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Focusing on Legislative Representation

LEGISLATIVE REPORT April 19, 2019

INTRODUCTION

Well, it has been quite an interesting couple of weeks. We have been under an avalanche of bills that have been filed over the last few weeks, many of them making major policy changes. Meanwhile, committees are meeting with a renewed level of intensity as they try to move bills before the impending cross-over deadline of May 9th, which requires bills to move out of one chamber or the other to remain eligible for consideration the rest of the session. Of course, during all this the House budget writers have been meeting behind closed doors to put their budget proposal together so that it can be released next week, which will start a whole new level of pressure and debate about priorities for the State.

Both the House and Senate are on “Spring Break” with the House leaving on the 17th and returning on the 24th and the Senate being out all next week. This break will allow legislators and staff time to spend with their families and will give everyone a short respite before the big push to get bills moving before the cross-over deadline. Besides the end of session, the cross-over deadline is the busiest time of the session as bills fly through both chambers and we are sure to see some late nights.

We hope you all have a great Easter Holiday and get some rest as we prepare for the rest of the session.



TOWING AND RECOVERY PROFESSIONALS OF NC



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FOR MORE INFORMATION:

Colleen Kochanek
Alexander C. Miller
P.O. Box 1038
Wake Forest, NC 27588
919.747.9988

colleen@kochaneklawgroup.com
alex@alexmillernc.com
www.kochaneklawgroup.com

BILLS OF INTEREST

HOUSE BILL 569, One NC Funding for Small Businesses, would provide \$5 million to the One North Carolina Small Business Account. The bill also would create and provide to the Community Innovation Fund, a special reserve fund in the Department of Commerce. The Department would use monies in the Fund to award competitive grants to assist rural, small-, and medium-sized communities in the State in transitioning to a knowledge- and innovation-based economy. **Introduced by Representatives K. Hall, Ross, and Dobson and referred to the House Commerce Committee.**

HOUSE BILL 603, Pain Capable Unborn Child Protection Act, is identical to Senate Bill 547, summarized below in this Legislative Report. **Introduced by Representatives McElraft, Hurley, Conrad, and Stevens and referred to the House Health Committee.**

HOUSE BILL 615, NC Consumer Fireworks Safety Act, would: (1) allow the sale, possession, and use of certain consumer fireworks; (2) prohibit the sale of consumer fireworks to persons under the age of 18 (currently, 16); (3) allow cities and counties, by ordinance, to regulate the use and sales of consumer fireworks, sparkling devices, and novelties to the public; (3) levy an excise tax on the sale of consumer fireworks at the rate of 5% of the price; and (4) require 25% of the net proceeds of the tax collected to be credited to the Firefighters' Education Fund to provide education and training to firefighters in North Carolina. **Introduced by Representatives Szoka, Brody, Hardister, and Wray and referred to the House Judiciary Committee.**

HOUSE JOINT RESOLUTION 627, NC Response/Extreme Abortion-on-Demand Policy, was filed in response to New York's "Reproductive Health Act," which states that it is the policy of the State of New York that every individual who becomes pregnant has the fundamental right to choose to have an abortion. The bill contains several "whereas" clauses, and states that the General Assembly stands in mourning due to the countless lives that will be lost as a result of New York's Reproductive Health Act; will continue to educate the public about the developing unborn child and advocate for protective pro-life laws; and stands in solidarity with all who advocate for the effective and legal protection of unborn children and their mothers in this country. **Introduced by Representatives McElraft, Howard, Grange, and Stevens and referred to the House Rules Committee.**

HOUSE BILL 632, Hydraulic Fracturing/Statewide Ban, would ban the use of horizontal drilling and hydraulic fracturing for oil and gas exploration or development in the State of North Carolina. **Introduced by Representatives Queen, Russell, and Autry and referred to the House Rules Committee.**

HOUSE BILL 641, Modifications to Various DPS Provisions, would:

- provide that no member of the North Carolina National Guard may be forced to use or exhaust any of the member's vacation or other accrued leaves from the member's civilian employment for a period of active service; and
- authorize the Division of Motor Vehicles to collect and maintain necessary motor carrier or commercial motor vehicle data in a manner that complies with the information system established by the United States Secretary of Transportation.

Introduced by Representatives Boles, Pierce, Speciale, and R. Turner and referred to the House State and Local Government Committee.

HOUSE BILL 646, ID Approval/Flex Muni One-Stop, is a bill filed in response to criticism of the previous Voter ID law, under which several college and university-issued IDs would not have qualified for the purposed of voting. This bill would:

- clarify the approval process for student and employee identification cards for voting purposes;
- provide an additional window for approval of student and employee identification cards for the 2020 elections; and
- provide flexibility in the number of hours of early one-stop voting in odd-numbered year elections.

Introduced by Representatives Lewis, Hawkins, Hardister, and Russell and referred to Senate Rules Committee.

HOUSE BILL 648, NC FAIR State & Congressional Districts Act, would:

- establish, no later than June 1 of each year ending in zero, the Independent Redistricting Commission, which would have 16 individuals registered to vote in this State for at least one year, with 11 voting members and five nonvoting alternate members;
- prohibit the Commission from doing any of the following: (1) drawing a district for the purpose of favoring a political party, incumbent legislator, or member of Congress, or other person or group; (2) drawing a district for the purpose of augmenting or diluting the voting strength of a language or racial minority group; or (3) making any use of any of the following: political affiliations of registered voters, previous election results, residential address of an incumbent or declared candidate, demographic information, other than population head counts, except as required to comply with federal or State law, or any other data which could identify with reasonable certainty the voting tendencies of any group of citizen;
- direct the Commission to obtain federal census population data from the Census Bureau by December 31 of each year ending in zero, and use the data to prepare descriptions and maps of geographic and political units;
- require the Commission to obtain from the Census Bureau, as soon as possible after January 1 of each year ending in one, population data necessary and use the data to assign a population figure to geographic and political units for congressional and legislative redistricting;
- require the Commission, by February 1 of each year ending in one, to interview at least three individuals classified as a Special Master and select one to contract with to draft proposed election maps; sets out the Master's duties, including preparing two proposed plans each for the legislative and Congressional districts.

Introduced by Representatives Warren, Hanig, Martin, and Beasley and referred to the House Redistricting Committee.

HOUSE BILL 649, Grand Jury if LEO Charged Performing Duties, is identical to Senate Bill 415, summarized in the April 9, 2019, Legislative Report. **Introduced by Representatives D. Hall, Rogers, McGrady, and Richardson and referred to the House Judiciary Committee.**

HOUSE BILL 652, Clearing Vehicle Registration Stops, is identical to Senate Bill 623, summarized below in this Legislative Report. **Introduced by Representatives Torbett and Lewis and referred to the House Transportation Committee.**

HOUSE BILL 655, NC Health Care for Working Families, would expand Medicaid to eligible adults who have a modified adjusted gross income that does not exceed 133% of the federal poverty level. Program participants would be required to pay an annual premium that is set at 2% of the participant's household income and would be required to comply with work requirements.

Federal funding for the expansion would be supplemented by participant premiums and assessments on health care systems and prepaid health plans. If the bill were to become law, it would require approval from the federal Centers for Medicare and Medicaid Services. Although it clearly Expands Medicaid beneficiaries in North Carolina – the sponsors are not calling it Expansion.

This legislation is very similar to last session’s “Carolina Cares” Medicaid expansion, but it adds grant funds for rural health care needs, which would be paid for by prepaid health plans’ payment of the gross premium tax (which requires legislative approval).

In the past, a bipartisan group of legislators has supported the legislation, but Sen. Phil Berger has remained a staunch opponent, making its prospects unclear. The N.C. Healthcare Association and the N.C. Medical Society support the bill. **Introduced by Representatives Lambeth, Murphy, Dobson and White and referred to the House Health Committee.**

HOUSE BILL 658, Allow Donations of Unexpired Drugs, would modify the expired drug provision of the Drug, Supplies, and Medical Device Repository Program to allow participating pharmacists to accept and dispense drugs that have not reached their expiration date for the purpose of increasing access for individuals who are uninsured or underinsured. **Introduced by Representatives Sasser, Hanig, and Humphrey and referred to the House Health Committee.**

HOUSE BILL 665, NC Completes College/Competitive Workforce, as recommended by the State Board of Community Colleges and the UNC Board of Governors, would implement various policy changes to improve student outcomes, including reducing time to degree at public institutions of higher education, and recognize the need for and value of non-degree workforce certifications. **Introduced by Representative Fraley and referred to the House Education – Universities Committee. The bill was approved by the Committee and will next be considered by the House Education – Community Colleges Committee.**

HOUSE BILL 676, Tax Reduction Act of 2019, would: (1) increase the standard income personal tax deduction from \$20,000 to \$20,750 for married, filing jointly/surviving spouse taxpayers, from \$15,000 to \$15,563 for heads of household, and from \$10,000 to \$10,375 for single and married, filing separately taxpayers; (2) simplify the franchise tax base; (3) lower the franchise tax rate; (4) require marketplace facilitators to collect and remit sales and use tax on marketplace facilitated sales; and (5) make other tax law changes. **Introduced by Representatives Howard, Setzer, and Szoka and referred to the House Finance Committee.**

HOUSE BILL 686, Automatic Renewal of Contracts, would:

- now require that a person must provide a separate disclosure statement that provides notice that the contract will be automatically renewed if the customer signs the contract and the disclosure statement; that the notice of termination will be provided to the consumer at least 60 days prior to the contract termination date if the customer does not sign the contract and disclosure statement; the length of the initial term and each renewal term under the contract; the amount to be charged to the consumer for the initial term and any renewal terms; a list and explanation of any contract terms that will change upon contract renewal; and an email address, mailing address and phone number that the consumer may use to terminate the automatic renewal;
- add a requirement for the person to send a notice to a consumer who does not sign the disclosure statement at least 60 days prior to the contract terminate date, which provides the date that the contract is scheduled to terminate and the renewal options available;
- allow delivery of the notice by personal delivery, email, or first-class mail;

- require written confirmation and notice of termination of the automatic renewal within 30 days of receipt of cancellation if a customer cancels the automatic renewal in accordance with the act;
- prohibit a person subject to the statute from automatically renewing a contract, charging a consumer a higher fee or contract amount, or otherwise penalizing a consumer if the consumer did not sign a disclosure statement; and
- add a new requirement for a person to terminate the automatic renewal provision of a contract within 30 days of receipt of a notice from a consumer that the consumer has permanently relocated to a hospital, nursing home, or assisted living facility.

Introduced by Representative Stevens and referred to the House Judiciary Committee.

HOUSE BILL 691, Online Voter Registration, would: (1) require the State Board of Elections to develop an application form for voter registration that may be printed out in blank form or filled in online and printed out for mailing; and (2) allow individuals who are eligible to vote and have either a North Carolina drivers license or a special identification card to register to vote online. The Division of Motor Vehicles would compare the information submitted by the applicant with the information maintained in its database to verify that the applicant possesses a current and valid form of identification. **Introduced by Representative Alexander and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 693, Unreimbursed Business Expenses Tax Deduction, would create a personal income tax deduction for unreimbursed trade or business expenses for the taxable year calculated pursuant to Section 162 of the Internal Revenue Code (Code), which provides for ordinary and necessary trade or business expenses, minus the limitation on an individual's miscellaneous itemized deductions for any taxable year to only allow the deductions if their aggregate exceeds 2% of the individual's adjusted gross income. **Introduced by Representatives Kidwell, Pittman, C. Smith, and Humphrey and referred to the House Finance Committee.**

HOUSE BILL 696, NC Families First Act, would enact the North Carolina Families First Act to:

- provide that, beginning January 1, 2022, family and medical leave insurance benefits are payable to an individual who: (1) meets the definition of "covered individual" as defined; and (2) meets one of the following requirements: (a) because of birth, adoption, or placement through foster care, is caring for a new child during the first year after the birth, adoption, or placement of that child; (b) is caring for a family member with a serious health condition; (c) has a serious health condition; (d) is caring for a covered service member who is the covered individual's next of kin or other family member; or (e) because of any "qualifying exigency leave" arising out of the fact that the family member of the covered individual is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces;
- set out the maximum number of weeks during which family and medical leave insurance benefits are payable, and require first payment of benefits to be made to an individual within two weeks after the claim is filed and subsequent payments to be made every two weeks thereafter;
- include how the amount of family and medical leave insurance benefits is to be determined;
- authorize payroll contributions in order to finance the payment of benefits under the family and medical leave insurance program;
- require an employer, beginning on January 1, 2021, for each employee, to remit to the Families First Fund contributions in the form and manner determined by the Division;
- provide that a self-employed individual who is electing coverage is responsible for the employee's share of contributions on that individual's income from self-employment;

- prohibit an employer from deducting more than 50% of the contribution required for an employee from that employee's wages and require the employer to remit the full contribution required to the fund;
- allow a covered individual to take paid family and medical leave on an intermittent or reduced leave schedule in which all of the leave authorized is not taken sequentially, but would require the covered individual to make a reasonable effort to schedule paid family and medical leave so as not to unduly disrupt the operations of the employer;
- provide for leave and employment protection and include provisions regarding actions for violations;
- prohibit retaliatory personnel actions;
- require leave taken with wage replacement under this Chapter that also qualifies as leave under the Family and Medical Leave Act to run concurrently with leave taken under the Family and Medical Leave Act;
- require each employer to provide written notice to each employee upon hiring and annually thereafter;
- direct the Assistant Secretary to establish a system for appeals in the case of a denial of family and medical leave insurance benefits and to implement procedures to ensure confidentiality of all information related to any claims filed or appeals taken to the maximum extent permitted by applicable laws;
- include provisions regarding erroneous payments and disqualification for benefits;
- establish the Families First Fund;
- direct the Division of Employment Security, beginning January 1, 2023, to report to the General Assembly by April 1 of each year on projected and actual program participation by purpose, gender of beneficiary, premium rates, fund balances, outreach efforts, and, family members for whom leave was taken to provide care; and
- require the Division to conduct a public education campaign to inform workers and employers regarding the availability of family and medical leave insurance benefits.

Introduced by Representatives Meyer, Batch, Clark, and Majeed and referred to the House Health Committee.

HOUSE BILL 700, Digital Campaign Finance Disclosure Changes, would define and regulate digital communication in electioneering communications and advertising disclosures as follows:

- define the term "qualified digital communication" as any communication, for a fee, placed or promoted on a public-facing Web site, Web application, or digital application, including a social network, advertising network, or search engine;
- amend the terms "electioneering communication" and "advertising" to include a *qualified digital communication* that meets specified characteristics;
- require the disclosure statement, in a qualified digital communication advertisement, to appear (i) in letters at least as large as the smallest text in the qualified digital communication or (ii) in a heading or similar section of text displayed above or within the qualified digital communication that is visually distinct from the text of the qualified digital communication and to have a reasonable degree of color contrast between the background and the disclosure statement. If the qualified digital communication is disseminated through a medium in which the provision of the disclosure statement is not possible, the qualified digital communication would, in a clear and conspicuous manner, include the following: the name of the person who paid for the qualified digital communication; a means for the recipient to obtain the remainder of the information required with minimal effort and without receiving or viewing any additional material other than the disclosure statement;

- require the State Board to maintain records of qualified digital communications for political advertising on its website, which information would be deemed public records and available for inspection on the website; and
- require the information posted on the website to include: the name of the person; the city and state where the entity is located; the amount spent by the person for each candidate; a copy of the political advertisement; and the dates or date range on which the political advertisement runs.

Introduced by Representatives Grange, Harrison, Lewis, and Hawkins and referred to the House Elections and Ethics Law Committee.

HOUSE BILL 713, Unemployment Insurance Changes/Restorations, would: (1) amend the employment security laws to eliminate multiple waiting weeks for benefits, the sliding scale duration of benefits, and the \$350 weekly cap on benefits; (2) reestablish twenty-six weeks of eligibility and using the average of the highest two quarters for the benefit formula; and (3) restore benefits in cases where an individual leaves employment for spousal relocation or health reasons or due to an undue hardship. **Introduced by Representatives Richardson, Gailliard, Insko, and Hawkins and referred to the House Rules Committee.**

HOUSE BILL 715, SHRA/Stronger Whistleblower Protection, would strengthen State Human Resources Act whistleblower protections by:

- providing that any State employee who makes a report in good faith is immune from civil liability that might otherwise be incurred or imposed as a result of making the report;
- providing that the identity of a State employee who makes a report in good faith is not a public record, and require the employee's identity to remain confidential until the matter is resolved or the employee consents to the report being made public;
- defining "good faith" as honesty in fact with the goal of complying with the duties imposed by this section;
- providing protection from retaliation for *good-faith* reports;
- requiring each State department, agency, and institution to post notice and use other appropriate means to keep State employees informed of their duties and protections and the availability of assistance from the State Auditor;
- requiring each substantiated allegation of improper governmental activities made that involves fraud, mismanagement, or waste of State resources to be immediately referred to and reviewed by the Office of State Budget and Management (OSBM), and require OSBM within 90 days of the date of referral, to determine the amount of any savings to the State generated by substantiated allegations; and
- providing that a State employee who makes a substantiated allegation that results in a savings to the State is entitled to receive a monetary reward equal to 20% of the amount of the savings generated as determined by the Office of State Budget and Management.

Introduced by Representatives Cleveland, Stevens, Warren, and Riddell and referred to the House Judiciary Committee.

HOUSE BILL 717, Repeal Continuing Ed. For Used Car Dealers, would repeal current statute which requires continuing education for used motor vehicle dealers and would require the Division of Motor Vehicles (DMV) to provide notice of an adopted or amended rule or regulation to licensed motor vehicle dealers, within 30 calendar days of the adoption or amendment. The bill would also require the DMV's License and Theft Bureau to study how to improve enforcement of the laws on the transfer of title or interest in a motor vehicle and report to the specified NCGA committee by December 15, 2019. **Introduced by Representative Setzer and referred to the House Transportation Committee.**

HOUSE BILL 724, Truth In Caller ID Act, would prohibit a telephone solicitor from causing misleading information to be transmitted to users of caller identification technologies, or otherwise block or misrepresent the origin of the telephone solicitation. It would not be a violation for a telephone solicitor to utilize the name and number of the entity the solicitation is being made on behalf of rather than the name and number of the telephone solicitor. **Introduced by Representatives Moore, Saine, Shepard, and Humphrey and referred to the House Commerce Committee.**

HOUSE BILL 727, Wage & Hour Withholding Changes, would amend provisions relating to the withholding of wages by employers incident to employee theft and other wrongdoing to provide that:

- if criminal process has issued against an employee, an employee has been indicted, or an employee has been arrested for a charge incident to a cash shortage, inventory shortage, or damage to an employer's property, an employer may withhold (was, may withhold or divert) a portion of the employee's wages in order to recoup the amount of the cash shortage, inventory shortage, or damage to the employer's property, without the written authorization required by the statute; and
- if the criminal process or indictment is dismissed or the employee is not found guilty, then the amount deducted must be reimbursed to the employee by the employer.

Introduced by Representatives K. Hall, D. Hall, Jones, and Szoka and referred to the House Judiciary Committee.

HOUSE RESOLUTION 737, Study Transformative Strategies for NC, would establish the 12-member House Select Committee to Study Transformative Strategies for a New North Carolina Economy to study legislative changes and budgetary investments needed to develop a Green New Deal for North Carolina and achieve specified climate and environmental resiliency outcomes within the target window of 10 years from the start of execution of the plan devised by the Committee. The Committee could seek information from experts in the fields of renewable energy, climate science, environmental sustainability, green technology and industry, and any others deemed appropriate. The Committee would provide a final report on the results of its study, including any proposed legislation, to the members of the General Assembly by December 1, 2020.

Introduced by Representatives Logan, Autry, Hawkins, and Insko and referred to the House Rules Committee.

HOUSE BILL 740, Ending NC's Involvement in Torture, would: (1) establish the criminal offenses of torture and enforced disappearance and add these offenses to those for which an investigative grand jury may be convened; (2) provide that the Attorney General has concurrent jurisdiction with the district attorneys of this state to prosecute certain criminal law violations; (3) prohibit the State from contracting with a vendor or providing State funds to a non-state entity that has an officer, a director, or an owner who has been convicted of a torture or enforced disappearance offense; and (4) prohibit loans or grants of state funds to airports that have not established and implemented a policy prohibiting the use of the airport for activities that violate the law against torture and enforced disappearance. **Introduced by Representatives Insko, Harrison, and Meyer and referred to the House Rules Committee.**

SENATE BILL 455, Equality for All, is identical to House Bill 514, summarized in the April 9, 2019, Legislative Report. **Introduced by Senators Waddell, Searcy, and Woodard and referred to the Senate Rules Committee.**

SENATE BILL 547, Pain Capable Unborn Child Protection Act, would enact the Pain Capable Unborn Child Protection Act to prohibit a person from performing or inducing, or attempting to

perform or induce, the abortion of an unborn child capable of feeling pain unless it is necessary to prevent a serious health risk to the unborn child's mother. The bill would:

- provide that an unborn child is deemed capable of feeling pain if it has been determined by the physician performing or inducing, or attempting to perform or induce, an abortion of the unborn child, or by another physician upon whose determination such physician relies, that the probable postfertilization age of the unborn child is 20 or more weeks;
- specify that, for these purposes, a dead unborn child is not capable of feeling pain;
- prohibit, except in a medical emergency or in the removal of a dead unborn child, an abortion from being performed or induced, or be attempted to be performed or induced, unless the physician has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician;
- require the physician, when an abortion of an unborn child capable of feeling pain is necessary to prevent a serious health risk to the unborn child's mother, to terminate the pregnancy through or by the method that, using reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, using reasonable medical judgment, termination of the pregnancy in that manner would pose a more serious health risk to the unborn child's mother than would other available methods. Such a determination could not be made if the determination is based on a claim or diagnosis that the unborn child's mother will engage in conduct that she intends to result in her death or in the substantial and irreversible physical impairment of one or more of her major bodily functions;
- require a physician who performs or induces, or attempts to perform or induce, an abortion to report specified information to the Department of Health and Human Services beginning January 1, 2020;
- provide that the reports required may not contain the name or the address of the woman whose pregnancy was terminated and may not contain any other information identifying the woman whose pregnancy was terminated, and require each report to contain a unique medical record identification number that allows the report to be matched to the medical records of the woman whose pregnancy was terminated;
- direct the Department of Health and Human Services, beginning on June 30, 2020, and each June 30 thereafter, to publish in paper form and on its website a summary providing statistics for the previous calendar year compiled from all of the reports, ensuring that the information included in the summary cannot reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted;
- allow DHHS to assess a physician who fails to submit a report as required a late penalty of \$1,000 for each 30-day period or portion thereof that a report is overdue;
- allow DHHS, if, more than six months following the due date, a physician still has failed to submit such a report or has submitted an incomplete report, to bring an action against the physician requesting a court to order the physician to submit a complete report within a specified time frame or be subject to civil contempt;
- provide that the intentional or reckless failure by a physician to comply, other than the late filing of a report, or the intentional or reckless failure by a physician to submit a complete report in accordance with a court order, would constitute unprofessional conduct and would be grounds for disciplinary action;
- provide that a physician who intentionally or recklessly falsifies a report is guilty of a Class 1 misdemeanor;
- make it a Class D felony, unless the conduct is covered under some other provision of law providing greater punishment, a person to intentionally or recklessly perform or induce, or attempts to perform or induce, an abortion in violation of this statute;

- prohibit a woman upon whom an abortion is performed or induced, or upon whom an abortion is attempted to be performed or induced, from being prosecuted for a violation of the statute;
- allow a woman upon whom an abortion has been performed or induced in intentional or reckless violation of the statute, or the father of an unborn child aborted in intentional or reckless violation of the statute, to maintain a civil action for actual and punitive damages against the person who performed or induced the abortion;
- allow specified persons to bring an action for an injunction against a person who has intentionally or recklessly violated the statute to prevent him or her from performing or inducing, or attempting to perform or induce, further abortions in violation;
- provide that no damages may be awarded to a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct;
- require the court, in each civil or criminal proceeding or action brought under this Article, to rule on whether the anonymity of a woman upon whom an abortion has been performed or induced, or upon whom an abortion has been attempted to be performed or induced, must be preserved from public disclosure if the woman does not give her consent to such disclosure;
- establish the North Carolina Pain Capable Unborn Child Protection Act Litigation Defense Fund, which would consist of any appropriations made by the General Assembly and any private donations, gifts, or grants, and would be used only to cover any costs or expenses incurred by the Attorney General in relation to actions taken to defend the law;
- provide that this Article may not be construed to repeal, by implication or otherwise, any applicable provision of State law regulating or restricting abortion. An abortion that complies with this section but violates Article 11 of Chapter 14 of the General Statutes (Abortion and Kindred Offenses) or any other applicable provision of State law would be deemed unlawful.

Introduced by Senators Krawiec, Ballard, and Sawyer and referred to the Senate Rules Committee.

SENATE BILL 560, Disciplining Judges - State Bar, would:

- repeal the statutes creating the Judicial Standards Commission;
- amend the powers of the North Carolina State Bar Council (Council) to include investigating and resolving inquiries concerning the qualifications and conduct of any judge or justice;
- provide that any judge or justice is subject to the disciplinary jurisdiction of the Council under the NC Code of Judicial Conduct as adopted by the Supreme Court and under the procedures adopted by the Council;
- enact new provisions to set forth definitions with regard to any investigation concerning the qualifications and conduct of any judge or justice conducted under the Article, unless the context clearly requires otherwise;
- authorize the Council to issue a private letter of caution upon a determination that any judge has engaged in conduct that violates the Code but that does not warrant a recommendation of public reprimand, censure, suspension, or removal;
- define *letter of caution* as a written action of the Council that cautions a judge not to engage in certain conduct that violates the Code;
- allow the Supreme Court, upon recommendation of the Council, to issue a public reprimand, censure, suspend without pay, or remove any judge for willful misconduct in office, willful and persistent failure to perform the judge's duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and provide that the

removal for these reasons forfeits retirement compensation and disqualifies the individual from holding further judicial office;

- allow the Supreme Court, upon recommendation of the Council, to suspend, for a period of time it deems necessary and during which time the judge is compensated, any judge for temporary physical or mental incapacity interfering with job performance, and to remove any judge for physical or mental incapacity interfering with job performance this is or is likely to become permanent; and provide that a judge removed for these reasons is entitled to retirement compensation if the judge has met the required creditable service for incapacity or disability retirement, and prohibits such a judge from sitting as an emergency justice or judge;
- allow any citizen to file a written complaint with the Council concerning the qualifications or conduct of a justice or judge, which the Council would investigate as it deems necessary, and authorize the Council to make an investigation upon its own motion;
- prohibit an investigation by the Council when the sole basis of the complaint is a superior court judge's legal ruling which has not yet been reviewed or ruled upon by the Court of Appeals or the Supreme Court;
- require a hearing prior to any recommendation of public reprimand, censure, suspension, or removal;
- require all papers filed with and proceedings before the Council to be confidential and not public records;
- require all disciplinary hearings to also be confidential;
- require five Council members to concur in any recommendation for public reprimand, censure, suspension or removal of any judge;
- provide that the notice and statement of charges, answers and other pleadings, Council recommendations, and the record filed for support are no longer confidential upon issuance of a public reprimand, censure, suspension, or removal by the Supreme Court;
- allow the Council to issue advisory opinions as a trial court to punish for contempt, or for refusal to obey lawful orders or process issued by the Council;
- transfer to the Council the authority, powers, duties and functions, records, personnel, property and unexpended balances of appropriations, allocations, or other funds of the lobbying registration and lobbying enforcement function of the Judicial Standards Commission; and
- require rules adopted by the Judicial Standards Commission remain in effect unless subsequently modified by the Council.

Introduced by Senators Rabon and Britt and referred to the Senate Judiciary Committee.

SENATE BILL 566, NC Consumer Fireworks Safety Act, is identical to House Bill 615, summarized above in this Legislative Report. **Introduced by Senators Gunn and Sawyer and referred to the Senate Rules Committee.**

SENATE BILL 584, Criminal Law Reform, would:

- amend the statute that makes a violation of an ordinance of a county, city, town, or metropolitan sewerage district a Class 3 misdemeanor and subject to specified fines, and makes a violation of ordinances regulating vehicles an infraction and subject to a penalty of no more than \$50 to provide that these provisions do not apply to ordinances created after December 1, 2019;
- require any rule adopted under Article 2A, Rules, of the Administrative Procedure Act, that creates a new criminal offence or subjects a person to criminal penalties to be subject to legislative review whether or not the required written objections have been received, and would apply to rules adopted after December 1, 2019;

- enact a new statute, Default intent, to provide that no person may be convicted of a crime unless the person is shown to have acted recklessly, if: (1) the underlying criminal offense was created after December 1, 2019, by General Assembly enactment or adoption of an administrative rule; and (2) the statute or rule does not include a specific criminal intent as an element of the offense. This does not apply to (1) an offense that is not punishable by an active sentence or by a fine exceeding \$500 or (2) the law creating the offense indicates intent to impose strict liability;
- provide that a person is shown to have acted recklessly if all of the following apply: (1) the person consciously disregards a substantial and unjustifiable risk, whether as to conduct, circumstance, or result; and (2) the person's disregard of the risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in a similar situation;
- prohibit the conviction of a person of a criminal offense unless the offense appears in GS Chapter 14 (Criminal Law), Chapter 20 (Motor Vehicles), or Article 5 of Chapter 90 (Controlled Substances Act), unless the person has actual knowledge that the behavior that is the basis for being charged with the offense constitutes a crime.

Introduced by Senators Wells and Daniel and referred to the Senate Judiciary Committee.

SENATE BILL 591, One NC Funding for Small Businesses, is identical to House Bill 569, summarized above in this Legislative Report. **Introduced by Senator Gunn and referred to the Senate Appropriations/Base Budget Committee.**

SENATE BILL 620, Electric Standup Scooter, would enact a variety of provisions to:

- define *electric standup scooter* as a device with no more than three 12-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the user while riding, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 20 miles per hour on a paved level surface;
- exempt electronic standup scooters from registration and certificate of title requirements;
- make electric standup scooters subject to all provisions of Motor Vehicle laws that apply to bicycles and make operators subject the rights and duties of a bicycle rider;
- allow scooters to be parked on a sidewalk;
- require scooters to be equipped with a brake and lamps;
- prohibit the operation of a scooter at more than 15 miles per hour;
- require a person to be 16 or older to operate a scooter;
- allow a local authority to regulate the operation of scooters by: (1) restricting the maximum operating speed in pedestrian zones; and (2) assessing penalties against operators for moving or parking violations, which must not exceed those against bicycle riders for equivalent violations;
- allow a local authority to regulate a scooter-share program by: (1) requiring operators to pay fees, not to exceed reasonable costs to local authorities of administering the programs; (2) requiring operators to indemnify the local authority for claims, demands, costs, and losses or damages arising out of any negligent act, error, omission, or willful misconduct by the operator or its officers or employees; (3) designating locations where operators are prohibited from staging shared scooters, provided at least one location is on each side of each city block in commercial zones and business districts;
- define *scooter-share operator* as a person offering shared scooters for hire and requires the operator to carry insurance coverage in the specified amounts according to insurance type;
- allow a local authority to require a scooter-share operator to provide trip data for all trips starting or ending within the local authority's jurisdiction;
- include requirements governing trip data, including privacy provisions; and

- prohibit local authorities from imposing any unduly restrictive requirement on a scooter-share program.

Introduced by Senators McKissick and Newton and referred to the Senate Rules Committee.

SENATE BILL 622, Tax Reduction Act of 2019, would increase the standard personal income tax deduction, simplify the franchise tax base, lower the franchise tax rate, require marketplace facilitators to collect and remit sales and use tax on marketplace facilitated sales, and make other tax law changes. **Introduced by Senators Tillman, Hise, and Newton and referred to the Senate Finance Committee.**

SENATE BILL 623, Clearing Vehicle Registration Stops, would require the Division of Motor Vehicles to also refuse registration or issuance of a certificate of title or any transfer of registration when (1) county and municipal taxes and fees due on the vehicle have not been paid and (2) registration of the owner's vehicle is blocked as a sanction for failure to comply with a child support enforcement order or other order. When a vehicle title may not be issued or a vehicle registration may not be renewed until a fee or penalty imposed by the Department of Transportation or a debt owed to that Department has not been paid, the vehicle records of the Division would be required to state the amount required to clear the title or registration stop on the vehicle. An owner of the vehicle could clear the stop by paying the required amount. When a law imposes a vehicle title or registration stop for failure to pay an amount due to an entity for any reason, the stop would not become effective until the vehicle records of the Division state the amount that must be paid to clear the stop. **Introduced by Senator Tillman and referred to the Senate Rules Committee.**

SENATE BILL 626, Assistance/Verification/Absentee Ballots, would limit who can assist certain voters with absentee ballots by removing near relatives and verifiable legal guardians from current statutes that reference persons authorized to file an absentee ballot on behalf of a voter and instead would authorize a person working with a multipartisan team to file an absentee ballot on behalf of a voter. The bill would define a "multipartisan team" to include members, employees, or volunteers working as part of a team trained and authorized by the county board of elections to assist voters with absentee ballots, and require each county board of elections to train and authorize multipartisan teams, pursuant to procedures adopted by the State Board. The bill also would require a voter, if the address on the absentee ballot is different from the residence address of the voter, to provide to the county board of elections the address where the voter will temporarily reside so that the county board of elections can verify the address. County boards of elections would be required to establish procedures for verifying out-of-county addresses. **Introduced by Senators Bishop, Daniel, and Hise and referred to the Senate Redistricting and Elections Committee.**

SENATE BILL 641, Fix Our Democracy, is identical to House Bill 574, summarized in the April 16, 2019, Legislative Report. **Introduced by Senators J. Jackson, Foushee, and deViere and referred to the Senate Rules Committee.**

SENATE BILL 643, Remove Drivers Lic. Revocation/Fees/Penalties. This bill was filed to address persons losing their license because of their inability to pay a fine and would instead impose a civil judgment. The bill would:

- remove failure to pay a fine, penalty, or costs for a motor vehicle offense as a reason for mandatory revocation of a driver's license or for a court to report a person's name to the Division of Motor Vehicles;
- authorize the court to enter a civil judgment for persons who fail to pay a fine, penalty, or costs for a motor vehicle matter within 40 days of the date specified by a court order. The civil judgment would be for the total money value of outstanding fines, penalties, or costs

imposed by the court, and when the fine, penalty, or costs are paid in full, the civil judgment would be deemed satisfied, and the judgment would be cancelled;

- direct the Division of Motor Vehicles and the North Carolina Administrative Office of the Courts to jointly study: (1) whether legislative changes are necessary to ensure the return or restoration of previously suspended licenses for failure to pay a fine, penalty, or costs; and (2) whether the addition of new civil judgement provision should be retroactive and made applicable to all unpaid fines, penalties, or costs. The DMV and AOC would report to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Oversight Committee on Justice and Public Safety by December 1, 2019.

Introduced by Senator J. Jackson and referred to the Senate Rules Committee.

SENATE BILL 645, Local Gov'ts/Broadband Service Infrastructure, would authorize cities and counties to enter into an agreement with a qualified private entity to construct facilities or equipment of a broadband service for the purpose of leasing such facilities or equipment to one or more lessees who are not a governmental unit, if approved by voters in a referendum. The bill also would authorize cities and boards of county commissioners to use ad valorem tax levies, grants, or any other unrestricted funds in exercising authority granted, but in no case could the funds utilized exceed 50% of the total funds expended to construct the facilities or equipment. **Introduced by Senators Burgin and T. Alexander and referred to the Senate Rules Committee.**

SENATE BILL 649, SAVE Our Benefits Act, would require all State agencies and all licensing boards to enter into a memorandum of agreement or computer matching agreement with the Department of Homeland Security to use the Systematic Alien Verification for Entitlements (SAVE) Program in order to verify the immigration status of applicants for public benefits. The bill would prohibit any State agency or licensing board, beginning January 1, 2020, from providing a public benefit to any applicant unless first having used the SAVE Program to verify the immigration status of the applicant, and to an alien who is not qualified, a nonimmigrant, or an alien who is paroled into the country for less than a year, as specified. **Introduced by Senators Sanderson and Hise and referred to the Senate Rules Committee.**

SENATE BILL 652, Small Business Capital Improvement Account, would allow a taxpayer to deduct from the taxpayer's adjusted gross income the amount deposited during the taxable year by a taxpayer that is a small business to a capital improvement account. The deduction would be limited to deposit amounts of 5% of the taxpayer's adjusted gross income up to \$1 million, 2% of the taxpayer's adjusted gross income above \$1 million up to \$2 million, and 1% of the taxpayer's adjusted gross income above \$2 million up to \$3 million. For these purposes, a "small business" would mean a business whose cumulative gross receipts from business activity for the taxable year do not exceed \$10 million, and a "capital improvement account" would mean an account at a federally insured banking institution into which are deposited amounts to be used solely for an improvement that adds value to real property owned and used exclusively by the small business, prolongs the useful life of such property at least 10 years, or adapts such property to new uses for the small business. **Introduced by Senators Garrett, Searcy, and deViere and referred to the Senate Rules Committee.**

SENATE BILL 654, Charter Schools Provide Transp. & Food, would require charter schools to provide transportation and food services for any student enrolled in the charter school and to participate in the National School Lunch Program. **Introduced by Senators Garrett and Robinson and referred to the Senate Rules Committee.**

BILL UPDATES

HOUSE BILL 337, Change Salvage Vehicle Transfer Requirements, was heard as a Proposed Committee Substitute (PCS) in the Committee on Transportation. The PCS makes the following changes to the first edition:

- exempts specified title transfers, applications, and affidavits related to the assignment of title from notarization requirements;
- eliminates the proposed provisions regarding forms to use to transfer title to a salvage vehicle from the insurer to a person who buys the vehicle when the owner fails to assign or deliver the title and the most recent certificate of title was issued in another state;
- removes the proposed changes to statute that added titles of salvage vehicles transferred pursuant to the first edition's subsection to those not required to be forwarded to the DMV;
- establishes that the Division of Motor Vehicles (DMV) will not certify or approve a specific electronic process or vendor for electronic signatures for submitted applications or documents;
- establishes that any entity offering an electronic signature process assumes all responsibility and liability for the accuracy of the signature and deems that the DMV is harmless from liability to a claim arising from applications submitted with an inaccurate electronic signature pursuant to the subsection;
- provides for submissions concerning salvage certificates of title to the DMV on behalf of insurers, that those submissions are included in the transactions authorized and conducted by a licensed motor vehicle dealer whose primary business is the sale of salvage vehicles on behalf of insurers.

The bill as amended was approved by the House Transportation Committee and referred to the House Finance Committee.

HOUSE BILL 464, Small Business Health Care Act, was amended in the House Insurance Committee to:

- provide that nothing in new Article 50A, Association Health Plans, regulates or prohibits any group health insurance policy that is not an association health plan;
- allow an employer member who obtains coverage under an association health plan to also provide coverage to the spouse or dependent children of an eligible employee or an individual the employer pays on an IRS Form 1099; and
- require an association health plan to also provide coverage for the essential health benefits listed in 42 USC Sec. 18022(b).

The bill as amended was approved by the House Insurance Committee and will next be considered by the House Health Committee.

- Colleen Kochanek
TRPNC Legislative Counsel
colleen@kochaneklawgroup.com
www.kochaneklawgroup.comⁱ

Alexander C. Miller, MSW
Alex Miller Government Affairs
alex@alexmillernc.com

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