

NC Legislative Update: March 15, 2019

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The Legislature returned to Raleigh this week to take up more policy items and continue to file bills before the bill filing deadline. So far, the following bills have become law:

- SB7: Bipartisan Ethics Appointments
- SB75: Restore Ct. of Appeals Membership
- SB77: Ag Disaster Fund/Certain Counties
- SB214: Ensure Orderly 2019 Elections

Bill to Require Sheriffs to work with ICE

Speaker Tim Moore filed House Bill 370, which requires sheriffs to comply with the federal 287(g) program, in which local law enforcement offices hold suspected illegal immigrants and inform immigration officers of their legal status. The program gained attention when several newly elected sheriffs chose to cancel their county's participation in the program.

WRAL: <https://www.wral.com/speaker-s-bill-would-force-nc-sheriffs-to-work-with-ice/18259609/>

Election Reform Bill

In the response to the absentee ballot voter fraud that took place in North Carolina's 9th Congressional District, the General Assembly is exploring measures to tighten election rules. State Elections Director Kim Strach testified before legislators, emphasizing several changes that would help prevent fraud. Proposals included the following: disallow payment for each absentee ballot request, shorten the timeframe for absentee ballots to be submitted, require witnesses to date their signature, and create prepaid absentee ballots, since it deters people from handing their ballot over to fraudulent collectors.

WRAL: <https://www.wral.com/after-9th-district-fraud-nc-elections-officials-want-tighter-rules-for-absentee-ballots/18255477/>

Election ID Bill

Senate Bill 214 became law this week and will delay the implementation of the new constitutionally mandated voter ID requirement for the 2 special congressional elections this year, as well as municipal elections. Supporters of the law want to insure that election officials have time to prepare for the change and that voters are not turned away from voting. Democrats asked that an extension for schools to submit their IDs to election officials to qualify as acceptable forms of identification be included, but Republicans were not will to do so at this time, promising that if it was a problem, they would grant more time at a later date.

WRAL: <https://www.wral.com/unc-schools-expect-to-meet-wednesday-s-voter-id-deadline/18253734/>

School Construction Bond Passed By House

This week, the House voted by overwhelming numbers to approve a \$2 billion bond proposal for local school infrastructure and capital funding. This is about half the size of the bond in the Governor's budget, but is likely to face opposition in the Senate, which is advancing their own pay-as-you-go school construction plan.

WRAL: <https://www.wral.com/statewide-school-construction-bond-clears-house/18257225/>

Potential Medicaid Expansion Block by Democrats

The Senate passed the Small Business Healthcare Act this week, which is aimed at allowing small businesses and trade associations to band together and purchase health insurance at a lower rate. The bill is a modified version of a bill the Senate passed last year, but was rejected by the House. The bill passed the Senate with bipartisan support, but not before Senate Democrats tried an amendment to add Medicaid expansion on to the bill. Per usual, the Republicans tabled the amendment. What Democrats failed to realize is that they may have shot themselves in the foot. Senate Rule 53 states that once a measure has been tabled, that same measure cannot be brought up for a vote the remainder of the session. Senate Democrats rejected the logic that Medicaid expansion is now ineligible in the Senate, citing that any rule can be suspended. However, suspending a rule requires a 3/5 vote.

WRAL: <https://www.wral.com/did-nc-democrats-just-blow-it-on-medicaid-expansion/18257731/>

Smithfield Nuisance Case

Last Friday, Smithfield Foods was found responsible for the 5th consecutive nuisance lawsuit brought by residents near several hog farms. In the first 3 cases, the jury awarded over half a billion dollars of damages collectively. However the awards have been significantly less in the most recent cases with \$102,000 being awarded in the 4th case and \$420,000 being awarded in the 5th case. Smithfield has been entangled in nuisance lawsuits for over a year now, as hundreds of plaintiffs have filed suit. Agriculture industry leaders claim that this is an assault on farming communities by out-of-state-lawyers, while others claim that residents have been forced to live next to toxic animal

waste that has interfered with their enjoyment and use of their property. The legislature has stepped in twice to restrict the types of lawsuits that can be brought against a farm in what is called the Right to Farm law, however the new laws can only affect new lawsuits. The defendants have vowed to appeal to the Fourth Circuit Court, believing that they will prevail there.

Fayetteville Observer: <https://www.fayobserver.com/news/20190309/smithfield-foods-loses-another-neighbors-lawsuit>

NC Pork Council Statement: <https://www.ncpork.org/statement-on-fifth-trial-statement/>

Bladen Journal: <https://www.bladenjournal.com/news/23198/fifth-hog-lawsuit-case-won-by-plaintiffs>

9th Congressional District Candidates

The filing period for the special election in North Carolina's 9th Congressional District started Monday, March 11th, and ends Friday, March 15th. As of now, the following candidates have filed to run:

- (D) Dan McCready
- (R) Stony Rushing
- (R) Fern Shubert
- (R) Dan Bishop
- (R) Stevie Rivenbark Hull
- (R) Kathie C. Day
- (R) Leigh Thomas Brown
- (GRE) Allen Smith
- (LIB) Jeff Scott

NC Board of Elections: <https://s3.amazonaws.com/dl.ncsbe.gov/Elections/2019/District9/Candidates.pdf>

Charlotte Observer: <https://www.charlotteobserver.com/news/politics-government/election/article227784819.html>

New Supreme Court Justice Named

Governor Roy Cooper named Court of Appeals Judge Mark Davis to replace Cherri Beasley as an Associate Justice of the NC Supreme Court. Beasley recently became the Chief Justice of the Court after former Chief Justice Mark Martin resigned. This now gives Democrats a 6-1 majority on the court, with Justice Paul Newby being the lone Republican.

Newby has indicated that he will run for the Chief Justice seat in 2020, which will make 3 seats up for grabs in that election. Davis had been on the Court of Appeals since 2012, and previously served in various roles in DOJ and the Office of the Governor.

News and Observer: <https://www.newsobserver.com/news/politics-government/article227405429.html>

McFarlane Will Not Run Again

Raleigh Mayor Nancy McFarlane announced that she will not seek reelection this fall. She has been mayor for the last 8 years, and, in her announcement, she called for a “re-set” to local politics. She referenced how personal political attacks had become over the past few years, especially online. Charles Francis, who ran against her last election, has indicated that he will run for the open spot this year.

News & Observer: <https://www.newsobserver.com/news/local/article227599114.html>

Triangle Business Journal: <https://www.bizjournals.com/triangle/news/2019/03/13/raleigh-mayor-wont-run-for-re-election-calls-for.html>

More about Nexsen Pruet's North Carolina Public Policy Team

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.