



North Carolina NOW Legislative Update--16 April 2017

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This Week

A bill introduced in the legislature again made North Carolina the object of national derision. House Bill 780, Uphold Historical Marriage, declared that the Supreme Court decision legalizing same-sex marriage is null and void in North Carolina and that the constitutional amendment banning same sex marriage should be enforced. After a national outcry, Speaker Moore publicly announced that this bill will never be heard in committee, that it is dead. But damage had already been done. See <http://www.wral.com/gay-marriage-ban-filed-in-nc-house-/16639157/>, 4/11/17.

Then neo-Confederate Rep. Larry Pittman (also a sponsor of HB780) attracted national attention by stating that Abraham Lincoln was the same kind of tyrant as Hitler. He made the comment on his Facebook page, claiming that Lincoln had waged an unnecessary and unconstitutional war that caused the deaths of hundreds of thousands of people. Pittman is from Concord and is an ordained Presbyterian minister. He has also introduced a bill that would amend that North Carolina state constitution to allow North Carolina to secede from the Union. See <http://www.charlotteobserver.com/news/politics-government/article144233494.html>, 4/12/17.

Meanwhile, budget negotiations continue behind closed doors, and no one except the participants has any reliable information about what is happening. Chris Fitzsimon describes the secret budget process and other abuses of power by this legislature where Republicans hold veto-proof majorities in both houses. Their numbers mean that members belonging to the minority party and the governor can be completely ignored—and they are. See: <http://www.ncpolicywatch.com/2017/04/11/almost-absolute-power-corrupting-raleigh-absolutely/>

ABORTION ISSUES UPDATE

Last week, the NC NOW Legislative Update stated, "Abortion is back in the General Assembly. Two new bills—one good and one very bad—have been filed." HB563 repeals obsolete laws that are in conflict with Supreme Court decisions, including *Roe v. Wade* and *Whole Woman's Health v. Hellerstadt*, a recent ruling that prohibits any restrictions on abortion where the benefit to the woman's health does not outweigh the burden imposed on her. These unconstitutional laws should be repealed and not remain any longer on the

books. See <http://www.ncpolicywatch.com/2017/04/12/house-bill-bring-nc-abortion-law-line-u-s-supreme-court-ruling/>, 4/12/17.

The reason why it is important to take obsolete abortion laws off the books is that if Roe v. Wade is overturned, we revert to the state laws. These laws go against Supreme Court rulings today, but maybe not in the future. The sponsors of the bill evidently don't want this point spread around.

ERA UPDATE

Following Women's Mobilization Monday, ERA bills H102 and S85 in the NCGA became a hot topic of conversation at the inaugural forum of "Community Voices" during a News & Observer and ABC11 WTVD panel on Wednesday at the James B. Hunt Jr. Library on N.C. State's Bicentennial Campus in Raleigh: "Women's rights organizations and supporters of the Equal Rights Amendment, buoyed by the recent pro-ratification vote in Nevada, are pushing for similar action in North Carolina. In an effort to push a local ERA bill through the state House of Representatives, forum participants shared the phone number for Tim Moore, the House speaker, and urged the audience to let him hear their support." See: <http://www.newsobserver.com/news/politics-government/state-politics/article141659664.html>

On the heels of that public discussion, in a significant move, the editorial board of the News and Observer endorsed the ERA. See: <http://www.newsobserver.com/opinion/editorials/article142178804.html>.

Advocates are called to focus on H102 as crossover deadline for that bill is April 27, 2017. ERA bill S85 is exempt from crossover deadline and will be active until the end of the session. Call Speaker of the House, Rep. Tim Moore at 919-733-3451 and urge him to prioritize ERA bill H102 to be heard by committee. Advocates should also continue to call the members of the House and Senate Rules Committees urging that H102 and S85 be heard in committee. <http://www.nc4era.org/alerts.html>

Lawsuit Updates

Since our Republican-dominated General Assembly has been passing law after law that is being or has been challenged in court, in addition to keeping up with new legislation introduced this session, I believe it is equally important to track the status of the various challenges to laws that have already been passed.

Vote ID/Voter Suppression Law

After a Fourth Circuit Court of Appeals panel ruled key provisions of a 2013 elections law unconstitutional (noting that it targeted African American voters "with almost surgical precision"), Governor McCrory hired private attorneys to appeal the ruling to the U. S. Supreme Court on behalf of the state because then-Attorney General Roy Cooper refused to do so. Governor Cooper and

Attorney General Josh Stein have dismissed these private attorneys and removed the state from the appeal of the law. This action will not end the suit because the State Board of Elections is also a party. Republican legislative leaders are crying "foul," claiming that both the Governor and Attorney General have exceeded their authority in the matter. For more information, see:

<http://www.newsobserver.com/news/politics-government/state-politics/article134017644.html>

Expanding Medicaid under the Affordable Care Act

Governor Cooper has emphasized that expanding Medicaid under the Affordable Care Act, which would provide medical insurance coverage for up to 500,000 North Carolinians, is one of his highest legislative priorities. He has already begun the process of expanding Medicaid even though the General Assembly passed a law in 2013 prohibiting a governor from doing so without approval from the legislature. The Governor maintains that this law is unconstitutional because it violates the separation of powers and unlawfully restricts the powers of the governor. Medicaid expansion is still before the courts as Governor Cooper and the Republicans in the General Assembly continue their fight. This article gives a good summary of the history of the issue and where it stands today: <https://nondoc.com/2017/01/24/medicaid-expansion-north-carolina/>

HB2/HB142 Lawsuits

The ACLU and other parties that have filed lawsuits challenging the constitutionality of HB2 are seeking to amend their suits in light of the new law based on HB142 on the grounds that the new legislation retains some of the discriminatory aspects of HB2.

2017 Legislative Election on Hold

A Federal Appeals Court ordered new legislative districts be drawn by March 15 because 28 of our legislative districts are racially gerrymandered. New elections were ordered to be held for the redrawn districts in November, but the U. S. Supreme Court has now put the lower court order to redraw NC legislative

districts and hold new elections in 2017 on hold.

See: <http://nccapitolconnection.com/2017/01/11/scotus-issues-stay-on-2017-legislative-elections/?gclid=CMBxj9n-5NECFdgBgQodgBwF9w>

Lawsuits filed as a result of the special session legislative power grab

A three-judge panel of the Superior Court has found the law that gave Republicans majorities on both the local and state elections boards unconstitutional. See: <http://electionlawblog.org/?p=91663>

Jack Nichols has written an excellent article summarizing and explaining the various lawsuits that have been filed in response to the legislative efforts to strip the governor of his traditional (some would argue constitutional) powers. Here is the link: www.newsobserver.com/opinion/op-ed/article129015444.html, **1/26/17**. He cautions that this list is probably not complete because there likely will be more suits to come.

BILL TRACKER

House Bills

HB62, Woman's Right to Know Addition/Ashley's Law: Would require doctors to give women false and misleading information about non-surgical abortions (the abortion pill); namely, that the procedure can be reversed halfway through. Also requires that fetal death be verified before completing the procedure. Referred to Health; if favorable Judiciary IV 02/09/2017

H63, Citizens Protection Act of 2017: An omnibus bill cracking down on undocumented people with economic sanctions leveled against "sanctuary" cities that do not comply with its provisions. Referred Judiciary II; if favorable Finance; if favorable Appropriations 3/07/2017

HB102/SB85: NC Adopt Equal Rights Amendment: Title says it all. Referred to Rules 02/16/2017

HB125, Threatened Weapon Included in First Degree Rape: Adds the threat to use a weapon to the elements of first degree rape. Under the current law there must be an actual weapon used or displayed. Referred to Judiciary II **02/20/2017**
PASSED HOUSE 03/30/2017
Referred to Senate Rules 03/30/2017

HB152, Hate Crimes/Increase Scope and Penalty: Expands the scope of the hate crimes law to include gender, sexual orientation, gender identity, or disability and increases the penalty.

Referred to Judiciary II

02/22/2017

HB163, Enact Right to Life at Conception Act: Would have the effect of outlawing abortion because although it would not “require” a woman to be prosecuted for terminating her pregnancy, doctors are not protected from prosecution at all. The bill does not specify the penalties for terminating a pregnancy nor does it explain how to determine the moment of conception.

Referred to Health; if favorable, Judiciary I

02/23/2017

HB238, Economic Security Act of 2017: An omnibus bill that is a progressive economic wish list. Would raise the state minimum wage to \$15/hr in phases over five years; mandate equal pay for equal work; require paid sick leave and family medical leave; increase the tipped minimum age; “ban the box” requiring people to disclose criminal histories on job applications; repeal public employee collective bargaining restrictions; and restore the earned income tax credit and tax credits for child care and certain employment related expenses.

Referred to Rules

03/06/2017

HB303, Voter Freedom Act (SB228): Makes needed reforms to the process of challenging a person’s eligibility to vote to prevent voter intimidation through the threat of a challenge and to stop specious challenges.

Referred to Rules

03/13/2017

HB505, Expand Grandparent Visitation Right: Would allow grandparents (broadly defined) to sue parents to obtain visitation rights with grandchildren. Among other conditions, parents would have to prove to the court that their reasons for denying or restricting visitation in the past were reasonable.

Referred to Aging; if favorable, Health; if favorable, Judiciary IV

03/28/2017

HB543 (SB556), Healthy Families and Workplaces/Paid Sick Days: Would require employers to provide paid sick days for some employees.

Referred to Health; if favorable, Commerce; if favorable, Appropriations Ref to the Com on Aging, if favorable, Commerce and Job Development, if favorable, Regulatory Reform

04/03/2017

HB563, Whole Woman’s Health Act: Repeals North Carolina laws that are in conflict with the Supreme Court decision Whole Woman’ Health v. Hellerstedt.

Referred to Rules

04/05/2017

HB575, Require Info about Abortion Pill Reversal: Would require doctors who perform non-surgical abortions to provide women with information provided by the Department of Health and Human Services concerning the possibility of “reversing” the procedure by not administering the second drug in the two-step process and giving the woman progesterone. There is no medical evidence that a non-surgical abortion can be “reversed” by administering progesterone. The “reversals” are actually normal failure rates of the procedure if the second medication is not administered. There is no evidence that there is much demand for “reversing” these abortions.

Referred to Health; if favorable, Judiciary I

04/06/2017

HB594 (SB639), Healthy Mother/Healthy Child: Would prohibit use of restraints on pregnant prisoners during labor or delivery except under extraordinary circumstances that must be reported.

Referred to Health; if favorable, Appropriations

04/06/2017

HB662, Carolina Cares: Would extend Medicaid coverage to low-income adults but would charge premiums and carries a work requirement. Modeled on Indiana’s Medicaid expansion passed under Pence. A new tax on hospitals would cover the cost. A federal waiver would be required to implement the program since Medicare expansion under the Affordable Care Act does not include premiums or a work requirement.

Filed

04/06/2017

HB 780, Uphold Historical Marriage Act: Declares that Obergefell v. Hodges Supreme Court decision legalizing same-sex marriage is null and void in NC and that the state constitutional amendment banning same-sex marriage must be enforced. After a national outcry, Speaker Moore publicly announced that this bill will not be heard in committee, that it is dead.

Referred to Rules

04/13/2017

Senate Bills

SB85/HB102, NC Adopt Equal Rights Amendment: Title says it all.

Referred to Rules

02/15/2017

SB109, Hate Crime against Emergency Worker: Makes assaulting an emergency responder, such as a law enforcement official, firefighter, or medical responder, a hate crime with enhanced penalties. Also includes making a false report in order to assault an emergency worker.

Referred to Rules

02/20/2017

- SB 145, Government Immigration Compliance: Targets sanctuary cities and sanctuary public universities that do not enforce federal immigration laws by withholding state funding. Also prohibits local law enforcement from issuing ID to undocumented people.
Referred to Rules 03/01/2017
- SB210, Living Wage by 2022: Would increase the state minimum wage to \$15/hr in steps over a five-year period and thereafter adjust the minimum wage annually based on increases in the US Consumer Price Index.
Referred to Rules 03/08/2017
- SB 228, Voter Freedom Act (HB303): See HB 303
Referred to Rules 03/14/2017
- S424, Unborn Child Protection from Dismemberment Act: A gruesome and medically inaccurate bill evidently intended to provoke outrage.
Referred to Senate Rules 03/29/2017
- SB500, Strengthen Human Trafficking Law: Amends the human trafficking statute by adding sections on Profiting from Human Trafficking and Obstruction of Investigation of Human Trafficking.
Referred to Senate Rules 03/30/2017
- SB516, State Employees/Paid Parental Leave: Would allow a state or public school employee to voluntarily share leave with another state or public school employee for the purpose of providing paid parental leave with a limit of no more than six weeks.
Referred to Senate Rules 03/30/2017
- S537, North Carolina Equal Pay Act: Would prohibit discrimination in wages based on the gender of the employee.
Referred to Senate Rules 04/03/2017
- SB553, Revoke Consent for Intercourse: Would make it a crime to continue vaginal intercourse after consent has been withdrawn.
Referred to Senate Rules 04/03/2017
- SB556, Healthy Families and Workplaces/Paid Sick Leave: See HB543.
Referred to Senate Rules
04/03/2017
- SB588, Whole Woman's Health Act: See HB563.
Referred to Senate Rules 04/05/2017

SB639, Healthy Mother/Healthy Child: See HB593.
Referred to Senate Rules

04/06/2017

Ratified Bills

HB100/SB136, Restore Partisan Elections/Sup and Dist Courts: Would roll back reforms that made these judicial races non-partisan and identify judicial candidates with party labels on the ballot.

RATIFIED 03/09/2017

VETOED 03/16/2017

VETO OVERRIDDEN 03/23/2017

HB142, Act to Reset SL2016-3: Repeals the law known as HB2; gives the General Assembly the power to regulate restrooms, showers, and changing facilities in state facilities; and prohibits local governments from enacting or amending an ordinance regulating private employment practices or regulating public accommodations until the act expires on December 1, 2020.

RATIFIED/SIGNED BY GOVERNOR 03/30/2017