



INTRODUCTION

The legislature didn't skip a beat getting back to work after returning from their "spring break." Many committees had packed-full agendas, full of mostly noncontroversial bills and also local bills. One notable bill that quickly swept through the House was House Bill 334, Temporarily Align Paycheck Protection Program (PPP) Treatment to Federal Treatment. Typically, loans are considered taxable income, but this bill would align North Carolina with 47 other states and the federal government by providing businesses a tax deduction for expenses they paid using forgiven PPP loans. This program was a part of the CARES Act last year and was aimed at helping struggling businesses continue to keep their employees on the payroll. The bill passed the House with a nearly unanimous vote of 111-2. Republican Reps. George Cleveland and Julia Howard were the only no votes. In an unusual twist, the long time Chair of the House Finance Committee, Rep. Julia Howard, publicly criticized the Speaker and other Republican Leadership in the House for supporting the bill if their businesses received PPP Loans. This despite a determination that it was not a conflict of interest and that many issues may impact legislators and their businesses, but as long as not targeted to them specifically generally there is no conflict. It will be interesting to see how this conflict plays out.

HOUSE BILL 73, TEMPORARILY DEFER ABC PERMIT RENEWAL FEES

House Bill 73, Temporarily Defer ABC Permit Renewal Fees, also made its rounds. Sen. Chuck Edwards changed the House version of the bill in the Senate Commerce and Insurance earlier this month. As a reprieve from the pandemic's impact on restaurants and bars, the House version would have allowed businesses to get a year's alcohol sales permit for free, for the period between May and April 2021. Sen. Edwards changed the fee waiver to simply an extended deadline, providing that businesses had until September 1st to pay their annual permit fee. Sen. Edwards said the House sponsors agreed to the change, and that this would give lawmakers time to "look at what other options we have to help the businesses that have been affected by this." However, when the bill was passed with this change in the Senate and sent over to the House for concurrence, bill sponsor Rep. Tim Moffitt asked the House to fail to concur with the Senate's Committee Substitute. Rep. Moffitt explained that the bill was sent over to the Senate as a good bill, but did not return in the same shape. The House unanimously voted not to concur with the Senate's changes to the bill.



NORTH CAROLINA SECURITY AND LOW VOLTAGE ASSOCIATION



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BUSINESSES SPEAK OUT

Corporate America has joined the fight on voting legislation throughout the nation. Companies like Amazon, Google, Starbucks, and Netflix have released public statements against “any discriminatory legislation” that would restrict voter access. This is a direct result of numerous voting-related bills being filed throughout the country by Republican legislators who claim our election process needs a shake-up to restore voter confidence after the 2020 election. The start of corporate pressure on voting rights began in Georgia, where a newly passed election bill resulted in various companies speaking out and businesses going elsewhere. Major League Baseball has pulled the All-Star Game from Atlanta, Apple announced they will produce their movie “Emancipation” with Will Smith in another state, and scores of businesses including Delta airlines went on record denouncing the actions of the legislature. This pressure has carried on into other states which are also considering bills that could restrict voter access, including Florida, Michigan and Arizona.

In North Carolina, various bills have been filed that voting rights advocates argue would result in voter suppression. Senate Bill 326, Election Integrity Act, is the only one that has gained enough traction to be heard in a committee. The bill was heard for discussion only in Senate Redistricting and Elections, and is sponsored by the three chairmen of that committee: Sens. Hise, Newton, and Warren. The bill would move up the mail-in absentee ballot deadline to two weeks prior to the election, currently it is 7 days prior. It would also provide that all ballots must be received by close of business (5:00 p.m.) on Election Day, or they will not be counted. Currently, the law provides for a three-day grace period if the absentee ballot is postmarked on or before Election Day. Finally, the bill would provide funds for a mobile ID unit to offer IDs to eligible voters in need of identification to participate in our elections. Currently, the North Carolina constitutional amendment passed by voters to require identification at the polls is being held up in the courts. This bill has not been placed on the calendar since the first discussion, and no other elections-related bill has moved in this state either.

US SENATE RACE

The race is on for Republican US Senator Richard Burr’s seat in 2022. Since Sen. Burr announced his plans for retirement, there has been a lot of discussion and speculation around who all will run for this seat, the first US Senate seat vacancy in North Carolina since 2008. The stakes are high given that the US Senate is currently evenly divided between parties, with Democratic Vice President Kamala Harris breaking the tie. With such close numbers, the winner of North Carolina’s US Senate seat could be a game-changer in 2022, tipping the scale in favor of one party to have greater control of the Senate. With a lot at stake and a rare opening for a US Senate seat, many people have thrown their hat in the ring or are still strongly considering it. This week, former NC Governor Pat McCrory announced his run for US Senate. News also broke this week about Lieutenant Governor Mark Robinson (who stunned the Republican primary field by winning in 2020) "seriously considering" a run for the US Senate seat. Notably, Robinson's interest in running gained more traction and attention from media outlets than the former Governor's announced run for the seat; however, the Lt. Governor has since removed his name from consideration.

See below for a list of announced candidates, and a list of those who are known to be considering a run for the open seat.

Announced:

Republicans:

U.S. Representative Mark Walker

Jen Banwart

Former Governor Pat McCrory

Democrats:

State Sen. Jeff Jackson

Former State Sen. Erica Smith

Richard L. Watkins

Beaufort Mayor Rett Newton

Libertarian:

Shannon Bray

Independent (must gather signatures to qualify for ballot):

Kimrey Rhinehardt

Considering:

Republicans:

U.S. Representative Ted Budd

Lara Trump

Democrats:

Former Chief Justice of North Carolina Cheri Beasley

Joan A Higginbotham

HOUSE BILL FILING DEADLINE

The House bill filing deadline was originally set out to be April 20th for non-finance bills and April 27th for finance-related bills; however, the House has decided to tweak their schedule. The House plans to extend their bill filing deadline to closer to Crossover, the day most bills must pass from one chamber to the other in order to be eligible for consideration for the remainder of session, which will be May 13th this year. Their new deadline will be May 4th for non-budget, non-finance bills and May 11th for finance-related bills. The Senate bill filing deadline for most bills has already passed; it ended on April 6th.

BILLS OF INTEREST

HOUSE BILL 489, 2021 Building Code and Dev. Reg. Reform, would enact a variety of provisions regarding the Building Code Council (Council), including to:

- require the Council to conduct an economic analysis or cost-benefit analysis of its own or that is submitted other than by the proponent of a proposed NC Building Code (Code) amendment or revision, excluding proposals for revision or amendments made upon motion of the Council or submitted by a State agency or political subdivision of the State;
- allow rather than require Council approval of local regulations approved by a local governing body which are found by the Council to be more stringent than the adopted statewide fire prevention code and regulate only activities and conditions in buildings,

structures, and premises that pose dangers of fire, explosion or related hazards, and do not conflict with the Code;

- prohibit charging fees for follow-up inspections to verify completion or correction of additional violations of the NC Residential Code for One- and Two-Family Dwellings or the Code discovered during a follow-up inspection conducted to verify completion or correction of Code violations noted in a previous inspection, and the additional violations are within an area of work for which a final inspection has already been conducted; and
- require the Council to implement Section D107 of the 2018 NC Fire Code and other provisions related to fire apparatus access roads for one- and two-family dwelling residential developments, and direct the Council and Code enforcement officials to not require an automatic sprinkler system in one- or two-family dwellings where there are fewer than 100 dwelling units on a single public or private fire apparatus access road with access from one direction.

Introduced by Representatives Brody, Riddell, D. Hall, and Hunter and referred to the House Committee on Local Government - Land Use, Planning and Development. The bill was amended in the Committee to remove the provisions that would have prohibited charging fees for follow-up inspections to verify completion or correction of additional violations of the Code discovered during a follow-up inspection conducted to verify completion or correction of Code violations noted in a previous inspection, and the additional violations are within an area of work for which a final inspection has already been conducted. Instead, the bill would enact a similar provision to prohibit charging a fee for reinspection of additional violations of the Code noted by an inspection conducted during a subsequent inspection to verify completion or correction of instances of Code noncompliance if the additional violations are noted on items already approved by the inspections department, and provide that the inspector noting additional violations in this circumstance cannot delay the issuance of a temporary certificate of occupancy. **The bill as amended was approved by the House Committee on Local Government - Land Use, Planning and Development and will next be considered by the House Rules Committee.**

HOUSE BILL 505, NC Healthy Pregnancy Act, is identical to Senate Bill 633, summarized below in this Legislative Report. **Introduced by Representatives Logan, Fisher, Cooper-Suggs, and A. Baker and referred to the House Rules Committee.**

HOUSE BILL 514, NC Healthy Pregnancy Act, is identical to Senate Bill 633, summarized below in this Legislative Report. **Introduced by Representatives von Haefen, Hawkins, Cunningham, and Alston and referred to the House Rules Committee.**

HOUSE BILL 525, Allow ERPOs to Prevent Suicides & Save Lives, would authorize the issuance of an Extreme Risk Protection Order (ERPO – also called red flag legislation) to restrict temporarily a person's access to firearms if there is evidence that the person poses a danger of physical harm to self or others. Require the court, upon issuance of an ERPO, including an ex parte ERPO, to order the respondent to surrender to the sheriff all firearms, ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the care, custody, possession, ownership, or control of the respondent. **Introduced by Representatives Morey, Autry, Gill, and Martin and referred to the House Rules Committee.**

SENATE BILL 439, Hate Crimes Prevention Act, would:

- increase the scope of hate crimes to include a victim's actual or perceived race, ethnicity, color, religion, nationality, or country of origin, gender, gender identity, gender expression,

disability, or sexual orientation of the victim or a person or group associated with the victim;

- increase the punishment of hate crimes;
- require the State Bureau of Investigation to create and maintain a hate crimes database;
- require law enforcement officer training on identifying, responding to, and reporting hate crimes; and
- require the development and provision of training to prosecutors on how to prosecute hate crimes.

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

SENATE BILL 477, Victims' Fair Treatment Act, would shift the state from a contributory negligence standard in civil liability cases to a comparative fault standard, where fault can be shared. Under the bill, to recover damages for personal injury or harm to property involving the responsibility of more than one party or a released person, the findings must be as follows: (1) state the amount of damages that a claimant would be entitled to recover if any contributory fault was disregarded; (2) state, as to each claim, the percentage of total responsibility attributed to each claimant, defendant, and released person that caused the injury or harm; (3) whether any of the parties or released persons acted in concert or with intent to cause injury or harm to the claimant; and (4) any other issue of fact fairly raised by the evidence necessary to make a determination of the damage award or to enter or modify a judgment.

The bill would require that in an action seeking damages for personal injury or harm to property based on negligence or on any other claim for which the claimant may be subject to a defense in whole or part based on contributory fault, the claimant's recovery is diminished by the percentage of responsibility assigned to the claimant. The bill would prohibit the claimant from recovering any damages if the contributory fault is greater than the combined responsibility of all parties and released persons that caused the injury or harm to the claimant. **Introduced by Senators Britt, Perry and Galey and referred to the Senate Rules Committee.**

SENATE BILL 478, 2021 Building Code and Dev. Reg. Reform, is identical to House Bill 489, summarized above in this Legislative Report. **Introduced by Senators Jarvis, McInnis, and Woodard and referred to the Senate Rules Committee.**

SENATE BILL 497, Stop Social Media Censorship Act, would enact the "Stop Social Media Censorship Act to create a civil right of action that will deter the following: (1) deceptive trade practices; (2) false advertising; (3) breach of contract; (4) bad faith; (5) unfair dealing; (6) fraudulent inducement; and (7) the stifling of political and religious speech in the modern-day digital public square cultivated by social media websites that have achieved critical mass. The Act would only apply to those forums with at least 75 million subscribers. **Introduced by Senators Alexander, Corbin, and Johnson and referred to the Senate Rules Committee.**

SENATE BILL 504, Standard Deduction Charitable Contributions, would allow a taxpayer who deducts the standard deduction amount and makes charitable contributions a State income tax credit equal to twenty-five percent (25%) of the charitable contributions. The credit may not exceed the amount of tax imposed for the taxable year reduced by the sum of all credits allowed, except payments of tax made by or on behalf of the taxpayer. **Introduced by Senator Woodard and referred to the Senate Rules Committee.**

SENATE BILL 507, Modify Business Corporation Act, as recommended by the North Carolina Bar Association, would make various changes to the North Carolina Business Corporation Act, including clarifying that a quorum is a majority unless otherwise fixed and shall not be fixed at less than one-third. **Introduced by Senator Galey and referred to the Senate Rules Committee.**

SENATE BILL 510, Release Body-Worn/Dashboard Camera Video, would repeal the current procedures for and requirements of the release of recordings in the custody of a law enforcement agency by court order to authorized persons. The bill would include new provisions to:

- require a custodial law enforcement agency to release a recording after 48 hours have passed from the time of the recording, upon request, unless a court orders that the release of the recording must be restricted for a specified period of time;
- allow any custodial law enforcement agency to file an action for an order restricting release of the recording for a specified period of time in the appropriate county;
- require the request to identify the activity by date and time, or otherwise identify the activity;
- allow the court to conduct an in-camera review of the recording;
- require the court to consider eight standards in determining whether to restrict the release of all or a portion of the recording for a specified period of time, including whether: (1) the release is necessary to advance a compelling public interest; (2) the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law; (3) release would reveal information regarding a person that is of a highly sensitive personal nature; and (4) release may harm the reputation or jeopardize the safety of a person;
- require the court to restrict the release of only those portions that it deems necessary to restrict;
- require notification of and an opportunity to be heard at any proceeding the following: the head of the custodial law enforcement agency; any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency; and the District Attorney; and
- require hearings as soon as practicable, with subsequent proceedings accorded priority by the trial and appellate courts.

Introduced by Senators Clark, deViere, and Mohammed and referred to the Senate Rules Committee.

SENATE BILL 511, Redistricting County Cluster Process, would establish a process for the creation and selection of county cluster maps to be used when revising districts for the Senate and the House of Representatives following the return of the 2020 decennial census. The bill would allow the State Board of Elections, in its discretion, to delegate all or a portion of the responsibility of developing a cluster map set to the Department of Mathematics at Duke University or the School of Government at the University of North Carolina at Chapel Hill. A cluster is a grouping of one or more counties that is capable of containing a whole number of legislative districts. **Introduced by Senators Clark and Woodard and referred to the Senate Rules Committee.**

SENATE BIL 512, Hire NC Workers, would provide tax incentives for small businesses to hire North Carolina workers as follows:

- small business credit – an eligible small business is allowed a credit for a full-time qualifying employee that is equal to the product of \$7,500 multiplied by a fraction, the numerator of which is the number of weeks the employee worked at least 35 hours and the denominator of which is 52. The amount of the credit for a part-time qualifying employee

is equal to the product of \$3,750 multiplied by a fraction, the numerator of which is the number of weeks the employee worked at least 20 hours but less than 35 hours and the denominator of which is 52. If an employee worked both full-time and part-time weeks, the sum of the calculations is the credit allowed for that employee; and

- eligible small business is a business, other than an eligible restaurant, with cumulative gross receipts from business activity for the taxable year not in excess of \$1 million, has fewer than 99 employees, and is subject to income tax.

Introduced by Senators Crawford, deViere, and Batch and referred to the Senate Rules Committee.

SENATE BILL 513, Various Administrative Law Changes, would update procedures regarding the effective dates of permanent rules and establish procedures for filing objections to the adoption of permanent rules. The bill would:

- allow any person to object to adoption of a permanent rule by filing written comments with the agency and, if the objection is not resolved, by filing written objections to the Rules Review Commission clearly requesting review by the NCGA in accordance with instructions posted on the Commission's website, provide for the rule to become effective under the delayed effective date requirements if the Commission receives written objections from 10 or more persons no later than 5:00 P.M. on the day following the day the Commission approves a rule, and require the Commission to notify the agency that the rule is subject to legislative rule;
- allow any NCGA member to introduce a bill during the first 30 legislative days of the regular session specifically disapproving a rule that is subject to legislative review, which has been approved by the Commission or that has not yet become effective or has been made effective by executive order, and require the bill to refer to the rule by its Administrative Code citation and state that the rule is disapproved;
- allow the Governor to make a permanent rule approved by the Commission effective by Executive Order subject to the delayed effective date requirements when the Governor finds that the rule is necessary to protect public health, safety, or welfare; and
- require the NC Administrative Code to be published electronically on its website of the Office of Administrative Hearings and deem the electronic version of the Code the official publication.

Introduced by Senators Galey and Sanderson and referred to the Senate Rules Committee.

SENATE BILL 515, Health Care Heroes Conscience Protection Act, would enact the Health Care Heroes Conscience Protection Act to:

- provide that a medical practitioner, health care institution, or health care payer has the right not to participate in or pay for any health care service which violates his, her, or its conscience;
- provide that no medical practitioner, health care institution, or health care payer may be civilly, criminally, or administratively liable for exercising his, her, or its right of conscience not to participate in or pay for a health care service;
- make it unlawful for any person to discriminate against any medical practitioner, health care institution, or health care payer that refuses to participate in or pay for a health care service on the basis of conscience;
- allow any medical practitioner, health care institution, or health care payer that holds itself out to the public as religious, states in its governing documents that it has a religious purpose or mission, and has internal operating policies or procedures that implement its

religious beliefs to make employment, staffing, contracting, and admitting privilege decisions consistent with its religious beliefs;

- provide that these provisions do not override the requirement to provide emergency medical treatment to a patient in accordance with the federal Emergency Medical Treatment and Labor Act (EMTALA), and that the exercise of any right of conscience will be limited to conscience-based objections to particular health care services;
- allow any medical practitioner, health care institution, or health care payer to bring a civil action for damages or injunctive relief for violations; prohibit bringing an action against an individual who declines to use or purchase health care services from a specific medical practitioner, health care institution, or health care payer for exercising the rights granted; and allow the recovery of treble damages and costs of the action and reasonable attorneys' fees;
- prohibit a medical practitioner from being discriminated against in any manner, unless a disclosure or report of information is specifically prohibited by law, because the medical practitioner disclosed any information under this Article that the medical practitioner reasonably believes evinces any of the following: (1) any violation of law, rule, or regulation; (2) any violation of any standard of care or other ethical guidelines for the provision of any health care service; or (3) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Introduced by Senators Hise, Daniel, and Sanderson and referred to the Senate Rules Committee.

SENATE BILL 517, Innovative Statewide Broadband Infrastructure, would: (1) give the Department of Information Technology the power and duty to prepare and maintain statewide broadband maps to identify the capabilities and needs related to broadband access and serve as the sole provider of broadband mapping for State agencies; (2) provide \$1 million to the Department of Information Technology for broadband mapping; and (3) provide \$25,000 to the Institute for Emerging Issues at North Carolina State University (IEI) to host a structured stakeholder process to ascertain ways to relieve regulatory burdens with the goal of expediting broadband expansion in the State. **Introduced by Senators Newton and Chaudhuri and referred to the Senate Rules Committee.**

SENATE BILL 523, Broadband Affordability Prog./Digital Equity, would direct the Department of Commerce to establish the North Carolina Broadband Assistance Program (Program) to ensure the affordability of broadband service to low-income families and to coordinate with county departments of social services to determine eligibility for low-income families for the Program. The bill would:

- provide for free broadband service for families with annual household income at or below 100% of the federal poverty level;
- provide a credit of at least \$15 per month for broadband service payable monthly to families meeting all of the following criteria: (1) families with annual household income above 100%, but no greater than 135% of the federal poverty level; (2) families that include at least one adult individual or dependent child who qualifies for or participates in at least one of the following programs: Supplemental Nutrition Assistance Program, Supplemental Security Income Program, Veterans Pension and Survivors Benefits Programs, Federal Public Housing Assistance Program, National School Lunch Program, or the Medical Assistance Program;
- provide \$250 million to the Department for the Program.

Introduced by Senators deViere, Chaudhuri, and Foushee and referred to the Senate Appropriations/Base Budget Committee.

SENATE BILL 524, Small Business Assistance, would establish a COVID-19 Small Business Recovery Program administered by the Department of Commerce and provide \$250 million to the Department for the Program. The Department could provide a one-time grant to each qualifying business which could not exceed the lesser of (i) \$250,000 or (ii) the amount of reduction in sales tax collections of the qualifying business resulting from the COVID-19 pandemic for the 2020 tax year when compared to collections for the 2019 tax year. The total of all grants awarded under the Program could not exceed \$250 million. The grant would be conditioned on a recipient business maintaining operations for a minimum of six months following receipt of the grant, and the Department would clawback a proportionate amount of the grant for any portion of the six months the recipient business does not maintain business operations. The bill would authorize the Department of Revenue to disclose tax information to the Department of Commerce to verify eligibility for the program. A qualifying business would be an entity (i) subject to income tax, (ii) with annual receipts, when combined with the annual receipts of all related persons, for the 2019 tax year of \$8 million or less, and (iii) a reduction of at least twenty-five percent (25%) in sales tax collections resulting from the COVID-19 pandemic for the 2020 tax year when compared to collections for the 2019 tax year. **Introduced by Senators deViere, Batch, and Garrett and referred to the Senate Appropriations/Base Budget Committee.**

SENATE BILL 534, Legislative Reform Commission, would establish an 8-member Commission on Legislative Reform to study and make recommendations regarding modifications to the North Carolina Constitution with regard to: (1) the length of terms for members of the General Assembly; (2) term limits for members of the General Assembly; (3) limitations on the length of legislative sessions; (4) legislative compensation; and (5) legislative per diem and mileage allowances. The UNC School of Government would assist the Commission by providing meeting space; providing necessary clerical, administrative, and legal support; and preparing the Commission's report. The Commission would report its findings and recommendations no later than April 15, 2022, to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of both the Senate and the House of Representatives, and the chairs of the Appropriations Committees. **Introduced by Senator Burgin and referred to the Senate Rules Committee.**

SENATE BILL 544, 2021 Water Safety Act, would provide \$15 million to the North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill to identify and coordinate with faculty, experts, technology, and instrumentation and other resources to: (1) conduct targeted and nontargeted analysis for per- and poly-fluoroalkyl substances (PFAS) through continuation of the NC PFAS Testing Network (Network); (2) conduct specified sampling, testing, and monitoring, toxicology work, and data management, analysis, and dissemination with regard to PFAS; (3) develop and deploy technologies to mitigate PFAS exposure and health impacts from exposure; and (4) evaluate and pursue other research opportunities with respect to PFAS. The bill would direct at least \$10 million of the funds to development within the UNC System of a technology that uses water filtration or other chemical or physical technologies to remove or mitigate the presence of PFAS from water supplies where it is present. **Introduced by Senators Lee, Ballard, and Edwards and referred to the Senate Appropriations/Base Budget Committee.**

SENATE BILL 545, Universal Licensure Recognition Act, would require an occupational licensing board or a State agency licensing board to issue a license, certification, or registration to any applicant who establishes residency in this state and has similar a license or certification in another state, with similar education and work training requirements and no pending disciplinary actions. These changes would apply to applications for licensure, certification, or registration received on or after October 1, 2021. **Introduced by Senators Edwards and Sanderson and referred to the Senate Rules Committee.**

SENATE BILL 547, FIBER NC Act, would authorize counties and cities to build and lease facilities and equipment of broadband services to increase adequate broadband services in rural areas of the state where the need for broadband is great. **Introduced by Senators Lazzara, Corbin, and deViere and referred to the Senate Rules Committee.**

SENATE BILL 564, NC Paid Family Leave Insurance Act, would allow, beginning January 1, 2023, for family and medical leave insurance benefits payable to an individual who meets the definition of "covered individual" and meets one of the following requirements: (1) because of birth, adoption, or placement through foster care, is caring for a new child during the first year after the birth, adoption, or placement of that child; (2) is caring for a family member with a serious health condition; (3) has a serious health condition; (4) is caring for a covered service member who is the covered individual's next of kin or other family member; or (5) because of any "qualifying exigency leave" arising out of the fact that the family member of the covered individual is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces. **Introduced by Senators Batch, Salvador, and Crawford and referred to the Senate Rules Committee.**

SENATE BILL 565, Supporting Law Enforcement, would

- require the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission to develop and maintain a statewide database that contains all revocations and suspensions of law enforcement/justice officer certifications by the Commissions, which would be accessible to DOJ and law enforcement agencies for hiring purposes, and require use of the database by all law enforcement agencies in the state before making a hiring decision;
- amend the provisions regarding when a law-enforcement officer is justified in using deadly physical force by:
 - adding that the use of deadly force includes strangleholds, lateral vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck;
 - adding that a law-enforcement officer who witnesses another law-enforcement officer using excessive force that is not justified or is otherwise abusing a suspect or arrestee has a duty to intervene and to report the use of excessive force or the abuse;
 - requiring in all circumstances in which a law-enforcement officer uses force of any kind, that a law-enforcement officer use the minimum amount of force reasonably necessary to accomplish the law-enforcement action and attempt to use de-escalation tactics;
- require the DOJ, in consultation with the Training Commissions, to develop and maintain a statewide database to be used by law enforcement agencies that tracks all critical incident data of law enforcement officers in North Carolina;

- define *critical incident* as an incident involving any use of force by a law enforcement officer that results in a person's death or serious bodily injury;
- provide that information in the database confidentially;
- require the following entities to provide DOJ with information on the use of force by its law enforcement officers for the database: State Highway Patrol; company police agencies; campus police agencies; the SBI; counties; and cities;
- require the Attorney General, in consultation with the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police, to develop uniform use-of-force policies that may be adopted by all law enforcement agencies in the state, and require the policies to be submitted to the NCGA by December 1, 2022, published on DOJ's website, and distributed digitally to all law enforcement agencies in the state;
- authorize the North Carolina Criminal Justice Education and Training Standards Commission to establish minimum: (1) age requirement for qualification for entry level employment as a criminal justice officer; (2) mental health screening protocols that must be met to qualify for entry level employment and retention as a criminal justice officer, to include a psychological screening within one year prior to certification; and (3) annual mental health screening protocols for criminal justice officers; and
- allow the North Carolina Sheriffs' Education and Training Standards Commission to access a person's misdemeanor conviction records and allow the Commission to deny, suspend, or revoke a person's certification based solely on that person's conviction of four or more misdemeanors.

Introduced by Senators Batch, Crawford, and Garrett and referred to the Senate Rules Committee.

SENATE BILL 567, ACC Basketball Tournament Holiday, would designate the Fridays in March when both the Women's and Men's ACC basketball tournaments are held as public holidays in North Carolina. **Introduced by Senators Crawford, Murdock, and Salvador and referred to the Senate Rules Committee.**

SENATE BILL 573, 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 paying any person salary or wage rates less than the rates paid to employees of a different gender for comparable work. The bill would allow for variations in salary and wages, including benefits or other compensation, if the variations are based upon: (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 shall 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; or (6) travel, if the travel is a regular and necessary condition of the particular job. **Introduced by Senators Marcus, deViere, and Salvador and referred to the Senate Rules Committee.**

SENATE BILL 583, Standard Deduction; Late Penalties; SALT Cap, would increase the standard deduction to the federal standard deduction amount, graduate late payment penalties, and allow certain pass-through entities to elect to pay tax at the entity level. **Introduced by Senators Burgin and Edwards and referred to the Senate Rules Committee.**

SENATE BILL 589, Small Business Capital Improvement Account, would allow small businesses to deduct a percentage of revenue used for capital expenditures, the percentage of which is determined by the amount of adjusted gross income. The bill also would amend the provisions regarding additions to adjusted gross income to require a taxpayer to include the amount deducted in a prior taxable year if the amount was withdrawn and not used to pay for capital improvements. **Introduced by Senators Garrett, deViere, and Batch and referred to the Senate Rules Committee.**

SENATE BILL 591, Business Income Tax Deduction, would allow a business income tax deduction in an amount not to exceed \$75,000 of net business income the taxpayer receives during the taxable year. In the case of a married couple filing a joint return where both spouses receive or incur net business income, the maximum dollar amounts would apply separately to each spouse's net business income, not to exceed a total of \$150,000. The term "business income" would not include income that is considered passive income under the Code. **Introduced by Senators Garrett, deViere, and Salvador and referred to the Senate Rules Committee.**

SENATE BILL 596, Remove Drivers Lic. Revocation/Fees/Penalties, would remove the requirement that the Division of Motor Vehicles revoke the driver's license of a person upon receipt of notice from a court that the person was charged with a motor vehicle offense and failed to pay a fine, penalty, or court costs ordered by the court. Instead, the bill would require the court to direct that a civil judgment be entered in the office of the clerk of superior court if a person has failed to pay a fine, penalty, or costs imposed by the court within 40 days of the date specified in the court's judgment. The civil judgment would be for the total money value of outstanding fines, penalties, or costs imposed by the court. When the fine, penalty, or costs are paid in full, the civil judgment would be deemed satisfied, and the judgment cancelled. Payment satisfying the civil judgment would also be credited against the fine, penalty, or costs imposed by the court. The bill would direct the Division of Motor Vehicles and the North Carolina Administrative Office of the Courts to jointly study (1) whether any legislative changes are necessary to ensure, subject to the satisfaction of any other applicable licensing requirements, licenses previously suspended for failure to pay a fine, penalty, or court costs ordered by the court are returned or restored and (2) whether this act should be retroactive and made applicable to all unpaid fines, penalties, or costs. The report would be submitted to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Oversight Committee on Justice and Public Safety by December 1, 2021. **Introduced by Senator J. Jackson and referred to the Senate Rules Committee.**

SENATE BILL 598, Require 20-Minute Paid Work Breaks, would require all employers, during the course of a workday of six or more hours, to offer each of their employees at least one voluntary paid break of at least 20 minutes' duration scheduled near the middle of the workday. The break could not be used to delay the beginning or shorten the duration of the work period without the approval of the employer. Any employer who violates this requirement would be subject to a civil penalty not to exceed \$100 for the first violation and not to exceed \$500 for each subsequent violation. **Introduced by Senators Chaudhuri and Nickel and referred to the Senate Rules Committee.**

SENATE BILL 603, Individuals and Families Recovery Act, would establish the Individual and Family Relief Grant Program, administered by the Department of Revenue, to provide a one-time grant to an eligible individual. An eligible individual would be an individual who applies for a grant under the program on a form prescribed by the Secretary of Revenue postmarked on or before July 1, 2021, and who: (1) has either (i) a filing status of single and an adjusted gross income of

less than \$35,000 or (ii) any other filing status and an adjusted gross income of \$53,000; and (2) provides a name, mailing address, and any other information required by the Secretary. The grant amount would be (1) \$1,000 for an eligible individual who received benefits from the Division of Employment Security for unemployment for at least three months during the 2020 taxable year or (2) \$250 for any other eligible individual. The Department would award the grants as soon as practicable, but no later than October 1, 2021. **Introduced by Senators Crawford, Garrett, and Batch and referred to the Senate Rules Committee.**

SENATE BILL 616, Protect Law Enforcement Act, would make it a Class 1 misdemeanor for a person 18 years of age or older, upon request of a federal, State, county, or municipal law enforcement officer identifiable or identified to the person as such, to unreasonably fail or refuse to aid the law enforcement officer in effecting an arrest of another person or preventing the commission by another person of a criminal offense. A person who provides aid would not be liable for any injury to or for the death of any person, or for any loss or damage to property, by reason of any act or omission in rendering that aid unless it is established that the injury, death, loss, or damage occurred as a result of gross negligence, wanton conduct, or intentional wrongdoing. The bill would also make it a Class 2 misdemeanor to willfully and unlawfully interfere with a public officer in the discharge or attempt to discharge the officer's official duty (currently applies to resisting, delaying, or obstructing the officer in discharging or attempting to discharge an official duty). **Introduced by Senators McInnis and Britt and referred to the Senate Rules Committee.**

SENATE BILL 624, Amend NC Const./Right to Work, would amend the State Constitution, if approved by a majority of the qualified voters of the State at a statewide election to be conducted on November 8, 2022, to provide that the right to live includes the right to work, and therefore the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor organization. The bill would prohibit a person from being required by an employer to become or remain a member of a labor organization as a condition of employment or continuation of employment with the employer or to abstain or refrain from membership in any labor organization as a condition of employment or continued employment. An employer could not require any person, as a condition of employment or continued employment, to pay to a labor organization any dues, fees, or other charges of any kind. **Introduced by Senators Ford and Burgin and referred to the Senate Rules Committee.**

SENATE BILL 625, A Tax Plan For A Just Recovery, would revise the individual income tax rate, which currently is set at a flat rate of 5.25% to set individual income tax rates based on taxpayer status and income, with tax rates set at 5.15%, 6.5% and 7% within each taxpayer status, with the rate determined by the taxpayer's income within the ranges provided. The bill would also increase the corporate income tax rate for C Corporations from 2.5% to 5.25%. **Introduced by Senators Nickel and Murdock and has not yet been assigned to a Senate committee.**

SENATE BILL 633, NC Healthy Pregnancy Act, would allow a qualified pregnant person requesting a reasonable accommodation to apprise their employer of the person's pregnancy, submit any necessary medical documentation, make suggestions for such possible accommodations as are known to such person, and cooperate in any ensuing discussion and evaluation aimed at determining possible or feasible accommodations. The employer would then be required to make those reasonable accommodations that can be made. The bill would include provisions regarding prohibiting discriminatory practices and retaliation, posting of notices, civil

action, and statute of limitations. **Introduced by Senators Murdock, Batch, and Marcus and referred to the Senate Rules Committee.**

SENATE BILL 636, Donor Privacy, would amend the public records laws to deem the identity of any person giving monies or other tangible goods to a nonprofit corporation for furthering a charitable purpose of the nonprofit confidential, except as specifically required by State or federal law. **Introduced by Senators Sanderson, Steinburg, and Krawiec and referred to the Senate Rules Committee.**

SENATE BILL 647, End Racial Profiling in Traffic Stops Act, would:

- require all law enforcement agencies in the State to adopt a written policy that prohibits the stopping, detention, interdiction, or search of any person when the action is motivated, in whole or in part, by considerations of race, color, ethnicity, age, gender, or sexual orientation, except when that status is used in combination with other identifying factors seeking to apprehend a specific suspect whose race, color, ethnicity, age, gender, or sexual orientation is part of the description of the suspect;
- direct the UNC School of Government to conduct an annual study of routine traffic stops made by North Carolina State troopers, municipal police officers, and county sheriffs and sheriffs' deputies, including the following information, at a minimum, for each traffic stop conducted:
 - the date and time of the stop;
 - the specific geographic location of the stop;
 - the unique identifying number of the law enforcement officer making the stop;
 - the race, ethnicity, gender, and approximate age of the driver stopped, provided that the identification of these characteristics shall be based upon the observation and perception of the law enforcement officer making the stop and not requested from the person stopped;
 - the statutory reason for the stop;
 - whether a search was conducted as a result of the stop;
 - the scope of any search conducted;
 - whether any search conducted was pursuant to consent, probable cause, or reasonable suspicion to suspect a crime;
 - whether any contraband, including money, was seized in the course of the search, and, if so, the amount and nature of the contraband;
 - whether any warning or citation was issued as a result of the stop or the search;
 - whether an arrest was made as a result of the stop or the search;
 - the approximate duration of the stop and whether the vehicle was towed;
 - whether the stopped vehicle was registered in North Carolina or out of the State;
 - whether the operator of the vehicle was a resident of the municipality where the stop occurred;
 - any other information deemed appropriate by the Traffic Stop Advisory Board;
- require the UNC School of Government, based on the results of the studies, to develop and implement guidelines that may be used by all law enforcement agencies to avoid the use of racial profiling in stops and searches; and
- establish a Traffic Stop Advisory Board for the purpose of advising the School of Government with respect to the annual reports and creation of standardized methods and guidelines required.

Introduced by Senators Chaudhuri, Mohammed, and Murdock and referred to the Senate Rules Committee.

SENATE BILL 655, State Implicit Bias Training Initiative, would direct the Legislative Services Commission to implement an annual training program on implicit bias for legislators and legislative employees to help them recognize implicit bias, understand the root of implicit biases, and become skilled in ways to counter implicit bias that impacts interactions, activities, and decision making in the legislative workplace. The implicit bias training program would include both in-person training and remote on-demand components to maximize availability and effectiveness, and would be mandatory for all legislators and legislative employees. The bill would also direct the State Human Resources Commission to establish an annual training program on implicit bias which would be mandatory for all State employees, including employees of the judicial branch, the Council of State agencies, and The University of North Carolina. **Introduced by Senator Waddell and referred to the Senate Rules Committee.**

SENATE BILL 673, Up Minimum Wages/No Subminimum or Exemptions, would increase the regular minimum wage to \$15 per hour by 2023, increase and phase out the tipped employee minimum wage through 2025, provide for inflationary adjustments to the minimum wage based upon increases in the Consumer Price Index, repeal the subminimum wage for specified workers, and repeal exemptions from the minimum wage for agricultural and domestic workers. **Introduced by Senators Nickel, Murdock, and Foushee and referred to the Senate Rules Committee.**

SENATE BILL 678, Confidentiality/GA Information Requests, would: (1) include political subdivisions of the State within the State officers and entities that are required to give all information and all data within their possession or ascertainable from their records to any committee of either NCGA house, or any committee or commission whose funds are appropriated or transferred to the NCGA or to the Legislative Services Commission; (2) authorize legislative committees to issue subpoenas for testimony or documents, and bar a witness from refusing to testify, produce a document, or both, based on the claim that the information, document, or both, is confidential; and (3) authorize legislative committees to require the production of documents by subpoena duces tecum through the chairman of the committee, subject to authorization of the Speaker of the House or Speaker Pro Tempore, or the President of the Senate or President Pro Tempore, as appropriate per committee, and majority vote of the committee. **Introduced by Senator Edwards and referred to the Senate Rules Committee.**

SENATE BILL 685, Personal Privacy Protection Act, would prohibit a government body from adopting or enforcing any rule, regulation, or policy that requires any of the following:

- an individual to disclose his or her contributions or donations to any nonprofit corporation;
- a nonprofit corporation to disclose its membership;
- a nonprofit corporation to disclose the identity of persons making contributions or donations to that nonprofit corporation; or
- any list, record, register, registry, role, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to a nonprofit corporation.

The bill would exclude from the statute criminal investigations, court orders, and income tax reviews and investigations. **Introduced by Senators Edwards, Corbin, and Burgin and referred to the Senate Rules Committee.**

SENATE BILL 688, Sports Wagering, would authorize and regulate sports wagering in North Carolina. It would be unlawful for any person to offer or accept sports wagers in this State without a valid interactive sports wagering license. The North Carolina State Lottery Commission would authorize at least 10, but not more than 12, interactive sports wagering operators to offer and accept

sports wagers to and from registered players on sporting events, including the following: professional sports; college sports; electronic sports; amateur sports; and any other event approved by the Commission. Wagering on youth sports would not be permitted. **Introduced by Senators Perry and Lowe and referred to the Senate Rules Committee.**

SENATE BILL 700, *Balanced Political Discussion in Classrooms*, would:

- direct the State Board of Education to require that all curriculum, professional development, and teaching standards used to implement instruction in local school administrative units, innovative schools, regional schools, and schools for students with visual and hearing impairment reflect balanced political viewpoints;
- require, when the viewpoint of one of the two major political parties in the United States is presented through materials, assignments, lectures, or other instruments for instruction in any classroom or other area of the school, the viewpoint of the alternative political party to also be presented and given equal weight during the same instructional unit;
- require the governing body of local school administrative units, innovative schools, regional schools, schools for students with visual and hearing impairments, and laboratory schools to ensure the following information is annually posted on each school's website, organized by subject area and grade level: (1) the instructional materials and activities that were used during the prior school year, as specified, and (2) any procedures for the documentation, review, or approval of the learning materials for instruction at the school;
- require the State Board, local boards, and regional school boards of directors to ensure that the information about instructional materials is displayed on the websites of innovative schools, schools for students with visual and hearing impairments, each school in the respective administrative unit, and regional schools, as appropriate for each authority.

Introduced by Senators Edwards, Krawiec, and Hise and referred to the Senate Rules Committee.

SENATE BILL 710, *A Tax Plan for a Just Recovery*, would amend the individual income tax rate, which is currently set at a flat rate of 5.25% to set the individual income tax rates based on taxpayer status and income, with tax rates set at 5.25%, 6.5% and 7% within each taxpayer status, with the rate determined by the taxpayer's income within the ranges provided. The bill also would increase the corporate income tax rate for C Corporations from 2.5% to 5%. **Introduced by Senators Nickel and Murdock and referred to the Senate Rules Committee. Similar to Senate Bill 625 summarized above.**

SENATE BILL 712, *State Implicit Bias Training Initiative*, is identical to Senate Bill 655, summarized above in this Legislative Report. **Introduced by Senator Waddell and referred to the Senate Rules Committee.**

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