

NC Legislative Update: October 11, 2019

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Legislators returned to Raleigh for what ended up being a slow week. Both chambers continued to advance stand-alone budget bills that contained spending provisions, including money for Raise the Age, the Community College System, and the Department of Transportation (DOT). The DOT funding bill addressed budget issues contained in the vetoed budget, but did not include funding to assist with the Department's budget shortfall that is currently threatening hundreds of road projects and thousands of jobs.

The House wrapped up its business on Wednesday and the Senate finished its schedule on Thursday. Both chambers have announced that no votes will be taken next week.

In a press conference last week, Senate President Pro Tem Phil Berger announced the Senate's plan for the next month. Senator Berger said that the Senate will adjourn by October 31, regardless of any bills left unfinished. He indicated that they may adjourn sooner if a budget becomes law. Senator Berger was hopeful that he would have some Democrats vote to override Governor Cooper's budget veto, but stated that a compromise budget with broad support is the preferred option. Senator Berger announced that the Senate could wait to take up the veto override vote after the candidate filing period, which would allow members to vote for the override without fear of a primary challenger as retaliation. The House has not indicated if they will adjourn on the same date.

WRAL: <https://www.wral.com/cooper-accused-of-threatening-senate-democrats-over-budget-veto/18670092/>

Tax Credit Extension Bill

The Senate passed House Bill 399 this week, which extends several tax credits and makes various finance law changes. The bill extends the sunset for the Historic Rehabilitation Tax Credit, extends the sales tax exemption for the professional motorsports racing teams (NASCAR), and extends the aviation gasoline and jet fuel sales tax exemption. The bill expands the Mill Rehabilitation Tax Credit to include railroad stations. The bill also contains provisions allowing for income tax deductions for specific IRA distributions

and money received as part of a JDIG, JMAC, or OneNC grant. The bill extends the tax on dry cleaning solvent and transfers the revenue from the tax to the Dry Cleaning Solvent Cleanup Fund. The bill also contains a \$17 million appropriation for the Department of Revenue to perform various maintenance and tax fraud functions. The Fiscal Research Division of the General Assembly estimated that the bill would cost the State around \$21 million in revenue in the first year of enactment, with similar costs in the years following.

Legislative Fiscal Note: <https://www.ncleg.gov/Sessions/2019/FiscalNotes/House/PDF/HFN0399v5.pdf>

FEMA Denies Hurricane Funding

The Federal Emergency Management Agency (FEMA) denied Governor Cooper's request for aid related to damage from Hurricane Dorian. FEMA claims that Dorian's damage was too localized and does not meet their threshold for a federal disaster. State lawmakers have pledged to assist and step up, given the rejection from the federal government. State Representative Hanig, whose district took the brunt of the damage, has criticized FEMA's decision and calls the agency's methods "antiquated". The House passed Senate Bill 312 this week, which ensures that teachers and school workers who missed work during the hurricane and recovery period will still be paid. The bill is now in the Senate.

WRAL: <https://www.wral.com/fema-rejects-nc-s-request-to-provide-aid-to-individuals-after-dorian/18687125/>

WRAL: <https://www.wral.com/lawmakers-pledge-to-help-ocracoke-residents/18687636/>

Raise the Age Funding

The General Assembly passed House Bill 1001 this week, which is known as the Raise the Age bill, and the legislation is now on Governor Cooper's desk. Raise the Age is a 2017 law that raises the age for individuals to be tried as juveniles to include 16 and 17 year olds. The bill increases the number of assistant district attorneys and adjusts the number of district court judges. The bill also appropriates funds to the Administrative Office of the Courts (AOC), the Office of Indigent Defense Services (IDS), and the Department of Public Safety (DPS) to deal with the extra administrative costs associated with the 2017 law.

2019 Session Laws

The following 228 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 City/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: Lincolnnton-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
- 193. HB 760: Expand Loss Prevention Investigations
- 194. HB 391: Passenger Protection Act
- 195. HB 590: Modify Continuing Ed for Real Estate Brokers
- 196. SB 321: Federal Motor Carrier Safety/PRISM
- 197. SB 68: Relocation of Water/Sewer Line Costs

198. SB 584: Criminal Law Reform
 199. HB 206: Various Transportation Changes
 200. HB 217: DIT Changes.-AB
 201. SB 230: NC Military and Veteran Act of 2019
 202. SB 86: Small Business Health Care Act
 203. HB 99: Transfer ALE/Move Boxing Advisory Commission
 204. HB 597: Wildlife Resources Commission Amends
 205. HB 604: Small Business Retirement Program
 206. HB 55: Cleveland County/Sheriff Vacancies
 207. HB 554: Funeral Practice Licensure Tech. Corrections
 208. HB 609: Salary Increases/Adult Correctional Employees
 209. HB 226: Pay Increases/State Employees
 210. HB 126: Pay Increases/State Highway Patrol
 211. HB 777: Pay Increases/SBI & ALE
 212. SB 621: Testing Reduction Act of 2019
 213. HB 449: Handicapped & Special Registration Plates
 214. SB 600: Vets Children/Short-Term Workforce Training
 215. SB 353: Amend Cartway Path/Septic Tank Laws
 216. SB 682: Implement Crime Victim Rights Amendment
 217. SB 574: Study Establish Gaming Comm/Sports Betting
 218. SB 270: Durham Deannexation
 219. SB 692: 2019 Senate Consensus Nonpartisan Map
 220. HB 1020: 2019 House Remedial Map
 221. HB 29: Standing Up for Rape Victims Act of 2019
 222. HB 75: School Safety Funds, Programs, and Reports
 223. SB 118: Prison Safety/TANF State Plan/Clarifications
 224. SB 429: Disaster Recovery - 2019 Budget Provisions
 225. SB 458: PTS Day/Cardiac Task Force/Titus's Law/Data
 226. SB 691: Emergency Operating Funds for Utilities
 227. HB 211: Various DMV Changes
 228. HB 283: Conner's Law
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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 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.