receiving the full increase.

Funds appropriated for legislatively mandated salary increases may not be used to adjust the budget salary of vacant positions, to provide salary increases in excess of those required by the General Assembly, or to increase the budgeted salary of filled positions to the minimum of the positions respective salary range unless otherwise provided by law.

Funds in excess of those needed to implement the legislatively mandated salary increases shall be credited to the Pay Plan Reserve. The Office of State Budget and Management is required to report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on expenditure of funds appropriated for legislatively mandated salary increases and funds credited to the Pay Plan Reserve no later than May 1, 2020 and May 1, 2021 respectively.

## **LAW ENFORCEMENT EXPERIENCED-BASED PAY**

### **SECTION 3**

This section creates minimum, entry-level salaries for members of the SHP of \$45,100 in FY 2019-20 and \$46,228 in FY 2020-21.

## **PAY PLAN RESERVE**

### **SECTION 4**

This amends G.S. 143C-4-9(a) – which created the Pay Plan Reserve – to restrict the use of funds in the Pay Plan Reserve to fund statutory and scheduled pay costs when the appropriated funds are insufficient to meet those costs. Previously, this was an entitlement of all members of the SHP subject to salary classes, ranges and longevity pay for service as are applicable to other State employees generally (as set out in G.S. 20-187.3); now, it applies only to troopers of the SHP compensated pursuant to an experience-based salary schedule

## **SPECIAL ANNUAL LEAVE**

### **SECTION 5**

This section provides a one-time additional five-days of annual leave to any person who is employed as a LEO by the SHP as of July 1, 2019 and eligible to earn annual leave. This leave must be accounted for separately in the same manner as the leave provided in Section 35.26 of S.L 2018-5.

The leave shall remain available during the length of the employee's employment, notwithstanding any other limitation on the total number of days of annual leave that may be carried forward. The additional leave awarded under this section has no cash value and is not eligible for cash in.

The special annual leave granted by S.L. 2019-208 has the same stipulations as the leave provided by S.L. 2018-5, Sec. 35.26, retaining the provision that any vacation leave remaining on December 31 of each year in excess of 30 days shall be reduced by the number of Sec. 35.26 and Sec. 5 bonus days that were actually used by the employee during the year. Thus, the number of days that would convert to sick leave shall reflect a deduction in the amount of the number of Sec. 35.26 or Sec. 5 special annual leave used by the employee during the year. No employee may be required to use the additional leave awarded by this section.

## **STATE BUDGET ACT APPLICABILITY**

### **SECTION 6**

If any provision of this act and G.S. 143C-5-4, the statutory continuing resolution, are in conflict, the provisions of this act prevail. This act remains in effect until the Current Operations Appropriations Act for the applicable fiscal year becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations Appropriations Act for that fiscal year becomes law, the Budget Director shall adjust allotments to give effect to that act from July 1 of the fiscal year.

## **EFFECTIVE DATE**

### **SECTION 7**

As the act was eventually signed into law at the end of August 2019, this section applies it retrospectively to become effective as of July 1, 2019.

## **Session Law 2019-211, House Bill 777**

An Act awarding legislatively mandated salary increases and special annual leave to Law Enforcement Officers (LEOs) at the State Bureau of Investigation (SBI) and Alcohol Law Enforcement (ALE)

## **APPROPRIATION**

### **SECTION 1**

This section appropriates \$2,680,000 in FY 2019-20 and \$3,360,000 in FY 2020-21, on a recurring basis, for compensation increases for SBI agents and ALE officers. This section also appropriates agency receipts needed to implement the legislatively mandated increase.

## **LEGISLATIVE SALARY INCREASES EFFECTIVE JULY 2019 AND JULY 2020**

### **SECTION 2**

This section provides for salary increases for LEO employees at the SBI and ALE for the 2019-21 biennium. LEOs who are employed in a state-funded position on June 30 of 2019 and 2020 respectively are eligible for increases of 2.5% in each year of the biennium, effective July 1, 2019 and July 1, 2020 respectively. Part-time employees are also eligible for the increase (on a prorated basis).

These increases are only applicable for LEOs who are not paid on the experience-based pay schedule established under Section 3 of this Act. Note that this means that SBI agents and ALE officers who joined after June 30, 2019 are not eligible for a legislative pay increase under the terms of this section; their pay is covered under Sections 3 and 4.

This section also ensures that all eligible LEOs receive the full 2.5% legislative increase, irrespective of their position on the pay scale; in particular, the maximum of the salary range does not constrain LEOs from receiving the full increase.

Funds appropriated for legislatively mandated salary increases may not be used to adjust the budget salary of vacant positions, to provide salary increases in excess of those required by the General Assembly, or to increase the budgeted salary of filled positions to the minimum of the positions respective salary range unless otherwise provided by law.

Funds in excess of those needed to implement the legislatively mandated salary increases shall be credited to the Pay Plan Reserve. The Office of State Budget and Management is required to report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on expenditure of funds appropriated for legislatively mandated salary increases and funds credited to the Pay Plan Reserve no later than May 1, 2020 and May 1, 2021 respectively.

## **LAW ENFORCEMENT EXPERIENCED-BASED PAY**

### **SECTION 3**

This section creates minimum, entry-level salaries for SBI and ALE agents of \$45,100 in FY 2019-20 and \$46,228 in FY 2020-21. It then sets a stepped pay schedule with annual pay increases of 6.5% which allow an agent of the SBI or ALE to progress from a starting salary of \$45,100 to \$65,807 in six years. It also allows the SBI and ALE to pay more than the scheduled amounts for agents with supervisory responsibilities.

### **PAY SCHEDULE**

#### **SECTION 4**

This section allocates \$2,000,000 of the total appropriation of \$2,680,000 in FY 2019-20 to fund the creation of the experience-based pay schedule set out in Section 3 and forbids the use of the \$2,000,000 to adjust the pay of other SBI or ALE employees. It states that the pay schedule should be adjusted in future to reflect across-the-board legislative or other authorized pay increases and requires the State Human Resources Commission to provide assistance to the SBI and ALE upon request.

### **PAY PLAN RESERVE**

#### **SECTION 5**

This amends G.S. 143C-4-9(a) – which created the Pay Plan Reserve – to add LEOs from the SBI and ALE to the list of employees for whom the Pay Plan Reserve may be used to fund statutory and scheduled pay costs when the appropriated funds are insufficient to meet those costs.

### **SPECIAL ANNUAL LEAVE**

#### **SECTION 6**

This section provides a one-time additional five-days of annual leave to any person who is employed as a LEO at the SBI or ALE as of July 1, 2019 and eligible to earn annual leave. This leave must be accounted for separately in the same manner as the leave provided in Section 35.26 of S.L 2018-5.

The leave shall remain available during the length of the employee's employment, notwithstanding any other limitation on the total number of days of annual leave that may be carried forward. The additional leave awarded under this section has no cash value and is not eligible for cash in.

The special annual leave granted by S.L. 2019-208 has the same stipulations as the leave provided by S.L. 2018-5, Sec. 35.26, retaining the provision that any vacation leave remaining on December 31 of each year in excess of 30 days shall be reduced by the number of Sec. 35.26 and Sec. 5 bonus days that were actually used by the employee during the year. Thus, the number of days that would convert to sick leave shall reflect a deduction in the amount of the number of Sec. 35.26 or Sec. 5 special annual leave used by the employee during the year. No employee may be required to use the additional leave awarded by this section.

## **STATE BUDGET ACT APPLICABILITY**

### **SECTION 7**

If any provision of this act and G.S. 143C-5-4, the statutory continuing resolution, are in conflict, the provisions of this act prevail. This act remains in effect until the Current Operations Appropriations Act for the applicable fiscal year becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations Appropriations Act for that fiscal year becomes law, the Budget Director shall adjust allotments to give effect to that act from July 1, 2019.

### **Session Law 2019-221, House Bill 29**

This Act establishes processes and protocols for testing sexual assault kits, requires a law enforcement agency to notify the North Carolina State Crime Lab of an arrest or conviction resulting from a match to the Combined DNA Index System (CODIS), and appropriates funds to the Department of Justice to cover the costs necessary to implement the Act.

## **ARTICLE 13 OF CHAPTER 15A OF THE GENERAL STATUTES IS AMENDED BY ADDING THE NEW SECTIONS:**

### **SECTION 2**

This section states the General Assembly's intent that every sexual assault examination kit reported to law enforcement in the State must be tested and the inventory of untested sexual assault examination kits in the State must be eliminated. Any entity that collects a sexual assault examination kit must notify the appropriate law enforcement agency within 24 hours. The law enforcement agency must take custody of the kit from the collecting entity within seven days of notification, and must then submit reported kits (collected from someone who consented to participate in the criminal justice process) to the State Crime Lab and unreported kits (collected from someone who has not consented to participate in the criminal justice process) to the Department of Public Safety within 45 days. A law enforcement agency with sexual assault examination kits completed on or before January 1, 2018, must establish a review team to determine the testing priority of each kit according to criteria set forth in the Act. The law enforcement agency must then request testing of the kits determined to have priority status to the State Crime Lab, or a lab approved by the State Crime Lab, and follow this process until all untested kits from that time period have been submitted for testing. Other sexual assault kits collected after January 1, 2018, must be submitted to the State Crime Lab, or other approved crime lab, as soon as practicable. The State Crime Lab, any other approved lab, shall develop DNA profiles to be submitted into the CODIS database and the State DNA database. The Department of Justice, North Carolina Coalition Against Sexual Assault, the North Carolina Victims Assistance Network, and the Conference of District Attorneys shall jointly develop and implement training programs regarding sexual assault investigations to law enforcement agencies and their sexual assault examination kit review teams.

### **SECTION 3**

This section requires a law enforcement agency to notify the State Crime Lab within 15 days of any arrest or conviction that results from a CODIS hit on a submitted DNA sample.

#### **SECTION 4**

This section requires the State Crime Lab to report to the Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2020, on the use of funds appropriated to test sexual assault examination kits.

#### **SECTION 5**

This section appropriates \$3,000,000 in non-recurring funds for FY 2019-20, and \$3,000,000 in non-recurring funds for FY 2020-21, to the Department of Justice to support the testing of sexual assault kits in accordance with the Act.

#### **SECTION 6**

This section authorizes the use of Department of Justice receipts to implement the Act.

### **Session Law 2019-222, House Bill 75**

An Act to appropriate funds for school safety, establish certain school safety grants programs, require the development of a recommended school mental health crisis response program, provide for eight additional agents of the State Bureau of Investigation to support the Behavioral Threat Assessment Program and require annual reports on school resource officers, mental health support personnel, as well as school psychologist and school counselor positions.

#### **PART I. APPROPRIATIONS**

##### **SECTION 1.1**

This section appropriates \$38,833,333 for FY 2019-20 and \$29,800,000 for FY 2020-21 for the costs associated with implementing the school safety provisions of this act.

#### **PART II. SCHOOL RESOURCE OFFICERS REPORT**

##### **SECTION 2.1**

This section modifies G.S. 115C-105.57 to require the Center for Safer Schools to conduct an annual census of school resource officers in each public school unit. The Center will report on the census to the Joint Legislative Education Oversight Committee and the State Board of Education by March 1 of each year.

#### **PART III. SCHOOL SAFETY GRANTS PROGRAMS**

##### **SECTION 3.1**

This section modifies Article 8C of Chapter 115C of the General Statutes requiring the Superintendent of Public Instruction to establish the School Resource Officer Grants Program with the purpose of improving safety in qualifying public school units by providing \$3,000,000 in recurring funds for the 2019-20 fiscal year and \$6,000,000 in recurring funds for the 2020-21 fiscal year for school resource officer grants. This section also provides funding for the 2019 School Safety Grants Program to improve safety in qualifying public school units by providing \$4,500,000 in nonrecurring funds for the 2019-20 fiscal year for students in crisis grants, \$4,500,000 in nonrecurring funds for the 2019-20 fiscal year for school safety training grants and \$6,100,000 in nonrecurring funds for the 2019-20 fiscal year for school safety equipment grants.

## **PART IV. SCHOOL MENTAL HEALTH CRISIS RESPONSE PROGRAM**

### **SECTION 4.1**

This section specifies that the Department of Public Instruction and the Center for Safer Schools, in consultation with the Department of Health and Human Services and the Department of Public Safety, Division of Emergency Management, develop a recommended program for facilitating the temporary transfer of school mental health support personnel from a participating unit to a requesting unit during or after a crisis. The Department will report on the recommended program to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services by March 15, 2020.

## **PART V. SCHOOL MENTAL HEALTH SUPPORT PERSONNEL REPORTS AND FUNDS**

### **SECTION 5.1**

This section amends Article 21 of Chapter 115C of the General Statutes to require annual reports on school mental health support personnel. This section also states that of the funds appropriated to the Department of Public Instruction, \$20,000,000 in recurring funds for the 2019-20 fiscal year and \$23,000,000 in recurring funds for the 2020-21 fiscal year will be allocated to the Instructional Support Allotment. It recommends that any additional funds provided to the instructional support allotment be used to improve student mental health by increasing the number of school mental health support personnel.

## **PART VI. SCHOOL PSYCHOLOGIST AND SCHOOL COUNSELOR POSITION STUDY**

### **SECTION 6.1**

This section specifies that the Department of Public Instruction study and report on school psychologist and school counselor positions.

## **PART VII. STATE BUREAU OF INVESTIGATION BEHAVIORAL THREAT ASSESSMENT POSITIONS**

### **SECTION 7.1**

This section provides funds for eight additional agents at the State Bureau of Investigation to support the Behavioral Threat Assessment (BETA) program and work to identify potential threats to schools and houses of worship.

### **Session Law 2019-223, Senate Bill 118**

An Act (1) appropriating funds for prison safety equipment and information technology security equipment upgrades (2) requiring reporting on prison reform initiative (3) clarifying funds and (4) approving the 2019 to 2022 Temporary Assistance for Needy Families State Plan

## **APPROPRIATIONS FOR PRISON SAFETY**

### **SECTION 1.1**

This section appropriates \$4,471,149 in nonrecurring funds for the 2019-20 fiscal year for prison safety equipment. Funds are to be used for stab resistant vests and exterior carriers

for certified prison staff; erecting security netting over prison fence lines; additional handheld metal detectors; customizable key lock boxes; and for Information Technology security equipment upgrades. Departmental receipts are appropriated for the 2019-20 fiscal year up to the amounts needed to implement these prison safety provisions.

## **PRISON REFORM REPORT**

### **SECTION 1.2**

This section requires that the Department of Public Safety report quarterly beginning November 1, 2019 and continuing quarterly until the end of the 2019-21 fiscal biennium to the Joint Legislative Oversight Committee on Justice and Public Safety on the Department's prison reform initiatives.

## **TANF BENEFIT IMPLEMENTATION**

### **SECTION 3.1**

Beginning October 1, 2019, the General Assembly approved the NC Temporary Assistance for Needy Families State Plan FY 2019-2022 prepared by the Department of Health and Human Services and presented to the General Assembly. The Plan covers October 1, 2019 through September 30, 2022. The Department shall submit the Plan to the United States Department of Health and Human Services. Beaufort, Caldwell, Catawba, Lenoir, Lincoln, Macon, and Wilson are approved as Electing Counties.

Section 3.1.(c) specifies that counties that submitted the letter of intent to remain as an Electing County or to be re-designated as an Electing County and the accompanying 2019-2022 county plan, shall operate under the Electing County budget requirements effective July 1, 2019. All counties referred to in this subsection shall remain under their current county designation through September 30, 2022.

For each year of the 2019-21 fiscal biennium, Electing Counties shall be held harmless to their Work First Family Assistance allocations for the 2018-19 fiscal year, provided that remaining funds allocated for Work First Family Assistance and Work First Diversion Assistance are sufficient for payments made by the Department on behalf of Standard Counties pursuant to G.S. 108A-27.11(b).

If departmental projections of Work First Family Assistance and Work First Diversion Assistance for the 2019-20 fiscal year or the 2020-21 fiscal year indicate that remaining funds are insufficient for Work First Family Assistance and Work First Diversion Assistance payments to be made on behalf of Standard Counties, the Department is authorized to deallocate funds, of those allocated to Electing Counties for Work First Family Assistance in excess of the sums set forth in G.S. 108A-27.11, up to the requisite amount for payments in Standard Counties. Prior to deallocation, the Department shall obtain approval by OSBM. If the allocation is adjusted, a report shall be made to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division.

## **MISCELLANEOUS**

### **SECTION 4.1 & SECTION 4.2**

If House Bill 966, 2019 Regular Session, becomes law, then Sections 9I.2 and 18.15 of that act are repealed. If any provision of this act and G.S. 143C-5-4 are in conflict, the provisions of this act shall prevail. The appropriations and the authorizations to allocate and spend funds in this act shall remain in effect until the Current Operations Appropriations Act for the applicable fiscal year becomes law. When the Current Operations Appropriations Act for that fiscal year becomes law, the Budget Director shall adjust allotments to give effect to that act from July 1 of the fiscal year.

### **Session Law 2019-229, House Bill 1001**

An Act Consistent with House Bill 966 of the 2019 Regular Session providing the resources necessary to implement the legislation known as Raise the Age

### **ALLOCATION OF FULL-TIME ASSISTANT DISTRICT ATTORNEYS**

#### **SECTIONS 1.(a)-1.(c)**

These sections modify G.S. 7A-60(a1) and set forth the new number of full-time district attorneys in each prosecutorial district, reflecting projected need from 2019-2023 as the juvenile population grows. Subsection 1.(a) became effective July 1, 2019, 1.(b) becomes effective July 1, 2020 and 1.(c) becomes effective January 1, 2023.

### **ADDITIONAL DISTRICT COURT JUDGES**

#### **SECTION 2.(a) – 2.(b)**

These sections modify G.S. 7A-133 and list the number of judges by districts and the number of magistrates and additional seats of court by counties. Judgeship terms and election schedules are illustrated in Section 2.(b). Section 2.(c) establishes that Subsection 2.(b) becomes effective July 1, 2019 and Subsection 2.(a) becomes effective January 1, 2021.

### **APPROPRIATIONS TO THE ADMINISTRATIVE OFFICE OF THE COURTS**

#### **SECTION 3**

Section 3.(a) appropriates \$373,191 in recurring funds and \$16,093 in non-recurring funds for FY 2019-20. \$1,366,131 in recurring funds and \$69,503 in non-recurring funds are appropriated for fiscal year 2020-21. The funds shall be used to create seven deputy clerk positions, effective July 1, 2019 and seven district court judge positions, effective January 1, 2021.

Section 3.(b) appropriated \$1,332,252 in each year of the biennium and \$46,362 in non-recurring funds is appropriated in FY 2019-20 to create nine assistant district attorney positions and three district attorney legal assistant positions.

In Section 3.(c) \$879,123 in recurring funds is appropriated for fiscal year 2020-21 to create seven district attorney positions.

## **APPROPRIATION TO THE OFFICE OF INDIGENT DEFENSE SERVICES**

### **SECTION 4**

\$87,681 in recurring funds in fiscal year 2019-20 and \$109,131 in recurring funds in fiscal year 2020-21 are appropriated to Indigent Defense Services for the creation of one full time position, effective October 1, 2019, to provide training and consulting services to private assigned counsel attorneys assigned to juvenile justice cases.

## **APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY**

### **SECTION 5**

This section appropriates \$30,915,431 in fiscal year 2019-20 and \$43,538,704 to the Department of Public Safety in fiscal year 2020-21. The recurring (R) and non-recurring (NR) funds are appropriated for the Division of Juvenile Justice to create 179 new positions to support the implementation of Raise the Age.

Section 5.(1) appropriates \$1420,053 (R) and \$200,000 (NR) in FY 2019-20 and \$1893,404 (R) in FY 2020-21 for 12 FTE for Training, IT/Data Analytics and Human Resources Positions.

Section 5.(2) appropriates \$500,000 (R) and \$40,000 (NR) in FY 2019-20 and \$500,000 (R) in FY 2020-21 for 7 FTE positions for facility maintenance and field support specialists to maintain and support the operations at facilities.

Section 5.(3) appropriates \$593,984 (R) and \$1,044,000 (NR) in FY 2019-20 and \$890,976 (R) in FY 2020-21 for 15 FTE positions, and the purchase of 29 vans.

Section 5.(4) appropriates \$4,500,000 (R) in FY 2019-20 and \$6,700,000 (R) in FY 2020-21 to support operations at all juvenile detention centers across the state.

Section 5.(5) appropriates \$1535,486 (R) and \$322,000 (NR) in FY 2019-20 and \$2,300,000 (R) in FY 2020-21 for 38 FTE positions for the C.A. Dillon Youth Development Center in Butner.

Section 5.(6) appropriates \$350,000 (R) and \$24,914 (NR) in FY 2019-20 and \$500,000 in FY 2020-21 for 4 FTE positions to provide counseling to Juveniles preparing to exit custody.

Section 5.(7) appropriates \$6,500,000 (R) and \$350,000 (NR) in FY 2019-20 and \$11,100,000 (R) in FY 2020-21 for 1 FTE position to manage Level II Statewide Contracts.

Section 5.(8) appropriates \$250,000 (R) and \$80,000 (NR) in FY 2019-20 and \$400,000 (R) in FY 2020-21 for 5 FTE positions to provide administrative support and monitor Juvenile Crime Prevention Council programs.

Section 5.(9) appropriates \$4,250,000 (R) in FY 2019-20 and \$6,661,930 (R) in FY 2020-21 to provide additional funding for county level Juvenile Crime Prevention Councils.

Section 5.(10) appropriates \$3,082,600 (R) and \$1,980,000 (NR) in FY 2019-20 and \$8,700,000 (R) in FY 2020-21 for 97 new court counselors.

Section 5.(11) appropriates \$3,892,394 (R) in each year of the 2019-21 biennium to annualize 65 FTE in the Juvenile Justice Court Services Section.

## **MISCELLANEOUS AND EFFECTIVE DATE**

### **SECTION 7.(c)**

Except as otherwise provided in this act, this act becomes effective July 1, 2019

## **Session Law 2019-230, House Bill 387**

An act to enact changes to the Growing Rural Economies with Access to Technology (G.R.E.A.T.) Program and to provide funding

### **SECTION 1**

This section makes the following changes to G.S. 143B-1373:

- 1) Clarifies and/or redefines various terms;
- 2) Clarifies and/or adjusts the application, award, and protest processes for providers;
- 3) Adjusts project scoring criterion for grants.

### **SECTION 2**

This section rewrites G.S. 143B-1373 to include Tier 2 areas as economically distressed counties that qualify to receive GREAT grants.

### **SECTION 3 and 4**

These sections place limits and rules on how to distribute funds to Tier 1 and Tier 2 counties.

### **SECTION 5**

This section changes G.S. 143B-1373 to allow 1% of appropriated funds to be used for administration.

### **SECTION 7**

This section appropriated from the SCIF to the G.R.E.A.T. fund \$15,000,000 in each fiscal year through the 2028-2029 fiscal year.

## **Session Law 2019-231, House Bill 100**

An act to make additional appropriations, transfers, reductions and other modifications to the Department of Transportation

## **HIGHWAY FUND/USE OF HIGHWAY FUND APPROPRIATIONS**

### **SECTION 3**

This section covers the expansion and reduction line items for the highway and highway trust fund. There is a technical adjustment subsection that instructs the Department of Transportation (DOT) and Office of State Budget and Management (OSBM) to remove duplicate receipts from certification.

## **CAPITAL, REPAIRS, AND RENOVATIONS**

### **SECTION 4.2**

This section contains approved capital and repair and renovation line items.

## **END NORTH CAROLINA RAILROAD DIVIDEND**

### **SECTION 4.4**

This section ends the dividend payment made by the North Carolina Railroad Company.

## **GENERAL AIRPORT FUNDING**

### **SECTION 4.7**

This section allocates non-recurring funding to selected airports.

## **BUDGETING DOT LEGISLATIVE SALARY INCREASES**

### **SECTION 4.8**

This section determines that funds for salary increases must go to the fund that supports the position. Any allocations made must be reported to the Joint Legislative Oversight Committee for Transportation.

## **CODIFY MOBILITY/MODERNIZATION FUND**

### **SECTION 4.12**

This section adds a new article to GS136 creating the Mobility/Modernization Fund. The section also determines how funds are to be distributed to various programs, how the funds are to be spent, and reporting requirements.

## **DMV/ONLINE PERFORMANCE DASHBOARD TO INCLUDE DMV REGISTRATIONS OF HYBRID AND ELECTRIC VEHICLES**

### **SECTION 4.14**

This section instructs the Division of Motor Vehicles (DMV) to expand its performance dashboard to include new tracking for electric and hybrid vehicles.

## **DMV/RFP FOR NEW OFFICE SPACE FOR THE DMV RALEIGH STATE LICENSE PLATE AGENCY AND REPORTS RELATED TO MOVE FROM THE NEW BERN AVENUE BUILDING**

### **SECTION 4.16**

This section instructs the Department of Administration (DOA) to review the inventory of state-owned office space in Raleigh to determine availability of space for a relocation of the Division of Motor Vehicles (DMV) State License Plate Agency (LPA). If no space is available, an RFP to find property is authorized within Raleigh.

## **DMV/ADJUSTMENT OF LPA COMPENSATION**

### **SECTION 4.18**

This section increases the compensation rate for certain transactions completed by LPA's.

## **DMV/DEVELOP DRIVER LICENSE OFFICE STAFFING PLANS**

### **SECTION 4.19**

This section directs the DMV to develop plans for staffing of five day a week and minimum three FTE offices. Options to consider are reallocation of staff and additional costs, hiring additional FTE's, part time FTE's and associated costs, and reallocation of employees from other units in DOT.

## **FERRY TOLL STUDY**

### **SECTION 4.21**

This section directs DOT to study the feasibility of raising ferry tolls for nonresidents.

## **Session Law 2019-235, Senate Bill 61**

An Act, consistent with House Bill 966 of the 2019 Regular Session, to enact a budget for the North Carolina Community College System; to make additional appropriations, transfers, and reductions to the budget of the Community College System; and to make other modifications related to the operations of the Community College System

## **INTRODUCTION**

### **SECTION 1.2**

This section stipulates that the appropriations made in the Act and in S.L. 2019-209 are for the maximum amounts necessary to provide the services and accomplish the purposes described. This section further states that savings shall be affected where the total amounts appropriated are not required to perform these services or accomplish these purposes and the savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law.

## **GENERAL FUND REDUCTION**

### **SECTION 2.2**

This section reduces the total requirements for the Community College System by \$17,361,192 and reduces the receipts by \$12,884,216 for each year of the biennium due to enrollment changes.

## **CONTINGENT GENERAL FUND AGENCY TRANSFER**

### **SECTION 2.3**

This section stipulates that if HB 966 (2019 Regular Session) or some substantially similar legislation becomes law that appropriates \$125,000 in non-recurring funds from the General Fund to the Department of Environmental Quality (DEQ) in FY2019-20 for the Carteret Community College Aquaculture Program, then DEQ will transfer \$125,000 to the Community Colleges System Office for the Shellfish Aquaculture Demonstration Center, a collaboration between NC Sea Grant and Carteret Community college.

## **CODIFY REORGANIZATION AUTHORITY OF COMMUNITY COLLEGES SYSTEM OFFICE**

### **SECTION 3.1**

This section modifies G.S. 115D-3 to codify the authority of the President of the

Community College System to reorganize the system office in accordance with plans and recommendations approved by the State Board of Community Colleges. It further states that if a reorganization is implemented pursuant to this authority, the President shall report by June 30 of the fiscal year the reorganization occurred to the Joint Legislative Education Oversight Committee and the Fiscal Research Division.

## **COMMUNITY COLLEGE TUITION WAIVER/CAMPUS POLICE OF PRIVATE INSTITUTIONS OF HIGHER EDUCATION**

### **SECTION 3.2(a)**

This section modifies G.S. 115D-5(b) to add campus police agencies of private higher education institutions certified by the Attorney General (pursuant to Chapter 74G of the General Statutes) to the list of groups approved for course tuition waivers (curricular and noncurricular) in the Community College System.

## **NC CAREER COACHES/LOCAL MATCHING FUNDS**

### **SECTION 3.3**

This section modifies G.S. 115D-21.5(c) to establish the matching fund rate needed for a community college campus to apply for the NC Career Coaches program, which is determined based on the tier designation of the county where the campus in question is located.

## **ALLOW COMMUNITY COLLEGES TO EARN FTE FOR INSTRUCTION IN LOCAL JAILS**

### **SECTION 3.4**

This section modifies Section 8.3.(b) of S.L. 2010-31 to allow the Community College System to include state and local inmates enrolled in community college courses among their FTE totals for funding purposes.

## **Session Law 2019-237, House Bill 399**

An act to make certain tax changes, to extend certain tax benefits, and to appropriate funds from the collection assistance fee special fund to the Department of Revenue

## **INCOME EXCLUSION FOR IRA DISTRIBUTIONS TO CHARITIES**

### **SECTION 1**

Provides an exclusion of income for Independent Retirement Account (IRA) distributions to charities by taxpayers 70.5 years or older.

## **DEDUCTION FOR AMOUNTS RECEIVED AS ECONOMIC INCENTIVES**

### **SECTION 2**

Provides a North Carolina tax deduction for amounts received as economic incentives to the extent they are included in federal taxable income.

## **EXTEND HISTORIC REHABILITATION TAX CREDIT AND EXPAND THE MILL REHABILITATION TAX CREDIT**

### **SECTION 3**

Extends the North Carolina Historic Rehabilitation Tax Credit through January 1, 2024.  
Expands the Mill Rehabilitation Tax Credit to include credit for rehabilitated railroad stations from January 1, 2019 through January 1, 2022 expenditures.

### **EXTEND SALES TAX EXEMPTION FOR QUALIFYING AIRLINES**

#### **SECTION 4**

Extension of sales tax exemptions for qualifying airlines through January 1, 2024.

### **EXTEND SALES TAX EXEMPTION FOR PROFESSIONAL MOTORSPORTS**

#### **SECTION 5**

Extension of sales tax exemptions for professional motorsports teams through January 1, 2024.

### **DRY CLEANING SOLVENT PROGRAM EXTENSION**

#### **SECTION 6**

Extends the Dry-Cleaning Solvent program through January 1, 2032.

### **INSURANCE REGULATORY FEE**

#### **SECTION 7**

Sets the percentage rate used to calculate the insurance regulatory charge under G.S. 58-6-25 at 6.5%.

### **DEPARTMENT OF REVENUE APPROPRIATIONS**

#### **SECTION 8**

Appropriates funds from the Department of Revenue's Collections Assistance Fee Special Fund in the amount of \$16,900,000 in FY 2019-20 and \$4,400,000 in FY 2020-21. Funds will be used to cover costs related to the tax systems operation and maintenance upgrades, and to contract with a vendor to perform identify theft and tax fraud analysis using the Government Data Analytics Center (GDAC).

### **Session Law 2019-239, Senate Bill 683**

An Act to amend the laws governing mail-in absentee ballots; to restore the last Saturday of early one-stop voting; to extend the time by which county boards of election need to replace direct record electronic voting equipment under certain conditions; to authorize a county to test new voting equipment during a simulated election; and to make appropriations for current operations of the State Board of Elections, consistent with House Bill 966 of the 2019 Regular Session

### **AMEND LAWS GOVERNING MAIL-IN ABSENTEE BALLOTS**

#### **PART I**

This section establishes new rules for requesting absentee ballots. Voters must request the absentee ballot using a form created by the State Board of Elections. The request form must be fully completed by the voter, or the voter's near relative or verifiable legal guardian, and returned to the county board only by the voter, his or her near relative or verifiable legal

guardian, or through the U.S. Postal Service or designated delivery service. A member of a multi-partisan team trained and authorized by the county board may assist the voter in completing the form and returning it to the county board. To request or cast an absentee ballot, a voter must provide an acceptable form of photo identification or an alternative affidavit with his or her absentee ballot request or returned ballot. This section also requires county boards of election to continue to maintain a register of all mail-in and early one-stop voter requests. Finally, the section enhances the penalties for certain violations of the absentee ballot law while creating new felony offenses for selling completed absentee ballot request forms or voted ballots, receiving payment based on the number of returned absentee ballot requests, or intentionally failing to deliver absentee ballot requests or ballots.

## **RESTORE THE LAST SATURDAY OF EARLY ONE-STOP VOTING PART II**

This section establishes that early one-stop voting sites shall be open no earlier than the third Thursday before an election through 3:00 pm on the last Saturday before the election. Counties must open early one-stop voting sites from 8 am until 3 pm on the last Saturday before an election. Furthermore, early one-stop voting sites must be open from 8 am until 7:30 pm each weekday. In adopting a county implementation plan for early one-stop voting, the State Board of Elections is required to consider whether the plan disproportionately favors any party, racial or ethnic group, or candidate.

## **EXTENSION OF TIME BY WHICH COUNTY BOARDS OF ELECTION NEED TO REPLACE DIRECT RECORD ELECTRONIC VOTING EQUIPMENT UNDER CERTAIN CONDITIONS**

### **PART III**

This section authorizes the State Board of Elections to allow a county board of elections to use a direct-record electronic (DRE) voting system in any election prior to July 1, 2020, if the State Board finds that the county board has (1) documented that replacement of the voting system prior to July 1, 2020 would create undue hardship, (2) provided sufficient information to demonstrate that use of the DRE voting system will not jeopardize the security of the election or elections, and (3) begun the process for replacing the DRE voting system and provided documentation about the time line for that process.

## **AUTHORIZE A COUNTY TO TEST NEW VOTING EQUIPMENT DURING A SIMULATED ELECTION**

### **PART IV**

This section allows a county board of elections to test a voting system during a simulated election that meets standards for simulated elections established by the State Board of Elections. Prior to this change, county boards of election could only test voting systems during an election in at least one precinct in the county where the voting system would be used.

## **APPROPRIATIONS FOR THE STATE BOARD OF ELECTIONS**

### **PART V**

This section provides a net general fund appropriation to the State Board of Elections of \$7,989,301 in FY 2019-20 and \$6,878,220 in FY 2020-21. The amount appropriated for FY

2019-20 includes \$110,013 for user support assistance (recurring), \$1,166,088 to implement voter ID requirements (non-recurring), \$22,220 (recurring) to adjust the salary for a position that will be designated as the Board's general counsel, and \$311,931 (recurring) to correct the base budget to reflect actual agency composition. The amount appropriated for FY 2020-21 includes \$165,020 for user support assistance (recurring), \$22,220 (recurring) to adjust the salary for a position that will be designated as the Board's general counsel, and \$311,931 (recurring) to correct the base budget to reflect actual agency composition. This section also appropriates \$3,000,000 in federal HAVA Election Security Funds on a non-recurring basis in each year of the 2019-21 fiscal biennium to modernize the Statewide Elections Information Management System.

## **REPORT ON POST-ELECTION AUDITS**

### **PART VI**

This section requires the State Board of Elections to report on its post-election audits to the Joint Legislative Elections Oversight Committee within 10 business days of the completion date.

### **Session Law 2019-240, Senate Bill 537**

An act to examine and establish a new adult care payment methodology; to amend the Licensed Professionals Counselors Act; to update and revise the Substance Abuse Professional Practice Act; to amend the Social Worker Certification and Licensure Act; to amend the Department of Health and Human Services' statutes pertaining to Medicaid, social services reform, child support, vocational rehabilitation, employee assistance professionals, adoptions, child abuse and neglect, joint security forces, security recordings, NC Reach Program, traumatic brain injury, and the Medical Care Commission membership; to postpone deployment of NC FAST case-management functionality for child welfare system/Aging and Adult Services' program, develop requests for information, and require the Program Evaluation Division to study the issue; to implement criminal history record checks for child care institutions; to make changes to involuntary commitment; and to establish the Rural Health Care Stabilization Program

### **PART 1. ESTABLISH NEW ADULT CARE HOME PAYMENT METHODOLOGY SECTION 1**

This section requires the Department of Health and Human Services (DHHS) to establish a workgroup that will develop a new reimbursement policy for adult care homes under Medicaid Managed Care. DHHS must not submit any amendments to the NC Medicaid State Plan to the Centers for Medicare and Medicaid Services to implement this new policy with prior approval from the General Assembly.

### **PART III-B. SOCIAL SERVICES REFORM SECTION 12**

This section allows the Department of Health and Human Services to withhold the funding for child protective, foster care, or adoption services from a county department of Social Services (DSS) and assume control over the delivery of those services if the Secretary of DHHS determines that a county DSS is not adequately providing those services.

### **PART III-I. DHHS LAW ENFORCEMENT**

#### **SECTION 19**

This section allows the Secretary of the Department of Health and Human Services to assign special police officers within a facility to other State-operated facilities on a temporary basis.

### **PART III-N. POSTPONE DEPLOYMENT OF NC FAST CASE-MANAGEMENT FUNCTIONALITY FOR CHILD WELFARE SYSTEM/AGING AND ADULT SERVICES' PROGRAM, DEVELOP RFI, PROGRAM EVALUATION DIVISION STUDY**

#### **SECTION 24**

This section requires the Department of Health and Human Services to postpone the deployment of child welfare and aging case management functionality of NC FAST while it develops and improves the functionality. However, pilot counties may continue to use NC FAST for these purposes. In addition, as part of the postponement, DHHS must issue an RFI and consider new vehicles for improving or replacing this component of NC FAST. DHHS must not award any contracts based on this RFI without prior approval from the General Assembly. The Program and Evaluation Division will also study the case-management functionality of the child welfare component of NC FAST and report its findings by May 1, 2020, the same day DHHS must report its findings resulting from the RFI process.

### **PART III-O. CRIMINAL HISTORY CHECKS FOR CHILD CARE INSTITUTIONS**

#### **SECTION 25**

This section requires all employees and volunteers of a child caring institution to submit to a criminal background check.

### **PART V. RURAL HEALTHCARE STABILIZATION**

#### **SECTION 27**

This section allows the Rural Health Care Stabilization Program to provide low-interest loans to hospitals in rural areas that are experiencing financial crisis due to oversized/outdated facilities and changes to the delivery of health care services. Loans will be funded by the Rural Health Care Stabilization Fund established in the Office of State Budget and Management (OSBM) as a revolving, non-reverting special fund. UNC Health Care will administer the program.

## **Session Law 2019-242, House Bill 111**

An act to enact a base budget for certain state agencies, departments, and institutions for the 2019-21 fiscal biennium

### **PART I. BASE BUDGET APPROPRIATIONS**

#### **SECTION 1.1**

This section contains the schedule appropriating the General Fund budgets for state agencies, departments, and institutions for the 2019-21 fiscal biennium.

## **CONFORMING CHANGES**

### **SECTION 1.2**

This section adjusts a previous appropriation in S.L. 2019-229. The new appropriation is \$27,023,037 for 2019-20 fiscal year and \$39,646,310 for 2020-21 fiscal year to support implementation of the Raise the Age legislation.

## **PART II. AVAILABILITY STATEMENT**

### **SECTION 2.1**

This section lays out the General Fund availability derived from State tax revenue, nontax revenue, and other adjustments that are used in developing the base budget for the 2019-21 fiscal biennium.

## **PART III. GENERAL PROVISIONS**

### **SECTION 3.6**

This section provides additional limitations and directions. This section clarifies that unless expressly repealed or amended by this act, the provisions of the listed eleven session laws, and any other legislation enacted in the 2019 Regular Session appropriated funds, shall remain in effect. In addition, this section prohibits vacant positions subject to proposed budget reductions in House Bill 966 from being filled. This section clarifies that public-school employees paid on any state law salary schedule, shall not move up on the salary schedule or receive automatic step increases until authorized by the General Assembly. This subdivision would be repealed on the passage of House bill 377. Finally, this section clarifies that no funds shall be reserved to the Repairs and Renovations Reserve or the State Capital and Infrastructure Fund, and the Office of the State Controller (OSC) will not transfer any funds to those reserves on June 30.

## **APPLICABILITY OF STATUTORY CONTINUING RESOLUTION AND HOUSE BILL 966, 2019 REGULAR SESSION**

### **SECTION 3.9**

This section further clarifies the applicability of S.L. 2019-242 with respect to House Bill 966. The appropriations and authorizations included in this act will remain in effect until House Bill 966 is passed, which would then govern appropriations and expenditures. Further, when the provisions of House Bill 966 become law, the Director of the Budget shall adjust allotments to give effect to that act from July 1 of the fiscal year.

### **Session Law 2019-247, House Bill 377**

An act to ensure teachers, instructional support personnel, and assistant principals receive salary increases based on years of experience, to authorize salary supplements for highly qualified North Carolina teaching graduates, and, consistent with House Bill 966 of the 2019 regular session, to appropriate funds to provide legislatively mandated salary increases for principals

## **APPROPRIATIONS**

### **SECTION 1.1**

Appropriates from the General Fund to the Department of Public Instruction \$16,300,000 in recurring funds for FY 2019-20 and \$16,300,000 in recurring funds for FY 2020-21 to provide legislatively mandated salary increases for principals as authorized by this act.

## **TEACHER SALARY SCHEDULE**

### **SECTION 2.1**

Sets the monthly teacher salary schedule for the 2019-20 fiscal year for certified personnel in North Carolina public schools.

Sets the base “A” salary schedule for the 2018-19 fiscal year for licensed public school personnel.

Sets the salary supplements for licensed teachers who have NBPTS certification (12%), are classified as "M" teachers (10%), have licensure based on academic preparation at the six-year degree level (\$126 over the supplement provided to "M" teachers), have licensure based on academic preparation at the doctoral degree level (\$253 over the supplement provided to "M" teachers), and certified nurses (10%), as specified.

Establishes that the first step of the salary schedule for school psychologists, speech pathologists, and school audiologists shall be equivalent to Step 5 of the "A" salary schedule, and that these employees shall receive a 10% salary supplement.

Sets the 26th step of the salary schedule for school psychologists, speech pathologists, and school audiologists to be 7.5% higher than the salary on the 25th step.

Provides that, beginning with the 2014-15 fiscal year in lieu of receiving annual longevity payments, the amounts of those longevity payments are built into the salary schedule.

Requires that teachers eligible for longevity pay for the 2013-14 school year and not otherwise receiving a salary increase from the applicable amount on the new salary schedule are to be held harmless at the amount received in FY 2014-15, including any State-provided bonuses, if applicable.

## **SUPPORT HIGHLY QUALIFIED NC TEACHING GRADUATES**

### **SECTION 2.2**

Defines “highly qualified graduate” to mean an individual entering the teaching profession and hired on or after July 1, 2019, who has graduated from an approved educator preparation program located in the state and meets specified GPA and assessment score criteria.

Provides that a highly qualified graduate employed by a local board of education shall receive a monthly salary supplement based on the teacher “A” schedule for the 2019-21 fiscal biennium. Details salary supplement amounts and provides increased amounts for

teachers initially employed in low-performing schools and those licensed and employed to teach in the areas of special education, science, technology, engineering, or mathematics. Limits the scope of the provisions to highly qualified graduates hired on or after July 1, 2019 and entering the teaching profession in the 2019-21 fiscal biennium.

## **PRINCIPAL SALARY SCHEDULE**

### **SECTION 2.3**

Sets forth the annual principal salary schedule for the 2019-20 fiscal year, with placement based on the average daily membership of the respective school and school growth scores in two of the last three school years. Sets the base salary range, with increases provided for meeting or exceeding expected growth, as specified. Details how average daily membership and growth scores shall be determined.

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

Provides that principal compensation for the 2019-20 school year shall be the greater of either the applicable salary schedule, the salary the principal received in the 2016-17 fiscal year pursuant to Section 9.1 or 9.2 of S.L. 2016-94, or whether the principal was eligible for longevity pay for the 2016-17 fiscal year.

## **PRINCIPAL BONUSES**

### **SECTION 2.4**

Sets forth a principal bonus schedule for the 2019-20 fiscal year, limiting eligibility to any principal who supervised a school as principal for the majority of the previous school year if that school was in the top 50% of school growth in the state for the previous school year. Sets the bonus range from \$1,000 to \$15,000 based on the statewide growth percentage.

Details that principals no longer employed or whose last workday is prior to November 1, 2019 are not eligible. Requires payment by November 30, 2019, to qualifying principals employed as of November 1, 2019.

## **PRINCIPAL RECRUITMENT SUPPLEMENT**

### **SECTION 2.5**

Amends General Statute to add GS 115C-285.1, requiring DPI to establish the Principal Recruitment Supplement Program to provide significant, time-limited salary supplements to qualifying principals who accept employment as principals of qualifying schools, subject to the availability of funds.

A “qualifying principal” is a principal paid on the “exceeded growth column” of the principal salary schedule. A “qualifying school” is an eligible school selected by DPI to participate in the Program. An “eligible school” is a low-performing school that received an overall school performance score that placed it in the bottom 5% of all schools in the state in the prior school year.

Establishes an annual salary supplement of \$30,000, paid on a monthly basis, as long as the principal is employed as the principal of that school, up to a maximum of 36 months, subject to limitations regarding future supplements or instances in which the principal no longer qualifies or the school is no longer eligible. The supplement is not compensation under TSERS. Specifies a timeline for the Program, including notification of eligibility, selection for participation, execution of applicable contracts, and beginning of qualifying employment. Requires all qualifying principals to begin employment at the applicable qualifying school by August 1, 2020, and annually thereafter.

Supplements are not to be used to supplant State and non-State funds already provided for principal compensation. Establishes annual reporting requirements, beginning March 15, 2021, for DPI to report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division on the Program.

## **ASSISTANT PRINCIPAL SALARIES**

### **SECTION 2.6**

Establishes the salary schedule for assistant principals for FY 2019-20.

Ties assistant principal pay to the teacher “A” salary schedule plus 19%. Continues the advanced (\$126/month) and doctoral (\$253/month) degree salary supplements provided in addition to the salary schedule. Requires that participants in an approved full-time master’s in-school administration program receive up to a 10-month stipend, not to exceed the difference between the beginning salary of an assistant principal plus the cost of tuition, fees, and books, and any fellowship funds received. Provides that annual longevity payments to assistant principals are no longer provided but the amounts of those payments are included in the monthly salary schedule. Details that any assistant principal who was paid according to the assistant principal salary schedule in FY 2016-17, and who would receive a pay reduction under the new schedule, is held harmless and will maintain his or her salary with all applicable salary supplements received in FY 2016-17.

## **STATE AGENCY TEACHERS**

### **SECTION 3.1**

Specifies that employees of schools operated by the Department of Health and Human Services, the Department of Public Safety, the State Board of Education who are paid on the Teacher Salary Schedule shall be paid as authorized by Sec. 8.1 of the act.

## **MISCELLANEOUS**

### **SECTION 4**

The legislative salary increases for principals provided by Section 2.3 of this act do not apply to persons separated from service due to resignation, dismissal, reduction in force, death, or retirement or whose last workday was prior to June 30, 2019.

## **Session Law 2019-251, Senate Bill 356**

An act to make revenue adjustments, implement budget stabilization measures, and enhance transparency and accountability at the Department of Transportation (DOT)

## **BUILD NC BONDS**

### **SECTION 1.1**

This section authorizes Build NC bond issuance in the amount of \$400,000,000. No other changes are made to the Build NC Bond program.

## **LOAN TO HIGHWAY FUND**

### **SECTION 1.2**

This section allows the Highway Trust Fund (HTF) to loan \$100,000,000 to the Highway Fund (HF) in 2020. Department of the State Treasurer will approve DOT's repayment schedule.

## **TRANSPORTATION EMERGENCY RESERVE**

### **SECTION 1.3**

This section creates an emergency reserve to be used for declared, major disasters. The limit of the reserve is \$125,000,000. The first transfer of funds will come from the unreserved General Fund reserve in the amount of \$64,000,000. DOT will contribute the remaining funds before July 1 of each year to balance the fund to \$125,000,000.

## **MAP ACT PAYMENTS**

### **SECTION 1.4**

This section limits the amount of MAP Act payments in a fiscal year to \$150,000,000.

## **REMOVE REQUIRED REPAYMENT OF GENERAL FUND LOAN**

### **SECTION 1.6**

This section removes the required repayment of funds from S.L. 2019-15.

## **DISASTER RELIEF FUNDS**

### **SECTION 1.7**

This section appropriates \$36,000,000 from the General Fund to DOT: \$30,000,000 for Hurricane Dorian debris removal, \$2,000,000 for Living Shorelines, \$2,000,000 for the Flood Inundation Mapping Alert Network, and \$2,000,000 for a flood risk and vulnerability assessment.

## **BUDGET ACCOUNTABILITY REPORTING**

### **SECTION 2.1**

This section adds to statute a series of new cash reporting requirements for the Department.

## **PERFORMANCE AUDIT OF DEPARTMENT OF TRANSPORTATION**

### **SECTION 2.3**

This section directs the Office of the State Auditor (OSA) to conduct a performance audit of DOT due March 1, 2020.