

# NC Legislative Update January, 2021

## Related Professionals

David P. Ferrell  
919.573.7421  
dferrell@nexsenpruet.com

Michelle L. Frazier  
919.573.7433  
mfrazier@nexsenpruet.com

## Practices

Legislative & Regulatory

## Article

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The General Assembly opened up the 2021-22 Session last week, with members taking the oath of office and receiving office and committee assignments. Opening day looked a little different this year due to COVID-19, with members wearing masks and not inviting family to the chamber floors for the swearing in ceremony. Much of opening day is about housekeeping items.

Lawmakers were only in town for one day, and will return on January 27. They are expected to make continued COVID-19 relief a priority when they return, and many lawmakers are expressing an eagerness to work across the aisle to pass legislation. Republicans in the legislature lost veto-proof majorities in 2018, and have been unable to agree with Democratic Governor Roy Cooper on a budget since then. The area of disagreement between the executive branch and legislature has been on Governor Cooper's insistent push for Medicaid expansion to be included in a budget. It is unclear if the Governor will make that same demand for Medicaid expansion this year. Legislative Democrats made Medicaid expansion a key issue of their 2020 campaign platform; however, it did not help them pick up the seats they had hoped to gain. 2021 is also a redistricting year, so lawmakers will at some point in the session focus on drawing new congressional and legislative districts with the 2020 Census data. This could be a contentious issue since the maps have a great effect on legislative power going forward.

## Legislative Leadership

Legislators elected members to leadership positions during the opening day session. The Senate reelected Senator Phil Berger as President Pro Tem, Senator Ralph Hise as Deputy President Pro Tem, and Senator Dan Blue as Minority Leader. Senator Kathy Harrington was elected as Majority Leader, replacing former Senator Harry Brown who retired last year. The Senate currently has 28 Republicans and 22 Democrats.

The House reelected Representative Tim Moore as Speaker of the House, Representative Sarah Stevens as Speaker Pro Tem, and Representative John Bell as Majority Leader. Representative Robert Reives will replace

former Representative Darren Jackson as Minority Leader. Jackson won reelection to the House, but announced that he would not seek another term as Minority Leader. He recently resigned to fill a vacancy on the Court of Appeals. The House currently has 69 Republicans and 51 Democrats.

## Chamber Rules

Both chambers adopted rules to govern debate decorum, bill filing deadlines, and the crossover date. See the House Rules and Senate Rules. During debate on the rules, Senate Democrats had hoped to make masks required in the Senate, but President Pro Tem Berger raised objection, noting that all members were wearing masks. He did mention that he would be open to readdressing masks in the rules if it became a problem later on. Speaker Tim Moore said that he does not agree with members not wearing a mask, but does not believe it is right to mandate wearing them.

WRAL: Masks more prevalent at NC legislature but still not mandatory

Important dates from the rules are listed below:

- March 11: Senate local bill filing deadline
- March 25: House local bill filing deadline
- April 6: Senate public bill filing deadline (does not apply to constitutional amendments, elections bills, or appointments)
- April 20: House filing deadline for non-budget bills
- April 27: House filing deadline for budget bills
- May 13: Crossover deadline for both the House and Senate in which bills must have passed at least one chamber to remain eligible for consideration.

## Legislative Committee Appointments

A new legislative session brings restructured committees and many new committee chairs, as members move to different committees, retired members are replaced, and newer members move up in seniority with more responsibility. Some new committees include a House committee on Federal Relations and American Indian Affairs, and several new House Judiciary Committees. The Senate expanded their Agriculture and Environment Committee to include energy in its name.

### House Committee Chairs

**Agriculture:** Reps. Jimmy Dixon, senior chair, and Jeff McNeely

**Alcohol Beverage Control:** Rep. Tim Moffitt

**Appropriations:** Reps. Donny Lambeth, Jason Saine and Dean Arp, senior chairs, and Reps. William Brisson, Dana Bumgardner, Jeff Elmore, John Faircloth, Kyle Hall and Larry Strickland

Appropriations, **AGNER**: Reps. Jimmy Dixon, senior chair, Ed Goodwin and Pat McElraft

Appropriations, **Capital**: Rep. Kelly Hastings

Appropriations, **Education**: Rep. Jon Hardister, John Torbett and Pat Hurley

Appropriations, **General Government**: Reps. George Cleveland and Dennis Riddell

Appropriations, **Health and Human Services**: Reps. Larry Potts, Wayne Sasser, Donna White and Kristin Baker

Appropriations, **IT**: Rep. Jake Johnson

Appropriations, **Justice and Public Safety**: Rep. Jamie Boles, senior chair, Allen McNeill and Carson Smith

Appropriations, **Transportation**: Rep. Brenden Jones, senior chair, and Frank Iler, and Phil Shepherd

**Banking**: Rep. Keith Kidwell

**Commerce**: Rep. John Sauls

**Education - Community Colleges**: Rep. Pat Hurley

**Education - K-12**: Reps. Hugh Blackwell and John Torbett

**Education - Universities**: Rep. Jon Hardister

**Elections Law and Campaign Finance**: Rep. Grey Mills

**Energy and Public Utilities**: Reps. Dean Arp and John Szoka

**Environment**: Reps. Pat McElraft and Larry Yarborough

**Ethics**: Reps. John Sauls and Michael Wray

**Families, Children and Aging Policy**: Reps. Jerry Carter and Howard Hunter

**Federal Relations and American Indian Affairs**: Reps. Mike Clampitt and Charles Graham

**Finance**: Reps. Julia Howard, Mitchell Setzer, John Szoka and John Bradford, senior chairs, Keith Kidwell and Michael Wray

**Health**: Reps. Donny Lambeth, Larry Potts, Wayne Sasser, Donna White and Kristin Baker

**Homeland Security, Military and Veterans Affairs**: Rep. Ed Goodwin

**Insurance**: Rep. Chris Humphrey

Judiciary 1: Rep. Ted Davis

Judiciary 2: Reps. Sarah Stevens and Billy Richardson

Judiciary 3: Reps. Lee Zachary and David Rogers

Judiciary 4: Rep. Hugh Blackwell

Local Government: Land Use Planning and Development: Rep. Mark Brody

Local Government: Reps. Bobby Hanig and Sam Watford

Marine Resources and Aqua Culture: Rep. Bobby Hanig

Pensions and Retirement: Rep. Allen McNeill

Redistricting: Rep. Destin Hall

Regulatory Reform: Rep. Dennis Riddell

Rules: Rep. Destin Hall

State Government: Rep. John Torbett

State Personnel: Rep. Harry Warren

Transportation: Reps. Brenden Jones, Frank Iler and Phil Shepard

UNC BOG Nominations: Rep. Kelly Hastings

Wildlife Resources: Reps. Jay Adams and Larry Yarborough

Senate Committee Chairs

Agriculture, Energy and Environment: Sens. Norman Sanderson, Brent Jackson

Base Budget: Sens. Brent Jackson, Kathy Harrington, Ralph Hise

Commerce and Insurance: Sens. Tom McInnis, Todd Johnson, Chuck Edwards

Education/Higher Education: Sens. Deanna Ballard, Michael Lee

Health Care: Sens. Joyce Krawiec, Jim Burgin, Jim Perry

Judiciary: Sens. Danny Earl Britt Jr., Norman Sanderson

**Pensions:** Sens. Deanna Ballard, Kathy Harrington, Joyce Krawiec

**Redistricting:** Sens. Warren Daniel, Ralph Hise, Paul Newton

**Rules:** Sen. Bill Rabon

**State and Local Government:** Sens. Ted Alexander, Carl Ford, Bob Steinburg

**Transportation:** Sens. Tom McInnis, Vickie Sawyer, Danny Earl Britt Jr

**Appropriations on Agriculture, Environment, and Natural Resources:** Sens. Norman Sanderson, Todd Johnson, Chuck Edwards

**Appropriations on Education:** Sens. Deanna Ballard, Michael Lee

**Appropriations on General Government:** Sens. Ted Alexander, Carl Ford, Bob Steinburg

**Appropriations on Health and Human Services:** Sens. Joyce Krawiec, Jim Burgin, Jim Perry

**Appropriations on Justice and Public Safety:** Sens. Danny Earl Britt Jr., Warren Daniel

**Appropriations on Transportation:** Sens. Tom McInnis, Vickie Sawyer

## State Cabinet Positions

Governor Cooper's cabinet will look a little different for his second term with several cabinet secretaries leaving. President Joe Biden has nominated NC Department of Environmental Quality (DEQ) Secretary Michael Regan to head the federal Environmental Protection Agency (EPA). Regan is not the only departure from Cooper's administration. Secretary Larry Hall is leaving the Department of Military and Veterans Affairs, Secretary Tony Copeland is leaving the Department of Commerce, and Secretary Susi Hamilton is leaving the Department of Natural and Cultural Resources (DNCR). Governor Cooper has announced that he will nominate D. Reid Wilson to replace Hamilton at DNCR and LtGen Walter Gaskin will be nominated to replace Hall at Military and Veterans Affairs. No other replacements for agencies have been named. All of Cooper's new department heads will have to go through a Senate confirmation hearing. The Senate only choose to start exercising its constitutional power to confirm secretaries in 2017, after Cooper became Governor. They have confirmed all of his past nominees.

WRAL: Biden picks North Carolina environmental chief to lead EPA

## New AOC Director

With Republican Paul Newby replacing Democrat Cheri Beasley as Chief Justice of the North Carolina Supreme Court, numerous changes have been made in the Administrative Office of the Courts (AOC). Former Superior Court Judge Drew Heath has taken the role as AOC Director, and will oversee many operational aspects of courts across the State. Heath served in various roles under Governor McCrory, as head of the Industrial Commission and Budget Director. McCrory later appointed Heath to a vacant Superior Court seat. Democrats still hold a 4-3 majority on the State

Supreme Court, but the Chief Justice is responsible for appointing the AOC Director. Heath has already removed several high-level employees at AOC, in what are considered “at-will” positions, to make way for his leadership team.

WRAL: New chief justice means shake-up atop NC's court system

## 2020 Summary of Substantive Legislation

The Legislative Analysis Division has published the 2020 Summary of Substantive Legislation, which breaks down new laws by subject matter. Below is a link to the document: <https://www.ncleg.gov/Legislation/SummariesPublication/Subjects/2020/>