



## LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA

### LEGISLATIVE UPDATE

August 12, 2010

## FROM DEMOCRACY NC:

### Here's a wrap-up of the 2010 legislative session.

► **VOTER-OWNED ELECTIONS:** Thanks to thousands of calls, emails and visits from supporters like you, Senate Democratic leaders finally decided to include expansion of public campaign financing in the ethics legislation at the last minute. But the hasty timing, ambitious scope of the proposal, and anxiety of Democratic Senators in swing districts – along with the hostile reaction from Republicans and a smear campaign led by Charlotte's Pat McCrory – doomed the proposal. (The proposal included a \$5 fee increase on several types of businesses regulated by Council of State agencies, not the big tax increase opponents scared people with.) Unfortunately, we were unable to regain momentum in the short time left in the session to advance local or state public campaign financing; however, we have many allies in the General Assembly, and a special 10-member commission was created to study expansion of the Voter-Owned Elections program for Council of State offices and make recommendations in early 2011. So look for new legislation to expand VOE next year!

► **NEW DISCLOSURE OF BIG MONEY:** The US Supreme Court's *Citizens United* decision gave corporations, certain nonprofits and unions new ways to influence elections through advocacy advertising and other spending that is "independent" of direct contributions to candidates. Legislation to make North Carolina laws match this new rule included several provisions that would have weakened public disclosure of who spends how much when to influence what election. Democracy North Carolina intervened and, with our allies, successfully pushed for changes in the legislation (H-748) that will now provide even more information than the previous law required.

► **ENFORCEMENT & RESTRICTIONS:** Money laundering involving more than \$10,000 is now a felony offense; this happens most often when a donor uses other people or business money to funnel large donations into a candidate's campaign. We've been trying to change this crime from a misdemeanor to a felony for years. Thanks to all the attention on Rusty Carter, which we helped spur, the governor and legislative leaders agreed. Also: New restrictions on gifts to state officials were added, the crime of exchanging contributions for contracts is clarified, and state employees are barred from lobbying the agency they left for at least six months.

► **OTHER IMPORTANT DISCLOSURE:** The Ethics Reform bill (H-961) includes many other good features we promoted with our allies. For example, (1) the State Board of Elections is required to create a searchable database on the Internet of contributions to statewide, judicial and legislative candidates, parties and PACs; (2) political appointees must report campaign donations over \$1,000 that they make in the previous year to the official making the appointment; (3) a new NC OpenBook website will provide details about all grants and contracts over \$10,000 awarded by state agencies; (4) more information about state employees' personnel status, disciplinary action, etc., is now public; (5) a mediation process is

established for seeking public records and people can win attorney fees if their request is improperly blocked; and (6) lobbyists must report more information about their income and activities.

## **FROM THE CONSERVATION NETWORK:**

### **Successes:**

**Passage of the oil spill bill, S836:** The state Senate joined the House and passed this legislation (S836) just before ending the 2010 session. S836 will make it clear that oil companies like BP are responsible to pay for damages and clean up if their oil lands on North Carolina beaches. It will also require an updated state oil spill plan and will strengthen state law to prevent an offshore drilling catastrophe off our coast.

**Passage of the "River Basin Modeling" bill, H1743:** the legislature passed H1743 which will help North Carolina develop the scientific information we need to manage water resources wisely. The bill charges the Division of Water Resources to prepare models for each of the state's 17 major river basins that can predict how much water can be withdrawn without injuring river health or existing uses. Whether the state actually decides to manage water wisely will be determined in a future session, when legislators consider whether to institute permitting of water withdrawals.

**Passage of the mercury recycling bill, H1287:** The legislature passed the language of H1287 in another bill just before adjournment. This bill will require all state agencies to properly recycle products that contain mercury (such as compact fluorescent light bulbs) and require the removal of such products from any building that is to be demolished. Additionally, the bill would ban the disposal of these products in unlined landfills in order to prevent mercury from leaching into the environment.

**Stop S832, rollback of beach protections:** With your help, we were once again able to stop a major push to undo the state's long standing ban on hardened structures on our beaches. S832 would have allowed these structures, often called groins or jetties, to damage our beaches and coastline. While meant to stop beach erosion, numerous studies have shown that they actually erode the coastline further down the beach. As has happened in past years, the bill passed the Senate but with a strong public outcry the bill again was halted in the state House.

### **Setback:**

**Stop the rollback of SEPA (S778):** Although we put up a good fight, the legislature unfortunately passed S778 (Application of SEPA to Incentives) on the last day of the session. The State Environmental Policy Act (SEPA) is a comprehensive environmental review process that must be completed when a private project requires a state action (such as issuing a permit), AND has the potential to cause environmental harm, AND the project receives public money or uses public lands.

The changes made to SEPA under S778 create a roadmap in which environmentally damaging projects could receive taxpayer dollars and would not trigger SEPA review (merely by structuring any public money in the form of "incentives" which the new legislation exempts from triggering SEPA). *For those of you following the case of the proposed Titan Cement plant near Wilmington, NC - it appears, based on the legislation that passed, that the company must still comply with SEPA and conduct an environmental review.*

## FROM THE RALEIGH REPORT:

The following bills have been enacted into law:

**H 80, Ban Electronic Sweepstakes**, will close this end-run around the state's ban on video poker.

**H 357, School Absence for Religious Holidays**, will require public schools, community colleges, and state universities to authorize a minimum of two days of excused absences per academic year for religious observances required by the faith of the student, with the student being able to make up tests and work missed.

**H 748, Citizens United Response**, will provide more transparency about independent campaign expenditures made by corporations and unions. The new law is in response to a US Supreme Court decision in January which reversed prior decisions limiting corporate spending in elections.

**H 1307, No Felon as Sheriff**. Yes, friends, you will be able to vote this November on a constitutional amendment that you wouldn't have thought we'd need . . . until several convicted felons were on ballots earlier this year, wanting to be their county's top law enforcement person.

**H 1403, Collect DNA Sample on Arrest**, will require that a DNA sample be taken from everyone arrested on a long list of charges, including violent crimes, sex crimes, and stalking, not just from people convicted of these charges (and others).

**H 1682, Corporal Punishment and Children with Disabilities**, will allow parents of children with disabilities to opt to have them exempt from corporal punishment.

**H 1726, Improve Child Care Nutrition/Activity Standards**, will require the development of higher nutrition standards for state-licensed child care facilities. The bill was weakened, however, so that it no longer requires specifically that these standards restrict the availability of full-fat milk, fruit juices, and sugar-sweetened drinks, after some legislators complained that the bill would turn North Carolina into a "nanny state". The bill also recommends that the nutrition rules allow parents to opt their children out of the rules for reasons of "medical needs, special diets, or food allergies," or, apparently, just because the parents prefer for their kids to drink sweetened soft drinks.

**H 1757, Fitness Testing in Schools**, will require the setting up of evidence-based fitness testing for grades K through 8.

**H 1762, Domestic Violence Training for Judges**, asks ("respectfully requests") the state Supreme Court to set minimum standards for domestic violence training for district court judges.

**H 1812, Domestic Violence Cases, Review Criminal Record**, will require courts, in considering pre-trial release in domestic violence criminal cases, to consider the defendant's prior criminal record.

**S 836, Oil Spill Liability, Response, Preparedness**, was passed in response to the BP oil disaster in the Gulf of Mexico. The new law lifts limits on damages which North Carolina could collect from those conducting offshore oil-drilling operations. The law also instructs appropriate state agencies to review laws, regulations, and contingency plans regarding oil spills.

**S 900, Studies Act of 2010.** Among the issues which may be studied:

- Creating a statewide supportive housing initiative for people with mental illness, developmental disabilities, or substance abuse issues.
- Disparities in graduation rates for minority students.
- Lowering the age by which children must be in school from seven to six.
- Raising the upper age for compulsory school attendance from 16 to 17 or 18.
- The impact of environmental toxins on human health.
- The needs of young children with mental health problems and their families.
- Whether to implement BMI (body mass index) screening for children at risk of becoming obese who are in Medicaid or Health Choice.
- The law also:
  - Extends the work of the Task Force on Childhood Obesity.
  - Creates a Joint Legislative Study Committee on the Consolidation of Early Childhood Education and Care to take over from a similar task force created last year.
  - Creates a Legislative Commission on Diversity in the Public Schools.

**S 1015, Homeowner and Homebuyer Protection Act,** will prohibit foreclosure rescue scams and other abusive real estate practices.

**S 1151, Supplemental Nutrition Assistance Program,** will require a study of ways to expand the SNAP program in NC and call for proposals to better educate people about nutrition, physical activity, and obesity.

**S 1216, Extend Emergency Foreclosure Program,** will continue and expand the State Home Foreclosure Prevention Project.

**S 1246, Four-Year Cohort Graduation Rate,** will require the state Board of Education to develop short- and long-term goals for increasing the state's high-school graduation rates. These goals would be for graduation rates of 74% by 2014, 80% by 2016, 90% by 2018, and 100% by some unspecified future date.

**S 1248, Early Identification and Intervention for At-Risk Students,** requires identification by the fourth grade, with reading levels being specified as one basis for the determination.

Sometimes the bills that don't pass are as important as the ones which do. Three issues opposed by the Council failed to gain traction this summer, and the bills died at the end of the session. These efforts include:

- Overturning the decision of the Community College Board to admit undocumented students.
- Repudiating comprehensive health care reform legislation passed by Congress earlier this year.
- Amending the state constitution to define marriage.

Each of these issues is likely to come before the newly elected General Assembly in 2011.

*For additional information on The League of Women Voters of North Carolina and our policies and partners, please visit [www.lwvnc.org](http://www.lwvnc.org). The Legislative Update is compiled by Beverly Kawalec ([bevkawalec@nc.rr.com](mailto:bevkawalec@nc.rr.com)). If you wish to subscribe or unsubscribe, please email Patty Dale at [daleph55@gmail.com](mailto:daleph55@gmail.com).*