



INTRODUCTION

The past week featured a number of high-profile news stories emanating from the NC political world, while legislative progress was slow by comparison. With the exception of a bill to delay implementation of the State's new Voter ID law (which was introduced in the Senate, passed by both chambers and signed into law in a four-day span), most other notable issues were marked by news of movement (or lack thereof) as opposed to visible progress. A bill to allow small business associations to create health insurance plans was passed by the Senate but is expected to move slowly in the House. An amendment to that bill offered by a Democratic Freshman that would have expanded Medicaid was defeated, which is not surprising. What surprised many is, according to a little-noticed rule, the amendment's defeat will pre-empt any further consideration of that topic for the rest of session. Senate leadership could vote to waive the rule; however, they are not currently inclined to do so and used the drama to blame Democrats for "killing debate" on the issue.

A compromise in the long-running fight over North Carolina's beer distribution laws was announced, with legislation filed in both chambers representing a settlement of a related lawsuit, while a long-expected bill to modernize the State's ABC system (and allow private retailers to sell liquor) has yet to be unveiled. The budget process continues, with House and Senate leaders meeting to work out issues behind closed doors and Appropriations subcommittees continuing to hear departmental presentations and staff overviews. With House and Senate bill-filing deadlines approaching the pace of committee work is expected to pick up, with the May 9 "crossover" and June 30 budget deadlines looming. In the meantime, several members of the legislature are actively running for Congress in upcoming special elections and several others have announced for statewide office in 2020. As things begin to move faster on Jones Street, the pace of political news, and controversy, is only expected to increase.



APARTMENT ASSOCIATION OF NORTH CAROLINA



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BILLS OF INTEREST

HOUSE BILL 259, Additional Judge and Magistrates in Union County, would increase the number of district court judges in District 20D (Union County) from one to two, increase the number of magistrates in Union County from seven to eight, and appropriate from the General Fund to the Administrative Office of the Courts \$67,603 for 2019-20 and \$173,798 for 2020-21. The original bill increased the number of magistrates to ten and appropriated more money to accommodate these additional positions, but this bill was heard as a Proposed Committee Substitute in the House Judiciary Committee and changed the increase in magistrates, as well as the appropriation of funds. **Introduced by Representatives Arp, Horn, Brody and re-referred to the House Committee on Appropriations, Justice and Public Safety.**

HOUSE BILL 327, Fees/Returned Checks/Loan Processing, would amend the Consumer Finance Act to increase: (1) the maximum processing fee for returned checks from \$25 to \$35; and (2) the maximum loan processing fee a licensee may assess from \$25 for loans up to \$2,500 and 1% of the cash advance for loans above \$2,500, not exceeding a total fee of \$40, to \$50 for loans up to \$5,000 and 1% of the cash advance for loans above \$5,000. **Introduced by Representatives Szoka, Jones, Goodman, and Wray and referred to the House Banking Committee.**

HOUSE BILL 329, Exempt EV Stations/Public Utilities Regs., would add "Public Utilities" to the defined terms currently in statute and exclude from the term's definition a person who uses an electrical vehicle charging station to resell electricity to the public for compensation if specific criteria are met. This bill would specify that the definition does not limit the ability of an electric power supplier to use electric vehicle charging stations to provide electricity for charging electric vehicles. **Introduced by Representatives Szoka, Arp, Hanig, and Warren, and referred to the House Energy and Public Utilities Committee, if favorable, Rules, Calendar, and Operations.**

HOUSE BILL 341, North Carolina Sunshine Act, would seek to increase transparency and predictability regarding the procedures of the General Assembly by:

- requiring all sessions of the Senate and the House and all official meetings of committees (unless specifically exempted) to be broadcast live by streaming video (contemporaneous audio and video content) over the Internet and archived in a manner that makes the video broadcast available for replay by the public;
- prohibiting a bill from receiving either second or third reading in either chamber unless the bill appeared on the calendar published by that chamber's principal clerk's office at least 24 hours in advance of the reading; however, this requirement could be waived by a two-thirds vote of the members of the house present and voting;
- prohibiting a bill from being taken up for consideration in any committee unless the bill appeared on the committee's agenda published by the clerk of the committee at least 24 hours in advance of the committee's scheduled meeting; however, this requirement may be waived by a two-thirds vote of the members of the committee present and voting;
- providing that neither the Senate or the House, nor both meeting in joint session, may hold session before 7:00 A.M. or after 9:00 P.M (unless waived by a two-thirds vote of the members of the house present and voting) and does not apply to first reading of bills;
- providing that no committee may hold an official meeting before 7:00 A.M. or after 7:00 P.M (unless waived by a two-thirds vote of the members of the committee present and voting);
- requiring the long title of each bill to adequately and fairly reflect its subject matter;

- providing that, except by motion approved by two-thirds vote of the members of the Senate or the House present and voting, no public bill other than the Current Operations Appropriations Act may contain more than one subject;
- providing that neither the Senate or the House, nor both houses meeting in joint session, may consider an amendment, a committee substitute, a conference report, or a conference committee substitute that is not germane to the long title of the First Edition of the bill (unless waived by a two-thirds vote of the members of the house present and voting);
- providing that no committee may consider an amendment or a committee substitute that is not germane to the long title of the First Edition of the bill (unless waived);
- requiring every special provision contained in the Current Operations Appropriations Act to indicate the name of the member(s) who requested the provision; and
- providing that these provisions apply to regular sessions and extra sessions and reconvened sessions convened by the Governor.

Introduced by Representatives Russell, Ager, Morey, and Quick and referred to the House Rules Committee.

HOUSE BILL 350, Designate NC Time Zone/Observe DST All Year, would designate the time zone of North Carolina and adopt daylight saving time year-round, if authorized by Congress. **Introduced by Representatives Saine, Hastings, and Szoka and referred to the House State and Local Government Committee.**

HOUSE BILL 352, Funding for Small Business Loans, would provide \$3 million to the Carolina Small Business Development Fund to increase small business lending and business services in this State. **Introduced by Representatives McElraft and Floyd and referred to the House Commerce Committee.**

HOUSE BILL 356, Restore Injured Monument/Prosecution, would:

- amend the statute that makes it a Class 2 misdemeanor to deface or injure the walls of a public building or facility or any statue or monument situated in any public place to include moving or removing the statue or monument from its location;
- make the offense a Class A1 misdemeanor if the violation involves a monument subject to the provisions of GS 100-2.1 (Protection of monuments, memorials, and works of art), and provide that a violation, unless the conduct is covered by another provision providing greater punishment, includes a fine of at least \$500, but not to exceed \$1,000, and restitution for the damage caused to the monument and costs incurred by the owner of the monument for its repair or restoration;
- require the State or a political subdivision, in the event an object of remembrance is injured that is subject to the statute's limitations on removal, to restore the object to its original condition and location no later than 90 days from the date of injury;
- require a law enforcement officer or agency with jurisdiction over an object's location to take all necessary measures in responding to a threat or action by any person to unlawfully injure the object and arrest the person for prosecution; and
- require the State or political subdivision with custody of the object to pursue civil action, if necessary, against any person responsible for injury to the object for the cost of its repair or restoration.

Introduced by Representatives Speciale, Kidwell, Pittman, and Brody and referred to the House Education – Universities Committee.

HOUSE BILL 366, Raising Wages for NC Workers, would: (1) increase the minimum wage to \$15 per hour over five years and then adjusting the minimum wage automatically each year by increases in the cost of living; (2) end the subminimum wage for persons with disabilities; (3) phase out the subminimum wage for tipped employees over eight years; and (4) end the exemption for agricultural and domestic workers. **Introduced by Representatives Fisher, Farmer-Butterfield, Black, and Harrison and referred to the House Finance Committee.**

HOUSE BILL 369, Election Observer Bill of Rights, would provide that election observers have the explicit right to:

- begin observation duties from the time the judge enters the polling location until all ballot containers are officially sealed and the voting enclosure is secured for the day;
- hear the name and address of each voter when the voter first announces the voter's name at the initial check-in table and ask any election official to repeat the name or address of the voter if the observer was unable to hear the voter's name or address when it was initially announced;
- observe curbside voting and hear the name or address of the voter as it is announced and to ask any election official to repeat the name or address of the voter if the observer is unable to hear the voter's name or address when initially announced;
- traverse freely between the curbside voting area and the voting enclosure throughout the curbside voting process;
- observe curbside voting at such a distance as to enable the observer to hear any instruction or verbal communication between the election assistant and the curbside voter. However, the election observer could not stand within five feet of the curbside voter's vehicle;
- keep in view any and all ballot boxes until after the ballot boxes are sealed at the end of the day; and
- only be expelled by a chief judge for cause, in writing. The written notice of expulsion would be signed by the chief judge and at least one other judge assigned to that precinct before the expulsion notice could be lawfully served on the observer.

Introduced by Representative Speciale and referred to the House Elections and Ethics Law Committee.

HOUSE BILL 370, Require Sheriff Cooperation with ICE, would:

- require, when a person charged with a *criminal offense* (currently, felony) or an impaired driving offense is confined for any period in a county jail, local confinement facility, district confinement facility, or satellite jail/work release unit, the administrator or other person in charge of the facility to attempt to determine if the prisoner is a legal US resident by an inquiry of the prisoner, or by examination of any relevant documents, or both;
- require a facility, if the prisoner is subject to an immigration detainer request issued by the United States Department of Homeland Security, to: (1) comply with, honor, and fulfill any request made in the detainer request provided by the federal government; and (2) inform the prisoner that the prisoner is being held pursuant to an immigration detainer request issued by the United States Department of Homeland Security;
- provide that the administrator or other person in charge of the facility is not required to comply with this section with respect to a person who is a victim of or witness to a criminal offense, is reporting a criminal offense, or has provided proof that the person is a US citizen or that the person has lawful immigration status in the United States;
- provide that no city or county may, related to information regarding the citizenship or immigration status, lawful or unlawful, of any individual, prohibit federal law enforcement

officers from entering and conducting enforcement activities at a county jail, local confinement facility, district confinement facility, or satellite jail/work release unit;

- allow any person who resides within the jurisdiction of a city, county, or local law enforcement agency that the person believes is not in compliance with a State law related to immigration to bring an action for declaratory and injunctive relief, and require the court to impose a civil penalty against any city, county, or law enforcement agency that fails to comply with an order issued as a result of such an action; and
- allow chiefs of police and sheriffs to adopt a written policy requiring the agency to perform community outreach activities to educate the public that a law enforcement officer may not inquire into the immigration status of a victim of or witness to an alleged criminal offense unless the officer determines that the inquiry is necessary to investigate the offense or provide the victim or witness with information about federal visas designated to protect individuals providing assistance to law enforcement, and require the policy to include outreach to victims of sexual assault and domestic violence.

Introduced by Representatives D. Hall, Jones, Saine, and C. Smith and referred to the House Judiciary Committee.

SENATE BILL 206, Add'l Judge and Magistrates in Union County, is identical to House Bill 259, summarized above in this Legislative Report. **Introduced by Senator Johnson and referred to the Senate Rules Committee.**

SENATE BILL 217, Correct Prosecutorial District Numbers, would change current law by numerically realigning prosecutorial districts with superior and district court districts by adjusting the number of Assistant District Attorneys (ADAs) for each prosecutorial district and renumbering the prosecutorial districts. It would split District 25 (Burke, Caldwell, Catawba; currently District 36), which is assigned 19 ADAs, into new District 25A (Burke, Caldwell) with 9 assigned ADAs and new District 25B (Catawba) with 10 assigned ADAs. **Introduced by Senators Britt and Daniel and referred to the Senate Rules Committee.**

SENATE BILL 220, Removal of Political Signs by Citizens, would allow any citizen to remove a political sign that remains in a public right-of-way after 30 days from the date political signs are required to be removed by law, and deliver the sign to the county board of elections office in the county in which the sign was located within 72 hours of removing the sign. If the person fails to deliver the sign to the county board of elections within the time frame required, he/she would be subject to penalties for unlawful removal of signs. After receiving the sign, the director of the county board of elections would attempt to notify and return the sign to the candidate, committee, or organization's campaign, but could dispose of the sign as it deems appropriate, if after 15 days attempts to notify the campaign are unsuccessful. **Introduced by Senators D. Davis, Tillman, and Hise and referred to the Senate Rules Committee.**

SENATE BILL 221, Restrict Certain Absentee Ballot Notary Acts, would prohibit notaries public who are elected public officials or candidates for public office from notarizing absentee ballots. **Introduced by Senators D. Davis, Daniel, and Hise and referred to the Senate Redistricting and Elections Committee.**

SENATE BILL 223, Caregiver Relief Act, would provide that an employer who is required to comply with the Family and Medical Leave Act (FMLA) must provide the same leave to an eligible employee to care for a grandchild, sibling, domestic partner, civil union partner, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the

employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship that the eligible employee is entitled to under the FMLA. An eligible employee who takes leave as provided would be entitled to the same protections and rights that s/he is entitled to under the FMLA including protection from discrimination and interference, the right to reinstatement, and the right to continuation of health care benefits. The leave granted would be taken in the same manner and under the same conditions, and the same restrictions on use of leave apply. Any right or obligation created under this provision would be enforceable by a civil action in addition to any other remedies at law or in equity. **Introduced by Senators Robinson, Foushee, and Garrett and referred to the Senate Rules Committee.**

SENATE BILL 234, Healthy Families & Workplaces/Paid Sick Days, would enact the Healthy Families and Healthy Workplaces Act to provide that any employee who works in this State and who must be absent from work for the following reasons is entitled to paid sick time: (1) to care for the employee's immediate family member who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, preventative medical care, or a routine medical appointment, or that is covered under the federal Family and Medical Leave Act; (2) to care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, preventative medical care, or a routine medical appointment, or that is covered under the federal Family and Medical Leave Act; or (3) to allow an employee to address the psychological, physical, or legal effects on himself or herself, or an immediate family member, of domestic violence, sexual assault, or stalking. Exemptions would be provided for bona fide volunteers in an organization where an employer-employee relationship does not exist, and for specified persons exempted from the Wage and Hour Act.

Paid sick time would begin to accrue at the commencement of employment at the rate of one hour of pay for every 30 hours worked. Paid sick time could be used as accrued, or be loaned by the employer, at its discretion, to the employee in advance of accrual. There would be a limit of 32 hours of accrued paid time in a calendar year for employees of small businesses and 56 hours for other employees. Accrued paid sick time for employees would be carried over from year to year, subject to certain limits. An employer could require documentation of the qualifying illness, injury, health condition, or violence when a paid sick time period covers more than three consecutive workdays. Any reasonable documentation signed by a health care provider involved in following or treating the illness, injury, or health condition, and indicating the need for the amount of sick days taken, would be an acceptable certification. Acceptable certification of domestic violence, sexual assault, or stalking could include: (i) law enforcement, court or federal agency records or files; (ii) documentation from a domestic violence or sexual assault program; or (iii) documentation from a religious, medical, or other professional from whom assistance was sought in dealing with the alleged domestic violence, sexual assault, or stalking. However, an employer could not require certification from a health care provider employed by the employer. An employer could not require disclosure of details relating to domestic violence, sexual assault, or stalking or the details of an employee's medical condition as a condition of providing paid sick time. In addition, if an employer possesses health information or information pertaining to domestic violence, sexual assault, or stalking about an employee or employee's immediate family member, such information would be treated as confidential and could not be disclosed except to or with the permission of the affected employee. When the use of sick time is foreseeable, the employee would be required to make a good faith effort to provide notice to the employer in advance of the use of the sick time and to make a reasonable effort to schedule the use of sick time

in a manner that does not unduly disrupt the operations of the employer. An employer could not require the employee to search for or find a replacement worker to cover the hours during which he or she is on paid sick time as a condition of providing sick time.

An employer would not be required to provide financial or other reimbursement to an employee upon the employee's termination, resignation, retirement, or other separation from employment for accrued paid sick days that have not been used. In addition, the bill would not discourage employers from adopting or retaining paid sick time policies more generous than policies that comply with the requirements of this section, and would not diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that provides greater sick time leave rights to employees than the rights established under this section. Employers who have a paid time off leave policy would not be required to modify that policy, if that policy offers an employee the option, at the employee's discretion, to take paid sick time that is at least equivalent to the amounts and for the same purposes and under the same conditions as provided under this section. Employers would be required to post notice to employees that they are entitled to paid sick time, the amount of paid sick time, and the terms of its use; that retaliation against employees who request or use paid sick time is prohibited; and that each employee has the right to file a complaint with the Commissioner of Labor or in the General Court of Justice if sick time as required by this Act is denied by the employer or the employee is retaliated against for requesting or taking paid sick time. **Introduced by Senators Robinson, Foushee, and Garrett and referred to the Senate Rules Committee.**

SENATE BILL 236, Reenact Child Care Tax Credit, would reenact the tax credit for child care and certain employment-related expenses. **Introduced by Senators Mohammed and Foushee and referred to the Senate Rules Committee.**

SENATE BILL 247, Charter School Study/Moratorium on Growth, would establish a 10-member Joint Legislative Study Committee on the Impact of Charter Schools on Local School Administrative Units to: (1) study and make recommendations on the impact of charter schools on local school administrative units and on student performance; and (2) report the results of its study, including recommendations and any proposed legislation, to the President Pro Tempore of the Senate, the Speaker of the House, and the Joint Legislative Education Oversight Committee on or before March 1, 2021. The bill also would place a moratorium on charter school growth pending further legislation based on the Committee's report and recommendations. **Introduced by Senators Blue, Chaudhuri, and Mohammed and referred to the Senate Rules Committee.**

SENATE BILL 261, Nonprofit Charitable Activity Auth. Act, would make it lawful for a person to participate in pool selling (the act of selling or distributing shares or chances in a betting pool) where all of the monies paid by the participants, as an entry fee or otherwise, are paid out to either the winning participants based on the result of the pool or to a nonprofit organization, or both. Any monies paid out to a nonprofit organization would be used for the benefit of the purpose or cause for which the nonprofit organization was created. **Introduced by Senator Gunn and referred to the Senate Rules Committee.**

SENATE BILL 271, Durham Speed Device Pilot/School Zones, would allow the City of Durham to establish and implement a pilot program to use electronic speed-measuring systems to detect violations of the speed limit set in school zones. The City would issue to the registered owner of a motor vehicle cited for a speeding violation detected by an electronic speed-measuring system a notice of the violation that contains:

- the recorded image of the vehicle speeding;
- the vehicle registration number and state of issuance;
- the date, time, and location of the violation;
- the recorded speed; and
- the process for paying the civil penalty (\$250) or contesting the owner's responsibility for the violation.

The notice would be delivered by first-class United States mail at the address on the current registration of the vehicle's owner and deemed served on the registered owner five days after the mailing. If the registered owner fails to pay the civil penalty, or fails to respond to the notice, within 30 days of service of the notification of violation, the owner would waive the right to contest responsibility for the violation and would be subject to an additional civil penalty of \$125. No later than three years after implementing the pilot program, the City would report the results of the pilot program, including legislative proposals for expanding the use of electronic speed-measuring systems in school zones, to the chairs of the Joint Legislative Transportation Oversight Committee and the Joint Legislative Oversight Committee on Justice and Public Safety. **Introduced by Senators McKissick and Woodard and referred to the Senate Rules Committee.**

BILL UPDATES

HOUSE BILL 144, Hands Free NC, was amended in the House Transportation Committee to:

- specify that *texting* refers to *manually* entering text into, or reading text from, a wireless communication device;
- prohibit people under age 18 from operating a vehicle while using a wireless communication device except to follow the route recommend by a navigation system, if the address information is entered before operating the vehicle and to communicate an emergency under very specific conditions;
- add an exception for the use of a wireless communication device by (1) the operator of a vehicle registered to a public utility or communications service provider when the operator is employed by the utility or service provider using the device to carry out official duties or (2) an amateur radio operator responding to an emergency situation;
- **remove the exception** for instances when the device is affixed, mounted, or installed in the vehicle and used to handle a call by touching a single button if the person is 18 years or older or used to follow an electronic navigation system when the address information is entered before operation of the vehicle;
- provide that nothing in the statute prohibits the use of equipment installed by the manufacturer and integrated into the vehicle by any person while operating a motor vehicle;
- make it a Class 2 misdemeanor instead of an infraction for a person to commit a violation while operating a school bus;
- prohibit limited learner's permit holders and limited provisional license holders from using a wireless communication device while operating a motor vehicle.

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

LEGISLATION ENACTED

SENATE BILL 214, Ensure Orderly 2019 Elections, delays the requirements of the State's new Voter ID law until 2020, meaning the special elections in Congressional districts 03 and 09 will proceed later this year without a Voter ID requirement in place. Details of the Voter ID law are still being worked out, for example which College and University ID cards will be accepted at the polls. **Introduced by Senators Hise and Daniel, approved by the Senate and the House and signed into law by Gov. Cooper in a four-day span. Effective: March 14, 2019.**

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