

ALERTS

North Carolina Legislative Report - April 5, 2013

April 1 - 5, 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

- H 21 - On Wednesday the General Assembly met in a joint session to confirm Governor McCrory's Board of Education appointments, Greg Alcorn, Bill Cobey, Buddy Collins, Olivia Oxendine, Marcella Ramirez Savage and Becky Taylor.
- H 444 - A bill to confirm Andrew Heath to the state's Industrial Commission passed its first reading in the Senate this week and has been referred to Senate Rules Committee for consideration.

Committee Meetings

Senate Agriculture / Environment / Natural Resources Committee

Four bills passed out of the Senate Agricultural and Environment Committee this week. S 384, Present-Use Value Modifications, seeks to amend certain provisions regarding the present-use value property tax deferral. S 386, Amend Grain Dealer Licensing Laws, seeks to increase the bonding amount that must accompany license applications and to specify additional grounds for license refusal or revocation. S 387, Forest Service Technical/Clarifying Changes, seeks to make technical and conforming changes pertaining to the renaming of the North Carolina Forest Service and to make other changes in the Forest Service statutes. Finally, S 388, Bedding Law/Right of Entry, seeks to provide right of entry for the Commission of Agriculture to enforce laws related to bedding.

Senate Finance Committee

The Senate Finance Committee met on Tuesday and Wednesday. At each meeting, a single bill was before the committee for discussion purposes only. On Tuesday, the committee debated S 58, Increase Funding for Dredging. That bill would increase boat registration fees to provide a source of funding for dredging projects designed to keep shallow draft inlets located in state waters navigable and safe.

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On Wednesday, the committee heard a proposed committee substitute (PCS) for S 394, Lower Tax Rates for a Stronger NC Economy. The PCS contemplates a major overhaul of state and local finances including the following major pieces: a) broadening of the corporate and individual income tax bases through the elimination of credits and deductions accompanied by a reduction in those tax rates, b) conversion of the corporate franchise tax to a business privilege tax that would affect more businesses, c) elimination of current state and local business privilege taxes, d) an expansion of the sales and use tax base to include a limited number of services, and e) disentangling various sources of state and local revenue. The PCS differed from the original in several ways - the PCS would begin a shift toward more reliance on the sales factor in apportioning corporate income and would dedicate a portion of the proposed business privilege tax to local governments. Almost the entire hour was spent on a presentation of the bill, which allowed for few questions and little debate.

Senate Commerce Committee

The Senate Commerce Committee met on Tuesday to consider S 445, ABC Permit Issuance. The bill would make two changes with respect to alcoholic beverage permitting laws. First, the bill would require an applicant for an ABC permit to be able to demonstrate that he or she was legally present in the United States. Second, the bill would make timing changes with respect to special one-time permits. This provision would prohibit the ABC Commission from issuing this type of permit less than 10 days before the special event and would require the Commission to inform the Alcohol Law Enforcement Division of the issuance not more than 3 days after the issuance. The bill was approved overwhelmingly after little discussion.

Senate Education Committee

The Senate Education Committee met Wednesday to discuss S 337, NC Public Charter School Board. The bill seeks to create an independent board to authorize and oversee charter schools throughout the state. The proposed board would be located within the Department of Public Instruction, however the board would operate independently from the State Board of Education and the Department of Public Instruction. The proposed board would have 11 members, with the State Superintendent of Public Instruction serving as the non-voting Secretary. Two amendments to the bill were proposed, however both amendments failed on a voice vote. The committee adopted the committee substitute, and re-referred the bill to the Senate Finance Committee.

House Health and Human Services Committee

The House HHS Committee met Tuesday to take up two bills. H 392, Share Arrest Warrant Status/Pub. Assistance, will make mandatory criminal background checks on those seeking welfare and will also require social service workers to report to law enforcement any applicants with outstanding warrants. The law currently allows services workers to ask applicants if they are fugitives or to run background checks but prohibits the sharing of that information with law enforcement. The bill passed on a voice vote and will next head to the House floor Tuesday, April 9.

The committee also considered H 399, Amend Laws Pertaining to DHHS. The bill makes changes to laws pertaining to child abuse, neglect, and dependency, laws pertaining to Medicaid beneficiaries, and laws pertaining to live birth registrations, among other things. The proposed committee substitute to the bill

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received a favorable report from the HHS Committee and is scheduled to be taken up by the House Committee on Judiciary Subcommittee A on Wednesday, April 10.

House Environment Committee

The House Environment Committee passed H 296, H 321, H 396 and H 408 this week. H 296, Hunter Education/Apprentice Permit, seeks to amend and clarify the hunter education requirements and to establish a hunting heritage apprentice permit. H 321, Amend Local Solid Waste Planning, seeks to repeal the requirement that local governments develop and maintain a solid waste management plan. H 396, Enact Private Well Water Education Act, seeks to enact the Private Well Water Education Act at the request of the Department of Environment and Natural Resources. H 408, Beaufort/Right-of-Way Safety, seeks to prohibit the discharge of a firearm or bow and arrow from the right-of-way in Beaufort County.

House Education Committee

The House Education Committee met Tuesday to address a pair of bills. H 336, UNC School of Arts/Student Fees, authorizes the North Carolina School of the Arts to establish fees for in-state high school students to assist in covering the cost of attendance. Tuition and fees have historically been covered by an appropriation from the General Assembly. The bill received a favorable report and now goes to the Finance Committee. If passed, the fees authorized in H 336 will begin with the 2014-2015 academic year.

H 435, School Performance Grades, establishes criteria for calculating school performance scores and grades. Under this bill, the State Board of Education would award performance scores to schools with any combination of grades three through twelve. H 435 received a favorable report in committee and was ultimately passed out of the House.

House Finance Committee

The House Finance Committee met on Tuesday to consider a number of bills dealing primarily with local issues. The committee considered H 224, Asheville Extraterritorial Jurisdiction and Annexation; H 252, Asheville Transfers; H 254, Zoning Changes/Notice to Military Bases; H 261, Kannapolis Deannexation; and H 302, Repeal Kannapolis Annexation. H 224, H 254, and H 302 were all approved by the committee with limited debate. Some technical questions were raised about H 261 and consideration of that bill was delayed until those issues could be resolved. Local bill, H 252 would repeal authority granted in 2009 for the City of Asheville to use up to 5% of utility revenues for street and sidewalk improvements. The bill was approved after a lengthy debate.

House Commerce Committee

On Wednesday, April 3, the House Commerce and Job Development Subcommittee on Energy and Emerging Markets met to consider a proposed committee substitute (PCS) for H 298, Affordable and Reliable Energy Act. The PCS would repeal the renewal energy portfolio standard (REPS) requirements that were enacted in 2007. The REPS require that a certain percentage of electricity sold in the state either come from renewable resources or that energy consumption be reduced through energy efficiency or demand-side management measures. Under the PCS, the repeal would not become fully effective until 2018. In the meantime, the PCS

would change some current requirements with respect to how certain measures or renewable energy sources must contribute to meeting the REPS. After lengthy discussion and public comment, the PCS was approved by a vote of 11-10 with 2 Republicans joining all of the Democrats on the committee in voting against the PCS.

In the News

WRAL: House Republicans file voter ID bill

House Speaker Thom Tillis and Republican House leaders have filed a new proposal to require photo identification for voters.

News & Observer: Senate GOP proposes to gradually cut income taxes

The state's personal and corporate income tax rates would gradually decrease under two major tax bills introduced Wednesday by leading Senate Republicans.

WRAL: Renewables rollback moves forward in House

State House lawmakers are moving ahead with a proposal to freeze and repeal the state's renewable energy standards.

News & Observer: McCrory plan would open state's Medicaid business to private companies

Gov. Pat McCrory wants to overhaul the state's Medicaid program by having managed care companies offer health care plans for poor, elderly and disabled people.

AP: Gov's education board picks OK'd by NC lawmakers

The General Assembly has confirmed Gov. Pat McCrory's nominees to the North Carolina State Board of Education.

Observer: Senator: Hospitals profited on drugs for poor, uninsured

An inquiry by a U.S. senator has found that three nonprofit hospitals in North Carolina have made millions from a discount drug program intended to help the poor and uninsured.

Observer: Lawyer takes Charlotte to court over private Panthers dealing

A Charlotte lawyer on Tuesday accused the Charlotte City Council of violating North Carolina's open meetings law when it agreed in closed session in January to support a tax hike for renovating Bank of America Stadium.

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AP: US court backs blocking NC disabled services cuts

North Carolina's Medicaid program can't cut in-home services for more than 2,400 disabled adults while a class-action lawsuit challenges the decision, according to a federal appeals court ruling taking effect Tuesday.

News & Observer: Symphony and Art Museum fare well under McCrory budget

Little noticed is that two of North Carolina's major cultural institutions – the N.C. Symphony and the N.C. Museum of Art – emerged from Gov. Pat McCrory with only light cuts.

Legislative Calendar

Mon, April 08, 2013

7:00 PM

Session Convenes (House)

House

7:00 PM

Session Convenes (Senate)

Senate

Tue, April 09, 2013

8:30 AM

Appropriations Subcommittee on Education (Joint) -- CANCELLED

421 LOB

8:30 AM

Appropriations Subcommittee on Natural and Economic Resources (Joint)

423 LOB

8:30 AM

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Finance -- CORRECTED (House)

Adjust Landfill Permit Fee Timing. (H135)
Troutman Deannexation. (H245)
Kannapolis/Deannexation. (H261)
Rutherford Airport Authority. (H290)
Clarifying Changes/Engineers/Surveyors Laws. (H301)
Buncombe Cty Sales Tax Use Expansion. (H334)
Economic Development Jobsites Program. (H439)
State Contracts/Furniture. (H449)
Regionalization of Public Utilities. (H488)

544 LOB

8:30 AM

Rep. Pierce-Leg. Black Caucus

Press Room LB

9:00 AM

Rep. Holloway - Press Conference

Press Room LB

10:00 AM

Judiciary I (Senate)

Shoot Gun From Inside/To Harm or Incite Fear. (S124)
Amend NC Business Corporation Act. (S239)
Ethics Requirements for MPOs/RPOs. (S411)
Clarify Petit Juror Oath. (S528)

1027/1128 LB

10:00 AM

Health and Human Services (House)

Chronic Care Coordination Act. (H459)
Expedite Voter List Maintenance. (H460)
Breast Density Notification & Awareness. (H467)

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544 LOB

10:00 AM

Education (House)

Arts Education as a Graduation Requirement. (H127)

2013 School Safety Act. (H452)

643 LOB

11:00 AM

Commerce (Senate)

Vintage Auto Inspections. (S344)

Guaranteed Asset Protection Waivers. (S358)

Electronic Vehicle Lien/Title. (S407)

No Beer/Wine if Permit Revoked or Suspended. (S470)

Energy Savings Contracting Amendments. (S547)

Transmission Line Ownership. (S635)

1027/1128 LB

11:45 AM

Rep. D. Ross/NC Women United's Press Conference

Press Room LB

12:00 PM

State and Local Government -- CORRECTED (Senate)

Notice Publication by Some Local Govs. (S287)

Asheville Extraterritorial Jurisdiction and Annexation. (H224)

Buncombe County/Use Design-Build Methods. (H222)

1124/1224 LB

12:00 PM

Program Evaluation (Senate)

NC Railroad Company Reporting and Dividends. (S29)

Periodic Review and Expiration of Rules. (S32)

Amend State Contract Review Laws. (S78)

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Nonprofit Grants/Increase Accountability. (S144)

Child Nutrition Program Solvency and Support. (S193)

Agenda: Comments by John Turcotte, Dir. of PED. (Bills are for discussion only and/or intro of PCSs or amendments.

421 LOB

12:00 PM

Transportation (House)

Operation of Mopeds. (H48)

Restore Wallace to Wilmington Railroad. (H86)

Increase Allowed Size of Passenger Buses. (H375) Cancel Title to Manufactured Home. (H410)

643 LOB

1:00 PM

Insurance (House)

Automobile Insurance Regulatory Modernization. (H265)

Limited Lines Travel Insurance. (H340)

1228/1327 LB

1:00 PM

Finance (Senate)

Corporate Income Tax Reduction & Reform. (S677)

544 LOB

1:00 PM

Agriculture (House)

Bd. of Agriculture Forestry/Nursery Appts.-AB (H368)

Planting and Harvesting Dates. (S355)

Increased Penalty/Seed Law Violations.-AB (H369)

Clarify Board. of Agric. Authority/Plants.-AB (H379)

643 LOB

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Wed, April 10, 2013

8:30 AM

Appropriations Subcommittee on Education (Joint)

421 LOB

8:30 AM

Appropriations Subcommittee on Natural and Economic Resources (Joint)

423 LOB

10:00 AM

Judiciary Subcommittee A (House)

Courts/Procedure and Fee Amendments. -AB (H343)

Amend Grain Dealer Licensing Laws. -AB (H383)

Amend Laws Pertaining to DHHS. -AB (H399)

Trustee-Atty Fee/Foreclosures/Clerk Approval. (H407)

Mediation Amendments. (H482)

HOAs/Lim. Com. Elements/Amend of Declaration. (S228)

1228/1327 LB

10:00 AM

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

1425 LB

10:00 AM

Judiciary Subcommittee C (House)

Strengthen Laws/Vehicle Theft. (H26)

DV Fatality Review Team/Mecklenburg Co. (H456)

Increase Family Court Fee. (H462)

Foster Care Children's Bill of Rights. (H510)

415 LOB

10:00 AM

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Education/Higher Education (Senate)

Excellent Public Schools Act of 2013. (S361)

544 LOB

10:00 AM

Rep. Pierce - Press Conference

Press Room LB

11:00 AM

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

425 LOB

12:00 PM

Rep. Carney

Press Room LB

4:00 PM

Elections (Public Hearing) (House)

643 LOB

Thu, April 11, 2013

8:30 AM

Appropriations Subcommittee on Education (Joint)

421 LOB

8:30 AM

Appropriations Subcommittee on Natural and Economic Resources (Joint)

423 LOB