



North Carolina Spirits Association

Legislative Report
June 29, 2018

On Friday June 29, 2018, the North Carolina General Assembly adjourned the 2018 legislative session. However, the adjournment resolution states that the legislature will return to Raleigh for a legislative session to begin on November 27. Pending bills and new bills can be considered during this November 2018 legislative session.

The Lawmakers now return to the campaign trail for what is expected to be a low turnout “blue moon election”. A blue moon election means there is neither a statewide federal race, nor a statewide council of state race - where elections without these “top of the ticket” races have historically resulted in lower turnout. The Supreme Court and Court of Appeals are statewide races, but they appear at the end of the ballot.

The general election ballot will be a bit lengthier this fall than casual observers may have expected. The General Assembly has asked voters for their approval of six amendments to the State’s Constitution. Constitutional Amendments require approval of the voters and a simple majority will determine whether they believe the following proposed amendments should be adopted:

- Requiring a photo ID to vote
- Judicial vacancies to be appointed by recommendation from a Nonpartisan Judicial Merit Commission, approval by the legislature, and ultimate selection by the Governor
- Establish a Bipartisan Board of Elections and Ethics Enforcement, consisting of eight members appointed by the General Assembly, two recommended by the Majority Leader and two recommended by the Minority Leader, in each chamber. It also would clarify that the legislative powers to control the powers, duties, responsibilities, appointments, and terms of office of any board or commission prescribed by general law, and the powers of the Governor to faithfully execute those laws.
- Protecting the right to hunt and fish
- Reducing the cap of the maximum allowable state income tax rate from 10% to 7%.
- Marsy’s Law – Expand the definition of victim, and require certain notice of court proceedings and other rights be provided to victims of an expanded list of crimes at the victim’s request.

Last weekend, Governor Cooper and his team deliberated over approximately 78 bills, as the 10-day clock for him to take action on them expired either Sunday or Monday, depending on when the legislature initially passed the bill. He did not to take action on nine bills, opting instead to let them become law absent his signature. Governor Cooper vetoed seven bills, bringing his total to 23 for the 2017-18 General Assembly. In his first year-and-a-half in office, he has vetoed more legislation than any Governor since the veto was established. The legislature voted to override vetos of bills involving regulatory reform, changes to judicial districts and

elections, various changes to the insurance laws as requested by the Commissioner of Insurance, early voting, and the NC Farm Act.

The legislature rejected four of Governor Roy Cooper's nominees -- including two appointments to the State Board of Education -- in votes Thursday largely along party lines. On Thursday, lawmakers held a Joint Session to vote on the Governor's nominees to the State Board of Education. Lawmakers unanimously confirmed Reginald Keenan of Duplin County, but the Governor's nominees for two other seats on the Board, Sandra Byrd of Buncombe County, and John B. Buxton of Wake County, were rejected. The House and Senate voted down Cooper's nomination of Bryan Beatty for a special Superior Court judge seat. Beatty was the secretary of the crime control and public safety under former Governor Easley and later served on the Utilities Commission. Finally, the House and Senate voted to reject Gov. Cooper's nomination of Robert Harris to serve on the Industrial Commission. House Republicans said Harris was the wrong candidate for a commission seat representing employers because he was opposed by business groups, which pointed to his record of siding with workers in workers compensation cases.

A bill released Thursday afternoon and approved before the legislature adjourned the 2018 legislative session restores early voting on the last Saturday before the election from 8 a.m. to 1 p.m., but only for 2018 elections. Counties can opt to run early voting hours until 5 p.m. on that Saturday. The bill also allows flexibility for the Hyde County Board of Elections to establish different hours for early voting sites on Ocracoke Island that are different than those on the mainland -- solving a problem in which Hyde officials had said they'd have to eliminate the Ocracoke site and require residents there to vote early on the mainland. This bill addresses one of the objections Governor Cooper had with Senate Bill 325, the early voting bill, which led to his veto of the bill earlier this session.

The House and Senate will reconvene on Tuesday November 27, 2018.

BILL STATUS

House Bill 500, ABC Omnibus Changes. The Governor did not sign or veto the bill by his deadline to do so, so the bill became law without his signature on June 26, 2018.

For more information about legislation described in the legislative reports, feel free to contact me at dferrell@nexsenpruet.com or (919) 573-7421. Information is also available on the General Assembly's website: www.ncga.state.nc.us.

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