



INTRODUCTION

The General Assembly got down to business this week, and as promised, legislators prioritized getting their first round of COVID-19 relief funding off to the Governor's desk. Other bills began to gain traction at the legislature this week, including a bill to reopen schools and a bill to give bar owners a reprieve on their ABC permits. See below for an update on this week at the legislature.

COVID-19 BILL

Senate Bill 36 is off to the Governor, after receiving unanimous votes in both chambers of the General Assembly. This bill was a great bipartisan effort, showing hope for additional bipartisan work in the future. House Democratic Leader Robert Reives called the bill a "fine show of bipartisanship" in which both chambers and the Governor's office worked together.

This bill allocates \$2.24 billion from the latest federal stimulus bill to school reopening needs, vaccine distribution, and rental assistance. It also extends deadlines for spending federal COVID dollars allocated last year, as well as the deadline to apply for \$335 stimulus checks for parents. Senate Bill 36 also provides \$39 million for broadband internet expansion to expand internet access in 18 counties, which was partly approved by Gov. Cooper in December. The bulk of the money went to schools, including funding for student mental health and resources to catch students up after months of virtual classes. Speaker Moore would like to see some of the funds go towards a "robust summer program." In a rare floor speech, the Speaker expressed grave concern for North Carolina students falling behind as a result of this pandemic, specifically the long-term effects on children if they are unable to read by the third grade.

Due to the time sensitive nature of this bill, leadership determined no amendments would be run in order to get this bill out the door. Rep. Donny Lambeth ensured that there will be many other opportunities to take people's suggestions for future legislation. Rep. Lambeth said the House is currently working on the next COVID bill and expect that work to be in committees soon. He anticipates more COVID bills following that one.



NORTH CAROLINA SECURITY AND LOW VOLTAGE ASSOCIATION



THIS LEGISLATIVE REPORT IS A
PUBLICATION OF KOCHANEK LAW GROUP
AND IS A MEMBER BENEFIT OF NCSLVA.
ANY USE OR REPRODUCTION OF THIS
REPORT IS LIMITED TO NCSLVA
AND ITS MEMBERS.

FOR MORE INFORMATION:

Colleen Kochanek
NCSLVA Legislative Counsel
P.O. Box 1038
Wake Forest, NC 27588
919.809.5600
colleen@kochaneklawgroup.com
www.kochaneklawgroup.com

THE GOVERNOR’S COVID RELIEF BUDGET RECOMMENDATIONS

During a virtual press conference on Thursday, Gov. Cooper laid out some of his COVID-19 relief budget priorities. Here are Gov. Cooper’s recommendations:

- Approx. \$2 billion for emergency assistance for public and private K-12 schools and higher education institutions.
- \$336 million for childcare and development block grants.
- Approx. \$700 million for access to vaccines and testing, tracing and prevention measures.
- \$546 million for emergency rental assistance.
- \$258 million for Highway Infrastructure and \$65 million for airports.
- \$47 million for Community Mental Health Services.
- Funding for food assistance programs, such as SNAP and school nutrition.
- \$468 million for bonuses for educators and school personnel in public K-12 schools, community colleges and the university system.

The Governor’s proposal for one-time bonuses for educators and school personnel would not be able to be funded with federal aid money, according to the latest federal guidelines. With this in mind, Senate Leader Berger’s office believes this is something that should go through the “normal state budget process” after the state revenue forecast, which should be released by the end of next week.

SCHOOL REOPENINGS

The Senate is now considering Senate Bill 37, a bill that would require schools to provide some in-person instruction to the state’s K-12 public school students. Although Republicans and Democrats agree that they want students back in school as soon as possible, they disagree on when that could be safely done. The bill passed its second reading with a vote of 29 to 16. The final vote will be next week then it will move to the House.

The bill requires school districts to offer a full-time, in-person instruction option to special needs students; this plan is known as Plan A. It would further require schools to offer either Plan A with safety measures in place or Plan B, which requires 6 feet of social distancing, to all students. This bill would not include charter schools.

Senate Democrats expressed concern over the timeline and over allowing middle and high school students to go back under Plan A, which has minimal safety measures in place. There was also debate over extending the start of reopening beyond 15 days after the bill is enacted, in order to provide more time for teachers to be vaccinated. Teachers will be in the next group eligible to be vaccinated in the state.

ABC PERMIT DEFERRALS

The House voted nearly unanimously on Thursday to provide some relief to bar owners by offering refunds and deferrals on ABC permit renewals. House Bill 4 addressed bars that recently have had their permits revoked after not paying their renewal fees. These bars have been shut down or operating with limited outdoor seating due to coronavirus restrictions, making fees unaffordable in some cases.

This bill would extend the deadline for permit fees to 90 days after the expiration of the final executive orders affecting bar’s full operations. It also would allow bars that already paid to seek

a refund, including businesses who have since gone out of business. ABC Chairman Tim Moffitt was a primary sponsor of the bill. “These are family businesses hurting in North Carolina, who need help now and should not be required to pay fees to a state government that is strictly limiting their ability to generate revenue and operate as planned,” Rep. Moffitt said in a news release following the vote.

GENERAL ASSEMBLY GUNS PROPOSAL

The House has a new caucus: the N.C. House Freedom Caucus. The 18-member Freedom Caucus, chaired by Rep. Keith Kidwell, wishes to see new security measures in place at the General Assembly after recent violent protests in Raleigh and at the U.S. Capitol.

Rep. Kidwell has filed legislation to allow legislators to carry firearms at the General Assembly complex. This bill, House Bill 47, would allow legislators who hold valid concealed-carry permits to bring concealed weapons to floor sessions, committee meetings and other areas of the General Assembly complex. House leadership has not offered a stance on this topic, but has simply said that the bill will be reviewed in detail and will be subject to the same legislative process as any other bill.

NEW SOCIAL STUDIES STANDARD

A split North Carolina State Board of Education adopted new K-12 social studies standards on Thursday. The Board voted 7-5 to have teachers discuss racism, discrimination, and the perspectives of marginalized groups in the state’s classrooms. The new standards are aimed at helping teachers discuss the nation’s success stories, as well as the nation’s failings. Critics claim the new standards are anti-American and present an overly negative picture of the nation’s history and institutions. The new measures were opposed by the Republican members of the board. This change will go into effect in the fall.

BILLS OF INTEREST

HOUSE BILL 40, Kimberly's Law/Death by Vehicle/DWLR, would create the offense of revoked driving felony death by vehicle, a Class F felony, when: (1) a person unintentionally causes the death of another person; (2) the person was engaged in the violation of any State law or local ordinance applying to the operation or use of a motor vehicle or to the regulation of traffic, other than impaired driving; (3) the commission of the offense is the proximate cause of the death; and (4) at the time of the commission of the offense, the person's drivers license was revoked for an impaired driving license revocation. a person convicted of violating this offense would be sentenced to a minimum active term of not less than 12 months of imprisonment, which could not be suspended. The bill also would require the revocation of the registration of all motor vehicles registered in the name of a person convicted of revoked driving felony death by vehicle until the convicted person's license is restored. Registration would have to be surrendered within 10 days of notice from the Division of Motor Vehicles. The bill would make a license revocation under this offense a permanent revocation. **Introduced by Representative Clampitt and referred to the House Judiciary 2 Committee.**

HOUSE BILL 41, Amend Lawful Age to Marry/18 Years of Age, would amend the lawful age to enter into marriage in this state to 18 years of age or older and eliminate the existing exceptions for persons to marry under the age of 18. **Introduced by Representatives Saine, K. Baker,**

Clemmons, and Turner and referred to the House Families, Children, and Aging Policy Committee.

HOUSE BILL 42, 2020 COVID Relief Bill Modifications, would make certain modifications to 2020 COVID-19 relief legislation that was approved last year as follows:

- amends the provision that establishes the \$335 extra tax credit program for NC families with qualifying children to eliminate the hard deadline of January 1, 2021 for the Department of Revenue to award grants to eligible individuals and other changes that would allow more to apply;
- repeals the provision that authorized the NC Pandemic Recovery Office (NCPRO) to reallocate Coronavirus Relief Funds appropriated by that act or other described acts if certain conditions apply, and establishes a weekly reporting requirement on reallocations of the Office of State Budget and Management (OSBM);
- allows expenditure of funds from the Coronavirus Relief Fund to be made beyond the deemed hard deadline of December 30, 2020;
- No longer restricts the funds allocated to the Department of Public Instruction (DPI) for supplemental summer learning programs, extended learning and integrated student supports for certain students to the 2019-20 school year specifically, and requires the State Board of Education to report to the specified NCGA committee by February 15, 2022 (in addition to its February 15, 2021 report).
- expands the award of scholarship funds by the State Education Assistance Authority to certain students with disabilities to allow for disbursement for the spring semester (in addition to the fall semester) of the 2020-21 school year, according to the previously specified guidelines;
- expands the list of NCGA committees to whom the Office of Science, Technology, and Innovation must report on the pilot program to promote access to innovative digital and personalized learning solutions for high school students that bridge the gap between chemistry and physical science classes and career and technical education (CTE) career pathways.

Introduced by Representatives Lambeth, Saine, Arp, and Elmore and referred to the House Appropriations Committee.

HOUSE BILL 43, Protect North Carolina Workers Act, would amend provisions of the Verification of Work Authorization to:

- increase the number of employers who are required to participate in the federal E-Verify program by providing that an *employer* is any person, business entity, or other organization that transacts 20 business in this State and that employs five (was 25) or more employees in this State;
- amend the definition of *employee* to remove the exclusion from the term for individuals whose term of employment is less than nine months in a calendar year, and add that the term does not include a farm worker, an independent contractor, or an individual who provides domestic service in a private home that is sporadic irregular, or intermittent;
- define the term *farm worker*; and
- define *independent contractor* as “any individual or entity who carries on independent business, contracts to do a piece of work according to the individual or entity's own means and methods, and is subject to control only as to results. Whether an individual or entity is an independent contractor, regardless of what the individual or entity calls itself, shall be determined on a case-by-case basis. Factors to be considered in that determination include,

but are not limited to, whether the individual or entity supplies the tools or materials, makes services available to the general public, works for a number of clients at the same time, has an opportunity for profit or loss as a result of labor or services provided, invests in the facilities for work, directs the order or sequence in which the work is to be done, and determines the hours during which the work is to be done.”

Introduced by Representatives Cleveland and Clampitt and referred to the House Commerce Committee.

HOUSE BILL 47, Concealed Carry in the General Assembly, would authorize NCGA members to carry a concealed firearm while in or on the State legislative buildings and grounds, defined to include any place at which the NCGA or committee is conducting official business, if the member is: (1) permitted, (2) acting in the discharge of member duties, and (3) not consuming or have in the member's body alcohol or controlled substances. The bill also would prohibit the Legislative Services Commission from adopting any rules that prohibit carrying a concealed firearm by persons excepted from the current prohibition, including US Armed Forces officers and enlisted personnel, US civil and law enforcement officers, National Guard officers and soldiers, State and local officers, qualified retired law enforcement officers, and off-duty sworn law enforcement officers. **Introduced by Representatives Kidwell, Hanig, C. Smith, and Goodwin and referred to the House Judiciary 3 Committee.**

SENATE BILL 29, Ricky's Law/Political Sign Placement, would reduce the time allowed to place a political sign in a right-of-way from 30 days to 10 days before one-stop early voting and 10 days after the primary or election. **Introduced by Senators Perry, Craven, and Sawyer and referred to the Senate Redistricting and Elections Committee.**

SENATE BILL 31, Political Subdivisions/Local Bidders Notice, would require local governments to send proposals by standard mail or email notification to persons or businesses located within the respective jurisdictional boundaries if the person or business requested notices for the type of work being bid, in addition to the existing newspaper advertisement requirements for proposal invitations, if the work is estimated to be \$50,000 or more. The bill also would require approval by the respective governing board prior to sending email notifications. **Introduced by Senators Johnson, Proctor, and Craven and referred to the Senate State and Local Government Committee.**

SENATE BILL 35, Amend Lawful Age to Marry/18 Years of Age, is identical to House Bill 41, summarized above in this Legislative Report. **Introduced by Senators Sawyer, Britt, and Foushee and referred to the Senate Rules Committee.**

SENATE BILL 36, 2020 COVID Relief Bill Modifications, as originally filed, is identical to House Bill 42, summarized above in this Legislative Report. **Introduced by Senators B. Jackson, Harrington, and Hise and referred to the Senate Appropriations/Base Budget Committee.**

SENATE BILL 37, In-Person Learning Choice for Families, would require all local school administrative units to provide the option of in-person instruction to K-12 students for the remainder of the scheduled 2020-21 school year beginning no later than the first weekday that occurs 15 days following the date the act becomes law. The bill would:

- provide that *in-person instruction* includes all of the following components: (1) is offered to the student in person by a teacher of record on a local school administrative unit campus,

and that continued enrollment in a North Carolina Virtual Public School course or other e-learning course offering or use of prerecorded learning materials integrated in instruction that occurs on a local school administrative unit campus is considered to meet this requirement; (2) lunch service; and (3) transportation services to the campus where the student is assigned;

- detail criteria for the provision of in-person instruction, including compliance with the Strong Schools NC Public Health Toolkit, as it existed on December 4, 2020, for implementation of Plan A (Minimal Social Distancing) and Plan B (Moderate Social Distancing) as appropriate for reopening;
- require instruction under Plan A to students with an individualized education program or a section 504 plan and the use of Plan A or Plan B for all other students in K-12;
- require the inclusion of a remote instruction option for a student's parent or guardian to elect for the remainder of the 2020-21 school year to be available for all students;
- allow local boards of education flexibility in school assignments, and day-to-day shifts from in-person instruction to remote instruction due to COVID-19 exposures resulting in insufficient school personnel or required student quarantines, and require a local board to report any shift by a school or classroom to remote instruction to the Department of Public Instruction (DPI) within 72 hours of the shift; and
- encourage local boards to coordinate with local health departments and vaccine providers to facilitate scheduling COVID-19 vaccination events for frontline K-12 school-based employees.

Introduced by Senators Ballard, Lee, and Hise and referred to the Senate Education/Higher Education Committee. The bill was amended on the Senate floor to: (1) require compliance with the Strong Schools NC Public Health Toolkit, as it existed on February 2, 2021, rather than December 4, 2020, for implementation of Plan A (Minimal Social Distancing) and Plan B (Moderate Social Distancing) as appropriate for reopening; (2) regarding the provision of in-person instruction under Plan A to all students enrolled in the respective school with an individualized education program or a federal section 504 plan, to except from this reopening plan situations where in-person instruction is not permitted under that student's program or plan; and (3) modify the required components of in-person instruction to include meal service, rather than lunch service. **The bill is scheduled for a final vote on the Senate floor on Tuesday, February 9th.**

SENATE BILL 38, Small Business Owners/S Corp Fairness Act, would allow S Corporations to be represented by and appear in court in this State using a non-attorney representative who is the sole owner of the business entity if the owner files an affidavit with the court providing that the owner's interest in the business entity is one hundred percent (100%). This provision would apply only to the trial of civil actions in which the amount in controversy is \$25,000 or less. **Introduced by Senators Perry, Lazzara, and Johnson and referred to the Senate Judiciary Committee.**

SENATE BILL 39, NC Time Zone/Observe DST All Year, would direct, subject to the authorization of Congress, the State and its political subdivisions to observe Daylight Saving Time throughout the year. **Introduced by Senators Sawyer, Perry, and Johnson and referred to the Senate Rules Committee.**

SENATE BILL 40, NC Consumer Fireworks Safety Act, would allow for the sale, use, transport, possession, handling, or discharge of consumer fireworks, but prohibit the sale of consumer fireworks to persons under the age of 18. Those who sell consumer fireworks, sparkling devices,

or novelties in this State must hold a permit issued by the Commissioner of Insurance. **Introduced by Senators Sawyer and Galey and referred to the Senate Rules Committee.**

SENATE BILL 43, Protect Religious Meeting Places, would amend the statute that prohibits weapons on campus or other educational property to provide that the statute does not apply to a person with valid concealed handgun permit, or a person who is exempt from obtaining a permit, if: (1) the person possesses and carries a handgun on educational property other than an institution of higher education or a nonpublic, postsecondary educational institution; (2) the educational property is the location of both a school and a building that is a place of religious worship; (3) the weapon is a handgun; and (4) the handgun is only possessed and carried on educational property outside of the school operating hours. For these purposes, property owned by a local board of education or county commission would not be construed as a building that is a place of religious worship. **Introduced by Senators Britt, Daniel, and Johnson and referred to the Senate Rules Committee.**

- Colleen Kochanek
NCSLVA Legislative Counsel
P.O. Box 1038
Wake Forest, NC 27588
919.809.5601
colleen@kochaneklawgroup.com
www.kochaneklawgroup.comⁱ

ⁱ THIS LEGISLATIVE REPORT IS A PUBLICATION OF KOCHANЕК LAW GROUP AND IS A MEMBER BENEFIT OF NCSLVA. ANY USE OR REPRODUCTION OF THIS REPORT IS LIMITED TO NCSLVA AND ITS MEMBERS.
