



The Daily Bulletin: 2021-08-10

PUBLIC/HOUSE BILLS

H 84 (2021) **SEX OFFENDER PREMISES RESTRICTIONS**. Filed Feb 16 2021, *AN ACT TO APPLY PREMISES RESTRICTIONS TO CERTAIN SEX OFFENDERS, TO CLARIFY THE EXPUNCTION OF MISDEMEANORS, AND TO AMEND THE LAW THAT IMPOSES RESIDENTIAL RESTRICTIONS ON SEX OFFENDERS TO PROVIDE THAT THE ONE THOUSAND FOOT RESTRICTION IS TO BE MEASURED FROM THE PROPERTY LINE OF THE PROPERTY ON WHICH THE SCHOOL OR CHILD CARE CENTER IS LOCATED.*

Conference report makes the following changes to the 2nd edition.

Makes technical and clarifying changes to the proposed changes to GS 14-208.18 regarding premises restrictions for certain persons required to register under Article 27A, Sex Offender and Public Protection Registration Programs.

Adds the following.

Amends GS 15A-145 to exclude offenses requiring registration pursuant to Article 27A of GS Chapter 14 from eligibility for the expunction of records for first offenders under the age of 18 at the time of conviction of certain misdemeanors under the statute. Specifies that the exclusion applies regardless of whether the person is currently required to register. Applies to petitions filed on or after December 1, 2021.

Amends GS 14-208.16 concerning residential restrictions for persons required to register under Article 27A. Current law prohibits registrants from knowingly residing within 1,000 feet of the property on which any public or nonpublic school or child care center is located. Now prohibits registrants from knowingly residing at (1) any location which is within 1,000 feet of any property line of a property on which any public or nonpublic school or child care center is located or (2) within any structure, any portion of which is within 1,000 feet of any property line of a property on which any public or nonpublic school or child care center is located. Applies to offenses committed on or after December 1, 2021, by all persons registered or required to register on or after that date; excludes a person who has established residence prior to that date in accordance with subdivisions (d)(1), (2), or (3) of the statute.

Makes conforming changes to the act's long title.

Intro. by Warren, McNeill, Riddell, Stevens.

[GS 14, GS 15A](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management](#)

H 351 (2021) **CLIFFORD'S LAW. (NEW)** Filed Mar 22 2021, *AN ACT DIRECTING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH VISITATION PROTOCOLS FOR NURSING HOMES, COMBINATION HOMES, AND ADULT CARE HOMES, INCLUDING FAMILY CARE HOMES, DURING DECLARED DISASTERS AND EMERGENCIES AND REQUIRING THESE FACILITIES TO ADHERE TO THE ESTABLISHED VISITATION PROTOCOLS DURING DECLARED DISASTERS AND EMERGENCIES WHEN NORMAL VISITATION POLICIES ARE SUSPENDED OR CURTAILED.*

Senate committee substitute deletes the content of the 5th edition and replaces it with the following.

Includes whereas clauses.

Enacts GS 131E-112.5 to require the Secretary of the Department of Health and Human Services (DHHS Secretary) to establish visitation protocols for residents of nursing homes and combination homes that will become effective during a

disaster declaration or emergency that results in the suspension or curtailment of the facility's normal visitation policy for any reason. Defines *normal visitation policy* to mean the visitation policy that was in effect at a facility on January 1, 2020. Lists three minimum requirements for the protocols, including that each resident has the right to designate one preapproved visitor and one preapproved alternative visitor to be allowed to visit the resident at least twice a month during any period of time during which the facility's normal visitation policy is suspended or curtailed for any reason during a declared disaster or emergency, subject to Centers for Medicare and Medicaid Services directives and to the guidelines, conditions, and limitations established by the facility as part of its normal visitation policy. Requires the DHHS Secretary to consult with licensed operators of nursing homes and combination homes and other relevant stakeholders in establishing the protocols. Defines *disaster declaration*, *emergency*, and *facility*.

Enacts GS 131E-112.6 (concerning licensed nursing homes and combination homes) to define the effectiveness of the protocols established by the DHHS Secretary under new GS 131E-112.5 to be during any period of time when (1) there is a declared disaster or emergency and (2) a licensed nursing home or combination home suspends or restricts the normal visitation policy for any reason.

Makes the above provisions effective April 1, 2022.

Requires the DHHS Secretary to implement the visitation protocols established under new GS 131E-112.5 by June 15, 2022, and submit a summarizing report of the protocols to the specified NCGA committee chairs at least 30 days prior to implementation.

Effective April 1, 2022, enacts GS 131D-7.1 and GS 131D-7.2 to enact substantively identical provisions regarding adult care homes, including a family care home, as those enacted in GS 131E-112.5 and GS 131E-112.6 concerning licensed nursing homes and combination homes. Requires the DHHS Secretary to establish visitation protocols for residents of adult care homes that will become effective during a disaster declaration or emergency that results in the suspension or curtailment of the facility's normal visitation policy for any reason. Requires the DHHS Secretary to consult with licensed operators of adult care homes and other relevant stakeholders in establishing the protocols. Defines the effectiveness of the protocols established by the DHHS Secretary under new GS 131D-7.1 to be during any period of time when (1) there is a declared disaster or emergency and (2) a licensed adult care home suspends or restricts the normal visitation policy for any reason.

Requires the DHHS Secretary to implement the visitation protocols established under new GS 131D-7.1 by June 15, 2022, and submit a summarizing report of the protocols to the specified NCGA committee chairs at least 30 days prior to implementation.

Changes the act's titles.

Intro. by Dixon, Lambeth, White, Moss.

[GS 131D, GS 131E](#)

[View summary](#)

Government, Public Safety and Emergency Management, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Social Services, Adult Services

H 481 (2021) [FIREARM DISPOSAL/UNC CAMPUS POLICE](#). Filed Apr 1 2021, *AN ACT TO ALLOW EACH DEPARTMENT, AGENCY, INSTITUTION, COMMISSION, AND BUREAU OF THE EXECUTIVE, JUDICIAL, OR LEGISLATIVE BRANCH OF NORTH CAROLINA AND CAMPUS POLICE AND LAW ENFORCEMENT AGENCIES OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO SELL, TRADE, OR OTHERWISE DISPOSE OF ANY OR ALL SURPLUS WEAPONS IN THEIR POSSESSION TO ANY FEDERALLY LICENSED FIREARM DEALER; TO PROVIDE THAT THE TWENTY-YEAR WAITING PERIOD TO PETITION THE COURT TO HAVE FIREARM RIGHTS' RESTORED FOR AN OUT-OF-STATE CONVICTION IS CALCULATED JUST LIKE THE TWENTY-YEAR WAITING PERIOD FOR A NORTH CAROLINA CONVICTION; AND TO AUTHORIZE LOCAL LAW ENFORCEMENT OFFICERS TO PURCHASE PRIOR WEAPON USED.*

Senate amendments make the following changes to the 3rd edition.

Amendment #1 adds a new section amending GS 14-415.4 (Restoration of firearms rights) to allow restoration of a person's firearms rights following a nonviolent felony conviction outside of North Carolina where (1) 20 years have passed since the unconditional discharge or pardon of the person by the agency having jurisdiction where the conviction occurred and (2) the person's civil rights have been restored under the laws of the jurisdiction where the conviction occurred. Effective December 1, 2021. Makes other conforming changes.

Amendment #2 further amends GS 143-63.1 to require that surplus weapons be offered for public sale to federally licensed firearm dealers, with public sale through sealed competitive bids, electronic bids, negative bids, auction, and retail sales.

Amendment #3 amends GS 20-187.2 to allow active members of city and county law enforcement agencies, upon change in type of weapons, to purchase the weapon worn or carried by such member at a price of the average yield to the city or county from the sale of similar weapons during the preceding year, as active members of State law enforcement agencies are authorized by current law. Makes technical changes.

Makes conforming changes to the act's long title.

Intro. by C. Smith, Faircloth, Miller.

[GS 14](#), [GS 20](#), [GS 143](#)

[View summary](#)

Government, Public Safety and Emergency Management, State Agencies, UNC System

H 536 (2021) [LAW ENFORCEMENT DUTY TO INTERVENE](#). Filed Apr 13 2021, *AN ACT TO ESTABLISH A DUTY FOR LAW ENFORCEMENT OFFICERS TO INTERVENE IN AND REPORT EXCESSIVE USE OF FORCE; TO REQUIRE USE OF THE NATIONAL DECERTIFICATION INDEX MAINTAINED BY THE INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW ENFORCEMENT STANDARDS AND TRAINING IN THE CERTIFICATION PROCESS FOR CERTIFIED PERSONNEL; AND TO REQUIRE REPORTING RELATED TO GIGLIO MATERIAL.*

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

Effective October 1, 2021, amends GS 17C-6 concerning the NC Criminal Justice Education and Training Standards Commission, and GS 17E-4 concerning persons certified by the NC Sheriffs' Education and Training Standards Commission (the Commissions), adding to the powers and duties of the Commissions the duty to search the National Decertification Index maintained by the International Association of Directors of Law Enforcement Standards and Training using the name of every applicant for certification or applicant for lateral transfer, and any other identifying information necessary, and use any record of conviction uncovered to determine if the applicant has any record that would disqualify the applicant for certification.

Effective October 1, 2021, enacts GS 17C-16 concerning persons certified by the NC Criminal Justice Education and Training Standards Commission, and GS 17E-16 concerning persons certified by the NC Sheriffs' Education and Training Standards Commission. Requires the certified individual, or any individual who has received a conditional offer of employment, who has been notified that the individual will not be called to testify at trial based on bias, interest, or lack of credibility to report to and provide a copy of the notification to the Criminal Justice Standards Division (under GS 17C-16) or the Justice Officers' Standards Division (under GS 17E-16), as appropriate, within 30 days of receiving the notification. Limits the reporting requirement to notifications: (1) in writing by a superior court judge, district court judge, federal judge, district attorney, assistant district attorney, US attorney, assistant US attorney, or the person's agency head or (2) in open court by a superior court judge, district court judge, or federal judge, and documented in a written order. Provides required content of the report. Also requires notification of the individual's agency head within the same time period, who then must report the notification to the named Division, as appropriate, within 30 days of the agency head's receipt of the individual's report. Requires the identified judicial officials and state and federal prosecutors who notify an individual that they may not be called to testify at trial as provided to report the notification to the named Division, as appropriate, and provide a copy of the written document or order within 30 days of notifying the individual. Requires the individual to provide the appropriate Division a copy of a document subsequently informing the individual that the notification has been rescinded.

Directs each named Division to provide a written notification to both the head of an agency to which a certification of any person required to report following the specified notification is transferred and the elected district attorney in the prosecutorial district where the agency is located of the previous notification. Provides for the Division to notify every elected district

attorney statewide if the new agency is a State agency. Makes these provisions not applicable if a notification is subsequently rescinded in writing. Directs each Commission to annually report to the specified NCGA committee regarding the number of individuals for whom their respective Division received a report required of individuals by the respective statute during the previous year, with specified information for each case, excluding identifying information.

Deems the reports and notifications received under each statute not public record. Provides for a person who has received notification that may meet the reporting requirement to apply for a judicial determination, with judicial review limited as specified, with one 15-day extension added to the reporting requirement if the respective Division is noticed of the hearing.

Makes conforming changes to the act's long title.

Intro. by Szoka, K. Baker, Hunter.

[GS 15A, GS 17C, GS 17E](#)

[View summary](#)

[Courts/Judiciary, Civil, Court System, Government, Public Safety and Emergency Management](#)

H 797 (2021) [DEED STAMP TAX REFUND BY HEARING OFFICER. \(NEW\)](#) Filed May 3 2021, *AN ACT AUTHORIZING A BOARD OF COUNTY COMMISSIONERS TO DELEGATE TO A HEARING OFFICER THE DETERMINATION OF WHETHER A TAXPAYER HAS OVERPAID THE EXCISE TAX ON CONVEYANCES.*

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

Deletes the proposed changes to GS 105-228.37, concerning a taxpayer's request for a refund of an overpayment of an excise tax paid on a conveyance of real property and the required hearing on the refund request by the board of county commissioners. Instead, amends the statute by adding a new subsection to authorize boards of county commissioners to, by resolution, delegate to a hearing officer, who is required to be the county finance officer, the authority to conduct a hearing and determine whether to grant a request for a refund of a tax paid under Article 8E. Requires all hearings to be conducted by the hearing officer until the board revokes the delegated authority by resolution. Makes conforming changes throughout to reflect the authority and duties of a hearing officer pursuant to the statute, if so authorized. Changes the act's titles.

Intro. by Stevens, D. Hall, Willis.

[GS 105](#)

[View summary](#)

[Government, Tax, Local Government](#)

PUBLIC/SENATE BILLS

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 2nd edition makes the following changes.

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

Regarding the grounds for the suspension or termination of a registered player's interactive account by the interactive sports wagering operator for any other reason not specified by the Article at the sole discretion of the operator, now limits the authority of the operator by requiring that the reason for suspending or terminating the player's account not be in violation of state and federal law, rather than requiring that the reason not be on the basis of a registered player's actual or believed sex, gender identity, race, religion, national origin, sexual orientation, or other lawfully protected characteristic. Makes technical corrections. Corrects a statutory cross-reference in GS 18C-920.

Now allows the NC State Lottery Commission to accept and issue applications for licensure in accordance with the Article in order that licensees may begin operations on January 1, 2022 (was, with licenses becoming effective October 1, 2021).

Previously required selecting the applicants that will maximize revenue to the State while preserving the integrity of sports

wagering and ensuring accountability and preserving the public trust in licensed sports wagering activities, if more than 12 completed applications are received. Now additionally requires notifying the selected applicants by December 1, 2021. Bars licenses issued by the Commission from becoming effective prior to January 1, 2022, but allows notified licensees to establish structure and operations to begin sports wagering on January 1, 2022. Changes the act's effective date from October 1, 2021, to January 1, 2022, except as otherwise previously provided.

Intro. by Perry, Lowe.

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

[View summary](#)

[Lottery and Gaming](#)

S 732 (2021) [CONFIRMING ELIZABETH BISER, DEQ SECRETARY](#). Filed Aug 10 2021, *A SENATE RESOLUTION RELATING TO THE APPOINTMENT, NOMINATION, AND CONFIRMATION OF ELIZABETH S. BISER AS SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.*

Includes whereas clauses. Requires the Senate to consider whether to confirm Elizabeth S. Biser as Secretary of the Department of Environmental Quality.

Intro. by Rabon.

[SENATE RES, UNCODIFIED](#)

[View summary](#)

[Environment, Government, State Agencies, Department of Environmental Quality \(formerly DENR\)](#)

LOCAL/SENATE BILLS

S 150 (2021) [VARIOUS LOCAL ACT CHANGES. \(NEW\)](#) Filed Feb 24 2021, *AN ACT TO AMEND THE CHARTER OF THE CITY OF MORGANTON TO CLARIFY THE TIME PERIOD FOR FILLING VACANCIES IN THE OFFICE OF MAYOR AND TO PROVIDE THAT THE CITY MANAGER SHALL APPOINT THE CITY CLERK; TO UPDATE FINES FOR CERTAIN BOATING VIOLATIONS ON LAKE JAMES; TO PROVIDE THAT ELECTIONS FOR THE TOWN OF HILDEBRAN SHALL BE HELD IN EVEN-NUMBERED YEARS; TO AUTHORIZE THE TOWN OF WELDON TO DISPOSE OF CERTAIN PROPERTY BY PRIVATE NEGOTIATION AND SALE; TO MAKE A TECHNICAL CORRECTION IN THE TERMS OF OFFICE FOR THE BOARD OF TRUSTEES OF CLEVELAND COMMUNITY COLLEGE; AND TO MODIFY THE AUTHORIZATION FOR THE DELAY OF THE LEXINGTON CITY BOARD OF EDUCATION ELECTIONS IN 2021.*

AN ACT TO AMEND THE CHARTER OF THE CITY OF MORGANTON TO CLARIFY THE TIME PERIOD FOR FILLING VACANCIES IN THE OFFICE OF MAYOR AND TO PROVIDE THAT THE CITY MANAGER SHALL APPOINT THE CITY CLERK; TO UPDATE FINES FOR CERTAIN BOATING VIOLATIONS ON LAKE JAMES; TO PROVIDE THAT ELECTIONS FOR THE TOWN OF HILDEBRAN SHALL BE HELD IN EVEN-NUMBERED YEARS; TO AUTHORIZE THE TOWN OF WELDON TO DISPOSE OF CERTAIN PROPERTY BY PRIVATE NEGOTIATION AND SALE; TO MAKE A TECHNICAL CORRECTION IN THE TERMS OF OFFICE FOR THE BOARD OF TRUSTEES OF CLEVELAND COMMUNITY COLLEGE; AND TO MODIFY THE AUTHORIZATION FOR THE DELAY OF THE LEXINGTON CITY BOARD OF EDUCATION ELECTIONS IN 2021. SL 2021-102. Enacted Aug. 10, 2021. Effective Aug. 10, 2021, except as otherwise provided.

Intro. by Daniel.

[Burke, Cleveland, Davidson, Halifax, McDowell](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Education, Higher Education, Government, Elections](#)

ACTIONS ON BILLS**PUBLIC BILLS****H 78: VARIOUS EDUCATION CHANGES. (NEW)**

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 84: SEX OFFENDER PREMISES RESTRICTIONS.

Senate: Conf Com Reported

Senate: Placed On Cal For 08/16/2021

House: Conf Com Reported

House: Cal Pursuant Rule 44(d)

House: Placed On Cal For 08/11/2021

H 96: ALLOW PHARMACISTS TO ADMIN. INJECTABLE DRUGS.

House: Pres. To Gov. 8/10/2021

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

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 273: MODIFY BUILDERS INVENTORY TAX EXCLUSION.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 351: CLIFFORD'S LAW. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 352: HOTEL SAFETY ISSUES.

Senate: Reptd Fav

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

H 398: PISTOL PURCHASE PERMIT REPEAL (NEW)

Senate: Reptd Fav

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

H 415: UPDATE CHIROPRACTIC LAWS.

Senate: Reptd Fav

Senate: Placed On Cal For 08/16/2021

H 436: SUPPORT LAW ENFORCEMENT MENTAL HEALTH.

Senate: Reptd Fav

Senate: Re-ref Com On Judiciary

H 481: FIREARM DISPOSAL/UNC CAMPUS POLICE.

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Amend Adopted A3

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 536: LAW ENFORCEMENT DUTY TO INTERVENE.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 554: DESIGNATE 2023 AS YEAR OF THE TRAIL.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 608: DIGNITY FOR WOMEN WHO ARE INCARCERATED.

Senate: Reptd Fav

Senate: Re-ref Com On Judiciary

H 650: OMNIBUS DMV BILL.

Senate: Reptd Fav

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

H 692: RESTRICT CERTAIN VEHICLE MODIFICATIONS.

Senate: Reptd Fav

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

H 729: CHARTER SCHOOLS OMNIBUS.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 797: DEED STAMP TAX REFUND BY HEARING OFFICER. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 911: REGULATORY REFORM 2.0.

House: Withdrawn From Cal

House: Placed On Cal For 08/11/2021

S 105: 2021 APPROPRIATIONS ACT.

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

S 688: SPORTS WAGERING.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 730: KATHERINE M.R. BOSKEN, COMMISSIONER OF BANKS.

Senate: Reptd Fav

Senate: Re-ref Com On Select Committee on Nominations

S 732: CONFIRMING ELIZABETH BISER, DEQ SECRETARY.

Senate: Filed

LOCAL BILLS

H 206: LOUISBURG ECONOMIC DEVELOPMENT INITIATIVE.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 365: ASHEVILLE AIRPORT/PITT CONTRACTED AMBULANCES. (NEW)

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

S 150: VARIOUS LOCAL ACT CHANGES. (NEW)

Senate: Ratified

Senate: Ch. SL 2021-102

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