



Legislative Update

Week of October 28, 2019

Roy Cooper, Governor

Erik A. Hooks, Secretary

The General Assembly was bustling this week, as both chambers attempted to wrap-up legislative activity for the long session. Early this week, many predicted Senate leadership would attempt to override the Governor's veto of House Bill 966, otherwise known as the "budget bill." Despite all the speculation, the override vote never occurred. Still, there was a wide variety of bills with action, along with clarification of which matters the legislature will consider for the remainder of the calendar year.

Midweek, a technical corrections bill gained traction in the House when the language in Senate Bill 419 was stripped out and replaced with language making technical and clarifying changes to existing statutes and session laws. In summary, the newly proposed language would do the following:

- change references in the sex offender registry statutes from the Department of Public Safety to the State Bureau of Investigation (SBI);
- make a technical correction to an expunction statute enacted in S.L. 2019-186 (Raise the Age Modifications) to reflect the expunction requirements therein are related to cases that are remanded to district court for juvenile adjudication, not dismissed;
- make clarifying changes in the Criminal Procedure Act and current law related to county jails to require juveniles to be housed in juvenile detention facilities and to require juveniles to be transported by personnel of the Division of Adult Correction and Juvenile Justice or persons approved by the Juvenile Justice Section (effective July 1, 2020);
- make changes to the way medical treatment and medical billing is handled for safekeeper inmates transferred from a jail to a prison for medical treatment. This section would make the same changes for inmates housed in a jail through the Statewide Misdemeanor Confinement Program (effective December 1, 2019); and
- delay the effective date of the new delivery service permit authorized by S.L. 2019-182 (ABC Regulatory Reform) from December 1, 2019, to February 1, 2020.

Also this week, both the House and Senate acted upon the need for additional disaster relief funding. On Wednesday, the House Appropriations committee considered House Bill 1023, *Storm Recovery Act of 2019*. The proposed appropriations bill would provide \$70.8 million for State match funds required for Hurricane Florence federal disaster assistance programs and \$38.1 million to the State Emergency Response and Disaster Relief Fund. Additionally, the House proposal would appropriate \$40 million to the Office of Recovery and Resiliency (NCORR) and \$42.1 million to the Division of Emergency Management for various purposes related to storm recovery. Funds to support operations of the NC 2-1-1 program and provide additional Emergency Management positions are included as well. House Bill 1023 unanimously passed the House Thursday and was sent to the Senate, where it currently resides in the Rules committee.

The Senate, on the other hand, replaced language in House Bill 200, formerly an education-related bill, and inserted provisions which include \$70.8 million to be used as State match for Hurricane Florence federal disaster assistance programs, and \$31.6 million to the State Emergency Response and Disaster Relief Fund. Both appropriations would be non-recurring for FY 2019-20. On Thursday, the Senate unanimously approved the measure and sent it to the House for consideration. Later that day, the House unanimously

voted to not concur with the Senate's substituted language. As a result, a conference committee has been appointed by both the House and Senate to work out differences in the coming weeks.

And finally, on Thursday, a joint resolution adjourning session to a date certain was agreed upon by both the House and Senate. The joint resolution, SJR 694, also sets limitations on which types of matters can be considered when the General Assembly reconvenes later this session. Viewed as a Halloween treat by many, the legislature stands adjourned to reconvene on November 13, 2019, and again on January 14, 2020.

Upon reconvening in November, only the following matters may be considered:

- bills responding to actions related to litigation concerning the districts for Congress, State House, and State Senate;
- bills providing for the selection, appointment, or confirmation as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, or President Pro Tempore of the Senate;
- bills providing for action on gubernatorial nominations or appointments;
- adoption of conference reports for bills which were in conference on or before October 31st; and
- a joint resolution further adjourning the 2019 Regular Session or amending a joint resolution adjourning the 2019 Regular Session to a date certain.

Upon reconvening in January, only the following matters may be considered:

- bills returned by the Governor with his objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill;
- bills providing for the selection, appointment, or confirmation as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, or President Pro Tempore of the Senate;
- bills providing for action on gubernatorial nominations or appointments;
- bills responding to actions related to litigation concerning the districts for Congressional, State House, State Senate, judicial, municipal, county, and other elected officials' actions and any other litigation challenging the legality of legislative enactments;
- adoption of conference reports for bills which were in conference on or before October 31st;
- bills addressing funding for and oversight of the Department of Transportation;
- bills addressing access to health care;
- bills providing for or modifying appropriations of State funds; and
- a joint resolution further adjourning the 2019 Regular Session or amending a joint resolution adjourning the 2019 Regular Session to a date certain.

If you have any questions or comments, please contact Susanna Davis at 919-825-2717 or susanna.davis@ncdps.gov.

DPS Bills with Action this Week

(Note: Click on the bill title to view the most current version of the bill)

Division(s) Impacted	Sponsor(s)	Bill #	Short Title	Action
EM	Hurley, Johnson, Horn, and Elmore	H 200	2019 Storm Recovery Act	10/31/2019 House/Senate Conf Com Appointed
Department-Wide	Johnson, Lambeth, Saine, and McGrady	H 966	2019 Appropriations Act	10/31/2019 Senate Re-ref Com On Rules and Operations of the Senate
EM	Committee on Rules, Calendar, and Operations of the House	H 1023	Storm Recovery Act of 2019	10/31/2019 Senate Ref To Com On Rules and Operations of the Senate
DPS Educators	Ballard, Edwards, and Harrington	S 354	Strengthening Educators' Pay Act	Pres. To Gov. 11/1/2019
SBI, ACJJ	Britt, Johnson, and McInnis	S 419	Technical and Other Changes	10/31/2019 Senate Ref To Com On Rules and Operations of the Senate
Department-Wide	Rabon	S 694	Adjourn 2019 Regular Session to November	10/31/2019 Senate Ch. Res 2019-20