



The Daily Bulletin: 2021-05-07

PUBLIC/HOUSE BILLS

H 142 (2021) [UNC BUILDING RESERVES/CERTAIN PROJECTS](#). Filed Feb 23 2021, *AN ACT TO APPROPRIATE FUNDS FOR THE UNIVERSITY OF NORTH CAROLINA BUILDING RESERVE FOR CERTAIN BUILDING PROJECTS*.

AN ACT TO APPROPRIATE FUNDS FOR THE UNIVERSITY OF NORTH CAROLINA BUILDING RESERVE FOR CERTAIN BUILDING PROJECTS. SL 2021-19. Enacted May 7, 2021. Effective May 7, 2021.

Intro. by [Arp, Hastings, Hardister, Pickett](#).

[APPROP](#)

[View summary](#)

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

H 826 (2021) [HOA/CONDO CRIME & FIDELITY INSURANCE POLICIES](#). Filed May 4 2021, *AN ACT TO REQUIRE HOMEOWNERS ASSOCIATIONS, CONDOMINIUM ASSOCIATIONS, AND THEIR MANAGEMENT COMPANIES TO ACQUIRE CRIME AND FIDELITY INSURANCE POLICIES TO PROTECT THE ASSOCIATIONS' MEMBERSHIP FROM LOSS DUE TO THE ILLEGAL CONDUCT OF THE ASSOCIATION, THE EXECUTIVE BOARD AND ITS EMPLOYEES, OR A MANAGEMENT COMPANY AND TO REQUIRE ANNUAL FINANCIAL AUDITS TO BE PERFORMED BY HOMEOWNERS ASSOCIATIONS AND CONDOMINIUM ASSOCIATIONS*.

Enacts GS 47C-113.1, requiring the executive boards, on behalf of their respective condominium unit owners' associations, to obtain and maintain a crime and fidelity insurance policy if the association has annual assessments for common expenses of at least \$25,000 or with \$25,000 or more of total funds invested or on deposit. Requires the policy to provide coverage of 125% of the total funds on deposit or invested by the executive board plus 125% of the annual budget of the association. Caps the required policy amount at \$1 million. Further details the purpose of the policy and policy requirements. Requires that any management agent or company hired by the association who is authorized to disburse funds from association accounts to be covered by a crime and fidelity insurance policy. Defines a *management agency or company* as a person who, for compensation or the expectation of compensation, performs at least two of the six specified functions, including negotiating contracts or coordinating or arranging for services or the purchase of property and good for or on the behalf of the association. Caps this coverage at \$2 million, providing for coverage of the total annual budgets of all clients of the management agent or company. Further details policy requirements. Requires that when an insurance policy described in the statute is not reasonably or commercially available, the association must annually notify all unit owners by hand-delivered or prepaid US mail. Amends GS 47C-1-102, making new GS 47C-2-113.1 also applicable to all condominiums created in the State on or before the specified date in 1986.

Amends GS 47C-3-118 to remove the provision allowing a more extensive compilation, review, or audit of the association's books and records for the current or immediately preceding year to be required by a majority vote of the executive board, or the majority of the unit owners at an annual or special meeting.

Enacts new GS 47C-3-118.1, requiring the executive board to provide for an annual independent financial audit conducted by a licensed CPA of the association if the association has annual revenues or expenditures or total account balances of \$150,000 or more. Requires completion within one year after the end of the fiscal year, and requires availability to the unit owners within 30 days of completion. Prohibits the audit from being performed by an entity that has affiliation with any member of the executive board or a management agent or company retained by the board.

Enacts GS 47F-3-113.1, establishing insurance requirements of planned community lot owners' associations that mirror those enacted in new GS 47C-3-113.1 applicable to condominium unit owners' associations. Amends GS 47F-3-118 to make changes to the association record provisions in the same manner as GS 47C-3-118 was amended.

Enacts GS 47F-3-118.1, establishing identical provisions regarding financial audits of planned community lot owners' associations as those enacted in GS 47C-3-118.1 for condominium unit owners' associations.

Amends GS 47F-1-102, making new GS 47F-3-113.1 and new GS 47F-118.1 applicable to planned communities created before January 1, 1999.

Effective January 1, 2022, except that the new audit requirements apply to fiscal years beginning on or after the effective date of the act.

Intro. by Saine, Johnson.

GS 47C, GS 47F

[View summary](#)

Business and Commerce, Insurance, Development, Land Use and Housing, Property and Housing

H 846 (2021) **25-YEAR RETIREMENT FOR FIRST RESPONDERS**. Filed May 4 2021, *AN ACT ALLOWING FIRST RESPONDERS (LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL) WHO ARE MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETIRE WITH UNREDUCED BENEFITS AFTER ACHIEVING TWENTY-FIVE YEARS OF CREDITABLE SERVICE AND MAKING CONFORMING CHANGES.*

Amends GS 135-5, concerning the Teachers and State Employees' Retirement System (TSERS) and GS 128-27, concerning the Local Governmental Employees' Retirement System (LGERS), to provide for certain law enforcement officers, firefighters, emergency medical services personnel (EMS personnel) benefits under each system. Defines *EMS personnel* under the TSERS system to mean all full-time employees of any State department, agency, or institution who meet the definition of emergency services personnel in GS 131E-155 (which defines the term as it related to EMS regulations) and under LGERS to mean all rescue squad workers and full-time employees of any employer participating in LGERS who meet the definition of emergency services personnel under GS 131E-155. Adds and defines *firefighter* under TSERS to mean all full-time employees of any State department, agency, or institution who are actively serving in a position with assigned primary duties and responsibilities for the prevention, detection, and suppression of fire.

Enacts GS 135-5(a)(4b) and GS 128-27(a)(6), allowing for any TSERS member who is a law enforcement officer, firefighter, or EMS personnel who has completed 25 years of creditable service to retire upon electronic submission or written application of the Board within the time period specified; provides for members who do not retire upon meeting that creditable service threshold who becomes later employed other than as the member was employed while completing the service to continue to have the right to commence retirement.

Enacts GS 135-5(b22) and GS 128-27(b23) to detail the service retirement allowance provided under each system for members retiring from service on or after January 1, 2022, under subsections (a) or (a1) of each statute, which include both standard retirement and early retirement. Provides for the allowance calculation of law enforcement officers, eligible former law enforcement officers, firefighters, eligible former firefighters, EMS personnel, and eligible former EMS personnel, based on age at retirement and years of creditable service, setting the base allowance at 1.82% under TSERS and 1.85% under LGERS of the member's average final compensation multiplied by the years of creditable service for those retiring after the member's 55th birthday with five years of creditable service, or after 25 years of creditable service regardless of age. Provides for reductions for early retirement. Provides for reductions for early retirement. Makes conforming and clarifying changes under each System.

Amends GS 135-5(m)(1) to extend the alternative benefit option for a survivor of a firefighter or EMS personnel member of TSERS who had obtained 15 years of service as a firefighter or EMS personnel and was killed in the line of duty. Provides for the retirement allowance to be computed pursuant to new GS 135-5(b22)(1), notwithstanding the requirement for the member to have obtained the age of 50.

Similarly amends GS 128-27(m)(1) to extend the alternative benefit option for a survivor of an EMS personnel member of LGERS who had obtained 15 years of service as EMS personnel and was killed in the line of duty. Provides for the retirement allowance to be computed pursuant to new GS 128-27(b23)(1), notwithstanding the requirement for the member to have obtained the age of 50.

Amends GS 143-166.41 and GS 143-166.42, expanding eligibility of the annual separation allowance set forth for sworn law enforcement officers retiring from a State department, agency, or institution, or a local government employer, subject to TSERS and LGERS retirement requirements, to include officers who have completed 25 years of creditable service or more or attained the age of 55 and completed five or more years of creditable service, beginning January 1, 2022. Makes conforming changes to each statute.

Effective January 1, 2022.

Intro. by Saine.

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

[View summary](#)

[Employment and Retirement, Government, Public Safety and Emergency Management, Local Government, Health and Human Services, Health, Health Care Facilities and Providers](#)

H 850 (2021) [ECONOMIC SECURITY FOR ALL](#). Filed May 4 2021, *AN ACT TO ADVANCE ECONOMIC SECURITY FOR ALL IN NORTH CAROLINA BY INCREASING THE STATE MINIMUM WAGE IN PHASES TO FIFTEEN DOLLARS PER HOUR OVER FIVE YEARS; MANDATING EQUAL PAY FOR EQUAL WORK; REQUIRING PAID SICK LEAVE AND FAMILY MEDICAL LEAVE; INCREASING THE TIPPED MINIMUM WAGE; ENDING WAGE THEFT; REQUIRING THE FAIR ASSESSMENT OF PERSONS WITH CRIMINAL HISTORIES BY "BANNING THE BOX"; REPEALING PUBLIC EMPLOYEE COLLECTIVE BARGAINING RESTRICTIONS; REENACTING THE EARNED INCOME TAX CREDIT AND TAX CREDITS FOR CHILD AND DEPENDENT CARE EXPENSES; ELIMINATING IMMUNITY FROM LIABILITY RELATING TO THE CORONAVIRUS PANDEMIC; CREATING A REBUTTABLE PRESUMPTION THAT FIRST RESPONDERS, HEALTH CARE WORKERS, AND ESSENTIAL SERVICE WORKERS INFECTED BY THE CORONAVIRUS CONTRACTED THE DISEASE IN THE COURSE OF EMPLOYMENT; REQUIRING THAT LOCAL GOVERNMENT EMPLOYERS CREDIT FIRST RESPONDERS AND HEALTH CARE WORKERS FOR LEAVE TAKEN WHILE QUARANTINED DURING THE CORONAVIRUS PANDEMIC; MANDATING HAZARD PAY FOR ESSENTIAL STATE EMPLOYEES FIGHTING THE PANDEMIC AND APPROPRIATING FUNDS FOR THAT PURPOSE; DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE PROVISION OF HAZARD PAY TO PRIVATE AND LOCAL GOVERNMENTAL EMPLOYEES; AND APPROPRIATING FUNDS TO SETTLE PANDEMIC-RELATED STATE EMPLOYEE WORKERS' COMPENSATION CLAIMS.*

Section 1.1

Titles the act as the "Economic Security Act of 2021."

Amends GS 95-25.3(a) to delete the provision requiring wages of at least \$6.15 per hour. Replaces deleted text with a provision requiring a minimum wage of (1) \$8.00 per hour, effective Labor Day, September 6, 2021; (2) \$9.50 per hour, effective Labor Day, September 5, 2022; (3) \$11.00 per hour, effective Labor Day, September 4, 2023; (4) \$13.00 per hour, effective Labor Day, September 2, 2024; and (5) \$15.00 per hour, effective Labor Day, September 1, 2025. Each of the provisions states that if the minimum wage in the federal Fair Labor Standards Act is higher than the stated new minimum wage, that the rate specified in the Fair Labor Standards Act is the state minimum wage.

Section 1.2

Enacts Article 2B, entitled Equal Pay Act, to GS Chapter 95 as follows.

Enacts GS 95-25.27 to establish that no employer can pay any person in the employer's employ at wage rates less than the rates paid to employees of the opposite sex in the same establishment for the same quantity and quality of the same classification of work. Establishes that any employer who violates the statute is liable to the employee affected in the amount of the wages that the employee is deprived of by reason of the violation. Defines *employer* to include the state and any local political subdivision of the state and every person having control or direction of any woman or man employed at any labor, or responsible directly or indirectly for the wages of another who employs more than five employees. Defines an *employee* as any person in receipt of or entitled to compensation for labor performed for another.

Establishes that nothing in the statute prohibits a variation of rates of pay for employees engaged in the same classification of work based upon seniority; a difference in length of service; ability; skill; difference in duties or services performed, whether regularly or occasionally; difference in the shift or time of day worked; hours of work; or restrictions or prohibitions on lifting

or moving objects in excess of specified weight or other reasonable differentiation; or factor or factors other than sex, when exercised in good faith.

Bars an employer who is in violation of the statute from reducing the pay of any employee in order to bring the employer into compliance with Article 2B. Bars an employer from retaliating against any employee who seeks redress pursuant to Article 2B or who participates in the investigation of a complaint under Article 2B.

Enacts GS 95-25.28, which allows an affected employee to file a complaint with the Department of Labor (Department) and requires the Department to investigate the complaint and notify the employer and the employee of the results of the investigation. Allows an employee receiving less than the wage to which the employee is entitled under the statute to recover in a civil action the balance of those wages, together with costs and attorneys' fees, notwithstanding any agreement to work for a lesser wage. Provides that the employee is not required to exhaust administrative remedies before filing the civil action. Establishes that a civil action pursuant to the statute is to be instituted within two years after the date that the alleged violation is discovered by the affected employee.

Section 1.3

Enacts new Article 3A of GS Chapter 95, to be cited as the Healthy Families and Healthy Workplaces Act (HFHW Act). Denotes that state public policy in promoting the general welfare of the people of North Carolina requires the enactment of new Article 3A under the police power of the state.

Provides definitions for the following terms as used in the HFHW Act: (1) child, (2) Commissioner, (3) domestic violence, (4) employee, (5) employ, (6) employer, (7) federal act, (8) health care provider, (9) immediate family member, (10) parent, (11) paid sick time or paid sick days, (12) sexual assault, (13) stalking, and (14) small business.

Provides that the proposed HFHW Act does not apply to (1) bona fide volunteers in an organization where an employer-employee relationship does not exist or (2) any person who is exempt from the Wage and Hour Act under GS 95-25.14(a)(2) through (8), GS 95-25.14(b), GS 95-25.14 (b1), GS 95-25.14(c), and GS 95-25.14(e). Makes an exception regarding domestic workers, providing that they are exempt only if they are employed in the place of residence of their employer.

Provides that paid sick time begins to accrue at the start of employment at a rate of one hour of paid sick time for every 30 hours worked. Provides additional guidelines regarding discretionary advancement of sick time by the employer, limits on the amount of paid sick time accrued and the accrual of paid sick time when there is a separation of employment followed by a rehiring by the same employer. Provides that with the exception of the specified exemptions to the proposed HFHW Act, any employee who works in North Carolina and who must be absent from work for the reasons delineated in proposed new GS 95-31.5(a) is entitled to paid sick time.

Directs that paid sick time is to be provided by an employer to an employee who meets any of the following reasons listed in proposed new GS 95-31.5: (1) to care for a member of the employee's immediate family suffering from health issues or to care for the employee's own health, unless the care is covered under federal law or (2) to allow an employee to address the psychological, physical, or legal effects on himself or herself or an immediate family member of domestic violence, sexual assault, or stalking. Permits the employer to require certification of the qualifying health issue or event when a paid sick time period covers more than three consecutive work days. Provides guidelines for determining what may be deemed acceptable certification. Provides that an employer may not require certification from a health care provider that is employed by the employer. Prohibits an employer from requiring the disclosure of details relating to domestic violence, sexual assault, stalking, or an employee's medical condition as a condition of providing paid sick time to an employee. Directs an employer to treat as confidential any information that the employer acquires about the employee or the employee's immediate family regarding domestic violence, sexual assault, stalking, or health conditions. Prohibits the employer from requiring an employee to secure a replacement worker as a condition of providing sick time under the proposed HFHW Act. Directs the employee to make a good faith effort, when the use of sick time is foreseeable, to provide the employer with advance notice. States that this Article provides minimum requirements regarding paid sick time and should not be construed to limit, preempt, or otherwise affect other applicability of law, regulation, or policy that extends additional or greater protections to employees, nor should this proposed act be construed to discourage employers from adopting more generous paid sick time policies. Provides that employers already offering a paid sick time policy do not have to modify that policy providing that the paid sick time policy currently in place offers an employee, at his or her discretion, the option to take paid sick time that is equivalent to the amount and for the same purposes offered under the proposed HFHW Act.

Requires employers to provide notice to employees, in Spanish and English, of their entitlement to paid sick time as well as other related information. Notice may be provided by supplying each employee with a notice in Spanish and English or by conspicuously displaying a poster in the place of employment in both languages. Prohibits employers from retaliating against employees who request or use paid sick time. Provides that an employee has a right to file a complaint with the Commissioner of Labor (Commissioner) or in the General Court of Justice if an employer (1) denies an employee paid sick time or (2) retaliates against an employee for requesting or taking paid sick time.

Authorizes the Commissioner to enforce and administer the provisions of the proposed HFHW Act. Provides criteria regarding employer's liability for a violation under the proposed HFHW Act, including provisions for the potential awarding of liquidated damages for a violation of the act. Directs that actions under the proposed HFHW Act must be brought within two years pursuant to GS 1-53. Also provides that the rights and remedies created under the HFHW Act are supplementary to all existing common law and statutory rights and remedies. Directs the Commissioner to adopt rules to implement the proposed act. Provides that the provisions of the proposed Article are severable.

Makes conforming changes to GS 95-241(a).

Effective July 1, 2021, and applies only to covered employment on or after that date and does not apply to any collective bargaining agreement entered into before July 1, 2021, still in effect on that date.

Section 1.4

Amends the labor laws of North Carolina to reduce the amount of tips that may be counted as wages of tipped employees through December 31, 2021, and subsequently requires that no tips may be counted as wages.

Section 1.5

Amends GS 95-25.2 modifying the format of the definitions section and adding subsection (5a) defining employment status, subsection (8a) defining intentional, and subsection (16a) defining willful. Makes technical changes.

Amends GS 95-25.13(1) requiring only written (not oral) notification to employees at the time of hiring and upon any material change of (1) the promised wages and basis upon which wages will be calculated; (2) the method, day, and place for payment; (3) the full name, mailing address, and telephone number of the employer and the federal and state tax identification number of each employer who is not a natural person; and (4) the employment status of the employee.

Amends GS 95-25.22 requiring the court to award liquidated damages in an amount equal to twice the amount found to be due to an employee when the employer has violated provisions relating to minimum wage, overtime, or wage payment unless the employer shows the act or omission constituting a violation was in good faith and the employer had reasonable grounds for believing the act or omission was not a violation of this article.

Amends GS 95-25.22 adding subsection (a2) clarifying liability of an employer found in violation of GS 95-25.13 to be in the form of actual damages, including, but not limited to, lost wages and benefits plus interest.

Amends GS 95-25.22 adding subsection (a3) expanding the forms of damages available to employees to include statutory damages of up to \$500 per employee per violation.

Amends GS 95-25.22(d) to require awarding costs, fees, and attorneys' fees in addition to a judgment awarded to a plaintiff.

Amends GS 95-25.22 adding an exception to the statute of limitations for actions arising out of a willful violation. Such actions may be brought within three years. Actions may also be brought within one year after notification to the employee of final disposition by the state of a complaint for the same violation.

Amends GS 95-25.23 expanding civil penalties to include violations of provisions relating to minimum wage, overtime, wage payment, or notification.

Enacts GS 95-25.23D entitling an employee to enumerated liens for the purpose of wage claims and collections under this Article and outlining perfection and priority of liens. Liens recorded pursuant to subsection (f) take precedence over all other debts, decrees, liens, or mortgages against the employer. A successful action to foreclose a lien pursuant to this section entitles the employee to court costs and reasonable attorneys' fees. Provides further regulations of the liens.

Section 1.6

Adds a new Article 17, Fair Assessment of Persons with Criminal Histories, to GS Chapter 126. Defines the following terms as they apply in this Article: (1) criminal history means a state or federal history of conviction for a misdemeanor or felony relevant to an applicant's fitness for public employment but does not include a record of arrest that did not result in a conviction; (2) hiring authority means an agent responsible by law for the hiring of persons for public employment; and (3) public employment means any employment, including seasonal or temporary work, where the State or any local political subdivision of the State is the employer.

Prohibits a hiring authority from (1) asking about or considering the criminal history of an applicant for public employment or (2) including such an inquiry on any initial employment application form until the hiring authority has made a conditional offer of employment to the applicant. Declares that this Article does not apply to public employment in positions where the hiring authority is required by law to consider the applicant's criminal record. Provides that nothing in this Article is to be construed to prevent any hiring authority in its discretion from adopting the provisions of this Article.

Prohibits any person from being disqualified for public employment solely or in part because of a previous conviction except as otherwise required by law or if the conviction is determined to be substantially related to the qualifications, functions, or duties of the position after all of the following factors are considered: (1) the level and seriousness of the crime; (2) the date of the crime; (3) the age of the person at the time of conviction; (4) the circumstances surrounding the commission of the crime; (5) the connection between the criminal conduct and the duties of the position; (6) the prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed; and (7) the subsequent commission of a crime by the person. Clarifies that an arrest record that did not result in a conviction cannot be the basis for disqualification from public employment.

Requires a hiring authority to inform an individual of a potential adverse hiring decision based on the background check and provide the applicant an opportunity to provide evidence that the report is incorrect or inaccurate.

Specifies criteria governing data to be collected by the State Human Resources Commission.

Declares that the provisions of this Article apply to all applicants for public employment. Makes a conforming change to GS 126-5.

Effective when the act becomes law and applies to applications for employment made on or after that date.

Section 1.7

Repeals GS 95-98 (prohibiting public employee union collective bargaining agreements).

Section 1.8

Reenacts GS 105-151.31 (earned income tax credit), which provides an individual who claims an income tax credit under section 32 of the Internal Revenue Code (IRS Code) for the taxable year with a credit against the tax imposed by the Individual Income Tax Act (Act), as it existed immediately before its specified sunset expiration. Also amends the statute by establishing that the allowable credit against the tax imposed by the Act is to be equal to 5% (was, a percentage of up to 5% based on the taxable year) of the amount of credit the individual qualified for under section 32 of the Code. Repeals the provision providing that Section 3507 of the Internal Revenue Code, Advance Payment of Earned Income Credit, does not apply to the credit. Repeals the sunset provision.

Effective for taxable years on or after January 1, 2021.

Section 1.9

Enacts GS 115C-151.34, providing for a tax credit against federal income tax for a percentage of employment-related expenses under section 21 of the Internal Revenue Code as a credit against state income tax at an amount equal to 100% of the amount provided under the section that is claimed. Requires provision of required information to the Secretary of Revenue to claim the credit. Reduces the credit amount as specified based on adjusted gross income and filing status. Provides for reduction based on nonresident or part-year resident status. Effective for taxable years beginning on or after January 1, 2021.

Section 2.1

Amends GS 96-14.2 to revise the calculation and cap of the weekly unemployment benefit amount, now providing for an amount equal to the wages paid to the individual in the highest paid quarter of the individual's base period (rather than the last

two completed quarters) divided by 52 and rounded to the next lower dollar. Increases the weekly benefit cap from \$350 to \$535. Effective for benefit weeks beginning on or after January 3, 2021.

Section 2.2

Amends GS 96-14.3 to establish a maximum duration of receipt of unemployment benefits at 26 weeks, unless expressly extended by state or federal law. Makes conforming changes to eliminate adjustments to the benefit period based on seasonal statewide unemployment rates. Effective for benefit weeks beginning on or after January 3, 2021.

Section 3.1

Repeals GS 90-21.133, and Article 48 of GS Chapter 66, which each grant civil immunity to certain health care providers and facilities, and essential businesses related to the COVID-19 pandemic.

Section 4.1

Amends GS 97-53 to expand the definition of occupational diseases applicable to the Workers' Compensation Act to include a pandemic infection contracted by a covered person which is presumed to be due to exposure in the course of the covered person's employment. Defines *covered person* to mean (1) a law enforcement officer, jailer, prison guard, firefighter, or an emergency medical technician, or paramedic employed by a State or local government employer, including volunteer firefighters; (2) a health care worker; or (3) an employee required to work during the pandemic for a business declared essential by executive order or municipal order, including food service, retail, and other essential personnel. Defines pandemic.

Section 4.2

Directs that the following local government employees must be credited by their respective employers for any sick or vacation leave taken by the employee to comply with a quarantine related to exposure of the coronavirus: (1) health care workers; and (2) a law enforcement officer, jailer, prison guard, firefighter, or an emergency medical technician, paramedic, or volunteer firefighter.

Section 5.1

Enacts GS 126-8.6 as follows. States legislative findings and state policy. Sets forth eight defined terms. Deems it the responsibility of the head of each State agency to consult with local, State, and federal public health officials to assess the severity of the individual situation and to determine the actions that must be taken. Sets forth required actions of each State agency. Requires predetermination and designation of mandatory operations and designating mandatory employees to staff operations when isolation, quarantine, and social distancing are public health control measures that may be required to protect public health during a communicable disease pandemic or epidemic. Requires the agency to provide certain accommodations and extra hazard pay, as specified, if the mandatory employee is required to remain at the work site for an extended period of time. Mandates hazard pay at a rate of at least 1.5 or equivalent compensatory time for hours worked onsite up to 40 hours in a work week when an agency is closed or when management determines that only mandatory employees are required to report to the work site. Details further parameters of hazard pay. Authorizes disciplinary action against mandatory employees for willful failure to report to or remain at work; provides for appeal of a denial of exemption under GS 126-34.02. Defines the scope of the statute to include all State employees, regardless of exemption from the Chapter. Makes conforming changes to allow the treatment of mandatory employees to be heard as a contested case after completion of the agency grievance procedure and the Office of State Human Resources review. Makes conforming changes to GS 126-8 regarding minimum leave granted to State employees.

Section 5.2

Directs the Legislative Research Commission to study the practices of local government and private employers regarding hazard pay for their employees, and report to the 2022 Regular Session of the NCGA upon its convening.

Section 6.1

Appropriates \$5 million from the General Fund to the Office of State Budget and Management for 2021-22 to fund mandatory employee hazard pay pursuant to the act.

Appropriates \$5 million from the General Fund to the Office of State Human Resources for 2021-22 to settle claims filed by State employees who contract the coronavirus in the course of State employment as provided in the act. Requires the funds to remain available until December 31, 2021, whereupon the funds can be used to assist State agencies with the settlement of prior outstanding workers' compensation claims.

Effective July 1, 2021.

Section 7.1

Makes the act on the date the act becomes law, unless otherwise provided.

Intro. by Harrison, Fisher, Brown, A. Baker.

APPROP, STUDY, GS 66, GS 90, GS 95, GS 96, GS 97, GS 105, GS 126

[View summary](#)

Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure, Employment and Retirement, Government, Budget/Appropriations, General Assembly, Public Safety and Emergency Management, State Agencies, Department of Administration, Tax, Local Government, Health and Human Services, Health, Health Care Facilities and Providers

H 865 (2021) [PRIVATE COMMERCIAL INSPECTION SYSTEM](#). Filed May 4 2021, *AN ACT TO AUTHORIZE INSPECTIONS BY PRIVATE INSPECTORS OF COMMERCIAL BUILDINGS AND STRUCTURES FOR COMPLIANCE WITH THE NORTH CAROLINA STATE BUILDING CODE*.

Amends Article 9C of GS Chapter 143 as follows.

Adds and defines *private commercial inspection* in GS 143-151.8, applicable to Article 9C governing the NC Code Officials Qualification Board (Board), defining the term as inspection by a private commercial inspection of the manner, workmanship, and materials for the construction of commercial buildings and structures for compliance with the NC Building Code (Code), excluding sections pertaining to boilers and elevators. Adds and defines private commercial inspector.

Adds the following to the powers of the Board under GS 143-151.12: (1) certification and registration of private commercial inspectors; (2) establishing minimum standards and level of education and experience for private commercial inspector instructors; (3) conducting and encouraging research by public and private agencies be designed to improve education and training in private commercial inspection; and (4) ensuring the minimum standards for education of private commercial inspectors includes specific instruction on the duties and responsibilities imposed by law on such inspectors.

Adds new subsections to GS 143-151.14, authorizing the Board to grant a standard private commercial inspector certificate of a particular type of position and level for individuals holding certification as a qualified Code-enforcement official or the equivalent of a private commercial inspector in good standing by a similar out-of-state board or by the International Code Council, without requiring an exam. Provides for a three-year certificate.

Enacts GS 143-151.14A to require certification to engage in private commercial inspection. Provides for either a standard private commercial inspector certificate or a limited private commercial inspector certificate. Upon successfully passing an examination, provides for issuance of a standard certificate to building, electrical, mechanical, plumbing, or fire inspectors, with the certificate limiting the scope of practice to the specific inspection area and level. Allows for qualification for more than one standard certificate. Provides for levels of certificates and coordinating authorities to be provided by Board rules. Allows a private commercial inspector holding a limited certificate to conduct a private commercial inspection requiring a higher level private commercial inspector certificate upon issuance by the Board of a standard certificate appropriate for that higher level inspection. Requires standard certificates be issued to applicants who hold certification as a Code-enforcement official, architectural license, or engineering license, with certificates issued to licensed architects and engineers issued granting authority to conduct any commercial inspection except a final fire inspection.

Enacts GS 143-151.14B to authorize the Board to establish professional development requirements for private commercial inspectors as a condition of certificate renewal or reactivation. Prohibits requiring more than six credit hours per 12 month renewal period. Provides for two of the six continuing education hours of licensed architects and engineers to pertain to those professions. Authorizes the Board to require certified individuals to complete professional development courses within one year of certification, not to exceed six hours in each technical area of certification. Details specific authorities for professional development requirements for reactivation of a standard or limited certificate. Provides for extensions to meet the requirements. Authorizes the Board to adopt implementing rules that govern seven specified areas, including the ability to carry forward course credit and the procedures for compliance and sanctions for noncompliance.

Amends GS 143-151.15, deeming standard and limited certificates valid as long as the person certified is employed by a private commercial inspector or self-employed as a private commercial inspector. Makes provisions applicable to returning and reissuing certificates of Code-enforcement officials applicable to standard and limited private commercial inspector certificates.

Expands GS 143-151.17 to prohibit a private commercial inspector from inspecting any property in which the inspector, or a person with whom the inspector has a close familial (as defined), business, or other associational relationship, has ownership or direct financial interest. Extends the Board's investigative powers to actions of qualified private commercial inspectors and applicants, as well as the Board's disciplinary authority under the statute.

Expands GS 143-151.16, GS 143-151.18, and GS 143-151.19, making the provisions governing certification fees, renewal certificates, examination fees, Article violations and penalties, and Article administration applicable to Code-enforcement officials applicable to private commercial inspectors.

Enacts GS 143-151.19A to require registration with the Board to engage in private commercial inspection by submission of an application that includes proof of certification and an inspection procedure plan that meets the specified criteria, and other required information. Provides for a registration number upon review of the plan and the person's qualifications, or written notice of the Board's basis for denial and the opportunity to resubmit the application. Allows for review of denied resubmitted applications. Requires the Board to maintain a list of registrations. Allows for amendments to registration or inspector procedure plans by private commercial inspectors to the Board at any time. Requires the Board to establish a fee schedule for registrations, not to exceed \$20 per applicant.

Makes changes throughout the above amended statutes to update statutory cross-references.

Amends GS Chapter 160D as follows.

Amends GS 160D-402 to require local governments to return fees to permit holders upon inspections performed by a private commercial inspector.

Amends GS 160D-403 to exclude from the inspector authorities provided in subsection (e) work for which a holder has elected to use private commercial inspections for inspection of commercial buildings and structures for compliance with the Code. Prohibits local governments from conducting final inspections of work or activity on commercial buildings or structures for projects under GS 160D-1105.1, as enacted, regarding inspection reports of commercial buildings or structures by a private commercial inspector. Corrects a statutory cross-reference.

Adds private commercial inspection and private commercial inspector to the defined terms of Article 11, Building Enforcement, defined by statutory cross-reference.

Amends GS 160D-1102, to prohibit local governments from adopting or enforcing any ordinance prohibiting private commercial inspections by private commercial inspectors, and prohibits the Commissioner of Insurance from doing the same when the Department of Insurance has intervened pursuant to subsection (b), as organized, upon failure of the local government to provide inspection services as required by law.

Enacts GS 160D-1103.1 to prohibit private commercial inspections except by qualified private commercial inspectors pursuant to Article 9C of GS Chapter 143, as amended.

Makes conforming changes to GS 160D-1104 to exclude from the scope of local government duties and responsibilities timely inspections made by private commercial inspectors and certificates of compliance with the Code issued or denied by a private commercial inspector.

Amends GS 160D-1105, authorizing local governments to contract with a private commercial inspector certified and registered under Article 9C of GS Chapter 143, as amended, to conduct inspection under Article 11. Additionally authorizes a permit holder to contract with a private commercial inspector to conduct private commercial inspections of commercial buildings and structures for compliance with the Code.

Enacts GS 160D-1105.1 to require local governments and the Commissioner of Insurance to accept and approve, without any further responsibility to inspect, a signed inspection report evidencing the inspection of a commercial building or structure by a private commercial inspector that meets seven criteria, in the event the Department of Insurance has intervened pursuant to GS 160D-1102(b) due to the local government's failure to make required inspections. Criteria include that (1) the private commercial inspection is limited in scope to compliance with the Code; (2) proof of compliance with financial responsibility requirements; and (3) execution of a written contract between the permit holder and the private commercial inspector that contains six specified terms. Upon issuing an inspection report receipt, relieves the local government, the Commissioner of Insurance, its inspection departments, and its inspectors of liability and responsibilities with respect to the inspection. Requires the inspection report comply with the form developed by the Board. Excludes final fire inspections.

Enacts GS 160D-1105.2, explicitly denying private commercial inspectors authority to conduct final fire inspections required by the Code.

Enacts GS 160D-1105.3 to establish bond and insurance requirements of building permit applicants intending to use a private commercial inspector. Provides for the permit holder to request the local government resume project inspections at any time, which allows local governments to claim against the payment bond inspection costs or otherwise seek payment from the permit holder.

Enacts GS 160D-1105.4 to grant civil and criminal immunity to private commercial investigators with regard to inspections or issuance of certificate of compliance unless conduct amounts to intentional or willful misconduct.

Enacts GS 160D-1105.5 to direct the Board to develop specified uniform forms for use by private commercial inspections. Limits information local government can require to information provided on these forms.

Makes conforming changes to GS 160D-1109, regarding violations of inspection department members for failure to perform duties.

Amends GS 160D-1110 requiring permit applicants to attach an addendum to permit applications or amendments noticing intent to use a private commercial inspector on the project, with specified required content. Provides for a reduction in the permit fee by 80%, with the remaining 20% retained by the local government for administrative costs. Provides for local governments to not interfere with permitted projects being inspected by private commercial inspectors, except for the final fire inspection to be conducted by the local government and inspections necessary to determine compliance with applicable local law.

Amends GS 160D-1112 to require building permits to be amended to designate the use of or changed in the designated private commercial inspector.

Amends GS 160D-1116 to include private commercial inspectors in the duties of inspectors regarding final inspections and the issuance of certificates of compliance. Requires certificates issued by private commercial inspectors to be in the form developed by the Board. Requires a private commercial inspector to give a local government 60 days' notice of the date the inspector anticipates issuing a certificate of compliance, as specified, and provide a copy of an issued certificate of compliance to the local government, as specified, with receipt required to be acknowledged by the local government. Provides that only a local government may issue a temporary certificate of occupancy. Prohibits withholding a certificate of occupancy for which a certificate of compliance has been issued by a private commercial inspector. Provides for the local government and Commissioner of Insurance's reliance upon a certificate of compliance issued by a private commercial inspector and resulting indemnity. Expands the Class 1 misdemeanor for violating subsections (a) and (b) to now cover violations of the statute, as amended.

Directs the Department of Insurance to adopt temporary implementing rules within 90 days of the act becoming law.

Effective January 1, 2022.

[View summary](#)

Business and Commerce, Occupational Licensing, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Building and Construction, Government, State Agencies, Department of Insurance, Local Government

H 874 (2021) **SCHOOL CALENDAR FLEXIBILITY**. Filed May 4 2021, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY IN ADOPTING THE SCHOOL CALENDAR*.

Amends GS 115C-84.2(d), which requires local boards of education to determine the opening and closing dates of public schools within specified parameters and dates, subject to a the State Board of Education providing a waiver of the opening date parameters for good cause. Revises the subsection to eliminate the specified parameters and dates, granting local boards more flexibility in determining the dates of opening and closing the public schools, including the dates for year-round schools, providing for the required instructional days and hours set forth in subdivision (a)(1). Makes conforming changes. Applies beginning with the 2021-22 school year.

Intro. by Carney, Hunt.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education, Government, Local Government

H 876 (2021) **VACCINATION PRIVATE CHOICE PROTECTION ACT**. Filed May 4 2021, *AN ACT (1) TO PROTECT INDIVIDUAL DECISION MAKING AND HEALTH INFORMATION WITH REGARD TO AN INDIVIDUAL'S PRIVATE CHOICES ABOUT RECEIVING A COVID-19 VACCINE, (2) TO PROHIBIT THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE FROM ISSUING A COVID-19 VACCINE PASSPORT, (3) TO PROTECT AGAINST EMPLOYMENT-RELATED DISCRIMINATION BASED ON AN EMPLOYEE'S REFUSAL OF EXPERIMENTAL VACCINES, (4) TO PROTECT THE INDIVIDUAL'S RIGHT AGAINST REQUIRED VACCINATIONS OF ANY SORT DURING DECLARED DISASTERS AND EMERGENCIES, AND (5) TO PROHIBIT REQUIRED DISCLOSURE OF ANY VACCINE STATUS REGARDING ANY ADULT OR CHILD UNDER ANY CIRCUMSTANCE WHETHER RELATED TO EDUCATION, HEALTH CARE, OCCUPATIONAL LICENSING, HEALTH INSURANCE, OR DRIVING PRIVILEGES*.

Includes whereas clauses.

Part I.

Prohibits a public health authority in the state from issuing an order that requires an individual to submit to a COVID-19 vaccination or series of vaccinations if such action is medically contraindicated for the individual, or if receiving the vaccination is against the individual's religious or philosophical beliefs. Specifies that for a minor, if the vaccination is against the religious or philosophical beliefs of the parent, guardian, or person in loco parentis, then the public health authority is prohibited from requiring that the minor receive the vaccination.

Prohibits a health care provider authorized to administer a COVID-19 vaccination in this state from requiring a patient, as a condition of receiving the vaccination, to agree to: (1) permission to use or disclose the patient's protected health information or personal identifying information for marketing or other business purposes; (2) waiver of any of the rights guaranteed under specified HIPAA provisions and any federal regulations adopted to implement these sections, except as necessary to safely administer the vaccination and seek reimbursement for the cost from a third-party payor.

Makes the following prohibited discriminatory practices by the following entities if based on an individual's COVID-19 vaccination status: (1) the State, any of its political subdivisions, and any entity receiving State funding in any form to refuse, withhold from, or deny to an individual any State, local, or federal funds or any services, goods, facilities, advantages, privileges, licensing, educational opportunities, or access to health care; (2) any person to refuse employment to an individual, to bar an individual from employment, or to base any employment-related decision; (3) any public accommodation to exclude, limit, refuse to serve, or otherwise treat adversely.

Allows an entity, employer, or public accommodation to have a policy or practice requiring an individual to receive a COVID-19 vaccination or to verify vaccination status if: (1) the entity, employer, or public accommodation notifies the individual that the individual may decline to be vaccinated, may decline to verify the person's COVID-19 vaccination status, or both; (2) the individual may decline to receive a COVID-19 vaccine, decline to verify the person's COVID-19 vaccination status, or both, based on medical contraindication or other condition requiring a reasonable accommodation, natural immunity, or reasons of conscience including sincerely held religious beliefs; and (3) if the individual is a minor, the parent or legal guardian may decline to have the minor receive a COVID-19 vaccination, decline to verify the minor's COVID-19 vaccination status, or both. Requires the entity to keep an individual's decision to receive or decline to receive a COVID-19 vaccination, and their decision as to whether to verify their vaccination status, confidential.

Prohibits an officer or employee of the State or any political subdivision of the State from issuing or establishing any standardized documentation for the purpose of verifying an individual's COVID-19 vaccination status to a third party, or otherwise publishing or sharing an individual's COVID-19 vaccination record. Specifies that this does not prohibit a vaccinated person from receiving a COVID-19 Vaccination Record Card from the Centers for Disease Control and Prevention indicating the person received a COVID-19 vaccination.

Part II.

Enacts new GS 95-25.6A setting out NCGA findings and State policies on workplace vaccination requirements. Prohibits an employer from: (1) asking whether an employee or prospective employee has received a vaccination of a drug approved by the US FDA only for emergency use; (2) requiring, as a condition of employment, that an employee receive a vaccination of a drug approved by the US FDA only for emergency use; or (3) discharging, disciplining, retaliating against, failing to promote, or otherwise discriminating against an employee or prospective employee who opposes a workplace vaccination program to administer a drug approved by the US FDA only for emergency use. Allows employees or prospective or former employees to commence a civil action against an employer for a violation; sets out what a prevailing plaintiff may be awarded. Makes conforming changes to GS 95-241.

Part III.

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 reinstatement 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.

Part IV.

Enacts new GS 130A-158.5 requiring each system used to track or record information about individuals residing in the state who have received specific vaccinations to provide: (1) written, informed consent from each adult and, from a minor's parent or guardian, whose vaccination records and vaccination information are added to the system for the following: a. the individual's participation in the system or inclusion in the system of the individual's vaccination record or vaccine status with respect to a specific vaccine and b. the disclosure or sharing of information concerning the individual's vaccination record, vaccine status with respect to a specific vaccine, or refusal to receive a specific vaccine and (2) an option for an adult or a minor's parent or guardian to withdraw previously granted consent that would trigger the deletion of all the individual's vaccination records and other vaccination information from the system and any other files maintained by the State agency responsible for operating the system.

Part V.

Enacts new GS 130A-157.5 providing that the matter of whether a person chooses for oneself, for one's children, or for anyone for whom that person stands in loco parentis to receive a vaccine or not to receive it is a private matter not to be violated. Prohibits requiring a written statement of the moral, philosophical, or personal beliefs and opposition to the immunization

requirements, and prohibits asking whether such an affected person has received an immunization as a condition of attending any college, university, public or private school (Pre-K through 12), or child care facility.

Part VI.

Enacts new GS 93B-8.1A prohibiting an occupational licensing board or State agency licensing board from denying an applicant a license on the basis of whether the applicant has or has not received a specific vaccination. Prohibits requiring the submission of documents containing medical information for the sole purpose of ascertaining an applicant's vaccination history record as part of a licensure application process and prohibits a board from using any documents provided or information gathered tending to show a vaccination history record as the basis to deny the applicant a license. Prohibits a board from suspending, revoking, declining to renew, declining to reinstate, or taking any disciplinary action against a licensee based on whether the licensee has or has not received a specific vaccination. Sets out allowable remedies.

Enacts GS 131E-79.5 prohibiting a hospital from refusing to provide service to patients on the basis of the patient's vaccination history or because of the patient's refusal to receive a specific vaccine or provide proof of immunity. Enacts GS 131E-79.6 prohibiting a hospital from denying, terminating, or suspending a physician's hospital privileges on the basis of the physician's vaccination history or because of the physician's refusal to receive a specific vaccination or provide proof of immunity. Prohibits a hospital that offers a medical residency program or a clinical program or experience necessary to satisfy degree requirements from: (1) discriminating against an applicant or prohibiting admission, enrollment, or employment as an intern or resident on the basis of the student's vaccination history or because of the student's, intern's, or resident's refusal to receive a specific vaccination or provide proof of immunity and (2) terminating an internship or residency on the basis of an intern's or resident's refusal to receive a specific vaccination or provide proof of immunity. Allows bringing a civil suit for violations and sets out allowable remedies.

Enacts GS 131D-9.5 prohibiting a licensed adult care home from refusing to admit an applicant or provide services to a facility resident on the basis of the applicant's or resident's vaccination history or because the applicant or resident refuses to receive a specific vaccination or provide proof of immunity. Enacts new GS 131E-113.5 setting out the same prohibition for licensed nursing homes.

Part VII.

Enacts new GS 99D-1.5 that makes it a discriminatory practice to use an individual's vaccination or immunity status to deny an individual the full and equal enjoyment of goods, services, privileges, advantages, facilities, and public spaces. Defines *public space* as: (1) places of public accommodation; (2) any building or space that is owned, leased, operated, occupied, or otherwise used by a public body; or (3) any other building or space generally open to the public. Sets out five specified prohibitions, including: subjecting any individual to segregation or separate treatment in any matter related to that individual's receipt of any disposition, service, financial aid, or benefit provided to other members of the general public; restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit provided to other members of the general public; and denying an individual an opportunity to participate in a program through the provision of service or otherwise afford that individual an opportunity to do so that is different from that afforded to other members of the general public. Prohibits requiring an individual to take, receive, or disclose whether a person has received a COVID-19 vaccination as a condition of (1) entering a business or public space; (2) receiving any good or service; or (3) enjoying any facilities, privileges, advantages, or public spaces. Prohibits the State and its agencies and subdivisions from creating, imposing, or allowing to be imposed any device or method of identification that might be considered to be a vaccine passport required to travel, enter any public space or private property, or do business in the state.

Part VIII.

Amends GS 58-3-25 to prohibit an insurer from refusing to insure or continue to insure an individual, to limit available coverage, or to charge an individual a different rate, solely because of an individual's vaccination status.

Enacts new GS 58-50-286 prohibiting a health benefit plan from using the status of any patients of a provider as a (1) qualification or requirement for entering into a contract with the health care provider, (2) basis for terminating a contract with the health care provider, (3) factor in the provision of financial incentives for a health care provider, or (4) a factor in the imposition of penalties on a health care provider.

Enacts GS 58-51-2 prohibiting a group health plan offered on the large group market from using an insured's vaccination status as a factor in the rating of a group health plan providing coverage in this state.

Applies to contracts issued, renewed, or amended on or after October 1, 2021.

Part IX.

Enacts new GS 20-43.5 prohibiting the Division of Motor Vehicles (DMV) from collecting or maintaining vaccination information or connecting DMV records to a person's vaccination information. Prohibits requiring vaccination information in order to get an identification card, a learner's permit, or a driver's license. Prohibits a business or governmental entity that requires a person to present a DMV-issued identification card, learner's permit, or driver's license to verify identification from requiring a person to provide vaccination information or proof of immunity; also prohibits those entities from discriminating, denying services or access, or otherwise penalizing a person for not receiving a vaccination or providing proof of immunity.

Part X.

Includes a severability clause.

Intro. by Moffitt, Warren, Kidwell, Setzer.

[GS 20](#), [GS 58](#), [GS 93B](#), [GS 95](#), [GS 99D](#), [GS 130A](#), [GS 131D](#), [GS 131E](#), [GS 150B](#), [GS 166A](#)

[Business and Commerce](#), [Occupational Licensing](#), [Courts/Judiciary](#), [Motor Vehicle](#), [Education](#), [Preschool](#), [Elementary and Secondary Education](#), [Employment and Retirement](#), [Government](#), [Public Safety and Emergency Management](#), [State Agencies](#), [Department of Transportation](#), [State Government](#), [Executive](#), [Health and Human Services](#), [Health](#), [Health Care Facilities and Providers](#), [Health Insurance](#), [Public Health](#), [Social Services](#), [Adult Services](#), [Child Welfare](#)

[View summary](#)

H 877 (2021) [FAIR COMPENSATION FOR EXONEREEES](#). Filed May 4 2021, *AN ACT TO ALLOW INDIVIDUALS ERRONEOUSLY CONVICTED OF A FELONY TO SEEK MONETARY COMPENSATION FROM THE STATE.*

Enacts GS 15A-1423 to allow any person convicted of a felony and imprisoned in the State whose conviction is later vacated by an order of a state or federal court to file a petition in superior court to determine whether the petitioner's conviction was erroneous, described to mean if no reasonable juror could find beyond a reasonable doubt that the petitioner committed the crime(s) for which the petitioner was convicted, that the petitioner was an accessory or accomplice to the acts that were the basis of the conviction, or that the petitioner had any criminal culpability for any act that was the basis of the conviction. Requires that the charges were dismissed against the defendant in addition to vacating the conviction, or the State to dismiss or inform the court that it intends to dismiss the charges after the motion is filed. Places the burden of proof on the petitioner with a preponderance of the evidence standard. Provides for the record that may be reviewed and the petitioner's rights at the hearing. Estops the State from challenging facts that were relied upon by the vacating court. Provides that the court's order determining whether the conviction was erroneous is reviewable by appeal to the appellate division under GS 7A-27 and GS 7A-30.

Enacts GS 148-82(c), allowing any person convicted of a felony and imprisoned in the State whose conviction is later vacated by an order of a state or federal court to file a petition against the State for pecuniary loss sustained by the person as a result of the person's erroneous conviction, if the criteria of new GS 15A-1423 have been met.

Amends GS 148-84(a), expanding the grounds for relief requiring the Industrial Commission to award \$50,000 for each year of imprisonment actually served, to include when a claimant received a court order under new GS 15A-1423 finding that the claimant was convicted erroneously, so long as the other required findings are met.

Intro. by Hardister, Rogers, Harrison, Szoka.

[GS 15A](#), [GS 148](#)

[View summary](#)**Courts/Judiciary, Civil, Civil Law, Criminal Justice,
Corrections (Sentencing/Probation), Criminal Law and
Procedure**

H 878 (2021) **SCHOOLS FOR THE DEAF/ADMINISTRATION**. Filed May 4 2021, *AN ACT TO PROVIDE THAT THE EASTERN NORTH CAROLINA SCHOOL FOR THE DEAF AND THE NORTH CAROLINA SCHOOL FOR THE DEAF ARE GOVERNED BY BOARDS OF TRUSTEES AND FUNCTION SIMILARLY AS LOCAL SCHOOL ADMINISTRATIVE UNITS.*

Amends GS 115C-150.11 to change the governance and administrative structure of the Eastern NC School for the Deaf and the NC School for the Deaf (hereinafter Schools for the Deaf). Provides for general supervision of the Schools for the Deaf by the State Board of Education (State Board), which currently is the sole governing agency of the Schools. Provides for the Schools for the Deaf to be administratively housed within the Department of Public Instruction (DPI), but operate independently through a board of trustees as the governing body for each residential school established under specified state law. Requires each board of trustees to appoint a director for the school to act as secretary of the board and manage school personnel, day-to-day operations, and the school's operating budget at the direction of the board (currently the Superintendent of Public Instruction is charged with administration of the Schools for the Deaf, including appointment of staff and oversight of the school). Makes conforming changes to the current provisions of the act, limiting the provisions to the governance and administration of the Governor Morehead School for the Blind. Makes conforming changes to the section title.

Enacts GS 115C-150.11A, establishing membership for each School's board of trustees, with four members legislatively appointed and one gubernatorial appointment. Provides for ex officio, nonvoting members of each board. Provides for staggered six-year terms and provides for terms of initial members. Sets parameters for vacancies, meetings, and board procedures.

Enacts GS 115C-150.11B, detailing the powers and duties of a board of trustees of a residential school as a body politic and corporate, among those to receive donations from any source and to acquire and dispose of real property.

Amends GS 115C-150.12 to specify that each residential school with a board of trustees established pursuant to GS 115C-150.11A is considered a local school administrative unit for purposes of federal law and the administration of state law.

Amends GS 115C-150.13 to direct each board of trustees for the residential schools for students with hearing impairments to adopt necessary administrative rules to implement the Article's requirements, including eligibility for admission criteria that accounts for four specified factors, such as parental input and choice and recommendations of the child's Individualized Education Program (IEP). Provides that these boards of trustees are subject to rules of the State Board adopted in accordance with the Administrative Procedure Act, GS Chapter 150B. Makes conforming changes to limit the applicability of the existing provisions of the statute to administrative rules required to be adopted by the State Board for the Governor Morehead School for the Blind.

Amends GS 115C-150.14 to require a residential school for students with hearing impairments which seeks to enroll a foreign exchange student to submit a plan to the school's board of trustees prior to enrollment.

Repeals Section 10 of SL 2013-247, which allowed DPI to reorganize, if necessary, staffing of the Governor Morehead School and the Schools for the Deaf to meet needed functions.

Amends Section 8.15 of SL 2013-360 to no longer provide for DPI to retain the proceeds generated from the rental of building space on the residential school campuses of the Schools for the Deaf to staff and operate those Schools.

Instead, beginning with 2022-23, directs DPI to retain all proceeds generated from the rental of building space on the residential school campuses of the Schools for the Deaf and allocate all respective receipts to each board of trustees to supplement funds to staff and operate that school. Prohibits using the funds to support administrative functions of DPI.

Permits DPI to continue its administration of the Schools for the Deaf as of June 30, 2022, until the board of trustees for each school has transitioned into the administrative role required by the act, by October 1, 2022.

Makes the above provisions effective July 1, 2022.

Requires legislative appointments to the Schools' boards of trustees by May 1, 2022, for members to take office effective July 1, 2022.

Directs DPI to collaborate with the personnel from the Schools for the Deaf to develop a transition plan for the change in administration pursuant to the act to be effective July 1, 2022. Directs DPI to report to the specified NCGA committee on the transition plan by December 15, 2021.

Intro. by Blackwell, Cooper-Suggs, Rogers.

UNCODIFIED, GS 115C

[View summary](#)

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

H 879 (2021) **LME/MCO FUNDS TRANSFER/PARTNERS ADD'L FUNDING**. Filed May 4 2021, *AN ACT TO PROVIDE FUNDING FOR PARTNERS HEALTH MANAGEMENT, A LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO), FOR STAFF TRAINING AND DEVELOPMENT OF PROVIDER NETWORKS AND TO DIRECT THE TRANSFER OF LME/MCO FUNDS UPON DISSOLUTION OF AN LME/MCO OR DISENGAGEMENT OF A COUNTY OR COUNTIES FROM AN LME/MCO.*

Appropriates \$10 million from the General Fund to the Department of Health and Human Services (DHHS), Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (Division) for 2021-22 to be allocated to the LME/MCO Partners Health Management to be used for staff training and development of its health care provider networks.

Amends GS 122C-115.3(e), regarding the dissolution of an area authority. Now requires any fund balance or risk reserve (was, fund balance only) available to an area authority at the time of its dissolution that is not used to pay liabilities to be transferred to one or more area authorities contracted to operate the 1915(b)/(c) Medicaid waiver or a Behavioral Health and Intellectual/Developmental Disability (BH IDD) tailored plan in all or a portion of the catchment area of the dissolved authority, as directed by DHHS (previously provided for transfer to the area authority contracted to operate the Medicaid waiver in the catchment area of the dissolved area authority only, and did not specify for the transfer to be at the direction of DHHS). Provides that when any county disengages from one area authority and realigns with another area authority, a portion of the fund balance and risk reserve of the area authority from which the county is disengaging must be transferred to the area authority with which the county is realigning, with amounts to be transferred calculated as specified, within 10 days after the date of disengagement of the county. Makes organizational changes to the provisions regarding the directive for the Secretary to guarantee operational reserves for the area authority assuming the Medicaid waiver responsibilities if the fund balance transferred does not meet a specified threshold for anticipated operational expenses, and makes the provisions effective until the date that BH IDD tailored plans begin operating.

Effective July 1, 2021.

Intro. by K. Baker, Arp, Willis.

APPROP, GS 122C

[View summary](#)

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

H 882 (2021) **BEHAVIORAL HEALTH SERVICES FOR STUDENTS**. Filed May 4 2021, *AN ACT TO PERMIT STUDENTS TO RECEIVE BEHAVIORAL HEALTH SERVICES IN PUBLIC SCHOOL UNITS.*

Part I.

Enacts GS 115C-375.10, requiring that public school units permit behavioral health care providers, defined to exclude employees of the public school or the Department of Public Instruction, to provide behavioral health services to student on school property during the instructional day upon request of the student's parent or guardian, subject to seven restrictions and

requirements. Defines *behavioral health service* to mean adaptive behavior treatment, or research-based behavioral health treatment under the Medicaid State Plan, provided by a behavioral health provider. Requirements include, among others, (1) liability insurance coverage in the amount of \$1 million per occurrence and \$1 million aggregate per occurrence with provision of a certificate of insurance naming the public school unit as the policy holder; and (2) provision of behavioral health services in a manner that does not prevent classroom instruction. Defines behavior health treatment plan. Prohibits a public school unit from exclusively contracting with a behavioral health provider or otherwise prohibiting a parent or guardian from choosing the preferred provider for the student.

Amends the following statutes and session law to require local boards of education, public school units, charter schools, regional schools, laboratory schools, and renewal schools comply with new GS 115C-375.10; GS 115C-47; GS 115C-12; GS 115C-218.75; GS 115C-238.66; GS 116-239.8; and Section 6 of SL 2018-32.

Applies beginning with the 2021-22 school year.

Part II.

Amends GS 58-3-192 to prohibit health benefit plans from denying coverage for autism spectrum disorder, as required by the statute, on the basis that treatment is provided in a school or other educational setting. Applies to health benefit plan contracts issued on or after October 1, 2021.

Intro. by Hawkins.

[GS 58, GS 115C, GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Health and Human Services, Health](#)

H 885 (2021) [MODERNIZE SEWER OVERFLOW NOTIFICATION](#). Filed May 4 2021, *AN ACT TO ENHANCE PUBLIC NOTIFICATION OF DISCHARGES OF UNTREATED WASTEWATER FROM WASTEWATER COLLECTION OR TREATMENT WORKS*.

Amends GS 143-215.1C(b), expanding upon the required acts of an owner or operator of any wastewater collection or treatment works which primarily collects or treats municipal or domestic wastewater and is permittee, to require, within 24 hours of discharging 1,000 gallons or more of untreated wastewater to the surfaces waters of the State: (1) providing notice to the local health director for the county in which the discharge occurs; and (2) providing notice to customers of the wastewater collection or treatment works or other interested parties by posting notice on its website for a period of 12 months from the last date of discharge (currently only requires issuance of a press release). Expands upon the required acts of an owner or operator of any wastewater collection or treatment works which primarily collects or treats municipal or domestic wastewater and is permittee, to require, upon discharging 15,000 gallons or more of untreated wastewater to the surfaces waters of the State: (1) providing notice to the local health director for each county downstream from the point of discharge that is significantly affected by the discharge, as determined by the Secretary of the Department of Environmental Quality (Secretary), within 24 hours of the Secretary's determination in the manner specified; and (2) providing notice on or with the customer's wastewater bill within 60 days following discharge, as specified. Provides that these requirements are in addition to the notice requirements upon discharge of 1,000 gallons or more of untreated wastewater, as amended above.

Makes identical changes to the notice requirements of owners of operators of any wastewater collection or treatment works under subsection (c) to mirror those under subsection (b), for systems other than those that primarily collect or treat municipal or domestic wastewater.

Enacts new subsection (d) to require notice to customers by prepaid mail or email for those who opt into a discharge notification mailing list. Requires owners or operators subject to the notice requirements of subsection (b) to inform customers of the opportunity to sign up for an emailed notification, at least twice per year. Requires maintaining records of notifications for 36 months from the date of notice.

Provides authority for the Secretary to extend the time period for making, issuing, or publishing reports and follow-up reports required by the statute during extraordinary circumstances.

Effective October 1, 2021.

Intro. by Farkas, Harrison, A. Baker.

GS 143

[View summary](#)

Environment, Environment/Natural Resources, Government, State Agencies, Department of Environmental Quality (formerly DENR), Health and Human Services, Health, Public Health, Public Enterprises and Utilities

H 886 (2021) **AUTH. LICENSE PLATE READERS IN STATE ROW.** Filed May 4 2021, *AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BUREAU OF INVESTIGATION TO PLACE AUTOMATIC LICENSE PLATE READER SYSTEMS ON DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY.*

Amends GS 136-18, expanding the powers of the Department of Transportation (DOT) to include entering into agreements with the SBI for the placement and use of automatic license plate reader systems within land or rights-of-way owned by DOT or otherwise being lawfully occupied by a public utility, subject to three criteria, including that the the system is completely above ground, moveable, and contains no combustible fuel. Requires placement and use to terminate upon request by any affected public utility. Provides for DOT's authority to relocate the system to access its or public utilities' utilities or facilities, with liability limited to gross negligence or willful misconduct, subject to notification of the SBI. Defines public utility.

Enacts GS 20-183.33 to require an automatic license plate reader system placed by the SBI within land or right-of-way under new GS 136-18(47) to comply with the provisions of Article. Limits use of the data captured with such system, prohibiting using the data for the enforcement of traffic violations that are infractions of specified motor vehicle laws related to speeding. Directs the SBI to annually report to the specified NCGA committee on the number of requests made by law enforcement agencies under GS 20-183.32 for captured data obtained by such systems.

Intro. by Fairecloth.

GS 20

[View summary](#)

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

H 887 (2021) **AUTOMATIC AND ONLINE VOTER REGISTRATION.** Filed May 4 2021, *AN ACT TO PROVIDE FOR AUTOMATIC VOTER REGISTRATION AT DRIVERS LICENSE OFFICES, PUBLIC AGENCIES, COMMUNITY COLLEGES, AND COLLEGES AND UNIVERSITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE THE STATE BOARD OF ELECTIONS TO IMPLEMENT AN OUTREACH CAMPAIGN INFORMING CITIZENS ABOUT AUTOMATIC VOTER REGISTRATION; AND TO ALLOW INDIVIDUALS WHO MEET THE CRITERIA TO REGISTER TO VOTE OR CHANGE VOTER REGISTRATION ONLINE.*

Part I. Automatic Voter Registration

Amends GS 163-82.3 and GS 163-82.6 authorizing county boards of elections to accept automatic voter registration.

Amends GS 163-82.19 to require, beginning January 1, 2022, the Division of Motor Vehicles, in consultation with the State Board of Elections, to develop and implement a method by which eligible individuals shall be automatically registered to vote. Requires DMV officials taking driver's license applications to affirmatively inquire whether the applicant wishes to register to vote or update their registration, note the applicant's response, and register the applicant to vote if the applicant wishes. The applicant must attest to the information provided for voter registration. Confidentiality of voter information must be maintained by the State Board of Elections.

The above provisions are effective January 1, 2022.

Amends GS 163-82.20 to require, beginning January 1, 2023, voter registration agencies (which include state offices that accept applications for public assistance, services for persons with disabilities, and unemployment benefits) to provide, in consultation with the State Board of Elections, an application process for automatic voter registration with each recertification, renewal, or change of address relating to the service or assistance of the agency. Specifies certain procedural requirements substantially similar to those provided for in GS 163-82.19, as amended. Does not require an agency to provide automatic

voter registration to a person with a disability at the person's home. Requires electronic transmittal of applications to the appropriate board of elections.

Amends GS 163-82.20A to authorize automatic voter registration at the time of restoration of citizenship, effective January 1, 2022. Further amends the statute to authorize online voter registration at the time of restoration of citizenship, effective January 1, 2023.

Amends GS 115D-5 and GS 116-11 to require, beginning January 1, 2023, the State Board of Community Colleges and the UNC Board of Governors, in consultation with the State Board of Elections, to provide each person enrolled and registering for courses as a student at a State community college or a State college or university in the UNC System the option for automatic voter registration. Specifies certain procedural requirements substantially similar to those provided for in GS 163-82.19 and GS 163-82.20, as amended. Provides that applications to register accepted by a State community college or constituent institution of UNC entitles a registrant to vote in any primary, general, or special election unless the registrant made application later than the 25th calendar day immediately preceding the election; permits continuing acceptance of applications during that period.

The above provisions are effective January 1, 2023.

Requires the State Board of Elections to develop education and outreach programs to inform voters of automatic registration procedures established by the act.

Part II. Online Voter Registration

Amends GS 163-82.5 by adding the requirement that the State Board of Elections make the voter registration application forms available for completion and submission on a secure website.

Enacts new GS 163-82.5A allowing an individual to register to vote or change voter registration online if the individual: (1) is eligible to register to vote and (2) possesses a current and valid North Carolina driver's license (including a learner's permit or provisional license) or a special identification card for nonoperators. Requires the State Board to establish a secure website for the completion and submission of voter registration applications. Specifies information that the website must allow an individual to submit, including information to establish eligibility and the individual's email address. Requires the county board of elections, upon receipt of an online application, to verify specified applicant information. Requires the Division of Motor Vehicles (DMV) to transfer the applicant's digital signature in the DMV records to the State Board if the State Board verifies the driver's license or Social Security number. Requires the State Board to notify the applicant if the State Board cannot verify the driver's license or Social Security number.

Amends GS 163-82.10 to add specified identifying information submitted during the online voter registration application process to the information that is confidential.

Effective December 1, 2021.

Part III.

Amends GS 163-82.6 to no longer prohibit the use of an electronically captured signature on a voter registration form.

Intro. by Hawkins, Dahle, Hunt, Meyer.

[GS 115D, GS 116, GS 163](#)

[View summary](#)

[Education, Higher Education, Government, Elections, State Agencies, Community Colleges System Office, UNC System, State Board of Elections](#)

H 888 (2021) [FAIR ACCESS TO FINANCIAL SERVICES ACT](#). Filed May 4 2021, *AN ACT TO ENACT THE FAIR ACCESS TO FINANCIAL SERVICES ACT*.

Enacts new GS Chapter 53D, Fair Access to Financial Services Act, providing as follows. Requires a financial institution operating in this state to make each financial product or service it offers available on proportionally equal terms to all persons engaged in a lawful activity. Prohibits denying a person engaged in a lawful activity a financial product or service based on a

personal, ideological, moral, or political opinion. Requires a financial institution operating in this state to include a directive to comply with this GS Chapter in its written policies and procedures. Defines financial institution as: (1) a banking corporation, trust company, savings and loan association, credit union, or other person principally engaged in the business of lending money or receiving or soliciting money on deposit or (2) payment processing platform or credit card company.

Allows the North Carolina Commissioner of Banks (Commissioner) to, after notice and opportunity for hearing, to revoke, suspend, or refuse to renew a financial institution's charter, license, or registration when there is a violation of this Chapter.

Allows the Commissioner to examine a financial institution chartered or licensed by or registered with the Commissioner, with costs and expenses paid by the institution.

Allows the Commissioner to receive complaints about a financial institution chartered or licensed by or registered with the Commissioner and allows examination of the institution upon receiving the complaint.

Sets out provisions governing the confidentiality of information received by the Commissioner and for agreements for sharing that information.

Allows the Commissioner to adopt rules to enforce this Chapter. Allows a person aggrieved by any rule adopted or order issued by the Commissioner to appeal to the State Banking Commission for review upon providing a written notice of appeal within 20 days after the rule was adopted or order was issued. Sets out what must be included in the notice of appeal. Allows any party aggrieved by a decision of the State Banking Commission to petition for judicial review.

Allows the North Carolina Administrator of Credit Unions (Administrator) to, after notice and opportunity for hearing, revoke or suspend a credit union's certificate of approval for violations of this Chapter. Allows the Administrator to examine a credit union that is under the Administrator's supervision, with costs paid by the credit union. Allows the Administrator to receive a complaint from a person regarding a credit union under the Administrator's supervision and examine the credit union upon receiving the complaint. Allows the Administrator to adopt rules to enforce this Chapter.

Effective October 1, 2021.

Intro. by Moffitt, Kidwell, Setzer, Paré.

[GS 53D](#)

[View summary](#)

[Banking and Finance](#)

H 889 (2021) [STATE/LOCAL TAX PARITY](#). Filed May 4 2021, *AN ACT TO REDUCE THE IMPACT OF THE FEDERAL SALT CAP BY ALLOWING CERTAIN PASS-THROUGH ENTITIES TO ELECT TO PAY TAX AT THE ENTITY LEVEL*.

Makes the following changes to Part 1A, Article 4, which governs S Corporation income tax.

Adds and defines a *taxed S Corporation* under GS 105-131 to mean an S Corporation for which a valid election for taxation under GS 105-131.1A, as enacted, is in effect.

Enacts GS 105-131.1A, authorizing an S Corporation to elect on its timely filed annual tax return to have income tax imposed on the S Corporation at the rate for individual income tax under GS 105-153.7 (currently set at 5.25% for taxable years beginning on or after January 1, 2019) for any taxable period covered by the return. Bars revocation of the election after the due date of the return including extensions. Provides for the tax to be levied, collected, and paid annually. Establishes parameters for determining taxable income of a taxed S Corporation attributable to the State. Provides for a taxed S Corporation that qualifies for a credit to apply each shareholder's pro rata share of the credits against the shareholder's pro rata share of the income tax imposed. Requires the S Corporation to pass through to its shareholders any credit required to be taken in installments if the first installment was taken in a taxable period that the election under the statute was not in effect. Prohibits passing through credits allowed for any taxable period the S Corporation makes the election (including the carryforward of unused portions of such credit), or any subsequent installment of a credit required to be taken in installments after election is made (including the carryforward of unused portions of such installments). Provides for credit against income taxes imposed for income taxes imposed by and paid to another state or country, as specified. Provides for shareholders to deduct their pro rata share of income from the taxed S Corporation as provided under GS 105-153.5(c3)(1), as enacted, subject to the S Corporation's full payment of taxes due within the time allowed for filing the return and requires shareholders to make

an addition for their pro rata share of loss from the taxed S Corporation as provided under GS 105-153.5(c3)(2), to the extent of inclusion in the taxed S Corporation's taxable income and the taxpayer's adjusted gross income. Details requirements for the taxed S Corporation to pay the full amount shown on the return within the time allowed for filing the return. Allows the S Corporation to request a refund for overpayment. Provides for collection of tax debt following proper notice by the Secretary of Revenue. Provides for the basis of shareholders of taxed S Corporations in their stock and indebtedness of the S Corporation to be determined as if the election had not been made.

Makes conforming changes to GS 105-131.1, which exempts S Corporations from the income tax imposed on C Corporations under GS 105-130.3 and provides for income tax of S Corporation shareholders.

Amends GS 105-131.7 to make the general provisions for S Corporations regarding shareholder agreements and mandatory withholdings set forth in subsections (b) through (f) not applicable to taxed S Corporations.

Adds *taxed partnership* and *taxed S Corporation* to the defined terms under GS 105-153.3, applicable to individual income tax provisions of Part 2 of Article 4. Adds and defines *taxed pass-through entity* to mean a taxed S Corporation or a taxed partnership.

Enacts GS 105-154.1, authorizing a partnership to elect on its timely filed annual tax return to have income tax imposed on the partnership at the rate for individual income tax under GS 105-153.7 (currently set at 5.25% for taxable years beginning on or after January 1, 2019) for any taxable period covered by the return. Excludes publicly traded partnerships or partnerships that have at any time in the taxable year had a partner that is not an individual, an estate, a trust, or an organization described in section 1361(c)(6) of the Code (concerning qualified trusts for employer bonus, pension, and profit-sharing plans). Enacts substantively identical provisions to those enacted in new GS 105-131.1A for taxed S Corporations, made applicable for taxed partnerships, except as follows. Provides distinguished parameters for the determination of taxable income of taxed partnerships attributable to the State.

Amends GS 105-153.5, enacting new subsection (c3) to specify four adjustments that taxpayers must make to the taxpayer's adjusted gross income, providing for deduction for a taxpayer who is either a shareholder or partner of a taxed pass-through entity for the pro rata or distributive share of income from the respective entity to the extent it was included in the taxed entity's NC taxable income and the taxpayer's adjusted gross income; and an addition of the amount of the same described taxpayer's pro rata or distributive share of loss from the taxed pass-through entity to the extent it was included in the taxed entity's NC taxable income and the taxpayer's adjusted gross income.

Amends GS 105-153.9 to disallow shareholders of taxed S Corporations or partners of a taxed partnership a credit for taxes paid by the taxed S Corporation or taxed partnership to another state or country on income that is taxed to the taxed S Corporation or taxed partnership. Deems the shareholder's pro rata share or the partner's distributive share of the income of the taxed pass-through entity to be treated as income taxed to the shareholder or partner under the Individual Income Tax Act, and a shareholder's pro rata share or partner's distributive share of the tax imposed on the taxed pass-through entity by election under new GS 105-131.1A or new GS 105-154.1 to be treated as tax imposed on the shareholder or partner under the Individual Income Tax Act (Part 2 of Article 4), for purposes of allowing the credit for taxes paid to another state or country by a taxed S Corporation's shareholders or a taxed partnership's partners. Entitles a taxed partnership to a credit for all such taxes paid. Makes conforming changes to GS 105-131.8 regarding shareholder income tax by a state that does not measure the income of S Corporation shareholders by the income of the S Corporation. Makes similar conforming changes to GS 105-154 regarding nonresident members.

Amends GS 105-160.4 to disallow fiduciaries and beneficiaries of estates and trusts who are shareholders of a taxed S Corporation a credit for income taxes paid by the estates and trusts or by the taxed S Corporation to another state or country on income that is taxed to the taxed S Corporation; entitles the S Corporation to a credit under GS 105-153.9, as amended, for all such taxes paid. Establishes identical provisions regarding taxed partnerships; entitles the taxed partnership to a credit for all such taxes paid.

Makes the requirements of Article 4C, which requires declarations of estimated corporate income tax and installment payments of estimated income tax, apply to taxed pass-through entities in the same manner as a taxed corporation under Article 4, except GS 105-163.41(d)(5) (regarding underpayment interest) does not apply to a taxable year of a taxed pass-through entity if it was not a taxed pass-through entity during the preceding year.

Effective for taxable years beginning on or after January 1, 2021.

Intro. by Bradford, Johnson, Kidwell, Winslow.

GS 105

[View summary](#)**Business and Commerce, Corporation and Partnerships,
Government, Tax**

H 890 (2021) [ABC OMNIBUS LEGISLATION](#). Filed May 4 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOLIC BEVERAGE CONTROL COMMISSION LAWS*.

Part I.

Amends GS 18B-800(a), which provides that spirituous liquor can only be sold in ABC stores operated by local boards, to define "sold only in ABC stores operated by local boards" to include online order placed in accordance with new subsection (c3), as enacted. Enacts new subsection (c3) to authorize ABC stores to accept online orders and payments for alcoholic beverages sold in its store so long as the person picking up the order is 21. Limits liability under GS 18B-302(a)(2) to when the person knew the purchaser was less than 21 years old at the time the online order was placed. Effective July 1, 2021.

Part II.

Amends GS 18B-800(c1) to allow special order bottles to be affixed with personalized labeling, including the name of the purchaser on the label, that includes any other labeling requirements set by law.

Amends GS 18B-1105(a)(4) regarding bottles of spirituous liquor sold by a distillery permittee to visitors touring the distillery, to allow the bottles to have a personalized label, including the name of the purchaser on the label, that includes any other labeling requirements set by law.

Effective July 1, 2021.

Part III.

Adds to the limitations and requirements of consumer tastings held by a spirituous liquor special event permit under GS 18B-1114.7, to include that the permit must be issued in the name of the business listed on the permit application.

Effective July 1, 2021.

Part V.

Enacts new Article 62B to GS Chapter 18B, creating the NC Spirituous Liquor Council (Council) of the Department of Agriculture and Consumer Services (DACCS). Enumerates powers and duties of the Council, including identification and implementation method for improving NC's rank as a spirituous liquor-producing State, enter into contracts for developing new or improved markets or marketing methods for spirituous liquor products, contracting for research services to improve farming practices related to growing necessary ingredients for alcohol distillation, and annual reporting to specified NCGA committee chairs and division. Details membership of the 10-member Council and provides for two-year terms, with initial terms commencing September 1, 2021; prohibits serving more than two consecutive terms. Provides for meetings and reporting by the Council, as well as staffing of the Council. Effective September 1, 2021. Provides for appointment of initial members to staggered terms.

Part VI.

Further amends GS 18B-1105(a)(4) regarding bottles of spirituous liquor sold by a distillery permittee, changing a statutory cross-reference regarding hour restrictions of sales to refer to restrictions imposed on permittees instead of ABC stores.

Effective July 1, 2021.

Amends GS 18B-1114.7, expanding the authorized locations of free tastings by spirituous liquor special event permittees (which may be holders of supplier representative permits, brokerage representative permits, or distillery permits) to include farmers markets. Expands the authority of the permittee to allow selling mixed beverages containing spirituous liquor or sell its spirituous liquor in closed containers at the same premises described for free tastings. Makes changes to the limitations of permittees to refer to the event rather than tastings to reflect this expansion, as applicable; however, specifies that the tasting

sample restrictions do not apply to the sale of spirituous liquor in closed containers or mixed beverages. Makes conforming changes to GS 18B-1105(a)(5) regarding authorities of a distillery permittee. Effective July 1, 2021.

Amends GS 130A-247 to add and define distillery and winery, defined as licensed establishments that do not engage in the preparation of food (defined to exclude beverages) on the premises. Amends GS 130A-248 to exclude distilleries and wineries from the sanitation rules adopted by the Public Health Commission for establishments that prepare or serve drink or food for pay. Adds distilleries and wineries to the exemptions set forth in GS 130A-250. Provides a savings clause for penalties imposed and fees charged before the effective date of the act. Grants organizational authority to the Revisor of Statutes as necessary. Effective September 1, 2021.

Expands types of commercial permits under GS 18B-1100 to allow the ABC Commission to issue a spirituous liquor special event permit. Effective May 1, 2022.

Part VII.

Directs the ABC Commission to implement the Growler Size Rule, 14B NCAC 15C .0307, by defining growler as a rigid glass, ceramic, plastic, aluminum, or stainless steel container with a closure or cap with a secure sealing that is no larger than 4 liters into which a malt beverage or unfortified wine is pre-filled, filled, or refilled for off-premises consumption. Directs the ABC Commission to amend the Growler Size Rule consistent with this directive.

Part VII.

Expands GS 18B-800(c2), which allows local ABC boards to fulfill orders by a mixed beverage permittee for individual bottles or cases of spirituous liquor produced by an eligible distillery that are listed as a regular code item for sale in the state. Modifies the definition set forth for eligible distillery under the subsection to include a distillery permittee (or the like in another jurisdiction) that sells fewer than 10,000 proof gallons of in-house brand spirituous liquors distilled or produced and manufactured by it at the permit holder's distillery per year (currently limited to those liquors distilled and manufactured by the permittee at the distillery per year). Adds to the requirements for ABC stores to display NC distilled spirits in a designated area to include spirits produced in North Carolina.

Expands GS 18B-1001(19), regarding spirituous liquor tasting permits, to allow those permittees to use the spirituous liquor produced at the distillery in addition to that distilled at the distillery where the event is being held.

Expands GS 18B-1105(a)(4) to further authorize distillery permittees to sell spirituous liquor produced at the distillery in closed containers to visitors who tour the distillery for consumption off the premises in the same manner as that distilled at the distillery.

Effective July 1, 2021.

Part IX.

Further amends GS 18B-1105(a)(4) regarding bottles of spirituous liquor sold by a distillery permittee to visitors touring the distillery, to allow for the sale to visitors of the distillery (no longer requiring visitors to take a tour). Effective July 1, 2021.

Part X.

Expands GS 18B-1105(a)(2) to allow distillery permittees to sell, deliver, and ship spirituous liquor in closed containers at wholesale or retail to consumers of other states or nations, unless the jurisdiction of the consumer required reciprocity in order to allow such sales, deliveries, or shipments. Effective July 1, 2021.

Part XI.

Further amends GS 18B-1105(a)(1) to also allow distillery permittees to manufacture, purchase, import, possess, and transport ingredients and equipment used in the production of spirituous liquor (was, limited to the distillation or the manufacturing of law alcohol beverage coolers). Adds that the authority to possess ingredients includes possession of spirituous liquor not distilled or produced at the distillery that is used for the production of spirituous liquor. Effective July 1, 2021.

Further amends GS 18B-1105(a)(5) to authorize distillery permittees conducting consumer tastings pursuant to GS 18B-1114.7 to conduct the tastings on any part of the licensed premises of the distillery. Effective July 1, 2021.

Adds a new subsection to GS 18B-1105 to allow an alcoholic beverage authorized to be sold or consumed under the statute to be sold or consumed on any part of the licensed premises of the distillery. Effective July 1, 2021.

Part XII.

Directs the ABC Commission to implement the Identification Rule (14B NCAC 15B .0224) by making it the duty of the permittee and his employees to determine the age of any person consuming or possessing alcoholic beverages on the licensed premises, with acceptable identification to include a drivers license, special identification card issued by the Division of Motor Vehicles of any state, a military identification card, or a passport. Requires the ABC Commission to adopt a rule to amend the Identification Rule consistent with the described directive.

Part XIII.

Effective July 1, 2021, repeals GS 18B-1010(b) which provides that not more than one alcoholic beverage drink may be sold to a single patron at one time if the beverages are sold (1) at a stadium, athletic facility, or arena on the campus or property of a public college or university or (2) during a sports event sponsored by a public college or university.

Part XIV.

Directs the ABC Commission to adopt or amend rules consistent with the act pursuant to the Administrative Procedure Act.

Provides a savings clause for prosecutions for offenses committed before the effective date of the act.

Intro. by Moffitt, Boles, Willingham, Saine.

GS 18B

[View summary](#)

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

H 892 (2021) [REENACT NONPARTISAN JUDICIAL ELECTIONS/FUND](#). Filed May 4 2021, *AN ACT TO REENACT NONPARTISAN JUDICIAL ELECTIONS, MAKE CONFORMING STATUTORY CHANGES RELATING TO REENACTMENT OF NONPARTISAN JUDICIAL ELECTIONS, AND REESTABLISH PUBLIC FINANCING FOR JUDICIAL CAMPAIGNS.*

Part I.

Adds new Subchapter XI, Election of Appellate, Superior, and District Court Judges, consisting of Article 26, Nomination and Election of Appellate, Superior, and District Court Judges, in GS Chapter 163, providing as follows.

Requires that justices of the Supreme Court, judges of the Court of Appeals, and superior and district court judges be elected using the nonpartisan primary election method. Requires that there be a primary to narrow the field of candidates to two candidates for each position to be filled if, when the filing period closes, there are more than two candidates for a single office or the number of candidates for a group of offices exceeds twice the number of positions to be filled. Sets out provisions for declaring candidates as nominated when these thresholds for primaries are not met. Sets out the process for declaring nominees and for determining election winners, including breaking a tie. Includes the required format of the notice of candidacy form as well as requirements for signing the form. Requires judicial candidates to file notice of candidacy between noon on the first Monday in December and noon on the third Friday in December preceding the election. Allows the notice of candidacy to be withdrawn by the specified dates. Requires filing, along with the notice of candidacy a certification that the person is registered to vote in a particular county. Prohibits filing a notice of candidacy for more than one judicial office. Requires a candidate, when there are two or more vacancies for Supreme Court, Court of Appeals, or district court, to file a written statement designating the vacancy to which the candidate seeks election; requires the same of a person seeking election for a specialized district judgeship. Sets out residency requirements for candidates for superior court judge.

Sets a required filing fee of 1% of the annual salary of the office sought. Allows the filing fee to be refunded upon withdrawing candidacy or upon the candidate's death. Allows, instead of paying the filing fee, a person to file a written petition requesting to be a candidate. For candidates seeking judicial office, the petition must be submitted by the stated date and time and must be signed by (1) 8,000 registered voters for Supreme Court or Court of Appeals candidates and (2) 5% of the registered voters of the election area in which those voters will vote for superior or district court judge candidates.

Provides the process for certifying candidates' names with the Secretary of State and county boards of elections.

Sets out rules governing elections when there is a vacancy in a superior court judgeship.

Sets out provisions concerning when there are an insufficient number of candidates, and when a candidate dies or is disqualified.

Sets out procedure for instances where a vacancy is created in the Supreme Court, Court of Appeals, or superior court after the filing period for the primary opens but more than 60 days before the general election and an election is required to be held for that position.

Allows a person who will become qualified to register and vote in the general election for which the primary is held, even though not so qualified by the primary, to register for the primary and general election before the primary and then to vote in the primary.

Requires the primary to be held on the same date as the one established for primaries under GS 163-1(b).

Sets out ballot requirements and requirements for counting ballots.

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

Part II.

Makes conforming and clarifying changes to GS 18C-112, GS 163-1, GS 163-22.3, GS 163-82.10B, GS 163-106.2, GS 163-106.3, GS 163-106.5, GS 163-107, GS 163-107.1, GS 163-108, GS 163-111, GS 163-114, GS 163-122, GS 163-123, and GS 163-165.5. Makes language gender neutral.

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

Part III.

Recodifies GS 163A278.69 as GS 163-278.129.

Enacts new GS Chapter 163, Article 22I, the North Carolina Public Campaign Fund, providing as follows, effective when the act becomes law, with distributions from the Fund beginning in the 2022 election year. States the purpose of the Article. Establishes the North Carolina Public Campaign Fund (Fund) as an alternative source of campaign financing for candidates who demonstrate public support and voluntarily accept strict fund-raising and spending limits. Provides that the Article is available to candidates for justice of the Supreme Court and judges of the Court of Appeals in elections held in 2022 and thereafter. The Fund is to finance the election campaigns of certified candidates for office and to pay administrative and enforcement costs of the State Board of Elections (Board).

The following are sources of money in the Fund: (1) designations made by taxpayers to the Fund, (2) Fund revenues distributed for an election that remain unspent or uncommitted at the time the recipient is no longer a certified candidate in the election, (3) money ordered returned to the Fund, (4) voluntary donations made directly to the Fund, and (5) money collected from the \$50 surcharge on attorney membership fees.

Requires individuals choosing to receive campaign funds from the Fund to file a declaration of intent to participate as a candidate for a stated office. Sets out requirements for the timing of the filing and for an affirmation that only one political committee will handle all contributions, expenditures, and obligations for the candidate and that the candidate will comply with the contribution and expenditure limits and other requirements. Requires participating candidates seeking certification to receive campaign funds from the Fund to first obtain qualifying contributions from at least 350 registered voters in a sum that equals at least the specified amount of minimum qualifying contributions but that does not exceed the specified amount of maximum qualifying contributions. Sets out the procedure under which the Board will certify candidates as meeting the necessary requirements.

Set out the following restrictions on contributions and expenditures with respect to participating and certified candidates. (1) Beginning January 1 of the year before the election and before the filing of a declaration of intent, a candidate for office may accept in contributions up to \$10,000 from sources and in amounts permitted by Article 22A and may expend up to \$10,000 for any campaign purpose. Candidates exceeding these limits will be ineligible to file a declaration of intent or receive funds from the Fund. (2) From the filing of a declaration of intent through the end of the qualifying period, a candidate may accept only qualifying contributions, contributions under \$10 from North Carolina voters, and personal and family contributions. The total contributions the candidate may accept during this period must not exceed the defined maximum qualifying contributions

for that candidate. In addition to these contributions, the candidate may expend during this period only the remaining money raised under (1) and possible matching funds. With named exception, multiple contributions from the same contributor to the same candidate must not exceed \$500. (3) After the qualifying period and through the date of the general election, the candidate must expend only the funds the candidate receives from the Fund pursuant to GS 163-278.125(b)(4) (funds distributed in a contested general election in specified amounts for Supreme Court and Court of Appeals candidates) plus any funds remaining from the qualifying period and possible matching funds. (4) During the qualifying period, the candidate may contribute up to \$1,000 of that candidate's own money to the campaign. Allows accepting contributions of \$1,000 from each member of that candidate's family (spouse, parent, child, brother, and sister). Allows treating up to \$500 of a contribution from the candidate's family member as a qualifying contribution if it meets specified requirements. (5) Requires a candidate and the candidate's committee to limit the use of all revenues permitted by this subsection to expenditures for campaign-related purposes only. (6) Any contribution received by a participating or certified candidate that falls outside what is permitted must be returned to the donor as soon as practicable. Contributions intentionally made, solicited, or accepted in violation of this Article are subject to civil penalties. (7) Requires a candidate to return to the Fund any amount distributed for an election that is unspent and uncommitted at the date of the election, or at the time the individual ceases to be a certified candidate, whichever occurs first.

Allows a decision to participate in the Fund to be revoked by the specified deadline.

Allows candidates in elections under GS 163-258 (filling vacancies in office created after primary filing period opens) to participate in the Fund and sets out requirements for such candidates.

Requires distributions from the Fund to be made within five business days after a certified candidate's name is approved to appear on the ballot in a contested general election, but no earlier than five business days after the primary. Sets out the amounts to be distributed from the fund in contested general elections.

Sets out candidate reporting requirements.

Requires that when any report shows that "funds in opposition to a certified candidate or in support of an opponent to that candidate" exceed the trigger for matching funds, the Board must immediately issue to that certified candidate an additional amount that equals the reported excess within the specified limits. Sets out additional provisions concerning the limit on matching funds before a primary and in contested general elections, and expediting matching funds. Requires the Board to determine which candidate, if any, is entitled to matching funds in the case of electioneering communications.

Violations of the Article can result in a civil penalty of up to \$10,000 per violation or three times the amount of any financial transaction involved in the violation, whichever is greater. Also, for good cause shown, may require candidates to return distributed amounts to the Fund.

Amends GS 84-34 by requiring active members of the North Carolina State Bar to pay a \$50 surcharge for the Fund.

Makes conforming changes to GS 105-159.2, GS 163-278.5, and SL 2013-381, Section 38.1(a).

Amends GS 163-278.13, concerning limitations on campaign contributions, by adding limitations on contributions to Supreme Court and Court of Appeals candidates of \$1,000 from an individual contributor and \$2,000 from family contributors.

Makes conforming repeals of SL 2013-381, Section 38.1(l), (m), and (o).

Unless otherwise indicated, effective January 1, 2022.

Part IV.

Contains a severability clause.

Intro. by John, Morey, A. Jones.

[GS 18C, GS 84, GS 105, GS 163](#)

[View summary](#)

[Courts/Judiciary, Court System, Government, Elections, Tax](#)

Titles the act as the Invest NC Bond Act of 2021. States the act's purpose and legislative findings, and provides seven defined terms.

Subject to voter approval at the statewide election on November 2, 2021, authorizes the State Treasurer to issue and sell, either at one time or from time to time, general obligation bonds and notes up to \$4.7 billion, subject to consent of the Council of State. Restricts use of the proceeds of the public improvement bonds and notes to specified projects and amounts, with general total amounts of: \$2.5 billion for public instruction, \$229 million for the relocation of Health and Human Resources Headquarters, \$155,821,500 for specified neuromedical and developmental centers, \$45 million for Reedy Creek Lab, \$500 million for community colleges, \$783 million for the University of North Carolina, \$439 million for the Department of Natural and Cultural Resources, and \$48,178,500 for an Unforeseen Costs Reserve. Details special allocation provisions applicable to the following uses of bond and note proceeds.

Requires the Office of State Budget and Management (OSBM) to set out the process for applying for funds from the Unforeseen Costs Reserve, and allow allocating funds from the Reserve only when OSBM is satisfied that the conditions set out under its criteria have been met. Once agreed, funds may only be drawn down as needed, in line with project cashflow requirements.

Concerning proceeds used for public schools capital assistance, requires (1) equal allocation among counties of \$1 billion; (2) allocation of \$375 million among local administrative units located in counties whose wealth is less than the state average wealth, as specified; (3) allocation of \$1.125 billion among local administrative units on the basis of average daily membership for the 2020-21 fiscal year, as specified; (4) except for low-wealth counties, local matching of proceeds at a \$1 match for every \$3 of proceeds for units in development tier one areas, \$1 match for every \$2 of proceeds for units in development tier two areas, and \$1 match for every \$1 of proceeds for units in development tier three areas, with periodic reports on matching to the State Board of Education and annual reports on the impact of funds provided on the property tax rate, and provisions for reallocating unmatched funds; and (5) guarantees that proceeds received are used for acquisition of real property and construction, acquisition, reconstruction, enlargement, renovation, or replacement of buildings and other structures, and that proceeds only supplement and do not decrease local funds for those projects.

Concerning proceeds used for community colleges for new construction, repairs, and renovations, requires the proceeds be used for new construction or rehabilitation of existing facilities and repairs and renovations only. Requires all such purchases and replacements to have a useful life of at least 10 years, and any renovation must extend the useful life of the facility at least 10 years. Requires matching of proceeds for new construction projects only at a \$1 match for every \$3 of proceeds for projects in development tier one areas, \$1 match for every \$2 of proceeds for projects in development tier two areas, and \$1 match for every \$1 of proceeds for projects in development tier three areas.

Details the allocation and accounting of improvement bond proceeds. Allows for investment by the State Treasurer and use of investment earnings as specified. Sets forth further parameters regarding use of proceeds with other available monies and disbursement. Requires the State Treasurer or a designee to set up a comprehensive system of tracking the proceeds to account for use and compliance. Allows the State Treasurer to withhold proceeds for not complying with tracking requirements.

Details the procedure and requirements for issuance of the improvement bonds and notes, including: required terms and conditions; required signatures, forms, and registration; the manner of sale and expenses; notes and repayment; refunding of bonds and notes; tax exemption; investment eligibility; faith and credit of the State pledged; and other agreements the State Treasurer can provide for bond insurance and other derivative products.

Provides for the variable rate demand authority of the State Treasurer of the bonds and notes and sets restrictions concerning the aggregate principal amounts payable by the State under a credit facility, as defined by the act.

Provides guidance for the act's interpretation, including that the act is meant to provide an additional or alternative financing method, statutory cross references may be amended, the act is to be construed broadly, the act supersedes other conflicting law, and the act's provisions are severable.

Requires any funds from the bond authorized by this act that are expended for school technology for public schools to be reported to the State Board of Education and be credited against the judgment in *N.C. Sch. Bds. Ass'n. v. Moore*.

Intro. by Harris, Hunt, Hurtado, Farkas.

UNCODIFIED

[View summary](#)

Education, Elementary and Secondary Education, Higher

Education, Government, Cultural Resources and Museums, State Agencies, Community Colleges System Office, UNC System, Department of Administration, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources), Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers

H 894 (2021) **REBUILD SOUTHERN FLOUNDER STOCKS**. Filed May 5 2021, *AN ACT TO REQUIRE CERTAIN MEASURES FOR THE SOUTHERN FLOUNDER FISHERY TO MEET STATUTORY DEADLINES FOR ACHIEVING A SUSTAINABLE HARVEST.*

Includes whereas clauses. Requires the Marine Fisheries Commission (Commission) to revise the Fishery Management Plan for Southern Flounder adopted by the Commission on February 3, 2005, and later amendments adopted by the Commission, as follows. Requires the Plan and implementing rules to include: (1) a slot limit that allows commercial and recreational fishermen to retain only Southern Flounder between 12-18 inches long, (2) capping the total allowable landings of Southern Flounder in a year at 532,352 pounds from the commercial and recreational sectors combined until a new stock assessment indicates that harvest can be increased (requires total allowable landings for each sector to account for discards in all fisheries interacting with Southern Flounder, and quota overages in one year for a sector must be remedied with a sector reduction in the next year), and (3) failure to reach a sustainable harvest by the statutory 10-year deadline of 2028 specified in the last Plan amendment will result in the implementation of an immediate moratorium on any harvest or possession of Southern Flounder until the stock is found to be recovered based on a peer-reviewed stock assessment.

Appropriates \$75,000 for 2021-22 from the General Fund to the Department of Environmental Quality to be allocated to the Division of Marine Fisheries to update the coastwide stock assessment for Southern Flounder as set forth in this act.

Intro. by Yarborough, Saine, Bell, Cunningham.

APPROP, UNCODIFIED

[View summary](#)

Environment, Aquaculture and Fisheries, Government, Budget/Appropriations, State Agencies, Department of Environmental Quality (formerly DENR)

H 895 (2021) **EXTENDED-YEAR TEACHER CONTRACTS**. Filed May 5 2021, *AN ACT TO PROVIDE FOR EXTENDED-YEAR CONTRACTS FOR INITIALLY LICENSED TEACHERS, MENTOR TEACHERS, TEACHERS IN LOW-PERFORMING SCHOOLS, AND CERTAIN VETERAN TEACHERS.*

Includes whereas clauses. Enacts new GS 115C-306.1 requiring local boards of education, when awarding contracts to teachers, to provide for extended-year contracts (meaning a contract providing for a term of employment of 11 months during the school year) as follows. Requires the local board of education to award *mandatory* extended-year contracts to all IL teachers and all LPS teachers; specifies that IL teachers and LPS teachers are not eligible to receive 10-month contracts. Defines *IL teacher* as a teacher who holds a current North Carolina teaching license in any of the following classes: a three-year initial professional license, a three-year limited license, a one-year residency license, or a one-year emergency license. Defines an *LPS teacher* as a teacher assigned by a local board of education to teach at a school identified as low performing. Requires the local board of education to offer *optional* extended-year contracts as follows: (1) to mentor teachers in any year that the teacher is designated as such and (2) to veteran teachers one year out of each three-year period the teacher is employed by the local board. Allows mentor teachers and veteran teachers to accept the extended-year contract or to request and be awarded a 10-month contract. Defines *veteran teacher* as a teacher who holds a current five-year North Carolina continuing professional license for teaching; has at least six years of licensed teaching experience; and is not IL teacher, a mentor teacher, or an LPS teacher.

Requires the local board of education to annually designate up to 10% of those teachers employed by the local board as mentor teachers; specifies minimum criteria to be used in making the designation.

Sets out additional job duties in the 11th month of employment for a teacher who is awarded and accepts an extended-year contract, with duties dependent upon the teacher's designation as an IL teacher, LPS teacher, mentor teacher, or veteran teacher.

Makes conforming changes to the provisions governing teacher contracts under GS 115C-325.3. Makes conforming changes to GS 115C-302.1 concerning payment of teacher salaries and also removes the requirement that the State Board of Education maintain the same policies related to masters pay for teachers that were in effect for the 2008-09 fiscal year.

Appropriates \$297 million in recurring funds from the General Fund to the Department of Public Instruction to provide extended-year teacher contracts according to new GS 115C-306.1.

Effective July 1, 2021, and applies beginning with the 2021-22 school year.

Intro. by Meyer.

[APPROP, GS 115C](#)

[View summary](#)

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

H 896 (2021) [FAIR & EQUITABLE REIMBURSEMENT/PHARMACISTS](#). Filed May 5 2021, *AN ACT TO PROVIDE FOR FAIR AND EQUITABLE REIMBURSEMENT OF HEALTH CARE SERVICES OR PROCEDURES THAT ARE PERFORMED BY A PHARMACIST WITHIN THAT PHARMACIST'S SCOPE OF PRACTICE AND THAT ARE EQUIVALENT TO SERVICES PERFORMED BY OTHER HEALTH CARE PROFESSIONALS AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF INSURANCE.*

Enacts new GS 58-50-296 requiring health benefit plans offered by insurers in this state to reimburse a pharmacist at the same rate that other health care providers are reimbursed when providing the same or equivalent health care services or procedures as long as: (1) the service or procedure was performed within the pharmacist's licensed lawful scope of practice, (2) the health benefit plan would have provided reimbursement if the service or procedure had been performed by another health care provider, and (3) the pharmacist provided the service or procedure in compliance with any requirements of the insurer related to the service or procedure. Requires insurers who delegate credentialing agreements to contracted health care facilities to accept credentialing for pharmacists employed or contracted with those facilities. Requires reimbursing a contracted health care facility or a contracted pharmacist directly for covered services performed by a pharmacist within that pharmacist's lawful scope of practice whether or not the pharmacist participates in the insurer's provider network. Specifies that the statute also applies to agents of an insurer offering a health benefit plan in this state and third-party administrators. Effective October 1, 2021, and applies to contracts entered into, renewed, or amended on or after that date.

Appropriates \$100,000 for 2021-22 from the General Fund to the Department of Insurance to prepare for implementation of this act. Effective July 1, 2021.

Intro. by Setzer.

[APPROP, GS 58](#)

[View summary](#)

[Government, Budget/Appropriations, State Agencies, Department of Insurance, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance](#)

H 897 (2021) [ADDRESS FALSE CAMPAIGN CLAIMS](#). Filed May 5 2021, *AN ACT TO EXPEDITIOUSLY ADDRESS ACCUSATIONS OF FALSE CLAIMS MADE BY POLITICAL CAMPAIGNS AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.*

Enacts new GS 1-149.1, providing as follows. Sets out the purpose of the statute. Makes a claim for relief against a person arising from any act of the person which could reasonably be construed as an act in furtherance of the person's seeking elected public office, subject to a motion to dismiss or strike unless the court determines that: (1) the nonmoving party's claim has a substantial basis in law or a substantial argument for modifying the law and (2) the nonmoving party has established that there is a probability of that party prevailing. Requires the court to consider the pleadings and supporting and opposing affidavits

stating the facts upon which the liability or defense is based. Provides that if the court determines that the nonmoving party has established a substantial basis or argument for the claim and a probability that the nonmoving party would prevail, then neither that determination nor the fact that it was made is admissible as evidence at any later stage of the case or in any subsequent action, and no burden of proof or degree of proof otherwise applicable is affected in any later stage or subsequent proceeding. Requires the staying of all discovery and any pending hearings or motions in the action when a motion to dismiss or strike has been made, until a final decision is made on the motion, but allows the court to order that specified discovery or other hearings or motions be conducted. Requires the hearing of the motion to be advanced and take precedence over all other causes on the court calendar. Sets out the timeline within which the hearing must be held and an order made, varying based on how much time is left before the election. Sets out provisions governing the awarding of costs and fees. Makes an order granting or denying a motion to dismiss or a motion to strike under this statute subject to an immediate appeal. Effective October 1, 2021, and applies to civil actions commenced on or after that date.

Effective July 1, 2021, appropriates \$100,000 for 2021-22 from the General Fund to the Administrative Office of the Courts to implement the act's provisions.

Effective July 1, 2021, appropriates \$10,000 for 2021-22 from the General Fund to the State Board of Elections for the Board's activities relating to this act.

Intro. by Szoka, Meyer, Bell, Reives.

APPROP, GS 1

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Court System, Government, Budget/Appropriations, Elections, State Agencies, State Board of Elections

H 898 (2021) [WATER/SEWER UTILITY AVAILABILITY FEE](#). Filed May 5 2021, *AN ACT TO PROVIDE CERTAIN SMALL WATER AND SEWER AUTHORITIES WITH THE POWER TO CHARGE A PERIODIC AVAILABILITY FEE*.

Enacts GS 162A-6(a)(14e) to authorize water and sewer authorities to require the owners of developed property with one or more residential dwelling units or commercial establishments within the jurisdiction of the authority and within reasonable distance of any waterline or sewer collection line owned, leased as lessee, or operated by the authority, to pay a periodic availability fee. Caps the periodic availability fee at the minimum periodic service charge for properties connected to the waterline or sewer collection line. Restricts the scope of this power to authorities whose membership includes part of more than one county and which has fewer than 3,500 service connections.

Updates GS 162A-6(a)(14d), which allows the owner of developed property located so as to be served by an authority water line which the property owner has connected to continue to use any private water well located on the property for nonpotable purposes as long as the water well is not interconnected to the authority water line (was, sanitary district water line); prohibits the authority (was, sanitary district) from requiring the owner to abandon, cap, or otherwise compromise the integrity of the water well.

Intro. by Sasser, Arp.

GS 162A

[View summary](#)

Development, Land Use and Housing, Property and Housing, Government, Local Government, Public Enterprises and Utilities

H 899 (2021) [NORTH CAROLINA WORK AND SAVE](#). Filed May 5 2021, *AN ACT TO CREATE THE SMALL BUSINESS RETIREMENT SAVINGS PROGRAM AND TO APPROPRIATE FUNDS*.

Includes whereas clauses.

Adds new Part 2L to Article 10 of GS Chapter 143B, known as the North Carolina Small Business Retirement Savings Program (Program). Sets out and defines terms that are used in the Program. Defines a *covered employer* as a person or entity

engaged in a business, industry, profession, trade, or other enterprise in the state, whether for profit or not for profit and provided that the covered employer does not include an employer that maintains a specified tax-favored retirement plan for its employees or has done so effective in form and operation at any time within the current or two preceding calendar years; excludes the federal government, the State, any county, any municipality, or any political subdivision of the State. Defines a *participating employer* as a covered employer that provides for covered employees a payroll deduction IRA provided for by this Article.

Establishes the 12-member North Carolina Small Business Retirement Savings Board (Board) housed for administrative purposes in the Department of Commerce (Department). Provides that 10 members are voting and two are nonvoting advisory members, with initial appointments to be made by October 1, 2021. Provides for the appointment of members; members serve for four-year terms with terms staggered. Requires the Governor to convene the first meeting of the Board by October 15, 2021. Provides for electing a chair and appointing vacancies. Sets out the Board's 20 duties, including: (1) design, develop, implement, maintain, govern, and promulgate rules with respect to a payroll deduction retirement savings program for covered employers that do not provide a retirement program and, to that end conduct market, legal, and feasibility analyses; (2) develop and implement an investment policy that meets specified requirements, that defines the Program's investment objectives, consistent with the objectives of the Program, and that provides for policies and procedures consistent with those investment objectives; (3) adopt rules it deems necessary or advisable for the implementation of this Article and the administration and operation of the Program; (4) invest and reinvest its funds in accordance with applicable State and federal laws; and (5) evaluate the need for, and procure if and as deemed necessary, pooled private insurance against any and all loss in connection with the property, assets, or activities of the Program. Prohibits a Board member, program administrator, and other Board staff from: (1) having any interest in the making of any investment under the Program or in gains or profits accruing from any such investment; (2) borrowing any Program-related funds or deposits or use any such funds or deposits in any manner, for himself or herself or as an agent or partner of others; or (3) becoming an endorser, surety, or obligor on investments made under the Program. Sets out provisions governing the standard of conduct for Board members and Program staff.

Sets out 20 requirements that the Program must meet, including: (1) provide a process to facilitate voluntary enrollment into the Program for covered employers, covered employees, and self-employed persons; (2) provide that the IRA to which contributions are made will be a Roth IRA, with the Board allowed to add an option for participants to affirmatively elect to contribute to a traditional IRA as an alternative to the Roth IRA; (3) provide that the standard package must be a Roth IRA with a target date fund investment, and a contribution rate that begins at 5% of salary or wages; (4) provide for a uniform annual increase in the participant's contribution rate of up to 1%; (5) allow a covered employer to withhold payroll deductions from a covered employee's paycheck for making a covered employee contribution to the Program funds; (6) include an account status notification process for covered employees to be notified about and track their investments; and (7) ensure that the Program is designed to be financially self-sustaining over time.

Requires the Board to adopt rules on four specified items related to implementing the Program, including conducting outreach to individuals, employers, other stakeholders, and the public regarding the Program.

Provides covered employers with protection from liability in seven specified areas, including an employee's decision to participate in or not to participate in the Program or a participant's specific elections under the Program; participants' or the Board's investment decisions; and any loss, failure to realize any gain, or any other adverse consequences incurred by any person as a result of participating in the Program.

Provides that the State has no duty or liability to any party for the payment of any retirement savings benefits accrued by any individual under the Program and sets out additional protections.

Prohibits disclosing, except in specified circumstances, individual account information relating to accounts under the Program and relating to individual participants including, but not limited to, specified information such as email addresses, personal identification information, investments, contributions, and earnings. Makes these items confidential and specifies they are not public record.

Establishes the North Carolina Small Business Retirement Savings Administrative Fund (Fund) with moneys in the Fund continuously appropriated to the Board. Provides that the Fund consists of (1) moneys appropriated to the Fund by the NCGA; (2) moneys transferred to the Fund from the federal government, other State agencies, or local governments; (3) moneys from the payment of application, account, administrative, or other fees and payment of money due to the Board; (4) gifts, donations, or grants made to the State for deposit in the Fund; and (5) earnings on moneys in the Fund.

Requires the Board to submit an annual report to the Governor and specified NCGA committee; specifies the required content of the report. Requires an annual audit of the Board's books and accounts.

Requires the Board to establish the Program so that individuals can begin contributing under the Program no later than July 1, 2023. Prohibits the Board from implementing the Program if and to the extent the Board determines that the Program is preempted by ERISA; sets out how the Program is to be implemented in that situation.

Appropriates \$400,000 for 2021-22 and \$600,000 for 2022-23 from the General Fund to the Department of Commerce to be allocated to the Board and used to: (1) enable or facilitate the start-up and continuing operation, maintenance, administration, and management of the Program until the Program accumulates sufficient balances and can generate sufficient funding through fees assessed on Program accounts for the Program to become financially self-sustaining and (2) hire an individual to serve as the initial executive director (prohibits the individual filling the position from being considered a State employee).

Effective July 1, 2021.

Intro. by Hardister, Hanig, Warren, Harris.

[APPROP, GS 143B](#)

[View summary](#)

[Employment and Retirement, Government, Budget/Appropriations, State Agencies, Department of Commerce](#)

H 900 (2021) [SUPPORT LUMBEE RECOGNITION ACT](#). Filed May 5 2021, *A JOINT RESOLUTION SUPPORTING THE LUMBEE RECOGNITION ACT, WHICH EXTENDS FULL FEDERAL RECOGNITION TO THE LUMBEE TRIBE OF NORTH CAROLINA.*

Includes whereas clause. Expresses the NCGA's support of the passage of The Lumbee Recognition Act or similar legislation and urges Congress to enact such legislation.

Intro. by Rules, Calendar, and Operations of the House.

[JOINT RES, UNCODIFIED](#)

[View summary](#)

[Government, State Government](#)

H 901 (2021) [MODIFY NC INNOCENCE INQUIRY PROVISIONS](#). Filed May 5 2021, *AN ACT TO MODIFY PROVISIONS RELATED TO THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AND TO APPROPRIATE FUNDS.*

Repeals GS 15A-1417(a)(3a) to no longer explicitly provide for relief in the form of referral to the NC Innocence Inquiry Commission when a court grants a motion for appropriate relief for claims of factual innocence.

Amends GS 15A-1463, modifying the membership of the NC Innocence Inquiry Commission (Commission) to include a sheriff (was a sheriff holding office at the time of his or her appointment). Adds a new requirement for the Commission to hold one administrative meeting per year to allow for public comment. Further requires that the date, time, and location for meetings allowing for public comment to be published on the Commission's website at least 30 days prior to the meeting. Directs meeting procedures to be set by Commission rules.

No longer excludes the sheriff from the condition that members serving on the Commission by virtue of elective or appointive office may serve only so long as the officeholders hold those respective offices, as set forth in GS 15A-1464.

Enacts GS 15A-1467(a1), to allow any court, State or local agency, or a claimant's counsel that refers a case to the Commission to request a confidential case status update of a referred case once every six months from the Commission Director; allows for denial of an update for good cause shown. Requires the Director to notify the referring entity when a referred claim is closed without a Commission hearing along with a confidential explanation. Amends subsection (b) to require the Director to inform Indigent Defense Services (IDS) of an attorney's referral of the case for their consideration. Amends subsection (c) regarding formal inquiry case updates to the District Attorney and the convicted person or counsel, to require the update include a complete summary of all actions taken since the last update, including witness interviews and result of all forensic testing that

has been conducted (was, a summary of actions taken since the last update and the results of any forensic testing that has been conducted).

Adds to GS 15A-1468 to require notice of dates of upcoming public hearing by the Commission to be published on the Commission's website at least 10 days prior to the hearing, with Director granted discretion in disclosing the name of the case being presented. Regarding the prehearing conference, now entitles the claimant's counsel an opportunity to inspect any evidence presented to the Commission that has not previously been presented to any judicial officer or body and any information that the DA or their designee or claimant's counsel deems relevant to the proceedings (was, limited to the DA or the DA's designee). Allows the DA or their designee to provide the Commission and the claimant's counsel with a written statement to be part of the record 72 hours prior to the proceedings (was, Commission only).

Revises the requirements for the Commission to refer the case for judicial review to include five or more members concluding there is sufficient evidence of factual innocence to merit judicial review in instances where a conviction resulted from a trial, an Alford plea, or a nolo contendere plea (previously excluded vases where the convicted person entered and was convicted on a plea of guilty). Provides that if less than five voting members, or in cases where the convicted person entered and was convicted on a guilty plea less than six voting members (was, less than all eight for guilty plea convictions), conclude there is sufficient evidence to merit judicial review, then the Commission must conclude there is insufficient evidence of factual innocence to merit judicial review. No longer provides for the confidentiality of the Commission's records for conclusions supporting insufficient evidence, making the provisions regarding supporting records of the Commission's conclusion that there is sufficient evidence apply. Adds new subsection (g1) providing for otherwise confidential records of the Commission to be released by court order after notice to the Commission and an opportunity for the Commission to be heard and upon a finding that release is in the interest of justice.

Amends GS 15A-1469, which governs the post-Commission three-judge panel review, to now require the Commission's entire file to be unencumbered by protective orders when transferred to the DA and defense counsel unless the Commission is granted a protective order by the senior judge of the panel upon a written motion and finding of good cause (was, unless the DA and defense counsel consented, or have been given an opportunity to be heard by the senior judge before the protective order is issued). Adds a new provision regarding the panel denying relief, to provide that if a claimant filed a motion for appropriate relief under Article 89 within one year of the denied relief, the motion must be considered by the senior judge of the panel.

Appropriate \$25,000 from the General Fund to the Commission for each year of the 2021-23 biennium to prepare and deliver case updates as required by the act. Effective July 1, 2021.

Intro. by Richardson, Hardister.

[GS 15A](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Corrections
\(Sentencing/Probation\), Criminal Law and Procedure](#)

H 902 (2021) [FUNDS TO RECORD & STORE HIGHWAY CAMERA VIDEO](#). Filed May 6 2021, *AN ACT TO FUND THE RECORDING AND STORAGE OF VIDEO FROM DEPARTMENT OF TRANSPORTATION HIGHWAY CAMERAS*.

Includes whereas clauses.

Requires that \$10 million in recurring funds from the funds appropriated from the General Fund for 2021-22 be allocated to the Department of Transportation (Department) to be used by the Department to record and store video from the Department's highway cameras.

Amends GS 132-1.1 to prohibit highway camera video records stored by the Department from being disclosed except as provided in new GS 132-1.7B.

Enacts new GS 132-1.7B, providing as follows. Sets out and defines terms, including defining highway camera as a Department of Transportation video or digital camera, located on highway right-of-way, for the purpose of monitoring vehicle traffic. Specifies that recordings under this statute are not public records.

Allows a person to request disclosure of a recording through a written request to the Department that includes the name of the person making the request, date and approximate time of the activity, or otherwise identify the activity with reasonable particularity sufficient to identify the recording. Allows disclosure of a recording to only: (1) a person whose image or voice is in the recording; (2) a personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure; (3) a personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording; (4) a personal representative of a deceased person whose image or voice is in the 21 recording; (5) a personal representative of an adult person who is incapacitated and unable to provide consent to disclosure. Requires disclosing only the portions of the recording that are relevant to the person's request. Prohibits a person receiving disclosure from recording or copying the recording. Requires the Department to make the disclosure or deny the request as promptly as possible. Sets out six factors the Department is to consider when deciding whether to grant or deny the request. Sets out the procedure under which the person seeking disclosure may apply to the appropriate superior court for a review of the denial of disclosure when disclosure has been denied or disclosure has not been made more than three business days after the request. Sets out conditions under which the court may order disclosure. Sets out individuals that must be notified and given an opportunity to be heard at the hearing.

Provides that recordings are to only be released pursuant to court order. Allows any person requesting release of a recording to file an action in the appropriate superior court for an order releasing the recording. Requires the request to state the date and approximate time of the activity captured in the recording or otherwise identify the activity with reasonable particularity sufficient to identify the recording to which the action refers. Sets out factors the court is to consider in determining whether to order the release of all or a portion of the recording. Limits the release to only those portions of the recording that are relevant to the person's request and allows placing conditions or restrictions on the release. Sets out individuals that must be notified and given an opportunity to be heard at the hearing.

Requires the Department to the Department disclose or release a recording to a district attorney (1) for review of potential criminal charges, (2) to comply with discovery requirements in a criminal prosecution, (3) for use in criminal proceedings in district court, or (4) for any other law enforcement purpose and allows disclosure or release of a recording for suspect identification or apprehension or to locate a missing or abducted person.

Provides that the Department is not required to retain any recording subject to this statute for more than 30 days, unless a court of competent jurisdiction orders otherwise.

Provides that no civil liability arises from compliance with the statute, so long as the acts or omissions are made in good faith.

Allows the Department to charge a fee for making a copy of a recording for release, not to exceed the actual cost. Prohibits the court from awarding attorneys' fees.

Prohibits using recordings subject to the statute for for fines or private investigation. Provides that no elected official may review recordings subject to this statute, unless they meet the statute's disclosure criteria; excludes a county sheriff or district attorney if review of the recordings is within the scope of a criminal investigation.

Effective July 1, 2021.

Intro. by Logan, Garrison, Roberson.

[GS 132](#)

[View summary](#)

[Government, State Agencies, Department of Transportation, Transportation](#)

H 903 (2021) [SCHOOL CALENDAR FLEXIBILITY/STATEWIDE](#). Filed May 6 2021, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY STATEWIDE IN ADOPTING THE SCHOOL CALENDAR*.

Under current law, GS 115C-84.2(d) provides authority to local boards of education to determine the opening and closing dates for public schools pursuant to the instructional day and hour requirements of GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided. Subsection (d) also

provides criteria under which the State Board of Education may waive those requirements upon a showing of good cause by a local board of education.

Amends GS 115C-84.2(d), allowing public schools to open as early as August 10 (currently, no earlier than the Monday closest to August 26), excluding year-round schools. Deletes the provisions of subsection (d) concerning waiver of the requirements upon a showing of good cause.

Directs the Department of Public Instruction (DPI) to study the effects of the act on student outcomes, including student achievement, student growth, student attendance, and other relevant factors. Requires collection of information from local boards and collaboration with local board to provide a report to the specified NCGA committee by December 15, 2022. Appropriates \$100,000 from the General Fund to DPI for 2021-22 to fund the study.

Applies beginning with the 2021-22 school year.

Intro. by Setzer, Everitt, Howard, Dahle.

[APPROP, STUDY, GS 115C](#)

[View summary](#)

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

PUBLIC/SENATE BILLS

S 113 (2021) [MODIFY TERMINATION OF PARENTAL RIGHTS APPEALS](#). Filed Feb 17 2021, *AN ACT TO MODIFY THE RIGHT TO APPEAL IN TERMINATION OF PARENTAL RIGHTS CASES*.

AN ACT TO MODIFY THE RIGHT TO APPEAL IN TERMINATION OF PARENTAL RIGHTS CASES. SL 2021-18.
Enacted May 7, 2021. Effective July 1, 2021.

Intro. by Britt, Sanderson, Daniel.

[GS 7A, GS 7B](#)

[View summary](#)

[Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Government, State Agencies, Department of Justice](#)

S 390 (2021) [UNC LAW ENFORCEMENT RECRUITMENT](#). Filed Mar 30 2021, *AN ACT TO ALLOW FOR FULL-TIME AND PART-TIME CAMPUS LAW ENFORCEMENT OFFICERS EMPLOYED BY THE UNIVERSITY OF NORTH CAROLINA TO ENROLL IN AS MANY COURSES PER YEAR AS DETERMINED BY THE BOARD OF GOVERNORS WITHOUT PAYMENT OF TUITION AND FEES*.

AN ACT TO ALLOW FOR FULL-TIME AND PART-TIME CAMPUS LAW ENFORCEMENT OFFICERS EMPLOYED BY THE UNIVERSITY OF NORTH CAROLINA TO ENROLL IN AS MANY COURSES PER YEAR AS DETERMINED BY THE BOARD OF GOVERNORS WITHOUT PAYMENT OF TUITION AND FEES. SL 2021-20. Enacted May 7, 2021. Effective May 7, 2021, and applies beginning with the 2021-22 academic year.

Intro. by Lee, Ballard, Craven.

[GS 116](#)

[View summary](#)

[Education, Higher Education, Employment and Retirement, Government, Public Safety and Emergency Management, State Agencies, UNC System, State Government, State Personnel](#)

ACTIONS ON BILLS**PUBLIC BILLS****H 142: UNC BUILDING RESERVES/CERTAIN PROJECTS.**

House: Pres. To Gov. 5/7/2021

House: Signed by Gov. 5/7/2021

House: Ch. SL 2021-19

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

House: Regular Message Sent To Senate

H 149: IMPROVING ACCESS TO CARE THROUGH TELEHEALTH.

House: Regular Message Sent To Senate

H 165: DOT LEGISLATIVE CHANGES.-AB

House: Regular Message Sent To Senate

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

House: Pres. To Gov. 5/7/2021

H 247: STANDARDS OF STUDENT CONDUCT.

House: Regular Message Sent To Senate

H 272: REVISE HEALTH STANDARD FOR LEAD.

House: Regular Message Sent To Senate

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

House: Regular Message Sent To Senate

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

House: Regular Message Sent To Senate

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

House: Regular Message Sent To Senate

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

House: Regular Message Sent To Senate

H 362: REVISE PERSONAL LEAVE COSTS FOR TEACHERS.

House: Regular Message Sent To Senate

H 367: UNIFORM PARTITION OF HEIRS PROPERTY ACT.

House: Regular Message Sent To Senate

H 403: CLARIFY MOTOR VEHICLE FRANCHISE LAWS.

House: Regular Message Sent To Senate

H 417: THE SERGEANT MICKEY HUTCHENS ACT.

House: Regular Message Sent To Senate

H 418: THREATEN LEO OR CORRECTIONAL OFFICER.

House: Regular Message Sent To Senate

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

House: Regular Message Sent To Senate

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

House: Regular Message Sent To Senate

H 480: DESIGNATE STATE BALLOON RALLY.

House: Regular Message Sent To Senate

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

House: Regular Message Sent To Senate

H 498: AUTHORIZE ATV AND UTILITY VEHICLE TITLING.

House: Regular Message Sent To Senate

H 519: AMEND AUTOCYCLE DEFINITION.

House: Regular Message Sent To Senate

H 606: PROHIBIT COLLUSIVE SETTLEMENTS BY THE AG.

House: Regular Message Sent To Senate

H 607: LEO BACKGROUND CHECKS/FBI RAP BACK SERVICES.

House: Regular Message Sent To Senate

H 650: OMNIBUS DMV BILL.

House: Regular Message Sent To Senate

H 674: REQUIRE DNA FOR VARIOUS CHARGES. (NEW)

House: Regular Message Sent To Senate

H 684: LRC STUDY DEVELOPMENT EXACTIONS.

House: Regular Message Sent To Senate

H 692: RESTRICT CERTAIN VEHICLE MODIFICATIONS.

House: Regular Message Sent To Senate

H 717: ABOLISH OFFICE OF COUNTY CORONER.

House: Regular Message Sent To Senate

H 722: EXPAND ALLOWABLE GROWLER SIZE.

House: Regular Message Sent To Senate

H 776: REMOTE ONLINE NOTARIZATION ACT.

House: Regular Message Sent To Senate

H 781: BRING BUSINESS BACK TO DOWNTOWN.

House: Regular Message Sent To Senate

H 857: LETTERS OF CHARACTER REF. AND LEC/SEC STUDY.

House: Regular Message Sent To Senate

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

House: Regular Message Sent To Senate

S 113: MODIFY TERMINATION OF PARENTAL RIGHTS APPEALS.

Senate: Signed by Gov. 5/7/2021

Senate: Ch. SL 2021-18

S 208: LABOR LAW CHANGES.

Senate: Regular Message Sent To House

S 300: CRIMINAL JUSTICE REFORM.

Senate: Withdrawn From Com

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

S 349: INCREASE HOUSING OPPORTUNITIES.

Senate: Withdrawn From Com

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

S 390: UNC LAW ENFORCEMENT RECRUITMENT.

Senate: Pres. To Gov. 5/7/2021

Senate: Signed by Gov. 5/7/2021

Senate: Ch. SL 2021-20

S 452: UTILITIES/USER RESPONSIBLE FOR UTILITY BILL.

Senate: Regular Message Sent To House

S 473: ENHANCE LOCAL GOV'T TRANSPARENCY.

Senate: Regular Message Sent To House

S 474: SEPTAGE MANAGEMENT AMENDMENTS.

Senate: Regular Message Sent To House

S 490: LICENSE TO WORK.

Senate: Withdrawn From Com

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

S 552: LIMIT WHO MAY ADVERTISE/ADOPTION LAWS.

Senate: Regular Message Sent To House

S 574: LIFE INSURANCE BENEFICIARY CHANGES.

Senate: Regular Message Sent To House

S 644: LANDLORD/TENANT CHANGES.

Senate: Regular Message Sent To House

LOCAL BILLS

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

House: Regular Message Sent To Senate

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

House: Regular Message Sent To Senate

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

House: Regular Message Sent To Senate

H 387: FLEXIBILITY IN FILLING VACANCIES/DURHAM.

House: Regular Message Sent To Senate

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

House: Regular Message Sent To Senate

H 416: PARK SOUTH STATION TRAFFIC CITATIONS.

House: Regular Message Sent To Senate

© 2021 School of Government The University of North Carolina at Chapel Hill

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

[Print Version](#)