

LAST NEWSLETTER: Latest Updates from the NCGA



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## NC Senate District 41 Newsletter

December 6, 2024 (Final Newsletter - Please see last section)

### Final Session



**Monday, December 3, 2024 was the final session for the biennium and also my final session as a North Carolina State Senator.** I took a few minutes to reflect on my service, thank my legislative assistants publicly, and share my thoughts about being gerrymandered out of my district. **You can watch my final remarks [here](#).**

The items on which we voted were added with less than a few hours notice, yet they impact North Carolinians in a number of concerning ways. **I voted NO, but they passed along party lines (30-19).** The Governor cannot veto proposed constitutional amendments or joint resolutions. Below is a summary of each item on the final calendar:

- **[SB920](#), Constitutional Amendment - Income Tax Rate Cap Modification.\*** This would ask the voters to approve a constitutional amendment to reduce the cap on the state personal income tax rate from 7% to 5%. The current rate is 4.5%, and a series of gradual cuts is already in place. This amendment would block any increases, no matter the circumstances, and remove a method of increasing revenue for future legislators to respond to economic problems, such as recessions, natural disasters, or other pressing needs. This change will likely also force local governments to raise property taxes in order to make up for reduced state spending. It will tie our hands unnecessarily; it's safer to keep options on the table and set the income tax rate based on current needs. Learn more [here](#).
- **[SB921](#), Constitutional Amendment—Require Photo ID For All Voters.\*** North Carolina voters will decide whether to amend the North Carolina Constitution to require photo identification for all voters, regardless of the voting method. Current law already requires that all voters provide proof of ID. But the state constitution only specifies the need for photo ID for in-person voting. The sponsors of this amendment want to cement the need for photo ID for all voters, regardless of what courts or future legislators decide. Advocates are concerned about whether the exemptions currently provided for people living with disabilities and people who cannot show photo ID will be eliminated and/or whether this change would make provisional ballots less accessible. Learn more [here](#).
- **[HJR151](#), Term Limits For Congress.** This Joint Resolution would create an application by the NC General Assembly to the United States Congress for a limited Convention of the States to propose a United States Constitutional amendment to impose term limits on members of Congress. I know the standard path to amending the Constitution is difficult, but that deliberation is vitally important. James Madison, Alexander Hamilton, four Supreme Court Justices (conservatives and liberals), and other legal scholars warned that a Constitutional convention cannot be limited. Nothing in Article V, or anywhere else in the Constitution, authorizes Congress, state legislatures, or anyone else to limit the agenda of an Article V convention. Once the delegates convene, they are answerable only to themselves. So, the product that emerges from an Article V convention could radically differ from what was envisioned. A convention could only be held if 34 states call for one. Currently, 19 states have done so. **The NC House already passed HJR151 in 2023, so this makes NC the 20th state to join the call for a convention of states.** Learn more [here](#).

\*These measures will likely be on the House's calendar when it convenes on December 11, 2024 for its final session.

## **SB382: Veto Overridden & Gallery Spectators Removed**





**Also on Monday, the Senate overrode the Governor's [veto of SB382](#).**

Contrary to its title, "Disaster Relief-3/Budget/Various Law Changes," this bill does not send any immediate relief or funding to the communities in Western North Carolina impacted by Hurricane Helene. It just moves money from one fund to another, without appropriating it.

Instead, it takes appointments away from the next Governor for the Board of Elections, Utilities Commission and Commander of the NC Highway Patrol, interferes with the Attorney General's ability to represent consumers and act outside of the desires of the General Assembly, takes authority away from the Lieutenant Governor and the Superintendent of Public Instruction, and punishes two judges elected by the people for disappointing legislative leaders in their cases. Below is an overview of the bill:

**Funding Highlights**

- \$227 million for the Hurricane Helene Relief Fund reserved for hurricane recovery. This money is shifted from the NC Rainy Day Fund, but most of these funds are not appropriated or available for use. Other than a \$2M appropriation, the money is still sitting in state coffers, instead of getting to the people and businesses who need it urgently. Due to this failure, even the State Senator who represents Asheville voted NO. Members of the House who represent districts within Western North Carolina also voted NO. Learn more [here](#).
- \$25 million to the Department of Agriculture and Consumer Services for debris removal.
- \$2 million for technical assistance to soil and water conservation districts in affected areas.
- \$100 million for loans to local governments in impacted regions.
- \$100 million for a loan program for water and sewer service repairs.
- \$50 million for housing recovery projects. Requires a state financial and performance audit of the Rebuild NC office, to be completed by July 1, 2025.
- \$5 million "to assess costs associated with the rehabilitation or replacement" of North Carolina State University's Poe Hall.
- \$33.8 million in nonrecurring funds to help keep childcare facilities open in the state. While not enough to address the federal funding cliff, it is better than nothing.

**Gubernatorial, Attorney General, and Judicial Powers**

- Transfers the State Board of Elections to the State Auditor, shifting oversight away from the Governor. The State Board will retain its statutory powers independently of the State Auditor, but its budgeting functions will fall under the Auditor's direction. No other state gives its Auditor authority to oversee elections.
- Takes from the Governor the power to appoint the state board of elections and the chair of the local boards and gives it to the state Auditor, which is now held by a Republican. This ensures the State Board and all the county boards will be majority Republican, changing the current process whereby a majority of each board reflects the party of the governor.
- When a vacancy occurs in any office subject to appointment by General Assembly leadership, the Governor must ask for a written recommendation from the General Assembly. After receiving the recommendation, the Governor has 15 days to either appoint the recommended candidate or reject the recommendation. If the Governor fails to act within the 15-day window, the recommended candidate is automatically approved and eligible to assume the position. Furthermore, the Governor is prohibited from appointing anyone other than the person recommended by the legislative officer.
- Creates two new special Superior Court judge positions, effective January 1, 2025. These judges will be appointed by the General Assembly, one by the Speaker of the House of Representatives, and the other by the President Pro Tempore of the Senate. Upon the conclusion of a judge's term, a successor will be appointed in the same manner. These judges are not required to reside within a specific district but have all of the powers of a standard Superior Court justice. These justices may be chosen to serve on 3-judge panels and rule on cases involving challenges to laws enacted by the NCGA.
- Previously, the senior resident Superior Court judge was determined by seniority or age among the regular resident Superior Court judges within a district. Under the new provisions, the Chief Justice will directly designate one judge to serve as the senior resident judge. Their service may be ended by the Chief Justice at any time. This position differs from other Superior Court judges through some unique duties, such as making appointments and handling other non-judicial tasks, distinct from regular case-related judicial work.
- Ends the terms of two Superior Court judges in Wake and Forsyth counties

who ruled against Republican legislators in prior cases.

- Restricts the Attorney General's authority in cases challenging state laws by granting the General Assembly the ability to override representation or act as a direct client. This is particularly concerning for gerrymandering cases, as the General Assembly's attorney will have the final say on strategy and settlement.
- Expands the power of the Director of the Administrative Office of the Courts to manage legal counsel for the judiciary, bypassing Attorney General oversight.
- Removes the Lt. Governor from any potential Legislative Committee on Energy Crisis Management.
- This bill is a blatant power grab and a response to Democrats winning the Governor's race, the Lt. Governor's race, and other seats. Learn more [here](#).

#### **Utilities Commission and Building Code Council**

- Repeals the Energy Policy Council, consolidating energy oversight under the Utilities Commission, diluting executive influence on energy policies. It also removes one appointment from the Utilities Commission from the Governor and transfers that appointment power to the State Treasurer.
- Any changes to the North Carolina State Building Code, scheduled for a Code collection public update on January 1, 2025, have been delayed to July 1, 2025. This is especially egregious because many homeowners in WNC will not receive FEMA funding due to North Carolina's outdated building codes.

#### **Law Enforcement and Justice**

- Reduces oversight of the State Highway Patrol by the Department of Public Safety through restructuring the State Highway Patrol into an independent, cabinet-level department.
- Transfers the Center for Safer Schools to the State Bureau of Investigation from the Department of Public Instruction. This change may reduce the importance of educational perspectives in school safety policies and is likely in response to the election of a Democrat to lead DPI.
- Allows the Department of Health and Human Services' Division of Health Service Regulation to temporarily waive all rules covering confinement facilities if it determines an emergency poses a risk to the health and safety of prisoners or staff. The language regarding what constitutes an emergency is vague.

#### **Education**

- Prevents the State Superintendent from appealing decisions made by the Charter School Review Board.
- Loosens Opportunity Scholarship domicile verification requirements. For the 2024-2025 and 2025-2026 school years, parents applying for the Opportunity Scholarship voucher program can simply self-certify that they meet residency requirements instead of providing electronic evidence through the State's domicile verification system.
- Parents are no longer entitled to an impartial due process hearing regarding eligibility determinations for potential students of the Schools for the Deaf and Blind.

#### **Election Changes**

- Voters who need to cure their ballots due to missing information or valid ID will have to do so by noon on the third business day after the election. This shortens the normal ten days down to three, and will result in many more ballots being deemed invalid and uncounted.
- Provisional ballots cast due to missing photo identification can now be validated if voters provide acceptable identification by noon on the third business day following the election. Absentee ballots must include either a photocopy of ID or an affidavit citing a valid reason for lacking ID. Ballots with correctable issues, such as missing signatures, can also be cured within the same timeframe. This also shortens the normal ten days down to three.
- Absentee ballots received by election day must be counted immediately and all provisional ballots must be counted within three days, instead of ten.
- The State Board of Elections Director was not consulted on these changes and she has several concerns. She has advised that some of the new requirements are impossible, given the need to carefully review each ballot and given that there are more provisional ballots than ever before and that several county boards of election were unable to process them in the allowed ten days this year. This year, 67,000 provisional ballots were cast statewide, each requiring research consulting internal and external records. These new changes will certainly lead to inaccurate counts. The Chair of the North Carolina Association of Directors of Elections also shared her concerns with the bill, but the sponsors did not respond or

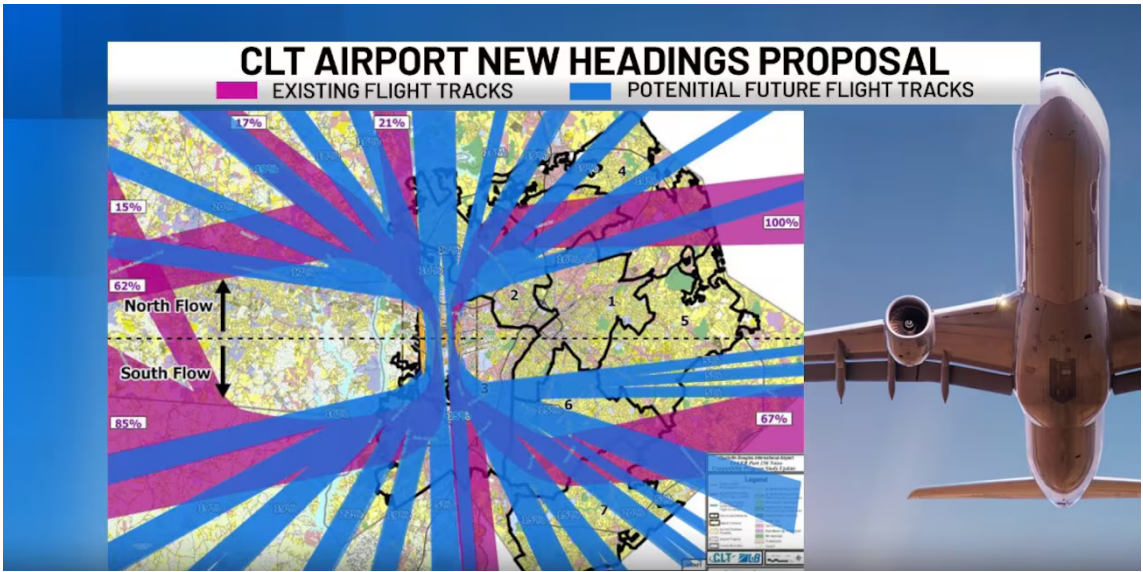
- amend the bill.
- Precinct officials must maintain a log of non-voting individuals who enter polling places, excluding minors under 18 accompanying voters. This log must include names, addresses, times of entry, and signatures. Some authorized election observers are exempt from this requirement.
  - SB382 prioritizes speed over accuracy and seeks to bolster false claims that counting ballots is somehow fraud. Learn more [here](#).

During the override of the Governor's veto, shouts of protest erupted from the gallery. While the Lt. Governor had the right to have those disrupting the session removed from the gallery, he ordered the entire gallery cleared instead. Many of those seated were quietly watching the session and should not have been denied the right to witness their government in action. Protesters chanted “shame” while they were ordered out of the building. **I spoke up and said that the Lt. Governor should not clear the entire gallery, called it undemocratic and noted that this is the people's house, but he ignored me. You can see footage from that day that aired on MSNBC [here](#).**

## Changes Proposed to Flight Patterns at CLT Airport



On Tuesday, news broke regarding potential changes to the flight patterns at Charlotte-Douglas Airport. **On Monday, December 9, Charlotte City Council will vote on the proposal, which would triple flight paths around the airport (in SD41) increasing the number of flight tracks from 8 to 27.** The last time major flight paths were added was 1979. The proposal would add air traffic to nearly every neighborhood in the city. Some city council members criticized the map used to explain the plan, as it is very difficult to read and identify the areas that would be affected. Council members have encouraged Charlotte residents to contact them via email or by phone before the council votes on Monday. You can find your council member's contact information [here](#). Learn more [here](#), [here](#), and [here](#).



## Mountain Island Lake Flooding Update





Since the destruction of homes along Mountain Island Lake as a result of Hurricane Helene, residents have begun to scrutinize Duke Energy for the ways in which the lake flooding may have been mismanaged. Mountain Island Lake has overflowed eight times in the last hundred years, while Lake Norman has never exceeded its limit by more than a few inches. Because Lake Norman is the larger of the two lakes, and flows into the smaller one, residents near MIL often face the brunt of overflow and flooding damages, which has happened twice in the last five years - once in 2019, and more recently during Hurricane Helene.

Duke Energy says that moving large amounts of water through the Catawba River Basin is a complex task that's difficult to manage on short notice and that multiple factors must go into considering whether or not to lower the water in a lake. The water within each lake provides drinking water for residents, water for commercial use, and power generation. For example, if the company were to lower the levels preemptively and the storm missed the lakes, that could cause a water shortage in the area. Learn more [here](#).

Mecklenburg County continues to offer buyouts and retrofitting grants to residents affected by the flood. Only single-family homes that were significantly damaged within a designated flood hazard area are eligible for the program, and the size of the buyout will vary depending on how damaged the home was, whether flood insurance was purchased before the damage, and whether the property owners have already received federal funding. Homeowners interested in the voluntary buyout should email [Jonathan.beller@mecknc.gov](mailto:Jonathan.beller@mecknc.gov), and those interested in retrofitting can apply for a grant online [here](#). More information [here](#).

## The "Next NC Scholarship" Allows Many NC Students To Attend Community College For Free



**The Next NC Scholarship is open to most North Carolinians from households making \$80,000 or less.** Students attending a community college will receive a minimum of \$3,000, and those attending a public university in North Carolina will get at least \$5,000. This is enough to fully cover tuition and fees at any community college or more than half, if not all, of tuition and fees to attend any public university in the state. In order to be eligible, a student must:

- Reside in North Carolina and qualify for in-state tuition
- Graduate high school or complete an equivalent program
- Belong to a household with an annual Adjusted Gross Income (AGI) of \$80,000 or less
- Enroll in an eligible undergraduate curriculum program
- Take at least six credit hours per semester
- Meet the Satisfactory Academic Progress standards of the school you plan to attend
- Complete the FAFSA, with a resulting Student Aid Index (SAI) at or below 7,500

You can check your eligibility and see how much funding you may receive [here](#). To apply, complete the FAFSA application [here](#). Learn more [here](#) and [here](#).

## Senator Marcus Attends Tryon International Film Festival



I was invited to attend the Tryon International Film Festival and be a panelist after the award-winning film *Bella!* about Congresswoman Bella Abzug. Also screened was the film *The Amazing Nina Simone*, about the legendary artist who was born in the small town of Tryon, NC.

## CMS Magnet School Lottery Now Open



**The Charlotte-Mecklenburg Schools Magnet School Lottery is now open** for the 2025-2026 school year. The application is an online process open from 6:00 AM - 10:00 PM daily until January 3. In order to participate, you must first complete your registration as a CMS student to obtain an ID and PIN, so be sure to register as soon as possible. Learn more about the student registration and lottery application process [here](#). Find your neighborhood school [here](#). Apply to the lottery [here](#). You can consult the CMS School Choice FAQ [here](#) for more information.

## Transit System Plan Update: Vision Survey





The Transit System Plan Update project is working with the Mecklenburg County community to ensure that updates to public transportation reflect your needs and priorities. I encourage you to share your feedback on the proposed goals and objectives of the Transit System Plan Update.

Survey participants will be entered in a drawing for a chance to win one of five \$100 Visa gift cards. You must provide a phone number or email address at the end of the survey to qualify. Learn more about the project [here](#). Complete the survey [here](#).

## Get Free COVID-19 Home Tests



Free COVID tests are available again. [Here is the link to order yours](#). You may also find free tests available for pickup [here](#). Be safe!

## Financial Update on the State's General Fund

<b>Beginning Cash, Friday, November 22</b>	<b>11,248,739,122.14</b>
<b>Add Receipts:</b>	
Tax and Non-Tax Receipts	136,829,117.96
Coronavirus Relief Receipts	0.00
Other Receipts	481,679,172.26
<b>Less Disbursements:</b>	
Payroll	630,303,442.84
State Aid	15,067,106.76
Medicaid/Other Provider Payments	228,196,534.22
Tax Refunds/Distributions	27,128,096.57
Debt Service	0.00
Coronavirus Relief Transfers Out	0.00
General Operating	417,995,787.90
<b>Ending Cash, Friday, November 29</b>	<b>10,548,556,444.07</b>
<b>Less Reserved Cash:</b>	
Due to Local Governments – Sales and Use Tax Payable	902,856,014.51
Other Reserves	22,325,650.39
American Recovery Plan Act Reserve	34,063,161.12
Carry Forward Reserve	223,103,784.61
Clean Water Drinking Water Reserve	0.00
Coronavirus Capital Projects Reserve	0.00
Coronavirus Relief Reserve	0.00
Earthquake Disaster Recovery Reserve	0.00
Economic Development Project Reserve	703,182,000.00
Federal Infrastructure Match Reserve	95,676,125.00
Housing Reserve	0.00
Hurricane Florence Disaster Recovery Reserve	26,593,892.51
Information Technology Reserve	341,292,868.00
Local Fiscal Recovery Reserve-ARPA	0.00
Local Govt Coronavirus Relief Reserve	0.00
Local Project Reserve	0.00
Medicaid Contingency Reserve	726,512,736.00
Medicaid Transformation Reserve	0.00
NC GREAT Reserve	0.00
NC Innovation Reserve	0.00
Opioid Abatement Reserve	40,576,773.43
Public School Contingency Reserve	0.00
Public School Need Based Capital Reserve	0.00
Reg Economic Dev Reserve	0.00
Repairs and Renovations Reserve	0.00
Retiree Supplement Reserve	0.00
SCIF General Fund Reserve	0.00
Savings Reserve	3,832,851,113.98
Stabilization and Inflation Reserve	1,000,000,000.00
State Emergency Response/Disaster Reserve	721,059,798.60
Transportation Reserve	0.00
Unfunded Liability Solvency Reserve	0.00
Wilmington Harbor Enhancements Reserve	283,800,000.00
World University Games Reserve	0.00
<b>Unreserved Cash Balance, Friday, November 29</b>	<b>1,594,662,525.92</b>



The Office of the State Controller (OSC) released the General Fund Cash Watch numbers for the week ending Friday, November 29. OSC provides a weekly update on the State's General Fund cash position, which can be found at [osc.nc.gov](https://osc.nc.gov). **The current unreserved cash balance in state coffers is \$1.594 billion.**

The State Controller is North Carolina's chief fiscal officer and serves as an independent resource to ensure the financial integrity of the State.

## Links to Helpful Information

**Domestic Violence Hotline:** If you or someone you know is experiencing domestic violence or partner abuse, please call [Safe Alliance](https://www.safealliance.org) at **704-332-2513** and they can help you.

**Free Property Tax Assistance Services:** Do you need help with your property taxes? The [Charlotte Center for Legal Advocacy](https://www.charlottecenterforlegaladvocacy.org) is providing free assistance to help homeowners prepare their NC property tax relief applications. **Call 980-256-7952** or visit their website to learn more [here](https://www.charlottecenterforlegaladvocacy.org).

**Mecklenburg's County Bar [website](https://www.mecklenburgbar.org)** provides a list of pro bono resources for those unable to afford legal counsel.

**Mecklenburg's Department of Community Resources** provides individuals and families with [immediate access](https://www.mecklenburgcounty.org) to a diverse range of Mecklenburg County Health and Human Services programs and community partner services in Community Resources Centers throughout the County.

**Mecklenburg's Energy Assistance Programs:** **Do you need help paying your heating or cooling bills?** Mecklenburg offers [two different programs](https://www.mecklenburgcounty.org) to help eligible low-income households with their energy needs.

**Property Tax values and histories in Mecklenburg County** can be searched on [this site](https://www.mecklenburgcounty.org) that includes links to Polaris and information about past assessments. You can find more detailed information on real estate values on the [Mecklenburg](https://www.mecklenburgcounty.org) site.

**Suicide Prevention:** If you have thoughts of harming yourself, **please call or text 988**, the Suicide Prevention Hotline for help.

**Unclaimed Cash!** Visit [NCCash.com](https://www.nccash.com) today to see if you have unclaimed property under the supervision of the NC Treasurer's office. More info [here](https://www.nccash.com).

**Voter Information:** You can find your current information on the [NC Voter Lookup page](https://www.ncvoterlookup.com).

## FINAL NEWSLETTER: Goodbye and Thank You!



**This is the final newsletter you'll receive from me.** My term ends on December 31st. It's been an honor to serve you in the NC Senate for the past six years.

I encourage you to use [this link](https://www.ncvoterlookup.com) to determine who your new senator is and to sign up for his or her newsletter.

I bid you farewell!

## Contact Our Office

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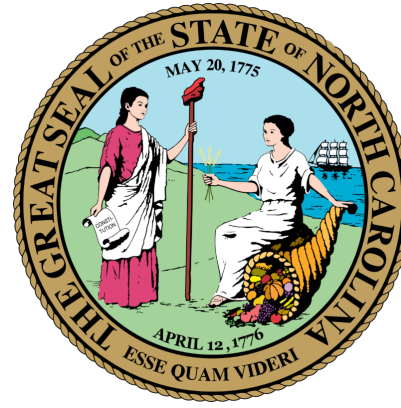
Sara

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How can we help you? Let us know and **reach out** to our office! We want to hear from you.

**Senator Natasha Marcus** | **[Website](#)**

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