



INTRODUCTION

BUDGET UPDATE

Speaker Moore told reporters this week that the House plans on having their version of the budget out on April 6th, right before Easter and the General Assembly's spring break the week of April 10th. It appears to be a favorable time to be working on the budget with the news of a projected \$3.25 billion surplus for the state this year, however the surplus is non-recurring, one-time money and not recurring money which can be used for a wider variety of funding priorities.

As in years' past, there are two topics that remain top priorities in both chambers that still prove difficult to fully agree on when it comes down to specifics: raises and tax cuts. It's clear the chambers have already begun negotiations around the amount of tax cuts for this biennium. "The conversations I've had with leadership in the House, with members in the House, leads me to believe that the House is prepared to move forward with further reductions in in our taxes," Senate leader Berger said. "We're still early in the session, we'll see how that materializes."

State employee raises and teacher raises are in the works, as well. If the budget process is sped up this session, it could be possible for teachers and state employees to see their new raises at the start of the new fiscal year in July (which rarely happens). Gov. Cooper is expected to kick-off the budget negotiations with the release of his budget proposal in March.

SPEAKER CAR ACCIDENT

On Thursday night, Speaker Moore and Rep. David Willis were involved in a car accident. Fortunately, no one was harmed in the incident. "Imagine this: We're on Highway 64 coming in, at decent highway speeds, when a car – bam! – comes up behind us and hits us once." Moore told a reporter. "I was like, 'What the hell is that?' Bam, hits us again, bam, hits us a third time." The legislators were riding in an unmarked police car with a General Assembly police officer assigned to Speaker Moore. After the vehicle finally stopped ramming them, the officer turned on his blue lights and followed the suspect for 6 or 7 miles before the driver finally pulled over. The suspect was charged with a misdemeanor DWI charge. While the ramming was intentional, Speaker Moore said he doesn't believe he was specifically targeted.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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MEDICAID EXPANSION

Now that the House has proposed their version of Medicaid expansion, all eyes are on the Senate for their counterproposal. There's been speculation that the Senate has softened its stance on the importance of "supply side" provisions including certificate-of-need (CON) reform and the SAVE Act. Senate leader Berger squashed those rumors this week when speaking at a NC Chamber event. In his remarks, Senate leader Berger made it clear that the SAVE Act was a priority to his chamber and expects to include CON-reform and the SAVE Act in their Medicaid expansion proposal. Once the Senate proposes their version, negotiations between the chambers will truly begin. It's clear that the Senate will be including "supply side" provisions in their negotiations.

Another element to the Medicaid expansion negotiations is time. Sec. Kinsley and Gov. Cooper recently reiterated the importance of having this done by March so that the state can start enrolling beneficiaries in the program by the end of the fiscal year. If we meet that March deadline and can have beneficiaries enrolled by the end of this fiscal year, the state will receive a \$1.8 billion signing bonus for the year. With \$1.8 billion on the table, leadership is exceptionally motivated to see this through, and see it through fast.

COMPASSIONATE CARE ACT

The Senate is giving the House another shot at legalizing medical marijuana in our state. Senate Bill 3 was the first policy bill filed in the Senate this year by Rules Chairman Bill Rabon, who championed this issue last session, as well. Senate Bill 3 has had a pretty smooth ride through Senate Committees given that the measure already passed their chamber last session. It is expected to be on the Senate floor for a vote as early as this week.

PISTOL PURCHASE PERMIT REPEAL BILL

A measure included in the Senate's firearm omnibus bill last week has now passed the House on a party-line vote. The bill would remove North Carolina's long-held requirement that an individual must first obtain a pistol purchase permit from the local sheriff in order to purchase a handgun. Since this policy proposal has made its way through both chambers by different vehicles, House and Senate Republicans will need to negotiate a final version to pass and send over to the Governor. Gov. Cooper vetoed a similar bill previously and is expected to veto this bill, as well.

Republicans have yet to put a veto override to the test with their new Senate supermajority and near-supermajority in the House. It's unclear if this bill may be one of their first attempts at an override, but given the party-line vote in both chambers, it may not be their best bill to gamble on. Even Democrat Rep. Wray, who signed on as a sponsor of this bill, ultimately voted against it. He and Rep. Willingham (D) voted for the bill last session, but given the loophole that this policy would create removing background checks from private sales and the negative feedback from local sheriffs, the two stuck with their party and opposed the bill this session.

BILLS OF INTEREST

HOUSE BILL 146, Taxpayer Protection Act, would amend the State Constitution, if approved by a majority of the qualified voters of the State at the general election in 2024, to limit the annual growth of the State budget to a percentage equal to the sum of annual inflation and the State's annual population growth rate. The Legislature would be permitted to increase the budget more in a year in which two-thirds of both chambers of the General Assembly vote in favor of the increase. **Introduced by Representatives Riddell, D. Hall, Paré, and Saine and referred to the House Judiciary 1 Committee.**

HOUSE JOINT RESOLUTION 151, Term Limits for Congress, would ask Congress to call a convention limited to proposing an amendment to the US Constitution to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives or the United States Senate. **Introduced by Representatives Moore, Lowery, Fontenot, and Chesser and referred to the House Rules Committee.**

HOUSE BILL 161, Protecting Properly Insured Individuals, helps ensure that, in the case of a civil proceeding for unpaid medical or funeral service charges, the amount awarded is not greater than that which would have been paid by an injured party's valid insurance. It replaces the rebuttable presumption in cases regarding disputed medical charges with the evidence of the amount being:

- If the injured party has health insurance that results in a contractual reduction in the charge and no lien has been asserted, the full amount of the bill;
- If the injured party has no health insurance and a lien has been asserted, the amount of the claimed lien;
- If the injured party is covered by Medicare or Medicaid, the amount covered by the benefit provider, any additional amount paid on behalf of the injured party, and any unpaid amount.

Establishes that no lien for medical charges under this law is valid if the medical provider does not submit the claim in a timely manner. Establishes that attempting to calculate medical charges for such civil cases through any means other than set out in this statute is an unfair business practice.

Introduced by Representative Stevens and referred to the House Committee on Judiciary 2.

HOUSE BILL 162, Living Donor Protection Act, would prohibit an insurer from refusing to insure or continuing to insure an individual; limiting the amount, extent, or kind of coverage available to an individual; charging an individual a different amount for the same coverage; or otherwise discriminating against an individual in the offering, issuance, cancellation, price, or conditions of a policy, or in the amount of coverage provided under a policy, based solely and without any additional actuarial risks on the status of an individual as a living organ donor. In addition, the bill would: (1) provide for an income tax credit for unreimbursed medical expenses resulting from certain organ and marrow donations; and (2) provide up to thirty days' paid leave to State employees and other state-supported personnel who serve as living organ donors and up to seven days' paid leave for bone marrow donors. **Introduced by Representatives Shepard, Morey, Fontenot, and Wheatley and referred to the House Health Committee.**

HOUSE BILL 169, Executive Order Modifications. Currently, the North Carolina Constitution allows the Governor to issue executive orders that affect existing law and make changes to the allocation of offices and agencies and in the allocation of functions, powers, and duties necessary for efficient administration, and requires that these orders be submitted to the General Assembly on or before the 60th calendar day of session. These executive orders become effective upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly. This bill would: (1) require the Governor to submit all executive orders to the Council of State for concurrence, except for orders under the North Carolina Emergency Management Act; (2) set an expiration date of 30 days for an executive order that does not receive concurrence; (3) provide that an order that receives concurrence expires after 60 days, unless each house of the General Assembly approves the order by resolution or the General Assembly modifies it by joint resolution; and (4) provide that, if the Council of State fails to concur with the executive order, the Governor is prohibited from submitting the same or a substantially similar executive order for one year after the initial issuance of the order. **Introduced by Representatives Kidwell, Cleveland, Moss, and Pless and referred to the House Judiciary 1 Committee.**

HOUSE BILL 172, Sam's Law, requires all public school units to adopt a seizure education program and provide parents of students with seizure disorders with the opportunity to develop an individualized seizure action plan for such students. A seizure education program shall include instructions for administering medications, symptoms of seizures, and appropriate response measures. All principals, guidance counselors and teachers must complete one hour of self-study on seizure disorders each year, and each school must display at least one informational poster on seizure first aid in a high-traffic area.

A seizure action plan shall include a written statement from the student's health care provider with any prescribed seizure medication, the dosage, method and frequency of administering the medication, and the symptoms necessitating the medication. The plan must also include a written statement from the parent indicating whether school personnel are permitted to administer the medication, and the parent must provide one unopened and labeled dosage of the medication. The school must keep a copy of the plan on file and available to any school personnel, and at least one employee in the school shall be trained to administer or assist with self-administration of the medication.

The State Board of Education shall adopt rules regarding seizures for all schools, each local board of education and charter school shall adopt a policy regarding seizures, and the UNC system Board of Governors shall adopt a policy regarding seizures. The bill appropriates \$50,000 to the Department of Public Instruction in one-time funds for development of the seizure policy. **Introduced by Representatives Kidwell, Hardister, Biggs and Cairns and referred to the House Appropriations Committee.**

HOUSE BILL 185, Clarifying Sex Ed Time Frame, clarifies existing law that no sex education may begin in public schools before the seventh grade and changes the law providing parents the opportunity to consent or withhold consent for their students to participate in sex education to a requirement that parents provide consent **before** student participation. **Introduced by Representatives Torbett, Blackwell, Zenger and Wheatley and assigned to the House Education K-12 Committee.**

HOUSE BILL 187, Equality in Education, would state the intent of the General Assembly that students, teachers, administrators, and other school employees respect the dignity of others, acknowledge the right of others to express differing opinions, and foster and defend intellectual honesty, freedom of inquiry and instruction, and freedom of speech and association and that the public schools of North Carolina employ teaching methods and procedures to further that intent. The bill would prohibit public schools from "promoting" various concepts regarding race, sex, and moral character. In addition, the bill would require public schools to notify the Department of Public Instruction and make general information available on the school's website, with detailed information available upon request, at least 30 days prior to (1) providing instruction regarding these concepts in curricula, reading lists, seminars, workshops, trainings, or other educational or professional settings or (2) hiring, contracting with, or engaging speakers, consultants, diversity trainers, and other persons to discuss these concepts. **Introduced by Representative Torbett and referred to the House Education K-12 Committee.**

HOUSE BILL 190, Dept. of Health and Human Services Revisions, contains various changes requested by DHHS, including:

- allows triennial inspections of adult care homes that have achieved the highest rating for five consecutive years;

- authorizes money from the Newborn Screening Equipment Replacement and Acquisition Fund to be used to maintain and support equipment;
- adds dentists, physical therapists, pathologist assistants and medicolegal death investigators to the professions that the Chief Medical Examiner may appoint as county medical examiners, and authorizes the Chief Medical Examiner to appoint temporary county medical examiners during a state of emergency.

Introduced by Representative Potts and referred to the House Health Committee.

HOUSE BILL 191, Popular Election, would establish North Carolina as a member of the “Agreement Among the States to Elect the President by National Popular Vote,” which calls for each member state to conduct a statewide popular election for President and Vice President of the United States. **Introduced by Representative Alexander and referred to the House Rules Committee.**

HOUSE BILL 202, Workforce Development Act of 2023, would provide \$2.5 million to the Department of Public Instruction to establish the High School to Work Grant Program for the 2023-2024 school year. The Program would create opportunities for high school students in public school units to connect with local business to develop skills and contacts for future jobs. Public schools receiving grants pursuant to the Program would use the funds to facilitate summer apprenticeships, internships, job shadowing experiences, and other opportunities for high school students to procure employment in needed trade fields and careers around the State. No later than February 15, 2024, the Department would report to the Joint Legislative Education Oversight Committee on the Program, including: (1) the identity of each school receiving funds; (2) the amount of funding provided to each school that received a grant; (3) the use of funds by each school; and (4) recommendations to improve the Program. **Introduced by Representative Moss and referred to the House Appropriations Committee.**

HOUSE BILL 204, Term Limits for Legislators, would amend the State Constitution, if approved by voters of the State at the general election in November 2024, to limit members of the General Assembly to no more than eight cumulative terms of office. If a person fills a vacancy, it would not be considered as an election to a term for these purposes, and terms of office beginning before January 1, 2025, would also not be considered. **Introduced by Representative Everitt and has referred to the House Rules Committee.**

SENATE BILL 137, Const. Amendment/Repeal Literacy Test, is identical to House Bill 44, summarized in the February 7, 2023, Legislative Report. **Introduced by Senators Lowe, Perry, and Lee and referred to the Senate Rules Committee.**

SENATE BILL 147, Update Reqs./Advance Health Care Directives, changes various laws and the forms authorized by such laws to allow a person establishing a Health Care Power of Attorney or an Advance Health Care Directive to have the person’s signature witnessed by *either* two witnesses or a notary public. Existing law requires the witness of *both* two witnesses and a notary public. The legislation also authorizes the Secretary of State to receive these and other health care-related documents in electronic formats. When receiving such documents, the Secretary of State shall enter both electronic and hard copy formats into the electronic Advance Health care Directive Registry, return any hard copies to the submitter, and send to all those submitting such documents a wallet-sized card with the document’s file number and password. The Secretary of State may remove documents of deceased registrants from the registry. **Introduced by Senators Krawiec, Burgin and Corbin and referred to the Senate Rules Committee.**

SENATE BILL 156, Medicaid Children & Families Specialty Plan, establishes a Children and Families Specialty Plan (CAF) as a new Medicaid managed care plan in the state. The CAF shall be a statewide capitated plan, and counties will not be allowed to withdraw from participation in the plan. Populations eligible to enroll in the CAF include children in foster care or receiving adoption assistance, former foster care youth, adults in a child protective services in-home family services agreement cases and minor children in the home, adults in an Eastern Band of Cherokee Indians family safety program cases and children in the home, recipients with a child temporarily in foster care, and others.

The CAF shall have a closed network of providers only for intensive in-home services, multisystemic therapy, residential treatment services, and services provided in private residential treatment facilities. The operation of the plan must include continuity of care across healthcare settings and changes in placement, specialized services such as medication management and trauma-informed care, and coordination with relevant local and state agencies. The CAF shall cover most behavioral health, intellectual and developmental disability, and traumatic brain injury services excluded from standard benefit plans. The legislation directs DHHS to issue a request for proposals for the CAF to begin services by December 1, 2024.

The legislation also adds several substance abuse services to those that all capitated PCP contracts shall cover. **Introduced by Senators Krawiec, Burgin and Corbin and referred to the Senate Health Care Committee.**

BILL UPDATES

SENATE BILL 46, Medical Billing Transparency, was **approved by the Senate and will next be considered by the House Rules Committee.**

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