



Kochanek
law group
Focusing on Legislative Representation

LEGISLATIVE REPORT August 16, 2017

INTRODUCTION

August 3rd, the General Assembly was back in Raleigh, just over a month after the end of the 2017 “long session” on June 30th. The session was scheduled in anticipation of Governor’s vetoes that would need to be considered, however in the days leading up to the session legislative leaders announced that veto override votes would be put off until a later date, possibly during the session scheduled for September 6th. Despite this announcement, the Governor issued a proclamation calling the legislature back into session (also on August 3rd) to consider his vetoes, a Constitutional necessity to prevent the vetoed bills from becoming law without an override vote. In a usual sequence of events the session called by Gov. Cooper was convened and immediately adjourned, then the session called by the legislature was convened after a short break. When that session began, it was still unclear exactly what, if anything, the legislature intended to do.

The adjournment resolution that was approved on June 30th called the General Assembly back into session on August 3rd to consider veto overrides and to take up any bills that were “in conference” – that is, any bill that had been passed by one chamber, then changed by the other chamber in a way which the original chamber chose not to agree with. Such bills are assigned a “conference committee” of members from the House and Senate who are charged with working out a compromise version, called the “conference report.” The conference report, once agreed to by the conference committee, is sent back to each chamber for an up-or-down vote (meaning it cannot be amended). Strictly speaking, conference reports should only contain provisions from the two versions of the bill that passed the two chambers, however some conference reports have come before the House and Senate that include entirely new provisions, which have not passed either chamber or been vetted through their committees. Because meetings of conference committees are not public and most people (including many legislators) only see the report when it’s before the chambers for a final vote, the release of some reports (particularly for omnibus tax or regulatory reform bills) is hotly anticipated, and rumors about what they may or may not contain run rampant. Given the number of bills that were still “in conference” when session ended on June 30th, advocates worked during the interim to determine which of them would be brought up on August 3rd,



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



THIS LEGISLATIVE REPORT IS A
PUBLICATION OF KOCHANЕК LAW GROUP
AND IS A MEMBER BENEFIT OF NCCEP.
ANY USE OR REPRODUCTION OF THIS
REPORT IS LIMITED TO NCCEP
AND ITS MEMBERS.

FOR MORE INFORMATION:

Colleen Kochanek
Ashley Matlock Perkinson
Rachel E. Beaulieu
P.O. Box 1038
Wake Forest, NC 27588
919.747.9988

colleen@kochaneklawgroup.com
ashley@perkinsonlawfirm.com
rachel@beaulieuedlaw.com
www.kochaneklawgroup.com

and what provisions they would contain. As the day wore on, it became clear that not even the House and Senate leaders were totally decided on the answer.

A day that began at 10:00 a.m. ended 10 ½ hours later, when the House followed the Senate's lead and adjourned the one-day session. Of the dozen-plus bills in conference, 5 conference reports were taken up that day and 4 were passed, with one (Amend Administrative Procedure Laws) having been passed by the Senate but not the House. Those that were passed included omnibus tax and business regulatory reform bills; the final versions of which were still being negotiated when the day began. A third omnibus bill, this session's environmental regulatory reform package, is still being negotiated and was not brought up. Bills of interest that passed on August 3rd are summarized below.

Rather than coming back on September 6th as planned, the General Assembly will be back on August 18th for a session expected to last a week or more, during which additional conference reports can be taken up. Also eligible, per the amended adjournment resolution, will be "bills relating to election laws," which voting-rights advocates warned could signal additional attempt to impose a Voter ID requirement (three previous version of which was struck down by the Courts). The main focus of the next August session will be the newly drawn legislative maps, which are due by September 1st per a Court order. The Court rejected the request (made by Democrats) for a special election later this year, but the fact that new maps have officially been ordered means some members will soon be running in primary elections for districts quite different than the ones they currently represent. Other members will find themselves drawn into districts with fellow incumbent legislators (known as "double bunking), while still other members will simply choose not to run again (one, Union County Senator Tommy Tucker, has already announced his retirement). In addition, a number of wholly new districts will be created, in which no currently serving member lives. Finally, with the drawing of new districts, some will become "safer" for one party or the other, while others will become more competitive (read: some incumbent members who do choose to run again may lose their upcoming elections). All of this will lead unusually high turnover before the 2019 session, and a 2018 "short" session in which many members already know that they won't be back the following year. As the maps are finalized, candidate filing is completed and the election landscape is known, the competition for campaign contributions and political engagement will be fierce, with partisan control of the legislature (possibly) in the balance. Gov. Cooper has already raised over \$1 million for his "Break the Majority" campaign and plans to raise millions more, while GOP leaders stockpile resources for the upcoming cycle. All eyes will be on Raleigh and the next session starting August 18th, as the new legislative maps, and the political future of the State, begin to take shape.

BILL UPDATES

HOUSE BILL 770, Various Clarifying Changes. This conference report adjusts the single-stream funding among the LME/MCOs, but does not change the total bottom line already enacted in the 2017 budget. To view the LME/MCO funding changes, click on this [link](#) to HB 770 and go to Part IV entitled: "Clarify Single-Stream Funding for LME/MCOs."

This bill also made changes to the appointment structure of the North Carolina Medical Board by reducing the number of the Governor's appointments from six to four and changes the Governor's number of public member appointments from three to one. The bill also allows the General Assembly to appoint two public members upon recommendation of the Speaker and President Pro Tempore and provides that a public member of the Board must not be a health care

provider or spouse of a health care provider. This provision of the bill is "new" language that was not in the original version of the bill or in either bill that was approved by the House or Senate.

SENATE BILL 689, 2017 Appointments Bill Modifications. This law appoints persons to various public offices upon the recommendation of the Speaker of the House of Representatives, President Pro Tempore of the Senate, and the Majority and Minority Leaders of the House and Senate, and also makes some technical changes to previous appointments. **Effective: August 3, 2017, unless otherwise provided.**

- Effective January 1, 2018, James S. Stewart of Hoke County is appointed to the 911 Board for a term expiring on December 31, 2021. Effective when this act becomes law, Amy T. Ward of Nash County is appointed to the 911 Board for a term expiring on December 31, 2020, to fill the unexpired term of Joshua Brown.
- Christine Fernandini of Harnett County is appointed to the North Carolina Brain Injury Advisory Council for a term expiring on September 30, 2019, to fill the unexpired term of Donna White.
- Effective January 1, 2018, Anita Bachmann of Guilford County, Brian L. McGinnis of Gaston County, Dr. William G. Way, Jr., of Wake County, and Linda P. Shock of Orange County are appointed to the Board of Directors of the North Carolina Institute of Medicine for terms expiring on December 31, 2021.
- Effective July 1, 2017, Margaret Currin of Wake County, John R. Hemphill of Wake County, and Jeffrey T. Hyde of Guilford County are appointed to the Rules Review Commission for terms expiring on June 30, 2018. Effective July 1, 2017, Robert A. Bryan of Wake County and Jeffrey A. Poley of Wake County are appointed to the Rules Review Commission for terms expiring on June 30, 2019.

- Colleen Kochanek
NCCEP Legislative Counsel
Kochanek Law Group
P.O. Box 1038
Wake Forest, NC 27588
919.747.9988
colleen@kochaneklawgroup.com
www.kochaneklawgroup.comⁱ

Ashley Matlock Perkinson
Perkinson Law Firm
919.210.8209
ashley@perkinsonlawfirm.com

Rachel E. Beaulieu
Rachel E. Beaulieu Law Office, PLLC
919.896.6296
Rachel@BeaulieuEdLaw.com

ⁱ THIS LEGISLATIVE REPORT IS A PUBLICATION OF KOCHANЕК LAW GROUP AND IS A MEMBER BENEFIT OF NCCEP. ANY USE OR REPRODUCTION OF THIS REPORT IS LIMITED TO NCCEP AND ITS MEMBERS.