



INTRODUCTION

There has been a flurry of activity on Jones Street since this short session has begun, and last week was no exception. On top of full calendars between committee meetings and floor votes, budget writers have been busy negotiating a budget that would be agreeable to both chambers. It is rumored that they have come a long way in negotiations already, and that it will be sent to the corner offices soon (which means it will go to Sen. Berger and Rep. Moore). If this does happen soon, and the Speaker and Senate leader can move forward with negotiations between themselves and the Governor, then there is actually potential that this short session will actually be short. Time will tell, but it seems legislative leaders are still aiming to have legislators back in their districts by the beginning of July.

HOUSE BILL 169, STATE HEALTH DATA PLAN TRANSPARENCY

A new version of this bill dealing with pricing transparency for the State Health Plan was unveiled in Senate Pensions and Retirement and Aging this week. The new bill was reportedly the twenty-third bill draft of compromise language between the State Treasurer Dale Folwell and Blue Cross Blue Shield of North Carolina and shows their final compromise. This has been a long-standing issue that Folwell and others have worked on for some time in an effort to better understand how much the State Health Plan pays for services at hospitals and health care facilities, and to be able to share some of that information with partner researchers. The bill passed the House last year nearly unanimously, but was held up in the Senate in part because of Blue Cross's concerns. It is believed that they weren't supportive of the measure out of fear that the information disclosed could become public record and could put them at a competitive disadvantage since all companies negotiate prices with health care providers. The bill is now on its way to Senate Rules.

STATE BOARD OF ELECTIONS CERTIFIES ELECTION RESULTS

North Carolina's primary and municipal election results from May 17th are now official. On Thursday, the North Carolina Board of Elections certified the results, and released the results of its post-election audit by "bipartisan teams at all 100 county Boards of Elections." The State Board of Elections has dealt with increased scrutiny in recent years due to the political climate and mounting false claims and suspicions around our electoral process. In light



NORTH CAROLINA SECURITY AND LOW VOLTAGE ASSOCIATION



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of that, the State Board of Elections has ramped up efforts to educate the public and increase transparency, including by releasing its post-election audit results along with an in-depth press release about the procedure. “Of these 200 groups of ballots, very small differences between machine counts and human hand-eye counts were found in 21 samples among 17 counties. The average ballot count difference within these counties was 2.3. Most of these minor discrepancies can be attributed to human errors during the hand-eye audit itself, or to voters who circle bubbles instead of filling them in or mark the bubble too lightly so it can’t be read by the machine,” the State Board of Elections wrote in their news release. “Aside from the differences noted above, in all other counties, the machine count and hand-eye count matched exactly in the sampled ballot groups. In other words, in 179 of 200 samples, the hand and machine counts were identical.”

BILLS OF INTEREST

HOUSE BILL 1113, *Break Free from Plastics & Forever Chemicals*, would require all responsible producers to register with the Department of Environmental Quality before selling, offering for sale, or distributing packaging materials in North Carolina, and to participate as a member of a producer responsibility organization for which a stewardship plan is approved by the Department. Responsible producers would reduce the total amount of and ensure that all of their non-reusable packaging material sold, offered for sale, or distributed in North Carolina is reduced/recycled at the rates as set out. Organizations would provide for widespread, convenient, and equitable access to collection opportunities for the packaging materials identified in the stewardship plans, and indicate on packaging material: (1) the percentage of postconsumer waste material content, (2) whether the packaging material is readily recyclable, and (3) whether the packaging material is compostable. The bill also would prohibit knowingly (1) manufacturing packaging material containing a covered toxic substance or (2) distributing, selling, or offering for sale, for use within North Carolina or for export from the state, any packaging material containing a covered toxic substance. The Secretary of Environmental Quality could assess a civil penalty of not more than \$5,000 or, if the violation involves a hazardous waste, as defined, of not more than \$25,000 against any person who violates a requirement of this Part. **Introduced by Representatives Butler, Harrison, Hawkins, and Autry and referred to the House Appropriations Committee.**

HOUSE BILL 1122, *Right to Use Reusable Food Containers*, would allow a customer ordering a drink or food at an establishment that prepares or serves drink or food in disposable food service containers to request that the establishment instead serve the drink or package the leftover food in a customer provided reusable container. The establishment could only refuse to do so if the reusable container is an inappropriate size or material or is unsanitary, or if doing so would require contact with, or contamination of, food-contact surfaces. The bill would provide \$50,000 to the Commission for Public Health to implement these rules. **Introduced by Representatives Rudow, Harrison, Morey, and Butler and referred to the House Appropriations Committee.**

HOUSE BILL 1126, *Abortion Law Revisions*, would: (1) provide that child support payments begin the first month in which the child was conceived; (2) prohibit the use of telehealth to advise on use of or prescribe erectile dysfunction drugs; (3) prohibit the use of State funds for erectile dysfunction drugs; (4) prohibit the use of State funds for crisis pregnancy centers; (5) prohibit the person who caused pregnancy through incest from custody of the child; (6) allow for abortion after twenty weeks for pregnancies caused by rape or incest or where the unborn child will not survive pregnancy; (7) provide a right to privacy for a person's medical records and information; (8)

provide \$500,000 to the State Crime Laboratory for equipment or other resources needed; and (9) provide \$500,000 to the Department of Health and Human Services for costs associated with providing DNA tests used to establish the paternity of a child. **Introduced by Representatives Logan and K. Smith and referred to the House Rules Committee.**

HOUSE BILL 1129, Parents' Bill of Rights, would provide that a parent has the right to:

- access and review all education records, as authorized by the federal Family Educational Rights and Privacy Act relating to his or her child;
- make health care decisions for his or her child, unless otherwise provided by law;
- have access to transparent data about school and district academic performance data;
- have access to information, data, and statistics as to the successes, shortcomings, or failures of each school his or her child is allowed to attend;
- know the nutrition facts of his or her child's meals;
- for his or her child to have a fully resourced classroom with the tools and technology to deliver curriculum requirements as required by the North Carolina Constitution;
- receive timely notification of information related to his or her child's health, well-being, and education;
- know of threats to his or her child's safety, whether to the child individually or to the school or local school administrative unit as a whole;
- have his or her child diagnosed and served by the education system for any learning disabilities that may affect the child's educational outcomes; and
- be able to sit in his or her child's class, so long as it is within reasonable limits set by the local school administrative unit.

The bill would provide \$50,000 to the Department of Public Instruction to create a public awareness campaign to inform parents of their rights regarding their child's education. **Introduced by Representatives Reives, Everitt, Cooper-Suggs, and Lofton and referred to the House Appropriations Committee. This bill is clearly the Democrat alternative to the Republican Education bill that has garnered a great deal of controversy.**

HOUSE BILL 1136, NC Working Families Act, would strengthen public education; expand physical and mental health resources, including providing \$52.65 million to the Department of Public Instruction to be used to improve student mental health by increasing the number of school mental health support personnel in each public school; increase pay for public workers; and invest in the environment, clean energy and clean transportation. **Introduced by Representatives Reives, Adcock, and Lofton and referred to the House Appropriations Committee.**

HOUSE BILL 1146, Community Safety Act, is identical to Senate Bill 801, summarized in the June 6, 2022, Legislative Report. **Introduced by Representatives Reives, Gailliard, Hurtado, and Lofton and referred to the House Appropriations Committee.**

HOUSE BILL 1147, Fund Our Police Act, would provide over \$50 million to the Department of Public Safety (DPS) to fund one-time bonuses in the amount of \$1,500, payable to local law enforcement officers who are employed on July 1, 2022, in recognition of their service during the coronavirus pandemic. Each local employing authority would submit documentation identifying the number of local law enforcement officers eligible for the one-time appreciation and retention bonus and any supporting information required by DPS. **Introduced by Representatives Reives, Gailliard, Cooper-Suggs, and Hunter and referred to the House Appropriations Committee.**

HOUSE BILL 1159, Access to Voted Ballots, would amend the statute regarding access to voted ballots, adding to the ways by which persons other than elections officials performing their duties have access to voted ballots and any paper and electronic records associated with those individual voted ballots, to include access by response to a public records request for all voted ballots of a precinct, ward, county, or city. The bill would prohibit voted ballots and their associated paper and electronic records disclosed by public records request from disclosing how a particular voter voted, and would require redaction of any information identifying an individual voter (previously, prohibited disclosure of how a particular voter voted with disclosures of the documents by the other existing avenues, except by court order). The bill also would clarify that a criminal violation of the statute is a Class 1 misdemeanor. **Introduced by Representatives Cleveland, Hanig, McNeely, and Clampitt and referred to the Election Law and Campaign Finance Reform Committee. Personal commentary here – what a great idea to allow politicians access to ballots, what could go wrong?**

SENATE BILL 802, Fund Our Police Act, is identical to House Bill 1147, summarized above in this Legislative Report. **Introduced by Senators Batch, Garrett, and Fitch and referred to the Senate Appropriations Committee.**

SENATE BILL 848, Tax Relief for NC Emps. & UI Reform, would reform the unemployment insurance laws by: (1) increasing benefit eligibility to a twenty-six week period and the maximum weekly benefit amount to the sum equal to \$500 adjusted annually for inflation, basing on the calculation of the benefit amount on the highest paid quarter; (2) increasing benefits allowed for partial unemployment, providing benefits in cases where an individual leaves employment for spousal relocation or health reasons or due to an undue hardship; (3) authorizing the forgiveness of nonfraudulent overpayments caused by agency error; (4) establishing a short-term compensation program to benefit employers and employees; (5) enacting a tax holiday for employers through December 31, 2023; and (6) providing \$100,000 for implementation. **Introduced by Senators Nickel, Lowe, and Woodard and referred to the Senate Rules Committee.**

SENATE BILL 860, Parents' Bill of Rights, is identical to House Bill 1129, summarized above in this Legislative Report. **Introduced by Senators Batch, Fitch, and Garrett and referred to the Senate Rules Committee.**

SENATE BILL 867, High-Impact Tutoring Grant Program, would direct the Department of Public Instruction to establish a High-Impact Tutoring Grant Program to enable public schools to provide tutors for students to address learning loss and unfinished learning resulting from the COVID-19 pandemic and would provide \$23 million this year and \$45 million for the tutoring services. The Program would aim to serve as many students as possible, including low-income, underserved, and rural students, by providing high-impact tutoring services that will improve academic performance. The Program would begin in the 2022-2023 school year and conclude at the end of the 2024-2025 school year. The Department of Public Instruction would develop an application process for the Program and all public schools could apply. For the 2022-2023 and 2023-2024 fiscal years, the Department could grant awards of up to \$450,000 or half the estimated cost of the tutoring program, whichever is less, per public school unit, and for the 2024-2025 fiscal year, the Department could award grants of up to \$900,000 or the full cost of the tutoring program, whichever is less. Funds awarded pursuant to the Program could be used for any of the following: (1) hiring tutors or contracting with persons to serve as tutors; (2) stipends or other incentives to paraprofessionals, retired teachers, AmeriCorps members, or community organizations to ensure

there are sufficient qualified tutors to provide tutoring services in the manner and at the level described in the high-impact tutoring plan submitted by the public school; (3) costs associated with renting or purchasing physical space for tutoring; (4) administrative expenses; and (5) any other purpose approved by the Department that increases the effectiveness of the high-impact tutoring program. In addition, a school participating in the Program could use up to 36 hours of high-impact tutoring time towards the instructional hours required for the school calendar. No later than April 15, 2023, and every year thereafter that funds are available for the Program, the Department of Public Instruction would report to the Joint Legislative Education Oversight Committee the following information:

- a list of the schools participating in the Program;
- the total number of students participating in the Program;
- non-identifying demographic information on participating students;
- any adjustments made to the high-impact tutoring plan submitted and the reason for those adjustments;
- the ways the school maintained consistent access to noncore-academic instruction for participating students;
- all expenditures of grant funds;
- any amounts needed to fund the Program beyond the grant funds;
- the academic achievement measures and other criteria used to identify students to receive high-impact tutoring;
- the academic achievement measures and other criteria used to measure student outcomes associated with the Program; and
- the public school unit's intent and reasoning to either continue or discontinue the Program beyond the 2024-2025 fiscal year.

Introduced by Senators Chaudhuri and Batch and referred to the Senate Appropriations Committee.

SENATE BILL 869, Let Parents Choose/Sammy's Law of 2022, would enact the Let Parents Choose Protection Act of 2022 to facilitate management of social media interactions of children. The bill would:

- require large social media platform providers with users in the State to create, maintain, and make available to third-party safety software providers a set of third-party accessible real-time application programming interfaces and any information necessary to use the interfaces;
- provide for availability of the interfaces upon request of the third-party safety software provider in order to facilitate a child of at least 13 years or a legal guardian of a minor to delegate permission to the third-party safety software provider to: (1) manage the child's online interactions, content, and account settings on the large social media platform on terms designated by the child or the legal guardian of a child; and (2) initiate secure transfers of user data from the large social media platform in a commonly used and machine-readable format to the third-party safety software provider;
- require compliance with the requirements within 30 days of the date the platform meets the definition of a large social media platform and continue compliance until the platform no longer meets that definition, or delegation is revoked, the account is disabled, or the provider rejects the delegation;
- prohibit disclosure of user data by a third-party safety software provider, with five limited exceptions, including disclosure to a lawful request from a governing body, and require the provider to notify the parent or legal guardian of the child that disclosure has been or will

be made for certain disclosures pursuant to state law or involving the health or safety of the individual, unless that notice would place the child at risk or is prohibited by law; and

- provide \$10,000 to the Division of Child and Family Well-Being, Department of Health and Human Services to create and disseminate educational materials relating to monitoring social media use by children.

Introduced by Senators Craven, Ballard, and Krawiec and referred to the Senate Rules Committee.

SENATE BILL 888, Codify Roe and Casey Protections, would codify the essential holdings of *Roe v. Wade*, 410 U.S. 113 13 (1973) and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992). Specifically, the bill would:

- prohibit the State from imposing an undue burden on the ability of a woman to choose whether or not to terminate a pregnancy before fetal viability;
- allow the State to: (1) restrict the ability of a woman to choose whether or not to terminate a pregnancy after fetal viability, unless such a termination is necessary to preserve the life or health of the woman; and (2) enact laws, rules, or regulations, as applicable, to further the health or safety of a woman seeking to terminate a pregnancy;
- define *undue burden* as any burden that places a substantial obstacle in the path of a woman seeking to terminate a pregnancy prior to fetal viability;
- provide that nothing in these provisions may be construed to have any effect on laws regarding conscience protection; and
- provide \$25,000 to the Office of State Budget and Management as a directed grant to the North Carolina Obstetrical and Gynecological Society to educate providers about these provisions.

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

SENATE BILL 897, Gas Tax Rebate Act, would provide \$1.3 billion to the Department of Revenue to send a \$200 gas tax rebate, issued as a check or a debit card, to each eligible person. A person is eligible for a gas tax rebate if the person is as of March 31, 2022, a North Carolina resident, over the age of 18, and has a valid North Carolina drivers license. The Department of Revenue would send the gas rebate as soon as practicable, but no later than October 1, 2022.

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

BILL UPDATES

SENATE BILL 372, Electrical Lic./Bldg. Code/Dev. Reform 2022, was amended in the House Local Government - Land Use, Planning and Development to:

- allow a permit holder who has been informed by a local inspection department that an inspection required under the Residential Code for One- and Two-Family Dwellings has not been, or will not be, conducted within two business days after first requested, to obtain that required inspection from a licensed architect or licensed professional engineer after giving written or electronic notice to the local government. Requires a licensed architect or licensed professional engineer conducting an inspection under the statute to provide the local government with a signed inspection report by electronic or physical delivery, with receipt required to be promptly acknowledged by the local government through reciprocal means, and requires the local government to accept and approve such inspections. Provides required content for the inspection report and provides for the reinspection of corrections made by the local government only. Discharges and releases the local government, its inspection department, and the inspectors from any liabilities, duties, and responsibilities imposed by Article 11 with respect to or in common law from any claim arising out of or attributed to that required inspection;
- make it a Class 1 misdemeanor for an inspection department member to willfully fail to perform their duties, improperly issue a building permit, give a certificate of compliance without making required inspections, or improperly give a certificate of compliance to release such employees if the local government, its inspections department, or one of its inspectors accepted a signed written document documenting compliance from a licensed architect or licensed engineer under statutes providing for alternative arrangements for inspections;
- prohibit a zoning or other development regulation from (1) setting a minimum square footage of any structures subject to regulation under the Residential Code for One- and Two-Family Dwellings or (2) setting a maximum parking space size larger than nine feet wide by twenty feet long unless the parking space is designated for handicap, parallel, or diagonal parking (previously, prohibition was limited to zoning regulations setting a minimum square footage of any structures subject to regulation under the Residential Code). Effective October 1, 2022. Provides that after that date any zoning or other development regulation inconsistent with GS 160D-702(c), as enacted, is void and unenforceable;
- amend the definition of *home inspection* as applicable to provisions that govern the North Carolina Home Inspector Licensure Board to specify that the term means written evaluations of listed components of a residential building based on observation or *noninvasive testing*, defined as testing methods which do not result in any damage to a component or system, such as tearing, puncturing, or gouging; permits probing a wood component or system to inspect for deterioration;
- require a licensed home inspection to give the person for whom the inspector performed an inspection for compensation the report, absent a set date in a written agreement, within three business days after the inspection, or within ten business days after the inspection if the report describes State Residential Building Code deficiencies (previously, did not provide an extension beyond the three business days). Applies to inspections conducted on or after October 1, 2022;
- increase the thresholds for projects certain licensees are entitled to act as a general contractor for under GS 87-10, allowing the holder of an intermediate license to act as

general contractor for any single project with a value of up to \$1.5 million (was, \$1 million), and the holder of a limited license to act as general contractor for any single project with a value of up to \$750,000 (was, \$500,000), excluding the cost of land and any ancillary costs to improve the land;

- amend the statute that directs the Building Code Council (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 as specified to now instruct the Council to not require two or more separate and approved fire apparatus access roads in developments of one- or two-family dwellings where there are fewer than 100 dwelling units (previously, instructed the Council and Code enforcement official 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);
- require the Commissioner of Insurance to contract with any individual, corporation, or other business entity that holds one of the applicable certificates as provided in GS 143-151.13 (including those of building inspectors, electrical inspectors, mechanical inspectors, plumbing inspectors, fire inspectors, and residential changeout inspectors) to conduct building inspections requested by permit holders who have been informed by a local inspection department that any inspection has not been, or will not be, conducted within two business days after first requested. Applies to inspections conducted on or after October 1, 2022;
- amend provisions regarding governing law in instances of conflict between zoning regulations and statute or local ordinance or regulation. Currently, that governing law is subject to GS 160A-174(b), which requires city ordinances to be consistent with the Constitution and laws of North Carolina and of the United States and enumerates six instances in which an ordinance is deemed inconsistent with the Constitution and laws of North Carolina and the United States. Replaces that clause, now providing that governing law is subject to GS 160A-704(b), and no longer specifying that that statute only limits the authority of cities.

The bill was further amended in the Senate Rules Committee to remove the proposed changes that allowed a permit holder who has been informed by a local inspection department that an inspection required under the Residential Code for One- and Two-Family Dwellings has not been, or will not be, conducted within two business days after first requested, to obtain that required inspection from a licensed architect or licensed professional engineer after giving written or electronic notice to the local government and to remove the proposed changes regarding liability of inspection department members. **The bill as amended in the Senate Local Government - Land Use, Planning and Development and Rules Committees and on the Senate floor was approved by the full Senate and will next be considered by the House Rules Committee.**

SENATE BILL 711, NC Compassionate Care Act. A variety of changes were made to this bill providing for the medicinal use of cannabis on the Senate floor, including:

- prohibiting a physician from advertising the physician's ability to issue written certifications and prohibiting physicians providing written certifications to qualified patients from: (1) being employed by or having any financial interest in a supplier or independent testing laboratory; or (2) profiting from a patient obtaining a written certification (but would not prohibit a physician from charging an appropriate fee for patient visit);

- requiring that an independent testing lab report the results of all required testing to the Department and to the Commission, and prohibiting a person who owns, operates, or has a financial interest in, or is employed by an independent testing lab, from owning, operating, or having a financial interest in, or being employed by a supplier, a production facility, or a medical cannabis center; and
- requiring rules adopted by the Department to include monitoring standards in addition to defining standards for a medical cannabis center's name, signage, and logo to ensure a medical rather than recreational disposition.

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

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