



INTRODUCTION

The House passed Senate Bill 37 this week, requiring schools to open following Plan A for special needs students and either Plan A or B for all students. Plan A only requires masks, while Plan B calls for masks and social distancing. The bill still provides for an online option for students throughout the state as well. There has been some controversy with this bill, largely partisan in nature, concerning older students returning with minimal social distancing. House Democrats have responded to these concerns with their own bill, House Bill 112. This bill would allow for school districts to open with Plan A or B for elementary students, and allow middle and high school students to return solely under Plan B. Senate Bill 37 has already passed both chambers however, with three Senate Democrats voting in support and eight House Democrats voting in favor, the bill passing the final House vote with a 77-42 veto-proof margin. While the bill is on its way to the Governor, its fate is unknown. Gov. Cooper said earlier this week that he would not sign the bill unless Republicans agreed to make some changes. However, this doesn't necessarily mean that the Governor will veto the bill. He may allow the bill to become law without his signature.

House Bill 4, which set out to provide relief to bar owners by offering refunds and deferrals on ABC permit renewals, is on its way to the Governor as well. This bill would extend the deadline for permit fees to 90 days after the expiration of the final executive orders affecting bar's full operations. It also would allow bars that already paid to seek a refund, including businesses who have since gone out of business. ABC Chairman Tim Moffitt was a primary sponsor of the bill. It received unanimous, bipartisan support and is expected to be signed into law by the Governor.

State Board of Elections Executive Director Karen Brinson Bell said this week she thinks there may need to be some adjustments to local election schedules due to the planned delay of new population data from the U.S. Census Bureau. This data will be used to move forward with redistricting. Once the information is received, town and city governments generally need six to eight weeks to redraw election districts. The state elections board then needs roughly two months to process the new maps and voter data to ensure voters get the right ballot. Considering the delay and the needed process time



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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for local governments and the board, the state's elections director suggests that lawmakers may need to move all local elections to 2022, and possibly move next year's congressional primaries from March to May. If it is delayed, current municipal board members' terms would be extended until the election is held.

Due to inclement weather, the General Assembly operated on "ice protocol" from Wednesday afternoon through Thursday. This slowed down the building with minimal staff and moved the House's no-vote session from Thursday to Friday. Because the House held a skeletal session on Friday, they will not be needing to hold a Monday House session. The next voting session in the House will likely be Tuesday of next week. Speaker Moore has indicated that there will be voting sessions held on Wednesday and Thursday of next week, as well. The Senate will re-convene late on Monday for a non-voting session, and will follow with a Rules and Operations Committee meeting. Expect a committee-filled week next week, with bipartisan budget subcommittee meetings underway in the Senate and various joint Appropriations meetings to kickstart the budget process for this biennium.

BILLS OF INTEREST

HOUSE BILL 82, Summer Learning Choice for NC Families, would require all local school administrative units to offer a six-week school extension learning recovery and enrichment program outside of the instructional school calendar. The program would provide in-person instruction on specific subjects, as well as offer additional enrichment activities, to students in kindergarten through grade 12 to address learning losses and negative impacts students have experienced due to COVID-19 during the 2020-2021 school year. Priority for participation in the program would be given to at-risk students, but students who are not identified as at-risk could also participate within space available. **Introduced by Representatives Moore, Elmore, Torbett, and Zenger and referred to the House Education K-12 Committee.**

HOUSE BILL 89, September as Childhood Cancer Awareness Month, would designate the month of September each year as Childhood Cancer Awareness Month in North Carolina. **Introduced by Representatives Sasser, Moss, Willis, and Penny and referred to the House Health Committee.**

HOUSE BILL 91, Reduce Reg. To Help Children with Autism, would create a licensure system for behavior analysts and assistant behavior analysts to treat Autism. The bill would also establish the NC Behavior Analysis Board to oversee these analysts. The bill would define behavior analysis as the design, implementation, and evaluation of systematic instructional and environmental modifications to produce significant personal or interpersonal improvements in human behavior. **Introduced by Representatives Bell, Lambeth, K. Baker and Saine and referred to the House Health Committee.**

HOUSE BILL 93, Require Naloxone Scripts with Opioid Scripts, would require practitioners prescribing opioids to co-prescribe an FDA approved drug for complete or partial reversal of opioid-induced respiratory depression. Practitioners would also be required to document a patient's medical record if the prescription was for 50 or more morphine milligram equivalents of an opioid medication per day; if the opioid is prescribed concurrently with a prescription for benzodiazepine; or if the patient has an increased risk for overdose. **Introduced by Representatives Sasser, Humphrey, Moffitt, and Adcock and referred to the House Insurance Committee.**

HOUSE BILL 95, Improve Anatomical Gift Donation Process, would specify that an anatomical gift donor who originally became a donor in another state must authorize that a statement or symbol be imprinted on his North Carolina drivers' license in order for the gift to be valid. It would also require that the statement or symbol must remain on the license until the donor requests removal. **Introduced by Sasser, Potts, Carney, and K. Baker and referred to the House Health Committee.**

HOUSE BILL 96, Allow Pharmacists to Admin. Injectable Drugs, would allow pharmacists to administer injectable drugs and specify that immunizing pharmacists may administer injectable drugs. **Introduced by Representatives Sasser, Setzer, White, and Adcock and referred to the House Health Committee.**

HOUSE BILL 100, Highway Cleanup Act of 2021, would increase various civil fines for littering and direct the Department of Transportation to use up to \$500,000 of appropriated funds to establish the Cops Clean NC grant program to award grants to sheriffs' offices in rural counties (population of less than 150,000) to provide officers overtime pay for litter cleanup efforts. Grants would be capped at \$10,000. The DOT would provide relevant educational materials, which would be distributed to first time littering offenders. **Introduced by Representatives Bell, B. Jones, Miller, and Harrison and referred to the House Transportation Committee.**

HOUSE BILL 102, Clarify Cause of Death, would specify that a county medical examiner's jurisdiction includes declaring the death of any person resulting from a motor vehicle crash in their respective county. A physician in attendance, hospital employee, law-enforcement officer, funeral home employee, emergency medical technician, relative, or any other person having suspicion of a death from a motor vehicle crash must notify the medical examiner. The bill would also add death by motor vehicle crash as an external cause of death to be included on the certificate of death completed by the medical examiner, if appropriate. **Introduced by Representatives Clappitt, Pless, and Greene and referred to the House Transportation Committee.**

HOUSE BILL 103, Automatic Renewal of Contracts, would amend the requirements for certain automatically renewing consumer contracts to require any person engaged in commerce that sells, leases, or offers to sell or lease, any products or services to a consumer pursuant to a contract, where the contract automatically renews unless the consumer cancels the contract, to do all of the following:

- provide a disclosure statement that clearly and conspicuously provides notice of all of the following:
 - that the contract will be automatically renewed if the consumer agrees to the contract.
 - the length of the initial term of the contract and the length of each renewal period under the contract.
 - the amount to be charged to the consumer for the initial term of the contract and the amount to be charged to the consumer for any renewal periods.
 - if any terms of the contract will change upon contract renewal, a list and explanation of those terms.
 - an electronic mail address, mailing address, toll-free telephone number, or another cost-effective, timely, and easy-to-use mechanism that the consumer may use to terminate the automatic renewal;
- obtain the consumer's affirmative consent before charging the consumer for an automatic renewal; and

- for any automatic renewal of 12 months or more (was exceeding 60 days) provide 30 days written notice to the consumer by personal delivery, electronic mail, first-class mail, or any other form of notice agreed to by the consumer, at least 15 days but no earlier than 60 days (was 45 days) before the date the contract is to be automatically renewed, stating the date on which the contract is scheduled to automatically renew and notifying the consumer that the contract will automatically renew unless it is cancelled by the consumer prior to that date.

Introduced by Representative Stevens and referred to the House Judiciary I Committee.

HOUSE BILL 107, DES COVID Modifications and Technical Changes, would make modifications to the 2020 COVID-19 relief measures allowed for employers and claimants under the unemployment insurance system and make technical and clarifying changes requested by the Division of Employment Security. The bill would:

- amend the statute that provides for unemployment benefits payable in response to the coronavirus emergency to eliminate the waiting week and work-search requirements, allow employers to attach claims, and not charge such benefits paid to the account of any base period employer of the individual;
- specify that the exceptions allowed apply only to claims and benefits payable in response to the coronavirus emergency;
- amend the sunset of the act to now apply to employment benefits filed for period beginning on or after March 10, 2020, and expiring for unemployment benefits filed for period beginning on or after the earlier of the date the Governor signs an order rescinding Executive Order No. 116, or December 31, 2021 (was December 31, 2020);
- permit back-to-back extended benefit periods with no waiting period;
- formally elect the option by which the State will coordinate the federal Pandemic Emergency Unemployment Compensation program (PEUC) and regular unemployment compensation program for individuals meeting the criteria in the identified December 31, 2020, Department of Labor Letter. Elects option one for the State to require exhaustion of certain PEUC claims prior to payment of new regular unemployment compensation claims for individuals whose benefit year has expired and must file a regular unemployment initial claim;
- set the base contribution rate for an experienced-rated employer at 1.9% for the 2021 calendar year;
- specify that extended benefits payable under unemployment thresholds that trigger an "on indicator" for extended benefits in the State for a certain week, are not required under federal law and can be paid only if 100% federally funded;
- require reduction of partial unemployment weekly benefit amounts by the amount of any wages earned by the individual (rather than by the amount of any wages the individual receives) during the benefit week in excess of 20% of the benefit amount applicable to total unemployment;
- make the Board of Review's decision of an appealed claim final upon the earlier of 30 days after the date of notification or mailing of the decision, unless judicial review is sought, and specify that DES must furnish the names and address of the parties as found in DES records upon request of the petitioner seeking judicial review.

Introduced by Representatives Howard, Warren, Bumgardner, and Brody and referred to the House Finance Committee.

HOUSE BILL 119, Property Tax Relief for COVID Affected Bus., would provide relief from property tax liability for COVID-19 affected businesses. The bill would:

- allow a qualifying owner of property to apply for and be granted a deferment on enforced collections from property tax liability;
- define a qualifying owner of property as an owner demonstrating, for the applicable period of time as compared to 2019, that the COVID-19 pandemic caused (i) a reduction of at least 25% in gross revenues, (ii) for retail businesses that collect and remit sales tax, a reduction of at least 25% in sales tax collections, or (iii) both;
- provide that the applicable period of time for 2020 property taxes runs from March 2020 through December 2020, and the applicable period of time for any subsequent year as the period of time the normal operations at the property were restricted by a governmental response to the COVID-19 pandemic;
- require the program to permit a qualifying owner of property to enter into a payment plan for the property taxes owed on the affected property;
- direct the Department of Revenue (DOR) to provide to local governments an application to be used by an owner seeking the relief provided, and an owner would apply for relief under the program on this form and submitted to the applicable local governmental unit where the land is situated;
- require the DOR to verify sales and revenue information required for qualifying for the program based on information provided by the local government unit from the application and to develop and maintain a list of business types affected by executive orders responding to the COVID-19 pandemic that provides which business types were affected and for what periods;
- provide that, in the event the local governmental unit relies upon information in an application that is later determined to be incorrect and that renders an owner who entered into a payment plan as not being a qualifying owner, the benefits of the payment plan would be forfeited and all past taxes, interest, and penalties would be calculated as if the payment plan had not been allowed; and
- include similar provisions to allow the assessor of property to modify the appraised value of real property to recognize a change in value proportionate to the time during the year that resulted from economic changes affecting the county in general due to COVID-19 and to make an appropriate modification where the COVID-19 pandemic caused (i) a reduction of at least 25% in gross revenues, (ii) for retail businesses that collect and remit sales tax, a reduction of at least 25% in sales tax collections, or (iii) both.

Introduced by Representative Bradford and has not yet been assigned to a House committee.

SENATE BILL 80, September as Childhood Cancer Awareness Month, is identical to House Bill 89, summarized above in this Legislative Report. **Introduced by Senator Ford and referred to the Senate Rules Committee.**

SENATE BILL 93, Assisting NC Families in Crisis, would change Medicaid implementation to require DHHS to seek approval from CMS through the 1115 waiver process to allow parents to retain Medicaid eligibility who are participating in, and making reasonable efforts to comply with, a court-ordered substance use disorder or other mental health disorder treatment program or counselling while their child is being served temporarily by the foster care program. **Introduced by Senators Britt, Burgin, and Krawiec and referred to the Senate Health Care Committee.**

SENATE BILL 94, Trampoline Park Regulation/Study/Funds, would regulate trampoline parks by requiring trampoline park owners or operators to carry insurance coverage of at least \$1 million per occurrence and \$2 million per aggregate against liability for injury to persons or property. The bill would also direct the Department of Labor to study the financial liability of trampoline parks operating in NC and to report their findings to the 2021 NC General Assembly by April 30, 2022.

Introduced by Senator Nickel and referred to the Senate Committee on Operations/Base Budget.

SENATE BILL 100, Police Funding Protection Act, would provide that if a city's governing board, in any fiscal year, reduces funds appropriated in its annual budget for compensation for full-time, certified, sworn law enforcement officers or for police department operating expenses, or both, by an amount exceeding 1% of the funds appropriated in that fiscal year for compensation for all other full-time city employees, or operating expenses for all other city departments, or both, then the city's share of State-shared revenue must be reduced by that amount in that fiscal year. The bill also would require the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission, by October 1, 2021, to make recommendations to the specified NCGA committee on the following issues for law enforcement agencies under their jurisdiction: (1) minimum equipment inventory law enforcement agencies should have available for their use, (2) minimum standards for maintaining the equipment, and (3) minimum standards for determining when the equipment should be replaced. Sets out issues to be considered when developing the recommendations.

Introduced by Senators Edwards, Sanderson, and Britt and referred to the Senate Rules Committee.

SENATE BILL 101, Require Cooperation with ICE 2.0, would require administrators or other persons in charge of a county jail, local confinement facility, district confinement facility, or satellite jail/work unit to make a query of Immigration and Customs Enforcement (ICE) of the US Department of Homeland Security when unable to determine if a prisoner who is charged with a felony or an impaired driving offense is a legal US resident or citizen. The bill also would require a prisoner to be held for 48 hours from the receipt of detainer, regardless of satisfaction of pretrial release conditions, if (1) in receipt of a detainer request from ICE and (2) the prisoner is charged with specified violations, including violations of the Controlled Substances Act, homicide, rape and other sex offenses, human trafficking, or the NC Gang Suppression Act. The bill would allow for release within that period with proof that the prisoner is a legal resident and satisfaction of all other pretrial release conditions imposed. The willful failure to make a query of ICE or the willful failure to hold a prisoner for 48 hours when required to do so would be a Class 1 misdemeanor.

Introduced by Senators Edwards, Sanderson, and Britt and referred to the Senate Judiciary Committee.

SENATE BILL 103, Reduce Reg. To Help Children with Autism, is identical to House Bill 91, summarized above in this Legislative Report. **Introduced by Senators Perry, Lee, and Barnes and referred to the Senate Rules Committee.**

SENATE BILL 104, Align PPP Tax Treatment to Federal Treatment, effective for taxable years beginning on or after January 1, 2020, would repeal the statutes that require corporate and individual taxpayers to add to the taxpayer's adjusted gross income the amount of any expense deducted under the Internal Revenue Code to the extent that payment of the expense results in forgiveness of a covered loan pursuant to the provision of the federal CARES Act governing the Payment Protection Program/PPP and the income associated with the forgiveness is excluded from gross income pursuant to the CARES Act. **Introduced by Senators Edwards, Perry, and Craven and referred to the Senate Rules Committee.**

SENATE BILL 110, Knight-LeCount Advocacy for Marrow Ed. & Reg., would designate November as Marrow Donation Awareness Month. It would also direct the Department of Health and Human Services (DHHS) to post on its website a public service announcement regarding bone

marrow donation and transplantation and to share the video through the DMV website and office locations. **Introduced by Senators Crawford, Hise, and Burgin and referred to the Senate Rules Committee.**

SENATE BILL 112, Temp Align PPP Treatment to Federal Treatment, effective for taxable years beginning on or after January 1, 2020, would repeal the statutes that require corporate and individual taxpayers to add to the taxpayer's adjusted gross income the amount of any expense deducted under the Internal Revenue Code to the extent that payment of the expense results in forgiveness of a covered loan pursuant to the federal CARES Act (governing the Payment Protection Program/PPP) and the income associated with the forgiveness is excluded from gross income pursuant to the CARES Act. **Introduced by Senators Burgin, Corbin, and Davis and referred to the Senate Rules Committee.**

SENATE BILL 114, DES COVID Modifications and Technical Changes, is identical to House Bill 107, summarized above in this Legislative Report. **Introduced by Senator Edwards and has not yet been assigned to a Senate committee.**

SENATE BILL 115, Students, Parents, Community Rights Act, would require all public and nonpublic high schools to limit the number of spectators at outdoor sporting events for the remainder of the scheduled 2020-21 school year. The bill would:

- provide that the term *spectator* excludes athletes, school employees, entertainers, and event support staff;
- cap spectators at 50% capacity of an outdoor facility's approved occupancy capacity under the fire code, or no more than seven persons for every 1,000 feet for those without an approved occupancy capacity;
- require high schools to comply with the requirements of the StrongSchoolsNC Public Health Toolkit as it existed on February 2, 2021, and the Interim Guidance for Administrators and Participants of Youth and Amateur Sports Programs as it existed on January 28, 2021, in allowing access to outdoor sporting facilities as long as the requirements are consistent with these provisions; and
- not prohibit a school to implement stricter access to outdoor sporting events at that school.

Introduced by Senators Johnson, Sawyer, and McInnis and has not yet been assigned to a Senate committee.

SENATE BILL 116, Let Them Play and Let Us Watch, is substantially similar to Senate Bill 115, but would cap spectators at 40% capacity of an outdoor facility's approved occupancy capacity. **Introduced by Senators Johnson, Sawyer, and Britt and has not yet been assigned to a Senate committee.**

BILL UPDATES

SENATE BILL 31, Political Subdivisions/Local Bidders Notice, was amended in the Senate State and Local Government Committee to:

- remove the original provision in the bill that would have changed notices to local persons and businesses in the procedure for granting public contracts;
- require proposals to be invited by regular mail or email notification to persons or businesses located within the respective jurisdictional boundaries of the political subdivision inviting proposals, if the person or business requested notices of work being bid, in addition to any other notice or publication required by law, if the contract is for either construction or repair

work, or the purchase of apparatus, supplies, materials, or equipment, which require the estimated expenditures of public money in an amount equal to or exceeding \$50,000;

- require the notice to be sent to the mail or email address provided to the political subdivision for this purpose at least seven full days before the opening of bids; and
- require the notices to contain the same information required of other public contract advertisements.

The bill as amended was approved by the Senate State and Local Government Committee and will next be considered by the Senate Rules Committee.

SENATE BILL 37, In-Person Learning Choice for Families, which would require all local school administrative units to provide the option of in-person instruction to students in grades kindergarten through 12, as agreed in the Conference Committee, was adopted by the House and Senate and has been sent to the Governor for his signature.

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