



INTRODUCTION

We had a shortened week at the legislature in light of the ACC Tournament (basketball for those who don't follow sports). The House and Senate both shortened their day on Thursday and most of the House members left Wednesday night since they did not have any votes on Thursday. Even with the shortened week however, there was a great deal of activity as the deadline to have bills into bill drafting in the Senate was Friday. The deadline means that a Senator must request legislation on a specific topic to the bill drafting office. Further amendments and tweaking can be made before the bill is officially filed, but the general substance of the legislation must be stated in the request. The House deadlines are in about two weeks and the same flurry of activity will happen, but on a larger scale since this will be the last chance to get a bill drafted for this year.

The Joint Appropriations Committee met this week to review the Governor's budget proposal. The Governor's budget director, Lee Roberts, made the presentation and answered all questions, showing a good grasp for the details and impressing many legislators and lobbyists. The House and Senate Appropriations Subcommittees will now start to put their budget proposals together, but we do not expect that anything will be released until after the April 15th tax deadline, when they have a better idea about the State's revenue numbers.

Two very controversial issues were heard this week in the Senate dealing with county commissioner and city council districts for Wake and Guilford County. The legislation would change the district lines or re-configure them. Depending on who you talk to this is purely political by Republicans to change what are currently very heavy Democratic bodies or it is an adjustment to make sure more voters have their voices heard? Public Hearings were held in Raleigh to allow citizens from both counties to come and express their opinions. The Senate approved both bills and it is yet to be seen what the House will do with such legislation. Many Democrats echoed their accusations from last session that the legislature is meddling into local decisions and local politics where they do not belong.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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Finally, we just wanted to point out that you will see an interesting pattern on the Senate side for all bills being introduced. Each bill is now being sent to the Rules Committee and then from there it is re-referred to the appropriate committee (some of them are staying in the Rules Committee of course). In the past when a bill was sent to the Rules Committee it meant either that it was not going anywhere, it was very important and the leadership wanted to control it or it needed some additional discussion by the caucus. Now it appears that the Senate leadership is reviewing all legislation before sending to committee. It remains to be seen how this will effect legislation as it moves through the Senate.

BILLS OF INTEREST

HOUSE BILL 173, Omnibus Criminal Law Bill, would make a variety of amendments to the State's criminal laws to improve trial court efficiency, including:

- providing that, *to the extent feasible*, when providing transportation of a respondent within a county under involuntary commitment proceedings, a city or county will provide a driver or attendant who is the same sex as the respondent, unless the law enforcement officer allows a family member of the respondent to accompany him or her; and
- allowing a custody order entered by the clerk or magistrate in an involuntary commitment action to be delivered to the law enforcement officer electronically or by fax.

Introduced by Representatives Stam, Faircloth, Glazier, and R. Turner and referred to the House Judiciary II Committee.

HOUSE BILL 179, Form of Govt. Changes by Referendum Only, would amend the State constitution, if approved by voters in a statewide primary election held on May 8, 2016, to require all changes made by the General Assembly to the forms of government and electoral district boundaries for counties, cities, and school boards to be by referendum only. The question of adopting the changes proposed by the General Assembly would be submitted for the approval of the qualified voters of the geographic area affected. The bill also would require changes made by city governing boards to the city's form of government to be by referendum only. **Introduced by Representatives Harrison and R. Johnson and referred to the House Rules Committee. This bill is clearly a response to the two controversial pieces of legislation filed to change the districts for Guilford and Wake County.**

HOUSE BILL 180, Legislative 4-Year Terms, would amend the State constitution, if approved by voters in a statewide election held in November 2016, to: (1) make the term of members of the General Assembly four years beginning with members elected in 2020, and make conforming amendments concerning the election of other officers and the filling of vacancies; and (2) provide that the Speaker of the House and the President Pro Tempore of the Senate may not serve more than two terms. **Introduced by Representatives Warren, Hardister, Malone, and Glazier and referred to the House Elections Committee.**

HOUSE BILL 192, Compliance Court Costs, would establish compliance court costs, and direct the Administrative Office of the Courts to establish a system for the electronic payment of compliance court costs. A person charged with specified offenses, instead of paying fines, court costs, or making a court appearance, could elect to provide proof of compliance to the district attorney prior to or on the scheduled court appearance date, and the district attorney could agree to voluntarily dismiss the case in exchange for the person's signed waiver of appearance and payment of court costs of \$50 per citation. These violations would include failure to obtain

commercial drivers license, registration violations, expired license, unsafe tires, inspection violations, allowing unlicensed person to drive, failure to notify the Division of Motor Vehicles of change of address for certificate of title or registration, rearview mirror violations, safety equipment violations, and motorcycle and moped helmet violations. **Introduced by Representatives McNeill, Faircloth, Hurley, and Glazier and referred to the House Judiciary II Committee.**

HOUSE BILL 193, Prohibit Discriminatory Profiling, would: (1) prohibit the use of discriminatory profiling by law enforcement officers in the performance of their duties; (2) amend the types of information required to be reported by certain law enforcement agencies concerning traffic law enforcement; (3) require law enforcement agencies to report certain information concerning homicides; (4) require law enforcement officers to receive annual education and training concerning discriminatory profiling; (5) authorize the use of citizen review boards to investigate or review allegations of certain police misconduct; and (6) require that training be provided to members of neighborhood crime watch programs established by counties and cities. **Introduced by Representatives R. Moore, Brockman, Farmer-Butterfield, and Meyer and referred to the House Judiciary I Committee.**

HOUSE BILL 200, Amend Certificate of Need Laws, would amend the certificate of need laws to:

- exempt diagnostic centers, ambulatory surgical facilities, gastrointestinal endoscopy rooms, and psychiatric hospitals from certificate of need review;
- prohibit the State Medical Facilities Plan from limiting the number of operating rooms and gastrointestinal endoscopy rooms; and
- enhance licensing requirements for the development, acquisition, or replacement of ambulatory surgical facilities.

The Department would not be permitted to issue or renew a license to operate an ambulatory surgical facility developed, acquired, or replaced on or after the effective date of this act, unless the application includes all of the following:

- (1) A commitment that the Medicare allowable amount for self-pay and Medicaid surgical cases minus all revenue collected from self-pay and Medicaid surgical cases shall be at least seven percent (7%) of the total revenue collected for all surgical cases performed in the facility or proposed facility.
- (2) For each year of operation, a commitment to report to the Department the total number of cases by each of the following payer categories:
 - a. Self-pay surgical cases.
 - b. Medicaid surgical cases.
 - c. Medicare surgical cases.
 - d. Commercial insurance surgical cases.
 - e. Managed care surgical cases.
 - f. Other surgical cases.
- (3) A commitment to report utilization and payment data for services provided by the ambulatory surgical facility to the statewide data processor.
- (4) For a license to operate in any county with a population of less than 100,000 as of the effective date of this act:
 - a. Written documentation of support from each hospital located within that county.

- b. A written transfer agreement between the ambulatory surgical facility and each hospital located within that county.

Introduced by Representatives Avila, Bishop, Collins, and Michaux and referred to the House Health Committee.

HOUSE BILL 203, Phaseout of Fuel Tax, would set the motor fuel excise tax rate at a flat rate of eighteen and one-half cents (18 1/2¢) per gallon, and would enact a Transportation Usage Fee of \$89, which would be paid each year to the Division of Motor Vehicle at the time other vehicle registration fees are paid. **Introduced by Representatives Jeter, Dobson, B. Brown, and Szoka and referred to the House Transportation Committee.**

HOUSE BILL 213, Amend Constitution/Judicial Experience, would amend the State constitution, if approved by voters in a statewide election held November 4, 2016, to provide that only persons duly authorized to practice law in the courts of this State who have at least five years' experience as licensed attorneys are eligible for election or appointment as a Supreme Court justice, Court of Appeals judge, or Superior and District Court judge. **Introduced by Representatives Stevens, Bryan, Floyd, and D. Hall and referred to the House Rules Committee.**

HOUSE BILL 222, Retention Elections/Appellate Division, would change the law to allow for retention elections for North Carolina Supreme Court Justices and Court of Appeal Judges. The Justice or Judge would file a notice that they wished to retain their seat and the ballot would ask voters whether they wanted to retain the Justice or Judge and there would be no opponent on the ballot. If the voters decided not to retain, then the Governor would appoint the next Justice or Judge until the next election. **Introduced by Representatives Bryan, Daughtry, and Stevens and referred to the House Elections Committee.**

HOUSE BILL 224, AOC Omnibus Changes, is identical to Senate Bill 270, summarized below in this Legislative Report. **Introduced by Representatives R. Turner and Baskerville and has not yet been referred to a House Committee.**

HOUSE BILL 230, Up Minimum Wage/Const. Amendment, would amend the State constitution, if approved by voters in a statewide referendum held in November 2016, to require employers to pay employees wages no less than the minimum wage for all hours worked in North Carolina. Six months after enactment of the amendment, the minimum wage would be set at \$8.80 per hour, and would be increased on January 1 each year based upon the increase in the cost of living. **Introduced by Representatives Farmer-Butterfield, L. Hall, Fisher, and Cunningham and has not yet been referred to a House committee.**

HOUSE BILL 232, Study/Update Bicycle Safety Laws, would direct the Department of Transportation to study the State's bicycle safety laws, including what statutory revisions may be needed to better ensure the safety of bicyclists and motorists. The study would consider how faster moving vehicles may safely overtake bicycles on roadways where sight distance may be inhibited; whether bicyclists should be required to ride single file or allowed to ride two or more abreast; and whether bicyclists should be required to carry a form of identification. The Department would report its findings and recommendations, including any legislative proposals, to the Joint Legislative Transportation Oversight Committee on or before December 31, 2015. **Introduced by Representatives Whitmire, Shepard, and Jeter and has not yet been referred to a House committee.**

SENATE BILL 200, Eliminate Safety Inspection/Modify Emissions Inspection, would: (1) repeal the requirement that motor vehicles registered in this State have an annual safety inspection; (2) direct the Division of Motor Vehicles, with the assistance of the Department of Environment and Natural Resources, Division of Air Quality, to develop and implement a management improvement plan to increase efficiency, reduce costs, and improve customer service for the motor vehicle Emissions Inspection Program; and (3) require the Fiscal Research Division to conduct a fiscal review of the Division of Motor Vehicles Emissions Inspection Program and report its findings no later than May 1, 2016. **Introduced by Senators Randleman, Tarte, and Bingham and referred to the Senate Rules Committee.**

SENATE BILL 231, Study Unified Public Health System, would require the Department of Health and Human Services to study the concept of a unified public health system, and report on the feasibility of establishing a unified public health system in this State to the Joint Legislative Oversight Committee on Health and Human Services and the Program Evaluation Division by May 1, 2015. The study and report would include the following:

- an evaluation of the state of publicly financed health services in North Carolina compared to at least 12 other states using generally accepted indicators of population health, including, but not limited to, rates of infant mortality, obesity, diabetes, tobacco use, prescription drug and other drug abuse, mental illness, and other diseases and conditions for which public interventions are appropriate;
- a description of the extent and quality of available public health indicators, and an analysis of costs associated with improving deficient data reporting systems;
- an evaluation of the publicly financed health service delivery structure in North Carolina, including identification of State, local, public, and private entities engaged in activities contributing to health outcomes; and a review of strengths, weaknesses, opportunities, and threats within the service structure. This evaluation would consider public health education, including health education for kindergarten through high school students and education of the public health workforce;
- an evaluation of the governance structure of public health and mental health, including the advantages and disadvantages of current and alternative governance models;
- an evaluation of how health needs and health deficiencies are communicated to State policymakers; and
- recommendations for public strategies and innovations to capitalize on the State's strengths and opportunities for remedying weaknesses and for protecting against threats to health.

Introduced by Senator Hartsell and referred to the Senate Rules Committee.

SENATE BILL 234, Require Letter Grade Rating on Generic Drugs, would seek to enhance standards for prescribing equivalent drug products by requiring these products to be labeled with the United States Food and Drug Administration therapeutic equivalence code on the label of the stock package. **Introduced by Senator Bingham and referred to the Senate Rules Committee.**

SENATE BILL 235, Establish State Public Health Authority, would create the State Public Health Authority, which would have administrative control over the Division of Public Health and the Institute for Public Improvement. All programs in the Division of Public Health would be abolished except the following programs which would remain in the Division of Public Health and be administered by the State Health Director: State Lab; Vital Records; Medical Examiner; and Public Health Emergency Response. The bill includes provisions regarding the composition, duties, and powers of the Authority Board; and the establishment of the Institute for Public

Health Improvement, which would administer all State and federal public health appropriations and grants and provide public health administration through four regional public health authorities. **Introduced by Senator Hartsell and referred to the Senate Rules Committee.**

SENATE BILL 240, Define Scope of Practice of CRNAs, would add the practice of nursing by a certified registered nurse anesthetist to the list of acts that do not constitute practicing medicine or surgery. The "practice of nursing by a certified registered nurse anesthetist" would consist of the following:

- performing nurse anesthesia activities in collaboration with a physician, dentist, podiatrist, or other lawfully qualified health care provider, with each provider contributing his or her respective area of expertise consistent with the lawful scope of practice and according to established policies, procedures, practices, and channels of communication that (i) lend support to nurse anesthesia activities and (ii) define the roles and responsibilities of the certified registered nurse anesthetist within the practice setting; and
- maintaining individual accountability for the outcome of individual actions.

Introduced by Senators J. Davis and referred to the Senate Rules Committee.

SENATE BILL 254, Durham Co. SBHCS/Contraceptive Services, would allow school-based health centers in Durham County to offer contraceptives, including condoms and other devices. **Introduced by Senators McKissick and Woodard and referred to the Senate Rules Committee.**

SENATE BILL 263, Cabarrus Public Health Funds, would provide permanent funding for the Public Health Authority of Cabarrus County by requiring an amount equal to the product of multiplying \$2.22 by the number of residents in the county from the net proceeds of the local government sales and use tax. **Introduced by Senator Hartsell and referred to the Senate Rules Committee.**

SENATE BILL 270, AOC Omnibus Changes, would amend various laws affecting the Administrative Office of the Courts, including providing that the General Assembly (currently, the Administrative Office of the Courts) is responsible for resetting the limitation on damages for noneconomic loss in medical malpractice actions. **Introduced by Senator Randleman and referred to the Senate Rules Committee.**

SENATE BILL 271, Four-Year Term for GA/Limit Consecutive Terms, would amend the State constitution, if approved by voters in a statewide referendum held in November 2016, to:

- make the term of members of the General Assembly four years beginning with members elected in 2016, instead of the current two year term;
- stagger the terms of members so that, in 2016, 25 members in the Senate and 60 members in the House remain in office for additional two-year terms and the remaining 25 members in the Senate and 60 members in the House are chosen by ballot to serve four-year terms; and
- limit members to four consecutive terms in the Senate or House once the four year terms are approved.

Introduced by Senators Rabin, Tarte, and Daniel and referred to the Senate Rules Committee.

SENATE BILL 275, Reenact EITC, would reenact the Earned Income Tax Credit, but sunset the tax to end for tax years beginning on or after January 1, 2019. A nonresident or part-year resident who claims the credit would be required to reduce the amount of the credit by multiplying it by the fraction: (1) for taxable year 2015, 2.5%, and (2) for all other taxable years, 5%. **Introduced by Representatives D. Davis and J. Jackson and has not yet been referred to a Senate committee.**

SENATE BILL 286, Regulate the Sale of E-Liquid Containers, would make it a Class 1 misdemeanor for a person, firm, or corporation to sell, offer for sale, or introduce into commerce in this State an e-liquid container unless the container (1) has child-resistant packaging, and (2) is labeled with safety warnings consistent with rules adopted by the North Carolina Commission for Public Health. A person, firm, or corporation that violates this provision also would be liable in damages to any person injured as a result of the violation. E-liquid would mean a liquid product, whether or not it contains nicotine, that is intended to be vaporized and inhaled using a vapor product. **Introduced by Senators Bingham and D. Davis and has not yet been referred to a Senate committee.**

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