



INTRODUCTION

Session Begins

This year's long session has begun, but we can expect a slow start. Both Senate leader Phil Berger and House Speaker Tim Moore said Wednesday that General Assembly action would be minimal this week and next. The House held skeletal sessions Thursday and expect to do the same on Monday and Tuesday, with the possibility of some committee meetings next week and a vote on the chamber's permanent rules on either Wednesday or Thursday.

For the first time since 2012, Republican leaders in the House and Senate will have to work with legislative Democrats and with the Governor to get things done, as the Republican's veto-proof majorities in both chambers have been broken. Fourteen of the 50 Senators are new this year, as are 25 of the 120 House members.

Rules Revisions and Session Schedule

In the House, changes have been made in the rules House members set for themselves. In an effort for greater transparency and more deliberation, this year's rules call for more public notice about proposals, a more predictable voting schedule and a slightly slower legislative process. House Rules Committee Chairman David Lewis said most bills will go through at least three committees before they are heard on the floor, with most floor debates being held on Wednesdays and Thursdays.

The House's new approach to their schedule will allow for Mondays to feature mostly afternoon Rules Committee meetings and a night session that often won't include recorded votes. "Tuesdays we're looking to make more of a committee day, so that committees can meet the entire day and take full time to vet the bills," Speaker Tim Moore said. Busier floor sessions will be held Wednesdays and Thursdays. "The idea is to really maximize the committee time, which is needed, and also to give some certainty as to when the floor votes are going to be," Moore said. "That's a departure from what has historically been done."



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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The proposed House permanent rules also set aside two vacation weeks when no votes will be taken: April 22-26 and July 1-6. House Rules Chairman David Lewis, said that so far, those weeks off apply only to the House.

Senate Majority Leader Harry Brown said he doesn't expect major changes in how the Senate functions this session. "Most of the time, we agree on things up here. It's just a few things that you don't [agree on] that you get all the headlines," said Brown. "I've always been able to work with [political opponents]. I'll continue to do that. I think most members feel the same way."

The Senate is revising its operating rules to ensure Democrats will have advance notice when veto override votes are scheduled. On Thursday, Senate Rules Chairman Bill Rabon filed Senate Resolution 10, which tweaks the rules to require that the minority leader, currently Sen. Dan Blue, be given 24 hours' notice "that a vetoed bill may be considered by the Senate." Rabon said that the updated rules were developed with input from Democrats. "These changes respond to some of the concerns that have been raised by the minority party," he said. "We don't want any surprises early on - or later on for that matter." The new Senate rules also require that proposed committee substitutes be distributed to committee members by 6 p.m. on the day before a vote is held. The House has had a similar deadline of 9 p.m. on the night before a committee meeting, but the Senate previously had no such rule.

Crossover day this session will be Thursday, May 9. In the Senate, local bills will have to be filed by Thursday, March 14. Public bills and resolutions must be filed in Senate by Tuesday, April 2. In the House, bills recommended by study commissions must be filed by Thursday, February 21. Bills recommended by state agencies must be filed in the House by Thursday, February 28. Local bills will have to be filed in House by Thursday, March 28. Public bills and Resolutions (Not Appropriations or Finance) must be filed by Thursday, April 16, and Public bills, including Appropriations and Finance will have to be filed in House by Tuesday, April 23.

Pate Replacement

The Republican Party has nominated retired Kinston businessman [Jim Perry](#) to complete the term of District 7 State Sen. Louis Pate. District 7 includes Wayne and Lenoir counties. Since most of the district voters reside in Wayne County, the votes were weighted in favor of Wayne County. Lenoir County had three voting delegates representing 198 votes at the meeting while Wayne County had 75 representing 409 votes.

Medicaid Expansion

Democrats introduced "clean" Medicaid expansion bills this week, holding a press conference calling on North Carolina to become the 38th state to enact expansion of the program to low-income adults. House Republicans are expected to re-introduce a plan to expand coverage that also includes provisions like premiums, lock-out periods, and work requirements that critics say would have a negative impact on coverage. Medicaid expansion is the top priority for Gov. Cooper as well. Asked when the legislative session would end, Lee Lilley, Cooper's director of legislative affairs, replied: "The session ends when we get Medicaid expansion."

School Construction

A Senate bill was introduced by Senators Brown, Harrington, and Krawiec that would increase the state contribution to the State Capital Infrastructure Fund from 4% to 4.5% of net tax revenues, which sponsors say will raise roughly \$2 billion for K-12 schools, community colleges, the UNC

system, and other state agencies over the next nine years. This approach contrasts with Speaker Moore's proposed \$1.9 billion bond measure, which critics have noted would cost \$1.2 billion in interest over 30 years. North Carolina has approximately \$8 billion in school construction and repair needs.

Elections Board

Gov. Cooper appointed members to the reconstituted elections board on Thursday. The Governor selected from nominees offered by the two major political parties. Three members are Democrats and two are Republicans, keeping with the tradition that the governor's party holds a majority of the seats.

The new board has elected Charlotte attorney Bob Cordle as chairman. He served on the Board for several years until 2013. Other Democratic members are recent board member Stella Anderson of Boone and Durham lawyer Jeff Carmon. The appointed Republicans are recent board member Ken Raymond of Winston-Salem and David Black, a Concord business executive. The new board consists of three former state board members, two of whom served on the most recent board that was dissolved after judges ruled the nine-member panel unconstitutional.

The election board's first order of business is to try and resolve the nation's last unsettled congressional race. The new board could declare a winner from the widely-disputed 9th Congressional District race, or could order a new election. State law requires three "yes" votes from the panel to certify a winner and four votes to order a new election. In a statement, the board said they plan to meet in February to consider evidence in the 9th Congressional District election and potentially vote. The board expects to set a specific date next week.

Please let us know if you have any questions, as always, we'll keep you posted as things develop. We have included the Chairs, Vice-Chairs and members of the standing Senate and House Committees for this session after the legislative report.

BILLS OF INTEREST

HOUSE BILL 3, Eminent Domain, would amend the State Constitution, if approved by a majority of voters at the primary election to be conducted in March 2020, to: (1) prohibit the taking by eminent domain of private property except for a public use only (currently, for public use or benefit which has been determined to include economic development projects); (2) require that just compensation be paid to the private property owner; and (3) allow either party to request that the amount of just compensation be determined by a jury. **Introduced by Representatives D. Hall, Lewis, Goodman, and McGrady and referred to the House Judiciary Committee.**

HOUSE BILL 5, Close the Medicaid Coverage Gap, would:

- repeal Section 3 of SL 2013-5, which prohibited any State entity from expanding Medicaid eligibility as provided in the Affordable Care Act and SL 2011-145;
- provide that individuals will be considered part of the Medicaid coverage gap and eligible for Medicaid benefits if the individual meets all of the following:
 - has a modified adjusted gross income that is at or below 133% of the federal poverty level;
 - is age 19 or older and under age 65;
 - is not entitled to or enrolled in Medicare benefits under Part A or Part B of Title XVIII of the federal Social Security Act; and

- is not otherwise eligible for Medicaid coverage under the North Carolina State Plan as it existed on January 1, 2019;
- require beneficiaries eligible for the Medicaid program under this section to receive benefits through an Alternative Benefit Plan that is established by the Department consistent with federal requirements, unless that beneficiary is exempt from mandatory enrollment in an Alternative Benefit Plan under 42 C.F.R. § 440.315;
- require co-payments for benefits provided under the Alternative Benefit Plan to be the same as co-payments required for Medicaid beneficiaries not under the Alternative Benefit Plan;
- direct the Department of Health and Human Services to provide coverage for individuals who are eligible for Medicaid benefits under the new provisions in a manner consistent with S.L. 2015-245 (Medicaid Transformation and Reorganization), as amended;
- declare the intent of the General Assembly to enact legislation during the 2019 Regular Session that will replace the Hospital Provider Assessment Act with a similar hospital provider assessment; and
- provide that, in developing this similar hospital provider assessment, it is the intent of the General Assembly to further impose upon these same hospital providers a Medicaid Coverage Gap Assessment that will pay for the State share of the program and administrative costs associated with Medicaid expansion.

Introduced by Representatives Adcock, Cunningham, Insko, and Farmer-Butterfield and referred to the House Health Committee.

HOUSE BILL 10, Repeal 2015 Law Relating to Monuments, would repeal Section 3(a) through (e) of SL 2015-170, which enacted and amended statutes concerning limitations on removal of objects of remembrance; State approval of memorials, monuments, and works of art; and the protection of objects of remembrance and historic landmarks. **Introduced by Representatives Harrison, Terry, Morey, and Alexander and referred to the House State and Local Government Committee.**

HOUSE BILL 14, Reconstitute Various Boards & Commissions, would reconstitute several boards and commissions held to have unconstitutionally appointed membership pursuant to *McCrary v. Berger* and *Cooper v. Berger*. All rules, regulations, and decisions made by the predecessor boards, commissions, and authorities reconstituted in this act would remain in full force and effect until and unless duly modified by the successor entities. **Introduced by Representatives McGrady, Torbett, Ross, and Harrison and referred to the House Judiciary Committee.**

SENATE BILL 3, Close the Medicaid Coverage Gap, is identical to House Bill 5, summarized above in this Legislative Report. **Introduced by Senators Clark, Blue, and Robinson and referred to the Senate Rules Committee.**

SENATE BILL 5, Building North Carolina's Future, would expand access to the State Capital and Infrastructure Fund and provide supplemental funding for local school administrative units and community colleges to address capital needs, including repair and renovation projects and school safety enhancements. The bill states the intent of the General Assembly intends to annually appropriate one-third of funds available in the State Capital and Infrastructure Fund each to State agencies, institutions of higher education, and local school administrative units through the 2027-2028 fiscal year. **Introduced by Senators Brown, Harrington, Krawiec and referred to the Senate Appropriations Committee.**

SENATE BILL 7, Bipartisan Ethics Appointments, would appoint the following persons to the State Ethics Commission upon the recommendation of the President Pro Tem of the Senate and the Speaker of the House:

- Dr. Clarence G. Newsome of Mecklenburg County for a term expiring on December 31, 2020;
- The Honorable Shirley Randleman of Wilkes County for a term expiring on December 31, 2022;
- The Honorable Carl J. Stewart, Jr. of Gaston County for a term expiring on December 31, 2020; and
- The Honorable Thomas "Roger" West of Cherokee County for a term expiring on December 31, 2022.

Introduced by Senator Rabon. The bill was approved by the Senate Rules Committee and will next be heard by the full Senate.

SENATE BILL 9, Female Genital Mutilation/Clarify Prohibition, would:

- make it a Class C felony to do any of the following:
 - knowingly circumcise, excise, or infibulate the whole or any part of the labia majora, labia minora, or clitoris of another person who has not attained the 12 age of 18 years;
 - for a parent, guardian, or other person responsible for the care of a minor, consent to the circumcision, excision, or infibulation, in whole or in any part, of the labia majora, labia minora, or clitoris of the minor;
 - for a parent, guardian, or other person responsible for the care of a minor, knowingly remove or cause or permit the removal of the minor from the State for the purpose of having the minor's labia majora, labia minora, or clitoris circumcised, excised, or infibulated;
- provide that a surgical operation is not a violation if the operation meets either of the following requirements:
 - the operation is necessary to the health of the person on whom it is performed and is performed by a person licensed in the State as a medical practitioner; or
 - the operation is performed on a person in labor who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in this State as a medical practitioner or certified nurse midwife, or a person in training to become licensed as a medical practitioner or certified nurse midwife; and
- provide that it is not a defense to prosecution that the person on whom the circumcision, excision, or infibulation is performed, or any other person, believes that the circumcision, excision, or infibulation is required as a matter of custom or ritual, or that the person on whom the circumcision, excision, or infibulation is performed consented to the circumcision, excision, or infibulation.

Introduced by Senators Krawiec, Sawyer, and Ballard and has not yet been referred to a Senate committee.

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