



INTRODUCTION

Senate Redistricting and Elections Chairmen, Senators Daniel, Hise, and Newton, have filed an election bill that would address absentee ballot deadlines and other election procedures. Absentee ballot deadlines have been highly contested since the State Board of Elections' policy change last fall. The State Board of Elections made the change to address U.S. Postal Service delays and the record-breaking number of absentee voters due to the pandemic. This change was made merely days before the 2020 election and resulted in ballots being accepted 12 days after the election if they were postmarked by Election Day. Senate Bill 326, Election Integrity Act, would prevent the collection of any absentee ballots after 5 p.m. on Election Day or the date of the primary, regardless of when the voter mailed the ballot. Along with changes to the absentee deadline, the bill would also provide \$5 million to fund photo identification for anyone who needs it, and would prevent Boards of Elections from collecting money from outside sources to pay for temporary employees.

This bill appears to be in response to last fall's legal battle between the House Speaker Tim Moore and Senate Leader Phil Berger and the N.C. Board of Elections over the State Board of Elections' adoption of a policy in a settlement that allowed for ballots to be collected for 12 days following the election. Republicans believed this was an overstep of the Board of Elections, and that the authority to determine the time, place, and manner of elections should be determined by the legislature. The bill has not yet been referred to a committee. "The goal of the bill is to bring clarity, simplicity and a clear set of rules to ensure everybody's on the same footing," Primary Sponsor Sen. Newton said in an interview, "and the overarching goal is to really restore trust, restore confidence in the election process."

CHANGES TO UNEMPLOYMENT

Unemployed North Carolinians seeking unemployment benefits must once again prove they are looking for work, or new job skills, starting this week. In a meeting this week with the head of the state's unemployment office, Pryor Gibson, some legislators expressed concern over fraud. Gibson said that unemployment fraud continues to be a concern. With a growing list of bad actors in the state, Gibson assured members that the unemployment office continues to work on new ways



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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to combat fraud in our unemployment system. Currently, there are over 300,000 North Carolinians on unemployment. Most of these individuals will be grandfathered in to the previous coronavirus-related rules that do not require work search proof. Only roughly 15,000 of the currently unemployed will be beholden to work search requirements as it currently stands. Gibson expects that number to rise to approximately 120,000. Gibson hopes that as North Carolinians continue to get vaccinated, the number of unemployed will ultimately decline as people grow more comfortable with in-person interactions again.

VACCINATIONS

In a press conference this week, Gov. Cooper was optimistic that our state would have all adults in North Carolina eligible for the vaccine by May 1st. President Biden set this deadline last week for all states. North Carolina moved into Group 4 this week, providing vaccinations to adults who have medical conditions related to higher risks with COVID-19 complications and to individuals who live in close settings. On April 7th, the state will expand Group 4 to include essential employees who have not already received the vaccine.

MEDICAID EXPANSION

After collaborative, bipartisan work on various coronavirus relief bills last year and the latest school-reopening bill, some are hopeful this will be the start of a new era of compromise between the Republican-led General Assembly and the Democratic Governor Roy Cooper. With the latest federal coronavirus stimulus bill including billions of dollars to entice the remaining 12 states, including North Carolina, to expand Medicaid, some may wonder if a deal could be struck between the legislature and the Governor on the long-awaited and contested expansion of Medicaid. The issue of Medicaid expansion has been a sticking point that has resulted in years without a new state budget, and constant friction between the Governor's office and the General Assembly.

Although there is now more reason than ever to expand Medicaid with federal money up for grabs, Republicans still remain ardently against expansion. That in mind, a compromise may be possible on several things this session, but Medicaid expansion may not be one of them. In particular, this deal would be hard to strike because the question is, what would the Republicans get in exchange? According to Senate Leader Phil Berger, there is nothing they would want in exchange for passing Medicaid expansion. "I don't think I've ever indicated that there is something that, if we get this, I'd agree to Medicaid expansion," Senate Leader Phil Berger said Thursday, when asked. "My opposition to Medicaid expansion has been I think it's bad policy... Nothing I've seen has led me to believe that there's a reason to change my position on that."

TAX DEADLINE EXTENSION

The North Carolina Department of Revenue has announced that they will be extending the April 15th tax filing and payment deadline to May 17, 2021, for individual income tax. This move will align our state's deadlines with the recently announced deadline changes from the Internal Revenue Service. "In order for taxpayers to have more time to navigate the tax changes during this pandemic, North Carolina will mirror the IRS change as much as possible under current state law," said Secretary Ronald G. Penny. "The Governor and the legislative leadership have indicated their willingness to work with us to address issues that will need law changes."

LEGISLATIVE SPRING BREAK

The House has announced their intention to take a "spring break" from April 1st to April 12th this year. The Senate has yet to announce if they intend to take a break, as well.

BILLS OF INTEREST

HOUSE BILL 295, DSS Review of Procedures/OAH, would amend the laws regarding the effective dates and procedures for legislative review of permanent rules as follows:

- removes the provisions regarding delayed effective dates of rules and the provisions that established the process by which a person may object to a rule;
 - removes the provisions that authorized the Governor to make a rule effective by executive order; deletes the provisions that defined a legislative day and legislative day of adjournment;
 - includes approval of a rule for which no notice or hearing is required by the Codifier of Rules, if applicable, for certain permanent rules;
 - defines *legislative day* as a day on which either house of the General Assembly convenes in regular session;
 - establishes procedures for filing objections to the adoption of permanent rules to:
 - allow any person to object to adoption of a permanent rule by filing written comments with the agency and, if the objection is not resolved, by filing written objections to the RRC clearly requesting review by the NCGA in accordance with instructions posted on the Commission's website;
 - provide for the rule to become effective under the delayed effective date requirements if the Commission receives written objections from 10 or more persons no later than 5:00 P.M. on the day following the day the Commission approves a rule; and
 - require the Commission to notify the agency that the rule is subject to legislative rule;
 - authorizes an agency to adopt as a temporary rule a permanent rule that is subject to legislative review if the rule would have met the criteria at the time the notice of the rule was published in the North Carolina Register, and allows the agency to make other rules effective under the delayed effective date requirements by giving written notice to the Commission if a rule under legislative review is among a group of related rules adopted at the same time;
 - authorizes any NCGA member to introduce a bill during the first 30 legislative days of the regular session specifically disapproving a rule approved by the Commission or that has not yet become effective or has been made effective by executive order, and requires the bill to refer to the rule by its Administrative Code citation and state that the rule is disapproved;
 - provides for a delayed effective date of rules subject to legislative review as follows:
 - rules approved by the Commission on or before December 31 become effective on the 31st legislative day of the Regular Session in the following calendar year unless a bill disapproving the rule is introduced before that legislative day;
 - if a bill disapproving the rule is timely introduced, the rule becomes effective on August 1 of the calendar year following the calendar year the Commission approved the rule; and
 - a permanent rule not approved by the Commission or disapproved by a bill that becomes law does not become effective;
 - authorizes the Governor to make a permanent rule approved by the Commission effective by Executive Order subject to the delayed effective date requirements when the Governor finds that the rule is necessary to protect public health, safety, or welfare, and provides for continued effect of a rule made effective by executive order unless disapproved by the NCGA in a bill that becomes law before August 1 of the year following the year in which
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the executive order is issued, and requires the Codifier of Rules to note in the Administrative Code that the rule was not disapproved by the NCGA.

Introduced by Representatives Stevens, Moffitt, Riddell, and White and referred to the House Judiciary 2 Committee.

HOUSE BILL 296, EV Charging Station/Parking, would make it an infraction subject to a fine of \$100 for a person to park a vehicle in an electric vehicle charging station located on public or private property if the vehicle is not connected to the charging equipment. A space designated as an electric vehicle charging station would be: (1) indicated by vertical signage identifying the station as an electric vehicle charging station and indicating that it is only for electric vehicle charging, and (2) the signage must be consistent with the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the US Department of Transportation, and any supplement adopted by the North Carolina Department of Transportation. Municipalities could authorize by ordinance additional prohibited conduct and higher penalties for parking in a space designated as an electric vehicle charging station. **Introduced by Representatives Warren, von Haefen, Szoka, and Autry and referred to the House Energy and Public Utilities Committee.**

HOUSE BILL 307, NC Time Zone/Observe DST All Year, subject to the authorization of Congress, would direct the State and its political subdivisions to observe Daylight Saving Time throughout the year. **Introduced by Representatives Saine, Szoka, Hardister, and Willis and referred to the House Federal Relations and American Indian Affairs Committee.**

HOUSE BILL 312, Qualifications for Sheriff/Expunction, would amend the disqualifications for the office of Sheriff to include that the person: (1) has been convicted of a felony, whether or not that person has been restored to the rights of citizenship or granted an expunction (would not include an unconditional pardon of innocence); and (2) is not a qualified voter in the county in which the candidate has chosen. The bill also would require every candidate to the office of sheriff, at the time of filing the notice of candidacy, to file a valid disclosure statement verifying that the candidate has no prior felony convictions or expungements of felony convictions. **Introduced by Representatives McNeill, C. Smith, Greene, and Miller and referred to the House Judiciary 2 Committee.**

HOUSE BILL 318, Extend Cooling Off Period for Legislators, would prohibit a legislator or former legislator from registering as a lobbyist for four years after leaving office. Currently, a legislator may register before the later of the close of session in which the legislator served or six months after leaving office. **Introduced by Representatives Everitt, Hunt, Hurtado, and Farkas and referred to the House Rules Committee.**

HOUSE BILL 320, Modernize Remote Business Access, would enact a variety of provisions regarding remote communications and business for corporations, including to:

- authorize a corporation's board of directors, in its sole discretion, to determine that any shareholder meeting will be held solely by means of remote communication, unless prohibited by the articles of incorporation or bylaws, if existing measures for remote participation are implemented;
- allow for an annual or special shareholders' meeting that is adjourned to a different date to be continued solely by remote communication if it is announced at the meeting before adjournment and the new date and time are noticed the same, unless the bylaws require otherwise, as provided;
- allow the shareholders' list to be available on a reasonably accessible electronic network, with access information provided with the meeting notice, in lieu of making the list

available for inspection at the principal office or place identified in the meeting notice, and require access to the electronic list to continue through the meeting if the meeting is to be held solely by means of remote communication;

- authorize a nonprofit corporation, its officer, directors, and members to conduct business electronically without further consent or agreement unless prohibited by the articles of incorporation or bylaws;
- require prior agreement of a member before conducting communication or business electronically with the member, including the member providing written agreement, designating a preferred email address, and providing any other facilitating information, and require the nonprofit to inform the member on how to revoke the agreement;
- regarding electronic notice to members, eliminate provisions allowing a member to terminate an agreement to electronic notice at any time on a prospective basis upon written notice;
- authorize a nonprofit corporation's board of directors to determine that any membership meeting will be held remotely if participants can hear other participants and be heard by other participants if recognized;
- provide for electronic voting and verification of a quorum;
- specify additional notice requirements for electronic meetings, including sufficient instruction on how members can join the meeting, notice of electronic voting, and information on how to inspect or gain access to the members' list;
- allow boards to prescribe additional rules and procedures for remote meetings consistent with the statute;
- explicitly authorize remote annual, regular, and special meetings as provided;
- authorize court-ordered meetings to be held remotely as provided;
- require continued meetings held remotely to announce a description of the means of remote communication;
- limit the exception to the general rule that attendance waives the right to object to consideration of a particular matter that was not within the purposes described in the meeting notice, and provide that waiver does not apply when the member objects to the matter's consideration before it is voted on in an in-person meeting; provide for action by written ballot and electronic voting to:
 - add to the existing parameters for written ballots to require ballots to contain or request information sufficient to identify the member of the member's proxy unless secret balloting is required;
 - allow submission of written ballots by any reasonable means specified by the corporation, including email (previously authorized electronic submission);
 - establish parameters for electronic ballots or electronic notice that sets forth each proposed action and provides an opportunity and instruction on how to vote for or against each proposed action using the electronic ballot or an electronic voting system, limited to members who have agreed to electronic communication and business;
 - specify requirements of electronic voting, including control mechanisms and recordkeeping;
 - limit the use of solely electronic voting to when all members entitled to vote on a proposed action have agreed and require all deadlines for returns of written ballots and electronic ballots and for casting of electronic votes on any proposed action to be identical;
 - allow for appointment of a proxy electronically with the member's signature or sent from the member's designated email address;

- alternatively allow a members' list to be available on a reasonably accessible electronic network so long as access information is provided with the meeting notice, and allow the nonprofit to take reasonable steps to ensure restrict access to members only;
- specify that electronic nonprofit board meetings require that all participating directors hear and can be heard by each other during the meeting; and
- allow remote shareholder meetings noticed before this act's effective date that comply with Executive Order No. 185, to proceed remotely as originally noticed notwithstanding any notice and meeting requirements of the North Carolina Business Corporation Act.

Introduced by Representatives D. Hall, Bradford, Paré, and Howard and referred to the House Judiciary I Committee.

HOUSE BILL 321, Restoration of Law and Order Act, would:

- make it unlawful for a public official to interfere with a law enforcement officer in the performance of the officer's duties by causing or attempting to cause, in any way, a law enforcement officer to refrain from any of the following: (1) enforcing the laws of this State; (2) defending the citizens of this State against criminal activity; (3) defending the property of citizens of this State against criminal activity; or (4) defending the property of this State against criminal activity;
- allow a person who violates this provision to be charged as an accessory after the fact to any criminal conduct committed by an individual that the public official protected or attempted to protect from the enforcement of the laws of this State;
- allow the person to be held civilly liable for any personal injury, death, theft, damage to State property, damage to personal property, financial loss, or civil liability resulting from the violation;
- provide that a law enforcement officer using reasonable force under the circumstances and acting in good faith to enforce the laws of this State, defend the citizens of this State against criminal activity, defend the property of citizens of this State against criminal activity, and defend the property of this State against criminal activity is immune from civil and criminal liability for the death or injury of any person resisting the law enforcement officer in the performance of these duties; and
- make it a Class 1 misdemeanor to willingly and knowingly violate the statute, which prohibits removing, relocating, or altering a monument, memorial, or work of art owned by the State without the approval of the North Carolina Historical Commission.

Introduced by Representatives Pittman, Brody, and Kidwell and referred to the House Judiciary 2 Committee.

HOUSE BILL 327, Update Legislative Review of Rules Process, would amend the procedures for legislative review of rules to:

- define “legislative day” as a day on which either house of the General Assembly convenes in regular session;
- establish procedures for filing objections to the adoption of permanent rules by allowing any person to object to adoption of a permanent rule by filing written comments with the agency and, if the objection is not resolved, by filing written objections to the RRC clearly requesting review by the NCGA in accordance with instructions posted on the Commission’s website;
- provide for the rule to become effective under the delayed effective date requirements if the Commission receives written objections from 10 or more persons no later than 5:00 P.M. on the day following the day the Commission approves a rule, and require the Commission to notify the agency that the rule is subject to legislative rule;

- authorize an agency to adopt as a temporary rule a permanent rule that is subject to legislative review if the rule would have met the specified criteria at the time the notice of the rule was published in the North Carolina Register, and allow the agency to make other rules effective under the delayed effective date requirements by giving written notice to the Commission if a rule under legislative review is among a group of related rules adopted at the same time;
- authorize any NCGA member to introduce a bill during the first 30 legislative days of the regular session specifically disapproving a rule approved by the Commission or that has not yet become effective or has been made effective by executive order, and require the bill to refer to the rule by its Administrative Code citation and state that the rule is disapproved;
- provide for a delayed effective date of rules subject to legislative review as follows:
 - rules approved by the Commission on or before December 31 become effective on the 31st legislative day of the Regular Session in the following calendar year unless a bill disapproving the rule is introduced before that legislative day;
 - if a bill disapproving the rule is timely introduced, the rule becomes effective on the earlier of the day an unfavorable final action is taken on the bill or August 1 of the calendar year following the calendar year the Commission approved the rule;
 - a permanent rule not approved by the Commission or that is disapproved by a bill that becomes law does not become effective;
- authorize the Governor to make a permanent rule approved by the Commission effective by Executive Order subject to the delayed effective date requirements when the Governor finds that the rule is necessary to protect public health, safety, or welfare; and
- provide for continued effect of a rule made effective by executive order unless disapproved by the NCGA in a bill that becomes law before August 1 of the year following the year in which the executive order is issued, and require the Codifier of Rules to note in the Administrative Code that the rule was not disapproved by the NCGA.

Introduced by Representatives Moffitt, Riddell, Stevens, and Yarborough and referred to the House Judiciary 2 Committee.

HOUSE BILL 329, Chiropractic Care Copayment Parity, would prohibit an insurer from offering a health benefit plan that imposes any limitation on treatment or level of coverage performed by a licensed chiropractor unless a comparable limitation is also imposed on the medically necessary treatment if performed or authorized by any licensed physician, physician assistant or nurse practitioner. The bill would specifically prohibit insurers from charging a copayment amount for chiropractic services that is higher than the copayment amount for services of a licensed primary care physician, physician assistant, or nurse practitioner for a comparable medically necessary treatment or condition. **Introduced by Representatives Setzer, Lambeth, Everitt, and Moffitt and referred to the House Health Committee.**

HOUSE JOINT RESOLUTION 330, Opposing Federal Authority Regarding Elections, would provide that the members of the North Carolina General Assembly oppose any attempt by the federal government to usurp, or otherwise interfere with, the State's legislative sovereign authority over the management, control, and administration of elections. **Introduced by Representative Iler and referred to the House Election Law and Campaign Finance Reform Committee.**

HOUSE BILL 331, 2021 Unemployment Insurance Reform, would enact various employment security law reforms, including:

- increasing benefit eligibility to a twenty-six week period and the maximum weekly benefit amount to \$500 adjusted annually for inflation, basing the calculation of the benefit amount on the highest paid quarter;
- increasing benefits allowed for partial unemployment;
- providing benefits in cases where an individual leaves employment for spousal relocation or health reasons or due to an undue hardship;
- authorizing the forgiveness of nonfraudulent overpayments caused by agency error; and
- establishing a short-term compensation program to benefit employers and employees.

Introduced by Representatives Alston, Gailliard, and Harris and referred to the House Rules Committee.

HOUSE BILL 333, UNC/Disciplinary Measures/Damage Campus Prop., would require mandatory discipline policies for property damage during protests or demonstrations on University of North Carolina campuses, including expulsion or suspension from the institution for at least one academic period and the revocation of State-funded student financial assistance for that academic period. The bill also would require the reporting of additional information on safety concerns, including the enforcement of mandatory discipline policies and the readmittance of any students who were subject to expulsion or suspension for at least one academic period as a result of the policy and information regarding an increase in security costs and recommendations regarding security issues at constituent institutions related to disruptions at constituent institutions.

Introduced by Representative Torbett and referred to the House Education – Universities Committee.

HOUSE BILL 334, Temp Align PPP Treatment to Federal Treatment, is identical to Senate Bill 112, summarized in the February 22, 2021, Legislative Report. **Introduced by Representatives Pickett and Saine and referred to the House Commerce Committee.**

HOUSE BILL 337, Const. Amendment/Repeal Literacy Test, would amend the State Constitution, if approved by a majority of the qualified voters of the State at the statewide general election to be held on November 8, 2022, to repeal the requirement that every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language.

Introduced by Representative Alexander and referred to the House Judiciary 2 Committee.

HOUSE BILL 340, Advisory Council on PANS & PANDAS, would establish an Advisory Council on Pediatric Acute-Onset Neuropsychiatric Syndrome and Pediatric Autoimmune Neuropsychiatric Disorder associated with Streptococcal Infections to advise the Governor, the Secretary of Health and Human Services, and the General Assembly on research, diagnosis, treatment, and education relating to pediatric acute-onset neuropsychiatric syndrome (PANS) and its subset, pediatric autoimmune neuropsychiatric disorder associated with streptococcal infections (PANDAS). **Introduced by Representatives Bradford and Carney and referred to the House Families, Children, and Aging Policy Committee.**

SENATE BILL 255, 2021 AOC Legislative Changes.-AB, would require the court in medical malpractice trials to reduce oral jury instructions to writing and provide the jury a written copy of the oral instructions for the jury to take into the jury room during deliberation. The bill also would direct the Senior Resident Superior Court Judge to designate a specific resident judge or a specific judge assigned to hold court in the district to preside over all proceedings in a case regarding

medical malpractice pleadings. **Introduced by Senators Britt and Daniel and referred to the Senate Judiciary Committee.**

SENATE BILL 257, Medication Cost Transparency Act, would:

- specify three functions a pharmacy benefit manager can perform: (1) negotiating rebates with manufacturers for drugs paid for or procured as described in the Article; (2) processing claims for prescription drugs or medical supplies or providing retail network management for pharmacies or pharmacists; or (3) paying pharmacies or pharmacists for prescription drugs or medical supplies;
- prohibit persons or organizations from establishing or operating as a pharmacy benefits manager for health benefit plans in the State without being licensed and entrust licensing to the State Insurance Commissioner;
- bar pharmacy benefit managers from prohibiting a pharmacist or pharmacy from charging a minimal shipping and handling fee for a mailed or delivered prescription if appropriate disclosures are made to the insured by the pharmacist or pharmacy before delivery;
- prohibit a pharmacy benefits manager from restricting a licensed pharmacy or pharmacist from dispensing any prescription drug;
- require pharmacy benefits managers to ensure that dispensing fees are not included in the calculation of a prescription drug's maximum allowable cost price;
- require pharmacy benefits managers to create an administrative appeals procedure for contracted pharmacies or pharmacists to appeal the provider's reimbursement for a prescription drug subject to maximum allowable cost pricing;
- prohibit pharmacy benefits managers from denying licensed pharmacists or pharmacies from participating in a network on the same terms and conditions of other network participants; and
- authorize the Commissioner to examine any pharmacy benefits manager's affairs to determine compliance with the proposed law with the ability to retain attorneys, independent actuaries, independent CPAs, or other professional and specialists as examiners, at cost to the pharmacy benefits manager.

Introduced by Senators Perry, Britt, and Johnson and referred to the Senate Rules Committee.

SENATE BILL 300, Criminal Justice Reform, would enact a variety of criminal justice reforms, including provisions to: (1) increase protections, training, and oversight for state and local law enforcement officers; (2) require use of the FBI's record of arrest and prosecution background (rap back) system for law enforcement hiring purposes; (3) expand the Administrative Office of the Court's court date reminder system; (4) decriminalize non-statutory criminal offenses and violations; (5) to increase the punishment for riot offenses; (6) mandate misdemeanor first appearances when a defendant is in custody; and (7) mandate first appearances for all charges when a defendant is in custody to be held within forty-eight hours. **Introduced by Senators Britt, Daniel, and Lee and referred to the Senate Judiciary Committee.**

SENATE BILL 306, Qualifications for Sheriff/Expunction, is identical to House Bill 312, summarized above in this Legislative Report. **Introduced by Senator Britt and referred to the Senate Rules Committee.**

SENATE BILL 309, Repeal Certificate of Need Laws, would repeal North Carolina's Certificate of Need Laws, which prohibit health care facilities from adding, acquiring, or replacing health care facilities or equipment without prior authorization by the state Department of Health and Human Services. A Certificate of Need is also required for provision of certain medical services, as well

as for health care facilities to upgrade or renovate facilities, if the upgrade/renovation is over a specified amount of expenditure. **Introduced by Senators Hise, Krawiec, and Burgin and referred to the Senate Rules Committee.**

SENATE BILL 312, Clarify Emergency Powers, is substantially similar to House Bill 264, Emergency Powers Accountability Act, summarized in the March 16, 2021 legislative report. Senate Bill 312 would also require the Governor to disclose and release to the Council of State any and all communications with local authorities, including, but not limited to, emails, letters, notes of oral conversations, and other written documents that formed the basis of the Governor's determination that local control of the emergency is insufficient to assure adequate protection for lives and property. **Introduced by Senators Burgin, Galey, and Edwards and referred to the Senate Rules Committee.**

SENATE BILL 320, 2021 Unemployment Insurance Reform, is identical to House Bill 331, summarized above in this Legislative Report. **Introduced by Senators Nickel, Lowe, and Woodard and referred to the Senate Rules Committee.**

SENATE BILL 321, Amend NC Controlled Substances Act, would make changes to the schedules of controlled substances. The bill would also make possession of fentanyl or carfentanil or any salt, isomer, compound, or derivative thereof, or the chemical equivalent, a Class I felony and include the distinction of optical or geometric isomers of cocaine in the felony offense of trafficking cocaine. **Introduced by Senators McInnis, Lazzara, and Edwards and referred to the Senate Rules Committee.**

SENATE BILL 322, 2021 Revenue Laws Changes, is identical to House Bill 279, summarized in the March 16, 2021, Legislative Report. **Introduced by Senators Newton, Rabon, and Daniel and referred to the Senate Finance Committee.**

SENATE BILL 326, Election Integrity Act, would:

- prohibit the State Board of Elections and county boards of election from accepting private monetary donations for the purpose of administering elections or employing individuals on a temporary basis;
- amend the deadline for county boards of elections to receive a completed request form for an absentee ballot application and absentee ballots to 5:00 p.m. on the second Tuesday before the election (currently, the Tuesday before the election);
- no longer authorize the transmission of executed absentee ballots to county boards if the ballots are postmarked with a date on or before the date of the statewide primary or general election or county bond election and received by the county board of elections by within three days after the election by 5:00 p.m.;
- amend the duty of county boards of election to prepare a certified list of absentee ballots received on or after election day to require the list to contain all absentee ballots returned to the county board to be counted, which have been approved by the county board and not included on the certified list of executed absentee ballots received before 5:00 p.m. on the day before the election, and which have been received by the county board by 5:00 p.m. on the day of the statewide primary or general election or county bond election; and
- provide \$5 million to the State Board of Elections for 2021-22 to establish a program to identify individuals in this State who need photo identification to vote in person, and require the program to include a mobile component to visit voters identified as needing photo identification to ensure photo identification is created for those voters.

Introduced by Senators Daniel, Newton, and Hise and referred to the Senate Redistricting and Elections Committee.

BILL UPDATES

SENATE BILL 69, DMV Licensing Req/Outsource Road Tests, was heard in the Senate Committee on Commerce and Insurance, where the bill was amended to remove the proposed changes that would have restricted driving hours for those driving with a limited learner's permit to between the hours of 5:00 am and 9:00 pm for the first three months, as opposed to the current six months. The new version would change the requirements for a person who is at least 16 years old but less than 18 years to obtain a limited provisional license, to require the person to have held a limited learner's permit for at least nine months, as opposed to the current year. **The bill as amended was approved by the Senate Commerce and Insurance Committee and will next be considered by the Senate Rules Committee.**

SENATE BILL 90, Social Services Reform/CWBTC Recs, was heard in the Senate Committee on Health Care, where a new version was approved. The new version would:

- remove the requirement for the Department of Health and Human Services (DHHS) to study the statutory requirements of the social services system, juvenile justice system, and the Medicaid and NC Health Choice program applicable to children of foster care;
- add new directives, effective upon legislative appropriation of funds for the transition to regional supervision and support of child welfare services:
 - direct the Department of Health and Human Services (DHHS) to establish seven regions for regional supervision of child welfare and social services in accordance with the plan submitted by the Social Service Regional Supervision and Collaboration Working Group (SSWG);
 - require establishment of the regions and the provision of oversight and support to the regions through State regional staff and the central office team of DHHS on March 1, 2021;
 - direct DHHS to move forward with the repurposing and redeployment of staff;
 - direct DHHS to begin procurement of physical office spaces for the regions beginning in March 2023; and
 - require that DHHS move toward full implementation of a regional model with offices by March 1, 2024;
- appropriate \$914,790 in recurring funds to the Division of Social Services (DSS) for 2021-22 to support 11 new staff positions pursuant to the SSWG's plan;
- add to the responsibilities of county boards of social services to include attending education and training for new board members during the first year of service effective April 1, 2022, and require all current county board members participate in the education and training sessions by April 1, 2024; and
- direct DSS to collaborate with key stakeholders and the UNC School of Government to create formal education and training programs for new county board members, specifically including a segment on county board liabilities, with training available statewide by September 1, 2021.

The bill as amended was approved by the Senate Health Care Committee and will next be considered by the Senate Appropriations – Base Budget Committee.

SENATE BILL 114, DES COVID Modifications and Technical Changes, was amended in the House Finance Committee to:

- remove the proposed changes to the statute that provides for unemployment benefits payable and a tax credit allowed for employers in response to the coronavirus emergency of 2020, and instead enacts a new statute to provide for unemployment benefits and a tax rate reduction for employers in response to the coronavirus emergency of 2021;
- in determining whether the State is in an extended benefits period from November 1, 2020, to December 31, 2021, direct that the State disregard the prohibition that bars an extended period from beginning before the fourteenth week following the end of a prior extended period which was in effect with respect to the State, thereby permitting 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 four criteria specified in the identified December 31, 2020, Department of Labor Letter;
- elect 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. Sets the base contribution rate for an experienced-rated employer at 1.9% for the 2021 calendar year;
- make the statute applicable for benefits filed for periods beginning on or after March 10, 2020, and expires for benefits filed for periods beginning on or after the earlier of either December 31, 2021, or the date the Governor signs an executive order rescinding Executive Order No. 116 (2020); and
- not incorporate any provisions, which sunset on December 31, 2020, that detailed benefits payable and exceptions from unemployment requirements, including waiver of the waiting and work search requirements, provided a no charge mandate to employer accounts for benefits payable, and allowed employers to attach claims for benefits payable (the previous edition amended the statute's sunset to the earlier of December 31, 2021, or the date the Governor signs an executive order rescinding Executive Order No. 116).

The bill as amended was approved by the House Finance Committee and will next be considered by the House Rules Committee.

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