



The Daily Bulletin: 2021-03-16

PUBLIC/HOUSE BILLS

H 217 (2021-2022) [UTILITIES COMM'N TECH. AND ADD'L CHANGES](#). Filed Mar 3 2021, *AN ACT TO MAKE TECHNICAL, CLARIFYING, CONFORMING, AND ADMINISTRATIVE CHANGES TO THE LAWS RELATED TO PUBLIC UTILITIES AND TO INCREASE THE NONUTILITY FILING FEE FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY*.

House committee substitute amends the 1st edition as follows.

Section 3

Modifies the proposed changes to the duties of public staff of the Utilities Commission under GS 62-15 to include petitioning to initiate proceeds to review and take appropriate actions with respect to the rates and operations of public utilities (previously also included management of public utilities).

Section 10

Further amends GS 62-81 by requiring that all rate cases or proceedings be subject to the timeframe established under GS 62-134(b), which governs rate change notice, schedules and related hearings. Expands upon the ways in which a public utility filing or applying for an increase in rates for electric, telephone, natural gas, water, or sewer service may notify its customers, to also include electronic means.

Section 27

Makes a technical correction to a statutory cross reference made in the proposed changes to GS 143-151.42 regarding the prohibition against master meters.

Intro. by Arp, B. Jones, Szoka, Winslow.

[GS 20](#), [GS 42](#), [GS 62](#), [GS 143](#), [GS 143B](#), [GS 156](#)

[View summary](#)

[Courts/Judiciary](#), [Motor Vehicle](#), [Government](#), [Local Government](#), [Public Enterprises and Utilities](#)

H 219 (2021-2022) [AMEND WATER/SEWER RATE ADJUSTMENT MECHANISMS](#). Filed Mar 3 2021, *AN ACT TO ENCOURAGE INVESTMENT IN REGULATED WATER AND SEWER SYSTEMS BY AUTHORIZING THE USE OF A WATER AND SEWER INVESTMENT PLAN RATE-MAKING MECHANISM FOR ESTABLISHING RATES OF REGULATED WATER AND SEWER UTILITIES AND TO OTHERWISE AMEND RATE ADJUSTMENT MECHANISMS FOR WATER AND SEWER IMPROVEMENTS*.

House committee substitute amends the 1st edition by making a technical correction to internal cross-references in GS 62-133.12(g), concerning the proposed exemption for unreimbursed costs for relocating facilities due to roadway projects from the 7.5% limitation imposed on cumulative system improvement charges based upon annual service revenues.

Intro. by Arp, Paré, Szoka, Watford.

[GS 62](#)

[View summary](#)

[Health and Human Services](#), [Health](#), [Public Health](#), [Public Enterprises and Utilities](#)

H 220 (2021-2022) [ASSURING CHOICE OF ENERGY SERVICE](#). Filed Mar 3 2021, *AN ACT TO LIMIT CITIES AND COUNTIES FROM PROHIBITING CONSUMER CHOICE OF ENERGY SERVICE BASED UPON THE TYPE OR SOURCE OF ENERGY TO BE*

DELIVERED.

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

Makes a correction in Section 1(a) to add the proposed statute to GS Chapter 160A, rather than 10A.

Amends proposed GS 160A-205.4, applicable to cities, and GS 153A-145.8, applicable to counties, modifying and adding to the definition provided for the term *energy service* in each statute. Now defines the term to mean the provision of natural gas; renewable gas; hydrogen; liquefied petroleum gas, renewable liquefied petroleum gas, or other liquid petroleum products; or electricity by a person legally authorized to provide such service (was, the provision of natural or manufactured gas, liquefied petroleum gas or renewable liquefied petroleum gas, heating oil, or electricity by a person legally authorized to provide such service). Adds that the terms renewable gas and renewable liquid petroleum gas mean gas derived from a renewable resource.

Removes duplicative language in GS 153A-145.8(c).

Intro. by Arp, Miller, Saine, Szoka.

[GS 10A, GS 153A, GS 160A](#)

[View summary](#)

Government, Local Government, Public Enterprises and Utilities

H 311 (2021-2022) [SAFER ROADS AND COMMUNITIES ACT OF 2021](#). Filed Mar 16 2021, *AN ACT TO INCREASE THE SAFETY OF STATE ROADS AND COMMUNITIES THROUGHOUT THE STATE BY AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE RESTRICTED DRIVERS LICENSES TO IMMIGRANTS WITH LIMITED OR NO STATUS.*

Amends GS 20-7 to require the Division of Motor Vehicles (DMV) to provide a copy of any application, form, or test required for licensure to drive in the native language of the applicant upon request.

Further amends the statute as follows. Creates a restricted drivers license for applicants who do not present a valid social security number and meet six qualifications, including that the applicant has limited legal status or is not lawfully present in the US, the applicant completes a required training course, and the applicant provides proof of NC residency for at least one year. Directs the DMV to contract with a nonprofit or community-based agency to establish and conduct a training course at least one-hour in length for restricted drivers license applicants to provide an overview of social systems and resources available to residents and an overview of applicable laws. Authorizes remote training. Sets restricted drivers licenses to expire on the licensee's birthday in the second year after issuance, with renewed licenses expiring two years after renewal. Authorizes remote renewal of restricted drivers licenses. Establishes an issuance or renewal fee for restricted drivers licenses at \$53. Requires restricted drivers licenses to be of a unique design and color distinguishing it from the REAL ID compliant drivers license; requires consultation with interested nonprofits and community-based agencies. Makes conforming changes.

Enacts GS 20-10.2 making any information provided by an applicant for a restricted drivers license inadmissible in any proceeding. Specifies that possession of a restricted drivers license alone cannot be a basis for a criminal investigation, arrest, or detention in circumstances in which a person who possesses some other form of identification would not be criminally investigated, arrested, or detained.

Modifies the DMV's authority to cancel a driver's license under GS 20-15 on the grounds that the licensee is no longer authorized under federal law to be legally present in the US, adding that the licensee must also not be eligible for a restricted drivers license.

Applies to drivers licenses issues on or after October 1, 2021.

Intro. by Hurtado, Harrison.

[GS 20](#)

[View summary](#)

Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Immigration

H 312 (2021-2022) [QUALIFICATIONS FOR SHERIFF/EXPUNCTION](#). Filed Mar 16 2021, *AN ACT TO REQUIRE A CANDIDATE OR APPOINTEE FOR THE OFFICE OF SHERIFF TO DISCLOSE ALL FELONY CONVICTIONS, INCLUDING ANY EXPUNGED CONVICTIONS*.

Identical to [S 306](#), filed 3/16/21.

Amends GS 162-2 to add to the disqualifications from holding the office of sheriff conviction of any felony or not being a qualified voter of the county in which the candidate is chosen, in addition to the existing age restriction (previously, disqualified if not a resident in the county in which chosen for one year immediately preceding election to office). Establishes a new requirement for any candidate or selected appointee to provide a statement of disclosure pursuant to Article 3, as enacted, GS Chapter 17E.

Amends GS 163-106 to require any candidate for sheriff to file a valid disclosure statement at the time of filing a notice of candidacy in accordance with new GS 17E-20 verifying that the individual has no prior felony convictions or expungements of felony convictions (under Section 2 of Article VII of the Constitution, any felony conviction makes the individual ineligible to hold the office of sheriff, regardless of whether rights have been restored or the conviction has been expunged). Failure to file the disclosure statement renders candidacy filing incomplete.

Makes organizational changes to GS Chapter 17E to separate the existing statutes into Articles. Authorizes the Revisor of Statutes to make necessary changes.

Amends GS 17E-4 to add to the duties of the North Carolina Sheriffs' Education and Training Standards Commission (Commission) the duty to prepare disclosure statements for candidates and potential appointees for the office of sheriff with respect to felony convictions and expunctions. Allows the Commission to charge a fee to cover the cost of any criminal history check. Amends GS 17E-11 to limit the scope of its provisions, which provide guidance for application and construction, to apply to Article 2 (as enacted, holding existing GS 17E-7 through 17E-19, except for GS 17E-10) rather than the entire Chapter.

Enacts Article 3 to provide for the process for an individual intending to file a notice of candidacy for election or an individual prior to appointment to the office of sheriff to request the Commission to prepare a disclosure statement verifying that the individual has no prior felony convictions or expungements of felony convictions. Requires the individual to provide necessary information for completion, including any evidence that the individual has been granted an unconditional pardon of innocence for a felony and any fee to cover the cost of the background check. Details requirements of the statement. Requires that the Commission conduct a criminal history check in the state and national databases, contact the Administrative Office of the Courts (AOC) and request confirmation of whether the individual has received an expunction for a felony record, and determine if the individual has ever been convicted of a felony in violation of the Constitution. Deems any request for a disclosure statement, any supporting documentation used in preparation of a disclosure statement, and any disclosure statement prepared by the Commission confidential and not public record. Authorizes the Commission to access an individual's felony conviction records, including the confidential files for expunctions held by the AOC. Deems valid any disclosure statement prepared by the Commission for purposes of filing in accordance with specified election laws for 90 days after issuance.

Makes conforming changes to GS 15A-151, GS 15A-153, GS 15A-145.4, GS 15A-145.5, and GS 15A-145.6, regarding disclosure of felony expunctions.

Amends GS 162-5 and GS 162-5.1 to prohibit a county board of commissioners, subject to the respective statute, from making an appointment to fill a vacancy in the office of sheriff without first being presented with a valid disclosure statement prepared by the Commission and issued within 90 days prior to the appointment in accordance with new Article 3, GS Chapter 17E. Makes clarifying changes to the statute.

Enacts GS 143B-974 to authorize the Department of Public Safety (DPS) to provide a criminal history check from state and national databases to the Commission for any person filing a notice of candidacy or any potential appointee to the office of sheriff. Requires the Commission to provide the individual's fingerprints and consent with its request. Requires the criminal history report to be kept confidential and deems the report not public record.

Intro. by McNeill, C. Smith, Greene, Miller.

[GS 15A](#), [GS 17E](#), [GS 143B](#), [GS 162](#), [GS 163](#)

[View summary](#)

[Courts/Judiciary](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Employment and Retirement](#), [Government](#),

**Elections, Public Safety and Emergency Management, Local
Government**

H 313 (2021-2022) [2021 PANDEMIC RECOVERY APPROPRIATIONS ACT](#). Filed Mar 16 2021, *AN ACT TO MAKE APPROPRIATIONS TO STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS TO ACCELERATE THE STATE'S RECOVERY FROM THE EFFECTS OF THE CORONAVIRUS PANDEMIC.*

Blank bill.

Intro. by Arp, Lambeth, Saine.

[APPROP](#)

[View summary](#)

[Government, Budget/Appropriations, Public Safety and
Emergency Management](#)

H 314 (2021-2022) [2021 OMNIBUS CORONAVIRUS RELIEF ACT](#). Filed Mar 16 2021, *AN ACT MAKING APPROPRIATIONS AND ENACTING RELATED LAW CHANGES TO PROVIDE ADDITIONAL RELIEF FROM THE EFFECTS OF THE CORONAVIRUS PANDEMIC.*

Blank bill.

Intro. by Arp, Lambeth, Saine.

[APPROP](#)

[View summary](#)

[Government, Budget/Appropriations, Public Safety and
Emergency Management](#)

H 315 (2021-2022) [ARSON LAW REVISIONS](#). Filed Mar 16 2021, *AN ACT TO INCREASE THE PUNISHMENT FOR THE BURNING OF COMMERCIAL STRUCTURES; TO AMEND THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN INJURY TO A FIREFIGHTER, LAW ENFORCEMENT OFFICER, FIRE INVESTIGATOR, OR EMERGENCY MEDICAL TECHNICIAN; TO AUTHORIZE THE COMMISSIONER OF INSURANCE THROUGH THE OFFICE OF STATE FIRE MARSHAL TO INVESTIGATE FIRES; TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS TO FIRE DEPARTMENTS; TO REQUIRE APPLICANTS TO DISCLOSE CERTAIN CRIMINAL CHARGES; AND TO PROHIBIT APPLICANTS CONVICTED OF CERTAIN CRIMES FROM SERVING AS VOLUNTEER OR PAID MEMBERS OF FIRE DEPARTMENTS.*

Part I.

Repeals GS 14-60, which made the burning of schoolhouses or buildings of educational institutions a Class F felony.

Enacts new GS 14-62.3 to provide the penalties for wantonly and willfully setting fire to or burning or aiding, counseling, or procuring the burning of any *commercial structure*, defined as any building or structure that is not designed principally for residential purposes, or its contents. Violations are a Class D felony if the structure was occupied at the time of the burning and a Class E felony if the structure was unoccupied at the time of the burning.

Amends the following statutes to provide for the punishment stated in the statute unless the conduct is covered under some other provision of law that provides for greater punishment: GS 14-61 (burning of certain bridges and buildings), GS 14-62 (burning of certain buildings), GS 14-62.1 (burning of building or structure in process of construction), GS 14-62.2 (burning of churches and certain other religious buildings), and GS 14-64 (burning of ginhouses and tobacco houses).

Adds to GS 14-64, which provides for the Class H felony offense of burning ginhouses and tobacco houses, to define *ginhouse* as any building or structure where cotton is ginned, and *tobacco house* as any barn, building, or other structure used for curing and aging tobacco. Makes organizational changes.

Part II.

Amends GS 14-69.3 by adding that a person is guilty of a Class F felony for committing a felony under Article 15 (Arson and other burnings) where a firefighter, law enforcement officer, fire investigator, or emergency medical technician suffers physical injury while discharging (or attempting to do so) their official duties on the property, or proximate to the property, that is the subject of the individual's discharge of their respective duties.

Part III.

Amends GS 58-79-1 to authorize the Commissioner of Insurance (Commissioner), through the Office of the State Fire Marshal (Office), and the State Bureau of Investigation (SBI), along with specified local fire departments and authorities (previously, the Director of the SBI through the SBI, the Office and the specified local entities) to investigate the cause, origin, and circumstances of fires, as specified. Makes conforming changes to the statute and to GS 58-79-5 to transfer the previous duties and authorities regarding investigations of the SBI Director to the Commissioner, except maintains that the Director only has the power to make arrests. Makes conforming changes and language gender-neutral. Makes conforming changes to GS 58-79-10 (power in investigations) and GS 58-79-15 (Failure to comply with summons or subpoena).

Amends GS 58-79-40 to authorize the Office to request any insurance company investigating a fire of real or personal property to release any information in its possession relative to that loss. Also requires insurance companies to notify, cooperate with, and provide relevant information to the Office if the company believes the property loss was caused by incendiary means.

Effective October 1, 2021.

Part IV.

Makes the following changes regarding criminal history checks of applicants to and current members of fire departments and emergency medical services required by GS 143B-943. Adds to the crimes included in *criminal history* any criminal offense set forth in Article 22, Damages and Other Offenses to Land Fixtures, of GS Chapter 14. Makes a technical change to reflect the title change to Article 5A of GS Chapter 14. Adds a new provision authorizing the local Homeland Security director, local fire chief, county fire marshal, or local law enforcement agency requesting the criminal history of an applicant or current member to charge the applicant or current member the fee amount charged by the Department of Public Safety.

Adds a new subsection (d1) prohibiting an applicant from serving in a paid or volunteer position with a fire department if a verified criminal history check reveals a conviction of arson or any felony conviction involving burning or setting fire under Articles 14, 22, or any other Article of GS Chapter 15 (appears to intend Articles 15, *Arson and Other Burnings*, 22, *Damages and Other Offenses to Land and Fixtures*, or any other Article of GS Chapter 14). Requires a local Homeland Security director, local fire chief, county fire marshal, or local law enforcement agency to request disclosure of any such pending charges, and upon disclosure or discovery of such charges, deny the applicant a paid or volunteer position. Separates the authorized actions of local fire departments from that of emergency medical services regarding refusal to consent to a criminal history check or use of fingerprints or other identifying information. Mandates that local fire departments deny applicants, and authorizes the dismissal of current members, who refuse to consent to a criminal history record check or use of fingerprints or other identifying information (previously both actions were permitted). Establishes that refusal constitutes just cause for the denial or dismissal. Authorizes local fire departments to extend a conditional offer of the position pending the results of the criminal history record check or final disposition of felony charges disclosed or discovered (previously pending the results of a criminal history check only). Makes conforming and technical changes.

Amends GS 153A-233 to require counties to ensure that any unit of local government or incorporated fire department with whom the county contracts for fire-fighting or prevention services obtains a criminal history record check of any person who applies for a paid or volunteer position providing such services, pursuant to the procedures and evaluations provided in GS 143B-943, as amended.

Amends GS 153A-234, concerning counties, and GS 160A-292, concerning cities, to require the fire marshal or chief to obtain a criminal history record check of any person who applies for a paid or volunteer position with the fire department, pursuant to the procedures and evaluations provided in GS 143B-943, as amended

Applies to applications submitted on or after December 1, 2021.

Part V.

Provides that prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

The act is effective December 1, 2021, and applies to offenses committed on or after that date.

Intro. by McNeill, Boles, Saine, Carter.

[GS 14, GS 58, GS 143B, GS 153A, GS 160A](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, Local Government](#)

H 316 (2021-2022) [SUPPORT MATERNAL HEALTH/EXTEND MEDICAID COV.](#) Filed Mar 16 2021, *AN ACT TO PROVIDE COVERAGE UNDER THE NORTH CAROLINA MEDICAID PROGRAM FOR PREGNANT WOMEN FOR TWELVE MONTHS POSTPARTUM INSTEAD OF ONLY SIXTY DAYS POSTPARTUM, AS ALLOWED UNDER THE FEDERAL AMERICAN RESCUE PLAN ACT OF 2021.*

Requires the Department of Health and Human Services to implement the continued Medicaid eligibility of pregnant women for 12 months postpartum beginning on April 1, 2022, as allowed under Section 9812 of the American Rescue Plan Act of 2021, PL 117-2.

Amend GS 108A-54.3A by amending the Medicaid eligibility requirements for pregnant women, which covers pregnant women with incomes equal to or less than 196% of the federal poverty guidelines and limits coverage to services related to pregnancy and to other conditions determined to be conditions that may complicate pregnancy. Adds that this limitation on services does not apply as long as the Centers for Medicare and Medicaid Services allows coverage of pregnant women for 12 months postpartum. Effective April 1, 2022.

Appropriates \$12,344,000 in recurring funds for 2021-22 and \$50,816,000 for 2022-23 from the General Fund to the Department of Health and Human Services, Division of Health Benefits, to implement this act. Requires that the funds be used to provide a State match for the specified federal funds and specifies that those federal funds appropriated to the Division of Health Benefits be used to implement this act. Effective July 1, 2021.

Intro. by Insko, Reives, Cunningham, Cooper-Suggs.

[APPROP, GS 108A](#)

[View summary](#)

[Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Insurance, Social Services, Public Assistance](#)

H 317 (2021-2022) [FFA BEEKEEPING GRANT PROGRAM.](#) Filed Mar 16 2021, *AN ACT TO CREATE AND FUND A BEEKEEPING GRANT PROGRAM TO ENCOURAGE FUTURE FARMERS OF AMERICA CHAPTERS TO CREATE STUDENT BEEKEEPING PROGRAMS.*

Appropriates \$165,000 to the Department of Agriculture and Consumer Services (DACS) for 2021-22 to be allocated for the provision of grants to create beekeeping programs for high school chapters of Future Farmers of America (FFA). Specifies purchases eligible for grant funding include: materials to house honeybee colonies; protective gear and other equipment necessary for beekeeping; queens, honeybee packages, and nucleus colonies; and the registration and course materials for courses certified by the NC State Beekeepers Association for two persons per grant. Caps grants at \$1,500 per county with FFA chapters responsible for matching funds as required by DACS. Requires grant fund recovery if the beekeeping program is not maintained for at least three school years. Authorizes DACS to spend up to \$15,000 of the appropriated funds for administrative costs. Authorizes DACS to adopt temporary implementing rules through the Board of Agriculture. Effective July 1, 2021.

Intro. by McNeely, Carter, Elmore, Goodwin.

[APPROP](#)

[View summary](#)

[Agriculture, Education, Elementary and Secondary](#)

H 318 (2021-2022) [EXTEND COOLING OFF PERIOD FOR LEGISLATORS](#). Filed Mar 16 2021, *AN ACT TO EXTEND THE COOLING OFF PERIOD FOR LEGISLATORS TO BECOME LOBBYISTS*.

Amends GS 120-304 to prohibit legislators from registering as a lobbyist before four years after leaving office (currently before the later of the close of session in which the legislator served or six months). Applies to legislators serving in the 2021 General Assembly and subsequent General Assemblies.

Intro. by Everitt, Hunt, Hurtado, Farkas.

GS 120C

[View summary](#)

Government, Ethics and Lobbying, General Assembly

H 320 (2021-2022) [MODERNIZE REMOTE BUSINESS ACCESS](#). Filed Mar 16 2021, *AN ACT TO MODIFY AUTHORIZATION TO CONDUCT MEETINGS BY MEANS OF REMOTE COMMUNICATION FOR CERTAIN ENTITIES, TO AUTHORIZE NONPROFIT CORPORATIONS TO CONDUCT ALL BUSINESS ELECTRONICALLY UNLESS PROHIBITED IN THEIR ARTICLES OF INCORPORATION OR BYLAWS, AND TO MAKE TECHNICAL CHANGES IN THE SURROUNDING LANGUAGE*.

Part I.

Enacts GS 55-7-09(c) to authorize a corporation's board of directors, in its sole discretion, to determine that any shareholder meeting will be held solely by means of remote communication, unless prohibited by the articles of incorporation or bylaws, so long as existing measures for remote participation are implemented. Makes technical changes.

Amends GS 55-7-05 to allow for an annual or special shareholders' meeting that is adjourned to a different date to be continued solely by remote communication if it is announced at the meeting before adjournment and the new date and time are noticed the same, unless the bylaws require otherwise. Adds a new provision to deem further notice in accordance with the time restraints of subsection (a) is not required when a governmental order restricts travel or group gatherings applicable to the place of the meeting or principal office in effect and in good faith are anticipated to be in effect at the date and time set forth in the initial notification. Requires the board of directors to determine to hold the meeting solely by remote communication at the same date and time set or a different date and time, and the corporation to promptly issue a national press release announcing the same and file the press release with the SEC contemporaneously. Makes technical and clarifying changes.

Amends GS 55-7-20 to allow the shareholders' list to be available on a reasonably accessible electronic network, with access information provided with the meeting notice, in lieu of making the list available for inspection at the principal office or place identified in the meeting notice. Requires access to the electronic list to continue through the meeting if the meeting is to be held solely by means of remote communication. Makes clarifying and technical changes. Makes language gender neutral.

Amends GS 55-10-22 to provide for amendment or repeal of a bylaw that prohibits a meeting of shareholders solely by means of remote communication in the same way as bylaws are amended or repealed that fix a greater quorum or voting requirement for the board of directors. Makes technical changes.

Makes further conforming changes to GS 55-7-01 (annual meetings) and GS 55-7-02 (special meetings).

Directs the Revisor of Statutes to print relevant Official Comments to the Revised Model Business Corporation Act and explanatory comments of the drafters.

Part II.

Replaces the provisions of GS 55A-1-70 with the following. Authorizes a nonprofit corporation, its officer, directors, and members to conduct business electronically in accordance with the Chapter and Article 40 of GS Chapter 66 without further consent or agreement unless prohibited by the articles of incorporation or bylaws. Provides that the Chapter's provisions supersede conflicting provisions of Article 40 of GS Chapter 66. Requires prior agreement of a member before conducting

communication or business electronically with the member, including the member providing written agreement, designating a preferred email address, and providing any other facilitating information. Requires the nonprofit to inform the member on how to revoke the agreement.

Makes conforming changes to GS 55A-1-41 regarding electronic notice to members. Eliminates provisions allowing a member to terminate an agreement to electronic notice at any time on a prospective basis upon written notice. Makes technical and clarifying changes. Makes conforming changes to GS 55A-7-04 regarding action by written consent, and to GS 55A-8-21 regarding board action without meeting.

Enacts GS 55A-7-09 to authorize a nonprofit corporation's board of directors to determine that any membership meeting will be held remotely if participants can hear other participants and be heard by other participants if recognized. Provides for electronic voting and verification of a quorum. Details additional notice requirements for electronic meetings, including sufficient instruction on how members can join the meeting, notice of electronic voting, and information on how to inspect or gain access to the members' list. Allows boards to prescribe additional rules and procedures for remote meetings consistent with the Chapter and Article 40 of GS Chapter 65. Specifies that all references to meetings in the Chapter include electronic meetings.

Amends GS 55A-7-01 and GS 55A-7-02 to explicitly authorize remote annual, regular, and special meetings as provided in new GS 55A-7-09. Makes conforming changes.

Amends GS 55A-7-03 to authorize court-ordered meetings to be held remotely as provided in new GS 55A-7-09. Makes technical and clarifying changes.

Makes the following changes to GS 55A-7-05 regarding meeting notices. Requires notices for remote meetings to include the information required in new GS 55A-7-09. Requires continued meetings held remotely to announce a description of the means of remote communication. Makes technical and clarifying changes.

Amends GS 55A-7-06 to limit the exception to the general rule that attendance waives the right to object to consideration of a particular matter that was not within the purposes described in the meeting notice. Provides that waiver does not apply when the member objects to the matter's consideration before it is voted on in an in-person meeting.

Amends GS 55A-7-08 to provide for action by written ballot and electronic voting. Adds to the existing parameters for written ballots to require ballots to contain or request information sufficient to identify the member of the member's proxy unless secret balloting is required. Allows submission of written ballots by any reasonable means specified by the corporation, including email (previously authorized electronic submission). Establishes parameters for electronic ballots or electronic notice that sets forth each proposed action and provides an opportunity and instruction on how to vote for or against each proposed action using the electronic ballot or an electronic voting system, limited to members who have agreed to electronic communication and business under GS 55A-1-70 as amended. Lists four requirements of electronic voting, including control mechanisms and recordkeeping. Limits the use of solely electronic voting to when all members entitled to vote on a proposed action have agreed pursuant to GS 55A-1-70, as amended. Requires that all deadlines for returns of written ballots and electronic ballots and for casting of electronic votes on any proposed action be identical. Prohibits revocation of any electronic ballot or electronic vote submitted unless otherwise provided in the articles of incorporation or bylaws. Makes conforming changes.

Amends GS 55A-7-24 to allow for appointment of a proxy electronically with the member's signature or sent from the member's designated email address pursuant to GS 55A-1-70 as amended. Makes clarifying and technical changes.

Amends GS 55A-7-20 to alternatively allow a members' list to be available on a reasonably accessible electronic network so long as access information is provided with the meeting notice. Allows for the nonprofit to take reasonable steps to ensure restrict access to members only. Makes conforming and technical changes.

Amends GS 55A-8-20 to specify that electronic nonprofit board meetings require that all participating directors hear and can be heard by each other during the meeting.

Part III.

Amends GS 47C-3-108 to require a unit owner to agree to email notification in order for a condominium association meeting notice to be delivered to them via email. Makes technical changes by removing outdated language. Adds that meetings of the

association and executive board that are held remotely do not have to be conducted in accordance with the most recent edition of Robert's Rules of Order Newly Revised.

Amends GS 47F-3-108 to require a lot owner to agree to email notification in order for a planned community association meeting notice to be delivered to them via email. Makes technical changes by removing outdated language. Adds that meetings of the association and executive board that are held remotely do not have to be conducted in accordance with the most recent edition of Robert's Rules of Order Newly Revised.

Part IV.

Amends GS 58-8-10 by adding to the information that must be included in a meeting notice given to members of a mutual insurance company, to require including the method of remote communication. Specifies that language that is to be included in the notice when the meeting has a remote connection or is held solely remotely. Makes participation via remote communication subject to guidelines and procedures adopted by the board of directors. Specifies that members participating in meetings remotely are to be deemed (1) present and (2) voting in person at the meeting if the mutual insurance company has implemented reasonable measures to: (1) verify membership status of people participating remotely; (2) give each member participating remotely a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members substantially concurrently with the proceedings. Allows the board of directors to determine that any meeting of members must be held solely by means of remote communication, but only if the mutual company implements the measures specified above.

Part V.

Allows remote shareholder meetings noticed before this act's effective date that comply with Executive Order No. 185, to proceed remotely as originally noticed notwithstanding any notice and meeting requirements of GS Chapter 55 (North Carolina Business Corporation Act).

Intro. by D. Hall, Bradford, Paré, Howard.

[GS 47C](#), [GS 47F](#), [GS 55](#), [GS 55A](#), [GS 58](#)

[View summary](#)

[Business and Commerce, Corporation and Partnerships, Development, Land Use and Housing, Property and Housing, Nonprofits](#)

H 321 (2021-2022) [RESTORATION OF LAW AND ORDER ACT](#). Filed Mar 16 2021, *AN ACT TO RESTORE LAW AND ORDER IN THE STATE OF NORTH CAROLINA BY HOLDING ACCOUNTABLE ANY PUBLIC OFFICIAL IN THIS STATE, WHETHER ELECTED OR APPOINTED, FOR THE CONSEQUENCES THAT OCCUR DIRECTLY OR INDIRECTLY FROM THE PUBLIC OFFICIAL'S ACT OF CAUSING LAW ENFORCEMENT OFFICERS TO "STAND DOWN" IN THE FACE OF VIOLENT CRIMINAL ACTIONS INCLUDING MURDER, RIOTING, LOOTING, PHYSICAL ASSAULT, DAMAGE TO PUBLIC OR PRIVATE PROPERTY, PULLING DOWN STATUES OR OTHER MEMORIALS OR MONUMENTS, VANDALISM, ARSON, OR ANY OTHER CRIMINAL ACT WITNESSED BY LAW ENFORCEMENT OFFICERS AND MAKING LAW ENFORCEMENT OFFICERS IMMUNE FROM LIABILITY FOR ANY INJURY INFLICTED UPON PERPETRATORS OF THOSE CRIMES WHO RESIST APPROPRIATE EFFORTS OF LAW ENFORCEMENT OFFICERS TO RESTRAIN THEM.*

Section 1

Enacts new Article 31A, Interference with Law Enforcement Officers by Public Officials, in GS Chapter 14, providing as follows. Makes it unlawful for a public official (any person holding a State or local elected or appointed office) to interfere with a law enforcement officer in the performance of the officer's duties by causing or attempting to cause, a law enforcement officer to refrain from: (1) enforcing the laws of this state, (2) defending the citizens of this state against criminal activity, (3) defending the property of citizens of this state against criminal activity, or (4) defending the property of this state against criminal activity. Excludes the following public officials when they are making decisions for tactical, law enforcement related reasons: (1) sheriffs, (2) chiefs of police, and (3) other law enforcement officers whose regular duties include the direct supervision, direction, and deployment of law enforcement officers. Makes violations punishable by a fine of not more than \$10,000 per incident and (2) no less than seven nor more than 30 days incarceration, at the discretion of the sentencing judge, who is required to consider the severity of the damage. Allows a person committing a violation to be charged as an accessory after the fact to any criminal conduct committed by an individual that the public official protected or attempted to protect from

the enforcement of the State's laws. Allows a person who commits a violation to be held civilly liable for any personal injury, death, theft, damage to State property, damage to personal property, financial loss, or civil liability resulting from the violation; allows six classes of individuals to bring the civil cause of action, including an immediate family member of a deceased person, a person that has suffered damage to or loss of real or personal property, and a representative of any State or local government or private entity that has suffered damage to or loss of real or personal property. Provides civil and criminal liability to a law enforcement officer using reasonable force for the death or injury of any person who is resisting the law enforcement officer in the performance of the officer's duties under the circumstances and while acting in good faith to enforce the State's laws, to defend the State's citizens against criminal activity, to defend the property of State citizens against criminal activity, and to defend the State's property. Deems any death or injury under the circumstances described above to have been caused by the individual who is killed or injured. Allows removing from office a public official who commits a violation, or a public official that refuses to charge, prosecute, or otherwise hold liable an individual that there is probable cause to believe has committed a violation and over whom the public official exercises jurisdiction. Effective December 1, 2021.

Section 2

Amends GS 100-2.1 as follows. Makes it a Class 1 misdemeanor to willingly and knowingly violate the statute, which prohibits removing, relocating, or altering a monument, memorial, or work of art owned by the State without the approval of the North Carolina Historical Commission. The statute includes an exception for an object of remembrance that a building inspector or similar official has determined poses a threat to public safety because of an unsafe or dangerous condition; modifies this exception to require that the unsafe or dangerous condition be related to the object's structural or physical integrity. Specifies that this exclusion does not apply when the unsafe or dangerous condition, whether it is perceived or actual, is caused by or threatened to be caused by the intentional acts of an individual. Effective December 1, 2021.

Requires all statues, memorials, and monuments of this State or any local government that were removed or damaged before the enactment of this act to immediately be restored and returned to their original location, with the restoration and relocation expenses paid by the individuals responsible for the damage or removal, including elected and appointed officials.

Intro. by Pittman, Brody, Kidwell.

GS 14, GS 100

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Criminal Justice, Criminal Law and Procedure, Government, Cultural Resources and Museums, Public Safety and Emergency Management, Local Government

PUBLIC/SENATE BILLS

S 69 (2021-2022) **DMV LICENSING REQ/AUTH. VENDOR FOR ROAD TESTS.** Filed Feb 8 2021, *AN ACT TO REVISE DIVISION OF MOTOR VEHICLES PERMIT AND LICENSE REQUIREMENTS AND TO AUTHORIZE THE DIVISION TO UTILIZE COMMERCIAL DRIVER TRAINING SCHOOLS TO ADMINISTER ROAD TESTS.*

Senate committee substitute amends the 2nd edition as follows.

Deletes the proposed changes in GS 20-11(c) which would have restricted driving hours for those driving with a limited learner's permit to restrict driving hours to between the hours of 5:00 am and 9:00 pm for the first three months (currently law is first six months) after permit issuance, and specifies that after the first three (current law is six) months after issuance, the permit holder may drive at any time. Also amends the requirements to be met in (d) in order for a person who is at least 16 years old but less than 18 years to obtain a limited provisional license, to require the person to have held a limited learner's permit for at least nine (was, six, current law, 12) months.

Intro. by Sawyer, McInnis, Britt.

GS 20

[View summary](#)

Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Transportation

S 103 (2021-2022) [REDUCE REG. TO HELP CHILDREN WITH AUTISM](#). Filed Feb 16 2021, *AN ACT TO REDUCE UNNECESSARY REGULATORY CONSTRAINTS FOR APPLIED BEHAVIOR ANALYSIS*.

Senate amendment makes the following changes to the 3rd edition.

Makes the following modifications to proposed Article 43, Behavior Analyst Licensure, of GS Chapter 90.

Increases the term of service from two to three years for the initial North Carolina Behavior Analysis Board member legislatively appointed upon recommendation of the President Pro Tempore of the Senate.

Makes technical changes to a proposed statutory subsection descriptor.

Intro. by Perry, Lee, Barnes.

[GS 8, GS 90](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers](#)

S 304 (2021-2022) [ALAMANCE CC FUNDS/BIOTECH CTR BLDG](#). Filed Mar 16 2021, *AN ACT TO APPROPRIATE FUNDS FOR ALAMANCE COMMUNITY COLLEGE FOR THE PURCHASE OF LABORATORY EQUIPMENT FOR THE BIOTECHNOLOGY CENTER OF EXCELLENCE BUILDING*.

Appropriates \$3,846,550 from the General Fund to the Community Colleges System Office for 2021-22 to be allocated to Alamance Community College for the purchase of lab equipment for the Biotechnology Center of Excellence Building. Effective July 1, 2021.

Intro. by Gale.

[APPROP, Alamance](#)

[View summary](#)

[Education, Higher Education, Government, Budget/Appropriations, State Agencies, Community Colleges System Office](#)

S 305 (2021-2022) [SMART SCH. BUS SAFETY PILOT/CERTAIN COUNTIES](#). Filed Mar 16 2021, *AN ACT TO ESTABLISH THE SMART SCHOOL BUS SAFETY PILOT PROGRAM IN CERTAIN COUNTIES*.

Identical to [H 256](#), filed 3/10/21.

Directs the Department of Public Instruction (DPI) to establish the Smart School Bus Safety Pilot Program (program) with up to 17 authorized local school administrative units, beginning with the 2021-22 school year and ending on or before January 1, 2025. Requires participating units to contract with qualifying vendors to provide technology and services for student transportation. Allows DPI to authorize a replacement unit with similar student population to participate in the program in the event an authorized unit elects not to participate. Provides ten minimum requirements for the technology and services provided, including improving overall communications and reporting on school buses, and enabling GPS tracking of school buses. Details requirements and contingencies of participation, including requiring the outfitting of school buses designed to transport children with disabilities as appropriate, providing that hardware becomes the property of the unit at the program's conclusion, and requiring that the technology be used through at least the conclusion of the 2023-24 school year.

Requires DPI to annually report, beginning July 1, 2022, to the specified NCGA committees and division. Details report requirements.

Appropriates \$11,039,330 from the General Fund to DPI for 2021-22 to establish the program. Allocates the funds in specified amounts to each unit authorized to participate in the program.

Intro. by Steinburg, Johnson, Burgin.

APPROP, STUDY, Caldwell, Catawba, Forsyth, Gaston, Harnett, Johnston, Martin, New Hanover, Pasquotank, Sampson, Surry, Union, Watauga, Wayne, Wilkes, Yadkin

[View summary](#)

Education, Elementary and Secondary Education, Government, Budget/Appropriations, State Agencies, Department of Public Instruction, Transportation

S 306 (2021-2022) **QUALIFICATIONS FOR SHERIFF/EXPUNCTION**. Filed Mar 16 2021, *AN ACT TO REQUIRE A CANDIDATE OR APPOINTEE FOR THE OFFICE OF SHERIFF TO DISCLOSE ALL FELONY CONVICTIONS, INCLUDING ANY EXPUNGED CONVICTIONS*.

Amends GS 162-2 to add to the disqualifications from holding the office of sheriff conviction of any felony or not being a qualified voter of the county in which the candidate is chosen, in addition to the existing age restriction (previously disqualified if not a resident in the county in which chosen for one year immediately preceding election to office). Establishes a new requirement for any candidate or selected appointee to provide a statement of disclosure pursuant to Article 3, as enacted, GS Chapter 17E.

Amends GS 163-106 to require any candidate for sheriff to file a valid disclosure statement at the time of filing a notice of candidacy in accordance with new GS 17E-20 verifying that the individual has no prior felony convictions or expungements of felony convictions (under Section 2 of Article VII of the Constitution, any felony conviction makes the individual ineligible to hold the office of sheriff, regardless of whether rights have been restored or the conviction has been expunged). Failure to file the disclosure statement renders candidacy filing incomplete.

Makes organizational changes to GS Chapter 17E to separate the existing statutes into Articles. Authorizes the Revisor of Statutes to make necessary changes.

Amends GS 17E-4 to add to the duties of the North Carolina Sheriffs' Education and Training Standards Commission (Commission) the duty to prepare disclosure statements for candidates and potential appointees for the office of sheriff with respect to felony convictions and expunctions. Allows the Commission to charge a fee to cover the cost of any criminal history check. Amends GS 17E-11 to limit the scope of its provisions, which provide guidance for application and construction, to apply to Article 2 (as enacted, holding existing GS 17E-7 through 17E-19, except for GS 17E-10) rather than the entire Chapter.

Enacts Article 3 to provide for the process for an individual intending to file a notice of candidacy for election or an individual prior to appointment to the office of sheriff to request the Commission to prepare a disclosure statement verifying that the individual has no prior felony convictions or expungements of felony convictions. Requires the individual to provide necessary information for completion, including any evidence that the individual has been granted an unconditional pardon of innocence for a felony and any fee to cover the cost of the background check. Details requirements of the statement. Requires that the Commission conduct a criminal history check in the state and national databases, contact the Administrative Office of the Courts (AOC) and request confirmation of whether the individual has received an expunction for a felony record, and determine if the individual has ever been convicted of a felony in violation of the Constitution. Deems any request for a disclosure statement, any supporting documentation used in preparation of a disclosure statement, and any disclosure statement prepared by the Commission confidential and not public record. Authorizes the Commission to access an individual's felony conviction records, including the confidential files for expunctions held by the AOC. Deems valid any disclosure statement prepared by the Commission for purposes of filing in accordance with specified election laws for 90 days after issuance.

Makes conforming changes to GS 15A-151, GS 15A-153, GS 15A-145.4, GS 15A-145.5, and GS 15A-145.6, regarding disclosure of felony expunctions.

Amends GS 162-5 and GS 162-5.1 to prohibit a county board of commissioners, subject to the respective statute, from making an appointment to fill a vacancy in the office of sheriff without first being presented with a valid disclosure statement prepared by the Commission and issued within 90 days prior to the appointment in accordance with new Article 3, GS Chapter 17E. Makes clarifying changes to the statute.

Enacts GS 143B-974 to authorize the Department of Public Safety (DPS) to provide a criminal history check from state and national databases to the Commission for any person filing a notice of candidacy or any potential appointee to the office of sheriff. Requires the Commission to provide the individual's fingerprints and consent with its request. Requires the criminal history report to be kept confidential and deems the report not public record.

Intro. by Britt.

[GS 15A](#), [GS 17E](#), [GS 143B](#), [GS 162](#), [GS 163](#)

[View summary](#)

[Courts/Judiciary](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Employment and Retirement](#), [Government](#), [Elections](#), [Public Safety and Emergency Management](#), [Local Government](#)

S 307 (2021-2022) [EVIDENCE/DIST. CT SPEEDY TRIALS](#). Filed Mar 16 2021, *AN ACT TO ELIMINATE UNNECESSARY DELAY OF CRIMINAL PROCEEDINGS IN DISTRICT COURT BY PERMITTING THE REMOTE TESTIMONY OF CERTAIN WITNESSES USING TECHNOLOGY AND PROCEDURES THAT PROTECT THE RIGHTS OF DEFENDANTS AND ADVANCE THE EFFICIENT ADMINISTRATION OF JUSTICE.*

Identical to [H 235](#), filed 3/8/21.

Includes whereas clauses. States 7 legislative findings regarding a defendant's right to proceedings free from unreasonable delay and testimony of forensic or chemical analysts and witnesses called to establish chain of custody of evidence.

Amends GS 8-58.20 to mandate rather than permit written forensic analysis lab reports to be admissible as evidence in a criminal prosecution, without testimony of the analyst who prepared the report, if the report states the results of the analysis and is signed and sworn to by the person performing the analysis. Amends subsection (g), regarding the procedure for establishing chain of custody of forensic evidence. Current law states that subsection (g) does not preclude the right of any party to call a witness. Adds a new provision to except the right to call an analyst regarding the results of forensic testing and the testimony of each person in the associated chain of custody made available by remote testimony in real time in district court under GS 15A-1225.3, as amended.

Amends GS 15A-1225.3 to require testimony by an analyst regarding the results of forensic testing admissible under GS 8-48.20 as amended, and reported by that analyst, and testimony by each person in the associated chain of custody admissible pursuant to GS 8-58.20 as amended, be permitted by remote testimony in any criminal proceeding in district court. Requires that the State provide a copy of the full lab report package to the defendant's attorney or the defendant if the person has no attorney, and the State give the defendant's attorney, or the defendant if the person has no attorney, 15 business days' prior notice of its intent to introduce testimony regarding the results of forensic testing using remote testimony. Specifies that the new provisions do not determine admissibility in a criminal proceeding in superior court. Makes existing remote testimony requirements applicable to remote forensic analyst testimony and chain of custody witness testimony. States that the statute does not obligate the Administrative Office of the Courts (AOC) or the State Crime Lab to incur expenses related to remote testimony absent a designated appropriation of funds. Makes conforming and clarifying changes.

Makes substantively identical changes to GS 20-139.1, enacting new subsection (c6) to require testimony by a chemical analyst regarding the results of a chemical analysis of blood or urine admissible in any administrative hearing, district or superior court, or juvenile adjudicatory hearings under subsection (c1), and the testimony of each person in the associated chain of custody, admissible under subsection (c3), be permitted by remote testimony in any criminal proceeding in district court. Enacts identical notice requirements for the State as those enacted regarding forensic analysts and chain of custody witness testimony. Requires remote testimony under new subsection (c6) to allow the trier of fact and all parties to observe the demeanor of the remote witness as the witness testifies in a similar manner as if the witness were testifying at the hearing or trial location (identical to remote testimony requirements under GS 15A-1225.3(c) concerning forensic analysts and chain of custody witnesses). Requires full and fair opportunity for examination and cross-examination of the witness. States that the statute does not obligate the Administrative Office of the Courts (AOC) or the State Crime Lab to incur expenses related to remote testimony absent a designated appropriation of funds. Makes conforming changes to except testimony permitted by new subsection (c6) from the stated right of any party to call a witness in any administrative hearing or any court. Makes further conforming and clarifying changes.

Applies to criminal proceedings, administrative hearings, and adjudicatory hearings in juvenile court beginning on or after the date the act becomes law.

Intro. by Britt.

[GS 8, GS 20](#)

[View summary](#)

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

S 308 (2021-2022) [BUILDING CODE INSPECTION REFORM](#). Filed Mar 16 2021, *AN ACT TO STREAMLINE ISSUANCE OF CERTIFICATES OF COMPLIANCE WITH BUILDING CODES AND TO PREVENT UNNECESSARY DELAY DUE TO REPETITIVE REINSPECTIONS*.

Amends GS 160D-1104 concerning local government inspections for compliance with the NC Residential Code for One- and Two-Family Dwellings and the NC Building Code (Codes). Adds a new provision to prohibit the inspection department from charging an additional fee when a subsequent inspection to verify completion or correction of instances of Code noncompliance finds additional violations of either Codes that are outside the scope of the subsequent inspection and fall within an area or aspect of work for which a final inspection has already been conducted. Additionally prohibits delaying issuance of a temporary certificate of compliance pending completion of additional inspections to verify completion or correction of the additional violations. Specifies that the provisions do not prevent the local government from requiring suitable security to ensure code compliance pursuant to GS 160D-1116. Applies to inspections associated with permits applied for on or after January 1, 2022.

Intro. by Johnson, Jarvis.

[GS 160D](#)

[View summary](#)

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

S 309 (2021-2022) [REPEAL CERTIFICATE OF NEED LAWS](#). Filed Mar 16 2021, *AN ACT REPEALING NORTH CAROLINA'S CERTIFICATE OF NEED LAWS*.

Repeals GS Chapter 131E, Article 9 (Certificate of Need). Makes conforming changes to GS 6-19.1, GS 113A-12, GS 122C-23.1, GS 131E-13, GS 131E-136, GS 148-19.1, GS 130A-45.02, GS 143B-1292, GS 150B-2, and GS 150B-21.1. Makes further conforming changes to GS 58-50-61 (defining health service facility as it was defined in the repealed Article) and GS 58-55-35 (defining hospice and intermediate care facility for those with intellectual disabilities as they were defined in the repealed Article, and updating language and making technical changes).

Effective January 1, 2022.

Intro. by Hise, Krawiec, Burgin.

[GS 6, GS 58, GS 113A, GS 122C, GS 131E, GS 148](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health](#)

S 310 (2021-2022) [TREASURY ADMINISTRATIVE CHANGES.-AB](#) Filed Mar 16 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 the countries of Sudan and South Sudan to the extent not prohibited by the US Government, or to the extent that such investment is part of an index or index replication strategy, a commingled fund, limited partnership, or similar investment vehicle, or a derivative instrument.

Amends GS 147-86.57(3) to more specifically exclude from the defined term *investment*, index or index replication strategies, commingled funds, limited partnerships, or similar investment vehicles, 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 start 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 charter revocation or dissolution if the Commission waives the annual audit requirement. Makes technical changes.

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.

Amends GS 115C-218.30 to specify that the audit requirements of charter schools are not subject to the Local Government Commission's authority, oversight, or review.

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.

Intro. by McInnis, Alexander, Chaudhuri.

Gaston, Wayne, GS 115C, GS 116, GS 143, GS 147, GS 159

**Education, Elementary and Secondary Education,
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**

[View summary](#)

S 311 (2021-2022) [NO WAITING PERIOD UNDER LGERS FOR LEOS](#). Filed Mar 16 2021, *AN ACT PROHIBITING MEMBERSHIP WAITING PERIODS FOR LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.*

Adds a new provision to GS 128-24 regarding membership of the Local Governmental Employees' Retirement System (LGERs) to prohibit a participating employer from imposing a waiting period on law enforcement officers who are otherwise eligible to become members of LGERs. Effective July 1, 2021.

Intro. by Corbin.

GS 128

[View summary](#)

**Government, Public Safety and Emergency Management,
Local Government**

S 312 (2021-2022) **CLARIFY EMERGENCY POWERS**. Filed Mar 16 2021, *AN ACT TO CLARIFY THE EXPIRATION OF A STATE OF EMERGENCY, THE EXERCISE OF CERTAIN POWERS UNDER A STATE OF EMERGENCY, AND THE ABATEMENT OF STATEWIDE IMMINENT HAZARDS*.

Amends GS 166A-19.20 to provide for the expiration of a gubernatorially or legislatively declared state of emergency applicable to a statewide emergency area seven calendar days after issuance without concurrence of the Council of State. Allows for 30-day extensions with concurrence of the Council of State.

Amends GS 166A-19.3 to define *concurrence of the Council of State* to mean the consensus, within seven calendar days of contact, of a majority of the Council of State prior to the Governor exercising a power of authority requiring a concurrence of the Council of State. Requires the Governor to document and release each contact and response, and deems the documentation a public record. Requires release of information prior to or simultaneously with exercising the stated authority. Also defines *statewide emergency area* to mean any emergency area applicable to two-thirds or more of the counties in the state. Defines *Council of State*.

Amends GS 166A-19.30, which states additional powers of the Governor in the event of insufficient local control of a gubernatorially or legislatively declared state of emergency to assure adequate protection for lives and property. Adds the following requirements and limitations with respect to the exercise of those additional powers, including (1) immediate notification of the affected local authorities and (2) limiting the duration of the exercise of power to seven calendar days without concurrence of the Council of State, with extensions of up to 30 days with concurrence of the Council of State. Requires the Governor to disclose and release to the Council of State, upon exercise of the powers granted, any and all communications with local authorities that formed the basis of the Governor's determination that local control of the emergency is insufficient to assure adequate protection for lives and property, including but not limited to emails, letters, and notes of oral conversations.

Amends GS 130A-20, which provides authority for the Secretary of Health and Human Services (Secretary), Secretary of Environmental Quality, and local health directors to order abatement of an imminent hazard; enter upon property and take abatement action upon noncompliance after notice; and take a lien on the property for cost of abatement. Separates the authority of the Secretaries from the local health directors. Clarifies that the authority of local health directors applies to specific properties.

Adds new subsection (c) to grant the Secretary the authority to determine that a class or category of property uses presents an imminent hazard and to order persons in control of that type of class or category of property uses to abate the imminent hazard upon notification to the Governor and the Governor's concurrence of the Council of State. Explicitly prohibits any action to close a category or class of properties without a concurrence of the Council of State. Allows the Secretary to enter the property and take necessary abatement actions for noncompliance with the order after notice or a reasonable attempt to notify the persons in control of a specific property. Deems the Secretary of Environmental Quality to share with the Secretary the rights set out in new subsection (c) to enforce the waste management and drinking water regulations of Articles 9 and 10. Aligns the defined terms *concurrence of Council of State*, and *statewide*, with the new terms set out in GS 166A-19.3, as amended.

Deems any power exercised under a state of emergency or declaration of emergency existing on the date the act becomes law that would require a concurrence of the Council of State pursuant to the act to expire two days after the act becomes law, unless a concurrence of the Council of State is sought and received in accordance with the act.

Intro. by Burgin, Galey, Edwards.

GS 130A, GS 166A

[View summary](#)

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

LOCAL/HOUSE BILLS

H 239 (2021-2022) **ADDITIONAL NORTH TOPSAIL OCCUPANCY TAX**. Filed Mar 8 2021, *AN ACT TO AUTHORIZE AN ADDITIONAL ONE PERCENT OCCUPANCY TAX FOR THE TOWN OF NORTH TOPSAIL BEACH FOR BEACH NOURISHMENT PURPOSES.*

House committee substitute amends the 1st edition by making a technical correction to an internal cross-reference in the modified tax proceeds restrictions of subsection (c) of Part V of SL 2001-439.

Intro. by Shepard.[Onslow](#)[View summary](#)**Government, Tax**

H 244 (2021-2022) **LINCOLN CO. BD. OF ED./PARTISAN ELECTION**. Filed Mar 9 2021, *AN ACT TO CHANGE THE ELECTION METHOD FOR THE LINCOLN COUNTY BOARD OF EDUCATION FROM NONPARTISAN TO PARTISAN.*

House committee substitute amends the 1st edition as follows.

Amends Section 5 of SL 1973-876 by reinstating the requirement that persons to be elected from districts must reside in the district they represent, but the qualified voters of the entire county are to elect all members of the board of education. Makes a technical change to the proposed changes to Section 5 of SL 1973-876, as amended, regarding the election of the Lincoln County Board of Education to provide for election on a partisan basis beginning in 2022 (previously by partisan method).

Intro. by Saine.[Lincoln](#)[View summary](#)

Education, Elementary and Secondary Education, Government, Elections

H 319 (2021-2022) **COVID IMPACT ON CRAVEN COUNTY SCHOOL CALENDAR**. Filed Mar 16 2021, *AN ACT REGARDING COVID-19 IMPACT ON CRAVEN COUNTY SCHOOLS 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. Amends GS 115C-84.2(d) to allow Craven County Schools to open as early as August 11 (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 and expires at the conclusion of the 2021-22 school year.

Intro. by Tyson.[Craven](#)[View summary](#)**Education, Elementary and Secondary Education**

ACTIONS ON BILLS**PUBLIC BILLS****H 68: GSC LICENSING BOARDS AND COMM'NS/RULE CRIMES.**

House: Reptd Fav

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

H 84: SEX OFFENDER PREMISES RESTRICTIONS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/17/2021

H 110: INCREASE BUILDING PERMIT EXEMPTION THRESHOLD.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/17/2021

H 138: ADOPT WOUNDED HEROES DAY.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/17/2021

H 172: TERM LIMITS FOR CONGRESS.

House: Withdrawn From Com

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/17/2021

H 205: ABUSE & NEGLECT RESOURCES IN PUBLIC SCHOOLS.

House: Reptd Fav

House: Re-ref Com On Education - K-12

H 217: UTILITIES COMM'N TECH. AND ADD'L CHANGES.

House: Reptd Fav Com Substitute

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

H 219: AMEND WATER/SEWER RATE ADJUSTMENT MECHANISMS.

House: Reptd Fav Com Substitute

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

H 220: ASSURING CHOICE OF ENERGY SERVICE.

House: Reptd Fav Com Substitute

House: Re-ref Com On Commerce

H 224: OCCUPATIONAL THERAPY INTERSTATE COMPACT.

House: Reptd Fav

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

H 264: EMERGENCY POWERS ACCOUNTABILITY ACT.

House: Reptd Fav

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

H 277: THE SAVE ACT.

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

House: Serial Referral To Finance Added

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

H 295: DSS REVIEW OF PROCEDURES/OAH.

House: Passed 1st Reading

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

H 296: EV CHARGING STATION/PARKING.

House: Passed 1st Reading

House: Ref to the Com on Energy and Public Utilities, if favorable, Transportation, if favorable, Rules, Calendar, and Operations of the House

H 297: DMV ACTIVE DUTY MILITARY EXEMPTIONS.

House: Passed 1st Reading

House: Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Transportation, if favorable, Rules, Calendar, and Operations of the House

H 298: 2021 CURRENT OPERATIONS APPROPRIATIONS ACT.

House: Passed 1st Reading

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

H 299: EMISSIONS/EXEMPT LINCOLN COUNTY.

House: Passed 1st Reading

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

H 300: 2021 PANDEMIC RECOVERY APPROPRIATIONS ACT.

House: Passed 1st Reading

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

H 301: 2021 OMNIBUS CORONAVIRUS RELIEF ACT.

House: Passed 1st Reading

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

H 302: 2021 CURRENT OPERATIONS APPROPRIATIONS ACT.

House: Passed 1st Reading

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

H 304: PROTECT PERSONAL INFO/LEOS, JUDGES, DAS.

House: Passed 1st Reading

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

H 305: 2021 OMNIBUS CORONAVIRUS RELIEF ACT.

House: Passed 1st Reading

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

H 306: 2021 PANDEMIC RECOVERY APPROPRIATIONS ACT.

House: Passed 1st Reading

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

H 307: NC TIME ZONE/OBSERVE DST ALL YEAR.

House: Passed 1st Reading

House: Ref to the Com on Federal Relations and American Indian Affairs, if favorable, State Government, if favorable, Rules, Calendar, and Operations of the House

H 308: REINSURANCE FAC. REASONABLE POLICY RED. ACT.

House: Passed 1st Reading

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

H 309: NONCERTIFIED PUBLIC SCHOOL EMPLOYEE RAISES.

House: Passed 1st Reading

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

H 310: HOUSE BOG ELECTIONS.

House: Passed 1st Reading

House: Ref to the Com on UNC BOG Nominations, if favorable, Rules, Calendar, and Operations of the House

H 311: SAFER ROADS AND COMMUNITIES ACT OF 2021.

House: Filed

H 312: QUALIFICATIONS FOR SHERIFF/EXPUNCTION.

House: Filed

H 313: 2021 PANDEMIC RECOVERY APPROPRIATIONS ACT.

House: Filed

H 314: 2021 OMNIBUS CORONAVIRUS RELIEF ACT.

House: Filed

H 315: ARSON LAW REVISIONS.

House: Filed

H 316: SUPPORT MATERNAL HEALTH/EXTEND MEDICAID COV.

House: Filed

H 317: FFA BEEKEEPING GRANT PROGRAM.

House: Filed

H 318: EXTEND COOLING OFF PERIOD FOR LEGISLATORS.

House: Filed

H 320: MODERNIZE REMOTE BUSINESS ACCESS.

House: Filed

H 321: RESTORATION OF LAW AND ORDER ACT.

House: Filed

S 69: DMV LICENSING REQ/AUTH. VENDOR FOR ROAD TESTS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 101: REQUIRE COOPERATION WITH ICE 2.0.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 103: REDUCE REG. TO HELP CHILDREN WITH AUTISM.

Senate: Amend Adopted AI
Senate: Passed 2nd Reading
Senate: Passed 3rd Reading
Senate: Engrossed

S 114: DES COVID MODIFICATIONS AND TECHNICAL CHANGES.

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

S 126: CLEAN UP OBSOLETE BOARDS.

Senate: Regular Message Sent To House
House: Regular Message Received From Senate

S 138: ALLOW REMOTE SHAREHOLDER MEETINGS.

Senate: Regular Message Sent To House
House: Regular Message Received From Senate

S 258: SENATE BOG VACANCY ELECTION.

Senate: Reptd Fav

S 295: 250TH ANNIV. AM.REV/PRESERVE HIST. PROPERTIES.

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

S 296: COLLABORATORY/FISHERIES STUDY.

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

S 297: HOMESCHOOL TAX CREDIT.

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

S 298: TEACHER LICENSURE/RETIRED EDUCATOR PROGRAM.

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

S 299: NCDONALD ACCREDITATION.-AB

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

S 300: CRIMINAL JUSTICE REFORM.

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

S 301: EXPAND EXPUNCTION ELIGIBILITY.

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

S 302: CJIN CHANGES.

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

S 303: RETIREMENT SERVICE PURCHASE REWRITE PART II.-AB

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

S 304: ALAMANCE CC FUNDS/BIOTECH CTR BLDG.*Senate: Filed***S 305: SMART SCH. BUS SAFETY PILOT/CERTAIN COUNTIES.***Senate: Filed***S 306: QUALIFICATIONS FOR SHERIFF/EXPUNCTION.***Senate: Filed***S 307: EVIDENCE/DIST. CT SPEEDY TRIALS.***Senate: Filed***S 308: BUILDING CODE INSPECTION REFORM.***Senate: Filed***S 309: REPEAL CERTIFICATE OF NEED LAWS.***Senate: Filed***S 310: TREASURY ADMINISTRATIVE CHANGES.-AB***Senate: Filed***S 311: NO WAITING PERIOD UNDER LGERS FOR LEOS.***Senate: Filed***S 312: CLARIFY EMERGENCY POWERS.***Senate: Filed***LOCAL BILLS****H 23: UTV REGULATION/CERTAIN TOWNS. (NEW)***House: Reptd Fav**House: Cal Pursuant Rule 36(b)**House: Placed On Cal For 03/17/2021***H 30: TOWN OF SOUTHERN SHORES/EMINENT DOMAIN.***House: Reptd Fav**House: Cal Pursuant Rule 36(b)**House: Placed On Cal For 03/17/2021***H 143: SWAIN COUNTY SHERIFF VACANCIES.***House: Reptd Fav**House: Re-ref Com On Rules, Calendar, and Operations of the House***H 190: VACANCIES/ROWLAND & MAYOR'S TERM/RED SPRINGS.***House: Reptd Fav**House: Re-ref Com On Rules, Calendar, and Operations of the House***H 239: ADDITIONAL NORTH TOPSAIL OCCUPANCY TAX.***House: Reptd Fav Com Substitute**House: Re-ref Com On Finance***H 244: LINCOLN CO. BD. OF ED./PARTISAN ELECTION.***House: Reptd Fav Com Substitute**House: Re-ref Com On Rules, Calendar, and Operations of the House*

H 303: GREENSBORO SBE/RESIDENTIAL STREETS SPEED.

House: Passed 1st Reading

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

H 319: COVID IMPACT ON CRAVEN COUNTY SCHOOL CALENDAR.

House: Filed

S 122: TOWN OF SPRUCE PINE/DEANNEXATION.

Senate: Passed 2nd Reading

S 150: CITY OF MORGANTON/CHARTER AMENDMENTS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 169: MODIFY KINSTON-LENOIR COUNTY TDA MEMBERSHIP.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 170: STUDENTS, PARENTS, COMMUNITY RIGHTS ACT.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 171: BELVILLE/WINGATE SAT. ANNEX./OTHER DEANNEX. (NEW)

Senate: Passed 3rd Reading

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