



## 2011 Legislative Review

### *Battles and Victories at the General Assembly*

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*Bill statuses are current at the time of printing.*

**O**N SATURDAY, JUNE 18, THE NORTH CAROLINA GENERAL ASSEMBLY CONCLUDED THE FIRST PART OF THE 2011-2012 LEGISLATIVE BIENNIUM, BRINGING TO AN END A FAST-PACED SESSION THAT SAW THE PASSAGE OF A HOST OF KEY PRO-FAMILY INITIATIVES. THE END OF SESSION WAS MADE EVEN MORE FRANTIC AFTER A SCHEDULING CHANGE MOVED THE LEGISLATURE'S "CROSSOVER DEADLINE," WHICH REQUIRES MOST NON-REVENUE BILLS TO PASS AT LEAST ONE CHAMBER TO REMAIN ELIGIBLE FOR CONSIDERATION, TO A MERE WEEK AHEAD OF THE PLANNED CLOSE OF SESSION ON JUNE 16.

Following are the highlights from this session that was controlled by a majority of Republicans for the first time in more than a century. At this time, Governor Beverly Perdue (D-NC) has vetoed eleven bills from this session. She has 10 days to sign or veto a bill once she has received it, and there are still a handful of measures pending before the Governor.

### Adoption

Once again, the Legislature passed a measure that threatens the ability of parents to choose a closed adoption. **HB 846—Expand Access/Death Certificate/Adult Adoptee** further expands the ability of biological and adoptive relatives of deceased adult adoptees and their biological parents to identify their biological and adoptive relatives.<sup>1</sup> This latest measure builds on changes passed last year that largely undermined the understanding of confidentiality many parents have when they place children for adoption through a closed adoption process.<sup>2</sup> By risking the disclosure of identifying information, such rules could create significant disruption for adoptive and biological families across North Carolina.

### Education

On Friday, June 17, the Governor signed **SB 8—No Cap on Number of Charter Schools**, which finally lifts the cap on the number of charter schools in North Carolina. Although the measure was introduced in the very first days of the session back in January, it grew from a simple one-page bill lifting the cap to a complex and comprehensive 23-page bill, which quickly became bogged down in the committee process. After nearly two months in a Conference Committee, a simplified compromise was reached, giving the measure quick and bipartisan approval in both chambers.<sup>3</sup>

In another celebrated move, parents of children with disabilities will be eligible under state law to receive an educational tax credit of up to \$6,000 per year, provided that they meet certain requirements. In addition to giving parents more flexibility to decide on the best educational environment for their child, the bill, **HB 344—Tax Credits for Children with Disabilities**, is estimated to save the state roughly \$26 million dollars over the next five years.<sup>4</sup> Passing both chambers with broad bipartisan support, HB 344 is expected to be signed into law by the Governor.

The General Assembly also passed **HB 588—The Founding Principles Act**, a bill that would add a new course to North Carolina's high school curriculum. The semester-long history course would include instruction on the philosophical principles found in the nation's founding documents, including "the Creator-endowed inalienable rights," the structure of government, private property rights, personal responsibility, the rule of law, and federalism, among other subjects. The Founding Principles course would be required for graduation, beginning in the 2014-2015 school year. Governor Perdue is expected to sign the bill, which enjoyed wide bipartisan support.<sup>5</sup>

### Gambling

In the final days before adjournment, an intense battle over gambling emerged in a behind the scenes struggle. Efforts to allow Las Vegas style gambling on the Cherokee reservation and to allow

sponsored gambling events in hotels and restaurants were both prevented before they even made their way to legislators for consideration, thanks to quick action by pro-family groups.<sup>6,7</sup>

## Life

In only a few short months, the North Carolina General Assembly took monumental strides for life, passing key bills that in some cases had gone decades without receiving any action. First, on April 19, the legislature gave final approval to **HB 215—Unborn Victims of Violence Act/Ethen’s Law**, which provides that criminals who injure or kill an unborn child as part of committing a crime against a pregnant woman are properly penalized separately for injuring or killing each victim. The measure, named for the unborn child of a Raleigh woman murdered in 2007, places North Carolina fully in step with the 2004 federal Unborn Victims of Violence Act. Governor Perdue signed HB 215 into law on April 29.<sup>8</sup>

This year also saw the long-awaited approval of the “Choose Life” license plate, which was included among other specialty plates gaining authorization in **HB 289—Authorize Various Special Plates**.<sup>9</sup>

In a tremendous victory for life, both chambers passed **HB 854—Abortion-Woman’s Right to Know Act**, a bill to help ensure that women considering abortion are provided with complete and accurate information about the procedure and about their unborn child. Hours before the bill was scheduled to become law with or without the Governor’s signature, she vetoed it. Legislators are expected to attempt a veto override when they return for a short session in mid-July to take up redistricting.<sup>10</sup>

State lawmakers also took a stand for life in crafting the state budget proposal for the 2011–2012 fiscal year, which begins on July 1. The budget, **HB 200—Appropriations Act of 2011**, included a provision to defund Planned Parenthood, the nation’s largest provider of abortions.<sup>11</sup> The move makes North Carolina the third state in the country to do so, following in the footsteps of Indiana and Kansas. Although the Governor vetoed the Legislature’s proposal, both the House and the Senate voted to override the Governor’s veto.<sup>12</sup>

## Marriage

This year both the House and the Senate filed bills to defend marriage in North Carolina. **SB 106/HB 777—Defense of Marriage** both propose to place a referendum on the North Carolina ballot in November 2012 to allow North Carolinians to vote on whether or not to protect marriage by placing its definition in the State Constitution.<sup>13,14</sup> Unlike years past, where both chambers refused to allow any debate on measures proposing a Marriage Protection Amendment (MPA), the General Assembly will be considering the MPA later this year in a session devoted to considering a number of proposed constitutional amendments.

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## Parental Rights

In a compromise between the House and the Senate, both chambers approved **SB 498—Modify Law Re: Corporal Punishment**, which allows parents to give written notice if they choose to exempt their child from receiving corporal punishment from school officials. SB 498 is currently pending final approval on the Governor’s desk.<sup>15</sup> Also gaining consideration, but not passed in committee, was **HB 239—Grandparent’s Visitation Rights**, which would have challenged existing parental rights by allowing grandparents to sue an intact family for visitation rights with their grandchildren.<sup>16</sup>

## Voting

The legislature also attempted to make several significant changes to the way citizens in North Carolina vote. However, the only proposed change to pass was **HB 351—Restore Confidence in Government**, which Governor Perdue vetoed. As part of requiring all voters to prove their identity, HB 351 would create a voter registration card that would be available free to voters who do not already have one of the approved forms of voter identification. Approved identification includes a driver’s license, passport, government employee ID, or military ID card. Voters without a photo ID would be able to cast a provisional ballot, which would be counted once the voter provides proof of his or her identity in person at the county board of elections.<sup>17</sup> The legislature is expected to consider a veto override in mid-July.

## Still Ahead

The 2011 Legislative Session represents a dramatic shift in public policy in North Carolina. New Republican leadership delivered on many of their campaign promises related to both fiscal and social issues. However, a great deal of work remains, most notably the drafting of new election districts in light of 2010 census numbers. The Legislature will return in mid-July to tackle this usually controversial task and then again in August or September to consider several proposed changes to the State’s Constitution, including a Marriage Protection Amendment. Along the way, there may be attempts to override several gubernatorial vetoes as well. While the Long Session may be complete, legislators’ work on behalf of the people of North Carolina is far from over. ❖

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ENDNOTES:

- 1) Expand Access/Death Certificate/Adult Adoptee, H.B. 846, North Carolina General Assembly (2011). <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=H846>
- 2) Expand Access/Confidential Intermediaries, H.B. 1463, North Carolina General Assembly (2009). <http://ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2009&BillID=h1463>
- 3) No Cap on Number of Charter Schools, S.B. 8, North Carolina General Assembly (2011). <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=s8>
- 4) Tax Credits for Children with Disabilities, H.B. 344, North Carolina General Assembly (2011). <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=H344>
- 5) The Founding Principles Act, H.B. 588, North Carolina General Assembly (2011). <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=h+588>
- 6) Simulated Gaming Allowed/Certain ABC Outlets, S.B. 621, North Carolina General Assembly (2011). <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=s621>
- 7) "Standing for Life as Session Ends", Ncfamily.org. North Carolina Family Policy Council, 18 June 2011. <<http://www.ncfpc.org/stories/110618s1.html>>.
- 8) "Governor Signs Unborn Victims Bills." Ncfamily.org. North Carolina Family Policy Council, 11 May 2011. <<http://www.ncfamily.org/stories/110502s1.html>>.
- 9) Authorize Various Special Plates, H.B. 289, North Carolina General Assembly (2011). Abortion—Woman's Right to Know Act, H.B. 854, North Carolina General Assembly (2011). <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=h854>
- 10) Abortion—Woman's Right to Know Act, H.B. 854, North Carolina General Assembly (2011). <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=h854>
- 11) Appropriations Act of 2011, H.B. 200, North Carolina General Assembly (2011). <http://ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=h200>
- 12) "Legislature Musters Historic Veto Override." Ncfamily.org. North Carolina Family Policy Council, 16 June 2011. <<http://www.ncfpc.org/stories/110616s1.html>>.
- 13) Defense of Marriage, S.B. 106, North Carolina General Assembly (2011). <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=s106>
- 14) Defense of Marriage, H.B. 777, North Carolina General Assembly (2011). <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=H777>
- 15) Modify Law Re: Corporal Punishment, S.B. 498, North Carolina General Assembly (2011). <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=s498>
- 16) Grandparents' Visitation Rights, H.B. 239, North Carolina General Assembly (2011). <http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=H239>
- 17) Restore Confidence in Government, H.B. 351, North Carolina General Assembly (2011). <http://ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2011&BillID=h351>