

Legislative Report: After "Crossover"



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April 27th was the deadline for state bills to pass one chamber and "crossover" to the next in order to still be viable this session. Here's what that means for the issues we're following.

In theory and speaking generally, non-revenue and non-appropriation bills that did not pass either the Senate or the House by the April 27 "crossover" deadline are not eligible to be considered further this session. Of course, ways exist to get around the deadline, such as by adding an amendment to a bill that did pass one chamber by April 27. Nevertheless, the deadline offers an opportunity to look at what generally is still eligible for consideration. This review describes very briefly some of the bills that did and did not pass one chamber before the deadline.

If you have any questions about these bills, or any other bills, do not hesitate to contact us.

Attacks on labor unions, public employee rights

Two bills, HB 819 (and companion HB 820) and SB 375, passed one chamber and are aimed directly at labor unions by the veto-proof Republican majorities currently in control in each chamber. HB 819 and its companion bill in the Senate would put the state's so-called "Right-to-Work" law on the ballot in the November 2018 elections to be included not just in our state's statutes but in our state's Constitution. The statute has been on the books since 1947 and has never been seriously challenged by an effort for repeal in the legislature since that time.

Thus, HB 819 is entirely unnecessary, and putting the issue, which few people actually understand, on the ballot is simply trying to turn out the conservative base in the 2018 mid-term elections. In the House vote, all but one Democrat (who said he made a

mistake) voted against and every Republican voted for the bill.

SB 375 removes the statutory right for public sector union dues deductions, a right that has existed for decades. In the Senate vote on this direct attack on the health of such unions every Democrat voted against, and all but two Republicans voted in favor.

Setbacks for workers, Governor Cooper

A number of other bills that could negatively impact workers also passed one chamber. One example is a bill that provides that the employees of a franchisee cannot be considered the employee of the franchiser in workers' compensation or employment matters (SB 131). Another expands the authority of company police (SB 162). A third offers qualified immunity from liability for those drivers who hit protesters in public streets unless covered by a permit (HB 330). A fourth puts undocumented workers at greater risk (HB 35).

The legislature also continued to strip away the powers of the Governor. As just a few examples, bills that passed one chamber provide that the General Assembly, not the Governor, will appoint district court and special superior court judges (HB 240, 241); require the Governor to fill any judicial vacancy with one of three candidates recommended by the executive committee of the party of the person previously in the seat (HB 335); reduce the size of the court of appeals so that the Governor will not be able to replace some Republican judges who will be reaching mandatory retirement age (HB 239); and

change the prior law the legislature enacted while McCrory was governor that required that candidates from the party of the governor be listed first on the ballot (HB 496).

There were several bills that made small improvements in the law that passed one chamber. For example, a "misclassification bill" (SB 407) passed the Senate, but it is a much weaker bill than that under consideration last session. Another clarifies the reemployment rights of those injured while serving in the National Guard (HB 487). Another offers protection to whistleblowers who are law enforcement officers (HB 37). Others improve the Charlotte firefighters' retirement system and eligibility for the firefighters' relief fund (HB 58, HB 190). Legislation was enacted to eliminate the waiting week and job search requirements for those unemployed as the result of a natural disaster (HB 5).

Crossover-killed priorities

A number of important bills did not meet the deadline. One, which we opposed and which we have dealt with before, would have made workers' compensation coverage for some truck drivers more problematic (HB 830).

Particularly noteworthy are the many bills, all introduced by Democrats, that did not pass and in many cases never received a real hearing. These include bills to raise the minimum wage, to offer assistance to those who work as caregivers, to offer assistance to those who work in restaurants, to require equal pay, and to require Citizen United disclosures. Some of these, or other proposals to help workers, could, of course, still be considered - if the majority is willing.

Importantly, efforts to restore some of the radical cuts to unemployment benefits made two sessions ago have so far been unsuccessful.

This brief report is not intended to be all-inclusive. As one example, it does not include a discussion of the "repeal" of HB 2, on which we reported to you previously. Again, if you have any questions about what is going on at the legislature please let us know.

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