



The Daily Bulletin: 2021-02-01

PUBLIC/HOUSE BILLS

H 36 (2021-2022) [PROTECT THOSE WHO SERVE AND PROTECT ACT](#). Filed Feb 1 2021, *AN ACT TO INCREASE THE PUNISHMENT FOR DISCHARGING OR ATTEMPTING TO DISCHARGE A FIREARM AT OR INTO AN UNOCCUPIED EMERGENCY VEHICLE AND TO INCREASE THE PUNISHMENT FOR POINTING A LASER DEVICE AT A LAW ENFORCEMENT OFFICER OR OTHER EMERGENCY PERSONNEL WHEN THE PERSON OR ANIMAL IS IN THE PERFORMANCE OF HIS OR HER DUTIES.*

Enacts GS 14-34.1A, making it a Class H felony to willfully or wantonly discharge or attempt to discharge any firearm or barreled weapon capable of discharging shot, bullets, pellets, or other missiles at a muzzle velocity of at least 600 feet per second at or into any unoccupied emergency vehicle. Defines *emergency vehicle* to include a vehicle of law enforcement and fire departments, ambulances, rescue squads, the National Guard, or the US Armed Forces.

Amends GS 14-34.8, making it a Class I felony to intentionally point a laser at any of the eight specified persons while that person is in the performance of his or her duties. Persons specified include law enforcement officers, probation officers, parole officers, certain detention facility employees, firefighters, emergency medical technicians/providers, National Guard members, and US Armed Forces members (previously, intentionally pointing a laser at a law enforcement officer was an infraction; other specified persons were not included in the statute, and the precondition that the persons be in the performance of his or her duty was not included). Additionally, makes it a Class A1 misdemeanor to intentionally point a laser at a law enforcement agency animal or a search and rescue animal while the animal is in the performance of its duty. Makes conforming changes.

Applies to offenses committed on or after December 1, 2021.

Intro. by Hastings, Saine, C. Smith, K. Baker.

GS 14

[View summary](#)

[Animals, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, Health and Human Services, Health, Health Care Facilities and Providers, Military and Veteran's Affairs](#)

H 39 (2021-2022) [ESTABLISH BIRTH CENTER LICENSURE ACT](#). Filed Feb 1 2021, *AN ACT ESTABLISHING A LICENSURE PROCESS AND ANNUAL LICENSE FEES FOR BIRTH CENTERS.*

Enacts new Part 4A, the Birth Center Licensure Act in Article 6 of GS Chapter 131E. Defines *birth center* as a facility licensed for the primary purpose of performing normal, uncomplicated deliveries that is not a hospital or ambulatory surgical facility and where births are planned to occur away from the mother's usual residence following a low-risk pregnancy.

Requires the Department of Health and Human Services (DHHS) to review and, if necessary, revise the Freestanding Birth Center Fee Schedule every three years to ensure that the fees are sufficient to cover costs and that the cost for any State-mandated newborn screening is reimbursed at no less than the screening's cost.

Requires DHHS to inspect birth centers as necessary to investigate unexpected occurrences involving death or serious physical injury and reportable adverse outcomes identified in the rules adopted by the North Carolina Birth Center Commission (Commission). Licensed birth centers are subject to inspections at all times. Establishes a right of entry for authorized representatives of the DHHS in order to carry out this Part or the Commission's rules. Specifies that no representative shall, by this entry onto the premises, endanger the health or well-being of any patient being treated in the birth center. Gives DHHS authority to investigate birth centers in the same manner as it investigates hospitals. Allows information received by the

Commission and DHHS to be disclosed to the public except when it would violate applicable laws concerning patient records and patient confidentiality; provides that a public disclosure must not identify the patient without permission or a court order.

Establishes the Commission, which consists of seven members, and gives it the power and duty to: (1) adopt rules establishing standards for the licensure, operation, and regulation of birth centers and (2) review and make recommendations to DHHS about whether to approve or disapprove birth center license applications. Three Commission members are to be named based upon recommendation by the North Carolina Obstetrical and Gynecological Society, three are to be named based upon recommendation by the North Carolina Affiliate of the American College of Nurse-Midwives, and one public member is appointed by the Governor. Members serve four-year terms, with no member serving more than two consecutive terms. Sets out additional provisions governing member removal, filling of vacancies, establishing a quorum, paying per diem and travel expenses, and providing staffing.

Requires the Commission to adopt rules establishing specified requirements for all birth centers seeking a license to operate in the state, with the rules addressing issues related to accreditation, procedures for specifying a patient's risk status, performing targeted ultrasounds, transferring patients to higher levels of care, handling of sentinel events and adverse outcomes, and reporting requirements.

Allows Commission members and staff to release confidential or nonpublic information to any health care licensure board in this state or another state, or to authorized DHHS personnel with enforcement or investigative responsibilities concerning issuance, denial, annulment, suspension, or revocation of a license, or the voluntary surrender of a license by a licensee of the Commission, including the reasons for the action, or an investigative report made by the Commission.

Enacts new GS 131E-153.2 prohibiting establishing or operating a birth center in this state without obtaining a license. Sets out requirements for information to be included on the application for licensure and sets the annual application fee at \$400 plus an annual per-birthing room fee of \$17.50. Requires DHHS to issue a license upon the Commission's recommendation if DHHS finds that the applicant is in compliance with this Part and Commission rules. Sets license duration at one year from the date of issuance and requires licenses to designate the number and types of beds and the number of rooms on the licensed premises. Requires licenses to be issued only for the premises and persons named in the license; licenses are not transferable or assignable except with DHHS' written approval. Requires the license to be posted on the licensed premises in an area accessible to the public. Specifies that birth centers that (1) are operating in this state on the date this act becomes effective, (2) are accredited by the Commission for the Accreditation of Birth Centers (CABC), and (3) remain continually accredited, are allowed to continue operations as the Commission is constituted and promulgates permanent rules. Requires these centers to submit an application for licensure along with the required fees within 90 days after the Commission's permanent rules on applications become effective. Effective one year after the rules promulgated by the Commission are adopted and applies to licenses granted on or after that date.

Enacts new GS 131E-153.10 making it a Class 3 misdemeanor to own or operate a birth center without a license, subject to a fine of no more than \$50 for the first offense and no more than \$500 for each subsequent offense. Specifies that each day of continuing violation after conviction is a separate offense. Effective one year after the rules promulgated by the Commission are adopted and applies to criminal offenses committed on or after that date.

Enacts new 131E-153.3 allowing DHHS to deny, suspend, or revoke a license when there is a substantial failure to comply with the provisions of this Part or any rule adopted under this Part. Allows suspending admission of new patients if the conditions of the birth center are detrimental to the health or safety of any patient. Sets out provisions under which an adverse action may be contested. Allows a birth center to contest any adverse action under GS Chapter 150B. Effective one year after the rules promulgated by the Commission are adopted and applies to licenses granted on or after that date.

Enacts new GS 131E-153.4 prohibiting licensed birth centers from asserting, representing, offering, providing, or implying that the center is rendering or may render care or services other than those that it is permitted to render under its license. Limits surgical procedures to those normally accomplished during an uncomplicated birth, prohibits performing abortions, prohibits performing general or conduction anesthesia, and prohibits performing vaginal birth after cesareans (VBAC) or trial of labor after cesareans (TOLAC). Effective one year after the rules promulgated by the Commission are adopted and applies to licenses granted on or after that date.

Require DHHS, by October 1, 2021, to review and, if necessary, revise its current Freestanding Birth Center Fee Schedule to ensure that the fees are sufficient to cover the costs of care and that the cost for any State-mandated newborn screening is

reimbursed at no less than the cost of the screening. Requires DHHS to develop a birth center licensure application and make it available upon adoption by the Commission.

Requires initial appointments to the Commission to be made no later than 60 days after the act's effective date. Sets out member terms in order to create staggered terms.

Makes the criminal offense effective December 1, 2021, applicable to offenses committed on or after that date.

Intro. by White, Lambeth.

GS 131E

[View summary](#)

**Business and Commerce, Government, State Agencies,
Department of Health and Human Services, Health and
Human Services, Health, Health Care Facilities and Providers**

H 40 (2021-2022) [KIMBERLY'S LAW/DEATH BY VEHICLE/DWLR](#). Filed Feb 1 2021, *AN ACT TO CREATE THE OFFENSE OF FELONY DEATH BY VEHICLE FOR REVOKED IMPAIRED DRIVING AND TO REVOKE THE REGISTRATION OF ALL MOTOR VEHICLES REGISTERED TO A PERSON CONVICTED OF FELONY DEATH BY VEHICLE FOR REVOKED IMPAIRED DRIVING.*

Enacts new GS 20-141.4 (a7) creating the offense of revoked driving felony death by vehicle, punishable as a Class F felony, when (1) a person unintentionally causes the death of another person; (2) the person was violating State law or local ordinance applying to the operation or use of a motor vehicle or to the regulation of traffic (other than impaired driving); (3) the commission of the offense is the proximate cause of death; and (4) at the time of the commission of the offense, the person's driver's license was revoked for an impaired driving license revocation. Requires a person convicted of this offense to be sentenced to a minimum active term of no less than 12 months of imprisonment, which must not be suspended.

Amends GS 20-54.1 to require the revocation of the registration of all motor vehicles registered in the name of a person convicted of revoked driving felony death by vehicle until the convicted person's license is restored. Registration must be surrendered within 10 days of notice from the Division of Motor Vehicles. Includes convictions of revoked driving felony death by vehicle within the statute's vehicle seizure provisions.

Amends GS 20-19 to make a license revocation under new GS 20-141.4(a7) a permanent revocation.

Applies to offenses committed on or after December 1, 2021.

Intro. by Clampitt.

GS 20

[View summary](#)

**Courts/Judiciary, Motor Vehicle, Criminal Justice, Criminal
Law and Procedure**

H 41 (2021-2022) [AMEND LAWFUL AGE TO MARRY/18 YEARS OF AGE](#). Filed Feb 1 2021, *AN ACT TO AMEND THE LAWFUL AGE TO ENTER INTO MARRIAGE IN THIS STATE TO 18 YEARS OF AGE OR OLDER.*

Amends GS 51-2 to eliminate the existing exceptions for persons to marry under the age of 18, thereby making the legal age to marry (18) absolute. Makes conforming changes to GS 51-3, GS 51-16 and GS 51-17, relating to unlawful marriages and marriage licenses. Makes conforming repeals of GS 51-2.1 (concerning marriage of certain underage parties) and GS 51-2.2 (defining *parent* as the term relates to annulment of unlawful underage marriages).

Intro. by Saine, K. Baker, Clemmons, Turner.

GS 51

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Family Law

H 42 (2021-2022) [2020 COVID RELIEF BILL MODIFICATIONS](#). Filed Feb 1 2021, *AN ACT TO MAKE CERTAIN MODIFICATIONS TO 2020 COVID-19 RELIEF LEGISLATION*.

Identical to [S 36](#), filed 2/1/2021.

Section 1

Amends Section 4.12 of SL 2020-4 (2020 COVID-19 Recovery Relief Act), as enacted in Section 1.3 of SL 2020-97 (Coronavirus Relief Act 3.0), which establishes the \$335 extra tax credit program for NC families with qualifying children. Eliminates the hard deadline of January 1, 2021, for the Department of Revenue (Department) to award grants to eligible individuals. Creates an extension for individuals to file an amended 2019 tax return satisfying the eligibility conditions by May 31, 2021, so long as the individual had filed a 2019 tax return and had not received an automatic grant award. Amends the eligibility criteria for the grant applicants who did not file a 2019 tax return to allow those qualifying grant applications to be postmarked by May 31, 2021, rather than October 15, 2020. Creates a separate application option for individuals who filed a 2019 tax return and who did not receive an automatic grant due to not reporting a qualifying child by October 15, 2020, and who does not wish to file an amended return, to postmark a grant application by May 31, 2021. Provides criteria for the Secretary of Revenue in accepting such applications that are not considered amended returns.

Section 2

Repeals Section 1.9 of SL 2020-97, which authorizes the NC Pandemic Recovery Office (NCPRO) to reallocate Coronavirus Relief Funds appropriated by that act or other described acts if certain conditions apply, and establishes a weekly reporting requirement on reallocations of the Office of State Budget and Management (OSBM).

Section 3.1-3.2

Amends Section 2.2 of SL 2020-4, which establishes the Coronavirus Relief Fund (Fund), to modify permitted expenditures of funds from the Fund. Now deems expenditures incurred during the period of March 1, 2020, and ending on the deadline established by applicable federal law and guidance, eligible for funding from the Fund, rather than a hard deadline of December 30, 2020. Makes conforming changes throughout SL 2020-4 to no longer reference the December 30, 2020, deadline in the following provisions of Section 3.3 of SL 2020-4: (3) (continuity of state operations); (6) (emergency public school nutrition services); (12) (contracted services for public school health support personnel); (13) (supplemental summer learning programs); (18) (extended learning and integrated student supports competitive grant program); (32) (NC Association of Free and Charitable Clinics eligible health services); (34) (NC Community Health Center Association eligible health services); (39) (COVID-19 Rural Hospitals Relief Fund); (40) (COVID-19 Teaching Hospitals Relief Fund); (41) (COVID-19 General Hospitals Relief Fund); (63) (personal protective equipment for public schools); (68) grants to seven identified hospitals); (69) grants to eligible hospitals located in development tier two areas; (86) (scholarships for certain students with disabilities); (103a) (remote learning at the YMCA of the Triangle); (111) (Triangle Residential Options for Substance Abusers, Inc., expenses and losses); (112) (Nurse Family Partnership expenses); and (114e) (NC Health Care Facilities Association, NC Assisted Living Association, and NC Senior Living Association expenses).

Amends Section 3.3 of SL 2020-4, as previously amended, which provides directives to OSBM to allocate specified appropriated amounts from the Fund for specified purposes. Makes the following modifications.

Concerning funds allocated for the continuity of State operations, now requires OSBM to report to the specified NCGA committee by March 1, 2021, and quarterly thereafter until all of the funds are allocated, rather than one report by August 15, 2020, now also specifying amounts spent by year.

Regarding the funds allocated to the Department of Public Instruction (DPI) for supplemental summer learning programs for certain students, no longer restricts the provisions to the 2019-20 school year specifically. Adds a second reporting requirement, now requiring the State Board of Education to report to the specified NCGA committee by February 15, 2022, on the use of funds for summer learning programs, in addition to its February 15, 2021, report.

No longer restricts the provisions regarding the allocations to DPI for the Extended Learning and Integrated Student Supports Competitive Grant Program to the 2019-21 fiscal years, or service to students based on assessments by a specified date. Adds a second reporting requirement, now requiring DPI to report to the specified NCGA committee by February 15, 2022, in addition to its February 15, 2021, report.

Adds to the reporting requirements for the NC Association of Free and Charitable Clinics (NCAFCC) regarding the allocation plan to member clinics and their uses of appropriated funds. Now requires a third report on April 1, 2021, and a quarterly report thereafter until all funds are expended, regarding allocation plans. Additionally, requires a report by February 1, 2022, on the use of the allocated funds by recipients.

Adds to the reporting requirements of the NC Community Health Center Association (NCCHCA) for funds appropriated to member health centers for eligible health services costs, to now require a third report on April 1, 2021, and quarterly thereafter until all funds are expended, regarding allocation plans. Additionally, requires a report by February 1, 2022, on the use of the allocated funds by recipients.

Adds to the reporting requirements of recipients of grants from the COVID-19 Rural Hospitals Relief Fund, the COVID-19 Teaching Hospitals Relief Fund, and the COVID-19 General Hospitals Relief Fund, now requiring a second report from recipients on expenditures in 2020 and 2021 by February 1, 2022, as specified.

Eliminates the allocations of \$9 million and \$30 million to the Department of Information Technology (DIT) for the Growing Rural Economies with Access to Technology Fund.

No longer restricts the allocation to DPI for personal protective equipment for in-person instruction for the 2020-21 school year specifically.

Adds to the reporting requirements for the seven identified hospital grantees to require a second report on expenditures in 2020 and 2021 by February 1, 2022.

Adds to the reporting requirements for eligible hospital grantees located in development tier two designated counties, to require a second report on expenditures in 2020 and 2021 by February 1, 2022.

Expands the award of scholarship funds by the State Education Assistance Authority to certain students with disabilities to allow for disbursement for the spring semester (in addition to the fall semester) of the 2020-21 school year, according to the previously specified guidelines.

Adds to the reporting requirements of the NC Health Care Facilities Association, the NC Senior Living Association, and the NC Assisted Living Association, to require the Associations to submit a second and third report to the specified NCGA committee and division, by April 1, 2021, and February 1, 2022, respectively, on their use of allocated funds.

Section 3.3

Amends Section 1.7 of SL 2020-4, as amended, as follows. Requires that the NCPRO, instead of OSBM, report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on the use of funds allocated from the Coronavirus Relief Fund (Fund). Changes the due date from April 1 to March 1, 2021. Requires that the report include, for each allocation from the Fund, the amounts disbursed, expended, and obligated as of December 30, 2020; the amount, if any, reallocated pursuant to Section 1.9 of S.L. 2020-97 (which allowed the NCPRO, in consultation with the Director of the Budget, to reallocate Coronavirus Relief Funds appropriated by the act or any of the specified acts under the four named conditions) as of December 30, 2020, as well as where the funds were reallocated from, the amount the original allocation was reduced by, the activity or activities the funds were reallocated to, and the amount the activity or activities were increased by; the amount remaining to be spent as of December 30, 2020; the number of full-time equivalent (FTE) established with funds allocated from the Fund, along with specified information about each FTE; and a brief description as to how each allocation was used. Adds the requirement that the NCPRO report monthly, beginning April 1, 2021, to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on allocations from the Fund that were not fully expended by December 30, 2020. Requires a final report no later than 30 days after the final expenditure of funds. Requires that reports from State agencies and departments receiving federal grant funds under Section 4.1 of SL 2020-4 to now be submitted quarterly, beginning April 1, 2021. Instead of the previously required items, requires the quarterly reports to detail the use of the funds. Specifies that the quarterly reports end with the submission of the final report, which must be no later than 90 days from the date the grant period ends for the relevant funds.

Section 3.4

Amends Section 4.2C(f) of SL 2020-4, as enacted by Section 1.1(e) of SL 2020-80, by amending the report due from Caitlyn's Courage on the effectiveness of the domestic violence prevention pilot programs to now require an interim report by April 1, 2021, and a final report by April 1, 2022 (was, one report due on April 1, 2021).

Section 3.5

Amends Section 4.3 of SL 2020-4 by extending the authorization of the existence of the NCPRO until December 31, 2021. Adds the requirement that the NCPRO report to the specified NCGA commission and division beginning March 1, 2021, until the date the NCPRO ceases to operate. Requires that the report include: (1) for each month since March 1, 2020, the number of staff hired to support the NCPRO's duties and responsibilities, including specified information on each position; (2) for each month since March 1, 2020, an accounting of non-personnel expenditures; (3) a description of NCPRO's activities during the 2020 calendar year; and (4) a description of NCPRO's activities related to the Fund that remain to be completed in the 2021 calendar year. States the NCGA's finding that the need for a fully staffed NCPRO declines as funds from the Fund are expended and reports are submitted to the federal government; requires NCPRO to reduce its level of staffing accordingly.

Section 3.6

Amends Section 4.15(f) of SL 2020-4, as enacted by Section 1.3 of SL 2020-97, concerning the use of funds to study issues arising from the pandemic on transportation and produce diversification within the dairy industry, by removing the specification that nothing in (f) is to be construed as allowing the expenditure of funds from the Fund past December 30, 2020.

Section 3.7

Amends Section 8 of SL 2020-64 by increasing the amount to be transferred from the Coronavirus Relief Reserve to the Fund to \$684.4 million (was, \$645.4 million). Makes conforming changes to the amounts appropriated from the Fund and to the Statewide Reserve for Appropriations (Reserve); also changes the date by which the Reserve must have a \$0 balance from December 30, 2020, to June 30, 2021.

Section 3.8

Amends Section 3.1 of SL 2020-4, as amended, by decreasing the amount that is to be transferred from the Reserve to the fund for the 2019-20 fiscal year to \$2,324,390,646 (was, \$2,363,390,646). Amends Section 3.2 of SL 2020-4, as amended, by reducing the amount of funds appropriated from the Fund to OSBM for the 2019-20 fiscal year that was to be used as provided for the 46 specified allocations in Section 3.3 of the act to \$2,624,390,646 (was, \$2,663,390,646).

Section 3.9

Amends Section 4(b) of SL 2020-27 by no longer limiting the appropriation of funds from the Fund to OSBM for the Department of Public Instruction to fund an increase in average daily membership to the 2020-21 fiscal year and adds that the funds are to be available until the deadline established by applicable federal law and guidance.

Section 3.10

Amends Section 8(b) of SL 2020-27 by no longer limiting the appropriation of funds from the Fund to OSBM for the Southern Regional Area Health Education Center to the 2020-21 fiscal year and adds that the funds are to be available until the deadline established by applicable federal law and guidance.

Section 3.11

Amends Section 4.2D(d) of SL 2020-4, as enacted by SL 1.1(e) of SL 2020-80, by expanding the list of NCGA committees to whom the Office of Science, Technology, and Innovation must report on the pilot program to promote access to innovative digital and personalized learning solutions for high school students that bridge the gap between chemistry and physical science classes and career and technical education (CTE) career pathways.

Section 3.12

Amends Section 1.7(b) of SL 2020-97 by changing the expiration of the provision allowing State departments, institutions, and agencies subject to Article 3 of GS Chapter 143 to obtain in the open market necessary supplies, materials, equipment, printing, or services to address the COVID-19 pandemic without authorization or approval of the Secretary of Administration, until December 31, 2021 (was, set to expire on December 30, 2020).

Section 4.1

Transfers \$39 million from the General Fund to the State Capital and Infrastructure Fund for 2020-21. Appropriates those same funds to the Growing Rural Economies with Access to Technology Fund for 2020-21. Requires that \$30 million of the funds

be distributed using the special supplementary grant process established in SL 2020-4, with the remaining amount used to fund supplementary project grants previously awarded.

Section 4.2

Amends Section 4.17 of SL 2020-4, as enacted by Section 1.3 of SL 2020-97, as follows. Makes changes to account for funds made available to the program in Section 4.1 above. Deletes the existing timeline for distributing grants under the Growing Rural Economies with Access to Technology grant program (grant program) and now requires that awards be issued beginning no later than March 1, 2021. Amends the guidelines for awarding and administering grants by removing the requirement that recipients provide matching funds. Adds that the Office of Broadband Infrastructure may limit the number of grant recipients receiving funds appropriated in the act that are also eligible to receive the supplemental grant award authorized in Section 3.14(d) of SL 2020-97. Also amends Section 3.14(d) by adding that a project may receive a single supplementary grant award.

Section 5

Provides that the funds received from federal grants authorized under the federal Consolidated Appropriations Act, 2021, for COVID-19 Vaccine Preparedness, for Elementary and Secondary School Emergency Relief Fund II, and for Emergency Rental Assistance are appropriated in the amounts provided in the notification of award from the federal government or entity acting on the federal government's behalf. Sets out estimates of the amounts of North Carolina's allocations from the Consolidated Appropriations for those programs. Allows the responsible agencies, with the Director of the Budget's approval, to spend funds in the amounts received from the federal grants. Terminates positions created by the funds at the earlier of the funds being fully expended or the deadline established by applicable federal law and guidance.

Requires that the use of federal grant funds received under this section be detailed in quarterly reports. Specifies the information to be included in those reports. The reporting requirements end upon submission of the final report from each entity receiving federal grant funds, which is to be no later than 90 days from the date the grant period ends for the relevant funds. Requires public schools to report to the Department of Public Instruction (DPI) beginning March 1, 2021; requires DPI to report to the specified NCGA commission and division beginning April 1, 2021. Requires state agencies and departments to report to the specified NCGA commission and division beginning April 1, 2021.

Specifies that the appropriation of funds under this section does not obligate the State or create an ongoing obligation for future appropriations for programs or other purposes for which the funds are used.

Intro. by Lambeth, Saine, Arp, Elmore.

UNCODIFIED

Education, Elementary and Secondary Education, Higher Education, Government, Public Safety and Emergency Management, State Agencies, UNC System, Department of Information Technology, Department of Public Instruction, Department of Revenue, Office of State Budget and Management, State Board of Education, Tax, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health, Social Services, Public Assistance, Nonprofits, Public Enterprises and Utilities

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PUBLIC/SENATE BILLS

S 29 (2021-2022) **RICKY'S LAW/POLITICAL SIGN PLACEMENT**. Filed Feb 1 2021, *AN ACT TO REDUCE THE TIME ALLOWED TO PLACE A POLITICAL SIGN IN A RIGHT-OF-WAY FROM 30 DAYS TO 10 DAYS BEFORE ONE-STOP EARLY VOTING AND 10 DAYS AFTER THE PRIMARY OR ELECTION.*

Amends GS 136-32 to reduce the period political signs are permitted to be placed in the right-of-way of state highways to 10 days prior to the beginning of one-stop early voting (was, 30 days prior) and 10 days following the primary or election. Deems such signs remaining more than 10 days, rather than 30 days, after the 10 days following primary or election day to be

abandoned, at which time persons can remove or dispose of the signs without penalty. Makes conforming changes regarding municipal ordinances addressing the same.

Intro. by Perry, Craven, Sawyer.

[GS 136](#)

[View summary](#)

[Government, Elections, Local Government](#)

S 30 (2021-2022) [FEE REDN./LIFETIME HUNTING & AMP FISHING LICENSES](#). Filed Feb 1 2021, *AN ACT TO EXTEND ELIGIBILITY FOR REDUCED PRICE LIFETIME HUNTING AND FISHING LICENSES TO MEMBERS OF VOLUNTEER RESCUE AND EMERGENCY MEDICAL SERVICES SQUADS*.

Amends GS 113-276 to extend the 50 percent discount on the fee for any adult resident lifetime license issued and administered by the Wildlife Resources Commission to eligible volunteer members of rescue squads or emergency medical services squads who have been members for five consecutive fiscal years. Defines *eligible members for volunteer rescue or emergency medical services squad members* as individuals appearing on the certified roster of eligible rescue or emergency medical services squad members submitted to the North Carolina Association of Rescue and Emergency Medical Services, Inc. Effective October 1, 2021.

Intro. by Johnson, Craven, Galey.

[GS 113](#)

[View summary](#)

[Animals, Environment/Natural Resources, Government, Public Safety and Emergency Management](#)

S 31 (2021-2022) [POLITICAL SUBDIVISIONS/LOCAL BIDDERS NOTICE](#). Filed Feb 1 2021, *AN ACT PROVIDING THAT POLITICAL SUBDIVISIONS OF THE STATE SHALL NOTIFY PERSONS OR BUSINESSES WITHIN THEIR JURISDICTIONAL LIMITS BY REGULAR OR ELECTRONIC MAIL OF WORK REQUIRING AN ESTIMATED EXPENDITURE OF \$50,000 OR MORE BEING LET FOR BID BY THE POLITICAL SUBDIVISION*.

Amends GS 143-129, regarding procedure for letting of public contracts. Regarding contracts to be let by a political subdivision, requires proposals to be invited by standard mail or email notification to persons or businesses located within the respective jurisdictional boundaries if the person or business requested notices for the type of work being bid, in addition to the existing newspaper advertisement requirements for proposal invitations, if the work is estimated to be \$50,000 or more. Requires approval by the respective governing board prior to sending email notifications. Makes the guidelines regarding timing and content for advertisements also applicable to mail or email notifications. Effective October 1, 2021.

Intro. by Johnson, Proctor, Craven.

[GS 143](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Government, Local Government](#)

S 35 (2021-2022) [AMEND LAWFUL AGE TO MARRY/18 YEARS OF AGE](#). Filed Feb 1 2021, *AN ACT TO AMEND THE LAWFUL AGE TO ENTER INTO MARRIAGE IN THIS STATE TO 18 YEARS OF AGE OR OLDER*.

Identical to [H 41](#), filed 2/1/21.

Amends GS 51-2 to eliminate the existing exceptions for persons to marry under the age of 18, thereby making the legal age to marry (18) absolute. Makes conforming changes to GS 51-3, GS 51-16 and GS 51-17, relating to unlawful marriages and marriage licenses. Makes conforming repeals of GS 51-2.1 (concerning marriage of certain underage parties) and GS 51-2.2 (defining parent as the term relates to annulment of unlawful underage marriages).

Intro. by Sawyer, Britt, Foushee.

GS 51

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

S 36 (2021-2022) [2020 COVID RELIEF BILL MODIFICATIONS](#). Filed Feb 1 2021, *AN ACT TO MAKE CERTAIN MODIFICATIONS TO 2020 COVID-19 RELIEF LEGISLATION*.

Section 1

Amends Section 4.12 of SL 2020-4 (2020 COVID-19 Recovery Relief Act), as enacted in Section 1.3 of SL 2020-97 (Coronavirus Relief Act 3.0), which establishes the \$335 extra tax credit program for NC families with qualifying children. Eliminates the hard deadline of January 1, 2021, for the Department of Revenue (Department) to award grants to eligible individuals. Creates an extension for individuals to file an amended 2019 tax return satisfying the eligibility conditions by May 31, 2021, so long as the individual had filed a 2019 tax return and had not received an automatic grant award. Amends the eligibility criteria for the grant applicants who did not file a 2019 tax return to allow those qualifying grant applications to be postmarked by May 31, 2021, rather than October 15, 2020. Creates a separate application option for individuals who filed a 2019 tax return and who did not receive an automatic grant due to not reporting a qualifying child by October 15, 2020, and who does not wish to file an amended return, to postmark a grant application by May 31, 2021. Provides criteria for the Secretary of Revenue in accepting such applications that are not considered amended returns.

Section 2

Repeals Section 1.9 of SL 2020-97, which authorizes the NC Pandemic Recovery Office (NCPRO) to reallocate Coronavirus Relief Funds appropriated by that act or other described acts if certain conditions apply, and establishes a weekly reporting requirement on reallocations of the Office of State Budget and Management (OSBM).

Section 3.1-3.2

Amends Section 2.2 of SL 2020-4, which establishes the Coronavirus Relief Fund (Fund), to modify permitted expenditures of funds from the Fund. Now deems expenditures incurred during the period of March 1, 2020, and ending on the deadline established by applicable federal law and guidance, eligible for funding from the Fund, rather than a hard deadline of December 30, 2020. Makes conforming changes throughout SL 2020-4 to no longer reference the December 30, 2020, deadline in the following provisions of Section 3.3 of SL 2020-4: (3) (continuity of state operations); (6) (emergency public school nutrition services); (12) (contracted services for public school health support personnel); (13) (supplemental summer learning programs); (18) (extended learning and integrated student supports competitive grant program); (32) (NC Association of Free and Charitable Clinics eligible health services); (34) (NC Community Health Center Association eligible health services); (39) (COVID-19 Rural Hospitals Relief Fund); (40) (COVID-19 Teaching Hospitals Relief Fund); (41) (COVID-19 General Hospitals Relief Fund); (63) (personal protective equipment for public schools); (68) grants to seven identified hospitals); (69) grants to eligible hospitals located in development tier two areas; (86) (scholarships for certain students with disabilities); (103a) (remote learning at the YMCA of the Triangle); (111) (Triangle Residential Options for Substance Abusers, Inc., expenses and losses); (112) (Nurse Family Partnership expenses); and (114e) (NC Health Care Facilities Association, NC Assisted Living Association, and NC Senior Living Association expenses).

Amends Section 3.3 of SL 2020-4, as previously amended, which provides directives to OSBM to allocate specified appropriated amounts from the Fund for specified purposes. Makes the following modifications.

Concerning funds allocated for the continuity of State operations, now requires OSBM to report to the specified NCGA committee by March 1, 2021, and quarterly thereafter until all of the funds are allocated, rather than one report by August 15, 2020, now also specifying amounts spent by year.

Regarding the funds allocated to the Department of Public Instruction (DPI) for supplemental summer learning programs for certain students, no longer restricts the provisions to the 2019-20 school year specifically. Adds a second reporting requirement, now requiring the State Board of Education to report to the specified NCGA committee by February 15, 2022, on the use of funds for summer learning programs, in addition to its February 15, 2021, report.

No longer restricts the provisions regarding the allocations to DPI for the Extended Learning and Integrated Student Supports Competitive Grant Program to the 2019-21 fiscal years, or service to students based on assessments by a specified date. Adds a second reporting requirement, now requiring DPI to report to the specified NCGA committee by February 15, 2022, in addition to its February 15, 2021, report.

Adds to the reporting requirements for the NC Association of Free and Charitable Clinics (NCAFCC) regarding the allocation plan to member clinics and their uses of appropriated funds. Now requires a third report on April 1, 2021, and a quarterly report thereafter until all funds are expended, regarding allocation plans. Additionally, requires a report by February 1, 2022, on the use of the allocated funds by recipients.

Adds to the reporting requirements of the NC Community Health Center Association (NCCHCA) for funds appropriated to member health centers for eligible health services costs, to now require a third report on April 1, 2021, and quarterly thereafter until all funds are expended, regarding allocation plans. Additionally, requires a report by February 1, 2022, on the use of the allocated funds by recipients.

Adds to the reporting requirements of recipients of grants from the COVID-19 Rural Hospitals Relief Fund, the COVID-19 Teaching Hospitals Relief Fund, and the COVID-19 General Hospitals Relief Fund, now requiring a second report from recipients on expenditures in 2020 and 2021 by February 1, 2022, as specified.

Eliminates the allocations of \$9 million and \$30 million to the Department of Information Technology (DIT) for the Growing Rural Economies with Access to Technology Fund.

No longer restricts the allocation to DPI for personal protective equipment for in-person instruction for the 2020-21 school year specifically.

Adds to the reporting requirements for the seven identified hospital grantees to require a second report on expenditures in 2020 and 2021 by February 1, 2022.

Adds to the reporting requirements for eligible hospital grantees located in development tier two designated counties, to require a second report on expenditures in 2020 and 2021 by February 1, 2022.

Expands the award of scholarship funds by the State Education Assistance Authority to certain students with disabilities to allow for disbursement for the spring semester (in addition to the fall semester) of the 2020-21 school year, according to the previously specified guidelines.

Adds to the reporting requirements of the NC Health Care Facilities Association, the NC Senior Living Association, and the NC Assisted Living Association, to require the Associations to submit a second and third report to the specified NCGA committee and division, by April 1, 2021, and February 1, 2022, respectively, on their use of allocated funds.

Section 3.3

Amends Section 1.7 of SL 2020-4, as amended, as follows. Requires that the NCPRO, instead of OSBM, report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on the use of funds allocated from the Coronavirus Relief Fund (Fund). Changes the due date from April 1 to March 1, 2021. Requires that the report include, for each allocation from the Fund, the amounts disbursed, expended, and obligated as of December 30, 2020; the amount, if any, reallocated pursuant to Section 1.9 of S.L. 2020-97 (which allowed the NCPRO, in consultation with the Director of the Budget, to reallocate Coronavirus Relief Funds appropriated by the act or any of the specified acts under the four named conditions) as of December 30, 2020, as well as where the funds were reallocated from, the amount the original allocation was reduced by, the activity or activities the funds were reallocated to, and the amount the activity or activities were increased by; the amount remaining to be spent as of December 30, 2020; the number of full-time equivalent (FTE) established with funds allocated from the Fund, along with specified information about each FTE; and a brief description as to how each allocation was used. Adds the requirement that the NCPRO report monthly, beginning April 1, 2021, to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on allocations from the Fund that were not fully expended by December 30, 2020. Requires a final report no later than 30 days after the final expenditure of funds. Requires that reports from State agencies and departments receiving federal grant funds under Section 4.1 of SL 2020-4 to now be submitted quarterly, beginning April 1, 2021. Instead of the previously required items, requires the quarterly reports to detail the use of the funds. Specifies that the quarterly reports end with the submission of the final report, which must be no later than 90 days from the date the grant period ends for the relevant funds.

Section 3.4

Amends Section 4.2C(f) of SL 2020-4 , as enacted by Section 1.1(e) of SL 2020-80, by amending the report due from Caitlyn's Courage on the effectiveness of the domestic violence prevention pilot programs to now require an interim report by April 1, 2021, and a final report by April 1, 2022 (was, one report due on April 1, 2021).

Section 3.5

Amends Section 4.3 of SL 2020-4 by extending the authorization of the existence of the NCPRO until December 31, 2021. Adds the requirement that the NCPRO report to the specified NCGA commission and division beginning March 1, 2021, until the date the NCPRO ceases to operate. Requires that the report include: (1) for each month since March 1, 2020, the number of staff hired to support the NCPRO's duties and responsibilities, including specified information on each position; (2) for each month since March 1, 2020, an accounting of non-personnel expenditures; (3) a description of NCPRO's activities during the 2020 calendar year; and (4) a description of NCPRO's activities related to the Fund that remain to be completed in the 2021 calendar year. States the NCGA's finding that the need for a fully staffed NCPRO declines as funds from the Fund are expended and reports are submitted to the federal government; requires NCPRO to reduce its level of staffing accordingly.

Section 3.6

Amends Section 4.15(f) of SL 2020-4, as enacted by Section 1.3 of SL 2020-97, concerning the use of funds to study issues arising from the pandemic on transportation and produce diversification within the dairy industry, by removing the specification that nothing in (f) is to be construed as allowing the expenditure of funds from the Fund past December 30, 2020.

Section 3.7

Amends Section 8 of SL 2020-64 by increasing the amount to be transferred from the Coronavirus Relief Reserve to the Fund to \$684.4 million (was, \$645.4 million). Makes conforming changes to the amounts appropriated from the Fund and to the Statewide Reserve for Appropriations (Reserve); also changes the date by which the Reserve must have a \$0 balance from December 30, 2020, to June 30, 2021.

Section 3.8

Amends Section 3.1 of SL 2020-4, as amended, by decreasing the amount that is to be transferred from the Reserve to the fund for the 2019-20 fiscal year to \$2,324,390,646 (was, \$2,363,390,646). Amends Section 3.2 of SL 2020-4, as amended, by reducing the amount of funds appropriated from the Fund to OSBM for the 2019-20 fiscal year that was to be used as provided for the 46 specified allocations in Section 3.3 of the act to \$2,624,390,646 (was, \$2,663,390,646).

Section 3.9

Amends Section 4(b) of SL 2020-27 by no longer limiting the appropriation of funds from the Fund to OSBM for the Department of Public Instruction to fund an increase in average daily membership to the 2020-21 fiscal year and adds that the funds are to be available until the deadline established by applicable federal law and guidance.

Section 3.10

Amends Section 8(b) of SL 2020-27 by no longer limiting the appropriation of funds from the Fund to OSBM for the Southern Regional Area Health Education Center to the 2020-21 fiscal year and adds that the funds are to be available until the deadline established by applicable federal law and guidance.

Section 3.11

Amends Section 4.2D(d) of SL 2020-4, as enacted by SL 1.1(e) of SL 2020-80, by expanding the list of NCGA committees to whom the Office of Science, Technology, and Innovation must report on the pilot program to promote access to innovative digital and personalized learning solutions for high school students that bridge the gap between chemistry and physical science classes and career and technical education (CTE) career pathways.

Section 3.12

Amends Section 1.7(b) of SL 2020-97 by changing the expiration of the provision allowing State departments, institutions, and agencies subject to Article 3 of GS Chapter 143 to obtain in the open market necessary supplies, materials, equipment,

printing, or services to address the COVID-19 pandemic without authorization or approval of the Secretary of Administration, until December 31, 2021 (was, set to expire on December 30, 2020).

Section 4.1

Transfers \$39 million from the General Fund to the State Capital and Infrastructure Fund for 2020-21. Appropriates those same funds to the Growing Rural Economies with Access to Technology Fund for 2020-21. Requires that \$30 million of the funds be distributed using the special supplementary grant process established in SL 2020-4, with the remaining amount used to fund supplementary project grants previously awarded.

Section 4.2

Amends Section 4.17 of SL 2020-4, as enacted by Section 1.3 of SL 2020-97, as follows. Makes changes to account for funds made available to the program in Section 4.1 above. Deletes the existing timeline for distributing grants under the Growing Rural Economies with Access to Technology grant program (grant program) and now requires that awards be issued beginning no later than March 1, 2021. Amends the guidelines for awarding and administering grants by removing the requirement that recipients provide matching funds. Adds that the Office of Broadband Infrastructure may limit the number of grant recipients receiving funds appropriated in the act that are also eligible to receive the supplemental grant award authorized in Section 3.14(d) of SL 2020-97. Also amends Section 3.14(d) by adding that a project may receive a single supplementary grant award.

Section 5

Provides that the funds received from federal grants authorized under the federal Consolidated Appropriations Act, 2021, for COVID-19 Vaccine Preparedness, for Elementary and Secondary School Emergency Relief Fund II, and for Emergency Rental Assistance are appropriated in the amounts provided in the notification of award from the federal government or entity acting on the federal government's behalf. Sets out estimates of the amounts of North Carolina's allocations from the Consolidated Appropriations for those programs. Allows the responsible agencies, with the Director of the Budget's approval, to spend funds in the amounts received from the federal grants. Terminates positions created by the funds at the earlier of the funds being fully expended or the deadline established by applicable federal law and guidance.

Requires that the use of federal grant funds received under this section be detailed in quarterly reports. Specifies the information to be included in those reports. The reporting requirements end upon submission of the final report from each entity receiving federal grant funds, which is to be no later than 90 days from the date the grant period ends for the relevant funds. Requires public schools to report to the Department of Public Instruction (DPI) beginning March 1, 2021; requires DPI to report to the specified NCGA commission and division beginning April 1, 2021. Requires state agencies and departments to report to the specified NCGA commission and division beginning April 1, 2021.

Specifies that the appropriation of funds under this section does not obligate the State or create an ongoing obligation for future appropriations for programs or other purposes for which the funds are used.

Intro. by B. Jackson, Harrington, Hise.

UNCODIFIED

Education, Elementary and Secondary Education, Higher Education, Government, Public Safety and Emergency Management, State Agencies, UNC System, Department of Information Technology, Department of Public Instruction, Department of Revenue, Office of State Budget and Management, State Board of Education, Tax, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health, Social Services, Public Assistance, Nonprofits, Public Enterprises and Utilities

[View summary](#)

S 37 (2021-2022) **IN-PERSON LEARNING CHOICE FOR FAMILIES**. Filed Feb 1 2021, *AN ACT TO PROVIDE ACCESS TO IN-PERSON LEARNING FOR STUDENTS IN GRADES KINDERGARTEN THROUGH TWELVE*.

Includes whereas clauses. Mandates that all local school administrative units provide the option of in-person instruction to K-12 students of their unit for the remainder of the scheduled 2020-21 school year beginning no later than the first weekday that occurs 15 days following the date the act becomes law. Defines *in-person instruction* to require lunch service and transportation services. Details criteria for the provision of in-person instruction, including compliance with the Strong Schools NC Public Health Toolkit, as it existed on December 4, 2020, for implementation of Plan A (Minimal Social Distancing) and Plan B (Moderate Social Distancing) as appropriate for reopening. Requires instruction under Plan A to students with an individualized education program or a section 504 plan. Requires the use of Plan A or Plan B for all other students in K-12. Requires inclusion of a remote instruction option for a student's parent or guardian to elect for the remainder of the 2020-21 school year to be available for all students. Grants local boards of education flexibility in school assignments, and day-to-day shifts from in-person instruction to remote instruction due to COVID-19 exposures resulting in insufficient school personnel or required student quarantines. Requires a local board to report any shift by a school or classroom to remote instruction to the Department of Public Instruction (DPI) within 72 hours of the shift.

Encourages local boards to coordinate with local health departments and vaccine providers to facilitate scheduling COVID-19 vaccination events for frontline K-12 school-based employees.

Intro. by Ballard, Lee, Hise.

UNCODIFIED

[View summary](#)

Education, Elementary and Secondary Education, Government, Public Safety and Emergency Management, Local Government, Health and Human Services, Health, Public Health

S 38 (2021-2022) **SMALL BUSINESS OWNERS/S CORP FAIRNESS ACT**. Filed Feb 1 2021, *AN ACT TO ALLOW A NONATTORNEY SOLE OWNER OF AN S CORPORATION TO LEGALLY REPRESENT AND APPEAR IN COURT ON BEHALF OF THE S CORPORATION IN CERTAIN CIVIL ACTIONS.*

Amends GS 84-5, which prohibits the practice of law by a corporation. Modifies the statute to allow S corporations to be represented by and appear in State courts using a nonattorney representative who is the sole business owner of the entity, so long as the owner files an affidavit providing for his or her sole ownership. Applicable only to civil actions for \$25,000 or less, as determined under specified state law.

Amends GS 84-2.1 to exclude this type of representation or appearance as the sole owner of an S corporation from the *practice of law*. Makes conforming changes to GS 84-4.

Intro. by Perry, Lazzara, Johnson.

GS 84

[View summary](#)

Business and Commerce, Corporation and Partnerships, Occupational Licensing, Courts/Judiciary, Civil, Civil Law

S 39 (2021-2022) **NC TIME ZONE/OBSERVE DST ALL YEAR**. Filed Feb 1 2021, *AN ACT TO DESIGNATE THE TIME ZONE OF NORTH CAROLINA AND TO ADOPT DAYLIGHT SAVING TIME YEAR-ROUND IF AUTHORIZED BY CONGRESS.*

Enacts Article 8, Standard Time, to GS Chapter 81A. Enacts GS 81A-100, designating the standard time of the State to be the time designated by the US Department of Transportation pursuant to the Uniform Time Act of 1966. Subject to the authorization of Congress, directs the State and its political subdivisions to observe Daylight Saving Time throughout the year.

Directs the Commissioner of Agriculture (Commissioner) to notify the Governor within 60 days of Congressional authorization. Directs the Governor to implement GS 81A-100 by executive order or otherwise upon notification by the Commissioner.

Intro. by Sawyer, Perry, Johnson.

GS 81A

[View summary](#)**Government, State Government, Local Government**

S 40 (2021-2022) **NC CONSUMER FIREWORKS SAFETY ACT**. Filed Feb 1 2021, *AN ACT TO PERMIT THE SALE, POSSESSION, AND USE OF CERTAIN CONSUMER FIREWORKS AND TO LEVY AN EXCISE TAX ON THE SALES OF CONSUMER FIREWORKS*.

Amends GS 14-410 to establish that it is permissible for pyrotechnics that are consumer fireworks to be possessed, advertised, sold, used, transported, handled, or discharged within the state, so long as the possession, advertising, sale, use, transportation, handling, or discharge complies with Part 2 of Article 82A of GS Chapter 58, enacted below. Modifies subsection (b) to change the age to which it is unlawful to sell pyrotechnics, establishing that it is unlawful for any individual, firm, partnership, or corporation to sell consumer fireworks or pyrotechnics as defined in GS 14-414(2), (3), (4)c., (5), or (6) (currently does not include sale of consumer fireworks) to persons under the age of 18 (currently, under the age of 16). Makes conforming changes to the statute's title.

Amends GS 14-415 to make a violation of GS 14-410(b), as amended, a Class 1 misdemeanor rather than a Class 2 misdemeanor.

Recodifies GS 58-82A-1 through GS 58-82A-55 as Part 1 of Article 82A of GS Chapter 58, and names it *Display Pyrotechnics Training Permitting* and enacts new Part 2, *Consumer Fireworks*, as follows. Defines *consumer fireworks* to mean any small fireworks device designed primarily to produce visible effects by combustion or deflagration that (1) is categorized as a 1.4G firework device under Standard 87-1 of the American Pyrotechnics Association and (2) complies with the construction, chemical composition, and labeling regulations of the US Consumer Product Safety Commission, as set forth in the CFR, volumes 16 and 49. Defines other terms applicable to new Part 2.

Prohibits use or possession of consumer fireworks within a county or city unless that county or city has adopted an ordinance to allow the use and sale of consumer fireworks in accordance with new GS 153A-130.1 and new GS 160A-190.1. Places the following conditions on the possession and use of consumer fireworks: (1) the person possessing or using the consumer fireworks must be at least 18 years old; (2) the use of consumer fireworks may occur only between the hours of 10 am and 10 pm except for other specified times on July 4th and December 31st and the following January 1st; (3) the use of consumer fireworks is prohibited in or on the premises of a public or private primary or secondary school unless the person has received written authorization from the school; on the campus of a college or university unless the person has received written authorization from the college or university; and within 1,500 feet of a hospital, veterinary hospital, animal care facility, licensed child care facility, fireworks retailer, fireworks distributor, gas station, or bulk storage facility for petroleum products or other explosive or flammable substances; and (4) the possession or use of consumer fireworks is prohibited in or on the premises of any public park or public space, except as otherwise permitted by the person, state agency, or unit of local government owning or otherwise controlling the public park, property, or public space. Prohibits counties and cities from prohibiting the transportation of consumer fireworks across or through the county or city. Makes further clarifications as to transportation-related restrictions.

Prohibits selling consumer fireworks, sparkling devices, or novelties without a permit issued from the Commissioner of Insurance (Commissioner). Directs the Commissioner to issue rules to implement the statute. Requires permits of a fireworks retailer to be posted in a location visible to the public. Sets out conditions that must be met for permits to be issued to a person to operate a fireworks retailer or a sparkling device retailer, including maintaining public liability and product liability insurance with minimum coverage limits of \$5 million, and establishes permit fees. Prohibits a county or city from restricting or excluding the transportation of consumer fireworks across or through the county or city.

Sets out requirements that must be satisfied by all permittees, and the additional conditions that must be contained in any permit issued for a consumer fireworks permanent retailer or a consumer fireworks temporary retailer. Requires a permit issued to an incidental sparkling device retailer to allow the sale of sparkling devices and novelties only, and to require compliance with NFPA standards applicable to those sales. Defines *NFPA standards* to mean Standard 1124 of the National Fire Protection Association, 2017 edition, as it applies to the retail sale or distribution of consumer fireworks, except as provided in Part 2.

Sets out provisions concerning the power of the Commissioner of Insurance to exclude certain types or categories of pyrotechnics from the definition of consumer fireworks so long as the determination is evidence-based, and prohibiting the use of consumer fireworks during declared hazardous forest fire conditions.

Establishes that GS 14-415 (violations of the prohibition on the manufacture, sale, and use of pyrotechnics) and GS 58-2-70 (Civil penalties or restitution for violations; administrative procedure) apply to violations of Part 2. Authorizes the Commissioner, a State law enforcement officer, a municipal law enforcement officer, a code enforcement officer, or a fire safety official to petition the district court to seize or remove, at the expense of the permit holder, fireworks sold, offered for sale, stored, possessed, or used in violation of Part 2. Authorizes the Commissioner to assess a civil penalty in addition to or instead of suspending a permit pursuant to GS 52-82A-115, as enacted. Makes any violation of GS 58-52A-120 a Class 1 misdemeanor.

Authorizes the Commissioner, by majority vote, to suspend the permit of a person authorized to sell consumer fireworks or sparkling devices for engaging in: (1) selling fireworks or explosives not authorized under Part 2; (2) selling consumer fireworks or sparkling devices within the state without a valid permit; (3) selling consumer fireworks or sparkling devices to a person who appears to be under the influence of alcohol or drugs; (4) knowingly aiding or assisting in procuring, furnishing, giving, selling, or delivering consumer fireworks or sparkling devices to a person under the age of 18; or (5) selling consumer fireworks or sparkling devices at a fireworks retail stand or fireworks tent in violation of GS 58-82A-120, as enacted. Provides that it is an affirmative defense to any disciplinary action taken pursuant to this provision that the permit holder procured, furnished, gave, sold, or delivered consumer fireworks or sparkling devices to a person under the age of 18 in reasonable reliance upon fraudulent proof of age presented to the permit holder. Establishes that the civil penalty must be at least \$1,000 but cannot exceed \$10,000, and requires the Commissioner to consider specified factors in determining the amount issued. Requires clear proceeds of civil penalties issued under the provision to be remitted to the Civil Penalty and Forfeiture Fund. Sets forth that a person whose permit has been suspended or has been issued a civil penalty under this provision must receive a hearing before the applicable body within 10 days of the suspension, and if the decision is upheld, the person can seek judicial review in superior court.

Makes it unlawful to sell, transfer, or distribute consumer fireworks, sparkling devices, or novelties at a fireworks retail stand or a fireworks tent unless the fireworks retailer obtains written authorization to conduct business from the owner or custodian of the property wherein the stand or tent is located, if applicable, and there is adequate parking to accommodate customers of the fireworks retailer and, if applicable, any other businesses that are on the premises.

Requires certain safety labels on the packages of consumer fireworks, sparkling devices, or novelties authorized to be sold under Part 2, and requires fireworks retailers to provide a safety pamphlet created by the Office of the State Fire Marshall to the purchaser that outlines safe handling and best practices.

Directs the Commissioner to create a training course or identify an existing training course to train individuals on the function, safe handling, and best practices for the safe use of all categories of consumer fireworks. Also requires the Commissioner to create and maintain a list of persons who have completed the training. Allows the Department of Insurance to issue relevant rules and to charge a fee to cover the costs of implementing the statute.

Enacts new GS 153A-130.1 and GS 160A-190.1 allowing counties and cities to, by ordinance, regulate the use and sales of consumer fireworks, sparkling devices, and novelties to the public, effective October 1 following adoption and until its repeal, with any repeal effective October 1 following the repeal. Provides that a city or county can enact an ordinance at any time, but ordinances adopted prior to December 1, 2021, become effective December 1, 2021.

Enacts Article 2E to Subchapter I of GS Chapter 105, requiring an excise tax to be levied on consumer fireworks at the rate of 5% of the cost price of the products. Establishes that a person who sells consumer fireworks at retail is subject to and liable for this tax. Sets forth other provisions pertaining to tax on consumer fireworks, including filing monthly reports, discounts for timely filing a report and timely paying the tax, refunds, recordkeeping, and use of the tax, including crediting 25% of the proceeds to the Firefighters' Education Fund with the remainder credited to the General Fund. Applies to the cost price paid for fireworks on or after December 1, 2021.

Authorizes the Commissioner to require a fireworks retailer to furnish a bond, as specified, to protect the State from loss if the retailer fails to pay taxes due under Article 2E. Provides for calculation and periodic review of the bond amount. Allows substitution of an irrevocable letter of credit for the secured bond, as specified.

Enacts Article 85B to GS Chapter 58 to create the Firefighters' Education Fund within the Department of Insurance and administered by the Office of the State Fire Marshal, consisting of revenue credited from taxes under GS 105-113.125. Allows the Office of the State Fire Marshal to deduct administrative expenses, with the remaining revenues credited to be used to provide education and training to firefighters in the State. Defines firefighter.

Effective December 1, 2021, unless otherwise provided. Provides a saving clause for offenses committed before the effective date of the act.

Intro. by Sawyer, Gale.

[GS 14, GS 58, GS 105, GS 153A, GS 160A](#)

[View summary](#)

[Business and Commerce, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Insurance, Tax, Local Government](#)

LOCAL/HOUSE BILLS

H 37 (2021-2022) [ESTABLISH TWO AT-LARGE SEATS/W-S CITY COUNCIL](#). Filed Feb 1 2021, *AN ACT TO ESTABLISH TWO AT-LARGE SEATS ON THE CITY COUNCIL IN THE CITY OF WINSTON-SALEM.*

Amends Paragraph 2 of Section 12A of SL 1927-232, as amended, by increasing the number of members on the Winston-Salem City Council from eight to ten. Requires that the two additional members be at-large members, elected by qualified voters of the entire City. Requires the at-large members to be residents of Winston-Salem.

Requires that the two at-large members be elected during the statewide general election held in November 2024, serving four-year terms. Provides that the two candidates receiving the highest number of votes are to serve.

Intro. by Lambeth, Zachary.

[Forsyth](#)

[View summary](#)

[Government, Elections](#)

H 38 (2021-2022) [BD. OF TRUSTEES/ISOTHERMAL CC](#). Filed Feb 1 2021, *AN ACT TO ALLOW UP TO TWO MEMBERS OF THE BOARD OF TRUSTEES OF ISOTHERMAL COMMUNITY COLLEGE TO BE MEMBERS OF THE BOARDS OF COUNTY COMMISSIONERS AND TO REQUIRE TRUSTEES TO MAINTAIN THEIR COUNTY OF RESIDENCE.*

Applicable to Isothermal Community College only, amends GS 115D-12, as amended, to allow for a member from each of the Rutherford County Commissioners and the Polk County Commissioners to be elected to the College's Board of Trustees, rather than limiting service to only one county commissioner total. Additionally, adds a new provision requiring trustees to maintain their county residency at appointment throughout their term. Applies to appointments to terms beginning on or after July 1, 2021.

Intro. by Johnson.

[Polk, Rutherford](#)

[View summary](#)

[Education, Higher Education](#)

LOCAL/SENATE BILLS

S 32 (2021-2022) [36TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 1 2021, *AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Newton.

[Cabarrus, Union](#)

[View summary](#)

S 33 (2021-2022) [45TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 1 2021, *AN ACT RELATING TO THE 45TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Ballard.

[Alleghany, Ashe, Surry, Watauga, Wilkes](#)

[View summary](#)

S 34 (2021-2022) [49TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 1 2021, *AN ACT RELATING TO THE 49TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Mayfield.

[Buncombe](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 18: LOCAL SCHOOL ADMIN. UNIT CASH MANAGEMENT.

House: Withdrawn From Com

House: Re-ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 21: ADD MEMBER TO NC TRAINING STANDARDS COMMISS.

House: Passed 1st Reading

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

H 25: IMPAIRED DRIVING LAW REVISIONS.

House: Passed 1st Reading

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

H 26: REVISE USE OF ALCOHOL CONCENTRATION RESULT.

House: Passed 1st Reading

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

H 27: IN-SERVICE TRAINING/MAGISTRATES.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 3, if favorable, Rules, Calendar, and Operations of the House

H 28: NOTARY PUBLIC/NONCITIZENS.

House: Passed 1st Reading

House: Ref to the Com on Commerce, if favorable, Judiciary 4, if favorable, Rules, Calendar, and Operations of the House

H 29: VERIFICATION OF IMMIGRATION STATUS - SAVE.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 3, if favorable, State Government, if favorable, Rules, Calendar, and Operations of the House

H 31: DETECTED HEARTBEAT/PROHIBIT ABORTION.

House: Passed 1st Reading

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

H 36: PROTECT THOSE WHO SERVE AND PROTECT ACT.

House: Filed

H 39: ESTABLISH BIRTH CENTER LICENSURE ACT.

House: Filed

H 40: KIMBERLY'S LAW/DEATH BY VEHICLE/DWLR.

House: Filed

H 41: AMEND LAWFUL AGE TO MARRY/18 YEARS OF AGE.

House: Filed

H 42: 2020 COVID RELIEF BILL MODIFICATIONS.

House: Filed

S 26: CLARIFY TERMINAL GROIN DEFINITION.

Senate: Passed 1st Reading

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

S 27: AGRICULTURAL MANUFACTURING TAX INCENTIVE.

Senate: Passed 1st Reading

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

S 29: RICKY'S LAW/POLITICAL SIGN PLACEMENT.

Senate: Filed

S 30: FEE REDN./LIFETIME HUNTING & AMP FISHING LICENSES.

Senate: Filed

S 31: POLITICAL SUBDIVISIONS/LOCAL BIDDERS NOTICE.

Senate: Filed

S 35: AMEND LAWFUL AGE TO MARRY/18 YEARS OF AGE.

Senate: Filed

S 36: 2020 COVID RELIEF BILL MODIFICATIONS.

Senate: Filed

S 37: IN-PERSON LEARNING CHOICE FOR FAMILIES.

Senate: Filed

S 38: SMALL BUSINESS OWNERS/S CORP FAIRNESS ACT.

Senate: Filed

S 39: NC TIME ZONE/OBSERVE DST ALL YEAR.

Senate: Filed

S 40: NC CONSUMER FIREWORKS SAFETY ACT.

Senate: Filed

LOCAL BILLS**H 22: APEX TOWN COUNCIL APPOINT TOWN CLERK.**

House: Passed 1st Reading

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

H 23: UTV REGULATION/TOWN OF SPENCER.

House: Passed 1st Reading

House: Ref to the Com on Local Government, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

H 24: STANLEY/REMOVE SATELLITE ANNEXATION CAP.

House: Passed 1st Reading

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

H 30: TOWN OF SOUTHERN SHORES/EMINENT DOMAIN.

House: Passed 1st Reading

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

H 37: ESTABLISH TWO AT-LARGE SEATS/W-S CITY COUNCIL.

House: Filed

H 38: BD. OF TRUSTEES/ISOTHERMAL CC.

House: Filed

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

Senate: Passed 1st Reading

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

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

Senate: Passed 1st Reading

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

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

Senate: Passed 1st Reading

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

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

Senate: Passed 1st Reading

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

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

Senate: Passed 1st Reading

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

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

Senate: Passed 1st Reading

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

S 32: 36TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 33: 45TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 34: 49TH SENATORIAL DISTRICT LOCAL ACT-1.*Senate: Filed***© 2021 School of Government The University of North Carolina at Chapel Hill**

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