

WOMEN'S ADVOCACY DAY 2005

TALKING POINT SHEET 2-PAGE SUMMARY

ACCESS TO HEALTHCARE

Issue	Related Bill	Bill Sponsor	Talking Point #
<i>Aging</i>	Medicaid funding		1
	S38/ H43 – home Care Funding	Swindell/ Nye & Clary	1
	H119 – wages for in-home aids	Clary & Nye	1

CIVIC PARTICIPATION AND EQUALITY

Issue	Related Bill	Bill Sponsor	Talking Point #
<i>Employment Discrimination</i>	Add sexual orientation status for protection against discrimination of state employees		2
<i>Equal Political Representation</i>	SB1042 – public financing for elections	Clodfelter & Bingham	3
	HB 851 – same day voter registration	Ross, McComas, Parmon, & Holliman	4
<i>Hate Crimes</i>	SB 485 – add sexual orientation for protection under Ethnic Intimidation Act		5
<i>Marriage and Family</i>	Oppose SB 8/ HB 55 – defense of marriage constitutional change		6

ECONOMIC SELF-SUFFICIENCY

Issue	Related Bill	Bill Author	Talking Point #
<i>Living Income</i>	HB 330 – increase minimum wage	Adams	7
<i>Pay Equity</i>	Increase wage floor for state employees	Alexander & Ross	8
	Enhance wage fairness accountability for state employees	Ross	8

VIOLENCE AGAINST WOMEN

Issue	Related Bill	Bill Author	Talking Point #
<i>Sexual Assault</i>	Increase funding for sexual assault crisis centers		9
	Create a habitual sexual offender statute		10
	Grant sexual assault victims right to require offenders to be tested for HIV/AIDS		11

AGING

1. *Ask for full support of Medicaid funding.* After public education, Medicaid is the state's biggest expense, around \$2.7 billion, and therefore always a target for cuts.

- Since Medicaid supports health care for the needy, primarily the elderly and children, cuts don't save money because sick elderly people and children will apply for health care through the expensive hospital system.
- The largest amount of Medicaid expense supports elderly persons in nursing homes. Many of these residents were not needy when they entered but have exhausted their resources.

2. *Ask for support of S38 (Swindell; companion bill H43, Nye and Clary) to increase funds for the Home and Community Care Block Grant by \$4 million each year.* This block grant can fund 18 different services such as adult day care, home-delivered meals, and home health services. The waiting list for services (based on responses to a survey from 55 percent of providers) consists of more than 8,000 persons.

3. *Ask for support of H119 (Clary and Nye) "Wage Enhancement Funds."* This bill would appropriate funding for increased wages or benefits for in-home aides through Medicaid funding.

- Home care aides are paid less than nurse aides in institutions. They are also paid less than dental assistants, manicurists, school bus drivers, file clerks or hairdressers.
- Their work is demanding and is important in providing good care to the elderly in their homes.

These are only some of the most important bills supporting services to the elderly.

Author: Polly Williams, NC Justice and Community Development Center (www.ncjustice.org)

EMPLOYMENT DISCRIMINATION

How does NC's State Personnel Act address discrimination?

- Under state personnel law, all state departments and agencies and all local political subdivisions are prohibited from discriminating in employment and compensation on the basis of race, religion, color, creed, national origin, sex, age, or handicapping condition (NCGS §126-16). However, the current law does not include protections on the basis of sexual orientation, leaving an entire class of government employees open to unfair treatment.

Why do we need to expand the State Personnel Act?

- North Carolinians hold their government to a higher standard. They expect the State to treat its employees fairly. They expect the government to hire the most qualified candidates without regard to irrelevant characteristics like race, religion, sex, disability, and sexual orientation.
- Sexual orientation must be included in the list of protected classes, with a clear definition to ensure that gender expression is included. North Carolinians face discrimination on the basis of sexual orientation and every day, even though most North Carolinians believe this category should receive the same protections as already protected categories like race and religion.
- More than half of Americans live in jurisdictions that have prohibited discrimination on the basis of sexual orientation in both public and private employment, including 15 states and the District of Columbia. An additional 10 states prohibit discrimination against public employees based on sexual orientation.
- Here in North Carolina, the cities of Raleigh, Durham, Chapel Hill, and Carrboro, and Durham and Orange County have already taken action to prohibit discrimination on the basis of sexual orientation.
- Discriminating is simply a bad way to run a business. That's why large and small businesses have implemented inclusive non-discrimination policies, including 415 of the Fortune 500 Companies. That list includes North Carolina-based Duke Energy, Bank of America, Wachovia, Lowe's, RJ Reynolds Tobacco, and Progress Energy. Other major North Carolina employers with such policies include: IBM, BellSouth, Cigna, Cisco Systems, US Airways, and Corning.
- By failing to include sexual orientation, the State makes it less likely that qualified workers who value fairness and diversity will apply for jobs, reducing the quality and effectiveness of the state workforce.

The Numbers

74% of North Carolinians oppose discrimination by public employers on the basis of sexual orientation, including **83%** of Democrats and **61%** of Republicans.

58% of North Carolinians would be *more likely* to support a legislator who voted for a bill prohibiting job discrimination for public employees on the basis of sexual orientation.

Source: Portrait of America North Carolina poll, Fall 2002. Conducted by the Lucas Group.

How should the State Personnel Act be changed?

- Equality NC supports seeks the addition of sexual orientation to the list of classes included in the State Personnel Act's Equal Employment and Compensation Opportunity section (NCGS §126-16). Sexual orientation is defined to make sure it protects the entire LGBT community.

Author: Ian Palmquist, Equality NC (www.equalitync.org)

EQUAL POLITICAL REPRESENTATION**SB 1042: Voter Owned Elections Act of 2005**

Sponsors: Sen. Dan Clodfelter (D-Mecklenburg) and Sen. Stan Bingham (R-Davidson)

Why NC women support this bill:

- We want to increase the participation of women as voters, leaders, and decision-makers in the political process.
- Public financing provides candidates who choose to participate with an alternative to the constant money chase that dominates our elections and is particularly helpful to women, people of color, and people from low-income communities who have historically found themselves at a disadvantage in raising the money it takes to run a successful campaign.
- NC made history in 2004 by becoming the first state to provide a full public financing alternative for candidates for the Court of Appeals and Supreme Court.
- When states all over the country are seeing more money pouring into their judicial elections from special interest groups, NC had 12 of the 16 candidates running for office taking only public financing, including 4 of the 5 candidates who won. This program should be expanded to include the 8 offices of the Council of State.
- These Council of State officials get most of their campaign money from the businesses/people they regulate or do business with -- very similar to judges getting most of their money from attorneys. It's an awkward conflict and bad system, as we saw in the case of Meg Scott Phipps and State Fair vendors.

Bill details:

- The Voter-Owned Elections Act will provide a public-financing program for candidates seeking election to head the eight Council of State agencies (Secretary of State, Auditor, Attorney General, Superintendent of Public Instruction, Treasurer, Commissioners of Agriculture, Labor, and Insurance).
- Under this program, the candidates and the public benefit from an alternative to the money chase -- a voluntary, public financing option.
- In order to participate, the candidates must first raise 2,000 small donations from registered voters to prove they have broad public support and deserve public funding. This is a "sweat equity" program for worthy politicians.
- The public funding comes from a Voter-Owned Elections Fund that gets its money from a small surcharge on regulatory fees collected by these agencies. The Fund does NOT take money away from the General Fund.

Author: Beth Messersmith, Democracy NC (www.democracy-nc.org)

EQUAL POLITICAL REPRESENTATION

HB 851: Same Day Voter Registration at One-Stop Sites

Sponsors: Rep. Deborah Ross (D-Wake), Rep. Danny McComas (R-New Hanover), Rep. Earline Parmon (D-Forsyth), and Rep. Hugh Holliman (D-Davidson)

Why NC women support this bill:

- We want to increase the participation of women as voters in the political process. In order to do this, we support removing barriers to voting for all eligible citizens.
- NC ranks 44th in the country in voter turnout for the past six presidential elections (1980 to 2000). More than half of NC adults do not participate in elections. Over 1,000,000 eligible NC adults are not registered to vote, 400,000 of whom are 18-34.
- The six states that allow Same-Day Registration have an average turnout rate of 61.0% in the past two presidential elections (1996 and 2000), compared to 46.8% for NC. The six states are Minnesota, Maine, Wisconsin, Idaho, New Hampshire and Wyoming.

Bill details:

- HB 851 is designed (a) to give people who get interested in elections late a chance to vote, and (b) to address the fraud paranoia regarding allowing people to register and vote at the same time. This is a myth, because experience in the 6 states with Election-Day registration shows they have no more fraud than any other state.
- If a person misses the cutoff to register (25 days before Election Day), he or she can go to one of the one-stop early voting locations during the early voting period and show a current ID, swear they live at the address given, and vote. Giving false information is a felony.
- Citizens whose valid NC license can be confirmed through a check of the NC driver's license database will vote an absentee ballot. If the ID is another approved form besides a driver's license, they will vote using a provisional ballot, which won't count unless the verification process is successfully completed. The ballot is retrievable, which protects against fraud if it turns out the person doesn't live at the address or gave false information.
- State elections officials plan to use some federal funds from the Help America Vote Act to provide computers and databases in the early voting sites, so officials can do the immediate database check to ensure that (1) voters do have a valid driver's license and (2) they have not voted or registered anywhere else.

Author: Beth Messersmith, Democracy NC (www.democracy-nc.org)

HATE CRIMES

What does North Carolina's existing Hate Crime Law do?

- In 1991, NC adopted the Ethnic Intimidation Act to provide penalty enhancement for crimes committed because of the victim's race, color, religion, nationality, or country of origin (NCGS 14-3(c)), and made it illegal to assault someone or damage property because of the victim's membership in the above categories (NCGS 14-401.14).
- This law accomplishes several things. It recognizes that hate violence has an impact on an entire class, not just an individual victim. It sends a message that bias-related violence is wrong and that NC will not tolerate it. It is tough on crime because it allows hate motivation to be considered in sentencing decisions. The current law, however, does not provide for prosecution of crimes committed because of bias against the victim's sexual orientation, gender, gender expression, age, or disability.

Why do we need to expand North Carolina's Hate Crime Law?

- Lesbian, gay, bisexual and transgender North Carolinians are harassed and assaulted because of their sexual orientation every year. In February of this year, Thomas Stockwell was assaulted because of his sexual orientation in Chapel Hill. Although police recognized it as a hate crime, they cannot prosecute it as such under NC law.
- Hate crimes are different from other crimes. In a regular crime, the victim is the target; in a hate crime, the entire community the victim represents is the target. Hate crimes are meant to terrorize entire groups of people by sending a message that they are not welcome in that community.
- Amending NC's hate crimes law will encourage victims to report crimes because lesbian, gay, bisexual and transgender people will know that their allegations will be taken seriously. Increased reporting of hate crimes can aid law enforcement in finding and convicting perpetrators.
- Amending NC's Hate Crimes law will bolster the efforts of federal, state, and local officials to collect and maintain accurate crime statistics. Failure to address the critical problem of bias-related violence sends a dangerous message to the public and to the law enforcement community that anti-gay violence does not exist, or worse, that it is tolerated.

How should the Hate Crime Law be changed?

- Equality NC supports Senate Bill 485, which would add sexual orientation to the list of classes included in the Ethnic Intimidation Act, as well as gender, age, and disability status. Sexual orientation is clearly defined to ensure that gender expression is included.

Author: Ian Palmquist, Equality NC (www.equalitync.org)

The Numbers

According to voluntary reporting to the National Coalition of Anti-Violence Projects:

8% Increase in number of anti-gay attacks from 2002 to 2003 according to the National Coalition of Antiviolence Projects

2384 Victims of crimes motivated by real or perceived sexual orientation in 2003.

Many More

Because reporting is voluntary, and many areas do not have an anti-violence program, the real number of hate crimes is higher.

MARRIAGE & FAMILY**Oppose SB 8 and HB 55: Oppose Discrimination in the NC Constitution**

Discrimination has no place in our Constitution. Senate Bill 8 and House Bill 55, so-called “Defense of Marriage,” are attempts to write discrimination into our State’s most important document: our Constitution. The State Constitution is a document that enshrines and protects the rights of individuals. The proposed amendment would tarnish this sacred document by explicitly denying basic civil rights to a group of citizens in our state.

It’s about more than marriage. The bill would not only deny equal marriage rights, which are already denied lesbian, gay, bisexual and transgender North Carolinians, but would also prohibit any recognition of civil unions, domestic partnerships, or similar relationships in the state. The language of the bill is so broad it could prevent private companies from extending domestic partner benefits to their employees.

The amendment deceives North Carolina voters. All voters would see on the ballot was an up or down vote on limiting marriage to one man and one woman. They wouldn’t be informed that the amendment also bans any form of relationship recognition for same-sex couples, and could limit the rights of unmarried opposite-sex couples.

The amendment would have unintended consequences. Since the passage of 13 state constitutional amendments in 2004, we have already seen this kind of vague and undefined language used in broad sweeping strokes. In Ohio, the public defender in Cuyahoga County (Cleveland) is dismissing domestic violence charges against unmarried defendants, domestic partner benefits have been limited in Ohio and Michigan, and a Utah attorney is claiming the constitutional amendment there invalidates a protective order taken out against a man by his ex-girlfriend. The proposed amendment has broad language that would lead to similar problems here in North Carolina.

The amendment does nothing to address the State’s real problems. Our state faces a major budget shortfall. Nearly 1 in 6 North Carolinians has no health care coverage. 1.5 Million North Carolinians are poor. The state legislature has numerous pressing issues that need to be addressed; spending time on writing discrimination into our state constitution is not one of these pressing issues.

The amendment is bad for the economy. Research has shown that innovative companies prefer to locate in areas that are welcoming to their gay employees. As we try to create new jobs and industry across the state, the amendment would send the wrong signal to major employers.

Author: Ian Palmquist, Equality NC (www.equalitync.org)

The Numbers

15 State legislatures rejected similar amendments in 2004.

143,680 Unmarried couples in North Carolina could be harmed by the broad language of the amendment, according to the 2000 Census.

94% of state legislators who voted against discriminatory amendments in 2004 won re-election, a higher re-elect rate than average, according to an Equality Federation/HRC study.

LIVING INCOME

HB330 (Alma Adams) “Living Wage Act” would increase the minimum wage in North Carolina to \$6.15 per hour on Labor Day 2005, increasing to \$7.15 in 2006 and \$8.15 in 2007.

The federal minimum wage of \$5.15 per hour has not been increased since 1997, despite inflationary increases in costs for families. Federal Poverty Level standards have long been out of date.

In 2003 a study, “Working Hard is Still Not Enough,” by the NC Justice Center determined that a North Carolina Living Wage would be \$10.60 per hour, or 206 percent of the present minimum wage.

The Living Income Standard of the Justice Center’s study estimated that \$13.14 per hour was the wage necessary for a living income in urban counties and \$11.00 per hour in rural counties. This wage would make possible only a bare living standard for a family.

The wage increases provided in the “Living Wage Act,” however, would help significantly those North Carolinians who work hard but cannot support their families on the present minimum wage or one not much above it.

Author: Polly Williams, NC Justice and Community Development Center (www.ncjustice.org)

PAY EQUITY

Ask your legislators to support two bills that would work towards pay equity for women in state employment.

1) The first bill (Representatives Martha Alexander and Deborah Ross—and companion bill by Senator Katie Dorsett) would set a floor for the lowest wage for state employees at 125 percent of Federal Poverty Level.

- This wage of \$20,112, is Federal Poverty Level (FPL) for a family of 3 (average family size in NC is 2.5). It represents a gain of about \$2000 over the present wage floor of \$18,312, set at 120% of FPL.
- This would represent an incremental improvement towards a real living wage for state employees. But it is not high enough to make a family ineligible for food stamps and children's health insurance.
- Of the 1720 employees immediately affected by this change, 937 are women.

Another section of the bill would provide for a study commission to examine disparities in wages between men and women in state employment and make recommendations to eliminate and prevent them.

2) The second bill (Representative Deborah Ross) would be address accountability of managers for wage disparities and provide methods to aid supervisors in making wage adjustments.

Reasons to support these bills:

- Women make up 48.9 percent of all state employees but are 71.5 percent of low-wage employees. Men are 28 percent of those earning low wages but are 75 percent of those in the top 15 grades of state employment. This disparity is too great to be acceptable.
- The first pay equity study appeared in 1982 and showed substantial disparities in wages between men and women. Women had more education but earned lower pay. Subsequent studies have provided the same information, without real improvement. Action by the legislature is necessary to bring about change.
- As NC's largest employer, state government should lead the way in fairness in pay.
- Since the 1980s, 24 states have created state-level study commissions, and 10 states have implemented measures to correct race- and gender-based pay inequities. These measures can be phased in over time at a surprisingly low cost, with states like Michigan, Minnesota, and Washington spending less than four percent of total personnel costs to implement pay equity measures.

Author: Polly Williams, NC Justice and Community Development Center (www.ncjustice.org)

SEXUAL ASSAULT

Funding for Sexual Assault Crisis Centers

Recommendation: The NC General Assembly should increase funding for sexual assault crisis centers. Total funding for sexual assault crisis centers should increase to \$2 million per fiscal year.

Background:

The NC General Assembly currently allocates \$1,117,500 per fiscal year for rape crisis centers:

- There are 73 rape crisis centers serving all 100 counties.
- The average salary of a first responder rape crisis counselor, who is on call seven days per week and 24 hours per day, is about \$21,000 per year.¹

Rape crisis centers are the front line in victim service and violence prevention:

- In 2004, these rape crisis centers received 19,000 crisis or support calls on hotline.²
- According to the *Uniform Crime Report*, there were 2,139 forcible rapes reported in North Carolina in 2003.³
- 1 out of every 8 adult women (12.5%), or nearly 393,000 women in North Carolina, has been the victim of forcible rape sometime in her lifetime.⁴
- Sexual assault crisis centers provide 24-hour hotlines, crisis counseling, support groups, community education, and prevention efforts, and they provide direct victim support during the medical and legal processes.

Prevention is vastly less expensive than dealing with the effects of sexual assault:

- According to the US Department of Justice, medical treatment, counseling, work absenteeism, law enforcement time, prosecution and court costs, and lost quality of life incur a total cost to victims, businesses, and taxpayers of \$127 billion a year.⁵

Author: Monika Johnson Hostler, NC Coalition Against Sexual Assault (www.nccasa.org)

¹ NC Council for Women/Domestic Violence Commission. "Domestic Violence & Sexual Assault State-Funded Programs July 1, 2003-June 30, 2004". Raleigh, NC. October, 2004.

² *Id.*

³ *Uniform Crime Reports*. FBI, U.S. Department of Justice. Washington, DC. October 27, 2004.

⁴ Kilpatrick, D.G. and K.J. Ruggiero. *Rape in North Carolina: A Report to the State*. National Violence Against Women Prevention Research Center, Medical University of South Carolina. Charleston, SC. 2004.

⁵ Miller, Ted, Mark Cohen and Brian Wiersema. *Victims Costs & Consequences: A New Look*. National Institute of Justice Report, U.S. Department of Justice. Washington, D.C. January 1996.

SEXUAL ASSAULT

Creating a Habitual Sexual Offender Statute

Recommendation: The North Carolina General Assembly should create a new category for repeat sexual offenders: habitual sexual offender. Legislation has been drafted that will make the third conviction of a misdemeanor or felony sexual offense a Class F felony. A Class F felony carries with it a minimum sentence of ten months and a maximum of 49 months. Additionally, the draft statute requires the offender to register with the Sex Offender Registry for life and requires the offender's DNA to be entered into CODIS.

Background:

- Re-offense rates for untreated sex offenders, who primarily target children, range from ten to 40 percent, and rates for untreated sex offenders who target adult women range from seven to 35 percent.⁶
- An estimated 1 in 4 imprisoned rape and sexual assault offenders has a prior conviction history of violent crime, and 1 in 7 has been previously convicted of a violent sex crime.⁷
- In a recent study, 17.1% of rapists in the sample committed another sexual offense.⁸
- As of January 31, 2005, 4,408 inmates of the NC Department of Corrections imprisoned for sexual assault had previous criminal convictions; 521 had record levels of IV through VI.⁹

Author: Monika Johnson Hostler, NC Coalition Against Sexual Assault (www.nccasa.org)

⁶ The Association for the Treatment of Sexual Abusers. "Reducing Sexual Abuse Through Treatment and Intervention with Abusers". November 1996 - March 22, 2005. www.atsa.com/pptreatment.html

⁷ Greenfield, L.A. *Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault*. Bureau of Justice Statistics, U.S. Department of Justice. Washington, DC. 1997.

⁸ Hanson, R.K. "Recidivism and Age: Follow up Data from 4,673 Sex Offenders," *Journal of Interpersonal Violence*. 24(11) pp.1485-1062.

⁹ North Carolina Department of Corrections. Custom report generated March 22, 2005. www.doc.state.nc.us/rap/index

SEXUAL ASSAULT

HIV Testing of Sexual Offenders upon Request

Recommendation: The North Carolina General Assembly should enact legislation to require persons accused of sexual assault to be tested for HIV/AIDS at the request of the victim.

Background:

- In 2003, there were 1,315 newly reported cases of HIV in North Carolina.¹⁰
- The data suggest that if antiretroviral treatment is begun soon after exposure and continued for at least 28 days, it is possible to greatly reduce the risk for acquiring HIV.¹¹
- In a study conducted of male prison inmates in Rhode Island between 1994 and 1999, 1% of sexual assault offenders were found to be HIV positive. This rate is three times higher than that of the general population of men in Rhode Island (0.3%).¹²
- 73% of the women surveyed reported that they were “extremely fearful” or “concerned” about contracting HIV as the result of a rape.⁴
- 80% of the women surveyed indicated that they wanted more HIV/AIDS related information during post-assault medical care.¹³

Author: Monika Johnson Hostler, NC Coalition Against Sexual Assault (www.nccasa.org)

¹⁰ “HIV/AIDS Surveillance Report: Cases of HIV Infection and AIDS in the United States, 2002”, Volume 15. National Center for HIV, STD and TB Prevention, Centers for Disease Control and Prevention, Department of Health and Human Services. 2004. www.statehealthfacts.kkf.org. March 22, 2005.

¹¹ Smith, Dawn, et al. “Antiretroviral Postexposure Prophylaxis After Sexual, Injection-Drug Use, or Other Non-occupational Exposure to HIV in the United States”, *MMWR*. US Centers for Disease Control. January 21, 2005.

¹² Spaulding A, Salas C, Cleaver D, et al. “HIV seroprevalence in male sexual offenders in Rhode Island: implications for post-exposure prophylaxis [Abstract]”. Presented at the 8th Conference on Retroviruses and Opportunistic Infections, Chicago, Illinois, February 2-4, 2001.

¹³ Resnick, H., et al. (2002) “Rape-related HIV Risk Concerns Among Recent Rape Victims” *Journal of Interpersonal Violence* 17(7): pp.746-759.