

ALERTS

North Carolina Legislative Report - May 17, 2013

May 11 - 17, 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 112 Amend Environmental Laws 2013**
Passed third Senate reading and was received by the House, 5/16/13
- **S 151 Coastal Policy Reform Act of 2013** Passed third Senate reading and was received by the House, 5/16/13
- **S 174 Disapprove Industrial Commission Rules**
Passed first House reading and was referred to Committee on Regulatory Reform, if favorable, will proceed to Judiciary Subcommittee A, 5/16/13
- **S 431 Confirm Commissioner of Banks**
Passed third Senate reading and was received by the House, 5/16/13
- **S 515 Jordan Lake Water Quality Act**
Passed third Senate reading and was received by the House, 5/16/13
- **S 583 Metal Theft Statute Amendments**
Passed third Senate reading and was received by the House, 5/16/13
- **H 74 Periodic Review and Expiration of Rules**
Past first Senate Reading and was referred to Committee On Rules and Operations, 5/14/13
- **H 119 Natural Gas/Rate Adjustment Mechanism**
Signed by Governor McCrory, 5/17/13
- **H 273 Charter School/LEA Accounting of Funds**
Passed third House reading and ordered engrossed, 5/16/13
- **H 755 DENR Electronic Notice**
Withdrawn from House calendar and re-referred to Committee on Rules, Calendar and Operations, 5/15/13
- **H 480 Environmental Permitting Reform**
Passed first Senate reading and was referred to Committee on Agriculture/Environment/Natural Resources, 5/15/13
- **H 519 Property Insurance Rate-Making Reform**
Passed first Senate reading and was referred to Committee on Insurance, 5/15/13

- **H 669 2013 Speaker's Appointments**

Passed first Senate reading and was referred to Committee on Rules and Operations, 5/15/13

Committee Meetings

Senate Agriculture/Environment/Natural Resources Committee

The Senate Agriculture/Environment/Natural Resources Committee passed seven bills out of committee this week. S 515, Jordan Lake Water Quality Act, seeks to revise the nutrient management standards applicable to the Jordan Lake watershed. S 112, Amend Environmental Laws 2013, seeks to amend a variety of environmental laws including certain laws dealing with underground storage tanks, landfills and riparian buffer rules. S 689, Amend Trapping Law, seeks to amend the trapping law relating to Conibear type traps. S 151, Coastal Policy Reform Act of 2013, seeks to amend marine fisheries laws, the law governing the construction of terminal groins, CAMA permitting laws and clarify that cities and counties may enforce ordinances within the state's public trust areas. S 703, Limit Local Regulation of Outdoor Smoking, seeks to prohibit local governments and local community colleges from regulating outdoor smoking in a manner that is more restrictive than state law. S 580, Expedite Cleanup of Orphan Landfill Sites, seeks to establish the North Carolina Contamination Sources Removal and Disposal Board, and to direct the Board and the Division of Waste Management to study development and implementation of a pilot program to allow a public-private partnership for the safe and expedited remediation of pre-1983 landfills. S 376, Landowners/Lessees May Trap Coyotes, seeks to direct the Wildlife Resources Commission to enact rules for the year round trapping of coyotes and establish a permit for the year round trapping of coyotes by landowners and lessees on their land.

Senate Commerce Committee

The Senate Commerce Committee met on Tuesday, May 14, and considered five bills and one resolution. SJR 431, Confirm Commissioner of Banks, confirmed the Governor's appointment of Ray Grace as the Commissioner of Banks. S 294, Allow Use of DOT Stormwater BMPs, would allow certain entities subject to federal regulation to use the Department of Transportation's best management practices for linear transportation projects. S 297, Winston-Salem/Local Development, would exempt the City of Winston-Salem from some purchase and contract requirements for economic development projects. S 407, Electronic Vehicle Lien/Title, would give DMV the option of doing either a vendor-implemented system or a Division-implemented system with respect to a new program for electronic registration of vehicle liens and titles. S 583, Metal Theft Statute Amendments, would make certain changes with respect to purchases of copper by scrap metal dealers. H 119, Natural Gas/Rate Adjustment Mechanism, would allow for rate adjustments related to costs associated with federal pipeline safety requirements.

Senate Finance Committee

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The Senate Finance Committee met twice during crossover week, on Tuesday and Wednesday. On Tuesday, the committee heard and approved six bills. S 103, Amend Assessments for Infrastructure Needs, clarifies that an assessment must be requested by at least a majority of affected property owners and owners of at least 2/3 of the value of the property, but that the two groups do not have to have the same membership. S 248, Choice of Hearing Aid Specialist, would clarify that an individual has a right to choose a particular specialist and would allow the licensing board to raise certain fees. S 269, Salisbury/Deannex Rowan County Airport Property, would de-annex certain property at the Rowan County Airport from the City of Salisbury. S 463, Jail Dormitory Minimum Standards, would reduce the county population threshold in place for an exception to certain jail dormitory standards. The only area currently affected by the change would be Durham County. S 523, Late Filing Penalty, clarifies the penalties that would be due when an individual income tax return is filed late and a refund would otherwise be due. H 484, Permitting of Wind Energy Facilities, would establish a process for permitting wind facilities in order to ensure state involvement and that the needs of military bases are considered.

On Wednesday, the committee heard and approved two bills. S 151, Coastal Policy Reform Act of 2013, would amend marine fisheries laws, loosen restrictions on the construction of terminal groins, amend CAMA (Coastal Area Management Act) permitting laws, and clarify that local governments may enforce ordinances within the state's public trust areas. S 236, Counties Responsible for School Construction, would authorize counties to assume responsibility for construction, improvement, ownership, and acquisition of public school property. Discussion on this controversial bill was limited to the finance aspects.

House Environment Committee

The House Environment Committee passed one bill out of committee this week. H 938, Improve Wetlands Mitigation Programs, seeks to clarify the functional value of isolated wetlands and intermittent streams. This bill also directs DENR and DOT to jointly petition the Wilmington District of US Army Corps of Engineers to allow for greater flexibility to perform wetlands mitigation beyond the immediate watershed where development will occur. Finally, the bill directs DENR and the Environmental Management Commission to review fees charges by the Ecosystem Enhancement Program.

Senate Education Committee

The Senate Education Committee met Wednesday to address one bill. S 236, Counties Responsible for School Construction, allows nine county boards to take away authority from local school boards to build and own schools. The counties affected by this legislation include Beaufort, Dare, Davie, Guilford, Harnett, Lee, Rockingham, Rowan and Wake. S 236 received a favorable vote in committee and passed along party lines on the Senate floor. It will now move to the House for consideration.

House Education Committee

The House Education Committee met Tuesday to address a lengthy calendar ahead of the crossover deadline. The committee voted to approve six bills, all of which went on to pass out of the House. The bills included. H 273, Charter School/LEA Accounting Funds, modifies statutes governing charter school fund disposition, transfer and uses. H 491, School Resource Officers/Lee County, directs the Lee county Sheriff to provide school resources officers to local schools. H 512, Community College Trustee Appointment/Lee Co., changes

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the selection process for members of the Central Carolina Community College Board. H 735, Student Organizations/Rights and Recognition, prohibits any UNC school or community college from denying recognition to student groups for exercising its right to free association and allows student organizations to determine core functions and resolve disputes. H 884, Dropout Prevention/Recovery Pilot with Charters, establishes a dropout and recovery pilot program in Mecklenburg County. H 902, Education and Workforce Innovation Act, creates the Education and Workforce Innovation Commission who will develop and administer a program to foster innovation in education that will lead to more students graduating career and college ready.

House Agriculture Committee

The House Agriculture Committee passed three bills out of committee this week. H 816, the Tobacco Growers Assessment Act, seeks to authorize tobacco growers to assess themselves to promote the interests of tobacco growers. H 936, Wildlife Poacher Reward Fund, seeks to establish a Wildlife Poacher Reward Fund to pay rewards to persons who give information to law enforcement authorities that result in the arrest and conviction of a person who commits serious wildlife violations. It also authorizes the use of compensation paid to the Wildlife Resources Commission as conditions of offenders' probation as assets of the fund. H 663, Commodities Producer Protection, seeks to increase the burden of proof in product liability cases involving certain agricultural commodities.

House Commerce Committee

The House Commerce and Jobs Development Committee met twice during crossover week - on Monday, May 13, and Wednesday, May 15. On Monday, the committee considered four bills. H 201, Reinstate 2009 Energy Conservation Codes, would repeal amendments made to the Building Code in 2009 requiring an increase in energy efficiency in new construction. The bill would leave in place the higher standards for residential construction, however. H 440, North Carolina Benefit Corporation Act, would allow for a new type of business entity, a B-Corp, in North Carolina. B-Corps are entities that have both a for-profit and a social welfare mission. H 842, Study of Spirituous Liquor Sales - Distillery, would have allowed distilleries located in the state to sell their own products much like breweries and wineries, but the bill was converted to study the proposal. H 168, Division of Atty's Fees in Workers' Comp, clarifies that the Industrial Commission may rule in a dispute between an individual's past and current attorneys with respect to a proper division of attorney fees awarded in a workers' comp case. All four bills were approved by the committee.

On Wednesday, the committee heard two bills. H 112, GBICC/Workers' Comp Program Integrity, directs the State Controller and the Government Business Intelligence Competency Center to gather information from various state agencies in an attempt to reduce workers' comp fraud and abuse. H 848, Study - Children's Health and Toxic Chemicals, would have banned the use of certain chemicals in consumer products in North Carolina, but was instead converted into a study. Both bills were approved by the committee.

House Finance Committee

The House Finance Committee met three times during crossover week - on Tuesday, Wednesday, and Thursday. On Tuesday, the committee approved six bills with very little debate. H 94, Amend Environmental Laws 2013, made a number of noncontroversial changes to environmental laws. H 479, Amend Electrolysis

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Practice Act/Fees, would eliminate the enhanced financial oversight of the licensing board by the state treasurer. H 573, Stormwater Management Fee Uses, would allow additional uses for stormwater management fees, such as improvements to private property, if those uses are determined to be the most cost-effective. H 710, Water Utility Recovery, would allow a water utility to ask for a rate adjustment based on changes in third-party costs. H 743, UI Laws Administrative Changes, makes numerous technical and clarifying changes to the unemployment insurance laws, mostly related to the reform of those laws earlier in the year. H 912, Voluntary Contributions to the General Fund, would require the state treasurer to accept voluntary contributions to the General Fund.

On Wednesday, the committee heard five bills. H 421, Marshville Deannexation, is a noncontroversial local bill and passed without debate. H 936, Wildlife Poacher Reward Fund, would establish a reward fund for people who report poachers to be funded out of compensation paid by poachers as a condition of parole. H 857, Public Contracts/Construction Methods/DB/P3, provides general authorization for the use of design-build, design-build bridging, and public-private partnership contracts for public construction projects. H 273, Charter School/LEA Accounting of Funds, would make several changes with respect to the funding of charter schools. It would clarify that charter schools may assign state funds for various items, would require an accounting by the LEA of charter school funds and clarify the type of funds that must be transferred, would provide that LEAs must transfer funds in a timely manner, and would clarify that funds may be transferred to a charter school outside of the LEA. These bills were all approved by the committee. H 107, Eastern Region Econ. Dev. Region/Withdrawal, was held over for review after a great deal of controversy. The PCS considered on Wednesday would have allowed a county to withdraw from the Eastern Region and receive a disbursement of the funds held by the Region in trust for economic development projects in that county.

On Thursday, the committee considered two bills. H 267, Limit Tolling on Existing Interstates, would further limit tolling on existing interstate highways. In addition to the current requirement that tolling be approved by the US Department of Transportation, this bill would require that at least as many lanes on the interstate must remain untolled as there were before the tolling begins and that the tolling be specifically approved by the General Assembly. H 107, Eastern Region/Disbursement of Funds, was back before the committee in a new form. This bill would now allow Craven County to receive a disbursement of the tax proceeds held in trust for the county by the Region, subject to some adjustments. The committee approved both bills.

In the News

WRAL: McCrory signs five bills, including wind energy permitting measure

WRAL: House releases tax plan

WRAL: Senate targets Sunday for budget proposal

AP: NC Senate to direct DHHS to craft Medicaid reform

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News & Observer: Plan to ease restrictions on same-day surgery centers in NC to get more study

News & Observer: Marcus Brandon forms committee for congressional bid

AP: NC health agency heads pitching Medicaid revamp

Charlotte Observer: Transportation nominee Foxx to appear at Senate committee May 22

AP: NC Senate bill ends regional development groups

McClatchy: Rep. Ellmers weighs campaign to take on Sen. Hagan

Legislative Calendar

Mon, May 20, 2013

12:00 PM

Session Convenes (House)

House

2:00 PM

Joint Legislative Program Evaluation Oversight Committee

544 LOB

3:00 PM - PRESS CONFERENCE

Rep. Brandon & Rep. Bryan / Press Conference (Time Change)

Press Room LB

4:00 PM

Appropriations on General Government and Information Technology (Senate)

1124 LB

4:00 PM

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Appropriations on Department of Transportation (Senate)

Agenda: Budget Discussions

1228/1327 LB

4:00 PM

Appropriations on Justice and Public Safety (Senate)

415 LOB

4:00 PM

Appropriations on Education/Higher Education (Senate)

421 LOB

4:00 PM

Appropriations on Natural and Economic Resources (Senate)

423 LOB

4:00 PM

Appropriations on Health and Human Services (Senate)

Agenda: HHS Budget

643 LOB

7:00 PM

Session Convenes (Senate)

Senate

Tue, May 21, 2013

8:30 AM

Appropriations/Base Budget (Senate)

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Appropriations Act of 2013. (S402)

643 LOB

10:00 AM

Health and Human Services (House)

Establish Statewide Telepsychiatry Program. (H580)

A Family For Every Child/Foster Care. (H971)

Funds/Two-Tiered Pay for Three-Way Contracts. (H973)

544 LOB

10:00 AM

Education (House)

Opportunity Scholarship Act. (H944)

643 LOB

12:00 PM

Transportation (House)

Permanent License Plates for Charter Schools. (H67)

Permanent Registration Plates for Authorities. (H236)

Ferry Tolling Alternatives. (H475)

643 LOB

Wed, May 22, 2013

10:00 AM

Judiciary Subcommittee A (House)

Amend NC Business Corporation Act. (S239)

Estates/Trusts/Guardianship Amendments. (S279)

Constructive Fraud/Limitations Period. (S393)

Clarify Petit Juror Oath. (S528)

1228/1327 LB

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10:00 AM

Judiciary Subcommittee B -- CORRECTED (House)

Revise Controlled Substances Reporting. (S222)
Capital Punishment/Amendments. (S306)
Prohibit E-Cigarette Sales to Minors. (S530)
Increase Penalty/Controlled Substance Crimes. (S252)
Pretrial Release/Rebuttable Presumption. (S316)
Inmates Prescriptions/Pistol Permits. (S368)
Master Meters/Landlord-Tenant Agreement. (S545)

421 LOB

Wed, June 05, 2013

10:00 AM

Rep. Whitmire - Press Conference

Press Room LB