



North Carolina Spirits Association

Legislative Report
July 16, 2021

After a break to celebrate the Independence Day holiday, the House and Senate were back in Raleigh this week. The House focused their efforts on legislation that could shape North Carolina electricity production for decades. House Bill 951, Modernize Energy Generation, passed the House 60-46 in a rare midnight session Thursday morning. Proponents of the bill state that the bill is an all-of-the-above broad-based energy strategy that will reduce carbon dioxide emissions and keep power reliable and affordable. The anchor of the legislation is the early retirement of inefficient coal-fired power plants at five locations, to be phased out through the end of 2030. These and other alterations in the bill would contribute to a 63% reduction in power-sector greenhouse gas emissions in the state by the end of the decade compared to 2005 levels. The Public Staff of the Utilities Commission estimates some Duke Energy customers could see an additional 4.4% increase in retail rates by 2030 if the bill is enacted.

The most significant opponent is Democratic Governor Roy Cooper, who wants a 70% reduction in carbon dioxide emissions from power plants by 2030. Democrats objected to holding a final vote on the bill on Wednesday following a 58-50 initial vote, which prompted Speaker Tim Moore to schedule a midnight session Wednesday night/Thursday morning. Speaker Moore said that a number of legislators would not be able to attend a daytime session Thursday. No one debated the bill during the brief midnight session. The bill was sent to the Senate and will be referred to the Senate Rules Committee.

This week the Senate focused their efforts on “critical race theory” and a state constitutional amendment to ban affirmative action. Wednesday the Senate Education Committee considered legislation that would prevent public schools from teaching “Critical Race Theory” concepts. Senate leader Phil Berger announced Wednesday that the Senate will hear legislation that forbids public schools from “promoting certain discriminatory concepts” such as that one race or sex is inherently superior to another race or sex. The bill also bans promoting concepts such as that particular privileges should be ascribed to a race or sex or that people solely due to their race or sex should feel guilt, anguish or discomfort. The language comes amid complaints from conservatives about schools teaching about white privilege. The bill was before the committee for discussion only.

Senator Berger also intends for the Senate to consider legislation to place on the ballot a state constitutional amendment saying, “the state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.” Senator Berger said the proposed amendment would show how North Carolina is “affirming our commitment to the principles of the 1964 Civil Rights Act.” The amendment’s wording mirrors language used in other states such as California and Michigan to ban affirmative action

programs. The bill was introduced this week and has not yet been considered in a Senate committee.

House Speaker Tim Moore and House Appropriations Committee Senior Chair Jason Saine announced this week that the House version of the budget would be out in early August. The House would then spend at least a few weeks working on the final budget in a conference committee with the Senate, in order to have a budget to the Governor by end of August.

The House adjourned in the early morning hours on Thursday and the Senate adjourned later on Thursday. Both the House and Senate will reconvene Monday July 19.

For more information about legislation described in the legislative reports, feel free to contact me at dferrell@nexsenpruet.com or (919) 573-7421. Information is also available on the General Assembly's website: www.ncleg.gov.

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