



The Daily Bulletin: 2022-06-22

PUBLIC/HOUSE BILLS

H 327 (2021) [VARIOUS ADMINISTRATIVE LAW CHANGES. \(NEW\)](#) Filed Mar 17 2021, *AN ACT TO UPDATE THE PROCESS FOR LEGISLATIVE REVIEW OF RULES, TO DESIGNATE THE NORTH CAROLINA ADMINISTRATIVE CODE PUBLISHED ONLINE AS THE OFFICIAL VERSION AND REMOVE THE REQUIREMENT TO PUBLISH AND PROVIDE PRINTED COPIES, TO UPDATE THE MODEL CODE OF JUDICIAL CONDUCT FOR STATE ADMINISTRATIVE LAW JUDGES, AND TO MAKE CLARIFYING CHANGES TO THE OCCUPATIONAL LICENSING LAWS.*

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

Modifies the proposed changes to GS 150B-21.3 regarding the effective dates of permanent rules, now providing that when a bill that specifically disapproves of an adopted rule is introduced in either house of the NCGA before the thirty-first legislative day of that session, the rule's effective date is delayed until the later of September 1 of the calendar year of that session or the day of adjournment of that session of the General Assembly that adjourns without ratifying (was, or the day that session of the General Assembly adjourns) a bill that specifically disapproves the rule, unless the agency adopting the rule specifies a later effective date or the bill is enacted.

Changes the effective date of the changes to GS 150B-21.3 and GS 150B-21.18, and the repeal of GS 150B-21.25 from January 1, 2022, to January 1, 2023.

Intro. by Moffitt, Riddell, Stevens, Yarborough.

[GS 7A](#), [GS 93B](#), [GS 150B](#)

[View summary](#)

[Courts/Judiciary](#), [Government](#), [APA/Rule Making](#), [General Assembly](#), [State Agencies](#), [State Government](#), [Executive](#)

H 533 (2021) [COUNTY WASTE MANAGEMENT ASSISTANCE.](#) Filed Apr 12 2021, *AN ACT TO RESTORE ASSISTANCE TO COUNTIES WITH THE CLEANUP OF SCRAP TIRES.*

House committee substitute amends the 1st edition as follows.

Further amends GS 130A-309.09C, which provides that local governments that do not comply with the requirements of GS 130A-309.09A(b) (requiring making a good-faith effort to achieve the State's 40% municipal solid waste reduction goal and to comply with the State's comprehensive solid waste management plan), GS 130A-309.09A(d) (requiring annual reporting on the solid waste management programs and waste reduction activities within the unit of local government), and GS 130A-309.09B(a) (including specific requirements for a local government's solid waste reduction program) are not eligible for grants from the Scrap Tire Disposal Account or the White Goods Management Account or entitled to proceeds of the scrap tire disposal tax or white goods disposal tax. Updates statutory cross-references used to provide for each respective tax's permitted use of proceeds withheld pursuant to these provisions. Now allows for the scrap tire disposal tax withheld and credited to the General Fund to be used as provided in GS 130A-309.63 (was, GS 130A-309.64, since repealed), and for the white goods disposal tax withheld and credited to the General Fund to be used as provided in GS 130A-309.82 (was, GS 130A-309.83, since repealed).

Changes the effective date of the act, now providing that the act is effective October 1, 2022, and applies to quarterly crediting of the proceeds of the scrap tire disposal tax occurring on or after that date (was, effective July 1, 2021).

Intro. by Sauls, Penny.

[GS 105](#), [GS 130A](#)

[View summary](#)

[Environment](#), [Government](#), [Tax](#), [Local Government](#)

H 560 (2021) **PUBLIC SAFETY REFORM**. Filed Apr 14 2021, *AN ACT TO MODIFY THE LAWS OF THE STATE RELATING TO PUBLIC SAFETY*.

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

Eliminates the following: (1) the proposed increase of a prisoner's sentence for violating GS 14-258.4 (malicious conduct) and GS 14-258 (possession of tools for escape); (2) new GS 148-18.2, which set value caps on prisoner property and provided for reimbursement of lost or damaged prisoner property; (3) new GS 143-295.2, which provided for inmate property claims against the Department of Public Safety (DPS); (4) new subsection (e) of GS 143-291, which limited the Industrial Commission's jurisdiction over inmate property claims; (5) proposed changes to GS 148-118.2, which limited the Industrial Commission and state administrative bodies' jurisdiction over prisoner complaints; (6) proposed changes to GS 143-291.2, which prohibited the Industrial Commission from taxing the prevailing party hearing costs and limited indigency status for incarcerated individuals bringing a claim who previously brought three or more claims while incarcerated or detained that were dismissed on described grounds; (7) proposed changes to GS 143-295, which allowed for State entities to enter settlements under \$25,000 without the approval of the Industrial Commission or filing the required affidavit; (8) proposed changes to GS 143-299.1A, which provided that the public duty doctrine can be used where the claimant is an inmate in the Division of Adult Correction and Juvenile Justice (Division)'s custody unless the injury arises from the gross negligence of DPS or its staff; and (9) proposed GS 143-299.5, which established limited liability for the Division for damages under Article 31 for acts or omissions of its employees tasked with the supervision, protection, control, confinement, or custody of the State's inmate population. Makes conforming organizational changes.

Section 1

Changes the effective date of the proposed changes to GS 15-205, relating to the duties of probation officers, making the changes effective October 1, 2022 (was, October 1, 2021).

Further amends GS 15-205, updating the reference to DPS to reflect the Department's change to the Department of Adult Correction (DAC), effective January 1, 2023. Makes language gender neutral.

Section 2

Changes the effective date of the proposed changes to GS 143B-720, relating to the Post-Release Supervision and Parole Commission, making the changes effective October 1, 2022 (was, October 1, 2021).

Section 3

Changes the effective date of new GS 143B-603A, establishing the Continuously Operating Reference Station Fund, making the statute effective July 1, 2022 (was, July 1, 2021).

Section 6

Amends GS 86A-14(7), as enacted, to update the name of DPS to reflect the Department's change to DAC, effective January 1, 2023.

Section 7

Replaces the proposed changes to GS 15B-2. Now amends the definition of allowable expense under Article 1, GS Chapter 15B (Crime Victims Compensation Act) to include a total charge of up to \$10,000 (was, \$5,000) for expenses related to funeral, cremation, and burial, excluding flowers, gravestone, and other funeral service items. Applies to expenses incurred on or after August 1, 2022 (was, July 1, 2021).

Adds the following new content.

Section 9

Adds to the authority of the Director of the Crime Victims Compensation set forth in GS 15B-6, authority to use remaining funds in any fiscal year to promote the mission of the Commission through outreach awareness measures. Amends GS 15B-21

to require the Commission to include a summary of these outreach measures in its annual report to the specified NCGA committee chairs.

Section 9.5

Amends GS 15B-11, increasing the cap set for compensation payable to a victim and all other claimants sustaining economic loss because of injury to or the death of the victim, from \$30,000 to \$45,000, in addition to allowable funeral, cremation, and burial expenses.

Section 10

Allows DPS to use up to \$500,000 in nonrecurring funds from the surplus funds in the Crime Victims Compensation Fund to establish and implement an online application for claimants. Effective June 30, 2024.

Section 11

Changes the sunset to the earlier of January 1, 2024 (was, August 1, 2023) or the completion of the Youth Development Center in Rockingham County, for the provisions of Section 4.15, SL 2020-3, as amended, which amends the definition of security guard to include services at state prisons.

Section 12

Caps inmate pay for assignments that require special skill or training, set in GS 148-18 for employees of Correction Enterprises, at \$5 (was, \$3) per day.

Amends GS 148-133 to cap pay for inmates working for Correction Enterprises at \$5 (was, \$3) per day, unless specifically approved by the DPS Secretary (previously, did not provide for the Secretary approving higher pay). Further amends the statute, effective January 1, 2023, to reflect the Department's name change.

Section 13

Excludes from the Department of Administration's operation of the State's central motor fleet pursuant to GS 143-341, motor vehicles under the ownership, custody, or control of the State Capitol Police and the Division of Emergency Management of DPS.

Section 14

Amends GS 148-132, regarding entities to which the Section of Correction Enterprises is authorized to market and sell its products and services, to permit sales to any federal, state, or local public agency or institution in any state of the union (was, any other state of the union). Maintains existing law that allows for sales to any State agency or institution, and any NC municipality.

Section 15

Repeals GS 166A-19.75(b), which requires emergency management agency appointees to take a written oath before a person authorized to administer oaths in the State prior to entering the person's duties.

Section 16

Directs DPS to work with the Office of State Budget and Management and the Office of the State Controller to establish a certified budget of the new Department of Adult Correction (DAC), effective July 1, 2022, which does not affect the Type 1 transfer process required by Section 19C.9, SL 2021-180. Provides DPS budget execution authority of the newly certified budget until January 1, 2023.

Effective January 1, 2023, directs DAC to administer and operation all function, powers, duties, obligations, and services related to the department, which has no effect on the authority of certain boards, commission, or other bodies housed within DAC to exercise independence.

Section 17

Effective January 1, 2023, includes as an aggravating factor under GS 15A-1340.16, that an offense was committed against or proximately caused serious injury to a present or former DPS or DAC employee while engaged in their official duties.

Section 18

Effective January 1, 2023, amends GS 15A-150 to include DAC's Combined Records Section in the agencies a clerk must provide expunction notices to.

Section 19

Enacts GS 126-5(c17), excluding from the State Human Resources Act, GS Chapter 126, wardens of adult corrections facilities, with several exceptions specified (including application of rules and policies related to classification and compensation, political hires, and grievance procedures). Describes these employees as public servants and requires filing of Statements of Economic Interest. Provides protections under GS 125-5(e) if hired before that subsection's repeal with minimum cumulative service to qualify under the provision.

Intro. by Boles, A. Jones, Logan, McNeill.

[GS 8, GS 15, GS 15A, GS 15B, GS 86A, GS 126, GS 143, GS 148, GS 166A](#)

[Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure, Employment and Retirement, Government, Public Safety and Emergency Management, State Agencies, Department of Public Safety, State Government, State Personnel](#)

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H 1007 (2021) [AUTHORIZE CONCURRENT JUVENILE JURISDICTION](#). Filed May 19 2022, *AN ACT TO AUTHORIZE THE STATE TO EXERCISE CONCURRENT JURISDICTION FOR OFFENSES COMMITTED BY JUVENILES ON UNITED STATES MILITARY BASES LOCATED WITHIN THE STATE AND TO ALLOW ALL SPECIAL AGENTS OF THE DEPARTMENT OF DEFENSE TO ASSIST STATE AND LOCAL LAW ENFORCEMENT UPON REQUEST.*

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

Adds the following. Amends GS 15A-406, which authorizes federal law enforcement officers to assist in the enforcement of criminal laws in our State upon request. Revises the list of persons included in the defined term *federal law enforcement officer*. Adds special agents of the Department of Defense, including the Army Criminal Investigation Division, Air Force Office of Special Investigations, and Defense Criminal Investigative Service, to the US Naval Investigative Service special agents already included in the term, all of whom must be employed full-time and have authority to carry firearms in the performance of their duties.

Changes the act's long title.

Intro. by Boles, Davis, McNeill, C. Smith.

[GS 7B, GS 15A, GS 104](#)

[Courts/Judiciary, Juvenile Law, Delinquency, Government, Public Safety and Emergency Management, Military and Veteran's Affairs](#)

[View summary](#)

H 1008 (2021) [SEX OFFENDER/PROBATION/VICTIMS CHANGES. \(NEW\)](#) Filed May 19 2022, *AN ACT TO MAKE CLARIFYING CHANGES TO THE SEX OFFENDER REGISTRATION PROCESS, TO ALLOW JUDGES TO DELEGATE TO PROBATION OFFICERS A LIMITED AMOUNT OF AUTHORITY TO REDUCE TERMS OF SUPERVISED PROBATION, TO ALLOW FOR WARRANTLESS SEARCHES OF INDIVIDUALS ON POST-RELEASE SUPERVISION, TO EXPAND RENTAL PROTECTIONS FOR VICTIMS OF CERTAIN CRIMES, TO CREATE A PRIVILEGE FOR CERTAIN COMMUNICATIONS WITH VICTIM ASSISTANCE CENTERS, TO REMOVE RESTRICTIONS FOR CERTAIN SHERIFF'S CONTRACTS, TO AMEND THE EFFECTIVE DATE FOR S.L. 2015-186, TO EXTEND A LIMITED DRIVING PRIVILEGE UNTIL REINSTATEMENT DETERMINATION, AND TO PROHIBIT THE IMPERSONATION OF TAXICAB DRIVERS.*

Senate committee substitute amends the 2nd edition as follows.

Makes organizational changes, placing the previous content into Section 1.

Changes the effective date of the proposed changes to GS 14-208.12A, regarding the process for an individual who is required to be registered under the State's Sex Offender and Public Protection Registration Program (Program), from July 1, 2022, to August 1, 2022.

Adds the following content.

Section 2

Enacts GS 15A-1344.2 to authorize a court to delegate the court's authority to reduce a term of supervised probation, by written order filed with the clerk, when a probation officer finds that an offender is currently in compliance with the terms of the offender's probation and has made diligent progress regarding the offender's probation. Allows revocation at any time, which must be noticed and filed with the clerk as soon as practicable following revocation, and requires the clerk to notify the officer of revocation. Requires orders to prohibit reduction until all restitution ordered as part of the sentence is paid in full. Provides grounds and proof that constitute diligent progress regarding the offender's probation, including completion of at least six months of employment demonstrated by proof of wages. Conditions the effect of a reduction of a term of supervision under the statute upon (1) the probation officer filing an affidavit with the clerk seeking a final order of the court confirming the decision; (2) notification of the district attorney and victim, subject to a hearing upon either's request; and (3) court approval of the reduction. Caps reduction of the amount of time the offender was originally required to serve on supervised probation by the probation officer to one-fourth of the original amount regardless of the instances of reduction. Applies to delegations of court authority effected on or after December 1, 2022.

Section 3

Revises the controlling conditions of post-release supervision which can result in revocation of post-release supervision under GS 15A-1368.4(e) to include warrantless searches by the post-release supervision officer of the supervisee's person and of the supervisee's vehicle and premises while the supervisee is present for purposes reasonably related to the post-release supervision, at reasonable times (previously, only provided for searches of the supervisee's person, and did not specify that the searches do not require a warrant).

Section 4

Amends GS 42-40 by including in the definition of a protected tenant a victim of attempted homicide or household member of a victim of homicide under the specified statutes, where the premises was the location of the crime. Amends GS 42-45.1, which allows a protected tenant to terminate his or her rental agreement for a dwelling unit by providing the landlord with a written notice of termination to be effective on a date stated in the notice that is at least 30 days after the landlord's receipt of the notice. Requires a protected tenant who is a victim of attempted homicide or household member of a homicide victim to include with the notice documentation from a law enforcement, court, or federal agency. Applies to rental agreements entered into, amended, or renewed on or after August 1, 2022.

Section 5

Enacts new GS 8-53.12A, providing as follows. Defines *victim* as a person who: (1) alleges a homicide has been attempted against them or committed against a family member (as defined) or someone with whom they have a significant relationship and (2) consults an agent of a victim assistance center for services concerning mental, physical, or emotional injuries suffered because of the homicide. Prohibits requiring an agent of a victim assistance center from disclosing any information that the agent acquired during the provision of services to a victim and that was necessary to enable the agent to render the services, unless the victim waives the privilege. Terminates the privilege upon the victim's death. Requires the court to compel disclosure, either at the trial or before the trial, if the court finds, by a preponderance of the evidence, a good-faith, specific, and reasonable basis for all of the following: (1) the records or testimony sought contain information that is relevant and material to factual issues to be determined in a civil proceeding or that is relevant, material, and exculpatory upon the issue of guilt, degree of guilt, or sentencing in a criminal proceeding for the offense charged or any lesser included offense; (2) the evidence is not sought merely for character impeachment purposes; and (3) the evidence sought is not merely cumulative of other evidence or information available or already obtained by the party seeking the disclosure. Requires the party seeking

disclosure to have made a sufficient showing that the records are likely to contain information subject to disclosure; upon such a showing requires the records to be produced for the court under seal and examined in camera.

Section 6

Expands the scope of GS 143-131.1, which authorizes a county sheriff's office to contract for the purchase of food and food services supplies for that county's detention facilities without being subject to certain state law requirements, making the statute applicable statewide rather than limited to the counties identified in the statute. Makes conforming changes to the statute's title.

Section 7

Changes the effect and applicability of SL 2015-186, North Carolina's Drivers License Restoration Act, as amended by SL 2015-264, which revises various provisions of GS Chapter 20 relating to driving while license revoked offenses. Makes the provisions apply to offenses committed on, before, or after December 1, 2015 (was, applicably to offenses committed or after that date, and included a savings clause for prosecutions of offenses committed before that date).

Section 8

Amends GS 20-20.1 to allow for the term of a limited driving privilege, generally limited to one year, be extended until the date set by the Division of Motor Vehicles to determine whether the person meets conditions for reinstatement.

Section 9

Expands GS 14-401.27, making it a Class 2 misdemeanor to impersonate a taxicab driver, with punishment increased to a Class H felony if the impersonation occurs during the commission of a separate felony offense, as described for the existing offense of impersonating a transportation network company driver provided in the statute. Applies to offenses committed on or after December 1, 2022.

Changes the act's titles.

Intro. by Boles, Davis, McNeill, C. Smith.

[GS 8](#), [GS 14](#), [GS 15A](#), [GS 20](#), [GS 42](#), [GS 143](#)

[Courts/Judiciary](#), [Motor Vehicle](#), [Court System](#), [Criminal Justice](#), [Corrections \(Sentencing/Probation\)](#), [Criminal Law and Procedure](#), [Development](#), [Land Use and Housing](#), [Property and Housing](#), [Government](#), [Public Records and Open Meetings](#), [State Agencies](#), [Department of Transportation](#), [Local Government](#)

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PUBLIC/SENATE BILLS

S 38 (2021) [SPORTS WAGERING AMENDMENTS. \(NEW\)](#) Filed Feb 1 2021, *AN ACT TO MODIFY SPORTS WAGERING REGULATION IN NORTH CAROLINA.*

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

Section 1

Further amends Article 9, Sports Wagering, GS Chapter 18C, as enacted by Senate Bill 688, as follows, subject to Senate Bill 688 becoming law.

Adds to the definition of *sports governing body* set forth for the Article, requiring that, for electronic sports, the sports governing body be the game publisher of the title used in electronic sports competition regardless of location.

Section 5

Revises proposed Article 2E, GS Chapter 105, which establishes a privilege tax for interactive sports wagering operators. Replaces the distribution schedule of tax proceeds following reimbursement of the Department of Revenue for collections, now providing for (1) \$2 million to be credited to the Department of Health and Human Services (DHHS) for gambling addiction education and treatment programs [no longer specifying this amount is in addition to the amount transferred under GS 18C-163(a)(3)]; (2) \$500,000 annually to the NC Parks and Recreation Authority for \$5,000 grants for each county for youth sports development, or a prorated, equal amount for each county if insufficient funds; and (3) of the remaining funds, 10% annually distributed equally to seven named institutions to support collegiate athletic departments; 30% to the NC Major Events, Games, and Attractions Fund; and 60% to the General Fund (previously, required the first \$2 million be credited to DHHS, and the remaining proceeds split 50/50 between the NC Major Events, Games, and Attractions Fund and the General Fund). Institutions listed for annual athletic department credit are: Elizabeth City State University; Fayetteville State University; NC Agricultural & Technical State University; NC Central University; UNC at Asheville; UNC at Pembroke; and Winston-Salem State University.

Intro. by Perry, Lazzara, Johnson.

[STUDY, GS 14, GS 18C, GS 105, GS 143B](#)

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[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Higher Education, Government, Tax, Lottery and Gaming](#)

S 38 (2021) [SPORTS WAGERING AMENDMENTS. \(NEW\)](#) Filed Feb 1 2021, *AN ACT TO MODIFY SPORTS WAGERING REGULATION IN NORTH CAROLINA.*

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

Section 5

Revises proposed Article 2E, GS Chapter 105, which imposes a 14% privilege tax for interactive sports wagering operators and establishes a formula for determining the value of the privilege conferred upon the interactive sports wagering operator. Changes the formula for determining the value of the privilege conferred, set as the gross wagering revenue less the five categories of expenses, by revising the third category of expenses subtracted from the operator's gross wagering revenue. Currently, provides for subtracting the cash value of any bonuses or promotional credits provided to registered players returned to an operator in the form of a deposit or wager, with five phased limitations, ranging from reduction of such cash value without limitation until January 1, 2025, to capping the percentage of gross wagering revenue allowed at 2.5%, 2.25%, and 2% for specified periods, to disallowing such reduction on or after January 1, 2028. Reduces the phased limitations from five to four, now providing for a phased disallowance ranging from reduction of such cash value without limitation until January 1, 2024, to capping the reduction at a percentage of gross wagering revenue allowed at 2.5% and 2% for specified periods, and disallowing such reduction on or after January 1, 2026.

Intro. by Perry, Lazzara, Johnson.

[STUDY, GS 14, GS 18C, GS 105, GS 143B](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Higher Education, Government, Tax, Lottery and Gaming](#)

S 38 (2021) [SPORTS WAGERING AMENDMENTS. \(NEW\)](#) Filed Feb 1 2021, *AN ACT TO MODIFY SPORTS WAGERING REGULATION IN NORTH CAROLINA.*

House amendments makes the following changes to the 4th edition.

Section 1

Amendment #4 amends the definition of *sporting event*, applicable to proposed Article 9, Sports Wagering, GS Chapter 18C, enacted by Senate Bill 688, subject to SB 688 becoming law. Removes college sports from the term. Amends GS 18C-902 to

explicitly provide that the Article does not authorize sports wagering on college sports. Makes conforming changes to GS 18C-904 to no longer include wagering on college sports within the authority of interactive sports wagering licensees.

Amendment #2 adds a new subsection to GS 18C-926, a statute organized within proposed Article 9, Sports Wagering, GS Chapter 18C, enacted by Senate Bill 688, subject to SB 688 becoming law. Prohibits sports facilities from being open to registered players for sports wagering during the eight hours before, or during, any college sports events at the sports facility or adjacent to the sports facility.

Section 5

Amendment #1 revises proposed Article 2E, GS Chapter 105, which establishes a privilege tax for interactive sports wagering operators and provides for the distribution schedule of tax proceeds following reimbursement of the Department of Revenue (Department) for collections. Regarding the distribution of proceeds, names the NC Division of Parks and Recreation instead of the NC Parks and Recreation Authority as the entity to receive \$500,000 of the proceeds for county grants for youth sports development.

Amendment #3 further amends the distribution of the privilege tax proceeds set forth in proposed Article 2E, GS Chapter 105. Regarding the annual distribution of proceeds following reimbursement of the Department, the \$2 million credited to the Department of Health and Human Services, and the \$500,000 credited to the NC Division of Parks and Recreation, requires \$300,000 be annually appropriated to each of the seven institutions of higher education previously identified to receive a percentage of the remaining funds, with the amount prorated in the equal proportions when insufficient funds. Maintains that proceeds remaining following the required distributions, as amended, are to be distributed in percentages previously specified, with 10% equally distributed to the seven identified institutions of higher education, 30% to the NC Major Events, Games, and Attractions Fund, and 60% to the General Fund. Adds a new provision stating legislative intent for the funds appropriated to the institutions of higher education listed do not supplant monies otherwise appropriated to those institutions.

Intro. by Perry, Lazzara, Johnson.

[STUDY, GS 14, GS 18C, GS 105, GS 143B](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Higher Education, Government, Tax, Lottery and Gaming](#)

S 388 (2021) [QUALIFYING FARMER ZOO SALES TAX EXEMPTION. \(NEW\)](#) Filed Mar 29 2021, *AN ACT TO EXPAND THE EXEMPTION FOR FARMERS TO INCLUDE CERTAIN SALES TO A QUALIFYING FARMER FOR A ZOO.*

House committee substitute amends the 2nd edition as follows.

Amends proposed GS 105-164.13E(a1), which allows a qualifying farmer or conditional farmer who operates a zoo in addition to the farmer's farming operations, a sales and use tax exemption for the items used in the farmer's zoo operations. Provides that the items that may be exempt from sales tax are the items listed in (a) of the statute that are purchased by a qualifying farmer or conditional farmer and used by the farmer primarily in zoo operations (was, the items listed in (a) of the statute that are used by a farmer primarily in zoo operations). Makes conforming changes. Makes the new exemption effective January 1, 2023 (was, January 1, 2022).

Eliminates the following content: (1) proposed GS 105-164.13F, which created a sales and use tax exemption for eight enumerated items purchased by a wildlife manager used primarily for wildlife management activities and provided for an exemption certificate; and (2) the proposed reorganization and revision of GS 105-277.15, which provides for the taxation of land classified as wildlife conservation land.

Changes the act's titles.

Intro. by Sawyer, B. Jackson.

[GS 105](#)

[View summary](#)

[Agriculture, Animals, Government, Tax](#)

S 762 (2021) [NORTH CAROLINA FARM ACT OF 2022](#). Filed May 23 2022, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS OF THIS STATE*.

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

Section 1

Eliminates the content of previous Section 1 of the act which, effective June 30, 2022, proposed to (1) amend the definition of *marijuana* under the NC Controlled Substances Act, set out in GS 90-87, to explicitly exclude hemp and hemp products, and (2) amend GS 90-94, which sets out the Schedule VI controlled substances, to exclude from tetrahydrocannabinols hemp or hemp products. Makes conforming organizational changes.

Adds additional criteria and requirements to the proposed new qualification as a *farm building*, as the term is used in GS 143-138(b4), which excludes certain farm buildings and primitive camps from building rules. Regarding the proposed inclusion of buildings used primarily for the storage of agricultural commodities or products or storage and use of materials for agricultural purposes, regardless of whether the building is located on the same property where the agricultural commodities or products were produced, establishes limiting criteria to require the building to be surrounded and adjoined by public ways and yards, as defined in the 2018 Building Code, of at least 60 feet in width, to qualify as a farm building under the new qualification. Additionally, adds a new requirement for the owner of such qualifying buildings to post a placard on the front of the building, as described, identifying the building as "Ag. Exempt."

Intro. by B. Jackson, Sanderson, Woodard.

[STUDY, GS 105, GS 130A, GS 139, GS 143, GS 153A, GS 160A, GS 160D](#)

[View summary](#)

[Agriculture, Development, Land Use and Housing, Property and Housing, Government, General Assembly, State Agencies, Department of Justice, Tax, Local Government](#)

S 766 (2021) [ORGANIZED RETAIL THEFT](#). Filed May 23 2022, *AN ACT TO INCREASE THE PENALTIES FOR ORGANIZED RETAIL THEFT, TO PROVIDE ADDITIONAL PENALTIES FOR DAMAGE TO PROPERTY OR ASSAULT OF A PERSON DURING THE COMMISSION OF ORGANIZED RETAIL THEFT, TO PROVIDE ADDITIONAL RECOVERY TO RETAIL ESTABLISHMENTS FOR LOSS DUE TO ORGANIZED RETAIL THEFT, AND TO REGULATE HIGH-VOLUME THIRD-PARTY SELLERS OPERATING ON ONLINE MARKETPLACES*.

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

Deletes the proposed amendments to GS 50-13.1 concerning mediation proceedings for issues relating to the custody of a minor child. Makes conforming changes to the act's long title.

Intro. by Britt, McInnis, Craven.

[GS 1, GS 14, GS 15, GS 66](#)

[View summary](#)

[Business and Commerce, Courts/Judiciary, Civil, Civil Law, Criminal Justice, Criminal Law and Procedure](#)

LOCAL/HOUSE BILLS

H 1044 (2021) [BEECH MOUNTAIN AND MORGANTON DEANNEXATIONS. \(NEW\)](#) Filed May 25 2022, *AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BEECH MOUNTAIN AND TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON*.

Senate committee substitute to the 2nd edition adds the following content.

Removes the described property from the corporate limits of the Town of Morganton (Town). Provides a savings clause for the validity of any liens of the Town for outstanding ad valorem taxes or special assessments. Effective June 30, 2022. Deems property in the described territory as of January 1, 2022, no longer subject to municipal taxes for taxable years beginning on or after July 1, 2022. Makes conforming changes to the act's titles.

Intro. by Greene.

[Avery, Burke, Watauga](#)

[View summary](#)

H 1065 (2021) [CLYDE/ANDREWS DEANNEX; VARIOUS LAND TRANSFERS. \(NEW\)](#) Filed May 25 2022, *AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CLYDE, TO TRANSFER CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LOCUST TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND, TO TRANSFER CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF LANDIS TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, TO TRANSFER CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS, AND TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF ANDREWS.*

Senate committee substitute adds the following content to the 2nd edition.

Removes the described properties from the corporate limits of the Town of Landis (Town) and adds the properties to the corporate limits of the City of Kannapolis (City). Provides a savings clause for the validity of any liens of the Town for outstanding ad valorem taxes or special assessments. Effective June 30, 2022. Deems property in the described territory as of January 1, 2022, no longer subject to municipal taxes by the Town for taxable years beginning on or after July 1, 2022, and instead subject to municipal taxes by the City for taxes imposed for taxable years beginning on or after July 1, 2022.

Removes the described properties from the corporate limits of the City of Kannapolis (City) and adds the properties to the corporate limits of the Town of Landis (Town). Provides a savings clause for the validity of any liens of the City for outstanding ad valorem taxes or special assessments. Effective June 30, 2022. Deems property in the described territory as of January 1, 2022, no longer subject to municipal taxes by the City for taxable years beginning on or after July 1, 2022, and instead subject to municipal taxes by the Town for taxes imposed for taxable years beginning on or after July 1, 2022.

Removes the described property from the corporate limits of the Town of Andrews. Provides a savings clause for the validity of any liens of the Town of Andrews for outstanding ad valorem taxes or special assessments. Effective June 30, 2022. Deems property in the described territory as of January 1, 2022, no longer subject to municipal taxes by the Town of Andrews for taxable years beginning on or after July 1, 2022.

Makes conforming changes to the act's titles.

Intro. by Pless.

[Cabarrus, Cherokee, Haywood, Rowan, Stanly](#)

[View summary](#)

H 1169 (2021) [ELECT THOMASVILLE CITY BD. OF ED. \(NEW\)](#) Filed Jun 13 2022, *AN ACT TO CHANGE THE THOMASVILLE CITY BOARD OF EDUCATION FROM APPOINTED MEMBERS TO ELECTED MEMBERS.*

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

Now provides for the election of the five-member Thomasville City Board of Education (Board; was named the Thomasville City Schools Board of Education) on a nonpartisan basis for staggered four-year terms, beginning in 2023. Changes the method of election, now requiring using the nonpartisan plurality method under GS 163-292, with elections held pursuant to GS 163-279 and candidates filing pursuant to GS 163-294.2 (previously, required use of the nonpartisan and election method under GS 163-294, with primaries held at the time of county partisan primaries under GS 163-1, and filing for candidacy

pursuant to GS 163-106.2). Deletes the limitation on Board members serving no more than two consecutive full terms without an intervening period of at least four years.

Adds further guidance for the staggering of initial members' terms elected in 2023, providing for the three candidates receiving the highest number of votes to be elected for four-year terms, and the two candidates receiving the next highest number of votes to be elected for two-year terms. Adds that in 2025 and quadrennially thereafter, two members are to be elected to four-year terms, and in 2027 and quadrennially thereafter, three members are to be elected to four-year terms.

Adds to the repealed session laws, Section 8, SL 1901-262. Eliminates the repeal of any other conflicting law not identified in the act.

Changes the act's titles.

Intro. by Watford.

Davidson

[View summary](#)

Education, Government, Elections

LOCAL/SENATE BILLS

S 754 (2021) [NASHVILLE/REVISED & CONSOLIDATED CHARTER](#). Filed May 18 2022, *AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF NASHVILLE*.

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

Section 1

Modifies the proposed revision and consolidation of the Charter of the Town of Nashville (Town) as follows.

Article II.

Regarding annexation of non-contiguous areas, allows for a satellite area proposed for annexation, when added to the area within all other satellite corporate limits, to exceed 10% of the area within the primary corporate limits, notwithstanding applicable provisions of general law (replacing the previous provision which stated that the satellite cap of the same limit in GS 160A-58.1(b)(5) does not apply to the Town).

Article III.

No longer provides for the Mayor Pro Tempore to assume mayoral duties in the event the Mayor is absent or disabled. No longer authorizes a City Council member to choose a qualified successor during disability.

Requires Mayor-elects and Council Member-elects to take an oath prescribed by law (replacing specific oath language).

Adds a statutory cross-reference to Article 33, GS Chapter 143, the Open Meetings Law, in the requirement for open council meetings. Eliminates the authority for the Town Council (Council) to establish rules for meetings that afford a reasonably opportunity for members of the public to be heard on matters of concern.

Article IV.

Adds a statutory cross-reference to GS Chapter 163, in the requirement for compliance with municipal election laws. More specifically requires election of two council members in 2023 and quadrennially thereafter, and two council members in 2025 and quadrennially thereafter. Eliminates references to referenda.

Article V.

Amends the Town's administration as follows. Adds to the town clerk's duties: making and maintaining minutes of Council proceedings; being custodian of all books, records, documents, and other Town records; and being the custodian of the official Town seal and affixing the seal to execute official documents. Replaces the duties of the Town finance officer, now requiring the finance officer to perform duties assigned by general law, those directed by the Town Manager or the Town Council, or

prescribed by rules and regulations of the Local Government Commission. Now provides for the Council to provide for a tax collector (was appointed by the town manager). Adds duties of the tax collector, including daily deposits and other duties directed by the Council. Authorizes the Council to establish a police department. Maintains appointment of the police chief by the town manager. Eliminates specific duties and powers of the police chief, and instead provides for police officers to have the powers and duties prescribed by applicable statutes or common law. Authorizes the Council to establish a fire department (was, appoint fire protection personnel). Maintains the town manager's authority to appoint the fire chief. No longer provides for fire department personnel to act within local acts, the Charter and as directed by the Town Manager.

Article VI.

Requires all contracts of the Town to be executed pursuant to the NC General Statutes (was, GS Chapter 143). Replaces Town money deposit requirements, requiring the Council to designate the official depository pursuant to general laws. Specifies that interest on Town money accrues to the benefit of the Town. Requires Town moneys and accounts be maintained, managed, held, disbursed, and invested pursuant to the Charter and general laws. Replaces the Town's audit requirements, now requiring an independent audit of all accounts at the close of each fiscal year, performed by an individual or firm selected by the Council, subject to disqualifications specified.

Adds a new Article VIII., granting the Town extraterritorial planning jurisdiction up to two miles beyond its corporate limits, subject to approval of the Board of Commissioners of Nash County.

Makes technical changes.

Section 4

Excludes Sections 2 and 3, SL 1969-320 from the session laws repealed by the act. Eliminates the repeal of SL 2008-30.

Intro. by Barnes.

[Nash](#)

[View summary](#)

S 907 (2021) [ECONOMIC GROWTH ACT](#). Filed May 31 2022, *AN ACT TO REQUIRE MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN DAVIDSON COUNTY TO INFORM THE DAVIDSON COUNTY BOARD OF COMMISSIONERS PRIOR TO ANNEXING CONTIGUOUS PROPERTY AND TO REQUIRE MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN DAVIDSON COUNTY TO OBTAIN THE APPROVAL OF THE DAVIDSON COUNTY BOARD OF COMMISSIONERS PRIOR TO CONDUCTING A SATELLITE ANNEXATION OF CERTAIN PROPERTY AND PRIOR TO REZONING CERTAIN PROPERTY ACQUIRED BY SATELLITE ANNEXATION.*

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

Revises the proposed requirements for annexations by municipalities located wholly or partly in Davidson County as follows. Establishes separate requirements to supplement the provisions of Part 1, Article 4A, GS Chapter 160A (extension by petition), requiring the governing body to give at least 10 days' notice to the Davidson County Board of Commissioners of their intent to adopt the annexation ordinance. Changes the scope of the four supplemental requirements previously listed, making them applicable only to annexations under Part 4, Article 4A, GS Chapter 160A (annexation of noncontiguous areas) (previously, the four conditions were proposed to be supplemental to Parts 1, 4, and 7; Part 7 relates to annexations initiated by municipalities). Makes conforming changes to eliminate references to resolutions of intent in the previously included requirements, as now addressed in separate Section 1. Adds to the provisions applicable to annexations under Part 4, Article 4A, GS Chapter 160A, providing that, if the Davidson County Board of Commissioners adopts a resolution approving the annexation and the governing body adopts the annexation ordinance, any rezoning of areas annexed is prohibited without the approval of the governing body and the Board of Commissioners. Now excludes annexations of property used for single-family residential or multi-family residential purposes (was, at the time the annexation is initiated). Adds a new provision specifying that the act does not alter or amend SL 2012-54, which requires the Board of Commissioners to approve a city not primarily located within Davidson County's annexation of territory within the County. Changes the act's long title.

Intro. by Jarvis.

[UNCODIFIED, Davidson](#)

[View summary](#)

S 908 (2021) [AIRPORT ECONOMIC DEVELOPMENT ACT](#). Filed May 31 2022, *AN ACT TO REMOVE THE DAVIDSON COUNTY AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF LEXINGTON AND TO REQUIRE THE DAVIDSON COUNTY AIRPORT AUTHORITY TO PURCHASE CERTAIN DESCRIBED PROPERTY FROM THE CITY OF LEXINGTON.*

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

Directs the Davidson County Airport Authority to purchase, and the City of Lexington to sell, the fire station building and equipment described, for \$2 million by December 31, 2022. Makes technical and conforming changes. Changes the act's long title.

Intro. by Jarvis.

UNCODIFIED, Davidson

[View summary](#)

Transportation

ACTIONS ON BILLS

PUBLIC BILLS

H 83: REV. LAWS TECH., CLARIFYING, & ADMIN. CHANGES. (NEW)

House: Conf Report Adopted 3rd

House: Ordered Enrolled

H 177: EXTEND SPIKING MORATORIUM/LGERS SURETY. (NEW)

Senate: Reptd Fav

H 211: REOPEN BARS AND RESTAURANTS.

Senate: Withdrawn From Com

Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate

H 327: VARIOUS ADMINISTRATIVE LAW CHANGES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 332: HISTORIC SITES-PROPERTY SALE REVENUE.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 533: COUNTY WASTE MANAGEMENT ASSISTANCE.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 560: PUBLIC SAFETY REFORM.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 607: SUSPEND AUTOMATIC EXPUNCTION. (NEW)

Senate: Conf Com Appointed

H 619: WESTON'S LAW. (NEW)

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 768: LRC ABC LAW STUDY.

Senate: Withdrawn From Com

Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate

H 807: UNIFORMED HEROES VOTING ACT.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

H 974: HONOR JERRY CARTER, FORMER MEMBER.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received From House

Senate: Passed 1st Reading

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1007: AUTHORIZE CONCURRENT JUVENILE JURISDICTION.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/23/2022

H 1008: SEX OFFENDER/PROBATION/VICTIMS CHANGES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 1056: RET. & TREASURY ADMIN. CHANGES ACT OF 2022.-AB

Senate: Reptd Fav

H 1058: RET. & TREASURY TECH. CORRECTIONS ACT OF 2022.-AB

Senate: Reptd Fav

H 1068: UNC NON-APPROPRIATED CAPITAL PROJECTS. (NEW)

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1174: URGE CONGRESS/OPPOSE NEW SEC RULE.

House: Adopted

S 38: SPORTS WAGERING AMENDMENTS. (NEW)

House: Reptd Fav Com Sub 2

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

House: Reptd Fav Com Sub 3

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Adopted A1
House: Amend Adopted A2
House: Amend Adopted A3
House: Amend Adopted A4
House: Amendment Withdrawn A5
House: Passed 2nd Reading
House: Ordered Engrossed
House: Withdrawn From Cal
House: Re-ref Com On Rules, Calendar, and Operations of the House

S 138: FUNERAL DIR. EXAM/DEATH CERTS. (NEW)

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 06/23/2022

S 278: PROP./FAM. LAW-REIMBURSE PROP. EXPENDITURES.

Senate: Ratified

S 388: QUALIFYING FARMER ZOO SALES TAX EXEMPTION. (NEW)

House: Reptd Fav Com Substitute
House: Re-ref Com On Finance

S 408: STOP ADDICTION FRAUD EMERGENCY ACT OF 2021. (NEW)

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

S 688: SPORTS WAGERING.

House: Reptd Fav
House: Re-ref Com On Rules, Calendar, and Operations of the House
House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Amend Tabled A1
House: Amend Tabled A2
House: Failed 2nd Reading

S 762: NORTH CAROLINA FARM ACT OF 2022.

House: Reptd Fav Com Substitute
House: Re-ref Com On Finance

S 766: ORGANIZED RETAIL THEFT.

House: Reptd Fav Com Substitute
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 06/23/2022

LOCAL BILLS

H 995: GREENSBORO DEANNEXATION.

Senate: Reptd Fav
Senate: Re-ref Com On Finance

H 1004: TROUTMAN CHARTER REVISED & CONSOLIDATED.

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

H 1012: JACKSONVILLE DEANNEX/SOUTHERN PINES/ETJ. (NEW)

Senate: Reptd Fav

Senate: Re-ref Com On Finance

H 1026: NORTH WILKESBORO DEANNEXATION.

Senate: Reptd Fav

Senate: Re-ref Com On Finance

H 1044: BEECH MOUNTAIN AND MORGANTON DEANNEXATIONS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

H 1045: MAYLAND CC/BLUE RIDGE HOTEL TRANSFER AUTH.

Senate: Reptd Fav

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

H 1061: CURRITUCK COUNTY GAME COMMISSION/LICENSING.

Senate: Reptd Fav

Senate: Re-ref Com On Finance

H 1065: CLYDE/ANDREWS DEANNEX; VARIOUS LAND TRANSFERS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

H 1096: SURF CITY DEANNEXATION.

Senate: Reptd Fav

Senate: Re-ref Com On Finance

H 1169: ELECT THOMASVILLE CITY BD. OF ED. (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/23/2022

S 754: NASHVILLE/REVISED & CONSOLIDATED CHARTER.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

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