



INTRODUCTION

The General Assembly 2017 long session picked up speed last week with floor votes by both the House and Senate and a variety of committee meetings. One item already adopted by the House and given tentative approval by the Senate is a 25 percent reduction in the University of North Carolina Board of Governors by 2019. This legislation will decrease the Board of Governor's membership from 32 voting members to 24, in an attempt to make the Board more manageable. The House also passed House Bill 7 to increase the state's "rainy day fund" by requiring legislators to save 15 percent of the growth in the budget from the previous year and place it into the rainy day fund. This legislation received bipartisan support in the House and will next be considered by the Senate, where we expect some version of it to be approved by the Senate.

Also, in an attempt to fix language contained in last year's budget that would have taken flexibility away from local school districts to fund positions for the arts, music, world languages, and PE, the House adopted House Bill 13 to give some flexibility back to local school districts (which would also allow them to increase class sizes). It is likely that the Senate will develop its own approach to this problem, since several Senators have been vocal in opposing this legislation. Also in Education news, the House Education Committee approved a bill to create a task force to study new approaches to funding schools. It is anticipated that the task force will strongly consider a move toward a weighted student-funding model.

In House Bill 2 news, the continued effort for a repeal took an interesting turn as Governor Cooper made a proposal for a possible compromise by suggesting new legislation that would repeal House Bill 2, strengthen penalties for crimes occurring in public bathrooms and require local governments before adopting any nondiscrimination ordinance extending protections beyond those already afforded by state law provide a 30 day notice to the legislature. Legislative leadership and both sides of the debate criticized this proposal - which I always heard was the way you could tell a resolutions was good - when both sides don't like it. Needless to say the debate continues with both sides saying they want a resolution before the end of the month when the NCAA makes their decision about where championships will take place. Stay tuned.....



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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BILLS OF INTEREST

HOUSE BILL 88, Modernize Nursing Practice Act, would amend components that define the practice of nursing to include collaborating with other health care providers in determining the appropriate health care for a patient (previously, limited to not prescribing a medical treatment regimen or making a medical diagnosis, except under the supervision of a licensed physician). The bill also establishes that the practice of nursing by a certified registered anesthetist does not constitute practicing medicine or surgery. The bill provides that a certified registered anesthetist administering anesthetic in collaboration with a licensed dentist or physician pursuant to GS 90171.20(6d) does not constitute practicing dentistry. The bill also includes the power to grant prescribing, ordering, dispensing, and furnishing authority to holders of the advanced practice registered nurse license. The bill also allows the Board to waive the requirements of the Act to permit providing emergency health services to the public during states of emergency. **Introduced by Representatives Dobson, Lambeth, Stevens, and Adcock and referred to the House Health Committee.**

HOUSE BILL 91, Require Safety Helmets/Under 21, is identical to Senate Bill 66, summarized in the February 13, 2017, Legislative Report. **Introduced by Representative Torbett and referred to the House Transportation Committee.**

HOUSE Bill 94, Emergency Management/Drone Use, would authorize emergency management services personnel to use unmanned aircraft systems for emergency medical response purposes. **Introduced by Representatives Speciale, Pittman, Torbett, and Cleveland and referred to the House Judiciary III Committee.**

HOUSE BILL 98, Crim. Offense/Vandalize Fire and EMS Equipment, would create the criminal offense of injuring, destroying, removing, vandalizing, or tampering with any of the following: firefighting machinery, firefighting equipment, an ambulance, a rescue squad emergency medical services vehicle, or emergency medical services equipment. **Introduced by Representatives Dollar, Malone, Wray, and Clampitt and referred to the House Judiciary II Committee.**

HOUSE BILL 99, The Antidiscrimination Act of 2017, would:

- prohibit the use of discriminatory profiling by law enforcement officers in the performance of their duties;
- define discriminatory profiling as the practice of subjecting a person to investigation, detention, or arrest based on the person's real or perceived race, ethnicity, national origin, disability, religion, sexual orientation, or gender identity, rather than on the person's behavior or on information identifying the person as having engaged in criminal activity;
- amend the types of information required to be reported by certain law enforcement agencies concerning traffic law enforcement to include whether the officers making the stop attempted to determine the immigration status of the driver, passenger, or passengers;
- require certain law enforcement agencies to report specified information concerning homicides, including:
 - the number of homicides committed;
 - the geographic location where the homicide was committed;
 - identifying characteristics of offenders and victims, including the race or ethnicity, approximate age, gender identity, and sex;

- the number of homicide cases solved and the number of homicide cases that remain unsolved; and
- for homicide cases that were solved, the time required to solve the case, including the date the investigation began and the date the case was considered solved by the law enforcement agency; and
- require law enforcement officers to receive annual education and training concerning discriminatory profiling.

Introduced by Representatives R. Moore, Alexander, and Brockman and referred to the House Judiciary III Committee.

HOUSE BILL 100, Restore Partisan Elections/Sup. & Dist. Court, would restore partisan judicial elections for North Carolina superior and district courts. The bill would prohibit a person from filing a notice of candidacy for or being nominated as a superior court judge, unless that person is, at the time of filing the notice of candidacy, a resident of the judicial district as it will exist at the time the person would take office if elected. The bill also would establish a filing fee of 1% of the annual salary of the office sought for justices and judges, and would add judges to those allowed to request a second primary. **Introduced by Representatives Burr, Saine, Bumgardner, and Henson and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 105, Const. Amendment-Limit Governor/LG to 2 Terms, would amend the State Constitution if approved by voters at the general election in November 2018 to limit the Governor and the Lieutenant Governor to a lifetime maximum of two terms, beginning with terms of office commencing on or after January 1, 2021. **Introduced by Representative Bert Jones and referred to the House Judiciary I Committee.**

HOUSE BILL 107, Commonsense Compromise to Repeal HB2, would:

- repeal House Bill 2 and restore State Claim for Wrongful Discharge;
- require local governments to provide the General Assembly and the public at least 30 days notice before adopting any nondiscrimination ordinance extending protections beyond those already afforded by state law;
- enhance the sentencing of a defendant who committed a specified felony in a public changing facility or a changing facility in a place of public accommodation; and
- establish that it is a Class A1 misdemeanor for any person to commit an assault in a public changing facility or in a changing facility in a place of public accommodations.

Introduced by Representative Jackson and referred to the House Committee on Rules, Calendar and Operations.

HOUSE BILL 113, Pvt Action Local Compliance/Immigration Laws, would establish a private cause of action for declaratory and injunctive relief for any person who resides within the jurisdiction of a city, county, or law enforcement agency that the person believes is not in compliance with the law that prohibits the use of documents issued by a consulate or embassy of another country or any authority not expressly authorized to be used by the General Assembly for purposes of determining a person's actual identity or residency. The action would be filed in the superior court of any county in which the defendant city, county, or local law enforcement agency has jurisdiction. The court would award the prevailing party reasonable attorneys' fees and court costs as authorized by law, and would impose a civil penalty against any city, county, or law enforcement agency that fails to comply with an order issued as a result of an action pursuant to this section in an amount up to \$10,000 per day for each day the city, county, or local law enforcement agency fails to comply with the order. The bill also would enact similar provisions to establish a private cause of action for a person who believes a city, county, or

police department is in violation of the law which prohibits the adoption of sanctuary ordinances. **Introduced by Representatives Cleveland, Conrad, Millis, and Speciale and referred to the House Judiciary I Committee.**

HOUSE BILL 116, Student Safety in Athletics, would require the State Board of Education and Local Boards of Education to educate those involved in school athletic activities on sudden cardiac arrest and heart-related illnesses, directs the State Board to establish a database on the occurrence of injury and illness of student athletes participating in athletic activities and to recodify the statutory provisions on concussion safety and emergency action plans. The bill would require the Board to adopt rules governing interscholastic athletic activities with regard to concussion safety for athletes in middle and high school that includes the specified provisions, including requiring the students showing symptoms of a concussion to be removed from the activity and not be allowed to return until the student receives written clearance from one of the listed professionals or the student's parent or legal guardian. **Introduced by Representatives Warren, Lambeth, Murphy, and Rogers and referred to the House Health Committee.**

HOUSE BILL 133, Elect the State Board of Education, would amend the State Constitution, if approved by a majority of voters in a statewide election held on the date of the first primary in 2018, to: (1) elect the majority of the membership of the State Board of Education from the same districts used for Congressional elections; (2) make the Superintendent of Public Instruction a voting member of the State Board of Education; (3) eliminate the State Treasurer as a member of the State Board of Education; (4) require the Governor to appoint the chair of the State Board of Education and provide that the chair votes only in the event of a tie; (5) eliminate the requirement that the General Assembly confirm appointments to the State Board of Education by the Governor; and (6) reduce the term of office for elected and appointed members to four years. **Introduced by Representatives Elmore, Conrad, and Bert Jones and has not yet been referred to a House committee.**

SENATE BILL 75, Const. Amd. - Max. Income Tax Rate of 5.5%, would amend the State Constitution, if approved by voters at the general election held on November 6, 2018, to provide that the maximum tax rate on incomes cannot exceed 5.5%. **Introduced by Senators Tucker, Brock, and Tillman and referred to the Senate Rules Committee.**

SENATE BILL 77, Public Meetings/Records Law Violations, would make it a Class 3 misdemeanor to deny access to public records for purposes of inspection and examination or to deny copies of public records. The bill also would make a violation of the statute which requires all official meetings of a public body to be open to the public, a Class 3 misdemeanor. **Introduced by Senators Cook and Sanderson and referred to the Senate Rules Committee.**

SENATE BILL 83, Raise Awareness of Lupus, would designate the month of May of each year as Lupus Awareness Month and establishes an advisory council on Lupus within the Department of Health and Human Services. **Introduced by Senators Robinson and Foushee and referred to the Senate Rules Committee.**

SENATE BILL 84, Equality for All/Repeal HB2, is identical to House Bill 82, summarized in the February 13, 2017, Legislative Report. **Introduced by Senators Chaudhuri, Woodard, and Van Duyn and referred to the Senate Rules Committee.**

SENATE BILL 85, NC Adopt Equal Rights Amendment, would ratify the Equal Rights Amendment to the US Constitution, which would provide that:

Sec. 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Sec. 3. This amendment shall take effect two years after the date of ratification.

Introduced by Senators McKissick, Bryant, and Van Duyn and referred to the Senate Rules Committee.

SENATE BILL 89, Office of State Auditor/Corrective Action/PED, is identical to House Bill 17, summarized in the January 27, 2017, Legislative Report. **Introduced by Senators Randleman, Hise, and McInnis and referred to the Senate Rules Committee.**

SENATE BILL 93, Common Sense Compromise to Repeal HB 2, is identical to House Bill 107, summarized above in this Legislative Report. **Introduced by Senators Blue and Van Duyn and referred to the Senate Rules Committee.**

SENATE BILL 94, Elections Transparency, would require that certain elections currently conducted on a nonpartisan basis be conducted on a partisan basis, including those for city and county boards of education, superior and district court judges, and municipal primaries and elections. The bill also would require a candidate's party affiliation or unaffiliated status to be based on the party affiliation or unaffiliated status under which the candidate registered at the general election immediately preceding the candidate's filing for office. **Introduced by Senator Rabin and referred to the Senate Rules Committee.**

SENATE BILL 100, Aerial Adventure Financial Responsibility, would require aerial adventure parks to maintain certain minimum insurance coverages, as recommended by the Legislative Research Commission Committee on Regulatory and Rate Issues in Insurance. **Introduced by Senators Lee, Meredith, and Ford and referred to the Senate Commerce and Insurance Committee.**

SENATE BILL 109, Hate Crime Against Emergency Worker, would establish that anyone who assaults, attempts to assault, or threatens to assault a person because the person is an emergency worker is guilty of a felonious crime against an emergency worker punishable as a Class H felony. **Introduced by Senator Dunn and has not yet been referred to a Senate committee.**

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