



## INTRODUCTION

### GOV. COOPER'S BUDGET

As expected, Gov. Cooper released his proposed budget this week. The Governor's budget would spend approximately \$34 billion in state funding, and include major investments in mental health support, teacher pay, state employee compensation, public education, child care funding, job training, infrastructure, and economic development.

The Governor's plan would make our state the top state in the southeast for teacher pay, with an average 18% raise for teachers over the biennium. On average, state employees would see an 8% raise over that same period. The budget would fully fund the remedial Leandro plan ordered by the Supreme Court for North Carolina's public schools, and includes funding for more school nurses, counselors, social workers, and school psychologists.

Gov. Cooper's plan hopes to use the \$1.8 billion federal sign-on bonus North Carolina will receive for expanding Medicaid to create the Improve Health Outcomes for People Everywhere (IHOPE) program to improve mental health and substance abuse services. The Governor proposes to use \$1 billion of the bonus to create this program, using the funds to increase Medicaid rates for behavioral health services over three years (\$225 million), improve access to mental health services in schools and throughout the state (\$175 million), fund additional behavioral health services for justice systems (\$150 million), improve behavioral health crisis support (\$200 million), improve health technology and data tracking (\$50 million), and more to improve access to mental health care.

As part of his plan to boost employment, Cooper has recommended \$1.5 billion for child care and early childhood education. This would include child care stabilization grants to ensure access to affordable early childhood education and would increase child care subsidy rates in some instances. The budget would also invest in services to connect employers and employees and provide funding for internships, credentialing, and pre-apprenticeships. The plan would invest in community colleges and universities, as well.



### NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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“We are at a historic moment with unprecedented opportunity to make ‘once-in-a-generation’ investments in our future,” said Governor Cooper. “North Carolina has built on our success to strengthen our place as first in opportunity, and we will continue that growth only by making sound investments in our families, workforce, schools and communities. Let’s take advantage of our unlimited potential to make sure every North Carolinian can thrive.”

While the Governor’s budget does not increase taxes and leaves nearly \$7 billion in reserves, the proposal doesn’t suit our Republican-led General Assembly. Legislative leaders have spoken out against the Democratic Governor’s proposal, calling it reckless and unrealistic. “This is an irresponsible, unserious proposal from a lame-duck governor,” Senate leader Phil Berger said in a statement. With that being said, it’s very unlikely you will see much of Gov. Cooper’s proposal in the House’s budget proposal which will be coming out soon. The House is expected to release their version of the budget next month, which will be the starting point for any prospective budget for this biennium.

### **STATE SUPREME COURT RECONSIDERS MAJOR CASES**

This past November, a majority of North Carolinians voted to change the makeup of the state Supreme Court from majority Democrat to majority Republican. On their way out, the 4-3 Democratic majority ruled on a couple of controversial and partisan cases. Now that the 5-2 Republican majority is in place, the new Court has decided to reconsider the previous Court’s rulings. We knew a change such as this would likely shed new light on old fights in this state regarding redistricting and voter ID requirements, but perhaps we didn’t know just how fast this new body would shake things up. In two days’ time the state Supreme Court has done twice what has only been done twice in the past 30 years: rehear a case that had already been decided by the state Supreme Court.

The cases getting a do-over deal specifically with gerrymandering and voter identification requirements at the polls. The first to be reheard was the gerrymandering case which could have a major impact on the Republican-led General Assembly’s redistricting plans later this year. Just three months ago, the outgoing Democratic majority state Supreme Court ruled that partisan gerrymandering is forbidden under our state’s constitution. The new 5-2 Republican majority has decided to revisit this question. Should the new state Supreme Court determine partisan gerrymandering is not unconstitutional, the future of redistricting in this state could drastically change. Our state has a long history of challenged redrawn maps and drawn-out redistricting processes. If this ruling is reversed, court cases around partisan gerrymandered maps could become few and far between.

The following day, the Court reheard a case regarding a 2018 voter ID law. The previous edition of the court ruled to uphold a trial court’s ruling that declared the voter ID law unconstitutional. Thus, this 2018 law has never been implemented. If this ruling is reversed, our state could see this voter ID law in place as early as the next election. The Court could also send this back to a trial judge with a new set of standards to consider the legality of this law. The Court has not indicated a timeline for rulings on either of these cases.

### **GUN BILL**

A controversial gun package has passed the General Assembly, following a heated debate on the House floor this week. Among other things, Senate Bill 41, Guarantee 2nd Amend Freedom and Protections, would repeal the requirement to obtain a pistol purchase permit from a sheriff prior to the purchase or transfer of a pistol. Supporters argue this is a necessary measure to ensure our 2nd amendment rights are upheld and that gun sales are not slowed down by obtaining this permit that

can sometimes take weeks to receive. Opponents of the repeal say this unnecessarily endangers the public and removes an effective, simple backstop. A pistol purchase permit requires the local sheriff to perform background checks and to use their discretion to determine if there is any threat to providing the applicant with the permit. This is exceptionally helpful in certain cases because local sheriffs have more intel on their locals than the information that can be pulled from the federal background check, specifically regarding instances of domestic violence or involuntary commitments.

Given the seriousness of the topic, some Democratic members wished to offer amendments to this bill on the floor. Speaker Moore did not allow for any amendments to the bill, which caused frustration for many members of the minority party. House Minority Leader Robert Reives, sharing his Democratic colleagues' frustration, spoke out on the floor over the way House rules were being used to stifle debate. "I would concur that we're getting to an uncomfortable point," Reives said. "And I hope folks recognize, at some level, there's got to be recognition there are other people in the room. And we can choose not to, don't have to, because under our North Carolina statutes, if you're in the front of this body, you can do whatever the heck you want. But I think it would be good, going forward, for us to really have conversations about getting heard." Reives used his three minutes given to him under the rules to address his caucus, as well: "I know you're mad as hell, but these are the rules," Reives said. "I just want to make sure that we were clear on that, and I want to be clear publicly, so there's no discussion later about any confusion about what did or didn't happen, or what we did or did not try."

Republican leaders used the House rulebook even more to minimize floor discussion by calling to "move to the previous question," which essentially ends debate and calls for the vote. The bill passed 70-44, picking up a few Democratic votes. It is now headed to the Governor, who has previously vetoed proposals included in this legislation.

## **BILLS OF INTEREST**

HOUSE BILL 287, Educate Patients About Opioid Antagonists, would:

- require that health care providers and pharmacists educate patients with prescriptions for opioid pain medications and medications to treat opioid use disorder about the potential dangers of opioids, overdose prevention, and the availability and use of opioid antagonists to prevent overdose deaths;
- provide that nothing in this legislation would limit a practitioner's liability for negligent diagnosis or treatment of a patient.

**Introduced by Representatives Sasser, K. Baker, White, and Potts and referred to the House Health Committee.**

HOUSE BILL 298, Criminal Falsification of Medical Records, would: (1) create the offense of willful destruction, alteration, or falsification of medical records; and (2) provide that violations of this legislation would be a Class H or I felony or Class A1 misdemeanor. **Introduced by Representative Pless and referred to the House Judiciary 2 Committee.**

HOUSE BILL 347, Sports Wagering, would allow persons age 21 and over to engage in sports wagering placed via an interactive account on professional and college sports in North Carolina and provide regulations for the same. The bill would prohibit sports wagering: (1) involving youth sports; and (2) on the occurrence of any of the following: injuries; penalties; the outcome of disciplinary proceedings against a participant in a sporting event; or the outcome of replay reviews.

**Introduced by Representatives Saine, Bell, Hawkins, and Clemmons and referred to the House Commerce Committee.**

HOUSE BILL 354, Chiropractic Assistant Modifications, would expand the scope of services allowed by eligible Chiropractic Clinical Assistants as long as the licensed services are under the direct supervision of a licensed chiropractor. The new services would include: (1) chiropractic adjustments; (2) manual therapy; (3) nutritional instruction and (4) counseling. **Introduced by Representatives White and Sasser and referred to the House Health Committee.**

HOUSE BILL 356, Full Repeal of HB2, would repeal Article 81A of Chapter 143 of the General Statutes (Preemption of Regulation of Access to Multiple Occupancy Restrooms), which preempts State agencies, boards, offices, departments, institutions, branches of government, including The University of North Carolina and the North Carolina Community College System, and political subdivisions of the State, including local boards of education, from regulation of access to multiple occupancy restrooms, showers, or changing facilities, except in accordance with an act of the General Assembly. **Introduced by Representatives Butler, Morey, Longest, and K. Brown and referred to the House Rules Committee.**

HOUSE BILL 358, Increased Security/Privacy for NC Legislators, would enact the North Carolina Legislative Privacy Act to improve the security and privacy of legislators of the North Carolina General Assembly (NCGA) to ensure those legislators are able to legislate without fear of personal reprisal from individuals affected by the decisions made in carrying out the legislator's duties. The bill would:

- prohibit:
  - government agencies from publicly posting or displaying publicly available content that includes a legislator's personal information, if the government agency has received a written request from the legislator that it refrain from disclosing the legislator's personal information;
  - any person, business, or association from publicly posting or displaying on the internet publicly available content that includes a legislator's personal information if the legislator has made a written request to the person, business, or association that it refrain from disclosing the personal information; and
  - any person, business, or association from soliciting, selling, or trading on the internet a legislator's personal information with the intent to pose an imminent and serious threat to the health and safety of the legislator or the legislator's immediate family;
- make it a Class C felony for a person to knowingly and publicly post on the internet the personal information of a legislator or member of the legislator's immediate family if (1) the person knows or reasonably should know that publicly posting the personal information poses an imminent and serious threat to the health and safety of the legislator or member of the legislator's immediate family and (2) the violation is a proximate cause of bodily injury or death of the legislator or a member of the legislator's immediate family; and
- provide \$3.3 million to the General Assembly Special Police to be used at the request of a member of the North Carolina General Assembly to make security improvements to the member's primary residence, district office, or both; and in an amount not to exceed \$15,000 per member of the NC General Assembly.

**Introduced by Representative Alexander and referred to the House Appropriations Committee.**

HOUSE BILL 362, Fix Our Democracy, would include provisions to:

- amend the North Carolina Constitution to establish a nonpartisan redistricting process;
- reenact legislation that established a nonpartisan method for judicial elections;
- extend the waiting period for former legislators who become lobbyists;
- eliminate the requirement for wet ink registration;
- provide for online voter registration, and appropriate funds for that purpose, and automatic voter registration;
- increase transparency by requiring adequate notice of meetings of all legislative committees and sessions occurring in the legislative complex and requiring live video and audio streaming of all legislative committee and commission meetings and sessions occurring in the legislative complex;
- ensure voting places on certain college campuses;
- prohibit voter roll purging;
- make various changes to the campaign finance laws regarding transparency in sources of spending, digital advertisement campaigns, protections against foreign interference in elections, and limiting Super PAC influence;
- reestablish public financing for judicial campaigns; and
- restore citizenship rights of certain offenders.

**Introduced by Representatives Clemmons, Willingham, T. Brown, and Hawkins and referred to the House Rules Committee.**

HOUSE BILL 365, Require That Jurors Be US Citizens, would require a person to be a United States citizen to qualify to serve as a juror in this State. **Introduced by Representatives Cleveland, Crutchfield, Carson Smith, and Sossamon and referred to the House Judiciary 1 Committee.**

HOUSE BILL 367, Medical Debt De-Weaponization Act, would:

- provide that all large health care facilities are required to develop a written Medical Debt Mitigation Policy (MDMP);
- require the MDMP to include a written financial assistance policy that applies to all emergency and other medical health care services offered by the covered health care provider;
- require the MDMP to include a plain language summary of the financial assistance policy;
- require the MDMP to include reasonable steps that the provider must take to determine whether a patient is eligible for financial assistance;
- require the MDMP to include the billing and collections policy.

**Introduced by Representatives Goodwin, Cotham, Miller, and Pierce and referred to the House Appropriations Committee.**

HOUSE BILL 372, Safeguard Fair Elections Act, would enact a variety of provisions regarding elections, including provisions to:

- provide increased protections for voters and elections officials against various forms of interference with an election;
- allow a person aggrieved by a violation to bring an action for preventive relief, including an application in a district court for a permanent or temporary injunction, restraining order, or other order;
- establish the Voter Intimidation Restitution Fund with funds to be allocated to the State Board of Elections and used in voter education campaigns addressing the specific crime committed by anyone convicted of violations;

- prohibit a public official from performing or communicating the intention to perform an official act in which that official, without substantial evidence, refuses to certify the actual results or count of an election;
- prohibit a public official from providing funding for or participating in a post-election audit or review that fails to comply with the best practices required;
- require the State Board of Elections to conduct a risk-limiting audit after the general election in each county (however, the audit would not change the results of an election); and
- appropriate funds to the State Board of Elections for certain purposes, including biennial security training for election officials and their immediate family member and establishing a new threat management capability for monitoring all-source information.

**Introduced by Representatives Dahle, Morey, Liu, and Rudow and referred to the House Rules Committee.**

HOUSE BILL 382, Registered Nurses in Schools, would allow any person licensed as a registered nurse under Article 9A of Chapter 90 of the General Statutes that has at least two years' experience serving in a hospital or health clinic to serve in the role of a school nurse. The bill provides that no other requirement to possess or promise to obtain any other certification or license can be required as a condition of serving in that role. Registered nurses would be paid under the certified school nurse pay scale established by the State Board of Education. **Introduced by Representatives Bradford, White, Cotham, and Cunningham and referred to the House Education K-12 Committee.**

HOUSE BILL 386, Increase Permissible Interstate Speed Limit, would authorize the Department of Transportation to increase the speed limit to 75 miles per hour upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality) where it is reasonable and safe to do so, and would make other conforming changes in light of the increased speed limit. **Introduced by Representatives Lowery and Biggs and referred to the House Transportation Committee.**

HOUSE BILL 387, Medal of Valor for Emergency Responders, would create the medal of valor award for first responders upon recommendation from the highest-ranking official within a department or agency. **Introduced by Representative Miller and referred to the House State Government Committee.**

HOUSE BILL 388, Increase Threshold/Cash Campaign Contribution, would increase the threshold for reporting the identity of a campaign contributor from \$50 to \$100, and raise the financial threshold for accepting a monetary donation from a donor that does not need to be a form of a check, draft, money order, credit card charge, debit, or other noncash method that can be subject to written verification from \$50 to \$100. **Introduced by Representative Cleveland and referred to the House Election Law and Campaign Finance Reform Committee.**

HOUSE BILL 389, NCGA/Safe Workplace Policy, would direct the Legislative Services Commission and the Legislative Ethics Committee to jointly develop, adopt, and implement "zero tolerance" policies regarding sexual harassment, abuse, misconduct, gender discrimination, and all other forms of improper workplace behaviors by no later than December 31, 2023. The bill would require the LSC to contract with an independent third party to provide the following services: (1) confidential information and advice to individuals who report improper workplace behavior; (2) investigative support and advice to the designated employee receiving and investigating reports of misconduct; and (3) investigative actions. In addition, the bill would provide \$250,000 to the

Legislative Services Commission to implement these provisions. **Introduced by Representative Prather and referred to the House Appropriations Committee.**

HOUSE BILL 396, [Repeal Participation in ERIC](#), would repeal the authorizations for and prohibit the State Board of Elections from entering into any agreement, membership, or other participation in the Electronic Registration Information Center (ERIC) unless approved by an act of the General Assembly. **Introduced by Representative Setzer and referred to the House Election Law and Campaign Finance Reform Committee.**

SENATE BILL 297, [Increase Access for Small Employers/Insurance](#), would increase access to stop loss, catastrophic, and reinsurance coverage for small employers who employ more than five (5) employees (current law requires 20 or more employees). **Introduced by Senators Johnson and Craven and referred to the Senate Rules Committee.**

SENATE BILL 298, [DMV Bone Marrow Donor Solicitation](#), would require the Division of Motor Vehicles (DMV) to solicit enrollment in the National Marrow Donor Program Registry through DMV's applications for identification cards, driver's licenses, learner's permits and renewals. The bill would define "organ" to mean a human kidney, liver, heart, lung, pancreas, bone marrow, cornea, eye, bone, and skin or any subpart of an organ, including tissue, and any other human organ. **Introduced by Senators Adcock, Woodard, Krawiec and referred to the Senate Rules Committee.**

SENATE BILL 306, [Fix Our Democracy](#), is identical to House Bill 362, summarized above in this Legislative Report. **Introduced by Senators Marcus, Mohammed, and Salvador and referred to the Senate Rules Committee.**

SENATE BILL 310, [Solving the Preceptor Crisis](#), would:

- direct the North Carolina area health education centers to study impediments to the availability of community-based preceptors;
- require that NC AHEC provide an interim report to the Joint Legislative Education Oversight Committee and Joint Legislative Oversight Committee on Health by April 1, 2024;
- require NC AHEC to survey other states to identify the best innovative and effective approaches to address preceptor shortages for medical students, nurse practitioner students, physician assistant students, and prelicensure nursing students;
- require NC AHEC to request and report on the current approaches to identifying, engaging, financing and evaluating clinical training sites and how schools use tuition funding to cover their students' costs related to clinical placements and training;
- require NC AHEC to assess the capacity of NC and nearby states for clinical training sites, in consultation with the NC Healthcare Association, the NC Community Health Care Association and clinically integrated networks;
- appropriate \$250,000 in nonrecurring funds in 2023-2024 and \$250,000 in nonrecurring funds in 2024-2025 to fund the study.

**Introduced by Senators Adcock, Woodard, and Lee and referred to the Senate Appropriations Committee.**

SENATE BILL 313, [Safeguard Fair Elections Act](#), is identical to House Bill 372, summarized above in this Legislative Report. **Introduced by Senators Chaudhuri, Murdock, and Mayfield and referred to the Senate Rules Committee.**

SENATE BILL 314, Insufficient Fund Tax Payment Fee Mod., would set a \$35 penalty for a tax payment that is returned for insufficient funds or nonexistence of an account to replace the current penalty of \$25.00 or 10% of the amount of the check or electronic invoice, whichever is greater, subject to a maximum of \$1,000. **Introduced by Senators Mayfield and Daniel and referred to the Senate Rules Committee.**

SENATE BILL 321, Medical Debt De-Weaponization Act, is identical to House Bill 367, summarized above in this Legislative Report. **Introduced by Senators Krawiec, Ford, and Burgin and referred to the Senate Rules Committee.**

## LEGISLATION ENACTED

SENATE BILL 115, Repurpose R.J. Blackley Center as Psychiatric Hospital, for children and adolescents, was signed into law on March 10, 2023, effective the same date. It is now Session Law 2023-3. **Effective: March 10, 2023.**

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