



## North Carolina NOW Legislative Update—4 June 2017

4 June 2017

### This Week

Let the budget negotiations begin! The House passed its budget just after midnight on Thursday. The House and Senate have already agreed on setting the budget for 2017 fiscal year at \$22.9 billion, which will simplify the final negotiations. Republicans from both houses will nominate members of a committee to work out budget compromises behind closed doors. The goal is to pass a compromise budget before the end of June. The governor will probably veto the budget; but if he does, his veto will certainly be overridden since Republicans hold veto-proof majorities in both houses.

Areas of difference between the Senate and House budgets include tax plans, pay for teachers and state employees, and compensation for retirees. The House budget does not reflect the Senate's changes to the SNAP (AKA food stamp) program that could result in 163,000 recipients losing nutritional funding and does not reflect the Senate's last-minute retaliatory cuts to education programs targeted at districts represented by Black female senators. The House budget includes \$1.3 million for anti-abortion pregnancy centers (an increase of one million dollars) but the Senate version allows only \$400,000. For more details, see: <http://www.nsjonline.com/article/2017/06/house-budget-highlights>

Last week in a 5-3 decision, the U.S. Supreme Court ruled that North Carolina Republicans violated the Constitution by drawing two racially gerrymandered congressional districts. Since our state legislative districts were drawn the same way, it is likely that the suits challenging them will also be successful. Most significantly, the Court rejected the claim that the districts were drawn by political, not racial criteria. The Court ruled that when political party and race overlap so completely, political party cannot be used as a cover for gerrymandering that is actually racial.

This week the U.S. Supreme Court sent a lawsuit challenging state legislative districts back to the state Supreme Court for reconsideration in light of its ruling on North Carolina's Congressional districts. A lawsuit challenging 28 legislative districts has not yet been considered by the Supreme Court.

## **ERA UPDATE**

Both ERA bills S85 and H102 remain unheard in their respective Rules Committees. However, significant progress was made in lobbying efforts by organizations with an interest in the passage of the ERA. AAUW leadership reports that to date, 275 individuals have sent emails to the Rules Committee members of both chambers, resulting in 13,728 total emails sent. Anecdotal reports indicate that numerous contacts have been made to the offices of Sen. Bill Rabon, Rules Chair and Tim Moore, Speaker of the House. Advocates are calling for the ERA bills to be reassigned to appropriate committees to be heard. The General Assembly is currently working to truncate this year's session, additionally diminishing the chances that the bills will be heard this session. Therefore, the date for the June advocacy action, Cookie Drop, has been moved forward from late June to early June. NC4ERA is joining ERA-NC Alliance for the "I Love The ERA" Cookie Drop on June 7, 2017 at 2:00 pm at the legislature. Participants will distribute heart-shaped cookies and educational literature on why we love the Equal Rights Amendment (ERA).

"I Love The ERA" Cookie Drop Event Details—A Successful Action

The ERA-NC Alliance is asking for volunteers to distribute the literature and cookies.

Date: Wednesday, June 7th, 2017

Time: 2:00-3:00pm

Where: NCGA 16 W Jones St, Raleigh, NC

Gather in the 1300 quadrant.

RSVP to help: (optional, but will help with planning):

<http://bit.do/CookieDropRSVP>

The ERA-NC Alliance is excited to welcome Kennedy Bridges and Marge Wright as summer interns with the Alliance. They began working with the Alliance on May 22nd and will serve as Action Team Facilitators through July 14, 2017. The internship program is sponsored by the Moxie Project affiliated with The Carolina Women's Center at the University of Chapel-Hill.

## **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>, 2/21/17.

### 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. The Justice Department has withdrawn its suit after the partial repeal of HB2, but the ACLU and Lambda Legal suits are continuing.

### 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 grabA 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 s 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: <http://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

Did not survive crossover

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 03/07/2017

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

Referred to Rules

02/16/2017

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

Did not survive crossover

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

Did not survive crossover

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

Did not survive crossover

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

Did not survive crossover

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

Did not survive crossover

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

04/03/2017

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

Referred to Rules

04/05/2017

Did not survive crossover

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

Did not survive crossover

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.

HouseRef To Com On Health Care Reform

04/11/2017

HouseSerial Referral To Insurance Added

04/17/2017

HouseSerial Referral To Finance Added

04/17/2017

HB731, Act Requiring Inventory of Untested Sexual Assault Evidence: Would require law enforcement agencies to inventory untested rape kits and report how many they have and why they were not tested.

Appropriations

04/13/2017

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.

Rules

04/13/2017

Did not survive crossover

### 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

Did not survive crossover

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

Did not survive crossover

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

Did not survive crossover

SB 228, Voter Freedom Act (HB303): See HB 303

Referred to Rules

03/14/2017

Did not survive crossover

SB424, Increase Funding for Behavioral Health Svcs (HB536): SB424 had its name and mission changed on 04/11/17. From Unborn Child Protection from Dismemberment Act (HB536), which had been a terrible bill that was stalled in Rules, to Increase Funding for Behavioral Health Svcs. In the new version, a lot of money is being allocated for the establishment of new facility-based 'crisis centers', statewide expansion of the community paramedicine pilot program,

and the continuation of the community paramedic mobile crisis management program.  
Re-ref to Appropriations/Base Budget. If fav, re-ref to Health Care. If fav, re-ref to Rules  
and Operations of the Senate 04/11/2017

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  
Did not survive crossover

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  
Did not survive crossover

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  
Did not survive crossover

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  
Did not survive crossover

SB556, Healthy Families and Workplaces/Paid Sick Leave: See HB543.  
Referred to Senate Rules 04/03/2017  
Did not survive crossover

SB588, Whole Woman's Health Act: See HB563.  
Referred to Senate Rules 04/05/2017  
Did not survive crossover

SB639, Healthy Mother/Healthy Child: See HB593.  
Referred to Senate Rules 04/06/2017  
Did not survive crossover

## 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.

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| 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.

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| RATIFIED/SIGNED BY GOVERNOR | 03/30/2017 |
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HB239, Reduce the Number of Appeals Court Judges to Twelve: Would reduce the number of state appeals court judges from 15 to 12.

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| RATIFIED        | 04/11/2017 |
| VETOED          | 04/20/2017 |
| VETO OVERRIDDEN | 04/26/2017 |

SB68, Bipartisan Board of Election and Ethics Enforce: Combines the State Board of Election and Ethics Board and evenly divides the members between Republicans and Democrats with a Republican chair during presidential election years and a Democratic chair in off-years.

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| RATIFIED        | 04/11/2017 |
| VETOED          | 04/21/2017 |
| VETO OVERRIDDEN | 04/25/2017 |

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.

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| RATIFIED | 05/31/2017 |
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