



## North Carolina NOW Legislative Update—17 June 2018

### **BUDGET**

As expected, Governor Cooper vetoed the budget, citing inadequate funding for education and teacher pay raises, implementing unnecessary tax cuts, and the deplorable process used to pass the budget. Both the Senate and the House have overridden the Governor's veto. For an overview of the shameful way laws are being made this session, see:

<http://www.newsobserver.com/news/politics-government/article213240389.html>

### **VOTER ID/STATE CONSTITUTIONAL AMENDMENT**

A bill (H1091) has been introduced to place a proposed amendment to the state constitution requiring photo ID for in-person voting on the November ballot. The language on the ballot will be general; however, the (presumed) Republican majority will write the actual bill. There is little reason to assume that any new bill will not be another unconstitutional measure aimed at voter suppression that will go far beyond voter ID alone. In short, the voters are being asked to approve a pig in a poke. It should be noted that voter ID is not required for absentee voting or early voting, which is technically a form of absentee voting. Republicans hope that this measure will appeal to their base and boost their turnout in an election in which they are expected to lose legislative seats.

### **CAP STATE INCOME TAX AT 5.5%/STATE CONSTITUTIONAL AMENDMENT**

A bill has been introduced to cap the state income tax at 5.5%, close to the current rate. The North Carolina Constitution currently places a 10% cap on the state income tax. Again, this proposed amendment to the state constitution is designed to encourage the Republican base to turn out for the 2018 elections. This bill passed the Senate last session; it is moving in the House. At a time when federal support for programs is being slashed, freezing the level of the state income tax could have terrible consequences for people who depend on these programs. This article examines the potential disastrous impact of North Carolina children: <http://www.newsobserver.com/opinion/op-ed/article213254949.html>

### **RESTRICTIONS ON EARLY VOTING**

This bill (S325) began life as a tax bill that passed the Senate last session. In this session a House subcommittee stripped out the original language and transformed it into a bill that places new restrictions on early voting. Both the process that produced the bill and its contents have been severely criticized. It is yet another "bait and switch" bill that evades the usual process for

introducing, hearing, and voting on a bill. The state Board of Elections was especially concerned that it was given no notice that the bill was being considered. It is yet another voting bill that targets African American voters "with surgical precision" by eliminating the last Saturday of early voting, the day the largest percentage of African Americans early vote, and rescheduling early voting in a way that could reduce the number of early voting sites. In a rushed process, this bill has been ratified. For more details on both the process and the content of the bill, see: <https://pulse.ncpolicywatch.org/2018/06/14/early-voting-bill-stirs-controversy-among-watchdogs-board-of-elections/04/05/>.

### **MEDICAID EXPANSION**

In a surprise move, a floor amendment to House Bill 998 (a bill to study rural healthcare needs) to include a study of the costs and benefits of expanding Medicaid won bipartisan support and passed. However, a Senate committee quickly stripped the provision from the bill. For more details, see <http://www.newsobserver.com/opinion/op-ed/article213254949.html>

### **ERA**

On 5/30/2018 Illinois ratified the Equal Rights Amendment (ERA) becoming the 37<sup>th</sup> state to do so. Only one more state ratification is needed to amend the U. S. Constitution; however, before that can happen, Congress must pass legislation to rescind the time limit for ratification.

The day after Illinois ratified, two new ERA bills (H1072 and S782) were introduced into this short session, replacing long session bills H102 and S85. The lead sponsors of the new ERA bills are Representative Carla Cunningham and Senator Floyd McKissick. The new short session bills include an appropriation provision of \$10,000 from the General Fund to the Department of Labor to educate the public about the ERA.

### **TAKE ACTION FOR THE ERA**

Advocates are encouraged to contact the Rules Chairs in both chambers to lobby for a hearing on the ERA bills:

Find who to call and what to say in the NC NOW Legislative Action at <https://northcarolinanow.wordpress.com/2018/06/07/take-action-for-the-era-in-nc/>

Or prepare your own comments and contact the committee chairs as follows.

House Committee on Rules, Calendar, and Operations  
Chair, Representative David R. Lewis 919-715-3015 [David.Lewis@ncleg.net](mailto:David.Lewis@ncleg.net)  
N. C. House  
16 W Jones Street, Room 2301  
Raleigh, NC 27601

Senate Committee on Rules and Operations  
Chair, Sen. Bill Rabon 919-773-5963 [Bill.Rabon@ncleg.net](mailto:Bill.Rabon@ncleg.net)  
N.C. Senate  
16 W Jones Street, Room 2010  
Raleigh, NC 27601-2808

### **JUDICIAL REDISTRICTING**

Judicial redistricting has been an ongoing battle because Republicans in the House and Senate do not agree on what they want to do to stop judges from overturning their unconstitutional actions. Rep. Justin Burr's solution is to gerrymander judicial districts to elect more conservative judges. His bill (H717) passed the House last session, but stalled in the Senate because the Senate wants to deal with the problem by getting rid of judicial elections and going to an appointment process in which the legislature would play a major role—a solution that would require an amendment to the state constitution.

Rep. Burr lost his primary election and won't be returning to the legislature next session. This week a Senate Committee rewrote his statewide redistricting bill to make it a bill that redistricts only some western counties. Rep. Burr's original argument for a statewide overhaul was that this was needed to correct problems that had arisen from dealing with judicial districts piecemeal over the years, which did create some real problems such as disparities in the size of various districts. But now the Republicans have fallen back on yet another piecemeal approach.

In addition to Burr's rewritten H717, two other bills deal with judicial redistricting: S757, which redraws Superior and District Courts in Wake, Mecklenburg, New Hanover, and Pender Counties; and H1037, which redistricts prosecutorial, District, and Superior Courts in Duplin, Jones, Sampson, Onslow, Hoke, Moore, Montgomery, and Stanly Counties. All in all, the three bills taken together will impact about one-third of North Carolinians. They have been drawn up in haste (no district maps have been provided) and rammed through in a process that is shameful. All three bills have been ratified and sent to the governor. For more information, see: <http://www.ncpolicywatch.com/2018/06/05/piecemeal-judicial-redistricting-lawmakers-pushpassed-the-Houseing-a-trio-of-bills-that-would-impact-a-third-of-states-residents/>.

## HOUSE BILLS

### H945: Rape Evidence Kit Tracking Act

A bill to create a statewide tracking system for sexual assault evidence kits and to require testing of untested sexual assault evidence collection kits as recommended by the Joint Legislative Oversight Committee on Public Safety; however, no funds are appropriated in this bill to conduct testing.

06/15/2018: RATIFIED

### H976 (identical to S734): Extreme Risk Protection Orders

A bill that would authorize the issuance of an order of extreme risk protection to restrict temporarily a person's access to firearms if there is evidence that the person poses a danger of physical harm to self or others.

5/22/2018 House Rules Committee

5/24/2018 Senate Rules Committee

### H1038 (identical to S786) : Healthy Mother and Child/Shackling Prohibition

Prohibits the use of restraints on a prisoner known to be pregnant including transport to a medical facility, delivery, and postpartum recovery, unless the corrections official makes an individualized determination that the prisoner or detainee presents an extraordinary circumstance.

05/31/2018 House Judiciary Committee I; if favorable, Appropriations

05/31/2018 Senate Rules Committee

### H1044: (identical to S789) General Assembly/Prevent Workplace Harassment

Requires the General Assembly to develop and implement mandatory ethics training to prevent workplace harassment and other forms of discrimination in the workplace, to adopt clear sanctions policies for workplace harassment, and to implement a complaint filing process that is confidential, and to appropriate funds.

05/31/2018 House Committee on State and Local Government; if favorable, Appropriations

05/31/2018 Senate Rules Committee

### H1091: Require Photo ID to Vote/Constitutional Amendment

This bill would place proposed constitutional amendment on November 2018 ballot: "Photo Identification for Voting: Every person offering to vote in person shall present photo identification in the manner prescribed by law."

06/11/2018: Committee on Elections and Ethics

## **SENATE BILLS**

### S75: Maximum Income Tax Rate of 5.5%/Constitutional Amendment

This bill would amend the North Carolina Constitution to cap the state income tax rate at 5.5%.

03/14/2017: PASSED SENATE

06/13/2018: House Rules

### S325: Uniform and Expanded Early Voting Act

This bill began life as a tax bill passed by the Senate in 2017. A House subcommittee stripped out the original language and transformed it into a bill restricting early voting.

06/15/2018: RATIFIED

### S734 (identical to H976): Extreme Risk Protection Orders

A bill to authorize the issuance of an extreme risk protection order to restrict temporarily access to firearms if there is evidence that a person poses a danger of physical harm to self or others.

05/24/2018 Senate Rules

05/22/2018 House Judiciary I, if favorable, Appropriations

### S767: Medicaid Expansion/Healthcare Jobs Initiative

A bill to expand eligibility for the Medicaid program to include all people under age 65 who have incomes equal to or below 133 percent of the federal poverty level.

05/30/2018 Senate Rules

### S783: North Carolina Equal Pay Act/Funds

A bill to prohibit discrimination in the payment of wages on the basis of the gender of the employee and to appropriate funds to the Department of Labor to educate the public concerning the provisions of this act.

05/31/2018 Senate Rules

### S794: Hate Crimes Prevention Act

A bill to increase the scope and punishment of hate crimes; to require the State Bureau of Investigation to create and maintain a hate crimes statistics database; and other provisions for funding and training.

06/01/2018 Senate Rules

### S798: Establish Birth Center Licensure Act

A bill to establish licensing requirements for birth centers.

06/01/2018 Senate Rules

S801: Revoke Consent/Intercourse and Sexual Acts

A bill to provide that a person who continues to engage in sexual intercourse or a sex act after consent has been withdrawn is deemed to have committed the act of intercourse or sexual act by force and against the will of the other person.  
06/01/2018            Senate Rules

**ENACTED LAWS**

S99: Appropriations Act of 2018 (BUDGET)

S99 began last session as a bill dealing with auto insurance. It passed both houses in different versions, and a conference committee was appointed. But the session adjourned before the conference committee could present its report. At the beginning of this session the old conference committee was dismissed and a new conference committee was appointed. The new conference committee stripped out the text of the old bill and substituted the text of the Republican budget. As a conference committee report instead of a bill, the budget went directly to the floor for an up or down vote, bypassing the usual budget committees where the budget is debated and citizens and experts may testify, answer questions, and provide information. No amendments were allowed.