



## The Daily Bulletin: 2021-06-23

### PUBLIC/HOUSE BILLS

H 145 (2021) [PROPERTY PROTECTION ACT/DVPO](#). Filed Feb 24 2021, *AN ACT TO PROTECT THE PROPERTY RIGHTS OF PERSONS SUBJECT TO A DOMESTIC VIOLENCE PROTECTIVE ORDER BY ALLOWING THEM TO STORE THEIR FIREARMS WITH OR SELL THEIR FIREARMS THROUGH A QUALIFIED LICENSED FIREARMS DEALER.*

Senate committee substitute to the 3rd edition changes the effective date of the act to December 1, 2021 (was, effective on the date the act becomes law), applicable to court orders issued on or after that date.

**Intro. by Adams, Kidwell, McNeill, Turner.**

[GS 50B](#)

[View summary](#)

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

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

House amendments add the following content to the 5th edition.

Amendment #1 amends GS 113-276 to also include eligible members of a rescue squad, or emergency medical services squad for five consecutive fiscal years, among those who are eligible for an adult resident lifetime hunting and fishing license at 50% of the applicable license fee amount. Defines *volunteer rescue or emergency medical services squad member* as an individual appearing on the certified roster of eligible rescue or emergency medical services squad members submitted to the North Carolina Association of Rescue and Emergency Medical Services, Inc., under the specified statute.

Amendment #2 amends GS 113-295 by making it illegal to place bait for the purpose of intentionally interfering with the lawful taking of wildlife. Makes violations punishable as a Class 2 misdemeanor, with second and subsequent convictions as a Class 1 misdemeanor. Effective December 1, 2021, and applies to offenses committed on or after that date.

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

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

[View summary](#)

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

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

Senate committee substitute to the 2nd edition changes the act's effective date to October 1, 2021 (was, effective on the date the act becomes law), applicable to elections and appointments to the office of sheriff on or after that date.

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

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

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Employment and Retirement, Government, Elections, Public Safety and Emergency Management, Local Government**

H 522 (2021) **MODIFY SERVICE/RELEASE OF ALTERNATE JURORS**. Filed Apr 8 2021, *AN ACT TO MODIFY THE PROVISIONS REGULATING THE SERVICE AND RELEASE OF ALTERNATE JURORS*.

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

Amends GS 15A-1221 to no longer provide for alternate jurors who have not been seated to be excused upon the jury retiring to deliberate in a jury trial.

Amends GS 15A-1340.16 to permit alternate jurors to become jurors at any time prior to rendering a decision to the court regarding whether one or more aggravating factors exist with regard to sentencing. Requires the court to instruct the jury to begin its deliberations anew if an alternate juror replaces a juror after deliberations have begun. Prohibits more than 12 jurors from participating in jury deliberations.

Amends GS 20-179 to make substantively identical changes regarding alternate jurors becoming jurors at any time prior to rendering a decision on the existence of one or more aggravating factors with regard to impaired driving sentencing as those made to GS 15A-1340.16.

Maintains the act's effective date of October 1, 2021.

**Intro. by Yarborough, Stevens, Zachary.**

**GS 15A, GS 20**

[View summary](#)

**Courts/Judiciary, Motor Vehicle, Criminal Justice, Criminal Law and Procedure**

## PUBLIC/SENATE BILLS

S 116 (2021) **PUTTING NORTH CAROLINA BACK TO WORK ACT. (NEW)** Filed Feb 18 2021, *AN ACT TO WITHDRAW FROM THE FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION (FPUC) AGREEMENT; TO ELIMINATE THE ADDBACK FOR BUSINESS EXPENSES DEDUCTED TO THE EXTENT THE PAYMENT RESULTS IN FORGIVENESS OF A COVERED LOAN UNDER THE FEDERAL CARES ACT FOR THE 2020 AND 2021 TAXABLE YEARS; AND TO EXCLUDE UNEMPLOYMENT COMPENSATION FROM STATE TAXABLE INCOME TO THE SAME EXTENT AS FEDERAL LAW*.

Conference report to the 4th edition makes the following changes:

Expands Section 1 to deny authority to the Division of Employment Security (Division) from administering payments under the Mixed Earners Unemployment Compensation program (MEUC program), as defined, in addition to the Federal Pandemic Unemployment Compensation program (FPUC program). Makes conforming changes to the Section's purpose. Now specifies that Section 1 has no effect upon the authority of the Division to administer payments under either programs paid or accrued before the effective date of the Section; requires such payments to be paid, adjudicated, collected, or otherwise administered after the effective date of the Section. Changes the effective date of Section 1 to the earliest date meeting both of the following conditions: (1) the date is a Saturday; and (2) the date is 30 days after the act becomes law (previously, did not require the date be a Saturday). Makes changes to make the definitions of FPUC and MEUC apply to the entire act (previously, FPUC definition was limited to Section 1).

Eliminates the content of previous Sections 2 through 5, which made various amendments to taxation provisions set forth in GS Chapter 105 regarding covered loans and unemployment compensation under the federal CARES Act. Makes conforming organizational changes.

Conditions the appropriation to the Department of Health and Human Services, Division of Child Development and Early Childhood Education, from Federal Child Care and Development block grant funds received under the American Rescue Plan Act of 2021, P.L. 117-2, for subsidized child care for eligible children upon the Division ceasing to administer payments under the FPUC and MEUC programs on or before August 14, 2021. Makes the provision effective July 1, 2021.

Adds the following content, organized as Section 4.

Amends GS 96-14.9 regarding the four work search requirements that must be met on a weekly basis for an individual to maintain eligibility for unemployment benefits for each weekly benefit period. Modifies the requirement for the individual to be actively seeking work to no longer allow satisfaction of one of the three required job contacts with potential employers during the week by attending a reemployment activity offered by a local career center. Adds to the required record of the individual's work search efforts to include whether any of the potential employers have made an interview request and, if so, the responses made under new subsection (f1). Enacts new subsection (f1), establishing response requirements for an individual who has received an interview request by an employer offering suitable work under the statute, including: (1) responding to the request within 48 hours; (2) scheduling an interview following a request within seven days, with later interviews permitted upon agreement with the potential employer; (3) appearing for a scheduled interview; and (4) attending any reemployment activity associated with the interview request if required by an employer. Allows employers to report violations to the Division and requires the Division to audit, on its own or through a private third party, all reported violations to determine if an individual's eligibility to receive benefits is impacted by the violation. Regarding the requirement for an individual to accept suitable work when offered after the first 10 weeks of a benefit period which meets the threshold specified based on the individual's weekly benefit amount, clarifies that the weekly benefit amount considered by the Division to determine if the offer is for suitable work includes only benefits paid under GS Chapter 96.

Amends GS 96-14.11 to disqualify an individual for any remaining benefits if the Division determines that the individual has failed, without good cause, to satisfy any of the interview response requirements set forth in new GS 96-14.9(f1) three or more times during a benefit year.

Makes the provisions of Section 4 apply to claims with weekly certification under GS 96-14.9 filed on or after the date the act becomes law.

Changes the act's effective date provisions, making the act effective on the date the act becomes law, except as otherwise provided (was, effective for taxable years beginning on or after January 1, 2020).

Changes the act's long title.

**Intro. by Johnson, Sawyer, Britt.**

[APPROP, GS 96](#)

[View summary](#)

[Business and Commerce, Corporation and Partnerships, Employment and Retirement, Government, Budget/Appropriations, State Agencies, Department of Commerce, Department of Health and Human Services](#)

S 126 (2021) [CLEAN UP OBSOLETE BOARDS](#). Filed Feb 23 2021, *AN ACT TO ABOLISH OBSOLETE BOARDS AND COMMISSIONS THAT ARE NO LONGER FUNCTIONAL*.

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

Deletes the proposed repeal of SL 2013-358 (except Section 2) and SL 2014-10, which establish and govern the Charlotte Douglas International Airport Commission.

**Intro. by Sawyer, Perry.**

[Mecklenburg, GS 20, GS 90, GS 96, GS 106, GS 115C, GS 116, GS 120, GS 131D, GS 138A, GS 143, GS 143B](#)

[View summary](#)

[Agriculture, Business and Commerce, Occupational Licensing, Courts/Judiciary, Motor Vehicle, Criminal Justice,](#)

**Development, Land Use and Housing, Community and Economic Development, Education, Elementary and Secondary Education, Higher Education, Employment and Retirement, Government, General Assembly, State Agencies, UNC System, Office of State Human Resources (formerly Office of State Personnel), Health and Human Services, Health, Public Health, Public Enterprises and Utilities, Transportation**

S 173 (2021) **FREE THE SMILES ACT. (NEW)** Filed Mar 2 2021, *AN ACT TO PROVIDE LOCAL AUTHORITY FOR SCHOOL FACE COVERING DETERMINATIONS DURING THE 2021-2022 SCHOOL YEAR.*

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

Adds the following requirements regarding the exclusive authority granted to the governing board of any public school unit or any nonpublic school to determine the use of face coverings, and any appropriate exceptions to those requirements, during the instructional day on its respective campus for the 2021-22 school year. Requires a local board to vote on a policy requiring mandatory face coverings for employees and students during the instructional day that will apply in the first instructional month of the school year by August 1, 2021. Requires the local board to vote at least monthly on whether such a policy adopted during the school year should be repealed or modified, regardless of whether the policy applies to the first instructional month or later, for as long as the policy remains in effect.

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

UNCODIFIED

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**Education, Elementary and Secondary Education, Government, State Government, Executive, Local Government, Health and Human Services, Health, Public Health**

S 314 (2021) **LOCAL GOV COMMISSION ASSISTANCE TOOLKIT. (NEW)** Filed Mar 17 2021, *AN ACT TO PROVIDE ADDITIONAL TOOLS FOR THE LOCAL GOVERNMENT COMMISSION TO ASSIST LOCAL GOVERNMENT UNITS AVOID AND CORRECT FISCAL DISTRESS THAT REQUIRES THAT THE IMPACT OF CHANGES TO SALES TAX DISTRIBUTION FORMULAS BE DELAYED UNTIL THE FISCAL YEAR FOLLOWING THE INITIAL DECISION, MANDATES THAT A STATEMENT FROM THE LOCAL GOVERNMENT COMMISSION BE INCLUDED IN THE PETITION TO THE GENERAL ASSEMBLY WHEN A NEW MUNICIPALITY IS PROPOSED, ADDS OPTIONAL SOURCES FOR TRAINING FOR FINANCE OFFICERS, ALLOWS THE LOCAL GOVERNMENT COMMISSION TO MANDATE SPECIALIZED TRAINING FOR CITY AND COUNTY MANAGERS WHEN A UNIT IS EXHIBITING FISCAL DISTRESS AND TO ESTABLISH A PROCESS FOR A MUNICIPALITY TO INITIATE A TRANSITION TO RECOVER FROM FINANCIAL DISTRESS AND TO ESTABLISH A PROCESS FOR THE LOCAL GOVERNMENT COMMISSION TO TRANSFER THE ASSETS, LIABILITIES, AND OTHER OBLIGATIONS AND DISSOLVE MUNICIPALITIES DETERMINED TO BE IN FINANCIAL DISTRESS AND TO REGULATE THE HOURS OF THE OFFICE OF THE REGISTER OF DEEDS.*

Conference report to the 5th edition makes the following changes.

Revises the proposed language replacing the content of GS 161-8 regarding attendance of the register of deeds. Regarding the requirement for the office of the register of deeds to be open for business Monday through Friday, at least 40 hours per week, now excepts emergencies, exigent circumstances, or inclement weather in addition to official State holidays from the requirement. Additionally, requires accepting instruments and documents for filing at all times when the office is open for business rather than requiring accepting instruments and documents for filing until the 5:00 p.m. required closing time. Makes the changes effective August 1, 2021 (was July 1, 2021).

**Intro. by McInnis, Johnson, Davis.**

GS 105, GS 120, GS 153A, GS 159, GS 160A, GS 161

[View summary](#)**Courts/Judiciary, Civil, Government, General Assembly, Tax,  
Local Government**

S 594 (2021) **MEDICAID ADMIN. CHANGES & TECH. CORRECTIONS.-AB** Filed Apr 6 2021, *AN ACT MODIFYING CERTAIN MEDICAID-RELATED PROVISIONS OF THE 2020 COVID-19 RECOVERY ACT, UPDATING THE MEDICAID PROGRAM BENEFICIARY APPEALS PROCESSES, INCREASING THE AMOUNT OF ALLOWABLE THERAPEUTIC LEAVE UNDER THE MEDICAID PROGRAM, CLARIFYING THE CODIFICATION OF BEHAVIORAL HEALTH SERVICES COVERED BY STANDARD BENEFIT PLANS, AUTHORIZING COVERAGE OPTIONS FOR BEHAVIORAL HEALTH SERVICES FOR POPULATIONS NOT COVERED BY PREPAID HEALTH PLAN CONTRACTS, REVISING THE TRANSFER OF AREA AUTHORITY FUND BALANCES, REMOVING THE RATE FLOOR FOR DURABLE MEDICAL EQUIPMENT, AND MAKING VARIOUS TECHNICAL CORRECTIONS TO THE STATUTES GOVERNING THE NORTH CAROLINA MEDICAID PROGRAM.*

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

Part I.

Changes the effective date of the proposed additions to Section 4.5, SL 2020-4, specifying that uninsured individuals receiving Medicaid coverage for COVID-19 testing are not covered by capitated prepaid health plan contracts under Article 4 of GS Chapter 130D. Makes the changes effective July 1, 2021 (was, the date the act becomes law).

Part II.

Makes a technical change to eliminate the section caption for new GS 108D-15.1, which provides for expedited contested case hearings on disputed adverse benefit determinations by a managed care entity.

Part III.

Eliminates the proposed addition of peer support services, substance abuse comprehensive outpatient treatment program services, and substance abuse intensive outpatient program services to the services that all capitated PHP contracts governed by Article 4 must cover under GS 108D-35(1). Also eliminates the proposed addition of social setting detoxification services or clinically managed residential withdrawal services to the mandated coverage under GS 108D-35(1), effective upon the approval by the Centers for Medicare and Medicaid Services (CMS) of NC Medicaid coverage for such services, on the effective date of the allowed coverage. Makes conforming deletions.

Eliminates the proposed changes to GS 108D-35, authorizing DHHS to determine whether services for Medicaid program applicants can be covered by a capitated contract during any period of time prior to eligibility determination.

Adds the following content.

Amends GS 108D-60 to authorize DHHS to contract with entities operating Behavioral Health and Intellectual/Developmental Disability (BH IDD) tailored plans under a capitated or other arrangement for the management of behavioral health, intellectual and developmental disability, and traumatic brain injury services for any recipients excluded from prepaid health plan (PHP) contracts under specified subdivisions of GS 108D-40(a), with population categories identified including medically needy Medicaid recipients, members of federally recognized tribes, participants in the North Carolina Health Insurance Premium Payment (NC HIPP) program, and those being served through the Community Alternatives Program for Children (CAP/C) or the Community Alternatives Program for Disabled Adults (CAP/DA), among others. Amends GS 122C-115, granting authority for such entities to continue to manage the named services for these described recipients under any contract with DHHS in accordance with GS 108D-60.

Directs that, when a county disengages and realigns area authorities, a portion of the risk reserve and other funds of an area authority must be transferred to the area authority with which a county is realigning, with the transferred amount determined by DHHS pursuant to a formula developed pursuant to the requirements and limitations specified. Exempts the development and application of the formula from statutory rulemaking requirements; however, requires DHHS to accept public comment on the proposed formula. Requires area authorities to provide DHHS with necessary financial information for determination of the transfer amount. Requires DHHS to post the formula on its website and provide notice to all area authorities and the specified NCGA committees and division. Directs DHHS to report to the specified NCGA committees and division by October 15, 2021, on any formulas developed and any funds transferred during the previous quarter. Requires quarterly reporting beginning

January 15, 2022, through April 15, 2026, on any funds transferred as a result of disengagements during the previous quarter. Requires a final quarterly report on June 30, 2026. Effective when the act becomes law and applies to disengagements approved by DHHS with an effective date on or after September 1, 2021; expires June 30, 2026.

Changes the proposed revisions to Section 11 of SL 2020-88, regarding the rate floor for durable medical equipment and supplies and orthotics and prosthetics under managed care, by setting the reimbursement rate at 100% of the lesser of the supplier's usual and customary rate or the maximum allowable Medicaid fee-for-service rates, for the first five years (was, the lesser of the supplier's usual and customary rate or the maximum allowable Medicaid fee-for-service rates, for the first three years). Makes the changes effective July 1, 2021 (was, effective on the date the act becomes law).

Part IV.

Changes the effective date for the proposed changes to GS 108D-5.3(b)(1) and GS 108D-40(a)(5) (providing for the enrollment and disenrollment of beneficiaries who meet the federal definition of Indian), and the proposed repeal of GS 108D-40(a)(5a) and conforming proposed changes to GS 122C-115(e) (eliminating the exclusion of eligible recipients who are enrolled in a DHHS-contracted Indian managed care entity from the populations capitated PHP contracted are automatically required to cover). Makes the changes effective July 1, 2021 (was, effective on the date the act becomes law).

Changes the effective date of the proposed changes to GS 108D-35, specifying that capitated PHP contracts do not cover services documented in an individualized family service plan under the federal Individuals with Disabilities Education Act that are provided and billed by a Children's Development Services Agency or by such Agency's contracted provider of those services. Makes the changes effective July 1, 2021 (was, effective on the date the act becomes law).

Changes the act's long title.

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

[UNCODIFIED, GS 90, GS 108A, GS 108C, GS 108D, GS 122C, GS 131E](#)

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

S 605 (2021) [NORTH CAROLINA FARM ACT OF 2021](#). Filed Apr 6 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS CONCERNING AGRICULTURE AND FORESTRY*.

House committee substitute to the 4th edition makes the following changes.

Section 12.

Makes technical changes to the effective date provision for the proposed changes to GS 20-7(f)(3), regarding driver's licenses issued to H-2A workers.

Section 13.

Deletes the proposed changes to GS 95-242, which proposed that (1) the right-to-sue letter the Commissioner of Labor (Commissioner) is required to issue that enables an employee to bring a civil action under GS 95-243 upon determining there is no reasonable cause to believe a complaint alleging that the employer discriminated or retaliated against the employee for engaging in the protected activities of GS 95-241, in violation of GS 95-241, is true, must state that the Commissioner has investigated the complaint and concluded that there is not reasonable cause to believe the allegation is true, as well as (2) a right-to-sue letter issued by the Commissioner when the Commissioner has concluded that there is not reasonable cause to believe the allegation is true may be used as evidence in a subsequent proceeding.

Adds new Section 13A. as follows.

Amends GS 106-850, which establishes the Agriculture Cost Share Program for Nonpoint Source Pollution Control, to make the program statewide (currently provides for the program to initially include the present 16 nutrient sensitive watershed counties and 17 additional counties).

**Intro. by B. Jackson, Sanderson, Edwards.**

GS 1, GS 7A, GS 14, GS 20, GS 95, GS 96, GS 105, GS 106, GS 143, GS 150B

[View summary](#)

**Agriculture, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Court System, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Environment, Environment/Natural Resources, Government, APA/Rule Making, State Agencies, Department of Agriculture and Consumer Services, Department of Transportation, Tax, Immigration**

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 68: GSC LICENSING BOARDS AND COMM'NS/RULE CRIMES.**

*Senate: Reptd Fav*

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

#### **H 132: JUVENILE CODE REV'S/CIP RECOMMENDATIONS.-AB**

*Senate: Reptd Fav*

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

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

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

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

*House: Ratified*

#### **H 181: WILDLIFE RESOURCES COMM'N. AMENDMENTS.-AB**

*House: Amend Adopted A1*

*House: Amend Adopted A2*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

#### **H 238: PROHIBIT POSSESSION OF SKIMMING DEVICE.**

*House: Pres. To Gov. 6/23/2021*

#### **H 272: REVISE HEALTH STANDARD FOR LEAD.**

*House: Pres. To Gov. 6/23/2021*

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

*Senate: Reptd Fav*

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

**H 312: QUALIFICATIONS FOR SHERIFF/EXPUNCTION.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

**H 335: TIMELY LOCAL PAYMENTS TO CHARTER SCHOOLS.**

*Senate: Regular Message Sent To House*

*House: Regular Message Received For Concurrence in S Com Sub*

**H 344: SYSTEM DEVELOPMENT FEES UPDATE.**

*House: Cal Pursuant 36(b)*

*House: Added to Calendar*

*House: Concurred In S Com Sub*

*House: Ordered Enrolled*

**H 360: AUTHORIZE DAN RIVER STATE TRAIL.**

*House: Ratified*

**H 383: MEDICAID MODERNIZED HOSPITAL ASSESSMENTS.**

*House: Concurred On 3rd Reading*

*House: Ordered Enrolled*

**H 481: FIREARM DISPOSAL/UNC CAMPUS POLICE.**

*Senate: Reptd Fav*

**H 629: PHYSICIAN ASST/NURSE PRACTIT./STOP ACT CLAR.**

*House: Pres. To Gov. 6/23/2021*

**S 105: 2021 APPROPRIATIONS ACT.**

*Senate: Reptd Fav*

**LOCAL BILLS**

**H 38: BD. OF TRUSTEES/ISOTHERMAL CC.**

*House: Ratified*

**H 236: AMEND ORANGE/CHATHAM COUNTY BOUNDARY LINE.**

*Senate: Reptd Fav*

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

**H 375: FRANKLINVILLE/LIBERTY/RAMSEUR/ANNEXATIONS.**

*Senate: Reptd Fav*

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

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