



INTRODUCTION

The 2018 session of the General Assembly adjourned around noon on June 29th, a little over 6 weeks since the session convened. The last week was supposed to be relatively uneventful: only veto overrides, local bills, and Constitutional amendments (legislation that does not require action by the Governor) would be taken up after the previous week's flurry of statewide bills. Those last days of session became memorable, however, as the Republican supermajorities moved aggressively against not just Gov. Cooper, but the power of the Governor's office itself and would change the very balance of power between our three branches of government.

Governor Cooper vetoed 7 bills in a single day (out of the 78 he received at the end of the flurry of state-wide bills) bringing his total to a record-setting 23. The legislature overrode 5 of those vetoes and voted down 4 of his appointments, including two choices to the State Board of Education that have been pending since May 2017. While delaying confirmation votes would not be uncommon, the legislature voting down a Governor's nominee is rare, and doing so 4 times in one day is unheard of and seen as a way to embarrass the Governor. All of the votes to reject the nominees were along party lines and while reasons were offered for voting down some of them, others were rejected with no real explanation. Democratic members railed against the tactic, calling on the majority to be honest about their motives. The timing was also criticized – with the votes coming at the end of session, Gov. Cooper will not have a chance to submit new nominees for consideration until the legislature reconvenes, after the November election. An explanation for the moves seems to lie in the effect one of the proposed Constitutional amendments. When voters see the amendment on their ballots (“*Constitutional amendment to establish a bipartisan Board of Ethics and Elections to administer ethics and election laws, to clarify the appointment authority of the Legislative and the Judicial Branches, and to prohibit legislators from serving on boards and commissions exercising executive or judicial authority.*”) they may not realize that if it is approved, the Governor will lose much of what relatively little power he has. Appointments to the over 400 boards and commissions across the state, as well as legislative and judicial openings, would be controlled by the General Assembly instead. Former Republican Governors Jim



NORTH CAROLINA ELECTRONIC SECURITY ASSOCIATION



THIS LEGISLATIVE REPORT IS A
PUBLICATION OF KOCHANEK LAW GROUP
AND IS A MEMBER BENEFIT OF NCESA.
ANY USE OR REPRODUCTION OF THIS
REPORT IS LIMITED TO NCESA
AND ITS MEMBERS.

FOR MORE INFORMATION:

Colleen Kochanek
NCESA Legislative Counsel
P.O. Box 1038
Wake Forest, NC 27588
919.747.9988

colleen@kochaneklawgroup.com
www.kochaneklawgroup.com

Martin and Pat McCrory have joined Democratic ex-Governors and Cooper in opposing the idea, and some analysts have warned the GOP that they may come to regret the change.

With a tough election only a few months away and the prospect of losing their supermajority a real fear for both chambers, however, legislative leaders spent the final week of this session focused on the immediate future: working to put as many amendments on the November ballot as they could - both to drive Republican turnout, and to limit the power of their most effective political rival. Whether the voters will respond as they seem to expect remains to be seen, but regardless of that outcome, this legislature gave itself one more opportunity to have an impact. Before the General Assembly chosen by voters has a chance to convene next January, the 2018 session will reconvene on November 27th, with no restrictions on what kinds of bills or other changes can be taken up. Most Raleigh insiders assume that this session will be used to further weaken the Governor. In the meantime, the members are back in their districts, raising money and campaigning for votes in what may be a transformative election – for the State’s Constitution, the power of the Executive, and the makeup of the legislature itself.

GOVERNOR’S VETOES

Here is a list of the Governor’s vetoes this session and, if applicable, the date the veto was overridden by the Legislature:

- [House Bill 131, Motions for Appropriate Relief](#)
- [House Bill 374, Regulatory Reform Act of 2018](#) (Veto Overridden 06/27/18)
- [House Bill 382, DOI Omnibus](#) (Veto Overridden 06/27/18)
- [House Bill 717, Judicial Elections Changes](#) (Veto Overridden 06/27/18)
- [House Bill 1055, Retirement Complexity Reduction Act of 2018](#)
- [Senate Bill 711, NC Farm Act of 2018.](#) (Veto Overridden 06/27/18)
- [Senate Bill 325, The Uniform & Expanded Early Voting Act.](#) (Veto Overridden 06/27/18)
- [Senate Bill 757, Various Court Districts Changes.](#) (Veto Overridden 06/20/18)
- [Senate Bill 99, Appropriations Act of 2018.](#) (Veto Overridden 06/12/18)

CONSTITUTIONAL AMENDMENTS

The House and Senate approved six state Constitutional amendments which will be voted on by the State’s citizens in November 2018:

<u>Bill</u>	<u>Title</u>	<u>What It Does</u>
House Bill 551	Strengthening Victims' Rights	Would amend the Constitution to “strengthen protections for victims of crime; to establish certain absolute basic rights for victims; and to ensure the enforcement of these rights.” Expands the offenses that trigger victims' rights to include: Crimes against the person; Felony property crimes; Delinquent acts against the person; Delinquent acts

		equivalent to felony property crimes. Guarantees victims the following rights: To be treated with dignity and respect; Reasonable, accurate, and timely notice, upon request; To be present at any proceeding; To be reasonably heard at certain proceedings; Restitution in a reasonably timely manner; Information, upon request; To reasonably confer with the prosecutor.
House Bill 913	Bipartisan Ethics and Elections Enforcement	Would establish a bipartisan Board of Ethics and Elections to administer ethics and election laws, clarify the appointment authority of the Legislative and the Judicial Branches, and prohibit legislators from serving on boards and commissions exercising executive or judicial authority. Moves the Governor's appointment powers to the Legislature: "The legislative powers of the State government shall control the powers, duties, responsibilities, appointments, and terms of office of any board or commission prescribed by general law."
House Bill 1092	Const. Amendment - Require Photo ID to Vote	Would require voters offering to vote in person to present photographic identification before voting, and would require the General Assembly to enact general laws governing the photo ID requirements, which could include exceptions.
Senate Bill 75	Const. Amd. - Max. Income Tax Rate of 7.0%	Would reduce the income tax rate in North Carolina to a maximum allowable rate of seven percent (7%). The current maximum allowable is (10%).
Senate Bill 677	Protect Right to Hunt and Fish	Would protect the right of the people to hunt, fish, and harvest wildlife.
Senate Bill 814	Judicial Vacancy Sunshine Amendment	Would provide for nonpartisan judicial merit commissions for the nomination and recommendation of nominees when filling vacancies for judges and justices. Would shift most of the power for appointing judges from the governor to the legislature.

BILLS OF INTEREST

HOUSE BILL 1083, Appointments Bill 2018. This law appoints persons to various public offices upon the recommendation of the Speaker of the House of Representatives and President Pro Tempore of the Senate. **Effective: June 29, 2018, unless otherwise provided.**

- Effective January 1, 2019, Michael Reitz of Chatham County, Cecil V. "Buddy" Martinette, Jr., of New Hanover County, and Sheriff J. D. Hartman of Davie County are appointed to the 911 Board for terms expiring on December 31, 2021. Effective January 1, 2019, Heather S. Campbell of Wake County, Jeffrey A. Shipp of Sampson County, Jude O'Sullivan of Wilkes County, and Gregory W. Foster of Alexander County are appointed to the 911 Board for terms expiring on December 31, 2022.
- Effective July 1, 2018, **Stephen H. Wheeler of Cumberland County** and James Crabtree of Guilford County are appointed to the Alarm Systems Licensing Board for terms expiring on June 30, 2021.
- Effective July 1, 2018, Kirby J. Robinson of Forsyth County is appointed to the North Carolina State Building Commission for a term expiring on June 30, 2021. Effective July 1, 2018, Sam Isham of Robeson County is appointed to the North Carolina State Building Commission for a term expiring on June 30, 2021.
- Michael Todd Going, II, of Alamance County is appointed to the North Carolina Locksmith Licensing Board for a term expiring on December 31, 2019, to fill the unexpired term of Paul Michael Williams. Effective January 1, 2019, Deborah M. Atkinson of Wake County and Jim Storie of Watauga County are appointed to the North Carolina Locksmith Licensing Board for a term expiring on December 31, 2021.
- Effective July 1, 2018, Jeffrey T. Griffin of Cabarrus County and Harlen M. Summey of Randolph County are appointed to the North Carolina Code Officials Qualification Board for terms expiring on June 30, 2022.
- Effective July 1, 2018, Satish Garimella of Wake County is appointed to the North Carolina Education and Workforce Innovation Commission for a term expiring on June 30, 2021.
- Effective July 1, 2018, D. Arthur Hall of Alamance County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2022.

HOUSE JOINT RESOLUTION 1101, Adjourn 2018 Session to November, adjourns the 2018 "Short" session from Friday, June 29, 2018, until Tuesday, November 27, 2018, at noon. The resolution provides that, during the November 27 session, the restrictions in Section 3.23 of Resolution 2017-12, which sets out the 17 topics that could be considered during the 2018 short session, as well as the request and filing deadlines in the Permanent Rules of the Senate and House, do not apply to the session **Effective: June 29, 2018.**

BILL UPDATES

HOUSE BILL 335, Restore Last Saturday Early One-Stop. The provisions of this bill were removed in the Senate Rules Committee and replaced with new provisions to:

- allow for early voting not earlier than the third Wednesday before an election, and not later than 1:00 pm on the last Saturday before that election (previously, early voting was allowed not later than 7:00 pm on the last Friday before that election);

- require a county board of elections to conduct one-stop voting on the last Saturday before the election from 8:00 am until 1:00 pm, and allow the county board to conduct one-stop early voting until 5:00 pm on that Saturday;
- provide that, if the county board of elections opens one-stop sites on Saturdays *other than the last Saturday before the election* during the period required, then all one-stop sites must be open for the same number of hours uniformly throughout the county on those Saturdays; and
- allow a county board of elections in a county which includes a barrier island and meets specified requirements, including that it has no bridge to the mainland, to propose a Plan for Implementation, by unanimous vote of the board, providing for a site in that county for absentee ballots to be cast with days and hours that vary from the county board of elections, and allow the members of the county board to petition the State Board to adopt a plan for the county, if the county board cannot reach unanimity.

The bill as amended was approved by the Senate Rules Committee and the full Senate. The House agreed to the changes made by the Senate, and the bill has been sent to the Governor for his signature.

- Colleen Kochanek
NCESA Legislative Counsel
P.O. Box 1038
Wake Forest, NC 27588
919.747.9988
colleen@kochaneklawgroup.com
www.kochaneklawgroup.comⁱ

ⁱ THIS LEGISLATIVE REPORT IS A PUBLICATION OF KOCHANЕК LAW GROUP AND IS A MEMBER BENEFIT OF NCESA. ANY USE OR REPRODUCTION OF THIS REPORT IS LIMITED TO NCESA AND ITS MEMBERS.
