

# ALERTS

## North Carolina Legislative Report - April 26, 2013

April 20 - 26, 2013

The MVA Public Affairs Legislative Report on North Carolina will be distributed weekly to keep you up to date on the latest legislative issues facing the state while the North Carolina Legislature is in session.

### *On the Floor*

- **S 10: Government Reorganization and Efficiency Act**

Conference report failed in House of Representatives, 4/25/13.

- **S 545: Master Meters/Landlord-Tenant Agreement**

Passed Senate, 4/24/13.

- **H 150: Zoning/Design & Aesthetic Controls**

Re-referred to Senate Committee On Rules and Operations, 4/24/13.

- **H 452: 2013 School Safety Act**

Passed third reading in House of Representatives, 4/25/13.

- **H 589: VIVA**

Referred to Senate Committee On Rules and Operations, 4/25/13.

- **H 488: Regionalization of Public Utilities**

Passed second reading in Senate, 4/25/13.

### *Committee Meetings*

#### House Public Utilities and Energy Committee

The House Public Utilities and Energy Committee met Wednesday to take up H 298, Affordable and Reliable Energy Act. H 298, sponsored by Rep. Mike Hager, Chair of the Public Utilities and Energy Committee, sought to end set-asides and subsidies for solar, wind and other renewable generation created in 2007's Renewable

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Energy Portfolio Standard (REPS) legislation. The REPS legislation requires North Carolina utilities to acquire a certain percentage of their power from renewable sources. After nearly an hour of debate, the bill was defeated by a vote of 18-13.

**House Education Committee**

The House Education Committee met Tuesday to take up a number of bills ranging from student health safety to local budget issues. A summary of the bills in committee can be found below.

H 365, Special Election Chatham County School Board, seeks to call a special election to fill a vacancy on the Chatham County Board of Education. H 365 received a favorable report and was sent the House Government Committee.

H 760, Summer Reading Camps, allows students who demonstrate difficulty with reading development to attend summer reading camps. Summer reading camps have historically been offered to students who do not demonstrate reading proficiency and may be retained in the third grade. H 760 would allow students not in danger of retention, but who demonstrate difficulty with reading development, to participate in summer reading camps if funding and space are available. H 760 received a favorable report in committee and passed unanimously on the House floor.

H 765, Jury Instructions for School Budget Dispute, clarifies and codifies jury instructions for a budget dispute between the Board of Education and Board of County Commissioners. H 765 received a favorable report and was referred to the House Judiciary A Committee.

H 824, Epi Pens in Schools, requires public schools to have epinephrine auto-injectors on school property in case of emergency. H 824 received a favorable report in committee and passed unanimously on the House floor.

**House Environment Committee**

On Thursday the House Environment Committee passed five bills. H 379, Clarify Board of Agriculture Authority/Plants, seeks to clarify the authority of the Board of Agriculture over plants. H 458, would require a consultation with county boards when permits for land application of waste within that county are issued by the Environmental Management Commission; to increase the threshold for Department of Transportation informal bid procedures; to study state payments in lieu of taxes for public lands; and to study the E911 system and its relationship with local 911 systems. H 505, Extend SWCD Animal Waste Inspections, seeks to codify and make permanent the program for inspections of certain animal operations by the Division of Soil and Water Conservation. H 581, Trophy Wildlife Sale Permit, seeks to provide that the adoption of rules by the Wildlife Commission is not required prior to the issuance of trophy wildlife sale permits. H 789, USTs Eligible for Brownfields, seeks to clarify that the presence of a substance released from an underground storage tank does not disqualify a property from participation in the North Carolina Brownfields program.

**House Finance Committee**

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The House Finance Committee met twice this week - on Wednesday, April 24, and Thursday, April 25. On Wednesday, the Committee took up eight bills. H 524, Greensboro Charter Amendments, H 671, Mills River/Deannexation, and S 152, Correct Tech. Error in Burgaw Occupancy Tax, are local bills that passed without debate. H 35, Repeal State Capital Facilities Finance Act, received unanimous support from the Committee after a full debate that addressed the merits of special indebtedness and general obligation debt. H 325, Park Fees for Active Duty Military/Veterans, allows DENR to lower or waive fees for the use of State Parks for active duty members of the military and veterans. It passed easily. Having already received a full hearing and favorable report from the House Insurance Committee, H 340, Limited Lines Travel Insurance, was approved without debate. H 466, Amend Private Protective Services Act/Fees, added a fee for late filings and was approved easily. H 341, Tax Credit for DoL Apprentice Hire, was sent to a special subcommittee to address tax credits in light of tax reform efforts. H362, Dept. of Public Safety Changes.-AB, was removed from the calendar in order to give time for some amendments to be prepared.

On Thursday, the House Finance Committee passed five bills. H 143, Eden Payment in Lieu of Taxes, seeks to allow the city of Eden to negotiate annexation contracts. H 412, Eden/Duke Energy/Annexation Agreement, seeks to authorize the city of Eden to enter into an agreement for payments in lieu of annexation. H 404, Camden Local Stormwater Fees, seeks to allow Camden county to collect delinquent storm water utilities fees in the same manner as delinquent personal and real property taxes. H 531, ETJ/Zoning-Weaverville & Buncombe/Correction, seeks to amend the extraterritorial jurisdiction authority of the town of Weaverville, to make a similar technical correction as to the city of Asheville, and to allow the county of Buncombe to zone certain donut holes. S 152, Correct Tech. Error in Burgaw Occupancy Tax, seeks to correct a technical error in the authorization for the town of Burgaw to impose an occupancy tax. H 353, Granville Cty/Renewal Energy Facility Lease, was removed from the committee agenda.

**Senate Finance Committee**

The Senate Finance Committee met on Wednesday, April 24 to consider four bills. The Committee ran out of time before it could hear one of the bills - S 129, Limit State Facilities Financing Act. S 378, Assess Propane Dealers/Distributors, was approved by the Committee without debate. The remaining two bills on the calendar drew more debate. H 448, Regionalization of Public Utilities, involves the control of local water and sewerage systems. While it is a statewide bill, currently the only impact would be on the water and sewer system run by the City of Asheville. The bill passed a noticeably divided committee on a voice vote. S 523, Returns W/ Refunds Filed Late Penalty, was the most controversial bill of the meeting. It deals with a provision of State law that requires the imposition of a penalty when a return is filed late, even if the taxpayer had overpaid and would have been due a refund. The bill addresses a change in interpretation by the Department of Revenue that originated with the Department's efforts around design and implementation of a new IT system. After very sharp debate, the bill was removed from the agenda without a vote.

**Senate Commerce Committee**

The Senate Commerce Committee met on Tuesday, April 23, to consider three bills, all of which were approved by the Committee. H 150, Zoning Design and Aesthetic Controls, is intended to clarify that local governments don't have authority to regulate certain aesthetic elements of one and two-family homes. H 433, Land Use Surrounding Military Installations, adds requirements with respect to land use around military

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installations. It prevents certain types of development that could interfere with the operation of the military base. S 545, Master Meters/Landlord Tenant Agreement, allows for landlords to lease units that have a common electric or gas meter rather than requiring that all units have a separate meter.

**Senate Agriculture/Environment/Natural Resources Committee**

This week the Senate Agriculture/Environment/Natural Resources Committee passed two bills. S 25, seeks to provide that members of the Armed Forces who are serving on active military duty in the Armed Forces of the United States outside the state of North Carolina shall be considered residents for purposes of obtaining certain, hunting, fishing, trapping and special activity licenses. S 25 has been sent to the Senate Finance Committee for consideration. S 509, the NC Agriculture and Forestry Act, seeks to provide that agricultural and forestry operations are not nuisances under certain circumstances and to provide for the award of costs and attorneys' fees to a prevailing defendant. S 509 has been sent to Senate Judiciary I Committee for further consideration.

**Senate Education Committee**

The Senate Education Committee met on Wednesday to address a trio of bills. S 189, Amend Law Defining Home Schools, amends the definition of a home school limiting it to no more than two families and further defining the role of the parent, guardian or household member in charge of instruction. S 189 received a favorable report in committee and unanimous approval on the Senate floor.

S 243, Back to Basics, requires the State Board of Education to ensure instruction in cursive writing and memorization of multiplication tables as part of the basic education program in public schools. S 243 is a companion bill to H 146 that has drawn attention from the national media. The bill received a favorable report in committee and was later passed on the Senate floor.

S 516, Public School Regulatory Reform aims to streamline reporting requirements for public schools. A proposed committee substitute was adopted that removed portions of the original bill that provided for flexibility in class size and transportation in charter schools. The reworked bill maintains provisions that streamline or eliminate certain reporting requirements and creates a commission to study exceptional children's services. S 516 received a favorable report in committee and is on the Senate calendar for Monday, April 29.

**Senate Health and Human Services Committee**

The Senate Health and Human Services Committee met Wednesday to take up two bills, S 137 and S 473. The first, Senate Bill 137, provides that the regular business practice of waiving required Medicaid recipient co-payments by a Medicaid provider constitutes fraud. The committee substitute passed easily and went on to pass its second and third reading in the Senate. The majority of the meeting was dedicated to Senate Bill 473. The bill intends to promote competition in health care by providing patients with facility pricing information. The bill language is intended to duplicate Medicare pricing disclosure requirements. Another provision of the bill seeks to change the make-up of the oversight board of Community Care of North Carolina, preventing the Department of Health and Human Services from contracting with the non-profit unless the governor and legislature control a majority of appointments to the board. The committee heard comments from several

health care industry representatives who had concerns with the bill. The committee approved the committee substitute to the bill and it has been re-referred to Senate Finance.

## *In the News*

### **News&Observer: Push to end NC's renewable energy program dies in committee**

The push to terminate North Carolina's renewables program is over for the foreseeable future after a House committee in the state legislature defeated the measure with the help of key Republicans.

### **News&Observer: Senate panel approves legislation to force NC hospitals to clarify billing**

A proposal to make hospital bills more transparent and easy to understand sprinted through a Senate committee Wednesday with bipartisan support.

### **News&Observer: McCrory tells small business owners that workforce training is top priority**

About 150 people gathered downtown Wednesday to discuss immigration, workforce training and other issues critical to the state's small businesses.

### **News&Observer: Senate approves cursive instruction**

The state Senate passed a bill Thursday requiring public schools to teach cursive writing despite questions over the need for a new mandate and the validity of arguments supporting the measure.

### **AP: NC auditor: Better estimates needed on IT projects**

North Carolina state government does a poor job estimating what the actual costs of an information technology project will be and how long it'll take to complete the job, State Auditor Beth Wood's office said Monday.

### **News&Observer: N.C. bill would block school boards from suing county commissioners for more money**

North Carolina's 115 public school systems would lose the right to take their local board of county commissioners to court for more funding under a bill filed in the state Senate.

### **News&Observer: Wood products manufacturer to add 31 jobs in Montgomery Co.**

Jordan Forest Products announced Monday that it will expand its operations in Montgomery County and create 31 jobs over the next three years.

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### **CBJ: Pactera to bring 200 jobs, U.S. headquarters to Charlotte**

A Chinese information-technology company will establish the headquarters of one of its units in Charlotte, boosting its local employment by 200.

### **High Point Enterprise: McCrory takes responsibility on market funding**

Gov. Pat McCrory offered a candid explanation about who takes responsibility for an initial proposal by his new administration to halve funding for the High Point Market — the buck stops with him.

### **AP: Google to invest \$600M in Lenoir data center**

Google said Friday it will invest more than \$600 million in its North Carolina data center and take part in a new renewable energy program being developed by Duke Energy.

### **News&Observer: Hagan leads all potential GOP foes with Berry her strongest opponent**

Democratic Sen. Kay Hagan continues to lead all of her potential GOP opponents, with Labor Commissioner Cherie Berry remaining her strongest opponent, according to a new poll.

### **News&Observer: Ellmers behind in money race**

U.S. Rep. Renee Ellmers of Dunn, a potential U.S. Senate candidate next year, has not yet begun cranking up her money-raising operation.

## *Legislative Calendar*

### Mon, April 29, 2013

4:00 PM

#### **Session Convenes (House)**

House

7:00 PM

#### **Session Convenes (Senate)**

Senate

### Tue, April 30, 2013

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8:30 AM

**Finance (House)**

Require Certain General Reappraisals. (H200)  
Permitting of Wind Energy Facilities. (H484)  
Reimbursement Agreement Changes. (H790)  
Public Enterprise Systems/Use of Funds. (H708)

544 LOB

10:00 AM

**Judiciary II (Senate)**

Amend Civil No-Contact Laws/Stalking (S409)  
Appearance Bond Valid For Certain Time Period (S574)

1124/1224 LB

10:00 AM

**Health and Human Services (House)**

Designate Primary Stroke Centers. (S456)  
Update Physical Therapy Practice Act. (H828)  
Medicaid County of Residence. (H867)  
Study Medicaid Provider Hearings. (H674)  
Preterm Premature Rupture of Membranes Awareness. (H866)  
NC Pre-Kindergarten Law Changes. (H935)  
Modify Medicaid Subrogation Statute. (H982)  
Require Pulse Oximetry Newborn Screening. (S98)  
Effective Operation of 1915(b)/(c) Waiver. (S208)

1228/1327 LB

10:00 AM

**Education (House)**

Buncombe Cty/Community College Projects. (H501)  
Pitt Co. Bd. of Education. (H523)  
Lease Purchase of Real Property/Comm. Coll. (H754)  
Public School Reporting Reform. (H839)  
Superintendent Designee/Employment Hearings. (H896)  
UNC & Community College Credit Transfers. (H903)

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643 LOB

12:00 PM

### Transportation (House)

North Carolina School Bus Safety Act. (H428)  
Ferry Tolling Alternatives. (H475)  
Stock Car Racing Theme Plate Proceeds. (H485)  
Streamline Sales for Mechanics Liens. (H620)  
Modify Weight Limits for Line Trucks. (H623)  
Transportation Appropriation Financing. (H817)

643 LOB

1:00 PM

### Insurance (House)

NC Cancer Treatment Fairness Act. (H609)  
Small Group Health Ins. Technical Changes. (H649)  
Guaranty Association Act Amendments. (H650)  
Licensing of Health Insurance Navigators. (H877)

1228/1327 LB

1:00 PM

### Agriculture (House)

Protect Rural Land Use Rights. (H787)  
Triad Farmers Mkt/Rename for Sen. Bob Shaw. (H821)  
Farmland Preservation/DOT Projects. (H920)  
Eliminate Unnecessary Testing/Animal Waste. (S205)

643 LOB

## Wed, May 01, 2013

10:00 AM

### Judiciary Subcommittee A (House)



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North Carolina Benefit Corporation Act. (H440)  
Judicial Department Travel Reimbursement. (H461)  
Amend Credit Union Laws. (H515)  
PREA Compliance. (H585)  
Forfeiture for Speeding to Elude Revisions. (H656)  
Commonsense Consumption Act. (H683)  
Clarify Law/Prohibit Sex-Selective Abortion. (H716)  
Pretrial Release/No Unsecured Bond. (H768)  
Amend Certain Bail Bond Procedures. (H762)

1228/1327 LB

10:00 AM

### **Commerce and Job Development Subcommittee on Military and Agriculture (House)**

Amend Definition of Special Purpose Project. (H629)

1425 LB

10:00 AM

### **Judiciary Subcommittee C -- CORRECTED (House)**

Record of Excusals From Jury Duty. (H281)  
Judge/Concealed Handgun Permit. (H405)  
Continue Child Supp/21 Yrs/College Students. (H450)  
No Possession of Firearms/Undocumented Aliens. (H465)  
Define Parental Rights Standard/Statutory Law. (H711)  
Prohibited Imitation Controlled Substances. (H813)  
Exempt Real Property for Burial Purposes. (H860)

415 LOB

10:00 AM

### **Judiciary Subcommittee B (House)**

Towns Enforce Ordinances on Lake Norman. (H186)  
Planned Community Act/Declarant Rights. (H330)  
Allison's Law/Use of GPS Tracking Device/DVPO. (H477)  
RECLAIM NC Act. (H786)  
No Drinking in EMS & Law Enforcement Vehicles. (H532)  
Suspension Removed When Eligibility Met. (H611)  
Increase Penalties for Misuse of 911 System. (H345)

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Distribute Some Criminal Penalties Statewide. (H497)

421 LOB

10:00 AM

### **Commerce and Job Development (House)**

Reform Workforce Development. (H55)

GBICC/Workers' Comp Program Integrity. (H112)

NC Captive Insurance Act. (H473)

Game Nights/Nonprofit Fundraisers. (H809)

Protect NC Right-To-Work. (H872)

643 LOB

11:00 AM

### **Commerce and Job Development Subcommittee on Alcoholic Beverage Control (House)**

Modify Requirements for In-Stand Beer Sales. (H610)

Sale of Growlers by Certain ABC Permittees. (H829)

425 LOB

12:00 PM

### **State Personnel (House)**

Retirement Technical Corrections.-AB (H358)

Modify Internal Auditing Statutes. (H417)

State Temps. Apply Like Perm. Emps. (H432)

Brass to Class Act. (H767)

Government Transparency Act. (H837)

544 LOB

12:00 PM

### **Public Utilities and Energy -- CORRECTED (House)**

Rewrite Underground Damage Prevention Act. (H476)

Clarify Electric Load Control Process. (H489)

Telecommunications Relay Service Surcharge Modernization. (H598)

Cell Tower Deployment Act. (H664)

Transmission Line Ownership. (S635)

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643 LOB

### Thu, May 02, 2013

10:00 AM

#### **Judiciary II (Senate)**

Abandoned Firearms to State Control. (S443)

Increase Penalties/Gas Theft. (S634)

10 Yr. Min for 2nd Gun Felony Conviction. (S676)

Agenda: Demonstration of school bus cameras as deterrents to passing stopped school buses.

1124/1224 LB

12:00 PM

#### **Banking (House)**

Transitional Mortgage Loan Originator. (H616)

Amend Predatory Lending Law. (H692)

Worthless Check/Present Cashed Check. (H784)

1228/1327 LB

### Wed, May 08, 2013

12:00 PM

#### **Rep. Rodney Moore-Press Conference**

Press Room LB