



The Daily Bulletin: 2021-02-18

PUBLIC/SENATE BILLS

S 114 (2021-2022) [DES COVID MODIFICATIONS AND TECHNICAL CHANGES](#). Filed Feb 18 2021, *AN ACT TO MAKE MODIFICATIONS TO THE 2020 COVID-19 RELIEF MEASURES ALLOWED FOR EMPLOYERS AND CLAIMANTS UNDER THE UNEMPLOYMENT INSURANCE SYSTEM, TO REDUCE THE SUTA TAX RATE FOR 2021, AND TO MAKE TECHNICAL AND CLARIFYING CHANGES REQUESTED BY THE DIVISION OF EMPLOYMENT SECURITY.*

Identical to [H 107](#), filed 2/17/21.

Section 1

Amends GS 96-14.15, which provides for unemployment benefits payable in response to the coronavirus emergency, including eliminating the waiting week and work-search requirements, allowing employers to attach claims, and not charging such benefits paid to the account of any base period employer of the individual. Makes clarifying changes to subsection (b) to specify that the exceptions allowed apply only to claims and benefits payable in response to the coronavirus emergency defined in subsection (a). Changes the sunset of the act to now apply to employment benefits filed for period beginning on or after March 10, 2020, and expiring for unemployment benefits filed for period beginning on or after the earlier of the date the Governor signs an order rescinding Executive Order No. 116, or December 31, 2021 (was December 31, 2020).

In determining whether the State is in an extended benefits period from November 1, 2020, to December 31, 2021, directs that the State disregard the prohibition of GS 96-14.14(b)(3) that bars an extended period from beginning before the fourteenth week following the end of a prior extended period which was in effect with respect to the State, thereby permitting back to back extended benefit periods with no waiting period.

Formally elects the option by which the State will coordinate the federal Pandemic Emergency Unemployment Compensation program (PEUC) and regular unemployment compensation program for individuals meeting four criteria specified in the identified December 31, 2020, Department of Labor Letter. Elects option one for the State to require exhaustion of certain PEUC claims prior to payment of new regular unemployment compensation claims for individuals whose benefit year has expired and must file a regular unemployment initial claim.

Sets the base contribution rate for an experienced-rated employer at 1.9% for the 2021 calendar year.

Section 2

Amends GS 96-14.14 to specify that extended benefits payable under GS 96-14.14(b)(5)c., which set unemployment thresholds that trigger an "on indicator" for extended benefits in the State for a certain week, are not required under federal law and can be paid only if 100% federally funded (previously, only covered extended benefits payable under GS 96-14.14(b)(5)b., which sets a percentage unemployment over a time period that triggers an "on indicator" for extended benefits in the State for a certain week).

Section 3

Amends GS 96-14 to require reduction of partial unemployment weekly benefit amounts by the amount of any wages earned by the individual (rather than by the amount of any wages the individual receives) during the benefit week in excess of 20% of the benefit amount applicable to total unemployment.

Sections 4 and 5

Makes a technical correction to GS 96-15. Further amends the statute to consistently refer to rules adopted by the Division of Employment Security (DES) concerning disputed claims.

Section 6

Further amends GS 96-15 to make the Board of Review's decision of an appealed claim final upon the earlier of 30 days after the date of notification or mailing of the decision, unless judicial review is sought (previously, the general rule made decisions final 30 days after the date of mailing unless judicial review was sought). Specifies that DES must furnish the names and address of the parties as found in DES records upon request of the petitioner seeking judicial review (previously did not specify that the party names and addresses must be found in DES records). Applies to decisions made on or after June 1, 2021.

Intro. by Edwards.

GS 96

[View summary](#)

**Employment and Retirement, Government, Public Safety and
Emergency Management, State Agencies, Department of
Commerce**

S 116 (2021-2022) **LET THEM PLAY AND LET US WATCH**. Filed Feb 18 2021, *AN ACT TO PERMIT INCREASED ACCESS TO OUTDOOR SPORTING FACILITIES IN PUBLIC AND NONPUBLIC HIGH SCHOOLS*.

Includes whereas clauses. Requires all public and nonpublic high schools to limit the number of spectators at outdoor sporting events for the remainder of the scheduled 2020-21 school year, as follows. Defines *spectator* to exclude athletes, school employees, entertainers, and event support staff. Caps spectators at 40% capacity of an outdoor facility's approved occupancy capacity under the fire code, or no more than seven persons for every 1,000 feet for those without an approved occupancy capacity. Requires high schools to comply with the requirements of the StrongSchoolsNC Public Health Toolkit as it existed on February 2, 2021, and the Interim Guidance for Administrators and Participants of Youth and Amateur Sports Programs as it existed on January 28, 2021, in allowing access to outdoor sporting facilities so long as the requirements are consistent with the act's provisions. Does not prohibit a school's implementation of stricter access to outdoor sporting events at that school.

Intro. by Johnson, Sawyer, Britt.

UNCODIFIED

[View summary](#)

**Education, Elementary and Secondary Education,
Government, Public Safety and Emergency Management**

S 117 (2021-2022) **AMEND LAW REGARDING UNIVERSITY DISCIPLINE**. Filed Feb 18 2021, *AN ACT TO ESTABLISH DUE PROCESS SAFEGUARDS FOR STUDENTS FACING UNIVERSITY DISCIPLINARY PROCEEDINGS*.

Amends GS 116-11 to require the UNC Board of Governors (BOG) to adopt mandatory, systemwide policies governing a student's due process rights during disciplinary investigations and hearings. Specifies five items that must be included in the policy with regard to allegations of sexual misconduct by a student, including that the accused student be promptly provided adequate notice including details of the allegations, details of any alleged violation of the Student Code of Conduct, and copies of all evidence at a meaningful time and in a meaningful manner and be advised of the right to consult legal counsel and to an appeal, as well as requiring that the standard of proof of responsibility for proving sexual misconduct be no less than clear and convincing evidence.

Enacts new Part 8, Student Disciplinary Proceedings, under Article 1 of GS Chapter 116. Enacts new GS 116-44.20 requiring each UNC constituent institution to adopt policies to govern student conduct and to establish adequate due process procedures to be followed when conducting disciplinary proceedings against students. Requires the policies to comply with the policies adopted by the BOG under GS 116-11, as described above; Part 8 (Student Disciplinary Proceedings) and US and State laws and regulations. Requires that the University policies include or provide for the development of a Code of Student Conduct that notifies students of the standards of behavior, conduct that may subject a student to discipline, and the range of disciplinary measures that may be used. Allows the suspension, but not expulsion, of a student for conduct not occurring on campus, if the conduct violates the Code of Conduct and the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the constituent institution or the safety of individuals in the educational environment. Prohibits allowing a student to be suspended or expelled long-term without first providing a hearing and prohibits imposing mandatory suspensions or expulsions for specific violations unless otherwise provided by state or federal law. Requires minimizing the use of long-term suspension and expulsion. Requires University policies to include the

hearing notification procedures and due process procedures to be followed by university officials and students for cases involving a disciplinary outcome that may result in suspension or expulsion, consistent with Article 1.

Recodifies GS 116-40.11 as GS 116-44.21 and includes it in new Part 8. Also amends the statute to give any student enrolled at a constituent institution who is accused of a violation of the Student Code of Conduct (was, violation of the disciplinary or conduct rules) the right to be represented, at the student's expense, by a licensed attorney or nonattorney advocate who must be (was, may be) allowed to participate during any disciplinary hearing or procedure. Provides that a student does not have the right to be represented by an attorney or advocate for any allegation of academic dishonesty (previously, also included situations where the institution has implemented a student honor court that is fully staffed by students to address such violations). Makes additional conforming changes.

Applies to investigations and proceedings initiated on or after October 1, 2021.

Intro. by Krawiec, Ballard, Sawyer.

GS 116

[View summary](#)

Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System

S 118 (2021-2022) **MODERNIZATION OF DRUG COURT PROGRAM**. Filed Feb 18 2021, *AN ACT TO ESTABLISH JUDICIALLY MANAGED ACCOUNTABILITY AND RECOVERY COURTS THROUGHOUT THE STATE OF NORTH CAROLINA TO PROVIDE CASE MANAGEMENT AND CONTINUITY OF CARE FOR THOSE ENROLLED IN THE PROGRAM AND TO APPROPRIATE FUNDS.*

Renames Subchapter XIV of Article 62 of GS Chapter 7A as Accountability and Recovery Courts (currently, Drug Treatment Courts). Renames Article 62 of GS Chapter 7A, Judicially Managed Accountability and Recovery Court Act (currently, North Carolina Drug Treatment Court Act). Amends GS 7A-790 to make conforming change, establishing that Article 62 is to be known and cited as the Judicially Managed Accountability and Recovery Act of 2021.

Adds to the purposes of Article 62, set out in GS 7A-791, the need for judicial programs that will reduce the incidence of offenses, delinquent acts, and child abuse and neglect where mental, behavioral, or medical health is a significant factor in commission of the offense or act. Further, provides that it is the intent of the General Assembly to create a program to facilitate the creation and operation of judicially managed accountability and recovery courts (previously, the creation and operation of local drug treatment court programs and driving while impaired treatment court programs). Replaces references to "drug abuse" with "substance abuse."

Makes conforming changes throughout Article 62 to refer to "judicially managed accountability and recovery courts" and remove all references to "drug treatment courts."

Amends GS 7A-792, setting forth five goals of the judicially managed accountability and recovery courts, to add to and amend the existing goals. Amends the first goal to now provide the goal to reduce alcoholism and other substance abuse and dependencies (previously, and other drug dependencies) among adult and juvenile offenders and defendants and among respondents in juvenile petitions for abuse, neglect, or both. Amends the third goal to now provide the goal to reduce the alcohol-related and other substance-related (previously, drug-related) court workload. Amends the last goal to now provide the goal to promote effective interaction, collaboration, coordination, and use of resources (previously, to promote effective interaction and use of resources) among criminal and juvenile justice personnel, child protective services personnel, and community agencies. Adds a new goal of reducing the mental, behavioral, or medical health-related court workload.

Amends GS 7A-793, providing that the NC Judicially Managed Accountability and Recovery Court Program is established in the Administrative Office of the Courts (AOC) to facilitate the creation, administration, and funding of local judicially managed accountability and recovery courts (previously, did not specify administration). Provides that local judicially managed accountability and recovery courts established and funded pursuant to Article 62 can consist of programs approved by the AOC. Adds that a judicially managed accountability and recovery court can be established with the consent of either the chief district court judge or the senior resident superior court judge.

Deletes the existing provisions of GS 7A-794 and now directs the AOC to administer funding relating to the NC Judicially Managed Accountability and Recovery Court Program (Program).

Amends GS 7A-795 to make conforming changes to the provisions pertaining to the Advisory Committee of the Program. Adds new provision to direct the Advisory Committee to provide minimum standards of judicially managed accountability and recovery courts in developing guidelines for the program for recommendation to the Director of the AOC (previously, directed the Advisory Committee to consider the Substance Abuse and the Courts Action Plan and other recommendations of the Substance Abuse and the Courts State Task Force).

Amends GS 7A-796, concerning the makeup of a local judicially managed accountability and recovery court committee. Amends and adds to the provided list of persons that can be appointed to a local committee as specified. Directs the local committee to develop local guidelines and procedures, not inconsistent with the State guidelines and minimum standards (currently, minimum standards not specified), necessary for the operation and evaluation of the local judicially managed accountability and recovery court. Makes conforming change to direct the Director of AOC, in conjunction with the Advisory Committee, to develop criteria for eligibility, minimum standards, and other procedural and substantive guidelines for judicially managed accountability and recovery court operation.

Amends GS 7A-799 to establish that nothing in the Article confers a right or an expectation of a right to treatment or recovery management for (currently does not specify treatment or recovery management) a defendant or offender within the criminal or juvenile justice system or a respondent in a juvenile petition for abuse, neglect, or both.

Makes conforming changes to GS 7A-800 and GS 7A-801, concerning the payment of costs of a treatment program and monitoring and reporting requirements.

Enacts new GS 7A-802 excluding from the scope of the Article drug treatment courts or judicially managed accountability and recovery courts in existence on or before July 1, 2021, to the extent that compliance with the Article would disqualify the court from specified grant funding.

Directs AOC, in coordination with each county's district attorney's office, to establish a pilot program in Haywood, Robeson, and Wayne counties that creates judicially managed accountability and recovery courts. Requires a report on the results of the pilot program by the 2023 Regular Session of the General Assembly upon its convening. Appropriates from the General Fund to the Administrative Office of the Courts \$150,000 for the 2021-22 and 2022-23 fiscal years for each of the three courts in the pilot project.

Effective July 1, 2021.

Intro. by Britt, Corbin, Perry.

[APPROP, STUDY, Haywood, Robeson, Wayne, GS 7A](#)

[View summary](#)

[Courts/Judiciary, Court System, Government, Budget/Appropriations, State Agencies, Department of Justice, Health and Human Services, Health](#)

LOCAL/SENATE BILLS

S 115 (2021-2022) [STUDENTS, PARENTS, COMMUNITY RIGHTS ACT](#). Filed Feb 18 2021, *AN ACT TO PERMIT INCREASED ACCESS TO OUTDOOR SPORTING FACILITIES IN PUBLIC AND NONPUBLIC HIGH SCHOOLS IN CERTAIN COUNTIES*.

Includes whereas clauses. Limits the scope of the act to Anson, Iredell, Moore, Richmond, Scotland, Union, and Yadkin Counties only. Requires all public and nonpublic high schools to limit the number of spectators at outdoor sporting events for the remainder of the scheduled 2020-21 school year, as follows. Defines *spectator* to exclude athletes, school employees, entertainers, and event support staff. Caps spectators at 50% capacity of an outdoor facility's approved occupancy capacity under the fire code, or no more than seven persons for every 1,000 feet for those without an approved occupancy capacity. Requires high schools to comply with the requirements of the StrongSchoolsNC Public Health Toolkit as it existed on February 2, 2021, and the Interim Guidance for Administrators and Participants of Youth and Amateur Sports Programs as it existed on January 28, 2021, in allowing access to outdoor sporting facilities so long as the requirements are consistent with the act's provisions. Does not prohibit a school's implementation of stricter access to outdoor sporting events at that school.

Intro. by Johnson, Sawyer, McInnis.

Anson, Iredell, Moore, Richmond, Scotland, Union, Yadkin

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**Education, Elementary and Secondary Education,
Government, Public Safety and Emergency Management**

S 119 (2021-2022) [32ND SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 18 2021, *AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT.*

Blank bill.

Intro. by Lowe.

Forsyth

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

S 105: 2021 APPROPRIATIONS ACT.

Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate
Senate: Withdrawn From Com
Senate: Re-ref Com On Appropriations/Base Budget

S 106: 2021 APPROPRIATIONS ACT.

Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate
Senate: Withdrawn From Com
Senate: Re-ref Com On Appropriations/Base Budget

S 107: 2021 APPROPRIATIONS ACT.

Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate
Senate: Withdrawn From Com
Senate: Re-ref Com On Appropriations/Base Budget

S 108: TUITION GRANTS FOR NCSSM GRADUATES.

Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate
Senate: Withdrawn From Com
Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate

S 110: KNIGHT-LECOUNT ADVOCACY FOR MARROW ED. & REG.

Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

S 111: SENATE BOG ELECTIONS.

Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

Senate: Withdrawn From Com

Senate: Re-ref Com On Select Committee on Nominations

S 112: TEMP ALIGN PPP TREATMENT TO FEDERAL TREATMENT.

Senate: Passed 1st Reading

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

S 113: MODIFY TERMINATION OF PARENTAL RIGHTS APPEALS.

Senate: Passed 1st Reading

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

S 114: DES COVID MODIFICATIONS AND TECHNICAL CHANGES.

Senate: Filed

S 116: LET THEM PLAY AND LET US WATCH.

Senate: Filed

S 117: AMEND LAW REGARDING UNIVERSITY DISCIPLINE.

Senate: Filed

S 118: MODERNIZATION OF DRUG COURT PROGRAM.

Senate: Filed

LOCAL BILLS

S 109: LAW ENFORCEMENT RECORDINGS/WINSTON-SALEM.

Senate: Passed 1st Reading

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

S 115: STUDENTS, PARENTS, COMMUNITY RIGHTS ACT.

Senate: Filed

S 119: 32ND SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

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