



### Slowly Starting Session Begins to Pick Up Steam

This week the slower-than-normal pace of session began to pick up some steam, though committee meetings were few and only one bill passed its chamber. The ongoing court battle between Gov. Cooper and legislative leaders continued, with a three-judge Superior Court panel temporarily blocking the effect of a law passed in December that requires Senate confirmation for Cabinet-level appointments. Confirmation hearings were set to begin this week, and lawmakers convened the scheduled hearing despite the nominee's absence. Another hearing is scheduled for February 10, with Gov. Cooper's lawyers asking that the stay remain in place until a full trial on the law is held next month.

The Governor also pressed the General Assembly this week on repealing House Bill 2, the controversial law passed last year that stripped municipalities from extending protections to LGBT citizens. The NCAA made clear this week that time is running out to make changes to the bill that would allow North Carolina to be considered as a host for NCAA games (including March Madness tournament games) for the next 8 years. While Gov. Cooper and others insist "the votes are there" for full repeal of HB2, House Speaker Tim Moore and Senate leader Phil Berger have said publicly that only a "compromise" measure (presumably one that continues to require transgender men and women to use public facilities that match their gender at birth) will be considered, and Republican Party leaders called on Gov. Cooper to propose such a compromise.

With this debate ongoing, Democratic members filed HB2 repeal bills that would also expand protections to LGBT citizens, though these bills are extremely unlikely to be taken up. Bills on other controversial issues – abortion, guns, immigration and alcohol, among others – were also introduced, after an initial week in which most bills filed dealt with more mundane issues. Debates about how to spend an estimated \$550 million budget surplus have also begun, with many calling for investments in education and other priorities, and others favoring additional tax cuts and savings. A bill passed by the House this week would reduce the size of the UNC System Board of Governors from 32 to 24 members, but a proposed amendment that would have required proportional diversity of the Board ("in proportion to the historic diversity of the constituent institutions") was defeated after passionate debate. While the session has started slowly, based on the bills that were filed this week, we can certainly expect the pace, and the number of contentious debates, to increase steadily.



### NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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## BILLS OF INTEREST

HOUSE JOINT RESOLUTION 44, [Application for a Convention of the States](#), would apply to the US Congress for the calling of a Convention of the States limited to proposing amendments to the US Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress. **Introduced by Representatives Bert Jones, Millis, Riddell, and Setzer and referred to the House Judiciary I Committee. Various other bills have also been filed called for the US Congress to call for a convention of the states, including Senate Bill 40 and Senate Bill 41.**

HOUSE BILL 48, [Legislator-Lobbyist Reform Act](#), would increase the time period during which a former legislator, former public servant, or employee of a State agency is prohibited from filing as a lobbyist from six months to one year. The bill would prohibit:

- a legislator or former legislator from registering as a lobbyist before the later of the close of session in which the legislator served or for a period of one year (currently, six months) after leaving office;
- a public servant or former public servant from registering as a lobbyist while in office or for a period of one year (currently, within six months) after leaving office or after separation from employment as a public servant; and
- any other employee of any State agency from registering as a lobbyist to lobby the State agency that previously employed the former employee for a period of one year (was, six months) after voluntary separation or separation for cause from that State agency.

**Introduced by Representatives Stone, Faircloth, Howard, and Setzer and referred to the House Rules Committee.**

HOUSE JOINT RESOLUTION 52, [Rescind Calls for Constitutional Convention](#), would (1) rescind all outstanding applications by the General Assembly made during any session to the US Congress to call a convention for proposing one or more amendments to that constitution, and (2) urge the legislatures of other states to do the same. **Introduced by Representatives Elmore, Jordan, and Jackson and referred to the House Judiciary I Committee.**

HOUSE BILL 54, [Protect the Hardworking Taxpayers Act](#), would remove the limitation on the income tax deduction for mortgage expense and property tax for purposes of the State tax return. **Introduced by Representatives Hastings, Saine, Howard, and Setzer and referred to the House Finance Committee.**

HOUSE BILL 57, [Physical Therapy Licensure Compact](#), would establish a physical therapy licensure compact to facilitate the interstate practice of physical therapy with the goal of improving public access to physical therapy services. The bill sets out objectives that are to be achieved by the compact and establishes seven requirements that a state must meet to participate in the compact. The bill also sets out eight qualifications a licensee must meet to exercise the compact privilege under the terms and provisions of the compact, including licensure in the home state. The bill also allows a licensee who is active duty military or is the spouse of an individual who is active duty military to designate as the home state (1) home of record, (2) permanent change of station (PCS), or (3) state of current residence if it is different than the PCS state or home of record. The bill also establishes the Physical Therapy Compact Commission (Commission) as a joint public agency of the Compact states. **Introduced by Representatives Szoka, G. Martin, and Grange and referred to the House Health Committee.**

HOUSE BILL 62, Woman's Right to Know Addition/Ashley's Law, would:

- provide that the following information must be provided to a woman prior to a drug-induced abortion:
  - the physician or health professional shall inform the woman that (i) it is still possible to discontinue a drug-induced abortion by not taking the prescribed Misoprostol and taking progesterone to reverse the effects of the Mifepristone and (ii) information on how, where, and from whom women can obtain assistance in discontinuing a drug-induced abortion is available on the Department of Health and Human Services' Internet Web site; and
  - immediately prior to administering the drug Misoprostol, the physician or qualified professional shall provide medical proof to the woman that fetal death has occurred.
- provide that the Department of Health and Human Services update their website to reflect the above information and the website must be updated to direct individuals to where they can obtain assistance in discontinuing a drug-induced abortion by July 1, 2017.

**Introduced by Representatives Pittman, Stevens, Boswell and Speciale and referred to the House Committee on Health.**

HOUSE BILL 63, Citizens Protection Act of 2017, would:

- increase penalties for the manufacture or sale of counterfeit documents to a Class G felony, while violations relating to possession remain a Class 1 misdemeanor;
- create a rebuttable presumption against the pretrial release of certain undocumented aliens if (1) there is probable cause to believe that the person committed a sex offense, a felony, a driving offense, a drug offense, or a gang offense or (2) there is probable cause to believe that the person committed an offense not listed above, and United States Immigration and Customs Enforcement has issued a detainer for the initiation of removal proceedings against the person or has indicated it will do so; and
- enact a penalty for cities and counties that violate state laws related to sanctuary cities.

**Introduced by Representatives Warren, Collins, Jordan and Adams and referred to the House Committee on Judiciary II.**

HOUSE BILL 69, Constitutional Carry Act, would make it lawful to carry a concealed handgun in North Carolina without a concealed handgun permit. The bill would include a variety of provisions to:

- make it a Class 1 misdemeanor for a person participating in, affiliated with, or present as a spectator at a parade or funeral who violates GS 14-269 (Carrying concealed weapons) to willfully or intentionally possess or having immediate access to any dangerous weapon. This provision would not apply to persons authorized by State or federal law to carry dangerous weapons in the performance of their duties or to any person who obtains a permit to carry a dangerous weapon at a parade or funeral procession from the sheriff or police chief, whichever is appropriate, of the locality where the parade or funeral procession is to take place;
- enact a new GS § 14-415.35 (Carrying concealed handguns) to allow any person who is a citizen of the United States and is at least 18 years old to carry a concealed handgun in this State unless provided otherwise by State law or federal law;
- make it unlawful for a person to:
  - carry a concealed handgun on another person's private property if notice is given that carrying a concealed handgun on the premises is prohibited by either the posting of a conspicuous notice or statement by the person in legal possession or control of the premises (would not apply to a law enforcement officer who is discharging the officer's official duties); and
  - carry a concealed handgun while consuming alcohol or at any time while the person has remaining in the person's body any alcohol or in the person's blood a controlled

substance previously consumed, but a person does not violate this condition if a controlled substance in the person's blood was lawfully obtained and taken in therapeutically appropriate amounts or if the person is on the person's own property;

- include 14 categories of persons who are prohibited from carrying a concealed handgun, including a person who is prohibited from possessing a firearm as a result of a conviction of a misdemeanor crime of domestic violence;
- require a person carrying a concealed handgun to also carry valid identification and disclose to any law enforcement officer that the person is carrying a concealed handgun when approached or addressed by the officer and to display the proper identification upon the request of a law enforcement officer;
- provide for restrictions on carrying firearms and other weapons in certain locations, including:
  - making it unlawful to carry firearms into any establishment where alcoholic beverages are sold and consumed when firearm prohibition is posted, with certain exceptions;
  - prohibiting firearms or other weapons on the premises of the State Capitol, Executive Mansion, or Western Residence of the Governor;
  - prohibiting firearms or other weapons in courthouses or buildings housing any court of the General Court of Justice; and
  - prohibiting firearms and other weapons at picket lines and certain demonstrations;
- allow a person to have a concealed handgun in a restricted area if it is in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle, and allow the person to unlock the vehicle to enter or exit the vehicle, provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit; and
- require the sheriff to deny a handgun permit to an applicant who is currently, or has been previously adjudicated by a court or administratively determined by a governmental agency whose decisions are subject to judicial review to be a danger to self or others due to mental illness or lack of mental capacity or who has been dishonorably discharged from the US Armed Forces.

**Introduced by Representatives Pittman, Speciale, Boswell, and Adams and referred to the House Judiciary I Committee.**

HOUSE BILL 70, SOG Pilot Project Standards/PED, is identical to Senate Bill 43, summarized below in this Legislative Report. **Introduced by Representatives Hurley, Lucas, and R. Turner and referred to the House State and Local Government Committee.**

HOUSE BILL 78, HB2 Repeal/Equality For All, would:

- repeal the Public Facilities Privacy & Security Act, commonly known as House Bill 2;
- provide protected status against housing discrimination of another person based on the person's race, color, national origin, religion, age, disability, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic information. Amends the statute that exempts religious institutions by clarifying that they must abide by all of the protected statuses other than religion;
- establish and expand protections the right and opportunity of all persons to seek, obtain and hold employment without discrimination or abridgment on account of race, religion, color, national origin, age, sex, sexual orientation, gender identity, disability, marital status, familial status, military or veteran status, or genetic information;
- provide that it is the role of the State to protect and safeguard the right and opportunity of all individuals within the State to enjoy fully and equally the goods, services, facilities, privileges, advantages, and accommodations of places of public accommodation free of discrimination because of race, religion, color, national origin, sex, sexual orientation, gender

identity, disability, marital status, familial status, military or veteran status, or genetic information. Establishes that it is not discrimination on the basis of sexual orientation or gender identity for a public accommodation to provide separate bathrooms or changing facilities based on gender. Additionally, authorizes the Human Relations Commission (Commission) in the Department of Administration to receive, investigate, and conciliate complaints of discrimination in public accommodations, and directs the Commission to effect an amicable resolution;

- prohibit discrimination by any person engaged in any form of lending money in this State, or to residents of this State, in the extension of credit on the basis of race, color, national origin, religion, age, disability, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic information;
- prohibit discriminatory practices by insurers because of an individual's race, color, national or ethnic origin, religion, sex, marital status, familial status, sexual orientation, gender identity, disability, military or veteran status, or genetic information;
- expand the North Carolina Human Relations Commission's duties to also include administering the provisions of the new Equal Access to Public Accommodations Act;
- appropriate \$788,076 in recurring funds from the General Fund to the Department of Administration, Human Relations Commission for 2017-18, \$242,669 of which would be used to fund four specified new positions; and
- increase the punishment for specified crimes if the crime is committed in a changing facility that is designated for the opposite sex.

**Introduced by Representative Brockman, and has not yet referred to a House Committee.**

HOUSE BILL 82, Equality For All/Repeal HB2. This bill is very similar to House Bill 78 above, except it does not include increased punishment for specified crimes if the crime is committed in a changing facility that is designated for the opposite sex. **Introduced by Representatives Harrison, Fisher, and Butler and has not yet been referred to a House committee.**

HOUSE BILL 83, Ensure Budget Transparency, would require every special provision contained in the budget to include the name of the member or members who requested the provision. **Introduced by Representative Insko and has not yet been assigned to a House committee.**

SENATE BILL 34, Eminent Domain Const. Amendment, is identical to House Bill 3, summarized in the January 27, 2017, Legislative Report. **Introduced by Senator B. Jackson and referred to the Senate Rules Committee.**

SENATE JOINT RESOLUTION 36, Convention of the States, is identical to House Joint Resolution 44, summarized above in this Legislative Report. **Introduced by Senators Sanderson, Hise, and Tucker and referred to the Senate Rules Committee.**

SENATE BILL 42, Reduce Cost & Reg. Burden/Hosp. Construction, would direct the Secretary of Health and Human Services and the Medical Care Commission to repeal the Hospital Facilities Rules within 120 days after this act becomes law and directs the Medical Care Commission to adopt the recommendations of the American Society of Healthcare Engineering's Facility Guidelines Institute. **Introduced by Senators Hise, Krawiec, and Pate and referred to the Senate Rules Committee.**

SENATE BILL 43, SOG Pilot Project Standards/PED, would direct the School of Government at the University of North Carolina at Chapel Hill (SOG) to coordinate a working group charged with developing standards for State agencies to use when designing and implementing pilot projects mandated by the General Assembly. The working group would report the proposed standards to the Joint Legislative Program Evaluation Oversight Committee and the Office of State Budget and Management (OSBM) would adopt rules to implement the standards proposed by the SOG to guide

evaluation of State agency pilot projects. The standards would, at a minimum, offer a range of options for designing evaluations of pilot projects that take into consideration the agency's available resources and time. Unless specifically exempted, all departments, agencies, bureaus, divisions, and institutions of the State would be required to conduct and complete pilot projects required by law by the General Assembly in accordance with these rules beginning June 1, 2019. **Introduced by Senators Hise, McInnis, and Waddell and referred to the Senate Rules Committee.**

SENATE BILL 55, School Bus Cameras/Civil Penalties, would authorize the use of photographic or video evidence recorded by automated school bus safety cameras installed and operated on any school bus for the civil enforcement of violations for passing a stopped school bus. The bill requires a citation for the violation to be received by the registered owner of the vehicle no more than 60 days after the date of the violation. **Introduced by Senators McInnis and Alexander and referred to the Senate Rules Committee.**

SENATE BILL 60, Record of Excusals from Jury Duty, is identical to House Bill 29, summarized in the February 6, 2017, Legislative Report. **Introduced by Senators Krawiec, Dunn, and Sanderson and referred to the Senate Rules Committee.**

SENATE BILL 66, Require Safety Helmets/Under 21 changes the law to allow a person 21 years and over to operate a motorcycle without wearing a safety helmet if (1) the operator has held a motorcycle license or motorcycle endorsement for more than 12 months or (2) the operator has successfully completed the course of instruction offered by the Motorcycle Safety Instruction Program or its equivalent. The bill also prohibits a person from operating a motorcycle or riding on a motorcycle without wearing a safety helmet unless the operator is covered by an insurance policy providing at least \$10,000 in medical benefits for injuries incurred as a result of a crash while operating or riding on a motorcycle. **Introduced by Senator Meredith and has not yet been assigned to a Senate committee.**

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