



American Council of Engineering Companies – North Carolina

Legislative Report
November 3, 2023

A new map for North Carolina’s congressional districts that could see the Republicans pick up at least three seats next year was approved last week by the House and Senate. The state’s 14 districts for the U.S. House are currently evenly split between the two major parties. Under the new map unveiled, Republicans could instead go into next year’s election with at least a 10-4 advantage, with one of the four Democratic-leaning seats being highly competitive. Votes were held October 24 and 25 on the congressional map, which is not subject to the Governor’s veto. So it has become law. However, Democrats are expected to challenge the congressional map in court.

The House and Senate approved new state district maps last week as well, with approval votes along party lines. Senate Jay Chaudhuri (D-Wake), the Democratic whip, criticized Republicans for drawing maps behind closed doors, and including a provision in the recently enacted state budget that exempts redistricting-related communications from public records law. Democrats offered amendments to the Senate map, including one that would stop Sen. Natasha Marcus of Davidson from being “double-bunked” and placed in another much more conservative district, currently represented by Republican Sen. Vickie Sawyer. That amendment and others were set aside and did not pass. The House and Senate district maps should result in Republicans maintaining their majorities in the legislature, and could keep the current veto-proof majorities. Senator Berger (R-Rockingham) stated after the vote that Republicans were confident the maps they had drawn would survive legal challenges.

Republican lawmakers introduced and passed a bill last week that makes dozens of new state appointments, including seven new superior court judges as well as replacement members for most of the state Board of Transportation. Senate Bill 761 is the latest move in a battle over key appointments between Democratic Governor Roy Cooper and Republican legislators, who passed legislation this year stripping some of the governor’s ability to place allies on influential boards. The bill that allowed the shift in appointment power, Senate Bill 512, is targeted in a lawsuit that was heard in court this week on a motion for a temporary injunction hearing. UPDATE Depending on what the three-judge panel in that case decides, some of these appointments may not be seated.

The new legislation includes appointments for seven of 10 judgeships the General Assembly created in the latest state budget — something Democratic lawmakers cried foul over, since superior court judges now are elected or appointed by the governor. The new judgeships would not take effect until January 1, 2024, and the three remaining appointments will be made later, lawmakers said.

Governor Cooper spoke out about the appointments last week, noting that lawsuits over constitutional issues – like the one pending now over Senate Bill 512 – are decided by three-judge panels that, in the future, can pull panel judges from these new legislative appointments. The appointments bill appoints former state Sen. Tommy Tucker, R-Union, and former state Rep. Bill Brawley, R-Mecklenburg, to the N.C. Utilities Commission, which approves electricity rates. The appointments bill names members to a newly created board for NCInnovation, which got \$500 million in the new state budget to boost economic development in the state by funding ideas that emerge from state university campuses. The bill also includes appointments to the UNC Health Care System’s board of directors, the State Board of Community Colleges, various UNC campus boards of trustees and other state boards.

Senate Bill 512 allowed the General Assembly to reconstitute the N.C. Board of Transportation. The bill introduced Tuesday includes 13 of those appointments. Cooper retained six appointments under SB 512, which lawmakers passed into law over his veto. Some Board of Transportation members would be reappointed under the new appointments bill, including former state Sen. Kathy Harrington, former state Rep. Leo Daughtry and former state Rep. Chuck McGrady. The Board of Transportation appointments include in the bill are as follows:

Senator Berger Appointments:

Joseph Hartsfield
From: Wilson County
Highway Distribution Region A
Term Expires: June 30, 2025

Landon Zimmer
From: New Hanover County
Highway Distribution Region B
Term Expires: June 30, 2027

Charles M. DeVane, Jr.
From: Bladen County
Highway Distribution Region C
Term Expires: June 30, 2025

Pamela J. Cundiff
From: Rockingham County
Highway Distribution Region D
Term Expires: June 30, 2027

Patrick Molamphy
From: Moore County
Highway Distribution Region E
Term Expires: June 30, 2025

Speaker Moore’s Appointments:

N. Leo Daughtry (The Honorable)
From: Johnston County
Highway Distribution Region A
Term Expires: June 30, 2025

Riley A. Shaw
From: New Hanover County
Highway Distribution Region B
Term Expires: June 30, 2027

Daniel L. Gurley
From: Wake County
Highway Distribution Region C
Term Expires: June 30, 2025

Stephen Rosenbough
From: Mecklenburg County
Highway Distribution Region E,
Term Expires: June 30, 2025

Randall L. Marion
From: Iredell County
Highway Distribution Region F
Term Expires: June 30, 2027

Kathy Harrington (The Honorable)
From: Gaston County
Highway Distribution Region F
Term Expires: June 30, 2027

Charles McGrady (The Honorable)
From: Henderson County
Highway Distribution Region G
Term Expires: June 30, 2025.

Roger West (The Honorable)
From: Cherokee County
Highway Distribution Region G
Term Expires: June 30, 2025

David Westcott
From: Alamance County
Highway Distribution Region D
Term Expires: June 30, 2027

Last week, the House introduced and passed their budget "tech correct" bill, which focuses solely on making technical amendments to the existing budget law. This legislation does not introduce new policies or allocate additional funds. The Senate is expected to address the bill when the Legislature returns either on November 29 or in early December, and negotiations between the House and Senate will shape the final version of the budget tech correct bill. Until then, the previously enacted budget from October 2nd remains in effect.

The legislature adjourned to a date certain, Wednesday, November 29, 2023.

For more information about legislation described in this report, feel free to contact me at dferrell@maynardnexsen.com or (919) 573-7421. Information is also available on the General Assembly's website: www.ncleg.gov.

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