



INTRODUCTION

When session ended last week, following a chaotic budget process in the House, expectations were this week would be relatively uneventful. The Memorial Day holiday precluded action on Monday, the House held a no-vote session on Tuesday and no committees met that day. The Senate Appropriations subcommittees reviewed the House budget briefly on Wednesday but took no action on their own budget. By the end of the week, however, some of the most contentious votes of the session on some of the most controversial issues of our time had been taken, and the Governor had issued his first veto of the session. A number of noncontroversial bills dealing with women and children's safety were added to a House bill about abortion restrictions and run through the Senate process, to the ire of many sponsors and advocates of those unrelated bills, some of whom felt compelled to vote against the entire bill (a vote which will likely come up in their next campaign, which many felt was the whole purpose of combining the issues in the first place).

At the same time as the abortion bill was being heard in the Senate, a bill that would allow court officials to opt out of marriage duties so they would not have to perform now-legal same-sex marriages was being heard in the House. Senate Bill 2 is a top priority of Senate President Pro Tem Phil Berger, who promised before session began to address the issue and filed the bill himself, and many expected the House to hold the bill until negotiations with the Senate over the budget and other issues were underway. The vote coming so quickly after the House budget vote led many to conclude it was being considered to appease some members of the majority caucus who voted for the budget despite feeling it was not conservative enough. It passed the House on 2nd and 3rd reading by votes of 65-45 and 67-43 on Wednesday and Thursday, with a handful of members breaking from their caucus' position. On Thursday afternoon, just hours after it was passed by the House on 3rd reading, Governor McCrory vetoed the bill, saying in a statement:

“For many North Carolinians, including myself, opinions on same-sex marriage come from sincerely held religious beliefs that marriage is between a man and a woman, however we are a nation and a state of laws. No public official who voluntarily swears to support and defend the Constitution and to discharge all duties of their office should be exempt from upholding that oath.”



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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The veto was consistent with the Governor's previous public comments about the bill, and his decision was likely helped by the relatively low number of votes for the bill in the House. House Speaker Tim Moore and Senate President responded to the veto by saying that they "respect but disagree with the governor's decision," and added their view that "a majority of the people's elected representatives in both chambers agreed that this bill strikes an appropriate balance between the expansion of rights for some and our constitutionally-protected freedom of religion." A 3/5 majority (60%) of each chamber would have to vote to override the veto for the bill to become law, and efforts are certainly underway to line up those votes. In the Senate where the bill passed with 67% of the vote (32-16) an override is likely. In the House the margins are much closer – the bill passed with 59% (65-45) of the vote on Wednesday and 60.9% (67-43) of the vote on Thursday. On both days 10 members were absent – 5 Republicans, 1 Unaffiliated, and 4 Democrats. It is also possible that Speaker Moore will put the bill in what was referred to as the "veto garage" during Speaker Tillis' tenure – always available to be brought forward if the right ratio of supporters to opponents is in the chamber, and if the politics at the moment lead him to decide the time is right.

Next week, an effort to whip the votes necessary to override the Governor's veto of Senate Bill 2 will certainly be underway, just as the Senate begins to unveil its budget (which is expected to be drastically different from the House version and include a significant number of major policy changes). Given those two facts alone, next week may be ever more newsworthy than this one - as short and uneventful as it seemed at first - turned out to be.

BILL UPDATES

HOUSE BILL 222, Retention Elections/Supreme Court, was amended in the Senate Redistricting Committee to remove Court of Appeals judges from the proposed retention election requirement to leave only the NC Supreme Court Justices. This was seen as very partisan since many of the Court of Appeal Judges are Democrats. **The bill as amended was approved by the Senate Redistricting Committee and was approved in a first vote by the full Senate, with the final vote to be held next week. If approved, the bill will next be sent back to the House to consider the changes made by the Senate.**

HOUSE BILL 465, Women and Children's Protection Act of 2015, as passed by the House and summarized in previous reports dealt solely with abortion-law changes (including extending from 24 to 72 hours the required waiting period for abortions). The proposed committee substitute (PCS) for the bill unveiled this week by the Senate includes many other provisions that also appear in unrelated bills filed earlier in the session, dealing with issues including statutory rape, maternal mortality and domestic violence. A new provision would make it unlawful for a physician who is not board certified or eligible to be board certified in obstetrics or gynecology to advise, procure, or cause a miscarriage or abortion, unless the abortion is performed in response to a medical emergency (the definition is the same as current law except changing the 24 hour wait to 72 hours). The bill would also require any physician who performs an abortion (including those performed during a medical emergency) to provide certain information to DHHS for statistical purposes, including the method used to determine the probably gestational age of the unborn child at the time the procedure is to be performed, the results of the methodology, including the measurements of the unborn child, the ultrasound image of the unborn child that depicts the measurements and the ultrasound image. The patient and physician information would be protected and not a public record.

Efforts to separate the controversial abortion-related provisions from the rest of the bill were unsuccessful, and the bill passed the Senate Judiciary II Committee and the full Senate on 2nd reading this week by a vote of 40-8. A final vote in the Senate is anticipated on Monday before the bill is returned to the House for a concurrence vote (meaning, whether the House agrees with the changes the Senate made. If the House votes not to concur, a conference committee made up of members from each chamber would be assigned to craft a compromise version the House and Senate would each then have to approve. If the House does vote to concur, the bill would be sent to the Governor). **The bill was approved by the Senate Judiciary II Committee and the full Senate on 2nd Reading. A final vote in the Senate is scheduled for Monday.**

LEGISLATION ENACTED

HOUSE BILL 892, 2015 Speaker and PPT Appointments, appoints persons to various boards and commissions based upon the recommendations of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The legislation appoints Representative Dan Bishop of Mecklenburg County (to fill the unexpired term of Tom Murry) and Representative Larry Yarborough of Person County (to fill the unexpired term of Mark Hollo) to the Justus-Warren Heart Disease and Stroke Prevention Task Force for terms expiring on June 30, 2015. **Effective: May 28, 2015.**

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