



The Daily Bulletin: 2021-05-03

PUBLIC/HOUSE BILLS

H 762 (2021-2022) [BOOKING PHOTOGRAPH PRIVACY ACT](#). Filed Apr 29 2021, *AN ACT TO PROHIBIT THE RELEASE OF BOOKING PHOTOGRAPHS*.

Amends GS 132-1.4 to make booking photographs confidential and not public records, and prohibits public law enforcement agencies from publishing, distributing, or releasing booking photographs (however, allows a public law enforcement agency to release a booking photograph when the photograph is a record of criminal investigation related to a missing person report). Allows a court to order the release of a booking photograph upon a showing by the person requesting disclosure that the disclosure is actually necessary for immediate law enforcement needs. Defines *booking photograph* as an image of an individual taken by an arresting public law enforcement agency for the purpose of identification or taken when the individual was processed into a jail. Effective October 1, 2021.

Intro. by Moffitt, Turner, Warren, Reives.

GS 132

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management

H 763 (2021-2022) [PRESERVE STATE PENSION PLAN MODERNIZATION](#). Filed May 3 2021, *AN ACT PRESERVING STATE PENSION PLAN MODERNIZATION BY ESTABLISHING A MECHANISM FOR AN AUTOMATED COST-OF-LIVING INCREASE WITHIN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM*.

Amends GS 135-1, adding the defined term *COLA-eligible member* to the defined terms applicable to the Chapter, which governs the Teachers' and State Employees' Retirement System (TSERS). Defines the term to mean teachers and State employees who did not earn membership service prior to July 1, 2021, or withdrew any membership service earned prior to July 1, 2021. Makes conforming organizational changes.

Amends GS 135-5(b21), providing for the following retirement allowance for COLA-eligible members upon retirement on or after July 1, 2019. For (1) members who are law enforcement officers or eligible law enforcement officers whose service retirement date occurs on or after the member's 55th birthday and completion of five years of creditable service as a law enforcement officer, or after completion of 30 years of creditable service, or (2) members who are not law enforcement officers or eligible law enforcement officers whose service retirement date occurs on or after the member's 65th birthday upon the completion of five years of membership service, or after the completion of 30 years of creditable service, or on or after the member's 60th birthday upon the completion of 25 years of creditable service, provides a retirement allowance in the amount of 1.5% of the member's average final compensation, multiplied by the number of years of the member's creditable service.

Enacts new subsection (d1) to GS 135-8, providing for the retirement allowance of COLA-eligible members to be paid from the pension distribution fund, with balance transfers from the pension accumulation fund to this fund equivalent to the present value of the member's future benefits. Requires the consulting actuary to make an annual valuation of the fund and the asset return assumption, as specified, and required the TSERS Board of Trustees to annually adjust the benefits paid from the fund to increase or decrease the fund liabilities to equal the fund assets. Sets parameters and restrictions for the increases or decreases.

Effective on the date the act becomes law, directs the TSERS Board of Trustees to, by June 30, 2021, develop a process to allow teachers and State employees who became members prior to July 1, 2021, to elect to begin participating as COLA-eligible members.

Effective July 1, 2021.

Intro. by Elmore, Moffitt, Saine.

GS 135

[View summary](#)

**Employment and Retirement, Government, State
Government, State Personnel**

H 764 (2021-2022) [ACH/INFECTION PREVENTION REQUIREMENTS](#). Filed May 3 2021, *AN ACT UPDATING ADULT CARE HOME INFECTION PREVENTION REQUIREMENTS*.

Amends GS 131D-4.4A, revising the infection prevention requirements for adult care homes to provide for the prevention of the transmission of all infectious diseases rather than the three previously named. Modifies the requirements as follows. Requires implementing and maintaining within the facility a written infection prevention and control policy (policy) consistent with national standards on infection control (previously, required implementing a written infection control policy consistent with CDC guidelines). Adds a new requirement for the policy to be accessible to all adult care home staff working at the facility. Revises and adds to the required components of the policy as follows. Requires proper disinfection of reusable resident (was, patient) care items used for multiple residents. Requires standard and transmission-based precautions, which must cover respiratory hygiene and cough etiquette, environmental cleaning and disinfection, reprocessing and disinfection of reusable resident devices, hand hygiene, accessibility and proper use of personal protective equipment, and types of transmission-based precautions and when each type is indicated. Adds a new component to cover when and how to report to the local health department suspected or confirmed reportable communicable disease cases or conditions, or communicable disease outbreaks. Adds a component for measures the facility should consider for specific types of communicable disease outbreaks in order to prevent the spread of illness, with five examples such as isolating infected residents and restricting outside visitation. Adds a final new component of the required policy to include strategies for addressing potential staffing issues and ensuring adequate staffing is available to meet the needs of the residents during a communicable disease outbreak.

Further revises the required prevention measures of adult care homes to include (1) updating the infection control policy as necessary to maintain consistency with the infection prevention and control guidelines included in the annual course for adult care home supervisors developed by the Department of Health and Human Services (DHHS) under GS 131D-4.5C, and (2) requiring the designated on-site staff member charged with directing the facility's infection control activities to ensure all adult care staff is trained in the facility's policy within 30 days after hire and annually thereafter (previously, generally required ensuring staff is trained without timeline or frequency requirements). Adds a new prevention requirement, requiring the facility to ensure implementation of the facility's infection control and prevention policy and related policies and procedures in the event of a communicable disease outbreak identified at a facility or an emerging infectious disease threat. Mandates implementing written guidance or directives specific to the communicable disease or emerging infectious disease threat issued by DHHS or local health department.

Effective October 1, 2021.

Intro. by Wray.

GS 131D

[View summary](#)

**Health and Human Services, Health, Health Care Facilities
and Providers, Public Health, Social Services, Adult Services**

H 765 (2021-2022) [AMERICAN INDIAN HERITAGE COMMISSION](#). Filed May 3 2021, *AN ACT TO ESTABLISH THE AMERICAN INDIAN HERITAGE COMMISSION AND TO APPROPRIATE FUNDS FOR THE OPERATION OF THE COMMISSION*.

Enacts new Part 30A, American Indian Heritage Commission in Article 2 of GS Chapter 143B. Establishes the 12-member American Indian Heritage Commission (Commission) in the Department of Natural and Cultural Resources to advise and assist the Secretary of Natural and Cultural Resources in the preservation, interpretation, and promotion of American Indian history, arts, customs, and culture. Sets out the Commission's five powers and duties, including providing oversight and management of all State-managed American Indian historic sites, promoting public awareness of the annual American Indian

Heritage Month Celebration, and encouraging American Indian cultural tourism throughout the state. Sets out membership requirements, with members recommended by the specified tribes and organizations, and requires the initial board to be selected on or before October 1, 2021. Members serve three-year terms; sets up staggered terms for initial members. Provides for the filling of vacancies, removal of members, establishing a quorum, compensating members, and Commission staffing. Requires the Commission to meet at least semiannually.

Appropriates \$250,000 for each year for the 2021-23 biennium in recurring funds from the General Fund to the Department of Natural and Cultural Resources to fund two positions and to provide operational support for the education, outreach, and communication efforts of the Commission.

Intro. by Graham.

APPROP, STUDY

[View summary](#)

Government, Budget/Appropriations, Cultural Resources and Museums, State Agencies, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources)

H 766 (2021-2022) **NO SOLICITING CERTAIN FUNDS/ELECTIONS BOARDS.** Filed May 3 2021, *AN ACT TO PROHIBIT THE PRIVATE FUNDING OF ELECTIONS.*

Enacts new GS 163-29 making it a Class I felony for the State Board of Elections to solicit, take, or otherwise accept from any person any contribution, donation, or anything else of value for purposes of conducting *State or local elections* (defined as each election held to nominate or elect a candidate to any public office) in this state. Defines *person* as any individual, proprietorship, firm, partnership, joint venture, syndicate, labor union, business trust, company, association, committee, corporation, whether or not operated for profit, or any other organization or group of persons acting in concert. Requires costs and expenses relating to elections to be paid for with *public funds*, defined as funds derived from taxes, fees, and other sources of public revenue lawfully appropriated by the NCGA.

Enacts new GS 163-37.2 making it a Class I felony for a county board of commissioners, elected municipal officials, or county board of elections to solicit, take, or otherwise accept from any person any contribution, donation, or anything else of value for purposes of conducting State or local elections in this state. Requires costs and expenses relating to elections to be paid for with public funds. Defines *elections*, *person*, and *public funds* as they are defined above in new GS 163-29.

Intro. by Johnson, Szoka, Davis, Zachary.

GS 163

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Elections, Local Government

H 767 (2021-2022) **MODIFY OPP. SCHOLARSHIP/CHILDREN OF VETERANS.** Filed May 3 2021, *AN ACT TO EXPAND ELIGIBILITY CRITERIA FOR THE OPPORTUNITY SCHOLARSHIP GRANT PROGRAM TO CHILDREN OF VETERANS WITHOUT REQUIRING PRIOR ATTENDANCE IN A NORTH CAROLINA PUBLIC SCHOOL AND TO WAIVE INCOME ELIGIBILITY CRITERIA FOR VETERANS WITH A SERVICE-CONNECTED DISABILITY OF ONE HUNDRED PERCENT.*

Expands the eligibility criteria for opportunity scholarships set forth in GS 115C-562.1(3) to include a child whose parent or legal guardian served on active duty, other than for training, in the US Armed Forces for a period of 180 days or more, unless released earlier because of service-connected disability, and who was discharged or released under other than dishonorable conditions. Also includes a child meeting this same description whose parent or legal guardian has, or had at the time of his or her death, a service-connected disability of 100% as rated by the US Department of Veterans Affairs. Makes technical conforming changes. Applies beginning with applications submitted for scholarship grants for the 2022-23 school year.

Intro. by Graham.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education, Military

and Veteran's Affairs

H 768 (2021-2022) [LRC ABC LAW STUDY](#). Filed May 3 2021, *AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ALCOHOLIC BEVERAGE CONTROL LAWS IN THIS STATE.*

Directs the Legislative Research Commission (LRC) to study revising the laws governing alcoholic beverages set forth in GS Chapter 18B. Details 11 required components of the study, including (1) a comparative analysis on regulation by the federal governmental and other states, (2) a comparative analysis on how other states regulate the sale of spirituous liquor, define and regulate alcohol consumables, define and issue permits for the manufacturing or sale of alcoholic beverages, and define and regulate hours for on-premises consumption at a reduced price, (3) how to modify the process for selecting which spirituous liquor products can be sold in ABC stores, and (4) how to streamline the ABC permitting process. Allows the LRC to also study any other matters it deems relevant. Directs LRC to report its findings and proposed legislation to the 2022 Regular Session of the NCGA upon its convening.

Intro. by Moffitt.

[STUDY](#)

[View summary](#)

[Alcoholic Beverage Control, Government, General Assembly](#)

H 769 (2021-2022) [FOSTER PARENTS' BILL OF RIGHTS](#). Filed May 3 2021, *AN ACT TO PROVIDE A BILL OF RIGHTS RECOGNIZING THE RIGHTS OF FOSTER PARENTS IN THE STATE OF NORTH CAROLINA.*

Enacts new GS 131D-10.9C, providing as follows. Sets out NCGA findings. Provides that the State recognizes that foster parents have the following rights: (1) to serve as a respected member of the child welfare team, regardless of religion, race, color, creed, gender, gender identity, marital status, national origin, age, physical handicap, or sexual orientation and requires foster parents to honor children placed in their homes by respecting their values, confidentiality, culture, religion, and sexual orientation and gender identity; (2) to receive information about the responsibilities of foster parents and access to support services, including the 10 specified items; (3) be notified of any costs or expenses that may be eligible for reimbursement; (4) have timely allocation of resources, including submission of child care vouchers and a monthly stipend that meets or exceeds the rate established by the Division of Social Services; (5) receive notice of hearings regarding the child placed in the foster home and to be heard in court; (6) receive information regarding the professionals working with the child; (7) have input in court and be included as a valued member of the child's team, including the right to be informed by the Clerk of Court of periodic reviews of the juvenile case of a child in foster care at least 15 days before each review, and the right to provide input during periodic reviews of any information that may be relevant to a child's best interests so that the court may use that information in forming its opinion on the case; (8) provide input to and seek out support from the Division of Social Services, including the right to request respite as needed or to request a break between placements; (9) reasonable opportunities to be consulted with and considered in the scheduling of home visits, therapies, and other meetings related to the child that the foster or resource parents are allowed or required to attend; (10) request a change in licensing workers; (11) be considered as prospective adoptive placement after a termination of parental rights hearing or relinquishment; (12) provide or withhold permission from, without prior approval of the county department of social services, guardian ad litem, or court, the child in the foster parents' care to participate in normal childhood activities based on a reasonable and prudent parent standard in accordance with the provisions of Title IV-E of the Social Security Act; (13) request a shared parenting agreement that includes clear expectations and appropriate boundaries for all parties; and (14) request contact information be kept confidential by the supervising agency when safety concerns are present. Specifies that violations do not create a cause of action against the State, the Department of Health and Human Services, private supervising agencies, local county departments of social services, or an entity providing foster care pursuant to this Article. Provides that this Bill of Rights does not override existing law or administrative rule.

Intro. by Willis, Stevens, Paré, Winslow.

[GS 131D](#)

[View summary](#)

[Health and Human Services, Social Services, Child Welfare](#)

H 770 (2021-2022) [REALIGN ENFORCEMENT/HIE NETWORK PARTICIPATION](#). Filed May 3 2021, *AN ACT EXEMPTING THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES FROM THE ENFORCEMENT MECHANISM THAT REQUIRES THE WITHHOLDING OF STATE FUNDS FROM ENTITIES THAT FAIL TO COMPLY WITH THE MANDATORY CONNECTION AND SUBMISSION REQUIREMENTS OF THE STATEWIDE HEALTH INFORMATION EXCHANGE NETWORK KNOWN AS NC HEALTHCONNEX.*

Amends GS 90-414.3, as the title indicates.

Intro. by Insko.

GS 90

[View summary](#)

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

H 771 (2021-2022) [FUNDS FOR CWD/EXTRAORDINARY COSTS/REPORT](#). Filed May 3 2021, *AN ACT TO ESTABLISH A PROGRAM FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO APPLY TO THE DEPARTMENT OF PUBLIC INSTRUCTION FOR ONGOING EXTRAORDINARY COSTS OF CHILDREN WITH DISABILITIES, INCLUDING FOR PLACEMENT OF STUDENTS IN SETTINGS OUTSIDE THE SCHOOL SYSTEM TO REDUCE THE USE OF MODIFIED DAY, HOMEBOUND, AND HOSPITALIZED PLACEMENTS, AND TO REQUIRE AN ANNUAL REPORT ON THE MONITORING OF STUDENTS IN HOMEBOUND, MODIFIED DAY, AND HOSPITAL PLACEMENTS.*

Directs the Department of Public Instruction (DPI) to establish a grant program for local administrative units for funds from the Special State Reserve Fund (SSRF) for children with disabilities to cover extraordinary costs on an ongoing basis according to students' individualized education programs (IEPs). Clarifies that this program is separate from the grant program for costs related to emergency situations for children with disabilities in a school year. Conditions eligibility on the administrative unit demonstrating to DPI with supporting documentation that the total cost of the services equals or exceeds four times the State average per pupil expenditure for children with disabilities in the prior fiscal year, with services consistent with the student's IEP. Provides that grant funds are student-specific and follow the student for services provided within the State; requires documentation for renewal of the funds request. Requires DPI to reimburse 75% of the extraordinary costs and quarterly disburse the funds to providers on an approved list from DPI. Defines *extraordinary costs*, limiting the term to costs directly attributable to providing the special education services on the student's IEP, with example costs provided; excludes transportation costs, administrative costs, costs of adapting classrooms or materials that are not student-specific, or costs associated with evaluation, development of the IEP, or service coordination. Establishes requirements and restrictions for student placement in a private facility when the student is covered by grant funds, including requiring DPI to ensure that the facility is approved by DPI as adhering to relevant State and federal laws and the administrative unit maintaining liability for ensuring the student is receiving a free appropriate education in the least restrictive environment, including conducting an annual review of the student's IEP and any interim reviews requested by the student's parent or legal guardian. Conditions grant renewals upon completion of the annual review and the student's parent or legal guardian receipt of the notice of procedural safeguards regarding educational decision making required by State and federal law.

Appropriates \$1 million in recurring funds from the General Fund to DPI for 2021-22 to implement the grant program. Directs DPI to report to the specified NCGA committees and division by May 15, 2022. Specifies required content of the report.

Amends GS 115C-107.5, adding to the required content of the State Board of Education's annual report to the specified NCGA committee on Article 9's implementation, which governs the education of children with disabilities. Now requires inclusion of a summary analysis of data monitored and collected monthly by DPI on students with disabilities in each administrative unit regarding continued homebound placements, continued modified day placements, and students newly receiving and continuing to receive education services in institutionalized settings. Provides for the data to be disaggregated by gender, race, ethnicity, disability, grade level, school, and whether the student has an IEP or a section 504 plan. Allows inclusion of deidentified data for individual students regarding specified components, such as disciplinary outcomes. Requires the State Board to submit this new information beginning with the report submitted by October 15, 2022.

Effective July 1, 2021.

Intro. by Lofton, Bradford, Hawkins, Willis.

[APPROP, GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, Budget/Appropriations, State Agencies, Department of Public Instruction, State Board of Education, Health and Human Services, Mental Health](#)

H 772 (2021-2022) [LONG-TERM CARE FOR NC VETERANS](#). Filed May 3 2021, *AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, TO EXAMINE THE STATE'S DELIVERY OF LONG-TERM CARE TO VETERANS AND DETERMINE WHAT IMPROVEMENTS CAN BE MADE TO ENSURE EXEMPLARY SERVICES MOVING FORWARD.*

Requires the Department of Health and Human Services to collaborate with the Department of Military and Veterans Affairs and study the long-term care needs of veterans in the state and include at least the five specified issues, including: (1) ways in which veterans' long-term care needs are currently being met by the federal Veterans Administration, the State, our local governments, and nongovernmental organizations; (2) projected long-term care needs of veterans over the next decade, including, at a minimum, medical, housing, and transportation needs and anticipated issues of concern that should be addressed to meet those needs; and (3) tangible, actionable recommendations that can be executed at every level of government to effectively address the long-term care needs of veterans in the state. Allows contracting with appropriate organizations as needed to conduct the study. Requires a report on the study findings by February 15, 2022, to the specified NCGA committee and division.

Intro. by Farkas, Cleveland, Riddell, Goodwin.

[STUDY](#)

[View summary](#)

[Government, State Agencies, Department of Health and Human Services, Department of Military & Veterans Affairs, Military and Veteran's Affairs](#)

H 773 (2021-2022) [FUNERAL PRACTICE ACT CHANGES](#). Filed May 3 2021, *AN ACT TO REQUIRE INSURANCE FOR FUNERAL DIRECTORS AND FUNERAL SERVICE LICENSEES WHO ARE NOT EMPLOYED FULL-TIME BY A LICENSED FUNERAL ESTABLISHMENT.*

Amends GS 90-210.25 by adding the requirement that a person licensed to practice funeral directing or funeral service and who is not employed full-time by a licensed funeral establishment maintain a professional liability insurance policy with liability limits of at least \$1 million. Requires certificates of professional liability insurance to be submitted to the Board of Funeral Service (Board) (1) within 30 days of the initial licensure by the Board and (2) annually as a condition for renewal. Requires the licensee to provide written notice to the Board within 30 days of any change in the insurer or any cancellation or suspension of the policy. Effective October 1, 2021.

Intro. by Alexander.

[GS 90](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Health and Human Services, Health, Public Health](#)

H 774 (2021-2022) [NONPARTISAN BOARDS OF EDUCATION STATEWIDE](#). Filed May 3 2021, *AN ACT TO REQUIRE THAT EVERY ELECTION FOR A BOARD OF EDUCATION IN THE STATE BE HELD AS A NONPARTISAN ELECTION.*

Amends GS 115C-37 to require county and city boards of elections to be elected biennially on a nonpartisan basis (under current law, certain counties have elected to conduct partisan election under GS 115C-37.1; previously, the statute did not specify the method of election for city boards). Explicitly prohibits local acts from superseding the method of nonpartisan

election now provided by the statute. Makes clarifying changes to require vacancies on city boards to be filled by the city or town's governing body within 30 days, with failure to do so requiring the State Board of Education to fill the vacancy (previously, phrased as permissive for each entity). Makes conforming changes to eliminate references to partisan elections. Makes language gender neutral.

Repeals GS 115C-37.1, which governed partisan board of education elections for specified counties.

Makes a conforming deletion to GS 115C-67 concerning election of board of education members when there is a merger of city school administrative units with contiguous city school administrative units and county school administrative units.

Provides for the act to effectively repeal local or special acts relating to partisan election of a local board of education and any conflicting vacancy procedures. Provides that the act does not affect filling a vacancy that occurs for a seat elected prior to January 1, 2022.

Requires odd-numbered year board of education elections to be held on a nonpartisan basis beginning 2023.

Effective with respect to elections held on or after January 1, 2022.

Intro. by Everitt, Hurtado, John.

GS 115C

[View summary](#)

**Education, Elementary and Secondary Education,
Government, Elections, Local Government**

H 775 (2021-2022) **FUND LAW ENFORCEMENT/DETENTION/CORRECTIONS**. Filed May 3 2021, *AN ACT TO APPROPRIATE FUNDS FOR LAW ENFORCEMENT, DETENTION, AND CORRECTIONS RECRUITMENT AND OTHER NEEDS*.

Appropriates the following from the General Fund to the Department of Public Safety (DPS), Alcohol Law Enforcement Division: (1) \$300,000 in nonrecurring funds for each year of the 2021-23 fiscal biennium to lease additional office space; (2) \$716,023 in recurring funds for each year of the 2021-23 fiscal biennium to hire nine full-time administrative support positions; and (3) \$233,040 in recurring funds for each year of the 2021-23 fiscal biennium to hire two full-time sworn law enforcement officer positions.

Appropriates \$10 million for 2021-22 from the General Fund to the Governor's Crime Commission within DPS for competitive grants to the State Highway Patrol, county law enforcement agencies, and municipal law enforcement agencies that have at least a 10% vacancy rate in sworn law enforcement officer positions. The grants are to provide \$5,000 signing bonuses to newly hired law enforcement officers that sign a contract to work for three years with the law enforcement agency. Repayment of the bonus is required at the time of a law enforcement officer's voluntary departure from the agency, prorated based upon the percentage of time remaining in the three-year contract; does not require repayment when a law enforcement officer's employment is terminated. Requires the Governor's Crime Commission to develop guidelines and procedures for the grant program, including that: (1) no law enforcement agency is to receive grant funds in excess of \$100,000; and (2) no law enforcement agency can use grant funds to add more law enforcement officer positions to the law enforcement agency but must use funds to fill vacant existing law enforcement officer positions. Also appropriates \$2 million for 2021-22 from the General Fund to the Governor's Crime Commission to provide competitive grants to local confinement facilities that have at least a 10% vacancy rate in certified detention officer positions. Requires the grants to be used to provide \$5,000 signing bonuses, subject to the same requirements as the program for the bonuses to newly hired law enforcement officers. Appropriates \$50,000 for 2021-22 from the General Fund to the Governor's Crime Commission to implement and manage these grant programs.

Appropriates \$2 million for 2021-22 from the General Fund to DPS, Division of Adult Correction and Juvenile Justice, to provide \$5,000 signing bonuses to newly hired certified correctional officers that sign a contract to work for three years within the State prison system. Requires repayment of the bonus at the time of a certified correctional officer's voluntary departure from the State prison system, prorated based upon the percentage of time remaining in the three-year contract; does not require repayment when a certified correctional officer's employment is terminated.

Appropriates \$200,000 if House Bill 607 (LEO Background Checks/FBI Rap Back Services) becomes law, for 2021-22 from the General Fund to the State Bureau of Investigation to implement the Federal Bureau of Investigation's Record of Arrest and

Prosecution Background (Rap Back) Service.

Effective July 1, 2021.

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

APPROP

[View summary](#)

Alcoholic Beverage Control, Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Government, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, Department of Public Safety

H 776 (2021-2022) **REMOTE ONLINE NOTARIZATION ACT**. Filed May 3 2021, *AN ACT TO ALLOW REMOTE ONLINE NOTARIZATION*.

Enacts new Article 4, Remote Online Notarization Act, to GS Chapter 10B as follows. Sets forth defined terms. Provides that the Notary Public Act (Article 1) and the Electronic Notary Act (Article 2) apply to all acts authorized under the new Article, except in case of conflict, in which the provisions of the new Article control.

Sets qualifications for remote online notary registration to be those for electronic notary registration under Part 2 of Article 2. Authorizes a remote online notary to perform acknowledgements, jurats, verifications or proofs, and oaths or affirmations with respect to tangible records and electronic documents through means of *communication technology*, defined as an electronic device, process, or system that allows a remote online notary and a remotely located principal to communicate with each other simultaneously by sight and sound using audiovisual technology and that makes reasonable accommodation for principals with vision, hearing, or speech impairments. Allows a registered remote online notary to perform these notarial acts as an electronic notarization under Article 2. Prohibits a remote online notary from performing a remote online notarial act if the principal is not personally known to the notary or identified by satisfactory evidence or any reason set forth in GS 10B-20 (limitations of notary publics). Establishes requirements for the use of communication technology for remote online notarization, and requires ensuring security measures. Requires principals to use the communication technology the remote online notary has selected.

Limits the remote online notary's authority to perform a remote online notarial act to when the remote online notary is physically located in the state and the remotely located principal is physically located in the state, outside of the state but within the United States, or outside of the United States if the remote online notary has no actual knowledge of the remote online notarial act being prohibited in the jurisdiction in which the remotely located principal is physically located, and the remotely located principal placing an electronic signature, as defined, on the electronic document confirms to the remote online notary that the requested remote online notarial act and the electronic document are either: (1) part of or pertaining to a matter to be filed with or is currently before a court, governmental entity, or other entity in the United States; (2) related to real property in the state; (3) related to property other than real property located in the United States; or (4) related to a transaction substantially connected to the United States that does not involve the transfer of real property. Provides for state laws to govern the validity of a remote online notarization performed by a remote online notary of the state.

Establishes the requirements and procedure for remote online notarial acts, as well as prohibited notarial acts if certain circumstances are present. Provides that failure to comply with the requirements of the remote online notarization does not invalidate the notarial act or the electronic records that were notarized, but it does not prevent an aggrieved person from seeking to invalidate the record. Provides for confidentiality of the principal's documents. Details requirements and procedures for the remote online notary to verify the identity of the principal. Allows a remote online notary to require the principal to provide additional information or identification credentials necessary to assure the principal's identity.

Enumerates six components that must be attached to, or logically associated with, the electronic document by the remote online notary, which must be immediately perceptible and reproducible in the electronic record to which the remote online notary's electronic signature is attached, including the notary's commission information and electronic signature and the completed wording of the specified notarial certificates, as appropriate.

Provides requirements for using electronic notarization and conducting remote online notarization. Requires each electronic notarization to include a communication technology recording.

Details electronic journaling requirements for remote online notaries performing remote online notarizations for each remote online notarization, deemed the exclusive property of the remote online notary. Requires a remote online notary or the notary's guardian, conservator, agent, or personal representative, or a contracted third party, to retain a communication technology recording of the performance of each remote online notarial act for 10 years after the performance of the notarial act. Provides required terms for third-party contracts for communication technology recording storage. Provides for retention of the electronic journal upon resignation or revocation or suspension of the remote online notary's commission. Provides for designation of a custodian for acts associated with electronic journaling. Provides for transmission of the electronic journal to the Secretary upon death or adjudication of incompetency of a current or former remote online notary. Details security requirements of remote online notaries. Requires surrender of the electronic journal upon termination of employment, with the duty to maintain an accurate backup of the journal for at least 10 years. Provides required action following discovery of any permanent loss of data, unauthorized use, loss of use, or compromised security of the electronic journal. Provides for suspension of the notary's commission for failure to comply with a records request of the Department of State within 30 days until the Secretary reinstates the commission. Directs that all notarial records required by statute or rule be delivered to the Secretary upon resignation, revocation, or expiration, or death of a notary.

Details security measures required of the Secretary. Allows the Secretary to establish guidelines for the secure storage of the electronic journal and communication technology recordings associated with notarial acts that use standard encryption technologies; establish any necessary additional guidelines for identity proofing and credential analysis; establish standards and processes for the technology communication to allow secure real-time communication; establish standards for tamper-evident technologies; require use of a communication technology provided by a third-party vendor that has presented evidence of compliance with industry standards; adopt rules to ensure the integrity, security, and authenticity of remote online notarizations, such as imposing additional educational requirements; and adopt rules regarding the performance of a notarial act as specified. Requires technology selected by a remote online notary, and communication technology or identity proofing selected by the notary, to conform with standards established by the Secretary.

Deems a paper or tangible copy of an electronic document that a licensed attorney has certified to be in a tamper-evident format for which the attorney has detected no changes or errors in the electronic signature or other information in the electronic document, personally printed or supervised printing of the electronic document onto paper or other tangible medium, and has not made any changes or modifications to the electronic document or to the paper or tangible copy thereof other than the certification described [subsection (b)] to satisfy legal requirements that, as a condition of recording, filing, or submission, the document must comply with as to three specified criteria, including that the document is an original or in writing [subsection (a)]. Requires State and local officials charged with recordation to record a paper or tangible copy of a document otherwise entitled to be recorded, provided certification by a licensed attorney of the electronic document evidenced by certification that complies with three requirements. Provides a standard form of certificate which meets the requirements for certification; deems such a certificate attached to or made a part of a paper or tangible document prima facie evidence that the requirements of subsection (b) have been satisfied with respect to the document. Provides for the statute's application to real property. Defines *document*.

Provides for laws and court and NC State Bar opinions relating to the unauthorized practice of law to be unaffected by the new Article, including laws and opinions concerning real estate transactions. Explicitly prohibits a remote online notary who is not an NC licensed attorney from rendering services or advice that constitutes the practice of law.

Makes conforming changes to GS 10B-2.

Effective January 1, 2022.

Intro. by D. Hall, Davis, Hardister, Reives.

GS 10B

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Government, State Agencies, Secretary of State

H 777 (2021-2022) [EXPAND PROJECT C.A.R.E./FUNDS](#). Filed May 3 2021, *AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES, FOR EXPANSION OF THE PROJECT CAREGIVER ALTERNATIVES TO RUNNING ON EMPTY (PROJECT C.A.R.E.) PROGRAM.*

Includes whereas clauses.

Appropriates \$575,000 in recurring funds for 2021-22 and \$575,000 in recurring funds for 2022-23 from the General Fund to the Department of Health and Human Services, Division of Aging and Adult Services (Division), to expand the Project Caregiver Alternatives to Running on Empty Program (Project C.A.R.E.), which provides support to individuals with dementia and their caregivers. States the NCGA's intent to increase by 10% each fiscal year the amount of recurring funds appropriated to the Division for allocation to Project C.A.R.E. Effective July 1, 2021.

Intro. by von Haefen, Cooper-Suggs.

APPROP

[View summary](#)

Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Health and Human Services, Mental Health, Social Services, Adult Services

H 778 (2021-2022) **INCREASE RESOURCES/COVID-19/LOCAL BD. OF ED.** Filed May 3 2021, *AN ACT TO PROVIDE ADDITIONAL RESOURCES FOR LOCAL BOARDS OF EDUCATION TO RESPOND TO COVID-19 IMPACTS FOR THE 2021-2022 FISCAL YEAR.*

Includes whereas clauses.

Part I.

For the 2021-22 fiscal year only, allows local boards of education to transfer and approve the transfer of funds in an allotment category to another allotment category to respond to the impacts of COVID-19 within nine listed limitations, including (1) prohibiting transferring funds out of the children with disabilities, students with limited English proficiency, and academically or intellectually gifted students categories, (2) prohibiting transferring funds into the central office administration allotment category, and (3) limiting the transfer of funds from the teacher assistants allotment category to transfers to the instruction support allotment category.

For the 2021-22 fiscal year only, authorizes local boards to transfer funds in the drivers education allotment category to another allotment category, excluding fees collected for driver education courses pursuant to GS 115C-216.

Effective July 1, 2021.

Part II.

Requires any unexpended funds in an allotment category for a local school administrative unit at the end of the fiscal year to remain available for expenditure for the purposes of that allotment category until June 30, 2022, including funds transferred from one allotment category to another that are unexpended. Effective June 30, 2021.

Intro. by Lofton, Bradford, Clemmons, Willis.

UNCODIFIED

[View summary](#)

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

H 779 (2021-2022) **CORONAVIRUS VACCINE BILL OF RIGHTS.** Filed May 3 2021, *AN ACT ESTABLISHING A CORONAVIRUS VACCINE BILL OF RIGHTS.*

Defines *coronavirus vaccine* as it is used in this act to mean any of the coronavirus vaccines that have received emergency use authorization by the US Food and Drug Administration. Makes it State policy to promote the interests and well-being of the State's residents and to protect their civil liberties, including the right for residents to decide for themselves whether to receive an experimental drug. States that the coronavirus vaccines are considered experimental until the US Food and Drug

Administration formally approves them. States the NCGA's intent that state residents choosing not to take any of the coronavirus vaccines enjoy the same rights as those who choose to take the vaccines. Provides that the NCGA promotes the following coronavirus vaccine bill of rights: (1) no person shall be mandated, coerced, forced, or pressured to take any of the coronavirus vaccines; (2) all persons reserve the right, at all times, to determine what is in their own best medical interest without threat to their livelihood, education, or freedom of movement; (3) prohibits employers of health care providers licensed in this state to administer any of the coronavirus vaccines from requesting their providers to promote any of the coronavirus vaccines to patients; (4) health care providers who administer any of the coronavirus vaccines must attest certain statements related to the Vaccine Adverse Event Reporting System (VAERS) database; (5) all persons are entitled to have access to unbiased, independent information about the coronavirus vaccines to assist them in determining what is in their own best medical interest; and (6) prohibits requiring proof of having received any of the coronavirus vaccines as a condition of entering any public buildings, public lands, or public spaces owned, leased, or otherwise controlled by the State; participating in any public events; accessing any public transportation; attending any public school or educational institution; or obtaining or maintaining public or private employment.

Intro. by Pless.

UNCODIFIED

[View summary](#)

**Government, Public Safety and Emergency Management,
Health and Human Services, Health, Public Health**

H 780 (2021-2022) **END OF LIFE OPTION ACT**. Filed May 3 2021, *AN ACT ESTABLISHING AN END OF LIFE OPTION ACT TO ALLOW QUALIFIED INDIVIDUALS DIAGNOSED WITH A TERMINAL DISEASE TO END LIFE IN A HUMANE AND DIGNIFIED MANNER*.

Enacts new Article 23B, End of Life Option Act (Act), in GS Chapter 90, providing as follows.

Sets out terms and definitions used in the Act.

Gives an individual suffering from a terminal disease a right to be informed of all available end-of-life options and to receive answers on questions about the foreseeable risks and benefits of medication without the physician withholding any requested information, regardless of the purpose of the inquiry or the nature of the information. Specifies that a physician who engages in such discussions is not construed as assisting in or contributing to an individual's independent decision to self-administer a lethal dose of medication, and prohibits the discussions from being used to establish civil or criminal liability or professional disciplinary action. The act defines *terminal disease* as an incurable and irreversible disease that has been medically confirmed by the attending physician and will, within reasonable medical judgment, result in death within six months.

Allows a qualified individual to request a prescription for a *terminal comfort care drug* (defined as a controlled substance determined and prescribed by a physician licensed in this state for a qualified individual with the purpose of hastening the qualified individual's death due to a terminal disease). Requires that a request for a prescription for a terminal comfort care drug be made solely and directly by the qualified individual and not on behalf of the patient. The act defines a *qualified individual* as an adult who is a state resident, who has the capacity to make medical decisions, has the physical and mental ability to self-administer a terminal comfort care drug, has been diagnosed by the attending physician as suffering from a terminal disease, has undergone a hospice evaluation, has expressed verbally and in writing the desire to receive a prescription for a terminal comfort care drug, is acting voluntarily and without coercion or duress, has documented a request for a terminal comfort care drug pursuant to new GS 90-326.3 and GS 90-326.3A, and has satisfied the requirements of this Act in order to obtain a prescription for a terminal comfort care drug to hasten death.

Requires a qualified individual seeking to obtain a prescription for a terminal comfort care drug to submit a verbal request, followed by a written request no later than 7 days after the verbal request, that meets the specified requirements directly to his or her attending physician and not to a designee of the physician. Requires the attending physician to directly, and not through a designee, receive all required requests, and keep records of the requests in the qualified individual's medical file that document the date and time of the request as well as a summary of the request. Specifies items that must be included in order for a written request to be considered valid, including that the request be in the form specified in GS 90-326.3A.

Requires that an Attending Witness Completion Form, as specified in the act, be given by the attending physician to the qualified individual at the time the attending physician writes the prescription for a terminal comfort care drug. An *attending*

witness is an individual nominated by the qualified individual to be present if and when the qualified individual self-administers the terminal comfort care drug and who undertakes to: (1) complete the Attending Witness Completion Form confirming self-administration of the drug and that the qualified individual died as a result of such self-administration and (2) return the Attending Witness Completion Form to the attending physician within 48 hours after the death of the qualified individual. The attending witness may, but need not be (1) related to the qualified individual by blood, adoption, or marriage or (2) a health care provider. Allows, at the discretion of the qualified individual, the attending witness to be the attending physician.

Allows a qualified individual to discontinue, withdraw, or rescind his or her request for a terminal comfort care drug or decide not to ingest a terminal comfort care drug once obtained, at any time.

Prohibits any person other than the attending physician from writing a prescription for a terminal comfort care drug. Sets out 11 things the attending physician must do before prescribing a terminal comfort care drug, including: determining that the requesting individual has the capacity to make medical decisions, has a terminal disease, has undergone a hospice evaluation, has voluntarily made the request for the drug on the specified form, and is a qualified individual, and verify, immediately prior to writing the prescription for a terminal comfort care drug, that the qualified individual is making an informed decision and is in no way acting under undue coercion or undue influence. Once the 11 specified tasks have been completed, requires the attending physician to deliver the terminal comfort care drug in any of the specified ways.

Sets out requirements of a mental health specialist, upon referral from the attending physician.

Specifies eight items that must be documented in the qualified individual's medical record.

Requires the attending physician to submit a copy of the prescription to the Department of Health and Human Services (DHHS) within 48 hours after writing a prescription for a terminal comfort care drug. Requires the pharmacist to submit a copy of the Pharmacist Compliance Form to DHHS within 48 hours after dispensing a terminal comfort care drug. Requires the attending physician to submit to DHHS a copy of the qualifying individual's request and the Attending Physician Checklist and Compliance Form within 30 days after writing a prescription for a terminal comfort care drug. Requires the attending physician, within 30 calendar days after receipt of actual notice of the qualified individual's death from self-administering the terminal comfort care drug, or from any other cause, to submit to DHHS a Supplemental Physician Checklist and Compliance Form, including a copy of the Attending Witness Completion Form if applicable.

Allows the attending physician to sign the qualified individual's death certificate and requires the cause of death to be recorded as the underlying terminal disease.

Prohibits the sale, procurement, or issuance of any life, health, or annuity policy; health care service plan contract; or health benefit plan or the rate charged for any policy, plan contract, or benefit plan from being conditioned upon or affected by the making or rescinding of a person's request for a terminal comfort care drug. Specifies that a qualified individual's act of self-administering a terminal comfort care drug does not have any effect upon a life, health, or annuity policy other than that of a natural death from the underlying disease. Prohibits an insurance carrier from providing any information in communications to a qualified individual about the availability of terminal comfort care drugs absent a request by the qualified individual or the qualified individual's attending physician at the behest of the qualified individual.

Protects a person from civil or criminal liability or professional disciplinary action for participating in good faith compliance with the activities authorized under this Act or for being present when a qualified individual self-administers a terminal comfort care drug. Prohibits from considering a qualified individual who self-administers a terminal comfort care drug as a person exposed to grave physical harm under any Good Samaritan law, and specifies that no person is subject to civil or criminal liability solely for being present when a qualified individual self-administers a terminal comfort care drug or for failure to act to prevent the qualified individual from self-administering a terminal comfort care drug. Allows a person who is present when a qualified individual with a terminal disease self-administers a terminal comfort care drug, without civil or criminal liability, to assist the qualified individual at his or her request by preparing the drug as long as the person does not directly assist the qualified individual in self-administering the drug. Protects a health care provider, pharmacist, licensing board, or professional organization or association from censure, discipline, suspension, adverse action on a license, loss of privileges, loss of membership, or other penalty for participating in good faith compliance with the activities authorized under this Act or for refusing to participate in activities authorized under this Act. Also protects a health care provider or pharmacist from civil, criminal, administrative, disciplinary, employment, credentialing, professional discipline, contractual liability, or medical staff action, sanction, penalty, or other liability for participating in the activities authorized under this Act, including

determining the diagnosis or prognosis of an individual, determining the capacity of an individual for the purpose of determining if he or she is a qualified individual under this Act, providing information about this Act to an individual, and providing a referral to a physician licensed in this state who participates in the activities authorized under this Act.

Provides that a request by a qualified individual to an attending physician to provide a terminal comfort care drug in good faith compliance with the provisions of this Act does not provide the basis for the appointment of a guardian or conservator. Specifies that no actions taken in compliance with the provisions of this Act constitute or provide the basis for any claim of neglect or elder abuse.

Specifies that participation in activities authorized by the Act is strictly voluntary and sets out permissible activities that run contrary to the Act.

Prohibits sanctioning a health care provider for: (1) making an initial determination pursuant to the standard of care that an individual has a terminal disease and informing him or her of the medical prognosis; (2) providing information about the End of Life Options Act to an individual upon inquiry; or (3) providing an individual, upon request, with a referral to another physician.

Specifies that the following are punishable as felonies: (1) altering, forging, concealing, or destroying a request for a terminal comfort care drug without the qualified individual's authorization; (2) concealing or destroying a withdrawal or rescission of a request for a terminal comfort care drug without the qualified individual's authorization; (3) concealing or destroying a qualified individual's prescribed terminal comfort care drug without the qualified individual's authorization, or preventing a qualified individual from self-administering the prescribed terminal comfort care drug; (4) coercing or exerting undue influence on a qualified individual to request or to self-administer a terminal comfort care drug for the purpose of ending the qualified individual's life; and (5) coercing or exerting undue influence on a qualified individual to prevent the qualified individual from requesting or self-administering a terminal comfort care drug.

Requires DHHS to collect and review the information required to be submitted to DHHS, which is considered confidential and not a public record. Requires DHHS to annually, by April 15, make available to the public on the DHHS website a report based on the collected information. Specifies information that the report must contain, including the number of known qualified individuals who died each year for whom a terminal comfort care drug was prescribed and the underlying terminal disease for each of these individuals, the number of physicians licensed in this state who wrote prescriptions for terminal comfort care drugs, and the names and dosages of prescribed terminal comfort care drugs.

Requires DHHS to develop, update, and publish the forms required under the Act.

Specifies the manner of disposing of terminal comfort care drugs after a qualified individual's death.

Includes a severability clause.

The above provisions are effective December 1, 2021.

Requires DHHS, by December 31, 2021, to develop and publish on its website downloadable versions of the required forms.

Requires DHHS to publish the first required report on its website by March 15, 2022. Effective when the act becomes law.

Intro. by Harrison, Hardister, Faircloth, Fisher.

GS 90

[View summary](#)

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

H 781 (2021-2022) **BRING BUSINESS BACK TO DOWNTOWN**. Filed May 3 2021, *AN ACT TO AUTHORIZE A CITY OR COUNTY TO DESIGNATE SOCIAL DISTRICTS WHERE PERSONS MAY POSSESS AND CONSUME ALCOHOLIC BEVERAGES PURCHASED FROM CERTAIN ABC PERMITTEES AND TO AUTHORIZE A CITY OR COUNTY TO ALLOW CERTAIN ABC PERMITTEES TO EXTEND THEIR LICENSED PREMISES FOR PURPOSES OF MAINTAINING SOCIAL DISTANCING*.

Enacts GS 153A-145.9, concerning counties, and GS 160A-205.4, concerning cities, authorizing the adoption of an ordinance designating a social district for use in accordance with new GS 18B-904.1, as enacted.

Enacts GS 18B-90, establishing requirements for city or county designated *social districts*, defined as a defined outdoor area in which a person can consumer alcoholic beverages sold by a *permittee*, which is defined as an establishment holding an on-premises malt beverage, unfortified wine, or fortified wine permit, a mixed beverages permit, or a distillery permit. Requirements for social districts include specified signage, city or county management and maintenance plans, and the submission of a detailed map of the social district's boundaries and hours to the ABC Commission. Establishes requirements for the sale of alcoholic beverages by a permittee located in or contiguous to a social district, including limiting sales to its licensed premises, meeting container specifications, and prohibiting entry or reentry on its licensed premises with an alcoholic beverage not sold by the permittee. Establishes requirements for the possession and consumption of an alcoholic beverage in a social district including limiting possession and consumption to the days and hours set by the respective city or county ordinance designating the social district, limiting consumption to one alcoholic beverage at a time, and disposal of any alcoholic beverage prior to exiting the social district unless reentering the licensed premises where the beverage was purchases. Authorizes the ABC Commission to adopt rules imposing additional requirements.

Part II.

Enacts GS 153A-145.10, concerning counties, and GS 160A-205.5, concerning cities, authorizing counties and cities to adopt an ordinance authorizing permittees holding an ABC permit under Articles 10 or 11 of GS Chapter 18B (governing retail and commercial activity) to use an area that is not part of the permittee's licensed premises for the outdoor possession and consumption of alcoholic beverages sold by the permittee.

Amends GS 18B-904, enacting new subsection (h) to allow a permittee holding a permit issued under Article 10 or 11 that permits the on-premises consumption of alcoholic beverages to use an area not part of the licensed premises for the outdoor possession and consumption of alcoholic beverages sold by the permittee. Establishes 8 requirements and restrictions for the extension area, including that (1) the city or county in which the licensed premises is located has adopted an ordinance authorizing permittees to expand their licensed premises, (2) the permittee has obtained written permission for the expansion from the owner of the property to which the premises will be extended if not owned by the permittee, (3) the permittee has provided written notification and the written permission of the property owner (if applicable) to the district office of the ALE Division, and local law enforcement agency with jurisdiction over the licensed premises, (4) the permittee has marked off the extended area in an easily distinguishable way, and (5) the extended area is restricted to increasing social distancing and not increasing occupancy.

Part III.

Amends GS 18B-502 to specify that the "licensed premises for which an ABC permit has been issued" that ALE agents, ABC Commission employees, local ABC officers, and officers of local law-enforcement agencies contracted to provide ABC enforcement are granted authority to investigate the operation of, includes a social district and an extended area, as authorized by this act.

Part IV.

Directs the ABC Commission to adopt new rules or amend rules consistent with the act.

Provides a savings clause for prosecutions for offenses committed before the date the act becomes law.

Intro. by Moffitt, Reives, Tyson, Moss.

[GS 18B](#), [GS 153A](#), [GS 160A](#)

[View summary](#)

[Alcoholic Beverage Control, Government, Local Government](#)

H 782 (2021-2022) [ELECTIONS CERTAINTY ACT](#). Filed May 3 2021, *AN ACT TO CLARIFY THE DATE AND TIME THAT MAIL-IN ABSENTEE BALLOTS MUST BE RETURNED TO THE COUNTY BOARD IN ORDER TO BE COUNTED AND TO EXTEND THE EARLY ONE-STOP VOTING PERIOD BY THREE DAYS.*

Amends GS 163-231(b)(2) to no longer allow excused absentee ballots received later than 5:00 p.m. on the date of the statewide primary or general election or county bond election [as required by GS 163-231(b)(1)] to be accepted if (1) the ballots are postmarked and dated on or before the date of the statewide primary or general election or county bond election and received by the county board of elections no later than three days after the election by 5:00 p.m., or (2) the ballots are received

by the county board of elections no later than the end of business on the business day before the canvass conducted by the county board; maintains that ballots will be accepted after the specified deadline if required by federal law.

Amends GS 163-258.10 to no longer consider valid military-overseas ballots submitted for mailing, electronic transmission, or other authorized means of delivery by 12:01 a.m. at the place where the voter completed the ballot on the date of the election; maintains validity of such ballots received by the appropriate county board of election by the close of the polls on the date of the election.

Repeals GS 163-258.12, which requires a valid military-overseas ballot cast in accordance with GS 163-258.10 to be counted if it is delivered to the address that the appropriate State or local election office has specified by the end of business on the business day before the canvass conducted by the county board of elections.

Makes conforming changes to GS 163-234, which governs the counting of absentee ballots. Further amends the statute to require county boards to comply with GS 163-230.1, concerning the simultaneous issuance of absentee ballots with application, for the counting of absentee ballots received pursuant to GS 163-231(b)(2), as amended.

Amends GS 163-89 to specify that the right to challenge the absentee ballot of any voter on the day of any Statewide primary or general election or county bond election beginning at noon and ending by 5:00 p.m. applies to ballots received by the county board pursuant to the general deadline provided in GS 163-231(b)(1). Provides that the ballot of any voter received by the county board after the deadline set forth in GS 163-231(b)(1) as required by federal law, pursuant to GS 163-231(b)(2), can be challenged by 5:00 p.m. on the next business day following the deadline for receipt of such absentee ballots (no longer limiting the challenge to beginning at noon). Makes conforming changes.

Amends GS 163-227.2, expanding the permitted period for early one-stop voting to the period of the third Monday before an election in which absentee ballots are authorized and 3:00 p.m. on the last Saturday before the election. Requires county boards to have extended one-stop voting hours or days included in its plan approved in accordance with GS 163-227.6 (rather than subsection (g) of the statute). Makes technical changes.

Intro. by Mills, Kidwell, Moffitt, Zenger.

GS 163

[View summary](#)

Government, Elections, Local Government, Military and Veteran's Affairs

H 783 (2021-2022) **CREATE BLDG. CODE PERMIT TECH. CERT.** Filed May 3 2021, *AN ACT TO CREATE A STATE BUILDING CODE PERMIT TECHNICIAN CERTIFICATION.*

Amends GS 143-151.12 to give the North Carolina Code Officials Qualification Board (Board) the power to certify persons as being qualified under the provisions of new GS 143-151.22 to be State Building Code Permit Technicians. Enacts new GS 143-151.22 requiring the Board to develop a State Building Code Permit Technician certification program and State Building Code Permit Technician Certificate. Requires passing an exam, made up of specified topics, to obtain a certificate. Allows the Board to establish professional development requirements for State Building Code Permit Technicians as a condition of certificate renewal. Requires certificate holders to present evidence to the Board at each certificate renewal that during the 12 months before the certificate expiration date, the certificate holder has completed the required number of credit hours in Board-approved courses. Caps the annual continuing education hour requirements at no more than three credit hours. Requires certificates to be renewed annually. Requires the Board to establish a fee schedule for initial certification and renewal certification, with an application fee of no more than \$20 and a fee of no more than \$10 for the issuance of a renewal certification. Allows a \$4 late renewal fee. Allows granting a certificate without taking the exam to a person with a Building Inspector standard certificate issued by the Board and who is in good standing. Allows the Board to grant a certificate to a person who does not take the exam if at the time of application the person is similarly certified as a permit technician in good standing by a similar board of another jurisdiction or certified as a permit technician in good standing by the International Code Council. Specifies that such a certificate expires after one year unless, within that time period, the holder completes a short course.

Intro. by von Haefen, Brody.

GS 143

[View summary](#)**Business and Commerce, Occupational Licensing,
Development, Land Use and Housing, Building and
Construction**

H 784 (2021-2022) **ENVIRONMENTAL JUSTICE CONSIDERATIONS**. Filed May 3 2021, *AN ACT TO REQUIRE CONSIDERATION OF THE CUMULATIVE IMPACT OF A PROPOSED ENVIRONMENTAL PERMITTING DECISION ON MINORITY OR LOW-INCOME COMMUNITIES AND TO PROVIDE ENHANCED PUBLIC PARTICIPATION OPPORTUNITIES FOR PERMITTING DECISIONS IMPACTING OVERBURDENED COMMUNITIES*.

Amends GS 130A-294(a)(4), which prohibits issuing a permit for a solid waste management facility if the cumulative impact of the proposed facility would have a disproportionate adverse impact on a low-income community or a minority or low-income community protected by Title VI of the federal Civil Rights Act of 1964. Removes the provision limiting applicability only to the extent it is required by federal law. Effective July 1, 2021, and applies to any application for a permit for a solid waste management facility pending on that date.

Amends GS 113A-4 to require every State agency to include in every recommendation or report on any action involving significant expenditure of public moneys or use of public land for projects and programs significantly affecting the quality of the state's environment a detailed statement by the responsible official setting forth the cumulative impact of the proposed action (including the impact on public health), when considered in relation to other similar impacts of actions taken or proposed in the community, on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2021, and applies to any environmental documents for proposed actions submitted on or after that date.

Amends GS 113A-120 to require denying a development permit upon finding that the proposed development, when considered in relation to other similar impacts of developments located or proposed in the community, would have a disproportionate adverse impact (including impacts on public health) on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2021, and applies to any application for a permit pending on that date.

Amends GS 130A-310.69 to require a remedial action plan to include an analysis of the cumulative impact of the proposed remediation (including the impact on public health), when considered in relation to other similar impacts of actions taken or proposed in the community on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2021, and applies to remedial action plans submitted to the Department of Environmental Quality on or after that date.

Amends GS 143-215.10C to require denial of a permit application or permit renewal for an animal waste management system if it finds that the cumulative impact of the proposed permit, when considered in relation to other similar impacts of actions taken or proposed in the community, would have a disproportionate adverse impact (including impacts on public health) on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2021, and applies to any application for a permit or permit renewal pending on that date.

Amends GS 143-215.108 to give the North Carolina Environmental Management Commission (EMC) the power to deny applications for permits required under Title V, or to require suitable mitigation if it finds that the cumulative impact of the proposed air contaminant source, when considered in relation to other similar impacts of air contaminant sources permitted or proposed in the community, would have a disproportionate adverse impact (including impacts on public health) on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2021, and applies to any application for a permit or permit renewal pending on that date.

Amends GS 143-215.1 to give the EMC the power to deny any of the permitted activities impacting water quality under the statute or the renewal of those permits when the Commission finds that the cumulative impact of the proposed action, when considered in relation to other similar impacts of actions taken or proposed in the community, would have a disproportionate adverse impact (including impacts on public health) on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2021, and applies to any application for a permit pending on that date.

Enacts new GS 143B-279.18 requiring that when the Department of Environmental Quality or any Commission with permitting authority under Article 7 (Department of Environmental Quality) considers an application for a permit or approval for a new or expanded facility, source, or project in an overburdened community, at least one public hearing must be held in the overburdened community, there must be 60 days' advance notice of the hearing, and the hearing officer's report must include a response to community input received at the hearing or in response to the notice. Sets out defined terms for the statute, including defining *overburdened community* as a census block, as designated by the most recent census of the US Census Bureau, in which at least 30% of the households qualify as low-income households, or a geographically distinct area that is a community of color.

Intro. by Harrison, K. Smith, Graham, Reives.

[GS 113A](#), [GS 130A](#), [GS 143](#), [GS 143B](#)

[View summary](#)

[Environment](#), [Environment/Natural Resources](#), [Government](#), [State Agencies](#), [Department of Environmental Quality \(formerly DENR\)](#), [Health and Human Services](#), [Health](#), [Public Health](#)

H 785 (2021-2022) [UNC SYSTEM EDUCATIONAL CAREER ALIGNMENT](#). Filed May 3 2021, *AN ACT TO DIRECT THE BOARD OF GOVERNORS TO CONTRACT FOR AN INDEPENDENT EVALUATION OF THE DEGREE PROGRAMS AT EACH CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA AND TO APPROPRIATE FUNDS FOR THE EVALUATION*.

Requires the UNC Board of Governors (BOG), from the funds appropriated in this act, to contract with an independent research organization to evaluate current programs at each UNC constituent institution related to operational costs, student outcomes, and return on investment (ROI) of each program. Requires the evaluation to include an analysis of at least the seven specified topics by constituent institution and undergraduate and graduate degree programs for the 2021-22 fiscal year, including: (1) the related costs to operate each program, inclusive of total staff compensation and benefits, facility costs, and any other related expenses, including overhead; (2) a detailed correlation between degree of study and directly related career roles and associated expected starting compensation, as well as expected career earnings for students upon completion of those programs; (3) a detailed ROI for each program; and (4) ROI for State funding expenditures

Appropriates \$1.5 million from the General Fund to the BOG for the evaluation. Requires the BOG to report by April 1, 2022, to the specified NCGA committee and division on the results of the evaluation.

Effective July 1, 2021.

Intro. by Willis, Hardister, Blackwell, Pickett.

[APPROP](#), [STUDY](#)

[View summary](#)

[Government](#), [Budget/Appropriations](#), [State Agencies](#), [UNC System](#)

H 786 (2021-2022) [ENHANCE LOCAL RESPONSE/MENTAL HEALTH CRISES](#). Filed May 3 2021, *AN ACT TO CREATE A PILOT PROGRAM THAT WILL PROVIDE GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES IN ORDER TO ENHANCE RESPONSES TO MENTAL OR BEHAVIORAL HEALTH CRISES*.

Appropriates \$2 million for 2021-22 from the General Fund to the Department of Public Safety to be distributed as grants to either municipal police departments or county sheriffs' offices as follows: (1) \$800,000 to establish eight nonpolice response units with a grant of \$100,000 each; (2) \$700,000 to establish seven co-responder response models with a grant of \$100,000 each; and (3) \$500,000 to increase the amount of law enforcement officers and 911 communications personnel that have received Crisis Intervention Training. Requires the funds to be awarded as five separate grants of \$100,000 each. Requires the grants to be used to establish: (1) nonpolice units to address nonviolent, noncriminal 911 calls regarding mental health, homelessness, substance use, or other behavioral health crises; (2) co-responder response models in which law enforcement personnel and mental health specialists jointly respond to 911 calls regarding mental or behavioral health crises; and/or (3) a mental health division or to bolster existing mental health services within a police department or sheriff's office and to increase

the amount of law enforcement personnel and 911 communications personnel that have received Crisis Intervention Training. Requires the grants to be awarded to police departments and sheriffs' offices that have active response models for mental or behavioral health crises or that are developing response models that will be in use on or before January 1, 2022. Requires grant recipients to report on 10 specified items by February 1, 2023, to the Department of Public Safety.

Requires the Department of Public Safety, in consultation with the Department of Health and Human Services, to report by March 1, 2023, to the specified NCGA committee on the pilot programs funded by this act including the information provided to the Department of Public Safety by grant recipients.

Effective July 1, 2021.

Intro. by Autry, Lambeth, White, Ball.

[APPROP, STUDY](#)

[View summary](#)

[Government, Public Safety and Emergency Management, State Agencies, Department of Health and Human Services, Department of Public Safety, Health and Human Services, Mental Health](#)

H 787 (2021-2022) [IMPROVED DATA ON INVOLUNTARY COMMITMENTS](#). Filed May 3 2021, *AN ACT ESTABLISHING INVOLUNTARY COMMITMENT DATA COLLECTION AND REPORTING REQUIREMENTS FOR AREA FACILITIES AND HOSPITALS WHERE FIRST EXAMINATIONS FOR INVOLUNTARY COMMITMENTS ARE PERFORMED AND FOR LOCAL MANAGEMENT ENTITIES/MANAGED CARE ORGANIZATIONS*.

Amends GS 122C-255, establishing a new biannual reporting requirement for licensed area facilities and acute care or general hospitals that perform first examinations for commitment required under Parts 7 and 8 of Article to submit a written report on involuntary commitments to the LME/MCO that serves the facility or hospital's county, providing data for the six-month periods beginning January 1 and ending June 30, and beginning July 1, and ending December 31.

Details the required content of the report as follows. Requires inclusion of the number of individuals presented to the area facility or hospital for a first commitment examination under a custody and transportation order, the number of those individuals found to meet the criteria for inpatient commitment upon first examination and of those individuals, the number recommended for outpatient commitment and the average and median length of stay for such individuals. Requires inclusion of the number of respondents who initially presented voluntarily and for whom commitment examiners submitted petitions for commitment to the magistrate or clerk of court, and the number of custody orders issued for transport to a 24-hour facility based on a finding of inpatient commitment, with the number of those individuals ultimately transported to a 24-hour facility for a second examination and the average and median length of stay before transport, the number discharged and their proceedings terminated at the site of first examination as specified and the median and average length of stay before discharge, and the number of individuals released based on a petition to the clerk or magistrate for outpatient commitment and the median and average length of stay. For individuals transported to the area facility or hospital and presented for first commitment examination under custody and transportation orders, requires inclusion of whether the transporting person used force or physical restraint, the type of restraint used and the person's proffered reasoning, whether resulting bodily injury required medical care, and whether the officer or designated person remained with the respondent and continued to maintain custody at the facility or left the facility's premises based on an assessment that appropriate supervision was available at the facility. Deems this data confidential and not public record.

Directs LME/MCOs to aggregate all the data received from area facilities and hospitals by local area or county, and related data from the Administrative Office of the Courts, without reference to the specific facility or hospital, and report the data to each of the facilities and hospitals within its service area that is participating in the collection and reporting of data as now required, and the specified Division of the Department of Health and Human Services. Deems the aggregated data public records so long as the data does not identify specific facilities or hospitals by reference to their own reported data.

Effective January 1, 2022.

Intro. by Autry, Lambeth, Sasser, Insko.

[GS 122C](#)

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health

H 788 (2021-2022) **ACHIEVE BETTER MENTAL HEALTH RECOVERY RESULTS**. Filed May 3 2021, *AN ACT TO ACHIEVE BETTER MENTAL HEALTH RECOVERY RESULTS BY SUPPORTING PEER-RUN RECOVERY WELLNESS CENTERS, BY CREATING A NORTH CAROLINA MENTAL HEALTH RECOVERY AND RESILIENCY AGENDA, AND BY REQUIRING A MENTAL HEALTH RECOVERY POLICY CHIEF WITHIN THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.*

Appropriates \$600,000 for 2021-22 from the General Fund to the Department of Health and Human Services (DHHS), Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS), to be allocated to the Promise Resource Network for the establishment of four peer-run wellness centers (located in two different urban and two different rural locations) to address mental health crisis prevention and post-crisis response. Requires a report by September 1, 2022, on the establishment of the centers to the specified NCGA committee; specifies what is to be included in the report.

Changes the title of Part 4 of Article 3 of GS Chapter 143B to "Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services."

Adds new Part 37, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, in Article 3, providing as follows. Establishes the position of Mental Health Recovery Policy Chief (Chief) in DMH/DD/SAS, to be held by an individual certified as a peer support specialist. Requires the Chief to ensure that mental health recovery values and outcomes are drivers of State policy and work to engage knowledgeable individuals who have experienced mental health recovery and external experts to inform the DMH/DD/SAS. Requires DMH/DD/SAS, in odd numbered years, to publish a biennial NC Mental Health Recovery and Resiliency Agenda on its website, which will set DHHS objectives for mental health recovery outcomes. Requires the Agenda to include short-term and long-term objectives and track work done by the DHHS to meet the objectives from the prior Agenda. Requires the Chief to ensure that individuals with personal experiences of mental health recovery inform the development of each NC Mental Health Recovery and Resiliency Agenda. Recodifies GS 143B-150.1 (Use of funds for North Carolina Child Treatment Program) as GS 143B-216.92, and places it under this new Part.

Appropriates \$100,000 in recurring funds for 2021-22 and that same amount in recurring funds for 2022-23 from the General Fund to DMH/DD/SAS to fund the salary and benefits for the Mental Health Recovery Policy Chief.

Effective July 1, 2021.

Intro. by Autry, Lambeth, Sasser, Brown.

APPROP, GS 143B

[View summary](#)

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

H 789 (2021-2022) **ENERGY SAVINGS INCENTIVES/STATE AGENCIES**. Filed May 3 2021, *AN ACT TO PROVIDE THAT ANY ENERGY SAVINGS REALIZED BY STATE AGENCIES MAY REMAIN AVAILABLE TO THE AGENCY FOR OTHER FACILITY UPGRADES RELATED TO REDUCING ENERGY AND WATER CONSUMPTION.*

Enacts new GS 143-64.17N. Provides that the General Fund current operations appropriations credit balance remaining at the end of each fiscal year for utilities of a state governmental unit that is due to energy savings realized from implementing an energy conservation measure is to be carried forward by the unit to the next fiscal year and is appropriated for energy conservation measures by that unit. Prohibits the Director of the Budget from decreasing the recommended continuation budget requirements for utilities for state governmental units carrying forward a credit balance by the amount of energy savings realized from implementing energy conservation measures. Requires state governmental units to submit annual reports on the use of funds authorized pursuant to this statute as required under GS 143-64.12. Makes conforming changes to GS 143-64.12.

Effective for taxes imposed for taxable years ending on or after June 30, 2021.

Intro. by Harrison, Hardister, Warren, Fisher.

[GS 143](#)

[View summary](#)

[Environment, Energy, Government, State Agencies](#)

H 790 (2021-2022) [INFORM THE PUBLIC OF INSTRUCTIONAL MATERIALS](#). Filed May 3 2021, *AN ACT TO INFORM THE PUBLIC ABOUT INSTRUCTIONAL MATERIALS AND ACTIVITIES USED IN PUBLIC SCHOOLS, COMMUNITY COLLEGES, AND CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA*.

Enacts GS 115C-98A to require the governing bodies of public school units to ensure the following information is annually posted on each school's website, at least 15 days prior to the start of each semester, organized by subject area and grade level: (1) the instructional materials and activities that were used during the prior school year and all instructional materials to be used in the current school year, as specified, and (2) any procedures for the documentation, review, or approval of the instructional materials for instruction at the school. Details further requirements of the information for identification of materials and activities used. Specifies that digital reproduction of the materials or separate reporting of material components is not required. Defines *activities* and *instructional materials*.

Amends GS 115C-12, GS 115C-47, GS 115C-238.66, and GS 115C-218.85 to require the State Board, local boards, regional school boards of directors, and charter schools to ensure that the information about instructional materials is displayed on the websites of innovative schools, schools for students with visual and hearing impairments, each school in the respective administrative unit, and regional schools (appears to also intend charter schools) as appropriate for each authority.

Enacts GS 115D-20.3, applicable to community colleges, and GS 116-18.5, applicable to constituent institutions of UNC, with provisions similar to those applicable to public schools under new GS 115C-98A. Requires community colleges and constituent institutions to display the following information on its website at least 15 days prior to the start of each academic semester, organized by course offering for the upcoming academic semester and from the prior academic year: (1) the instructional materials used by and activities at the community college or constituent institution, as specified, and (2) any procedures for the documentation, review, or approval of the instructional materials or activities used for community college or constituent institution courses. Details further requirements of the information for identification of materials and activities used. Specifies that digital reproduction of the materials or separate reporting of material components is not required. Defines *activities* and *instructional materials*, substantively aligning with the defined terms set forth in new GS 115C-98A applicable to public schools.

Applies beginning with the display of instructional materials used during the 2021-22 school or academic year, as appropriate.

Intro. by Willis, Torbett, Miller, Pickett.

[GS 115C, GS 115D, GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System](#)

H 791 (2021-2022) [LICENSED COUNSELORS INTERSTATE COMPACT](#). Filed May 3 2021, *AN ACT TO ESTABLISH AND ENTER INTO AN INTERSTATE COMPACT FOR THE PRACTICE OF PROFESSIONAL COUNSELING*.

Enacts new Article 24A, Professional Counseling Licensure Compact, to GS Chapter 90. States the purpose and objectives of the Professional Counseling Licensure Compact (Compact) and sets forth 26 defined terms. Grants licensed professional counselors the privilege to practice in Compact states, subject to the requirements and restrictions provided in the Compact. Sets criteria for State participation in the Compact, including having a mechanism in place for receiving and investigating complaints about licensees. Requires states to use procedures for considering criminal history records for initial privileges, including fingerprinting or similar biometric-based procedures to obtain criminal history records from the FBI and the respective state's criminal history database. Details further requirements of states regarding criminal background checks of

applicants. Establishes qualifications licensees must meet to exercise the Compact privilege, including having no encumbrances on any state license within the previous two years and having notified the Counseling Compact Commission (Commission) that the licensee is seeking the privilege in a remote state. Allows member states to charge a fee for granting a privilege to practice. Establishes that the privilege to practice is derived from the home state license, and provides for the jurisdiction of the remote member state in regards to practicing laws and licensure.

Limits licensed professional counselors to one home state license at a time and provides for privilege validity until expiration of the home state license. Provides for obtaining a new home state license by virtue of the Compact privilege. Sets forth detailed parameters regarding practice in remote member states. Provides for active duty military personnel or their spouses' home state designation. Requires member states to recognize the right of Compact licensees to practice telehealth, subject to laws and regulations of the respective remote state. Allows remote state regulatory authorities to take adverse action against a licensed professional counselor's privilege to practice in that member state, and issue subpoenas for hearings and investigations. Restricts authority to take adverse action against a license issued by the home state to the home state. Mandates loss of privilege in any remote state if a home state license is encumbered until the home state license is no longer encumbered. Establishes parameters for adverse actions, investigations, and required notifications.

Establishes the Counseling Compact Commission (Commission) as a joint public agency created by member states. Provides for Commission membership, voting, meetings, powers and duties, executive committee, financing, recordkeeping, and member qualified immunity, defense, and indemnification. Among the 18 powers and duties charged of the Commission, includes prosecuting legal proceedings and actions, and the acquisition and disposal of property. Requires the Commission to provide for the development, maintenance and use of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in members states. Provides for reporting, access, and removal of specified information by member states. Provides for Commission rulemaking procedures and effect. Details procedures regarding members in default, dispute resolution procedures between member states and Compact enforcement.

Provides for the Compact to become effective upon enactment in the 10th member state. Details initial Commission powers, effect of Commission rules on joining states, member withdrawal procedures, and Compact amendment parameters.

Deems the provisions of the Compact severable and advises on its construction and effect on other laws.

Conditions the effectiveness of the Compact to when at least 10 state have enacted the Compact, as set forth in Article 24A. Requires the Board of Licensed Clinical Mental Health Counselors to report to the Revisor of Statutes at that time.

Intro. by Wheatley, Szoka, Martin, Adcock.

GS 90

[View summary](#)

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

H 792 (2021-2022) [BARBERS/ELECTROLYSIS BOARDS/MERGER](#). Filed May 3 2021, *AN ACT TO MERGE THE BARBER AND ELECTROLYSIS LICENSING BOARDS*.

To be summarized.

Intro. by Stevens.

[View summary](#)

H 793 (2021-2022) [STOP ACT AMENDMENT](#). Filed May 3 2021, *AN ACT FURTHER LIMITING THE AMOUNT OF OPIOIDS THAT MAY BE PRESCRIBED FOR THE INITIAL CONSULTATION AND TREATMENT OF A PATIENT FOR ACUTE PAIN*.

Amends GS 90-106(a3) (limiting prescriptions of targeted controlled substances for pain) to limit the supply of targeted controlled substances a physician may prescribe to a patient after an initial consultation for acute pain to a three-day (was, five-day) supply. Effective October 1, 2021.

Intro. by Sasser.

GS 90

[View summary](#)**Health and Human Services, Health, Health Care Facilities and Providers, Public Health**

H 794 (2021-2022) **ALLOW SCHOOLS IN ALL ZONING DISTRICTS**. Filed May 3 2021, *AN ACT TO DESIGNATE SCHOOLS AS A PERMITTED USE IN ALL ZONING DISTRICTS AND TO SPECIFY THAT CHARTER SCHOOLS ARE A SCHOOL FOR THAT PURPOSE*.

Amends GS 160D-701 (purposes of zoning regulations) to require zoning regulations to provide schools are a permitted use in all zoning districts. Amends Article 9 of Chapter 160D of the General Statutes (local planning and development regulation – special uses and areas) to add GS 160D-913.1 requiring zoning regulations to provide that schools are a permitted use in all zoning districts, making schools exempt from development regulations in Article 6 of Chapter 160D (various development regulations), prohibiting zoning regulations that require schools to be contiguous to state maintained roads, and requiring schools to give 60 days' notice to the local government prior to beginning construction or renovation. Amends GS 160A-307.1 (limitation on improvement requirements related to schools) to make a technical change updating a reference to a repealed statute and amend the definition of the term “school,” to now mean any facility, including relocatable or modular units as either accessory or primary facilities, that is part of a public school unit, or part of any nonpublic school, which is referred to by GS 160D-913.1. Effective July 1, 2021, and applies to zoning applications pending or submitted on or after that date.

Intro. by Arp, Saine, Brody, Torbett.

GS 160A, GS 160D

[View summary](#)**Development, Land Use and Housing, Land Use, Planning and Zoning, Education, Elementary and Secondary Education, Government, Local Government**

H 795 (2021-2022) **REGULATE AND RESTRICT ABUSIVE LITIGATION**. Filed May 3 2021, *AN ACT TO REGULATE AND RESTRICT THE USE OF LITIGATION FOR THE PURPOSE OF HARASSING, INTIMIDATING, MAINTAINING CONTACT WITH, OR RETALIATING AGAINST ANOTHER PERSON*.

Enacts new GS Chapter 1H, to be cited as the NC Abusive Litigation Act. Sets forth five defined terms. Defines *abusive litigation* to exist when the litigation consists of (1) opposing parties that have a personal relationship; (2) the filing party has been found by a court to have committed an act of domestic violence against the opposing party in a court order, as specified; or (3) an intent on the part of the filing party to harass, intimidate, maintain contact with, or retaliate against the opposing party, *and* either (1) claims, allegations, and other legal contentions made in the litigation are not warranted by existing law or a reasonable argument for the extension, modification, or reversal of existing law or the establishment of new law; (2) allegations and other factual contentions made in the litigation are without the existence of evidentiary support; or (3) an issue or issues that are the basis of the litigation have previously been filed or litigated or disposed of unfavorably to the filing party. Deems abusive litigation to exclude any initial complaint filed in good faith for custody of a minor child under GS 50-13.1, any filing made pursuant to GS 50-13.7 for modification of a child custody or support order that in good faith alleges a substantial change of circumstance, or any criminal process based upon evidence provided by the filing party.

Requires a court to set a matter for hearing on the next available court date if an opposing party asserts that they are being subjected to abusive litigation. Provides that evidence of any of the following four facts creates a rebuttable presumption that litigation is being filed, initiated, advanced, or continued for the purpose of harassing, intimidating, maintaining contact with, or retaliating against the opposing party: (1) the same or substantially similar issues between the same or substantially similar parties have been litigated within the past five years; (2) the same or substantially similar issues between the same or substantially similar parties have been raised, pled, or alleged in the past five years and were dismissed on the merits or with prejudice; (3) within the last ten years the filing party has been sanctioned for filing, initiating, advancing, or continuing litigation that was found to be frivolous, vexatious, intransigent, or brought in bad faith involving the same opposing party; or

(4) a court has previously determined that the filing party engaged in abusive litigation or similar conduct and has been subject to a court order imposing prefilng restrictions.

Directs a court that finds by a preponderance of the evidence that any or all of the pending litigation constitutes abusive litigation to (1) dismiss, deny, strike, or resolve by other disposition the abusive litigation with prejudice and (2) enter an order prohibiting abusive litigation which imposes all abusive litigation costs against the filing party, awards the opposing party attorneys' fees and costs associated with abusive litigation, and identifies the protected person and imposes prefilng restrictions upon the restricted person for 48-72 months. Requires written findings of portions of litigation found not to be abusive, which must proceed.

Allows for the restricted person to request to engage in litigation against a protected party, which must be heard by the judicial official who imposed the prefilng restrictions. Requires that the protected party receive notice and an opportunity to be heard, with remote appearance permissible, but does not require attendance. Allows the judicial official considering the request to examine witnesses, court records, and other evidence to determine whether the proposed litigation would constitute abusive litigation, and either deny, dismiss or otherwise dispose of the application with prejudice, or issue an order permitting the proposed litigation to proceed, which must be served upon the protected party and attached to the litigation filed. Provides for a protected person to respond to litigation filed by a restricted person in violation of an order imposing prefilng restrictions. Provides that the period between filing the application and the issuance of an order permitting the litigation to proceed is not applicable to the statute of limitations for the matter. Provides for a court's authority to stay proceedings later found to constitute abusive litigation and requires the matter to be referred to the judicial official who granted the application to proceed.

Requires the court to dismiss, deny, or otherwise dispose of litigation engaged by a restricted person in violation of an order imposing prefilng restrictions, with authority to do so on the court's own motion. Authorizes the court to impose additional sanctions against the restricted party. Makes violations of an order imposing prefilng restrictions punishable by criminal contempt. Provides for assignment of a judicial official to replace the judicial official who imposed prefilng restrictions against a restricted party when the official is unavailable.

Provides for appeals as otherwise provided by law, that the Chapter has no effect on the court's authority over proceedings and litigants, and that the Chapter has no effect on a protected party's other legal remedies.

Applies to actions, motions, pleadings, petitions, and other court filings filed on or after October 1, 2021.

Intro. by Turner, White.

GS 1H

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Court System

H 796 (2021-2022) **IMPROVE LEGISLATIVE TRANSPARENCY 2021**. Filed May 3 2021, *AN ACT TO CREATE THE NORTH CAROLINA GENERAL ASSEMBLY TECHNOLOGY TASK FORCE AND TO APPROPRIATE FUNDS TO INCREASE LEGISLATIVE TRANSPARENCY AND IMPLEMENT CLOSED CAPTIONING FOR LEGISLATIVE PROCEEDINGS.*

Includes whereas clauses. States NCGA findings on NCGA operations and public access. Creates the 15-member North Carolina General Assembly Technology Task Force (Task Force) to investigate the current status of information technology operations at the NCGA to ensure that the NCGS runs seamlessly, under both normal or exceptional circumstances, and to ensure meaningful public participation for individuals with disabilities and those with limited connectivity. Sets out membership requirements and requires the appointing authorities to select individuals who regularly use the NCGA website and other technology provided by the NCGA. Requires Task Force appointments to be made no later than August 1, 2021. Provides for appointing co-chairs, filling vacancies, establishing a quorum, compensation, meeting space, and staffing. Requires the Task Force to study: (1) how other states have implemented meaningful public participation for individuals with disabilities and those with limited connectivity; (2) technology, including hardware and software, telephony, and other prerequisite infrastructure to enable legislators and staff to work efficiently and effectively, whether present on the legislative campus, teleworking, or some combination thereof; and (3) any other issues the Task Force deems relevant to its work. Requires the Task Force to develop a three-year plan for the installation, deployment, and testing of all recommended technology, including cost estimates for implementation of the plan, and report its findings and recommendations to the

Legislative Services Commission by March 31, 2022. Terminates the Task Force upon the earlier of the filing of its report or March 31, 2022.

Appropriates \$120,000 for 2021-22 from the General Fund to the NCGA to be allocated as follows: (1) \$95,000 to plan and deploy a one-year trial of closed captioning of legislative proceedings; (2) \$25,000 to the Division of Information Systems to be used to: determine how to enhance the NCGA's current web-based bill tracking system and plan, install, deploy, and test a closed-captioning system for video broadcasts and video replays of daily legislative sessions and any recorded committee meetings.

Effective July 1, 2021.

Intro. by Ball, Insko, Lofton, John.

[APPROP, STUDY](#)

[View summary](#)

[Government, Budget/Appropriations, General Assembly](#)

H 797 (2021-2022) [DELEGATE TAX OVERPAYMENT REFUND](#). Filed May 3 2021, *AN ACT TO ALLOW THE GOVERNING BODY OF A COUNTY TO DELEGATE PAYMENTS OF REQUESTS FOR REFUNDS OF CERTAIN TAXES PAID*.

Amends GS 105-228.37 (refund of tax overpayments) to add subsection (a1) permitting boards of county commissioners to delegate to the county manager and/or finance officer the determination of whether to refund an excise tax paid on a conveyance of real property. Provides that the same deadline and explanation requirements that apply to requests for refunds to the board of county commissioners also apply to refund requests to the county manager and/or finance officer, the determination must be made within 90 days, and approved refunds are made in the same manner as if made by the board of county commissioners. Also provides that a taxpayer whose refund request is denied must be informed in writing that they may, within six months of the determination, request that the board of county commissioners review the denial and provides that the review will be treated as a refund request.

Intro. by Stevens, D. Hall, Willis.

[GS 105](#)

[View summary](#)

[Government, Tax, Local Government](#)

H 798 (2021-2022) [NC HEALTHY SOILS ACT](#). Filed May 3 2021, *AN ACT TO ESTABLISH THE HEALTHY SOILS PROGRAM IN THE DIVISION OF SOIL AND WATER CONSERVATION OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES*.

Enacts new Article 6, Health Soils Program, to GS Chapter 139. Sets forth legislative findings and the purpose of the Article. Provides seven defined terms. Declares State policy concerning the conservation and proper stewardship and use of soil and water resources. States three goals and objectives of the Healthy Soils and Watershed Program, including improving agricultural viability and farm profitability.

Establishes the Health Soils and Watershed Fund (Fund) as a special fund within the Department of Agriculture and Consumer Services (DACs) to support the Healthy Soils and Watershed Program as provided in the Article including through grants, research, technical assistance, educational material, and outreach. Requires DACs to annually report to the Governor and the NCGA on the receipts, expenditures, and activities funded by the Program and the results of the activities. Provides for the funds to remain available until expended. Directs the Water and Soil Conservation Commission (Commission) to annually report to the specified NCGA committee and division on the list of projects funded by the Program, findings regarding the Program's effectiveness, and recommendations for additional funding and legislation.

Directs the Commission to do the following, subject to the funding availability: (1) implement a voluntary program to assist in improving soil health (as defined), watershed health (as defined), water quality, and wildlife habitat; (2) assist agricultural producers, ranchers, foresters, and property owners in soil health assessments and in developing soil health plans; and (3) assist agricultural producers with health soil practices (as defined) to achieve five specified outcomes, including controlling soil erosion and sedimentation, improving soil health and quantity, improving watershed health and reliable water availability,

restoring and enhancing wildlife habitat, and managing water runoff and drainage water for improved local and downstream water quality.

Directs DACS, subject to funding availability, to make grants and incentives to farmers, foresters, and agricultural cooperatives to enhance the education, training, employment, income, productivity, and retention of those working or aspiring to work in the field of health soil practices and to implement healthy soil practices. Requires grants to be competitive to public, private, and charitable entities to finance projects in furtherance of the Program. Requires the Program's design to prioritize incentives, and provide no less than 25% of funds to beginning and socially disadvantaged farmers and ranchers. Requires Fund expenditures to supplement other funding. Allows DACS to use up to \$50,000 of funds allocated to the Program in each fiscal year for administrative costs.

Places primary responsibility with the Commission regarding education materials; training and mobilizing technical service providers to encourage voluntary soil and water health stewardship, including entering into necessary maintenance and easement agreements; training of technical assistance providers, property owners, land managers, and others regarding sampling; collaborating with DACS and NC State University in developing equitable criteria for awarding grants; and consulting and collaborating with DACS and NC State University to support all soil and watershed health initiative goals, objectives, and components established by the Article.

Authorizes the Commission to adopt implementing rules, in consultation with DACS, NC State University, and the Department of Environmental Quality.

Intro. by Ager.

GS 139

[View summary](#)

Agriculture, Development, Land Use and Housing, Property and Housing, Environment, Environment/Natural Resources, Government, State Agencies, UNC System, Department of Agriculture and Consumer Services

H 799 (2021-2022) [LIBEL STANDARDS/PRESS](#). Filed May 3 2021, *AN ACT TO PROVIDE CRIMINAL AND CIVIL REMEDIES FOR LIBELOUS MATTER THAT CONTAINS ACTUAL MALICE PUBLISHED OR DISSEMINATED BY A NEWSPAPER, RADIO OR TELEVISION STATION, OR OTHER MEDIA OUTLET.*

Enacts new GS 14-47.1 making it a Class 2 misdemeanor for any manager, editor, publisher, reporter, or employee of any newspaper or periodical to publish or disseminate any false and libelous statement with actual malice directly towards any person who currently holds a State or federal public office in this state. Defines *actual malice* to mean with knowledge that the matter was false or with reckless disregard of whether it was false or not.

Enacts new GS 99-1.1 prohibiting a newspaper, radio or television station, or other media outlet from publishing or disseminating libelous matter through written, oratory, or digital means, with actual malice directed towards an individual who currently holds a State or federal public office in this state. Prohibits a claim for relief brought under this statute for a violation from alleging presumed damages; requires the complainant to allege actual damages as a direct result of the libelous matter published or disseminated. Specifies that this statute does not prevent a newspaper, radio or television station, or other media outlet from publishing or disseminating information that provides fair comment and criticism on matters of public interest.

Effective October 1, 2021, and applies to acts or omissions on or after that date.

Intro. by Moffitt.

GS 14, GS 99

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Criminal Justice, Criminal Law and Procedure

H 800 (2021-2022) [WOMEN'S CANCER RESEARCH & PREV. TASK FORCE](#). Filed May 3 2021, *AN ACT TO CREATE THE NORTH CAROLINA WOMEN'S CANCER RESEARCH AND PREVENTION TASK FORCE.*

Includes whereas clauses.

Enacts Part 30A, Women's Cancer Research and Prevention Task Force, in Article 3 of GS Chapter 143B. Establishes the 17-member Women's Cancer Research and Prevention Task Force (Task Force) in the Department of Health and Human Services, with members appointed by the General Assembly and the Governor. Sets out the Task Force's nine duties, which include identifying evidence-based strategies for controlling risks and preventing cancer development in women; adopting and promoting a statewide comprehensive Women's Cancer Prevention Plan to the general public, State and local elected officials, various public and private organizations and associations, businesses and industries, agencies, potential funders, and other community resources; and identifying, examining limitations of, and recommending to the Governor and the General Assembly changes to existing laws, regulations, programs, services, and policies to enhance cancer prevention by and for the women of North Carolina. Members serve three-year terms and no member may serve more than two consecutive terms. Prohibits the Task Force from meeting more than twice annually at the call of the Chair. Requires the Task Force to report to the Governor and the specified NCGA committee by October 1 of each even-numbered year.

Requires that membership appointments be made no later 30 days after the adjournment of the 2021 Regular Session of the General Assembly. Sets out provisions for staggering membership terms.

Intro. by Carney, Belk, K. Baker, Fisher.

STUDY, GS 143B

[View summary](#)

Health and Human Services, Health, Public Health

H 801 (2021-2022) **GAME NIGHTS/RESIDENTIAL CENTERS**. Filed May 3 2021, *AN ACT TO ALLOW CERTAIN EXEMPT ORGANIZATIONS TO CONDUCT A GAME NIGHT AT A LOCATION THAT IS NOT A QUALIFIED FACILITY*.

Expands GS 14-309.26, which authorizes exempt organizations to conduct game nights at qualified facilities, as those terms are defined in GS 14-309.25, subject to the provisions of Part 4 of Article 37, which govern game nights. Adds a new subsection to authorize an exempt organization, defined in GS 14-309.25 to require continuous existence for at least five years, that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and operates a specialized community residential center for individuals with developmental disabilities licensed under GS Chapter 122C, to conduct a game night in a location that is not a qualified facility so long as the game night is conducted in accordance with the provisions of Part 4 and the exempt organization has been issued a special one-time permit under GS 18B-1002(a)(5) to be used for the game night.

Adds to the required game night permit application content set forth in GS 14-309.27, the location of the facility and the area of the facility where the event will be held (previously only required the area of the premises in which the event will be held).

Makes conforming changes to GS 14-309.28, restricting the facility authorized to host a game night under Part 4 to no more than two game nights in any calendar month (was, limited to a qualified facility).

Makes technical changes throughout Part 4 to refer to the Alcohol Law Enforcement Division (was, Branch) of the Department of Public Safety.

Applies to game nights conducted on or after July 1, 2021.

Intro. by Torbett.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health, Lottery and Gaming, Nonprofits

H 802 (2021-2022) **PILOT STAR PROGRAMS**. Filed May 3 2021, *AN ACT TO APPROPRIATE FUNDS TO PILOT SUPPORT TEAM ASSISTED RESPONSE (STAR) PROGRAMS IN CERTAIN CITY POLICE DEPARTMENTS*.

Appropriates \$990,000 for each year of the 2021-23 biennium from the General Fund to the Department of Public Safety (DPS) to provide grants for a pilot Support Team Assisted Response (STAR) Program in the Charlotte, Greensboro, and Greenville police departments. Provides that the purpose of the STAR Programs is providing alternative responses to citizens in crisis. Specifies that each STAR Program should allow for the response of behavioral and medical health personnel to nonviolent situations deemed appropriate by the city police department. Requires that at a minimum, those responding to citizens on behalf of each STAR Program be equipped to provide individuals with information regarding shelter, food aid, counseling, and medication, as necessary. Requires DPS, in consultation with those specified police departments, to report by April 1, 2022, to the specified NCGA committee on: (1) the general progress of each STAR Program, (2) the number of incidents in which each police department used its STAR Program, (3) the outcomes of the incidents in which each police department used its STAR Program, and (4) an itemized accounting of the use of grant funds. Requires DPS to provide this same report by April 1, 2022, to the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission. Requires each Commission to make the report available on its website and deliver a copy of the report to each county sheriff and municipal chief of police in the state by May 1, 2022. Effective July 1, 2021.

Intro. by Farkas, Hardister, Brown.

APPROP, Guilford, Mecklenburg, Pitt

[View summary](#)

Government, Budget/Appropriations, Public Safety and Emergency Management

H 803 (2021-2022) **LRC STUDY NEGLIGENT/INTENTIONAL PET DEATH**. Filed May 3 2021, *AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY LIABILITY ISSUES PERTAINING TO NEGLIGENT OR INTENTIONAL ACTS LEADING TO PET DEATH IN THIS STATE.*

Requires the Legislative Research Commission (LRC) to study veterinary malpractice in North Carolina, including examining (1) current legal barriers in the state to recovery for pet owners from persons who commit negligent or intentional acts leading to the death or injury of the pet, (2) limitations on damages in the context of pets adopted from an animal shelter or other animal rescue organization offering adoption of animals, (3) the approaches to liability for pet death or permanent injury in other states that recognize the significant role pets play in the health and emotional well-being of many state citizens, (4) effectiveness of current facility and occupational licensing and professional discipline schemes for providers of veterinary medical care in addressing negligence in the provision of veterinary medical care to pets, and (5) any other matters the LRC deems relevant. Requires a report to the 2022 Regular Session of the 2021 General Assembly upon its convening.

Intro. by Harrison, Adcock, Fisher.

STUDY

[View summary](#)

Animals, Government, General Assembly

H 804 (2021-2022) **DOA/DOI AUTH. CLAR. FOR STATE-OWNED BUILD.** Filed May 3 2021, *AN ACT TO AMEND THE AUTHORITY OF THE DEPARTMENT OF INSURANCE AND THE DEPARTMENT OF ADMINISTRATION TO INSPECT STATE-OWNED BUILDINGS AND PROPERTIES AND TO REQUIRE FIRE PROTECTION INSPECTIONS BY THE DEPARTMENT OF INSURANCE.*

Amends GS 58-31-13 to require the Commissioner of Insurance (Commissioner) to notify the proper State agency regarding the Commissioner's determination that an undue hazard to life, safety, or property due to a defect, condition or use of a building owned by the State (was, limited to a condition or use of the building), in addition to advising the agency on how to limit or prohibit the use of the building until the hazard is abated. Adds new authority for the Commissioner to restrain, correct, or abate such described violation or prevent the occupancy or use of the building, structure, or land until such described violation is corrected.

Amends GS 58-31-40, regarding the Commissioner's duty to conduct fire safety inspections of every State property, to now require the Commissioner to provide written notification to the agency or official in charge of the property pursuant to the procedures of GS 143-139(e1) (previously did not specify the manner) of any defect, condition, or change of use (was, defect

only) noted by the Commissioner or any improvement considered by the Commissioner to be necessary, with a copy of the notice forwarded to the Department of Administration. Adds new authority for the Commissioner to restrain, correct, or abate the violation or prevent the occupancy or use of the building, structure, or land until the violation is corrected upon determining an imminent undue hazard to life, safety, or property due to a defect, condition, or the use of a building owned by the State. Adds a new duty of the Commissioner to supervise and inspect all work done and materials used in the construction or renovation of all State buildings, including all community college buildings, that pertains to the electrical systems and fire protection features and component of the construction or renovation. Directs the Commissioner to act as the appropriate official inspector or inspection department for the purposes of GS 143-143.2. Prohibits the State or any State agency from accepting work subject to this new supervisory authority of the Commissioner until the work has been approved by the Commissioner.

Amends GS 143-139 to distinguish the enforcement of the NC Building Code pertaining to fire protection from the general enforcement authority of the Code granted to the Department of Administration. Adds new subsection (e1), granting the Commissioner the general authority to supervise, administer, and enforce all sections of the Building Code pertaining to electrical and fire protection features and components during the construction or renovation of State property generally, and to inspect and approve construction pursuant to GS 58-31-40, except those sections for which enforcement is specifically allocated to other agencies in subsections (c), (d), and (e) of the statute. Establishes procedures for when the Commissioner notes a defect or condition or an improvement necessary to comply with the Code pertaining to electrical systems and fire protection of State property, including the Commissioner notifying the Department of Administration who must respond within 30 days of notice indicating that the defect, condition, or improvement has been addressed, completed, or intent exists to formulate a plan to address the defect or condition. When the defect or condition noted results in an imminent undue hazard to life, safety, or property, authorizes the Commissioner to (1) prevent the unlawful maintenance, erection, construction, reconstruction, or alteration of purpose, (2) restrain, correct, or abate the violation, or (3) prevent the occupancy or use of the building, structure, or land until the violation is corrected. Mandates buildings receive a Certificate of Occupancy from the Commissioner prior to occupancy, conditioned upon all required inspections having been completed and the work approved. Requires the Department of Administration to provide records of all inspections and approvals required by the Building Code to the Commissioner. Makes conforming changes.

Amends GS 143-340, adding to the Secretary of Administration's powers and duties with regard to the protection of all public building and grounds from fire, to require consultation and cooperation with the Commissioner with regard to fire protection features and components, and electrical installation means for building and properties owned by the State. Makes language gender neutral.

Amends GS 143-341(3), revising the Department of Administration's powers and duties with regard to architecture and engineering of State buildings, to require the Commissioner's approval of all work done in the construction or renovation of State buildings for purposes of electrical and fire protection features and components for buildings and properties owned by the State pursuant to new GS 143-139(e1), prior to acceptance by the State or any State agency. Makes technical changes.

Amends GS 143-345.11 to add GS 58-31-13 and GS 143-139(e1) to the statutory authorities of the Commissioner which are not abrogated by the Secretary of Administration's authority over State building plans.

Intro. by Davis, Clampitt, Brody.

[GS 58, GS 143](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Government, State Agencies, Department of Administration, Department of Insurance, State Government, State Property](#)

H 805 (2021-2022) [PREVENT RIOTING AND CIVIL DISORDER](#). Filed May 3 2021, *AN ACT TO INCREASE THE PENALTIES FOR RIOTING OR INCITING RIOTING THAT RESULTS IN DAMAGE TO PROPERTY, SERIOUS BODILY INJURY, OR DEATH AND ASSAULTING EMERGENCY PERSONNEL DURING A RIOT OR STATE OF EMERGENCY; TO ALLOW RECOVERY OF TREBLE DAMAGES FOR PROPERTY DAMAGE OR PERSONAL INJURY CAUSED BY RIOTING OR LOOTING; AND TO REQUIRE PRETRIAL RELEASE CONDITIONS FOR RIOTING AND LOOTING OFFENSES TO BE DETERMINED BY A JUDGE.*

Amends GS 14-288.2, setting out punishments for rioting or inciting rioting, as follows. Increases the penalty for willfully engaging in a riot if in the course of and as a result of the riot there is property damage in excess of \$1,500 or serious bodily injury, from a Class H felony to a Class F felony. Adds a Class E felony for willfully engaging in a riot if in the course of and as a result of the riot there is a death. Increases the punishment from a Class 1 misdemeanor to a Class A1 misdemeanor for willfully inciting or urging another to engage in a riot, so that as a result of such inciting or urging a riot occurs or a clear and present danger of a riot is created. Increases from a Class F felony to a Class E felony willfully inciting or urging another to engage in a riot, when such inciting or urging is a contributing cause of a riot in which there is property damage in excess of \$1,500 or serious bodily injury. Adds a Class D felony for willfully inciting or urging another to engage in a riot, and such inciting or urging is a contributing cause of a riot in which a death results. Adds that any person whose person or property is injured by reason of a violation of the statute may sue for and recover from the violator three times the actual damages sustained, as well as court costs and attorneys' fees.

Amends GS 14-288.6 (prohibiting looting; trespass during emergency) by adding that any person whose person or property is injured by reason of a violation of the statute may sue for and recover from the violator three times the actual damages sustained, as well as court costs and attorneys' fees.

Amends GS 14-288.9, prohibiting assault on emergency personnel, by making the following changes. Expands the definition of *emergency personnel* to also include members of the NC National Guard, and provides that it also includes persons discharging or attempting to discharge his or her official duties during an emergency (not just those engaged in providing essential services during the emergency). Makes the assault a felony whether or not physical injury is caused and increases the punishment from a Class I to a Class H felony.

Enacts new GS 15A-534.8 to require a judge to be the one to determine the conditions of pretrial release in all cases in which the defendant is charged with a violation of GS 14-288.2 or GS 14-288.6. Requires the judge to direct a law enforcement officer or a district attorney to provide the defendant's criminal history report and consider the criminal history when setting conditions of release. Requires the following to apply in addition to the provisions of GS 15A-534 (procedure for determining conditions of pretrial release): (1) upon a determination by the judge that the defendant's immediate release will pose a danger of injury to persons and upon a determination that the execution of an appearance bond will not reasonably assure that such injury will not occur, a judge may retain the defendant in custody for a reasonable period of time while determining conditions of pretrial release; (2) a judge may order the defendant to stay away from specific locations or property where the offense occurred; and (3) should the defendant be mentally ill and dangerous to himself or herself or others, or a substance abuser and dangerous to himself or herself or others, the provisions of Article 5 of GS Chapter 122C (Procedure for Admission and Discharge of Clients) apply. Prohibits keeping a defendant in custody more than 48 hours from the time of arrest without a determination being made under this statute by a judge. If a judge has not acted within 48 hours of arrest, requires the magistrate to act under this statute.

Effective December 1, 2021, and applies to offenses committed on or after that date.

Intro. by Moore, McNeill, Miller, Sauls.

[GS 14, GS 15A](#)

[View summary](#)

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

H 806 (2021-2022) [STUDY WATER AND SEWER INFRASTRUCTURE](#). Filed May 3 2021, *AN ACT TO ESTABLISH A STUDY ON WATER AND SEWER INFRASTRUCTURE NEEDS IN THIS STATE*.

Directs the Department of Environmental Quality (DEQ) and the Local Government Commission (LGC) with assistance of the Environmental Finance Center at the UNC School of Government, to study the age and condition of the state's water and sewage infrastructure, long-term needs to repair and replace water and sewage infrastructure, financing needs of failing water and sewer infrastructure, environmental and financial sustainability of local government ownership of water and sewer infrastructure, and how providing water and sewer infrastructure impacts economic development and land use planning in a jurisdiction. Directs DEQ and LGC to report to the Joint Legislative Committee on Local Government on study findings and recommendations and any recommended legislation by March 1, 2022.

Intro. by Moffitt.

STUDY

[View summary](#)**Government, State Agencies, UNC System, Department of Environmental Quality (formerly DENR), Local Government, Public Enterprises and Utilities**

H 807 (2021-2022) **UNIFORMED HEROES VOTING ACT**. Filed May 3 2021, *AN ACT TO CLARIFY THAT NO VOTER MAY BE DENIED THE OPPORTUNITY TO VOTE DUE TO THE VOTER APPEARING IN THE VOTING PLACE IN UNIFORM, SUCH AS LAW ENFORCEMENT OR THE MILITARY.*

Amends GS 163-166.3 (limiting access to voting enclosures) to add subsection (a1) providing that no law enforcement officer, correctional officer, first responder, or member of the military may be refused entry to a voting site because they appear in their uniform.

Intro. by D. Hall, McNeill, C. Smith, Miller.

GS 163

[View summary](#)**Government, Elections, Public Safety and Emergency Management, Military and Veteran's Affairs**

H 808 (2021-2022) **MODIFY YEAR-ROUND SCHOOL DEFINITION**. Filed May 3 2021, *AN ACT TO MODIFY THE DEFINITION OF YEAR-ROUND SCHOOL.*

Amends GS 115C-84.2(f)(5) (school calendars) to change one of the calendar options under the definition of year round school to be a school year where students attend four quarters with between 43 and 47 days of instructions and with vacation periods of between 14 and 18 days separating each quarter (was, attend 45 instructional days followed by 15 days of vacation repeated throughout the school calendar year). Effective when the bill becomes law and applies beginning with the 2021-2022 school year.

Intro. by Saine, Paré.

GS 115C

[View summary](#)**Education, Elementary and Secondary Education**

PUBLIC/SENATE BILLS

S 720 (2021-2022) **CONFIRM JIM WEAVER, STATE CIO**. Filed May 3 2021, *A SENATE RESOLUTION RELATING TO THE APPOINTMENT, NOMINATION, AND CONFIRMATION OF JAMES "JIM" WEAVER AS THE STATE CHIEF INFORMATION OFFICER AND SECRETARY OF THE DEPARTMENT OF INFORMATION TECHNOLOGY.*

Includes whereas clauses. Requires the Senate to consider whether to confirm James "Jim" Weaver as the State Chief Information Officer and Secretary of the Department of Information Technology.

Intro. by Rabon.

UNCODIFIED

[View summary](#)**Government, State Agencies, Department of Information Technology**

ACTIONS ON BILLS**PUBLIC BILLS****H 583: GIVE LGERS RETIREES 2% BONUS.**

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

House: Withdrawn From Com

House: Re-ref to the Com on Pensions and Retirement, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 674: REQUIRE DNA FOR VARIOUS CHARGES/DNA KIT FUNDS.

House: Serial Referral To Appropriations Stricken

House: Withdrawn From Com

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

H 689: 2021 HOUSE PERMANENT RULES.

House: Withdrawn From Cal

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

H 733: EXTEND TERMS/NC RARE DISEASE ADVISORY COUNCIL.

House: Passed 1st Reading

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

H 734: DEPT. OF HEALTH & HUMAN SERVICES REVISIONS.

House: Passed 1st Reading

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

H 735: MINIMUM CONTRACTS/COASTAL DREDGING SERVICES.

House: Passed 1st Reading

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

H 736: TIMELY UPDATES TO NEWBORN SCREENING PROGRAM.

House: Passed 1st Reading

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

H 737: LOCAL FOOD MARKET EXPANSION ACT.

House: Passed 1st Reading

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

H 738: RECODIFICATION OF CRIMINAL LAWS.

House: Passed 1st Reading

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

H 739: MODIFY PROPERTY TAX APPEAL PROCESS.

House: Passed 1st Reading

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

H 740: DEFINED MERGING AREAS/ZIPPER MERGE.

House: Passed 1st Reading

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

H 741: LINE OF DUTY DEATH BENEFITS FOR 911 OPERATORS.

House: Passed 1st Reading

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

H 742: NEW BROUGHTON HOSPITAL MAINTENANCE.

House: Passed 1st Reading

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

H 743: REMOVE ID MARK/INCREASE PUNISHMENT.

House: Passed 1st Reading

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

H 744: CC WORKFORCE DEVELOPMENT/SCHOLARSHIP PILOT.

House: Passed 1st Reading

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

H 745: STATE RECOGNITION - TUSCARORA NATION OF NC.

House: Passed 1st Reading

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

H 746: POW/MIA FLAGS/STATE BLDGS & SCHOOLS.

House: Passed 1st Reading

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

H 747: MERGE NC HEALTH CHOICE & MEDICAID.

House: Passed 1st Reading

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

H 748: TERM LIMITS FOR LEGISLATORS.

House: Passed 1st Reading

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

H 749: HEALTHY STUDENTS - SCHOOL PSYCHS/COVID-19.

House: Passed 1st Reading

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

H 750: EXEMPT PHYSICIAN-ACQUIRED MRIS FR. CON REVIEW.

House: Passed 1st Reading

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

H 751: ABOLISH EMPLOYMENT AT-WILL.

House: Passed 1st Reading

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

H 752: AMEND CONTROLLED SUBSTANCES ACT.

House: Passed 1st Reading

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

H 753: IN-STATE TUITION EQUITY.

House: Passed 1st Reading

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

H 754: STUDY AND FUNDS/CIVIL RIGHTS PROJECTS.

House: Passed 1st Reading

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

H 755: ACADEMIC TRANSPARENCY.

House: Passed 1st Reading

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

H 756: STATE AS A MODEL EMPLOYER/IDD.

House: Passed 1st Reading

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

H 757: THE POLICE USE-OF-FORCE TRANSPARENCY ACT.

House: Passed 1st Reading

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

H 758: MODIFY PROCESS/COUNCIL OF STATE VACANCIES.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 1, if favorable, Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House

H 759: MODIFY PROCESS/APPELLATE COURT VACANCIES.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 1, if favorable, Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House

H 760: OPPORTUNITY GAP TASK FORCE.

House: Passed 1st Reading

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

H 763: PRESERVE STATE PENSION PLAN MODERNIZATION.

House: Filed

H 764: ACH/INFECTION PREVENTION REQUIREMENTS.

House: Filed

H 765: AMERICAN INDIAN HERITAGE COMMISSION.

House: Filed

H 766: NO SOLICITING CERTAIN FUNDS/ELECTIONS BOARDS.

House: Filed

H 767: MODIFY OPP. SCHOLARSHIP/CHILDREN OF VETERANS.

House: Filed

H 768: LRC ABC LAW STUDY.

House: Filed

H 769: FOSTER PARENTS' BILL OF RIGHTS.

House: Filed

H 770: REALIGN ENFORCEMENT/HIE NETWORK PARTICIPATION.

House: Filed

H 771: FUNDS FOR CWD/EXTRAORDINARY COSTS/REPORT.

House: Filed

H 772: LONG-TERM CARE FOR NC VETERANS.

House: Filed

H 773: FUNERAL PRACTICE ACT CHANGES.*House: Filed***H 774: NONPARTISAN BOARDS OF EDUCATION STATEWIDE.***House: Filed***H 775: FUND LAW ENFORCEMENT/DETENTION/CORRECTIONS.***House: Filed***H 776: REMOTE ONLINE NOTARIZATION ACT.***House: Filed***H 777: EXPAND PROJECT C.A.R.E./FUNDS.***House: Filed***H 778: INCREASE RESOURCES/COVID-19/LOCAL BD. OF ED.***House: Filed***H 779: CORONAVIRUS VACCINE BILL OF RIGHTS.***House: Filed***H 780: END OF LIFE OPTION ACT.***House: Filed***H 781: BRING BUSINESS BACK TO DOWNTOWN.***House: Filed***H 782: ELECTIONS CERTAINTY ACT.***House: Filed***H 783: CREATE BLDG. CODE PERMIT TECH. CERT.***House: Filed***H 784: ENVIRONMENTAL JUSTICE CONSIDERATIONS.***House: Filed***H 785: UNC SYSTEM EDUCATIONAL CAREER ALIGNMENT.***House: Filed***H 786: ENHANCE LOCAL RESPONSE/MENTAL HEALTH CRISES.***House: Filed***H 787: IMPROVED DATA ON INVOLUNTARY COMMITMENTS.***House: Filed***H 788: ACHIEVE BETTER MENTAL HEALTH RECOVERY RESULTS.***House: Filed***H 789: ENERGY SAVINGS INCENTIVES/STATE AGENCIES.***House: Filed***H 790: INFORM THE PUBLIC OF INSTRUCTIONAL MATERIALS.***House: Filed***H 791: LICENSED COUNSELORS INTERSTATE COMPACT.**

House: Filed

H 792: BARBERS/ELECTROLYSIS BOARDS/MERGER.

House: Filed

H 793: STOP ACT AMENDMENT.

House: Filed

H 794: ALLOW SCHOOLS IN ALL ZONING DISTRICTS.

House: Filed

H 795: REGULATE AND RESTRICT ABUSIVE LITIGATION.

House: Filed

H 796: IMPROVE LEGISLATIVE TRANSPARENCY 2021.

House: Filed

H 797: DELEGATE TAX OVERPAYMENT REFUND.

House: Filed

H 798: NC HEALTHY SOILS ACT.

House: Filed

H 799: LIBEL STANDARDS/PRESS.

House: Filed

H 800: WOMEN'S CANCER RESEARCH & PREV. TASK FORCE.

House: Filed

H 801: GAME NIGHTS/RESIDENTIAL CENTERS.

House: Filed

H 802: PILOT STAR PROGRAMS.

House: Filed

H 803: LRC STUDY NEGLIGENT/INTENTIONAL PET DEATH.

House: Filed

H 804: DOA/DOI AUTH. CLAR. FOR STATE-OWNED BUILD.

House: Filed

H 805: PREVENT RIOTING AND CIVIL DISORDER.

House: Filed

H 806: STUDY WATER AND SEWER INFRASTRUCTURE.

House: Filed

H 807: UNIFORMED HEROES VOTING ACT.

House: Filed

H 808: MODIFY YEAR-ROUND SCHOOL DEFINITION.

House: Filed

S 60: DISAPPROVE VARIOUS SOLID WASTE RULE CHANGES.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

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

House: Withdrawn From Com

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

S 99: CLARIFY LAW ON THEFT OF CATALYTIC CONVERTERS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 270: INSURANCE TECHNICAL CHANGES.

House: Regular Message Received From Senate

House: Passed 1st Reading

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

S 425: GAP AND VVPA AGREEMENT CHANGES.

Senate: Withdrawn From Com

Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

S 490: LICENSE TO WORK.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate

S 496: DOI OMNIBUS BILL.-AB

Senate: Withdrawn From Com

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

S 650: CLARIFY AUTO DEALER LAWS GOVERN RV SALES.

Senate: Withdrawn From Com

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

S 651: AMEND VETERINARY PRACTICE ACT.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 720: CONFIRM JIM WEAVER, STATE CIO.

Senate: Filed

LOCAL BILLS

S 115: KICKOFF COLLEGE SPORTS ACT. (NEW)

Senate: Regular Message Received For Concurrence in H Com Sub

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

S 288: BURKE/CALDWELL BD. OF ED. ELECTIONS. (NEW)

House: Regular Message Received From Senate

House: Passed 1st Reading

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

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