NC Capitol Connection

APRIL 2020
VOL 12, NO. 4

Inside

States should clear path for coronavirus health response, p. 3

Liberal group suggests Gov. Cooper replace Folwell as treasurer, p. 10

Civitas leads charge on policy solutions for coronavirus crisis



BY RAY NOTHSTINE

The Civitas Institute has already published and passed on to lawmakers' critical policy steps to respond to the Coronavirus crisis that has wreaked economic havoc across North Carolina and the nation. Back in mid-March, Civitas was warning legislators to quickly curtail non-health related spending, secure the fairness of upcoming elections, and slash bureaucratic inefficiency in healthcare and education.

Elections, state budget and taxes, education, healthcare, and agriculture are the major areas Civitas has homed in on for coronavirus related reforms.

"The General Assembly's smart approach to budgeting has left North Carolina with a significant reserve (rainy day) fund leaving the Tar Heel State in strong shape to survive a large reduction in tax collections," said Civitas President Donald Bryson.

"However important action and tough choices are going to be needed in the very near future to make sure government can protect vital health and safety services, operate its public schools and assist North Carolina families through the coming difficult economic times. The time for action is now."

One of the biggest challenges for lawmakers going forward is managing a potentially dramatic revenue shortfall. Unlike the federal government, North Carolina is required to balance its budget.

In a recommendation for legislators on budgets and taxes, Civitas Executive Vice President Brian Balfour called for "aggressive budget cutting and savings measures" to pre-

(Continued on page 10)

CIVITAS INSTITUTE
NC Capitol Connection
811 Spring Forest Rd, Ste. 900
Raleigh, NC 27609
Vol. 12, No. 04

NON-PROFIT ORG.
US POSTAGE
PAID
Permit #2483
Raleigh, NC

From the editor

The coronavirus crisis is giving North Carolinians a lot to think about outside of the virus itself. Social isolation, the economy, and the uncertainty of the situation itself is causing havoc on many across our state and nation. The loss of jobs, income, and overall decline in mental health for many is staggering. At this point, it's impossible to quantify all the changes to our economy and culture going forward, potentially lasting for decades.

And at the same time, the circumstances of the past few weeks have pushed me, and certainly others, to a deeper state of gratitude. So many common occurrences have been taken away in this season, which at the very least, should draw further attention to what we do have. I was encouraged by a lady in our neighborhood who was collecting diapers and formula for mothers and families who had recently lost a job or are just temporarily out of work. I know there are stories like this all across North Carolina, citizens using their own savings or skills to assist others in need. For many of us, it's a reminder that if we are dependent, we are often depending on friends, families, and civil society over the government.

As I'm writing this, I just read several reports about how Vermont is decreeing that citizens can only purchase what the state deems to be essential products. It's another reminder that during this crisis, there are some leaders with autocratic tendencies. We should remain vigilant to abuses of liberty at all times. While government plays a role in protecting the public health of Americans during this crisis, we know that ultimately, the government can't save us from anything.

That is why Civitas continues to push back against abuses to freedom even during a public health emergency. Our Constitution and state constitution are no less important now than just a few weeks ago. We will continue to push for sound economic policy during and after this crisis passes so that the citizens of North Carolina are given the best opportunity to recover.

We remain committed to pushing back against the schemes already afoot to take power and property from you and your family in order to hand it over to those that think they know better. Civitas knows we are not alone, so we continually value your commitment and support in good times and bad.

CIVI TALK

BRINGING CLARITY TO NORTH CAROLINA POLITICS

Listen on Google Podcasts

Podcast Available on iTunes

CYAN MAGENTA YELLOW BLACK

www.nccivitas.org

States should clear path for coronavirus health response

BY LEAH BYERS

Along with the rest of the nation, North Carolina is facing an unprecedented health challenge with the COVID-19 virus. The General Assembly is already formulating its response to the current crisis. Many of the most impactful health policy steps the legislature can take simply consist of getting burdensome government barriers out of the way in order to open up the state's healthcare supply capacity. The following policies provide a good starting point towards that objective.

First, the General Assembly should codify and expand upon the waiver of the state's Certificate of Need (CON) regulations issued by the state Department of Health and Human Services and the North Carolina Emergency Management Division. CON is an outdated regulation that requires healthcare providers to get government permission to open or expand healthcare facilities. It is always bad policy, but the COVID-19 pandemic has highlighted the dangers that come from artificially restricting healthcare supply through government intervention.

The existing waiver loosens regulations on acute care hospital beds for existing CON holders. The General Assembly should extend the waiver to include all facilities and equipment currently covered under CON restrictions. Healthcare providers in North Carolina are currently required to obtain a CON for things such as MRI machines, helicopters to transport patients, a variety of hospital or treatment beds, and much more.

Expanding the total supply of healthcare – even non-COVID related services – could help mitigate the impact of this crisis. The pandemic may be less likely to overwhelm provider capacity if non-coronavirus patients can be treated at alternative facilities, such as ambulatory surgery centers, which currently operate under CON restrictions.



Second, the General Assembly should expand the scope of practice for both pharmacists and advanced practice registered nurses (APRN). Florida recently passed legislation to allow pharmacists to test and treat for the flu, strep throat, and other non-chronic conditions. This would be a simple way to free up other healthcare providers to treat COVID-19 patients, and would provide patients a safer way to deal with their medical needs with less risk of being exposed to COVID-19 themselves by going into a hospital or doctor's office.

APRNs, such as nurse practitioners or certified registered nurse anesthetists, have long advocated for loosening the restrictions on their ability to practice within the full scope of their training. The supervisory physician requirements are overly burdensome and can prevent these qualified healthcare professionals from even volunteering during a crisis. The language from the SAVE Act, filed in 2019 as House Bill 185 and Senate Bill 143 with broad bipartisan support, could go a long way to expanding the scope of practice for APRNs.

Finally, the legislature should expand the state's telemedicine capacity. When the governor issues an executive order declaring a state of emergency, he expanded healthcare licensing reciprocity to healthcare providers with licenses in good standings in other states. This should be extended to include telemedicine. Providers in other states should be able to remotely consult with patients in North Carolina. This is another method of relieving some of the pressure on our state's healthcare system.

It will be important in this time for the legislature to resist the urge to over-regulate telemedicine through burdensome parity or coverage mandates. The flexibility of telemedicine is part of its cost-saving benefits. Many insurance companies are currently electing toward reimbursement parity for telemedicine during this crisis, and it should be up to them to negotiate reimbursement terms with providers in the future as well.

All contents may be reproduced if used in context and if credit is given to the Civitas Institute

NC Capitol Connection

PUBLISHER
Civitas Institute

MANAGING EDITOR
Ray Nothstine

EDITORIAL & ADVERTISING
811 Spring Forest Rd.
Suite 900
Raleigh, NC 27609

phone: 919.834.2099
fax: 919.834.2350

NC Capitol Connection is a publication of the Civitas Institute

The Civitas Institute is a 501(c)(3) non-profit dedicated to advancing conservative and free-market principles in the state of North Carolina.

© 2020 by Civitas Institute

Coronavirus scare underscores importance of rainy day fund

BY BRIAN BALFOUR

Thanks to fiscally responsible measures over the past 10 years, North Carolina is on far better financial footing to combat the coronavirus outbreak and to weather its economic fallout.

The most recent General Fund monthly report shows the state's rainy day fund balance at nearly $1.2 billion, with another $1.5 billion in "non-reverting Department Funds."

If Gov. Roy Cooper and other Democratic legislative leaders had their way, however, this wouldn't be the case.

Dating back to his days on the gubernatorial campaign trail, then-candidate Cooper criticized Gov. Pat McCrory for "building up the rainy day fund in excess of what's necessary for the state."

Cooper further mocked the importance of building up reserves, insisting that "You need to invest it and not let it just be sitting there."

And as John Hood pointed out in 2018, "Larry Hall, then the Democratic leader in the North Carolina House, complained during the 2016 legislative session that the Republican majority was saving too much and spending too little. 'We artificially starved ourselves,' he said just before that year's budget bill passed the House. 'We have funds available, and we've decided not to invest.'"

Joining the chorus was the left-wing NC Justice Center in 2017, prioritizing spending more money in the present at the expense of saving for the next crisis. The Justice Center's top concern was that "savings don't squeeze out immediate needs" and ensuring state budget writers don't "prioritize savings over addressing immediate needs."

What short-sighted, tax and spend liberals like Hall, Cooper and the Justice Center don't understand is that setting aside money into a rainy day fund is an investment – it's a hedge against uncertainty. Thankfully, conservative budget writers didn't follow the advice of the likes of Cooper and Hall and had aggressively built up $2 billion in reserves prior to Hurricane Florence in the fall of 2018, when it ravaged many communities in North Carolina.

Contrast that with how poorly previous leadership had prepared our state to weather the economic storm of the Great Recession.

During the boom years from 2003-04 to 2007-08, General Fund total revenues grew by 33 percent in just four years, an increase of about $5 billion.

Also in those years, General Fund surpluses totaled $3.4 billion. The state's rainy day fund, however, only grew from $267 million to $786 million, an increase of about $519 million. This means legislators set aside only 15 percent of surplus monies into the savings reserve fund during that time, choosing instead to ramp up government spending.

Ironically, the same NC Justice Center that opposed building up the rainy day fund in 2017 had to admit in 2011 that "failure to save adequately during times of growth has limited the ability of the RDF to help address budget shortfalls during economic downturns."

A combination of low savings reserves and escalated spending commitments created a far more dire financial condition when the economic downturn hit.

First and foremost, North Carolina needs to be prepared to contain and fight the spread of the virus. Protecting the health of North Carolinians is of utmost importance. This will require financial resources.

Financial reserves will also likely need to be called upon to combat the economic damage caused by responses to the virus that will negatively impact the economy. Fortunately, the state's fiscal responsibility over the past several years has generated a reserve fund that will help North Carolina fulfill its most important obligation: to protect its citizens.

If short-sighted policies favored by the likes of Cooper had instead been followed, North Carolina would be ill-equipped to respond to the current crisis.



CYAN MAGENTA YELLOW BLACK

Entrepreneurs find success in heirloom grains

BY BRANDON INSCORE



John McEntire is not your average farmer.

He grows corn that only produces one ear per stalk, and he prefers to do it this way.

McEntire's crop is known as Crooked Creek Corn, an heirloom variety that his family has grown on their farm near Old Fort, NC since the 1800s. And, as far as we know, he's the only farmer still growing it.

What classifies a crop as an heirloom? Generally speaking, heirlooms are unprocessed and non-genetically modified varieties. They are sustained from growing season to growing season by retaining seed from the previous year's crop and grow each year by open-pollination – a pollination practice occurring naturally with the aid of wind, insects, and birds. As a result, they must be planted away from modern crops to preserve their genetic integrity and avoid cross-pollination.

Crooked Creek Corn is visually distinctive, known for its white dent kernels on a long, white cobb. The kernels are often stone ground – using traditional milling processes in which kernels are turned to meal with two mechanical grinding stones, rather than modern metal rollers which remove the corn's hull and germ – to make grits and, also, corn whiskey.

As large-scale agriculture has become more and more prevalent throughout the nation, also developing genetically modified corns for higher crop yields, heirlooms have become increasingly rare. But farmers like McEntire are committed to keeping heirlooms in the food supply, and make their living doing so.

"The challenge in growing these heirlooms is that the yield is much, much less than some of the genetically modified [crops]," said McEntire. "I'm hearing of acreage yields of 200 or 250 bushels per acre. And these heirlooms don't do that whatsoever. On an absolute good year, on this Crooked Creek Corn, I might get 75 bushels per acre, but typically, it would be between 45 and 60."

To make up the difference, farmers like McEntire look to other sectors of the agriculture market. "What you have to do is look at value-added in every way you can," says McEntire. To create this additional value, he runs two stone grinding mills, grinds his corn into grits, and sells his products directly to upper-end restaurants.

One day, Mr. McEntire got a call from Troy Ball, who wanted to buy 100 pounds of cornmeal. He bagged the meal and prepared it for pick up.

"When she drove in here [to the McEntire farm], and she drove in a white Mercedes, and a blonde-headed, good-looking woman, I couldn't figure – what in the world is she wanting corn for? Because she didn't tell me," said McEntire. "But we got to talking… and she said she wanted to make some moonshine."

This conversation began a years-long partnership.

Ball began experimenting with distilling Crooked Creek Corn and continued to consult with McEntire. She found that the corn made excellent whiskey.

Wanting to find out more about the variety, she took a sample to the University of Tennessee at Knoxville for analysis. The results were astounding.

"I showed up with my dried corn on the cobb and he took the corn, stripped it off the cobb, dropped it into this machine that analyzed it… and he goes, 'this can't be right… do you have another ear of corn?" said Ball. "He runs

(Continued on page 11)

CYAN MAGENTA YELLOW BLACK

Changes represent the difference in voter registration between February 29 and April 4, 2020										
County	Total Voters	Total Change	Democrats	Democrat Change	Republicans	Republican Change	Libertarians	Libertarian Change	Unaffiliated Voters	Unaffiliated Change
Totals	6,972,252	31,891	2,529,805	5,021	2,085,589	10,084	39,749	-364	2,317,109	17,150
Alamance	103,446	876	36,878	198	33,664	319	541	-17	32,363	376
Alexander	23,820	96	5,198	-63	10,969	97	90	0	7,563	62
Alleghany	7,192	35	2,167	-25	2,719	30	32	-1	2,274	31
Anson	16,102	66	10,061	-68	2,542	67	28	-1	3,471	68
Ashe	18,510	148	4,555	19	8,163	82	76	0	5,716	47
Avery	11,570	-17	1,349	-7	6,748	1	53	0	3,420	-11
Beaufort	32,750	101	11,887	-67	11,207	90	98	-4	9,558	82
Bertie	12,883	53	8,639	-3	1,462	13	25	-2	2,757	45
Bladen	22,106	122	10,825	-37	4,439	65	54	3	6,788	91
Brunswick	106,402	420	26,130	82	41,202	210	473	4	38,597	124
Buncombe	195,817	-166	74,153	26	44,587	-66	1,516	-5	75,561	-121
Burke	55,005	365	15,337	-101	20,622	248	287	2	18,759	216
Cabarrus	139,389	81	41,497	-13	49,138	7	932	2	47,822	85
Caldwell	51,482	26	11,438	-165	24,173	98	350	-13	15,521	106
Camden	7,731	49	1,786	-24	2,625	40	56	-4	3,264	37
Carteret	52,548	395	10,636	28	23,158	178	247	4	18,507	185
Caswell	14,804	75	6,898	2	3,465	42	39	2	4,402	29
Catawba	103,025	639	22,583	-71	44,391	336	454	-4	35,597	378
Chatham	54,699	321	20,482	52	13,198	53	268	-4	20,751	220
Cherokee	21,380	-67	4,248	-20	9,993	-21	127	0	7,012	-26
Chowan	9,898	42	4,178	1	2,676	-3	29	-3	3,015	47
Clay	8,637	-22	1,617	-2	3,850	-6	55	0	3,115	-14
Cleveland	63,451	465	22,905	-196	22,087	402	275	-7	18,184	266
Columbus	35,043	-53	17,043	-20	8,127	-12	78	0	9,795	-21
Craven	69,379	346	21,318	-36	24,977	198	406	-4	22,678	188
Cumberland	211,118	1,737	92,655	472	48,125	455	1,316	-2	69,022	812
Currituck	20,429	166	3,550	-13	8,059	80	173	-2	8,647	101
Dare	28,134	-1,490	7,559	-434	9,219	-348	185	-39	11,171	-669
Davidson	107,270	545	23,457	51	50,820	305	477	-4	32,516	193
Davie	29,912	231	5,003	4	15,351	131	133	-2	9,425	98
Duplin	29,340	94	12,410	-28	8,313	60	101	-4	8,516	66
Durham	227,270	-415	123,943	-93	25,726	-155	1,126	-11	76,475	-156
Edgecombe	34,708	42	23,220	-23	5,904	11	76	-2	5,508	56
Forsyth	258,205	733	102,211	284	73,484	76	1,398	4	81,112	369
Franklin	44,284	320	16,686	29	13,785	111	244	5	13,569	175
Gaston	141,240	1,052	41,095	15	54,452	531	828	-2	44,865	508
Gates	7,890	-12	3,830	-3	1,755	-3	29	-1	2,276	-5
Graham	5,803	-2	1,496	-2	2,686	4	26	0	1,595	-4
Granville	37,916	239	17,314	-17	9,549	118	148	-5	10,905	143
Greene	11,013	4	5,628	-50	2,238	25	21	0	3,126	29
Guilford	365,850	1,370	161,022	698	90,669	127	2,047	-4	112,112	549
Halifax	36,434	-55	22,923	-67	4,556	-5	96	-1	8,859	18
Harnett	76,139	687	24,675	42	27,102	382	538	-9	23,824	272
Haywood	43,360	-55	14,428	-21	14,058	-10	276	-1	14,598	-23
Henderson	82,391	-234	16,977	-63	30,619	-75	485	0	34,310	-96
Hertford	14,595	36	10,171	-20	1,422	16	32	-1	2,970	41
Hoke	30,740	274	13,833	47	6,577	87	226	-1	10,104	141
Hyde	3,056	8	1,548	-19	533	3	16	0	959	24

Iredell	122,275	954	28,183	-114	50,765	525	631	-11	42,696	554
Jackson	27,997	95	9,478	54	7,667	29	196	0	10,656	12
Johnston	133,082	1,094	38,265	270	50,985	411	846	6	42,986	407
Jones	7,142	38	3,110	-13	1,968	29	25	1	2,039	21
Lee	36,431	156	13,418	-23	10,618	122	208	-2	12,187	59
Lenoir	37,155	123	18,462	-38	9,670	33	111	-1	8,912	129
Lincoln	58,102	403	12,148	-41	26,672	248	294	-5	18,988	201
Macon	25,641	-69	5,859	-34	10,829	-15	147	0	8,806	-20
Madison	16,311	-21	5,842	-5	4,318	-12	113	0	6,038	-4
Martin	16,081	76	8,919	-10	3,287	46	38	0	3,837	40
Mcdowell	27,954	-94	6,935	-29	11,295	-27	153	-2	9,571	-36
Mecklenburg	751,115	4,974	324,050	2,094	164,475	303	5,079	9	257,511	2,568
Mitchell	10,406	8	1,048	0	6,202	10	34	0	3,122	-2
Montgomery	16,100	121	6,249	-27	5,293	93	74	2	4,484	53
Moore	69,517	388	15,857	-40	28,568	205	436	2	24,656	221
Nash	66,164	379	31,347	-152	18,828	155	233	1	15,756	375
New Hanover	169,006	975	51,055	344	52,559	167	1,237	-9	64,155	473
Northampton	13,556	83	9,102	17	1,400	13	26	0	3,028	53
Onslow	107,792	1,177	24,951	133	40,005	473	1088	2	41,748	569
Orange	111,081	943	51,794	551	14,799	-11	650	-21	43,838	424
Pamlico	9,229	38	3,216	-24	3,331	51	44	0	2,638	11
Pasquotank	27,374	199	11,348	28	6,316	86	166	-2	9,544	87
Pender	41,749	366	11,504	46	16,115	143	274	1	13,856	176
Perquimans	8,865	-700	3,178	-305	2,667	-127	32	-8	2,988	-260
Person	26,063	53	10,998	-35	6,830	41	100	-5	8,135	52
Pitt	120,847	413	51,881	42	30,881	136	730	-14	37,355	249
Polk	15,467	-16	3,909	-7	5,601	-4	81	0	5,876	-5
Randolph	89,479	505	16,794	-53	45,891	376	504	-5	26,290	187
Richmond	28,373	74	13,965	-99	6,174	88	85	1	8,149	84
Robeson	74,298	342	43,362	90	10,040	103	203	-1	20,693	150
Rockingham	58,638	227	19,928	-64	21,406	184	263	1	17,041	106
Rowan	92,236	610	24,819	2	38,315	344	420	-8	28,682	272
Rutherford	43,682	88	12,278	-6	17,445	40	213	0	13,746	54
Sampson	36,385	183	14,430	33	13,826	108	131	0	7,998	42
Scotland	21,177	61	11,199	-13	3,692	27	68	-1	6,218	48
Stanly	41,235	217	9,666	-49	18,864	152	150	0	12,555	114
Stokes	30,087	161	6,421	-33	15,148	141	153	-3	8,365	56
Surry	44,447	208	11,398	-110	19,572	198	127	-4	13,350	124
Swain	9,530	5	3,385	1	2,686	5	39	0	3,420	-1
Transylvania	25,252	-64	6,182	-15	8,136	-18	119	0	10,815	-31
Tyrrell	2,232	10	1,173	3	363	5	9	0	687	2
Union	159,156	1,178	38,627	218	65,103	409	853	1	54,573	550
Vance	28,597	133	18,134	0	4,291	37	75	-2	6,097	98
Wake	757,634	5,401	277,517	2,303	183,972	-172	5,342	-135	290,803	3,405
Warren	13,026	53	8,562	7	1,898	8	43	2	2,523	36
Washington	8,119	8	5,190	-16	1,149	12	19	-2	1,761	14
Watauga	45,421	-112	12,002	33	13,386	-39	478	-11	19,555	-95
Wayne	72,841	351	29,439	-80	23,793	249	352	-2	19,257	184
Wilkes	41,421	216	8,266	-58	21,833	187	142	-4	11,180	91
Wilson	55,323	97	27,525	-22	13,391	54	181	-1	14,226	66
Yadkin	23,535	133	3,521	-2	13,231	71	97	0	6,686	64
Yancey	13,460	-21	4,474	-10	4,856	-2	51	0	4,079	-9

Outer Banks residents push emergency powers too far

BY DALLAS WOODHOUSE

One could argue that Ed Woodhouse has as much as a right to claim the Outer Banks and Dare and Currituck counties as his own.

He grew up with my father, Wilson Woodhouse, in a little area on the mainland side of rural Currituck County known as Poplar Branch. Their grandfather sold supplies to the Wright Brothers.

Several Woodhouse roads are named for the family. James Monroe Woodhouse represented Currituck in the General Assembly in the 1800s. When my father left high school to enlist in the Navy during the Korean conflict, he was stationed for a time at Naval Station Duck.

Ed left Currituck to attend college at Louisburg College, and then Pfeiffer College, on a basketball scholarship. He settled in Raleigh, where he married and had three children. He served as executive director of the North Carolina Democratic Party, and later served 34 years as executive director of the North Carolina Poultry Federation.

However, he was never far from Currituck and the Outer Banks. His parents are buried at Powells Point Christian Church in Currituck, and his oldest son is a permanent resident there.



For the last 32 years Ed and his wife Betty Ann have owned a modest condo several rows back from the beach in Currituck County. Their condo is only accessible driving through Dare County. Renting the condo has provided a modest retirement income for the two of them. It has also been a place of solitude and reflection since the sudden loss of their middle child Barry from a heart attack four years ago. Ed's involvement in the Outer Banks was so deep-rooted that he was selected to serve on the First in Flight Commission to celebrate the 100th anniversary of the Wright Brothers first fight, as well as holding other important positions of leadership in the area.

But citing emergency powers, Ed and other non-permanent resident property owners are currently barred from accessing their land and homes in Currituck, Dare and parts of Hyde counties.

Sheriff deputies are manning check points at the bridges leading into Dare and Currituck counties. They are checking proof of permanent residence including addresses on drivers' licenses and checking for entry access permits. Citizens literally have to show their papers to enter these counties. In Hyde County, state Department of Transportation ferry workers enforce the county's restrictive entry into Ocracoke.

According to Dare County:

• Dare County has declared a state of emergency due to the unprecedented public health threat posed by COVID-19 and determined that restrictions and prohibitions are necessary to protect public health and safety and are also in keeping with the President's Coronavirus Guidelines for America. **Visitors and non-resident property owners are prohibited from entering Dare County.**

• Dare County has amended the State of Emergency Declaration, and all current restrictions and orders as outlined in Dare County's current declaration remain in effect until April 30 unless modified, extended or rescinded to meet changing conditions. As part of the declaration, restrictions on entry for visitors and non-resident property owners remain in place and may be extended, if necessary, to ensure the health, safety and welfare of the public. Law enforcement continues to work diligently to enforce entry restrictions and to take appropriate action for those violating the emergency declaration.

According to the Outer Banks Voice:

• Virtually every day, on social media and elsewhere, rumors and stories surface about people finding ways to circumvent the restriction on non-residents and non-resident property owners entering the Outer Banks.

• For his part, Dare County Sheriff Doug Doughtie told the Voice that his officers have seen, and have taken action against, a small group of people who have tried to enter the county with a person hidden in the trunk of the car.

• Local news reports indicate Currituck County is patrolling the Sound to keep people from accessing the beach via boat, a common legal occurrence under normal circumstances. Social media is filled with rumor and innuendo of people circumventing checkpoints, violating

(Continued on page 9)

CYAN MAGENTA YELLOW BLACK

Outer Banks residents push emergency powers too far

CONTINUED FROM PAGE 8

rules and behaving in ways others disapprove of, even if legal.

• Currituck has cut off access to the beach side of the county for non-resident property owners and visitors to Corolla and the 4WD area.

• According to Hyde County, the Island of Ocracoke is now off limits for non-resident property owners and workers.

• Only people working on critical repairs requiring a building permit will be issued temporary entry permits. Other repairs will need to wait until the governor's order is lifted to continue. Permit applications will be evaluated on a case-by-case basis and will be verified before an entry permit is issued. Temporary permits issued prior to this order that cannot be verified using the amended entry guidelines will be voided. The NCDOT Ferry Division will have access to a list of all permits issued and will deny entry if you have not been verified.

In a public message, Bob Woodard, chairman of the Dare County Board of Commissioners, stated:

Once again, I will NOT apologize as chairman of the Control Group for the decisions we have made to date. I know EVERYONE is STRESSED to the max over this. My phone, emails and text messages are off the charts. I have answered every one with respect and compassion and will continue to do so. The County Staff, County Manager, EMS, Sheriffs Department, Health & Human Services, Public Information Director and Emergency Operations are going non-stop to keep everyone protected as best we can and keep you informed. I'm 73 years of age and I have never in my life EVER experienced anything like this. I'm stressed too but I will not stop trying to protect each of you as best I can. I've tried to wrap my arms around this awful virus that has effected the entire world.



Some local websites and Facebook pages from the counties are inundated with comments and stories covering the debate.

Permanent residents are clearly in favor of keeping others out, citing public safety. They voice frustrations at seeing license plates from other states, especially New York, although there is not an evacuation order in place requiring non-residents to leave, just a denial of entry. Property owners who are not full-time residents point out they pay taxes too, often requiring fewer services. They desire to prepare their property for the rental season, or simply use their property as they see fit. Many question the lack of a rational basis to deny them use of their own homes.

However, local authorities are clearly persuaded by local full-time residents who are voters, not by the broader group of taxpayers.

Sam Walker, news director for OBXToday.com, says the debate is the classic "not in my back yard" dispute, driven by fear of the unknown that will have long-term negative consequences for the area.

"It has been ugly, it has been very nasty, and it is going to have long term impacts on visitation on the Outer Banks," says Walker. "Because people used to feel welcome here, now they do not. There is a very vocal group who do not want others here. There has been a lack of southern hospitality."

Walker says he worries about the extended effects to the area's image, and to tourism, long after the virus crisis. Walker points out the ugliness on social media and on the internet, will live on in perpetuity.

And others of us worry about more and more power being exercised by state and local government, under dubious jus-

(Continued on page 12)

Liberal group suggests Gov. Cooper replace Folwell as treasurer

BY DONALD BRYSON

In an article published on April 1, NC Policy Watch's Rob Schofield makes a series of concerning arguments about the North Carolina State Treasurer's office.

The current State Treasurer, Dale Folwell (a Republican), has been diagnosed with COVID-19 and has self-quarantined. However, in that context, Schofield quickly jumps to the conclusion that Treasurer Folwell may be completely incapacitated and unable to perform his constitutional duties. He then leaps from that conclusion to a discussion about a plan of succession for the office of treasurer and who can administer the powers of that office. Schofield writes, "Folwell doesn't appear to be empowered under state law to simply designate such a person. That power resides with the governor."

Remember, the office of state treasurer is a duly elected official, not appointed by the governor. Schofield launches into nothing less than a partisan power grab with his arguments. What Schofield is implying is:

- Treasurer Folwell does not have the legal authority to name someone with the power of his office while he is incapacitated; and
- Cooper may need to consider replacing Treasurer Folwell.

However, Schofield is incorrect in his legal opinion because he was not thorough. While he does cite other parts of the state constitution and state law, he missed Chapter 147 of the North Carolina General Statutes, which pertains directly to State Officers. General Statute 147-75 states:

The Treasurer may authorize a deputy to perform any duties pertaining to the office. The Treasurer may authorize a deputy to affix the Treasurer's signature to any check, warrant or any other instrument the Treasurer is required to sign. The Treasurer shall be responsible for the conduct of his or her deputies.

In other words, Treasurer Folwell has broad authority to name someone to take over the bulk of his duties.

Rob Schofield and NC Policy Watch have been vocal enemies of Treasurer Folwell. However, even hinting at replacing a duly elected state officer – particularly one that has been an opponent of NC Policy Watch – and that selection being done by a political ally (Gov. Roy Cooper, a Democrat), smacks of a political coup.

NC Policy Watch is a project of the liberal North Carolina Justice Center, which receives significant funding from the AJ Fletcher Foundation and the Z. Smith Reynolds Foundation.

Using a public health crisis to advance political goals is shameful, not to mention the method prescribed in the article is contrary to state law. Now is not the time or place for Schofield to be speculating about the health of Folwell for partisan political purposes. NC Policy Watch should unpublish the article and spend more time chasing facts.

North Carolina needs more in-depth and more responsible thinkers than this in the field of public policy.

Update: Folwell was released from the hospital on April 3 and according to media statements was never incapacitated or on a ventilator.

Civitas leads charge on policy solutions for coronavirus crisis

CONTINUED FROM PAGE 1

vent future tax increases that could exacerbate an economic recession.

Similarly, Civitas has called for numerous reforms to secure the integrity of our elections, improve healthcare and ensure our children continue to learn while our schools remain closed. To that end Civitas is working to make sure lawmakers don't rollback absentee ballot reforms. In addition, we are encouraging lawmakers to expand the certificate of need waiver to allow healthcare facilities needed expansions and equipment. Finally, Civitas is working to give local school districts more flexibility to deal with changing conditions and also aid teachers and families as they pivot to online learning.

Additionally, Civitas is pushing back against state and local abuse of power, whether it has to do with attempts to suspend pistol permits or deny people access to a second home or other property. NC Policy Watch and a state senate candidate even called for Gov. Roy Cooper to illegally replace State Treasurer Dale Folwell while he was briefly hospitalized because of Covid-19.

While public safety is an essential role of state and local government, upholding the U.S. Constitution and North Carolina constitution are the reasons citizens implement government in the first place. Furthermore, ideologues and left-wing activists would like nothing more than to use this crisis to expand the control government has over the lives of the citizenry.

Following the guidance of the national party, Democrats here are advocating for the expansion of voting via mail in a way that could empower ballot harvesting. The practice of ballot harvesting essentially allows party operatives to collect or even influence the ballots of citizens that are removed from the more secure voting precincts.

Civitas will continue to fight against bad policy. We will promote efforts to protect the rule of law and encourage leaders to find solutions that promote public health and also get more of our citizens back to work.

CYAN MAGENTA YELLOW BLACK

Entrepreneurs find success in heirloom grains

CONTINUED FROM PAGE 5

it into the machine again and he said, 'well that's pretty amazing… this is the highest fat content corn I've ever seen… without a doubt this is a true heirloom corn.'"

Ball set out to build a whiskey brand around heirloom grains and founded Asheville Distilling Company in 2010.

Today, her distillery produces five different whiskies, all made from grains grown by McEntire, including his Crooked Creek Corn and Red Turkey Wheat, and her business is thriving.

It wasn't always this way, however. For the first five years she was in business, Ball was unable to sell whiskey directly to her customers due to state alcohol regulations.

It almost killed the business.

Originally, distilled spirits could only be bought, legally, in North Carolina at ABC stores. Regulations were relaxed throughout the 2010's. And, as of September 2019, with the passage of NC Senate Bill 290, distilleries may sell unlimited amounts of alcohol directly to the consumer and sell mixed drinks in their distillery tasting rooms, making it much easier to interact with customers and market a brand through a comprehensive distillery experience.



In speaking with both McEntire and Ball, it was evident that they share certain qualities which enable their entrepreneurial success – they're intelligent, passionate, persistent, and industrious individuals.

Along with his devotion to farming, McEntire is a graduate of Appalachian State University, holding a degree in chemistry and mathematics. He has been a teacher, sawmill owner and operator, and beekeeper. For a time, he raised heritage-breed mule-foot hogs, supplying meat to local boutique restaurants – another project he and Ball pursued together.

And along with being the first woman to own a distillery since Prohibition, Ball has earned a business degree from Vanderbilt University, won three gold medals in National Horse Show competitions, and written and published a book about raising her three sons, two of which have special-needs. She is also currently pursuing the development of an all-natural, anti-aging brain supplement.

No matter what Ball or McEntire pursues, each seem to radiate an entrepreneurial spirit. They know things are risky in the business world but feel it's worth the struggle.

When starting a business, "you're betting the farm and there's no back-up," says Ball. "I approach everything with a lot of passion. You know, if I get interested, I'm all in. And I don't hesitate, ever, to learn from somebody who knows more than me."

McEntire sees that his work has positive influence on the social aspects of his community and state and says that makes his work all the more meaningful.

"People truly do appreciate seeing and knowing that I'm growing heirlooms and caring for the good earth," said McEntire. "I guess, philosophically, I could say certainly I enjoy getting out and plowing corn and seeing it grow, but interacting with people, as it pertains to this project, is very valuable to me."

"Interacting with people" and "betting the farm" – perhaps that is what entrepreneurship is really all about.

Branson Inscore is the John Blundell Fellow at the John William Pope Foundation.

Outer Banks residents push emergency powers too far

CONTINUED FROM PAGE 9

tification. Why should Ed not be able to self-quarantine himself in a house he owns? Why do others have a right to restrict that, simply because they live in that county a few more months a year and are registered to vote there? Where is the evidence that driving to his own property poses a significant public health risk? And does that risk warrant the violation of someone else's private property rights?

And if this continues over an extended period of time, at what point does this blocking of access to owned property amount to a regulatory taking, under the Takings Clause of the Fifth Amendment? Normally the Fifth Amendment limits the power of eminent domain by requiring "just compensation" be paid if private property is taken for public use, but a regulatory taking occurs by depriving the property owners of reasonable use. Here Ed and other owners are being denied all use with what many consider a lack of a rational basis denying property owners and taxpayers their most basic rights.

More than 400 years later, we still celebrate the important role the Outer Banks played in the development of the new world with the birth of Virginia Dare, the first English child, born in what would become America. Perhaps, even in these times of difficulty, we return to the words of James Madison the father of the American Constitution, that should guide us all even in times of crisis:

Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government which impartially secures to every man whatever is his own.

Inside Ed Woodhouse's condo, photos and posters adorn the walls commemorating the centennial celebration of Wilbur and Orville Wright's First Flight. The two aviation pioneers were from Ohio and like Ed would be prevented from accessing the Outer Banks.



CYAN MAGENTA YELLOW BLACK