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Subject: REPRESENTATIVE RODNEY W. MOORE'S RALEIGH REPORT - May 21, 2013

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REPRESENTATIVE RODNEY W. MOORE'S RALEIGH REPORT

The General Assembly has experienced a flurry of legislation as lawmakers introduce as many bills as possible before crossover – the deadline in which legislation that doesn't raise or spend money must clear the House or Senate chambers by Thursday night to be considered for the remaining two-year session. So far, the House has voted in favor of legislation such as prohibiting law enforcement officers from destroying fully-operating firearms, providing more disclosure on independent election spending, and insurance plans covering treatment for autistic patients.

Republican legislators also gave tentative approval to legislation permitting medical professionals to refuse to participate in an abortion. The measure also allows a number of employers to refuse to provide contraception services in health insurance coverage based on religious or moral justifications. This controversial bill once again places restrictions on women's reproductive rights and reduces access to basic health care. It will also impact cities and counties on the types of health insurance packages they provide. Another debate and final vote is scheduled today before heading over to the Senate.

House Democrats attempted to fight a bill supported by Gov. Pat McCrory that limits civil service protections and restructures grievance procedures for state employees. The bill transfers a key part in the appeal process over to officers named by political appointees of the Governor. It would also increase the number of political hires from 400 to 1,500. We put forth our best effort to provide amendments that would reduce the number of political appointments made by the governor's office for state positions, and include protections for workers who are

affected by a reorganization plan. However, all three amendments failed and the bill received final approval.

Earlier in the week, the state AFL-CIO and other advocacy groups joined together in a press conference calling on state legislators to help unemployed workers and prevent bills that will reduce unemployment benefits. House Democrats have attempted to delay implementing a new unemployment system that severely cuts unemployment benefits from \$535 a week to only \$350.

By preserving the current system through the end of the year, unemployed workers would be eligible to receive higher unemployment checks and federal emergency benefits. As this session nears the end, we must remain committed to delivering on the promises made to create employment opportunities and help our citizens who have lost jobs in a struggling economy through no fault of their own.

Tax Reform

Yesterday the NC Senate rolled out their Tax Reform proposal. Proposed Republican budget cuts slam middle class to pay for planned handouts for the super-wealthy. Over \$400 million cut from classrooms; job creation funds for rural communities slashed by approx. \$100 million.

<http://www.newsobserver.com/2013/05/19/2904533/nc-senate-delivers-2058-billion.html#>

North Carolina NAACP protests reach highest arrest count yet

For the past three Mondays, various groups mainly clergy, along with the N.A.A.C.P. have been coming to the legislature protesting the bills Republicans are pushing that have an affect on the poor to middle class people of North Carolina. Yesterday more than 1000 were at the General Assembly protesting issues from Abortion to Voter ID.

<http://abclocal.go.com/wtvd/story?section=news/politics&id=9108744>

On the Floor

HB 834: House passes bill rewriting rules for state workers

North Carolina governors would have more latitude to hire and fire state workers under a bill that cleared the state House Wednesday. The measure, which now goes to the state Senate, will give the governor 1,500 political "at will" appointees. Until this year, governors had only 400 appointees. Lawmakers raised that limit to 1,000 last year, in time for Gov. Pat McCrory, a Republican, to take office.

[HB 730](#): House passes abortion bill without contraception provisions

The state House has passed a bill dealing with several abortion-related provisions, but only after removing a controversial provision dealing with contraception coverage. House Bill 730, which passed the House Judiciary A Committee Wednesday morning, originally contained a measure that would have allowed employers to opt out of providing contraception in their health plans. The bill passed the House 67-38. It will be debated and voted on again Thursday before heading to the state Senate.

[HB 201](#): NC House passes rollback of building energy codes

A bill rolling back energy-efficiency standards for commercial builders has passed the North Carolina House. The measure approved by the House Tuesday reverts energy conservation codes to 2009 standards, which are 30% lower than today's energy-use benchmarks. A similar provision for residential builders was removed at the request of the North Carolina Home Builders Association.

[HB 714](#): NC House passes 'Save the Gun' bill

State House lawmakers voted Wednesday to forbid law enforcement officers from destroying fully-operating firearms, even if they were used in a crime. House Bill 714, "Disposal of Abandoned Firearms," says that, if a firearm is fully functioning and still has a legible identification number, sheriffs and other law enforcement officers cannot destroy it, regardless of its background.

[HB 695](#): North Carolina Advances Bill To Ban 'Foreign Laws,' Including Sharia

North Carolina legislative committee on Wednesday advanced a bill that would ban the consideration of "foreign laws," including Sharia, in the state's court system in certain cases. The Republican-controlled House Judiciary Committee voted out legislation that could make North Carolina the eighth state to ban use of foreign laws, WRAL.com reports. The bill advanced only after the committee tweaked the language to apply only to family law and child custody issues and not to disputes involving the business community.

[SB 515](#): Senate repeals Jordan Lake Rules, jetty cap

Proposals to repeal water-quality rules for Jordan Lake and to allow more terminal groins at the coast survived the crossover deadline by passing the Senate Wednesday. Senate Bill 515 would immediately repeal the state's 2009 water-quality rules to mitigate pollution and runoff

flowing into Jordan Lake, a drinking water source for much of the Triangle. The bill passed the Senate 31-16 and goes to the House, along with Senate Bill 151, which would allow terminal groins in all 14 of the state's inlets.

Senate committee limits local control, regulations on outdoor smoking

Members of a Senate committee advanced legislation Tuesday that would prohibit local governments and community colleges from regulating outdoor smoking in any manner that is more restrictive than State law. [Senator Buck Newton](#), the sponsor of [Senate Bill 703](#), told members of the Agriculture/Environment/Natural Resources committee that it was 'ridiculous' that adult smokers could not enjoy tobacco on a windy beach, a city sidewalk, or while sitting on the back of their pick-up truck on a community college campus.

[HB 735](#): House Ed members pass bill allowing student organizations to exclude certain groups

After considerable debate, members of the House Education Committee passed the Student Organizations/Rights & Recognition bill on a roll call vote, 30-20. The bill is a companion to Sen. Dan Soucek's SB 719, passed by the Senate last week. The bill would provide that religious or political student organizations on UNC and community college campuses have the right to determine the organization's core functions (such as selecting leaders and members and defining doctrines) and resolve disputes within the organization, in accordance with their own core beliefs and values.

Wake judge issues restraining order over Asheville water

Wake County Superior Court Judge Don Stephens issued a temporary restraining order Tuesday afternoon preventing the City of Asheville's water system from being transferred to a regional water system. The city had sued the state after the Republican-led legislature passed a bill transferring its water system. The judge said he would hold a hearing on the preliminary injunction within 10 days. The transfer of the water system was to have taken place Wednesday.

[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

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 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 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.

LEGISLATIVE CALENDAR

Wed, May 22, 2013

10:00 AM **Judiciary Subcommittee A (House)** 1228/1327 LB

Amend NC Business Corporation Act. ([S239](#))
Estates/Trusts/Guardianship Amendments. ([S279](#))
Constructive Fraud/Limitations Period. ([S393](#))
Clarify Petit Juror Oath. ([S528](#))

10:00 AM **Judiciary Subcommittee B -- CORRECTED (House)** 421 LOB

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](#))

Wed, June 05, 2013

10:00 AM **Rep. Whitmire - Press Conference** Press Room LB



Please remember that you can listen to committee meetings and press conferences on the General Assembly's website at www.ncleg.net. Once on the site, select "Audio," and then make your selection – House Chamber, Senate Chamber, Appropriations Committee Room or Press Conference Room. A schedule of committee meetings and other events is also available on the website.

2 Attached Images

