

# ALERTS

## North Carolina Legislative Report - March 29, 2013

March 22 - March 29, 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*

#### **Senate**

Passing through the Senate this week were the following bills:

- **SB 209:** Cities/Overgrown Vegetation Notice – *see Senate State and Local Government Committee report*
- **SB 334:** Dorothea Dix Lease – *see news clips*

#### **House of Representatives**

Passing through the House of Representatives this week were the following bills:

- **HB 285:** Amend Respiratory Care Practice Act – *see House HHS Committee report*
- **HB 193:** Expand Uses for Meck Ct/Charlotte Local Taxes – *see House Finance Committee report and news clips*
- **HB 247:** Freedom to Negotiate Health Care Rates – *see news clips*
- **HB 181:** Physician Suprvsn. Required/Nurse Anesthetist – *see news clips*

### *Committee Meetings*

#### **Senate Finance Committee**

Senate Finance met on Tuesday, March 26, and Wednesday, March 27. On Tuesday, the committee heard two bills. SB 268, Sunset Beach/Canal Dredging/Maintenance Fees is a local bill that was approved unanimously without debate. SB 159 is a public bill that would require a county to do a general property tax reappraisal if certain conditions are met. Although the bill is statewide in nature, as of now the 2011 Mecklenburg County general reappraisal is the only one that would be affected. The bill passed.

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On Wednesday, the committee heard a presentation on SB 363, Business Tax Reduction and Reform. This is one of the first bills to deal with tax reform in the 2013 Regular Session. The bill focuses on the corporate franchise tax and business privilege taxes. The bill would repeal current State and local business privilege taxes and would convert the corporate franchise tax into a business privilege tax on all business entities that provide limited liability protection to their owners. The Committee had questions about how the bill would impact cities and how the bill would shift part of the tax burden from corporations to other business entities. Members were told that the bill would be part of a larger package and that other provisions yet to be seen with respect to sales and use taxes and the personal income tax would even out some of the revenue impacts, but that it was important to explain the overall package in smaller pieces.

**Senate Commerce Committee**

Senate Commerce met briefly on Tuesday, March 26 and heard one bill. The provisions of SB 339 and SB 228 were combined in a committee substitute of SB 228, HOAs/Lim. Com. Elements/Amend of Declaration. The bill would make several minor changes with respect to homeowners' associations. The bill was subject to minimal debate and passed unanimously.

**Senate State and Local Government Committee**

The Senate State and Local Government Committee met this week to hear SB 209, Cities/Overgrown Vegetation Notice. This bill allows cities to provide annual notice of chronic violators of overgrown vegetation ordinances by standard mail. SB 209 received a favorable report in committee and unanimously on the Senate Floor. The bill now heads to the House for consideration.

**House Environment Committee**

House Environment met on Thursday to hear four bills - HB 89, DENR Support for Regional Water Supply System; HB 135, Adjust Landfill Permit Fee Timing; HB 136, Bernard Allen Fund Modifications; and SB 24 Construction/Demolition Landfill Siting. The three House Bills were all recommendations of the Environmental Review Commission. All four bills were approved by the committee, though the three House bills each generated a significant number of questions.

**House Education**

The House Education Committee gave approval to legislation requiring North Carolina public schools to include cursive handwriting and memorization of multiplication tables as a part of students curriculum. Students will be required to meet these goals by the end of the fifth grade. HB 146, Back to Basics will make a stop in Appropriations before making its way to the House Floor.

Also addressed by the Committee was HB 317, Improve Education for Children Who Are Deaf. This legislation directs the Department of Public Instruction to develop procedures to measure Individualized Education Programs, ensure qualified personnel are available and develop strategies to ensure parents with deaf children are aware of the option of requesting placement in a residential program. This bill received a favorable report and referred to the House Appropriations Committee.

**House Health & Human Services Committee**

The House Health & Human Services (HHS) Committee met on Tuesday to discuss HB 285, a bill to amend the Respiratory Care Practice Act. Representative Tolson (D-Edgecombe), the primary bill sponsor, explained that as respiratory technology continues to evolve, additional roles need to be created within the Act to fulfill patient needs. Therefore, the bill suggests that the Respiratory Care Board transition to a two-tier licensure system. The first tier would create licensure requirements for a Respiratory Therapist (RT); this license is reserved for those applicants who possess an Associate's Degree from a respiratory care education program. The second tier would create the licensure requirements for a Respiratory Care Practitioner (RCP), this license would be available to those applicants who have completed the minimal requirements of a baccalaureate degree respiratory care education program that is approved by the Board. Floyd Boyer, the Executive Director, of the North Carolina Respiratory Care Board answered questions from the members regarding the bill and the licensure requirements. The committee gave a favorable report to the Committee Substitute and the bill passed its second and third readings in the House on Thursday.

**House Finance Committee**

House Finance met on Tuesday, March 26 and took up four bills. HB 229, Holden Beach/Canal Dredging District Fee and HB 191, Grifton/Deannexation are local bills that were approved unanimously without debate. HB 179, Joint Agencies Sales and Excise Tax Exemptions, would allow certain inter-local agencies to qualify for sales tax refunds and motor fuels excise tax exemptions. Specifically, this applies to inter-local agencies responsible for fire, police, or EMS service. There was some debate over this bill, but it passed easily. HB 193, Expand Uses for Meck Ct/Charlotte Local Taxes, was the main focus of the meeting. It would allow the City of Charlotte to spend a portion of the revenues generated by the current occupancy tax and prepared food and beverage tax for improvements to a professional sports facility or for amateur sports facilities. After lengthy debate, the bill passed by a vote of 21-11.

***In the News*****AP: NC House votes to give Charlotte more latitude with hotel, food taxes for Panthers' stadium**

North Carolina House members agreed Wednesday the city of Charlotte can spread around local hotel and prepared food and beverage tax revenues to pay for upgrades sought by the Carolina Panthers to its downtown stadium.

**WRAL: House OKs bill limiting Blue Cross contracts with hospitals**

The state House overwhelmingly approved legislation Thursday that would prevent Blue Cross Blue Shield of North Carolina from using contractual provisions to drive up competitors' rates.

**WRAL: House OKs supervision of nurse anesthetists**

The House on Wednesday approved legislation to require physician supervision of any nurse providing anesthesia during a medical or dental procedure.

**CBJ: NC Sen. Malcolm Graham eyeing new campaigns**

N.C. Sen. Malcolm Graham erased any doubts about his political ambitions during an interview with me Wednesday evening. The five-term state senator, a Mecklenburg Democrat, disclosed that he has formed an exploratory committee to consider state and local offices he might seek.

**WRAL: State job recruiting could shift to private sector**

The task of recruiting jobs to North Carolina, including doling out publicly funded incentives, could be put in the hands of public-private partnerships, Commerce Secretary Sharon Decker said Thursday.

**WRAL: Senate OKs tearing up Dix park lease**

The state Senate on Tuesday approved voiding Raleigh's lease of the former Dorothea Dix site, calling on the city to pay more for a smaller piece of the 325-acre parcel to create an urban park.

**CBJ: Bankruptcy judge approves US Airways-American Airlines merger**

U.S. Bankruptcy Court Judge Sean Lane on Wednesday approved the \$11 billion merger to bring together US Airways Group Inc., Charlotte's dominant airline, with American Airlines parent AMR Corp.

**WRAL: Charlotte airport deal could affect borrowing costs for other cities, counties**

A legislative proposal to give control of the Charlotte-Douglas International Airport to a yet-to-be-created regional authority could increase borrowing costs for cities, counties and other local governments throughout North Carolina, the Office of the State Treasurer warned lawmakers Monday.

**News & Observer: Employees group works to block changes to State Health Plan, retirement system**

The pressure building for weeks between the state treasurer's office and the state employees association erupted at a legislative hearing Tuesday. It comes as the association zealously tries to protect nearly 700,000 current and retired state employees and teachers from significant changes to their health insurance coverage and pension system.

**AP: McCrory names 3 to NC education board**

Gov. Pat McCrory has named two local school board members and a university professor to the State Board of Education.

**News & Observer: Prospect of closing any of the UNC system's campuses leads to outcry**

State Sen. Pete Brunstetter, a budget committee co-chairman, said Republican lawmakers envision possibly closing or consolidating one or two UNC system campuses to eliminate overlapping programs, save money and focus limited resources on the colleges and universities that are thriving.

### *Legislative Calendar*

#### Mon, April 01, 2013

12:00 PM

**Session Convenes (Senate)**

Senate

4:00 PM

**Session Convenes (House)**

House

#### Tue, April 02, 2013

8:30 AM

**Appropriations Subcommittee on General Government (Joint)**

1425 LB

8:30 AM

**Appropriations Subcommittee on Justice and Public Safety (Joint)**

415 LOB

8:30 AM

**Appropriations Subcommittee on Education (Joint) -- CANCELLED**

421 LOB

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8:30 AM

Appropriations Subcommittee on Natural and Economic Resources (Joint) -- CANCELLED

423 LOB

8:30 AM

Finance (House)

Asheville Extraterritorial Jurisdiction and Annexation. (H224)

Asheville Transfers. (H252)

Zoning Changes/Notice to Military Bases. (H254)

Kannapolis/Deannexation. (H261)

Repeal Kannapolis Annexation. (H302)

544 LOB

8:30 AM

Appropriations Subcommittee on Health and Human Services (Joint) -- CANCELLED

643 LOB

10:00 AM

Judiciary I -- CORRECTED (Senate)

Financial Exploitation of Older Adults. (S140)

Guaranteed Asset Protection Waivers. (S358)

Adopt Uniform Deployed Parent Cust/Visit. Act. (H139)

1027/1128 LB

10:00 AM

Judiciary II (Senate)

Revise Controlled Substances Reporting. (S222)

Name Change Requirements for Minors. (S369)

Ignition Interlock Req'd / All DWIs. (S434)

1124/1224 LB

10:00 AM

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**Health and Human Services (House)**

Share Arrest Warrant Status/Pub. Assistance. (H392)  
Amend Laws Pertaining to DHHS.-AB (H399)

544 LOB

11:00 AM

**Commerce (Senate)**

Reform Workforce Development (S147)  
Assess Propane Dealers/Distributors (S378)  
ABC Permit Issuance (S445)

1027/1128 LB

11:00 AM

**Agriculture/Environment/Natural Resources (Senate)**

Present-Use Value Modifications. (S384)  
Amend Grain Dealer Licensing Laws.-AB (S386)  
Forest Service Tech./Clarify'g Changes-AB (S387)  
Bedding Law/Right of Entry.-AB (S388)

544 LOB

12:00 PM

**State and Local Government -- CORRECTED (Senate)**

Waynesville Annexation. (S290)  
Ronda Recall. (H270)  
Asheboro/Charter Amendments. (S258)

1124/1224 LB

12:00 PM

**Transportation -- CORRECTED (House)**

Limit Use of Highway Fund Credit Balance. (H157)  
DOT Sales of Unused Property. (H313)  
Charlotte Regional Airport Authority. (For Discussion Only) (H104)

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643 LOB

1:00 PM

**Insurance (House)**

**Insurance Technical/Clarifying Changes.-AB (H240)**

1228/1327 LB

1:00 PM

**Appropriations Subcommittee on Justice and Public Safety (Joint)**

415 LOB

**Wed, April 03, 2013**

8:30 AM

**Appropriations Subcommittee on General Government (Joint) -- CANCELLED**

1425 LB

8:30 AM

**Appropriations Subcommittee on Justice and Public Safety (Joint) -- CANCELLED**

415 LOB

8:30 AM

**Appropriations Subcommittee on Natural and Economic Resources (Joint)**

423 LOB

8:30 AM

**Appropriations Subcommittee on Health and Human Services (Joint)**

643 LOB

10:00 AM



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### Judiciary Subcommittee A (House)

0.00 Alcohol Restriction - All DWI. (H41)  
WC/Taxi Driver/Independent Contractor. (H163)  
Amend Real Estate License Law/Records. (H214)  
Courts/Procedure and Fee Amendments.-AB (H343)  
Trustee-Atty Fee/Foreclosures/Clerk Approval. (H407)  
Increase Small Claims Amount. (H416)  
Prohibit Expunction Inquiry. (S91)

1228/1327 LB

10:00 AM

### Judiciary Subcommittee C (House)

Clarify Sex Offender Residence Law. (S123)  
Amend Definitions/Property Classif./Equ. Dist. (H384)  
Youth Accountability Task Force. (H385)  
Evidence & DNA Expunction Laws.-AB (H386)  
Amend Certain Criminal Provisions.-AB (H387)

415 LOB

10:00 AM

### Judiciary Subcommittee B (House)

Lily's Law. (S117)  
Court Improvem't Project Juv Law Changes.-AB (H350)  
Justice Reinvestment Technical Corrections.-AB (H361)  
Assigned Counsel/Amend and Clarify.-AB (H388)  
Increase Penalties for Misuse of 911 System. (H345)  
DOT Condemnation Changes. (H272)  
Revisions/Homeowner/Homebuyer Protection Act. (Please note that this bill is for discussion only.) (H203)

421 LOB

10:00 AM

### Education/Higher Education (Senate)

NC Public Charter School Board (S337)  
Back to Basics (for discussion only) (S243)

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544 LOB

11:00 AM

Commerce and Job Development Subcommittee on Energy and Emerging Markets -- CORRECTED (House)

Affordable and Reliable Energy Act. (H298)

643 LOB

12:00 PM

Rep. Faircloth / Press Conference

Press Room LB

1:00 PM

Elections (House)

643 LOB

**Thu, April 04, 2013**

8:30 AM

Appropriations Subcommittee on General Government (Joint) -- CANCELLED

1425 LB

8:30 AM

Appropriations Subcommittee on Justice and Public Safety (Joint) -- CANCELLED

415 LOB

8:30 AM

Appropriations Subcommittee on Natural and Economic Resources (Joint)

423 LOB

10:00 AM

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### Judiciary II (Senate)

Share Arrest Warrant Status/Pub. Assistance. (S401)

Abandoned Firearms to State Control. (S443)

Jurisdictional Amts/Arbitration/Sm Claims Ct. (S452)

1124/1224 LB

12:00 PM

### Banking (House)

Mortgages/S.A.F.E. Act. (H293)

Banking Laws Clarifications/Corrections. (Companion to HB 277) (S175)

1228/1327 LB

12:00 PM

### Homeland Security, Military, and Veterans Affairs (House)

CDL Requirements/Military Experience. (H322)

Park Fees for Active Duty Military/Veterans. (H325)

Land Use Surrounding Military Installations. (H433)

421 LOB

### Tue, April 09, 2013

11:45 AM

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

Press Room LB

### Wed, April 10, 2013

12:00 PM

Rep. Carney

Press Room LB