

ALERTS

North Carolina Legislative Report - September 18, 2015

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The General Assembly convened for the 2015 legislative session on January 14. Lawmakers returned to Raleigh on January 28 to begin the session in earnest. The MVA Public Affairs Legislative Report on North Carolina will be distributed on a weekly basis to keep you up to date on the latest legislative issues facing the state.

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On The Floor

For legislative action lookup by day, click below:

- [Bills with House Action by Day](#)
- [Bills with Senate Action by Day](#)

Committees

Budget Update

The Senate gave final approval to H 97, 2015 Appropriations Act, on Wednesday, September 16, with the House following suit in the early morning hours of Friday. The Governor signed the bill on Friday in advance of the expiration of the latest budget continuing resolution, which expires at the end of the day. The two-year spending plan includes General Fund appropriations of \$21.7 billion in FY 2015-16 and \$21.9 billion in FY 2016-17.

House Rules Committee

The Committee met on Tuesday, September 15, and approved three bills. S 400, School Access for Boy Scouts/Girl Scouts, would give priority access to civic organizations that work with students such as the Boy Scouts and Girl Scouts. H 944, Rev. Billy Graham for Postage Stamp, is a House resolutions respectfully petitioning the Citizens' Stamp Advisory Committee of the USPS and the Postmaster General of the US to issue a commemorative stamp honoring the Reverend Billy Graham. S 279, Amend Qualifications/Practice of Counseling, would amend the Professional Counselors Act to modify educational qualifications for the practice of counseling and to require local boards of education to address sex trafficking prevention and

awareness.

Senate Rules Committee

The Committee met on Wednesday, September 16, and approved 13 bills.

- H 20, Rural Access to Health Care Act, would require parent education during well-child visits at specific age intervals regarding Type I Diabetes; amend the law pertaining to Pharmacy Benefits Managers (PBMs); make various changes in hospital licensure and certificate of need (CON) laws; and repeal laws governing the Certificate of Public Advantage (COPA).
- H 112, Stanly Co Bd of Ed Election Method, would provide for the partisan election of the members of the Stanly County Board of Education.
- H 173, Omnibus Criminal Law Bill, would amend various criminal law provisions relating to: a) extending the period of time to pay court costs without penalty; b) directing the Administrative Office of the Courts to report on certain orders of remand from the Superior Court; c) revising the law authorizing certain magistrates to appoint counsel and accept guilty pleas; d) clarification of probation revocation appeals; e) conforming State law to federal Supreme Court decisions regarding "mental retardation" and "intellectual disability"; f) changes to the petition for judicial review; g) allowing expunction information to be transmitted electronically; h) allowing greater flexibility with respect to setting bonds; i) disposition of certain evidence that may contain biological evidence; j) an amendment to the rules of evidence regarding certification of business records; and k) changes to bail bond continuing education requirements.
- H 188, Trustee Appointments/Isolthermal Comm. Coll, would eliminate the four appointments of the local boards of education to the board of trustees of Isothermal Community College and require the Rutherford and Polk County Commissioners to make those appointments, subject to certain requirements.
- H 361, Principle-Based Reserving/Revise Ins. Laws, would a) provide for a principle-based reserving approach to valuing life insurance reserves in North Carolina and make minor conforming changes to the Standard Nonforfeiture Law; b) make clarifying and conforming changes to various provisions of North Carolina's insurance laws, as requested by the Department of Insurance; c) revise North Carolina's insurance policy renewal provision; d) amend the definition of small employer; and e) make technical corrections.
- H 482, Employees Misclassification Reform, would enact the Employee Fair Classification Act (Act) to prevent the misclassification of employees as independent contractors and make other reforms regarding employee misclassification. The bill would: a) provide that the advisory council must meet at least quarterly; b) clarify that the independent contractor test include the eight factors from Hayes v. Board of Trustees of Elon College; c) provide that employers may appeal determinations of employee misclassification to the Industrial Commission; d) provide that the Industrial Commission must adopt temporary and permanent rules and establish fees to carry out its duties under the Act; e) provide that the definition of "employment" includes service involving delivery or distribution of newspapers or shopping news or involving the sale of newspapers or magazines; f) delete the provision providing that it is a rebuttable presumption that the term "employee" does not include any person performing newspaper or magazine sales under an arrangement where the newspapers or magazines are sold to the ultimate consumers at a fixed price and the person's compensation is based on the retention of the excess of the

fixed price over the amount at which the newspapers or magazines are charged to the person; and g) make technical and conforming changes.

- H 503, Moore Co. Comm. And Bd. of Ed. Changes, would allow the Moore County Board of Commissioners to redistrict their residency districts and would reduce the size of the Moore County Board of Education from eight members to seven.
- H 527, Omnibus Local Act, would: a) provide that regular municipal elections in the municipalities of Stanly County shall be held in even-numbered years; b) extend the term of office for the Mayor of the City of Albemarle from two years to four years; c) amend the Charter of the City of Raleigh to authorize the city to sell, exchange, or otherwise transfer real property; d) clarify the Board voting rules for the Elizabeth City-Pasquotank Board of Education; and e) to add Beaufort, Dare, Gates, and Hyde Counties to the list of counties covered by G.S. 153A-15 (requiring voter approval in a county where land is located when a local government in another county seeks to obtain it).
- H 540, Billy Graham/National Statuary Hall, would request the Joint Committee on the Library of Congress to approve the replacement of the statue of Charles Brantley Aycock in National Statuary Hall with a statue of the Reverend William Franklin "Billy" Graham, Jr.
- H 709, NCNG Tuition Assistance Benefit Amendment, would allow members of the NC National Guard who are enrolled in a program granting a graduate certificate to be eligible for the NC National Guard tuition assistance benefit.
- H 712, Pilot Project/Used Needle Disposal, would direct the SBI to establish and implement a used needle and hypodermic syringe disposal pilot program.
- H 875, Restrict Municipal Eminent Domain, would require consent of the County Board of Commissioners in Ashe and Watauga County for property located in those counties before any municipality, special district or other until of local government acquires by condemnation any real property located in the same county and outside the municipality, special district or other unit of local government.
- S 215, Abolish Brunswick County Coroner, would abolish the Office of the Coroner in Brunswick County.

In The News

WRAL: Budget delay cracks top-5 longest since the 1960s

Raleigh News & Observer: NC House approves negotiated budget in final 81-33 vote

Raleigh News & Observer: NC leaders want to move all 2016 primary elections to March

Raleigh News & Observer: North Carolina to privatize Medicaid

Charlotte Observer: NC incentives bill: No cap for Mecklenburg, no jet fuel tax for American Airlines

Associated Press: Charlotte mayor in Democrat runoff; GOP chooses candidate

NORTH CAROLINA LEGISLATIVE REPORT - SEPTEMBER 18, 2015

Charlotte Observer: Democrats Vi Lyles, James Mitchell finish 1-2 in Charlotte City Council at-large primary

Charlotte Observer: Charlotte City Council district races: Incumbents Mayfield, Austin and Autry win primaries

Calendar

Mon, September 21, 2015

10:00 AM

Session Convenes (House)

House

10:30 AM

Session Convenes (Senate)

Senate

4:00 PM

Finance (Senate)

Bills to be announced

643 LOB

Tue, September 22, 2015

10:00 AM

Rep. Hardister - Press Conference

Press Room LB