



## The Daily Bulletin: 2021-08-04

### PUBLIC/HOUSE BILLS

H 78 (2021) **VARIOUS EDUCATION CHANGES. (NEW)** Filed Feb 11 2021, *AN ACT TO AUTHORIZE ADDITIONAL NATIONALLY STANDARDIZED TESTS TO SATISFY NINTH GRADE PRIVATE SCHOOL TESTING REQUIREMENTS AND TO MAKE CHANGES FOR IN-STATE TUITION FOR VETERANS TO COMPLY WITH FEDERAL LAW.*

Senate committee substitute deletes the content of the 2nd edition and replaces it with the following.

#### Part I.

Amends GS 115C-549 and GS 115C-557, regarding standardized testing requirements in private church schools, schools of religious charter, and qualified nonpublic schools for grades three, six, and nine. Changes the requirements for testing in grade nine to allow the standardized test or other equivalent measurement selected to measure competencies in the verbal and quantitative areas as an alternative to measuring achievement in the areas of English grammar, reading, spelling, and math.

Similarly, amends GS 115C-562.5(a) regarding standardized testing requirements of nonpublic schools accepting students receiving scholarship grants for grades three and higher. Changes the requirements for testing in grades nine through twelve to allow the standardized test or other equivalent measurement selected to measure competencies in the verbal and quantitative areas as an alternative to measuring achievement in the areas of English grammar, reading, spelling, and math.

Makes the above changes apply to tests given beginning with the 2021-22 school year.

#### Part II.

Amends GS 116-143.3A, which provides for in-state tuition for veterans and their dependents for enrollment in an institution of higher education, to the extent required by specified federal law, without satisfying the 12-month residency requirements, if the individual meets specified criteria. Eliminates subsection (d), which provides for continued eligibility for in-state tuition if the individual remains continuously enrolled after the expiration of the three-year period following discharge as described in specified federal law.

Changes the act's titles.

**Intro. by Blackwell, Clemmons, Elmore, Hurley.**

[GS 115C, GS 116](#)

[View summary](#)

**Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System, Military and Veteran's Affairs**

H 121 (2021) **CLARIFY EQIP FUNDING/DREDGING COST-SHARE. (NEW)** Filed Feb 19 2021, *AN ACT TO CLARIFY FUNDING OF CERTAIN WATER RESOURCES PROJECTS UNDER THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM, TO EXEMPT CERTAIN DREDGING PROJECTS FOR FERRY CHANNELS FROM SHALLOW DRAFT NAVIGATION CHANNEL DREDGING AND AQUATIC WEED FUND COST-SHARE REQUIREMENTS, AND TO EXTEND THE HATTERAS-OCRACOKE PASSENGER FERRY LEASE.*

Senate committee substitute amends the 3rd edition as follows.

Amends new subsection (c1) of GS 143-215.73F, which governs the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund, to now exempt dredging projects located in a development tier one area (previously, did not include location criteria) for a ferry channel maintained by the North Carolina Department of Transportation (DOT) from the non-State funds cost-sharing requirements of the statute, now further specified by statutory subdivision.

Amends Section 3 of SL 2021-33, extending the term of the lease for the operation of a passenger ferry vessel between Hatteras and Ocracoke by DOT, now requiring the term to end by September 12, 2021, rather than August 15, 2021.

Authorizes DOT to use up to \$220,000 of the funds appropriated from the Highway Fund to DOT for 2021-22 to extend the passenger ferry lease authorized by SL 2021-33, as amended.

Makes conforming changes to the act's long title.

**Intro. by K. Hall.**

GS 143

[View summary](#)

**Environment, Environment/Natural Resources, Government, Budget/Appropriations, State Agencies, Department of Environmental Quality (formerly DENR), Department of Transportation, Local Government, Public Enterprises and Utilities, Transportation**

H 415 (2021) **UPDATE CHIROPRACTIC LAWS**. Filed Mar 25 2021, *AN ACT TO UPDATE VARIOUS LAWS OF THE PRACTICE AND LICENSURE OF CHIROPRACTIC*.

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

Further amends Article 8, GS Chapter 90, which regulates chiropractic licensure, as follows. Revises the powers and duties of the North Carolina State Board of Chiropractic Examiners (Board) to include establishing reasonable fees for licensure verification and continuing education, and more specifically authorizes establishing fees for other administrative services provided by the Board (was, other services). Eliminates the proposed power to establish certification standards for diagnostic imaging technicians. Eliminates a statutory cross-reference regarding the Board's disciplinary authority. More specifically authorizes the Board to order production, or inspection and copy, of any clinical care or patient records (was, records, generally) concerning the practice of chiropractic relevant to a complaint, inquiry or investigation. Specifies that the record retention requirement for licensees or establishment employing licensees applies to patient records (was, records, generally). Eliminates the proposed provisions which deemed the names and office addresses of Board members and licensees to be public record. Specifies that the personal email addresses of Board members and licensees are not public record (was, email addresses, generally). Maintains rather than removes as grounds for disciplinary action by the Board (1) violating GS 90-151 (concerning licensure limitations), and (2) committing an act on or after October 1, 2017, demonstrating a lack of good moral character which would have been the basis of denying a license if committed before licensed. Maintains rather than removes the existing parameters provided for the Board in adopting rules that establish and define standards of acceptable care.

Now authorizes the Board to assess a civil penalty of up to \$500 for the violation of any section of the Article (was, per violation of the Article) or any rule adopted by the Board. Adds a maximum cumulative fine amount, set at \$1,000, for licensees found responsible for multiple violations in the same disciplinary actions. Clarifies that the Board's authority to charge the costs of a disciplinary proceeding against a licensee applies to instances in which a licensee is found to have violated any provisions of the Article or any rule adopted by the Board (previously, applicable to licensees against whom proceedings are brought). Makes further technical and clarifying changes.

**Intro. by Setzer, Lambeth, Everitt, Moffitt.**

GS 90

[View summary](#)

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

H 461 (2021) **STATE AUDITOR CLARIFYING AMENDMENTS**. Filed Mar 30 2021, *AN ACT TO MAKE CLARIFYING AND TECHNICAL CHANGES IN THE STATE AUDITOR STATUTES*.

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

Enacts new GS 147-64.7B providing that when the Auditor requests information as part of a verification audit from any organization that is not a State agency and the organization does not provide the information, the organization is to be treated as if the organization failed to meet any condition precedent, classification, or other similar eligibility or qualifying standard subject to the verification audit. Requires the Auditor to document the organization's failure to provide the required information in a public record. Effective October 1, 2021. Makes conforming changes.

**Intro. by Howard, Szoka, Setzer, Bradford.**

[GS 147](#)

[View summary](#)

**Government, State Agencies, Office of State Auditor, State Government, Local Government**

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

Senate committee substitute makes the following changes to the 3rd edition.

#### Section 5

Changes the effective date of the proposed changes to GS 113A-60, relating to local erosion and sedimentation control programs, from July 1, 2021, to October 1, 2021.

Adds the following new content.

#### Section 8

Amends Section 4, SL 2020-61, which sets forth implementation directives for the Environmental Management Commission (EMC) with regard to the Permitting by Regulation for Building Sewer Systems Rule (Sewer Systems Rule), 15A NCAC 02T .0303, and requires EMC to adopt a rule consistent with the implementation directives stated. Revises the directives regarding permitted building sewers that serve a main building to now require EMC to implement the Sewer Systems Rule by also deeming permitted a building sewer that serves an accessory building on the same lot that is connected to the building sewer or *building drain*, as defined (was, building sewer only), for the main building and a sewer shared between a main building and an accessory building, if the building sewer that serves the accessory building and the shared sewer meet the criteria in the previously specified rule and all criteria for that system in the Sewer Systems Rule, with no other criteria required to satisfy 15A NCAC 02T. Adds a new requirement for the building sewer piping and the drain piping that connect the accessory building to the main building to comply with the applicable provisions of the 2018 NC Building Code. Makes technical and conforming changes.

#### Section 9

Amends GS 160D-804, regarding contents and requirements of local government subdivision regulations, to require the Department of Transportation to add transportation improvements in such regulations intended to be designated as public to the State highway system for maintenance pursuant to specified State law within 90 days after receipt of the filing of the certificate of completion by the division engineer on record. Effective January 1, 2022.

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

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

[View summary](#)

**Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Environment, Environment/Natural Resources, Government, State Agencies, Department of Transportation, Local Government, Transportation**

H 729 (2021) [CHARTER SCHOOLS OMNIBUS](#). Filed Apr 28 2021, *AN ACT TO AUTHORIZE ALL GOVERNING BOARDS OF PUBLIC SCHOOL UNITS TO REQUEST RESIDENCY LICENSES AND TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND CREATE A STAGGER FOR THE APPOINTMENTS TO THE BOARD.*

Senate committee substitute deletes the content of the 2nd edition and replaces it with the following.

Part I.

Amends GS 115C-270.20(a)(5), which sets forth requirements for a residency license (class of teacher license), to refer to the governing board of a public school unit requesting the license rather than a local board of education. Applies to individuals seeking licensure on or after the date the act becomes law.

Part II.

Amends GS 115C-218(b)(2), Membership of the NC Charter Schools Advisory Board (Board), to make the State Superintendent a voting member and secretary of the Board and to reduce the number of members appointed by the State Board of Education to one member (was, two). Establishes that three members appointed by the General Assembly to fill terms expiring in 2021 will serve two-year terms instead of four-year terms in order to stagger appointments to the Board. Applies to appointments made on or after the date the act becomes law.

Changes the act's long title.

**Intro. by Yarborough, Hardister, Bradford, Brody.**

**GS 115C**

[View summary](#)

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

## PUBLIC/SENATE BILLS

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

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

Part I.

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

Part III.

Makes technical changes to the act's effective date provision.

**Intro. by Sawyer, Johnson.**

**GS 58**

[View summary](#)

**[Business and Commerce, Insurance, Government, State Agencies, Department of Insurance, Health and Human Services, Health, Health Insurance](#)**

S 688 (2021) [SPORTS WAGERING](#). Filed Apr 7 2021, *AN ACT TO AUTHORIZE AND REGULATE SPORTS WAGERING IN NORTH CAROLINA.*

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

Revises proposed Article 9, Sports Wagering, of GS Chapter 18C as follows.

Modifies the Article's following defined terms. Now defines *electronic sports* to mean leagues, competitive circuits, tournaments, or similar competitions where individuals or teams play video games, typically for spectators, either in person or online, for the purpose of prizes, money, or entertainment (was, any video game played competitively for spectators, either in person or via remote connection, in which success principally depends upon the superior knowledge, training, experience, and adroitness of the participants). Now defines *sporting event* to include professional sports, college sports, and amateur sports, all of which may include electronic sports (previously, electronic sports were included in the term) and any other event approved by the NC State Lottery Commission (Commission). Adds that a *sports facility* can alternatively be a facility that hosts a professional golf tournament annually. Now defines *tribal gaming enterprise* to mean a federally recognized Indian tribe that is authorized to conduct Class III games in accordance with the federal Indian Gaming Regulatory Act in this state or a business entity owned or controlled by such tribe. Adds that any federally recognized tribe, or business entity owned or controlled by the tribe, that is deemed an interactive sports wagering operator under this Article must include authorization for any technology and sports wagering brand partners of the tribe or the business entity owned or controlled by the tribe, subject to compliance with the terms of this Article by the technology and sports wagering brand partners.

Adds a new section to the Article granting the Commission authority to issue a sports wagering supplier license (supplier license). Defines *sports wagering supplier* as a person that provides services, goods, software, or other components necessary for the creation of wagering markets and determining wager outcomes, directly or indirectly, to any license holder or applicant involved in the acceptance of wager, including any of the following: providers of data feeds and odds services, internet platform providers, risk management providers, integrity monitoring providers, and other providers of sports wagering supplier services as determined by the Commission. Specifies that a sports governing body that provides raw statistical match data to one or more designated and licensed providers of data and odds services is not a wagering supplier. Bars selling, leasing, distributing, offering, or otherwise providing services, goods, software, or other components necessary for the creation of betting markets and determining bet outcomes, directly or indirectly to any license holder or applicant involved in the acceptance of bets, without a license. Specifies that an interactive sports wagering operator is not required to obtain a supplier license. Requires a supplier license to provide sports wagering supplier services under a fixed-fee or revenue-sharing agreement. Allows for provisional licensing. Sets the supplier licensing fee at \$15,000, with a \$5,000 renewal fee, subject to the standard restrictions set for licenses issued under the Article, including license validity of five years. Provides supplier license application requirements, including identifying the applicant's principal owners who directly own 5% or more of the applicant and each holding, intermediary, or parent company that directly own 15% or more of the applicant, and the applicant's board appointed CEO or CFO. Waives investment funds or entities registered with the SEC and entities under the management of such entities registered with the SEC that are indirect or direct shareholders of the applicant from information disclosure requests in connection to the license application as determined by the Commission. Specifies that the Article does not make a supplier licensee or a temporary supplier licensee be subject to or required to obtain any additional license to offer the sports wagering services.

Corrects a statutory cross-reference regarding duties of interactive sports wagering operators relating to the requirement to allow voluntary exclusion from placing wagers through their platform. Adds a new provision to limit a sports governing body receiving real-time information-sharing for sports wagers placed on its sporting events to use such information for monitoring integrity only, and not for any commercial purpose.

Makes a technical change to a statutory cross-reference regarding interactive account funding requirements.

Makes a clarifying change to conform to terminology used in the Article in the list of factors the Commission can consider in determining whether official league data is being offered on commercially reasonable terms and conditions, now referring to an *interactive* sports wager operator regarding the availability of a sports governing body's tier two official league data.

Makes the following changes relating to the authority of an owner or operator of a sports facility to provide access to their sports wagering platform through places of public accommodation. Specifies that access can be offered with assistance from a person (was, alternatively with assistance, not specifying by a person). Sets a cap at one place of public accommodation for each owner or operator of a sports facility. Now allows for places of public accommodation to be located on other property owned or controlled by the owner or operator of the sports facility or an affiliated entity of the owner or operator of the sports facility that is within a one-half mile (was, one-quarter mile) radius of the sports facility, as an alternative to being located on the property containing the sports facility. Adds that a place of public accommodation can be either a permanent establishment or a temporary establishment associated with a specific sporting event of a series of sporting events. Now requires all wagers

to be placed by an interactive account, and requires mobile devices, computer terminals, similar devices, and cashiers used to operate the place of public accommodation to have the ability to accept and distribute cash and cash equivalents.

Clarifies that a tribal gaming enterprise, as now defined, will be deemed a *licensed* interactive sports wagering operator upon satisfaction of three criteria. Mirroring the term *tribal gaming enterprise's* amended definition, adds that any federally recognized tribe or business entity owned or controlled by the tribe deemed an interactive sports wagering operator must include authorization for any technology and sports wagering brand partners of the tribe or the business entity owned or controlled by the tribe, subject to compliance with the terms of this Article by the technology and sports wagering brand partners.

Eliminates the requirement for the Commission to adopt temporary rules to implement the Article. Instead, directs the Commission to establish guidance to parties regulated by the provisions of the Article addressing the application of the Article to electronic sports, with due consideration to the key role of game publishers as creators of the underlying video game.

**Intro. by Perry, Lowe.**

[GS 18C, GS 143B](#)

[View summary](#)

[Lottery and Gaming](#)

## LOCAL/HOUSE BILLS

H 365 (2021) [ASHEVILLE AIRPORT AUTH./AUTHORIZED USES](#). Filed Mar 23 2021, *AN ACT TO EXPAND THE AUTHORIZED USES FOR AIRPORT FACILITIES AND PREMISES GOVERNED BY THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY.*

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

Amends the proposed changes to Subdivision 14 of Section 1.6(a) of SL 2012-121, regarding the powers of the Greater Asheville Regional Airport Authority, eliminating the proposed additional power to operate, own, lease, sublease, control, regulate, and/or grant others the right to operate office buildings, industrial and manufacturing facilities, retail facilities, recreational facilities, entertainment venues and facilities, and technology and wireless infrastructure. Instead, extends the Authority's power to include operating, owning, leasing, subleasing, controlling, regulating, and/or granting others the right to operate golf courses. Changes the act's effective date from July 1, 2025, to when the act becomes law.

**Intro. by Moffitt.**

[UNCODIFIED, Buncombe](#)

[View summary](#)

[Development, Land Use and Housing, Land Use, Planning and Zoning, Transportation](#)

## ACTIONS ON BILLS

### PUBLIC BILLS

**H 64: GOVERNMENT TRANSPARENCY ACT OF 2021. (NEW)**

*House: Conf Com Appointed*

**H 73: TEMPORARILY WAIVE ABC PERMIT RENEWAL FEES. (NEW)**

*House: Conf Report Adopted*

*House: Ordered Enrolled*

**H 78: VARIOUS EDUCATION CHANGES. (NEW)**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

**H 96: ALLOW PHARMACISTS TO ADMIN. INJECTABLE DRUGS.**

*Senate: Regular Message Sent To House*

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

**H 121: CLARIFY EQIP FUNDING/DREDGING COST-SHARE. (NEW)**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

**H 158: CONST. AMEND./LIFE AT FERTILIZATION.**

*House: Withdrawn From Com*

*House: Re-ref to the Com on Judiciary 2, if favorable, Rules, Calendar, and Operations of the House*

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

*House: Concurred In S Com Sub*

*House: Ordered Enrolled*

**H 366: REGULATORY REFORM ACT OF 2021.**

*House: Withdrawn From Cal*

*House: Placed On Cal For 08/05/2021*

**H 415: UPDATE CHIROPRACTIC LAWS.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Judiciary*

**H 461: STATE AUDITOR CLARIFYING AMENDMENTS.**

*Senate: Amend Adopted AI*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

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

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

**H 729: CHARTER SCHOOLS OMNIBUS.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

**S 35: MAX 4-YR AGE DIFF TO MARRY UNDER 18 YRS. (NEW)**

*House: Withdrawn From Com*

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

**S 191: THE NO PATIENT LEFT ALONE ACT.**

*House: Withdrawn From Com*

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

**S 201: E-SALVAGE EXPRESS.**

*House: Withdrawn From Com*

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

**S 228: ALLOW EMPLOYERS TO OFFER EPO BENEFIT PLANS.***House: Withdrawn From Com**House: Re-ref to the Com on Insurance, if favorable, Health, if favorable, Rules, Calendar, and Operations of the House***S 299: NCDOI NAIC ACCREDITATION.-AB***House: Reptd Fav Com Substitute**House: Re-ref Com On Rules, Calendar, and Operations of the House***S 311: NO WAITING PERIOD UNDER LGERS FOR LEOS.***House: Withdrawn From Com**House: Re-ref to the Com on Pensions and Retirement, if favorable, Rules, Calendar, and Operations of the House***S 314: LOCAL GOV COMMISSION ASSISTANCE TOOLKIT. (NEW)***House: Conf Rpt Recon**House: Conf Rpt Withdrawn***S 347: CAPTIVE INSURANCE AMENDMENTS.***House: Reptd Fav**House: Re-ref Com On Rules, Calendar, and Operations of the House***S 462: CON/THRESHOLD AMDS. & AMP CERTIFICATE EXPIRATIONS.***House: Withdrawn From Com**House: Re-ref to the Com on Health, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House***S 496: DOI OMNIBUS BILL.-AB***House: Serial Referral To State Government Stricken***S 507: MODIFY BUSINESS CORPORATION ACT.***House: Reptd Fav**House: Cal Pursuant Rule 36(b)**House: Added to Calendar**House: Passed 2nd Reading**House: Passed 3rd Reading**House: Ordered Enrolled***S 636: DONOR PRIVACY.***House: Withdrawn From Com**House: Re-ref to the Com on Judiciary 2, if favorable, Rules, Calendar, and Operations of the House***S 688: SPORTS WAGERING.***Senate: Reptd Fav Com Substitute**Senate: Com Substitute Adopted**Senate: Re-ref Com On Judiciary***S 711: NC COMPASSIONATE CARE ACT.***Senate: Withdrawn From Com**Senate: Re-ref to Judiciary. If fav, re-ref to Health Care. If fav, re-ref to Rules and Operations of the Senate***LOCAL BILLS****H 19: REMOVE VARIOUS SATELLITE ANNEXATION CAPS. (NEW)***House: Concurred On 2nd Reading***H 206: LOUISBURG ECONOMIC DEVELOPMENT INITIATIVE.***Senate: Passed 2nd Reading*



*Senate: Placed On Cal For 08/09/2021*

**H 244: LINCOLN CO. BD. OF ED./PARTISAN ELECTION.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

**H 365: ASHEVILLE AIRPORT AUTH./AUTHORIZED USES.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

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