



**North Carolina General Assembly
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A Recent Legislative History of Threats to Judicial Independence

Full bill texts and histories can be found at ncleg.net.

- 1. H 100. AN ACT TO RESTORE PARTISAN JUDICIAL ELECTIONS FOR NORTH CAROLINA SUPERIOR AND DISTRICT COURT**

2/22 Passed House 65-51; 3/6 Passed Senate 32-15; 3/8 House Concur in Senate Comm. Sub 74-43; 3/22 House Overrode Gov. Veto 74-44; 3/23 Senate Overrode Gov. Veto 32-15

NC Policy Watch: Legislature overrides veto, joins seven other states in making partisan judicial elections law: <https://goo.gl/StlP4y>

News & Observer: Veto override means voters will know judges' party affiliations: <https://goo.gl/ivbpfY>
- 2. H 124. AN ACT REQUESTING THE NORTH CAROLINA COURTS COMMISSION TO STUDY THE ORGANIZATION OF THE SUPERIOR COURT, DISTRICT COURT, PROSECUTORIAL, AND PUBLIC DEFENDER DISTRICTS AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.**

2/27 Re-ref to Comm. on Rules and Operations of the House.

NC Policy Watch: GOP lawmakers plow ahead with plans to remake the state court system: <https://goo.gl/a0CJmP>
- 3. H 239. AN ACT TO REDUCE THE NUMBER OF JUDGES ON THE COURT OF APPEALS TO TWELVE; TO PROVIDE AN APPEAL OF RIGHT FOR TRIAL COURT DECISIONS REGARDING CLASS ACTION CERTIFICATION AND TERMINATION OF PARENTAL RIGHTS, AND TO PROVIDE FOR DISCRETIONARY REVIEW BY THE SUPREME COURT IN CASES WHERE THE SUBJECT MATTER INVOLVES THE JURISDICTION AND INTEGRITY OF THE COURT SYSTEM.**

3/9 Passed House 71-42; 4/10 Passed Senate 2nd Reading 32-15; 4/11 Passed Senate 3rd Reading 30-15; 4/11 House Concurred in Senate Comm. Sub. 69-43; 4/26 House Overrode Gov. Veto 73-44; 4/26 Senate Overrode Gov. Veto 34-15.

NC Policy Watch: An in-depth look at N.C. lawmakers' attempt to shrink the Court of Appeals: <https://goo.gl/A9kwj3>

Charlotte Observer: Cooper appoints Charlotte Democrat to fill seat on Court of Appeals: <https://goo.gl/uWZYsv>

Slate: Republican Judge Resigns to Protest North Carolina GOP's Attack on Courts: <https://goo.gl/fUO9td>

NC Policy Watch: Republican judge on protesting bill reducing Court of Appeals: 'There weren't any other options': <https://goo.gl/18hqzb>
- 4. H 240. AN ACT TO PROVIDE THAT DISTRICT COURT VACANCIES SHALL BE FILLED BY APPOINTMENT OF THE GENERAL ASSEMBLY.**

3/9 Passed House 67-47; 3/14 Ref. to Comm. on Rules and Operations of the Senate.

NC Policy Watch: Another day, another bill introduced to change governor's judicial appointment powers: <https://goo.gl/JFXkLF>

5. **H 241. AN ACT TO PROVIDE THAT SPECIAL SUPERIOR COURT JUDGES ARE APPOINTED BY THE GENERAL ASSEMBLY.**

3/9 Passed House 67-47; 3/13 Ref. to Comm. on Rules and Operations of the Senate.

WFAE: NC House Passes 3 New Bills To Limit Governor's Power: <https://goo.gl/NDEJPN>

6. **H 335. AN ACT TO CLARIFY THE MANNER IN WHICH VACANCIES ARE FILLED IN THE OFFICES OF JUSTICE OF THE NORTH CAROLINA SUPREME COURT, JUDGE OF THE NORTH CAROLINA COURT OF APPEALS, JUDGE OF SUPERIOR COURT, AND DISTRICT ATTORNEYS.**

Gov. MUST select from list of three candidates nominated by the St. Exec. Comm. /Co. Exec. Comm. of the political party of the outgoing member.

4/26 Passed House 70-48; 4/27 Ref. to Comm. on Rules and Operations of the Senate.

NC Policy Watch: Today: Senate committee to take up bill limiting Cooper's judicial appointment power: <https://goo.gl/MEcXP1>

7. **H 467. AN ACT TO CLARIFY THE REMEDIES AVAILABLE IN PRIVATE NUISANCE ACTIONS AGAINST AGRICULTURAL AND FORESTRY OPERATIONS.**

Sec. 2(a) providing that act applies to actions "filed, arising, or pending" on date it becomes law Amended 4/10 by House vote 59-56 to read "applies to cases of action arising on or after" date it becomes law and "shall not affect pending litigation."

4/10 Passed House 2nd Reading 64-48; 4/10 Passed House 3rd Reading 68-47; 4/26 Passed Senate 2nd Reading 30-19; 2/26 Passed Senate voice vote; 4/27 House concurred in Senate Comm. Sub. 74-42; 5/10 House Overrode Gov. Veto 74-40; 5/11 Senate Overrode Gov. Veto.

NC Policy Watch: House Bill 467 would shield industrial hog industry from many legal claims: <https://goo.gl/DxhDBo>

WRAL: Hog waste bill speeds through NC House: <https://goo.gl/NPFHB6>

8. **H 581. AN ACT TO CLARIFY THE STANDARDS FOR DETERMINING JUST COMPENSATION FOR THE REMOVAL OF OFF-PREMISES, OUTDOOR, ADVERTISING, TO PROMOTE UNIFORMITY OF REGULATION AND MODERNIZATION OF OUTDOOR ADVERTISING, TO ALLOW FOR THE RELOCATION AND RECONSTRUCTION OF OFF-PREMISES OUTDOOR ADVERTISING, TO INCREASE PERMIT FEES FOR OUTDOOR ADVERTISING, TO CLARIFY STANDARDS OF SELECTIVE VEGETATION, REMOVAL, AND TO ESTABLISH A REASONABLE TIME FRAME FOR MAKING AGENCY DECISION REGARDING PERMITS AND APPEALS.**

Sec. 10(b) provides that Sec. 10(a), Relocation of permitted off-premises outdoor advertising sign "applies to off-premises outdoor advertising signs removed on or after January 1, 2014," which, if passed, would mandate a corresponding ruling by the NC Court of Appeals in the currently pending case of *DOT v. Adams Advertising of Charlotte, Ltd.*

6/26 Failed House 2nd Reading 48-67.

NC Policy Watch: Under proposed billboard legislation, outdoor advertising companies have more property rights than people living near hog farms: <https://goo.gl/9pNQYD>

9. **H 677. AN ACT TO PROVIDE THAT DISTRICT COURT JUDGES MAY BE APPOINTED TO SERVE ON THREE-JUDGE PANELS FOR ACTIONS CHALLENGING THE VALIDITY OF ACTS OF THE GENERAL ASSEMBLY.**

4/20 Passed House 67-48; 4/21 Ref. to Comm. on Rules and Operations of the Senate.

NC Policy Watch: Judiciary committee agenda: District Court judges could serve on Superior Court cases challenging GA; AOC director could get unfettered power over local courts: <https://goo.gl/NDhQXI>

News & Observer: NC House votes to expand District Court judges' role, despite constitutional concerns: <https://goo.gl/vwBcou>

10. H 717. REVISE JUDICIAL DISTRICTS.

6/26 Jud. 1 Comm. Reptd. Fav. Comm. Substitute; 6/27 Ref. to House Elections & Ethics Law Comm.

WRAL: NC Republicans seek to redraw judicial maps: <https://goo.gl/UsiDoF>

NC Policy Watch: Politically-driven judicial redistricting halted...for the time being: <https://goo.gl/ikvrAa>

WRAL: Burr: If I'd told judges, they would have fought redistricting: <https://goo.gl/bZ6M1K>

Business North Carolina: Judges, Rep. Burr clash over election districts: <https://goo.gl/D2i2Rh>

NC Policy Watch: Merit or maps? Judges' futures could come down to clashing legislative proposals: <https://goo.gl/VYnvD4>

11. H 780. AN ACT TO AFFIRM THAT SECTION 6 OF ARTICLE XIV OF THE NORTH CAROLINA CONSTITUTION IS THE LAW OF THE STATE

Uphold HISTORICAL MARRIAGE ACT, notwithstanding US Supreme Court 2015 decision in *Obergefell v Hodges*.

4/13 Ref. to Comm. on Rules and Operations of the House.

News & Observer: NC bill to again ban same-sex marriage gets heat from across the nation: <https://goo.gl/iHL537>

12. H 791. AN ACT TO ESTABLISH ELECTORAL DISTRICTS FOR WAKE COUNTY DISTRICT COURT JUDGES.

4/13 Ref. to Comm. on Elections and Ethics Law.

13. S 4 (FOURTH EXTRA SESSION 2016). AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ENFORCEMENT, TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS, TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS, TO MODIFY APPELLATE REVIEW OF CERTAIN CASES, AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS.

12/15 Passed Senate 30-16; 12/16 Passed House 63-27; 12/16 Senate Concurred in House Comm. Sub 26-12; 12/16 Signed by Gov. McCrory.

NC Policy Watch: Good concepts or bad – experts say politicizing the courts in special session detrimental to judicial independence, public perception: <https://goo.gl/3IREQm>

News & Observer: NC lawmakers create partisan election process for courts that review their laws: <https://goo.gl/IBM8jM>

14. S 257 (BUDGET BILL.), Section 18 B.7 (a)(b). ELIMINATE EMERGENCY RECALL JUDGES.

5/11 Passed Senate 2nd Reading 34-15; 5/12 Passed Senate 3rd Reading 32-15; 6/1 Passed House 2nd Reading 82-34; 6/1 Passed House 3rd Reading 80-31; 6/20 Conference Report Adopted Senate 2nd Reading 38-11; 6/21 Conference Report Adopted House 2nd Reading 77-40; Conference Report Adopted Senate 3rd Reading 39-11; 6/22 Conference Report Adopted House 3rd Reading 77-38; 6/27 Gov. Veto Overridden Senate 34-14; 6/28 Gov. Veto Overridden House 76-43.

NC Policy Watch: Senate budget snubs Raise the Age funding; eliminates money for emergency, special judges: <https://goo.gl/1QhGKh>

NC Policy Watch: State courts attempting to cope as number of emergency judges is slashed by more than two-thirds: <https://goo.gl/2RT3rV>

NC Policy Watch: Reduction of emergency judges results in 68 days of cancelled court so far, including 3-week Henderson trial: <https://goo.gl/AMDqRb>

S 257 (BUDGET BILL.), Money Report, Justice, B. 36 Management Flexibility Reduction.

WRAL: AG calls Republican budget cuts 'political spite': <https://goo.gl/A6wycw>

S 257 (BUDGET BILL.), Section 18 B.10 (a)(b). ELIMINATE ACCESS TO JUSTICE FUNDS.

NC Policy Watch: The General Assembly's war on the poor hits another new low: <https://goo.gl/UM8pj9>

Greensboro News & Record: Budget cuts affect low-income peoples' access to court: <https://goo.gl/r7D3BJ>

Associated Press: N Carolina speaker blames lawyers' zeal for legal aid cuts: <https://goo.gl/Kc3hYt>

S 257 (BUDGET BILL.), Section 24.4 (a-e). ESTABLISH THE JOINT SELECT COMMITTEE ON JUDICIAL FUNDING.

15. S 306. AN ACT TO SUBDIVIDE MECKLENBURG COUNTY DISTRICT COURTS TO MIRROR THE SUPERIOR COURT DISTRICTS.

4/10 Re-ref to Select Committee on Elections; if fav. re-ref. to Comm. on Rules and Operations of the Senate.

NC Policy Watch: What does subdividing court districts have to do with voters? Everything.:

<https://goo.gl/nrVvsx>

WFAE: Mecklenburg Judges Concerned About Bill To Split Up Judicial District: <https://goo.gl/SF7PoF>

16. S 470. AN ACT AMENDING RULE 26 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE RELATING TO DISCOVERY TO BANKRUPTCY TRUST PERSONAL INJURY CLAIMS.

Sec. 2 providing that act "applies to actions pending on or after" date it becomes law amended 5/24 in House Judiciary II Committee to read "applies to actions filed on or after" date it becomes law.

4/26 Passed Senate 2nd Reading 43-5; 4/26 Passed Senate 3rd Reading; 5/26 Re-ref to Comm. on Rules, Calendar and Operations of the House.

NC Policy Watch: House committee debates, approves bill that would create delay for asbestos victims seeking recovery: <https://goo.gl/WCHkrF>

News & Observer: New requirements for asbestos victims who sue companies pass NC House panel:

<https://goo.gl/uK5gcX>

17. S 617. AN ACT TO ELIMINATE ALL EMERGENCY JUSTICES AND JUDGES EXCEPT FOR RETIRED SPECIAL SUPERIOR COURT JUDGES WHO RETIRED FROM THE BUSINESS COURT WHO MAY BE RECALLED TO SERVE AS EMERGENCY JUDGES ON THE BUSINESS COURT.

4/5 Passed 1st reading Senate; 4/5 Ref to Committee on Rules and Operations of the Senate; 4/6 Withdrawn from Committee; 4/6 Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate.