
Coates' Canons Blog: Legislative Preview: Ideas from the Interim

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This post is co-authored with Christine Wunsche, the Director of the School of Government's Legislative Reporting Service.

Tomorrow, January 25, the North Carolina General Assembly returns to Raleigh to begin the business of the new biennium. Here at the School of Government, we are all waiting anxiously to see what bills will be filed in our respective areas of work. While Christine and I would rather not try to predict the topics that will be of interest this year, we can preview some of the bills that have already been drafted and ideas that have been recommended by oversight committees or study commissions. While there is no guarantee that these ideas will make it into actual legislation this session, these types of proposals often garner some interest because legislators and others have invested a significant amount of time in studying the issues involved and crafting solutions. If you want to get a jump start on just a few of the bills or committee recommendations that may surface this session, read on...

Judicial System

The North Carolina Courts Commission considered a wide range of issues during the interim and recommended several pieces of legislation. Many of the proposals are focused on criminal law, but a few address the court system more broadly. For example, the commission proposes several changes that would impact magistrates including:

- Granting chief district judges non-delegable disciplinary authority over magistrates;
 - Directing the Administrative Office of the Courts to draft a code of conduct applicable to magistrates;
 - Providing that each county has a chief magistrate position, with higher pay and required training; and
 - Removing the "emergency only" limitation on the authority of a chief district judge to assign magistrates to temporary duty outside their county of residence.
- The Commission also recommended that the General Assembly request a study of the current organization of the superior court, district court, and prosecutorial districts, with a particular focus on the potential cost and impact of redistricting.

Another group, the North Carolina Commission on the Administration of Law and Justice (NCCALJ), was convened by Chief Justice Mark Martin in September 2015 to "undertake a comprehensive evaluation of our judicial system and make recommendations for strengthening our courts within the existing administrative framework." The group focused on five broad areas: civil justice, criminal investigation and adjudication, legal professionalism, public trust and confidence, and technology. Interim reports are available online and a final report from the NCCALJ is expected in early 2017. The legislature's Courts Commission jumped ahead of the final report and specifically recommended that the state adopt a recommendation of the NCCALJ to raise the age of juvenile court jurisdiction to include youthful offenders (16- and 17-year olds) for all crimes, except Class A-E felonies and traffic offenses. Our colleagues have written about this issue in the past [here](#) and [here](#).

School Funding

The Joint Legislative Program Evaluation Oversight Committee (JLPEOC) proposed legislation that could alter the way that the K-12 public schools are funded. The draft legislation establishes an 18-member Joint Legislative Task Force on Education Finance Reform (Task Force) and directs the Task Force to develop a new funding model based on a weighted student formula. The Task Force, in consultation with the State Board of Education and the Department of Public Instruction, would be required to:

- Study various types of weighted student formula funding models, including those used in other states;

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- Identify student characteristics eligible for weighted funding and the associated weights; and
 - Resolve the extent to which the base amount of funds to be distributed would be adjusted based on the characteristics of each local school administrative unit.

If the bill is enacted as written, the Task Force would begin meeting later this year and would be required to submit a final report by July 2018.

School Administrator Pay

The Joint Legislative Committee on School-Based Administrator Pay offered several policy recommendations but did not propose specific legislative language. The committee recommended:

- replacing the current principal pay schedule with a dollar allotment or linking principal pay to the teacher salary schedule at the master's level plus a certain percentage;
- providing bonuses to principals in low-wealth and low-performing schools who achieve success in certain categories;
- moving all assistant principals to the teacher's salary schedule at the base level of those receiving the master's supplement, plus a certain percentage; and
- adopting a multiyear plan to raise school-based administrator pay significantly as soon as practicable.

Infrastructure

The Blue Ribbon Commission to Study the Building and Infrastructure Needs of the State did not propose specific legislation but it did offer several recommendations that, if acted upon, would have a direct impact on local governments. For example, the final report recommended:

- Expanding training programs for local government units, including school boards, to ensure capital improvement projects involving new building construction or water and sewer infrastructure improvements take into consideration the project's long and short impact on the unit's annual budget;
- Establishing financial incentives for local governments demonstrating consistent improvement in fiscal stability through better cost-benefit analysis and long range planning when undertaking new building construction or water and sewer infrastructure improvements;
- Requiring submission of the performance audit to the appropriate reviewing authority as part of any unit of local government's application seeking public grants or approval of debt for either new building construction or water and sewer infrastructure improvements;
- Developing a uniform set of criteria to prioritize funding for school districts, community colleges and water/sewer systems; and
- Incentivizing regionalization of water and sewer infrastructure in small and rural communities.

Administrative Procedure

For those of you who get excited about rulemaking and administrative hearings, there were several draft bills recommended by the Joint Legislative Administrative Procedure Oversight Committee. Proposals include:

- Revising the process for the review and re-adoption of existing agency rules;
- Amending the authority of rulemaking bodies to make technical corrections without needing review by the Rules Review Commission; and
- Allowing the Codifier of Rules to make technical corrections to rules.

The Committee also recommended legislation related to the authority of occupational licensing boards in response to the decision of the U.S. Supreme Court in *North Carolina State Board of Dental Examiners vs. Federal Trade Commission*. For a refresher on this case and a discussion of the impact of this decision on state boards and commissions that have been delegated regulatory authority, see this summary from the State and Local Legal Center.

Transportation

The Joint Legislative Transportation Oversight Committee reviewed draft legislation earlier this month that would make a number of changes to laws related to the Department of Transportation (DOT) and the Division of Motor Vehicles (DMV). Recommendations include:

- Creating a new process for DOT to follow when disposing of remainder properties that are acquired in connection with acquisition of right of way;
- Extending the sunset of the DOT Minority-Owned/Women-Owned Business Program from August 31, 2017, to August 31, 2019;
- Changing the DMV's process for determining whether or not to revoke the driver's license of a person who has been adjudicated incompetent;
- Changing the DMV's system for issuing and renewing special identification cards; and
- Expanding DMV officers' authority to enforce criminal laws in emergency situations.

Stay Informed This Session!

We know this preview is certain to whet your appetite for the legislative session ahead. Don't forget to subscribe or renew your subscription to the School's Legislative Reporting Service (LRS) before the bills start flying tomorrow. Subscription information is available here. Remember that state and local government officials and employees are allowed to subscribe for free. Just contact the SOG Bookstore Manager for the coupon code. Discounts are also available for nonprofit organizations and members of the North Carolina Professional Lobbyists Association.

Links

- www.ncleg.net/documentsites/committees/BCCI-98/Meetings/2017-01-19%20Commission%20Recommendations/002%20NCCC_Draft_Report_to_the_2017_General_Assembly_2017-01-20.pdf
- nccalj.org/
- nccriminallaw.sog.unc.edu/juvenile-justice-reform-proposal-north-carolina/
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