

# NC Legislative Update: August 2, 2019

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It was a slow week at the legislature, with both chambers staying in a holding pattern while they continue to wait on a vote to override Governor Cooper's veto of the budget. The Senate was not in Raleigh this week, but are set to hold session next Tuesday, the 6th. The House was in town Monday through Wednesday, and passed several bills, including legislation to strengthen child sex abuse laws, and another bill to add safety regulations to ride share apps like Uber and Lyft.

Since the budget originated in the House, they will have to be the first chamber to override the veto. The override vote has been on the House calendar every day they have held session, but, despite an effort by Minority Leader Darren Jackson to schedule a vote, the House has displaced the item each time. The House is not expected to vote on the override for several more weeks, as a number of members have planned absences. The Henderson, Polk, and Transylvania County Republican Party executive committee members have chosen Polk County Commissioner Jake Johnson to replace former Representative Cody Henson, who recently resigned. Johnson is waiting for the Governor to formally appoint him, but has indicated that his first priority in office will be overriding Governor Cooper's budget veto.

With students set to return to school later this month, some worry that the budget stalemate will present problems. State Law dictates that if a new budget is not enacted by the end of the fiscal year (June 30), then the State will continue to operate on the previous year's budget. This keeps recurring funding at current levels, but does not allow for non-recurring funding to be spent. Legislators have taken action to pass a stop-gap funding provision to ensure that federal dollars can be spent. Some legislators, including Senator Andy Wells, have advocated for leaving last year's budget in place and not overriding the veto, which Wells says would save the State around \$2.5 billion.

## Governor Cooper Vetoes

Governor Cooper vetoed Senate Bill 392 this week. The bill would have removed the cap on virtual charter schools and moved the responsibility to review charter school bonds from the Capital Facilities Finance Agency to

the State Superintendent of Public Instruction. Under current law, the State can establish two virtual charter schools with a maximum student enrollment of 1,500. The schools are allowed to exceed the enrollment cap by 20% in their fourth year of operation. Senate Bill 392 would remove the enrollment cap and allow schools to grow by more than 20%. In his veto message, Governor Cooper cites concerns about virtual charter schools having low performance, noting that both schools received “D” grades on their annual school performance report card. Governor Cooper also claims that the State Board of Education can already lift the cap under current law if they deem appropriate, and says that the decision should be left with the State Board. The bill passed the legislature with bipartisan support, with both chambers approving the bill with the amount of votes needed to override a veto.

Governor Cooper also vetoed Senate Bill 320 on Friday. The bill requires all local governments within a region seeking grant or loan money for a regional water system to file an agreement stating their current rate and any rate increases that may be needed in the future, before the grant or loan money can be dispersed from the State. In his veto message, Governor Cooper warned that local governments should not use state laws to gain the upper hand in negotiations when providing vital resources like water. The bill was seen as being aimed at the Kerr Lake Regional Water System, which is seeking federal funds for upgrades. The bill passed the legislature on largely party lines, and without enough votes needed to override a veto.

*WRAL*: <https://www.wral.com/cooper-vetoes-legislation-lifting-enrollment-cap-for-virtual-charter-school/18538721/>

*WRAL*: <https://www.wral.com/cooper-vetoes-kerr-lake-water-system-measure/18546947/>

## 2019 Session Laws

The following 160 bills have become law this session:

1. SB 7: Bipartisan Ethics Appointments
2. SB 75: Restore Ct. of Appeals Membership
3. SB 77: Ag Disaster Fund/Certain Counties
4. SB 214: Ensure Orderly 2019 Elections
5. SB 12: Fill Certain Vacancies/Alexander & Burke Co.
6. SB 56: Revenue Laws Technical Changes
7. SB 4: Extend Terms of 2 Members/Coastal Carolina CC
8. SB 272: Zoning for University Facilities-Durham
9. SB 6: Dare County/CC Construction Funds
10. SB 162: Loan Origination/Late Payment Charge Changes
11. HB 263: Fill Vacancies/Modify 2018 Appointments
12. SB 63: City of Kannapolis/Annexation

13. HB 130: Allow Game Nights
14. SB 505: Rural Job Retention Act
15. SB 605: Highway Storm Recovery Act
16. HB 1014: 2020 Census VTD Verification Program
17. SB 310: Electric Co-Op Rural Broadband Services
18. HB 363: Craft Beer Distribution & Modernization Act
19. HB 233: State Auditor/Local Finance Officer Amends
20. HB 532: DNCR Add New Trails & Various Changes
21. HB 388: Immunizing Pharmacists
22. HB 646: ID Approval/Flex Muni One-Stop
23. HB 70: Delay NC HealthConnex for Certain Providers
24. HB 9: Bessemer City Charter Amendment
25. HB 201: Randolph Co. Register of Deeds Tax Cert
26. SB 252: Dental Bill of Rights
27. SB 138: Even-Yr Municipal Elections/Town of Black Mtn.
28. SB 139: Even-Yr. Municipal Elections/Town of Montreat
29. HB 336: Extend Suspension of Spencer Mountain
30. SB 235: Franklin/Nash Municipalities/Unfit Dwellings
31. SB 30 Stanly CC/Contracting Date Extension
32. SB 381: Reconstitute/Clarify Boards and Commissions
33. HB 301: CIP Revisions/Juvenile Code
34. HB 179: Mini-Truck Classification
35. HB 131: Repeal Map Act
36. HB 82: Railroad Crossings/On-Track Equipment
37. SB 648: Support Shellfish Aquaculture
38. SB 448: Amend Appt For Compact on Education/Military
39. SB 255: State Board Construction Contract Claim
40. SB 151: Break or Enter Pharmacy/Increase Penalty
41. HB 617: Allow Repeat Referral to Teen Court
42. HB 578: Modify Legitimations Provisions
43. HB 548: Modify Physical Therapy Definition
44. HB 383: Topsail Beach Charter/Board Vacancies

45. HB 1016: UNC Boards of Trustees Appointments
46. HB 1017: Special Master Wake House Plan
47. HB 415: Photos of Juveniles/Show-Ups
48. SB 148: Public Records/Release of LEO Recordings
49. SB 11: ABC Regulation and Reform
50. SB 466: EDPNC Modifications
51. HB 57: Create Term for Public Schs. & Codify NCVPS
52. HB 389: ABC/Univ Athletic Facility
53. HB 531: Tenants at Foreclosure Act Restored
54. HB 658: Allow Donations of Unexpired Drugs
55. HB 664: myFutureNC/Postsecondary Attainment Goal
56. HB 432: Water/Sewer to Contiguous Dwelling Units
57. HB 219: NAIC Accreditation Amendments.-AB
58. SB 80: China Grove Satellite Annexation
59. SB 242: Recreational Land Fee Changes
60. SB 227: TP3/Principal Fellows Consolidation
61. SB 84: Walkertown Zoning Authorizations
62. SB 262: Union/Prohibit Certain Hunting Acts
63. SB 674: Surry Co./Mt. Airy/Elkin City/Bd. Ed Partisan
64. HB 15: Lexington/Dissolve Utilities Commission
65. HB 240: Albemarle/City Labor for Business Ctr
66. HB 299: Henderson Cty/Build Community College Bldgs
67. HB 6: Burlington Airport/Lease/Contract Authority
68. SB 225: Repeal Tuition Surcharge
69. HB 537: Hwy Use Tax Vehicle Subscriptions
70. HB 934: Right to Try Adult Stem Cell Treatments
71. SB 219: Modify Teacher Licensing Requirements
72. SB 55: Continuing Education for General Contractors
73. SB 483: Vacation Rental Act Changes
74. SB 610: Authorize Northern Peaks Trail
75. SB 95: Veterans Memorial Funds/Do Not Revert
76. SB 556: GSC People First Language 2019

77. SB 529: Fees/Returned Checks
78. SB 88: Electrician Requirements for Certain Orgs
79. SB 313: Guar. to Streamline Afford. Housing
80. SB 127: Protect Governmental Accountability
81. HB 656: Medicaid Changes for Transformation
82. HB 924: Teacher Contract Changes
83. HB 474: Death by Distribution
84. HB 67: Road Barrier Prohibition
85. HB 310: Clarify Insurance Prod'r Crim. Bckgrd Check
86. HB 812: Nutrient Offset Amendments
87. HB 886: Study Participation of Operators in NC Pre-K
88. HB 529: Utilities/Water and Wastewater Consumption
89. HB 917: Emergency Declaration/Clarify Rd Closure
90. HB 747: NC Missing Person Information Sharing
91. HB 770: Freedom to Work/OLB Reform
92. HB 871: Fair Contracts
93. HB 4: Claremont Deannexation
94. HB 52: Wrightsville Beach Local Act Amendment
95. HB 204: Town of Beaufort/Annexation
96. HB 349: Wilkes County Fire Tax-Procedure
97. HB 489: Lincolnton-Lincoln County Airport Authority
98. HB 80: Roanoke Rapids Lake/Unattended Equip
99. HB 237: Brunswick County Zoning Procedure Changes
100. HB 368: Bermuda Run/Speed Restrictions
101. HB 98: Macon/Clay/No Right-of-Way Spotlighting
102. HB 134: Filling Vacancy/Onslow County Board of Comm
103. HB 170: Various Satellite Annexations
104. HB 187: Amend Town of Elon Charter/Parking Ordinances
105. HB 285: City of Sanford/Town of Beaufort/Vol Annex
106. HB 239: Pitt County Animal Control Records
107. HB 324: Local Hunting Omnibus
108. HB 429: Navigable Waters/Manteo/Hyde

109. SB 191: Out-of-State Law Enforcement/2020 Rep Convtn
110. SB 399: Rehire High-Need Teachers
111. SB 355: Land-Use Regulatory Changes
112. SB 378: Local Economic Development Modifications
113. SB 394: Changes to Estates & Trusts Statutes
114. SB 311: Massage Board Membership
115. HB 257: Motorcycles/Face Masks
116. HB 224: Assault w/ Firearm on LEO/Increase Punishment
117. SB 594: Register of Deeds Updates
118. SB 525: Textile Hist. Site/Operate SE NC Museum
119. SB 220: Removal of Political Signs by Citizens
120. SB 500: Modify Advanced Math Course Enrollment
121. SB 186: Beaufort-Morehead Cty Airport Authority/Amend
122. SB 686: Appointments Bill 2019
123. HB 492: Simplify Builder Inventory Exclusion
124. HB 402: UNC Capital Projects
125. SB 384: Clarify Motor Vehicle Dealer Laws
126. HB 761: Clarify Wastewater Permitting Liability
127. HB 758: MSD Expansion and Governance/DACS Study
128. HB 755: Travel Insurance Amendments
129. HB 735: Adopt Rules Incorporating 2017 Food Code
130. HB 629: Law Enforcement Mutual Aid
131. HB 495: No Municipal Reg/Off-Site Wastewater Systems
132. HB 329: Renewable Energy Amends
133. HB 156: Swain County Settlement Trust Fund
134. HB 138: Damage Jail & Prison Fire Sprinkler/Penalty
135. HB 106: Inmate Health Care & 340B Program
136. HB 18: Allow Absentee Ballots/Fire District Election
137. HB 757: Pender County/Butner Property Transfers
138. SB 535: Authorize State Park/Clarify Corps Name
139. HB 668: Various Higher Education Changes
140. HB 590: Amend Administrative Procedure Laws

141. SB 444: Allow Use of Oyster Shells As Serving Dishes
142. HB 411: Modify School Qual./Student Success Indicator
143. SB 210: Organ & Tissue Donation/Heart Heroes
144. SB 316: Affordable Housing
145. SB 297: Cancer Research Advisory Panel
146. SB 462: Modifications to NC Appraisal Board
147. SB 508: Civil Procedure/Deponent Declaration
148. SB 606: Prioritize Native NC Plants on Highway ROW
149. HB 107: PED Oversight/EPP Changes
150. HB 323: Assess Costs of Local LEO Crime Lab Analysis
151. HB 268: Amend On-Site Wastewater Laws/Misc. TC
152. HB 243: State Human Resources Act Amendments.-AB
153. HB 337: Change Salvage Vehicle Transfer Requirements
154. HB 362: 15-Point Scale For School Performance Grades
155. HB 546: Prohibit Counterfeit/Nonfunctional Airbags
156. HB 620: Street Database/Manual/Public Record Except
157. SB 29: Move Over Law/Increase Penalties/Amber Lights
158. HB 198: Human Trafficking Commission Recommendations.-AB
159. HB 325: Opioid Epidemic Response Act
160. SB 194: West Jefferson/Saluda Satellite Annexations
161. SB 420: NC Servicemembers Civil Relief Act
162. SB 218: Clarify State Recognition - Lumbee Indians
163. SB 145: Allow Sports/Horse Race Wagering Tribal Lands
164. SB 332: Civil Procedure/Limitations/Land Surveyors
165. SB 343: Various Education Law Changes
166. SB 391: Expand Youth Internship Opportunities
167. SB 478: Modify Appointment Reporting
168. SB 493: DVPO Abuser Treatment/Time of Expiration
169. SB 523: Laws Clarifying & Administrative Changes
170. SB 604: Amend NC Veterinary Practice Act
171. SB 108: PED/Safekeeper Health Care Cost Recov. Pract
172. HB 469: Various Family Law Changes

- 173. HB 628: 2019 Banking & Mortgage Corrections & Changes
- 174. HB 675: 2019 Building Code Regulatory Reform
- 175. HB 50: Allow Hyperbaric Oxygen Therapy for TBI/PTSD
- 176. HB 922: Enhance Insurance Coverage/Educ. Buildings
- 177. HB 264: GSC Technical Corrections 2019
- 178. SB 532: Amends Probate/Trusts/Wills Choice of Law
- 179. HB 220: Insurance Technical Changes.-AB
- 180. SB 302: Update ACH Svc & Care Plan/Bd of Nursing
- 181. SB 385: Clarify/Auto Dealers Regulatory Req
- 182. SB 290: ABC Regulatory Reform Bill
- 183. SB 9: Female Genital Mutilation/Clarify Prohibition
- 184. SB 301: Regional School Modifications
- 185. SB 366: 9th/10th Grade/College Transfer Pathways
- 186. SB 413: Raise the Age Modifications
- 187. SB 498: Facilitate Response to Disasters
- 188. HB 724: Truth in Caller ID Act
- 189. HB 872: Underground Utility Safety Act/Changes
- 190. SB 190: Expand Special Assessments for Dam Repair
- 191. HB 228: Modernize Laws Pertaining to NC Medical Board.-AB
- 192. HB 961: Ensuring Authorization of Federal Funds

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#### More about Nexsen Pruet's North Carolina Public Policy Team

*In addition to providing Government Affairs Services, the Nexsen Pruet Public Policy team provides attorneys and clients with a newsletter summarizing the week's activities and conveying the inner workings of the legislative process and state government in Raleigh during the legislative session. Please feel free to pass this along to your clients or other interested parties. If you would like to receive the update in your inbox, please email [shernandez@nexsenpruet.com](mailto:shernandez@nexsenpruet.com) to be added to the list. If you are interested in learning more about how Nexsen Pruet can help you achieve your public policy goals and acquiring legislative representation in North Carolina or South Carolina, please reach out to Sandy Sands at [ssands@nexsenpruet.com](mailto:ssands@nexsenpruet.com) or Ross Barnhardt at [rbarnhardt@nexsenpruet.com](mailto:rbarnhardt@nexsenpruet.com).*