



The Daily Bulletin: 2021-01-28

PUBLIC/HOUSE BILLS

H 25 (2021-2022) [IMPAIRED DRIVING LAW REVISIONS](#). Filed Jan 28 2021, *AN ACT TO REVISE THE DEFINITION OF THE TERM "OFFENSE INVOLVING IMPAIRED DRIVING" TO INCLUDE THE OFFENSE OF DRIVING WHILE LICENSE REVOKED FOR IMPAIRED DRIVING AND TO ADJUST HOW CERTAIN GROSSLY AGGRAVATING FACTORS ARE DETERMINED DURING A SENTENCING HEARING FOR IMPAIRED DRIVING.*

Amends GS 20-4.01 to include in the definition of *offense involving impaired driving* as it applies throughout GS Chapter 20, driving with a revoked license for impaired driving.

Amends GS 20-179, regarding determination of grossly aggravating factors at sentencing following conviction for impaired driving. Amends the grossly aggravating factors listed as follows, which are used to determine which level of punishment is required by law. Concerning driving with a revoked license at the time of the offense as a grossly aggravating factor, specifies that each revocation under GS 20-28(a1) in effect at the time of the offense for which the defendant is being sentenced is a separate grossly aggravating factor. Concerning serious injury to another person caused by the defendant's impaired driving at the time of the offense as a grossly aggravating factor, specifies that each person seriously injured by the defendant's impaired driving at the time of the offense is a separate grossly aggravating factor. Concerning driving while impaired with a minor, mentally impaired, or physical disabled person as a grossly aggravating factor, specifies that each person in the vehicle at the time of the offense is a separate grossly aggravating factor.

Applies to offenses committed on or after December 1, 2021. Provides a savings clause for prosecutions for offenses committed before the act becomes effective.

Intro. by Clampitt.

GS 20

[View summary](#)

Courts/Judiciary, Motor Vehicle, Criminal Justice, Corrections (Sentencing/Probation)

H 26 (2021-2022) [REVISE USE OF ALCOHOL CONCENTRATION RESULT](#). Filed Jan 28 2021, *AN ACT TO REDUCE THE NUMBER OF UNNECESSARY MOTIONS IN DISTRICT COURT BY ALLOWING THE JUDGE TO KNOW AND USE THE ALCOHOL CONCENTRATION RESULT OF AN ALCOHOL SCREENING TEST TO PROVE PROBABLE CAUSE FOR THE ARREST.*

Amends GS 20-16.3, concerning alcohol screening tests of drivers, which allows the fact that a driver showed a positive or negative alcohol concentration result, but not the actual alcohol concentration result, of an alcohol screening test or a driver's refusal to submit, to be used by a law enforcement officer, court, or administrative agency in determining if there are reasonable grounds for believing that the driver has committed an implied-consent offense and that the driver consumed alcohol, but not to prove a particular concentration. Under GS 20-16.2, any person who drives a vehicle on a highway or public vehicular area thereby gives consent to a chemical analysis if charged with an *implied-consent offense*, which is defined as an offense involving impaired driving, certain alcohol-related offenses, or offenses constituting misdemeanor death by vehicle.

Modifies the statute to allow the alcohol concentration result of an alcohol screening test or a driver's refusal to submit to be used by a law enforcement officer, court, or administrative agency in determining if there is *probable cause or reasonable grounds* for believing that the driver has committed an implied consent offense and that the driver has consumed alcohol, but not to prove a particular concentration. Also allows negative or low results on the alcohol screening tests (previously, negative results only) to be used in factually appropriate cases in determining whether a person's alleged impairment is caused by an impairing substance other than alcohol. Applies to offenses committed on or after October 1, 2021.

Intro. by Clampitt.

GS 20

[View summary](#)**Courts/Judiciary, Motor Vehicle, Criminal Justice, Criminal Law and Procedure**

H 27 (2021-2022) **IN-SERVICE TRAINING/MAGISTRATES**. Filed Jan 28 2021, *AN ACT TO ENSURE THAT ALL MAGISTRATES RECEIVE THE EDUCATION NECESSARY TO PERFORM THEIR JOBS*.

Amends GS 7A-171.2 to require an individual to now also have completed an annual in-service training in addition to the already required basic training course in order to be eligible for re-nomination as a magistrate.

Amends GS 7A-177 by removing requirements related to continuing education courses and instead requires magistrate to annually complete a course of in-service training (except for the calendar year in which the magistrate completes the course of basic training). The course must be satisfactorily completed and consists of at least 12 hours in a magistrate's civil and criminal duties, including, but not limited to, five specified topics. The Administrative Office of the Courts (AOC) is authorized to conduct the training or may contract with the UNC School of Government or any other qualified educational organization to do so. Requires AOC to adopt policies to implement these requirements.

Effective January 1, 2022.

Intro. by Clampitt.

GS 7A

[View summary](#)**Courts/Judiciary, Court System, Education, Higher Education**

H 28 (2021-2022) **NOTARY PUBLIC/NONCITIZENS**. Filed Jan 28 2021, *AN ACT TO CLARIFY THE MEANING OF "RESIDE LEGALLY" AS USED IN THE NOTARY PUBLIC STATUTES*.

Amends GS 10B-3 by adding and defining the term *reside legally*, as it applies to GS Chapter 10B (notaries), as: (1) a US citizen; (2) an immigrant lawfully admitted for permanent residence as defined in specified federal law; or (3) a nonimmigrant who entered the US with permission under nonimmigrant status and is currently authorized to work in the US.

Intro. by Cleveland, Warren, Clampitt.

GS 10B

[View summary](#)**Courts/Judiciary, Civil, Immigration**

H 29 (2021-2022) **VERIFICATION OF IMMIGRATION STATUS - SAVE**. Filed Jan 28 2021, *AN ACT TO REQUIRE THAT ALL STATE AGENCIES, STATE AGENCY LICENSING BOARDS, AND OCCUPATIONAL LICENSING BOARDS VERIFY THE IMMIGRATION STATUS OF APPLICANTS FOR PUBLIC BENEFITS AND USE THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE) TO OBTAIN THAT VERIFICATION*.

Includes whereas clauses.

Enacts new GS Chapter 64A (Verification of Eligibility for Receipt of Public Benefits). Adopts definitions of *alien* and *public benefit* from federal law. Beginning January 1, 2022, prohibits state agencies, occupational licensing boards, and state agency licensing boards from providing a public benefit to any applicant prior to verifying that person's immigration status, or to persons not meeting certain criteria once their status has been verified. Requires the agencies and boards to enter into a memorandum of agreement or computer matching agreement with the Department of Homeland Security to use the Systematic Alien Verification for Entitlements (SAVE) Program to verify applicants' immigration status. Mandates annual reporting, starting December 1, 2021, by each agency and board to the specified NCGA committee regarding the implementation of these requirements. Creates a right of private enforcement by any resident of North Carolina who has reason to believe a state agency, occupational licensing board or state licensing board is not in compliance with this Chapter. Provides that private enforcement is to be filed as an action for declaratory and injunctive relief in the superior court. Authorizes a court to award

the prevailing party reasonable attorneys' fees and costs, and to impose a civil penalty against any agency or board not in compliance with any order issued as a result of a private enforcement action up to \$10,000 per day for each day not in compliance with the court's order.

Intro. by Cleveland, Warren, Yarborough, Clampitt.

GS 64A

[View summary](#)

Business and Commerce, Occupational Licensing, Government, State Agencies, Health and Human Services, Health, Health Care Facilities and Providers, Social Services, Public Assistance, Immigration

H 31 (2021-2022) [DETECTED HEARTBEAT/PROHIBIT ABORTION](#). Filed Jan 28 2021, *AN ACT TO PROHIBIT, UNLESS THERE IS A MEDICAL EMERGENCY, AN ABORTION FROM BEING PERFORMED AFTER THE UNBORN CHILD IS DETERMINED TO HAVE A DETECTABLE HUMAN HEARTBEAT.*

Amends GS 14-45.1 to deem advising, procuring, or causing a miscarriage or abortion prior to a determination by a qualified physician licensed in the State that the unborn child has a detectable human heartbeat not unlawful if performed by a qualified physician licensed in the State or clinic certified by the Department of Health and Human Services to be a suitable facility (previously, deemed not unlawful during the first 20 weeks of a woman's pregnancy). Defines *detectable human heartbeat* as embryonic or fetal cardiac activity or the steady and repetitive rhythmic contraction of the heart within the gestational sac. Makes conforming changes to deem such acts not unlawful after the described determination if there is a medical emergency. Makes further conforming changes regarding required recordkeeping. Makes organizational changes. Applies to miscarriages or abortions caused or procured on or after December 1, 2021.

Intro. by Kidwell, Hanig, Cleveland, C. Smith.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Health and Human Services, Health, Health Care Facilities and Providers

H 32 (2021-2022) [EQUITY IN OPPORTUNITY ACT](#). Filed Jan 28 2021, *AN ACT TO ENACT THE EQUITY IN OPPORTUNITY ACT.*

Part I.

Amends the definition of *eligible students*, as it applies to opportunity scholarship grants, set out in GS 115C-562.1 to include a student residing in the State who is eligible to enter kindergarten, first grade, or second grade under Article 25 of the Chapter (previously, this particular eligibility criteria was limited to students entering either prekindergarten or the first grade). Adds that a child who is four on or before April 16 is eligible to attend the following school year with the respective principal (or the equivalent) submitting findings of the student satisfying the specified requirements with the child's application to the State Education Assistance Authority (Authority). Applies beginning with applications for scholarship funds for the spring semester of the 2021-22 school year.

Establishes additional eligibility criteria to receive scholarships for 2021-22, deeming students eligible who meet the following criteria: (1) enrollment in a NC public school or a Department of Defense school located in NC for the fall semester of the 2019-20 school year; (2) enrollment in a nonpublic school that meets specified state law requirements for the spring semester of the 2019-20 school year and the entire 2020-21 school year; (3) meets the eligibility requirements of GS 115C-562.1(3)a1. (has not enrolled in a postsecondary institution in a matriculated status eligible for enrollment for 12 hours of academic credit) or b. (resides in a household with an income level not in excess of 133% of the amount required for the student to qualify for the federal free or reduced-price lunch program); and (4) submits an application for the 2021-22 school year. Mandates students deemed eligible solely by this provision be given first priority in scholarship awards in the same manner as those previously awarded scholarships.

Amends GS 115C-562.1 to expand the statutory eligibility criteria for eligible students for scholarships to include a child residing in the State who was enrolled in a nonpublic school that meets specified state law the spring semester prior to the school year for which the student is applying, and was enrolled for the fall semester prior to the spring semester in a public school or Department of Defense school in NC.

Amends GS 115C-562.2, modifying the scholarship grant cap (per year, per eligible student) to an amount equal to 70% of the average State per pupil allocation in the prior fiscal year (was, \$4,200).

Amends GS 115C-562.3 to require the Department of Public Instruction (DPI) to provide the Authority with public school enrollment information needed for determining eligibility under the established criteria. Also requires DPI to annually provide the Authority the average per pupil allocation for that fiscal year to determine the scholarship grant cap in the following fiscal year.

Makes the above provisions applicable beginning with the applications for scholarships for the 2022-23 school year.

Further amends GS 115C-562.2, as amended, increasing the scholarship grant cap from 70% to 80% of the average State per pupil allocation in the prior fiscal year. Applies beginning with applications for scholarship funds for the 2023-24 school year.

Amends GS 115C-562.8, which governs the Opportunity Scholarship Grant Fund Reserve. Restricts the Authority from expending funds that are carried forward for a fiscal year until the funds from the prior year appropriation to be used to award scholarships are expended. Adds a provision allowing for unexpended funds from funds carried forward for one fiscal year to be used to contract with a nonprofit corporation for outreach, education, and application assistance for parents and students, up to \$500,000. Requires any remaining funds to revert to the General Fund (previously, all funds carried forward that have not been spent within one fiscal year revert to the General Fund). Makes conforming changes. Effective June 30, 2021.

Enacts GS 115C-567.1 to authorize the Authority to contract with a nonprofit corporation representing parents and families for outreach, education, program promotion, and application assistance for parents and students regarding the scholarship programs for eligible students. Details requirements of potential contractors, including complying with lobbying limitations. Provides for the contracting process and terms of the contract, including confidentiality requirements. Provides for the Authority sharing certain contact information of parents during the contract, with an opt-out option for parents.

Amends GS 115C-562.8, modifying the amount of funds the Authority is authorized to use of its State appropriated funding for administrative costs of the scholarship grant program, now authorizing the Authority to retain 2.5% of funds appropriated, rather than the lesser of up to 4% of the funds appropriated or \$1.5 million each fiscal year.

Part II.

Amends Article 41 of GS Chapter 115C as follows. Renames the North Carolina Personal Education Savings Accounts Program as the North Carolina Personal Education Student Accounts for Children with Disabilities Program. Defines eligible students as a student residing in State who has not yet received a high school diploma and who: (1) is eligible to attend a North Carolina public school under Article 25 of GS Chapter 115C (was, under GS 115C-336) and specifies that a child who is four years old on or before April 16 is eligible to attend the following school year if the principal of the school where the child seeks to enroll finds that the student meets the requirements of GS 115C-364(d) (concerning enrollment of gifted and mature four year olds in kindergarten) and submits those findings with the child's application; (2) has not been enrolled in a postsecondary institution as a full time student taking at least 12 hours of credit; (3) is a child with a disability; and (4) has not been placed in a nonpublic school or facility by a public agency at public expense. Defines child with a disability as one who (1) meets the definition in GS 115C-106.3(1); and/or (2) was enrolled in a public school during the previous semester and was provided a section 504 plan by the public school. Amends the definition of Personal Education Savings Account (now, Personal Education Student Account) to provide that they are electronic accounts (was, bank account) holding scholarship funds.

Requires that the scholarships be awarded for applications received by March 1 of each year (removes the requirement that the recipients be selected beginning March 15). Changes the amount of the scholarship which was \$9,000 per eligible student, to the following. Sets the scholarship in an amount per year per eligible student, of up to the sum of the following from the prior fiscal year: the State allocation per funded child with disabilities plus 85% of the average State per pupil allocation, except for the allocation for children with disabilities, for the school year for which the application is received. Sets out an amended formula for part-time students. Requires funds remaining on a debit card or in an electronic account at the end of a school year to be returned to the Authority. Adds a new provision awarding an eligible student with a scholarship of up to \$17,000 for each

school year if the student has one or more of the following as a primary or secondary disability at the time of application: autism; hearing impairment; moderate or severe intellectual or developmental disability; multiple, permanent orthopedic impairments; or visual impairment (makes a conforming repeal of special education scholarship program for children with disabilities in Part IH of Article 9 of GS Chapter 115C). Allows students qualifying for these funds to carry forward no more than \$4,500 of funds remaining on a debit card or electronic account at the end of the school year upon renewal of the account.

Makes changes throughout that conform with the repeal of Part IH of Article 9 of GS Chapter 115C, which is effective July 1, 2022.

Limits the use of the scholarship funds to tuition and qualifying education expenses (as defined in GS 115C-595). Now distributes the funds each semester instead of quarterly; makes conforming changes. Requires that parents receive a debit card or electronic account at the beginning of the school year instead of fiscal year.

Amends GS 115C-593 by adding that when a student has a section 504 plan, the local education agency must assess if the student continues to be a child with a disability and verify the outcome on a form provided to the Authority.

Amends GS 115C-594 by no longer requiring the verification of 6% of applications annually. Adds a requirement that the Department of Public Instruction annually, by December 1, provide the Authority the State allocation per funded with disabilities and the average State per pupil allocation for that fiscal year in order to determine the maximum scholarship amount.

Amends GS 115C-595 as follows. Adds transaction or merchant fees not to exceed 2.5% of the cost of the item or service to the allowable use of the scholarship funds. Sets out the procedure under which the Authority disburses funds for tuition to the school and sets out conditions under which reimbursement of tuition is allowed.

Amends GS 115C-597 to require the Authority to provide scholarship recipients with the annual list of defined educational technology for which scholarship funds can be used. Deletes the provision allowing the Authority to retain the specified amount for administrative costs (conforms to change made new GS 115C-600, see below).

Enacts new GS 115C-599 requiring the State Board to ensure that local education agencies: (1) timely conduct evaluations requested by a child's parent or guardian of suspected children with disabilities; and (2) provide assessments for continuing eligibility to identified children with disabilities receiving scholarship funds at the request of the parent or guardian. Requires the Authority, in conjunction with the Department of Public Instruction, to annually analyze past trends in scholarship data to ensure that the amount of funds transferred each fiscal year for reevaluations by local school administrative units of eligible students are sufficient and based on actual cost.

Enacts new GS 115C-600 establishing the Personal Education Student Account Fund Reserve (Reserve) to be administered by the UNC Board of Governors (BOG) for the purpose of allocating funds to the Authority for awarding scholarships under this article. The Reserve consists of appropriations from the General Fund and any accrued interest. Requires the funds to be used in the fiscal year following the fiscal year in which the funds were appropriated to the Reserve: (1) to award scholarship funds to eligible students for the school year that begins in the fiscal year following the fiscal year in which the funds were appropriated; (2) for administrative costs; and (3) for reevaluations by local school administrative units of eligible students. Funds that are unexpended at the end of the fiscal year following the fiscal year in which the funds were appropriated are carried forward for one fiscal year. Appropriates \$17,043,166 from the General Fund to the BOG for the scholarship program for 2022-23 and increases the appropriated amount by \$1 million each fiscal year until 2031-2032 (at that time and each fiscal year thereafter the amount of the appropriation is set at \$26,043,166). Allows the Authority to retain up to 4% of the funds allocated to the Authority to award scholarships, to be used for administrative costs.

States the General Assembly's intent to move the Special Education Scholarships for Children with Disabilities and the Personal Education Savings Account program funding, in addition to any other funds appropriated by the General Assembly for the Personal Education Student Accounts for Children with Disabilities Program, into the Personal Education Student Account Fund Reserve.

Appropriates \$16,043,166 in nonrecurring funds for 2021-22 from the General Fund to the Personal Education Student Account Fund Reserve for awarding scholarship funds to students and administration of the Personal Education Student Accounts for Children with Disabilities Program for the 2022-23 school year.

Gives priority in awarding a scholarship for the 2022-23 school year to a student who was awarded scholarship funds for a PESA under Article 41 of GS Chapter 115C for the 2021-22 school year or a student who received a scholarship under Part 1H of Article 9 of GS Chapter 115C for the 2021-22 school year, if the student applies by March 1, 2022.

The above provisions become effective July 1, 2021, and apply to applications for scholarship funds beginning with the 2022-23 school year.

Provides that beginning with the 2022-23 fiscal year, of the funds appropriated from the General Fund to the BOG, the sum of (1) \$13,043,166 in recurring funds for the Special Education Scholarship Program for Children with Disabilities established pursuant to Part 1H of Article 9 of GS Chapter 115C and (2) \$3 million in recurring funds for the Personal Education Savings Account program must instead be appropriated to the Personal Education Student Account Fund Reserve. Amends GS 115C-555(4), GS 115C-567.1(a), and Section 5(b) of SL 2013-364, as amended, to conform to the repeal of Part 1H of Article 9 of GS Chapter 115C. Effective July 1, 2022.

Makes conforming changes to GS 105-153.5(b)(12), concerning deduction from income tax the amount deposited to a personal education student account. Applies to taxable years beginning on or after January 1, 2022.

Part III.

Amends GS 153A-149 to authorize counties to levy property taxes for the purpose of providing supplemental funds for K-12 students for educational purposes set forth in new GS 153A-60.

Enacts GS 153A-60, authorizing counties to appropriate funds to provide, per fiscal year, up to \$1,000 per resident child who has received a scholarship grant from the State and is enrolled in a nonpublic school located within the county for the school year, as a supplement to the scholarship funds provided by the State. Limits the supplement to State scholarship funds awarded by programs under the following: Part 1H of Article 9 (special education scholarships for children with disabilities); Part 2A of Article 39 (nonpublic school scholarship grants); and Article 41 (personal education savings accounts). Provides for county determination of the amount of funds to appropriate based on the number of resident children who received scholarship grants for the immediately preceding school year. Requires requesting de-identified data from the Authority. Directs counties to remit the appropriated funds to the Authority for expenditure, with the Authority acting as the fiscal agent for the county for disbursement to eligible students. Amends GS 115C-112.6, GS 115C-562.2, and GS 115C-592 to provide for the supplemental county scholarships' requirements and disbursement under each scholarship program, including requiring the SEAA to return any unused funds at the end of each fiscal year to the respective county and authorizing the SEAA to adopt rules for the disbursement of funds.

Provides for the above changes beginning with county budget ordinances adopted for the 2021-22 fiscal year that provide funds for students receiving scholarship funds for the 2021-22 school year.

Amends new GS 153A-460, effective July 1, 2022, to no longer include special education scholarship recipients under Part 1H of Article 9 of GS Chapter 115C (conforms to the repeal in Part II of this act) as eligible children to receive county supplemental K-12 scholarships. Makes conforming changes.

Intro. by Arp, Blackwell, Lambeth, Saine.

[GS 105, GS 115C, GS 153A](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, UNC System, Department of Public Instruction, Tax, Local Government](#)

H 33 (2021-2022) [BROADEN APPLICABILITY OF DV STATUTES](#). Filed Jan 28 2021, *AN ACT TO BROADEN THE APPLICABILITY OF VARIOUS DOMESTIC VIOLENCE STATUTES*.

Amends GS 50B-1, which defines *domestic violence* to mean the commission of one or more of the specified acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, not including acts of self defense. Modifies the criteria given for the term *personal relationship* to include a relationship wherein the parties involved are persons who are or have been in a dating relationship (previously, limited to persons of the opposite sex who are or have been in a dating relationship).

Intro. by Warren, Moffitt, Zachary.

GS 50B

[View summary](#)**Courts/Judiciary, Civil, Family Law, Criminal Justice,
Criminal Law and Procedure**

H 34 (2021-2022) **REMOVE JUDICIAL AGE LIMIT**. Filed Jan 28 2021, *AN ACT TO REMOVE THE AGE LIMIT FOR JUSTICES AND JUDGES OF THE GENERAL COURT OF JUSTICE AND MAGISTRATES.*

Repeals GS 7A-4.20, which restricts justices and judges from serving beyond the last month of the justice or judge's seventy-second birthday, with limited exceptions for recalls for temporary service. Makes conforming changes to eliminate references to the mandatory retirement age specified in GS 7A-4.20, as repealed, in the following statutes concerning the commission of emergency justices or judges and recalls of retired or emergency justices or judges: GS 7A-39.3; GS 7A-39.6; GS 7A-39.14; GS 7A-39.15; GS 7A-45.2; 7A-45.3; 7A-52; 7A-53; and 7A-170. Makes conforming repeals to the following: GS 7A-39.13 (*Recall of active and emergency justices and judges who have reached mandatory retirement age*); GS 7A-57 (*Recall of active and emergency trial judges who have reached mandatory retirement age*); GS 135-57(b) (concerning automatic retirement of justice and judge members of the Teachers' and State Employees' Retirement System once the statutory mandatory retirement age is reached). Makes technical and clarifying changes, as well as further conforming changes, throughout the statutes identified. Makes statutory language gender neutral throughout the statutes identified. Clarifies that the act does not invalidate retirement applications submitted prior to the act's effective date.

Intro. by Warren, C. Smith, Moffitt, Zachary.

GS 7A, GS 135

[View summary](#)**Courts/Judiciary, Employment and Retirement, Government,
State Government, State Personnel**

PUBLIC/SENATE BILLS

S 26 (2021-2022) **CLARIFY TERMINAL GROIN DEFINITION**. Filed Jan 28 2021, *AN ACT TO CLARIFY THAT A TERMINAL GROIN IS NOT AN EROSION CONTROL STRUCTURE AND THEREFORE IS NOT SUBJECT TO LIMITATIONS ON THOSE STRUCTURES.*

Amends GS 113A-115.1, which regulates erosion control structures, to specify that *erosion control structure* does not include a jetty that is a terminal groin or a portion of a terminal groin, as those terms are defined. Makes technical changes.

Intro. by Steinburg, Lazzara.

GS 113A

[View summary](#)**Development, Land Use and Housing, Building and
Construction, Environment, Environment/Natural Resources**

S 27 (2021-2022) **AGRICULTURAL MANUFACTURING TAX INCENTIVE**. Filed Jan 28 2021, *AN ACT TO INCENTIVIZE AGRICULTURAL MANUFACTURING IN NORTH CAROLINA.*

Reenacts Article 3J, Tax Credits for Growing Businesses, of GS Chapter 105 as it existed immediately before its repeal on January 1, 2014, except for GS 105-129.80, GS 105-129.82, GS 105-129.87, GS 105-129.88, and GS 105-129.90. Retitles the Article as Tax Credits for Agrimanufacturing.

Adds to the defined terms set forth in GS 105-129.81. Defines *agrimanufacturing* to mean the subset of manufacturing that processes raw materials and intermediate products derived from the agricultural sector to make them usable as food, feed, fiber, fuel, or industrial raw material. Defines *qualifying agrimanufacturer* to mean a taxpayer primarily engaged in agrimanufacturing at one or more locations for which the Secretary of Commerce has made a written determination of the

amount of private funds that has been invested by the taxpayer on or after January 1, 2021, and that amount is in excess of \$1.5 million, excluding investments in real or business property prior to January 1, 2021. Deletes the following terms: agrarian growth zone, air courier services, aircraft maintenance and repair, company headquarters, customer service call center, electronic shopping and mail order houses, establishment, hub, information technology and services, motorsports facility, motorsports racing team, port enhancement zone, research and development, urban progress zone, warehousing, and wholesale trade.

Modifies GS 105-129.83 to now provide for a tax credit with respect to activities occurring at an establishment whose primary activity is agrimanufacturing (previously, enumerated several types of businesses covered under the Article's credit).

Eliminates provisions restricting company headquarters's eligibility under the Article. Limits the credit to development tier two areas (was tier two and tier three areas) so long as the taxpayer meets the wage standard, and to development tier one areas without having to meet the wage standard. Establishes that jobs in a development tier two area satisfy the wage standard if they pay an average weekly wage that is equal to 90 percent of the lesser of the average wage for all insured private employers in the State and the average wage for all insured private employers in the county (previously the standard for certain businesses in a development tier one area). Maintains the eligibility requirements for the taxpayer to provide health insurance for all of the full-time jobs established with respect to the credit claimed. Now specifies that the taxpayer provides health insurance if it pays at least 50% of the premiums for health insurance coverage that equals or exceeds the minimum requirements for small group benefit plans under State or federal law. Eliminates provisions regarding credit installments or carry forward credits.

Establishes that a taxpayer forfeits a credit if the taxpayer fails to timely create the number of required new jobs or required level of investment (was limited to forfeiture for investment in real property under GS 105-129.89, as repealed). Makes further conforming changes.

Makes conforming changes to GS 105-129.84 to provide for the credits allowed under the Article against income taxes levied under Article 4 only, and to eliminate provisions regarding carry forwards of credit. Makes conforming changes to GS 105-129.85 and GS 105-129.86, concerning fees and reports, and substantiation, respectively.

Enacts GS 105-129.90, establishing the credit for agrimanufacturing, upon satisfaction of the eligibility requirements set out in GS 105-129.83, to be the qualifying agrimanufacturer's cumulative amount of income taxes for the taxable year for a number of years, based on the job creation and investment threshold requirements in a development tier one or tier two area during the taxable year, with a three-year credit for 25 jobs and \$1.5 million investment threshold, a five-year credit for 50 jobs and \$2.5 million threshold, and a ten-year credit for 100 jobs and \$5 million threshold. Provides detailed provisions regarding job threshold and investment threshold calculation, providing for situations where a taxpayer creates new jobs at more than one eligible establishment; job location qualification; ineligibility of transferred jobs in the calculation; and qualifications of business or real property under the credit.

Effective for taxable years beginning on or after January 1, 2021.

Intro. by Burgin.

[GS 105](#)

[View summary](#)

[Agriculture, Business and Commerce, Government, Tax](#)

LOCAL/HOUSE BILLS

H 23 (2021-2022) [UTV REGULATION/TOWN OF SPENCER](#). Filed Jan 27 2021, *AN ACT TO ALLOW THE TOWN OF SPENCER TO REGULATE UTILITY VEHICLES*.

Amends Section 1 of SL 2003-124, as amended, to include Spencer in the towns explicitly authorized to regulate the operation of utility vehicles on any public street or road within the town, including requiring registration of utility vehicles, specifying the persons authorized to operate utility vehicles, and specifying required equipment, load limits, and the hours and methods of operation of utility vehicles. Requires regulation by ordinance.

Intro. by Warren.

[Rowan](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Transportation](#)

H 24 (2021-2022) [STANLEY/REMOVE SATELLITE ANNEXATION CAP](#). Filed Jan 27 2021, *AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF STANLEY*.

Amends GS 160A-58.1 as the title indicates.

Intro. by Torbett.

Gaston, GS 160A

[View summary](#)

H 30 (2021-2022) [TOWN OF SOUTHERN SHORES/EMINENT DOMAIN](#). Filed Jan 28 2021, *AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS*.

Amends GS 40A-3 to include the Town of Southern Shores among those counties and towns granted the power of eminent domain for 10 specified public use or benefit purposes, including (1) improving roads and sidewalks, (2) establishing or improving recreational facilities, (3) establishing drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels, and improving drainage facilities, and (4) engaging in building and improving beach erosion control or flood and hurricane protection works. Explicitly excludes the power to establish access for the public to public trust beaches and appurtenant parking areas.

Amends GS 40A-42 to include the Town of Southern Shores among those named local public condemnors to which title to the property specified in a complaint, together with the right of possession, vest in the condemnor upon the filing of the complaint and the making of deposit, when the Town acquires property by condemnation for four specified purposes, including (1) improving roads and sidewalks; (2) improving storm sewer and drainage systems and works, or sewer and septic tank lines and systems; (3) establishing drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels, and improving drainage facilities; and (4) engaging in building and improving beach erosion control or flood and hurricane protection works.

Intro. by Hanig.

Dare

[View summary](#)

**Development, Land Use and Housing, Environment,
Environment/Natural Resources**

H 35 (2021-2022) [VARIOUS COUNTY PUBLIC NOTICES](#). Filed Jan 28 2021, *AN ACT ALLOWING LOCAL GOVERNMENTS IN THE COUNTIES OF CABARRUS, CATAWBA, CURRITUCK, DAVIDSON, FORSYTH, HAYWOOD, JACKSON, MONTGOMERY, RICHMOND, ROCKINGHAM, ROWAN, RUTHERFORD, STANLY, AND SWAIN TO PUBLISH PUBLIC NOTICES ELECTRONICALLY ON THE COUNTY-MAINTAINED WEB SITE AND TO SET REASONABLE FEES TO COVER THE COST OF PROVIDING ELECTRONIC NOTICE*.

Limits the scope of the act to the following counties only: Cabarrus, Catawba, Currituck, Davidson, Forsyth, Haywood, Jackson, Montgomery, Richmond, Rockingham, Rowan, Rutherford, Stanly, and Swain.

Section 1

Adds the following new provisions to GS 153A-52, concerning conduct of public hearings. Authorizes governing boards to adopt ordinances to provide that any notice the county is required to publish or advertise, by state law or local act, can be published electronically pursuant to the statute's new provisions in lieu of or in addition to the required publication or advertisement. Defines *governing board* to mean the body elected or appointed as the board of county commissioners, city council, or county board of elections. Allows for the ordinances to cover all required publications or advertisements, or to clearly identify categories of notices, and to set reasonable fees to cover electronic notice costs. Details requirements for

adopting such ordinances and using electronic notice, including instructions for the public to access electronic notices, time and content requirements for electronic notices, filing requirements of copies of electronic notices, and requirements for mailing or emailing electronic notices to persons who file written requests, as specified. Specifies that the act does not supersede laws or acts requiring mailed notice to certain persons or classes of persons, or posting of signs to certain property. Specifies that ordinances can govern notice given by any board appointed by the governing board, including the planning board, board of social services, and board of health. Limits the scope of the statute to the counties of Cabarrus, Catawba, Currituck, Davidson, Forsyth, Haywood, Jackson, Montgomery, Richmond, Rockingham, Rowan, Rutherford, Stanly, and Swain, and any municipality located wholly or in part in one of those counties.

Amends GS 160A-1 (sets forth definitions used in GS Chapter 160A, governing cities and towns), GS 153A-1 (sets forth definitions used in GS Chapter 153A, governing counties), and GS 159-1(b) (sets forth definitions used in GS 159, governing local government finance), to include electronic notice, as provided for in amended GS 153A-52, in the definition provided for *publish*, *publication*, and other forms of the word *publish*, so long as an ordinance has been adopted by the relevant governing board.

Amends GS 163-33, authorizing county boards of elections to adopt a policy pursuant to GS 153A-52, as amended, to provide for notices, advertisements, and publications to be given electronically.

Specifies that Section 1 only applies to the counties of Cabarrus, Catawba, Currituck, Davidson, Forsyth, Haywood, Jackson, Montgomery, Richmond, Rockingham, Rowan, Rutherford, Stanly, and Swain, and any municipality located wholly or in part in one of those counties, and applies to notices published on or after the date the act becomes law.

Section 2

Enacts new GS 1-602 allowing publishing of any notice permitted or required to be published in a newspaper, by instead contracting with a county who has adopted an ordinance authorizing the county to publish such notices on a website maintained by the county. Allows the board of commissions to adopt such an ordinance if the county: (1) maintains its own website, with sufficient staff to maintain that site; (2) has sufficient staff to complete affidavits as needed for all legal notices as required by this statute; (3) collects and remits fees as authorized in this statute; and (4) provides notice that public notices may be published on the county website, in a newspaper, or via both. Provides that when a county has published a notice or any other paper, document, or legal advertisement and a county employee makes a written statement under oath stating that the county placed such notice, paper, document, or legal advertisement on its website, the sworn written statement must be received in all courts in North Carolina as prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its Web site for the stated period of time. Requires that such a sworn statement that is filed with that county's superior court clerk, be deemed to be a record of the court and be prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its website for the stated period of time. Allows the county to charge fees for administrative costs. Provides that when a statute or written instrument stipulates that an advertisement of a sale must be made for a specified number of weeks, publication on the county website in accordance with this statute for that specified period is sufficient compliance. Requires any newspaper publishing public notices to provide notice that public notices may be published on the county website, in the newspaper, or via both. Specifies that this statute does not require a county to adopt an ordinance authorizing the county to publish notices on a website maintained by the county.

Specifies that Section 2 applies only to the counties of Cabarrus, Catawba, Currituck, Davidson, Forsyth, Haywood, Jackson, Montgomery, Richmond, Rockingham, Rowan, Rutherford, Stanly, and Swain.

Intro. by Warren, Adams, Hanig.

[Cabarrus, Catawba, Currituck, Davidson, Forsyth, Haywood, Jackson, Montgomery, Richmond, Rockingham, Rowan, Rutherford, Stanly, Swain, GS 1, GS 153A, GS 159, GS 160A, GS 163](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure, Government, Elections, Local Government](#)

LOCAL/SENATE BILLS

S 21 (2021-2022) [24TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Jan 28 2021, *AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Gale.

[Alamance, Guilford](#)

[View summary](#)

S 22 (2021-2022) [6TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Jan 28 2021, *AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Lazzara.

[Durham, Granville, Person](#)

[View summary](#)

S 23 (2021-2022) [44TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Jan 28 2021, *AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Alexander.

[Chatham, Orange](#)

[View summary](#)

S 24 (2021-2022) [25TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Jan 28 2021, *AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by McInnis.

[Anson, Moore, Richmond, Scotland](#)

[View summary](#)

S 25 (2021-2022) [33RD SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Jan 28 2021, *AN ACT RELATING TO THE 33RD SENATORIAL DISTRICT*.

Blank bill.

Intro. by Ford.

[Rowan, Stanly](#)

[View summary](#)

S 28 (2021-2022) [2ND SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Jan 28 2021, *AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT*.

Blank bill.

Intro. by Sanderson.

[Carteret, Craven, Pamlico](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 2: BOTTLENOSE DOLPHIN AS STATE MARINE MAMMAL.

House: Passed 1st Reading

House: Ref to the Com on State Government, if favorable, Marine Resources and Aqua Culture, if favorable, Rules, Calendar, and Operations of the House

H 4: EXTEND ABC PERMIT RENEWAL FEE DEFERRAL.

House: Passed 1st Reading

House: Ref to the Com on Alcoholic Beverage Control, if favorable, Rules, Calendar, and Operations of the House

H 5: \$15/HOUR MIN. PAY FOR NONCERT. SCH. EMPLOYEES.

House: Passed 1st Reading

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

H 6: ECU BRODY SCHOOL OF MEDICINE FUNDS.

House: Passed 1st Reading

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

H 7: PROTECT CITY EMPLOYEES FROM RETALIATION.

House: Passed 1st Reading

House: Ref to the Com on Local Government, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

H 8: NC ADOPT ERA.

House: Passed 1st Reading

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

H 9: ECU BRODY SCHOOL OF MEDICINE FUNDS.

House: Passed 1st Reading

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

H 11: REGULATE ALCOHOL CONSUMABLES.

House: Passed 1st Reading

House: Ref to the Com on Alcoholic Beverage Control, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

H 13: STATE SEARCH AND RESCUE FUNDING.

House: Passed 1st Reading

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

H 14: FOOD BANK OF CENTRAL & AMP EASTERN NC FUNDS.

House: Passed 1st Reading

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

H 15: FORT FISHER STATE HISTORIC SITE/FUNDS.

House: Passed 1st Reading

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

H 16: SEA-TECH CIHS/FUNDS.

House: Passed 1st Reading

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

H 17: PILOT PROJECT TO TREAT OPIOID OVERDOSE.

House: Passed 1st Reading

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

H 18: LOCAL SCHOOL ADMIN. UNIT CASH MANAGEMENT.

House: Passed 1st Reading

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

H 20: 1998 CLEAN WATER BOND ADD'L CONNECTIONS.

House: Passed 1st Reading

House: Ref to the Com on Energy and Public Utilities, if favorable, Local Government - Land Use, Planning and Development, if favorable, Rules, Calendar, and Operations of the House

H 25: IMPAIRED DRIVING LAW REVISIONS.

House: Filed

H 26: REVISE USE OF ALCOHOL CONCENTRATION RESULT.

House: Filed

H 27: IN-SERVICE TRAINING/MAGISTRATES.

House: Filed

H 28: NOTARY PUBLIC/NONCITIZENS.

House: Filed

H 29: VERIFICATION OF IMMIGRATION STATUS - SAVE.

House: Filed

H 31: DETECTED HEARTBEAT/PROHIBIT ABORTION.

House: Filed

H 32: EQUITY IN OPPORTUNITY ACT.

House: Filed

H 33: BROADEN APPLICABILITY OF DV STATUTES.

House: Filed

H 34: REMOVE JUDICIAL AGE LIMIT.

House: Filed

S 4: EQUAL TAX TREATMENT OF GOV'T RETIREES.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 5: LICENSING CERTAIN FIRE SAFETY EQUIP. WORK.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 8: IN-STATE TUITION PILOT PROGRAM.*Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 10: ADD MEMBER TO NC TRAINING STANDARDS COMMISS.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 12: MILITARY RETIREE STATE INCOME TAX RELIEF.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 15: NC ADOPT ERA.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 18: ECU BRODY SCHOOL OF MEDICINE FUNDS.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 19: STUDY NONCERTIFIED SCHOOL EMPLOYEE SALARIES.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 20: HANDS FREE NC.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 26: CLARIFY TERMINAL GROIN DEFINITION.***Senate: Filed***S 27: AGRICULTURAL MANUFACTURING TAX INCENTIVE.***Senate: Filed***LOCAL BILLS****H 3: VOTER INITIATIVE FOR BEAUFORT COUNTY.***House: Passed 1st Reading**House: Ref to the Com on Election Law and Campaign Finance Reform, if favorable, Local Government, if favorable, Rules, Calendar, and Operations of the House***H 10: ASHEVILLE AIRPORT AUTH./AUTHORIZE GOLF COURSE.***House: Passed 1st Reading**House: Ref to the Com on Transportation, if favorable, Local Government, if favorable, Rules, Calendar, and Operations of the House***H 12: ADDRESS PANDEMIC LEARNING LOSS/ALAMANCE CNTY.***House: Passed 1st Reading**House: Ref to the Com on Education - K-12, if favorable, State Government, if favorable, Rules, Calendar, and Operations of the House***H 19: NORWOOD/REMOVE CAP ON SATELLITE ANNEXATIONS.***House: Passed 1st Reading**House: Ref to the Com on Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House***H 30: TOWN OF SOUTHERN SHORES/EMINENT DOMAIN.***House: Filed*

H 35: VARIOUS COUNTY PUBLIC NOTICES.

House: Filed

S 3: 12TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 6: 48TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 7: 35TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 9: GRAHAM COUNTY OCCUPANCY TAX.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 11: 42ND SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 13: 11TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 14: 10TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 16: 26TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 17: 7TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 21: 24TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 22: 6TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 23: 44TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 24: 25TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 25: 33RD SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 28: 2ND SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

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