



North Carolina NOW Legislative Update—18 June 2017

18 June 2017

This Week

It was a very slow week at the General Assembly as budget negotiations continued behind closed doors.

Last week the house passed House Bill 746, Omnibus Gun Changes, a bill that has generated a lot of controversy because it eliminates the requirement for a permit to carry a concealed handgun and lowers the age for doing so to 18. Some House Republicans voted against it and some conservative Democrats voted for it; however, the vote to pass the bill in the House was not large enough to override a gubernatorial veto.

The bill is one big political headache for Republicans. Not only is the party itself divided, the bill is also staunchly opposed by law enforcement, a constituency the Republican party does not want to alienate. The state's most extreme gun rights group, North Carolina Gun Rights, also opposes the bill because, it claims, it is watered down and demonstrates that Republican legislators do not fully support Second Amendment Rights. This group, which can make the NRA seem moderate, also wants to eliminate the requirement to obtain a permit to purchase a handgun in North Carolina.

This omnibus bill amends an existing law extensively. One of the most striking features of the amended law is that while making it legal to carry a concealed handgun, it will still be illegal to carry a host of other concealed weapons. This is an excerpt of the bill showing how the old law is being amended:

"§ 14269. Carrying concealed weapons.

- (a) ~~It shall be~~ Except as provided otherwise by law, it is unlawful for any person willfully and intentionally to carry concealed about his or her person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shuriken, stun gun, gun, or other deadly weapon of like kind, except when the person is on the person's own premises. For purposes of this section, the terms "weapon" and "gun" do not include a handgun as defined in G.S. 14415.35.

In short if this bill becomes law, it will still be illegal to carry a concealed "bowie

knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shriken, stun gun or gun” (a term that the bill specifies does not include a handgun).

Some legislators expressed concern about lowering the age to carry a concealed weapon to 18 while eliminating the requirement to complete a course in gun safety before being granted a permit. But there is fear that if the Senate should amend the bill, it would trigger the wrath of the NRA and Second Amendment voters.

Taking all of this into account, it is generally considered to be extremely unlikely that the Senate will take up the bill especially since legislators are hoping to pass a budget and adjourn early next month.

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 ERA-NC Alliance organized an [“I Love the ERA” Cookie Drop](#), on Jun 7, 2017.

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.

In May the U. S. Supreme Court upheld a lower court ruling overturning the law by declining to hear the case. Republican leaders in the legislature have vowed to pass another voter ID law.

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 constitution-ality 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>

The U. S. Supreme Court has upheld the lower court ruling that 28 legislative districts were illegally racially gerrymandered, but did not uphold its order for special elections in 2017, ordering the lower court to reconsider this point.

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.

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
-----------------------------	------------

HB239, Reduce the Number of Appeals Court Judges to Twelve: Would reduce the number of state appeals court judges from 15 to 12.

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.

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.

RATIFIED	05/31/2017
----------	------------