

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

SESSION LAW 2019-88  
HOUSE BILL 529

AN ACT PROVIDING THAT THE UTILITIES COMMISSION MAY ADOPT, IMPLEMENT, MODIFY, OR ELIMINATE A RATE ADJUSTMENT MECHANISM FOR WATER OR WASTEWATER PUBLIC UTILITIES TO TRACK AND TRUE-UP VARIATIONS IN AVERAGE PER CUSTOMER USAGE FROM LEVELS APPROVED IN THE GENERAL RATE CASE PROCEEDING; REQUIRING THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES CONCERNING THE CONSTRUCTION AND OPERATION OF ARTIFICIAL SWIMMING LAGOONS; AND REQUIRING THE COMMISSION FOR PUBLIC HEALTH TO STUDY THE REQUIREMENT FOR A PERMANENTLY AFFIXED PHONE AT POOLS FOR EMERGENCY PURPOSES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 7 of Chapter 62 of the General Statutes is amended by adding a new section to read as follows:

**"§ 62-133.12A. Customer usage tracking rate adjustment mechanisms for water and wastewater rates.**

In setting rates for a water and wastewater utility in a general rate proceeding under G.S. 62-133, the Commission may adopt, implement, modify, or eliminate a rate adjustment mechanism for one or more of the company's rate schedules to track and true-up variations in average per customer usage from levels approved in the general rate case proceeding. The Commission may adopt a rate adjustment mechanism only upon a finding by the Commission that the mechanism is appropriate to track and true-up variations in average per customer usage by rate schedule from levels adopted in the general rate case proceeding and the mechanism is in the public interest."

**SECTION 2.(a)** G.S. 130A-280 reads as rewritten:

**"§ 130A-280. Scope.**

This Article provides for the regulation of public swimming pools in the State as they may affect the public health and safety. As used in this Article, the term "public swimming pool" means any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and ~~spas~~, spas, and artificial swimming lagoons. As used in this Article, an "artificial swimming lagoon" means any body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant that results in a disinfectant residual in the swimming zone that is protective of the public health. This Article does not apply to a private pool serving a single family dwelling and used only by the residents of the dwelling and their guests. This Article also does not apply to therapeutic pools used in physical therapy programs operated by medical facilities licensed by the Department or operated by a licensed physical therapist, nor to therapeutic chambers drained, cleaned, and refilled after each individual use."



**SECTION 2.(b)** No later than December 1, 2019, the Commission for Public Health shall adopt rules governing the construction and operation of artificial swimming lagoons, as defined in G.S. 130A-280, as enacted by Section 2(a) of this act, pursuant to Part 10 of Article 8 of Chapter 130A of the General Statutes.

**SECTION 3.** The Commission for Public Health shall study the requirements of 15A NCAC 18A .2530(f), which requires that all swimming pools have a telephone capable of directly dialing 911 or other emergency notification system, which telephone is permanently affixed to a location inside or within 75 feet of the pool enclosure and is accessible to all pool users. The Commission shall examine the need for a dedicated permanently affixed telephone in light of widespread cellular telephone availability, and, at a minimum, the Commission shall examine the need for and advisability of requiring closure of pools where a dedicated permanently affixed telephone is temporarily out of service due to technical issues. The Commission shall submit a report of the study's findings and recommendations to the Joint Legislative Oversight Committee on Health and Human Services no later than March 1, 2020.

**SECTION 4.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28<sup>th</sup> day of June, 2019.

s/ Philip E. Berger  
President Pro Tempore of the Senate

s/ Sarah Stevens  
Speaker Pro Tempore of the House of Representatives

s/ Roy Cooper  
Governor

Approved 11:47 a.m. this 8<sup>th</sup> day of July, 2019