



INTRODUCTION

Last week the General Assembly passed a continuing resolution (called the “CR,” see Senate Bill 534 below) to keep State government funded for 45 days past the end of the fiscal year until August 14, 2015. Then they approved an adjournment resolution suspending the session for 10 of those days, from July 2nd until July 13th at 7:00 p.m. The CR will allow time for the House and Senate to negotiate a compromise budget plan. The “summer break” will – we hope – allow some of the tension and conflict between the chambers to dissipate enough to make the necessary give-and-take possible. However, we think it is also a sign that they are digging in and expect to be in Raleigh a very long time.

Before the break officially began on Thursday afternoon, there was plenty of action, including the passage of the Senate Regulatory Reform Act. The Senate plan differed in many ways from the House version (the Senate turned a one page bill into a 54 page bill full of controversial provisions), and elicited such a strong response from not only the environmental activist community (which dubbed it the “Freedom to Pollute Act”), but also the State’s own Department of Environmental and Natural Resources (DENR). Because of the backlash, a series of floor amendments were run to scale the 50-page package back sufficiently to ensure majority support. The House took up, defeated, resurrected, and then passed an extremely controversial bill that takes control of the Greensboro City Council redistricting process away from the City and hands it to the legislature. After the bill was initially voted down 50-53 in the House, a recess was called during which 7 members were convinced to change their votes, and the bill was reconsidered and passed by a slim margin. The Senate followed suit and the bill became law (local bills do not require the signature of the Governor), after which the chambers both adjourned with bitterness between the parties and among the Guilford County delegation still seething. The bill to adjourn the session for summer break was passed with many Democrats voting against, arguing the members should remain in Raleigh to finish the budget negotiations. Even those who voted no likely agreed with the vast majority of the elected officials, staff, and lobbyists who have made the General Assembly their second home since January – it appears obvious that the legislature needs a break, if only from each other. We hope everyone takes the time to relax, unwind and come back rejuvenated. The list of complex and controversial proposals awaiting them on their return is long, and the divisions on major policy issues remain deep.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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BILL UPDATES

HOUSE BILL 765, Regulatory Reform Act of 2015, would amend a number of State laws related to business, State and local government, and environmental regulation. The Senate took a one page bill from the House and transformed it into a 54 page bill full of controversial provisions. The environmental community and the State's Department of Environment and Natural Resources objected to many provisions in the bill which caused a variety of amendments on the Senate floor. As amended, this bill would:

- repeal obsolete provisions in the criminal law related to using profane or indecent language on public highways and refusing to relinquish a party telephone line in an emergency;
- amend the law governing legislative appointments to boards and commissions, by the General Assembly through the appointments bill or directly by the Speaker and the President Pro Tempore, to apply the following rules if the law requires a recommendation or nomination by a third party for the appointment:
 - for consultations or recommendations of a third party: (1) the consultation or recommendation is discretionary and not binding; (2) the third party must submit the consultation or recommendation at least 60 days before expiration of the term or within 10 days of a vacancy; and (3) failure to submit the consultation recommendation within the time period is deemed a waiver of the opportunity; and
 - for appointments made from a list of nominees provided by a third party: (1) the third party must submit the recommendation at least 60 days before expiration of the term or within 10 days of a vacancy. This provision would not apply to appointments to the Legislative Ethics Committee; and (2) failure to submit nominees within the time limits would be deemed a waiver of the opportunity;
- amend the law governing occupational licensing boards to prohibit a board from contracting with or employing a person licensed by the board to serve as an investigator or inspector, if the person is actively practicing in the profession or occupation over which the board has jurisdiction. The section would not prohibit the board from hiring a licensee for other purposes or if the licensee is not actively working in the field;
- direct the Joint Legislative Administrative Procedure Oversight Committee (APO) to review the recommendations contained in the Program Evaluation Division report, entitled "Occupational Licensing Agencies Should Not be Centralized, but Stronger Oversight is Needed," to determine how to improve oversight of occupational licensing boards, and to consult with various interested parties in conducting its review and to propose legislation to the 2016 Session of the 2015 General Assembly;
- amend the criminal law to create an exception to the law against breaking or entering into or out of a railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft under certain circumstances. The following circumstances would not be violations of the law:
 - if the person committing the act does so in good faith to access the person inside to provide first aid or emergency health care, or because the person inside is in imminent danger of becoming unconscious, ill, or injured;
 - prompt decisions and actions in medical, other health care, or other assistance are required;
 - the necessity of immediate health care treatment or removal of the person is so reasonably apparent that any delay would seriously worsen the physical condition or endanger the life of the person;

- create immunity from civil liability for damage to a railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft, if the damage occurred while a person was rendering emergency assistance to another person inside the conveyance. Immunity would be triggered if one or more of the following circumstances exist:
 - if the person committing the act does so in good faith to access the person inside to provide first aid or emergency health care, or because the person inside is in imminent danger of becoming unconscious, ill, or injured;
 - prompt decisions and actions in medical, other health care, or other assistance are required;
 - the necessity of immediate health care treatment or removal of the person is so reasonably apparent that any delay would seriously worsen the physical condition or endanger the life of the person; and
- amend North Carolina's all-terrain vehicle laws to conform to the American National Standards Institute/Specialty Vehicle Institute of America (ANSI/SVIA) design standard. Under current law, there are different age restrictions on riders of all-terrain vehicles, with criteria for riders of 8, 12, and 16 years of age. Under the national standards, different all-terrain vehicles are approved for use by riders of 6, 10, 12, 14, and 16 years of age. All riders under 16 years of age must be under adult supervision regardless of the age restriction on the vehicle.

The bill as amended was approved by the Senate and will next be sent back to the House to consider the changes made by the Senate.

HOUSE BILL 766, Amend CBD Oil Statute. Several amendments were made to this bill on the Senate floor, including:

- amending the provisions regarding the Intractable Epilepsy Alternative Treatment database to require all caregivers to register with the Department of Health and Human Services, and authorize law enforcement agencies to contact DHHS to confirm a caregiver's registration;
- allowing and encouraging UNC at Chapel Hill and East Carolina University, and encouraging Duke University and Wake Forest University, to conduct research on hemp extract development, production, and use for the treatment of seizure disorders and to participate in any ongoing or future clinical studies or trials, including those exploring the safety and efficacy of treating intractable epilepsy with hemp extract; and
- repealing the North Carolina Epilepsy Alternative Treatment Act effective July 1, 2021.

The bill as amended was approved by the Senate. The bill will next be sent back to the House to consider the changes made by the Senate.

SENATE BILL 182, Automatic License Plate Readers, was amended in the House Transportation Committee to provide that, unless there is a written, articulable, and recorded basis that the data has intelligence or investigatory value, is or may become evidence in a specific criminal action, or is needed to prove a violation of a motor carrier safety regulation, (1) data obtained by an automatic license plate reader system operated by a law enforcement agency may not be preserved for more than 90 days, and (2) data obtained by an automatic license plate reader system not operated by a law enforcement agency that is preserved for more than 90 days may not be accessed by a law enforcement agency. **The bill as amended was approved by the House Transportation Committee and will next be considered by the House Judiciary IV Committee.**

SENATE BILL 541, Regulate Transportation Network Companies, is the “Uber” bill, which provides regulation for so-called “ride sharing” companies. For years, taxi companies have

complained that Uber, Lyft, and other ride-sharing services (which match drivers using personal vehicles with customers seeking transportation services through a phone or internet application) were allowed to operate without requiring the same level of regulation – including background checks for drivers, liability insurance coverage, among other issues – their companies and drivers are required to have. An amended bill was heard in the Senate Transportation Committee this week that the Uber representative supported but the taxi companies still opposed. Uber and other ride-sharing service companies have been involved with the development of the bill, which includes more stringent requirements than the original version proposed, requiring additional information from companies, allowing airports to charge fees to individual drivers and require them to display identifying decals, and allowing cities to regulate certain aspects of the companies’ business (rates, minimum waiting periods, etc.). Even with the companies support, several legislators expressed concern that we were regulating a business model that is working well. **The bill was approved by the Senate Transportation Committee, and will next be heard in the Senate Finance Committee.**

LEGISLATION ENACTED

SENATE BILL 534, 2015 Continuing Budget Authority, is the “continuing resolution” (CR) required to keep state government funded past June 30th, the end of the current fiscal year. This was necessary because the House and Senate could not agree on a compromise budget proposal before the June 30 deadline, not surprising given the significant differences between the chambers’ respective spending plans, in almost all areas of state government. CRs are not uncommon - the 2013 session failed to produce a budget deal by June 30 of that year, and a one-month CR was passed to allow time for a compromise to be negotiated. Unlike the 2013 CR, this year’s budget extension is for 45 days at 100% of the current spending level (in 2013, the CR provided 95% of the existing spending level). There are some caveats to the extension – the CR requires the Governor to implement the budget reductions set out in the House and Senate budgets that are not in controversy, for example, and includes a promised higher starting salary for teachers (at a minimum \$35,000), but does not provide funds for driver’s education programs. Public schools would receive funding for enrollment growth, however, which can be used for driver’s education and to fund teacher assistant positions. State employees would also not receive scheduled raises or bonuses until the new biennium budget is passed. While the CR is set to expire on August 14th, if the chambers cannot agree on a budget by that time (which, given the stark differences and the amount of controversial policy changes proposed in the Senate budget, is a real possibility) another CR may be necessary before a compromise on how the state collects and spends roughly \$21 billion taxpayer dollars can be reached. **Approved by the House and Senate and signed into law by the Governor on June 30th.**

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