



North Carolina NOW Legislative Update—25 June 2018

As many as four proposed amendments to the North Carolina constitution could be on the ballot this fall. All of the proposed amendments are designed to appeal to the Republican base in hopes that they will increase conservative voter turnout. For an overview, see:

<http://www.ncpolicywatch.com/2018/06/22/round-up-ncga-discusses-four-constitutional-amendments-hunting-and-fishing-voter-id-victims-rights-legislative-appointment-of-judges/>

VOTER ID/STATE CONSTITUTIONAL AMENDMENT

This proposed amendment to the state constitution (H1092) would require a 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. This bill has passed out of committee and is scheduled to be voted on in the House 06/25/2018.

CAP STATE INCOME TAX AT 5.5%/STATE CONSTITUTIONAL AMENDMENT

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. 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>. This bill (S75) passed the Senate last session and has received a favorable House committee report.

PROTECT THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE/STATE CONSTITUTIONAL AMENDMENT

This proposed amendment (S677) would “forever preserve” the right of the people to hunt, fish, and harvest wildlife using traditional means.” This bill has passed the Senate and is on the House Calendar 06/25/2018 for a vote.

JUDICIAL VACANCY SUNSHINE AMENDMENT

This is a new bill (S814) filed 06/20/2018. It would essentially transfer the power to fill a judicial vacancy from the governor to the legislature in a convoluted way. The language is so vague that it is difficult to determine exactly what implementation could involve. For more details, see: <http://www.ncpolicywatch.com/2018/06/22/round-up-ncga-discusses-four-constitutional-amendments-hunting-and-fishing-voter-id-victims-rights-legislative-appointment-of-judges/>

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/>.

JOIN ERA ADVOCACY DAY

ERA bills S782 and H1072 are sitting in Rules Committees in both chambers, unconsidered and unheard as session draws to a close. We need to lobby for the ERA NOW. Don't miss this moment in history as we call on the General Assembly to account for continued inaction.

Event: ERA-NC Advocacy Day

Date: Wednesday, June 27

Location: North Carolina General Assembly
[16 W. Jones Street, Raleigh, NC](#)

Facebook Event: <https://www.facebook.com/events/2037724166480399/>

Time: 9:30 am – 1:00 pm

ERA ADVOCACY DAY (cont.)

09:30 am - Gather on the 1st floor, 1300 quadrant to the left as you enter the building, Jones Street entrance. 10:00 am - Bill Sponsor Press Conference in the press conference room, 1st floor, 1300 quadrant.

10:30 am - Distribution of 170 copies of educational package to legislators. Gather outside press room.

Advocates are welcome to attend the press conference to show support for the legislation. If you cannot attend, you can listen using the link to the audio stream of the Press Conference Room - <http://www.ncleg.net/Audio/Audio.html#>

Please wear green and white. Lapel ribbons will be distributed in limited numbers. Should you make a sign supporting the ERA, please be aware signs cannot be carried into the gallery or press room. You must pass through a security check at entrances to the legislature.

Information about directions, parking and dining at the legislature can be found here: <http://www.ncleg.net/help/directions.html>

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. Script and contacts at <https://northcarolinanow.wordpress.com/2018/06/07/take-action-for-the-era-in-nc/>

House Committee on Rules, Calendar, and Operations
Chair, Representative David R. Lewis 919-715-3015 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
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 cannot 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. 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. As expected, the Governor has vetoed H757. For more information, see: <http://www.ncpolicywatch.com/2018/06/05/piecemeal-judicial-redistricting-lawmakers-pushing-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

H1092: 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."

06/21/2018: Placed on Calendar for 06/25/2018

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%.

03/14/2018: PASSED SENATE

06/20/2018: Favorable committee substitute

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

S677: Protect Right to Hunt, Fish, and Harvest Wildlife/Constitutional Amendment

This proposed amendment (S677) would “forever preserve” the right of the people to hunt, fish, and harvest wildlife using traditional means.”

06/20/2018: PASSED SENATE

06/21/2018: Placed on House Calendar for 06/25/2018

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

S814: Judicial Vacancy Sunshine Amendment

This bill would essentially transfer the power to fill judicial vacancies from the governor to the legislature. It does so in a convoluted way, and the language is so vague that it is difficult to determine exactly how it would work in practice.

06/20/2018: Senate Judiciary I; if favorable, 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.