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PUBLIC/HOUSE BILLS

H 327 (2021) [VARIOUS ADMINISTRATIVE LAW CHANGES. \(NEW\)](#) Filed Mar 17 2021, *AN ACT TO UPDATE THE PROCESS FOR LEGISLATIVE REVIEW OF RULES, TO DESIGNATE THE NORTH CAROLINA ADMINISTRATIVE CODE PUBLISHED ONLINE AS THE OFFICIAL VERSION AND REMOVE THE REQUIREMENT TO PUBLISH AND PROVIDE PRINTED COPIES, TO UPDATE THE MODEL CODE OF JUDICIAL CONDUCT FOR STATE ADMINISTRATIVE LAW JUDGES, AND TO MAKE CLARIFYING CHANGES TO THE OCCUPATIONAL LICENSING LAWS.*

Senate committee substitute makes the following changes to the 2nd edition.

Modifies the proposed changes to GS 150B-21.3 regarding the effective dates of permanent rules, now providing that when a bill that specifically disapproves of an adopted rule is introduced in either house of the NCGA before the thirty-first legislative day of that session, the rule's effective date is delayed until September 1 of the calendar year of that session or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the rule (was, delayed until September 1 of the calendar year of that session), unless the agency adopting the rule specifies a later effective date or the bill is enacted.

Adds the following content.

Amends GS 150B-21.18 by requiring the Codifier of Rules to publish the North Carolina Administrative Code electronically on the Office of Administrative Hearings' website instead of publishing printed copies; maintains the provision allowing the Code to be published in other forms. Specifies that the electronic version of the Code published on the Office of Administrative Hearings' website is considered the official publication of the North Carolina Administrative Code. Effective January 1, 2022.

Repeals GS 150B-21.25, which allowed a person who is not entitled to a free copy of the North Carolina Administrative Code or North Carolina Register to obtain a copy by paying a fee set by the

Codifier of Rules, with money collected under this provision credited to the General Fund.
Effective January 1, 2022.

Amends GS 7A-754 by updating the reference to the American Bar Association Model Code of Judicial Conduct for State Administrative Law Judges with which the Chief Administrative Law Judge and administrative law judges must comply. Specifies that the provisions of this statute control, however, as to the private practice of law in lieu of Rule 3.10 of Canon 3 (was, 4G), and GS 126-13 controls as to political activity in lieu of Canon 4 (was, 5).

Amends GS 93B-8.1 by expanding the definition of *applicant*, as it applies in the statute (use of criminal history records in consideration of an applicant for licensure) to also include a person who makes application for licensure from a State agency licensing board.

Amends the act's titles.

Intro. by Moffitt, Riddell, Stevens, Yarborough. [GS 7A, GS 93B, GS 150B](#)

[View summary](#)

Courts/Judiciary, Government, APA/Rule Making, General Assembly, State Agencies, State Government, Executive

H 366 (2021) [REGULATORY REFORM ACT OF 2021](#). Filed Mar 23 2021, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA*.

House committee substitute to the 3rd edition makes the following changes.

Section 4

Changes the effective date of the proposed changes to GS 159G-23, regarding priority consideration for loans or grants from the Wastewater Reserve or the Drinking Water Reserve, from July 1, 2021, to August 1, 2021.

Section 8A

Adds new Section 8A. Enacts GS 58-1-2, providing that a statement or restatement of the law of insurance in any legal treatise, scholarly publication, textbook, or other explanatory text does not constitute the law or public policy of the State. Adds that such text is not authoritative if the statement or restatement of the law purports to create, eliminate, expand, or restrict a cause of action, right, or remedy, or if it conflicts with the federal or State constitutions, or North Carolina statutory, case law, or common law.

Section 8B

Adds new Section 8B. Amends GS 58-58-61, the Standard Nonforfeiture Law for Individual Deferred Annuities. Revises the specifications provided in determining the annual interest rate for nonforfeiture amounts, making the determination to be the lesser of 3% per annum and the determined interest guarantee resulting from specified parameters provided, now including that the resulting interest guarantee cannot be less than 0.15% (was 1%).

Section 12

Revises the proposed changes to GS 18B-1105(a)(2), clarifying that the new provisions allows distillery permittees to sell, deliver, and ship spirituous liquor in closed containers at wholesale or retail to consumers in other states or nations, subject to the laws of those jurisdictions.

Changes the effective date of the proposed changes to GS 18B-800, GS 18B-1001, and GS 18B-1105, as well as the directive to the ABC Commission to amend its rules consistent with the proposed changes, to August 1, 2021 (was July 1, 2021).

Section 12A

Adds new Section 12A. Amends GS 130A-336.1(j), concerning required post-construction conferences between the professional engineer designing the wastewater system and the owner of the wastewater system, the licensed soil scientist or licensed geologist, the certified on-site wastewater system contractor, the certified operator of the system, and representatives from the local health department and the Department of Health and Human Services, as applicable. Allows for waiver of the required conference for Type I, II, and III wastewater systems, as listed in specified administrative rule, upon written request by the professional engineer and written approval by the owner of the wastewater system.

Section 12.1

Adds new Section 12.1. Amends GS 130A-343, regarding the approval of on-site subsurface wastewater systems. Adds to the statute's defined terms *prefabricated permeable block panel system*, defined, among other things, to be a unit of rigid design, constructed and installed to withstand load requirements without collapse, compression, or deflection.

Intro. by Yarborough, Bradford, Moffitt, Riddell.

[STUDY, GS 14, GS 18B, GS 42, GS 58, GS 72, GS 130A, GS 159G, GS 160D](#)

[View summary](#)

[Alcoholic Beverage Control, Business and Commerce, Insurance, Courts/Judiciary, Civil, Civil Law, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Education, Preschool, Environment, Environment/Natural Resources,](#)

Government, Ethics and Lobbying, Public Safety and Emergency Management, State Agencies, Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Department of Public Safety, Department of Revenue, Department of Transportation, Local Government, Health and Human Services, Health, Public Health, Transportation

H 383 (2021) **MEDICAID MODERNIZED HOSPITAL ASSESSMENTS**. Filed Mar 24 2021, *AN ACT TO REVISE THE HOSPITAL ASSESSMENT ACT TO ACCOUNT FOR MEDICAID TRANSFORMATION*.

AN ACT TO REVISE THE HOSPITAL ASSESSMENT ACT TO ACCOUNT FOR MEDICAID TRANSFORMATION. SL 2021-61. Enacted June 29, 2021. Effective July 1, 2021, except as otherwise provided.

Intro. by Lambeth, White, Sasser.

GS 108A

[View summary](#)

Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Social Services, Public Assistance

H 404 (2021) **IMMUNITY FOR 911 DISPATCHERS**. Filed Mar 24 2021, *AN ACT PROVIDING THAT PUBLIC SAFETY ANSWERING POINTS, REGIONAL PUBLIC SAFETY ANSWERING POINTS, AND THEIR EMPLOYEES AND AGENTS AND EMPLOYEES OF LAW ENFORCEMENT AGENCIES ARE NOT LIABLE FOR DAMAGES IN A CIVIL ACTION EXCEPT IN CASES OF WANTON OR WILLFUL MISCONDUCT*.

Senate committee substitute makes the following changes to the 2nd edition. Further amends GS 143B-1413 to also exempt employees of a law enforcement agency who are certified by the North Carolina Sheriffs' Education and Training Standards Commission from liability for any damages in a civil action resulting from death or injury to a person or from damage to property incurred by any person in connection with developing, adopting, implementing, maintaining, or operating the 911 system. Specifies that the statute does not apply to actions arising out of the operation or ownership of a motor vehicle by an employee of a law enforcement agency. Makes conforming changes to the act's long title.

Intro. by Zachary, Warren.

GS 143B

[View summary](#)

**Courts/Judiciary, Civil, Civil Law, Government,
Public Safety and Emergency Management**

H 434 (2021) **NORTH CAROLINA HEALING ARTS COMMISSION. (NEW)** Filed Mar 29 2021, *AN ACT TO ESTABLISH THE NORTH CAROLINA HEALING ARTS COMMISSION AND TO CREATE CERTIFICATION PROCESSES FOR REFLEXOLOGISTS AND MUSIC THERAPISTS.*

House committee substitute to the 1st edition deletes the content of the previous edition and replaces it with the following.

Enacts new Article 44, Healing Arts, in GS Chapter 90, providing as follows.

Part 1 of the new Article establishes the North Carolina Healing Arts Act and sets out the act's purpose. Defines *healing arts* as the use of allopathic, complementary, or alternative approaches to the art and science of medicine for the prevention, diagnosis, and treatment of human physical or mental conditions, diseases, ailments, illnesses, infirmities, pain, defects, or injuries and the promotion and restoration of health and wellness. Creates the seven-member North Carolina Health Arts Commission (Commission), with initial members to be appointed by the specified entities, for terms of one to three years, by January 1, 2022. Subsequent members serve for terms of three years. Sets out provisions for the inclusion of additional members for any healing arts professions created after January 1, 2022. Provides for the filling of vacancies and sets out membership requirements including citizenship requirements, residency requirements, and the requirement to hold a North Carolina Healing Arts Certification in the individual's respective healing arts profession. Sets out additional restrictions on the public members of the Commission. Allows for the removal of commission members. Requires Commission officers to be elected annually; sets out requirements for the meeting timing, for serving as chair, for adopting rules governing meetings, and for establishing a quorum.

Sets out the Commission's nine powers, including administering and enforcing the Article; issuing, when directed by an advisory committee to do so, a North Carolina Healing Arts Certificate to practice the healing art governed by the advisory committee; taking specified disciplinary actions when directed to do so by an advisory committee; and conducting administrative hearings necessary to administer the Article. Sets out provisions governing fees payable to the Commission. Requires the Commission to establish fees of up to \$100 for the issuance of a North Carolina Healing Arts Certificate, for the renewal of the Certificate every five years, and for late renewal. Makes the first violation of the Article punishable by a written warning, a second violation punishable by a civil penalty of no more than \$200, and third and subsequent violations subject to a civil penalty of no more than \$200 per violation and a Class 1 misdemeanor. Allows the Commission to proceed in

superior court to enjoin and restrain any person from violating the Article. Specifies that the healing arts professions subject to the Article are reflexologists and music therapists.

Part 2 of the new Article makes it State policy to consider reflexology as a healing arts profession. Defines *reflexology* as a protocol of manual techniques, including specified practices, that are applied to specific reflex areas predominantly on the feet and hands and that stimulate the complex neural pathways linking body systems and support the body's efforts to function optimally; specifies that reflexology is not massage and bodywork therapy. Defines a North Carolina Certified Reflexologist as an individual that (1) is certified by the certifying entity as a certified reflexologist and (2) and been issued a North Carolina Healing Arts Certificate in reflexology by the Commission.

Establishes the three-member North Carolina Reflexology Advisory Committee (Reflexology Committee). Sets out membership requirements and provides for the appointment of initial members by January 1, 2022, with initial members serving 1-2 years. Subsequent membership terms are for three years, with no member serving for more than two consecutive terms. Sets out membership qualifications including citizenship requirements, residency requirements, certification as a reflexologist, and being eligible to obtain a healing arts certification in reflexology (with the requirement that appointees immediately seek to obtain the certificate). Sets out additional restrictions on the public members. Provides for the election of a chair and other officers, holding meetings, and establishing a quorum.

Sets out the Reflexology Committee's eight powers and duties, including establishing and determining qualification and fitness of applicants for a North Carolina Healing Arts Certificate in reflexology; directing the Commission to issue, renew, deny, suspend, revoke, or refuse to issue or renew North Carolina Healing Arts Certificates in reflexology; and directing the Commission to discipline North Carolina Certified Reflexologists. Sets out requirements for applying for a North Carolina Healing Arts Certificate in reflexology, which must be renewed after five years. Allows compensation for reflexology services to be received only when those services are performed by an individual holding a *national certification* (defined as a determination by the certifying entity that an individual has passed the certifying entity's national exam and that the individual has an active status with the certifying entity). Subjects non-certified individuals providing reflexology services or engaging in the practice of reflexology to penalties or an injunction, unless: (1) the individual is a reflexology student working to obtain a certification of completion from a nationally recognized reflexology education program or (2) the individual holds a certification of completion from a nationally recognized reflexology education program, and that program was completed no more than six months before receiving compensation for services. Provides that unless all reflexology services are performed by individuals holding a national certification, a place of business where reflexology services are offered for compensation is subject to a civil penalty of no more than \$500 per violation and a suspension of any license to operate the business for no more than 90 days. Requires businesses to display a valid and up-to-date certificate for all individuals offering compensated reflexology services. Requires a reflexologist with a national certification to carry a certification when performing reflexology services for compensation at a location outside of the reflexologist's main place of business. Sets out information that must be

included in advertisements. Provides for reciprocity for individuals licensed or certified to practice reflexology in another state or territory. Provides that this Part does not apply to pressure to the reflex areas on the hands, feet, and outer ears in the regular course of the individual's work, so long as the specified requirements are met.

Part 3 of the new Article makes it State policy to consider music therapy as a healing arts profession. Defines *music therapy* as the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship by a credentialed professional who has completed an approved music therapy program, including the specified assessments, development and implementation of treatment plans that use specified music interventions, and evaluation and documentation of the client's response to treatment. Defines *music therapy services* as the provision of services to accomplish music therapy goals, including (1) conducting an individualized assessment for the purpose of collecting systematic, comprehensive, and accurate data necessary to determine the course of action subsequent to the individualized treatment plan; (2) planning and developing the individualized music therapy treatment plan that identifies an individual's goals, objectives, and potential treatment intervention strategies; (3) implementing the individualized music therapy treatment plan consistent with the individual's overall treatment program; (4) systematically evaluating and comparing the individual's response to the individualized music therapy treatment plan and suggesting modifications, as appropriate; (5) developing a discharge plan in collaboration with the individual, the individual's family, treatment team, and other identified support networks, when appropriate; (6) minimizing the impact of environmental constraints as a barrier to participation in least- restrictive environments for individuals engaging in music therapy; (7) collaborating with and educating the individual, family, caregiver, and others to foster an environment responsive to the developmental needs of the individual as addressed in music therapy; or (8) consulting with groups, programs, organizations, or communities to improve accessibility to music therapy services.

Establishes the three-member North Carolina Music Therapy Advisory Committee (Music Therapy Committee). Sets out membership requirements and provides for the appointment of initial members by January 1, 2020, with initial members serving 1-2 years. Subsequent membership terms are for three years, with no member serving for more than two consecutive terms. Sets out membership qualifications including citizenship requirements, residency requirements, certification as a music therapist, and being eligible to obtain a healing arts certification in music therapy (with the requirement that appointees immediately seek to obtain the certificate). Sets out additional restrictions on the public members. Provides for the election of a chair and other officers, holding meetings, and establishing a quorum.

Sets out the Music Therapy Committee's eight powers and duties, including establishing and determining qualification and fitness of applicants for a North Carolina Healing Arts Certificate in music therapy; directing the Commission to issue, renew, deny, suspend, revoke, or refuse to issue or renew North Carolina Healing Arts Certificates in music therapy; and directing the Commission to discipline North Carolina Certified Music Therapists. Sets out requirements for applying for a North Carolina Healing Arts Certificate in music therapy, which must be renewed after five years, including

completing the specified academic requirements, completing the specified exam, and completing the specified number of clinical training hours. Allows compensation for music therapy services to be received only when those services are performed by an individual holding a *national certification* (defined as a determination by the certifying entity that an individual has satisfied the certifying entity's requirements and that the individual has an active status with the certifying entity). Subjects non-certified individuals providing music therapy services or engaging in the practice of music therapy to penalties or an injunction. Provides for reciprocity for individuals licensed or certified to practice music therapy in another state or territory.

The above provisions are effective January 1, 2022.

Amends GS 90-624 by adding a certified reflexologist engaged in the practice of reflexology to those areas that are not prohibited or affected by Article 36, Massage and Bodywork Therapy Practice, of GS Chapter 90.

Makes conforming changes to the statute's titles.

Changes the act's titles.

Intro. by Warren, Riddell.

GS 90

[View summary](#)

Health and Human Services, Health

H 792 (2021) **BARBERS/ELECTROLYSIS BOARDS/MERGER**. Filed May 3 2021, *AN ACT TO MERGE THE BARBER AND ELECTROLYSIS LICENSING BOARDS*.

House committee substitute to the 1st edition makes the following changes.

Part I.

Specifies that subsection (b) of GS 88A-9 (providing for fees relating to electrologist licensure) rather than the entire statute is recodified as GS 86B-53 of Article 3 of new GS Chapter 86B, Barber and Electrolysis Practice Act.

Revises new GS Chapter 86B as follows. Now establishes a nine-member rather than seven-member NC Board of Barber and Electrolysis Examiners (Board). Changes membership and appointment of the Board, now providing for five licensed barbers and two practicing electrologists to be legislatively appointed, and one licensed physician and one public member to be gubernatorially appointed (previously, provided for four licensed barbers, one practicing electrologist, one licensed physician, and one public member, all appointed by the Governor). Maintains member qualifications.

Corrects statutory cross-references in GS 86B-19, GS 86B-48, and GS 86B-50.

Makes a technical change to GS 86B-48, relating to the Board's duty to adopt rules governing the electrology apprenticeship program.

Part II.

Makes conforming changes to the appointment of members serving on the Board of Electrolysis Examiners as of December 31, 2021, to the Board of Barber and Electrolysis Examiners (Board) to reflect the legislative appointment of two electrologists to the Board pursuant to new GS 86B-1, as amended. Provides for the appointed electrologists to serve three-year terms, beginning January 1, 2022, as previously specified.

Makes further technical changes, including technical changes to the act's effective date provisions.

Intro. by Stevens.

[GS 86A, GS 86B, GS 88A](#)

[View summary](#)

Business and Commerce, Occupational Licensing

H 916 (2021) [WASTEWATER ADVANCED TREATMENT UNITS](#). Filed May 10 2021, *AN ACT TO ESTABLISH STANDARDS FOR ADVANCED TREATMENT UNITS FOR MUNICIPAL, COMMUNITY, OR PRIVATE WASTEWATER SYSTEMS*.

House committee substitute to the 1st edition makes the following changes.

Instead of amending GS 130A-335, now amends GS 143-215 to direct the Environmental Management Commission (was, Public Health Commission) to adopt rules establishing standards for discharge to surface waters and for spray irrigation of *highly treated wastewater*, now as defined in GS 130A-334, that is in compliance with all applicable regulatory requirements and that is designed and operated to meet the following standards: (1) with respect to biological oxygen demand, 10mg/L; (2) with respect to NH₃, 10mg/L; (3) with respect to total nitrogen, 10mg/L, or a minimum of 60% reduction from the influent total Kjeldahl nitrogen; (4) with respect to total phosphorus, 5mg/L, unless discharged into nutrient sensitive waters; (5) with respect to fecal coliforms, 10 colonies/100mL; and (6) capture and removal of residual sludge and biogases.

Makes organizational changes in Section 2. Adds that the \$20 million appropriated from the General Fund to the Department of Environmental Quality (DEQ) for the pilot program that is not spent or encumbered by June 30, 2023, reverts to the General Fund. Amends the requirements of the Innovative Highly Treated Wastewater Pilot Program as follows. Specifies that the pilot program is to be within the Division of Water Infrastructure. Adds the requirement that DEQ review and qualify wastewater systems meeting the standards in new GS 143-215(f) either as a single unit or as a combination of treatment devices. Requires the manufacturer (was, vendor) of the wastewater system to file a performance bond or other surety with a minimum of five years to be executed in favor of the

permittee in the amount sufficient to cover system replacement. Requires DEQ to identify local governments, sanitary districts, or public authorities considered distressed or that include residential or commercial developments or subdivisions that are unable to be served by existing wastewater systems (was, identify areas that feature either a failure rate of septic tank systems that is significantly higher than the State average or a wastewater system that is a distressed unit). Requires DEQ to work with the entities that it has identified, to select, permit, and install at least four highly treated wastewater systems (was, work with the units of local government with jurisdiction over the identified area to design, permit, and install four wastewater treatment systems using wastewater treatment technologies that produce highly treated wastewater to discharge or reuse). Changes the effective date of these provisions, including the appropriation, from July 1, 2021, to August 1, 2021.

Deletes the provision requiring the adoption of rules to streamline the approval process for wastewater treatment system technologies under Article 11 of the Chapter. Instead requires the Commission for Public Health to adopt rules to establish standards for highly treated wastewater systems under Article 11, defining highly treated wastewater systems to include individual and multisite systems that meet residential or high strength treatment standards. Sets out six components the rules must contain, including specified timing for approving applications, and requiring wastewater systems and dispersal products to demonstrate the specified structural integrity. Effective January 1, 2022. Requires quarterly reports from the Commission for Public Health and DEQ on implementation starting May 1, 2022.

Amends GS 130A-39 by prohibiting a local board of health from adopting a rule concerning wastewater systems, as listed in Article 11 of GS Chapter 130A and defined in GS 130A-334, that is more stringent than rules adopted by the Commission for Public Health (was, a local board of health may adopt rules concerning wastewater collection, treatment and disposal systems which are not designed to discharge effluent to the land surface or surface waters only in accordance with the specified statute).

Makes conforming changes to GS 130A-335.

Intro. by Brody, Moffitt, Hanig.

[APPROP, GS 130A, GS 143](#)

[View summary](#)

Government, Budget/Appropriations, State Agencies, Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities

PUBLIC/SENATE BILLS

S 196 (2021) **GSC SALE OF PROPERTY AMENDMENTS**. Filed Mar 8 2021, *AN ACT TO (I) UPDATE THE MAILING METHOD OF NOTICE TO A JUDGMENT DEBTOR OF AN EXECUTION SALE OF REAL PROPERTY, (II) CLARIFY THE EFFECTS OF A DEFAULT BID IN PRIVATE JUDICIAL SALES AND PUBLIC OR PRIVATE PARTITION SALES, (III) AMEND THE TAX FORECLOSURE STATUTES AND MAKE TECHNICAL CHANGES, (IV) MAKE AMENDMENTS AFFECTING THE VALIDITY OF NOTARIAL ACTS, AND (V) MAKE AMENDMENTS AFFECTING REAL PROPERTY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

House committee substitute makes the following changes to the 1st edition.

Part III.

Further amends GS 105-374, concerning authorized foreclosure actions in the nature of an action to foreclose a mortgage. Adds a new provision to subsection (c), providing that a trustee in a deed of trust cannot be made a party to or served in a foreclosure action. Eliminates the proposed changes to subsection (i) to clarify that costs include a commissioner's fee of up to 5% of the purchase price for foreclosure actions in which the court enters a judgment confirming the sale of real property, and eliminates the inclusion of a commissioner's fee in the cost for redemption in the case of redemption prior to the judgment. Further amends subsection (p), adding a new provision to specify that a judgment of confirmation bears interest at the same rate as a judgment under GS 105-375 (governing docketed certificates of taxes due on real property which constitute a judgment against the real property if certain criteria are met).

Amends GS 105-375, which governs the in rem method of foreclosure for real property docketed for due taxes, as discussed above. Regarding required notice by tax collectors subject to the statute's procedures, aligns the 30-day notice requirement of lienholders prior to docketing a judgment under the statute with the description of lienholders required to be served under GS 105-374(c) (regarding actions to foreclose tax liens). Further, explicitly requires 30 days' notice to all lienholders of record by the sheriff prior to the date of sale in the same manner as the taxpayer. Makes technical and clarifying changes. Makes language gender-neutral.

Makes a technical change to the proposed changes to GS 105-373, concerning settlements of tax collectors.

Makes conforming changes to the Part's effective date provisions.

Adds the following content.

Part IV.

Amends GS 10B-65 to validate notary acknowledgments performed before July 1, 2013 (was, December 1, 2005), that bear a notary seal. Specifies that the statute, which validates acts of notaries public in a number of specified instances, applies to notarial acts performed on or before April 1, 2021 (was, April 1, 2013). Makes additional clarifying changes.

Amends GS 10B-69 to deem a notarial certificate that was contained in a form issued by a State agency before April 1, 2021 (was, April 1, 2013), to be valid so long as the certificate complied with the law at the time the form was issued.

Amends GS 10B-71, which validates any acknowledgment taken and any instrument notarized by a person who after recommissioning failed to again take the oath as a notary public, to make the statute applicable to notarial acts performed on or after May 15, 2004, and before April 1, 2021 (was, April 1, 2013). Makes clarifying changes.

Amends GS 47-48 (clerks' and registers of deeds certificate failing to pass on all prior certificates), to make the statute applicable to all instruments recorded in any of the state's counties before April 1, 2021 (was, April 1, 2013). Makes clarifying changes. Makes language gender-neutral.

Amends GS 47-51 to provide that all deeds executed before April 1, 2021 (was, April 1, 2013), by an officer authorized to execute a deed by virtue of the office or appointment, in which the officer has omitted to affix a seal after the officer's signature, are not invalid on account of the omission of the seal. Makes clarifying changes. Makes language gender-neutral.

Amends GS 47-53, concerning validation when seals have been omitted in the execution of any deed, mortgage, or other instrument required to be registered, to make the statute applicable to acknowledgments, private examinations, or proofs taken before April 1, 2021 (was, April 1, 2013). Makes additional clarifying changes.

Amends GS 47-53.1, concerning the validation of an acknowledgment that lacks the required seal, to make the statute applicable to deeds and other instruments acknowledged before April 1, 2021 (was, April 1, 2013). Makes clarifying changes.

Amends GS 47-72 to provide that in all cases before April 1, 2021 (was, April 1, 2013), where a deed conveying lands purported to be executed by a corporation fails to include the corporate name, but the deed contains the required signatures and has been registered in the appropriate county, the defective execution is considered valid. Makes clarifying changes.

Amends GS 47-97, concerning the validation of a corporate deed when there is a mistake as to the officers' names, to apply to deeds executed before April 1, 2021 (was, April 1, 2013).

Amends GS 47-97.1, concerning the validation of deeds of a corporation that include an error in the acknowledgment or probate, to apply to cases where the deed was filed for registration before April 1, 2021 (was, April 1, 2013). Makes clarifying changes.

Amends GS 47-108.6, concerning the validation of certain conveyances of foreign dissolved corporations, to apply to cases before April 1, 2021 (was, April 1, 2013). Makes clarifying changes.

Amends GS 47-108.11, concerning the validation of recorded instruments where seals have been omitted, to make the statute applicable to instruments recorded or registered before April 1, 2021 (was, April 1, 2013). Makes additional clarifying changes.

Amends GS 47-108.20, concerning the validation of certain recorded instruments that were not acknowledged, to make the statute applicable to instruments recorded before April 1, 2021 (was, April 1, 2013). Makes conforming changes.

Repeals GS 10B-72, which validated any acknowledgment taken and any instrument notarized by a person who after recommissioning failed to again take the oath as a notary public if the act was performed on or after August 28, 2010, and before January 12, 2012.

Amends GS 47-2.2 to provide that if the proof or acknowledgment of any instrument is before a notary public of any state other than North Carolina and the instrument does not state, as part of the proof or acknowledgment or as part of the notary's seal (previously did not require that be a part of the proof or acknowledgment or a part of the seal), that the notary's commission does not expire or is a lifetime appointment, then the certificate of proof or acknowledgment must be accompanied by the certificate of the county official before whom the notary qualifies for office or of a state officer authorized to issue certificates regarding notary commission status, stating that the notary public was at the time the certificate bears date an acting notary public of such state, and that it is the notary's genuine signature. Makes clarifying changes. Makes language gender-neutral.

Amends GS 47-37.1 to deem a notarial certificate that complies with the provisions of Part 5 (Certificate Forms) of Article 2 of GS Chapter 10B a sufficient form of probate or acknowledgment for the purposes of GS Chapter 47 (Probate and Registration). Makes conforming and clarifying changes.

Effective October 1, 2021.

Part V.

Revises GS 41-56 regarding the creation of tenancy by the entirety in real property. Makes a clarifying change to refer to a grantor rather than an individual. Makes joinder of spouses subject to the provisions of GS 52-10.1, which governs separation agreements, rather than GS 52-11, which governs antenuptial contracts and torts. Makes technical and clarifying changes.

Revises the exemptions set forth in GS 41-75, exempting from the provisions governing joint tenancy of Article 6, accounts established under GS 41-2.1 (governs right of survivorship in bank deposits created by written agreement) or GS 41-2.2 (governing joint ownership of securities) to the extent the provisions are inconsistent with Article 6 (previously erroneously referenced statutes in GS Chapter 42, which provides landlord/tenant law).

Expands GS 47-18 to deem no rights of first refusal and rights of first offer valid to pass any property interest as against lien creditors or purchasers for valuable consideration from the donor, bargainor, or lessor except from the time of the right's or option's registration in the specified county (previously only specified land conveyances, contracts to convey, and options to convey). Makes technical changes.

Makes the following changes to GS 93A-12 regarding disputed monies in real property transactions. Adds a new provision defining an escrow agent to mean a licensed real estate broker, an attorney licensed to practice in the state, or a title insurance company or title insurance agent licensed to conduct business in the state. Makes changes throughout the statute to replace references to licensed real estate brokers and attorneys with "escrow agent," thereby expanding the statute by making the authorities and requirements regarding disputed monies applicable to title insurance companies or title insurance agents licensed to practice in the state. Makes technical changes.

Amends SL 2017-110 to revise the scope of the act to apply to instruments filed on or after August 31, 2018 (was, curative affidavits; SL 2017-110 provided for changes in correcting nonmaterial errors in recorded instruments of title, created a curative procedure for obvious description errors in title documents, and created a seven-year curative provision for certain defects in records title instruments).

Effective October 1, 2021.

Makes conforming changes to the act's long title and effective date provision.

Intro. by Edwards, Galey.

[GS 1, GS 10B, GS 41, GS 46A, GS 47, GS 93A, GS 105](#)

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Civil Procedure, Development, Land Use and Housing, Property and Housing, Government, Tax

S 198 (2021) [GSC GOOD FUNDS SETTLEMENT/COMM. RECEIVERSHIP](#). Filed Mar 8 2021, *AN ACT TO PROVIDE THAT A SETTLEMENT AGENT MAY DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LICENSED MORTGAGE LENDER, TO MAKE AMENDMENTS RELATING TO THE NORTH CAROLINA COMMERCIAL RECEIVERSHIP ACT, AND TO MAKE TECHNICAL CHANGES TO VARIOUS LAWS REGULATING FINANCIAL PRACTICES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

House committee substitute to the 1st edition makes the following changes.

Part II.

Further amends GS 1-507.24, regarding the appointment of receivers. Adds a new provision to specify that the filing of a civil action by a creditor or other party in interest under the statute for sole relief in the form of the appointment of a receiver does not waive or limit any rights or remedies the creditor or other party in interest has against the debtor or the debtor's property.

Part III.

Further amends GS 66-106, which sets forth defined terms for Article 20, Loan Brokers, to make technical changes. Additionally, eliminates the exception of mortgage loans from the Article's five exemptions described (previously updated the statutory cross-reference to define *mortgage loans*, as excepted).

Intro. by Edwards, Galey.

[GS 1, GS 45A, GS 46A, GS 53, GS 53C, GS 66](#)

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[Banking and Finance, Courts/Judiciary, Civil, Civil Law, Civil Procedure, Development, Land Use and Housing, Property and Housing](#)

S 594 (2021) [MEDICAID ADMIN. CHANGES & TECH. CORRECTIONS.-AB](#) Filed Apr 6 2021, *AN ACT MODIFYING CERTAIN MEDICAID-RELATED PROVISIONS OF THE 2020 COVID-19 RECOVERY ACT, UPDATING THE MEDICAID PROGRAM BENEFICIARY APPEALS PROCESSES, INCREASING THE AMOUNT OF ALLOWABLE THERAPEUTIC LEAVE UNDER THE MEDICAID PROGRAM, CLARIFYING THE CODIFICATION OF BEHAVIORAL HEALTH SERVICES COVERED BY STANDARD BENEFIT PLANS, AUTHORIZING COVERAGE OPTIONS FOR BEHAVIORAL HEALTH SERVICES FOR POPULATIONS NOT COVERED BY PREPAID HEALTH PLAN CONTRACTS, REVISING THE TRANSFER OF AREA AUTHORITY FUND BALANCES, REMOVING THE RATE FLOOR FOR DURABLE MEDICAL EQUIPMENT, AND MAKING VARIOUS TECHNICAL CORRECTIONS TO THE STATUTES GOVERNING THE NORTH CAROLINA MEDICAID PROGRAM.*

AN ACT MODIFYING CERTAIN MEDICAID-RELATED PROVISIONS OF THE 2020 COVID-19 RECOVERY ACT, UPDATING THE MEDICAID PROGRAM BENEFICIARY APPEALS PROCESSES, INCREASING THE AMOUNT OF ALLOWABLE THERAPEUTIC LEAVE UNDER THE MEDICAID PROGRAM, CLARIFYING THE CODIFICATION OF BEHAVIORAL HEALTH SERVICES COVERED BY STANDARD BENEFIT PLANS, AUTHORIZING COVERAGE OPTIONS FOR BEHAVIORAL HEALTH SERVICES FOR POPULATIONS NOT COVERED BY PREPAID HEALTH PLAN CONTRACTS, REVISING THE TRANSFER OF AREA AUTHORITY FUND BALANCES, REMOVING THE RATE FLOOR FOR DURABLE MEDICAL EQUIPMENT, AND MAKING VARIOUS TECHNICAL CORRECTIONS TO THE STATUTES GOVERNING THE NORTH CAROLINA MEDICAID PROGRAM. SL 2021-62. Enacted June 29, 2021. Effective June 29, 2021, except as otherwise provided.

Intro. by Krawiec, Burgin, Perry.

[GS 90](#), [GS 108A](#), [GS 108C](#), [GS 108D](#), [GS 122C](#), [GS 131E](#)

[View summary](#)

[Business and Commerce](#), [Occupational Licensing](#), [Government](#), [State Agencies](#), [Department of Health and Human Services](#), [Local Government](#), [Health and Human Services](#), [Health](#), [Health Care Facilities and Providers](#), [Health Insurance](#), [Mental Health](#), [Social Services](#), [Public Assistance](#)

S 693 (2021) [EXPEDITE CHILD SAFETY AND PERMANENCY](#). Filed Apr 7 2021, *AN ACT TO AMEND VARIOUS ABUSE, NEGLECT, AND DEPENDENCY LAWS TO ENSURE THE SAFETY OF CHILDREN IN OUT-OF-HOME PLACEMENTS AND EXPEDITE PERMANENCY PLANNING HEARINGS FOR CHILDREN WHO HAVE BEEN REMOVED FROM THE HOME; TO CLARIFY THE NONCARETAKER DEFINITION FOR THE RESPONSIBLE INDIVIDUALS LIST; TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, TO DEVELOP A PLAN TO IMPLEMENT A CENTRALIZED HOTLINE FOR CHILD WELFARE INTAKE; TO DEVELOP A PLAN TO INCREASE APPROPRIATE TREATMENT AND RESIDENTIAL SETTINGS; TO PROVIDE SAFE AND APPROPRIATE PLACEMENT FOR CHILDREN IN NEED OF BEHAVIORAL AND MENTAL HEALTH SERVICES; AND TO REQUIRE PUBLIC SCHOOLS TO PROVIDE STUDENTS WITH INFORMATION AND RESOURCES ON CHILD ABUSE AND NEGLECT, INCLUDING SEXUAL ABUSE.*

House committee substitute to the 2nd edition adds the following new content.

Part VI.

Amends GS 115C-12, which sets out the State Board of Education's (Board) powers and duties, by adding the duty to, in consultation with the Superintendent of Public Instruction, adopt a rule requiring information on child abuse and neglect, including age-appropriate information on sexual abuse, to be provided by public school units to students in grades 6-12. Specifies that the rule also applies to high schools under the control of UNC. Requires the information to be provided in a document given to students at the beginning of each school year and displayed in visible, high-traffic areas throughout each school. Sets out the minimum information that must be included.

Amends the following statutes and session law to require local boards of education, charter schools, regional schools, laboratory schools and renewal school systems to implement the rule addressing student awareness of child abuse and neglect adopted by the State Board pursuant to GS 115C-12(47): GS 115C-47; GS 115C-218.75; GS 115C-238.66; GS 116-239.8; and Section 6 of SL 2018-32. Enacts GS 116-69.2 and amends GS 116-235, charging the School of the Arts and the School of Science and Math with the same.

Changes the act's long title.

Intro. by Jarvis, Krawiec, Edwards.

GS 7B, GS 115C, GS 116

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Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Education, Elementary and Secondary Education, Government, State Agencies, UNC System, Department of Health and Human Services, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health

S 728 (2021) **PPT & AMP SPEAKER UNC BDS OF TRUSTEES APPTS.** Filed Jun 25 2021, *AN ACT TO MAKE APPOINTMENTS TO THE BOARDS OF TRUSTEES FOR THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.*

Senate amendment #1 to the first edition of the bill amends the bill as follows.

- (1) Adds the “III” suffix to Lonnie Poole’s name in Section 1.8,
- (2) Changes the reference to Forsyth County to Davidson County in Section 2.12, and
- (3) Adds a new section, Section 2.17, appointing William A. Priddy to the Board of Trustees of the University of North Carolina at Greensboro for a term beginning July 1, 2021, and ending June 30, 2025.

Intro. by Rabon.

UNCODIFIED

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Education, Higher Education, Government, State Agencies, UNC System

LOCAL/SENATE BILLS

S 150 (2021) **MORGANTON AMEN./BOATING FINE/HILDEBRAN ELECT. (NEW)** Filed Feb 24 2021, *AN ACT TO AMEND THE CHARTER OF THE CITY OF MORGANTON TO CLARIFY THE TIME PERIOD FOR FILLING VACANCIES IN THE OFFICE OF MAYOR AND PROVIDE THAT THE CITY MANAGER SHALL APPOINT THE CITY CLERK, TO UPDATE FINES FOR CERTAIN BOATING VIOLATIONS ON LAKE*

JAMES, AND TO PROVIDE THAT ELECTIONS FOR THE TOWN OF HILDEBRAN SHALL BE HELD IN EVEN-NUMBERED YEARS.

House committee substitute to the 1st edition adds the following content.

Amends SL 1963-502, which makes it a misdemeanor to operate motor boats in such manner as to be dangerous to others or create hazards to water safety in Lake James, as described in that act. Modifies the punishment for violations of that act, now providing for a fine of up to \$250 rather than \$50 or 30 days' imprisonment and specifies that a violation is a Class 3 misdemeanor. Effective December 1, 2021.

Amends the Charter of the Town of Hildebran, SL 1899-212, as amended, providing for regular municipal elections to be held in even-numbered years rather than odd-numbered years, beginning in 2024 and biennially thereafter, on the Tuesday following the first Monday in November in accordance with state uniform municipal election laws. Maintains that the election is nonpartisan and decided by simple plurality, now pursuant to a specified state law. Provides for staggered terms of municipal officers, with two commissioners elected to four-year terms in 2024, and the mayor and three commissioners elected to four-year terms in 2026. Makes conforming changes. Directs that regular municipal elections be held in the Town in 2021, with the mayor and three commissioners elected to serve five-year terms. Extends the terms of the two commissioners elected in 2019 by one year. Directs that the next regular municipal election be held in 2024.

Makes conforming changes to the act's titles.

Intro. by Daniel.

Burke, McDowell

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Elections

ACTIONS ON BILLS

PUBLIC BILLS

H 67: GSC TECHNICAL CORRECTIONS 2021.

Senate: Reptd Fav

H 68: GSC LICENSING BOARDS AND COMM'NS/RULE CRIMES.

Senate: Reptd Fav

H 103: AUTOMATIC RENEWAL OF CONTRACTS.

Senate: Reptd Fav

Senate: Re-ref Com On Rules and Operations of the Senate

H 218: STREAMLINE PERMITS/REDEVELOPMENT OF PROPERTY.

Senate: Reptd Fav

H 327: VARIOUS ADMINISTRATIVE LAW CHANGES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 366: REGULATORY REFORM ACT OF 2021.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 383: MEDICAID MODERNIZED HOSPITAL ASSESSMENTS.

House: Signed by Gov. 6/29/2021

House: Ch. SL 2021-61

H 404: IMMUNITY FOR 911 DISPATCHERS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 434: NORTH CAROLINA HEALING ARTS COMMISSION. (NEW)

House: Reptd Fav Com Substitute

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Re-ref to the Com on Health, if favorable, Rules, Calendar, and Operations of the House

H 453: HUMAN LIFE NONDISCRIMINATION ACT/NO EUGENICS. (NEW)

House: Withdrawn From Cal

House: Placed On Cal For 07/21/2021

H 735: MINIMUM CONTRACTS/COASTAL DREDGING SERVICES.

Senate: Reptd Fav

Senate: Re-ref Com On Rules and Operations of the Senate

H 792: BARBERS/ELECTROLYSIS BOARDS/MERGER.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 916: WASTEWATER ADVANCED TREATMENT UNITS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 971: HONOR MELANIE WADE GOODWIN, FORMER MEMBER.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

S 105: 2021 APPROPRIATIONS ACT.

House: Passed 1st Reading

House: Ref to the Com on Appropriations, if favorable, Finance, if favorable, Pensions and Retirement, if favorable, Rules, Calendar, and Operations of the House

S 126: CLEAN UP OBSOLETE BOARDS.

Senate: Failed Concur In H Com Sub

S 173: FREE THE SMILES ACT. (NEW)

Senate: Withdrawn From Com

Senate: Placed On Cal For 06/30/2021

S 188: BD. OF ARCHITECTS/INTERIOR DESIGNERS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 196: GSC SALE OF PROPERTY AMENDMENTS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Rules, Calendar, and Operations of the House

S 197: GSC TRUSTS & AMP ESTATES AMENDMENTS.

House: Reptd Fav

House: Re-ref Com On Rules, Calendar, and Operations of the House

S 198: GSC GOOD FUNDS SETTLEMENT/COMM. RECEIVERSHIP.

House: Reptd Fav Com Substitute

House: Re-ref Com On Rules, Calendar, and Operations of the House

S 208: LABOR LAW CHANGES.

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 450: VARIOUS EDUCATION CHANGES. (NEW)

Senate: Failed Concur In H Com Sub

S 474: SEPTAGE MANAGEMENT AMENDMENTS.

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 594: MEDICAID ADMIN. CHANGES & TECH. CORRECTIONS.-AB

Senate: Signed by Gov. 6/29/2021

Senate: Ch. SL 2021-62

S 605: NORTH CAROLINA FARM ACT OF 2021.

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 693: EXPEDITE CHILD SAFETY AND PERMANENCY.

House: Reptd Fav Com Substitute

House: Re-ref Com On Health

House: Withdrawn From Com

House: Re-ref Com On Rules, Calendar, and Operations of the House

House: Withdrawn From Com

House: Re-ref to the Com on Health, if favorable, Rules, Calendar, and Operations of the House

S 726: CONFIRM DAVE RICHARD/DIRECTOR HEALTH BENEFITS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 728: PPT & AMP SPEAKER UNC BDS OF TRUSTEES APPTS.

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received From Senate

House: Passed 1st Reading

House: Added to Calendar

House: Amend Adopted SA1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

LOCAL BILLS

H 236: AMEND ORANGE/CHATHAM COUNTY BOUNDARY LINE.

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

H 375: FRANKLINVILLE/LIBERTY/RAMSEUR/ANNEXATIONS.

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

S 41: REMOVE CERTAIN SATELLITE ANNEXATION CAPS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

S 74: TOWN OF CHAPEL HILL CHARTER/INVESTMENTS.

House: Reptd Fav

House: Re-ref Com On Rules, Calendar, and Operations of the House

S 150: MORGANTON AMEN./BOATING FINE/HILDEBRAN ELECT. (NEW)

House: Reptd Fav Com Substitute

House: Re-ref Com On Rules, Calendar, and Operations of the House

S 294: FAYETTEVILLE PWC/SMALL BUSINESS ENTERPRISE.

House: Reptd Fav

House: Re-ref Com On Rules, Calendar, and Operations of the House

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