



The Daily Bulletin: 2023-01-30

PUBLIC/HOUSE BILLS

H 28 (2023-2024) [NC MANAGING ENVIRONMENTAL WASTE ACT OF 2023](#). Filed Jan 30 2023, *AN ACT TO REDUCE AND BETTER MANAGE THE DISPOSAL OF SINGLE-USE WASTE*.

Section 1

Amends GS 105-187.63 concerning the quarterly distribution of proceeds collected of the solid waste disposal tax. Adds a new credit or distribution of 5% to cities and counties that provide plastics recycling services within their jurisdictions on a per capita basis, with one-half of the amount distributed to eligible cities and one-half of the amount distributed to eligible counties (makes a conforming reduction in the amount that was to be distributed to the General Fund). Excludes the city populations from the county population for purposes of the distribution. Requires the Department of Environmental Quality (DEQ) to annually provide the Secretary of Revenue (Secretary) with a list of eligible cities and counties by May 15, applicable to distributions made in the fiscal year that begins on July 1 of that year. Restricts use of funds distributed under the new provision to plastics recycling and food service ware waste reduction programs and services. Specifically authorizes use of distributed funds for the procurement of alternatives to food service ware to be used by the city or county. Defines food service ware as noncompostable products used by a food provider designed for one-time use for serving or transporting prepared, ready-to-consume food or beverages and incorporates that definition into sections 3 and 4, discussed below. Effective July 1, 2024.

Section 2

Amends GS 143-58.2 to refer to the Division of Environmental Assistance and Customer Service (Division) of DEQ, rather than the Division of Environmental Assistance and Outreach. Adds a new annual reporting requirement for all State departments, institutions, agencies, community colleges, and local administrative units which have authority to purchase materials and supplies to require each entity to report to the Division on or before October 1 the amounts and types of materials and supplies with recycled content that were purchased during the previous fiscal year and its progress toward reaching goals under GS 143-58.3. Amends GS 130A-309.14 to require State departments, institutions, agencies, community colleges, and local school administrative units to report annually to the Division on the amounts and types of materials collected for recycling. Amends GS 130A-309.06 to expand upon the requirements of the report from DEQ to the ERC to: (1) now require that the report also be submitted to the Joint Legislative Commission on Governmental Operations; (2) require that the report include a summary of reports from State departments, institutions, agencies, community colleges, and local school administrative units authorized to purchase materials and supplies on the amounts and types of materials and supplies with recycled content that were purchased during the previous fiscal year and the progress toward reaching the named statutory goals; (3) require that the report include a summary of the reports from those same entities on the amounts and types of materials collected for recycling during the previous fiscal year.

Section 3

Directs the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources to study the issue of food service ware by examining 10 specific matters, including the environmental impacts of plastics pollution, pending and enacted legislation in other states to regulate food service ware, and alternatives to use of food service ware for serving or transporting food and beverages. Requires the Committee to consult with stakeholders, including State departments, representatives of the environmental community, the NC Retail Merchants Association, and the NC Beverage Association. Requires the Committee to report to the 2024 Session of the 2023 General Assembly upon its convening.

Section 4

Directs the Legislative Services Officer to evaluate opportunities to reduce the use of food service ware in food establishments operated by the General Assembly and implement the measure at the earliest date that does not result in disposal prior to use of

food service ware already procured on the date the act becomes law and does not impair contracts for purchase of food service ware in effect on the date the act becomes law. Directs the Legislative Services Officer to submit a preliminary report to the Commission by September 1, 2023, and a final report by March 1, 2024.

Directs the Division of Services for the Blind, in the Department of Health and Human Services, to implement a pilot program to eliminate the sale or provision of food or beverages for consumption on or off the premises, in or with food service ware at State agencies or political subdivision agencies that use State funds. Requires the Division to identify five food establishments operated by State agencies in implementing the pilot within the same timeline parameters as those given for the Legislative Services Officer. Directs the Division to submit a preliminary report to the Commission by September 1, 2023, and a final report by March 1, 2024.

Intro. by Warren.

[STUDY, GS 105, GS 130A, GS 143](#)

[View summary](#)

Education, Elementary and Secondary Education, Higher Education, Environment, Environment/Natural Resources, Government, General Assembly, State Agencies, Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Tax, Local Government

H 29 (2023-2024) [SUPPORT PRIVATE PROPERTY RIGHTS](#). Filed Jan 30 2023, *AN ACT TO CLARIFY THAT THE INCLUSION OF REAL PROPERTY ON A COMPREHENSIVE TRANSPORTATION PLAN IS NOT A REQUIRED DISCLOSURE OR A MATERIAL FACT FOR THE PURPOSES OF DISCLOSURE FOR REAL ESTATE TRANSACTIONS.*

Enacts GS 39-51 to specify that the mere fact that real property, or any portion of that real property, is included in a comprehensive transportation plan that is not financially constrained (as defined) adopted pursuant to the specified State and federal provisions, must not, standing alone, be deemed material. Specifies that this applies to (1) offering real property for conveyance, lease, or exchange; and (2) any other real estate transaction, including those specified. Prohibits any party or their agent to the conveyance, lease, exchange, or transaction from knowingly making a false statement regarding the property's inclusion on any transportation plan.

Amends GS 47E-4 to deem the inclusion of real property in a comprehensive transportation plan that is not financially constrained adopted pursuant to specified State or federal law regarding transportation planning not a required disclosure in real estate contracts. Prohibits parties or their agents in real estate contracts governed by GS Chapter 47E from knowingly making a false statement regarding a property's inclusion in any transportation plan.

Applies to claims for relief filed on or after October 1, 2023.

Intro. by Hastings, Bradford, Saine, Paré.

[GS 39, GS 47E](#)

[View summary](#)

Development, Land Use and Housing, Property and Housing, Transportation

H 32 (2023-2024) [SERVICE CUSTOMER EQUAL VALUE TIME ACT](#). Filed Jan 30 2023, *AN ACT REQUIRING THAT IF A SERVICE COMPANY CHARGES ITS CUSTOMERS FOR MISSING SCHEDULED SERVICE APPOINTMENTS, THE SERVICE COMPANY SHALL PAY TO CUSTOMERS THE SAME AMOUNT IF IT FAILS TO DELIVER SERVICE TO A CUSTOMER AT A SCHEDULED SERVICE APPOINTMENT TIME.*

Enacts new GS 66-375, requiring service companies that charge their customers for missing scheduled service appointments to provide customers with confirmation of scheduled appointments and to pay customers the same amount if the company fails to deliver service to a customer at a scheduled service appointment time. Defines confirmation to be notice documented in writing or provided by electronic, telephonic, or other means. Makes a violation of this provision an unfair or deceptive act or

practice under GS 75-1.1. Defines a service company as any company that provides services to its customers, rather than products, regardless of whether or not the services are provided under service agreements.

Intro. by Kidwell, Moss, Adams, Setzer.

[GS 66](#)

[View summary](#)

[Business and Commerce, Consumer Protection](#)

H 33 (2023-2024) [UI/EMPLOYER & CLAIMANT SERVICE REQUIREMENTS](#). Filed Jan 30 2023, *AN ACT PROVIDING THAT AN UNEMPLOYMENT INSURANCE CLAIM OR EMPLOYER ACCOUNT MAY BE CREATED IN PERSON, FORM 1099-G WILL BE PROVIDED VIA UNITED STATES MAIL, AND ONLINE FACIAL RECOGNITION WILL NOT BE REQUIRED TO MAKE A CLAIM OR CREATE AN ACCOUNT.*

Effective September 1, 2023, enacts GS 96-15.4 to require the Division of Employment Security's (Division) rules and procedures for claims and benefits to permit claimants and employers to file a claim or create an employer account during an in-person appointment and interview with valid identification, and to receive Form 1099-G by US mail only. Bars the Division from requiring a person to use online facial recognition to make a claim or create an employer account.

Intro. by Kidwell, Adams, Moss, Setzer.

[GS 96](#)

[View summary](#)

[Business and Commerce, Employment and Retirement, Government, State Agencies, Department of Commerce](#)

H 34 (2023-2024) [PROTECT THOSE WHO SERVE AND PROTECT ACT](#). Filed Jan 30 2023, *AN ACT TO INCREASE THE PUNISHMENT FOR DISCHARGING OR ATTEMPTING TO DISCHARGE A FIREARM AT OR INTO AN UNOCCUPIED EMERGENCY VEHICLE AND TO INCREASE THE PUNISHMENT FOR POINTING A LASER DEVICE AT A LAW ENFORCEMENT OFFICER OR OTHER EMERGENCY PERSONNEL WHEN THE PERSON OR ANIMAL IS IN THE PERFORMANCE OF HIS OR HER DUTIES.*

Enacts GS 14-34.1A, making it a Class H felony to willfully or wantonly discharge or attempt to discharge any firearm or barreled weapon capable of discharging shot, bullets, pellets, or other missiles at a muzzle velocity of at least 600 feet per second at or into any unoccupied emergency vehicle. Defines emergency vehicle to include a vehicle of law enforcement and fire departments, ambulances, rescue squads, the National Guard, the US Armed Forces, or the Division of Adult Corrections and Juvenile Justice of the Department of Public Safety.

Amends GS 14-34.8, making it a Class I felony to intentionally point a laser at any of the specified categories of persons while that person is in the performance of his or her duties. Persons specified include law enforcement officers; probation officers; parole officers; certain detention facility, youth development center, or correctional institution employees; firefighters; emergency medical technicians/providers; National Guard members; US Armed Forces members; and certain court counselors (previously, intentionally pointing a laser at a law enforcement officer was an infraction; other specified persons were not included in the statute, and the precondition that the persons be in the performance of his or her duty was not included). Additionally, makes it a Class A1 misdemeanor to intentionally point a laser at a law enforcement agency animal or a search and rescue animal while the animal is in the performance of its duty. Makes conforming changes.

Applies to offenses committed on or after December 1, 2023.

Intro. by Hastings, Saine, Carson Smith, Pyrtle.

[GS 14](#)

[View summary](#)

[Animals, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, Health and Human Services, Health, Health Care Facilities and Providers, Military and Veteran's Affairs](#)

H 35 (2023-2024) [EXPAND DEFINITION OF OPIOID ANTAGONIST](#). Filed Jan 30 2023, *AN ACT EXPANDING THE STATE'S DEFINITION OF OPIOID ANTAGONIST TO INCLUDE ALL OPIOID ANTAGONISTS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE; AND TO ALLOW THE USE OF ALL SUCH FEDERAL FOOD AND DRUG-APPROVED OPIOID ANTAGONISTS IN NEEDLE AND HYPODERMIC SYRINGE EXCHANGE PROGRAMS.*

As title indicates, amends GS 90-12.7(a) to change the definition of *opioid antagonist* from naloxone hydrochloride that is approved by the FDA for treatment of a drug overdoses to an opioid antagonist that is approved by the FDA for treatment of a drug overdose. Makes conforming changes to GS 90-113.27 by requiring that needle and hypodermic syringe exchange programs offer access to opioid antagonist (was, naloxone) kits that contain an opioid antagonist approved by FDA for the treatment of a drug overdose, or referrals to programs providing access to an opioid antagonist that is approved by the FDA for the treatment of a drug overdose. Makes additional conforming changes.

Intro. by Sasser, Potts, Lambeth, Paré.

GS 90

[View summary](#)

Health and Human Services, Health, Public Health

H 36 (2023-2024) [FIREARMS TRAINING/PROBATION & PAROLE OFFICERS](#). Filed Jan 30 2023, *AN ACT TO PROVIDE THAT A QUALIFIED PROBATION OR PAROLE CERTIFIED OFFICER IS DEEMED TO HAVE SATISFIED THE APPROVED FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT.*

Adds new defined term, *qualified probation or parole certified officer*, (a state probation or parole certified officer authorized by the Division of Community Supervision and Reentry of the Department of Adult Correction (Department) to carry a handgun in the course of duty who is not the subject of a disciplinary action by the Department and who meets the Department's requirements regarding handguns) to GS 14-415.10's list of definitions. Amends GS 14-415.12A(a) to allow for those who meet the new definition of a qualified probation or parole certified officer to have been deemed to have satisfied the statutory requirement that an applicant for a concealed handgun permit successfully complete an approved firearms safety and training course. Makes conforming changes to GS 14-415.10. Applies to permit applications submitted after the act becomes law.

Intro. by Lowery, Ward, Crutchfield.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure, Government, State Agencies, Department of Adult Correction

H 37 (2023-2024) [EXPAND DISABLED VETERAN PROPERTY TAX EXCL.](#) Filed Jan 30 2023, *AN ACT TO EXPAND THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION BY EXCLUDING FROM TAXATION THE ENTIRE APPRAISED VALUE OF THE PRIMARY RESIDENCE AND TO REIMBURSE LOCAL GOVERNMENTS FOR THEIR RESULTING REVENUE LOSS.*

Amends GS 105-277.1C, which provides for a property tax homestead exclusion for disabled veterans, set at the first \$45,000 of appraised value of the residence. Revises the exclusion to provide for a total exemption of the appraised value of the residence. Adds the following new provisions. Requires county tax collectors to annually notify the Secretary of Revenue (Secretary) of the county's total hold harmless amount, defined as the sum of the hold harmless amount (the appraised value of property excluded multiplied by the applicable local tax rate) for all property excluded from taxation in the county and the hold harmless amount of all property excluded from taxation in cities located in the county. Directs the Secretary to annually distribute each county's total hold harmless amount on or before December 31. Failure to do so bars reimbursement. Requires counties to distribute funds received attributable to its cities or other unit of government or special district for which it collected taxes. Requires the Secretary to draw on individual income tax collections under Part 2, Article 4 to pay for the reimbursement and administrative costs.

Effective for taxable years beginning on or after July 1, 2024.

Intro. by Everitt, John, Crawford.

GS 105

[View summary](#)

**Development, Land Use and Housing, Property and Housing,
Government, State Agencies, Department of Revenue, Tax,
Military and Veteran's Affairs**

PUBLIC/SENATE BILLS

S 40 (2023-2024) [PISTOL PURCHASE PERMIT REPEAL](#). Filed Jan 30 2023, *AN ACT TO REPEAL PISTOL PURCHASE PERMITS*.

Repeals the following statutes concerning pistol permits: GS 14-402 (forbidding sale of pistols without permit), GS 14-403 (concerning issuance of a permit to purchase a pistol), GS 14-404 (concerning permit denials) and GS 14-405 (concerning confidentiality and record keeping requirements). Repeals GS 14-407.1 (concerning permits for the purchase of blank cartridge pistols). Repeals GS 14-315(b1)(1) (setting out the defense for selling a weapon to a minor that the minor produced a permit under now repealed GS 14-402). Repeals GS 122C-54(d2) (giving a sheriff access to a record of involuntary commitment for mental health treatment or for substance abuse treatment that is required to be reported to the National Instant Criminal Background Check System (NICS) by GS 14-409.43, for the purposes of conducting background checks under now repealed GS 14-404).

Provides that prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Intro. by Britt, Daniel, Perry.

GS 14, GS 122C

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and
Procedure**

S 41 (2023-2024) [PROTECT RELIGIOUS MEETING PLACES](#). Filed Jan 30 2023, *AN ACT TO ENACT THE RELIGIOUS ASSEMBLY SECURITY AND PROTECTION ACT OF 2023 AND TO AUTHORIZE CONCEALED CARRY FOR CERTAIN LAW ENFORCEMENT FACILITY EMPLOYEES*.

Names the act the "Religious Assembly Security and Protection Act of 2023." Amends GS 14-269.2 (setting forth those circumstances when weapons on campus or other educational property is a crime) by adding new defined term, *School operating hours*, to mean any time when the premises are used for curricular, extracurricular, educational, instructional, or school-sponsored activities or when the premises are being used for programs for minors by entities not affiliated with the religious institution. Adds a new subsection providing that the statute does not apply to a person with a valid concealed handgun permit, or a person who is exempt from obtaining a permit, if: (1) the person possesses and carries a handgun on educational property other than an institution of higher education or a nonpublic, postsecondary educational institution; (2) the educational property is the location of both a school and a building that is a place of religious worship; (3) the weapon is a handgun; (4) the handgun is only possessed and carried on educational property outside of the school operating hours; and (5) the person or persons in legal possession or control of the premises have not posted a conspicuous notice prohibiting the carrying of a concealed handgun on the premises. Specifies for these purposes, property owned by a local board of education or county commission must not be construed as a building that is a place of religious worship. Makes conforming changes to GS 14-415.11. Effective December 1, 2023.

Amends GS 14-415.27 to allow a person with a concealed handgun permit to carry a concealed handgun in a law enforcement or correctional facility if the person is employed by a law enforcement agency and who (1) is not a law enforcement officer sworn and certified pursuant to Article 1 of GS Chapter 17C or GS Chapter 17E, (2) has been designated in writing by the head of the law enforcement agency in charge of the facility, (3) has in the person's possession written proof of the designation, and

(4) has not had the designation rescinded. Allows for the written designation to be rescinded by the head of the law enforcement agency in charge of the law enforcement facility. Applies to offenses committed on or after July 1, 2023.

Intro. by Britt, Daniel, Perry.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Government, Public Safety and Emergency Management

LOCAL/HOUSE BILLS

H 30 (2023-2024) [REDUCE LENGTH OF GRANVILLE BD. OF ED. TERMS](#). Filed Jan 30 2023, *AN ACT TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS FOR THE MEMBERS OF THE GRANVILLE COUNTY BOARD OF EDUCATION*.

Includes whereas clauses. Amends Section 1 of SL 1989-292 to require that members of the Granville County Board of Education serve four-year terms instead of six-year terms. Applies beginning with the 2024 elections. Makes conforming changes in Section 8 to the timing of the elections for the staggered terms.

Intro. by Winslow, Sossamon.

UNCODIFIED, Granville

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Education, Government, Elections

H 31 (2023-2024) [ROWAN-SALISBURY BOARD OF EDUC. FILING PERIOD](#). Filed Jan 30 2023, *AN ACT TO CHANGE THE FILING PERIOD FOR THE ROWAN-SALISBURY BOARD OF EDUCATION*.

Amends Section C of Article V of "A Plan for Merger of the Rowan County School and the Salisbury City Schools," as amended by Section 2 of SL 1987-890 to change the candidate filing period to run for the Rowan-Salisbury Board of Education. Requires candidates to now file a notice of candidacy starting no earlier than 12:00 noon on the third Friday in July (was, the sixteenth Friday) and ending by not later than 12:00 noon on the third Friday in July before the general election (was, the twelfth Friday). Changes the contents of a notice of candidacy to now conform to the requirements of Article 24 (Conduct of Municipal Elections) of GS Chapter 163 instead of requiring the statement to also include the candidate's address and place of residence. Makes additional clarifying and technical changes. Applies only to elections held after the act becomes law.

Intro. by Warren.

UNCODIFIED, Rowan

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Education, Government, Elections

LOCAL/SENATE BILLS

S 37 (2023-2024) [4TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Jan 30 2023, *AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by B. Newton.

Greene, Wayne, Wilson

[View summary](#)

S 38 (2023-2024) [7TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Jan 30 2023, *AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Lee.

[New Hanover](#)

[View summary](#)

S39 (2023-2024) [6TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Jan 30 2023, *AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Lazzara.

[Onslow](#)

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ACTIONS ON BILLS

PUBLIC BILLS

H 19: CODIFY ROE AND CASEY PROTECTIONS.

House: Passed 1st Reading

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

H 20: CASH COMMITMENT ACT.

House: Passed 1st Reading

House: Ref to the Com on Banking, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

H 21: ENERGY SECURITY ACT OF 2023.

House: Passed 1st Reading

House: Ref to the Com on Energy and Public Utilities, if favorable, Disaster Recovery and Homeland Security, if favorable, Rules, Calendar, and Operations of the House

H 22: CONCEALED GUN PERMIT/DISHONORABLE DISCHARGE.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

H 23: GOORU CONTRACT.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

House: Serial Referral To Appropriations Stricken

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Serial Referral To Rules, Calendar, and Operations of the House Added

H 24: REVIEW OF FEDERAL ACTS/RULES/REGULATIONS.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 2, if favorable, Federal Relations and American Indian Affairs, if favorable, State Government, if favorable, Rules, Calendar, and Operations of the House

H 25: VOLUNTEER RESCUE WORKER TAX CREDIT.

House: Passed 1st Reading

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

H 26: EDUCATION OMNIBUS.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

House: Serial Referral To Appropriations Stricken

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Serial Referral To Rules, Calendar, and Operations of the House Added

H 28: NC MANAGING ENVIRONMENTAL WASTE ACT OF 2023.

House: Filed

H 29: SUPPORT PRIVATE PROPERTY RIGHTS.

House: Filed

H 32: SERVICE CUSTOMER EQUAL VALUE TIME ACT.

House: Filed

H 33: UI/EMPLOYER & CLAIMANT SERVICE REQUIREMENTS.

House: Filed

H 34: PROTECT THOSE WHO SERVE AND PROTECT ACT.

House: Filed

H 35: EXPAND DEFINITION OF OPIOID ANTAGONIST.

House: Filed

H 36: FIREARMS TRAINING/PROBATION & AMP PAROLE OFFICERS.

House: Filed

H 37: EXPAND DISABLED VETERAN PROPERTY TAX EXCL.

House: Filed

S 40: PISTOL PURCHASE PERMIT REPEAL.

Senate: Filed

S 41: PROTECT RELIGIOUS MEETING PLACES.

Senate: Filed

LOCAL BILLS

H 30: REDUCE LENGTH OF GRANVILLE BD. OF ED. TERMS.

House: Filed

H 31: ROWAN-SALISBURY BOARD OF EDUC. FILING PERIOD.

House: Filed

S 35: 34TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 36: 21ST SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 37: 4TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 38: 7TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 39: 6TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

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