



North Carolina Spirits Association

Legislative Report
July 3, 2019

As reported last week, Governor Roy Cooper (D-Nash) vetoed the Republican-drawn state budget that passed last week, likely setting up tough negotiations with Republican legislative leaders over the future of Medicaid expansion, school construction and tax cuts. Governor Cooper vetoed the measure a few hours after explaining his decision to do so at an Executive Mansion news conference attended by supporters. The House and Senate gave final approval to its two-year spending plan on Thursday. "I'm vetoing this budget because it fails in many ways," Cooper said at the news conference. This will be the third time in as many years as governor that Cooper has vetoed what's annually the most important piece of legislation. His previous two vetoes were overridden. But he now sits in a stronger position because Democratic seat gains in the House and Senate have eroded the Republicans' once veto-proof majorities. Republicans will attempt to override him after the July 4 weekend. Governor Cooper said he will provide a detailed counteroffer to the legislative budget the week of July 8.

Senate leaders have fast-tracked a bill filed last Friday to crack down on absentee ballot fraud and restore early voting hours on the final Saturday before elections. The sponsors of Senate Bill 683 include elections committee co-chairs Senators Warren Daniel (R-Burke) and Ralph Hise (R-Mitchell) as well as Floyd McKissick (D-Durham). The bill appears designed to address the absentee ballot fraud allegations in the 9th Congressional district election last year. It would keep private the list of people who requested absentee ballots until the day of the election; that information is currently a public record, and it was allegedly referenced by campaign workers who used it to count likely votes. Elections offices would only issue absentee ballot request forms directly to voters or family members and guardians authorized to assist them, which could prevent groups from going door-to-door with stacks of request forms. The bill also stiffens penalties for some election-related crimes, and adds new crimes, including destroying absentee ballots, paying someone to collect ballots or request forms, and copying or keeping absentee ballots and request forms.

While the House took a break from legislative action this week, the Senate began winding down its work Tuesday. Senate leader Phil Berger (R-Rockingham) said the Senate has been pushing out a lot of bills this week, but expects to catch up on those it pulled from the calendar on Monday and Tuesday. "Hopefully most of the bills that are substantive have already at least been fully discussed in one of the bodies," Berger said. Beyond what the House might send over to the Senate next week, Berger said he did not anticipate there being more on the agenda than end-of-session work, such as concurrence votes, conference report votes, an adjournment resolution and a technical corrections bill.

A key House committee signed off last Friday on a wide-ranging farm bill, including language meant to put the state's growing hemp industry on a strong footing. But it also backed a

ban on one of the industry's more profitable products: smokable hemp. Law enforcement, the SBI, and DAs had called for such a ban to take effect December 1, 2019 as the state's annual Farm Act moved through the General Assembly, and dozens of officers, deputies and prosecutors attended a lengthy Friday morning meeting of the House Agriculture committee. The concern is that smokable hemp may not contain the THC that produces marijuana's high, but it looks and smells just like marijuana. Allowing hemp growers and shops to sell the buds, along with oil extracts and other marketable products from the hemp plant, makes it nearly impossible to enforce the state's marijuana laws – negatively impacting the probable cause determination.

The House and Senate will reconvene on Monday July 8.

BILL STATUS

Senate Bill 344, Allow Common Area Entertainment ABC Permit, passed the Senate Rules Committee, was scheduled for consideration by the full Senate on Tuesday, but was removed from the calendar and sent back to the Senate Rules Committee. Apparently there is some concern with the definition of “shopping mall” used in the bill, and the Senate leadership would like to clarify this definition before the bill moves forward.

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.ncleg.gov.

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