



## The Daily Bulletin: 2021-02-25

### PUBLIC/HOUSE BILLS

H 4 (2021-2022) [EXTEND ABC PERMIT RENEWAL FEE DEFERRAL](#). Filed Jan 27 2021, *AN ACT TO EXTEND THE DELAY ON THE PAYMENT DEADLINE FOR CERTAIN ABC PERMIT RENEWALS AND TO DIRECT THE ABC COMMISSION TO REINSTATE OR REACTIVATE CERTAIN CANCELLED OR INACTIVATED ABC PERMITS.*

AN ACT TO EXTEND THE DELAY ON THE PAYMENT DEADLINE FOR CERTAIN ABC PERMIT RENEWALS AND TO DIRECT THE ABC COMMISSION TO REINSTATE OR REACTIVATE CERTAIN CANCELLED OR INACTIVATED ABC PERMITS. SL 2021-4. Enacted Feb. 25, 2021. Section 1 is effective retroactively June 30, 2020. The remainder is effective Feb. 25, 2021.

**Intro. by Moffitt, Boles, Bell, Paré.**

UNCODIFIED

[View summary](#)

**Alcoholic Beverage Control, Government, Public Safety and  
Emergency Management**

H 159 (2021-2022) [EDUCATION LAW CHANGES.-AB](#) Filed Feb 24 2021, *AN ACT TO APPROPRIATE FUNDS FOR LEGISLATIVELY MANDATED COMPENSATION BONUSES FOR TEACHERS AND INSTRUCTIONAL SUPPORT PERSONNEL IN CERTAIN PUBLIC SCHOOLS AND TO MAKE VARIOUS CHANGES TO EDUCATION LAWS, AS RECOMMENDED BY THE DEPARTMENT OF PUBLIC INSTRUCTION.*

Part I.

Requires the Department of Public Instruction (DPI) to pay a one-time lump sum bonus of \$350 by April 30, 2021, to every teacher who, as of April 1, 2021, is employed as a teacher in a school for students with visual and hearing impairments. Specifies the intent that these bonuses complement the bonuses provided to other teachers in Section 2 of SL 2020-45. Defines *teacher* as teachers and instructional support personnel. Excludes the bonuses from compensation under Article 1 (Retirement System for Teachers and State Employees) of GS Chapter 135. Excludes from the bonus any teacher no longer employed as a teacher due to resignation, dismissal, reduction in force, death, or retirement or whose last workday is prior to April 1, 2021. Specifies that funds provided in this section supplement the compensation of a public school employee and not supplant local funds. Appropriates \$55,000 for 2020-21 from the General Fund to DPI to provide the bonuses.

Part II.

Amends GS 115C-302.1 to allow individual teachers who are not employed in a year-round school to be paid in 12 monthly installments when requested by the teacher (removes the requirement that the teacher make the request on or before the first day of the school year). Makes conforming changes to GS 115C-316. Removes the provision prohibiting teachers employed for less than 10 months from receiving their salary in 12 installments.

Part III.

Amends Section 2.3 of SL 2020-80 to extend the due date of the State Board of Education's (SBE) report to to the specified NCGA committee on unpaid meal charges in local school administrative units from October 15, 2021, to October 15, 2022. Effective June 30, 2021, allows the funds transferred from the School Bus Replacement Fund to the State Public School Fund to provide free school lunches to students of all grade levels qualifying for reduced-price meals to be used in 2021-22 in addition to 2020-21. Makes conforming changes.

Part IV.

Amends GS 115C-450 as follows. Requires school nutrition services to be included in the budget of each public school unit providing school nutrition services (was, required school food services to be included in the budget of each local school administrative unit) and requires the SBE to provide for school nutrition services in the uniform budget format. Prohibits public school units that provide school nutrition services from assessing indirect costs to a school nutrition program unless the program has an operating balance of at least three months (was, local school administrative units were prohibited from assessing indirect costs to a child nutrition program unless the program has a minimum of one month's operating balance). Deletes the formula for calculating operating balance, and instead requires DPI to calculate the operating balance of a school nutrition program of a public school unit that provides school nutrition services. Amends the definition of *indirect costs*. Makes additional conforming and technical changes. Effective July 1, 2021.

Part V.

Makes, for the 2020-21 school year, any student in the 12th grade who has not completed instruction in cardiopulmonary resuscitation eligible to graduate if: (1) instruction in cardiopulmonary resuscitation cannot be completed due to the COVID-19 emergency and (2) the student is eligible to graduate in all other respects, as determined by the principal of the school to which the student is assigned.

Part VI.

Amends GS 115C-105.57 to require that public school units report to the Center for Safer Schools (Center) annually by January 15 on the specified information regarding school resource officers, as part of the Center's annual census of school resource officers. The information to be reported by schools is the same as that previously required to be included in the Center's annual report. Makes conforming changes. Requires the Center to compile the information submitted by the public school units and report that information at the statewide and local levels to the already specified entities.

Part VII.

Amends GS 115C-218.1 to set the fee for initial and renewal charter applications at \$1,000 (was, a reasonable fee of no less than \$500 and no more than \$1,000).

Part VIII.

Amends GS 115C-270.20 to require that a professional educator who meets the requirement of the statute for a lifetime license as a professional educator be issued a lifetime license.

Part IX.

Amends Article 6C (concerning the Education and Workforce Innovation Program) of GS Chapter 115C as follows. Adds the CTE Grade Expansion Program to the scope of the Article. Makes changes throughout to combine the Education and Workforce Innovation Program and CTE Grade Expansion Program, now known as the Education and Workforce Innovation and CTE Grade Expansion Program (Program). Allows up to 10% of the funds appropriated for the Education and Workforce Innovation and CTE Grade Expansion Program to be used by DPI for technical and administrative assistance. No longer prohibits members of the North Carolina Education and Workforce Innovation Commission (Commission) from sending designees to meetings. Requires the Program to prioritize the inclusion of students in sixth and seventh grades through grant awards provided to selected local school administrative units. Requires Program funds to be used to award competitive grants depending on the State's needs, determined by the Commission, by dividing the grants between each type as innovation grants or as grants for grade expansion for career and technical education. Amends the innovation grant provisions to requires the grants to be used to advance comprehensive, high-quality education that equips teachers and other hired personnel (was, teachers) with knowledge and skill required to succeed with all students. Requires innovation grant recipients to provide a description of the funds that will be used and a proposed budget for each of the grant years (was, for five years). Amends GS 115C-64.17 by making conforming changes to make those provisions applicable to grants for career and technical education grade expansion. Makes additional conforming, technical, and clarifying changes.

Requires that of the funds appropriated to DPI from the General Fund for 2021-22 for the North Carolina Education and Workforce Innovation Commission for the Education and Workforce Innovation Program and for the Career and Technical Education Grade Expansion Program, beginning in 2021-22, to instead appropriate \$3,171,118 in recurring funds to DPE for the Commission for the Program.

Effective July 1, 2021.

**Intro. by Torbett, Blackwell.**

APPROP, GS 115C

[View summary](#)**Education, Elementary and Secondary Education,  
Government, Budget/Appropriations, State Agencies,  
Department of Public Instruction, State Board of Education**

H 160 (2021-2022) **RETIREMENT SERVICE PURCHASE REWRITE PART II.-AB** Filed Feb 25 2021, *AN ACT MAKING TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO LAWS RELATING TO CREDITABLE SERVICE PURCHASES UNDER THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.*

## Part I

Recodifies specified subdivisions and subsections of GS 135-4 as subdivisions (1), (2), (4) through (13) and (15) of GS 135-4.5(b). Modifies those subdivisions and adds to GS 135-4.5, concerning creditable service purchases by members of the Teachers' and State Employees' Retirement System (TSERS), as follows.

Adds new subsection (a), stating a general authorization for members who meet the specified applicable eligibility requirements set forth in new subsection (b) to purchase creditable service by paying a lump sum amount to the annuity savings fund equal to the full liability increase due to additional service credits on the basis of the assumptions used for the purposes of the actuarial valuation of the liabilities of TSERS, except for two assumptions provided regarding the calculation of postretirement allowance. Requires the calculation of the amount payable to also include an administrative fee set by the Board of Trustees (TSERS Board). Authorizes employers to pay all or part of the cost of a service purchase of a member in service, subject to subsection (b), with employer paid costs credited to the pension accumulation fund and employee paid costs credited to the member's annuity savings account. Specifies that the provisions in subsection (b) supersede the provisions of subsection (a) in the event of conflict.

As recodified, modifies and adds to subsection (b), which sets forth criteria for 15 various purchases of creditable service authorized. Makes conforming changes throughout to eliminate repetitive guidelines regarding cost and payment for creditable service purchases, now covered in new subsection (a). Enacts new subdivision (3), authorizing members in service with five or more years of membership service on or after January 1, 2023, to purchase creditable service for service as an NCGA member not otherwise creditable, so long as service is not also credited in the Legislative Retirement Fund or the Legislative Retirement System (LRS); caps the amount purchased under new subdivision (3) at five years. Restricts authorized purchases for NCGA creditable service under subdivision (2), which does not require five or more years of membership service or place a five year cap on purchases, to purchases before January 1, 2023. Adds to subdivision (6), concerning the purchase of service credit for prior temporary State employment on or before December 31, 2021, to explicitly state that any inchoate or accrued rights of a member to purchase creditable service that existed prior to December 31, 2021, cannot be diminished and can be purchased as creditable service with TSERS under the same conditions that would have otherwise applied. Amends subdivision (9), concerning the purchase of credit at full cost for federal employment, to no longer provide for purchase of creditable service on or before December 1, 2021, for periods of employment with public community service entities within the State funded entirely with federal funds that are not otherwise covered. Enacts new subdivision (14) to authorize a member in service with five or more years of membership service to purchase creditable service on or after January 1, 2023, for any employment as an employee of a charter school operated by a nonprofit or municipality whose board of directors did not elect to participate in TSERS; caps the amount of service purchased at five years. Restricts authorized purchases for charter school creditable service under subdivision (13), which does not require five or more years of membership service prior to purchase, to purchases before January 1, 2023. Makes technical and organizational changes. Makes language gender neutral.

Amends GS 135-4(ff) to enact identical provisions regarding the cost and payment of creditable service purchases as those enacted in GS 135-4.5(a), making the same general provisions applicable to retroactive membership service credit for reinstated members. Makes technical changes. Makes language gender neutral.

Repeals the following subsections of GS 135-4: subsection (j), which requires creditable service to include any service rendered by a member while on leave of absence to serve as a member or officer of the General Assembly which is not creditable toward retirement under the Legislative Retirement Fund; subsection (k), which allows repayment of withdrawn

contributions from the Law Enforcement Officers' Retirement System on or before December 31, 2021, upon return to service after five years of creditable service; subsection (l), which authorizes any member and any retired member described to purchase creditable service, on or before December 31, 2021, previously rendered to the federal government or to any state, territory, or other governmental subdivision of the United States other than this State; and (bb), which authorizes a member to purchase creditable service, prior to retirement and on or before December 31, 2021, for employment with any local government employer when considered to be in a probationary or employer-imposed waiting period status, between the date of employment and the date of membership service with the Local Government Employees' Retirement System (LGERS).

#### Part II

Amends GS 128-24(2), concerning the purchase of creditable service by members of LGERS, to enact identical provisions regarding the cost and payment of creditable service purchases as those enacted for TSERS under GS 134.5(a), for purchases made on or after January 1, 2023. Makes existing provisions regarding the purchase of creditable service restricted to purchases made prior to January 1, 2023.

Amends GS 128-26(h1), regarding the purchase of NCGA creditable service, to now restrict the provisions to purchases prior to January 1, 2023.

Amends GS 128-26 to enact identical provisions regarding the cost and payment of creditable service purchases as those enacted in GS 135-4.5(a) and GS 128-24(2), making the same general provisions applicable to retroactive membership service credit for reinstated members. Makes technical changes. Makes language gender neutral.

Repeals GS 128-26(h), which is identical to that repealed in GS 135-4(j), requiring creditable service to include any service rendered by a member while on leave of absence to serve as a member or officer of the General Assembly which is not creditable toward retirement under the Legislative Retirement Fund.

#### Part III

Enacts GS 135-56(d1), enacting substantively identical cost and payment provisions regarding creditable service purchases as those enacted in GS 135-4.5(a) and GS 126-24(2) for TSERS and LGERS members, for purchases made on or after January 1, 2023, applicable to member service as a judge, district attorney, or clerk of superior court, and excluding magistrates, justices of the peace, and mayor's court judges. Requires transfers of any accumulated contributions from TSERS and LGERS prior to purchase. Makes existing provisions regarding the purchase of creditable service, set out in subsection (d), restricted to purchases made prior to January 1, 2023.

Amends GS 135-56(e), regarding the purchase of NCGA creditable service, to now restrict the provisions to purchases prior to January 1, 2023.

Amends GS 135-56.2, to enact identical provisions regarding the cost and payment of creditable service purchases as those enacted in GS 135-56(d1), making the same general provisions applicable to retroactive membership service credit for reinstated members.

#### Part IV

Makes the act effective January 1, 2022, and applicable to purchases of creditable service occurring on or after that date.

**Intro. by McNeill, C. Smith.**

[GS 128, GS 135](#)

[View summary](#)

**Courts/Judiciary, Court System, Employment and Retirement, Government, General Assembly, Public Safety and Emergency Management, State Government, State Personnel, Local Government**

H 161 (2021-2022) [ADDRESS ABANDONED AND DERELICT VESSELS.-AB](#) Filed Feb 25 2021, *AN ACT TO ADDRESS ABANDONED AND DERELICT VESSELS IN THE WATERS OF THE STATE.*

Makes organizational changes to GS 75A-2, which sets forth defined terms used in the Chapter regarding boating and water safety. Adds to the definition of *abandoned vessel* to also include a vessel that is either moored, anchored, stores, or docked, in one location, or aground, beached, sunk, or adrift and unattended, for more than 30 consecutive days in public lands or waters of the State or on private property without written permission of the property owner. Adds and defines *derelict vessel* to mean a vessel left unattended and in a wrecked, junked, sunk, or substantially damaged or dismantled condition such that the condition may affect the seaworthiness of the vessel. Also adds the defined terms *days*, *declared emergency*, *unattended*, and *vessel emergency*.

Enacts Article 5, Abandoned and Derelict Vessels, to GS Chapter 75A. Defines the scope of the Article to include all waters and public and private land of the State. Grants wildlife protectors and other law enforcement officers with general enforcement jurisdiction authority to seize, tow, remove, impound, or relocate any vessel from waters or land of the State pursuant to the Article. Authorizes the Wildlife Resource Commission (WRC) to use staff, equipment, and material under its control or provided by a cooperating local, State, or federal agency, and authorize or contract with private contractors or local, State, or federal agencies for the removal, relocation, storage, or disposal of an abandoned or derelict vessel and restoration of the affected area. Provides for cost recovery from the vessel owner by WRC. Grants civil immunity to WRC, its employees, agents and contractors, and law enforcement acting pursuant to the Article. Requires compliance with applicable State and federal laws, but permits noncompliance with conflicting local acts. Exempts from the Article specified historic shipwrecks and archaeological artifacts. Requires written consent from private property owners prior to removals from private land.

Establishes the Waterway Safety and Access Fund (Fund), administered by WRC and consisting of General Fund appropriations, gifts and grants by non-State entities, and other revenues legislatively allocated to the Fund. Credited funds are not considered cash balance. Places use restrictions on Fund funds, including (1) removal, relocation, abatement, storage, or disposal of abandoned and derelict vessels; (2) meeting State match requirements for specified programs, grants, and activities, including nonprofit programs and natural disaster response; (3) waterway maintenance; and (4) navigational hazard mitigation and abatement. Requires WRC to prioritize removal projects that are matched by a local government or nonprofit. Specifies that the Fund balance does not supplant other State appropriations, program or agency receipts providing funds or disbursements to the Wildlife Resources Fund or the Boating Account. Requires annual reporting by WRC to the specified NCGA committee and division on projects funded, as specified.

Makes it unlawful to cause a vessel to become abandoned in water of the State or on public, private, or submerged land without permission of the property owner, except in the case of a vessel emergency whereby immediate notification of WRC or the US Coast Guard and removal within 30 days is required. For the first 30 days in waters, the vessel owner is deemed to have written permission for provisioning, repairs, tourism, or recreational use unless permission is revoked in writing on the grounds that the vessel has dragged anchor, is moored in an unauthorized area, or in a marked channel, or the vessel displays no evidence or owner provision of current registration or ownership. Details notice requirements WRC must post on board the vessel and attempt to provide to the vessel owner upon identifying an abandoned vessel. Upon expiration of 30 days' notice, WRC is authorized to remove any vessel or take any other action reasonably necessary at the owner's expense. Authorizes WRC to act, authorize, or join in action with other agencies to immediately determine and abate any unsafe or environmentally hazardous conditions of unattended vessels. Provides for separate notice requirements for declared emergencies. Provides for all costs incurred to be recoverable against the owner, with vessels subject to a lien under GS Chapter 44A.

Provides notice requirements for WRC to post on board a derelict vessel and attempt to provide to the vessel owner upon identifying the vessel. Provides separate notice requirements for declared emergencies. Provides that after 30 days' notice, the vessel will be deemed abandoned if the owner has not corrected the identified issues or removed the vessel, and abated any environmental impacts. Authorizes WRC to approve a one-time extension for 15 or 30 days, by written request.

Deems forfeited abandoned and derelict vessels, with all cargo, tackle, and equipment, which remains unclaimed 30 days after required notices. Deems all costs incurred by the State for towing, removal, and storage, accrued civil fines, and environmental restoration costs a recoverable lien enforceable by sale of the vessel, cargo, tackle, and equipment under GS Chapter 44A. Requires deposit of excess proceeds into the Fund. Provides for disposal of vessels unsold after being offered at public sale.

Effective July 1, 2021.

**Intro. by Hanig, McElraft, Iler, Shepard.**

[GS 75A](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing,](#)

**Environment, Aquaculture and Fisheries,  
Environment/Natural Resources, Government, Public Safety  
and Emergency Management, State Agencies, Local  
Government**

H 163 (2021-2022) **TREASURY ADMINISTRATIVE CHANGES.-AB** Filed Feb 25 2021, *AN ACT MAKING CLARIFYING AND ADMINISTRATIVE CHANGES TO LAWS RELATING TO THE STATE TREASURER'S INVESTMENT PROGRAMS, THE LOCAL GOVERNMENT COMMISSION, AND REPORTS SUBMITTED TO THE COUNCIL OF STATE.*

**Part I**

Amends GS 147-69.3 to authorize the State Treasurer to invest in Sudan and South Sudan to the extent allowed by the US Government.

Amends GS 147-86.57(3) to more specifically exclude from the defined term investment, index or index replication strategies, investment vehicles such as commingled funds, limited partnerships, or derivative instruments (previously excluded beneficial ownership through index funds, commingled funds, limited partnerships, derivative instruments, or the like).

Makes conforming changes to repeal Article 6D of GS Chapter 147, Sudan (Darfur) Divestment Act.

**Part II**

Amends GS 143-128.1C, concerning public-private partnership construction contracts, to require prior Local Government Commission approval of the amount financed for development contracts entered into by a local government that must be financed totally or partially by the local government unit.

Amends GS 159-28, concerning local government budgetary accounting for appropriations. Existing subsection (a1) requires preaudit certifications for obligations reduced to written contracts, agreements, and purchase orders, with a signed statement of compliance with mandated accounting procedures. Enacts new subsections (a3) and (a4) to authorize the use of an automated financial computer system to meet the preaudit certification requirements if an annual certification is filed with the Secretary of the Local Government Commission (Secretary) by the appropriate finance officer within 30 days after the end of their fiscal year. Sets three requirements of automated systems, including (1) embedded functionality that verifies there is an appropriate appropriation for the transaction; (2) functionality that ensures unencumbered funds remain to pay expected budgeted amounts to come; and (3) real-time visibility to budget compliance, alert threshold notifications, and rules-based compliance measures and enforcement. Provides for the Secretary to revoke or reject the certification as specified.

Amends GS 159-181, expanding on the Local Government Commission's authority to impound the books and records of a local government or public authority and assume full control of its financial affairs to include when the NCGA suspends the municipality's charter. Adds new provisions authorizing the Local Government Commission to waive the annual independent audit requirement of GS 159-34(a) for any missing audit reports if the use of all grant funds and borrowed funds are documented to the satisfaction of the grantors and lenders. Requires the Local Government Commission to consider recommending the abolishment of the local government or public authority if the Commission waives the annual audit requirement. Makes technical changes.

**Part III**

Eliminates the requirement for the UNC Health Care System to file a report concerning real property acquisitions or dispositions with the Council of State, only requiring filing it with the Governor.

**Part IV**

Authorizes the Local Government Commission to impound the books and records and take any other actions required by GS 159-181, as amended, with respect to the Towns of Eureka and Spencer Mountain.

**Intro. by C. Smith, McNeill, Riddell, Cleveland.**

**Gaston, Wayne, GS 116, GS 143, GS 147, GS 159**

[View summary](#)

**Government, State Agencies, UNC System, Department of**

**State Treasurer, State Government, State Property, Local Government, Health and Human Services, Health, Health Care Facilities and Providers**

H 165 (2021-2022) **DOT LEGISLATIVE CHANGES.-AB** Filed Feb 25 2021, *AN ACT TO MAKE CHANGES TO LAWS, AS RECOMMENDED BY THE DEPARTMENT OF TRANSPORTATION.*

Part I

Amends GS 136-18 to permit the Department of Transportation (DOT) to authorize the Turnpike Authority and the Division of Motor Vehicles (DMV) to enter into up to three agreements each with a private entity to finance transportation infrastructure in the State (currently authorizes DOT or the Turnpike Authority to enter into up to three agreements).

Repeals Section 1.4(a) of SL 2019-251, which caps DOT payments for damages arising from DOT's recordation of a transportation corridor map under Article 2E of GS Chapter 136 (Map Act) at \$150 million annually, excluding Turnpike projects.

Expands GS 136-18(2) to authorize DOT to enter into an encroachment agreement for the placement of automatic license plate readers in existing rights-of-way of DOT at the request of a State or local law enforcement agency. Specifies that DOT is not required to purchase additional right-of-way for this purpose or to enter into agreements where the integrity of the infrastructure or public safety will be impacted.

Amends GS 143B-350(f), concerning the Board of Transportation (BOT)'s duty to approve a schedule of State highway maintenance projects and their anticipated cost. Requires annual publishing of the schedule on DOT's website by June 1, rather than April 1, and no longer requires inclusion of a list of changes and reasons for the changes made from the previous year's Highway Maintenance Improvement Program.

Amends GS 136-44.3A, which governs the Highway Maintenance Improvement Program. Replaces the definition given for the term Highway Maintenance Improvement Program Needs Assessment to now define the term to mean a report of the amount of funds needed and quantity of work to be accomplished to meet and sustain the performance standards for the State highway system in each of the maintenance program categories (currently included the amount of funds needed, the number of affected lane miles, and the percentage of the primary and secondary system roads that are rated to need a resurfacing or pavement preservation treatment within the Program's five-year time period but are not programmed due to funding constraints). Eliminates the following defined terms: cape seal treatment, chip seal treatment, microsurfacing treatment, and slurry seal treatment. Amends the procedure set out in subsection (c) to require the Chief Engineer to establish the annual cost to meet and sustain the performance standards for pavement, bridge, and general maintenance activities for the State highway system after the annual inspection of roads. No longer requires each highway division to determine and report to the Chief Engineer on the needs and projected changes to pavement condition for each year over a five year period for the Chief Engineer to establish a five year priority list for each highway division based on need. Regarding the five year improvement schedule, requires Division Engineers for each highway division to report to the Chief Engineer the schedule for pavement, bridge, and general maintenance activities (currently the Chief Engineer establishes the schedule for rehabilitation, resurfacing, and pavement preservation treatment activities). Changes the date DOT must annually report to the NCGA by from April 1 to June 1 on the Highway Maintenance Improvement Program and Highway Improvement Program Needs Assessment.

Enacts GS 143-64.24(9) to authorize the NC State Ports Authority to contract for consulting services after approval by the Board of the NC State Ports Authority.

Part II

Amends GS 20-309.2 to require all insurers to electronically submit required notices of action on insurance policies (currently only required of insurers with \$25 million or more annual vehicle insurance premium volume).

Enacts GS 20-4.04 to allow the Commissioner of Motor Vehicles (Commissioner) to authorize the online renewal of any DMV-issued credential not already authorized by statute, including licenses, permits, certificates, registration, or plate. Requires DMV to report to the specified NCGA committee and division within 30 days of establishing online renewal capability for any credential authorized by the statute.

Amends Section 3.20 of SL 2020-97, which authorizes state agencies to delay fees, fines, renewals, and education requirements at the agency's discretion due to impacts of the coronavirus, and adopt emergency rules implementing the delay, and sunsets the authority at the earlier of 30 days of the Governor rescinding Executive Order No. 116 (2020) or March 31, 2021. Adds a new provision to extend the DMV's authority to adopt emergency rules under Section 3.20, to now expire the earlier of 30 days after Executive Order No. 116 is rescinded or September 30, 2021.

Amends GS 20-37.6 to require the DMV to offer renewal of handicapped credentials in person and online on the DMV's website.

Amends GS 20-79.1A, concerning limited registration plates for persons who apply to or through a licensed dealer for a title and registration plate, pays the applicable fees, but does not submit municipal property taxes on the vehicle. Adds a new requirement for the dealer to notify the purchaser of any outstanding civil penalties, fees, tolls, and obligations owed of record and known by the dealer at the time the dealer applies for the title and registration plate for the vehicle.

Amends GS 20-37.14A to require the DMV to permanently bar, as specified, from operating a commercial vehicle a person who uses a commercial vehicle in committing a felony involving an act or practice described in the specified federal law regarding human trafficking. Makes conforming changes to the statute's caption.

Amends GS 20-24.1 concerning revocation of licenses for failure to appear or pay fines, penalties, or court costs associated with a motor vehicle offense, to allow the person whose license is to be revoked for failure to pay fines, penalties, or court costs to request a pre-deprivation hearing to determine the person's financial status before the effective date of the revocation order. Requires waiver of costs associated with the hearing and restoration of the license if the DMV declares the person indigent, with the DMV required to delete the revocation order and any related entries on the person's record, and not require payment of a restoration fee. Requires the individual to pay hearing costs and fees if the DMV determines the individual is not indigent. For the instances in which the revocation order is required to be deleted [either by determination of indigency at the pre-deprivation hearing, or satisfaction of the conditions of subsection (b)], requires the DMV to delete the order and associated entries automatically without the need for in-person transaction. Adds that for required payment of restoration fees, the DMV must accept payment online and in person, with automatic restoration of licenses once fees and applicable requirement are satisfied, without need for an in-person transaction.

Amends GS 20-16.2 to specify that a requested hearing regarding automatic license revocation for refusal to submit to a chemical analysis is to be conducted at a location designated by the DMV, rather than the county where the DWI charge was brought. Makes clarifying changes. Applies to hearings requested on or after October 1, 2021.

**Intro. by B. Jones, Iler, Shepard.**

[GS 20, GS 136, GS 143](#)

[View summary](#)

**[Business and Commerce, Insurance, Courts/Judiciary, Civil, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, State Agencies, Department of Transportation, Local Government, Health and Human Services, Health](#)**

H 167 (2021-2022) [U.S. ARMY SPECIAL FORCES REG. PLATE](#). Filed Feb 25 2021, *AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A UNITED STATES ARMY SPECIAL FORCES SPECIAL REGISTRATION PLATE*.

Enacts new GS 20-79.4(b) as title indicates. Specifies that the plate is not subject to the new plate requirements under GS 20-79.3A and the expiration of special plates under GS 20-79.8.

Effective October 1, 2021.

**Intro. by Rogers.**

[GS 20](#)

[View summary](#)

**[Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Transportation](#)**



H 168 (2021-2022) **RETIREMENT ADMINISTRATIVE CHANGES ACT OF 2021.-AB** Filed Feb 25 2021, *AN ACT MAKING ADMINISTRATIVE CHANGES RELATED TO CONTRIBUTION-BASED BENEFIT CAP LIABILITIES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM (LGERS) AND THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM (TSERS); CLARIFYING WITHDRAWAL LIABILITIES UNDER LGERS AND TSERS; CLARIFYING AND STANDARDIZING THE DEFINITION OF "ACTUARIAL EQUIVALENT" UNDER LGERS AND TSERS; REQUIRING EMPLOYING UNITS TO ADOPT WRITTEN POLICIES FOR SPECIAL SEPARATION BUYOUTS FOR LAW ENFORCEMENT OFFICERS; GIVING THE DEPARTMENT OF STATE TREASURER AND THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES LIMITED AUTHORITY TO ADOPT ADMINISTRATIVE FEES UNDER CERTAIN PLANS; AND CLAWING BACK DISABILITY INCOME PLAN OVERPAYMENTS UNDER THE OPTIONAL RETIREMENT PROGRAM.*

#### Part I

Amends GS 159-30.1 to permit a local government, public authority, eligible entity, or local school administrative unit to establish and fund an irrevocable trust to pay contribution-based benefit cap liabilities to the Local Government Employees' Retirement System (LGERS), in addition to the existing authorization to pay post-employment benefits for which the entity is liable.

Enacts GS 128-30(d)(4a) and GS 135-8(f)(5) to require adjusting the required employer contribution rate under LGERS and the Teachers' and State Employees' Retirement System (TSERS) to include an additional amount equal to a rate per centum that is estimated to extinguish the contribution-benefit base cap liability on an amortization schedule selected by the respective Board of Trustees that has been applied to unfunded liabilities in the most recent actuarial valuation; limited to the beginning of the fiscal year following 90 days after the assessment of a contribution-based benefit cap liability is not paid as a lump-sum payment. Applies to assessments imposed on or after July 1, 2021, to reduce an employer's contribution-based benefit cap liability.

Amends GS 128-30(g)(3) and GS 135-8(f)(3), concerning the withholding of State appropriations due to an employer for delinquent contributions to the Retirement Systems Division, to specify that payment is due for contribution-based benefit cap liability under LGERS and TSERS the later of 12 months after the member's effective date of retirement, or the first day of the month coincident with or next following six months after the date of the invoice (previously, 12 months after the member's effective date of retirement). Applies to contribution-based benefit cap liability payments due from an employer on or after July 1, 2021.

#### Part II

Further amends GS 128-30 and GS 135-8, concerning procedures for withdrawing from LGERS and TSERS, to require employing units which by sale, dissolution, or otherwise changing to a business or legal form not eligible for participation as an employer in the applicable Retirement System under federal law to follow the specified procedures for ceasing participation. Applies to a participation withdrawal by an employing unit on or after July 1, 2021.

#### Part III

Amends GS 128-21(2) and GS 135-1(2) to define actuarial equivalent, as the term is used in both LGERS and TSERS provisions, to mean a benefit of equal value when computed upon the basis of actuarial assumptions as adopted by the respective Board of Trustees (previously specified calculation based on mortality tables; TSERS definition also included regular interest). Applies to benefit calculations performed on or after July 1, 2021.

#### Part IV

Amends GS 143-166.43 to require State departments, agencies, or institutions, and local government employers to have written, adopted policies that prohibit employees from choosing between accepting the lump sum separation buyout for law enforcement officers as a cash payment or transferring the lump sum separation buyout to TSERS or LGERS. Applies to lump sum separation buyouts offered to law enforcement officers on or after July 1, 2021.

#### Part V

Amends GS 135-91 to authorize the Department of State Treasurer and the Board of Trustees of the Supplemental Retirement Plan, the NC Deferred Compensation Plan, and the NC Public School Teachers' and Professional Educators' Investment Plan to

adopt a new or amended rule at a public meeting to impose or change administrative fees under the respective Plan. Details notice and comment requirements of the draft rule, and posting requirements of adopted rules. Places caps on administrative fees based on Plan, ranging from 0.05% to 0.25%. Applies to administrative fees established or changed pursuant to rules adopted by the above provisions prospectively to any amounts owed on or after July 1, 2021.

#### Part VI

Amends GS 135-107 to require a participant of the Optional Retirement Program who owes an overpayment to the Disability Income Plan at the time the beneficiary would first qualify for an unreduced retirement benefit had the member elected to be a TSERS member, to pay the total overpayment amount due to the Disability Income Plan, with failure to pay within six months after the earliest age of retirement on an unreduced income allowance resulting in bar from enrollment in a new year of coverage under the NC State Health Plan for Teachers and State Employees until payment is made in full or the participant makes approved payment arrangements. Applies to overpayments owed on or after July 1, 2021.

**Intro. by C. Smith, Kidwell, McNeill.**

[GS 128, GS 135, GS 159](#)

**[Education, Employment and Retirement, Government, Public Safety and Emergency Management, State Agencies, Department of State Treasurer, State Government, State Personnel, Local Government](#)**

[View summary](#)

H 169 (2021-2022) [STATE HEALTH PLAN DATA TRANSPARENCY.-AB](#) Filed Feb 25 2021, *AN ACT ALLOWING THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO ACCESS AND UTILIZE ITS OWN CLAIMS PAYMENT DATA WHILE CONTINUING TO PROTECT THE CONFIDENTIALITY OF THE INFORMATION.*

Amends GS 135-48.1, which sets forth defined terms used under the provisions governing the State Health Plan for Teachers and State Employees (SHP), to include data fields that reflect the rate negotiated with or agreed to by the provider in the term *Claim Payment Data*.

Amends GS 135-48.32 to require the SHP Claims Processor to disclose the Claim Payment Data on a member level for claims paid by State funds. Now requires the Claims Processor to disclose Claim Payment Data that reflects rates negotiated with or agreed to by a noncontracted third party (previously not required, but required provisions of documentation to SHP to support payment of claims). Modifies the confidentiality provisions as follows. No longer specifically prohibits use or disclosure of Claim Payment Data that would compromise the or misappropriate the data. Exempts Claim Payment Data from public records laws. No longer prohibits SHP from using Claim Payment Data to negotiate rates, fee schedules, or other master changes with providers. No longer qualifies SHP's authority to disclose Claim Payment Data to third parties to use on SHP's behalf on the agreement of the Claims Processor. Now requires SHP to provide notice to, rather than obtain the approval of, the Claims Processor for each third party SHP seeks to disclose to or who will make use of Claim Payment Data.

Effective January 1, 2022.

**Intro. by Goodwin, Potts, Everitt, Dahle.**

[GS 135](#)

**[Education, Government, State Government, State Personnel, Health and Human Services, Health, Health Insurance](#)**

[View summary](#)

H 170 (2021-2022) [NORTH CAROLINA CROWN ACT](#). Filed Feb 25 2021, *AN ACT TO ENACT THE NORTH CAROLINA CROWN ACT TO CREATE A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR.*

Enacts new GS 95-28.1 prohibiting any person, firm, corporation, unincorporated association, State agency, local government, or any other public or private entity from denying or refusing employment to any person, or discharging any person from employment, because of traits historically associated with race or on account of the person's hair texture or protective hairstyles (including, but not limited to, bantu knots, braids, locks, and twists). Defines *race* as including traits historically

associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles. Specifies that this statute does not prevent a person from being discharged for cause.

**Intro. by K. Smith, Logan, Alston, A. Baker.**

GS 95

[View summary](#)

**Employment and Retirement, Government, State Government, State Property, Local Government**

H 171 (2021-2022) **BURDEN OF PROOF-CHALLENGE TO CANDIDACY**. Filed Feb 25 2021, *AN ACT TO PLACE THE BURDEN OF PROOF ON THE CHALLENGER WHEN A CHALLENGE TO A CANDIDATE IS FILED*.

Amends GS 163-127.5 to shift the burden of proof regarding a challenged candidacy. Places the burden of proof on the challenger to show by a preponderance of the evidence of the whole record that the candidate is not qualified for the office, rather than requiring the candidate to show he or she is qualified for the office. Authorizes the hearing panel to require the candidate or the challenger to present evidence as to where the candidate resides if the challenge is based upon a question of residency, addressing the candidate's abandonment of a first domicile with intent not to return, acquisition of a new domicile by actual residence and intent to make the newer domicile permanent (current law requires the candidate to show such evidence). Adds that the evidence can include testimony by the candidate.

Amends GS 163-127.4, which sets procedures for the panel to hear challenges to candidacy. Makes conforming changes to require rather than permit the challenger to present evidence at the hearing. Makes a technical correction.

Applies to any challenges that arise on or after the date the act becomes law.

**Intro. by Clampitt, C. Smith, Miller, Moffitt.**

GS 163

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**Government, Elections**

H 172 (2021-2022) **TERM LIMITS FOR CONGRESS**. Filed Feb 25 2021, *A JOINT RESOLUTION APPLYING TO CONGRESS FOR AN ARTICLE V CONTENTION OF THE STATES FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO IMPOSE TERM LIMITS ON MEMBERS OF CONGRESS*.

Applies to Congress to call a convention limited to proposing an amendment to the US Constitution limiting the number of terms that a person may be elected as a member of the US House of Representatives and as a member of the US Senate. Requires the Secretary of State to transmit copies of this application to the named entities. Provides that this application is to be considered as covering the same subject matter as the applications from other states to Congress to call a convention to limit the number of terms that a person may be elected to for the US House and Senate and requires that the application be aggregated with those applications from other states for the purpose of attaining the two-thirds of states necessary to call a limited convention on this subject, but prohibits aggregation with any other applications on any other subject. Specifies that this is a continuing application until the legislatures of at least two-thirds of the states have made applications on the same subject.

**Intro. by Clampitt, McNeely, Sasser.**

UNCODIFIED

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**Constitution, Government, Elections**

H 173 (2021-2022) **SEPARATE DIVS-JUV JUSTICE AND ADULT CORR.-AB** Filed Feb 25 2021, *AN ACT TO MAKE JUVENILE JUSTICE AND ADULT CORRECTION SEPARATE DIVISIONS WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND TO APPROPRIATE FUNDS*.

Amends Article 13 of GS Chapter 143B as follows. Deletes Part 1A, which created the Division of Adult Correction and Juvenile Justice within the Department of Public Safety (DPS). Amends Part 2, Subpart A to establish the Division of Adult Correction within DPS, with the power and duty to implement Part 2 (Adult Correction) as well as other powers and duties set forth in Article 13 and prescribed by the Secretary of the Department of Public Safety. Makes conforming changes throughout the Part to update the name of the Division, removing reference to Juvenile Justice. Amends Part 3 (Juvenile Justice Section), Subpart A to create a Juvenile Justice Division in DPS (replaces the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice within DPS), with the organization, powers, and duties as set forth in the Article or as prescribed by the Secretary of the Department of Public Safety. Makes changes throughout the Part to replace reference to Section with Division and to replace the name of the Division with Division of Juvenile Justice. Also makes changes in the Part to conform with the renaming of the Division of Adult Correction. Amends GS 143B-1161 to provide that the Justice Reinvestment Council is an advisory body to the Secretary of the Department of Public Safety (was, to the Commission of Adult Correction).

Amends specified statutes throughout the following GS Chapters by making conforming changes, including updating the titles of the Divisions: 1, 7A, 7B, 14, 15, 15A, 15B, 17C, 20, 50, 65, 66, 105, 106, 108A, 114, 115C, 115D, 122C, 126, 127A, 130A, 131E, 135, 143, 143B, 146, 147, 148, 150B, 153A, 160A, 162, 163, and 164.

Appropriates \$990,000 in recurring funds for the 2021-23 fiscal biennium from the General Fund to the Division of Juvenile Justice for seven FTE positions.

Effective July 1, 2021.

**Intro. by McNeill, Boles, C. Smith.**

[APPROP, GS 1, GS 7A, GS 7B, GS 14, GS 15, GS 15A, GS 15B, GS 17C, GS 20, GS 50, GS 65, GS 66, GS 105, GS 106, GS 108A, GS 114, GS 115C, GS 115D, GS 122C, GS 126, GS 127A, GS 130A, GS 131E, GS 135, GS 143, GS 143B, GS 146, GS 147, GS 148, GS 150B, GS 153A, GS 160A, GS 162, GS 163, GS 164](#)

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**Courts/Judiciary, Juvenile Law, Delinquency, Criminal Justice, Corrections (Sentencing/Probation), Government, Budget/Appropriations, State Agencies, Department of Public Safety**

H 174 (2021-2022) [FUNDS TO HELP THOSE STRUGGLING WITH ADDICTION](#). Filed Feb 25 2021, *AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC SAFETY TO BE GIVEN AS GRANT FUNDS TO ADDRESS THE NEEDS OF THOSE STRUGGLING WITH DRUG ADDICTION IN WILKES COUNTY AND SURRY COUNTY*.

Appropriates \$1 million in recurring funds for each year of the 2021-23 biennium from the General Fund to the Department of Public Safety to be used as title indicates. Of that amount, \$500,000 is to be allocated as a grant to Wilkes Recovery Revolution Inc., and \$500,000 as a grant to Partners Health Management. Requires a report from the Department of Public Safety, in conjunction with these entities, on the use of the funds to the specified NCGA committee upon the convening of the 2023 Regular Session. Effective July 1, 2021.

**Intro. by Stevens, Elmore.**

[APPROP, Surry, Wilkes](#)

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**Government, Budget/Appropriations, State Agencies, Department of Public Safety, Health and Human Services, Mental Health**

H 175 (2021-2022) [RET. & AMP TREASURY TECH. CORRECTIONS ACT OF 2021.-AB](#) Filed Feb 25 2021, *AN ACT MAKING TECHNICAL CORRECTIONS AND OTHER CONFORMING AND CLARIFYING CHANGES TO THE LAWS GOVERNING THE*

*TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENT COMMISSION, AND TO OTHER RELATED STATUTES.*

Part I

Amends GS 84-4.1 to clarify that out-of-state attorneys can be admitted to practice in NC courts, the Utilities Commission, the Industrial Commission, the Office of Administrative Hearings, or any administrative agency, by the respective agency and in that forum alone for the sole purpose of appearing for a client in the proceeding only upon motion to the relevant forum. Further clarifies that the \$225 fee required to accompany the signed motion is to be submitted and made payable to the clerk of court for judicial proceedings, and the presiding administrative agency for administrative proceedings. Makes technical changes.

Amends GS 116D-3 to eliminate the annual reporting requirement of the State Treasurer to the NCGA on issued university improvement general obligations bonds and community college general obligation bonds.

Part II

Amends GS 135-3, concerning the retirement allowance for any member of the Teachers' and State Employees' Retirement System (TSERS) whose membership is terminated but who becomes entitled to benefits by reemployment or otherwise engaging in service performance, to exclude from the provisions compensation earned by NCGA temporary employees under GS 120-32(1).

Amends GS 161-50.2, which requires each County Commission to monthly remit 1.5% of receipts collected by registers of deeds to the Department of State Treasurer, to deem a County Commission's submission of the amount to the Department a certification of the accuracy of the amount.

Part III

Amends GS 159-13 to exclude from financial transactions required to be authorized by budget ordinance (1) transactions accounted for in a custodial fund, rather than agency fund, established to account for moneys held by a local government or public authority as an agent or to account for a retirement, pension, or similar employee benefit system; and (2) representative payee funds received under the Social Security Agency Representative Payee Program which belong to or are used to support minor children and certain adults (previously not included). Makes conforming changes to GS 159-8, GS 159-13, GS 159-14, GS 159-26, and GS 159-28.

Amends GS 159-26 to require local governments and public authorities to maintain an accounting system that includes a ledger or group of accounts in which to record the details relating to capital assets (rather than general fixed assets) of the unit or public authority.

Part IV

Effective July 1, 2021.

**Intro. by Gill, McNeill, C. Smith.**

[GS 84, GS 116D, GS 135, GS 159, GS 161](#)

**[Business and Commerce, Occupational Licensing, Courts/Judiciary, Court System, Education, Higher Education, Government, General Assembly, State Agencies, Department of State Treasurer, State Government, State Personnel, Local Government](#)**

[View summary](#)

H 176 (2021-2022) [ENHANCE SHP DEBT COLLECTION ABILITIES.-AB](#) Filed Feb 25 2021, *AN ACT TO IMPROVE THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES BY ENHANCING THE PLAN'S ABILITY TO COLLECT OVERPAYMENTS AND UNPAID PREMIUMS AND PROHIBITING THE PLAN FROM ALLOWING THIRD PARTIES TO WRITE OFF DEBT OWED TO THE STATE.*

Identical to [S 160](#), filed 2/25/21.

Enacts GS 135-48.37B, applicable to individuals no longer employed by an employing unit and to whom either (1) an overpayment or erroneous payment of benefits, claims, or other amounts has been paid on behalf of the individual or individual's dependents by the State Health Plan for Teachers and State Employees (SHP) and the amount owed has not been repaid or (2) unpaid premiums are owed by the individual for coverage provided by the SHP to the individual or individual's dependent. Requires 30 days' notice of the amounts owed and opportunity for the individual to repay the amounts or enter into an approved payment plan. Deems subject to attachment and garnishment and collectible intangible property belonging, owed, or transferred to the individual under circumstances that permit it to be levied if it were tangible property. Defines intangible property to include bank deposits, rent, salaries, wages, property held in the Escheat Fund, and any other property incapable of manual levy or delivery. Details procedure for attachment and garnishment of intangible property not in the possession of the individual. Provides for notice to a financial institution after 30 days' notice to the individual and accounting of intangible property of an individual held by the financial institution. Caps attachment and garnishment of an individual's wages and salary at 10%, including public employees. Requires notice to the garnishee prior to attachment and garnishment, as specified. Provides for action or response by the garnishee or noticed financial institution, including conferencing following a response. Specifies that the statute does not limit other judicial remedies. Applies to notices of amounts due sent by the SHP on or after October 1, 2021.

Enacts GS 135-48.37C to mandate repayment to the SHP for any payments of claims to a provider later determined to be an overpayment, an erroneous payment, or an ineligible amount, notwithstanding any agreement between a Claims Processor and the provider, or any other provision of law. Charges the Claims Processor who paid the amounts owed to the SHP with recovering the amounts owed by all commercially reasonable mechanisms, with the Claims Processor responsible for paying any amounts that cannot be recovered within one year from the date the claim was paid. Prohibits the Claims Processor from forgiving any amount due under the statute. Applies to claims paid on or after the date the act becomes law.

**Intro. by Lambeth, McNeill, Hurley.**

[GS 135](#)

[View summary](#)

**Education, Employment and Retirement, Government, State Government, State Personnel, Health and Human Services, Health, Health Insurance**

H 177 (2021-2022) [STATE HEALTH PLAN ADMINISTRATIVE CHANGES.-AB](#) Filed Feb 25 2021, *AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO LAWS RELATING TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.*

Identical to [S 159](#), filed 2/25/21.

Amends GS 135-48.33, increasing the threshold of contracts for the State Health Plan for Teachers and State Employees (SHP) that require approval of the Board of Trustees from contracts in excess of \$500,000 to contracts in excess of \$5 million. Makes conforming changes.

Amends GS 135-48.41(b), eliminating the prohibition against dependent child eligibility for coverage under the SHP if the dependent child is eligible for employer-based health care outside of the SHP, other than a parent's claim. Modifies the authorization for continued coverage for certain disabled dependent children beyond the child's 26th birthday to require the dependent child to be disabled and covered by the SHP on his or her 26th birthday, with verification provided within 60 days after the child's 26th birthday. No longer requires that the dependent child be incapable of earning a living with a handicap that developed or began before the 19th birthday, or the 26th birthday. Makes conforming changes.

Amends GS 135-48.24, modifying the administrative review process for appealed claims to eliminate participation by the SHP Board of Trustees. Requires the Executive Administrator to make binding decisions on matters determined not to be subject to external review. No longer requires provision of written summaries to employing units, health benefit representatives, relevant health care providers, and approved parties requesting the summary. Specifies that determination includes decisions that health care services have been reviewed and do not meet the SHP's benefit offerings. Makes technical and clarifying changes.

Makes conforming repeal of GS 135-48.22(3), which includes oversight of administrative reviews and appeals as a duty of the SHP Board of Trustees.

Amends GS 150B-1 to exclude decisions by the Executive Administrator that an internal appeal is not subject to external review under GS 135-48.24, as amended, from the Chapter's contested case provisions. Makes conforming changes.

Amends GS 135-48.27 to specify that reports of the State Treasurer, Executive Administrator, and SHP Board of Trustees to the NCGA are upon request and in the manner designated by the previously specified NCGA leadership. Eliminates a statutory reference since repealed.

Corrects a statutory reference in GS 135-48.1(14).

**Intro. by Lambeth, McNeill, Hurley.**

GS 135, GS 150B

[View summary](#)

**Education, Government, APA/Rule Making, State Government, State Personnel, Health and Human Services, Health, Health Insurance**

H 178 (2021-2022) **ACCESS TO PRESCRIPTION DRUG COST INFORMATION**. Filed Feb 25 2021, *AN ACT TO REQUIRE ACCESS TO ACCURATE PRESCRIPTION DRUG BENEFIT COST INFORMATION*.

Enacts new Article 56B, Access to Prescription Drug Benefit Cost Information, in GS Chapter 58. Sets out and defines terms used in the Article. Sets out NCGA findings of facts related to prescription drug cost transparency, driving full value of health benefit plan formularies and understanding coverage and payment considerations for drugs and the opportunity to benefit from competitive prescription drug pricing. Requires health benefit plans, pharmacy benefits managers, or any entities' action on behalf of a health benefit plan to electronically provide to any point of prescribing of a prescription drug, any point of dispensing of a prescription drug, or any patient-facing real-time benefit tool, the minimum information described to inform patient prescription price transparency and patients' access to their prescribed medications. Requires those involved in the process of prescribing, dispensing, paying for, and exchanging information relating to prescription drugs, to take any actions necessary to facilitate the creation of, access to, and use of this technology described. Specifies that patient prescription price transparency technology must not be prohibited from displaying patient financial and resource assistance when that information is available for the prescription drug selected by a provider.

Requires requests for patient-specific drug benefit and cost information through the technology required above and any responses using that technology to be sent and received in real time. Requires electronic health records to display the most up-to-date patient-specific eligibility information; patient-specific information must be provided in real time. Requires those involved in the process of prescribing, dispensing, paying for, and exchanging information relating to prescription drugs to partner with intermediaries to ensure the delivery of accurate patient-specific prescription price transparency information.

Provides that the Article does not interfere with patient choice and a health care professional's ability to convey the full range of prescription drug cost options to a patient. Prohibits restricting a health care professional from communicating prescription cost options to a patient. Specifies that payors must not prohibit the display of patient-specific prescription drug benefit and cost information at the point of prescribing that reflects options available for covering the cost of a prescription drug other than what may be available under the patient's health benefit plan. Requires providers to communicate to a patient the most therapeutically appropriate treatment for the patient's diagnosis and prescription drug cost information.

Specifies that the Article is not to be construed to interfere with a patient's choice of prescription drug cost coverage or to interfere with patient choice and the ability of a health care professional to convey the full range of prescription drug cost options to a patient. Prohibits restricting a health care professional from communicating prescription cost options to a patient.

Effective July 1, 2021.

**Intro. by Sasser, Adcock, Potts, K. Baker.**

GS 58

[View summary](#)

**Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance**

H 179 (2021-2022) [AMEND HIE PARTICIPATION ENFORCEMENT MECHANISM.-AB](#) Filed Feb 25 2021, *AN ACT AUTHORIZING THE IMPOSITION OF A CIVIL PENALTY AGAINST CERTAIN ENTITIES AND PROVIDERS THAT FAIL TO CONNECT TO, AND SUBMIT MANDATORY DEMOGRAPHIC AND CLINICAL DATA INFORMATION THROUGH, THE NORTH CAROLINA HEALTH INFORMATION EXCHANGE NETWORK KNOWN AS NC HEALTHCONNEX.*

Enacts GS 90-414.4(b1) requiring the Health Information Network (HIE) Authority to assess a civil penalty not exceeding \$10 per claim to any provider or entity that fails to connect to the HIE Network and submit required data through the HIE Network as mandated in existing subsection (b) of the statute. Requires remittance to the Civil Penalty and Forfeiture Fund. Requires the provider or entity to take one of four actions within 30 days of the assessment, including payment of the penalty in full, executing a participation agreement, requesting an exemption or hardship extension, or filing a contested case petition, as specified. Enacts subsection (b2), subjecting assessment proceedings to the Administrative Procedure Act, GS Chapter 150B. Authorizes the HIE Authority to bring an action to recover the penalty if no action is taken by the provider or entity within 30 days' notice of the penalty or 30 days following affirmation of the penalty. Specifies that such an action does not relieve a party from other penalties prescribed by law.

Amends GS 90-414.7, adding the authority to assess civil penalties as provided in GS 90-414.4(b1), as enacted, to the powers of the HIE Authority.

Applies to violations of GS 90-414.4(b) occurring on or after October 1, 2021.

**Intro. by Lambeth, Goodwin.**

GS 90

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**Courts/Judiciary, Civil, Civil Law, Government, APA/Rule Making, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers**

H 180 (2021-2022) [DESIGNATE OVERDOSE AWARENESS DAY.](#) Filed Feb 25 2021, *AN ACT DESIGNATING THE THIRTY-FIRST DAY OF AUGUST OF EACH YEAR AS OVERDOSE AWARENESS DAY.*

Includes whereas clauses. Enacts GS 103-16 as title indicates.

**Intro. by K. Baker, Davis, Sasser, Dahle.**

GS 103

[View summary](#)

**Government, Cultural Resources and Museums, Health and Human Services, Health, Public Health, Mental Health**

H 181 (2021-2022) [WILDLIFE RESOURCES COMM'N. AMENDMENTS.-AB](#) Filed Feb 25 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE WILDLIFE RESOURCES COMMISSION.*

Enacts GS 143-254.7 to authorize the Wildlife Resources Commission (WRC) negotiate fees for all design contracts and supervise the letting of all construction and design contracts, and develop procedures governing the architecture and engineering duties of the Department of Administration and the Director or Office of State Construction, as specified, with respect to property developments at WRC boating access areas, public fishing areas, and game lands which require the estimated expenditure from sources other than tax revenues of \$750,000 or less. Requires use of the standard contracts used for State capital improvement projects by the office of State Construction. Prohibits division of contracts to evade the statute's limitations. Prohibits the Department of Administration from awarding contracts now within the authority of WRC. Establishes annual reporting requirements for WRC to report to the State Building Commission, as specified. Effective July 1, 2021.

Amends GS 143C-8-12 to authorize WRC to approve expenditures for WRC capital projects that will be funded entirely with agency receipts or federal funds and operating costs paid entirely with receipts or federal funds. Adds annual reporting



requirements to the Office of State Budget and Management and the specified NCGA commission. Effective July 1, 2021.

Amends GS 143-341 to exempt WRC vehicles used primarily for law enforcement purposes from those required to be included on the Department of Administration's schedule for all State agencies to transfer ownership, custody or control of all passenger motor vehicles of that agency to the Department. Effective July 1, 2021.

Enacts GS 113-291.7(c) and (d) to require a hunter that has harvested a black bear to submit a premolar tooth to WRC by January 31 following the applicable prior bear hunting season, along with the specified contact information, customer number and bear harvest authorization number, sex of the bear and county of harvest. Makes violations an infraction punishable by a \$35 fine. Prohibits assessing court costs for infractions, but authorizes the WRC Executive Director to revoke or refuse to issue bear e-stamp privileges to individuals guilty of the infraction for two consecutive years or upon failure to pay outstanding fines. Applies to bear hunting seasons beginning on or after October 1, 2021. Authorizes WRC to adopt temporary and permanent implementing rules.

Enacts GS 113-292(f), authorizing WRC to issue proclamations suspending or implementing WRC inland fishing rules in response to natural disasters, human health emergencies, and issues threatening or compromising the biological integrity of a species or population. Allows WRC to delegate the authority to its Executive Director. Requires the Executive Director to maintain a permanent file of the text of all proclamations in the Executive Director's office. Details requirements of proclamations issued, including requiring the proclamation to be issued at least 48 hours prior to its effective date and time, with exceptions, and providing for its continued validity until a rescinding proclamation is issued in the same manner. Authorizes seizure of any fisheries resources taken or possessed in violation of a proclamation regardless of actual notice, and authorizes criminal action. Describes reasonable efforts to give notice to affected parties. Deems certified copies entitled to judicial notice.

Repeals subsection (b) of Section 35, SL 2015-263, which requires WRC to annually report to the specified NCGA committee on the number of complaints received against WRC law enforcement officers, the subject matter of the complaints, and the geographic areas in which the complaints were filed.

Amends GS 113-273 to establish an annual certification for a wildlife control technician under the direct supervision of a licensed wildlife control agent and who engages in wildlife damage control or wildlife removal activities for compensation, including bat eviction and alligator damage control or removal activities. Defines compensation to include reimbursement for cost of materials. Sets the certification fee at \$25, issued by WRC. Excludes authority to issue depredation permits. Prohibits requiring the certification for licensed trappers taking wild animals during an appropriate established trapping season. Authorizes WRC to adopt rules to certify and set standards for the technicians. Makes technical changes. Effective October 1, 2021.

Amends GS 113-276 to exempt a resident or nonresident of this State who served as a member of the Armed Forces and who separated under honorable conditions, from the statutory Mountain Heritage Trout fishing license requirements while the individual is fishing in Mountain Heritage Trout waters. Requires documentation of service to be on the person while fishing in order to qualify for the exemption. Effective October 1, 2021.

Amends Section 1 of SL 2019-98 to make it unlawful, during waterfowl seasons, to leave or place any equipment or vessels that may be used for taking migratory waterfowl between two hours after sunset and 4:00 am each day unless remaining on a portion of the shoreline or attached to a dock as authorized by the shoreline or dock owner. Amends the current prohibition on leaving unattended or unoccupied any equipment or vessels for taking migratory waterfowl, to limit it to between 4:00 am and two hours after sunset (was, prior to 4:00 am). Applicable to Roanoke Rapids Lake only.

Amends GS 113-270.1A to require obtaining a dog hunter education certificate for completion of a dog hunter education course before a person may pursue or chase deer with dogs for the purpose of training or hunting. Makes specified requirements for the courses in hunter ethics, wildlife laws and regulations, and competency and safety in the handling of firearms also applicable to this certificate and education course. Requires the WRC to adopt rules to implement these requirements. Requires the WRC to establish, from its membership, an advisory committee to create the dog hunter education course. Requires the committee to also include at least two representatives from organizations promoting or conducting dog hunting in the state.

Enacts new GS 143-254.7 allowing the WRC to declare a wildlife emergency if it determines that an outbreak of Chronic Wasting Disease in the state constitutes a significant threat to deer and other cervid species. If an emergency is declared, requires the WRC to request needed additional funding from the Contingency and Emergency Fund to the Council of State;

approved funds are to be allocated to the Chronic Wasting Disease Emergency Response Fund. Requires the WRC to request any available federal funds and to use those funds to offset State funds appropriated under this section. Requires the WRC to inform the Office of State Budget and Management of the amount of State funds offset by federal funds, and requires the funds to be transferred from the Response Fund to the Contingency and Emergency Fund when the federal funds are received. Effective July 1, 2021.

**Intro. by Adams, Yarborough, Wray.**

[GS 113, GS 143, GS 143C](#)

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[Animals, Courts/Judiciary, Civil, Civil Law, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Building and Construction, Environment, Environment/Natural Resources, Government, Public Safety and Emergency Management, State Agencies, Department of Administration](#)

H 182 (2021-2022) [INCREASING MEAT PRODUCTION AND CAPACITY](#). Filed Feb 25 2021, *AN ACT TO STRENGTHEN THE MEAT AND SEAFOOD PROCESSING INDUSTRIES IN NORTH CAROLINA BY MAKING PERMANENT THE "INCREASING SEAFOOD AND MEAT PRODUCTION AND CAPACITY" GRANT PROGRAM*.

Enacts new Article 49I, Increasing Meat Production and Capacity Grant Program in GS Chapter 106, providing as follows. States NCGA findings concerning the impact of COVID-19 on livestock producers and seafood processors. Establishes the Increasing Meat and Seafood Production and Capacity (IMSPAC) grant program to provide grants to reduce or prevent impacts on the supply chain for fresh meat in the state and to improve resiliency in future disruptions.

Requires the Department of Agriculture and Consumer Services (Department) to develop policies and procedures for disbursing IMSPAC grants and sets out minimum requirements for the program. Establishes capacity enhancement grants of up to \$500,000, workforce development grants of up to \$100,000, planning grants (specifies that no more than 5% of funds available in any grant cycle may be used for these grants), and new facility development grants of up to \$1 million and sets out eligibility requirements for each type of grant. Defines an *eligible meat or seafood processing facility* as a food processing facility that meets both of the following: (1) the plant contracts with independent livestock producers or seafood harvesters to process animals or seafood and (2) the US Department of Agriculture contracts with Department inspectors to conduct federal inspection activities authorized by the Talmadge-Aiken Act of 1962 at the plant, the plant is otherwise regulated by the USDA or the FDA, or the plant is a State-inspected facility. Allows priority to be given to projects that will create additional jobs. Requires recipients to provide matching funds with amounts varying depending on the type of grant. Requires recipients of new facility development grants to keep the new facility in service for at least five years; requires recapturing the grant amount proportionate to the remainder of the minimum term that the recipient failed to keep the facility in service. Provides that if fixtures or equipment purchased with grant funds are disposed of during a period of time as the Department may specify following the date the fixtures or equipment funded by this act is placed in service, the grant recipient must repay a proportionate share of the grant funding received. Allows the adoption of temporary and permanent rules to implement the IMSPAC grant program.

Requires the State Controller to transfer \$10 million for 2020-21 from the Coronavirus Relief Reserve and appropriates that amount from the Fund to the Office of State Budget and Management Services, to be allocated to the Department for the purposes of this act that are compatible with COVID-19 Recovery Legislation.

Appropriates \$40 million for 2021-22 from the General Fund to the Department for the IMSPAC grant program. Effective July 1, 2021.

Restricts the use of the appropriated funds as follows: (1) no more than 35% may be used for grants to new or existing seafood processors; (2) no more than 50% may be used for new facility development grants.

**Intro. by McNeely, Gillespie, Hanig, Elmore.**

[APPROP, GS 106](#)

[View summary](#)

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

**Budget/Appropriations, Public Safety and Emergency  
Management, State Agencies, Department of Agriculture and  
Consumer Services**

H 183 (2021-2022) **JUV. COURT COUNSELORS/SENSITIVITY TRAINING.-AB** Filed Feb 25 2021, *AN ACT TO DIRECT THAT THE JUVENILE JUSTICE SECTION OF THE DEPARTMENT OF PUBLIC SAFETY PERSONNEL RECEIVE JUVENILE MINORITY SENSITIVITY TRAINING ANNUALLY AND TO CLARIFY THE DUTIES OF JUVENILE COURT COUNSELORS.*

Amends GS 114-12.1 to require the Juvenile Justice Section (Section) of the Division of Adult Correction and Juvenile Justice to ensure that all of the Section's personnel (was, all juvenile court counselor and other Division personnel) receive minority sensitivity training. Makes the Section responsible for creating, implementing, and evaluating the training annually. Makes conforming changes. Effective October 1, 2021.

Amends GS 143B-831 by amending the powers and duties of juvenile court counselors by removing any other duties that the court may direct.

**Intro. by McNeill, Carter, Greene, Richardson.**

**GS 114, GS 143B**

[View summary](#)

**Courts/Judiciary, Juvenile Law, Delinquency, Government,  
State Agencies, Department of Public Safety**

H 184 (2021-2022) **SUPPORT PRIVATE PROPERTY RIGHTS.** Filed Feb 25 2021, *AN ACT TO CLARIFY THAT THE INCLUSION OF REAL PROPERTY ON A COMPREHENSIVE TRANSPORTATION PLAN IS NOT A REQUIRED DISCLOSURE OR A MATERIAL FACT FOR THE PURPOSES OF DISCLOSURE FOR REAL ESTATE TRANSACTIONS.*

Enacts GS 39-51 to deem material the fact that any portion of real property offered for conveyance or lease is included in a financially constrained transportation plan. Specifies that the fact that any portion of real property is included in a comprehensive transportation plan that is not financially constrained adopted under specified state or federal law regarding transportation planning, is not, standing alone, material. Prohibits any party or their agent to the conveyance or lease from knowingly making a false statement regarding the property's inclusion on any transportation plan.

Amends GS 47E-4 to deem the inclusion of real property in a comprehensive transportation plan that is not financially constrained adopted pursuant to specified state or federal law regarding transportation planning not a required disclosure in real estate contracts. Prohibits parties or their agents in real estate contracts governed by GS Chapter 47E from knowingly making a false statement regarding a property's inclusion in any transportation plan.

Applies to claims for relief filed on or after October 1, 2021.

**Intro. by Hastings, Saine, Bradford, Davis.**

**GS 39, GS 47E**

[View summary](#)

**Development, Land Use and Housing, Property and Housing,  
Transportation**

## **PUBLIC/SENATE BILLS**

S 159 (2021-2022) **STATE HEALTH PLAN ADMINISTRATIVE CHANGES.-AB** Filed Feb 25 2021, *AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO LAWS RELATING TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.*

Amends GS 135-48.33, increasing the threshold of contracts for the State Health Plan for Teachers and State Employees (SHP) that require approval of the Board of Trustees from contracts in excess of \$500,000 to contracts in excess of \$5 million. Makes

conforming changes.

Amends GS 135-48.41(b), eliminating the prohibition against dependent child eligibility for coverage under the SHP if the dependent child is eligible for employer-based health care outside of the SHP, other than a parent's claim. Modifies the authorization for continued coverage for certain disabled dependent children beyond the child's 26th birthday to require the dependent child to be disabled and covered by the SHP on his or her 26th birthday, with verification provided within 60 days after the child's 26th birthday. No longer requires that the dependent child be incapable of earning a living with a handicap that developed or began before the 19th birthday, or the 26th birthday. Makes conforming changes.

Amends GS 135-48.24, modifying the administrative review process for appealed claims to eliminate participation by the SHP Board of Trustees. Requires the Executive Administrator to make binding decisions on matters determined not to be subject to external review. No longer requires provision of written summaries to employing units, health benefit representatives, relevant health care providers, and approved parties requesting the summary. Specifies that *determination* includes decisions that health care services have been reviewed and do not meet the SHP's benefit offerings. Makes technical and clarifying changes.

Makes conforming repeal of GS 135-48.22(3), which includes oversight of administrative reviews and appeals as a duty of the SHP Board of Trustees.

Amends GS 150B-1 to exclude decisions by the Executive Administrator that an internal appeal is not subject to external review under GS 135-48.24, as amended, from the Chapter's contested case provisions. Makes conforming changes.

Amends GS 135-48.27 to specify that reports of the State Treasurer, Executive Administrator, and SHP Board of Trustees to the NCGA are upon request and in the manner designated by the previously specified NCGA leadership. Eliminates a statutory reference since repealed.

Corrects a statutory reference in GS 135-48.1(14).

**Intro. by Krawiec, Burgin, Perry.**

[GS 135, GS 150B](#)

[View summary](#)

**[Education, Government, APA/Rule Making, State Government, State Personnel, Health and Human Services, Health, Health Insurance](#)**

S 160 (2021-2022) **[ENHANCE SHP DEBT COLLECTION ABILITIES.-AB](#)** Filed Feb 25 2021, *AN ACT TO IMPROVE THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES BY ENHANCING THE PLAN'S ABILITY TO COLLECT OVERPAYMENTS AND UNPAID PREMIUMS AND PROHIBITING THE PLAN FROM ALLOWING THIRD PARTIES TO WRITE OFF DEBT OWED TO THE STATE.*

Enacts GS 135-48.37B, applicable to individuals no longer employed by an employing unit and to whom either (1) an overpayment or erroneous payment of benefits, claims, or other amounts has been paid on behalf of the individual or individual's dependents by the State Health Plan for Teachers and State Employees (SHP) and the amount owed has not been repaid or (2) unpaid premiums are owed by the individual for coverage provided by the SHP to the individual or individual's dependent. Requires 30 days' notice of the amounts owed and opportunity for the individual to repay the amounts or enter into an approved payment plan. Deems subject to attachment and garnishment and collectible intangible property belonging, owed, or transferred to the individual under circumstances that permit it to be levied if it were tangible property. Defines *intangible property* to include bank deposits, rent, salaries, wages, property held in the Escheat Fund, and any other property incapable of manual levy or delivery. Details procedure for attachment and garnishment of intangible property not in the possession of the individual. Provides for notice to a financial institution after 30 days' notice to the individual and accounting of intangible property of an individual held by the financial institution. Caps attachment and garnishment of an individual's wages and salary at 10%, including public employees. Requires notice to the garnishee prior to attachment and garnishment, as specified. Provides for action or response by the garnishee or noticed financial institution, including conferencing following a response. Specifies that the statute does not limit other judicial remedies. Applies to notices of amounts due sent by the SHP on or after October 1, 2021.

Enacts GS 135-48.37C to mandate repayment to the SHP for any payments of claims to a provider later determined to be an overpayment, an erroneous payment, or an ineligible amount, notwithstanding any agreement between a Claims Processor and the provider, or any other provision of law. Charges the Claims Processor who paid the amounts owed to the SHP with recovering the amounts owed by all commercially reasonable mechanisms, with the Claims Processor responsible for paying any amounts that cannot be recovered within one year from the date the claim was paid. Prohibits the Claims Processor from forgiving any amount due under the statute. Applies to claims paid on or after the date the act becomes law.

**Intro. by Krawiec, Burgin, Perry.**

GS 135

[View summary](#)

**Education, Employment and Retirement, Government, State Government, State Personnel, Health and Human Services, Health, Health Insurance**

S 161 (2021-2022) **NC STATEWIDE TELEPSYCHIATRY PROGRAM/FUNDS**. Filed Feb 25 2021, *AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXPAND THE STATEWIDE TELEPSYCHIATRY PROGRAM (NC-STEP)*.

Includes whereas clauses. Appropriates \$1 million from the General Fund to the Department of Health and Human Services, Division of Central Management and Support, Office of Rural Health for the 2021-23 biennium. Requires allocation of the funds to the ECU Center for Telepsychiatry and e-Behavioral Health for the statewide telepsychiatry program established under specified state law, to establish five new NC-STeP sites. Effective July 1, 2021.

**Intro. by Davis, Steinburg, Corbin.**

APPROP

[View summary](#)

**Government, Budget/Appropriations, State Agencies, UNC System, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers**

S 165 (2021-2022) **NORTH CAROLINA CROWN ACT**. Filed Feb 25 2021, *AN ACT TO ENACT THE NORTH CAROLINA CROWN ACT TO CREATE A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR*.

Identical to [H 170](#), filed 2/25/21.

Enacts new GS 95-28.1 prohibiting any person, firm, corporation, unincorporated association, State agency, local government, or any other public or private entity from denying or refusing employment to any person, or discharging any person from employment, because of traits historically associated with race or on account of the person's hair texture or protective hairstyles (including, but not limited to, bantu knots, braids, locks, and twists). Defines race as including traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles. Specifies that this statute does not prevent a person from being discharged for cause.

**Intro. by Murdock, Salvador, Foushee.**

GS 95

[View summary](#)

**Employment and Retirement, Government, State Government, State Property, Local Government**

## LOCAL/HOUSE BILLS

H 162 (2021-2022) [CITY OF MORGANTON/CHARTER AMENDMENTS](#). Filed Feb 25 2021, *AN ACT AMENDING THE CHARTER OF THE CITY OF MORGANTON TO CLARIFY THE TIME PERIOD FOR FILLING VACANCIES IN THE OFFICE OF MAYOR, TO PROVIDE THAT THE CITY MANAGER SHALL APPOINT THE CITY CLERK, AND TO MAKE TECHNICAL CHANGES.*

Identical to [S 150](#), filed 2/24/21.

Amends the Charter of the City of Morganton, SL 1975-180, as amended, as follows.

Amends Section 2.14 to require the City Council (Council) to fill an unexpired mayoral term within 90 days following the vacancy, by majority vote (currently, no time period is included). Removes the clarification that the vote of the mayor is not required of the Council's vote determining mayoral inability to perform the duties of the office. Makes technical changes.

Makes technical changes to Section 2.15 concerning mayoral powers and duties. No longer specifies the appointing power for advisory, boards, commissions, and committees is for the mayor's information and assistance.

Repeals Section 3.12, which mandates that the City conduct city government elections unless otherwise provided by the Council.

Makes language gender neutral in Sections 4.11 and 4.12 concerning the city manager.

Amends Section 4.21 to require the city manager to appoint a city clerk (currently, the Council is required to designate the city manager as city clerk). Details the duties of the city clerk, expanding upon the existing duties. Authorizes the city manager to appoint or provide one or more deputy city clerks with the full authority granted to the city clerk as the city manager specifies.

Amends Sections 4.41 and 4.42 to no longer specify that the mayor is not included as a voting member of Council when creating commissions, councils or boards except in cases of equal division. Makes technical changes.

**Intro. by Blackwell.**

[Burke](#)

[View summary](#)

H 164 (2021-2022) [GREENSBORO/DEANNEXATION](#). Filed Feb 25 2021, *AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GREENSBORO.*

Removes the described property from Greensboro's corporate limits. Specifies that the act has no effect upon the validity of any liens of the City of Greensboro for ad valorem taxes or special assessments outstanding before the act's effective date; allows the liens to be collected or foreclosed upon after the effective date of this act as though the property were still within the City's corporate limits. Effective June 30, 2021. Specifies that property that is in the territory described in this act of January 1, 2021, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2021.

**Intro. by Hardister.**

[Guilford](#)

[View summary](#)

[Government, Local Government](#)

H 166 (2021-2022) [EMER. MGT./POWERS/RUTHERFORD/POLK COUNTY](#). Filed Feb 25 2021, *AN ACT TO RESTRICT THE APPLICATION OF CERTAIN EMERGENCY MANAGEMENT ACT POWERS TO THE COUNTIES OF RUTHERFORD AND POLK.*

Requires concurrence from the Council of State or a majority vote of the Rutherford County Board of County Commissioners for the application of powers to Rutherford County, or by a majority vote of the Polk County Board of Commissioners for the application of powers to Polk County, in order for the Governor to exercise his powers under GS 166A-19.30(c), which sets out specified additional powers of the Governor during a gubernatorially or legislatively declared state of emergency when the Governor has determined that local control of the emergency is insufficient to assure adequate protection for lives and property. Defines *concurrence of Council of State* to mean consensus, within 48 hours of contact, of a majority of the Council of State prior to the Governor exercising a power or authority requiring a concurrence of the Council of State. Applies only to

Rutherford and Polk counties. Applies to the exercise of power under a state of emergency declared by the Governor or North Carolina General Assembly existing on or after the date that the act becomes law. Sets any power exercised under a state of emergency by the Governor existing on that date and applicable to Rutherford and Polk Counties to expire two calendar days after this act becomes law, unless a concurrence of the Council of State is sought and received in accordance with this act or approved by a majority of the members of the Rutherford County Board of Commissioners.

**Intro. by Rogers.**

UNCODIFIED, Polk, Rutherford

[View summary](#)

**Government, Public Safety and Emergency Management,  
State Government, Executive**

H 185 (2021-2022) [SCHOOL CALENDAR FLEXIBILITY/WAKE COUNTY](#). Filed Feb 25 2021, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO WAKE COUNTY SCHOOLS IN ADOPTING THE SCHOOL CALENDAR*.

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to provide the local board of education for the Wake County Schools with additional flexibility in adopting the school calendar. Applies beginning with the 2021-22 school year.

**Intro. by von Haefen, Paré, Ball, Gill.**

Wake

[View summary](#)

**Education, Elementary and Secondary Education**

## LOCAL/SENATE BILLS

S 158 (2021-2022) [31ST SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 25 2021, *AN ACT RELATING TO THE 31ST SENATORIAL DISTRICT*.

Blank bill.

**Intro. by Krawiec.**

Davie, Forsyth

[View summary](#)

S 162 (2021-2022) [SCHOOL CALENDAR FLEXIBILITY/CERTAIN SYSTEMS](#). Filed Feb 25 2021, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO CERTAIN LOCAL BOARDS OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR*.

Amends GS 115C-84.2(d) to allow the local boards of education of the following school systems to align the calendar of schools in the local school administrative unit with the calendar of a community college serving the city or county in which the unit is located: Anson County Schools, Moore County Schools, Richmond County Schools, and Scotland County Schools. Applies beginning with the 2021-22 school year.

**Intro. by McInnis.**

Anson, Moore, Richmond, Scotland, GS 115C

[View summary](#)

**Education, Elementary and Secondary Education**

S 163 (2021-2022) [SCHOOL CALENDAR FLEXIBILITY/CERTAIN SYSTEMS](#). Filed Feb 25 2021, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO CERTAIN LOCAL BOARDS OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR*.

Includes whereas clauses. Under current law, GS 115C-84.2(d) provides authority to local boards of education to determine the opening and closing dates for public schools under GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided. Subsection (d) also provides criteria under which the State Board of Education may waive those requirements upon a showing of good cause by a local board of education.

Amends GS 115C-84.2(d) as the title indicates, providing additional flexibility to Chapel-Hill-Carrboro City Schools and Orange County Schools by eliminating opening and closing date parameters. Permits that all first semester exams to be given before winter break. Applies beginning with the 2021-22 school year.

**Intro. by Foushee.**

[Orange](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

S 164 (2021-2022) [SCHOOL CALENDAR FLEXIBILITY/CHATHAM COUNTY](#). Filed Feb 25 2021, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO CHATHAM COUNTY SCHOOLS IN ADOPTING THE SCHOOL CALENDAR*.

Includes whereas clauses. Under current law, GS 115C-84.2(d) provides authority to local boards of education to determine the opening and closing dates for public schools under GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided. Subsection (d) also provides criteria under which the State Board of Education may waive those requirements upon a showing of good cause by a local board of education.

Amends GS 115C-84.2(d) as the title indicates, providing additional flexibility to Chatham County Schools by eliminating opening and closing date parameters. Permits that all first semester exams to be given before winter break. Applies beginning with the 2021-22 school year.

**Intro. by Foushee.**

[Chatham](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

S 166 (2021-2022) [SCHOOL CALENDAR FLEX/CERTAIN SCHOOL SYSTEMS](#). Filed Feb 25 2021, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO WINSTON-SALEM/FORSYTH COUNTY SCHOOLS AND DAVIE COUNTY SCHOOLS IN ADOPTING THE SCHOOL CALENDAR*.

Under current law, GS 115C-84.2(d) provides authority to local boards of education to determine the opening and closing dates for public schools under GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided. Subsection (d) also provides criteria under which the State Board of Education may waive those requirements upon a showing of good cause by a local board of education.

Amends GS 115C-84.2(d) as the title indicates. Allows Winston-Salem/Forsyth County Schools and Davie County Schools to open as early as the Monday closest to August 10 (currently, no earlier than the Monday closest to August 26), excluding year-round schools. Deletes the provisions of subsection (d) concerning waiver of the requirements upon a showing of good cause. Adds new language to GS 115C-174.12 permitting assessments to be given before the conclusion of the fall semester for local boards that have implemented a school calendar that concludes the fall semester prior to December 31.

Applies beginning with the 2021-22 school year.

**Intro. by Krawiec.**

[Davie, Forsyth](#)

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[Education, Elementary and Secondary Education](#)



**ACTIONS ON BILLS****PUBLIC BILLS****H 4: EXTEND ABC PERMIT RENEWAL FEE DEFERRAL.**

*House: Signed by Gov. 2/25/2021*

*House: Ch. SL 2021-2*

**H 76: MODERNIZE DEBT SETTLEMENT PROHIBITION.**

*House: Reptd Fav*

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

**H 107: DES COVID MODIFICATIONS AND TECHNICAL CHANGES.**

*House: Reptd Fav*

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

**H 142: UNC BUILDING RESERVES/CERTAIN PROJECTS.**

*House: Passed 1st Reading*

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

**H 144: TELEDENTISTRY/RDH ADMIN. LOCAL ANESTHETIC.**

*House: Passed 1st Reading*

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

**H 145: PROPERTY PROTECTION ACT/DVPO.**

*House: Passed 1st Reading*

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

**H 146: RESCIND CALLS FOR CONSTITUTIONAL CONVENTION.**

*House: Passed 1st Reading*

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

**H 147: RESTORE STATE EMP/TEACHER RETIREE MED BENEFIT.**

*House: Passed 1st Reading*

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

**H 148: SBI EMERGENCY PEN REGISTER/TRAP AND TRACE.**

*House: Passed 1st Reading*

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

**H 149: IMPROVING ACCESS TO CARE THROUGH TELEHEALTH.**

*House: Passed 1st Reading*

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

**H 150: NCDOI NAIC ACCREDITATION.-AB**

*House: Passed 1st Reading*

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

**H 151: REQ ACTIVE TIME FELONY DEATH MV/BOAT.**

*House: Passed 1st Reading*

*House: Ref to the Com on Marine Resources and Aqua Culture, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House*

**H 152: MODIFY SCHOOL PERFORMANCE GRADES.**

*House: Passed 1st Reading*

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

**H 153: FUNDS/SCOTLAND CO. RECREATION CENTER.**

*House: Passed 1st Reading*

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

**H 154: FUNDS/HOKE NEW PARKS & REC FACILITY.**

*House: Passed 1st Reading*

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

**H 155: FUNDS/HOKE NEW SCHOOL OF ENGINEERING.**

*House: Passed 1st Reading*

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

**H 156: UNCLAIMED PROPERTY DIVISION AMENDMENTS.-AB**

*House: Passed 1st Reading*

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

**H 157: PROPERTY FINDER DEFINITION AND GOVERNANCE.-AB**

*House: Passed 1st Reading*

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

**H 158: CONST. AMEND./LIFE AT FERTILIZATION.**

*House: Passed 1st Reading*

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

**H 160: RETIREMENT SERVICE PURCHASE REWRITE PART II.-AB**

*House: Filed*

**H 161: ADDRESS ABANDONED AND DERELICT VESSELS.-AB**

*House: Filed*

**H 163: TREASURY ADMINISTRATIVE CHANGES.-AB**

*House: Filed*

**H 165: DOT LEGISLATIVE CHANGES.-AB**

*House: Filed*

**H 167: U.S. ARMY SPECIAL FORCES REG. PLATE.**

*House: Filed*

**H 168: RETIREMENT ADMINISTRATIVE CHANGES ACT OF 2021.-AB**

*House: Filed*

**H 169: STATE HEALTH PLAN DATA TRANSPARENCY.-AB**

*House: Filed*

**H 170: NORTH CAROLINA CROWN ACT.**

*House: Filed*

**H 171: BURDEN OF PROOF-CHALLENGE TO CANDIDACY.***House: Filed***H 172: TERM LIMITS FOR CONGRESS.***House: Filed***H 173: SEPARATE DIVS-JUV JUSTICE AND ADULT CORR.-AB***House: Filed***H 174: FUNDS TO HELP THOSE STRUGGLING WITH ADDICTION.***House: Filed***H 175: RET. & AMP TREASURY TECH. CORRECTIONS ACT OF 2021.-AB***House: Filed***H 176: ENHANCE SHP DEBT COLLECTION ABILITIES.-AB***House: Filed***H 177: STATE HEALTH PLAN ADMINISTRATIVE CHANGES.-AB***House: Filed***H 178: ACCESS TO PRESCRIPTION DRUG COST INFORMATION.***House: Filed***H 179: AMEND HIE PARTICIPATION ENFORCEMENT MECHANISM.-AB***House: Filed***H 180: DESIGNATE OVERDOSE AWARENESS DAY.***House: Filed***H 181: WILDLIFE RESOURCES COMM'N. AMENDMENTS.-AB***House: Filed***H 182: INCREASING MEAT PRODUCTION AND CAPACITY.***House: Filed***H 183: JUV. COURT COUNSELORS/SENSITIVITY TRAINING.-AB***House: Filed***H 184: SUPPORT PRIVATE PROPERTY RIGHTS.***House: Filed***S 31: POLITICAL SUBDIVISIONS/LOCAL BIDDERS NOTICE.***House: Passed 1st Reading**House: Ref To Com On Rules, Calendar, and Operations of the House***S 52: SEX OFFENDER RESIDENCE RESTRICTION/CLARIFY.***Senate: Regular Message Sent To House**House: Regular Message Received From Senate***S 56: TRYON PALACE - CAPITAL PROJECT.***Senate: Withdrawn From Com**Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate***S 66: REGULATE USE OF DEER SECRETIONS FOR HUNTING.**

*House: Passed 1st Reading*

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

**S 87: MEDICAID REIMBURSEMENT/CHARTER SCHOOLS.**

*Senate: Reptd Fav*

**S 116: LET THEM PLAY AND LET US WATCH.**

*Senate: Reptd Fav*

**S 135: IMPROVE ANATOMICAL GIFT DONATION PROCESS.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Transportation. If fav, re-ref to Rules and Operations of the Senate*

**S 140: ALLOW IN-STATE TUITION/ATHLETIC SCHOLARSHIPS.**

*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 Rules and Operations of the Senate*

**S 143: JUNETEENTH OBSERVANCE DAY IN NC.**

*Senate: Passed 1st Reading*

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

**S 144: WF BAPTIST HEALTH REGIONAL AUTOPSY CTR FUNDS.**

*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 Rules and Operations of the Senate*

**S 146: TELEDENTISTRY/RDH ADMIN. LOCAL ANESTHETIC.**

*Senate: Passed 1st Reading*

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

**S 148: WASTEWATER SYSTEM PERMIT EXTENSION.**

*Senate: Passed 1st Reading*

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

*Senate: Withdrawn From Com*

*Senate: Re-ref to Agriculture, Energy, and Environment. If fav, re-ref to Rules and Operations of the Senate*

**S 152: ACCESS TO SPORTS/EXTRACURR. FOR ALL STUDENTS.**

*Senate: Passed 1st Reading*

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

**S 154: FULLY FUND SCHOOL SOCIAL WKRS & AMP PSYCHOLOGISTS.**

*Senate: Passed 1st Reading*

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

**S 155: HIGHWAY CLEANUP ACT OF 2021.**

*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 Rules and Operations of the Senate*

**S 156: INCREASE BENEFIT LIMIT ON PUBLIC CONTRACTS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 159: STATE HEALTH PLAN ADMINISTRATIVE CHANGES.-AB**

*Senate: Filed*

**S 160: ENHANCE SHP DEBT COLLECTION ABILITIES.-AB**

*Senate: Filed*

**S 161: NC STATEWIDE TELEPSYCHIATRY PROGRAM/FUNDS.**

*Senate: Filed*

**S 165: NORTH CAROLINA CROWN ACT.**

*Senate: Filed*

**LOCAL BILLS**

**H 143: SWAIN COUNTY SHERIFF VACANCIES.**

*House: Passed 1st Reading*

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

**H 162: CITY OF MORGANTON/CHARTER AMENDMENTS.**

*House: Filed*

**H 164: GREENSBORO/DEANNEXATION.**

*House: Filed*

**H 166: EMER. MGT./POWERS/RUTHERFORD/POLK COUNTY.**

*House: Filed*

**H 185: SCHOOL CALENDAR FLEXIBILITY/WAKE COUNTY.**

*House: Filed*

**S 115: STUDENTS, PARENTS, COMMUNITY RIGHTS ACT.**

*Senate: Reptd Fav*

**S 141: 1ST SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 142: 20TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 145: WINSTON-SALEM/REAL PROPERTY CONVEYANCES.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 147: 18TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 149: 21ST SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 150: CITY OF MORGANTON/CHARTER AMENDMENTS.**

*Senate: Passed 1st Reading*

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

*Senate: Withdrawn From Com*

*Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate*

**S 151: 27TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

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

**S 153: 23RD SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

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

**S 157: ZEBULON/BOARD APPOINT TOWN CLERK.**

*Senate: Passed 1st Reading*

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

**S 158: 31ST SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Filed*

**S 162: SCHOOL CALENDAR FLEXIBILITY/CERTAIN SYSTEMS.**

*Senate: Filed*

**S 163: SCHOOL CALENDAR FLEXIBILITY/CERTAIN SYSTEMS.**

*Senate: Filed*

**S 164: SCHOOL CALENDAR FLEXIBILITY/CHATHAM COUNTY.**

*Senate: Filed*

**S 166: SCHOOL CALENDAR FLEX/CERTAIN SCHOOL SYSTEMS.**

*Senate: Filed*

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