



INTRODUCTION

A lot happened in the North Carolina political world last week. The pace of session continues to be swift, with optimism for a (relatively) early adjournment mostly unabated.

Primary Election

Last Tuesday, a second primary election was held for North Carolina's 13 Congressional districts. These races were under new maps drawn earlier this year when the current districts were struck down by a federal 3-judge panel for being illegally gerrymandered on racial grounds. The new maps were challenged as being politically gerrymander, however the panel rejected the challenge less than a week before the primary, though they made their opinion of the deliberate use of partisan factors in the creation of districts known. "The Court's denial of the plaintiffs' objections does not constitute or imply an endorsement of, or foreclose any additional challenges to, the Contingent Congressional Plan," however "the Court's hands appear to be tied" by a U.S. Supreme Court ruling in a similar case.

On Tuesday, the most-watched race was in the 2nd District, where two incumbent members faced off in the newly-drawn district. Rep. Renee Ellmers, a former Tea Party darling, came under attack from national groups that felt she had become too much a part of the establishment. In the end Rep. George Holding won the district with roughly 50% of the vote, with Ellmers and former U.S. Senate candidate Greg Brannon splitting the remaining vote. Ellmers' defeat garnered additional national attention as she was the only incumbent endorsed by GOP Presidential Nominee Donald Trump.

In other races, incumbent Rep. Alma Adams cruised to a win in the new NC12 (which previously stretched from Charlotte to her home city of Greensboro), despite the new district being completely contained in Mecklenburg County and Rep. Adams' residency being highlighted by her opponents. Former State Senator Malcolm Graham and three current State House members, all from Charlotte, were among the candidates Rep. Adams defeated.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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Several other General Assembly members also ran in the new NC13, yet first-time candidate Ted Budd claimed victory in a 17-person field. Budd won with less than 10% of the vote, however with no runoff election this year he becomes the GOP nominee and is expected to win the Republican-friendly district easily in November.

While Tuesday's election was a primary and the November general election is still to come, the new maps give clear advantage to one party in each district, and the current 10-3 Republican majority in the delegation is likely to be preserved. The State Supreme Court primary set up a contest between current Associate Justice Robert Edmunds and Wake County Superior Court Judge Mike Morgan. Justice Edmunds is part of the 4-3 conservative majority on the State Supreme Court, and his reelection will be a major priority for Republicans in November.

Coal Ash

On Monday, Gov. McCrory vetoed the Coal Ash Regulation Bill after its passage in the General Assembly the previous week. This is the Governor's sixth veto, four of which have been overridden. Both chambers passed the Bill with enough votes to override the governor's veto and were expected to take a vote this week. In a surprising turn, Senate President Pro Tempore Phil Berger's office released a statement on Thursday that he and Senate Rules Committee Chairman Tom Apodaca had met with Duke Energy to inform the company that it is unlikely that the Senate will take up a vote to override the governor's veto. Instead Senate leadership plans to work with Gov. McCrory to address his concerns and ensure the swift delivery of clean drinking water to impacted households while avoiding the lawsuit threatened by Gov. McCrory in the event of an override. On Thursday night, Rep. Chuck McGrady, the lead House sponsor of the bill, posted on social media that he was "Starting to work on a new coal ash bill" which will include piping water to those living near basins & more use of coal ash in cement."

Regulatory Reduction Act

The Senate Regulatory Reduction Act passed through the Senate Rules and Operations Committee on Wednesday after a controversial provision that would have expanded the number of bottles a distillery could sell to those who take a tour of their facility was removed. In its current form, the Act would repeal the State's electronics recycling program, giving residents the option to dispose of electronics in landfills instead. Additionally, it would repeal 10 environmental reports while combining 13 others and halt annual motor vehicle emissions testing in eight counties. The Act has been placed on the Senate calendar for Monday, June 13. The House version of Regulatory Reform passed two committees this week and is expected to be heard on the House floor early next week.

BILLS OF INTEREST

HOUSE BILL 1148, Gun Rights Amendment, would amend the State Constitution, if approved by a majority of voters in a statewide election held in November 2016, to repeal the provision that allows the General Assembly to prohibit the carrying of concealed weapons. The bill would:

- allow any person who is a citizen of the United States and is at least 21 years old to carry a concealed weapon in this State unless provided otherwise by law;
- make it unlawful for a person who meets any of the following criteria to carry a concealed weapon:

- is ineligible to own, possess, or receive a firearm under the provisions of State or federal law;
- is under indictment or against whom a finding of probable cause exists for a felony;
- has been adjudicated guilty in any court of a felony, unless (i) the felony is an offense that pertains to antitrust violations, unfair trade practices, or restraints of trade or (ii) the person's firearms rights have been restored;
- is a fugitive from justice;
- is an unlawful user of, or addicted to, marijuana, alcohol, or any depressant, stimulant, or narcotic drug, or any other controlled substance;
- is currently, or has been previously adjudicated by a court or administratively determined by a governmental agency whose decisions are subject to judicial review to be, lacking mental capacity or mentally ill. Receipt of previous consultative services or outpatient treatment alone shall not disqualify any citizen under this subdivision;
- is or has been discharged from the Armed Forces of the United States under conditions other than honorable;
- is or has been adjudicated guilty of or received a prayer for judgment continued or suspended sentence for one or more specified crimes of violence constituting a misdemeanor;
- has had entry of a prayer for judgment continued for a criminal offense that would make it unlawful under this section for the person to carry a concealed weapon;
- is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime that would make it unlawful under this section for the person to carry a concealed weapon; or
- has been convicted of an impaired driving offense within three years prior to the date on which the person is carrying the weapon;
- make it a Class 2 misdemeanor for a first offense and a Class H felony for a second or subsequent offense for unlawfully carrying a concealed weapon;
- require a person, when carrying a concealed weapon, to also carry valid identification and disclose to any law enforcement officer that the person is carrying a concealed weapon when approached or addressed by the officer and to display the proper identification upon the request of a law enforcement officer;
- make it unlawful to carry concealed weapons into assemblies and establishments where alcoholic beverages are sold and consumed when property owner posts that no concealed carry is allowed; however, there are 18 classes of individuals to which this would not apply;
- make it unlawful for any person to possess, or carry, whether openly or concealed, any deadly weapon not used solely for instructional or officially sanctioned ceremonial purposes in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or on the grounds of any of these buildings, with various exceptions provided;
- make it unlawful for any person to possess, or carry, whether openly or concealed, any deadly weapon not used solely for instructional or officially sanctioned ceremonial purposes in any building housing any court of the General Court of Justice, with many exceptions provided. If a court is housed in a building containing nonpublic uses in addition to the court, then this prohibition shall apply only to that portion of the building used for court purposes while the building is being used for court purposes;

- make it unlawful for any person participating in, affiliated with, or present as a spectator at any parade or funeral procession to carry a concealed weapon on any premises where the person in legal possession or control of the premises has posted a conspicuous notice prohibiting the carrying of a concealed weapon on the premises;
- make it unlawful to carry a concealed weapon into certain areas, including on any private premises where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice or statement by the person in legal possession or control of the premises;
- add various exemptions to the prohibition on weapons on campus or other educational property and to prohibitions on the manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any weapon of mass death and destruction;
- provide that while it is lawful to carry a concealed weapon in this State without obtaining a concealed handgun permit, it is often convenient to have a concealed handgun permit for the purpose of reciprocity when traveling in another state, to make the purchase of a firearm more efficient, or for various other reasons. Therefore, the State of North Carolina shall continue to make a concealed handgun permit available to any person who applies for and is eligible to receive a concealed handgun permit pursuant to this Article; and
- allow a person to have a concealed handgun if it is in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. A person may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.

Introduced by Representative Pittman and referred to the House Rules Committee.

BILL UPDATES

HOUSE BILL 972, Law Enforcement Recordings/No Public Record, would provide that recordings (defined as made audio and/or video recordings made by body-worn cameras, dashboard cameras or other devices operated by law enforcement, but not interviews regarding agency internal investigations or interviews or interrogations of suspects or witnesses) are not public record. The bill sets up a process by which the recordings could be viewed, upon request to the law enforcement agency, by the following:

- a person whose image or voice is in the recording;
- a personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure;
- a personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording;
- a personal representative of a deceased person whose image or voice is in the recording;
- a personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

Upon receipt of the written request for disclosure, as promptly as possible, the custodial law enforcement agency would be required to either disclose the portion of the recording relevant to the person's request or notify the requestor of the custodial law enforcement agency's decision not to disclose the recording to the requestor. The custodial law enforcement agency could deny disclosure of the recording based on any of the following factors:

- the person requesting disclosure of the recording is not a person authorized to receive disclosure;
- the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law;
- disclosure would reveal information regarding a person that is of a highly sensitive personal nature;
- disclosure may harm the reputation or jeopardize the safety of a person;
- disclosure would create a serious threat to the fair, impartial, and orderly administration of justice;
- confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

The bill also provides that recordings in the custody of a law enforcement agency could be released pursuant to a court order. Any custodial law enforcement agency or any person requesting release of a recording could file an action in the superior court in any county where any portion of the recording was made for an order releasing the recording. In determining whether to order the release of all or a portion of the recording, the bill would direct the court to consider the following:

- release is necessary to advance a compelling public interest;
- the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law;
- the person requesting release is seeking to obtain evidence to determine legal issues in a current or potential court proceeding;
- release would reveal information regarding a person that is of a highly sensitive personal nature;
- release may harm the reputation or jeopardize the safety of a person;
- release would create a serious threat to the fair, impartial, and orderly administration of justice;
- confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation; or
- there is good cause shown to release all portions of a recording.

A custodial law enforcement agency would also be required to disclose or release a recording to a district attorney (i) for review of potential criminal charges, (ii) in order to comply with discovery requirements in a criminal prosecution, or (iii) any other law enforcement purpose, and may disclose or release a recording for any of the following:

- for law enforcement training purposes;
- within the custodial law enforcement agency for any administrative, training, or law enforcement purpose; or
- to another law enforcement agency for law enforcement purposes.

The agency would also be required to provide access to a method to view and analyze the recording upon request of the State Bureau of Investigation or the North Carolina State Crime Laboratory. **Approved by the House Judiciary II Committee and will next be considered by the full House.**

HOUSE BILL 1030, 2016 Appropriations Act. The conferees appointed to settle the differences between the House and Senate budget bills are as follows:

<u>House Conferees</u>		<u>Senate Conferees</u>
Rep. Nelson Dollar, Chair	Rep. Jon Hardister	Sen. Harry Brown, Chair
Rep. Linda Johnson, Vice Chair	Rep. D. Craig Horn	Sen. Brent Jackson
Rep. Donny Lambeth, Vice Chair	Rep. Pat B. Hurley	Sen. Kathy Harrington
Rep. Chuck McGrady, Vice Chair	Rep. Frank Iler	Sen. Wesley Meredith
Rep. William Brawley, Vice Chair	Rep. Chris Malone	Sen. Bill Rabon
Rep. Jason Saine, Vice Chair	Rep. Pat McElraft	Sen. Tom Apodaca
Rep. Mike Hager, Vice Chair	Rep. Michele D. Presnell	Sen. Chad Barefoot
Rep. David R. Lewis, Vice Chair	Rep. Dennis Riddell	Sen. Jerry W. Tillman
Rep. Dean Arp	Rep. Phil Shepard	Sen. Jim Davis
Rep. Marilyn Avila	Rep. Paul Tine	Sen. Norman W. Sanderson
Rep. John R. Bell, IV	Rep. John A. Torbett	Sen. Ralph Hise
Rep. Hugh Blackwell	Rep. Roger West	Sen. Louis Pate
Rep. James L. Boles, Jr.	Rep. John Szoka	Sen. Tommy Tucker
Rep. William D. Brisson	Rep. Kelly E. Hastings	Sen. Stan Bingham
Rep. Rayne Brown	Rep. Mitchell S. Setzer	Sen. E. S. (Buck) Newton
Rep. Rob Bryan	Rep. Susan Martin	Sen. Shirley B. Randleman
Rep. Justin P. Burr	Rep. Charles Graham	Sen. Andrew C. Brock
Rep. George G. Cleveland	Rep. Becky Carney	Sen. Bill Cook
Rep. N. Leo Daughtry	Rep. Marvin W. Lucas	Sen. Trudy Wade
Rep. Jimmy Dixon	Rep. Ken Waddell	Sen. Bob Rucho
Rep. Josh Dobson	Rep. Ken Goodman	Sen. Rick Gunn
Rep. John Faircloth	Rep. Michael H. Wray	

HOUSE BILL 1055, State Ethics Commission Revisions. Several amendments were made to this bill in the House Ethics Committee that makes various changes to the State’s Ethics Act and lobbying laws. These amendments include:

- adding that a gift under the State Government Ethics Act does not include campaign contributions properly reported under federal law, or anything of value given and received between extended family members;
- providing that the State Ethics Commission has the power to conduct inquiries and investigations on alleged violations against judicial officers, legislators, and legislative employees, and to conduct inquiries, investigations, and hearings on alleged violations against public servants; and
- requiring a lobbyist to file a separate registration *statement* for each principal the lobbyist represents with the Secretary of State.

The bill as amended was approved by the House Ethics Committee and the full House. The bill has been sent to the Senate for consideration.

SENATE BILL 303, Regulatory Reform Act of 2016. The provisions of this bill were removed entirely in the House Regulatory Reform Committee and replaced with new provisions to:

- allow a public agency to satisfy the requirement to provide access to public records and computer databases by making those public records or computer databases available online in a format that allows a person to download the public record or computer database to obtain a copy. A public agency that provides access to public records or computer databases under this subsection would not be required to provide copies through any other method or medium. If a public agency, as a service to the requester,

voluntarily elects to provide copies by another method or medium, the public agency could negotiate a reasonable charge for the service with the requester; and

- require the State Chief Information Officer, working with specified entities, to report, including any recommendations, to the 2017 Regular Session of the General Assembly on or before February 1, 2017, regarding the development and use of computer databases by State and local agencies and the need for public access to those public records.

The bill as amended was approved by the House Regulatory Reform Committee and the House Finance Committee and will next be considered by the full House.

SENATE BILL 734, Statewide Standing Order/Opioid Antagonist, was amended in the House Judiciary I Committee to clarify that the State Health Director is immune from civil or criminal liability for prescribing an opioid antagonist by means of a statewide standing order. **The bill as amended was approved by the House Judiciary I Committee and will next be considered by the full House.**

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