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Focusing on Legislative Representation

LEGISLATIVE REPORT April 26, 2019

INTRODUCTION

This week has felt like the calm before the storm or maybe the eye of a hurricane! The House and Senate were both out on “spring break” for the first part of the week and then the House came in on Thursday and started releasing their budget proposal. The House Appropriation subcommittees are meeting this week and the House is expected to debate and amend the budget in the House Appropriations Committee and the full House next week and send over to the Senate. The Senate has been working behind the scenes on their budget proposal so we expect their version to roll out soon.

The other big news and deadline approaching is the May 9th cross-over deadline and committee meetings are already being noticed for next week as work moves into high gear to get legislation approved in one chamber or the other. This is a scary time of year for lobbyists as legislation that is not correct or has not been thoroughly vetted gets moved so that “the bill can get to the other side” with a promise to “fix it later.” We will be on high alert as legislation will move very quickly over the next two weeks.

The Governor vetoed his first piece of legislation for this session, Senate Bill 359, which would provide criminal charges for health care providers who do not provide care for any abortion when there are any signs of movement or life in the fetus. Democrats claimed that this does not happen and that the bill is not needed and Republicans are passionate that this is a moral issue that needs to be addressed. It will be the first test of the strength of the new Democrats to see if the veto can be sustained or if the Republicans can find the votes to override the veto.

This report includes the bills filed the week of April 15 through April 19. We will include a short budget summary and the bills from this week in the next legislative report. Please let us know if you have any questions or concerns.



NORTH CAROLINA ELECTRONIC SECURITY ASSOCIATION



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BILLS OF INTEREST

HOUSE BILL 766, *Revise Marijuana Laws*, would decriminalize possession of four ounces or less of marijuana and allow for the expunction of possession of marijuana offenses involving possession of four ounces or less of marijuana. **Introduced by Representatives Autry, Dahle, Harrison, and Hawkins and referred to the House Rules Committee.**

HOUSE BILL 770, *Freedom to Work*, would:

- require administrative agencies, governmental officials, and courts in civil proceedings to consider a Certificate of Relief favorably;
- provide that, if the board is authorized to deny a license to an applicant on the basis of conviction a crime, and the applicant's verified criminal history record reveals one or more convictions of any crime, the board may deny the license if it finds, by clear and convincing evidence, that the applicant's criminal history is directly related to the duties and responsibilities for the licensed occupation;
- allow an individual with a criminal history to petition a board at any time, including before an individual starts or completes any mandatory education or training requirements, for a determination of whether the individual's criminal history will disqualify the individual from obtaining a license. This petition would include details on the individual's criminal history. The Board could determine that the petitioner's criminal history is grounds for denial of a license only after it has applied the requirements above and would inform the individual of its determination within 30 days of receiving the petition from the individual;
- require recognition by licensing boards of certain apprenticeship and training experience;
- require an occupational licensing board to grant a license to any applicant who: (1) Completed an apprenticeship approved by the State or federal Department of Labor, or otherwise permitted under State or federal law, or (2) passed an examination, if one is deemed to be necessary by the licensing authority;
- direct each occupational licensing board to establish a passing score for the board's examinations which could not exceed the passing score that is required under the board's standard licensing processes; and
- allow applicants for licensure to apply training hours earned through career technical education provided by North Carolina public schools and colleges towards the requirements for licensure in the same occupation in accordance with the standards and procedures authorized.

Introduced by Representatives Stevens, Bell, Jones, and Zachary and referred to the House Judiciary Committee.

HOUSE BILL 780, *Strengthen Do Not Call Registry*, would strengthen the Do Not Call Registry by:

- amending the definition of *telephone solicitation* to include creating a lead or referral for which the solicitor will receive or hopes to receive compensation;
- amending the definition of *telephone solicitor* to include subagents, contractors, or other third-party vendors as well as any party that receives a sales lead or inbound call from a telephone subscriber and knows or has reason to know that the lead or inbound call from the subscriber was generated by a telephone call;
- prohibiting a person, *whether directly or through a salesperson, agent, subagent, contractor, or third-party vendor*, from using an automatic dialing and recorded message player to make an unsolicited telephone call; and

- providing that any party that knows or has reason to know that the sales leads or inbound telephone calls it is receiving or accepting were generated by calls placed by another party or parties in violation of this provision will be jointly liable with said party for each call or lead that is received or accepted.

Introduced by Representatives Harrison, Hurley, and Martin and referred to the House Commerce Committee.

HOUSE BILL 782, Driver Educ./18 Yrs & Older & Unlicensed, would require all applicants for a drivers license who are 18 years and older, including those who have been licensed in another country, to complete a course in alcohol and drug abuse awareness, unless the applicant is licensed in another state or has satisfactorily completed a Department of Education driver education course. The course would be three hours in length, offered online or in person, and promote traffic safety. Instruction would be provided on the following: (1) the physiological and psychological consequences of the abuse of alcohol and other drugs; (2) the effects of alcohol and drug abuse on the driver of a motor vehicle; (3) the laws of this State relating to the operation of a motor vehicle; and (4) high-risk driving behaviors, such as fatigued driving, aggressive driving, and distracted driving, including the use of electronic devices while driving. **Introduced by Representatives Graham, Torbett, and Boles and referred to the House Transportation Committee.**

HOUSE BILL 787, Consumer Credit/Finance Charge Rates, would increase the maximum finance charge rates for consumer credit installment sale contracts in which the buyer is not a servicemember and expand the definition of official fees as applied to those contracts. The finance charge rate for a consumer credit installment sale contract in which the buyer is not a servicemember could not exceed the following rate except that a minimum finance charge of \$5.00 could be imposed: (1) twenty-four percent (24%) per annum where the amount financed is less than \$3,500; (2) twenty-two percent (22%) per annum where the amount financed is \$3,500 or greater, but less than \$5,000; (3) twenty percent (20%) per annum where the amount financed is \$5,000 or greater, but less than \$7,500; and (4) eighteen percent (18%) per annum where the amount financed is \$7,500 or greater. **Introduced by Representatives Jones, K. Hall, and Humphrey and referred to the House Banking Committee.**

HOUSE BILL 805, Work Breaks/Tips Not Counted/Allow Pay Talk, is one of several bills filed this session to provide for paid work breaks and increased wages for hourly and tipped workers. This bill would:

- require an employee who is to work more than six continuous hours during a 24-hour period to be provided a paid meal period of 60 minutes and at least one paid work break of 15 minutes;
- require an employee who is to work six continuous hours or less during a 24-hour period to be provided at least one paid work break of 15 minutes;
- prohibit tips earned by a tipped employee from being counted as wages; and
- prohibit discrimination or retaliation against an employee for disclosing wage information.

Introduced by Representatives Logan and Majeed and referred to the House Rules Committee.

HOUSE BILL 815, Firearm in Unattended Vehicle/Safely Store, would make it a Class 2 misdemeanor to leave a firearm in an unattended motor vehicle unless the vehicle is locked and the firearm is either (i) secured with a trigger lock or other safety device designed to prevent an unauthorized user from operating the firearm or (ii) in a locked container. **Introduced by**

Representatives Morey, Clark, Harrison, and Martin and referred to the House Rules Committee.

HOUSE BILL 817, Gen. Assembly/Safe Workplace Policies, would direct 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 improper workplace behaviors. The bill would create a confidential process for reporting and resolving incidents of sexual harassment and other improper workplace behavior in the General Assembly, require training to prevent workplace harassment and other improper workplace behavior in the General Assembly. The bill also would provide \$250,000 to implement these policies. **Introduced by Representatives Dahle, Everitt, and Butler and referred to the House Rules Committee.**

HOUSE BILL 827, N.C. Citizens Redistricting Commission, would establish the North Carolina Citizens Redistricting Commission to: (1) prepare preliminary, proposed, and alternative legislative and congressional plans; (2) adopt final legislative and congressional plans; and (3) present adopted plans to the General Assembly for enactment. **Introduced by Representatives Harrison, Morey, Holley, and Martin and referred to the House Rules Committee.**

HOUSE BILL 830, Up Minimum Wage/Set Rates/COLA, would increase the State minimum wage by setting wage rates based upon the size of the employer (\$12/hour for large employers and \$9/hour for small employers), and provide for automatic adjustments to reflect increases in the cost of living. A large employer would be an enterprise whose annual gross volume of sales made or business done is not less than \$500,000, exclusive of excise taxes at the retail level that are separately stated, and a small employer would be an enterprise whose annual gross volume of sales made or business done is less than \$500,000, exclusive of excise taxes at the retail level that are separately stated. **Introduced by Representatives Cunningham, Clark, Harris, and Black and referred to the House Rules Committee.**

HOUSE BILL 831, NC Fair Wage Act, would prohibit an employer from (1) paying any person in the employer's employ at wage rates less than the rates paid to employees of another gender in the same establishment for the same quantity and quality of the same classification of work and (2) retaliating against any employee who seeks redress or who participates in the investigation of a complaint. An affected employee could file a complaint with the Department of Labor that the wages paid to the employee are less than the wages to which the employee is entitled, and the Department would investigate and notify the employer and employee of the results of the investigation. An employee receiving less than the wage to which the employee is entitled could recover in a civil action the balance of such wages, together with the costs and attorneys' fees, notwithstanding any agreement to work for a lesser wage. A civil action would be instituted within two years after the date that the alleged violation is discovered by the affected employee. **Introduced by Representative Cunningham and referred to the House Rules Committee.**

HOUSE BILL 832, Constitutional Amendment/Up Minimum Wage, would amend the State Constitution, if approved by a majority of qualified voters at a statewide general election held on November 3, 2020, to require employers to pay employees wages no less than the minimum wage for all hours worked in North Carolina, and provide that, six months after enactment, the minimum wage will be \$12/hour and increased on January 1 of successive years by the increase in the cost

of living. **Introduced by Representatives Cunningham, Black, and Meyer and referred to the House Rules Committee.**

HOUSE BILL 835, Expand Human Relations Commn. EEOC Authority, would direct the Human Relations Commission to seek Equal Employment Opportunity status as a Fair Employment Practice Agency pursuant to Title VII of the Federal Civil Rights Act. The bill would allow any person who claims to have been injured by an unlawful discriminatory employment action to file a complaint with the Human Relations Commission. Complaints would (i) be in writing, (ii) state the facts upon which the allegation of an unlawful discriminatory employment action is based, and (iii) contain other information and in a form as the Commission requires. The bill also includes provisions regarding hearings and decisions of the Commission and judicial review, and would provide \$788,000 in each of the next two years for new positions within the Commission. **Introduced by Representative Floyd and referred to the House Appropriations on General Government Committee.**

HOUSE BILL 838, Paid Holiday/Primary and General Elections, would authorize local boards of education and the State Human Resources Commission to establish both primary and general elections in even-numbered years as paid holidays for teachers and State employees. **Introduced by Representatives Brockman, Dahle, and Beasley and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 854, Protect STATE Health Care Act, would:

- prohibit an insurer offering a health benefit plan, including individual, large group, or small group health coverage, in this State from imposing any preexisting condition exclusions with respect to coverage under the health benefit plan;
- require each insurer that offers a health benefit plan in this State to accept every employer and every individual in the State who is eligible and applies for the coverage;
- require insurers to develop premium rates for all health benefit plans offered in this State based on only the following case characteristics: (1) whether the health benefit plan covers an individual or family; (2) the geographic rating area, established in accordance with federal law; (3) the age of the insured individuals, except that the rate may not vary by more than three to one for adults; and (4) the tobacco use of the insured individuals, except that the rate must not vary by more than one and one-fifteenth to one;
- prohibit an insurer from adjusting the premium charged for any health benefit plan offered in this State on the individual or small group market more frequently than annually unless the change is made as specified; and
- allow the Department of Insurance to adopt rules to implement and administer this act and to ensure that rating practices used by insurers are consistent with these provisions.

Introduced by Representatives Insko, Meyer, Cunningham, and Black and referred to the House Rules Committee.

HOUSE BILL 863, Qualifications for Sheriff/Expunctions, would require a candidate or appointee for the office of sheriff to disclose all felony convictions, including any expunged convictions. **Introduced by Representatives McNeill and C. Smith and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 871, Fair Contracting, would render contracts for engineering, architectural, landscape architectural, or surveying services void and unenforceable if the parties require that one

party will indemnify or hold harmless the other party, or its agents, against liability claims for damages, losses, or expenses. Would allow indemnification agreements only for damages resulting from the negligence, recklessness, or intentionally wrongful conduct of the promisor, its employees, agents, or other persons utilized by the promisor in the performance of the contract. **Introduced by Representatives Arp, Stevens, Reives, and Floyd and referred to the Committee on Commerce, if favorable, House Rules Committee.**

HOUSE BILL 893, *Allow Early Voting/Last Saturday/Flexibility*, would restore voting hours for one-stop early voting sites on the last Saturday before the election and provide flexibility to county board of elections regarding hours of operation for one-stop early voting sites. **Introduced by Representatives Hawkins, Russell, and Meyer and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 894, *Universal Charitable Donation Credit*, would allow a taxpayer who makes a cash contribution to a qualified charitable organization a tax credit equal to the amount of the cash donation. A qualified charitable organization would be an organization incorporated in this State that (1) is exempt from federal income tax under section 501(c)(3) of the Code or (2) is a volunteer fire department or a volunteer rescue or emergency medical services squad that is exempt from federal income tax under section 501(c)(4) of the Code. The credit could not exceed the lesser of the specified amount (\$200 for married filing jointly, \$150 for head of household, and \$100 for single or married filing separately) or the amount of the tax imposed for the taxable year reduced by the sum of all allowed credits. A taxpayer who claims the credit based on a donation to a qualified charitable organization could not deduct the donation as a charitable contribution. **Introduced by Representatives Kidwell, Speciale, Pittman, and Brody and referred to the House Finance Committee.**

HOUSE BILL 899, *Enact KinCare Act*, would require an employer who provides compensated or uncompensated job protected sick leave for employees to permit an employee to use, in any calendar year, the employee's accrued and available sick leave entitlement to attend to the care of a family member for no more than five consecutive days. All conditions and restrictions placed by the employer upon the use by an employee of sick leave would also apply to the use by an employee of sick leave to attend to the care of a family member. A family member would include a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, 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. This provision would not extend the maximum period of leave to which an employee is entitled under the federal Family and Medical Leave Act, regardless of whether the employee receives sick leave compensation during that leave. **Introduced by Representatives Clemmons, Grange, and Carney and referred to the House Health Committee.**

HOUSE BILL 906, *Study of Cash Bail System*, would establish an 18-member Joint Legislative Study Committee to study the current use of secured and unsecured appearance bonds in North Carolina's criminal pretrial release system, including, at a minimum, the following issues: (1) whether there are alternative conditions of release or pretrial release systems that are not contingent upon the payment of any monetary sum to secure a defendant's release; and (2) whether there are opportunities to utilize global positioning system (GPS) monitoring or house arrest in place of

secured or unsecured appearance bonds, especially for those persons held on nonviolent charges. The Committee could report its findings and recommendations to the General Assembly in an interim report by August 1, 2019, and would make a final report by December 31, 2019. **Introduced by Representatives Montgomery, Morey, and Beasley and referred to the House Rules Committee.**

HOUSE BILL 909, Revocation of License/Penalty/Costs, would require the Division of Motor Vehicles to revoke a person's drivers license for failure to pay a fine, penalty, or court costs ordered by the court only when there is a court order at sentencing supported by findings of fact that the person is able to pay and there is good cause to suspend the person's license if the person fails to pay. **Introduced by Representatives Montgomery and Logan and referred to the House Transportation Committee.**

BILL UPDATES

SENATE BILL 359, Born-Alive Abortion Survivors Protection Act, was approved by the Senate and House and sent to the Governor for his signature on April 16th. The Governor vetoed the bill on April 18, 2019, providing that, "Laws already protect newborn babies and this bill is an unnecessary interference between doctors and their patients. This needless legislation would criminalize doctors and other healthcare providers for a practice that simply does not exist." The bill has been sent back to the Senate Rules Committee.

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