



INTRODUCTION

Gov. Cooper has proposed a \$27.3 billion spending plan for North Carolina's budget this biennium. The budget includes 10% raises over two years for teachers, increased education funding, and putting a \$4.7 billion general obligation bond on voters' ballots this fall. This bond would provide funds to public schools, the UNC system, the community college system, health and safety projects throughout state government, and parks, zoos, museums, and state historic sites. Notably, the contentious issue that has held up past budgets, Medicaid expansion, has not been included in the budget proposal. The Governor expressed an interest in that matter being heard, but said that it can be taken up at any point in session.

Medicaid expansion or not, Republicans still take issue with the Governor's proposal, largely over its spending. Sen. Brent Jackson, a Republican Senate budget writer, said in a statement that leaders have "concerns about the very high spending growth and billions in borrowing in Gov. Cooper's proposed budget. We don't want to return to an era of rollercoaster-style budgets with huge spikes in the boom years followed by huge cuts in the lean years." Speaker Moore has also echoed this concern over the Governor's spending plan. But as the State Budget Director Charles Perusse told Appropriations Committee members last week, the Governor and others understand that this proposal is the "first of nine innings" in creating the state's final budget.

SCHOOL NURSES

Various Democrat-led bills have been filed in the General Assembly to address the shortage of school nurses in our state's school system. North Carolina currently has roughly one school nurse to every 1,000 students in the state's public schools with over half of those nurses serving multiple schools. This is a far cry from the recommendations laid out by the National Association of School nurses where there is one school nurse for every 750 students.

The filed bills attempt to address this deficit in various ways: some providing that each public school and charter school in the state employ a school nurse, others providing that only public schools must employ a school nurse, and some allocating funds to implement the change. Some of the House



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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bills have garnered Republican support but their colleagues in the Senate have yet to explicitly express an opinion.

STATE BOARD OF ELECTIONS HEARING

The Senate Redistricting and Elections Committee met last week to hear from the State Board of Elections Director Karen Brinson Bell. The hours-long meeting largely revolved around the details surrounding the State Board of Elections settlement agreement and rule change during the 2020 election, and Executive Director Karen Brinson Bell's involvement. This settlement ultimately resulted in a lengthened number of days the Board of Elections could accept absentee ballots postmarked by Election Day to nine days after November 3rd.

The Q&A session with committee members and Executive Director Bell was heated, and opinions on that settlement clearly came down to party lines. Republicans ardently believed that the Executive Director broke the law by "secretly" changing election rules, without involving the General Assembly. The General Assembly has sole constitutional authority to set election laws. "In my heart, you broke the law," said Republican committee member, Sen. Bill Rabon.

Democrats commended the Executive Director's ability to successfully carry out an election during a pandemic with unprecedented voter turnout numbers and absentee ballots. They believed the Board of Elections acted within its authority to settle the case and to address concerns raised about delays with the U.S. Postal Service following a letter from the U.S. Postmaster General. "I do not believe we broke the law, and the courts have held that we did not break the law," Bell said.

Senate Redistricting and Elections Chairmen, Ralph Hise, Warren Daniel, and Paul Newton, addressed some of their concerns about this settlement by filing Senate Bill 360, Prohibit Collusive Settlements by the AG. This bill would require joint approval from the Speaker of the House and the President Pro Tempore of the Senate before the Attorney General can enter into a consent judgement or settlement agreement in a dispute, claim, or controversy in which the Speaker of the House or the President Pro Tempore of the Senate have intervened or are otherwise named parties. The bill has not yet been referred to a committee.

SPRING BREAK

The House has announced their "spring break" will be the week of April 5th this year, a slight correction from the date provided in our last update. Speaker Moore believes the Senate will acknowledge that week as their break, as well. Although skeletal sessions will be held, there will no votes that week.

BILLS OF INTEREST

HOUSE BILL 341, Protection from Online Impersonation, would make it a Class H felony, punishable by a fine not to exceed \$1,000, imprisonment, or both, for a person to knowingly and without consent impersonate another person through or on a website or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person, including the misrepresented person. A misrepresented person or another person who is harmed, intimidated, threatened, or defrauded by an imposter through or on a website or by other electronic means could bring a civil action against the imposter and would be entitled to recover the following from the imposter: (1) actual damages, but not less than liquidated damages, computed at the rate of \$1,000 a day for each day of the violation or \$10,000, whichever is higher; (2) punitive damages; and (3) a reasonable attorneys' fee and other reasonably incurred litigation costs of the litigation.

Introduced by Representatives White and Strickland and referred to the House Judiciary I Committee.

HOUSE BILL 342, Building Code/EV Charging Station, would require the Building Code Council to amend the North Carolina Residential Code to require all new one- and two-family dwellings to include at least one electric vehicle-ready parking space, except where no parking spaces are provided for the dwelling unit. **Introduced by Representatives Butler, von Haefen, Brockman, and Brown and referred to the House Local Government - Land Use, Planning and Development Committee.**

HOUSE BILL 347, Healthy Students – Nurses in Every School, would require local boards of education to ensure that each public school is staffed by at least one full-time, permanent school nurse beginning with the 2021-22 school year. The bill would appropriate \$102 million in recurring funds to the Department of Public Instruction for 2021-22 to increase the Instructional Support Allotment to increase school nurse positions. **Introduced by Representatives Ball, Cunningham, Ager, and Cooper-Suggs and referred to the House Appropriations Committee.**

HOUSE BILL 348, Add School Nurses for Healthier Students, would charge local boards of education and the State Board of Education with ensuring that each school within the local school administrative unit and each school operated under the control of the State Board, respectively, is staffed by at least one full-time, permanent school nurse. Charter schools, regional schools, and lab schools would also be required to be staffed by at least one full-time, permanent school nurse. The requirement would be in effect beginning with the 2021-22 school year. The bill would appropriate \$102 million in recurring funds to the Department of Public Instruction for 2021-22 to increase the Instructional Support Allotment to increase school nurse positions. **Introduced by Representatives Adcock, Lambeth, Gill, and Farkas and referred to the House Committee on Education – K-12.**

HOUSE BILL 351, Clifford's Law, would direct the Secretary of the Department of Health and Human Services, in consultation with licensed operators of nursing homes, combination homes, and hospice care facilities, and any other stakeholders deemed relevant, to establish visitation protocols for residents of these facilities that will become effective during a disaster declaration or emergency that results in the suspension or curtailment of a facility's normal visitation policy for any reason. The policy would have to allow for each resident to designate one preapproved visitor and one preapproved alternate visitor, who would be allowed to visit the resident at least twice per month during any period of time during which the facility's normal visitation policy is suspended or curtailed for any reason during the declared disaster or emergency. **Introduced by Representatives Dixon, Lambeth, White, and Moss and referred to the House Health Committee.**

HOUSE BILL 354, Hate Crimes Prevention Act, would enact a variety of provisions regarding hate crimes to:

- expand the categories under which a crime will be elevated to a higher level offense as a hate crime to include crimes committed because of the victim's ethnicity, gender, gender identity, gender expression, disability, or sexual orientation;
- elevate Class 2 or Class 3 misdemeanors committed for these reasons to a Class 1 misdemeanor;
- elevate Class A1 or Class 1 misdemeanors to a Class H felony;

- allow the victim of a hate crime or an immediate family member of the victim to obtain appropriate relief from the offender in a civil action, including actual damages (would include damages for emotional distress), punitive damages, reasonable attorneys' fees, and any other litigation costs reasonably incurred;
- allow a person convicted of or who has pleaded no contest to having engaged in such conduct to participate in a restorative justice session with the victim at the victim's request, to be conducted as specified at the cost of the defendant;
- establish the crime of *felonious assault as a hate crime*, defined as assaulting or attempting to assault a person and inflicting serious bodily injury because of the actual or perceived race, ethnicity, color, religion, nationality, country of origin, gender, gender identity, gender expression, disability, or sexual orientation of that person, which would be punishable as a Class F felony, elevated to a Class E felony if death results from the offense, or the offense includes the commission or attempted commission of kidnapping, first- or second-degree forcible rape, or first- or second-degree forcible sexual offense;
- define *gender identity* as actual or perceived gender-related characteristics;
- direct the State Bureau of Investigation to collect, analyze, and disseminate information regarding the commission of these offenses, including the total number of offenses committed for each type, identifying characteristics of the offender and victim from each offense, and the disposition of each offense;
- require all State and local law enforcement agencies to report monthly to the SBI on offenses committed in their jurisdictions that meet the criteria for a hate crime;
- require the SBI to report to the General Assembly on a yearly basis on the information gathered and publish the report on its website;
- provide to the SBI \$1.89 million to cover costs incurred in establishing the hate crime statistics database and \$530,000 to hire an additional employee to manage the database;
- require the North Carolina Justice Academy to develop and provide training to law enforcement officers on how to identify, respond to, and report hate crimes and the Conference of District Attorneys to develop and provide training to prosecutors on prosecuting hate crimes

Introduced by Representatives Majeed, Insko, Morey, and Harrison and referred to the House Judiciary I Committee.

HOUSE BILL 356, Speaker/PPT Appointments 2021, would appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, including:

- Chief John T. Cole of Alamance County is appointed to the 911 Board for a term expiring on December 31, 2022, to fill the unexpired term of Cecil V. "Buddy" Martinette, Jr.
- Dr. Edward C. Jauch of Buncombe County is appointed to the North Carolina Brain Injury Advisory Council for a term expiring on September 30, 2023, to fill the unexpired term of Dr. Ryan Lamb. Todd Bennett of Cabarrus County is appointed to the North Carolina Brain Injury Advisory Council for a term expiring on September 30, 2024.
- Brian Gwyn of Cleveland County is appointed to the North Carolina Institute of Medicine for a term expiring on December 31, 2023, to fill the unexpired term of Dr. Costa Andreou.
- The Honorable Barbara Jackson of Wake County is appointed to the Rules Review Commission for a term expiring on June 30, 2021, to fill the unexpired term of Garth Dunklin. The Honorable Robert "Bob" Rucho of Brunswick County is appointed to the Rules Review Commission for a term expiring on June 30, 2021, to fill the unexpired term of the Honorable Tommy Tucker.

Introduced by Representative D. Hall and referred to the House Rules Committee. The bill as amended on the House floor was approved by the full House and will next be considered by the Senate Select Committee on Nominations.

HOUSE BILL 358, Save Women's Sports Act, would prohibit athletic teams or sports designated for females, women, or girls from being open to students of the male sex, and provide that sex will be recognized based solely on a person's reproductive biology and genetics at birth. The bill would allow a biological female student who is deprived of an athletic opportunity or suffers or is likely to suffer from any direct or indirect harm as a result of a violation or who is retaliated against for reporting a violation to bring a civil action in court. **Introduced by Representatives Brody, McElraft, Wheatley, and Dixon and referred to the House Judiciary I Committee.**

HOUSE BILL 366, Regulatory Reform Act of 2021, would make changes to the law that prohibits public officials from benefiting from public contracts. The bill would change one of the exceptions that allows a municipality or specified type of board or hospital to contract with one of its officials if approved by specific resolution of the appropriate governing body. Current law caps the contract amount over 12 months for the exception at \$40,000, and the bill would raise that to \$60,000. The bill would also direct the Division of Emergency Management to study the needs of law enforcement, emergency medical and emergency management personnel, and firefighters to improve access to or within the interstate system in the state for the benefit of public safety. The Division would be required to report to the General Assembly by March 1, 2022. **Introduced by Representatives Yarborough, Bradford, Moffitt, and Riddell and referred to the House Rules Committee.**

HOUSE BILL 370, No Veteran Left Behind, would appropriate \$500,000 to the Independence Fund, Inc. for 2021-22 to establish and implement a pilot program to expand the Veterans Justice Intervention program in Brunswick, Craven, Cumberland, Onslow, Union, and Wayne Counties. The bill would require the Independence Fund to (1) partner with nonprofits and government agencies to update data collection process maps developed for each county's initial response to veterans in crises, and (2) educate first responders, local community support employees, and others on veteran-specific crises intervention, suicide prevention, and VA resources available. **Introduced by Representatives Bell, Moore, Cleveland, and Miller and referred to the House Committee on Homeland Security, Military, and Veterans Affairs.**

HOUSE BILL 373, Allow Employers to Offer EPO Benefit Plans, is identical to Senate Bill 228, summarized in the March 16, 2021, Legislative Report. **Introduced by Representatives Bumgardner, K. Hall, and Saine and referred to the House Health Committee.**

HOUSE BILL 374, Make Legislators' Docs Public Records, would prohibit a legislative employee from revealing the identity of a legislator who has made a drafting or information request or revealing the existence of the request to any person who is not a legislative employee without the consent of the legislator. The bill would remove current provisions that deem: (1) drafting or information requests or supporting documents to not be public records and regarding the confidentiality of documents prepared by legislative employees at the request of a legislator; and (2) documents prepared by legislative employees at the request of a legislator which do not become available to the public not public records. The bill would prohibit present and former legislative employees from disclosing documents, in addition to information, that the individual acquired while employed or retained by the State in the described contexts, unless disclosure reflects official public records or otherwise publicly disseminated information or documents. A judge could compel disclosure of documents acquired by a legislative employee, if necessary, for the

administration of justice, subject to legislative privilege and immunity laws. **Introduced by Representatives Everitt and Farkas and referred to the House Rules Committee.**

HOUSE BILL 379, Full Disclosure of Printer Costs, would prohibit a person, firm, or corporation engaged in commerce from offering for sale a computer printer without clearly and prominently disclosing the additional costs related to operating the printer, including the cost of replacement ink or toner cartridges and the estimated number of printed pages an ink or toner cartridge will print before requiring replacement. A violation would constitute an unfair trade practice. **Introduced by Representative Zachary and referred to the House Judiciary 3 Committee. (Forgive my personal commentary here but really!?)**

HOUSE BILL 382, Hospital ED Care/Medicaid Behav. Health Ser., would establish the General Assembly's intent to provide funding to hospitals for behavioral health services provided to Medicaid beneficiaries while those beneficiaries await discharge to a more appropriate setting. Specifically, the bill would:

- require the Department of Health and Human Services, Division of Health Benefits (Division), to develop a clinical coverage policy; assign a procedure code; and develop billing instructions for Medicaid coverage of the services for the time period in hospitals while a beneficiary awaits discharge for behavioral health services;
- specify that this coverage is applicable when the patient is no longer eligible for observation under the specified clinical coverage policy, is not currently receiving inpatient behavioral health services under the specified clinical coverage policy, and needs admission or services for psychiatric or behavioral health needs;
- require the clinical coverage policy to provide Medicaid coverage of the following services in an acute care hospital setting when medically necessary and ordered by a physician or other appropriate provider: (1) treatment, including assessment and medication management, of both psychiatric and behavioral health conditions and physical health conditions; (2) crisis stabilization and support; (3) ongoing monitoring of a beneficiary's medical status and medical clearance; (4) nursing services and support; (5) reasonable and appropriate efforts to maintain patient safety; (6) provision of community resource information and psychoeducation, including connections to the relevant local management entity/managed care organization (LME/MCO); (7) development of a safety plan, and plan revisions; and (8) coordination with the beneficiary or the beneficiary's legal representative and the LME/MCO to establish a safe discharge or transfer plan; and
- require the Division to submit to the Centers for Medicaid and Medicare Services any State Plan amendments that are necessary to establish Medicaid reimbursement or rates for services outlined.

Introduced by Representatives Lambeth, White, Potts, and Sasser and referred to the House Health Committee.

HOUSE BILL 383, Medicaid Modernized Health Assessments, would repeal current laws for calculating hospital costs, supplemental assessments, and base assessments for specified time periods and establish new provisions for calculating the assessment imposed against public acute care hospitals and against private acute care hospitals. The bill would require the proceeds of the assessments, and all corresponding matching federal funds, be used to make the State's annual Medicaid payment to the State, to fund payments to hospitals made directly by the Department, to fund a portion of capitation payments to prepaid health plans attributable to hospital care, and to fund graduate medical education payments. The bill would also require DHHS to develop a proposal to replace or adjust the market-based percentage as the inflation factor that is used in the hospital assessments, as well as in the hospital base rates for Medicaid fee-for-service

reimbursements, by January 2026. **Introduced by Representatives Lambeth, White, and Sasser and referred to the House Health Committee.**

HOUSE BILL 384, FIBER NC Act, would foster infrastructure for broadband expansion and resources in North Carolina by authorizing counties and cities to install and lease broadband infrastructure to increase adequate broadband services to attract investment in local economies, provide for educational and career opportunities, modernize farming technologies, and to provide for improved health care. **Introduced by Representative Clampitt and referred to the House Energy and Public Utilities Committee.**

HOUSE BILL 391, Dental Patient Transparency Act, is identical to Senate Bill 248, summarized in the March 16, 2021, Legislative Report. **Introduced by Representatives K. Baker, Potts, Sasser, and Lambeth and referred to the House Health Committee.**

HOUSE BILL 395, Extend Deadlines for Mandatory HIE Participation, would make certain one-year extensions for mandatory connection to the Health Information Exchange (HIE) Network. The bill would require participation by providers of Medicaid and State-funded health care services not otherwise provided for by October 1, 2022. It would require participations by ambulatory surgical centers, licensed dentists, licensed physicians with a primary practice in psychiatry, and the State Lab of Public Health by June 1, 2022. It would also require participation by registered pharmacies, and state health care facilities under the Secretary of the Department of Health and Human Services' jurisdiction by June 1, 2022. **Introduced by Representatives Sasser, Potts, K. Baker, and Wray and referred to the House Health Committee.**

HOUSE BILL 404, Immunity for 911 Dispatchers, would provide immunity for a public safety answering point (PSAP) and a regional PSAP and their employees, directors, officers, vendors and agents for any damages in a civil action incurred in connection with developing, adopting, implementing, maintaining, or operating the 911 system. This bill would add to the current immunity granted to 911 system providers and next generation 911 system providers and their agents and would remove communications service providers from those granted immunity. The bill would specify that the immunity includes the actions of call taking, dispatching, radio operations, data terminal operations, or any combination of these call-taking functions in a PSAP. And it would more specifically exclude actions involving the operation or ownership of a motor vehicle by an employee or agent of a 911 system provider, next generation 911 system provider, PSAP, or regional PSAP. **Introduced by Representatives Zachary and Warren and referred to the House Judiciary 2 Committee.**

HOUSE BILL 410, Repeal Certificate of Need Laws, is identical to Senate Bill 309, summarized in the March 23, 2021, Legislative Report. **Introduced by Representative Kidwell and referred to the House Rules Committee.**

HOUSE BILL 413, Improve Debt Collection Upon Vehicle Reg., would:

- require the Division of Motor Vehicles to refuse vehicle registration or issuance of a certificate of title or any transfer of registration if: (1) county and municipal vehicle property taxes and related fees have not been paid; or (2) registration of the owner's vehicle is blocked as a sanction for failure to comply with a child support order or a subpoena;
- state the NCGA's intent that, when a law enacted after January 1, 2021, imposes a vehicle title or registration stop for failure to pay an amount due to an entity, the stop does not become effective until the DMV's vehicle records state the amount that must be paid to

- clear the stop and the vehicle owner can clear the stop and obtain a title or renew a registration by paying the required amount to the DMV or a DMV commission contractor;
- require, when the DMV imposes a vehicle title or registration stop for an amount owed to the North Carolina Turnpike Authority, that the DMV's vehicle records state the amount required to clear the stop, and allow the vehicle owner to clear the stop and obtain a title or renew a registration by paying the required amount to the DMV or a DMV commission contract agent;
 - require the DMV, in consultation with the License Plate Agency Advisory Committee, to develop and implement a plan to improve the process for collecting the amounts required to clear vehicle title and registration stops imposed for failure to pay amounts owed to entities other than the Department of Transportation; and
 - require the DMV's vehicle records to set out the amount that must be paid to clear a stop so that DMV or a DMV commission contractor can inform the vehicle owner of the amount required to clear the stop, accept payment, remove the stop, and issue a title or renew a vehicle's registration in the same customer transaction.

Introduced by Representative Shepard and referred to the House State Government Committee.

HOUSE BILL 426, Independent Redistricting Process, would amend the State Constitution, if approved by a majority of the qualified voters of the State at the general election in November 2022, to provide for an independent redistricting process for electoral districts for Congress and the General Assembly. The General Assembly would establish the process, but have no role in the revising of districts. Each electoral district would consist of contiguous territory, and to the extent practicable and consistent with federal law, no county would be divided in the formation of an electoral district for the Senate or House of Representatives of the General Assembly. **Introduced by Representative Harrison and referred to the House Rules Committee.**

HOUSE BILL 427, Firearm Safe Storage Awareness Initiative, would direct the Department of Health and Human Services to launch a two-year statewide firearm safe storage awareness initiative to educate the public about the importance of the safe storage of firearms and to facilitate the distribution of gun locks. The initiative would include the development of a website and toolkit and an outreach process. The bill would provide to DHHS \$86,500 this year and \$69,200 next year for costs associated with launching the firearm safe storage awareness initiative, including the purchase and distribution of gun locks. **Introduced by Representative Hanig and referred to the House Appropriations Committee.**

SENATE BILL 255, 2021 AOC Legislative Changes.-AB, would make changes to the way jury instructions are given in civil cases related to medical malpractice. The bill would authorize and encourage the court to provide the jury a written copy of the oral instructions for the jury to take into the jury room during deliberation. The bill would also 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 subject to medical malpractice action. The senior resident superior court judge would be required to consult with the parties in the case in making the designation. **Introduced by Senators Britt and Daniel and reported favorably by the Senate Rules Committee.**

SENATE BILL 331, Healthy Students - Nurses in Every School, is identical to House Bill 347, summarized above in this Legislative Report. **Introduced by Senators Nickel, Crawford, and Mohammed and referred to the Senate Rules Committee.**

SENATE BILL 337, Tax Relief and Recovery Act, would:

- decrease the individual income tax from 5.25% to 4.99%;
- increase the standard deductions as follows: from \$21,500 to \$25,500 for married, filing jointly; from \$16,125 to \$19,125 for head of household; and from \$10,750 to \$12,750 for single and married, filing separately;
- increase the current child deduction amounts by \$500 for each filing category based on existing adjusted gross income (ADI) ranges;
- add new child deduction amount to provide a \$500 deduction for: married, filing jointly with ADI over \$120,000 and up to \$140,000; for head of household with ADI over \$90,000 and up to \$105,000; and for single or married, filing separately with ADI over \$60,000 and up to \$70,000;
- restrict a corporation's tax base to the proportion of its net worth apportioned to the State, and no longer provide for the tax base to be the greater of its apportioned net worth, the percentage of the corporation's appraised value or the corporation's total actual investment in tangible property in the State;
- set the corporate income tax cap at \$150,000, and eliminate existing provisions for the calculation of corporate tax using the existing tax rate of \$1.50 per \$1,000 applied to the greater of a specified percentage of the corporation's appraised value or the corporation's total actual investment in tangible property in the State.

Introduced by Senators Newton, Daniel, and Rabon and referred to the Senate Finance Committee.

SENATE BILL 340, Honor Commitments, would allow a judgment creditor awarded a judgment in which a judgment debtor is found to have knowingly and willfully committed unfair and deceptive acts or practices affecting commerce to file a motion in the county where the debtor resides for the court to order garnishment of the disposable earnings of the judgment debtor. The judgment creditor would be required to show that a certified letter was sent to the judgment debtor's last known address regarding wage garnishment and for the judgment debtor to have failed to pay or make reasonable arrangements to pay the judgment within 10 days of the mailing prior to filing a motion requesting garnishment. If granted, the court could not enter an order of garnishment that exceeds the lesser of 15% of the judgment debtor's monthly disposable earnings or the amount by which the disposable earnings for that pay period exceed an amount calculated by multiplying the federal minimum hourly wage by 50 times the number of weeks in the pay period. The bill includes additional provisions regarding the motion, notice, hearing, duration, and priority of garnishment orders. **Introduced by Senators Perry, Britt, and Craven and referred to the Senate Rules Committee.**

SENATE BILL 341, Study Statewide Year-Round School Calendar, would direct the Department of Public Instruction to study and make recommendations on the feasibility and potential outcomes of a statewide year-round school year, including analysis of the following: (1) educational outcomes; (2) summer learning loss; (3) testing administration; (4) dual enrollment in community college courses for high school students; (5) travel and tourism participation and revenues; (6) seasonal employment; (7) extracurricular learning opportunities and camps; (8) scheduling for families and communities; (9) implementation considerations; (10) building utilization; and (11) any other area the department deems relevant to the feasibility and potential outcomes of a statewide year-round calendar. The Department would submit the results of its study, including any proposed legislation, to the Joint Legislative Education Oversight Committee no later than 180 days after the date this act becomes law. **Introduced by Senators Burgin and Corbin and referred to the Senate Rules Committee.**

SENATE BILL 345, PA – Team-Based Practice, would:

- require a physician assistant (PA) to execute and maintain a supervisory agreement with a physician, unless the PA practices in team-based settings and has more than 4,000 hours of practice experience as a licensed PA and more than 1,000 hours of practice within the specific medical specialty of practice with a physician in that specialty;
- define team-based setting to mean either a medical practice organized under GS 55B-14(c)(3); a physician-owned medical practice where the owner has consistent and meaningful participation in the design and implementation of health services to patients; or licensed health facilities with active credentialing and quality programs where physicians have consistent and meaningful participation in the design and implementation of health services to patients;
- exclude from the definition of team-based setting medical practice that specializes in pain management;
- require PAs subject to supervisory arrangements to submit an "Intent to Practice Notification Form" to the NC Medical Board before initiating the practice of medical acts, tasks, or functions of a PA;
- require PAs to collaborate and consult with or refer to appropriate team members;
- explicitly deem a PA responsible for the care he/she provides;
- require supervision of a PA practicing in a perioperative setting, including the provision of surgical or anesthesia-related services;
- allow a person meeting the qualifications for PA licensure to use the title, but prohibit acting or practicing as a PA unless licensed;
- require PAs to clearly designate their credentials in all clinical settings;
- clarify the prescription drug authorities granted to indicate that the required provision of instructions and policies by the supervising physician only applies to PAs subject to supervisory agreements;
- require personal consultation with a physician (rather than the supervising physician) for the prescription of a targeted controlled substance under certain conditions;
- grant new authority for a PA to prescribe, dispense, compound, order, administer, and procure drugs and medical services, and plan and initiate a therapeutic regimen that includes ordering and prescribing non-pharmacological interventions and diagnostic support services;
- authorize PAs to authenticate any document, including death certificates with their signature, certification, stamp, verification, affidavit, or endorsement to the same extent as a physician;
- prohibit PAs from performing final interpretations of diagnostic imaging studies which must be provided by a licensed physician subject to the supervision of the Board;
- include a PA with certification in obstetrical ultrasonography in the defined term qualified technician, as used in Article 1I, Woman's Right to Know Act;
- include a PA primarily responsible for the care of a mother and her newborn child in accordance with State licensure and certification laws in the defined term attending provider, as used in the statute governing required coverage for minimum hospital stay following birth; and
- allow a PA to conduct the health assessment of a child required prior to or immediately following admission to a child care facility.

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

SENATE BILL 346, Emergency Management Act Revisions, would clarify the process by which an executive order is issued by the Governor to provide that, any executive order issued by the Governor during a gubernatorially or legislatively declared state of emergency that exercises any of the powers granted specified will expire 10 calendar days after issuance unless the Council of State concurs. If the Council of State concurs with the executive order, the executive order would expire 45 calendar days from the date of issuance, unless the General Assembly extends the executive order by the enactment of a general law. If the General Assembly does not extend the executive order by enactment, the Governor could not issue a substantially similar executive order arising from the same events that formed the basis to issue the initial executive order that was not extended. **Introduced by Senators Rabon, Burgin, and Ford and referred to the Senate Judiciary Committee.**

SENATE BILL 335, Increase Penalty/Disruption of Open Meeting, would amend the definition of *disorderly conduct* to include engaging in conduct which disturbs the peace or order of an official meeting of a public body. Violations would be a Class 1 misdemeanor for a first offense, a Class I felony for a second offense, and a Class H felony for a third or subsequent offense. The bill would repeal the current statute that makes it a Class 2 misdemeanor for a person to willfully interrupt, disturb, or disrupt an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting. **Introduced by Senators Galey, Daniel, and Lazzara and referred to the Senate Rules Committee.**

SENATE BILL 355, Government Transparency Act of 2021, would amend requirements for State personnel recordkeeping by each department, agency, institution, commission and bureau of the State to require records to show the date and general description of the reasons for each promotion, demotion, dismissal, transfer, suspension, separation, or other change in position classification. The bill would refer to dismissals as personnel action instead of disciplinary action, and would make identical changes to the personnel recordkeeping requirements by local boards of education, community colleges, LME/MCOs, local governments, and water and sewer authorities. **Introduced by Senators Sanderson, Rabon, and Krawiec and referred to the Senate Judiciary Committee.**

SENATE BILL 360, Prohibit Collusive Settlements by the AG, would require joint approval from the Speaker of the House of Representatives and the President Pro Tempore of the Senate before the Attorney General may enter into a consent judgment or settlement agreement in a dispute, claim, or controversy which is challenging a North Carolina statute or provision of the North Carolina Constitution and in which the Speaker and the President Pro Tem have intervened or are otherwise named parties. **Introduced by Senators Hise, Daniel, and Newton and referred to the Senate Redistricting and Elections Committee.**

SENATE BILL 364, Automatic Voter Registration, would provide for automatic voter registration at drivers license offices, public agencies, community colleges, and colleges and universities of the University of North Carolina and require the State Board of Elections to implement an outreach campaign informing citizens about automatic voter registration. **Introduced by Senators Woodard, Batch, and Clark and referred to the Senate Rules Committee.**

SENATE BILL 365, Open Venues for Receptions and Parties, would allow meeting spaces, meeting or reception venues, and entertainment facilities, for receptions or parties, to open and resume operations notwithstanding a state of emergency declared by the Governor or a city or county related to the COVID-19 public health emergency. The establishments would be allowed to open and resume operation subject to the following requirements:

- the establishment was in existence and lawfully operating on March 10, 2020;
- capacity is limited to 50% of authorized fire capacity, 12 people per 1,000 square feet, or 300 people, whichever is less;
- employees have daily temperature checks; employees with fevers of 100.4 degrees or higher are prohibited from entering the establishment;
- all guests have temperature checks; guests with fevers of 100.4 or higher are prohibited from entering the establishment;
- employees wear face masks and gloves; guests are encouraged to wear face masks;
- food self-service or buffet options prohibited;
- hand sanitizer is available throughout the establishment;
- the establishment maintains and enforces social distancing recommended by the CDC and NC Department of Health and Human Services;
- the establishment complies with all NC Division of Public Health rules applicable to restaurants;
- employees conduct frequent cleaning at specified intervals;
- signage must be posted to remind guests and employees of social distancing and sanitizing requirements; and
- the establishment collects and retains guest contact information for 15 days after the event.

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

BILL UPDATES

HOUSE BILL 113, 2021 AOC Legislative Changes.-AB, was amended in the House Judiciary 2 Committee to:

- amend the proposed changes regarding medical malpractice trials to:
 - modify the proposed changes to Rule 51 of the Rules of Civil Procedure to require the court to reduce oral jury instructions to writing for civil cases subject to GS 90-21.11 (Medical Malpractice Actions) rather than Rule 9(j) of the Rules of Civil Procedure regarding medical malpractice pleadings;
 - 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 subject to GS 90-21.11 (subsection (b) defines *medical malpractice action*) rather than Rule 9(j) of the Rules of Civil Procedure regarding medical malpractice pleadings;
 - no longer require consultation with the Administrative Office of the Courts; maintains required consultation with the parties to the case;
- grant a general authorization for judicial officials to conduct proceedings of all types by means of an audio and video transmission in which the parties, the presiding official, and any other participants can see and hear each other, including provisions to:
 - require participating parties to be able to communicate fully and confidentially with his or her attorney, if represented;
 - require good cause for allowing a witness to testify by audio or video transmission in proceedings involving a jury;
 - establish criteria that must be met when the right to confront witnesses or be present is implicated in criminal or juvenile delinquency proceedings, including (1) the court has obtained a knowing, intelligent, and voluntary waiver of the defendant's or juvenile respondent's rights or (2) the court finds that the use of audio and video transmission in the absence of a waiver is necessary to further an important State

interest and will not materially prejudice the defendant's or juvenile respondent's rights;

- allow parties to object to conducting a proceeding by audio or video transmission, and prohibits holding the proceeding by audio or video transmission if the presiding official finds that the party has demonstrated good cause for the objection;
- require compliance with state and federal laws governing confidentiality and security of confidential information;
- provide for public and media access to proceedings and proceeding recordings, if applicable;
- specify that the statute is not intended to limit the court's authority to receive remote testimony under state law;
- require all proceedings to be conducted using videoconferencing applications approved by the Administrative Office of the Courts; and
- define *judicial official* to include judges of the appellate, superior court, and district court divisions; clerks of superior court; and magistrates.

The bill as amended was approved by the House Judiciary 2 Committee and will next be considered by the House State Government Committee.

HOUSE BILL 320, Modernize Remote Business Access, was amended in the House Judiciary I and Rules Committees to:

- modify the conditions under which a public corporation that has provided the specified notice of its annual or special shareholders' meeting does not have to provide further notification to also include instances when it is anticipated that an existing governmental order restricting travel or group gatherings will be extended; and require that the corporation post the required press release about the remote meeting on its corporate website approximately contemporaneously with the press release;
- authorize corporate officers, directors and members to conduct business of the corporation electronically unless prohibited or limited by the articles of incorporation or bylaws, or by action of the corporation's board of directors;
- require members who wish to communicate and conduct business electronically with a corporation to designate the email address to be used for communication and business, and provide any other information required to facilitate communication and business between the member and the corporation, pursuant to the corporation's guidance;
- modify the proposed changes regarding member action by written ballot or electronic voting to allow rather than mandate the provision of written ballots and electronic ballots or notice and instructions for electronic ballots and voting and remove the proposed requirements of electronic voting systems;
- require all members entitled to vote on a matter to be given the opportunity to vote by written ballot or electronic voting or both;
- amend the provision that would authorize remote membership meetings of a corporation to allow for remote member meetings if not prohibited by the articles of incorporation or the bylaws and require members to be given the opportunity to participate to the same extent as they could participate in person (including voting) and require that the corporation has implemented reasonable measures to verify that each person participating remotely is a member or a member's proxy (previously did not require the corporation to verify the presence of a quorum at the meeting);
- remove the previous notice requirements to now require notice that the meeting will be held by remote communication and sufficient instruction and information on how member can join, in addition to the information required (previously included information on voting agenda and members list access); and

- amend the authority of the board of directors to prescribe additional rules and procedures for remote meetings to require compliance with GS Chapter 55A, including rules concerning votes to be taken during the remote communication meeting or that membership votes on some or all matter must be cast as permitted by statute.

The bill as amended was approved by the House Judiciary I and Rules Committees and the full House. The bill will next be assigned to a Senate committee for consideration.

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