

NC Legislative Update: June 14, 2019

Related Professionals

David P. Ferrell
919.573.7421
dferrell@nexsenpruet.com

Michelle L. Frazier
919.573.7433
mfrazier@nexsenpruet.com

George T. Smith III
919.653.7836
gtsmith@nexsenpruet.com

06.14.2019

The legislature continued their push towards the end of session this week, taking up issues from wind energy, tax modifications, renewable energy clean up, and handgun permits. The Senate continued to move their healthcare omnibus bill through committee, which contains a controversial partial repeal of the State's Certificate of Need (CON) laws. The House and Senate started the budget conference process and had hoped to have a compromise by the end of the week, but backed off on that goal with a less optimistic timeline. The General Assembly and governor have until June 30th before the end of the fiscal year. The Senate has indicated that they will be holding regular Rules Committee meetings in the coming weeks as they work to finish up policy committee work and focus solely on the budget.

NC Health Report Card

North Carolina ranked 34th in the country for health performance in a report issued by The Commonwealth Fund this week. This is up from their 35th rank last year. The report looks at various healthcare related issues in the state, but NC ranked especially poor on the average percentage of per capita household income people spend on their health insurance premiums and for income-related disparities in access to care. The report blames NC's fourth from the bottom rank on income-related disparities in health outcomes on the lack of Medicaid expansion. The report cites that the states that had not expanded Medicaid had the highest rates of uninsured people. North Carolina did rank well on preventative treatment and care.

NC Health News: <https://www.northcarolinahealthnews.org/2019/06/13/health-report-cards-north-carolina-below-average-performance-access/>

NC Report Card: https://scorecard.commonwealthfund.org/files/North_Carolina.pdf

Sheriff ICE Bill

The Senate unveiled a committee substitute to House Bill 370, which is a bill to require Sheriffs to comply with the controversial federal 287(g)

immigration program. The program is operated by the U.S. Immigration and Customs Enforcement Agency (ICE) and allows local law enforcement offices to voluntarily cooperate with ICE to enforce various immigration laws. House Bill 370 would make it mandatory for all sheriffs to participate in the program, and the Senate added a provision to allow for a superior court judge to remove a sheriff from office if the sheriff did not comply with the program. Under the 287 (g) program, sheriffs will be required to hold suspected illegal immigrants and report their status to ICE. Bill sponsors say that the bill will prevent illegal immigrants from being released once they have been arrested. The program drew controversy after several newly elected sheriffs decided to end their participation in the program earlier this year. In committee this week, the Sheriff's Association, who had previously opposed the bill, indicated that they now support it, although some select sheriffs are still opposing it. Opponents of the bill, including many Latino groups and the ACLU, call the bill a de facto "show us your papers" law, and say that it will damage relations between law enforcement and minorities. The bill passed 63-51 in the House and is expected to be voted on in the Senate next week.

House Version: <https://www.ncleg.gov/Sessions/2019/Bills/House/PDF/H370v2.pdf>

WRAL: <https://www.wral.com/some-sheriffs-say-nc-bill-requiring-cooperation-with-ice-undercuts-their-authority/18448070/>

News & Observer: <https://www.newsobserver.com/news/politics-government/state-politics/article231513218.html#storylink=mainstage>

Wind Energy Ban

The Senate passed a bill this week to ban wind energy installations across much of eastern North Carolina. The Military Base Protection Act would enact a three year moratorium on wind projects, but would grandfather existing ones in.

Senator Brown, who sponsored the bill, cites concerns over wind energy turbines disrupting military aircraft training, which may cause the military to close or relocate nearby bases. The State instituted a wind energy ban two years ago that was set to expire, but also conducted a study to determine locations that pose a threat to military training. The study produced a map outlining locations that would interfere with military training, which included the vast majority of eastern North Carolina. Opponents of the bill claim that it is unneeded and that an approval process that takes the military into consideration already exists. Clean energy advocates feel that the bill is an effort to undermine alternative sources of energy. The military is North Carolina's second largest industry, and Senator Brown warned of the economic consequences to the State if it lost a base. Senator Jim Perry, who has led the effort alongside Senator Brown, told his colleagues that they are working on a compromise that would remove the moratorium, but asked that the Senate approve the bill with the moratorium in for now. The bill passed the Senate on a mostly party line vote, with only one Republican voting no.

WRAL: <https://www.wral.com/wind-power-moratorium-clears-senate/18448147/>

Disabled Veterans and State Contracts

The House took up a bill this week to give disabled veterans assistance when bidding on state contracts. House Bill 954 would allow disabled veteran-owned businesses to match the lowest bid for a state contract when their initial bid

is within 10% of the lowest bid. The business would have to be at least 50% disabled veteran-owned, and the disabled veteran would have to be at least 60% disabled. A former version of the bill would have allowed the disabled veteran-owned business to be awarded a state contract if they were within 10% of the lowest bid, but the language was modified in committee to make it an opportunity to match.

WRAL: <https://www.ncleg.gov/Sessions/2019/Bills/House/PDF/H954v2.pdf>

2019 Session Laws

The following 25 bills have become law this session:

- SB 7: Bipartisan Ethics Appointments
- SB 75: Restore Ct. of Appeals Membership
- SB 77: Ag Disaster Fund/Certain Counties
- SB 214: Ensure Orderly 2019 Elections
- SB 12: Fill Certain Vacancies/Alexander & Burke Co.
- SB 56: Revenue Laws Technical Changes
- SB 4: Extend Terms of 2 Members/Coastal Carolina CC
- SB 272: Zoning for University Facilities-Durham
- SB 6: Dare County/CC Construction Funds
- SB 162: Loan Origination/Late Payment Charge Changes
- HB 263: Fill Vacancies/Modify 2018 Appointments
- SB 63: City of Kannapolis/Annexation
- HB 130: Allow Game Nights
- SB 505: Rural Job Retention Act
- SB 605: Highway Storm Recovery Act
- HB 1014: 2020 Census VTD Verification Program
- SB 310: Electric Co-Op Rural Broadband Services
- HB 363: Craft Beer Distribution & Modernization Act
- HB 233: State Auditor/Local Finance Officer Amends
- HB 532: DNCR Add New Trails & Various Changes
- HB 388: Immunizing Pharmacists
- HB 646: ID Approval/Flex Muni One-Stop
- HB 70: Delay NC HealthConnex for Certain Providers
- HB 9: Bessemer City Charter Amendment

→ [HB 201: Randolph Co. Register of Deeds Tax Cert](#)

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 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 or Ross Barnhardt at rbarnhardt@nexsenpruet.com.