



The Daily Bulletin: 2022-06-28

PUBLIC/HOUSE BILLS

H 103 (2021) [AUTOMATIC RENEWAL OF CONTRACTS](#). Filed Feb 17 2021, *AN ACT TO AMEND THE REQUIREMENTS FOR CERTAIN AUTOMATICALLY RENEWING CONSUMER CONTRACTS*.

Conference report recedes from Senate Amendment #1 and replaces the content of the 3rd edition with *An Act To Modify the Current Operations Appropriations Act of 2021 and to Make Other Changes in the Budget Operations of the State*. We will not be including a summary of the Appropriations Act. For the content of the bill, please view <https://www.ncleg.gov/BillLookUp/2021/H103>. Further information on the budget, including the committee report, can be found on the “News” section of the General Assembly’s website at: <https://www.ncleg.gov/News>.

Intro. by Stevens.

APPROP, STUDY, Alamance, Alexander, Anson, Ashe, Avery, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Clay, Cleveland, Columbus, Cumberland, Davidson, Davie, Duplin, Edgecombe, Forsyth, Franklin, Gaston, Graham, Guilford, Halifax, Harnett, Henderson, Hoke, Hyde, Iredell, Jackson, Johnston, Lee, Lenoir, Lincoln, Macon, Martin, McDowell, Mecklenburg, Mitchell, Nash, Northampton, Onslow, Pasquotank, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Transylvania, Tyrrell, Union, Vance, Warren, Washington, Wayne, Wilkes, Wilson, Yadkin, Yancey, GS 7A, GS 7B, GS 14, GS 15, GS 15A, GS 15B, GS 18B, GS 20, GS 50B, GS 58, GS 66, GS 75A, GS 90, GS 95, GS 105, GS 105A, GS 108A, GS 108C, GS 108D, GS 110, GS 112, GS 113, GS 115C, GS 116, GS 120, GS 122C, GS 126, GS 130A, GS 131D, GS 131E, GS 135, GS 136, GS 143, GS 143B, GS 143C, GS 147, GS 148, GS 150B, GS 153A, GS 159, GS 162, GS 166A

[View summary](#)

Agriculture, Alcoholic Beverage Control, Animals, Business and Commerce, Consumer Protection, Courts/Judiciary, Civil, Family Law, Juvenile Law, Delinquency, Motor Vehicle, Court System, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure, Development, Land Use and Housing, Community and Economic Development, Property and Housing, Education, Preschool, Elementary and Secondary Education, Higher Education, Employment and Retirement, Environment, Energy, Environment/Natural Resources, Government, Budget/Appropriations, Cultural Resources and Museums, General Assembly, Public Safety and Emergency Management, State Agencies, Community Colleges System Office, UNC System, Department of Administration, Department of Agriculture and Consumer Services, Department of Commerce, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources), Department of Health and Human Services, Department of

Information Technology, Department of Insurance, Department of Public Instruction, Department of Public Safety, Department of Transportation, Office of Information Technology Services, Office of State Auditor, Office of State Budget and Management, Office of State Controller, State Board of Education, State Board of Elections, State Government, Executive, State Personnel, State Property, Tax, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Public Health, Mental Health, Social Services, Adult Services, Child Welfare, Public Assistance, Lottery and Gaming, Military and Veteran's Affairs, Transportation

H 219 (2021) **AMEND ENVIRONMENTAL LAWS. (NEW)** Filed Mar 3 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE ENVIRONMENTAL LAWS OF THE STATE.*

Conference report amends the 3rd edition as follows.

Section 1

Makes a technical change to Section 1's definition of the term *directed infrastructure grant recipient*.

Section 6

Changes the directive set forth for the Department of Environmental Quality (DEQ) to convene a stakeholder working group by July 1, 2022, to develop an approach to expedite permit issuance under the express permit and certification review set out in GS 143B-279.13, and the fast-track permitting for stormwater management systems program set out in GS 143-214.7B and 15A NCAC 02H .1043 and .1044, to instead direct DEQ to study approaches to expedite permit issuance under the same described statutes and rules. Makes conforming deletions. Maintains the directive requiring DEQ to report to the specified NCGA committee by December 31, 2022.

Adds the following new content.

Section 7

Applicable only to permits for a new or expanded wastewater discharge facility issued on or after the date the act becomes law, enacts GS 143-215.1(c7) to prohibit, for surface waters that have naturally occurring low dissolved oxygen levels as determined by DEQ, permitted wastewater discharges to such surface waters from causing a reduction in the dissolved oxygen levels of such surface waters of more than 0.10 mg/l below the approved modeled in-stream dissolved oxygen level for the surface waters at total permitted capacity for all discharge to such surface waters.

Section 8

Amends GS 74-50 regarding mining permits as follows. Makes technical and clarifying changes to the definition of *land adjoining*. Regarding required notice by the applicant or operator at the time of application for a new mining permit or modification of a mining permit to add land to the permitted area, now specifies that notice to the owners of record of land described in subdivision (b1)(2) or (3) is required only with respect to land to be added to a permitted area for applications for modification of a mining permit. Makes organizational and clarifying changes. Amends subsection (b2) to specify that the requirement for notices to include the opportunity to submit comments and request a public hearing applies to proposed new or modified mining operations that add land to the permitted area.

Amends GS 74-61, expanding the grounds for which an applicant, permittee, or affected person can petition to contest a decision of DEQ regarding mining permits, reclamation plans, and related disciplinary actions, to include DEQ's granting of a permit or reclamation plan in addition to denial, suspension, modification, or revocation actions. Adds that the date of the decision to grant, deny, suspend, modify, or revoke a permit application is when DEQ posts the decision on a publicly available website.

Intro. by Arp, Paré, Szoka, Watford.UNCODIFIED, [GS 74](#), [GS 113A](#), [GS 143](#)[View summary](#)**[Environment](#), [Environment/Natural Resources](#), [Government](#), [Budget/Appropriations](#), [State Agencies](#), [Department of Environmental Quality \(formerly DENR\)](#), [Local Government](#), [Public Enterprises and Utilities](#), [Transportation](#)**

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 to the 2nd edition adds the following content.

Amends GS 130A-309.54 to provide that Article 5B (Scrap Tire Disposal Tax) of GS Chapter 105 imposes a tax on new tires to provide funds for the disposal of scrap tires (previously also included providing funds for the cleanup of inactive hazardous waste sites and for all of the purposes for which the Bernard Allen Memorial Emergency Drinking Water Fund may be used). Amends GS 130A-309.58 by adding that nothing in Article 9 (Solid Waste Management) prohibits a local government from collecting and shipping, or arranging for the collection and shipment of, scrap tires directly from a tire retailer for permissible disposal purposes.

Intro. by Sauls, Penny.[GS 105](#), [GS 130A](#)[View summary](#)**[Environment](#), [Government](#), [Tax](#), [Local Government](#)**

H 607 (2021) [VARIOUS COURT CHANGES. \(NEW\)](#) Filed Apr 20 2021, *AN ACT TO MAKE VARIOUS CHANGES AFFECTING THE NORTH CAROLINA COURT SYSTEM*.

Conference report makes the following changes to the 5th edition.

Section 2

Revises the requirement for the Administrative Office of the Courts (AOC) to expunge all dismissed charges, not guilty verdicts, and findings of not responsible that occurred during the period of suspension prescribed by the act that are eligible for automatic expunction under GS 15A-146(a4) within 60 days of the first occurrence of either the repeal or expiration of the act's suspension, to extend the deadline by which AOC must make the the expunctions to within 180 days of the first occurrence of either the repeal or expiration of the act's suspension.

Section 3

Changes the effective date of the proposed changes to GS 15A-145.5 relating to the the expunction of certain misdemeanors and felonies, making the amendments effective August 1, 2022 (was, July 1, 2022).

Adds the following new content.

Section 4

Amends GS 50B-2(c1), which grants authority to the chief district court judge to authorize a magistrate to hear motions for emergency ex parte relief. Requires a magistrate authorized to hear a motion for emergency relief ex parte to also accept for filing a complaint alleging domestic violence and motion for emergency relief ex parte if the office of the clerk is closed, and note thereon the filing date, and issue the summons. Requires the clerk, assistant clerk, or deputy clerk to issue any endorsement or alias and pluries summons. Requires filings accepted and orders entered by the magistrate under the statute to be delivered to the clerk's office for processing as soon as the office is open for business.

Similarly, amends GS 50C-6(d), which grants chief district court judges authority to designate a judge or magistrate to be reasonably available to issue temporary civil no-contact orders when court is not in session. Requires a magistrate authorized to issue such relief to also accept for filing a complaint for a civil no-contact order and motion for temporary civil no-contact

order if the office of the clerk is closed, and note thereon the filing date, and issue the summons. Requires the clerk, assistant clerk, or deputy clerk to issue any endorsement or alias and pluries summons. Requires filings accepted and orders entered by the magistrate under the statute to be delivered to the clerk's office for processing as soon as the office is open for business.

Effective December 1, 2022.

Section 5

Amends GS 7A-171.2 to deem eligible for nomination or renomination as a magistrate residents of the state who are either residents of the county for which the magistrate is seeking nomination or renomination or a resident of a county that is contiguous to that county (currently limited to county residents only). Makes conforming changes to the following statutes to reflect a magistrate's county appointment rather than residence: GS 7A-146, GS 7A-171, GS 7A-171.1, GS 7A-173, GS 7A-293, GS 7A-211, GS 7A-211.1, and GS 7A-343. Makes language gender-neutral in GS 7A-173, GS 7A-211, and GS 7A-211.1. Effective October 1, 2022.

Section 6

Adds to the duties of the chief district court judge prescribed by GS 7A-146 the duty to investigate written complaints against magistrates. Authorizes the chief to discipline a magistrate pursuant to the Rules of Conduct for Magistrates upon investigation and written findings of misconduct in violation of the Rules. Deems written complaints received and records of investigations of complaints as personnel records. Deems the written complaint and the chief's actions on the complaint no longer confidential personnel records upon issuance of a letter of caution, written reprimand, or suspension by the chief. Effective October 1, 2022, and applies to any letter of caution, written reprimand, or suspension issued on or after that date.

Section 7

Increases the number of Court of Appeals judges included as members of the Judicial Standards Commission (Commission) set out in GS 7A-375 from one to two, thereby increasing the Commission's membership by one. Requires the Court of Appeals judges to act as the Commission's chair and vice-chair (was, Court of Appeals judge acted as chair).

Section 8

Amends GS 7A-47.3 to require the senior resident superior court judge to designate a specific judge, resident or assigned to the district, to preside over all proceedings that occur 150 days after filing of medical malpractice actions under GS 90-21.11(2). Applies to actions filed on or after August 1, 2022.

Section 9

Repeals GS 7A-109(e), which requires the Administrative Office of the Courts (AOC) to report to a specified NCGA committee on contracts regarding electronic records and records processing for records of clerks of superior court; and GS 7A-346.2(a), which requires AOC and the Office of Indigent Defense to report to the specified NCGA committee chairs on contracts entered into with local governments for the provision of the services of assistant district attorneys, assistant public defenders, judicial secretaries, and employees in the office of the clerk of superior court.

Section 10

Regarding applications for jury excusals or exemptions, and notifications of their disposition, replaces trial court administrators as points of application and notice under GS 9-6, GS 9-6.1, and GS 9-7.1, as may be assigned under law, to instead refer to judicial support staff. Further amends GS 9-6 to make language gender-neutral. Further amends GS 9-6.1 by making a technical correction. Further amends GS 9-7.1 by defining judicial support staff for the purposes of the Article to mean employees of the Judicial Branch who provide case management and administrative support under the authority of a judge, including court assistants, court coordinators, court managers, and court administrators; excludes employees of the Clerk of Superior Court.

Section 11

Revises the sunset of Section 11, SL 2021-47, which authorizes the Chief Justice of the Supreme Court to expand the active list of emergency superior court judges to up to 25 emergency superior court judges, and expands the grounds for which the Chief Justice may assign emergency judges to hold regular or special sessions of court to include addressing case management issues created by the COVID-19 pandemic. Extends the sunset from July 1, 2022, to July 1, 2023.

Section 12

Makes a technical correction to GS 15A-151(a), eliminating specific cross-references to certain expunction statutes in subdivisions (4) through (6), as amended by Section 2, SL 2020-35, and instead adopts the more broad cross reference to expunctions under the GS Chapter, provided in later SL 2021-107, Section 6. Applies retroactively to requests for disclosure of expunctions made on or after October 1, 2021.

Section 13

Makes a technical change to Section 18(o), SL 2021-138, which requires district attorneys (DAs) or the Attorney General (AG) to determine whether individuals included in the subject class, meaning those subject to mandatory lifetime satellite-based monitoring based solely on their status as a statutorily defined recidivist who have completed their prison sentences and are no longer supervised by the State through probation, parole, or post-release supervision, meet any requirement to enroll in a satellite-based monitoring program other than being a recidivist. Regarding authority for DAs or the AG to petition for a judge to determine if the subject individual meets the criteria for satellite-based monitoring consistent with GS 14-208.40A, adds language to include any amendments to that statute by SL 2021-182.

Section 14

Amends GS 20-135.2A(e), which provides for fees and court costs associated with seat belt infractions by drivers and front passengers, to eliminate language that required court costs to be used to support the General Court of Justice and remitted to the State Treasurer, as the subsection's current language provides for other court cost fees, including law enforcement training and certification, and additional fees were enacted in Section 8.3, SL 2022-6, that become effective July 1, 2022, including county fees and fees to support supplemental pension benefits of sheriffs.

Section 15

Regarding the authority of a clerk of superior court or magistrate to conduct a first appearance under GS 15A-601, as amended, when a district court judge is not available within 72 hours after the defendant is taken into custody, specifies that, for the limited purpose of conducting the first appearance, the clerk or the magistrate is to proceed as a district court judge would and have the same authority that a district court judge has at a first appearance (previously, did not specify that the clerk or magistrate has the authority of a judge when conducting a first appearance).

Amends GS 15A-604 to require a district court judge to determine whether each charge in a criminal process or magistrate order is a misdemeanor offense within the original jurisdiction of the court, alternatively to the existing requirements to determine if each charge is a criminal offense within the original jurisdiction of the superior court. Makes conforming changes regarding notice to prosecutors for a process or order that fails to charge either such offense.

Amends GS 15A-606 to limit the scope of the probable-cause hearing requirements to cases where defendants are charged with an offense within the original jurisdiction of the superior court. Makes language gender-neutral.

Section 16

Enacts GS 7A-49.5(e) to authorize the Supreme Court to require that in all cases in which the seal of any court or judicial office is required by law to be affixed to any paper issuing from a court or office, to include as a "seal" an impression of the seal, made upon the paper alone, an impression made by means of a wafer or of wax affixed thereto, or an electronic image adopted as the official seal affixed thereto.

Amends GS 15-189, regarding pronounced death sentences, to require judges to make the pronouncement in writing to be filed in the record (was, papers) of the case. Makes language gender-neutral; makes technical and clarifying changes.

Amends GS 15-192, regarding certification of an execution, to require wardens to file certifications with the clerk to be filed with the record (was, papers) of the case. Makes technical and clarifying changes.

Amends GS 15A-101.1, which provides defined terms that deal with criminal process and procedure in GS Chapters 7A, 15, and 15A. Defines *copy* to include electronic form (was, limited to paper form), and to establish that a copy of a document is equally authoritative as the original unless expressly provided by law or when authority is vested only in a certified copy. Eliminates *electronic signature* as a defined term and makes conforming deletions, reflecting the changes to written signatures under GS 12-3. Amends *filing* as related to electronic documents to eliminate the provision establishing that filing is complete when the document has first been unalterably retained in the electronic records of the office where the document is to be filed.

Revises the term *issued* as it related to electronic forms to no longer require a document that is first created in electronic form to be retained in the Electronic Repository to be issued. No longer explicitly includes an electronic signature in the defined term *signature*, reflecting the changes to written signatures under GS 12-3. Adds and defines *attach* or *attached* to mean physical attachment for paper documents, and for stored electronic documents, storage as a single digital file or in a manner that a user interface for access to the documents displays clearly the logical association between them to the exclusion of unassociated documents. Adds that for documents delivered in electronic form, *attached* means simultaneous delivery via the same mechanism or medium, with examples set out in a nonexhaustive list. Specifies that it is not necessary that the relationship between documents appear on the face of the documents in order to be deemed attached.

Amends GS 15A-131 to more generally define pretrial proceedings to include proceedings occurring after the initial appearance and prior to arraignment (removing limiting language referring to first appearance before a magistrate only).

Amends GS 15A-301 regarding criminal process to refer to a signature from the issuing judicial official, rather than the issuing justice, judge, magistrate, or clerk. Regarding the requirement that a district attorney or their designee must approve an arrest warrant, arrest order, criminal summons, or other criminal process issued by a magistrate against a school employee for an offense that occurred while the school employee was discharging their employment duties, eliminates the provision limiting "district attorney" to mean the elected district attorney only. Now requires a district attorney declining this authority to file (was, transmit) a letter with the clerk of superior court and provide a copy of the filed letter to the chief district court judge, who must then appoint magistrates to review any such application for misdemeanor offenses (previously, the district attorney filed the letter with the chief district court judge).

Amends GS 15A-301.1 to allow for the Administrative Office of the Courts (AOC) to maintain more than one electronic repository for criminal process, collectively referred to as the Electronic Repository. No longer requires that AOC create the repositories, but retains AOC's charge to maintain them. Eliminates reference to electronic signatures required to meet the term's definition in GS 15A-101.1, as repealed by the act. Requires the copy of a process printed for the purpose of service to be served no later than 24 hours after it is printed, with the time, date, and place of service recorded in the Electronic Repository.

Amends GS 15A-302(d) to eliminate the requirement for an individual to sign a receipt on a citation, and the requirement for officers to certify delivery by signing the receipt that is filed with the clerk for persons that fail to sign. Deems failure of the person cited to accept delivery not to constitute grounds for an arrest or the requirement that they post a bond.

Amends GS 15A-531, which provides definitions for Article 26, relating to bail, to define the address of record of insurance companies, bail agents, and professional bondsmen to be that which is registered with AOC (was, with the clerk of superior court) pursuant to GS 58-71-140, as amended.

Amends GS 15A-537 to require persons effecting a release to file documents (was, papers) pertaining to the release with the clerk.

Amends GS 58-71-140, which requires AOC to establish a statewide Electronic Bondsmen Registry for all licenses requiring registration under the statute, whereby a person can register by maintaining a record of each required license, power of appointment, or power of attorney in the Registry, including those of bondsmen, surety bondsmen, or runners. Requires license information in the Registry for bail bondsmen and insurance companies to be provided to AOC by the Commissioner of Insurance or their designee. Provides authority to execute bail bonds pursuant to the license, power of appointment, or power of attorney upon appearance in the Registry (was, when the bondsman, surety bondsman, or runner has completed registration). Eliminates reference to AOC notifying the Commissioner, who must then notify such licensees, of the Registry. Provides that upon appearance in the Registry, execution of a proposed bond is not otherwise prohibited under GS 15A-544.7(d).

Makes technical and clarifying changes to GS 15A-744. Makes language gender-neutral.

Amends GS 15A-832 to require the prosecutor to submit to the court at the sentencing hearing a copy of a form containing the information required in GS 15A-831(c), related to the defendant, and subsection (b) of the statute, relating to a victim's election to receive notices of trial and post-trial proceedings involving the accused, including the victim's election to receive further notices under the Victims' Rights Act, Article 46 (previously, only referred to identifying information under GS 15A-831(c) about a victim's election regarding notices). Requires the clerk and the defendant's custodial agency to maintain the form as a confidential record (previously only explicitly required of the custodial agency). Effective January 1, 2023.

Amends GS 15A-832.1 to require the clerk to forward to the district attorney's office a copy of the victim-identifying information included with a warrant based on the testimony of a complaining witness (previously did not specify copy). Adds a new requirement for the clerk to maintain the clerk's copy of the form as a confidential record. Effective December 1, 2022 (note, there are conflicting effective dates for these provisions; December 1, 2022, and January 1, 2023).

Amends GS 15A-1340.14(f) and GS 15A-1340.21(c) relating to proof of prior convictions used in structured sentencing, to include by statutory cross-reference the definition of *copies* set out in GS 15A-101.1, as amended, in the definition given to the term applicable to that subsection. Effective January 1, 2023.

Amends GS 15A-1382, which requires a report of the disposition of the charges to be made to the State Bureau of Investigation (SBI) on a form supplied by the SBI within 60 days following disposition. Adds a new subsection to alternatively permit the disposition report to be made by electronic submission from the courts' recordkeeping applications to the SBI in any format mutually agreed upon by the SBI and the AOC.

Amends GS 15A-1382.1, regarding reports of dispositions involving domestic violence or child abuse, to require the judge to indicate on the judgment of conviction (was, on the form reflecting the judgment) that the case involved domestic violence or child abuse.

Amends GS 20-179.3 to no longer require applications for limited driving privileges made after sentencing to be filed with the clerk in duplicate.

Sections 17 and 18

Effective January 1, 2023, amends GS 15A-1340.16 and GS 15A-150 to refer to the Department of Public Safety or the Department of Adult Correction, as appropriate.

Section 19

Amends GS 7A-413 to add new subsection (c), requiring that the Conference of District Attorneys approve all transfers of funds appropriated for the offices of district attorneys prior to the Administrative Office of the Courts completing the transfer.

Section 20

Amends GS 7A-177 to require inclusion of summary ejection laws in magistrates' annual in-service training. Effective January 1, 2023.

Section 21

Repeals Article 31A, GS Chapter 7A, providing for the membership and duties of the State Judicial Council.

Eliminates the operating expenses of the Judicial Council from the expenses of the Judicial Department under GS 7A-300. Makes technical changes.

Eliminates the Judicial Council from the entities to which the NC Innocence Inquiry Commission must annually report pursuant to GS 15A-1475.

Section 22

Includes a severability clause.

Changes the act's titles. Adds headings.

Intro. by McNeill, C. Smith, Greene, Miller.

UNCODIFIED, [GS 7A](#), [GS 9](#), [GS 15A](#), [GS 20](#), [GS 50B](#), [GS 50C](#)

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[Courts/Judiciary](#), [Civil](#), [Family Law](#), [Motor Vehicle](#), [Court System](#), [Criminal Justice](#), [Corrections \(Sentencing/Probation\)](#), [Criminal Law and Procedure](#), [Government](#), [State Agencies](#), [Department of Justice](#)

H 768 (2021) 2022 ABC OMNIBUS. (NEW) Filed May 3 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOLIC BEVERAGE LAWS OF THIS STATE.*

Senate amendment to the 3rd edition makes the following changes.

Section 2

Amends new GS 18B-1110.1 to revise the permitted activities of the holder of a packaging and logistics permit. Authorizes receiving, in closed containers, malt beverages, unfortified wine, fortified wine, and spirituous liquor from a supplier, for the purpose of packaging, repackaging, storage, shipping, and for the purpose of labeling or relabeling the outer packaging, such as a box or carton (was, for the purpose of packaging, repackaging, labeling, relabeling, storage, and shipping); and (2) package or repackage malt beverages, unfortified wine, fortified wine, and spirituous liquor received from a supplier, and label or relabel the outer packaging (was, package, repackage, label, and relabel malt beverages, unfortified wine, fortified wine, and spirituous liquor received from a supplier). Now authorizes the permit holder to deliver or ship (no longer including authority to sell): malt beverages, unfortified wine, and fortified wine as provided in this statute in closed containers to suppliers and wholesalers licensed under GS Chapter 18B; spirituous liquor in closed containers at wholesale to exporters and local boards within the State; and malt beverages, unfortified wine, fortified wine, and spirituous liquor to out-of-state suppliers or at wholesale or retail to private or public agencies or establishments of other states or nations, subject to the laws of other jurisdictions. Further specifies that the permit does not allow the holder to manufacture alcoholic beverages except for packaging, repackaging, labeling, and relabeling as provided in subsection (a), as revised.

Section 3

Eliminates the proposed repeal of GS 18B-403.1 concerning purchase-transportation permits for keg or kegs of malt beverages.

Eliminates the proposed changes to GS 18B-1115 which (1) removed the provision requiring a permit for each person transporting alcoholic beverages in excess of the specified amounts of malt beverages other than those in kegs, unfortified wine, fortified wine or spirituous liquor; (2) removed the prohibition on obtaining a permit to transport spirituous liquor unless the transportation is for delivery to a federal reservation over which North Carolina has ceded jurisdiction to the US, for delivery to an ABC store, or for transportation through this State to another; and (3) made language gender neutral and made a technical change.

Section 4

Revises and adds to the proposed changes to GS 18B-903(c), relating to the automatic expiration of all ABC permits upon change in ownership of the premises of an ABC permitted establishment. Modifies the language in new subdivision (2) to allow any person who becomes lawfully entitled to the use and control of the premises of a permitted establishment to continue its operation as a successor permittee to the same extent as the predecessor permittee until the person receives a temporary or new permit, subject to four limitations (previously, did not provide for permit types; provided for continuation of the permit to the same extent as the prior permittee so long as the person submits an application for a new permit to the ABC Commission within 60 days after the change in ownership, with the permit expiring automatically if the person does not apply for a new permit within 60 days after the change in ownership). Listed limitations now include: (1) requiring the person to provide written or electronic notice to the ABC Commission of the name of the non-permitted person, the name and address of the permitted establishment, and the date of the change in ownership (barring operation until notice is given); (2) requiring the person to submit a new permit to the Commission within 60 days after the change in ownership, with automatic expiration of all permits if the person does not apply within the 60-day period; (3) limits the 60-day period to file a new permit application to once per 24 months for each establishment that holds an ABC permit unless the establishment requests and the Commission grants a waiver due to determining that the public health, safety, and welfare would not be harmed by granting the waiver; and (4) limits the continuation provisions to establishments that hold ABC permits that are in good standing and that have not been found responsible by the Commission or a court of a gambling, assault, disorderly conduct, prostitution, or controlled substances violation within 12 months prior to the date the non-permitted person becomes entitled to use and control of the establishment. Makes technical and clarifying changes.

Section 6

Replaces the proposed changes to the definition of *private bar* under Article 10, Retail Activity, GS Chapter 18B. Instead, eliminates the term entirely, and adds and defines *bar* to mean an establishment that is primarily engaged in the business of selling alcoholic beverages and that does not serve prepared food; excludes a brewery, winery, or distillery.

Adds and defines *bar* by statutory cross-reference in GS 130A-247, applicable to Part 6, Regulation of Food and Lodging Facilities, Article 8, GS Chapter 130A. Eliminates the term *private bar*.

Replaces the terminology in GS 130A-248 and GS 130A-250, excluding bars (rather than private bars) from the Public Health Commission's rules governing the sanitation of establishments that prepare or serve drink or food, and the statutory regulations of food and lodging facilities set out in Part 6, Article 8, GS Chapter 130A.

Intro. by Moffitt.

GS 18B, GS 130A

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Alcoholic Beverage Control, Education, Higher Education, Government, State Agencies, Community Colleges System Office, Health and Human Services, Health, Public Health, Transportation

PUBLIC/SENATE BILLS

S 101 (2021) [REQUIRE COOPERATION WITH ICE 2.0](#). Filed Feb 15 2021, *AN ACT TO REQUIRE COMPLIANCE WITH IMMIGRATION DETAINERS AND ADMINISTRATIVE WARRANTS AND TO REQUIRE CERTAIN REPORTS FROM LOCAL LAW ENFORCEMENT.*

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

Amends GS 162-62 by making a clarifying change. Further amends the statute by adding the uncodified reporting requirements in Section 1(b) of the act, which requires administrators of county jails, local confinement facilities, district confinement facilities, and satellite jails or work release units to report to the specified NCGA committee regarding their compliance with GS 162-62, to new subsection (e). Amends the reporting requirement by: (1) clarifying that the Immigration and Customs Enforcement is of the US Department of Homeland Security; (2) amends the items that must be included in the report to require the number of times a prisoner was held then released following the rescinding of a detainer order by the Immigration and Customs Enforcement of the US Department of Homeland Security (was, the number of times a prisoner was held then released following the satisfaction of proof of legal residence or citizenship required by that subsection); and (3) changes the start date of the mandated annual reporting to begin October 1, 2023, rather than October 1, 2022.

Changes the effective date of the act from December 1, 2021, to December 1, 2022.

Intro. by Edwards, Sanderson, Britt.

GS 162

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Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

S 265 (2021) [BOND INFO TRANSPARENCY/LGC TOOLKIT II. \(NEW\)](#) Filed Mar 11 2021, *AN ACT TO INCREASE THE TRANSPARENCY OF BOND REFERENDA BY REQUIRING ADDITIONAL DISCLOSURES BY UNITS OF LOCAL GOVERNMENT, TO MAKE CHANGES RECOMMENDED BY THE LOCAL GOVERNMENT COMMISSION TO STRENGTHEN THE SYSTEM FOR MONITORING THE FINANCIAL OPERATIONS OF LOCAL UNITS AND OVERSIGHT OF FISCALLY TROUBLED LOCAL UNITS, AS DIRECTED BY THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2021, AND TO AUTHORIZE CHARTER SCHOOLS TO PARTICIPATE IN THE STATE TREASURER'S ANCILLARY GOVERNMENTAL PARTICIPANT INVESTMENT PROGRAM.*

House committee substitute to the 3rd edition adds the following content.

Amends GS 115C-218.15 by enacting new (f) allowing funds received by a charter school under GS 115C-218.105 (concerning the allocation of State and local funds for a charter school), to be deposited with the State Treasurer for investment under GS 147-69.2(b8), to the extent allowed by the Internal Revenue Code. Deems the deposit and investment of these funds

essential to providing public education in the state and the income from the investment to accrue solely to the charter school for providing public education.

Amends GS 147-69.2, concerning investments authorized for special funds held by the State Treasurer, by making the statute also applicable to funds held by the State Treasurer to the credit of funds deposited with the State Treasurer by charter schools under GS 115C-218.15(f). Enacts new (b8) to allow the State Treasurer to invest those funds in any of the investments authorized under (b)(6C) and (b)(8) of the statute, notwithstanding the listed percentage limitations. Under (b)(8) the assets of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Firefighters' and Rescue Workers' Pension Fund, the Local Governmental Employees' Retirement System, the Legislative Retirement System, the North Carolina National Guard Pension Fund, the Registers of Deeds' Supplemental Pension Fund, and the Retiree Health Benefit Fund may be invested in a strategy composed primarily of equity securities traded on a public securities exchange or market organized and regulated pursuant to the laws of the jurisdiction of the exchange or market and issued by any company incorporated or otherwise created or located within or outside the United States as long as the investments meet the specified conditions of this subdivision. Under (b)(6C), those Retirement Systems' assets may be invested, within or outside the United States, in obligations, debt securities, and asset-backed securities, whether considered debt or equity, including obligations and securities convertible into other securities, that do not meet the requirements of any of subdivisions (b)(1) through (6) or (b)(7) of the statute. Allows the State Treasurer, for investments under 9b(6c) and (b)(8), to require a minimum deposit of up to \$50,000 and assess reasonable fees of up to 15 basis points per annum; allows the fees to be used to defray investment administration costs and for expenditures authorized by the statute.

Amends GS 115C-218.100, which requires a charter school participating in the North Carolina Retirement System to, as long as it continues to participate, maintain one of the specified options for the purpose of ensuring payment of expenses related to closure proceedings in the event of a dissolution of the charter school. Expands upon those options to now also include the deposit of funds with the State Treasurer for investment under GS 147-69.2(b8); deems these funds and any income they earn as State Funds that are to be used solely for providing public education and deems the deposit and investment of these funds as essential to the provision of public education by the State.

Amends GS 147-69.3 (concerning the administration of State Treasurer's investment programs) to allow charter schools having custody of funds not required to be deposited with and invested by the State Treasurer to deposit all or any portion of those funds with the State Treasurer for investment in one of the investment programs established under the statute.

Amends GS 159-30 to allow a charter school to make contributions to a Local Government Other Post-Employment Benefits Trust.

Amends GS 159-30.1 by adding a charter school to those entities allowed to establish and fund an irrevocable trust for the purpose of paying: (1) post-employment benefits for which the entity is liable or (2) contribution-based benefit cap liability to the Local Government Employees' Retirement System. Adds the requirement that the irrevocable trust designate the monies deposited in the trust, and any income earned thereon, as governmental funds to be used solely for an essential governmental purpose.

Changes the act's long title.

Intro. by Johnson, Ford.

[GS 115C, GS 135, GS 147, GS 159](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, Department of State Treasurer, State Government, State Personnel, Local Government, Health and Human Services, Health, Health Insurance](#)

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, TO EXEMPT QUALIFYING ITEMS FROM SALES TAX IF PURCHASED BY A WILDLIFE MANAGER FOR WILDLIFE MANAGEMENT ACTIVITIES, AND TO MAKE CHANGES TO THE PROPERTY TAXATION OF WILDLIFE CONSERVATION LAND.*

House committee substitute makes the following changes to the corrected copy, 4th edition.

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).

Changes the act's long title.

Intro. by Sawyer, B. Jackson.

GS 105

[View summary](#)

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

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, TO EXEMPT QUALIFYING ITEMS FROM SALES TAX IF PURCHASED BY A WILDLIFE MANAGER FOR WILDLIFE MANAGEMENT ACTIVITIES, AND TO MAKE CHANGES TO THE PROPERTY TAXATION OF WILDLIFE CONSERVATION LAND.*

House committee substitute makes the following changes to the 5th edition.

Reinstates the content of previous Parts II. and III. of the act, which were eliminated in the 3rd edition. Returns the provisions as they existed in the 2nd edition, which (1) enact GS 105-164.13F to create a sales and use tax exemption for eight enumerated items purchased by a wildlife manager used primarily for wildlife management activities and provide for an exemption certificate and (2) reorganize and revise GS 105-277.15, which provides for the taxation of land classified as wildlife conservation land, effective July 1, 2022. Makes proposed GS 105-164.13F set forth in Part II. effective October 1, 2022, rather than July 1, 2022. Makes conforming changes to the act's long title.

Intro. by Sawyer, B. Jackson.

GS 105

[View summary](#)

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

S 408 (2021) [RURAL HEALTHCARE ACCESS & SAVINGS PLAN ACT. \(NEW\)](#) Filed Mar 30 2021, *AN ACT TO DIRECT OVERSIGHT, STUDY, AND MODERNIZATION OF MEDICAID IN NORTH CAROLINA, TO ENSURE TAXPAYER SAVINGS, AND TO ENSURE ACCESS TO HEALTHCARE FOR WORKING NORTH CAROLINIANS.*

House committee substitute deletes the content of the 2nd edition with the following.

Section 1.1

Creates the six-member Joint Legislative Committee on Medicaid Rate Modernization and Savings (Committee). Provides for appointment of members and chairs. Charges the Committee with two purposes, including (1) assessing whether the Department of Health and Human Services (DHHS), Division of Health Benefits (DHB) is completing three tasks related to Medicaid enrollment, beneficiary services, and management of beneficiaries by prepaid health plans (PHPs) and local management entities/managed care organizations (LME/MCOs), and (2) considering and making legislative recommendations regarding the plan to modernize Medicaid put forth by DHHS as mandated by the act, presented by the DHHS Secretary on December 15, 2022, at which time the Committee must vote on its recommendation and terminate. Details Committee meetings, voting, expenses and staffing. Authorizes the Committee to file a copy of the proposed legislation and a copy of DHHS's plan with the President Pro Tempore and the Speaker of the House.

Section 1.2

Directs DHHS to develop a Medicaid Modernization Plan (plan), submit the plan to the Committee by December 15, 2022, and make a presentation on the plan at the Committee's December 15, 2022, meeting. Lists eight components the plan must contain, including (1) the adjustment to Medicaid eligibility to allow individuals described in section 1902(a)(10(A)(i)(VIII) of the Social Security Act to qualify for coverage with a start date proposed by the DHHS Secretary, excluding individuals who

are not US citizens unless required by federal law; (2) proposed legislation to discontinue Medicaid coverage for these individuals if the federal share of the cost of providing coverage becomes less than 90% or the nonfederal share of the cost cannot be fully funded from four sources specified; (3) proposed legislation to enact increased hospital assessments through the Hospital Access and Stabilization Program (HASP), as mandated by the act; (4) proposed necessary refinements to the health system assessment enacted; (5) an investment of \$1 billion to address the opioid, substance abuse, and mental health crisis in the State, as specified; (6) projections of savings in the existing Medicaid program from implementation of the plan; (7) specific proposals to increase access to preventative care for Medicaid enrollees; and (8) specific proposals to increase access to healthcare in rural areas of the State. Section 1902(a)(10)(A)(i)(VIII) of the Social Security Act includes individuals who, beginning January 1, 2014, are under 65 years of age, not pregnant, not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII, and are not described in a another subclause, and whose income does not exceed 133% of the poverty line applicable to a family of the size involved.

Requires the NCGA to take action on or after December 16, 2022, and prior to the sine die adjournment of the 2021 NCGA, to enact legislation to implement the plan, in whole or in part. Limits legislation to the plan and HASP proposal. Prohibits implementing the plan without express legislation authorization taken on or after December 16, 2022.

Section 1.3

Establishes the ARPA Temporary Savings Fund as a nonreverting special fund in the Division of Health Benefits (DHB) consisting of any savings realized as a result of federal receipts arising from the enhanced federal medical assistance percentage (FMAP) available to the State under section 9814 of the American Rescue Plan Act (ARPA). Requires legislative allocation or expenditure of the funds. States legislative intent that at least \$1 billion of these funds be expended on addressing mental health and substance abuse issues in the State.

Section 1.5

Effective January 1, 2023, through March 31, 2023, subjects private acute care hospitals and public acute care hospitals to a 0.052% hospital health advancement assessment of its hospital costs for the fiscal quarter beginning January 1, 2023. Raises the hospital health assessment rate to 0.516% for the State fiscal quarter beginning April 1, 2023, through June 30, 2023, effective on the date of the adjustments to Medicaid eligibility described by the act; provides that no assessment can be imposed for the State fiscal quarter beginning April 1, 2023, and no county department of social services (dss) reimbursements made if the effective date occurs after June 30, 2023. For both assessment periods, requires DHHS to use \$2 million of the assessment proceeds and all corresponding matching federal funds to reimburse dss for additional costs incurred to implement the adjustments to Medicaid eligibility described in the act.

Section 1.6

Revises the defined terms under Article 7B, GS Chapter 108A, the Hospital Assessment Act. Adds and defines *Consumer Price Index*, *expansion nonfederal share*, and *newly eligible individual*. Adds a new Part to the Article, statutorily providing for the public hospital health system assessment, and the private hospital health system assessment. Requires quarterly calculation and collection for each assessment. Provides for the calculation of the hospital health system assessment to be the aggregate health system assessment collection amount, multiplied by the public hospital historical assessment share or the private hospital historical assessment share, as appropriate, divided by the total hospital costs for all public acute care hospitals or private acute care hospitals holding a license on the first day of the assessment quarter, as appropriate. Formulates the health system collection amount to be the sum of the cost components, including the service cost component and administration component, minus the gross premiums tax offset component and the intergovernmental transfer offset component, as those components are formulated in the Part's provisions. Requires DHHS to reimburse a county dss with proceeds attributable to the county for costs incurred in determining eligibility for newly eligible individuals, as provided in the administration subcomponent, as well as any corresponding matching federal funds. For the quarter beginning July 1, 2023, sets the public hospital health system assessment at 0.223%, and the private hospital health system assessment at 0.445%. For the quarter beginning October 1, 2023, requires DHHS to determinate the percentages by adding or subtracting the reconciliation component, calculated as described by the act, divided by the total hospital costs of either all public acute care hospitals or private acute care hospitals holding a license on the first day of the assessment quarter, as appropriate. Effective July 1, 2023.

Section 1.7

Amends GS 108A-145.3 to exclude capitation payments not attributable to newly eligible individuals from the definition of *paid capitation* applicable to the Hospital Assessment Act. Amends GS 108A-146.9 to exclude claims attributable to newly

eligible individuals from the fee-for-service component of the aggregate modern hospital assessment collection amount calculated under GS 108A-146.5.

Amends GS 108A-146.12 to set the postpartum coverage component of the modern hospital assessment amount at \$4.5 million for each quarter of the 2023-24 fiscal year. Amends GS 108A-146.13 to set the postpartum subcomponent of the intergovernmental transfer adjustment component of the modern hospital assessment amount at \$1,065,000 for the 2023-24 fiscal year. Repeals Section 9D.13A(e) and Section 9D.14, SL 2021-180. Effective July 1, 2023.

Amends Section 2.1, SL 2021-61, amending the definition of *federal medical assistance percentage (FMAP)* applicable to the Hospital Assessment Act, Article 7B, GS Chapter 108A, to include the applicable temporary increase of Medicaid FMAP allowed under section 9814 of ARPA.

Section 1.8

States legislative intent to consult with stakeholders and DHB prior to the 2023 Regular Session to consider any necessary refinements to the health system assessment enacted in Section 1.6.

Section 1.10

States legislative intent to assess hospitals for the nonfederal share of a directed payment program to be called the Healthcare Access Stabilization Program (HASP), to fund hospital payments described. Directs DHHS to consult with stakeholders to develop a submission of a 42 CFR 438.6(c) preprint to the Centers for Medicare and Medicaid Services (CMS) to request approval for the payments which are to be the maximum permitted that can be funded entirely through increased hospital assessment receipts that are in addition to the receipts from the health system assessments enacted.

Directs DHHS to submit the request within 60 days of the date the section becomes law, whereby DHHS must submit the preprint to the specified NCGA committee and division. Requires DHHS to continue working to obtain CMS approval if CMS denies the initial submission. Requires DHHS to submit a copy of the approved preprint to the Committee and specified NCGA committee and division.

Deems the hospital reimbursement increase approved effective upon the enactment of the legislative language necessary to fund the portion of the nonfederal share of the reimbursement increase that will not be funded through intergovernmental transfers, through increased hospital assessments. States legislative intent to consult with stakeholders and DHB prior to the Committee's December 15 meeting to develop such language, including any necessary changes to the modernized hospital assessments under Part 2, Article 7B, GS Chapter 108A, and the health system assessments enacted.

States legislative intent, upon approval of the preprint, to enact increases to the hospital assessments under Article 7B, GS Chapter 108A, that meet detailed criteria, including that the increased assessments at minimum apply to all private acute care hospitals, and the proceeds of the increased assessments and federal funds are limited to specified uses and restrictions.

Section 2.1

Directs the Secretary of Commerce to develop a plan to create a seamless, statewide, comprehensive workforce development program (statewide plan) in collaboration with 13 listed stakeholders, and any others the Secretary deems appropriate. Authorizes contracting with third-party entities in the development and implementation of the statewide plan. Requires coordination of efforts and resources across State agencies for statewide availability of workforce development opportunities. Enumerates five required components of the statewide plan, including identification of currently existing workforce development programs for unemployed or low-wage workers and any gap for improvement of the program, identification of the specific labor force needs within the state, and inclusion of six identified services offered in the plan.

Section 2.2

Requires the DHHS to collaborate with the Department of Commerce (Department) to develop a method to assist individuals enrolled in the Medicaid program and other relevant social service programs with accessing appropriate workforce development services; develop a referral plan for assessing the current employment status and any barriers to employment; and determine the best method to provide social service beneficiaries an initial assessment and consultation with a workforce development case manager. Allows contracting with third-party entities or PHPs to provide these services, and authorizes the use of incentives to PHPs with regard to the services.

Section 2.3

Requires the Secretary of Commerce to report to the specified NCGA committees regarding the statewide plan by March 1, 2023. States required components of the report.

Requires DHHS to report to the specified NCGA committees regarding the referral plan and employment barriers for social service beneficiaries by March 1, 2023. State required content of the report.

Requires DHHS to collaborate with the Department to quadrennially report to the NCGA, beginning December 1, 2023, to the specified NCGA committees and division five data points described regarding social service beneficiaries, workforce development program participation, and employment/reemployment.

Section 2.4

Directs DHB to enter into negotiations with CMS to develop a plan and obtain CMS approval to condition Medicaid participation upon work requirements, if any indication exists that such conditional requirements may be authorized by CMS. Requires notification of the specified NCGA committee and division within 30 days of entering such negotiations. Requires submission of a report to the specified NCGA committee and division within 30 days of CMS approval of such a plan.

Amends the act's titles.

Intro. by Burgin, Krawiec, Perry.

GS 108A

[View summary](#)

Employment and Retirement, Government, General Assembly, State Agencies, Department of Commerce, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Mental Health, Social Services, Public Assistance

S 408 (2021) [RURAL HEALTHCARE ACCESS & SAVINGS PLAN ACT. \(NEW\)](#) Filed Mar 30 2021, *AN ACT TO DIRECT OVERSIGHT, STUDY, AND MODERNIZATION OF MEDICAID IN NORTH CAROLINA, TO ENSURE TAXPAYER SAVINGS, AND TO ENSURE ACCESS TO HEALTHCARE FOR WORKING NORTH CAROLINIANS.*

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

Section 1.2

Regarding the directive to the Department of Health and Human Services (DHHS) to develop a Medicaid Modernization Plan (plan) by December 15, 2022, revises the required components of the plan to include proposed legislation for the health system assessments outlined in Section 1.6 of the act (was, any proposed necessary refinements to the health system assessments enacted in Section 1.6). Makes a similar revision to refer to the healthy system assessment outlined in Section 1.6 in the funding sources identified in the nonfederal share of the costs that must fund the expanded Medicaid coverage, for which DHHS's plan must include proposed legislation to discontinue the expanded coverage upon the identified sources' inability to fully fund the share of costs.

Section 1.5

Eliminates the content of Section 1.5, which set hospital health advancement assessments for private acute care hospitals and public acute care hospitals for specified periods in 2023, with DHHS required to reimburse county departments of health and human services for additional costs incurred to implement the adjustments to Medicaid eligibility described in the act.

Section 1.6

Eliminates the previous content of the following sections of the act: Section 1.6, which revised Article 7B, GS Chapter 108A, the Hospital Assessment Act and enacted a new Part to the Article, statutorily providing for the public hospital health system assessment and the private hospital health system assessment; Section 1.7, which revised other provisions of the Hospital Assessment Act, including the calculation of modernized hospital assessments; and Section 1.8, which stated legislative intent to consult with stakeholders and the Division of Health Benefits (DHS) prior to the 2023 Regular Session to consider any

necessary refinements to the health system assessment enacted in Section 1.6. Instead provides the following uncodified language.

States legislative intent to enact legislation creating new assessments, called health system assessments, with five intended criteria. Requires the assessments to include a public hospital health system assessment and a private hospital health system assessment calculated quarterly by DHHS as a percentage of each hospital's hospital costs, with collections to fund the nonfederal share of the costs associated with expanded Medicaid coverage with county reimbursements, and assessment collection subject to specified increased receipt and intergovernmental transfer offsets. Requires setting the historical assessment shares for private and acute hospitals based on the aggregate assessment collection amount from either public acute care hospitals or private acute care hospitals, as appropriate.

States legislative intent to make necessary conforming changes to the Hospital Assessment Act's modernized hospital assessments, including that the assessments do not apply to newly eligible individuals, and amending the definition of *federal medical assistance percentage (FMAP)* to account for the applicable temporary increase of Medicaid FMAP allowed under section 9814 of ARPA.

States legislative intent to consult with stakeholders and DHB prior to the December 15 meeting of the Joint Legislative Committee on Medicaid Rate Modernization and Savings (Committee) to develop the health system assessments outlined in the Section.

Section 1.10

Makes conforming changes to refer to receipts anticipated from the health system assessments outlined in Section 1.6 and the proposed health system assessments outlined in Section 1.6, rather than receipts from the health system assessments enacted in Section 1.6 and the health system assessments enacted in Section 1.6.

Section 2.3

Revises the content of required reports of the Secretary of Commerce and DHHS regarding the statewide plan and referral plan, respectively, to no longer include recommended legislation to cover any State costs identified by the Secretary for the plan's implementation. Now provides legislative intent that some or all of the costs of implementation and operation to be funded through the health system assessments outlined in Section 1.6 (was, through an increase in the health system assessments enacted in Section 1.6).

Intro. by Burgin, Krawiec, Perry.

[View summary](#)

[Employment and Retirement, Government, General Assembly, State Agencies, Department of Commerce, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Mental Health, Social Services, Public Assistance](#)

S 410 (2021) [OPEN MEETINGS/VARIOUS BOARD ADJ. \(NEW\)](#) Filed Mar 30 2021, *AN ACT TO CLARIFY THAT THE OPEN MEETINGS LAW AND THE PUBLIC RECORDS LAW APPLY TO THE OPERATIONS OF THE COUNCIL OF STATE AND TO AMEND THE COMPOSITION OF VARIOUS BOARDS TO REFLECT THE INCREASE IN APPORTIONMENT OF THE STATE'S CONGRESSIONAL DELEGATION.*

House committee substitute replaces the content of the 2nd edition with the following.

Part I.

Amends GS 143-318.10 to specify that the term "public body," as used in Article 33, which regulates meetings of public bodies, includes any entity described whether established by State constitution or otherwise.

Amends GS 132-1(a), defining *public record*, to specify that the term "agency of North Carolina government or its subdivisions" includes every public body subject to Article 33C, GS Chapter 143.

Effective January 1, 2023, amends GS 147-13, adding a new requirement for the Governor to convene the Council of State whenever statutes call for the concurrence, advice, discretion, opinion, or consent of the Council of State. Now requires Council proceedings, rather than advice and proceedings, to be entered in a journal and signed by present members. Adds a new subsection, deeming the convening of the Council subject to Article 33C, GS Chapter 143, and specifying that the minutes required under that Article include the journal kept pursuant to this statute. Makes technical changes. Makes language gender neutral.

Directs the Council to adopt rules establishing a comprehensive system of parliamentary procedure on or before October 1, 2022, including the method of introducing and considering resolutions presented by members and the posting of the journal and minutes online. Deems Mason's Manual of Legislative Procedure to apply in the absence of such adoption, effective for meetings held after October 1, 2022. Requires the Governor to provide posting of all minutes and the journal online within 10 business days of each Council meeting.

Requires the Council to review its department rules recorded in Chapter 1 of Title 06 of the NCAC by October 1, 2022, and initiate any amendments required for compliance with the NCGA and the act by that date.

Specifies that this Part clarifies and restates the intent of existing law that meetings, deliberations, and actions of the Council of State be conducted openly.

Part II.

Amends GS 7A-761, changing membership of the 22-member Human Relations Commission of the Civil Rights Division of the Office of Administrative Hearings, now providing for the Governor to appoint one member from each of the 14 congressional districts (was, 13 districts), and four members at large (was, five members at large). Makes technical and clarifying changes.

Amends GS 116-233, adding an additional member to the Board of Trustees of the School of Science and Math, accounting for an additional appointee of the Board of Governors from each congressional district, to now provide for 31 total members (was, 30).

Amends GS 140-5.13, adding an additional member to the Board of Trustees of the NC Museum of Art, accounting for an additional member appointed by the Governor from each congressional district, to now provide for 26 total members (was, 25). Makes technical changes.

Corrects a statutory cross-reference in GS 143B-148.

Changes the act's titles.

Intro. by Galey, Perry, Lazzara.

[GS 7A, GS 116, GS 132, GS 140, GS 143, GS 143B, GS 147](#)

[View summary](#)

[Government, Public Records and Open Meetings, State Government, Executive](#)

S 496 (2021) [DOI OMNIBUS BILL. \(NEW\)](#) Filed Apr 1 2021, *AN ACT TO AMEND AND TO MAKE CLARIFYING CHANGES TO VARIOUS INSURANCE LAWS, AS RECOMMENDED BY THE DEPARTMENT OF INSURANCE, TO AMEND LAWS RELATED TO BROKER AND INSURANCE PRODUCER LICENSES, TO ALLOW SELF-INSURANCE TO SERVE AS PROOF OF FINANCIAL RESPONSIBILITY, TO PROHIBIT DISCLOSURE OF REPLACEMENT COST ESTIMATORS, TO REQUIRE CERTAIN APPOINTMENTS TO THE NORTH CAROLINA REINSURANCE FACILITY'S BOARD OF GOVERNORS, TO AMEND A REPORTING DATE FOR MEMBERS OF THE NORTH CAROLINA INSURANCE UNDERWRITING ASSOCIATION, TO EXEMPT CERTAIN EMPLOYMENT CONTRACTS ENTERED INTO BY THE DEPARTMENT OF INSURANCE, TO AMEND INNOVATION WAIVER EXEMPTIONS, TO REVISE INSURANCE REQUIREMENTS FOR TRANSPORTATION NETWORK COMPANIES, TO AUTHORIZE FUNDING BY THE NORTH CAROLINA GLOBAL TRANSPARK AUTHORITY, TO AMEND THE DUE DATE FOR HOME INSPECTION REPORTS, TO SHORTEN THE TIME FRAME TO RETAKE THE HOME INSPECTOR EXAMINATION, AND TO AMEND MINIMUM INSULATION REQUIREMENTS.*

Conference report adds the following content to the 3rd edition.

Part XIII.

Makes the following changes to Article 33, GS Chapter 58. Changes terminology throughout the Article to refer to an "insurance producer," replacing the "agent" terminology currently used. Additionally, replaces "kinds of insurance" language to instead refer to "lines of authority." Revises the Article's defined terms as follows. Defines broker to require licensure as an insurance producer, rather than a licensed agent; makes conforming changes throughout to reference insurance producers rather than brokers in the context of licensees. No longer explicitly includes limited representatives in the definition of insurance producer. Includes cancellation of the relationship between a limited representative and the insurance or termination of a limited representative's authority within the meaning of the term termination.

Amends GS 58-33-15 to eliminate the annual renewal of restricted licenses under GS 58-33-25(n).

Amends GS 58-33-17 concerning limited licenses for rental car companies, and GS 58-33-18 concerning limited licenses for self-service storage companies, to refer to the named applicant's competency as an agent rather than insurance agent.

Amends GS 58-33-20, concerning representation of an insurer. Specifies that insurance producers or limited representatives who act on behalf of the insurer and solicit or negotiate an application for insurance of any kind represent the insurer, and insurance producers who acts as brokers and solicit an application for insurance of any kind represent the insured or their beneficiary (previously, did not specify that the actions must be on behalf of either the insurer or the insured or their beneficiary).

Eliminates outdated licensing requirements set out in GS 58-33-26(c); makes conforming changes throughout the Article to reference the applicable language of subsection (c1) rather than the now eliminated subsection (c). Eliminates reference to licensed brokers; makes conforming changes throughout the Article to eliminate reference and provisions related to broker licenses. Expands the exemptions under subsection (n) to provide that licensure as a limited representative is not required of an officer, director, or employee of a limited representative so long as the officer, director, or employee does not receive any commission on policies written or sold to insure risks residing, locating, or to be performed in the State, except for indirect receipts of commissions in the form of salary, benefits, or distributions, and the individual's duties meet one of three qualifying criteria. Makes technical and clarifying changes to the prohibitions of subsection (p).

Amends GS 58-33-30 to allow insurance producers applicants to satisfy the education requirements by completing a producer training course approved by the Commissioner of Insurance that is offered by or under a property, casualty, life or accident and health or sickness insurance company (was, a property or liability or life or health insurance company) admitted to do business in the State.

Eliminates outdated language in GS 58-33-40.

Expands GS 58-33-48 to require criminal history checks of applicants for a limited representative license in the same manner as those required for applicants for an insurance producer license.

Expands the required notifications to the Commissioner set out in GS 58-33-56 to require notifications of terminations relating to an insurer's relationship with a limited representative. Makes all provisions applicable to termination of producers applicable to termination of limited representatives, including the right to submit written comments following notice and the granting of limited civil immunity for statements or information provided. Extends the confidentiality provisions to include materials or information furnished by a limited representative. Extends authority to suspend or revoke licenses and fine licensees for failure to make the required reports or make reports with actual malice to include limited representatives within the scope of authority.

Makes clarifying changes to GS 58-33-70.

Regarding commissions under GS 58-33-82, adds that limited representatives cannot pay a commission, service fee, or other valuable consideration to a person for selling, soliciting, or negotiating insurance in the State if that person is required to be licensed under the Article and is not so licensed. Adds new subsection (d1) to allow insurance producers to indirectly accept any commission, fee, or other valuable consideration for business brokered through an insurance producer that is appropriately appointed; makes conforming changes to subsection (d). Allows for commissions, fees, or other valuable consideration for the sale, solicitation, or negotiation of insurance to be assigned or directed to be paid to a limited representative in connection with renewals of insurance business originally sold by or through the licensed person or for other deferred commissions.

Amends GS 58-33-125 to increase the fee from \$10 to \$11 for the appointment of an individual insurance producer. Repeals subsection (e) that allowed for resident licensees to obtain duplicate photo bearing licenses and included related authorities for the Commissioner.

Amends GS 58-33-135 to provide for appointment of an advisory committee for property and casualty insurance licensees (was, fire and casualty insurance licensees) and an advisory committee for life and accident and health or sickness insurance licensees (was, life and health insurance licensees). Requires inclusion of a licensed accident and health or sickness insurance producer rather than a licensed health insurance agent on the life and accident and health or sickness advisory committee.

Part XIV.

Makes conforming changes to various statutes of GS Chapter 58 to reflect the amendments to Article 33, GS Chapter 58.

Makes the definition of insurance producer in GS 58-2-128 conform to that of Article 33, as amended, to no longer explicitly include limited representatives.

Amends GS 58-2-185 to include agents of companies and insurance producers in the statute's recordkeeping requirements.

Amends GS 58-3-155 to define broker by statutory cross-reference to GS 58-33-10, as amended.

Amends GS 58-35-10 to refer to insurance producers with property and casualty lines of authority rather than a fire and casualty insurance producer. Makes conforming changes to GS 58-36-1; and GS 58-37-35.

Amends GS 58-42-10 to direct that all risk sharing plans require participation by all insurance producers licensed and appointed to represent the insurances for that kind of insurance (previously, did not require appointment qualification).

Amends GS 58-45-35 to provide that licensed insurance producers appointed as an agent of a company that is a member of the Association is not deemed an agent of the NC Insurance Underwriting Association (previously, did include appointment qualification).

Amends GS 58-56-2, as amended, to exclude insurance producers licensed who sell life or accident and health or sickness insurance (was, life or health insurance) whose activities are limited exclusively to the sale of insurance from the definition of a third party administrator.

Amends GS 58-65-115 to refer to life and accident and health or sickness (was, life and health) insurance producers.

Part XV.

Amends GS 20-279.33 to deem a certificate of self-insurance issued by the Commissioner of Motor Vehicles as evidence of insurance to satisfy the financial responsibility requirements for the issuance or restoration of a driver's license or the allowance of limited driving privileges under GS 20-7, GS 20-13.2, GS 20-16.1, GS 20-19, and GS 20-179.3.

Amends GS 20-279.33A, which qualifies certain religious organizations as self-insurers if seven specified conditions are met, to no longer require that the organization's members operate five or more registered vehicles owned or leased by them, but rather generally require that the members operate registered vehicles owned or leased by them.

Amends GS 20-7 to prohibit the Division of Motor Vehicles from restricting a person from operating a nonfleet motor vehicle solely because the person furnished proof of liability in the form of a certificate of self-insurance issued under GS 20-279.33 or GS 20-279.33A.

Part XVI.

Enacts new GS 58-3-137 prohibiting requiring an insurance company or its designated agent to provide the replacement cost estimator or other underwriting or related proprietary business information of an insurer underwriting an insurance policy covering real property as a condition precedent or condition subsequent to the lending of money or extension of credit to be secured by real property. Defines proprietary business information of an insurer to mean information, regardless of form or characteristics, which is owned or controlled by an insurer, or a person or an affiliated person who seeks acquisition of controlling stock in a domestic stock insurer or controlling company, and which: (1) is intended to be and is treated by the insurer or the person as private in that the disclosure of the information would cause harm to the insurer, the person, or the company's business operations and that the information has not been disclosed unless disclosed pursuant to a statutory requirement, an order of a court or administrative body, or a private agreement that provides that the information will not be

released to the public and (2) is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as requested by the office. Exempts sales of insurance regulated under Articles 35 (Insurance Premium Financing), 57 (Regulation of Credit Insurance), and 58 (Life Insurance and Viatical Settlements) of GS Chapter 58 or under 12 USC Sections 4901-4910. Allows the Department of Insurance to investigate the affairs of any person to whom this statute applies to determine whether the person has committed a violation; if a violation is knowingly committed, the violator is subject to the same procedures and penalties as provided in Articles 3 (General Regulations for Insurance) and 63 (Unfair Trade Practices) of GS Chapter 58. Effective August 1, 2022.

Part XVII.

Amends GS 58-37-35 to require that the Commissioner of Insurance appoint one member of the Board of Governors of the North Carolina Motor Vehicle Reinsurance Facility who must be selected from two nominees submitted by the Alliance of Insurance Agents of North Carolina. Makes a conforming decrease by one in the number of members the Commissioner must appoint to the Board who are required to be fire and casualty insurance agents licensed in the state and actively engaged in writing motor vehicle insurance in the state.

Part XVIII.

Amends GS 58-45-71 by changing the date by which member companies of the North Carolina Insurance Underwriting Association must annually report to the Commissioner of Insurance on the amount of the homeowners' coverage written in the preceding calendar year by that member company in the beach and coastal areas from February 1 to April 1.

Part XIX.

Amends GS 58-2-25 by providing that if the Commissioner of Insurance considers it to be necessary for the Department of Commerce to properly execute its work to contract with persons for financial, legal, examination, and other services, the contracts are not subject to: (1) GS 114-2.3 (requiring every agency, institution, department, bureau, board, or commission of the State, authorized by law to retain private counsel, to obtain written permission from the Attorney General prior to employing private counsel); (2) GS 147-17 (setting out when counsel can be employed with the Governor's permission in cases wherein the State is interested); and (3) Articles 3 (Purchases and Contracts), 3C (Contracts to Obtain Consultant Services), and 8 (Public Contracts) of GS Chapter 143 and any rules and procedures adopted under those Articles concerning procurement, contracting, and contract review.

Part XX.

Amends the definition of the term member insurer under GS 58-62-16, as it applies to Article 62, Life and Health Insurance Guaranty Association, to include in the term any full-service corporation (was, any hospital or medical service corporation) governed by Article 65 of GS Chapter 58 and that is licensed or holds a license to transact in this state any kind of insurance or health maintenance organization business for which coverage is sought under GS 58-62-21 (coverage and limitations).

Part XXI.

Amends GS 169-8, by adding that nothing in GS Chapter 169 is to be construed as allowing the North Carolina Innovation Council or an applicable State agency to grant an innovation waiver that alters or amends: (1) Article 36 of GS Chapter 58 (North Carolina Rate Bureau), (2) Article 37 of GS Chapter 58 (North Carolina Motor Vehicle Reinsurance Facility), or (3) all financial and solvency requirements that apply to nonadmitted domestic surplus lines insurers.

Part XXII.

Amends GS 20-280.4, which sets out requirements for the primary automobile insurance that TNC drivers or transportation network companies must maintain, as follows. Amends the automobile insurance requirements that apply while a TNC driver is logged on to the transportation network company's online enabled application or platform but is not providing TNC services, to require combined uninsured and underinsured motorist coverage that complies with the specified requirements (removing the limits for combined uninsured and underinsured motorist bodily injury coverage that at least equals the bodily injury liability limits of the policy). Also amends the automobile insurance requirements that apply while a TNC driver is engaged in TNC Service, to require (1) primary automobile liability insurance in the amount of at least \$1 million (was, at least \$1.5 million) because of death of one or more persons, bodily injury to persons, injury to or destruction of property of others, or any combination thereof, in any one accident and (2) combined uninsured and underinsured motorist coverage that complies with

the specified requirements (removes the limits for combined uninsured and underinsured motorist bodily injury coverage of at least \$1 million). Effective October 1, 2022.

Part XXIII.

Authorizes the North Carolina Global TransPark Authority (Authority) to receive and administer grant funding from the National Telecommunications and Information Administration for the expansion of broadband infrastructure and access in Lenoir County. Allows the Department of Information Technology to assist in administering the grant funds if requested. Expires June 30, 2027.

Part XXIV.

Provides that if Senate Bill 372 becomes law, then GS 143-151.58(a) is further amended by requiring that an inspector performing a home inspection to give the person the report within three business days after the inspection was performed if the parties to the inspection did not agree on a report due date in a written agreement (removes the alternative of providing the person the report within ten business days after the inspection was performed if the report describes a deficiency as a violation of the State Residential Building Code). Effective October 1, 2022.

Part XXV.

Amends GS 143-151.57 to allow an individual applying for a license as a home inspector to take the required exam only once every 90 days (was, every 180 days).

Part XXVI.

Amends Sections 20.20 (concerning the required changes to the Residential Spaces Insulation Rule) and 20.10A (concerning the required changes to the Commercial Spaces Insulation Rule) of SL 2022-6 to require that supply and return air ducts located in ventilated or non-ventilated unconditioned attic spaces be insulated to a minimum R-6.0. Makes conforming changes. Applies retroactively to March 17, 2022.

Part XXVII.

Provides that if Senate Bill 372 becomes law, then GS 160D-706 is amended to correct the statutory cross-references to GS 160A-174(b).

Changes the act's titles.

Intro. by Johnson, Edwards, McInnis.

GS 20, GS 58, GS 115C, GS 115D, GS 143, GS 160D, GS 169

Business and Commerce, Insurance, Courts/Judiciary, Motor Vehicle, Development, Land Use and Housing, Building and Construction, Land Use, Planning and Zoning, Property and Housing, Education, Elementary and Secondary Education, Higher Education, Government, Public Safety and Emergency Management, State Agencies, UNC System, Department of Insurance, Department of Transportation, Local Government, Health and Human Services, Health, Health Insurance

[View summary](#)

S 768 (2021) [GSC TECHNICAL CORRECTIONS 2022/ADDITIONAL TC. \(NEW\)](#) Filed May 23 2022, *AN ACT TO UPDATE CROSS-REFERENCES THROUGHOUT THE GENERAL STATUTES TO CONFORM TO THE CONSOLIDATED CHAPTER ON LAND-USE LAWS, TO MAKE OTHER TECHNICAL CORRECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE AN ADDITIONAL TECHNICAL CORRECTION.*

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

Amends the heading given to Part I.

Repeals the proposed changes to the following statutes if the specified bill becomes law, which update the statutory cross-references related to land use law: GS 106-743.4 if Senate Bill 762 becomes law, GS 130A-291.1 if Senate Bill 762 becomes law, GS 143-139.4 if Senate Bill 372 becomes law, and GS 153A-471 if Senate Bill 762 becomes law.

Amends the heading given to Part II.

Adds a new Part III. as follows. Subject to Senate Bill 372 becoming law, amends GS 160D-706, as amended by SB 372, which states governing law in instances of conflict between zoning regulations and statute or local ordinance or regulation. Current law specifies that governing law is subject to GS 160A-174(b), which requires city ordinances to be consistent with the Constitution and laws of North Carolina and of the United States and enumerates six instances in which an ordinance is deemed inconsistent with the Constitution and laws of North Carolina and the United States. SB 372 replaced that clause, providing that governing law is subject to GS 160A-704(b), and no longer specifying that that statute only limits the authority of cities. Corrects the statutory reference to GS 160A-704(b) cited in Senate Bill 372 to restate the existing limitation cited in GS 160A-174(b), now providing that governing law is subject to GS 160A-174(b) and maintaining the Senate Bill 372 elimination of the statute's narrow limitation to the authority of cities only.

Changes the act's titles.

Intro. by Galey, Newton.

[UNCODIFIED, GS 1, GS 7A, GS 18B, GS 20, GS 40A, GS 42A, GS 44A, GS 47C, GS 47F, GS 62, GS 87, GS 106, GS 113, GS 115C, GS 122C, GS 126, GS 130A, GS 131D, GS 132, GS 139, GS 143, GS 153A, GS 159G, GS 160A, GS 160D, GS 162A](#)

[Courts/Judiciary, Civil, Civil Law, Court System, Development, Land Use and Housing, Building and Construction, Land Use, Planning and Zoning, Employment and Retirement, Environment, Aquaculture and Fisheries, Government, State Agencies, Department of Administration, Local Government, Health and Human Services, Health, Public Health, Immigration](#)

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LOCAL/HOUSE BILLS

H 1011 (2021) [GREENVILLE TRAFFIC INVESTIGATORS. \(NEW\)](#) Filed May 19 2022, *AN ACT AUTHORIZING THE CITY OF GREENVILLE TO EMPLOY TRAFFIC CRASH INVESTIGATORS FOR WRECKS INVOLVING ONLY PROPERTY DAMAGE.*

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

Modifies the requirements and limitations of City of Greenville Traffic Crash Investigators set forth in the act, now permitting vehicles issued to or used by the investigators to be equipped with amber lights only (previously, permitted red and amber lights).

Intro. by Farkas, Humphrey, Davis, Miller.

[Pitt](#)

[View summary](#)

[Transportation](#)

H 1057 (2021) [MITCHELL/HICKORY-CONOVER/BUNCOMBE OT CHANGES. \(NEW\)](#) Filed May 25 2022, *AN ACT TO MAKE ADMINISTRATIVE CHANGES TO THE MITCHELL COUNTY OCCUPANCY TAX; TO EXTEND THE TIME PERIOD FOR WHICH THE CITIES OF HICKORY AND CONOVER MAY USE TWO-THIRDS OF THEIR OCCUPANCY TAX PROCEEDS FOR CONVENTION CENTER EXPENDITURES; AND TO MODIFY THE USES OF THE BUNCOMBE COUNTY OCCUPANCY TAX.*

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

Deletes proposed subsection (a1) to Section 1, SL 1987-141, which authorized the Mitchell County Board of Commissioners to levy an additional room occupancy tax of up to 3%.

Adds the following new content.

Sections 2.1 and 2.2

Amends Sections 1 and 3 of SL 2009-169, which set parameters for the use of occupancy tax proceeds remitted by the Cities of Hickory and Conover to each city's respective tourism development authority (TDA). Extends the date through which each TDA is authorized to use two-thirds of the funds remitted for the purpose of improving, leasing, constructing, financing, operating or acquiring facilities and properties needed to provide for a convention center facility, from December 31, 2029, to December 31, 2039. Makes conforming changes.

Section 3.1

Effective July 1, 2022, amends SL 1983-908, as amended, which authorizes Buncombe County (County) to levy an occupancy tax, with remittance to the Tourism Development Authority (TDA) in the County. Defines net proceeds to mean the gross proceeds less the cost to the county of administering and collecting the tax, not to exceed 5% of the gross proceeds collected each year (previously, did not include the limitation). Eliminates authority for the TDA to use up to 10% of the funds distributed to it for administrative expenses.

Changes the authorized expenditures of funds remitted to the TDA to now provide for the following. Allows for two-thirds (was three-fourths) to be used only to further the development, travel, tourism, meetings and events in the county through marketing, advertising, sales, and promotion, and (2) the administrative expenses of the TDA, not to exceed 20% of the net proceeds for the applicable fiscal year, including salaries, benefits, operations, and facilities (previously, authorized the TDA to use up to 10% of the funds distributed to it for administrative expenses); and the remainder to be split evenly between the Tourism Product Development Fund, to increase (was, significantly increase) patronage of lodging facilities, and the Legacy Investment From Tourism Fund, to increase patronage of lodging facilities, meeting facilities, and convention facilities, and to benefit the community at large (previously, the remainder was distributed to the Tourism Product Development Fund only).

Regarding administration of funds from the Tourism Product Development Fund (Product Fund), includes applicants for capital maintenance projects and bars using proceeds for operational expenses. Requires approval of three-fourths of the TDA for the Product Development Committee to award funds as grants or guarantee loans and participate in debts of serve for projects. Prohibits such loans from exceeding the amount committed to the Product Fund for the project. Prohibits committing to debt service a portion of the net funds in excess of 33% of the average net funds received over a rolling three year average for a period of time in excess of 15 years for any one project, replacing the previous commitment limitations. Prohibits the TDA from being the sole funding source for any debt service. Requires the majority of the Product Development Committee to be comprised of owners and operators of hotels, motels, or bed and breakfasts (was, and other taxable tourist accommodations).

Details administration of funds in the Legacy Investment From Tourism Fund (Legacy Fund). Requires the TDA to create the Legacy Investment From Tourism Committee to review and evaluate proposals from applicants for tourism-related projects, and make recommendations to the TDA regarding the use and disposition of the Legacy Fund's funds. Bars for-profit entities from receiving funds or loans from the Legacy Fund, and bars use of funds for operational expenses. Allows for projects to receive grants or loans and pledges upon recommendation of the Committee and approval of three-fourths of the TDA. Prohibits such loans from exceeding the amount committed to the Legacy Fund for the project. Requires projects to be located in the County unless given specific approval by the Board of County Commissioners. Prohibits committing to debt service a portion of the net funds in excess of 33% of the average net funds received over a rolling three year average for a period of time in excess of 15 years for any one project. Prohibits the TDA from being the sole funding source for any debt service. Includes requirements for applicants and proposed projects. Details use of the Legacy Fund's funds which mirror that of the Tourism Product Development Fund. Requires the majority of the Legacy Investment From Tourism Committee to be comprised of owners and operators of hotels, motels, or bed and breakfasts.

Changes appointment of the Asheville City Council member to the TDA to require appointment by the City Council rather than the Board of County Commissioners. Changes the qualifications of TDA members to exclude from membership eligibility vacation rental management companies with more than 100 rental units from those members appointed under Section 22(3). Replaces the qualifications and appointment of the three individuals actively involved in the tourist business who have participated in tourism promotion appointed under Section 22(4) to now require one vacation rental owner or vacation rental

management company appointed by the Board; one executive from a ticketed tourist attraction appointed by the Asheville Area Chamber of Commerce; and one restaurant owner, owner of a brewery, distillery, or winery open for tours or tastings, or executive director of a ticketed arts organization appointed by the City Council. Makes technical and clarifying changes.

Eliminates outdated language. Enacts definitions for vacation rental management company, vacation rental management company owner, and vacation rental owner.

Provides for current TDA members to serve their remaining appointed terms.

Changes the act's titles.

Intro. by Greene.

Buncombe, Burke, Caldwell, Catawba, Mitchell, GS 153A

[View summary](#)

Government, Tax

LOCAL/SENATE BILLS

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 amendment to the 3rd edition makes the following changes.

Revises the annexations excluded from the act to now exclude annexations of property to be used for single-family residential or multi-family residential purposes (was, annexations of property used for single-family residential or multi-family residential purposes).

Intro. by Jarvis.

UNCODIFIED, Davidson

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 103: AUTOMATIC RENEWAL OF CONTRACTS.

Senate: Conf Com Reported

Senate: Conf Held As Material

Senate: Placed On Cal For 06/30/2022

House: Conf Com Reported

House: Ruled Material

House: Re-ref to the Com on Finance, if favorable, Appropriations, if favorable, Pensions and Retirement

H 198: FOREST SERVICE CHANGES.

Senate: Withdrawn From Com

Senate: Re-ref to Agriculture, Energy, and Environment. If fav, re-ref to Rules and Operations of the Senate

H 211: SOCIAL DISTRICT/Common Area Clarifications. (NEW)

Senate: Reptd Fav

H 219: AMEND ENVIRONMENTAL LAWS. (NEW)

Senate: Conf Com Reported

Senate: Placed On Cal For 06/29/2022

House: Conf Com Reported

House: Added to Calendar

House: Conf Report Adopted

H 327: VARIOUS ADMINISTRATIVE LAW CHANGES. (NEW)

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/29/2022

H 332: HISTORIC SITES-PROPERTY SALE REVENUE.

House: Withdrawn From Com

House: Added to Calendar

House: Concurred In S Com Sub

House: Ordered Enrolled

H 533: COUNTY WASTE MANAGEMENT ASSISTANCE.

House: Reptd Fav

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

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

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: Ref To Com On Rules and Operations of the Senate

H 560: PUBLIC SAFETY REFORM.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/29/2022

H 607: VARIOUS COURT CHANGES. (NEW)

Senate: Conf Com Reported

Senate: Placed On Cal For 06/29/2022

House: Conf Com Reported

House: Added to Calendar

House: Conf Report Adopted

H 768: 2022 ABC OMNIBUS. (NEW)

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Ref To Com On Rules, Calendar, and Operations of the House

H 791: LICENSED COUNSELORS INTERSTATE COMPACT.

Senate: Withdrawn From Com

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

H 823: CHILD ADVOCACY CENTERS/SHARE INFORMATION.

Senate: Withdrawn From Com

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

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

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/29/2022

H 1020: CONFIRM REGINA ADAMS/BD OF REVIEW.

Senate: Reptd Fav

H 1021: CONFIRM MYRA GRIFFIN/INDUSTRIAL COMMISSION.

Senate: Reptd Fav

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

House: Pres. To Gov. 6/28/2022

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

House: Pres. To Gov. 6/28/2022

S 101: REQUIRE COOPERATION WITH ICE 2.0.

House: Reptd Fav Com Substitute

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

S 265: BOND INFO TRANSPARENCY/LGC TOOLKIT II. (NEW)

House: Reptd Fav Com Sub 2

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: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received For Concurrence in H Com Sub

Senate: Ref To Com On Rules and Operations of the Senate

S 388: QUALIFYING FARMER ZOO SALES TAX EXEMPTION. (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: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received For Concurrence in H Com Sub

Senate: Placed On Cal For 06/29/2022

S 408: RURAL HEALTHCARE ACCESS & SAVINGS PLAN ACT. (NEW)

House: Reptd Fav Com Substitute

House: Ruled Material

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Withdrawn From Cal
 House: Re-ref Com On Rules, Calendar, and Operations of the House
 House: Reptd Fav Com Sub 2
 House: Cal Pursuant Rule 36(b)
 House: Added to Calendar
 House: Passed 2nd Reading
 House: Passed 3rd Reading
 House: Special Message Sent To Senate

S 410: OPEN MEETINGS/VARIOUS BOARD ADJ. (NEW)

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

S 496: DOI OMNIBUS BILL. (NEW)

Senate: Conf Com Reported
 Senate: Placed On Cal For 06/29/2022
 House: Conf Com Reported
 House: Added to Calendar
 House: Withdrawn From Cal
 House: Placed On Cal For 06/29/2022

S 760: CONFIRM EDDIE BUFFALOE/SECRETARY OF DPS.

Senate: Reptd Fav

S 761: CONFIRM KODY KINSLEY/SECRETARY OF DHHS.

Senate: Reptd Fav

S 762: NORTH CAROLINA FARM ACT OF 2022.

House: Withdrawn From Com
 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 Failed A2
 House: Passed 2nd Reading
 House: Passed 3rd Reading
 House: Special Message Sent To Senate
 Senate: Special Message Received For Concurrence in H Com Sub
 Senate: Placed On Cal For 06/29/2022

S 766: ORGANIZED RETAIL THEFT.

Senate: Concurred In H Com Sub
 Senate: Ordered Enrolled

S 768: GSC TECHNICAL CORRECTIONS 2022/ADDITIONAL TC. (NEW)

House: Reptd Fav Com Substitute
 House: Cal Pursuant Rule 36(b)
 House: Placed On Cal For 06/29/2022

LOCAL BILLS

H 995: GREENSBORO DEANNEX/WELDON CITY BD OF ED PAY. (NEW)

Senate: Passed 2nd Reading

H 1004: TROUTMAN CHARTER REVISED & CONSOLIDATED.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1011: GREENVILLE TRAFFIC INVESTIGATORS. (NEW)

House: Reptd Fav Com Sub 3

House: Cal Pursuant Rule 36(b)

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

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

H 1026: NORTH WILKESBORO DEANNEXATION.

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

H 1035: HOLDEN BEACH/ON-STREET PARKING METER PROCEEDS.

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: Passed 2nd Reading

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

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

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

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1057: MITCHELL/HICKORY-CONOVER/BUNCOMBE OT CHANGES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Ref To Com On Rules, Calendar, and Operations of the House

H 1061: CURRITUCK COUNTY GAME COMMISSION/LICENSING.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

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

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

H 1096: SURF CITY DEANNEXATION.

Senate: Passed 2nd Reading

S 754: NASHVILLE/REVISED & CONSOLIDATED CHARTER.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received From Senate

House: Passed 1st Reading

House: Ref to the Com on Local Government, if favorable, Rules, Calendar, and Operations of the House

S 773: GOLDSTON SATELLITE ANNEXATIONS.

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: Passed 2nd Reading

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