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Focusing on Legislative Representation

LEGISLATIVE REPORT May 13, 2025

GRIFFIN CONCESSION – Supreme Court Race Finally Over

Jefferson Griffin, a Republican judge on the North Carolina Court of Appeals, conceded his narrow loss in the 2024 North Carolina Supreme Court election to Democrat Allison Riggs after a federal judge ruled against his challenge to the results. Griffin, who lost by 734 votes, had spent over six months contesting more than 65,000 votes. U.S. District Judge Richard E. Myers, appointed by President Trump, rejected Griffin's claims, stating he sought to “change the rules of the game after it had been played.” Griffin chose not to appeal the ruling and formally conceded. He expressed respect for the court's decision but maintained his belief in the importance of ensuring every legal vote is counted. The State Board of Elections will certify Riggs' victory on May 13th, finalizing her eight-year term on the Supreme Court. Following Griffin's concession, Riggs emphasized the harm caused by the prolonged challenge but expressed gratitude that the voters' will was eventually upheld. Griffin will continue serving on the Court of Appeals until 2029.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



APPOINTMENT POWERS

A recent ruling by a North Carolina Court of Appeals panel has temporarily allowed a controversial law that strips the governor of the authority to appoint members to the State Board of Elections (NCSBE) to take effect. The law, which was approved by the Republican-majority legislature, grants Republican State Auditor Dave Boliek the power to appoint the board's five members, replacing Democratic Governor Josh Stein's previous authority. This change shifts the board's political composition from a 3-2 Democratic majority to a 3-2 Republican majority. The law has sparked significant debate, with Democrats accusing Republicans of trying to gain an unfair advantage in elections. Governor Stein, along with his predecessor Roy Cooper, has long opposed such attempts, arguing that it infringes on the governor's constitutional duties to oversee election-related bodies. In response, Stein's legal team has requested that the state Supreme Court block the Court of Appeals' decision, fearing that a conservative-majority elections board could influence the results of the 2024 Supreme Court race (which is now over – see above). The law, which was passed in December, also has broader implications, as it allows a similar shift in political control over county elections boards starting June, 2025. Republicans argue that the law helps balance executive powers, while Democrats maintain that it is part of a

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broader partisan effort to reshape the state's elections. The Court of Appeals' decision also comes shortly after the state GOP submitted a list of nominees for the Board, and Boliek promptly appointed Stacy Eggers to renew his term, along with former Civitas Institute president Francis De Luca and former GOP Senator Bob Rucho. This marks the latest move in a series of Republican efforts since 2016 to reduce the Governor's control over election-related bodies.

During its first meeting, the newly Republican-controlled North Carolina State Board of Elections voted 3-2 to replace the agency's longtime director, Karen Brinson Bell, with Sam Hayes, a lawyer who previously served as general counsel for House Speaker Tim Moore and now for Speaker Destin Hall. Hayes, who ran for Attorney General as a Republican in 2020, will take office on May 15, following the end of Brinson Bell's term. His appointment drew immediate criticism from Democrats, and praise from Republicans. Brinson Bell, who had led the Board since 2019, was praised by Democratic board members for her leadership, particularly during challenging elections, including the contentious 2020 and 2024 races. Brinson Bell made an emotional farewell speech, expressing hope for a time when election workers are supported and elections are respected, reflecting on her 19-year career in elections. "I hope we return to a time when those who lost elections concede defeat rather than trying to tear down the entire election system," Brinson Bell said.

UTILITIES COMMISSION APPOINTMENT

State Treasurer Brad Briner announced on Wednesday that he has chosen Don van der Vaart as his nominee to the North Carolina Utilities Commission. Van Der Vaart, an engineer and attorney by trade, currently serves as the Chief Administrative Law Judge and director of the Office of Administrative Hearings. He previously served as Secretary of the Department of Environmental Quality (DEQ) under Republican Gov. Pat McCrory.

"North Carolinians need a strong voice on the North Carolina Utilities Commission," Briner said in a press release. "Don provides that voice, and his expertise and leadership will ensure that the citizens of North Carolina have access to low-cost, reliable energy."

"I am deeply honored by Treasurer Briner's confidence in me," van der Vaart said. "I look forward to working to ensure that North Carolina's energy future remains reliable, affordable, and ever cleaner, safeguarding both our prosperity and our environment."

Briner told the Carolina Journal in an interview that he "was looking for expertise legally because ultimately a lot of what the utilities commission does has to do with promulgating orders, which is fundamentally a legal process, and then I was looking for expertise technically," he said. "The mandate of the utilities commission is always to provide reliable and affordable utilities, but there are many technical aspects to actually doing that. I didn't think I would be able to find a candidate that both brought me legal and technical expertise, but I did, and so for me, it ended up being a fairly straightforward decision."

The power to appoint a commissioner was taken from the Governor and given to the Auditor by the legislature last December as part of Senate Bill 382. Earlier this week, lawyers for Gov. Stein filed suit seeking to restore the appointment authority. "Starting July 1, 2025, and upon legislative confirmation of the Treasurer's appointee, the Utilities Commission is likely to elect a new chair that is not one of the Governor's appointees," Stein's lawyers wrote. "These changes will cause immediate and irreparable injury, loss, or damage to the Governor if allowed to take effect. Senate Bill 382's changes to the Utilities Commission prevent the Governor from fulfilling the duties and exercising the powers assigned to him in the Constitution."

NEW DMV COMMISSIONER

Paul Tine, a former state lawmaker and owner of Midgett Insurance Agency in Dare County, has been appointed as the new commissioner of the North Carolina Division of Motor Vehicles (DMV). Tine, 53, served two terms in the state House representing parts of Eastern North Carolina, ending in 2016. Governor Josh Stein praised Tine's business experience and legislative background, emphasizing his ability to improve DMV operations for North Carolinians. Tine, who switched from the Democratic Party to Republican in 2015, previously co-chaired the House Transportation Appropriations Committee and served on the Joint Transportation Oversight Committee. He replaces Wayne Goodwin, who faced criticism during his tenure as DMV commissioner for issues like long wait times and staffing shortages. Tine acknowledged the challenges ahead and outlined his priorities to reduce wait times, improve the DMV website, and enhance service delivery. He officially began his role on May 6th.

REP. STEVENS ANNOUNCES RUN

Rep. Sarah Stevens announced this week that she will run for the state Supreme Court in 2026, aiming for the seat held by Democratic Justice Anita Earls, who is also running for re-election. Stevens has served in the state House since 2009 and is currently the chair of the Judiciary and Election Law committees. She also held the position of House speaker pro tempore for eight years until 2024. Stevens stated that if elected, she would bring a "conservative voice for justice and families" to the court. Earls' seat is the only one on the state's highest court up for election next year, with candidate filing beginning in December and party primaries set for March.

CROSSOVER

The crossover deadline has officially passed, after both chambers worked through a long list of bills in recent weeks. Around 350 bills of the 1,800 filed this year have passed from one chamber to another now. Of course, numerous bills are exempt from the crossover deadline and are still in play, and will continue to move forward following this deadline, including all bills with any sort of funding attached. Additionally, some "dead" proposals that are not technically in play now will likely turn up again in creative ways throughout this legislative session. And of course, there's always room for brand new policies to pop up as the session progresses.

Next up, it's almost time for the House to share their version of the budget and time for the House and Senate to start hearing one another's bills - though it's unclear which chamber will make the first move on that. House Republicans aim to pass their two-year spending plan before Memorial Day weekend. After that, negotiations with Senate Republicans, who passed their own budget last month, will begin. Speaker Hall has told reporters that he expects a light calendar next week as the House begins its budget process "in earnest." It is rumored that the House may match the Senate's minimalist budget proposal with their own. This would be a unique take for the House, potentially leaving many proposals in limbo and making for an even more challenging conference between the chambers, especially in a tough budget year. We'll find out soon!

GENERAL INTEREST BILLS

House Bill 13, Charges for Credit, Charge, & Debit Cards, was amended in the House Judiciary 1 Committee to: (1) modify the cap on charges that merchants may impose for credit, charge, or debit card transactions to either 3% of the total transaction or the actual fee the merchant pays to a payment card entity, whichever is less (was, just actual fee); (2) require merchants to clearly and conspicuously disclose the fee at the point of entry and the point of sale for in-person transactions, on the home page and webpage for online transactions the amount of the charge, and verbally for

transactions processed over the telephone; (3) authorize merchants to offer discounts for payment by other tender, if the discount is offered to all other prospective customers and is clearly and conspicuously disclosed; (4) prohibit merchants from imposing the card fee in lieu of another means of payment if it only accepts payment by card; and (5) reduce the cap on the civil penalty from \$2,500 for the first violation and \$5,000 for any subsequent violations to \$500 per violation. **The bill as amended was approved by the House Judiciary 1 Committee and will next be considered by the House Rules Committee.**

House Bill 462, Personal Data Privacy/Social Media Safety, was amended in the House Judiciary 3 Committee to specify that the age verification requirements only apply when a social media company is determining whether a North Carolina user should be allowed access to the platform and to require the social media company to use commercial entities (was, third-party vendor) to perform reasonable age verifications. **The bill as amended was approved by the House Judiciary 3 Committee and will next be considered by the House Commerce and Economic Development Committee.**

House Bill 805, Prevent Sexual Exploitation/Women and Minors, was amended in the House Judiciary 2 Committee to: (1) amend the term *eligible person* so that (i) it is no longer limited to a pornographic image published to an online entity and (ii) does not include a law enforcement officer acting pursuant to a valid court order; (2) remove provisions that would have created a Class A1 misdemeanor for violations and provisions providing a private right of action for violations with respect to a pornographic image (requests for removal by third parties who are not eligible persons); and (3) specify that, in the private right of action for violations, the \$10,000 daily damages for which a pornographic image remains online should be calculated on a per day and per image basis. **The bill as amended was approved by the House Judiciary 2, State and Local Government, and Rules Committees and the full House. The bill will next be considered by the Senate Rules Committee.**

House Bill 821, Drivers License Expiration Moratorium, was amended in the House Finance Committee to require the Joint Legislative Transportation Oversight Committee to review any audits, studies, or recommendations made by the Committee, Department of Transportation, or Office of State Auditor to address staffing shortages, employee retention, outdated technology, and other structural and systemic issues that contribute to excessive wait times and delays with the Department of Motor Vehicles and to report its findings and recommended legislation to the 2026 Regular Session of the General Assembly. **The bill as amended was approved by the House Finance Committee and will next be considered by the House Rules Committee.**

House Bill 864, Traffic Law Revisions/Collegiate Plates, was amended in the House Transportation Committee to add minimum operating speeds of 55 mph in a 65 mph speed zone and 60 mph in a 70 mph speed zone and to direct the Department of Transportation to post replacement signs indicating the new minimum speeds where signs are posted with the previous minimum operating speeds. **The bill as amended was approved by the House Transportation Committee and will next be considered by the House Rules Committee.**

House Bill 891, Civil Actions/State Agency and AG Litigation, was amended in the House Judiciary 1 Committee to prohibit the Attorney General from entering into a class action lawsuit without legislative approval and provide a process for approval when the General Assembly is not in regular session, where joint approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate would be required. **The bill as amended was approved by the House Judiciary 1 Committee and will next be considered by the House Rules Committee.**

House Bill 934, AI Regulatory Reform Act, was amended in the House Judiciary 3 Committee to:

- amend the definition of *deepfake* to include that the image or audio or video recording be digitally altered or generated to inauthentically depict a natural person speaking or acting in a manner that the person did not actually speak or act such that a reasonable person would not know that the depiction is false (previously included that the image or audio or video recording appear to depict a natural person speaking or acting in a manner that the person did not actually speak or act);
- add an exclusion for a work of artistic or newsworthy value including commentary, criticism, satire, or parody;
- define *interactive computer service* as any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and the systems operated or services offered by libraries or educational institutions;
- remove the provision that authorized the court to award the destruction of the deepfake for violations of the statute;
- grant immunity to interactive computer services, and providers and developers of technology used in the creation of a deepfake, used by a person in the commission of an offense under the statute;
- add interactive computer services to the entities that are immune from liability for damage to clients by learned professionals resulting from errors generated by an artificial intelligence product.

The bill as amended was approved by the House Judiciary 3 Committee and will next be considered by the House Election Law Committee.

House Bill 936, Robocall Solicitation Modification, was amended on the House floor to modify the definition of *prior express written consent* as a written agreement that: (1) bears the signature of the person called that clearly authorizes the seller to deliver or cause to be delivered to the person called telephone solicitations; (2) includes the telephone number to which solicitations are authorized to be delivered; and (3) contains a clear and conspicuous disclosure informing the signatory that the person, in signing the agreement, authorizes the seller to deliver, or cause to be delivered, to the signatory telephone solicitations and that the person is not required to sign the agreement or enter into the agreement as a condition of purchasing any property, goods, or services. **The bill as amended was approved by the House and will next be considered by the Senate Rules Committee.**

Senate Bill 484, Workplace Violence Prevention/Mass Picketing, was amended in the Senate Judiciary Committee to: (1) define “obstruction” as a deliberate or sustained physical blockage of the entrance or exit and causes disruption to operations or public safety; and (2) specify that nothing in the new statute applies to peaceful demonstrations, informational picketing, or labor activity protected by the National Labor Relations Act or the North Carolina Constitution, as long as the activities do not include violence, threats, or intentional obstruction of a place of employment’s access points. **The bill as amended approved by the Senate Judiciary and Rules Committees and the full Senate. The bill will next be considered by the House Rules Committee.**

BILLS OF INTEREST

House Bill 74, House Budget Technical Corrections. An amendment to this bill raises the age that a parent may abandon their child pursuant to GS 14-322.2 from less than seven days to thirty days or less. **The bill as amended was approved by the full House in the initial vote and will have a 2nd vote this week.**

House Bill 519, Parents Bill of Rights. An amendment to this bill would allow a physician assistant and nurse practitioner, in addition to physicians, to render treatment to a minor without getting consent from a parent, guardian, or person in loco parentis only in specified circumstances, including if abuse is suspected. It also allows a minor to give consent to a physician assistant, nurse practitioner, or physician for services for the diagnosis and treatment of pregnancy and provides that any minor age 16 or older may give effective consent to a physician, physician assistant, or nurse practitioner licensed to practice in NC for medical health services for the diagnosis and treatment of venereal disease and other diseases reportable under law if the disease can be treated with a prescription with a duration of 10 days or less. Like the first version of the bill this version continues to remove minor consent for abuse of controlled substances and emotional disturbances, except for the limited exceptions described above. **The bill as amended was approved by the Full House and will next be considered by the Senate Rules Committee.**

House Bill 547, Children's Services Protection Act. The amended version of the bill instructs that if a tort claim against NC arises from or related to the performance of contracted services to minors, the statutory damage caps that apply to public service agencies apply to those 3rd party claims as well, except for claims of abuse. **The bill as amended was approved by the House Health Committee and the full House and will next be considered by the Senate Rules Committee.**

House Bill 567, Ensure Access to Biomarker Testing. The amendment to this bill creates a new timeline for utilization reviews of non-urgent healthcare services and urgent healthcare services, and requires insurers to disclose utilization review documents in detail and in easily understandable language, as well as requiring that an insurer make current utilization review requirements and restrictions readily accessible on its website. The new version of the bill also removes the requirement of the State Treasurer and Executive Administrator of the State Health Plan to review all practices and all contracts with and practices of third parties conducting any utilization review on behalf of the State Health Plan to ensure they comply with the changes of this act. **The bill as amended was approved by the House Health and Rules Committees and the full House and will next be considered by the Senate Rules Committee.**

House Bill 584, Permit/Provisional License Modifications. The amended version of the bill removes the requirement to keep logs of driving time and also reduces the provisional license time from 9 months to 6 months. The amended version of the bill also authorizes a person to apply online to obtain a Level 3 full provisional license. **The bill as amended was approved by the House Transportation Committee and will next be considered by the House Judiciary 1 Committee.**

House Bill 602, Coach Safely Act. The new version of the bill would change the proposed language to specify that the statute's requirement to complete a youth sports injury education course do not apply to licensed physicians who have completed advanced trauma life support training. **The bill as amended was approved by the House Health and State and Local Government Committees and the full House and will next be considered by the Senate Rules Committee.**

House Bill 681, Update Opioid Abatement Treatment Prog. Rules. The amended version of the bill would eliminate the directive for the Commission for Mental Health, I/DD, Substance Use to explicitly prohibit administrative discharge from treatment due to continued substance use, missed doses, and nonparticipation in ancillary services such as counseling. It instead requires the Commission to amend those rules to require the State Opioid Treatment Authority to review patient discharge policies related to continued substance use, missed doses, and nonparticipation in ancillary services such as counseling. **The bill as amended was approved by the full House and will next be considered by the Senate Rules Committee.**

House Bill 746, Limited Immunity/Nurses. This bill was amended to specify that a nurse is not liable for damages in a malpractice action when: the nurse acted within their scope of practice and their actions were consistent with directions provided by a supervising healthcare provider and the nurse, acting in good faith, raises a concern regarding another healthcare provider's order that may be inconsistent with patient safety. **The bill as amended was approved by the House Judiciary 2 Committee and will next be considered by the House Rules Committee.**

House Bill 763, Neighbor State License Recognition Act. An amendment to this bill clarifies that State agency boards overseeing all health care practitioners licensed under Chapter 90 are excluded from the requirements of the bill which would allow licenses from other states to be accepted in North Carolina. **The bill was approved by the full House and will next be considered by the Senate Rules Committee.**

House Bill 906, Reagan's Law. The amended version of the bill removes Section 2 of the bill which would have removed the State's version of the "prudent layperson" statutory protections. **The bill was approved by the House Health and Rules Committees and the full House and will next be considered by the Senate Rules Committee.**

House Bill 975, EMS Personnel/Allow Carry of Pepper Spray. The new version of the bill allows the NC Office of Emergency Medical Services to develop rules regarding the use of pepper spray and the training necessary for those who would like to use it. Prior versions of the bill prohibited the NCOEMS adopting or enforcing any rule prohibiting EMS personnel from carrying concealed or openly any pepper spray. **The bill as amended was approved by the full House and will next be considered by the Senate Rules Committee.**

Senate Bill 336, Interstate Med. License Comp./International Phys. The amended version of the bill removed the provisions automatically converting a license in good standing into a full license to practice medicine in the state after four years of practice. The bill instead would authorize a physician with a license in good standing after four-years of practice to apply for a full medical license. **The bill as amended was approved by the Senate Finance Committee and will next be considered by the Senate Rules Committee.**

Senate Bill 345, PA Team-Based Practice. This bill was amended in the Senate Health Committee to allow nurse practitioners and nurse midwives to be regulated by the Board of Nursing. **The bill as amended was approved by the Senate Health Committee and the full Senate and will next be considered by the House Rules Committee.**

Senate Bill 576, E-Bike Definition and Local Regulation. The new version of the bill would amend the statute to require only a person under the age of 18 (instead of all ages) to wear a helmet while operating or riding on an electric assisted bicycle. **The bill as amended was approved by the Senate State and Local Government Committee and will next be considered by the Senate Transportation Committee.**

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