

NC Legislative Update for September 4, 2015

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Welcome to the Nexsen Pruet Weekly Legislative Update! The Nexsen Pruet Public Policy team provides attorneys and clients with a newsletter summarizing the week's activities and conveying the inner workings of the legislative process and state government in Raleigh. Please feel free to pass this along to your clients or other interested parties, email kcollins@nexsenpruet.com to be added to the list.

This Week

There was little action taking place in public this week at the North Carolina General Assembly. Both chambers kept relatively sparse calendars and neither chamber held any Committee meetings. The low activity is traditionally a signal of progress between budget writers and allows them sufficient time during the day to work out the remaining differences. Speaker Moore (R-Cleveland) announced on the floor Wednesday that budget writers should expect to remain in Raleigh over the Labor Day weekend.

[No Labor Day break for NC budget negotiators as deadline looms](#) – N&O
[NC budget standoff in historic territory](#) – N&O
[McCrorry ducks questions about state budget](#) – WNCN

As some of the items in controversy have tentatively been settled, several of those agreements have been made public. Transportation budget writers have reportedly agreed to increase DMV fees by roughly 30%, which is closer to the House proposal. On Monday, the Senate offered to fully fund teacher assistants, but would remove school districts flexibility to spend the money for other purposes. The House has yet to agree to the offer. Sen. Brown (R-Onslow) said Wednesday that he hoped a final agreement could be reached over the weekend and that the conference report could be released next week. Several of the budget Subcommittees have finished their proposals. However, the two areas of the budget that remain unresolved, education and healthcare, also happen to be the two largest portions of the State budget.

[NC state budget deal inches forward as pieces click into place](#) – Carolina Public Press

[Senate budget offer met with skepticism](#) – WRAL
[Legislators look to tweak driver's ed in budget deal](#) – N&O
[NC car insurance rates could rise if driver ed funding cut](#) – WNCN

As the budget talks progress, anything can be used as a bargaining chip to move budget negotiations forward, including items that have not been previously seen this session. Wednesday it was reported that the Senate had proposed an increase in funding for coastal dredging projects by tying it to lifting or eliminating the cap on terminal groins. Terminal groins or

2015 Session
September 4, 2015

In the News

[Justice honored with Order of the Long Leaf Pine](#) – **Star News**

[Some North Carolina officials refuse to perform marriages](#) – **WRAL**

[N.C. has one of the top community college systems, per report](#) – **TBJ**

[Labor head: Fire led to safety reforms](#) – **Daily Journal**

[Economic officials frustrated by lack of funds](#) – **Journal Patriot**

[Senator Thom Tillis on taxes, Trump and more](#) – **CBJ**

[Jeb Bush to roll out tax plan in Garner appearance](#) – **WRAL**

[Roberts, Peacock lead Charlotte mayoral races](#) – **Charlotte Observer**

[NC Agriculture Department talks avian flu with flock owners](#) –

“jetties” are hardened structures that are designed to prevent beach erosion at inlets. The State has several of the structures already but a moratorium had prevented further construction until recently. A 2011 law allowed for 4 terminal groins to be built as pilot projects, none of which have begun construction. All of the proposed projects are in the southeastern region of the State, leaving several beach towns in the northern three quarters of North Carolina lacking erosion control. Eliminating or removing the cap has long been championed by Sen. Rabon (R-Brunswick) and Sen. Brown.

[Beach erosion walls back in play](#) – N&O
[Jetties arise as budget issue](#) – WRAL

The budget, as important as it is, is not the last item left for the legislature to address before they adjourn. There are a number of major issues that have yet to be resolved including Medicaid reform, the bond proposal, redistribution of sales tax, economic incentives, and now add to that list changing the date of next year’s presidential primary. Traditionally the General Assembly will take another week or two after passing the budget to handle unresolved policy issues. However, further complicating matters, the Senate has indicated they want Medicaid reform before they pass a budget.

[Five 'must dos' on legislature's agenda](#) – WRAL

The House voted unanimously Wednesday not-to-concur with the Senate’s changes to [House Bill 373](#). The current version of the bill would move only the State’s presidential primary up from to March 15th while all others would still be held on May 3rd. The two chambers appear to agree on moving the presidential primary forward, but there was some concern over the costs associated with holding two primary elections. Rep. Lewis (R-Harnett) and Sen. Rucho (R-Mecklenburg) indicated that a new proposal could shift all primaries up to March 15th, which is the reason the bill was sent to a Conference Committee.

[NC may have single March primary for all races](#) – WRAL
[House adds wrinkle in primary campaign scheduling](#) – N&O

As lawmakers battle over the budget, another battle is taking place in the North Carolina Supreme Court. Following a U.S. Supreme Court ruling requiring the North Carolina Supreme Court to review its original decision to uphold the election maps, the Court again heard arguments Monday morning. There is no timetable for Justices to make a decision, but regardless of the decision, another federal appeal is likely.

[Battle over North Carolina voting maps underway](#) – ABC 11
[Voting maps back before NC Supreme Court](#) – WRAL

Legislation in the News:

[Quick anger, little action on Confederate plates in NC](#) – WRAL
[House votes to criminalize most GPS tracking](#) – WRAL
[With local backing, 'Uber' bill awaits McCrory's signature](#) – Port City Daily
[North Carolina is a leader in legislating virtual currency. Bitcoin expert says](#) – WRAL
[N.C. Cultural Resources secretary urges lawmakers to include historic preservation credits in budget](#) – TBJ

Winston-Salem Journal

[Duke Energy to answer questions about controversial transmission line](#) – CBJ

[Payday lender blocked from doing business in North Carolina](#) – TBJ

[Study finds hog farm waste in NC waters, but significance is disputed](#) – N&O

[NC insurance commissioner makes stop in Statesville](#) – Record & Landmark

[August relatively painless when it comes to pink slips in N.C.](#) – TBJ

[Report: North Carolina No. 5 among states for new clean energy jobs](#) – WRAL

[Apple, The Conservation Fund in early stages of 'working forest' project in N.C.](#) – CBJ

[Former N.C. Rep. Jim Carson worked across the aisle, fought for tougher penalties for felons](#) – Charlotte Observer

A Full Time Legislature?

Technically, the North Carolina General Assembly is a part-time legislature. Functionally however, it operates year-round. On top of the ongoing lengthy session, interim Committees will meet after the legislature adjourns to study issues and prepare legislation for the next session. Also, this session is the first in recent memory where lawmakers have taken two separate week-long recesses. Operating as a full-time legislature, while classified as a part-time legislature, seriously restricts who may serve due to the time commitment and the annual salary of just under \$14,000. Currently, membership of the State's legislative bodies is largely made up of attorneys, retirees, business owners and the independently wealthy. You can read the full argument by Dr. McLennan, a political science professor at Meredith College below.

[The case for a full-time legislature in North Carolina](#) – N&O

In Other News

- Over the weekend, the Cumberland County Democratic Party nominated Billy Richardson (D-Cumberland) to fill the 44th North Carolina House district, which was vacated Friday by Rep. Glazier. Rep. Richardson previously served in the House nearly two decades ago. You can read a synopsis of the nomination [here](#) in the Fayetteville Observer. Rep. Richardson (D-Cumberland) was sworn into office on the House floor Tuesday. Read more in the N&O [here](#).
- State Sen. Joel Ford (D-Mecklenburg) is the latest name to be mentioned as a potential challenger to two-term incumbent U.S. Sen. Richard Burr (R). Sen. Ford is considered one of the more moderate Senate Democrats and is vice-chair of the Main Street Democrats, a group of Democratic State legislators that are business friendly. No candidate has officially announced intent to run against Sen. Burr in 2016. Read more in the Charlotte Observer [here](#).
- Rep. Jason Saine (R-Lincoln) penned a letter to the editor, which ran Tuesday in the News & Observer regarding patent abuse. Rep. Saine was one of several legislators pushing legislation to address the issue in the General Assembly last session. You can read it [here](#).
- North Carolina Supreme Court Chief Justice Mark Martin announced appointments to the Governor's Task Force on Mental Health and Substance Use. See the appointees in a press release from the NC Court System [here](#).

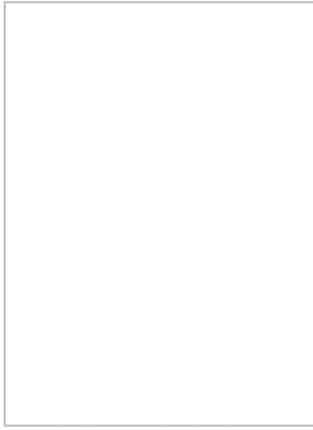
Please reach out to [TJ Bugbee](#) for any further information or to [Susan Latta](#) to request the monitoring of any specific legislation.

Our Team

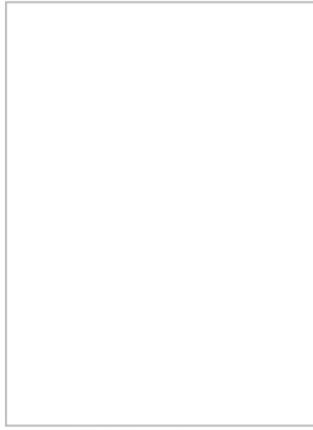
Our firm began in 1945 with two lawyers in a small office in Columbia, S.C. From its earliest days, the firm emphasized excellence, integrity and service - the characteristics that have driven its success. Our North Carolina Government Affairs team includes former state senator Sandy Sands, former chief justice of the North Carolina Supreme Court Beverly Lake, and former state house legislative aid TJ Bugbee. Together they represent the interests of businesses, associations, and individuals and nonprofits before the state's legislative and executive branches to craft sound legislation and achieve full-circle policy solutions.



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