



The Daily Bulletin: 2021-05-06

PUBLIC/HOUSE BILLS

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

House amendment to the 2nd edition adds the following new provisions.

Requires the Department of Transportation (DOT), Ferry Division, to lease a passenger ferry vessel for operation between Hatteras and Ocracoke, with the lease ending no later than September 12, 2021. Requires that \$943,000 of the funds appropriated in SL 2020-91 from the Highway Fund to the Department of Transportation be used by the Ferry Division to lease and operate the ferry.

Requires that \$62,917 of the funds appropriated in SL 2020-91 from the Highway Fund to DOT to be used to reimburse funds Carteret County provided on behalf of Hyde County to fulfill the local match requirements for grant funds to dredge the Cedar Island ferry channel.

Requires \$362,000 of the funds appropriated in SL 2020-91 from the Highway Fund to DOT be used for North Carolina coastal dredging.

Intro. by B. Jones, Iler, Shepard.

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

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

H 291 (2021) [COMMERCIAL PROP. PLAN REV./DOI OVERSIGHT. \(NEW\)](#) Filed Mar 11 2021, *AN ACT TO ESTABLISH AND REQUIRE CERTAIN TIME LINES FOR PLAN REVIEW AND APPROVAL OF COMMERCIAL AND MULTIFAMILY BUILDING PLANS FOR LOCAL GOVERNMENTS, TO PROVIDE ALTERNATIVE METHODS FOR PLAN REVIEW, TO REQUIRE THE COMMISSIONER OF INSURANCE TO PROVIDE FURTHER LOCAL GOVERNMENT INSPECTION DEPARTMENT OVERSIGHT, AND TO REQUIRE LOCAL GOVERNMENTS TO REMIT A PORTION OF PERMIT FEES TO THE DEPARTMENT OF INSURANCE.*

House committee substitute to the 2nd edition makes the following changes.

Instead of amending GS 160D-1106, moves proposed new (c1), (c2), (c3), (c4) and (c5) into new GS 160D-1104.1 and makes the following changes to that proposed language. Requires an initial plan review to be completed and a building permit decision to be issued within 21 days for commercial and multifamily building plans that require a design professional seal under the North Carolina Building Code (was, under the Building Code Council rules). Expands upon the entities that the local government may use if it is unable to complete the initial plan review within 21 days to include a third-party architect or engineer (was, engineering firm only); makes conforming changes. Adds the specified provisions do not limit a local government and a building permit applicant from entering into a mutual agreement to complete an initial plan review in a timeframe that differs from the one specified. Amends the two conditions that apply when the local government does not issue a building permit decision within 21 days or when additional information or a plan resubmission is requested and the local government does not issue a building permit decision within 15 days of receiving the information or resubmitted plan, to now provide that: (1) the building permit applicant may use a third-party architect or engineer that has a valid certificate or the Department of Insurance and its marketplace pool of qualified Code-enforcement officials to review and approve the submitted plans, after such review and approval the local government must issue all necessary building permits within 72 hours; and (2)

if the building permit applicant uses such a review process, then the local government must refund or waive all plan review fees and building permit fees for the project upon issuing the building permit. No longer requires a local government, when it requires specifications or manufacturer engineering information on an element, component, or fixture related to the submitted plan, to obtain that information from the manufacturer. Adds that upon issuance of a building permit using a third-party review, the local government, its inspection department, and the inspectors are discharged and released from any liabilities, duties, and responsibilities with respect to or in common law from any claim that arises out of or is attributed to a plan review performed by a third party or the Department of Insurance's pool of code-enforcement officials. Updates internal cross-references and makes conforming changes to GS 143-151.12.

Amends GS 143-151.13 by making conforming changes, including allowing an architect with a valid certificate who is not employed by the State or a local government to use the certificate for performing initial plan reviews.

The above provisions are now effective October 1, 2021 (was, when the act becomes law).

Enacts new GS 143-138.2 requiring the Commissioner of Insurance, through the Division of Engineering, to promote consistent application of the NC Building Code through the general oversight of all inspection departments. Requires the Commissioner to: (1) establish a consistent Building Code permit application process for all local inspection departments; (2) develop a mechanism to determine the consistent application of the Building Code; (3) establish a new educational program and certification for permit technicians; (4) establish a Building Code Awareness educational program for the general public and county and city officials; (5) develop an insurance credit program for buildings and structures certified as built above the minimum Building Code requirements to increase insurability; and (6) develop annual mandatory two hour code education programs for plan reviewers. Enacts new GS 143-138.3 requiring local inspection departments to annually remit 2% of all Building Code permit fees to the Department of Insurance to support Building Code consistency and associated programs. Effective July 1, 2021.

Makes conforming changes to the act's titles.

Intro. by Zenger, Potts.

GS 143, GS 160D

[View summary](#)

Development, Land Use and Housing, Building and Construction, Government, Local Government

H 418 (2021) **THREATEN LEO OR CORRECTIONAL OFFICER**. Filed Mar 25 2021, *AN ACT TO MAKE IT A CRIME TO THREATEN TO INFLICT SERIOUS BODILY HARM UPON OR TO KILL A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, DETENTION FACILITY EMPLOYEE, OR ANOTHER PERSON AS RETALIATION AGAINST THE OFFICER FOR PERFORMING THE OFFICER'S OFFICIAL DUTIES.*

House amendment makes the following changes to the 1st edition. Amends new GS 14-277.7A to require the officer to have reasonably believed (was, believed) the threat, or as applicable, for the officer or the person being threatened to have reasonably believed (was, believed) the threat.

Intro. by Faircloth, McNeill, Greene, Miller.

GS 14

[View summary](#)

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

H 476 (2021) **JUDGES IN STANLY/MONTGOMERY COUNTIES. (NEW)** Filed Mar 31 2021, *AN ACT TO ESTABLISH A STANLY COUNTY RESIDENCY REQUIREMENT FOR TWO DISTRICT COURT SEATS IN JUDICIAL DISTRICT 20A.*

House committee substitute deletes the content of the 1st edition and instead provides the following.

Amends GS 7A-133(b6), which establishes guidelines for the election of the three district court judgeships in District 20A (consisting of Montgomery and Stanly Counties), effective January 1, 2021, and applicable to elections beginning in 2020. Now requires only persons who reside in Montgomery County to be candidates for one of the judgeships, with candidacy for the remaining judgeships limited to Stanly County residents (was, both Montgomery and Stanly County residents). Effective January 1, 2023, and elections held in 2022 must be held accordingly.

Makes conforming changes to the act's titles.

Intro. by Moss, Sasser, R. Smith, Penny.

[Montgomery, Stanly, GS 7A](#)

[View summary](#)

[Courts/Judiciary, Court System](#)

H 489 (2021) [2021 BUILDING CODE AND DEV. REG. REFORM](#). Filed Apr 1 2021, *AN ACT TO PROVIDE VARIOUS BUILDING CODE AND DEVELOPMENT REGULATORY REFORMS*.

House committee substitute makes the following changes to the 2nd edition.

Section 1

Makes a technical change to the effective date of Section 1(c), which amends GS 87-13.1 regarding relief now required for the Licensing Board for General Contractors if the Board prevails in an injunctive action against violators of Article 1, which governs the licensing of general contractors. Adds that the changes apply to Board actions brought on or after the date the act becomes law.

Section 4

Revises the proposed changes to GS 160D-1104(d), which prohibits charging a fee for reinspection of additional violations of the Code noted by an inspection conducted during a subsequent inspection to verify completion or correction of instances of Code noncompliance if the additional violations are noted on items already approved by the inspections department. Now provides that the inspector noting additional violations in this circumstance may delay (was prohibited from delaying) the issuance of a temporary certificate of occupancy.

Section 5

Modifies the proposed changes to GS 113A-60 as follows. Now prohibits development regulations and local erosion and sedimentation control plans from requiring a silt fence or other measure to be placed, or a wire-backed reinforced silt fence, which would not substantially and materially retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract, due to the contour and topography of the site (was the natural contour and topography of the site).

Intro. by Brody, Riddell, D. Hall, Hunter.

[GS 87, GS 113A, GS 143, GS 160A, GS 160D](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Environment, Environment/Natural Resources, Government, Local Government](#)

H 496 (2021) [PROPERTY OWNERS' RIGHTS/TREE ORDINANCES](#). Filed Apr 5 2021, *AN ACT PROVIDING THAT COUNTIES AND CITIES SHALL NOT ADOPT ORDINANCES REGULATING THE REMOVAL OF TREES FROM PRIVATE PROPERTY WITHOUT THE EXPRESS AUTHORIZATION OF THE GENERAL ASSEMBLY*.

House committee substitute to the 1st edition makes the following changes. Amends GS 160D-921 which provides that the statute does not limit, expand, or otherwise alter the authority of a local government to regulate activity associated with

development and that allows a local government to deny a building permit or refuse to approve a site or subdivision plan for the specified time period. Makes a conforming change by amending the provisions setting the allowable delay time periods related to timber harvests to specify that they apply to harvests resulting in the removal of protected trees that were protected under local government regulations that were authorized by local act of the General Assembly.

Intro. by Boles, Hunter, Brody, Moffitt.

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

[View summary](#)

[Development, Land Use and Housing](#), [Land Use, Planning and Zoning](#), [Property and Housing](#), [Government](#), [Local Government](#)

H 572 (2021) [NO VACCINE MANDATE BY EO, RULE, OR AGENCY. \(NEW\)](#) Filed Apr 14 2021, *AN ACT TO PROHIBIT THE CREATION OF A VACCINE MANDATE BY USE OF AN EXECUTIVE ORDER OR THE RULEMAKING PROCESS.*

House committee substitute deletes the content of the 1st edition and replaces it with the following.

Enacts GS 166A-19.30(c1), barring the Governor from requiring or mandating that any person receive a vaccination by operation of executive order. Grants civil and criminal immunity to any person who refuses to receive a vaccination under the statute. Makes conforming changes. Applies to executive orders and directives issued on or after the date the act becomes law.

Amends GS 166A-19.12 to limit the revisions of the NC Emergency Operations Plan concerning immunization procedures in accordance with new GS 166A-19.30(c1).

Adds new subdivision (3a) to GS 150B-19 to prohibit State agencies from adopting a rule that imposes a mandate or requirement resulting in disciplinary action for a person who receives a vaccination as a condition of the receipt, renewal, or reinstatements of a license by an agency. Applies to proposed rules published in the NC Register and proposed rules of the Office of Administrative Hearings (OAH) on or after October 1, 2021.

Prohibits public health authorities, including the Secretary of the Department of Health and Human Services (DHHS), the State Health Director, the Commission for Public Health, and local health directors from issuing an order requiring any individual to submit to COVID-19 vaccination or series of vaccinations.

Makes conforming changes to the act's titles.

Intro. by Kidwell, Hanig, Moss.

[GS 150B](#), [GS 166A](#)

[View summary](#)

[Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Government](#), [APA/Rule Making](#), [Public Safety and Emergency Management](#), [State Agencies](#), [Department of Health and Human Services](#), [State Government](#), [Executive](#), [Local Government](#), [Health and Human Services](#), [Health](#), [Public Health](#)

H 608 (2021) [DIGNITY FOR WOMEN WHO ARE INCARCERATED.](#) Filed Apr 20 2021, *AN ACT TO PROMOTE THE DIGNITY OF WOMEN WHO ARE INCARCERATED.*

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

Amends GS 15A-1360.5 to require the Department of Public Safety to authorize visitation of incarcerated mothers held in State prisons with low- or minimum-security classifications, who are mothers of a minor child under the age of 1, by the incarcerated mother's minor child under the age of 1 (previously this applied to parents, not just mothers).

Intro. by K. Baker, Clemmons, White, K. Hall.

[GS 15A](#), [GS 143B](#), [GS 153A](#)

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Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Government, State Agencies, Department of Public Safety, Local Government, Health and Human Services, Health

H 615 (2021) **JUVENILE COURT MENTAL HEALTH ASSESSMENTS**. Filed Apr 20 2021, *AN ACT TO PROVIDE FOR AN APPROPRIATE MENTAL HEALTH ASSESSMENT TO BE PROVIDED FOR JUVENILES WHO HAVE BEEN ADJUDICATED DELINQUENT*.

House committee substitute makes the following changes to the 2nd edition. Amends GS 7B-2502 to require the court, in the case of a juvenile with a suspected mental illness or developmental disability that has been adjudicated delinquent, to order a comprehensive clinical assessment or equivalent (was, or other appropriate) mental health assessment; makes conforming changes to the exception to this requirement.

Intro. by Davis.

GS 7B

[View summary](#)

Courts/Judiciary, Juvenile Law, Delinquency, Health and Human Services, Mental Health

H 646 (2021) **DENTAL CARE ACT**. Filed Apr 22 2021, *AN ACT TO REQUIRE HEALTH BENEFIT PLAN COVERAGE FOR MEDICALLY NECESSARY DENTAL PROCEDURES THAT ARE A RESULT OF CANCER TREATMENT*.

House committee substitute to the 1st edition makes the following changes. Amends proposed GS 58-3-281 to require that health benefit plans offered by insurers in the State provide coverage for medically necessary dental procedures that are the direct result of (was, direct or indirect result of) cancer treatments.

Intro. by White, Lambeth.

GS 58

[View summary](#)

Health and Human Services, Health, Health Insurance

H 676 (2021) **NEW ARCHITECT RECRUITMENT ACT**. Filed Apr 22 2021, *AN ACT TO AUTHORIZE THE NORTH CAROLINA BOARD OF ARCHITECTURE TO EXPEND FUNDS TO CONDUCT EDUCATIONAL COURSES FOR LICENSED ARCHITECTS AND INDIVIDUALS INTERESTED IN ARCHITECTURE*.

House committee substitute to the 1st edition makes a clarifying change to GS 83A-3(d).

Intro. by Winslow, Arp, Farkas.

GS 83A

[View summary](#)

Business and Commerce, Occupational Licensing, Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System

H 704 (2021) **LOCAL OPTION SALES TAX FLEXIBILITY**. Filed Apr 27 2021, *AN ACT TO GIVE COUNTIES ADDITIONAL FLEXIBILITY WITH REGARD TO THE LOCAL OPTION SALES AND USE TAX WITHOUT INCREASING THE EXISTING MAXIMUM TAX RATE*.

House committee to the 1st edition makes the following changes. Further amends Article 46 of GS Chapter 105 (county sales and use tax), now the “One-Quarter Cent (1/4¢) or One-Half (1/2¢) County Sales and Use Tax Act.” Offers an alternative ballot question for voter approval to levy the authorized tax, providing for the county to use the net proceeds of the tax for any public purpose (alternatively to the county using the net proceeds for a specific public purpose or purposes chosen from the options listed in GS 153A-149). Makes conforming changes. Adds a new uncodified provision authorizing the Secretary of Revenue to retain the Department of Revenue's costs of collecting and administering the tax for the first two fiscal years beginning with 2021-22, of up to \$300,000 from the gross proceeds as reimbursement. Provides for all other costs of collecting and administering the tax to be deducted pursuant to GS 105-472(a). Explicitly prohibits a county from levying a tax under the Article as amended prior to October 1, 2022.

Intro. by Howard, Moffitt, Warren, Setzer.

[GS 105](#)

[View summary](#)

[Government, Tax, Local Government](#)

H 794 (2021) [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*.

House committee substitute to the 1st edition makes the following changes. Amends proposed GS 160D-913.1 to no longer make an exception for special use permits to the prohibition on applying the procedures of Article 6 (various development regulations) to a school.

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 797 (2021) [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*.

House committee substitute to the 1st edition makes the following changes. Further amends GS 105-228.37 to provide for interest to accrue on the overpayment of excise tax on real property conveyances 30 days after the earlier of (1) a request for a refund filed by the taxpayer with the board of commissioners under subsection (a) or (2) a request for a refund is filed by the taxpayer with the individual to whom the determination is delegated by resolution under new subsection (a1), either the county manager or finance officer. Makes a clarifying change in (a1).

Intro. by Stevens, D. Hall, Willis.

[GS 105](#)

[View summary](#)

[Government, Tax, Local Government](#)

H 820 (2021) [CONSTRUCTION CONTRACT CHANGES](#). Filed May 4 2021, *AN ACT TO CLARIFY THE DESIGN-BUILD AND DESIGN-BUILD BRIDGING STATUTES, TO PROHIBIT WAIVER OF FUTURE CLAIMS FOR PROGRESS PAYMENTS ON CONSTRUCTION CONTRACTS, TO REQUIRE ATTORNEYS' FEES IN CERTAIN LIEN CLAIMS, AND TO CLARIFY THE LAW DECLARING CERTAIN INDEMNITY CONTRACTS VOID*.

Makes the following changes to GS 143-128.1A, which governs design-build contracts. Adds to the defined terms: *design professional*; *first-tier subcontractor*; *licensed contractor*; *licensed subcontractor*; and *unlicensed subcontractor*. Modifies the alternative options for the statement a design-builder must include in its response to a governmental entity's request for qualifications as follows, with the governmental entity permitted to specify which option the statement must include. Requires

either a list of the licensed contractors, licensed subcontractors, and design professionals (was, licensed design professionals) whom the design-builder proposes to use for the project's design and construction, or a list of the licensed contractors and design professionals whom the design-builder proposes to use for the project's design and construction and an outline of the strategy the design-builder plans to use for open subcontractor selection (was, open contractor and subcontractor selection) based on Article 8 (previously did not require a list in addition to the strategy outline option). In either case, now allows the design-builder to self-perform some or all of the work with employees of the design-builder. If using the first statement option, allows design-builders to enter into negotiated subcontracts to perform some or all of the work with licensed subcontractors without bidding and whether or not identified on the list, and allows the list to include one or more unlicensed subcontractors the design-builder proposes to use. Also allows for the design-builder to accept bids for the selection of one or more of its first-tier subcontractors under the first option, with or without the use of negotiated subcontracts. Explicitly prohibits the design-builder from entering into negotiated contracts with first-tier subcontractors under the second statement option. Specifies that the required certification of the design-builder regarding the qualification of each design professional on the design-build team must be included in the response to the request for qualifications in subsection (c), as amended.

Amends GS 143-128.1B concerning public design-build bridging contracts. Adds to the defined terms *costs of the subcontractor work*, *general conditions*, and *licensed contractor*. Prohibits requiring a design-builder to provide the costs of the subcontractor work, defined as the sum of all first-tier subcontract packages bid or proposed to be bid for all construction work under the statute, in the design criteria package, but permits requiring disclosure of the costs after the contract has been executed. Makes conforming changes. Adds to the required contents of the design criteria package the list of *general conditions*, as defined, prepared by the governmental entity for which the design-builder is to provide a fixed fee; the form of the contract to be entered into by the successful design-builder to whom the project is awarded, allowing for the contract to include (at the governmental entity's discretion) multiple phases, termination for convenience and rights arising from the contract, and subsequent setting of guaranteed maximum prices; and a statement directing each design-builder to submit in its response to the request for qualifications an explanation of its proposed plan for its good-faith compliance with GS 143-128.2, regarding minority business participation. Now requires the governmental entity's request for proposal to include a statement submitted in a separate sealed envelope, contemporaneously with the response to the RFP, the design builder's fixed fees, separately listed, and excluding the costs of the subcontractor work, for designing and constructing the project pursuant to the criteria of the governmental entity and terms and conditions set forth in the contract: the general conditions identified in the request for proposal, the general construction services not otherwise provided for, and the design-builder's design services necessary to complete the project. Concerning the required statement of project team selection and member qualification, refers to design professionals rather than licensed design professionals.

Amends GS 143-129 to exclude from the provisions of Article 8, Public Contracts, contracts by a public entity with a design-builder executed pursuant to GS 143-128.1A or GS 143-128.1B, or with a private developer executed pursuant to GS 143-128.1C.

Makes the above provisions applicable to contracts entered into, amended, or renewed on or after October 1, 2021.

Enacts new GS 22B-5 deeming void provisions in lien waivers, releases, construction agreements or design professional agreement which purport to require a promisor to submit a waiver or release of liens or claims as a condition of receiving an interim or progress payments due from a promise under a construction agreement or a design professional agreement, unless the provision is limited to the specific interim or progress payment actually received by the promisor in exchange for the lien waiver. Provides two exceptions. Applies to liens attached on or after October 1, 2021.

Amends GS 44A-35, which authorizes the presiding judge over a suit brought or defended under the provisions of Article 2 or 3 of the Chapter (governing statutory liens on real property and model payment and performance bonds) to allow a reasonable attorneys' fee to the attorney representing the prevailing party. Replaces the definition provided for *prevailing party* to now define the term as the party whose monetary position at the commencement of the trial, arbitration, or hearing is closest to the amount of the judgement or arbitration award, determined by the court or arbitrator based upon the principal amount in controversy between the parties as of the commencement of the trial, arbitration, or hearing resulting in a judgement or arbitration award, considering all relevant facts and circumstances (previously defined as the plaintiff or third party who obtains a judgement exceeding a specified threshold, with an alternate definition for offers of judgement). Now provides for the attorneys' fee to be taxed as part of the court costs with the final judgement or arbitration award. No longer provides for payment of the attorneys' fee by the losing party upon finding that there was an unreasonable refusal by the losing party to fully resolve the matter of the suit or the basis of the defense. Adds the following. Explicitly requires a court or arbitrator to determine the prevailing party as specified in the term's new definition, with parameters given for inclusion of offers or

judgement or settlement offers for calculating the amount in controversy. Lists relevant facts and circumstances to be considered in determining the amount of reasonable attorneys' fees and expenses, and allows a party to submit evidence relating to an award of attorneys' fees by affidavit or declaration. Also allows the court to admit other evidence such as live or deposition testimony. Permits submission of expert testimony to support an award. Applies to any claim arising on or after October 1, 2021.

Amends GS 22B-1, specifying that the exception provided for indemnity provisions in construction agreements or design professional agreements which are otherwise void applies to provisions providing for indemnification or holding harmless a promisee or the promisee's independent contractors, agents, employees, or indemnities against liability resulting from the negligence of any of those parties when the negligence of the promisee, the promisee's independent contractors, agents, employees, or indemnitees is not a proximate cause of the damages sought (was resulting from the sole negligence of those named parties, with no specification that such negligence not be the proximate cause of the damages sought). Applies to construction agreement and design professional agreements entered into on or after October 1, 2021.

Intro. by Arp, Stevens, Brody, Winslow.

[GS 22B, GS 44A, GS 143](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Building and Construction, Property and Housing, Government, Local Government](#)

H 839 (2021) [WHIZ KIDS/SLOW POKES VOTER REGISTRATION](#). Filed May 4 2021, *AN ACT TO ENSURE PROCRASTINATORS THEIR RIGHT TO VOTE BY REESTABLISHING SAME-DAY REGISTRATION, INCLUDING ON ELECTION DAY, AND TO ENGAGE OVERACHIEVING TEENAGERS IN VOTING BY REESTABLISHING THE PROGRAM TO PREREGISTER INDIVIDUALS SIXTEEN AND SEVENTEEN YEARS OF AGE.*

Part I.

Enacts new GS 163-82.6B allowing a person who is qualified to register to vote to register in person and then vote in their county of residence on election day or during one-stop voting. Requires the person to (1) complete a voter registration form and the attestation that the person meets eligibility requirements; and (2) provide proof of residents by presenting one of the listed documents showing the person's current name and address (allows the State Board of Elections to designate additional documents or methods and requires the Board to prescribe procedures for establishing proof of residence). Requires the person to vote a retrievable ballot immediately after registering; if the person does not vote immediately, the registration must be processed and the person may vote later at a one-stop voting site. Sets out the process under which the registration is to be verified and the ballot counted. Allows a person who will become qualified by age to register and vote in the general election for which a partisan or nonpartisan primary is held, even though not so qualified by the date of the primary, to register for the primary and general election before the primary and then vote in the primary and general election after being registered.

Makes conforming changes to GS 163-59 (right to participate or vote in party primary); GS 163-82.6 (concerning registration deadlines for a primary or election); GS 163-166.12 (concerning voting when identification numbers do not match); GS 163-227.2 (concerning voting by absentee ballot); GS 163-283 (concerning voting in a party primary); and GS 063-283.1 (concerning voting in a nonpartisan primary).

Part II.

Amends GS 163-82.1 to allow a person who is at least 16 years old but will not be 18 years old by the date of the next election and who is otherwise qualified to register to preregister to vote and then be automatically registered upon reaching the age of eligibility upon verification of the person's qualifications and address.

Amends GS 163-82.3 to require the State Board of Elections to develop a form to preregister to vote.

Amends GS 163-82.4 by amending the questions that appear on a voter registration application form to include asking the applicant if he is at least 16 years old and understands that he must be 18 on or before election day to vote. Makes conforming changes.

Makes conforming changes to allow for preregistering to vote in the following: GS 163-82.19 (concerning voter registration at driver's license offices); GS 163-82.20 (voter registration at other public agencies); GS 163-82.23 (voter registration at public high schools); GS 115C-81.45 (concerning components of the high school course on the Founding Principles of the United States of America and the State of North Carolina); and GS 115C-47 (encouraging local boards of education to adopt policies to promote student voter registration, and now, preregistration).

Encourages the State Board of Elections and the Department of Public Instruction to improve outreach to high school students on voter registration and preregistration programs when students are eligible to do either.

Intro. by Meyer, Dahle.

[GS 115C, GS 163](#)

[View summary](#)

[Government, Elections, State Agencies, Department of Public Instruction, State Board of Elections](#)

H 854 (2021) [LANDLORD/TENANT CHANGES](#). Filed May 4 2021, *AN ACT TO CLARIFY AND REAFFIRM THE STATUTORY AUTHORITY OF LANDLORDS TO RECOVER OUT-OF-POCKET EXPENSES AND LITIGATION COSTS IN SUMMARY EJECTMENT PROCEEDINGS, TO MAKE VARIOUS CHANGES TO THE LANDLORD/TENANT STATUTES, AND TO PROHIBIT DISCRIMINATORY PRACTICES AGAINST TENANTS WITH SERVICE ANIMALS OR SUPPORT ANIMALS.*

Part I.

Amends GS 42-46 concerning fees, costs, and expenses in summary ejectment proceedings. Clarifies that the fees a landlord is authorized to charge pursuant to a written lease for filing a complaint, a court appearance, or trial following an appeal from a magistrate's judgment are administrative fees, defined to exclude out-of-pocket expenses, litigation costs, or other fees. Makes conforming changes. Adds a new provision stating it is against public policy for a landlord to claim or for a lease to provide for the payment of any out-of-pocket expenses or litigation costs for filing a complaint for summary ejectment and/or money owed rather than those expressly authorized in subsection (i). Modifies subsection (i) to provide for recovery of reasonable attorneys' fees actually paid or owed, rather than incurred, subject to existing caps. Specifies that the out-of-pocket expenses and litigation costs listed in subsection (i) can be included by the landlord in the amount required to cure a default. Makes further clarifying changes.

States intent for the above provisions to apply retroactively to all pending controversies as of the date the act becomes law, as the changes are intended to clarify legislative intent under previous amendments to the statute.

Part II.

Enacts GS 42-14.5 to establish that the criminal record of any prospective or current residential lessee, occupant, or guest does not make any future injury or damage arising from the lessee, occupant, or guest foreseeable by the lessor or the lessor's agent. Establishes that the residential lessor or the lessor's agent is not obligated to screen for or refuse to rent because of the criminal record of a prospective or current lessee, occupant, or guest. Specifies that the statute does not prohibit a residential lessor or the lessor's agent from using a criminal background check as grounds for refusing to rent to any prospective or current lessee in a manner that is consistent with fair housing law.

Amends GS 42-25.7 to provide that residential landlords have rights concerning the personal property of their residential tenants in accordance with GS 28A-25-2 (Effect of affidavit), as amended, in addition to other specified state law.

Amends GS 28A-25-1, Collection of property by affidavit when decedent dies intestate. Explicitly entitles the public administrator or an heir that has presented an affidavit pursuant to subsection (a) of the statute to remove or dispose of the decedent's personal property located in demised premises.

Amends GS 28A-25-1.1, Collection of property by affidavit when decedent dies testate. Explicitly entitles the public administrator, a person named or designated by the executor in the will, or an heir that has presented an affidavit pursuant to subsection (a) of the statute to remove or dispose of the decedent's personal property located in the demised premises.

Amends GS 28A-25-2, Effect of affidavit, to discharge or release a lessor or lessor's agent of the demised premises that removes or disposes of the personal property located in the demised premises, at the direction of an affiant authorized under

GS 28A-25-1(d) and GS 28A-25-1.1(d), as enacted, to the same extent as if the lessor dealt with a duly qualified personal representative of the decedent. Adds that the lessor is not required to see to the application of the personal property or evidence of the personal property, or to inquire into the truth of any statement in the affidavit.

Part III.

Enacts new GS 42-47 prohibiting a landlord from doing the following based upon the status of a tenant, applicant, or household member with a disability or their use of a service or support animal: (1) terminate or fail to renew a tenancy; (2) refuse to enter into a rental agreement; (3) impose different terms, conditions, or privileges in the rental of a dwelling; or (4) make a dwelling unit unavailable or otherwise retaliate in the rental of a dwelling. Allows a landlord to require a person with a disability that is not observable or already known who is seeking accommodation under this statute to provide a written verification of the specified information from a health service provider. Makes a person who intentionally or knowingly does any of the following liable to the landlord: (1) misrepresents to a landlord that the person is a person with a disability or that the person has a disability-related need for the use of a service or support animal; (2) makes a materially false statement to a health service professional to obtain documentation or verification that the person has a disability-related need for the use of a service or support animal; (3) provides a document or verification to a landlord that misrepresents that an animal is a service animal or a support animal; (4) fits an animal that is not a service animal or a support animal with an item that would cause a reasonable person to believe that the animal is a service or support animal; (5) as a health service professional, verifies a person's disability status and need for a service or support animal without personal knowledge of the person's condition adequate to provide a reliable verification, or charges a fee for providing a written verification for a person's disability status and need for a service animal or a support animal and provides no additional service to the person unless specified conditions are met. Sets out damages and penalties that may be awarded to the landlord. Specifies three actions a landlord can take that are not prohibited by this statute. Provides that a landlord who allows a person with a disability to use a service or support animal in a dwelling unit is not liable for any injury to another person caused by the animal.

Amends GS 42-53 to exclude service or support animals from the statute, which allows a landlord to charge a nonrefundable pet fee.

Effective January 1, 2022, and applies to rental agreements or leases entered into on or after that date.

Intro. by Hardister, Szoka, Bradford, Richardson.

[GS 28A, GS 42](#)

[View summary](#)

[Animals, Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing](#)

H 858 (2021) [PERMIT CANNABIS MEDICAL RESEARCH STUDIES](#). Filed May 4 2021, *AN ACT PERMITTING CANNABIS MEDICAL RESEARCH STUDIES*.

Amends GS 90-94.1, now providing an exemption for the possession of cannabis, rather than hemp extract, if three criteria are met. Defines *cannabis* to mean the same as the definition provided for *marijuana* under GS 90-87, which defines terms applicable to the NC Controlled Substances Act. Exemption criteria include: (1) possessing or using cannabis to treat one or more medical conditions if the quantity of usable cannabis possessed does not exceed an adequate supply determined by the patient's physician; (2) possesses a written certification (defined in GS 90-113.101, as amended) in close proximity to the cannabis; and (3) the individual is a caregiver (defined in GS 90-113.101, as amended). Makes the previous provisions providing for administration, criminal immunity, and proper disposal of hemp extract applicable to cannabis. Makes conforming deletions and conforming changes to the section's title.

Revises Article 5G of GS Chapter 90, renaming the Article as the Cannabis Alternative Treatment Act (was the Epilepsy Alternative Treatment Act). Changes the purpose of the act to permitting the use of cannabis as an alternative treatment for medical conditions (was, to permit the use of hemp extract as an alternative treatment for medical conditions). Revises the legislative findings. Modifies the Article's defined term's as follows. Adds *cannabis*, defined to have the same meaning as *marijuana* in GS 90-87 and to refer to quantities of 1.5 ounces or less. Now defines *patient* as an individual who has been diagnosed by a physician with one or more medical conditions. Adds and defines *written certification* to mean a statement in a patient's medical records or a statement signed by a physician with whom the patient has a bona fide physician patient relationship indicating that, in the physician's professional opinion, the patient has a medical condition and the potential health

benefits of the medical use of cannabis would likely outweigh the health risks for the patient. Adds and defines physician. Makes conforming revisions to caregiver. Makes conforming deletions.

Directs the Department of Health and Human Services to create an electronic Cannabis Alternative Treatment database registry for the registration of physicians, caregivers, and patients under the Article. Revises the immunity granted to neurologists to approve of dispensation of hemp extract to registered caregivers to make the provisions applicable for physicians dispensing cannabis to registered caregivers. Makes conforming changes.

Adds a new section, stating legislative intent that any physician who issues a written certification to a patient be permitted to participate in objective scientific research with persons registered in the database registry under GS 90-113.102, as amended, regarding the administration of cannabis as part of medical treatment. Provides parameters of research permitted to be conducted under the Article. Grants criminal immunity to and prohibits professional action against physicians or persons registered to conduct research under GS 90-113.102.

Provides a severability clause.

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

Intro. by Martin, Faircloth, Belk.

GS 90

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers

H 859 (2021) [UNEMPLOYMENT INSURANCE STUDY](#). Filed May 4 2021, *AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMITTEE ON UNEMPLOYMENT INSURANCE IN NORTH CAROLINA*.

Sets out NCGA findings concerning the State's unemployment insurance program (UI program). Establishes the Legislative Study Committee on Unemployment Insurance in North Carolina (Committee), which includes 13 voting members and 3 non-voting members, to study the State's UI program, with an emphasis on comparing features and performance of unemployment insurance administration and benefits in North Carolina to the programs of other states. Sets out six issues that are to be examined. Requires findings and recommendations of the Committee to be made upon majority vote of the voting members. Requires any recommendation to modify a policy, rule, or law to include a specific policy or legislative proposal and the estimated cost. Requires membership appointments to be made by October 1, 2021, with terms commencing at that time. Voting members serve a two-year term and may be reappointed to successive terms. Provides for designation of co-chairs, filling vacancies, removal of members, payment, and staffing. Requires the Committee to submit its initial report by March 1, 2022, to the Governor and the specified NCGA committee, with a final report due before the convening of the 2023 General Assembly. Sets the Commission to expire upon submission of the final report, unless extended by the NCGA.

Intro. by Butler, Harris.

STUDY

[View summary](#)

Employment and Retirement, Health and Human Services, Social Services, Public Assistance

H 866 (2021) [EXPAND NC PROMISE](#). Filed May 4 2021, *AN ACT TO EXPAND THE RESIDENT RATE OF TUITION FOR THE NC PROMISE TUITION PLAN TO INCLUDE CERTAIN DACA RECIPIENTS*.

Amends GS 116-143.11, establishing new qualifications for the in-state tuition rate of \$500 per semester for Elizabeth City State University, UNC-Pembroke, and Western Carolina University, beginning with the 2021 fall academic semester, notwithstanding GS 116-143.1 (provisions for determining resident status for tuition purposes at UNC constituent institutions and NC community colleges) and the previously specified state laws. Requires that: (1) the person received a high school diploma from a secondary school or high school within the State or received a high school equivalency diploma in NC; (2) the

person attended NC schools for at least two consecutive years immediately prior to high school graduation; (3) the person provides documentation to the constituent institution to which the person is enrolled demonstrating that the person is a beneficiary of the federal Deferred Action for Childhood Arrivals (DACA) initiative; and (4) the person satisfies the admission standards for the constituent institution to which the person applied and has secured admission and enrolled as a student at that constituent institution. Deems any information obtained as part of the process of applying for the established in-State tuition rate to be confidential and not public record. Makes organizational changes. Makes conforming changes to the UNC Board of Governors' reporting requirements under the statute, beginning with the report required by October 1, 2022. Applies beginning with the 2021-22 academic year.

Intro. by Hurtado, Graham, Hawkins.

GS 116

[View summary](#)

Education, Higher Education, Government, State Agencies, UNC System

H 867 (2021) **UNIFORM WORKER CLASSIFICATION ACT**. Filed May 4 2021, *AN ACT TO ENACT THE UNIFORM WORKER CLASSIFICATION ACT*.

Adds new Article 24, Uniform Worker Classification Act, to GS Chapter 95, providing as follows. Sets out NCGA findings and states the Article's purpose. Classifies a person as an independent contractor if any of the following are met: (1) the person signs a written contract with the principal stating the principal's intent to retain the person's services as an independent contractor and contains acknowledgements that the person understands that the person is providing services for the principal as an independent contractor, not going to be treated as an employee of the principal, not going to be provided by the principal with either worker's compensation or unemployment compensation benefits, is obligated to pay all applicable taxes, is responsible for the majority of supplies and other variable expenses that the person incurs in connection with performing the contracted-for services unless the expenses are for travel that is not local, the expenses are reimbursed under an express provision of the contract, or the supplies or expenses reimbursed are commonly reimbursed under industry practice; (2) the person has either filed, intends to file, or is contractually required to file an income tax return for a business or for earnings from self-employment; (3) the person provides services through a business entity or through a registered sole proprietorship; (4) with the exception of the exercise of control by the party that engages the worker necessary to ensure the worker's compliance with obligations required by a governmental or regulatory entity, or to protect persons or property, or to protect a franchise brand, the worker has the right to control the manner and means by which the work is done even though he or she may not have control over the final result of the work; (5) the person satisfies three or more of nine specified criteria, including the person controls where the services are performed except for those that can only be performed at specific locations, the person is free to exercise independent initiative in soliciting others to purchase his or her services, the person cannot be required to perform additional services without a new or modified contract, or the person is responsible for maintaining and bearing the costs of any required business licenses, insurance, certifications, or permits required to perform the services. Classifies workers who do not meet the above conditions as employees. Specifies that nothing above requires a party engaging a worker to classify a worker who meets the criteria above as an independent contractor; allows the party engaging the worker to hire the worker as an employee. Prohibits a city, county, municipality, unincorporated community, township, special district, airport authority, port authority, or other local political subdivision of the State from adopting any law, ordinance, regulation, code, charter, regulation, or other guidance in conflict with the new Article. Sets out exemptions. Includes a severability clause.

Amends GS 143-786 by making the provisions of new Article 24 applicable in GS Chapter 143's Article 83, Employee Fair Classification Act. Makes conforming changes.

Effective July 1, 2021.

Intro. by Saine, Moffitt, McNeely.

GS 95, GS 143

[View summary](#)

Employment and Retirement

H 868 (2021) [TELEHEALTH LICENSURE RECIPROCITY](#). Filed May 4 2021, *AN ACT TO ALLOW THE PROVISION OF TELEHEALTH SERVICES THROUGH THE ISSUANCE OF A TELEHEALTH LICENSURE BY THE NORTH CAROLINA MEDICAL BOARD.*

Enacts GS 90-9.6, establishing eight qualifications for licensure by the NC Medical Board (Board) to practice medicine through telehealth services. Such qualifications include holding a full and unrestricted license to practice medicine in another state, D.C., or possession or territory of the US; registration with the Board through application; having no current or pending disciplinary actions against the applicant's license by any medical licensing agency in any state or other jurisdiction at the time of application; and not having an office in the State and not currently providing in-person health care services to patients located in the State. Provides an exemption from licensure requirements for out of state licensed medical providers who provide telehealth services to a patient located in the State in response to an emergency medical condition of the patient, or in consultation with a health care professional licensed in the State who has supervisory and ultimate authority over the diagnosis and health care of the patient.

Establishes recordkeeping requirements of health care services rendered by licensees using telehealth services and provide for confidentiality of medical records.

Provides that a licensee using telehealth services to perform a patient evaluation sufficient to diagnose and treat the patient is not required to research a patient's medical history or conduct a physical or in-person exam before using telehealth to provide health care services to the patient or establish an initial provider-patient relationship. Details parameters for the determination of the encounter location. Provides for venue for a civil or administrative action brought pursuant to the statute.

Deems violations of the statute a Class 3 misdemeanor, subject to a fine of up to \$500 for each offense. Authorizes the Board to take disciplinary action against a licensee for violations.

Authorizes the Board to adopt implementing rules.

Applies to application for licensure on or after October 1, 2021.

Intro. by Lambeth, Potts, Sasser, K. Baker.

[GS 90](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Health and Human Services, Health, Health Care Facilities and Providers](#)

H 869 (2021) [CONSUMER PROT.-ONLINE MARKETPLACE DISCLOSURES](#). Filed May 4 2021, *AN ACT TO REQUIRE CERTAIN DISCLOSURES TO CONSUMERS OF HIGH-VOLUME THIRD-PARTY SELLERS USING ONLINE MARKETPLACES.*

Enacts Article 49, Regulation of Online Marketplace Transactions, to GS Chapter 66 as follows. States the Article's purpose and sets forth five defined terms.

Requires an online marketplace to require that any high-volume third-party seller on the platform provide the online marketplace with specified information within three business days of becoming a high-volume third-party seller, including the deposit account information from a financial institution or payee information, contact information, and a business tax identification number or a taxpayer identification number. Requires the online marketplace to verify the information and documents provided within three business days of receipt; presumes verification of valid government-issued tax documents as of the date of issuance.

Defines *high-volume third-party seller* as a participant in an online marketplace that is a third-party seller and that, in any 12-month period during the previous 24 months, has entered into 200 or more discrete sales or transactions of new consumer goods resulting in the accumulation of an aggregate total of \$5,000 or more in gross revenues in this State.

Requires an online marketplace to annually send a notice to high-volume third-party sellers on its platform to require such sellers to update the required information and documents if applicable within three days of receiving the notice. Requires that the high-volume third-party seller certify that the information is unchanged or that the seller will provide changes as necessary,

with suspension of selling privileges suspended if the seller does not certify that the information is unchanged or provide updated information within three business days of receipt of the notification.

Establishes specified disclosures an online marketplace must make to customers on the consumer good listing or through a link placed on the consumer good listing regarding the high-volume third-party seller.

Provides for suspension of selling privileges on the online marketplace if a high-volume third-party seller does not provide full disclosure of its full physical address and email within three business days of the online marketplace's demand following becoming aware of the seller's false representation of its full physical address and telephone number.

Requires an online marketplace to provide consumers a reporting mechanism on the consumer good listing that allows for electronic and telephonic reporting of suspicious activity and encouraging consumer reporting. Specifies that the ability of online marketplaces to provide additional measures to prevent the sale of fraudulent, stolen, or counterfeit consumer goods on its platform is not affected.

Deems any violation of the new Article an unfair and deceptive trade practice under GS Chapter 75.

Effective December 1, 2021.

Intro. by Stevens, Reives.

GS 66

[View summary](#)

Business and Commerce, Consumer Protection

H 871 (2021) **INFORMED CONSENT/CERTAIN PROCEDURES**. Filed May 4 2021, *AN ACT TO PROVIDE PARAMETERS FOR OBTAINING INFORMED CONSENT FOR PELVIC OR RECTAL EXAMINATIONS ON ANESTHETIZED OR UNCONSCIOUS PATIENTS*.

Enacts new GS 90-21.19A, providing as follows. Defines the following as they are used in the statute: anesthetized patient, health care provider, licensee, pelvic exam, rectal exam, trainee, and unconscious patient. Prohibits a health care provider or trainee from performing or supervising the performance of a pelvic or rectal exam on an anesthetized or unconscious patient, unless one of the following: (1) the patient, or their legal guardian or designated health care agent has given prior informed consent to a pelvic or rectal examination; (2) the patient is incapable of providing informed consent and the pelvic or rectal examination is necessary for diagnostic or treatment purposes; or (3) there is an emergency at the time of the exam and it is impractical to obtain the patient's consent, and the pelvic or rectal examination is necessary for diagnostic or treatment purposes. Sets out the steps that must be taken in order to obtain consent before beginning the exam. Requires obtaining a completed written consent form for any pelvic or rectal exam before each and any time a patient is anesthetized or unconscious. Allows a patient to withhold or withdraw consent anytime before the exam begins without affecting their right to future care or treatment and without the loss of State or federal benefits to which the patient would otherwise be entitled to receive. Makes violations of this statute a Class A1 misdemeanor.

Amends GS 90-21.19A to create a duty for individuals licensed by the North Carolina Medical Board to report within 30 days any violations of new GS 90-21.19A.

Applies to exams on or after October 1, 2021.

Intro. by Adcock, K. Baker, von Haefen.

[View summary](#)

H 880 (2021) **NC SEMIQUINCENTENNIAL LEGISLATIVE COMMISSION**. Filed May 4 2021, *A JOINT RESOLUTION TO ESTABLISH THE NORTH CAROLINA SEMIQUINCENTENNIAL LEGISLATIVE COMMISSION*.

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

Revises the charge of the NC Semiquincentennial Legislative Commission (Commission), now directing the Commission to participate in the planning for the observance of the semiquincentennial of the American Revolution in NC by coordinating with the NC USA 250th Committee and the Department of Natural and Cultural Resources to make recommendations for the observance, including necessary legislative proposals (previously charged the Commission to plan for the observance of the semiquincentennial; encouraged collaboration with the executive branch; and directed the Commission to propose events on multiple dates and locations as historically appropriate, with cost estimates and necessary legislative proposals, and recommend historical preservation organizations to assist in implementation). Specifies that terms of Commission members begin upon appointment and end upon termination of the Commission. Changes the Commission's reporting requirements and termination date. Now requires the Commission to submit annual interim reports, beginning December 1, 2021, and a final report by April 15, 2031 (was an interim report by December 1, 2021, and a final report by April 15, 2022). Provides for termination of the Commission on the earlier of April 15, 2031 (was April 15, 2022), or the submission of the report.

Intro. by Blackwell, Hunter, Wheatley, Bell.

[JOINT RES](#)

[View summary](#)

[Government, Cultural Resources and Museums, General Assembly, State Agencies, Department of Natural and Cultural Resources \(formerly Dept. of Cultural Resources\)](#)

H 880 (2021) [NC SEMIQUINCENTENNIAL LEGISLATIVE COMMISSION](#). Filed May 4 2021, *A JOINT RESOLUTION TO ESTABLISH THE NORTH CAROLINA SEMIQUINCENTENNIAL LEGISLATIVE COMMISSION*.

Establishes the eight-member NC Semiquincentennial Legislative Commission (Commission) to plan for the observance of the semiquincentennial of the American Revolution in NC. Encourages collaboration with the executive branch, and requires the Commission to propose events on multiple dates and locations as historically appropriate, with cost estimates and necessary legislative proposals, and recommend historical preservation organizations to assist in implementation. Provides for Commission membership, meetings, member expenses, and staff. Grants the Committee powers regarding information, data, or document requests of State officers, agencies and entities of legislative committees set forth in GS 120-19. Requires the Commission to submit an interim report by December 1, 2021, and a final report by April 15, 2022, to the specified NCGA committee chairs. Terminates the Commission on the earlier of April 15, 2022, or the submission of the report.

Intro. by Blackwell, Hunter, Wheatley, Bell.

[JOINT RES](#)

[View summary](#)

[Government, Cultural Resources and Museums, General Assembly](#)

H 881 (2021) [LICENSED PSYCHOLOGICAL ASSOC. SUPERV. CHANGES](#). Filed May 4 2021, *AN ACT TO ALLOW LICENSED PSYCHOLOGICAL ASSOCIATES TO PRACTICE INDEPENDENTLY IF CERTAIN REQUIREMENTS ARE MET*.

Amends GS 90-270.139 to provide that a licensed psychological associate (associate) must be supervised by a qualified licensed psychologist when engaged in psychology. Also amends the statute to provide that the associate is not subject to supervision and may engage in independent practice if the associate; (1) has 3,000 hours of post-graduate degree experience in the delivery of psychological services under the supervision of one or more qualified licensed psychologists within a time period of at least 24 consecutive months and less than 60 consecutive months; and (2) submits an application for independent practice with proof of the required supervised experience. Requires approving an associate to engage in independent practice if these requirements are met. Makes conforming changes to the statute. Makes conforming changes to GS 90-270.153. Effective October 1, 2021.

Intro. by Hawkins.

[GS 90](#)

[View summary](#)

[Health and Human Services, Health, Health Care Facilities and Providers](#)

H 883 (2021) [CLASSROOM SUPPLIES FUNDS FOR TEACHERS](#). Filed May 4 2021, *AN ACT TO PROVIDE FUNDS TO CLASSROOM TEACHERS FOR THE PURCHASE OF CLASSROOM SUPPLIES*.

Established the North Carolina Classroom Supply Program (Program) to provide electronic access to funds for eligible classroom teachers to purchase classroom supplies on behalf of public school units participating in the Program to support educational needs of the public school students assigned to those classroom teachers. Defines eligible classroom teacher as any school-based classroom teacher employed by a public school unit to teach students in grades K-12; requires the teacher to be employed as of August 31 of each fiscal year from any funds available to the public school unit to be eligible but allows the public school unit to include classroom teachers employed after August 21 within funds available. Defines a public school unit as a local school administrative unit, a charter school, a regional school, and a school providing elementary or secondary instruction operated by the State Board of Education or by UNC.

Requires local school administrative units, beginning with the 2022-23 fiscal year, to transfer \$100 per eligible teacher from the funds allocated to each local school administrative unit as provided in this act, to a program report code for a classroom teacher electronic account administered according to this act. Allows a public school unit, other than a local school administrative unit, to opt into the Program by August 1 of the fiscal year using funds available to that public school unit. Also allows the local school administrative unit operating a renewal school system plan to opt into the Program using funds available.

Details the use of the fund and the use of the supplies purchased with the funds. Requires the funds for the Program to be used to supplement the materials and supplies otherwise available to classroom teachers.

Sets out requirements for how the Department of Public Instruction is to establish classroom teacher electronic accounts and for capabilities the accounts must have.

Appropriates \$10.2 million in recurring funds for 2022-23 from the General Fund to the Department of Public Instruction to be allocated to local school administrative units for eligible classroom teachers to purchase classroom supplies and for Program administrative costs.

Requires the Department of Public Instruction to report to the specified NCGA committees and division annually beginning March 15, 2023, on purchases made by eligible classroom teachers by each public school unit.

Effective July 1, 2021.

Intro. by Everitt, Clemmons, Gailliard, R. Smith.

APPROP, UNCODIFIED

[View summary](#)

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

H 884 (2021) [ESTABLISH NC INSTITUTE FOR PUBLIC POLICY](#). Filed May 4 2021, *AN ACT TO ESTABLISH THE NORTH CAROLINA INSTITUTE FOR PUBLIC POLICY*.

Includes whereas clauses.

Adds new Article 5D, North Carolina State Institute for Public Policy, in GS Chapter 116, providing as follows. Establishes the North Carolina Institute for Public Policy (NCIPP) to provide the State's policymakers with timely, useful, and practical research products. House NCIPP administratively in the School of Public and International Affairs at NC State University (NC State) and requires NC State to provide NCIPP with administrative, professional, and technical support. Requires NCIPP to: 21 (1) conduct and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the State; (2) evaluate the merits of a program or an activity of a State agency or a program or an activity of a non-State entity conducted or provided using State funds; (3) develop quantitative indicators to be used in an evaluation of a program or an activity of a State agency or a program or an activity of a non-State

entity conducted or provided using State funds; and (4) determine the cost of programs or activities of a State agency or programs or activities of a non-State entity conducted or provided using State funds.

Establishes the 15-member North Carolina Commission on Public Policy (Commission) to oversee and direct NCIPP's work. Sets out membership, with members serving two year terms, provides for filling vacancies, electing a chair, and compensation.

Requires NCIPP to develop a two-year work plan at the beginning of every odd-numbered year that consists of NCGA directed studies as well as other issues of public interest recommended by the Commission. Requires a report upon the completion of each study to the Commission, Governor, and NCGA.

Appropriates \$1,981,165 for 2021-22 from the General Fund to the UNC Board of Governors to be allocated to the School of Public and International Affairs at NC State to be used in the specified amounts to provide: (1) 17 full-time equivalent positions to provide professional, technical, and administrative staff to the NCIPP; and (2) for other operating expenses of NCIPP and the Commission.

Appropriates \$2,117,350 in recurring funds for 2021-22 from the General Fund to the UNC Board of Governors to be allocated to the School of Public and International Affairs at NC State to be used for those same purposes.

Effective July 1, 2021.

Intro. by Everitt, R. Smith, Gailliard.

APPROP, GS 116

[View summary](#)

**Education, Higher Education, Government,
Budget/Appropriations, State Agencies, UNC System, State
Government**

PUBLIC/SENATE BILLS

S 69 (2021) [DMV LICENSING REQ/AUTH. VENDOR FOR ROAD TESTS](#). Filed Feb 8 2021, *AN ACT TO REVISE DIVISION OF MOTOR VEHICLES PERMIT AND LICENSE REQUIREMENTS*.

House amendment amends the 4th edition as follows.

Amends GS 20-11 by amending the conditions to be met for a person who is at least 16 years old but less than 18 years old to obtain a limited provisional license to require the person to have held a limited learner's permit issued by the Division for at least six months (was, nine months under the previous edition and 12 months under current law).

Intro. by Sawyer, McInnis, Britt.

GS 20

[View summary](#)

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

S 208 (2021) [LABOR LAW CHANGES](#). Filed Mar 9 2021, *AN ACT MAKING VARIOUS CHANGES TO THE LABOR LAWS OF NORTH CAROLINA*.

Senate amendment to the 2nd edition makes the following changes.

Further revises the authority in GS 95-133 of the Director of Occupational Safety and Health (Director) to obtain relevant medical records. Now provides for the Occupational Safety and Health Division (Division) as the health oversight agency as defined in specified federal law governing identifiable health information. Authorizes covered entities (as defined by HIPPA) to disclose protected health information to health oversight agencies, including to the Division, as necessary for law enforcement, judicial and administrative purposes. Authorizes the Commissioner of Labor or the Director, or their authorized agents, to obtain medical records of injured or deceased employees that are both directly related to the investigation being

conducted and are necessary to conduct investigations and enforcement proceedings under Article 16. Restricts medical records obtained to the evaluation, diagnosis, or treatment of an employee injury or fatality, consisting of records compiled and maintained by the Department of Health and Human Services (DHHS), by hospital participating in the statewide trauma system, or by emergency management service providers in connection with the dispatch, response, treatment, or transport of individual patients. Maintains that the medical records obtained are strictly confidential.

Intro. by Hise, Galey, Woodard.

GS 74, GS 95

[View summary](#)

Business and Commerce, Employment and Retirement, Government, State Agencies, Department of Labor, Health and Human Services, Health, Public Health, Transportation

S 299 (2021) **NCDOI NAIC ACCREDITATION.-AB** Filed Mar 15 2021, *AN ACT TO MAINTAIN NAIC ACCREDITATION OF THE DEPARTMENT OF INSURANCE BY MAKING REVISIONS TO THE LAWS GOVERNING CREDIT FOR REINSURANCE AND RESERVE FINANCING.*

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

Part I

Makes revisions to proposed GS 58-7-21(b)(4b), which allows for credit when reinsurance is ceded from an insurer domiciled in the State to an assuming insurer licensed to transact reinsurance by, or have its head office or is domiciled in, a reciprocal jurisdiction. Makes changes throughout to the formatting of internal cross-references.

Part II

Revises proposed GS 58-7-22, which establishes general requirements for life insurance ceded for reserve financing purposes. Makes clarifying changes to internal cross-references. Revises new GS 58-7-22(e)(1)g.1. to require the determination of reinsurance credit for ceded reserves, when a reinsurance treaty subject to this statute cedes risk on both covered and noncovered policies, be determined pursuant to subsections (g) and (h) in addition to subsection (f). Makes further technical changes. Codifies the statute's effective date of September 1, 2021.

Intro. by Sawyer, Johnson.

GS 58

[View summary](#)

Business and Commerce, Insurance, Government, State Agencies, Department of Insurance, Health and Human Services, Health, Health Insurance

S 425 (2021) **GAP AND VVPA AGREEMENT CHANGES.** Filed Mar 31 2021, *AN ACT TO MAKE CHANGES TO THE STATUTES GOVERNING GUARANTEED ASSET PROTECTION WAIVERS AND TO CREATE AN ARTICLE GOVERNING VEHICLE VALUE PROTECTION AGREEMENTS.*

Senate committee substitute amends the 1st edition as follows.

Adds to the amended definition of a *guaranteed asset protection waiver* set forth in GS 66-440, applicable to Article 46, to explicitly provide that the term does not include a vehicle value protection agreement as defined in new GS 66-471(10).

Revises the definition of a *vehicle value protection agreement* under GS 66-471, applicable to new Article 48, as enacted, to provide for the occurrence of a less than total physical damage loss as an example of an event that would trigger the provision of a benefit provided for pursuant to contractual agreement (no longer specifically providing for the occurrences of loss, theft, or damage as examples). More specifically excludes a guaranteed asset protection waiver as defined by GS 66-440(5), as amended, rather than debt waivers, from the term.

Intro. by Woodard, Perry, Johnson.

GS 66

[View summary](#)**Business and Commerce, Insurance, Courts/Judiciary, Motor Vehicle**

S 458 (2021) **REINSTATE MTN ISLAND LAKE MARINE COMMISSION**. Filed Apr 1 2021, *AN ACT TO AUTHORIZE THE REINSTATEMENT OF THE MOUNTAIN ISLAND LAKE MARINE COMMISSION*.

Senate committee substitute to the 1st edition makes the follow changes. Amends the provisions concerning the effects of withdrawing from the Mountain Island Lake Marine Commission (Commission), providing that if upon the effectuation of the withdrawal: (1) there are either one or zero participating counties remaining, the Commission is dissolved, and all property of the Commission is to be distributed to or divided among the three counties and any other public agency or agencies serving the Mountain Island Lake area; (3) there are at least two participating counties remaining, the Commission will continue with the remaining participating counties. Adds that if Lincoln County is not a participating county, any decision or advisory action by the Commission must not include the portion of the shoreline area in Lincoln County.

Instead of deleting GS 77-77 in its entirety, renames the statute and provides as follows. Allows the Commission to make recommendations to the duly elected representatives of the participating counties or other relevant elected officials applicable to Mountain Island Lake and its shoreline area on matters concerning the use of Mountain Island Lake. Prohibits such recommendations from conflicting with or superseding provisions of general or special acts or of regulations of State agencies promulgated under the authority of general law. Also allows the Commission, instead of passing regulations supplementary to State law and regulations on operating vessels on Mountain Island Lake, to request (after public notice) that the Wildlife Commission pass local regulations on this subject.

Intro. by Marcus.**Gaston, Lincoln, Mecklenburg, GS 77**[View summary](#)

S 473 (2021) **ENHANCE LOCAL GOV'T TRANSPARENCY**. Filed Apr 1 2021, *AN ACT TO ENHANCE THE INDEPENDENCE OF THE ANNUAL AUDIT OF UNITS OF LOCAL GOVERNMENT PREVIOUSLY THE SUBJECT OF AN AUDIT BY THE STATE AUDITOR, TO REQUIRE GARNISHMENT OF CERTAIN MONIES OWED TO AN ELECTED OFFICIAL OF A UNIT OF LOCAL GOVERNMENT IN CERTAIN INSTANCES, TO PROVIDE IT IS A CRIME FOR AN ELECTED OFFICIAL TO MISUSE THE ELECTED OFFICE FOR PERSONAL FINANCIAL GAIN, AND TO PROVIDE THAT A PUBLIC OFFICER ALSO SERVING ON A NONPROFIT BOARD SHALL NOT ENGAGE IN SELF-DEALING WITH REGARD TO AWARD OF PUBLIC AGENCY CONTRACTS TO THAT NONPROFIT*.

Senate amendment to the 1st edition makes the following changes.

Deletes the proposed revisions of the definitions and parameters applicable to GS 14-234, which bars public officers and employees from benefiting from public contracts. Instead, enacts GS 14-234.2, prohibiting public officials from participating in making or administering a contract (including grants, loans, and appropriations) with any nonprofit with which the public official is associated, with violations punishable as a Class 1 misdemeanor. Defines "participate in making or administering a contract" to include deliberating or voting on a contract, attempting to influence others deliberating or voting on the contract, or soliciting or receiving any gift, favor, reward, service, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the political subdivision of the State with the nonprofit with which that public official is associated. Requires the public official to record his or her recusal with the clerk to the board prior to the political subdivision entering into or administering the contract. Establishes exceptions to the prohibition mirroring those listed in GS 14-234(b) and (d1) through (d5) as to public contracts. Voids contracts entered into in violation of the new statute, but allows contracts void under law to continue in effect until an alternative can be arranged if an immediate termination would result in harm to the public health or welfare and the continuation is approved by the Local Government Commission upon request of the political subdivision. Defines "nonprofit with which that public official is associated" as a nonprofit entity that is organized or operating in the State primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes and of which the public official is the director, officer, or governing board member, excluding any board, entity, or

other organization created by the State or by any political subdivision of the State. Defines public official. Applies to offenses committed on or after December 1, 2021.

Intro. by Barnes, Sanderson, Edwards.

[GS 14](#), [GS 147](#), [GS 153A](#), [GS 159](#), [GS 160A](#)

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Office of State Auditor, Local Government, Nonprofits

S 490 (2021) [LICENSE TO WORK](#). Filed Apr 1 2021, *AN ACT TO REVISE CERTAIN LICENSE REVOCATION LAWS TO ENABLE ACCESS TO EMPLOYMENT*.

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

Revises new GS 20-24.1(g) to require the Division of Motor Vehicles (Division) to lift a revocation for failure to appear for a motor vehicle offense pursuant to subdivision (a)(1) 12 months after the effective date of revocation if the person furnishes proof to the satisfaction of the Division that the person is maintaining financial responsibility pursuant to state law (previously directed to restore a license 12 months after the effective date of revocation pursuant to subsection (a) for either failing to appear at trial or a hearing or to pay court-ordered fines, penalties or other court costs for motor vehicle offenses, if the person furnishes satisfactory proof of motor vehicle liability insurance that complies with state law and is written for a term of at least 12 months). Maintains the exclusion of revocation orders entered resulting from a charge of impaired driving. Adds a new provision establishing that any person whose drivers license was encumbered pursuant to this subsection who drives any motor vehicle on the highways of the State without maintaining financial responsibility is guilty of failure to maintain financial responsibility under GS 20-313 and driving while licensed revoked under GS 20-28(a4), as enacted. Adds a new subsection (h) providing the right to petition the court to order any penalty, fine, or costs which have resulted in revocation pursuant to subdivision (a)(2) for at least 12 months from the revocation's effective date which are not related to a conviction for an offense involving impaired driving be made by civil judgement. Requires a court to grant the petition upon proof by the person of no traffic offense conviction in the 12 months prior to the petition. Makes further clarifying changes. Makes language gender neutral.

Changes the effective date of the proposed changes to GS 20-24.1 and GS 20-7 to December 1, 2021 (was, effective on the date the act becomes law).

Further amends GS 20-28.1, regarding conviction of a moving offense committed while driving during a period of suspension of revocation, to specify that operating a motor vehicle without financial responsibility in violation of GS 20-313 is a "motor vehicle moving offense" under the statute. Revises the proposed additions to subsection (c) to now add that a person that applies for a license following revocation under the statute must furnish satisfactory proof to the satisfaction of the Division that the person is maintaining financial responsibility pursuant to state law (was, proof of motor vehicle liability insurance that complies with state law and is written for a term of at least 12 months). Adds a new provision establishing that any person whose drivers license was encumbered pursuant to this subsection who drives any motor vehicle on the highways of the State without maintaining financial responsibility is guilty of failure to maintain financial responsibility under GS 20-313 and driving while licensed revoked under GS 20-28(a4), as enacted.

Adds the following new content.

Amends GS 20-28, enacting new subsection (a4), making it a Class 1 misdemeanor for a person to operate a motor vehicle upon a highway without maintaining financial responsibility as provided by law after the Division has restored the license pursuant to GS 20-24.1(h), as enacted, in addition to the penalty for violating GS 20-313 (a Class 3 misdemeanor). Applies to offenses committed on or after December 1, 2021.

Directs the Division to adopt implementing rules and provide a designation for the new offense of Driving After Restoration Without Insurance in the digital platform used by law enforcement.

Revises the effective date of SL 2015-186, as amended, which amends specified GS Chapter 20 sections to make certain driving while license revoked offenses that do not include revocations for impaired driving non-moving traffic offenses,

making the act also applicable to offenses committed before December 1, 2015 (was, on or after that date).

Intro. by Hise, Britt, Mohammed.

UNCODIFIED, GS 20

[View summary](#)

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

S 496 (2021) [DOI OMNIBUS BILL.-AB](#) Filed Apr 1 2021, *AN ACT TO AMEND AND TO MAKE CLARIFYING CHANGES TO VARIOUS INSURANCE LAWS, AS RECOMMENDED BY THE DEPARTMENT OF INSURANCE.*

Senate committee substitute deletes the content of the following previous Parts of the act:

- Part VI., which amended GS 20-279.21(d1)(2) to require the party who rejects an umpire's motor vehicle damage appraisal report to pay the costs of the umpire.
- Part XI., which revised GS 58-49-12, which excludes certain health care sharing organizations from the authority of the Commissioner, to make the exception applicable to "faith-based health care sharing organizations" meeting the specified criteria.
- Part XIII., which amended GS 58-33-70 to require a licensed insurance adjuster employer to certify that a licensed insurance adjuster of another state who is to perform emergency insurance adjustment work for the employer has completed an approved catastrophe education course approved by the Commissioner of Insurance prior to beginning the work.

Makes conforming organizational changes.

Intro. by Johnson, Edwards, McInnis.

GS 58, GS 115C, GS 115D, GS 143

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Business and Commerce, Insurance, Courts/Judiciary, Development, Land Use and Housing, Property and Housing, Education, Elementary and Secondary Education, Higher Education, Government, Public Safety and Emergency Management, State Agencies, UNC System, Department of Insurance, Local Government, Health and Human Services, Health, Health Insurance

S 543 (2021) [ESTABLISH KEY INDICATORS/INTERNAL AUDITS](#). Filed Apr 5 2021, *AN ACT TO ESTABLISH MINIMUM KEY PERFORMANCE INDICATORS AND CRITERIA FOR INTERNAL AUDITS, TO DIRECT THE COUNCIL OF INTERNAL AUDITING TO HIRE AN EXECUTIVE DIRECTOR AND TWO ADMINISTRATIVE SPECIALISTS, AND TO APPROPRIATE FUNDS FOR THOSE NEW POSITIONS.*

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

Adds the following to GS 143-746, which governs required internal auditing of State agencies. Charges each agency head with the responsibility of ensuring that agency's internal audit unit meets the required key indicators established by the Council of Internal Auditing (Council). Additionally, requires each agency head to certify to the Council that the audit plan was developed and the audit reports were conducted and reported in accordance with the required internal auditing standards established by the Council pursuant to the Council's new duty under GS 143-747(c)(3a), as enacted.

Amends the membership of the Council of Internal Auditing, under GS 143-747, as follows. Allows the Attorney General to appoint a designee to serve in his place. Requires the members appointed by the President Pro Tempore and the Speaker of the House to be certified public accountants licensed in this State with internal auditing experience and in good standing with the North Carolina State Board of Certified Public Accountant Examiners. Now requires the Executive Director to serve at the will of the Council and be exempt from the North Carolina Human Resources Act. Requires the Council to hire two Administrative Specialists as selected by a majority of the Council, who will perform duties delegated by the Executive Director and will also

serve at the will of the Council and be exempt from the provisions of the North Carolina Human Resources Act. Now requires the Council to establish required minimum key performance indicators and (was, of) criteria that comply with the Professional Practice of Internal Auditing issued by the Institute for Internal Auditors. Makes conforming changes to GS 143-746 to require each agency head to be responsible for ensuring that agency's internal audit unit meets the required key indicators and criteria established by the Council.

Appropriates \$351,857 in recurring funds for the 2021-23 biennium from the General Fund to the Office of State Budget and Management to establish an executive director position and two administrative specialist positions, with specified amounts to be used for the Executive Director and for the administrative specialists.

Makes conforming changes to the act's long title.

Intro. by McInnis, Edwards, Woodard.

GS 143

[View summary](#)

Government, State Agencies

S 575 (2021) **PHARMACISTS IMPROVE PUBLIC HEALTH NEEDS**. Filed Apr 6 2021, *AN ACT TO AUTHORIZE CLINICAL PHARMACIST PRACTITIONERS AND IMMUNIZING PHARMACISTS TO PRESCRIBE, DISPENSE, AND ADMINISTER CERTAIN TREATMENT AND MEDICATIONS*.

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

Eliminates the proposed changes to GS 90-12.7, adding an immunizing pharmacist and a clinical pharmacist practitioner to individuals who are authorized to prescribe an opioid antagonist.

Revises the additional authorities granted to immunizing pharmacists under GS 90-85.15B(c2) as follows. Replaces the ten categories of medications an immunizing pharmacist can prescribe and dispense, to now only list four: (1) FDA approved tobacco cessation medications; (2) oral hormonal contraceptives after the patient completes an assessment consistent with CDC eligibility criteria; (3) prenatal vitamins; and (4) controlled substances for the prevention of human immunodeficiency virus. Eliminates proposed subsection (e), which authorized an immunizing pharmacist to test or screen for and treat minor, nonchronic health conditions, with record requirements. Makes conforming organizational changes.

Makes the provisions of proposed subsection (b1) of GS 90-18.4, providing clinical pharmacists' authority to prescribe and dispense the four identified categories of medications as those provided for immunizing pharmacists in new subsection (c1) of GS 90-85.15B, as enacted.

Changes the directive to the NC Medical Board and the NC Board of Pharmacy joint subcommittee. Now directs the Boards' joint subcommittee to develop statewide written protocols and amend existing rules and protocols to provide and develop certification for clinical pharmacist practitioners and immunizing pharmacists that encompass the new authorized treatments and practices as authorized in the act (previously directed the joint subcommittee to (1) provide certification for clinical pharmacist practitioners and immunizing pharmacists that encompass the new authorized treatments and practices; (2) develop specified training related to minor, nonchronic health conditions; (3) create a list of minor, nonchronic health conditions eligible for screening, testing, and treatment by a clinical pharmacist practitioner or immunizing pharmacists; and (4) create a formulary of FDA approved medications to treat specific minor, nonchronic health conditions, excluding Schedule I-IV controlled substances identified by the NC Controlled Substances Act).

Makes technical changes to the act's effective date provisions; maintains the effective date of October 1, 2021.

Intro. by Burgin, Krawiec, Perry.

GS 90

[View summary](#)

Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers, Public Health

S 594 (2021) **MEDICAID ADMIN. CHANGES & TECH. CORRECTIONS.-AB** Filed Apr 6 2021, *AN ACT MODIFYING CERTAIN MEDICAID-RELATED PROVISIONS OF THE 2020 COVID-19 RECOVERY ACT, UPDATING THE MEDICAID PROGRAM BENEFICIARY APPEALS PROCESSES, INCREASING THE AMOUNT OF ALLOWABLE THERAPEUTIC LEAVE UNDER THE MEDICAID PROGRAM, REQUIRING MEDICAID STANDARD BENEFIT PLANS TO COVER ADDITIONAL BEHAVIORAL HEALTH SERVICES, ALLOWING RETROACTIVE COVERAGE OF MEDICAID SERVICES BY PREPAID HEALTH PLANS, REVISING THE TRANSFER OF AREA AUTHORITY FUND BALANCES, REMOVING THE RATE FLOOR FOR DURABLE MEDICAL EQUIPMENT, AND MAKING VARIOUS TECHNICAL CORRECTIONS TO THE STATUTES GOVERNING THE NORTH CAROLINA MEDICAID PROGRAM, AS REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.*

Senate committee substitute adds the following content to the 1st edition.

Part III.

Adds peer support services, substance abuse comprehensive outpatient treatment program services, and substance abuse intensive outpatient program services to the services that all capitated PHP contracts governed by Article 4 must cover under GS 108D-35(1). Makes organizational changes to organize the subdivision's provisions into sub-subdivisions.

Additionally adds social setting detoxification services or clinically managed residential withdrawal services to the mandated coverage under GS 108D-35(1), effective upon the approval by the Centers for Medicare and Medicaid Services (CMS) of NC Medicaid coverage for such services, on the effective date of the allowed coverage. Requires the Secretary of the Department of Health and Human Services to notify the Revisor of Statutes of the effective date allowed by CMS upon receipt of approval. Repeals this provision if CMS approval is not granted by June 30, 2023.

Further amends GS 108D-35, organizing its provisions into subsections (a) and (b). Adds a new subsection (c) to authorize DHHS to determine whether services for Medicaid program applicants can be covered by a capitated contract during any period of time prior to eligibility determination (currently prohibited by subdivision (6) of the statute). Makes conforming changes.

Makes a technical change to the heading given to Section 3.5 of the act.

Amends Section 11 of SL 2020-88, which establishes a rate floor for durable medical equipment under managed care at 100% of the Medicare fee-for-service rates for durable medical equipment for the first three years of the initial standard benefit plan prepaid health plan (PHP) capitated contracts under Article 4, GS Chapter 108D. Revises the provision to instead set the reimbursement for durable medical equipment and supplies and orthotics and prosthetics under managed care to be the lesser of the supplier's usual and customary rate or the maximum allowable Medicaid fee-for-service rates for durable medical equipment and supplies and orthotics and prosthetics, applicable to the first three years of the initial standard benefit plan PHP capitated contracts.

Part IV.

Amends GS 108D-23, now requiring entities operating Behavioral Health and Intellectual/Developmental Disability (BH IDD) tailored plans to develop and maintain a closed network of providers (was, closed provider networks) only for the provision of behavioral health, intellectual and developmental disability, and traumatic brain injury services.

Changes the act's long title.

Intro. by Krawiec, Burgin, Perry.

UNCODIFIED, GS 90, GS 108A, GS 108C, GS 108D, GS 122C, GS 131E

[View summary](#)

Business and Commerce, Occupational Licensing, Government, State Agencies, Department of Health and Human Services, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Mental Health, Social Services, Public Assistance

S 636 (2021) **DONOR PRIVACY.** Filed Apr 6 2021, *AN ACT TO PROTECT THE PRIVACY OF CHARITABLE DONORS.*

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

Revises proposed GS 55A-16-05(b) to prohibit the disclosure of the identity of any person donating (rather than giving) monies or other tangible goods to a nonprofit corporation by the nonprofit corporation without the consent of the person (previously did not make the prohibition specific disclosure by nonprofit corporations; required the consent of the nonprofit's board of directors; applied to gifts made for furthering a charitable purpose of the nonprofit corporation). Adds that the provision excludes disclosures required by State or federal law, criminal investigations, or court orders. Adds a new subsection (c) to permit a court to award reasonable attorneys' fees to a prevailing party in an action brought under new subsection (b).

Makes similar changes to proposed GS 132-1.1(i) to deem the identity of any person donating (rather than giving) monies or other tangible goods to a nonprofit corporation confidential (no longer applicable to gifts made to further a charitable purpose). Adds authority for a court to award reasonable attorneys' fees to a prevailing party in an action brought under new subsection (i).

Intro. by Sanderson, Steinburg, Krawiec.

[GS 55A](#), [GS 58](#), [GS 120](#), [GS 131E](#), [GS 131F](#), [GS 132](#), [GS 138](#), [GS 163](#)

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Elections, General Assembly, Public Records and Open Meetings, State Government, State Personnel, Local Government, Health and Human Services, Health, Nonprofits

S 668 (2021) [ANTI-PENSION SPIKING AMDS & LITIG. MORATORIUM](#). Filed Apr 7 2021, *AN ACT TO AUTHORIZE THE COLLECTION OF ADDITIONAL CONTRIBUTIONS FROM EMPLOYING UNITS; TO ADDRESS RESPONSIBILITIES FOR CONTRIBUTION-BASED BENEFIT CAP LIABILITIES WHEN THE FINAL EMPLOYER OF A MEMBER IS NOT THE MEMBER'S EMPLOYER FOR AVERAGE FINAL COMPENSATION CALCULATIONS AND TO ADJUST THE FORMULA FOR REDUCED RETIREMENTS WITH CONTRIBUTION-BASED BENEFIT CAP LIABILITIES UNDER THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM; TO PUT A LITIGATION PAUSE IN PLACE AND ESTABLISH A WORKGROUP THAT MAY REPORT TO THE GENERAL ASSEMBLY; AND TO PROVIDE EARLY NOTIFICATION TO THE LOCAL GOVERNMENT COMMISSION 13 OF PROPOSED FINANCING ARRANGEMENTS.*

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

Adds the following content, organized into Parts, and amends content of the previous edition as provided.

Part I.

Amends GS 128-30, applicable to the Local Governmental Employees' Retirement System (LGERS), and GS 135-8, applicable to the Teachers' and State Employees' Retirement System (TSERS), enacting identical provisions to require adjustment of employer contribution rates as of the beginning of the fiscal year following 90 days after the assessment of a contribution-based benefit cap liability not paid as a lump sum payment, to include an additional contribution amount equal to a rate percent that is estimated to extinguish the contribution-based benefit cap liability on an amortization schedule selected by the respective System's Board of Trustees that has been applied to unfunded liabilities in the most recent actuarial valuation, notwithstanding the Administrative Procedure Act's provisions set forth in GS Chapter 150B. Makes changes to GS 128-26(y) and GS 135-4(jj) to provide for this adjustment required of an employer contribution rate under new GS 128-30(d)(4a) and GS 135-8(f)(5) as a third option for the employer of a member who became a member of the respective System before January 1, 2015, or has not earned at least five years of membership service after January 1, 2015, to pay the required contribution-based benefit cap purchase. Deems an employer's continuing compliance with a payment option selected from the three options payment of the employer's additional contribution required by each respective subsection for purposes of GS 128-30(b)(3) and GS 135-8(f)(3).

Part II.

Places the previous content of Sections 1 and 2 of the act into new Section 2.1 of Part II and revises that content as follows. Revises the proposed changes to GS 135-5(a3), regarding the anti-pension-spiking contribution-based benefit cap, to refer to a member's average final compensation consistent with current law (was final average compensation). Changes the effective date of the provisions now organized as Section 2.1 to the date the act becomes law (was retroactively effective to January 1, 2019, and applies to members of the Teachers' and State Employees' Retirement System who retire on or after that date). Adds that the provisions of Section 2.1 expire July 1, 2022.

In addition to the content of the previous edition, as amended above, provides the following new content.

Further amends GS 128-26(y), regarding contribution-based benefit cap purchases for LGERS members. Adds that if the member's employer did not report to the System any compensation paid to the member during the period used to compute the member's average final compensation, the System is required to notify the employer(s) who reported compensation during the member's average final compensation period, specifying that employer's share of the amount that would have had to have been purchased to increase the member's benefit to the pre-cap level, allocated proportionally to each employer based on the total amount of compensation to the member that each employer reported during the period used to compute the member's average final compensation. Specifies that a former employer is not prohibited from paying all or part of the cost of the amount necessary to restore the member's retirement allowance to the pre-cap amount, as provided for employers. Amends the provisions regarding payment of the additional amount required by the employer selecting one of the three payment options to include former employers.

Amends GS 128-27(a3), regarding the determination of a member's retirement allowance who retires on or after January 1, 2015, specifying that the calculation provided determines the retirement allowance to which the member would be entitled but for the adjustment now required as follows. Requires the applicable percentage of the member's average final compensation to be multiplied by the number of years of membership service, rather than the number of years of creditable service, and include the effect of any percentage reduction that applies to the member's service retirement allowance by virtue of the member's age or amount of creditable service as of the retirement date. Prohibits adjusting the amount for an optional allowance elected under subsection (g). Regarding members who became members before January 1, 2015, or who had not earned at least five years of membership service in the System after January 1, 2015, requires that if the member's last employer did not report to the System any compensation paid to the member during the period used to compute the member's average final compensation, the member's employer(s) who reported compensation to the member during such period must make an additional contribution as specified in GS 128-30(g)(2)b., as amended below, if applicable (currently limited to the member's last employer).

Amends GS 128-30(g)(2)b., regarding the collection of employers' contributions. Provides that if the employer associated with the member's last month of membership service did not report to the retirement system any compensation paid to the member during the period used to compute the member's average final compensation, the employer is prohibited from transmitting the lump sum payment required of employers under the subdivision, and instead requires the employer(s) who reported compensation during that member's average final compensation period to transmit a lump sum payment equal to the employer's share of the total required lump sum payment, allocated proportionally to each employer based on the total amount of compensation to the member that each employer reported during such period.

Makes identical changes to the following provisions governing TSERS as those made to LGERS, above, with changes made to cross-references comparable GS Chapter 135 statutes: GS 135-4(jj), as amended [mirroring the changes made to GS 128-26(y)], GS 135-5(a3) [mirroring the changes made to GS 128-27(a3)], and GS 135-8(f)(2)f. [mirroring the changes made to GS 128-30(g)(2)b].

Part III.

Maintains the previously proposed provision barring local boards of education from filing any legal actions against the State regarding the anti-pension spiking contribution-based benefit cap established in GS 135-5(a3), as amended, but changes the moratorium period to beginning on the date the act becomes law and ending on June 30, 2022 (was ending on June 30, 2026). Adds the following. Tolls any applicable statute of limitations from the period beginning on the effective date of this act and ending on June 30, 2022. Provides that during the one-year litigation pause, TSERS is prohibited from requesting an interception of State appropriations pursuant to GS 135-8(f)(3) or for unpaid contributions attributable to an assessment for a contribution-based benefit cap liability that occurs more than 14 months after the effective retirement date of the member.

Eliminates the provisions of previous Section 4, which established an annual reporting requirement for the Board of Trustees of TSERS (Board), beginning January 31, 2022, and ending in 2027, to report to the NCGA regarding all legal actions filed by

local boards of education, including contested cases, regarding the anti-pension spiking contribution-based benefit cap of GS 135-5(a3), as amended.

Directs the Department of State Treasurer and the NC School Boards Association to convene a working group to review the anti-pension-spiking contribution-based benefit cap established, with findings and recommendations restricted to three specified areas, including assessing the feasibility of using informal proceedings to settle disputes with local board of education or other entities, and any other issues the working group wishes to address. Allows the working group to report to the specified NCGA committee by April 1, 2022.

Part IV.

Amends GS 143-64.17A, adding a new requirement for a local school administrative unit or community college to give the Local Government Commission 15 days' notice of its intent to issue a request for proposal for a guaranteed energy savings contract that would involve a financing agreement permitted under GS 160A-20.

Part VI includes a severability clause.

Part VII provides a standard effective date provision.

Makes conforming changes to the act's long title.

Intro. by Burgin.

UNCODIFIED, [GS 128](#), [GS 135](#), [GS 143](#)

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Education, Elementary and Secondary Education, Employment and Retirement, Government, State Agencies, Department of State Treasurer, State Government, Local Government

S 693 (2021) [EXPEDITE CHILD SAFETY AND PERMANENCY](#). Filed Apr 7 2021, *AN ACT TO AMEND VARIOUS ABUSE, NEGLECT, AND DEPENDENCY LAWS TO ENSURE THE SAFETY OF CHILDREN IN OUT-OF-HOME PLACEMENTS AND EXPEDITE PERMANENCY PLANNING HEARINGS FOR CHILDREN WHO HAVE BEEN REMOVED FROM THE HOME; TO CLARIFY THE NONCARETAKER DEFINITION FOR THE RESPONSIBLE INDIVIDUALS LIST; TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, TO DEVELOP A PLAN TO IMPLEMENT A CENTRALIZED HOTLINE FOR CHILD WELFARE INTAKE; TO DEVELOP A PLAN TO INCREASE APPROPRIATE TREATMENT AND RESIDENTIAL SETTINGS; AND TO PROVIDE SAFE AND APPROPRIATE PLACEMENT FOR CHILDREN IN NEED OF BEHAVIORAL AND MENTAL HEALTH SERVICES.*

Senate committee substitute deletes the content of the 1st edition and replaces it with the following.

Part I.

Amends the definition of terms as they are used in Subchapter I, Abuse, Neglect, Dependency, of GS Chapter 7B as follows: (1) expands upon the definition of *neglected juvenile* to include any juvenile whose parent, guardian, custodian or caretaker has not provided for or arranged for necessary medical or remedial care (was, provision only), creates or allows to be created an environment that is injurious to the juvenile's welfare (was, allows or lives in such an environment), or has participated or attempted to participate in the unlawful transfer of custody of the juvenile (was, unlawful transfer without specificity as to participation) and (2) defines *relative* as an individual directly related to the juvenile by blood, marriage, or adoption, including, but not limited to, a parent, grandparent, sibling, aunt, or uncle. Makes technical changes. Makes a conforming change to the statutory cross-reference in GS 7B-1001 to the definition of *reunification*.

Enacts GS 7B-302(a3) to authorize legislators and NCGA joint oversight committees to request access to confidential information and records maintained pursuant to Article 3 (governing the screening of abuse and neglect complaints) by the Department of Health and Human Services (DHHS) or county departments of social services (dss). Restricts requests to purposes of overseeing programs related to child protective services. Provides for coordination between DHHS and dss in fulfilling a request made to either DHHS or a dss director. Deems the confidential information and records shared the minimum necessary to satisfy the request. Prohibits legislators from retaining, receiving copies of, or taking photos or

electronic images of any information or records reviewed. Requires shared information and records to be withheld from public inspection and maintained in a confidential manner. Bars sharing or disclosing the following in response to a request: the identity of the reporter and the juvenile court records of Article 29, Records and Social Reports of Cases of Abuse, Neglect, and Dependency. Deems violation of the new subsection a Class 1 misdemeanor.

Adds to GS 7B-505 to require dss to use due diligence to identify and notify adult relatives and other persons with legal custody of a sibling of the juvenile within 30 days of the initial order removing custody of the juvenile after finding reasonable basis that the charges in an abuse, neglect, or dependency petition are true and criteria of subsection (a) are met. Requires dss to file with the court information regarding such attempts made.

Enacts GS 7B-903(a4), authorizing the court to consider placement of a juvenile following disposition with nonrelative kin or other persons and order placement if the court finds it in the best interest of the juvenile. Allows the court to order dss to notify the juvenile's State-recognized tribe of the need for nonsecure custody for the purposes of locating relatives or nonrelative kin for placement.

Expands the parameters and requirements of GS 7B-903.1 to permit dss to recommend unsupervised visits with or return of physical custody of the juvenile to the parent, guardian, custodian, or caretaker from whose home the juvenile was removed and placed in the custody or placement responsibility of dss (was, limited to recommendations for the return of physical custody). Makes the existing observation visit requirements applicable to recommendation for unsupervised visits, and adds to the requirements applicable to both types of recommendations that the observation visits must occur within 30 days of the hearing at which dss makes the recommendation. Makes conforming changes.

Enacts GS 7B-905.1(b1), providing that a parent's positive result from a drug screen alone is insufficient to deny the parent court-ordered visitation with the juvenile who is ordered placed in or continued in the custody or placement responsibility of a dss. Directs dss to expeditiously file a motion for review and request that a hearing be scheduled within 30 days of a parent's positive result from a drug screen for unsupervised visitation for review of the visitation plan to ensure the child's safety. Provides that while that motion is pending, the dss director can temporarily impose supervision requirements to all or part of the visitation plan subject to proper notification of affected parties. Specifies that the new subsection does not affect authority to cancel a visit if, at the time that visitation between the parent and the juvenile occurs, a parent is under the influence of drugs or alcohol and exhibits behavior that may create an unsafe environment for a child, or the parent appears to be actively impaired.

Revises GS 7B-906.1 as follows. Requires the court to conduct a review or permanency planning hearing within 90 days of the initial disposition hearing, and every six months thereafter, with hearings designated as a review hearing if custody has not been removed from a parent, guardian, caretaker, or custodian, or a permanency planning hearing if custody has been removed (previously, provided for permanency planning hearings within six months of the initial order removing custody and every six months thereafter). Adds a new requirement for the court to provide any person providing care for the juvenile the opportunity to address the court regarding the juvenile's well being. Requires the court's written findings at each hearing to include services offered to prevent removal of the juvenile from either parent, and reports on the juvenile's continuation in the home of the parent, guardian, or custodian, the appropriateness of such continuation, and the goals of the family services plan. No longer includes findings regarding when and if termination of parental rights should be considered. Directs the court to schedule a permanency planning hearing within 30 days of a review hearing in which the juvenile is removed from the custody of a parent, guardian, or custodian. Establishes three written findings the court must make at any review hearing to order removal of the juvenile, including that the juvenile has experienced substantial risk of experiencing physical or emotional harm as a result of at least one specified factor (which overlap with criteria for nonsecure custody under GS 7B-503(a)), the juvenile has experienced substantial risk of experiencing physical or emotional harm as a result of at least one specified factor since the initial disposition hearing (which overlap with criteria which make reunification efforts following the initial dispositional hearing not required under GS 7B-901(c)), and the parent, guardian, custodian, or caretaker consents to the order of removal. Describes the purpose of review hearings. Requires the parent, guardian, or custodian to complete court-ordered services within 12 months from the date of the filing of the petition, demonstrate precipitating circumstances of DHHS involvement with the family have resolved to the satisfaction of the court, and provide a safe home for the juvenile. Directs the court to terminate jurisdiction upon completion of court-ordered services and the juvenile residing in a safe home, absent extraordinary circumstances. Requires consideration and written findings regarding when and if termination of parental rights should be considered at permanency planning hearings where the juvenile is not placed with the parent. Relieves the court of its duty to conduct periodic reviews of placement at any time a juvenile that has been removed from a parent and legal custody has been awarded to either parent (was, upon placement with the parent). Bars a court from waiving or refusing to conduct a review

hearing or a permanency planning hearing if a party files a motion seeking the hearing. Makes clarifying changes to subsection (n) regarding the court's authority to waive hearings, require written reports of the agency or person holding custody, or order less-often hearings, making provisions clearly applicable to permanency planning hearings, as specified.

Adds to the training requirements for foster parent licensure under GS 131D-10.6A, a module that is created and made available by DHHS that explains the roles and obligations of foster parents in judicial proceedings conducted under Subchapter I of GS Chapter 7B.

Repeals GS 7B-905(b), which requires dispositional orders removing custody of the juvenile from the parent, guardian, custodian, or caretaker to direct a review hearing to be held within 90 days of the dispositional hearing.

Amends GS 7B-906.2 to allow the court to not include reunification as a primary or secondary plan of the adopted concurrent plans if the court has made written findings under GS 7B-901(c) or GS 7B-906.1(d)(3) (previously, did not specify findings must be written).

Amends GS 7B-1103(a), which identifies persons who may petition or motion to terminate the parental rights of either or both parents to his, her, or their minor juvenile, to include any person with whom the juvenile has resided for a continuous period of 18 months, rather than two years, or more next preceding the filing.

Applies to actions filed or pending on or after October 1, 2021.

Part II.

Enacts GS 7B-320(a1) to require a dss director to cooperate with law enforcement and the district attorney to determine the safest way possible to provide notification to the identified responsible individual if the director determines that the juvenile is the victim of human trafficking by an individual other than the juvenile's parent, guardian, custodian, or caretaker. Requires documentation of the basis for not providing this notification. Bars notification or proceeding further under Article 3A (Judicial Review; Responsible Individuals List) if the notification is likely to cause mental or physical harm or danger to the juvenile, undermine an ongoing or future criminal investigation, or jeopardize the State's ability to prosecute the identified responsible individual. Effective October 1, 2021.

Part III.

Directs DHHS to develop an operational plan to create and implement a statewide child protective services (CPS) hotline. Provides for creation and membership of a planning and evaluation team. Identifies seven required components of the plan, including a fiscal analysis and implementation time line. Directs DHHS to submit the operation plan to the specified NCGA committee by September 1, 2022.

Part IV.

Directs the Department of Health and Human Services (DHHS) to develop a plan to increase the supply of appropriate treatment and residential settings for minors in need of behavioral and mental health services. Requires consultation with specified stakeholders. Directs that the plan address minors that are both in the custody of county departments or not, and include four listed components, including a time line for increasing the supply of appropriate and least restrictive services and settings, and the estimated costs and staffing to fully implement the plan. Requires DHHS to report to the specified NCGA committee by October 1, 2021.

Part V.

Enacts GS 7B-903.2, establishing procedures for when a juvenile in the custody of dss presents to a hospital emergency department for mental health treatment. Requires the dss director to contact the appropriate LME/MCO, and contact the LME/MCO within 24 hours of admission upon a determination that the juvenile should not remain at the hospital and no appropriate placement is immediately available to request an assessment. Charges the LME/MCO with care coordination and quality management, and arranging an assessment by a qualified licensed clinician within five business days of the notification. Provides options of care and requirements based on the findings and recommendations of the assessment, with dss responsible for transporting the juvenile placed pursuant to these options within five business days. Provides for access and responsibilities of dss during the juvenile's hospital stay. Provides for instances which require the dss director to notify the DHHS Rapid Response Team and provides for confidentiality. Details membership of the Rapid Response Team and charges the Team with coordinating a response to address the immediate needs of a juvenile upon inability of the dss director or

LME/MCO to identify appropriate available placement or provider for the juvenile or if the recommended level of care differed from the authorized level of care. Provides five response options of the Team. Defines *assessment*.

Enacts GS 7B-903.3, allowing a motion to request a hearing when a juvenile is in the custody of dss and is admitted to a hospital emergency department for mental health treatment if the procedures and requirements of new GS 7B-903.2 are not met. Allows any party to the juvenile case, DHHS, the hospital where the juvenile is admitted, or the LME/MCO to make a limited appearance to file the motion; places the burden of proving by clear and convincing evidence that the provisions were not met upon the petitioner. Requires the motion to specifically describe the provisions not satisfied. Provides for service upon specified parties. Requires the motion to be heard within five business days of filing and details procedures and rights during the hearing. Details the court's authorities and required findings, providing four actions the court may order, including an assessment of the juvenile within five business days and placement of the juvenile in accordance with the recommendations of that assessment. Requires the order to be entered within 48 hours of the hearing, and requires a subsequent hearing within 30 days. Provides for dismissal if after the motion is filed the juvenile is no longer staying at the hospital. Defines *assessment*, aligning with the definition given in new GS 7B-903.2. Effective January 1, 2022.

Changes the act's long title.

Intro. by Jarvis, Krawiec, Edwards.

GS 7B

[View summary](#)

Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Government, State Agencies, Department of Health and Human Services, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health

LOCAL/HOUSE BILLS

H 375 (2021) [FRANKLINVILLE/LIBERTY/RAMSEUR/ANNEXATIONS](#). Filed Mar 23 2021, *AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF FRANKLINVILLE, LIBERTY, AND RAMSEUR*.

House committee substitute to the 1st edition adds the following content.

Effective June 30, 2021, removes the described territory from the corporate limits of the City of Roxboro. Provides a savings clause for any liens of the City of Roxboro for ad valorem taxes or special assessments outstanding before June 30, 2021.

Provides that property in the territory described as of January 1, 2021, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2021. Makes conforming changes to the act's titles.

Intro. by McNeill.

Person, Randolph, GS 160A

[View summary](#)

H 412 (2021) [MAGGIE VALLEY/CANTON OCCUPANCY TAX. \(NEW\)](#) Filed Mar 25 2021, *AN ACT TO AUTHORIZE THE TOWNS OF MAGGIE VALLEY AND CANTON TO LEVY AN OCCUPANCY TAX*.

House committee substitute to the 2nd edition makes the following changes.

Adds the following content. Authorizes the Town of Canton Board of Aldermen to levy a room occupancy tax of up to 2%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires the Canton Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in Canton and the remainder for tourism-related expenditures. Requires the Town of Canton Board of Aldermen to adopt a resolution creating the TDA when it adopts the resolution levying the tax.

Makes the TDA a public authority under the Local Government Budget and Fiscal Control Act. Requires at least one-third of the TDA's members be affiliated with businesses that collect the tax in the town, and at least one-half of the members be currently active in the promotion of travel and tourism in the town. Sets out the TDA's duties and reporting requirements. Makes further conforming changes to GS 160A-215. Makes conforming changes to the act's titles.

Intro. by Pless, Clampitt.

Haywood

[View summary](#)

Government, Tax

ACTIONS ON BILLS

PUBLIC BILLS

H 120: RESTRICT LOCAL SALES TAX/SCHOOL CONSTRUCTION. (NEW)

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/10/2021

House: Withdrawn From Cal

House: Cal Pursuant Rule 36(b)

H 142: UNC BUILDING RESERVES/CERTAIN PROJECTS.

House: Ratified

H 144: RDH ADMIN. LOCAL ANESTHETIC (NEW).

House: Passed 2nd Reading

House: Passed 3rd Reading

H 149: IMPROVING ACCESS TO CARE THROUGH TELEHEALTH.

House: Passed 2nd Reading

House: Passed 3rd Reading

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/10/2021

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

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 165: DOT LEGISLATIVE CHANGES.-AB

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

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

House: Ratified

H 218: STREAMLINE PERMITS/REDEVELOPMENT OF PROPERTY.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/10/2021

H 233: APPLICATION FOR A CONVENTION OF THE STATES.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

H 247: STANDARDS OF STUDENT CONDUCT.

House: Amend Failed A1

House: Passed 2nd Reading

House: Passed 3rd Reading

H 272: REVISE HEALTH STANDARD FOR LEAD.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 273: MODIFY BUILDERS INVENTORY TAX EXCLUSION.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

H 278: SUNSET ABC BOARD PARTICIPATION IN LGERS.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

H 286: URGE CONGRESS/PROPOSE "KEEP NINE" AMENDMENT.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 291: COMMERCIAL PROP. PLAN REV./DOI OVERSIGHT. (NEW)

House: Reptd Fav Com Sub 2

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/10/2021

H 297: DMV DEPLOYED ARMED FORCES EXEMPTIONS. (NEW)

House: Passed 2nd Reading

House: Passed 3rd Reading

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

House: Passed 2nd Reading

House: Passed 3rd Reading

H 327: UPDATE LEGISLATIVE REVIEW OF RULES PROCESS.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 344: SYSTEM DEVELOPMENT FEES UPDATE.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 349: TRAFFIC-CONTROL TRAINING PROGRAM.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 355: FIREFIGHTING FOAM REGISTRY/PFAS BAN. (NEW)

House: Passed 2nd Reading

House: Passed 3rd Reading

H 362: REVISE PERSONAL LEAVE COSTS FOR TEACHERS.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 367: UNIFORM PARTITION OF HEIRS PROPERTY ACT.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 372: RESTORE FUNDING/STATE CONSERVATION PURPOSES.

House: Reptd Fav

House: Re-ref Com On Appropriations

H 383: MEDICAID MODERNIZED HOSPITAL ASSESSMENTS.

House: Reptd Fav

House: Reptd Fav

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

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/10/2021

H 395: HIE DEADLINE EXTENSION & PATIENT PROTECTION. (NEW)

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Passed 1st Reading

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

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

H 398: PISTOL PURCHASE PERMIT REPEAL (NEW)

House: Regular Message Sent To Senate

House: Regular Message Sent To Senate

Senate: Regular Message Received From House
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate
Senate: Ref To Com On Rules and Operations of the Senate

H 403: CLARIFY MOTOR VEHICLE FRANCHISE LAWS.

House: Passed 2nd Reading
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Passed 3rd Reading

H 404: IMMUNITY FOR 911 DISPATCHERS.

House: Regular Message Sent To Senate
House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate
Senate: Ref To Com On Rules and Operations of the Senate

H 417: THE SERGEANT MICKEY HUTCHENS ACT.

House: Passed 2nd Reading
House: Passed 3rd Reading

H 418: THREATEN LEO OR CORRECTIONAL OFFICER.

House: Amend Adopted A1
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Ordered Engrossed

H 427: FIREARM SAFE STORAGE AWARENESS INITIATIVE.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate
Senate: Ref To Com On Rules and Operations of the Senate

H 428: TEACHER LICENSURE/RETIRED EDUCATOR PROGRAM.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 434: REFLEXOLOGY REGULATION ACT.

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

H 435: SPECIAL REGISTRATION PLATES. (NEW)

House: Reptd Fav

House: Reptd Fav

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

H 436: SUPPORT LAW ENFORCEMENT MENTAL HEALTH.

House: Regular Message Sent To Senate

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Passed 1st Reading

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

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

H 447: THE JEFF RIEG LAW/PATIENTS RELIGIOUS RIGHTS.

House: Regular Message Sent To Senate

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Passed 1st Reading

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

H 448: AUTH. USE OF BLUE LIGHTS ON FIRE APPARATUS.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 453: HUMAN LIFE NONDISCRIMINATION ACT/NO EUGENICS. (NEW)

House: Passed 2nd Reading

House: Passed 3rd Reading

H 473: REVISE LAWS/SAFE SURRENDER/INFANTS.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Passed 1st Reading

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

H 476: JUDGES IN STANLY/MONTGOMERY COUNTIES. (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/10/2021

H 480: DESIGNATE STATE BALLOON RALLY.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 481: FIREARM DISPOSAL/UNC CAMPUS POLICE.

House: Regular Message Sent To Senate

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Passed 1st Reading

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

H 483: PISTOL PERMIT/MENTAL HEALTH RECORD TO SHERIFF.

House: Regular Message Sent To Senate
House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 489: 2021 BUILDING CODE AND DEV. REG. REFORM.

House: Reptd Fav Com Sub 2
House: Re-ref Com On Rules, Calendar, and Operations of the House
House: Re-ref Com On Rules, Calendar, and Operations of the House
House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 05/10/2021

H 492: WC/PSYCH. TRAUMA-RELATED INJURIES.

House: Passed 2nd Reading
House: Passed 3rd Reading

H 496: PROPERTY OWNERS' RIGHTS/TREE ORDINANCES.

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

H 498: AUTHORIZE ATV AND UTILITY VEHICLE TITLING.

House: Passed 2nd Reading
House: Passed 3rd Reading

H 519: AMEND AUTOCYCLE DEFINITION.

House: Passed 2nd Reading
House: Passed 3rd Reading

H 531: TIMESHARE ACT CHANGES.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate
Senate: Ref To Com On Rules and Operations of the Senate

H 536: LAW ENFORCEMENT DUTY TO INTERVENE.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate
Senate: Ref To Com On Rules and Operations of the Senate

H 546: NC CALL CENTER PRESERVATION ACT.

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

H 547: USE LAW ENF. DECERT INDEX. (NEW)

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 548: DUTY TO REPORT GIGLIO INFORMATION.

House: Regular Message Sent To Senate
House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 554: DESIGNATE 2023 AS YEAR OF THE TRAIL.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 560: PUBLIC SAFETY REFORM.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 572: NO VACCINE MANDATE BY EO, RULE, OR AGENCY. (NEW)

House: Reptd Fav Com Substitute
House: Re-ref Com On Rules, Calendar, and Operations of the House
House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 05/10/2021

H 585: FAIL TO REPORT CRIME/PRIVILEGE EXEMPTION.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading

LOCAL BILLS

H 3: CRAVEN BD OF ED/PARTISAN ELECTORAL DISTRICTS. (NEW)

House: Passed 2nd Reading
House: Passed 3rd Reading

H 85: CLEVELAND CTY BD OF ED VACANCIES. (NEW)

House: Passed 2nd Reading
House: Passed 3rd Reading

H 206: LOUISBURG ECONOMIC DEVELOPMENT INITIATIVE.

House: Serial Referral To Local Government Stricken

H 253: BURGAW TDA MEMBERS/SURF CITY PARKING. (NEW)

House: Passed 3rd Reading

H 350: WARREN COUNTY OCCUPANCY TAX.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/10/2021

H 375: FRANKLINVILLE/LIBERTY/RAMSEUR/ANNEXATIONS.

House: Reptd Fav Com Substitute

House: Reptd Fav Com Substitute

House: Ruled Material

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

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/10/2021

H 386: SUNNY POINT RAIL ROW FIREARM DISCHARGE BAN. (NEW)

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Passed 1st Reading

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

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

H 387: FLEXIBILITY IN FILLING VACANCIES/DURHAM.

House: Passed 2nd Reading

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Passed 3rd Reading

H 390: SCHOOL CALENDAR FLEXIBILITY/CERTAIN SYSTEMS.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Passed 1st Reading

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

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

H 397: YANCEY COUNTY OCCUPANCY TAX INCREASE.

House: Reptd Fav

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/10/2021

H 400: ASHEVILLE CITY SCH. BD. ELECTIONS. (NEW)

House: Passed 2nd Reading

House: Passed 2nd Reading

House: Passed 3rd Reading

H 412: MAGGIE VALLEY/CANTON OCCUPANCY TAX. (NEW)

House: Reptd Fav Com Sub 2

House: Ruled Material

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/10/2021

H 416: PARK SOUTH STATION TRAFFIC CITATIONS.

House: Passed 2nd Reading

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Passed 3rd Reading

H 443: INDIAN TRAIL/STALLINGS OCCUPANCY TAX AUTH.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/10/2021

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