

ACEC/NC Legislative Committee

Meeting Minutes

December 11, 2018

11:30 am

Chair: Jeremy Potter
Vice Chair: Jay Barr
Board Liaison: Scott Hinesley
Attendees: Jeremy Potter, Nick Tennyson, Courtney Gamble (phone), Jim Smith, Ryan Mitchell, Josh Massrock, Fred Burchett, Jeff Douglas, David Diggs (phone), Brian Glidewell (phone), RD Odell (phone)

- 1 Introduction of the Committee
 - a. Introductions of the attendees.
 - b. Thank you to E.L. Robinson for sponsoring lunch.

- 2 Review and Approve Meeting Minutes from 10/09/2018
 - a. No comments noted.

- 3 Discuss Committee Objectives
 - a. No comments were noted regarding the ongoing discussion of “is the committee meeting its commitment to membership?”
 - b. Task Force for State PAC events.
 - i. Task Force had first meeting on 12/11 right before the committee meeting.
 - ii. Comprised of Josh Massrock, Courtney Gamble, Ryan Mitchell, Fred Burchett, Jim Smith, Jeremy Potter
 - c. Vice Chair Opportunity – The committee is looking for a new Vice Chair starting in the beginning of 2019. Please reach out to Jeremy Potter if interested.

- 4 Review Legislative Agenda for 2019 Long Session (attached)
 - a. The agenda contains 4 categories: Infrastructure, Energy, Economic Development, and Professional.
 - b. The key points were discussed under all four categories.
 - c. One update noted at the meeting: “as proposed” will be changed to “if proposed” with regards to supporting a Transportation Bond Referendum.
 - d. A key item under Professional is the ACEC/NC sponsored Indemnification/Duty to Defend legislation.
 - i. David Ferrell has been hired as a lobbyist for this.

- ii. No one from NCGA is sponsoring.
 - iii. ACEC/NC has created a task force to help.
 - iv. AIA is supportive.
- e. It was discussed rather to call this a “Legislative Position” instead of a “Legislative Agenda” since the Long Session has not begun yet. This will be discussed during the upcoming Board Meeting on December 13th since this is really drafted for the benefit of the Board.

5 Legislative Update

- a. NC Bills of Interest
 - i. Jim Smith distributed an email on December 7th with updates from the NCGA (attached).
 - ii. Several of the items on the email were discussed, especially the “Boards Bill.”
- b. National Level
 - i. Likely waiting until next year (2019) when the new Congress is seated for anything.
 - ii. Rep. Peter DeFazio (Oregon’s 4th District) will be succeeding Bill Shuster in January 2019 as the Chair of the House Transportation and Infrastructure Committee.

6 Meetings with NC and US Representatives

- a. October 17th – Senator Berger Fundraiser at the Carolina Country Club – Several ACEC/NC representatives attended.
- b. October 18th – Rep. Dean Arp Fundraiser in Monroe, NC – Several ACEC/NC representatives attended.

7 Recent Events

- a. November 8th – Engineering Excellence Awards
 - i. Sen. Kathy Harrington was this year’s Keystone Award Winner.
- b. December 4th – ACEC/NC Charlotte Member Reception
 - i. Over 70 attended.
 - ii. PAC Raffle raised over \$700.

8 Upcoming Events

- a. December 13th - Mid-Year Review with the Board and Holiday Reception/Auction
 - i. Holiday Reception/Auction will be at the same location as last year off of Woman’s Club Drive.
 - 1. 6-9:30 PM
 - 2. Casino night and silent auction.

- ii. Please contact Jessica Mills if you can help out with logistics for the Reception/Auction the day of.
- b. December 20th – ACEC/NC NCDOT Joint Transportation Conference at the Raleigh Convention Center.

9 PAC Updates

- a. ACEC PAC Update
 - i. 2018 Goal = \$34,435
 - ii. Need approximately \$13,000 to reach the goal.
- b. ACEC NC PAC
 - i. The Board of Trustees are starting to plan for the spring Sporting Clay Fundraiser.
 - ii. As previously mentioned the Task Force for State PAC Events had its first meeting and several good ideas were discussed.
- c. ECNC (IE)
 - i. Will be supporting the Indemnification/Duty to Defend legislation.

10 ACEC Committee/Forum Liaison Assignments

- a. Board (Scott Hinesley) – No update provided, but the Board will be meeting on 12/13.
- b. Environmental & Energy (Ryan Mitchell) – There will be a February 2019 networking luncheon.
- c. Transportation (Craig Hyman) – Jim Smith provided the update – There is an upcoming Transportation Summit in 2019. Attendance is anticipated to be 300-400.
- d. B & I/Econ. Development (Joseph Angell) – No update provided.
- e. Senior Leaders Forum (No one identified at this time) – Jim Smith provided the updated – They are trying to plan a meeting in the not too distant future.
- f. Business Practices Forum (Jay Barr) – Jim Smith provided the update. May 2019 Expo planning is underway and the event will be in Charlotte.

11 Open Discussion

- a. Nothing noted.

12 Attachments

- a. Legislative Agenda
- b. NCGA updates email

NEXT MEETING: The next meeting is anticipated to be at 11:30am on Tuesday, February 12th at the ACEC/NC office.

Meeting adjourned at 12:50 pm.

Respectfully Submitted,

A handwritten signature in black ink that reads "Jeremy Potter". The signature is written in a cursive style with a long, sweeping underline.

Jeremy Potter, P.E.

A handwritten signature in black ink that reads "Jay Barr". The signature is written in a cursive style with a long, sweeping underline.

Jay Barr, P.E.



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of North Carolina

Legislative Agenda 2019-2020

The Mission of ACEC/NC is to represent the business of engineering through legislative advocacy and business services

Infrastructure

- Support the development of long-term funding programs for both transportation and non-transportation infrastructure.
- Repeal of the revised Transit Cap and strengthening STI.
- Support of a Transportation Bond Referendum (as proposed by the administration).
- Support the expenditure of "Build NC" bond proceeds for statewide transportation improvements.

Energy

- Support the development of a long-term sustainable energy program with appropriate funding that considers all energy sources.
- Support development of the Atlantic Coast Pipeline in eastern NC to enhance energy security by delivering new supplies of natural gas.

Economic Development

- Support continued investment in public utilities (water, sewer and storm water) infrastructure.
- Oppose any mandate to specify PVC piping for water projects.
- Support Environmental Regulatory Reform measures that streamline NCDEQ permitting processes.
- Support continuing research into emerging contaminants and support technology developments that remove these contaminants.
- Protect the industry during Building Code Reform.
- Support development of new public recreation areas and upkeep of existing recreation areas.
- Support programs that enhance downtown redevelopment and streetscapes improvements through continued public/private investment strategies.

Professional

- Advance ACEC/NC sponsored Indemnification/Duty to Defend legislation.
- Support appointments of engineers to appropriate state boards and commissions.
- Support Workforce Development programs that enhance staffing in the design and construction industries.
- Oppose any taxing of professional services.
- Oppose the licensing of Interior Designers to avoid unauthorized modifications to architectural and engineering design documents.
- Oppose implementation of Job Order Contracting and oppose the use of Cooperative Purchasing Agreements that circumvent the use of design professionals in contract document development.
- Oppose non-licensed firms from practicing engineering and support giving increased regulatory authority to NCBELS.

Potter, Jeremy

From: James Smith <jsmith@acecnc.org>
Sent: Friday, December 7, 2018 9:04 AM
To: Amit Sachan; Brian Glidewell; Derek Clyburn; Gary Hartong; Iona Thomas; Josh Dalton; Liz Phipps; Mike Slusher; Monty Irvin; Meehan, Paul; Scott Hinesley
Cc: Eddie Brock; Eric Olsen; Greg Sallee; Jason Peterson; Jay Barr; Potter, Jeremy; Jessica McClure; Joe Starr ; Justine D'Andrea; Keith Skinner; Robert Walker; Steve Browde; Tom Bach ; Valoree Eikinas; James Smith; Steve Thomas; Bill Hood (bill.hood@amecfw.com); Douglas, Jeffrey S.; Stu Matthis; Fred Burchett; Stephanie Hachem
Subject: Legislative Update - December 7, 2018

NCGA continues to do end of year legislation:

Voter ID

As the voter ID bill heads to Gov. Roy Cooper's desk after a final Senate vote Thursday, Democrats are raising concerns about having the ID requirement in effect for a possible do-over election in the 9th Congressional District. The Senate voted 25-7 on Thursday morning to approve the House's changes to the bill, which included a provision requiring a photocopy of a photo ID to accompany mailed-in absentee ballots. Sen. Don Davis, D-Greene, was the only Democrat voting yes, as other Democrats who'd previously supported the bill were absent.

The bill was initially drafted with the expectation that voter ID would get its first run during 2019 municipal election primaries. But an investigation into possible absentee ballot fraud in Bladen and Robeson counties has raised the possibility of a new election in the 9th District. Because the photo ID requirement would take effect immediately, it would be in effect for any election do-over. Senate Minority Leader Dan Blue, D-Wake, said on Twitter that legislative staff confirmed that interpretation on Thursday.

Later Thursday, Sen. Terry Van Duyn, D-Buncombe, called on Republicans to delay the voter ID implementation until after any special election is complete. "The possibility of a new election is very real and Republicans have only complicated this issue," she said. "It is unconscionable to place this additional burden on the voters and our local boards of elections." Brent Woodcox, an attorney for legislative leaders, said on Twitter that it would be premature to put the voter ID law on hold. "We don't even know if there will be a new election yet much less what the hypothetical schedule for that potentially called election might or might not be," Woodcox tweeted. "This is a pathetic, transparent flailing for any reason to delay the effect of the people's vote on voter ID."

Senate Bill 824 contains a number of deadlines to get the state's elections apparatus prepared in time for 2019 municipal elections. The state elections board would be charged with approving government employee and university student IDs that comply with the law by March 15 and publishing a list of acceptable IDs by April 1. Rules for absentee ballot ID would need to be approved by July 1. And county elections boards would have until May 1 to begin issuing voter photo IDs to people who request them. It's unclear what a special election timeline might look like, as it would likely be set by Congress or the state elections board.

Before Thursday's final vote, Sen. Joyce Krawiec, R-Forsyth and the bill's sponsor, explained the House's revisions and urged her Senate colleagues to support them. One of the changes would require that all judges at a precinct -- not just one -- agree that a person doesn't resemble their ID photo before the person can be denied a ballot. Another would notify college students that they cannot vote at their home address if they choose to register at their college address. "We understand some college students weren't aware that they couldn't vote in two places," Krawiec said. And the

House added tribal IDs for state-recognized tribes as well as those that are federally recognized. (Colin Campbell, THE INSIDER, 12/07/18)

New Election

The North Carolina Republican Party would support a new election in the state's unresolved congressional race if an investigation shows that wrongdoing swayed its outcome, its executive director said Thursday, softening the organization's stance as allegations of absentee ballot fraud mount. Amid the developments, U.S. House Democratic Leader Nancy Pelosi said the House "retains the right to decide who is seated" and could take the "extraordinary step" of calling for a new election if the winner isn't clear.

Unofficial totals have Republican Mark Harris leading Democrat Dan McCready by 905 votes. But the state elections board refused to certify the results last week because of allegations of "irregularities and concerted fraudulent activities" involving mail-in ballots in the district. The board is meeting later this month to hear evidence, but it's unclear whether the race will be settled then.

North Carolina GOP Executive Director Dallas Woodhouse texted a statement to The Associated Press saying that the GOP would back a new election if the state's elections board were to show that absentee ballot issues changed the outcome of the 9th Congressional District race. "If they can show a substantial likelihood it could have changed the race then we fully would support a new election," he said. However, he said that if the investigation shows that the outcome would not have been changed, Republican candidate Harris should be certified the winner.

Entertaining the idea of a new election represents a significant change from last Thursday, when state GOP Chairman Robin Hayes issued a statement saying: "Democrats are throwing everything, including the kitchen sink, at the wall to try and steal an election." On Sunday, Hayes said there weren't enough questioned ballots to change the race's outcome, and the next day he accused a Democratic member of the state board of "score-settling."

In affidavits offered by the state Democratic Party, some Bladen County voters have described that people came to their homes to collect their absentee ballots, whether or not they had been fully completed or sealed in an envelope to keep them from being altered. The revelations and ensuing national news coverage have put pressure on Republicans and attracted attention from top Democrats.

Pelosi, who's nominated to become House speaker when Democrats take control in January, said Thursday that "any member-elect can object to the seating and the swearing-in of another member elect." She also noted the investigative power of the House to determine race winners. It's "bigger than that one seat," she said, pointing to the overall "integrity of elections."

A state election board spokesman confirmed Thursday that subpoenas seeking documents had been sent to the Harris campaign, the firm serving as Harris' chief strategist and the campaign committee of the sitting Bladen sheriff. The board released documents showing that McCrae Dowless, a contractor hired by the firm, seems to have collected the most absentee ballot request forms in Bladen County this fall.

The highest-ranking black member of Congress called for an entirely new election in North Carolina's 9th Congressional District, a sign of growing momentum for major action amid numerous reports of election fraud in the district. Rep. Jim Clyburn, a South Carolina Democrat and the incoming House majority whip, has made fair elections a central piece of his legislative career. He was unequivocal in what he thought should happen next in the race between Republican Mark Harris and Democrat Dan McCready, which North Carolina's state board of elections has declined to certify due to voting irregularities among mail-in absentee ballots in Bladen and Robeson counties. "North Carolina ought to run everything over," Clyburn told McClatchy on Thursday. That includes a new primary with incumbent Republican Rep. Robert Pittenger. "Pittenger ought to be on the ballot." Clyburn said he

"absolutely" opposed seating Harris on Jan. 3, when the new Congress convenes. "I'm not too sure we ought not to subpoena (him)", Clyburn said of Harris. "We need to find out whether or not Harris was involved in these discussions, and if he was, he ought to be disqualified as a candidate. So it's not just about having a new election. We need to look at whether this man ought to be standing for election in this first place." (Gary D. Robertson and Jonathan Drew, THE ASSOCIATED PRESS and McClatchy DC, 12/06/18)

Boards Bill

Legislation that would eliminate six state boards and commissions if they aren't restructured by June 30 passed the Senate in a 21-8 vote Thursday. The boards were recently ruled unconstitutional in their current form because the legislature was responsible for appointing the majority of their members -- something that a court found in violation of the separation of powers. "I have no intention of shutting down these operations," said the bill's sponsor, Sen. Andy Wells, R-Catawba. "This bill acknowledges the fact that the court has already terminated these boards, and we need time to address that."

But Senate Democrats voted no, with Sen. Tamara Barringer, R-Wake, casting the lone Republican "no" vote. They worried that setting a June 30 deadline could create uncertainty around the work of the boards, which include the Clean Water Management Trust Fund Board of Trustees, Parks and Recreation Authority and Child Care Commission. "There is absolutely no reason to run this bill," said Sen. Terry Van Duyn, D-Buncombe. "We should be negotiating the fix. This is an overreach in our power. These boards have legitimate work to do."

Democrats also questioned why the Senate wouldn't support a bill from Rep. Chuck McGrady, R-Henderson, that would change the membership of the boards to comply with the court ruling. Wells said the McGrady proposal doesn't address his concerns that state parks projects and Clean Water Trust Fund projects aren't geographically spread evenly around the state. He pointed to the Triangle area having more state parks than Charlotte. McGrady's bill, he said, "does address one issue, but it does not address the issues affecting the western part of the state and the Charlotte region." Senate Bill 821 now goes to the House. (Colin Campbell, THE INSIDER, 12/07/18)

Raleigh Scooters

Scooters are staying, but Bird and Lime still aren't happy about Raleigh's rules. Both companies have agreed to the city's new rules, according to Raleigh Transportation Director Michael Moore. But at least one of the companies said it will make it harder to "deliver affordable, accessible transportation." If Bird and Lime hadn't agreed to the rules, they would have had 72 hours to remove their electric scooters from Raleigh. The companies brought the scooters to Raleigh this summer without seeking the city's approval or coordination.

Both companies waited until the last day to agree to the rules, but met the 5 p.m. deadline Thursday. Each company can have a maximum of 500 scooters. Raleigh's regulations reaffirm that riders are not allowed on sidewalks or greenways. Riders must also be 18 and must follow state and federal laws. They are encouraged to wear a helmet. Scooters can be unlocked for \$1, and then it costs 15 cents per minute to ride. Once a rider has reached a destination, he or she leaves the scooter for the next person to use. Raleigh's new rules prohibit scooters from being parked or placed within 100 feet of any school zone, and in areas that block building access, bus zones, driveways and curb ramps. (Anna Johnson, THE NEWS & OBSERVER, 12/06/18)

Stay safe out there this weekend!



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of North Carolina

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