



North Carolina General Assembly

2018 Short Session Recap

The 2018 North Carolina General Assembly short session saw heated debates over hog farms, almond milk, school segregation, voting rights, and the powers of a governor who handed down a record-breaking number of vetoes. Lawmakers ended their session after less than seven weeks by putting six constitutional amendments on the fall ballot, the most in decades. Republicans have a supermajority in both chambers of the General Assembly that allowed them to pass legislation over Democratic Gov. Roy Cooper's vetoes.

That included Cooper's veto of the 2018-19 state budget. The spending plan gives state employees at least a 2 percent raise and some will get more, including correctional officers in prisons at about 4 percent, the average teacher at 6.5 percent, principals at nearly 7 percent and Highway Patrol troopers at 8 percent. Cooper criticized the spending plan for not doing enough to fund public education and for an unusual process that didn't allow for amendments after the budget emerged from negotiations among top Republicans.

Democrats are trying to flip enough seats this November to allow Cooper's vetoes to stand. The potential that they could succeed, in what looks like a favorable election year for Democrats, helped shape the legislative session.

In the past 20 years, there have been just seven constitutional amendments. This year, there will be six on a single ballot. The last time a legislature proposed these many amendments was in the 1980s, and then the number was split between the primary and general election. The amendments would cap the state income tax at 7 percent, require photo ID to vote in person, expand crime victims' rights, add legal protections related to hunting and fishing, give lawmakers power to choose elections board members and other appointees and give them a major role in appointing judges to vacant seats.

Below is a breakdown of some of the noteworthy proposals that did and didn't make it into law this session.

New Laws

- **Build NC Bond Act:** This law passed and was signed by the Governor. It allows NCDOT to request up to \$300 million/year for a 10-year period to access debt capacity in the Highway Trust Fund for road projects. 50 percent of the money requested annually will go to regional projects and

50 percent to local projects. The bill would allow continued acceleration of road building projects. ACEC/NC was part of a key coalition of industry stakeholders that fought for the Bill.

- **Transit Funding:** Transit advocates, those pushing for the Durham-Orange light rail project, saw passage of a Technical Corrections Bill that may allow the project to move forward. Previous budget language had mandated that Federal Funding be secured prior to any commitment of state funds to the project. The problem was that Federal funds are only allocated after State and Local matches are secured. By correcting language in the budget to allow State Funds to be allocated upon commitment of Federal funds, the project may be able to move forward. The Bill, however, also capped funds to Durham-Orange at \$190 million, less than the \$250 million per formula. ACEC/NC was again part of an industry coalition working towards the compromise.
- **Farm Act:** This law passed over Cooper's veto limits when and how neighbors of farms and forestry operations can file nuisance suits and creates tougher restrictions for neighbors wanting to sue. This is a response to a \$50 million jury verdict -- later reduced -- against pork giant Smithfield, one of dozens of lawsuits working their way through the courts now over smells and other impacts brought on by hog farms. The bill also brought debate on whether dairy-free milk substitutes should be labeled as milk. Makers of the plant-based products such as soy, almond and coconut beverages now won't be able to label them as milk.
- **Opioids:** The Heroin and Opioid Prevention Enforcement Act puts money toward addiction programs and allows greater police access to the state's prescription database during investigations. Some patients and doctors worried the access is a violation of privacy; supporters including lawmakers and Attorney General Josh Stein said the bill would help combat the opioid epidemic.
- **Rape kit tracking:** A rape kit tracking system was approved overwhelmingly after law enforcement reported having 15,160 untested rape kits. Stein has said testing one kit costs \$700. Some lawmakers tried unsuccessfully to add more money for testing.
- **Gifted classes:** Low-income students will now have better access to advanced math classes. Public schools will now be required to give students who earn the highest score on state math exams the opportunity to take advanced classes. Both Republican and Democratic lawmakers said the bill passed as a response to a Charlotte Observer and News & Observer series, "Counted Out," which revealed that thousands of bright, low-income kids were being excluded from advanced classes.
- **Charter schools:** A bill that set off a flurry of debate allows four majority-white, suburban towns outside of Charlotte to create charter schools and give preference to the town's residents. Lawmakers separately allowed cities to fund their local schools. Charter schools have already faced criticism over segregation, and critics said this proposal would create racially segregated schools. Supporters said Charlotte-Mecklenburg Schools isn't responsive to those towns.
- **Early voting:** Republicans attempted to eliminate voting hours on the final Saturday before Election Day, but later restored those Saturday hours for the 2018 elections. African-Americans tend to disproportionately vote on the Saturday before elections.
- **GenX:** A chemical being released into the Cape Fear River by the company Chemours, GenX has found its way into some North Carolinians' drinking water. A bill aiming to address the pollution was added to the state budget; some environmentalists criticized it as inadequate.

Bills that didn't become law

- **In God We Trust:** Under one bill, schools would have been required to display signs that say, "In God We Trust," the national motto, and the state motto, "To Be Rather Than to Seem" in Latin and English. The bill would have no effect on prayer or religious teachings in schools; it was

inspired by similar bills in other Southern states. The bill passed the House but wasn't considered in the Senate.

- **Arming teachers:** Some lawmakers wanted to let teachers who go through firearms training carry concealed handguns in schools. But bills to do that never came up for hearings or votes.
- **Movies in schools:** This proposal would have required schools to report which movies were shown in classes during parts of the past school year. It upset teachers because many felt it insinuated they put films on in lieu of teaching rather than as educational resources. After facing heavy criticisms from teachers across the state the bill died in committee.
- **Universal health care:** In a surprising twist, Rep. Verla Insko, D-Orange, killed her own bill calling for the creation of a state-run health care system. The bill had been sitting in a committee for over a year before Republicans brought it up for consideration. The GOP highlighted the bill's huge cost and said it would hurt the state's economy.
- **Interior Design Licensure:** Under this Bill, Interior Designers would create a licensing system that would allow them to essentially sign and seal drawings and submit those to local jurisdictions for approval. This Bill was opposed by a coalition of AIA/NC, ACEC/NC, and CAGC. But the bill's overreach, allowing ID's to seal work in every occupancy classification in the building code, lack of regulatory oversight, and allowing interior designers "majority ownership" in an architectural partnership created the potential for significant erosion of the protections afforded the public. With that realization becoming clearer to our legislators, the Senate chose to let the bill die in committee.
- **Job Order Contracting:** Many public entities, particularly school districts, utilize buying cooperatives to purchase supplies and materials. This practice has been extended to roofing materials under the guise of cost efficiency. For example, a roof manufacturer writes a proprietary specification for a cooperative to purchase roofing materials through competitive bidding. The manufacturer is not a licensed professional engineer and does not consider other factors affecting the roof design (uplift, structure, drainage, etc.) creating a serious risk to health and public safety should a roof collapse occur. The proposed legislation would legalize what essentially is an Open-end Job Order Contracting method for construction, like Federal IDIQ Contracts in the engineering field. It circumvents the open public bidding process by using Cooperative Purchasing Agreements. ACEC/NC was part of a coalition with CAGC, AIA/NC, and public universities opposing this bill. Due to the A/E/C industry opposition, the Senate chose to let the bill die in committee.