

NC Legislative Update: February 22, 2019

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New Election in the 9th District

The State Board of Elections unanimously called for a new election in a hearing this week on their investigation into the 9th Congressional District election. The hearing took a dramatic turn when Mark Harris's son, John Harris, testified that he had warned his father numerous times against hiring McCrae Dowless, claiming that his absentee ballot program was illegal. This contradicts previous statements by Harris, who said he was never warned of Dowless' actions. When called to testify, Harris apologized for previous statements, and attributed his comments to confusion and recent health related issues. Harris was adamant that he had no knowledge of the illegal actions of Dowless during the campaign, but acknowledged the mounting evidence, and stated that it was obvious that a new election should be called. Wake County District Attorney Larrin Freeman has indicated she will follow up the State Board's hearing with a criminal investigation.

WRAL: <https://www.wral.com/after-harris-admissions-a-new-election-in-9th-district/18208305/>

Gerrymandering Constitutional Amendment

The group North Carolinians for Redistricting Reform announced their plan to change the way the State draws legislative and congressional districts. The group is proposing an amendment to the State Constitution to take the redistricting power away from the General Assembly and place it with an outside commission. The commission would be appointed by legislative leaders from both parties, and would not be allowed to use political or voter data in drawing maps. The plan, which has taken form in House Bill 140: The FAIR Act, would place the following question on the March 2020 ballot "A constitutional amendment providing for nonpartisan criteria and a nonpartisan process for redistricting." The State will have to redraw districts in 2021, and supporters believe that the uncertainty of the 2020 election will motivate both political parties to seek a more balanced approach. The State redrew districts in 2011, but those maps have been in constant litigation, and several reiterations have been ruled unconstitutional.

News & Observer: <https://www.newsobserver.com/news/politics-government/article226578184.html>

State Health Plan Committee Hearing

The Joint House and Senate Health Committee met this week to hear testimony on Treasurer Dale Folwell's State Health Plan (SHP) rate changes. The Committee first heard from Treasurer Folwell, who reiterated the need for savings in the plan, and he told legislators that he was championing state employees, who are being overcharged and do not have the tools to see the pricing. Vidant Health CEO Mike Waldrum, who also serves as the Chair of the NC Healthcare Association Board of Trustees, addressed the members after Folwell. Dr. Waldrum explained that the rate cut would limit access to care, and force some systems to close facilities. He also emphasized that there are ways to reduce costs through patient management and preventative care. During the Q&A section of the meeting, numerous legislators urged Treasurer Folwell to delay implementation of his plan, and to give time to meet with stakeholders to work out a better path forward that does not threaten access to care. The Treasurer was very emphatic that he has no intentions of delaying the implementation of his rate change, and stated that the only thing that would prevent him from moving forward would be legislation. The meeting concluded with legislators indicating that they will continue to gather more information and explore options. It is expected that there will be legislation introduced to address this issue.

North Carolina Health News: <https://www.northcarolinahealthnews.org/2019/02/20/on-state-health-plan-changes-folwell-hits-gas-while-lawmakers-threaten-to-tap-brakes/>

Court of Appeals Membership

Senators Hise, Daniel, and Bishop have introduced Senate Bill 75, which would repeal a law passed in 2017 to shrink the Court of Appeals from 15 members to 12. Current law dictates that vacancies on the court are not to be filled until the court reaches 12 members. The law had been wrapped up in litigation since its passage, and sponsors of Senate Bill 75 cite a need to end the unnecessary legal battle as rationale for the bill.

Education Initiatives

This week, Superintendent of Public Instruction Mark Johnson laid out new initiatives and priorities for the Department of Public Instruction (DPI) at a private event with an audience of educators, legislators, and business leaders. Superintendent Johnson stated that raising teacher pay by 5% will be a top ask of his department this year. He also unveiled the new North Carolina Leadership Dashboard, which will allow school administrators to search an online database of teachers and principals when looking for candidates to hire. The tool will let them search certain criteria, such as experience level, subjects taught, and licenses. The Department will also be launching a campaign to boost the teaching profession's public image, and to recruit more teachers to the state. DPI has gathered a number of private groups to help fund this new initiative as a public-private campaign. The event has drawn criticism from several teacher groups that were excluded from the invite-only event.

WRAL: <https://www.wral.com/nc-superintendent-shares-top-education-priorities-including-raising-teacher-pay-at-least-5/18203484/>

In addition to providing Government Affairs Services, the Nexsen Pruet Public Policy team provides attorneys and clients with a newsletter summarizing the week's activities and conveying the inner workings of the legislative process and state government in Raleigh during the legislative session. Please feel free to pass this along to your clients or other interested parties. If you would like to receive the update in your inbox, please email shernandez@nexsenpruet.com to be added to the list. If you are interested in learning more about how Nexsen Pruet can help you achieve your public policy goals and acquiring legislative representation in North Carolina or South Carolina, please reach out to Sandy Sands at ssands@nexsenpruet.com or Ross Barnhardt at rbarnhardt@nexsenpruet.com.