



## INTRODUCTION

Governor Cooper released his proposed budget for the biennium this week, which includes a 5% teacher raise for each of the next two years, no increases in taxes or fees, an increase in salary for all state employees, expansion of Medicaid to cover an additional 924,000 citizens, and countless other policy initiatives and funding decisions. While the governor's budget is a significant policy statement about his priorities, the legislature is responsible for creating the biennial budget and is not required to follow or even take his proposal under consideration. When the Senate produces its proposal, it's likely to look quite different from what the Governor proposed this week.

### HB 2 Logjam Continues

Rep. Chuck McGrady's HB 2 repeal compromise ([HB 186](#)) which has bipartisan support remains stuck in the House Rules Committee. LGBTQ advocates oppose the bill and many Democratic house members say they can't support legislation that would allow anti-discrimination ordinances to be put to a referendum (a feature of HB 186) since they say the rights of a minority group should never be put to a vote of the majority. On the conservative side, many members would prefer to leave HB 2 in place as is. Although many legislators are ready to put HB 2 behind them, the fate of HB 186 is very much in doubt.

### Senate Confirmation Hearings Begin

Veterans Secretary Larry Hall appeared before the Senate Veterans Affairs Committee yesterday in response to a subpoena issued by that committee. Despite the previous bluster, his nomination was unanimously approved by the Senate Commerce and Insurance Committee. His nomination will be voted on by the full Senate on Monday.



## TOWING AND RECOVERY PROFESSIONALS OF NC



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## BILLS OF INTEREST

HOUSE BILL 200, Nonpartisan Redistricting Commission, would establish a nonpartisan redistricting process, which would:

- establish a five-member Temporary Redistricting Advisory Commission;
- require the Legislative Services Office to acquire appropriate information, review and evaluate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each federal census;
- direct the Legislative Services Office, no later than April 1 of each year ending in one, to deliver to the Senate and House three sets of companion bills with plans for redistricting both houses of the North Carolina General Assembly and the Congressional Districts;
- provide for procedures for voting on the redistricting plans;
- require legislative and congressional districts to be established on the basis of population;
- require legislative districts to each have a population that is within 5% of the ideal population for that district;
- require congressional districts to each have a population as nearly equal as practicable to the ideal population, but in all cases within 0.1% of the ideal population;
- require legislative and congressional districts to be drawn in a manner that complies with federal and State law;
- require, to the extent consistent with other standards, district boundaries in a plan to coincide with the boundaries of political subdivisions of the State;
- prohibit any district from being drawn for the purpose of favoring a political party, incumbent legislator, or member of Congress, or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group; and prohibit the use of any of the addresses or geographic locations of incumbents when establishing districts; and
- prohibit the consideration of (1) political affiliations of registered voters, (2) previous election results, or (3) demographic information, other than population head counts, except to the extent required by the North Carolina and US Constitutions, the Voting Rights Act of 1965, and applicable court decisions.

**Introduced by Representatives McGrady, Stevens, Jordan, and Hardister and referred to the House Rules Committee.**

HOUSE BILL 201, NC Constitutional Carry Act, would make it lawful to carry a concealed weapon in this State without obtaining a concealed handgun permit. The State would continue to make a concealed handgun permit available to any person who applies for and is eligible to receive a concealed handgun permit for the purpose of reciprocity when traveling in another state, to make the purchase of a firearm more efficient, or for various other reasons. The bill would make it a Class 1 misdemeanor to carry a concealed weapon into the following areas unless provided otherwise by law: (1) in an area prohibited by rule; (2) in any area prohibited by federal law; (3) in a law enforcement or correctional facility; and (4) on any private premises where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice or statement by the person in legal possession or control of the premises. **Introduced by Representative Millis and referred to the House Judiciary I Committee.**

HOUSE BILL 221, Repeal HB2, would fully repeal House Bill 2, the Public Facilities Privacy & Security Act of 2016. **Introduced by Representative Jackson and referred to the House Committee on Rules, Calendar and Operations.**

HOUSE BILL 233, Ban the Box, would prohibit a hiring authority from inquiring into or considering the criminal history of an applicant for **public employment**, or including any such inquiry on any initial employment application form, until the hiring authority has made a conditional offer of employment to the applicant. This provision would not be applicable to positions for which a hiring authority is otherwise required by law to consider the criminal record. No person could be disqualified from public employment solely or in part because of a prior conviction, unless the conviction is determined to be substantially related to the qualifications, functions, or duties of the position after consideration of all of the following factors:

- the level and seriousness of the crime;
- the date of the crime;
- the age of the person at the time of the conviction;
- the circumstances surrounding the commission of the crime, if known;
- the nexus between the criminal conduct and the duties of the position;
- the prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed; and
- the subsequent commission of a crime by the person.

A record of arrest not resulting in conviction could not be the basis for disqualification from public employment. The hiring authority would have to inform the individual of the potential adverse employment decision based on the background check report prior to a final decision and must provide an opportunity to demonstrate that he or she was not correctly identified in the background check report or that the report is otherwise inaccurate. The Office of State Personnel would be required to: (1) record and log the positions that are statutorily required to conduct background checks prior to a conditional offer of employment; (2) conduct quarterly reviews to determine compliance and report all such reviews to the General Assembly annually; and (3) collect and make available to the public specified data. **Introduced by Representatives Pierce and R. Moore and has not yet assigned to a House committee.**

HOUSE BILL 238, Economic Security Act of 2017, is identical to Senate Bill 174, summarized below in this Legislative Report. **Introduced by Representatives Harrison, Fisher, B. Richardson, and Holley and has not yet been assigned to a House committee.**

HOUSE BILL 239, Reduce Court of Appeals to 12 Judges, would provide that, on or after January 1, 2017, whenever the seat of an incumbent judge becomes vacant prior to the expiration of the judge's term due to the death, resignation, retirement, impeachment, or removal, that seat is abolished until the total number of Court of Appeals seats is decreased to 12. The Court of Appeals currently has 15 seats. The bill also would authorize the Supreme Court to make certification of discretionary review before a determination by the Court of Appeals when the Supreme Court determines that the subject matter of the appeal is important in overseeing the jurisdiction and integrity of the court system. **Introduced by Representatives Burr, Lewis, and Stevens and has not yet been assigned to a House committee.**

HOUSE BILL 240, GA Appoint for District Court Vacancies, would require a vacancy in the office of district judge to be filled for the unexpired term by appointment of the General Assembly. When the General Assembly is in session, appointments would be made by enactment of a bill, which would state the name of the person appointed, the office to which the appointment is being made, and the county of residence of the appointee. If the vacancy occurs while the General Assembly is not in session, the Speaker of the House and the President Pro Tempore could leave the vacancy in place until the General Assembly reconvenes or jointly submit the name of a nominee, who is duly authorized to practice law in the district where the

vacancy occurs, to the Governor. The Governor would then confirm the nominee no later than 10 days after the nomination has been submitted. Currently, a vacancy is filled by appointment of the Governor, with the bar of that judicial district nominating five persons who are residents of the judicial district who are duly authorized to practice law in the district for consideration by the Governor. **Introduced by Representatives Burr, K. Hall, Saine, and Bumgardner and has not yet been referred to a House committee.**

HOUSE BILL 241, Special Sup. Ct. Judgeship Appointed by GA, would authorize the General Assembly to appoint special superior court judges to serve a five-year term when any of the following occurs for the special superior court judges holding office on or after January 1, 2017:

- retirement, resignation, removal from office, or death of the incumbent judge;
- expiration of the term of the incumbent judge; or
- for any other reason that causes a judgeship to become vacant.

**Introduced by Representatives Burr, K. Hall, Saine, and Bumgardner and has not yet been referred to a House committee.**

HOUSE BILL 243, Strengthen Opioid Misuse Prevention, addresses the Opioid crisis in North Carolina with a variety of changes in how opioids are prescribed and restricted. The bill would:

- extend standing orders for opioid antagonist to community health groups;
- require supervising physicians to personally consult with physician assistants and nurse practitioners who prescribe schedule II through V controlled substances for long-term use;
- require electronic prescribing of schedule II through V controlled substances;
- establish maximum limits for initial prescriptions of schedule II through V controlled substances;
- clarify allowable funds for syringe exchange programs;
- require veterinarian participation in the controlled substances reporting system;
- establish civil penalties for pharmacies that employ dispensers who improperly report information to the controlled substances reporting system (CSRS);
- expand the role of the Department of Health and Human Services (DHHS) in using CSRS data to detect and prevent fraud and misuse;
- mandate dispenser registration for access to the CSRS;
- mandate dispenser and practitioner use of the CSRS;
- require DHHS to report practitioners who fail to properly use the CSRS;
- create a special revenue fund to support the CSRS;
- impose an annual fee on practitioners to be deposited into the CSRS special revenue fund;
- require an annual report from the DHHS on the CSRS; and
- appropriate funds for community based substance use disorder treatment and recovery services.

**Introduced by Representatives Murphy, Davis, Malone, and Horn and has not yet been assigned to a House committee.**

HOUSE BILL 249, Economic Terrorism, would:

- create a new offense of “economic terrorism,” distinct from the existing offense of terrorism, which would be renamed “violent terrorism”;
- define economic terrorism as “maliciously or with reckless disregard commits a criminal offense that impedes or disrupts the regular course of business, the disruption results in damages of more than one thousand dollars (\$1,000), and the offense is committed with the intent to do either of the following:

- intimidate the civilian population at large, or an identifiable group of the civilian population; or
- influence, through intimidation, the conduct or activities of the government of the United States, a state, or any unit of local government.
- create a civil cause of action for anyone whose person or property is harmed by those engaged in economic terrorism;
- enact a new provision (titled “Liability for Public Safety Response Costs”), under which persons convicted of rioting; or inciting to riot, or standing, sitting or lying upon public streets, liable to state agencies or political subdivisions of the State for public safety response costs (as defined);
- authorize state agencies or political subdivisions of the State to bring civil action to recover public safety costs and related legal, administrative, and court costs;
- amend the current law regarding second degree trespass to hold persons (except the owner or lessee of the premises, the family and non-rioting guests of the owner or lessee, and public officers and persons assisting them) who remain at the place of any riot or unlawful assembly after having been lawfully warned to disperse, guilty of a Class 1 misdemeanor;
- direct responsible public officials (defined as mayors, with respect to an incident that occurs in a municipality, and sheriffs, with respect to incidents that occur in the unincorporated area of a county), upon learning of a mass traffic obstruction (defined as an incident in which, as part of, or as the result of a protest, riot, or other assembly, at least 10 persons obstruct vehicular) to dispatch available law enforcement officers to clear the roads of persons unlawfully obstructing vehicular traffic; and
- amend the current law which prohibits willfully standing, sitting, or lying on the highway or street in a manner that impedes the traffic, by participation in a riot or other unlawful assembly by making such offenses a Class A1 misdemeanor.

**Introduced by Representatives Torbett, Blust and Burr and has not yet been assigned to a House committee.**

HOUSE BILL 251, Allow Concealed Carry on UNC & CC Campuses, would allow person who has a valid concealed handgun permit or who is exempt from obtaining a concealed handgun permit to carry a concealed handgun on educational property if the educational property is a UNC constituent institution or a community college. **Introduced by Representatives K. Hall, Burr, Presnell, and Destin Hall and has not yet been assigned to a House committee.**

SENATE BILL 136, Restore Partisan Elections/Sup. & Dist. Court, is identical to House Bill 100, summarized in the February 20, 2017, Legislative Report. **Introduced by Senators Tillman, Randleman, and Wade and referred to the Senate Rules Committee.**

SENATE BILL 137, Surcharge Transparency, would require North Carolina auto insurance surcharges imposed to subsidize the losses of the North Carolina Motor Vehicle Reinsurance Facility to be itemized and displayed to the policyholder at the time of policy issuance and renewal on the declaration page or renewal notice below the coverage and premium information as follows: "The Premium Clean Risk Surcharge is \$\_\_\_\_\_ and is included in your premium above." **Introduced by Senators Meredith, Wade, and Gunn and referred to the Senate Rules Committee.**

SENATE BILL 145, Government Immigration Compliance, would: (1) create additional incentives for local governments to comply with State laws related to immigration; (2) prohibit

UNC constituent institutions from becoming sanctuary universities; and (3) direct the Department of Public Safety to enter into a Memorandum of Agreement with the Department of Homeland Security to permit designated State law enforcement officers to perform immigration law enforcement functions. **Introduced by Senator Sanderson and referred to the Senate Rules Committee.**

SENATE BILL 150, Auto Ins./Notice to Lienholder of Termination, would:

- require the date of termination of auto insurance for nonpayment of the premium to be at least 15 days from the date the notice of termination is mailed; and
- require insurers to provide a copy of the required written notice of cancellation to any lienholder at least 10 calendar days prior to the effective date of the termination of the policy.

**Introduced by Senator D. Davis and referred to the Senate Rules Committee.**

SENATE BILL 154, Charitable Fundraising for Nonprofit Orgs., would increase the ability of nonprofit organizations (and their bona fide branch, chapter, or affiliate) to hold fundraising raffles and to authorize reissuance of certain one-time Alcoholic Beverage Control Commission permits. It would further:

- revise state law to allow a candidate, political committee or government entity within the state to hold no more than two raffles per year; and a nonprofit may hold no more than four raffles per year, with no more than one raffle per quarter;
- increase the cap on total cash prizes offered by any nonprofit to \$250,000 in any calendar year (from a prior cap of \$125,000);
- set the cap at \$125,000 for any total cash prize offered by any candidate, political committee, or government entity within the state in any calendar year;
- amend the law so that the sale or consumption of alcoholic beverages is no longer prohibited under said statute;
- generally increase the ability to reissue a limited special occasion permit if the original permit had been received in the prior 18 months; and
- allow alcohol beverages in the manufacturer's original closed container to be used as a raffle prize or an item for sale to allow a nonprofit to raise funds.

**Introduced by Senators Gunn, Lowe and Harrington and referred to the Senate Committee on Rules and Operations.**

SENATE BILL 160, Handicap Parking Privilege Certification, would clarify that medical certification and recertification requirements for handicapped parking privileges may be satisfied by certification of a licensed physician assistant or a licensed nurse. **Introduced by Senators Brock, Meredith, Hise, and Britt and referred to the Senate Rules Committee.**

SENATE BILL 166, Expand Local Option Sales Tax for Education, would:

- give counties the ability to obtain an additional source of revenue with which to meet public education needs;
- provide that a tax levied under this statute must be approved in a referendum and that the board of commissioners may direct the county board of elections to conduct an advisory referendum on the question of whether to levy a local sales and use tax in the county at a rate of one-quarter percent or one-half percent; and
- provide that the county may use the proceeds of the tax levied only for public school capital outlay purposes.

**Introduced by Senator Randleman and referred to the Senate Rules Committee.**

SENATE BILL 174, Economic Security Act of 2017, would seek to advance economic security in North Carolina by:

- increasing the State minimum wage in phases to \$15 per hour over five years;
- mandating equal pay for equal work;
- requiring paid sick leave and family medical leave;
- increasing the tipped minimum wage;
- ending wage theft;
- requiring the fair assessment of persons with criminal histories by "banning the box";
- repealing public employee collective bargaining restrictions; and
- reenacting the Earned Income tax credit and tax credits for child care and certain employment-related expenses.

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

## **BILL UPDATES**

HOUSE BILL 142, Increase Oversight of OLBs, was amended in the House Judiciary II Committee to prohibit additional boards or commissions to the list of specified occupational licensing boards without first having been approved by the Joint Legislative Administrative Procedure Oversight Committee as being necessary. "Necessary" would mean that the profession subject to licensure affects the health, safety, or welfare of the public and mandatory licensure is necessary to ensure minimum standards of competency so as to protect the public from unqualified persons or unprofessional conduct by persons or entities practicing in the profession. **The bill as amended was approved by the House Judiciary II Committee and will next be considered by the full House.**

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