

North Carolina Legislative Update, June 30, 2017

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This week the General Assembly worked through the final bills of the session as the chambers prepared for adjournment of the 2017 long session.

Budget (SB257)

Tuesday, Governor Cooper vetoed the Appropriations Act of 2017. Hours later the veto was overridden by both the Senate and House. The Senate voted down party lines, 34-14 to approve the override, whereas the House voted 76-43 with two Democrats voting in favor.

Convention of States (SJR36)

Thursday, the House considered a resolution that would add North Carolina to the list of states who have filed an application for an Article V Convention. Article V of the Constitution gives state legislatures the ability to hold a convention in order to submit amendments to the Constitution, by two-thirds (currently 34 of states) calling for such. Any changes made would need to be ratified by 38 states. This would have been the fourth application North Carolina submitted and the first since 1979. There has only been one constitutional convention, which took place in 1787. While 12 states have passed a similar resolution to the one considered in North Carolina, other states have passed bills calling for a "balanced budget amendment," causing confusion about where the count stands. The resolution failed by a vote of 53-59 on its second reading, but the House later voted 66-45 to allow it to be reconsidered. The resolution has been sent to the House Rules Committee and Speaker Tim Moore has indicated it could be heard again next year.

Impeachment

The House Rules Committee voted on Wednesday to approve a resolution to begin the impeachment process against Democratic Secretary of State Elaine Marshall. The resolution, brought forth by Representative Chris Millis (R-Pender), would open an investigation against the Secretary. As a result of a legislative request by the bill sponsor, allegations have been made against the Secretary that she has granted hundreds of non-citizens notary licenses. At a press conference in March, Millis claimed to have evidence that 320 non-citizens were licensed as notaries by Marshall's agency. Secretary Marshall has refuted these claims. The resolution has not yet been taken up by the full House.

Brunch Bill (S155)

One bill of notable interest that passed this past week is the Senate bill that would authorize restaurants and retail stores to sell alcohol beginning at 10am on Sundays. The bill would also

allow craft distilleries to sell up to five bottles of their liquor to visitors touring their facility. The bill has been sent to the Governor for his signature.

Renewable Energy (H589)

A bill that would rewrite North Carolina's renewable energy laws also made its way through the General Assembly this week. The proposal would allow third-party leasing for rooftop solar systems, allow Duke Energy to offer a limited community solar program to its customers, reinstate the green source rider program, open a competitive bidding process on renewable energy projects, and establish a solar rebate program, among other provisions. The bill, which was the result of a nearly year-long stakeholder process, passed through the House earlier this month with strong bipartisan support. The Senate made changes to the stakeholder bill, adding a four year moratorium on wind projects with no grandfathering clause for the two projects already in development in the northeastern part of the state. The compromise that emerged early this morning included an 18-month moratorium on the granting of wind energy permits without any grandfathering provisions. The rest of the stakeholder compromise was maintained in the final version. The bill now goes to Governor Cooper for his consideration.

Redistricting Committee

Legislative leaders Speaker Tim Moore and Senate President Pro Temp. Phil Berger have appointed members to the new Redistricting Committee. The committee will meet between sessions to draw new legislative maps because the current maps were ruled unconstitutional for racial gerrymandering. The 2017 adjournment resolution provides that the maps must be completed by November 15th. Senator Ralph Hise (R-Madison) and Representative David Lewis (R-Harnett) have been appointed chairs of the committee.

Adjournment Resolution

The adjournment resolution released and adopted Thursday evening calls for two more legislative sessions this year. The first will start on August 3rd and will allow for the consideration of outstanding conference reports, the possible override of any potential gubernatorial vetoes, and the consideration of new legislative maps. The second session will begin on September 6th and could also include appointments, veto overrides, referendums on constitutional amendments, impeachment proceedings, and consideration of the new legislative maps. The adjournment resolution also sets a November 15th deadline for the court-ordered legislative redistricting to be completed; it does provide that the lines will be completed earlier if the court so orders. The 2018 legislative session will begin May 16.

For more information, contact the Brooks Pierce Government Affairs Team, linked below.

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Marcus Trathen

Ed Turlington

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