



## INTRODUCTION

The General Assembly had a busy legislative week, with the Senate marking its bill filing deadline on Wednesday, April 3<sup>rd</sup>. The Senate has filed a total of 676 bills this session, and the House has filed a total of 626 bills, with its bill filing deadlines coming up on April 16<sup>th</sup> and April 23<sup>rd</sup>. Things are likely to get even busier as crossover, the date by which legislation must pass from the originating chamber to the other chamber, approaches. The 2019 crossover deadline is May 9<sup>th</sup>.

On May 1st teachers are planning a large rally at the General Assembly and since that is coming up soon, education bills have been popping up at the General Assembly. One such bill, House Bill 377, would reduce the number of tests given to students and passed the House by a vote of 110 to 2. The bill would eliminate state end-of-grade (EOG) tests in grades 3-8 in reading and math with shorter tests given throughout the year. It would also eliminate the state end-of-course (EOC) exams for biology, English and math for high school students.

Senate Bill 438, called the Excellent Public Schools Act of 2019, would change the state's Read to Achieve program, which has had mixed results. Under the bill, K-3 teachers would develop individual reading plans for students who are not reading at grade level, the state would revise teacher training standards to promote early childhood literacy and the Department of Public Instruction would develop a model curriculum on reading.

A move is also afoot to encourage retired teachers to return in high-needs public schools. Senate Bill 399 would allow retired teachers to work at Title I schools or schools that receive a D or F on the State's performance system without it impacting their retirement benefits. Under the bill, teachers could earn \$35,000 to \$40,000 a year and still collect their current pensions. Sen. Phil Berger is a primary sponsor of the bill, indicating it has some firepower behind it.

Finally, Superintendent of Public Instruction Mark Johnson and several Republican lawmakers made quite a bit of news when they announced legislation that would divert school supply money (no additional money provided just re-directing the money directly to teachers) from local districts, sending it



## APARTMENT ASSOCIATION OF NORTH CAROLINA



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instead to teachers in the form of an app called ClassWallet with \$400 for each teacher to purchase classroom supplies.

That closely watched bill to slow State Treasurer Dale Folwell's changes to the State Health Plan took another step forward. House Bill 184, which would create a commission to study the future of the State Health Plan, passed the House on a bipartisan vote of 75 to 36. The bill now moves to the Senate where its future is not certain.

Another hotly contested issue surfaced this week, as legislators debated a proposal to require law enforcement agencies to cooperate with Federal immigration authorities. The N.C. Sheriffs' Association came out in opposition to House Bill 370, but the bill still was approved by the House. The new sheriffs in Wake and Mecklenburg counties both ran on platforms that included opposition to 287(g), a controversial partnership with ICE that enables law enforcement to check the legal status of inmates in county jails.

### **PRIVATE PROCESS SERVERS**

SENATE BILL 507, Private Process Servers-Evictions. This bill to allow landlords to use private process servers for posting of the summons in an eviction case was introduced at the request of the **Apartment Association of North Carolina**. We have requested this legislation in various forms for several sessions and have made additional progress each session and feel very positive about our prospects this session. We are hopeful that we will finally be able to get this legislation approved into law. The bill would:

- allow the plaintiff to utilize a private process server (not required – may still use the Sheriff) in counties with populations of 250,000 or more residents, as of the most recent decennial federal census. This would impact the largest 7 counties in North Carolina: Mecklenburg, Wake, Guilford, Forsyth, Cumberland, Durham, and Buncombe;
- in these counties, after the summons is issued, at the election of the plaintiff, the clerk can either return the summons to the plaintiff or forward the summons to the sheriff for service;
- if the magistrate severs the claim for monetary damages pursuant to current statute, concerning where personal service was not achieved for one or more defendants, the plaintiff may extend the action in accordance to current statute, which authorizes summon extensions when any defendant in a civil action is not served within the time allowed for service, and specifies two methods for extension: (1) the plaintiff may secure an endorsement upon the original summons for an extension of time within which to complete service of process. Return of the summons so endorsed must be in the same manner as the original process. Such endorsement may be secured within 90 days after the issuance of summons or the date of the last prior endorsement, or (2) the plaintiff may sue out an alias or pluries summons returnable in the same manner as the original process. Such alias or pluries summons may be sued out at any time within 90 days after the date of issue of the last preceding summons in the chain of summonses or within 90 days of the last prior endorsement;
- change current statute regarding service of summons for summary ejectment by authorizing a process server to effectuate proper service upon the defendant for summary ejectment by mailing a copy of the issued summons and signed complaint to the defendant no later than the end of the business day of the next business day after receipt of the summons and complaint, or as soon as practicable at the defendant's last known address in a stamped addressed envelope provided by the plaintiff. Would require the process server to then deliver a copy of the summons together with a copy of the complaint to the defendant by

affixing copies of the summons and complaint to some conspicuous part of the premises claimed and make due return showing compliance with the provisions in the form of an affidavit of service. Said affidavit must set forth the time, manner and date of service;

- with respect to service for summary ejectment proceedings in counties with 250,000 or more residents, define *process server* to mean any person over the age of 21 years who is not a party to the action, who is not related by blood or marriage to a party to the action or to a person who service is to be made, and who is hired by the plaintiff or the plaintiff's agent or attorney for the purpose of serving the summons and complaint for summary ejectment; and  
if approved, would apply to actions for summary ejectment filed on or after October 1, 2019.

**Introduced by Bishop, Edwards, and Nickel and referred to the Senate Rules Committee.**

**NOTE:** While a version of this bill has passed in the House in the past two sessions, the introduction of this bill by Republican and Democratic Senators from some of the most-affected counties is a very positive development.

## **BILLS OF INTEREST**

HOUSE BILL 448, *Planning/Development Changes*, would:

- enact a new General Statute Chapter 160D, “Local Planning and Development Regulation,” which consolidates, reorganizes, and clarifies local planning and development regulations previously found in statutes related to planning and regulation of development for counties and cities and towns. Would recodify and update those statutes by including changes made in 2015-2018 session laws. Would consolidate city and county planning and development statutes, making the provisions applicable to local governments, while retaining necessary differences, and makes conforming changes;
- among other Articles, the bill would create Article 12, “Minimum Housing Codes.” This amends the current statute, which, upon adoption of an ordinance finding that dwelling conditions of the character described within this section exists, allows a governing board to adopt and enforce ordinances relating to dwellings within the planning and development regulation jurisdiction that are unfit for human habitation;
- require that the ordinances, among other provisions, include that if the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted under the statute or after a public officer issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, then the governing board may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the local government;
- allow the governing board to, after the one-year period, enact an ordinance and serve such ordinance on the owner providing that: (1) if it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance must require that the owner either repair or demolish and remove the dwelling within 90 days or (2) if it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance must require the owner to demolish and remove the dwelling within 90 days. These provisions replace previous provisions that varied depending on size or location of the local government; and

- amend current statute regarding remedies by specifying that an ordinance adopted pursuant to Article 12, “Minimum Housing Codes”, may provide for a housing appeals board as provided by the bill.

**Introduced by Representatives Stevens and Zachary and referred to the Committee on Judiciary, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House.**

HOUSE BILL 499, Omnibus Gun Changes, would, among other provisions, effectively provide for “Constitutional Carry,” allowing any citizen who is currently legally permitted to own a firearm to carry that firearm in a concealed manner. Current law requires a Concealed Carry permit to carry concealed, a permit that requires a background check and training classes to obtain, and is not available to those who have been convicted of certain crimes. The bill would also:

- provide that legislators, legislative employees, and qualified former sworn law enforcement officers with concealed handgun permits are authorized to carry a concealed handgun on the premises of the State legislative buildings and grounds, with an option for the Legislative Services Commission to adopt a rule requiring the qualified individuals to provide notice to the Chief of the General Assembly Special Police before carrying the handgun on the premises or adopt a rule prohibiting the carrying of a firearm in the gallery of the State legislative building;
- define school operating hours and adds that the restrictions on possessing a firearm when attending a school-sponsored curricular or extracurricular activity do not apply if the person is not a participant in, or chaperone or spectator of, the extracurricular activity and the extracurricular activity is conducted in a public place;
- define volunteer school faculty guardian and creates an exception from the statute's provisions restricting guns for a volunteer school faculty guardian while on the ground of the school the person is employed by or assigned to, who meets six criteria. Would give authority to the governing body or entity of a school to opt out and instead prohibit a person from possessing a handgun on the grounds of the school or schools under its control;
- provide that the statute does not apply to a person in a vehicle on a road not maintained by the school that crosses the educational property if the person has a weapon, including an open or concealed handgun, within the locked vehicle and the person stays in the vehicle while crossing the property and only unlocks the vehicle for the entrance or exit of someone else;
- authorize the Criminal Justice Education and Training Standards Commission to establish and administer the School Safety Guardian Program to provide active shooter training to volunteer school faculty guardians;
- clarify that weapons used in specified crimes must be returned to their rightful owners, unless the rightful owner is the convicted defendant, in which case the presiding judge may dispose of the weapon as specified at the judge's discretion. If the weapon is owned by the defendant and the defendant is not convicted as provided in the statute, then the presiding judge would be required to order the weapon be returned to the defendant;
- create a new Class 1 misdemeanor for persons who arm themselves with an unusual and dangerous weapon for the purpose of terrifying others, and go about on public highways in a manner to cause terror to the people. Provides that no person may be convicted of this crime based only upon the person's possession or carrying of a handgun, whether openly or concealed;
- change the statute, which prohibits possession of a firearm by a felon by establishing that the statute does not apply to those whose firearm rights were restored prior to December 1,

1995, the persons' prior convictions were for nonviolent felonies, and the persons have not been convicted of any subsequent felonies on or after December 1, 1995;

- allow a court issuing an emergency or ex parte order to order the defendant to surrender all firearms, machine guns, and ammunition to a licensed firearms dealer rather than the sheriff;
- require a sheriff to store surrendered firearms or ammunition in a manner designed to reasonably ensure against any deterioration or damage other than that caused by time;
- require the defendant to notify the sheriff of the intent to surrender or sell to the dealer and complete the surrender or sale within 24 hours of service of the order;
- require the defendant to surrender all permits to purchase and permits to carry concealed firearms to the sheriff;
- create written notification requirements for the dealer to submit to the sheriff within 24 hours of receipt of possession;
- remove the current authority of cities and counties to regulate the display of firearms on the streets, sidewalks, alleys, or other public property;
- require the State Board of Education, in consultation with law enforcement agencies and firearms associations, to develop a firearm education course that can be offered as a high school elective;
- require the State Board of Education, in consultation with the Wildlife Resources Commission, the Division of Marine Fisheries, and the Wildlife Management Institute, to develop a comprehensive course on the North American Model for Wildlife Conservation that can be offered as a high school elective;
- subject to voter approval at the statewide election on November 3, 2020, would amend Section 30, Article I of the Constitution, removing the provision that specifies that the Section does not justify the practice of carrying concealed weapons or prevent the General Assembly from enacting penal statutes against the practice; and
- specify that, unless otherwise provided, the remainder of the act is effective December 1, 2019, and applies to offenses committed on or after that date.

**Introduced by Representatives Speciale, Kidwell, Hardister, and Brody and referred to the House Judiciary Committee on, if favorable, Finance, if favorable, House Rules Committee.**

HOUSE BILL 531, Protect. Tenants at Foreclosure Act Restored, would make changes to the current statute to reflect the restoration of the federal Protecting Tenants at Foreclosure Act. The act would repeal current statute concerning the effect of foreclosure on preexisting tenancy and would make conforming changes throughout by changing references to the current statute to now refer to the federal Protecting Tenants at Foreclosure Act. **Introduced by Representatives Hanig and Stevens and referred to the House Judiciary Committee and to the House Rules Committee.**

HOUSE BILL 533, Retail Workers' Bill of Rights, would enact the Rights of Retail Workers' Act to provide retail employees with more predictable, stable work schedules that are essential to their ability to earn a living and ensure a healthy and decent life for themselves and their families and to ensure that part-time employees in retail establishments are treated fairly and equally compared to their full-time counterparts. The bill would, among other things, require employers to provide part-time employees: (1) starting hourly wage as that provided to starting full-time employees who hold jobs that require equal skill, effort, and responsibility, and that are performed under similar working conditions; (2) access to employer-provided paid and unpaid time off as that afforded to full-time employees for the same job classification; and (3) eligibility for promotions as that afforded to full-time employees for the same job classification, with certain conditions allowed.

The bill also includes requirements about notice of work hours and pay for on-call time. **Introduced by Representatives Brockman, Fisher, Harrison, and Holley and referred to the House Rules Committee.**

HOUSE BILL 545, Protect the Military/Fisheries/Tourism, would prohibit: (1) the exploration, development, or production of oil or natural gas within the estuarine and ocean waters of the State, which includes those ocean waters extending offshore to the limits of State jurisdiction; (2) the construction or operation of offshore fossil fuel facilities; and (3) the sale, lease, or other disposition of any submerged lands in the estuarine and ocean waters of the State for the exploration, development, or production of oil or natural gas, and the construction or operation of offshore fossil fuel facilities. **Introduced by Representatives Butler, Harrison, Martin, and Russell and referred to the House Rules Committee.**

HOUSE BILL 549, Matching Funds for Affordable Housing, is identical to Senate Bill 456, summarized below in this Legislative Report. **Introduced by Representatives Beasley and Hardister and referred to the House Appropriations, Agriculture and Natural and Economic Resources Committee.**

HOUSE BILL 551, Require Paid Work Breaks, would require employers to offer for each employee working a shift of six or more hours at least one voluntary paid break of at least 20 minutes duration scheduled near the middle of the workday. This break could not be used to delay the beginning or shorten the duration of the work period without the approval of the employer. An employer who violates this requirement would be subject to a civil penalty not to exceed one \$100 for the first violation and not to exceed \$500 for each subsequent violation. In determining the amount of the penalty, the size of the business of the person charged and the gravity of the violation would be considered. The determination by the Commissioner would be final, unless within 15 days after receipt of notice, the person charged with the violation takes exception to the determination, in which event final determination of the penalty would be made in an administrative proceeding and in a judicial proceeding. **Introduced by Representatives Dahle, Beasley, and Hawkins and referred to the House Rules Committee.**

HOUSE BILL 557, Municipal Omnibus Bill, would:

- allow the governing body of a taxing unit to, in its discretion, relieve the tax collector of taxes owed that are ten or more years past due when it appears that the taxes are uncollectable;
- require the board of county commissioners in each taxing county to adopt a resolution in November (was, April) of each year that determines which of the methods of tax distribution (per capita or ad valorem) will be in effect during the next fiscal year;
- amend the statute regarding contracts with automatic renewal clauses to provide that nothing in the statute creates liability for any public officer or employee of a political subdivision of the State for disbursement of public funds pursuant to a contract rendered under the provision that a violation of the statute renders the automatic renewal clause void and unenforceable;
- amend the definition of *housing project* to include the specified types of property and facilities that are acquired or constructed pursuant to a single plan or undertaking to provide safe and sanitary housing for persons of low and/or moderate income, through payment of either or both of rent subsidies and relocation assistance (was, to provide safe and sanitary housing for persons of low income through payment of rent subsidies) from any source;

- amend the statute regarding city and county programs for senior citizen assistance to define *senior citizens* as citizens who are at least 55 (was, 60) years old.
- allow a city council to include in the annexation ordinance a description of the area to be annexed any state-maintained street, street right-of-way, or easement, and remove the provision that states that a municipality has no legal interest in a state-maintained street unless it owns the underlying fee and not just an easement.

**Introduced by Representatives Ross and Adcock and referred to the House State and Local Government Committee.**

HOUSE BILL 561, Strengthen Dangerous Dog Laws, would provide additional protections for victims of dangerous dogs by:

- requiring the person or Board making the determination that a dog is a "potentially dangerous dog" to impound the dog and notify the owner in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous;
- requiring, if the potentially dangerous dog determination is upheld or the owner of the dog does not appeal the determination, to be returned to the owner only upon (i) the owner paying the costs of the impoundment, and (ii) the person or Board that made the "potentially dangerous dog" determination finding that the owner's confinement of the animal meets specified requirements;
- making the owner of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of \$100 *or attacks and kills a dog under the immediate control of a person* guilty of a Class 1 misdemeanor; and
- defining, for these purposes, "under the immediate control of a person" as on a leash or held in the arms of the person.

**Introduced by Representative Torbett and referred to the House State and Local Government Committee.**

HOUSE BILL 564, Create House Select Committee on Homelessness, would:

- create a House Select Committee on Homelessness to examine homelessness and make recommendations to reduce homelessness in this State;
- provide for the Speaker of the House of Representatives to appoint 21 members to the committee, and the chair;
- instruct the committee to study: (1) different methods to address rural and urban homelessness, (2) the impact of homelessness in rural and urban areas, (3) direct causes of homelessness, (4) any other matters the committee deems relevant;
- authorize the committee to consult with public schools, local governments, community colleges, and constituent institutions on useful processes, procedures, data and resources;
- authorize the committee to gather information from experts in specified fields, or others deemed appropriate by the chair;
- provide for committee powers as set out in current legislation related to requiring all officers, agents, agencies and departments to furnish data and information to legislative committees or commissions, and under an Article related to Committee Activity; and
- require the committee to make a preliminary report to the General Assembly by May 1, 2020, and a final report on the results of its study, including any proposed legislation, by December 1, 2020.

**Introduced by Representative Torbett and referred to the House Rules Committee.**

HOUSE BILL 566, Polluter Pays, would make persons causing or contributing to contamination of water or air pollution which is causing danger to the health or safety of the public responsible for costs of cleanup and provision of alternative water supplies to persons with water supplies affected by such contamination. The bill would also prohibit an electric public utility from recovering costs related to the management of coal combustion ash and unlawful discharges from coal ash ponds. **Introduced by Representatives Harrison, Russell, Hunt, and B. Turner and referred to the House Energy and Public Utilities Committee.**

HOUSE BILL 568, Add'l Measures for Emerging Contaminants, would establish enhanced requirements for dischargers of pollutants to the State's air and water, provide increased funding for the Department of Environmental Quality, and make other statutory changes necessary to address contamination of drinking water supplies in the State in order to protect human health. **Introduced by Representatives Butler, Harrison, Autry, and Richardson and referred to the House Environment Committee.**

HOUSE BILL 574, Fix Our Democracy, would:

- amend the North Carolina Constitution to establish the Citizens Redistricting Commission;
- reenact legislation that established a nonpartisan method of electing supreme court justices and court of appeals judges beginning 2020;
- extend the waiting period for former legislators who become lobbyists;
- modernize the voter registration process by establishing the Fair Elections Program;
- increase transparency in the legislative process by requiring 48 hours' notice of meetings of all legislative committees; and
- direct the Legislative Services Officer to develop a plan to provide live video and audio streaming of all meetings of legislative committees and commissions meeting in the legislative complex.

**Introduced by Representatives Clemmons, Autry, Dahle, and Graham and referred to the House Redistricting Committee.**

HOUSE BILL 576, County Eugenics Compensation, would allow counties to adopt an ordinance to provide for the compensation of qualified recipients asexualized or sterilized under county authority. Records of all inquiries of eligibility, claims, and payments would be confidential and not public records. **Introduced by Representatives Quick, Hardister, Harrison, and Lambeth and referred to the House Judiciary Committee.**

HOUSE BILL 587, Repeal Death Penalty, would repeal the death penalty and provide that all current prisoners sentenced to death will be resentenced to life imprisonment without the possibility of parole. **Introduced by Representatives Meyer, Black, and Hawkins and referred to the House Judiciary Committee.**

HOUSE BILL 589, Let NC Vote Act, would:

- provide for automatic voter registration at driver's license offices, public agencies, community colleges, and colleges and universities of the University of North Carolina system;
- require the Bipartisan State Board of Elections and Ethics Enforcement to implement an outreach campaign informing citizens about automatic voter registration;
- allow individuals who meet the criteria to register to vote or change voter registration online;
- reestablish same day registration, including on election day;



- reestablish the program to preregister sixteen and seventeen year olds;
- make changes to photographic identification to vote in person; and
- restore the last Saturday of early one-stop voting.

**Introduced by Representatives Meyer, Morey, Farmer-Butterfield, and John and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 595, Tax Returns Uniformly Made Public Act/Funds, would require a candidate for President or Vice President of the United States to file the candidate's federal income tax return before the candidate's name appears on the general election ballot. The State Board of Elections would make the federal income tax returns publicly available on its website within seven days after the income tax returns have been filed. The bill also would provide \$100,000 in each of the next two years to the State Board of Elections to develop and maintain the information required.

**Introduced by Representatives Dahle, Harrison, Fisher, and Morey and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 604, Small Business Retirement Program, would establish a 10-member Joint Legislative Study Committee on Small Business Retirement Options to study:

- ways the State can reduce the regulatory and operational burden on small businesses that want to offer payroll deduction retirement savings options to employees;
- mechanisms the State could use to assist citizens to be more prepared to retire in a financially secure manner, including the operation of a State-administered Individual Retirement Account or multiple employer plan;
- the feasibility and benefits of partnering with other similar programs established in other jurisdictions; and
- optimal oversight for any proposed retirement program.

The Committee would report its findings and recommendations, including any recommended legislation, to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Fiscal Research Division no later than March 31, 2020. **Introduced by Representatives Hanig and Hardister and referred to the House Pensions and Retirement Committee.**

HOUSE BILL 608, SBI Emergency Pen Register/Trap and Trace, would:

- amend the law for Pen Registers; Trap and Trace Devices (basically phone taps or other means to retrieve electronic information), by adding a new section allowing the State Bureau of Investigation (SBI) to conduct warrantless use of a phone tap in emergency situations;
- amend the law concerning prohibition and exceptions, by allowing for any one of the listed exceptions to be sufficient for overcoming the general prohibition on the installation or use of a phone tap, and by adding a new exception for emergency circumstances as provided;
- amend the law concerning what a judge must find before entering an ex parte order authorizing the installation and use of a phone tap and would change the standard for situations involving the commission of a felony, Class A1 or Class 1 offense from reasonable suspicion to probable cause. Would add additional ground which consists of findings that there exists an emergency situation as provided in statute and that the requested device will provide material aid in locating an individual at imminent risk of death or serious physical harm;
- authorize an SBI agent to install without a warrant on an emergency basis a phone tap, but would require the agent to seek an order approving the installation or use within 48 hours;

without the order, the installation or use must immediately terminate when the information is sought, the request for an order is denied, or 48 hours has passed, whichever occurs first;

- require the agent to determine that either (1) there exists immediate danger of death or serious bodily injury to any person and there are grounds upon which an order could be entered pursuant to statute to authorize the installation and use of a phone tap, or (2) an individual has disappeared, a child has run away, or a person is missing for which no criminal charge per statute is readily apparent, but where there may be an immediate danger of death or serious bodily injury based wholly or partly on the individual's age, physical condition, or circumstances surrounding his or her disappearance;
- make an agent who violates the provisions regarding seeking an order or termination of the use of a phone tap device guilty of a Class 1 misdemeanor; and
- require a person who provides assistance to be reasonably compensated for expenses incurred.

**Introduced by Representatives McNeill and Hurley and referred to the House Judiciary Committee, if favorable, House Rules Committee.**

HOUSE BILL 611, Amend Rules of Evid./Binding Arbitration, would:

- repeal Rule 414 of the Rules of Evidence, which limited evidence offered to prove past medical expenses to evidence of the amounts actually paid to satisfy the bills and evidence of the amounts actually necessary to satisfy the bills that have been incurred but not yet satisfied;
- amend Rule 411 of the Rules of Evidence (Liability Insurance) to provide that nothing in the rule may be construed to infer that the term "insurance" as used in the rule, or the introduction of evidence of other forms of "insurance," including health insurance, disability insurance, or other forms of benefits that may be characterized as "insurance," will be barred by this rule, with the exception of parties introducing evidence of any payments made by insurance under the collateral source rule;
- allow any named party to an action to elect binding arbitration when all of the following conditions exist: (1) an admission of negligence by all named defendants to the action that is signed by all named parties; (2) an express limitation by the named party with the burden of proof on damages associated with the action that all alleged damages shall not exceed the amount in controversy set forth for district court; and
- provide that binding arbitration extinguishes the rights of named plaintiffs to any recovery beyond the insurance coverage limits pertinent to the action.

**Introduced by Representatives Stevens, Davis, and Zachary and referred to the House Judiciary Committee.**

HOUSE BILL 614, Kelsey Smith Act, would:

- require a wireless service provider, upon request of a law enforcement agency, to provide call location data concerning the phone of a user;
- allow a law enforcement agency to request data only in an emergency situation that involves an imminent risk of death or serious physical harm and only request the amount of data reasonably necessary to prevent the imminent death or serious physical harm;
- allow a wireless service provider to establish procedures for voluntary disclosure of call location data;
- prohibit a civil action from being brought in any court against any wireless service provider or any other person for providing call location data if the provider acted in good-faith reliance upon the representations of the law enforcement agency as required;

- require all wireless service providers registered to do business in the State to submit emergency contact information to the State Bureau of Investigation to facilitate requests from law enforcement agencies for call location data each year by June 15 or immediately upon any change in emergency contact information; and
- require the State Bureau of Investigation to maintain a database containing emergency contact information for all wireless service providers registered to do business in the State and make the information readily available upon request.

**Introduced by Representatives Hurley, McNeill, Carter, and C. Smith and referred to the House Judiciary Committee.**

SENATE BILL 422, Planning/Development Changes, is identical to House Bill 448, summarized above in this Legislative Report. **Introduced by Senators McKissick and Newton and referred to the Senate Rules Committee.**

SENATE BILL 450, Study Statewide Year-Round School Calendar, would direct the Department of Public Instruction to study and make recommendations on the feasibility and potential outcomes of a statewide year-round school year, including the following: (1) educational outcomes; (2) summer learning loss; (3) testing administration; (4) dual enrollment in community college courses for high school students; (5) travel and tourism participation and revenues; (6) seasonal employment; (7) extracurricular learning opportunities and camps; (8) scheduling for families and communities; (9) implementation considerations; and (10) any other area deemed relevant. DPI would report on the results of its study, including any proposed legislation to the Joint Legislative Education Oversight Committee no later than May 1, 2020. **Introduced by Senator Burgin and referred to the Senate Rules Committee.**

SENATE BILL 456, Matching Funds for Affordable Housing, would:

- appropriate \$2.5 million from the General Fund to the Department of Commerce (Department) in nonrecurring funds for the 2019-20 and 2020-21 fiscal years to be used to provide matching grants to nonprofits to fund the planning and construction of affordable housing projects in the State;
- instruct the Department to require nonprofits receiving a grant to provide one dollar in non-State funds for every dollar of grant funds received and to develop guidelines and procedures for the administration and distribution of the grants to nonprofits. Upon submission of satisfactory documentation, the Department would be required to disburse grant funds to nonprofits equal to the amount of non-State matching funds the nonprofit has obtained;
- allow documentation of sufficient matching funds and disbursement of grant proceeds to be on a monthly basis until the total amount awarded to the nonprofit grantee has been disbursed;
- require a reversion of unmatched funds to the General Fund on June 30, 2021; and
- require the Department on or before May 1, 2020, and on or before May 1, 2021, to report on the affordable housing grant program, including in the report details of the number of grants issued, the grant recipients, the specific areas where funds have been allocated, and the number of affordable housing units developed as a result of the grant program.

**Introduced by Senator Blue and referred to the Senate Rules Committee.**

SENATE BILL 464, Full Repeal of HB2, is identical to House Bill 515, summarized in the April 9, 2019, Legislative Report. **Introduced by Senators Van Duyn, Foushee, and Mohammed and referred to the Senate Rules Committee.**

SENATE BILL 478, Removal Power/Modify Reporting, would require the Governor, within 30 days after receiving a written recommendation from the President Pro Tem of the Senate or the Speaker of the House, to remove a person appointed to a board or commission by the General Assembly for misfeasance, malfeasance, or nonfeasance. **Introduced by Senator Sawyer and referred to the Senate Rules Committee.**

SENATE BILL 482, The Haiden Prevatte Act, would allow a local law enforcement officer to determine when a dog is a "potentially dangerous dog." The bill would make an owner of a dangerous dog guilty of (1) a Class 1 misdemeanor if the dog attacks a person and causes physical injury to the person, injury to the person's personal property, or both physical injury to the person and injury to the person's personal property, or (2) a Class I felony if the dog kills a person. **Introduced by Senator McInnis and referred to the Senate Rules Committee.**

SENATE BILL 485, Destruction of Certain Firearms/Local Option, would allow cities and counties to adopt an ordinance allowing for the destruction of firearms found, received, confiscated, or seized in accordance with applicable law. **Introduced by Senators McKissick and Britt and referred to the Senate Rules Committee.**

SENATE BILL 486, North Carolina Equal Pay Act, would:

- prohibit an employer from discriminating in any way on the basis of gender in the payment of salary or wages, including benefits and other compensation, or pay any person salary or wage rates less than the rates paid to employees of a different gender for comparable work;
- allow variations in salary and wages, including benefits or other compensation if the variations are based on: (1) a bona fide system that rewards seniority with the employer, if time spent on leave due to a pregnancy-related condition and protected parental, family, and medical leave does not reduce seniority; (2) a bona fide merit system; (3) a bona fide system that measures earnings by quantity or quality of production or sales; (4) the geographic location in which a job is performed; (5) education, training, or experience to the extent such factors are reasonably related to the particular job in question and consistent with business necessity; and (6) travel, if the travel is a regular and necessary condition of the particular job;
- make it unlawful for an employer to do any of the following:
  - require, as a condition of employment, that an employee refrain from inquiring about, discussing, or disclosing information about either the employee's own wages, including benefits or other compensation, or about any other employee's wages;
  - screen job applicants based upon their wage, including benefits or other compensation, or salary histories, including by requiring that an applicant's prior wages, including benefits or other compensation or salary history, satisfy minimum or maximum criteria;
  - seek the salary history of any prospective employee from any current or former employer; however, a prospective employee could provide written authorization to a prospective employer to confirm prior wages only after any offer of employment with compensation has been made;
  - discharge or in any manner retaliate against any employee because the employee (i) opposed any act or practice made unlawful by this section, (ii) made or is about to make a complaint or has caused or is about to cause to be instituted any proceeding under this section, (iii) testified or is about to testify, assist, or participate in any manner in an investigation or proceeding under this section, or

- (iv) disclosed the employee's wages, benefits, or other compensation or has inquired about or discussed the wages of any other employee;
- provide that an employer who violates this section is liable to the employee affected in the amount of the employee's unpaid salary or wages, including benefits or other compensation;
- provide that an agreement between the employer and an employee to work for less than the wage to which such employee is entitled or an employee's previous wage or salary history is not a defense to an action;
- allow the court, in addition to any judgment awarded to the plaintiff, to allow a reasonable attorneys' fee and the costs of the action to be paid by the defendant;
- require an action to be brought within three years after the date of the alleged violation;
- provide that, for these purposes, a violation occurs when (i) a discriminatory compensation decision is made or other practice is adopted, (ii) an employee becomes subject to a discriminatory compensation decision or other practice, or (iii) an employee is affected by application of a discriminatory compensation decision or practice, including each time wages, benefits, or other compensation are paid, resulting in whole or in part from such a decision or practice; and
- require employers to post a notice in their workplaces notifying employees of their rights in a conspicuous place in at least one location where employees congregate.

**Introduced by Senators McKissick, Marcus, deViere and referred to the Senate Rules Committee.**

SENATE BILL 495, Automatic & Online Voter Registration, would:

- provide for automatic voter registration at driver's license offices, public agencies, community colleges, and colleges and universities of the University of North Carolina;
- provide that information acquired for purposes of automatic voter registration is to be kept confidential, including compliance with any voter registration requirements;
- provide that, if a person who is ineligible to vote becomes registered to vote pursuant to this section, the presumption will be that the person's registration is deemed officially authorized and will not be attributed to any fault of the person; however, any person who willfully and knowingly and with fraudulent intent gives false information on the application would be guilty of a Class I felony;
- require the State Board of Elections to implement an outreach campaign informing citizens about automatic voter registration; and
- allow individuals who meet certain criteria to register to vote or change voter registration online.

**Introduced by Senators Woodard, Clark, and Lowe and referred to the Senate Rules Committee.**

SENATE BILL 497, Animal Abuse Registry, would require the North Carolina State Bureau of Investigation, beginning January 1, 2020, to post a publicly accessible list on its website of any person convicted of an animal abuse offense on and after that date. The list would include a photograph taken of the convicted animal abuser as part of the booking process, the animal abuser's full legal name, and other identifying data as the Bureau determines is necessary to properly identify the animal abuser and to exclude innocent persons. The list would not include the abuser's Social Security number, drivers license number, or any other State or federal identification number. For a first conviction for an animal abuse offense, the Bureau would maintain the person's name and other identifying information for two years following the date of conviction, after which time the Bureau would remove the person from the list; provided that the person is not convicted

of another animal abuse offense during that two-year period. If a person receives a subsequent conviction for an animal abuse offense, the Bureau would maintain the person's name and other identifying information for five years following the date of the most recent conviction, after which time they would be removed from the list; provided that the person is not convicted of another animal abuse offense during that five-year period. **Introduced by Senator Woodard and referred to the Senate Rules Committee.**

SENATE BILL 502, Ban the Box, would prohibit a hiring authority from inquiring into or considering the criminal history of an applicant for **public employment**, or including any such inquiry on any initial employment application form, until the hiring authority has made a conditional offer of employment to the applicant. This provision would not be applicable to positions for which a hiring authority is otherwise required by law to consider the criminal record. No person could be disqualified from public employment solely or in part because of a prior conviction, unless the conviction is determined to be substantially related to the qualifications, functions, or duties of the position. A record of arrest not resulting in conviction could not be the basis for disqualification from public employment. The hiring authority would have to inform the individual of the potential adverse employment decision based on the background check report prior to a final decision and must provide an opportunity to demonstrate that he or she was not correctly identified in the background check report or that the report is otherwise inaccurate. **Introduced by Senators Mohammed and McKissick and referred to the Senate Rules Committee.**

SENATE BILL 503, Wage Theft Act, would make a variety of changes to the State's labor laws to:

- require employers to notify employees in writing at the time of hire and upon any material change, of: (1) the promised wages and the basis upon which wages will be calculated; (2) the method, day, and place for payment; (3) the specified contact information and tax identification numbers for the employer; and (4) the employment status of the employee
- require employers to provide employees for each pay period with information regarding the employee's rate of pay, total hours worked each workweek, total straight-time earned each workweek, total overtime earnings each workweek, total additions or deductions from wages, total gross wages paid each pay period, and the date of payment;
- amend statutes regarding recovery of unpaid wages by employees from employers who violate minimum wage, overtime, or wage payment provisions to provide for the award of liquidated damages equal to twice the amount due (was, equal to the amount);
- require employers to be liable to the affected employee for actual damages for violations regarding employee notifications, postings, and records or any rule adopted under the statute;
- authorize the court after finding an intentional violation to award statutory damages of up to \$500 per employee per violation, and require the court to consider the nature and persistence of the violations and the extent of the employer's culpability when setting the amount of statutory damages;
- require (instead of allow) the court to order costs and fees of the action and reasonable attorneys' fees to be paid by the defendant;
- require an action arising out of a willful violation to be brought within three years, and an action to be brought within one year after notification to the employee of final disposition by the State of a complaint for the same violation (currently, all actions required to be brought within two years);

- amend the statute that provides for civil penalties for certain violations of up to \$500 for the first violation and up to \$1,000 for subsequent violations to also include violations regarding minimum wage, overtime, wage payment, and notification;
- allow an employee, for purposes of wage claims and collections, to file a lien on: (1) all property of the employer located in the State; and (2) all property upon which the employee has performed work, as specified, for the full amount of the wages and any statutory penalties owed; and
- allow a wage claim or action to enforce a lien to be brought by the employee individually or by the Commissioner, or by any representative of the employee, including collective bargaining representatives.

**Introduced by Senators Mohammed, Robinson, and Foushee and referred to the Senate Rules Committee.**

SENATE BILL 513, State Clean Energy Goal for 2050, would provide that, in order to avoid climate catastrophe, promote job creation and economic growth, and protect the Earth for current and future generations, it is the goal of the State that 100% of the total retail sales of electricity in North Carolina be generated from renewable energy resources by December 31, 2050. The State Energy Office, in consultation with the North Carolina Utilities Commission and the Public Staff, would develop a plan to achieve this goal and submit the plan to the 2020 Regular Session of the 2019 General Assembly upon its convening. **Introduced by Senators Nickel, Garrett, and Van Duyn and referred to the Senate Rules Committee.**

SENATE BILL 517, Protect the Military/Fisheries/Tourism, is identical to House Bill 545, summarized above in this Legislative Report. **Introduced by Senator Peterson and referred to the Senate Rules Committee.**

SENATE BILL 518, Establish PFAS Task Force/Add'l Measures, would direct the Department of Environmental Quality to establish the PFAS Task Force to: (1) identify and analyze all per- and polyfluoroalkyl substances (PFAS) in the lower Cape Fear River Basin; (2) identify their source of discharge and their health impact on the human population therein; (3) establish allowable maximum health standards for exposure to PFAS; and (4) provide for the immediate replacement and/or upgrade of drinking water systems, including private wells, within the affected area. **Introduced by Senators Peterson, deViere, and McKissick and referred to the Senate Rules Committee.**

SENATE BILL 523, Rev. Laws Clarifying & Administrative Changes, would make various clarifying and administrative changes to the State's revenue laws, including, amending the definition applicable to Sales and Use Tax provisions to:

- add the term *item* and defines the term to mean personal property, certain digital property, or a service, unless the context requires otherwise;
- amend *advertising and promotional direct mail* and *bundled transaction* to refer to an item rather than a product;
- amend *capital improvement* to exclude performing repairs or replacement of electrical components, gas logs, water heaters and similar tangible personal property (was, similar individual items) that are not part of new construction, reconstruction, or remodeling; repair, replacement or installation of electrical or plumbing components, water heaters, gutters, and similar tangible personal property (was, similar individual items) that are not part of new construction, reconstruction, or remodeling; or repair, replacement, or installation of gas logs, water heaters, pool heaters, and similar tangible personal property

(was, similar individual items) that are not part of new construction, reconstruction, or remodeling;

- define *certain digital property* as an audio work, an audiovisual work, a book, magazine, a newsletter, a report, or another publication, or a photograph or greeting card, that is delivered or accessed electronically, and specify that certain digital property items specified are not considered tangible personal property and are taxable under the Article if sold in a tangible medium;
- amend the term *delivery charges* to refer to an item rather than personal property or services;
- amend the term *engaged in business* to include maintaining in the State certain digital property for the purpose of lease or rental;
- amend the term *landscaping* to exclude services to trees, shrubs, flowers, or similar tangible personal property (was, similar items) in ports or in buildings;
- amend the term *remote sale* to include sale of an item by mobile phone application and making items accessible or performing a service sourced in this State;
- amend the terms *sale or selling* to include a transaction in which possession of the tangible personal property or certain digital property (was, property) is transferred but the seller retains title or security for the payment of consideration;
- amend the term *secondary metals recycler* to refer to products rather than items.

**Introduced by Senators Tillman, Hise, and Newton and referred to the Senate Finance Committee.**

SENATE BILL 553, Regulatory Reform Act of 2019, would require the Department of Environmental Quality (DEQ) to study and report on additional positions and funding needed, as well as any possible changes to State or federal laws, that would be necessary to expand the DEQ's express permitting programs to include additional types of permits typically required for job creating, real estate development, and redevelopment activities. Would instruct the DEQ to report to the specified NCGA committee and division by December 1, 2019. **Introduced by Senators Sanderson and Wells and referred to the Senate Rules Committee.**

SENATE BILL 558, Enact NC Healthy Pregnancy Act, would enact the North Carolina Healthy Pregnancy Act to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgement on account of sex, including discrimination on the basis of pregnancy, childbirth, or related medical condition, by employers that regularly employ 15 or more employees. The bill would require a person affected by pregnancy to be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and would prohibit an entity or person covered under the Act from retaliating against or coercing, intimidating, threatening, or interfering with a person who exercises rights or assists a person in exercising the person's rights under the Act. The bill would require employers to provide notice of the right to be free from discrimination in relation to pregnancy, childbirth, and related conditions, including the right to reasonable accommodation to known limitations related to pregnancy, childbirth, and related conditions. A pregnant person aggrieved by a prohibited discriminatory practice could bring a civil action to enforce rights granted or protected against any person, covered governmental entity, employer, employment agency, or labor organization that is alleged to have committed such practices or engaged in such conduct. A civil action could be commenced within three years after the date on which the aggrieved person became aware of or, with reasonable diligence, should have become aware of the alleged discriminatory



practice or prohibited conduct. **Introduced by Senators McKissick, Steinburg, and Waddell and referred to the Senate Rules Committee.**

SENATE BILL 563, Right to Revoke Consent, would allow a person who consents to vaginal intercourse or to a sexual act to withdraw that consent at any time during the course of that vaginal intercourse or sexual act. A defendant who continues the act of vaginal intercourse after consent is withdrawn would be deemed to have committed the act of vaginal intercourse by force and against the will of the other person. A defendant who continues the sexual act after consent is withdrawn would be deemed to have committed the sexual act by force and against the will of the other person. A withdrawal of consent would have to be clearly communicated in a way that a person knows or should reasonably know consent has been withdrawn. **Introduced by Senators J. Jackson and Britt and referred to the Senate Rules Committee.**

SENATE BILL 565, Extreme Risk Protection Orders, is similar to HOUSE BILL 454, Allow ERPOs to Save Lives & Prevent Suicides, summarized in the April 9, 2019, Legislative Report. **Introduced by Senators McKissick, Chaudhuri, and Peterson and referred to the Senate Rules Committee.**

SENATE BILL 571, Local Governments/Unsafe Buildings, would:

- change current statute, concerning defects in buildings to be corrected, to give a new time frame of 60 days, rather than immediately, for owners or occupants to correct building defects or dangerous conditions upon notification by the local inspector;
- authorize the local inspector to grant a 60-day extension if material progress has been made within the initial 60 days in the opinion of the local inspector;
- define *owner* as the person listed as owner of the property on the property record card recorded in the local tax assessor's office; and
- create subsections for the section concerning action in event of failure to take corrective action. Would add to subsection (a) a 60-day time frame for owners of a condemned building or structure to take corrective action after a notice is posted on the building pursuant to statute. Would remove from the list of conditions the local inspector must give written notice of that a building is likely to cause or contribute to blight, disease, vagrancy, or danger to children or that it has a tendency to attract criminal activity or other activities which would constitute a public nuisance. Would change language to say that a hearing will be held *no sooner* (currently, no later) than 10 days after the date of notice. Would add to subsection (b) that the provision of notice regarding a condemned building may run concurrently with the written notice provided under subsection (a) of this section.

**Introduced by Senator Perry and referred to the Senate Rules Committee.**

SENATE BILL 572, S Corp Pro Se Representation in Court, would exempt S Corporations from the prohibition against allowing corporations to practice law or appear as an attorney in any court or judicial proceeding in this State. **Introduced by Senator Perry and referred to the Senate Rules Committee.**

SENATE BILL 581, Add'l Robeson Judge and Columbus Magistrate, would increase the number of district court judges from five to six in District 16B of Robeson County and increase the number of magistrates in Columbus County from five to six. **Introduced by Senators Britt and Rabon and referred to Senate Appropriations Committee, if favorable, re-referred to Senate Rules Committee.**

SENATE BILL 585, Justice/Judge May Continue Term Past Age 72, is identical to House Bill 501, summarized in the April 9, 2019, Legislative Report. **Introduced by Senators Lowe and Fitch and referred to the Senate Rules Committee.**

SENATE BILL 587, Consumer Credit/Finance Charge Rates, would:

- provide that all balances due under a consumer credit installment sale contract from any person as a buyer or as an endorser, guarantor, or surety for any buyer or otherwise jointly or severally is considered a part of the amount financed with regard to the contract for the purpose of computing interest or charges;
- provide that the finance charge rates are the rates required to be disclosed by the Consumer Credit Protection Act, except that official fees must be included in the amount financed and excluded from the finance charge; and
- increase the caps on the finance charge rate for consumer credit installment sale contracts to 24% per annum where the amount financed is less than \$3,500; 22% for amounts between \$3,500 and \$5,000; 20% for amounts between \$5,000 and \$7,500; and 18% for amounts \$7,500 or greater.

**Introduced by Senators Gunn and D. Davis and referred to the Senate Rules Committee.**

SENATE BILL 596, Disorderly Conduct/Unreasonable Noise, would provide that a person commits the offense of disorderly conduct if the person makes unreasonable noise (i) with the intent to infringe upon another person's exercise of his or her right to free speech or to otherwise cause public inconvenience, annoyance, alarm, or disruption or (ii) in a careless or reckless manner so as to create the risk of infringing upon another person's exercise of his or her right to free speech or the risk of otherwise causing public inconvenience, annoyance, alarm, or disruption. A violation would be a Class 2 misdemeanor. **Introduced by Senators Edwards, Daniel, and Ford and referred to the Senate Rules Committee.**

SENATE BILL 616, Require Paid Work Breaks, is identical to House Bill 551, summarized above in this Legislative Report. **Introduced by Senators Chaudhuri and Nickel and referred to the Senate Rules Committee.**

SENATE BILL 617, Tax Returns Uniformly Made Public Act, would require a candidate for President or Vice President of the United States to file the candidate's federal income tax return before the candidate's name appears on the general election ballot. The State Board of Elections would make the federal income tax returns publicly available on its website within seven days after the income tax returns have been filed after redacting any personal information or other information the Secretary or the Secretary's designee determines must be kept confidential by law. **Introduced by Senators Chaudhuri and Nickel and referred to the Senate Rules Committee.**

SENATE BILL 653, Add'l Measures for Emerging Contaminants, is identical to House Bill 568, summarized above in this Legislative Report. **Introduced by Senator Garrett and referred to the Senate Rules Committee.**

SENATE BILL 656, Const. Amendment/Repeal Literacy Test, is identical to House Bill 314, summarized in the March 12, 2019, Legislative Report. **Introduced by Senators Lowe, Blue, and deViere and referred to the Senate Rules Committee.**

SENATE BILL 660, Gen. Assembly/Prevent Workplace Harassment, would require the Legislative Services Commission and the Legislative Ethics Committee, no later than December 31, 2019, to jointly develop, adopt, and implement "zero tolerance" policies regarding sexual harassment, abuse, misconduct, gender bias, and all other forms of discrimination at the General Assembly. The policies developed would be incorporated by reference into each chamber's permanent rules and include protections for pages and unpaid volunteers providing services to the General Assembly. The policies would include: (1) mandatory annual ethics training for all legislators, legislative officers, and legislative employees of the General Assembly; (2) effective and clear sanctions for incidents; and (3) a confidential complaint filing process. The bill would provide \$250,000 to the Legislative Services Commission to implement these provisions. **Introduced by Senators Smith, Blue, and Foushee and referred to the Senate Rules Committee.**

## BILL UPDATES

HOUSE BILL 263, Fill Vacancies/Modify 2018 Appointments, appoints persons to various public offices upon the recommendation of the Speaker of the House of Representatives and makes modifications to appointments made in 2018, including: Jeannie C. "JC" Lyle of New Hanover County is appointed to the North Carolina Housing Partnership for a term expiring on August 31, 2021, to fill the unexpired term of Roger L. Earnhardt. **Effective: April 4, 2019, except as otherwise provided.**

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