



The Daily Bulletin: 2023-02-08

PUBLIC/HOUSE BILLS

H 36 (2023-2024) [FIREARMS TRAINING/PROBATION & AMP 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.*

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

Amends GS 17C-6 by making conforming changes that update the statutory cross-reference to the definition of *qualified retired law enforcement officers*.

Intro. by Lowery, Ward, Crutchfield.

[GS 14, GS 17C](#)

[View summary](#)

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

H 40 (2023-2024) [PREVENT RIOTING AND CIVIL DISORDER](#). Filed Feb 1 2023, *AN ACT TO INCREASE THE PENALTIES FOR RIOTING OR INCITING RIOTING THAT CAUSES DAMAGE TO PROPERTY, SERIOUS BODILY INJURY, OR DEATH AND ASSAULTING EMERGENCY PERSONNEL DURING A RIOT OR STATE OF EMERGENCY; TO ALLOW RECOVERY OF TREBLE DAMAGES FOR PROPERTY DAMAGE OR PERSONAL INJURY CAUSED BY RIOTING OR LOOTING; AND TO REQUIRE PRETRIAL RELEASE CONDITIONS FOR RIOTING AND LOOTING OFFENSES TO BE DETERMINED BY A JUDGE; AND TO DIRECT THE DEPARTMENT OF JUSTICE TO DEVELOP MODEL LAW ENFORCEMENT AGENCY PROTEST RESPONSE AND ENGAGEMENT POLICIES.*

House amendments to the 1st edition make the following changes.

Amendment #1 makes the following changes. Amends proposed GS 14-288.2(c1) by making it a Class F felony for a person to willfully engage in a riot if in the course of the riot the person causes property damage in excess of \$2,500 (was, \$1,500) or serious bodily injury. Makes a similar change to (e) of the statute to also increase the amount of property damage caused by a person willfully inciting or urging another to engage in a riot, punishable as a Class E felony, to in excess of \$2,5000 (was, in excess of \$1,500). Amends proposed GS 15A-534.8, concerning bail and pretrial release for rioting or looting, to lower the amount of time a defendant may be retained in custody to no more than 24 hours (was, no more than 48 hours) from the time of arrest without a determination being made by a judge as to the conditions of pretrial release. Makes conforming changes.

Amendment #2 makes the following changes to GS 14-288.9, concerning assault on emergency personnel. Creates a Class E felony for committing an assault upon emergency personnel causing serious bodily injury to the emergency personnel. Creates a Class D felony for committing an assault upon emergency personnel causing death to the emergency personnel. Makes organizational changes to the statute.

Amendment #4 requires the Department of Justice (DOJ) to consult with the Department of Public Safety, the North Carolina Criminal Justice Education and Training Standards Commission, and the North Carolina Sheriffs' Education and Training Standards Commission, in developing model law enforcement agency protest response and engagement policies. Requires DOJ to report on the policies to the specified NCGA committee by March 1, 2024. Makes conforming changes to the act's long title.

Amendment #8 adds that nothing in this act is to be construed as intended to prevent or prohibit an individual's right to his or her exercise of free speech or the right to peaceable assembly.

Intro. by Moore, Sauls, Miller, Willingham.**GS 14, GS 15A**[View summary](#)**Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Justice, Department of Public Safety**

H 68 (2023-2024) [REENACT NONPARTISAN JUDICIAL ELECTIONS/FUND](#). Filed Feb 8 2023, *AN ACT TO REENACT NONPARTISAN JUDICIAL ELECTIONS, TO MAKE CONFORMING STATUTORY CHANGES RELATING TO REENACTMENT OF NONPARTISAN JUDICIAL ELECTIONS, AND TO REESTABLISH PUBLIC FINANCING FOR JUDICIAL CAMPAIGNS.*

Part I.

Adds new Subchapter XI, Election of Appellate, Superior, and District Court Judges, consisting of Article 26, Nomination and Election of Appellate, Superior, and District Court Judges, in GS Chapter 163, providing as follows.

Requires that justices of the Supreme Court, judges of the Court of Appeals, and superior and district court judges be elected using the nonpartisan primary election method. Requires that there be a primary to narrow the field of candidates to two candidates for each position to be filled if, when the filing period closes, there are more than two candidates for a single office or the number of candidates for a group of offices exceeds twice the number of positions to be filled. Sets out provisions for declaring candidates as nominated when these thresholds for primaries are not met. Sets out the process for declaring nominees and for determining election winners, including breaking a tie. Includes the required format of the notice of candidacy form as well as requirements for signing the form. Requires judicial candidates to file notice of candidacy between noon on the first Monday in December and noon on the third Friday in December preceding the election. Allows the notice of candidacy to be withdrawn by the specified dates. Requires filing, along with the notice of candidacy a certification that the person is registered to vote in a particular county. Prohibits filing a notice of candidacy for more than one judicial office. Requires a candidate, when there are two or more vacancies for Supreme Court, Court of Appeals, or district court, to file a written statement designating the vacancy to which the candidate seeks election; requires the same of a person seeking election for a specialized district judgeship. Sets out residency requirements for candidates for superior court judge.

Sets a required filing fee of 1% of the annual salary of the office sought. Allows the filing fee to be refunded upon withdrawing candidacy or upon the candidate's death. Allows, instead of paying the filing fee, a person to file a written petition requesting to be a candidate. For candidates seeking judicial office, the petition must be submitted by the stated date and time and must be signed by (1) 8,000 registered voters for Supreme Court or Court of Appeals candidates and (2) 5% of the registered voters of the election area in which those voters will vote for superior or district court judge candidates.

Provides the process for certifying candidates' names with the Secretary of State and county boards of elections.

Sets out rules governing elections when there is a vacancy in a superior court judgeship.

Sets out provisions concerning when there are an insufficient number of candidates, and when a candidate dies or is disqualified.

Sets out procedure for instances where a vacancy is created in the Supreme Court, Court of Appeals, or superior court after the filing period for the primary opens but more than 60 days before the general election and an election is required to be held for that position.

Allows a person who will become qualified to register and vote in the general election for which the primary is held, even though not so qualified by the primary, to register for the primary and general election before the primary and then to vote in the primary.

Requires the primary to be held on the same date as the one established for primaries under GS 163-1(b).

Sets out ballot requirements and requirements for counting ballots.

Effective with respect to primaries and elections held on or after January 1, 2024.

Part II.

Makes conforming and clarifying changes to GS 18C-112, GS 163-1, GS 163-22.3, GS 163-82.10B, GS 163-106.2, GS 163-106.3, GS 163-106.5, GS 163-107, GS 163-107.1, GS 163-108, GS 163-111, GS 163-114, GS 163-122, GS 163-123, and GS 163-165.5. Makes language gender neutral.

Effective with respect to primaries and elections held on or after January 1, 2024.

Part III.

Recodifies GS 163A-278.69 as GS 163-278.129.

Enacts new GS Chapter 163, Article 22I, the North Carolina Public Campaign Fund, providing as follows, effective when the act becomes law, with distributions from the Fund beginning in the 2024 election year. States the purpose of the Article. Establishes the North Carolina Public Campaign Fund (Fund) as an alternative source of campaign financing for candidates who demonstrate public support and voluntarily accept strict fund-raising and spending limits. Provides that the Article is available to candidates for justice of the Supreme Court and judges of the Court of Appeals in elections held in 2024 and thereafter. The Fund is to finance the election campaigns of certified candidates for office and to pay administrative and enforcement costs of the State Board of Elections (Board).

The following are sources of money in the Fund: (1) designations made by taxpayers to the Fund, (2) Fund revenues distributed for an election that remain unspent or uncommitted at the time the recipient is no longer a certified candidate in the election, (3) money ordered returned to the Fund, (4) voluntary donations made directly to the Fund, and (5) money collected from the \$50 surcharge on attorney membership fees.

Requires individuals choosing to receive campaign funds from the Fund to file a declaration of intent to participate as a candidate for a stated office. Sets out requirements for the timing of the filing and for an affirmation that only one political committee will handle all contributions, expenditures, and obligations for the candidate and that the candidate will comply with the contribution and expenditure limits and other requirements. Requires participating candidates seeking certification to receive campaign funds from the Fund to first obtain qualifying contributions from at least 350 registered voters in a sum that equals at least the specified amount of minimum qualifying contributions but that does not exceed the specified amount of maximum qualifying contributions. Sets out the procedure under which the Board will certify candidates as meeting the necessary requirements.

Set out the following restrictions on contributions and expenditures with respect to participating and certified candidates. (1) Beginning January 1 of the year before the election and before the filing of a declaration of intent, a candidate for office may accept in contributions up to \$10,000 from sources and in amounts permitted by Article 22A and may expend up to \$10,000 for any campaign purpose. Candidates exceeding these limits will be ineligible to file a declaration of intent or receive funds from the Fund. (2) From the filing of a declaration of intent through the end of the qualifying period, a candidate may accept only qualifying contributions, contributions under \$10 from North Carolina voters, and personal and family contributions. The total contributions the candidate may accept during this period must not exceed the defined maximum qualifying contributions for that candidate. In addition to these contributions, the candidate may expend during this period only the remaining money raised under (1) and possible matching funds. With named exception, multiple contributions from the same contributor to the same candidate must not exceed \$500. (3) After the qualifying period and through the date of the general election, the candidate must expend only the funds the candidate receives from the Fund pursuant to GS 163-278.125(b)(4) (funds distributed in a contested general election in specified amounts for Supreme Court and Court of Appeals candidates) plus any funds remaining from the qualifying period and possible matching funds. (4) During the qualifying period, the candidate may contribute up to \$1,000 of that candidate's own money to the campaign. Allows accepting contributions of \$1,000 from each member of that candidate's family (spouse, parent, child, brother, and sister). Allows treating up to \$500 of a contribution from the candidate's family member as a qualifying contribution if it meets specified requirements. (5) Requires a candidate and the candidate's committee to limit the use of all revenues permitted by this subsection to expenditures for campaign-related purposes only. (6) Any contribution received by a participating or certified candidate that falls outside what is permitted must be returned to the donor as soon as practicable. Contributions intentionally made, solicited, or accepted in violation of this Article are subject to civil penalties. (7) Requires a candidate to return to the Fund any amount distributed for an election that is unspent and uncommitted at the date of the election, or at the time the individual ceases to be a certified candidate, whichever occurs first.

Allows a decision to participate in the Fund to be revoked by the specified deadline.

Allows candidates in elections under GS 163-258 (filling vacancies in office created after primary filing period opens) to participate in the Fund and sets out requirements for such candidates.

Requires distributions from the Fund to be made within five business days after a certified candidate's name is approved to appear on the ballot in a contested general election, but no earlier than five business days after the primary. Sets out the amounts to be distributed from the fund in contested general elections.

Sets out candidate reporting requirements.

Requires that when any report shows that "funds in opposition to a certified candidate or in support of an opponent to that candidate" exceed the trigger for matching funds, the Board must immediately issue to that certified candidate an additional amount that equals the reported excess within the specified limits. Sets out additional provisions concerning the limit on matching funds before a primary and in contested general elections, and expediting matching funds. Requires the Board to determine which candidate, if any, is entitled to matching funds in the case of electioneering communications.

Violations of the Article can result in a civil penalty of up to \$10,000 per violation or three times the amount of any financial transaction involved in the violation, whichever is greater. Also, for good cause shown, may require candidates to return distributed amounts to the Fund.

Amends GS 84-34 by requiring active members of the North Carolina State Bar to pay a \$50 surcharge for the Fund.

Makes conforming changes to GS 105-159.2, GS 163-278.5, and SL 2013-381, Section 38.1(a).

Amends GS 163-278.13, concerning limitations on campaign contributions, by adding limitations on contributions to Supreme Court and Court of Appeals candidates of \$1,000 from an individual contributor and \$2,000 from family contributors.

Makes conforming repeals of SL 2013-381, Section 38.1(l), (m), and (o).

Unless otherwise indicated, effective January 1, 2024.

Part IV.

Contains a severability clause.

Intro. by John, Morey, A. Jones.

[GS 18C, GS 84, GS 105, GS 163](#)

[View summary](#)

[Courts/Judiciary, Court System, Government, Elections, Tax](#)

H 71 (2023-2024) [RAISE AGE LIMIT FOR JUSTICES/JUDGES](#). Filed Feb 8 2023, *AN ACT TO INCREASE THE AGE LIMIT FOR SERVICE AS A JUSTICE OR JUDGE OF THE GENERAL COURT OF JUSTICE TO SEVENTY-SIX YEARS OF AGE*.

Amends GS 7A-4.20 (governing age limits for judges and justices) as title indicates to change the retirement age of a judge or justice from their 72nd birthday to when they attain 76 years of age. Amends GS 135-57(b) (service retirement) to change a judge or justice's automatic retirement date to upon attainment of the new mandatory retirement age. (Currently, mandatory retirement begins the first day of the calendar month coinciding with or next following the attainment of their 72nd birthday.) Deletes outdated language. Applies to justices and judges serving on or after the act becomes law, so long as nothing in the act is construed to halt the retirement process of a judge or justice that has already initiated that process.

Intro. by Howard, Stevens.

[GS 7A, GS 135](#)

[View summary](#)

[Courts/Judiciary](#)

H 72 (2023-2024) [FIREARM SAFE STORAGE AWARENESS INITIATIVE](#). Filed Feb 8 2023, *AN ACT TO LAUNCH A STATEWIDE FIREARM SAFE STORAGE AWARENESS INITIATIVE TO EDUCATE THE PUBLIC ABOUT THE IMPORTANCE OF THE SAFE STORAGE OF FIREARMS AND TO FACILITATE THE DISTRIBUTION OF GUN LOCKS*.

Identical to [S 67](#), filed 2/2/23.

Requires the Department of Health and Human Services (DHHS), in collaboration with the Wildlife Resources Commission (Commission), to launch a two-year statewide firearm safe storage awareness initiative to educate the public about the importance of the safe storage of firearms and to facilitate the distribution of gun locks, which must include the development of a website and toolkit and include an outreach process.

Requires the Commission to develop a website to provide information to the public about six specified issues related to the safe storage of firearms, including access to a toolkit of information that local communities may use to launch firearm safe storage initiatives at the local level. Specifies what is to be include in the toolkit, including the distribution of free or discounted gun locks. Requires the development of the website and toolkit by July 1, 2024.

Require DHHS, upon development of the website and toolkit, to implement an outreach process for disseminating the information and toolkit to the public and to local communities, and requires providing technical assistance to local communities to assist them in using the toolkit to launch local initiatives.

Allows contracting with a third-party with relevant expertise related to public health and injury prevention to launch the firearm safe storage awareness initiative.

Prohibits the firearm safe storage awareness initiative and any state funds used to launch and maintain the initiative, from being used to advocate, promote, or lobby for the creation of new, or the revision of existing, laws regulating firearms; limits use to the purposes set out in the act and to to explaining and promoting existing laws regulating firearms and best practices for firearm storage and safety.

States the General Assembly to appropriate funds during the 2023-24 fiscal year to be used to cover costs incurred from implementing the provisions of this act.

Requires DHHS and the Commission to report to the specified NCGA committee on progress in launching the initiative by September 1, 2024.

Effective July 1, 2023.

Intro. by Carson Smith, Clemmons, White, K. Baker.

UNCODIFIED

[View summary](#)

Government, State Agencies, Department of Health and Human Services

H 74 (2023-2024) **MODIFY COUNCIL OF STATE VACANCIES**. Filed Feb 8 2023, *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MODIFY THE PROCESS FOR FILLING A COUNCIL OF STATE VACANCY*.

Subject to voter approval at the general election in 2024, amends Section 7 of Article III of the NC Constitution, which governs Council of State vacancies, requiring the Governor to appoint one person from a list of three nominees submitted by the State executive committee of the political party with which the vacating officer was affiliated when elected within seven days after receipt of the list (previously, required appointment until a successor is elected and qualified). Makes conforming changes. Effective January 1, 2025.

Intro. by K. Hall, D. Hall, Saine, Mills.

CONST

[View summary](#)

Constitution, Government, State Government, Executive

H 75 (2023-2024) **PA TEAM-BASED PRACTICE**. Filed Feb 8 2023, *AN ACT TO ADJUST THE SUPERVISION ARRANGEMENT OF PHYSICIAN ASSISTANTS AND TO MAKE VARIOUS CHANGES TO THE LICENSURE OF PHYSICIAN ASSISTANTS*.

Identical to [S 47](#), filed 1/31/23.

Amends GS 90-1.1 (setting forth definitions related to the practice of medicine) to add a new definition for team-based setting or team-based practice, to include any of the following:

(1) a medical practice where: (i) the majority of the practice is owned collectively by one or more licensed physicians; (ii) an owner who is a physician licensed to practice medicine in North Carolina has consistent and meaningful participation in the design and implementation of health services to patients, as defined by rules adopted by the North Carolina Medical Board (Medical Board); and (iii) the physicians and team-based physician assistants (team-based PAs) who provide services at the medical practice work in the same clinical practice area.

(2) Hospitals, clinics, nursing homes, and other health care facilities with active credentialing and quality programs where physicians have consistent and meaningful participation in the design and implementation of health services to patients, as defined by rules adopted by the Board.

Excludes a medical practice that specializes in pain management from the definition of team-based practice or team-based setting.

Enacts new GS 90-9.3A, which provides as follows. Sets out the following a physician assistant (PA) must meet to practice as a team-based PA if the PA practices in a team-based setting or team-based practice: (1) more than 4,000 hours of clinical practice experience as a licensed PA and more than 1,000 hours of clinical practice experience within the specific medical specialty of practice with a physician in that specialty and (2) submission of proof satisfactory to the Medical Board of practice in a team-based setting and the requisite clinical hours. Authorizes the Medical Board to adopt rules setting other requirements for practice or additional information required. Requires team-based PAs to collaborate and consult with or refer to the appropriate members of the health care team as required by the patient's condition and as indicated by the education, experience, and competencies of the physician assistant and the standard of care. The degree of collaboration must be determined by the practice, which may include decisions by the employer, group, hospital service, and the credentialing and privileging systems of a licensed facility. Authorizes the Medical Board to adopt rules to establish requirements for the determination and enforcement of collaboration, consultation, and referral. States that team-based PAs are responsible for the care they provide. Requires a team-based PA practicing in a perioperative setting to be supervised by a physician.

Amends PA general licensure requirements (GS 90-9.3) and limited volunteer licensure requirements (GS 90-12.4) to exempt team-based PAs from having to submit supervising physician information.

Makes technical change to GS 90-12.4B.

Amends GS 90-18.1 (limitations on PAs) as follows:

- Requires all PAs to clearly designate their credentials as a PA in all clinical settings.
- Exempts team-based PAs from the supervising physician requirement to write prescriptions for drugs.
- Changes the designated PA supervisor from licensed pharmacist to licensed physician for a PA to be able to compound and dispense drugs. Requires PA to follow all applicable state and federal laws and rules governing compounding and dispensing (was, the rules and regulations of the North Carolina Board of Pharmacy).
- Only requires a supervising physician to provide a PA written instructions about medications, tests, or treatments in order for the PA to be able to order those medications, tests, or treatments if the PA is subject to a supervisory arrangement. Exempts team-based PA's who may prescribe, order, administer, and procure drugs and medical devices without physician authorization from provision holding supervising physician responsible for authorizing a PA prescription or order. Allows for those practicing in a team-based setting to plan and initiate a therapeutic regimen that includes ordering and prescribing non-pharmacological interventions, including durable medical equipment, nutrition, blood, blood products, and diagnostic support services, including home health care, hospice, and physical and occupational therapy.
- Allows for PAs to authenticate any document (was, just death certificates) so long as it may have been authenticated by a physician. Deletes language deeming completion of a death certificate by a PA as authorized by a supervising physician and holding the physician responsible for that authorization.
- Bars PAs from performing final interpretations of diagnostic imaging studies (computed tomography (CT), magnetic resonance imaging (MRI), nuclear medicine, positron emission tomography (PET), mammography, and ultrasound services). Requires physician to provide final interpretation of diagnostic imaging studies. Allows for PA to conduct a final interpretation of plain film radiographs only when supervised by a physician.
- Makes conforming changes to refer to new "team-based practice."

Amends definition of qualified technician in the Woman's Right to Know Act (GS 90-21.81) to include PA's with certification in obstetrical ultrasonography.

Amends definition of attending providers in GS 58-3-169 (requiring insurance coverage for minimum hospital stays after birth) to include PAs.

Amends GS 110-91 (governing licensure requirements for child care facilities) to allow PAs to be able to complete a child health assessment before a child is admitted or within 30 days of admission to a child care facility.

Requires the Medical Board to adopt permanent rules necessary to implement the act.

The statutory changes set forth above become effective either when the Medical Board adopts permanent rules to implement all provisions of the act or June 30, 2024, whichever is earlier.

Intro. by Lambeth, K. Baker, White, Sasser.

[GS 58, GS 90, GS 110](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Social Services, Child Welfare](#)

H 76 (2023-2024) [ACCESS TO HEALTHCARE OPTIONS](#). Filed Feb 8 2023, *AN ACT TO PROVIDE NORTH CAROLINA CITIZENS WITH GREATER ACCESS TO HEALTHCARE OPTIONS*.

Includes whereas clauses.

Part I.

Repeals Section 3, SL 2013-5, which bars the State from expanding the State's Medicaid eligibility under the Medicaid expansion provided in the Affordable Care Act, PL 111-148, as amended, for which the enforcement was ruled unconstitutional by the U.S. Supreme Court, and bars State entities from attempting to expand the Medicaid eligibility standards provided in SL 2011-145, as amended, or elsewhere in State law, unless directed by the NCGA. Effective January 1, 2024, amends GS 108A-54.3A to enact new subdivision (24), requiring the Department of Health and Human Services (DHHS) to provide Medicaid coverage to individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act. 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. Makes coverage available through an Alternative Benefit Plan established by DHHS consistent with federal requirements, unless the individual is exempt from mandatory enrollment in the Plan under 42 CFR 440.315.

Requires DHHS to establish preventive care and wellness incentives for individuals eligible for Medicaid coverage under the provisions described in amended GS 108A-54.3A. Specifies the types of care and activities that the incentives are to cover. Requires DHHS to consider the methods and types of incentives used by other states for this population. Encourages prepaid health plans to offer preventive care and wellness incentives to their enrollees.

Requires DHHS and all county departments of social services to begin accepting applications from, and enrolling if permissible, individuals who will be eligible for coverage under amended GS 108A-54.3A as soon as practicable but no later than December 1, 2023.

Enacts GS 108A-54.3B. States legislative intent to fully fund the nonfederal share of the cost of NC Health Works, meaning the provision of Medicaid coverage to the individuals described in new GS 108A-54.3A(24), through a combination of (1) increases in revenue from the gross premium tax due to NC Health Works; (2) increases in intergovernmental transfers due to NC Health Works, excluding any State retention; (3) the hospital health assessment under Part 3, Article 7B, GS Chapter 108A, excluding State retention; and (4) savings to the State attributable to the NC Health Works corresponding to General Fund budget reductions to other State programs. Directs DHHS to annually report, beginning in 2025, to the specified NCGA committee, division, and the Office of State Budget and Management (OSBM), as specified. Requires expeditiously discontinuing coverage for the individuals described in new GS 108A-54.3A(24) if the nonfederal share of the cost cannot be

fully funded through the described sources. Requires the DHHS Secretary to notify the specified NCGA committee, division, and OSBM of such a determination, and post notice to its website including the proposed effective date of the discontinuation of coverage. Also requires the DHHS Secretary to submit necessary documentation to the Centers for Medicare and Medicaid Services (CMS). Enacts GS 108A-54.3C to require expeditious discontinuation of Medicaid coverage if the federal medical assistance percentage for Medicaid coverage provided to the individuals described in new GS 108A-54.3A(24) falls below 90%. Requires the DHHS Secretary to fulfill identical requirements as those for a discontinuation due to insufficient funds from identified sources in GS 108A-54.3B. Effective January 1, 2024.

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. Expires 10 years after the date this act becomes law.

Enacts new Part 4, Healthcare Access and Stabilization Program, in Article 7B (Hospital Assessment Act) of GS Chapter 108A, providing as follows. Provides that the healthcare access and stabilization program (HASP) is a directed payment program that provides acute care hospitals with increased reimbursements funded through assessments. Requires DHHS to submit a specified preprint requesting approval for the HASP program that includes any required demonstration for the financing of the nonfederal share of the HASP program costs; prohibits DHHS from making any HASP-directed payments before CMS approval of the initial preprinting. Prohibits DHHS from requesting any date of service for claims eligible for reimbursement through the HASP program earlier than July 1, 2022. Requires DHHS to continue to submit any necessary documentation requesting continued approval for the HASP program in the time and manner required by CMS. Requires the state funds required to make HASP directed payments to be derived from HASP components of the hospital assessments under Article 7B subject to the specified limitations. Prohibits DHHS, as a part of the preprint submission for the 2022-23 State fiscal year, from requesting any amount of HASP hospital reimbursements that is (1) greater than the maximum allowable under the specified federal provision or (2) less than an annual estimated total dollar amount of \$3.2 billion for services provided to not newly eligible individuals.

Provides that for the State fiscal quarter beginning October 1, 2023, each acute care hospital, except for critical access hospitals, is subject to an assessment of a percentage of its hospital costs. Requires DHHS to impose this assessment in accordance with the procedures for hospital assessments under Part 1 of Article 7B of GS Chapter 108A. Requires DHHS to calculate the hospital assessment percentage by dividing \$12.8 million by the total hospital costs for all acute care hospitals except for critical access hospitals. Requires DHHS to use \$4 million from the assessment proceeds to provide funding to county departments of social services to support the counties in preparing to implement Section 1.1 of this act (repealing Section 3 of SL 2013-5 and enacting GS 108A-54.3A(24)). This provision expires December 31, 2023.

Requires DHHS, by March 1, 2024, to report to the specified NCGA committee and division on the amount of the proceeds from the assessment that DHHS provided to each county department of social services and the date that those proceeds were provided to each county department of social services.

Amends GS 108A-145.3, which sets out the definitions for terms as they are used in Article 7B, to add and define *actual nonfederal expenditures*, *consumer price index: all urban consumers*, *consumer price index: medical care, current quarter*, *FMAP for newly eligible individuals*, *HASP directed payments*, *healthcare access and stabilization program (HASP)*, *IGT*, *newly eligible individual*, *nonfederal share for newly eligible individuals*, and *nonfederal share for not newly eligible individuals*.

Enacts new Part 3, Health Advancement Assessments, in Article 7B of GS Chapter 108A, providing as follows. Effective January 1, 2024. Makes the public hospital health advancement assessments imposed under this Part applicable to all public acute care hospitals. Requires the assessment to be assessed as a percentage of each public acute care hospital's hospital costs, with the percentage calculated quarterly. Requires the percentage for each quarter to equal the aggregate health advancement assessment collection amount calculated under new GS 108A-147.3 multiplied by the public hospital historical assessment share and divided by the total hospital costs for all public acute care hospitals holding a license on the first day of the assessment quarter. Makes the private hospital health advancement assessment imposed under this Part applicable to all private acute care hospitals. Requires the assessment to be assessed as a percentage of each private acute care hospital's hospital costs, with the percentage calculated quarterly. Requires the percentage for each quarter to equal the aggregate health advancement assessment collection amount calculated under new GS 108A-147.3 multiplied by the private hospital historical assessment

share and divided by the total hospital costs for all private acute care hospitals holding a license on the first day of the assessment quarter.

Sets out provisions detailing the process for calculating the aggregate health advancement assessment collection amount. Provides that the aggregate health advancement assessment collection amount is an amount of money calculated quarterly by adjusting the total nonfederal receipts for health advancement calculated under the statute by (1) subtracting the health advancement presumptive IGT adjustment component calculated under the specified new statute, (2) adding the positive or negative health advancement IGT actual receipts adjustment component calculated under the specified new statute, and (3) subtracting the positive or negative IGT share of the reconciliation adjustment component calculated under the specified new statute. Provides that the total nonfederal receipts for health advancement is an amount of money calculated quarterly by adding all of the following: (1) the presumptive service cost component calculated under the specified new statute; (2) the HASP health advancement component calculated under the specified new statute; (3) the administration component calculated under the specified new statute; (4) the State retention component under the specified new statute; and (5) the positive or negative health advancement reconciliation adjustment component calculated under the specified new statute. Sets out the statutes detailing these components.

Requires in new GS 108A-147.13, except as provided below, the proceeds of the health advancement assessments imposed under this Part, and all corresponding matching federal funds, to be used only to fund: (1) medicaid actual nonfederal expenditures for newly eligible individuals, including HASP directed payments; (2) administrative expenditures for newly eligible individuals; and (3) administrative expenditures related to the HASP program. Requires DHHS to use an amount of the proceeds of the health advancement assessments that is equal to the county administration subcomponent of the administration component to provide funding to county departments of social services to support the counties in determining eligibility for newly eligible individuals. Limits the amount of the proceeds of the health advancement assessments that may be used for administrative expenses attributable to providing Medicaid coverage to newly eligible individuals and administrative expenditures associated with the HASP program, to an amount equal to the sum of the State administration subcomponent of the administration component for each quarter of the State fiscal year, and all corresponding matching federal funds. Requires DHHS to use an amount from the proceeds of the health advancement assessments equal to the State retention component and all corresponding matching federal funds, for Medicaid program costs.

Enacts new GS 143C-9-10 establishing the Health Advancement Receipts Special Fund (Fund) established as a nonreverting special fund in DHHS. Requires DHHS, each fiscal quarter, to deposit in the Fund funds equal to the total nonfederal receipts for health advancement for that quarter, minus the State retention component for that quarter, and plus the positive or negative gross premiums tax offset amount for that quarter. Requires DHHS to use the funds in the Fund only for purposes described in GS 108A-147.13. Effective January 1, 2024.

States the NCGA's intent to appropriate recurring funds to DHHS, Division of Health Benefits, equaling the total of the gross premiums tax offset amount.

Amends new GS 108A-147.7 by increasing the amount of the State administration subcomponent for each quarter of the 2023-24 fiscal year. Effective upon the later of: (1) the first day of the next assessment quarter after the CMS approves the initial 42 C.F.R. § 438.6(c) preprint requesting approval of the healthcare access and stabilization program (HASP) submitted in accordance with GS 108A-148.1 or (2) January 1, 2024. Applies to assessments imposed on or after the effective date.

Requires the Secretary of the Department of Health and Human Services to notify the Fiscal Research Division and the Revisor of Statutes of the date that CMS approves of the initial 42 C.F.R. § 438.6(c) preprint requesting approval of the HASP program submitted in accordance with GS 108A-148.1, as enacted by this act. Provides that if, by June 30, 2025, the Department of Health and Human Services has not received approval of that preprint, then subsection (e) of this section (which further amends GS 108A-147.7) expires on that date.

Amends the following statutes in Part 2, Modernized Hospital Assessments, of Article 7B.

Refers to the hospital assessments as the hospital modernized assessment in the following: GS 108A-146.1, GS 108A-146.3, and GS 108A-146.5.

Amends GS 108A-146.5 to amend the calculation of the aggregate modernized assessment collection amount to now be the amount of money calculated by subtracting the modernized intergovernmental transfer adjustment component from the total modernized nonfederal receipts and then adding the positive or negative amount of the modernized IGT actual receipts adjustment component. Amends the components of the modernized nonfederal receipts to include the modernized HASP

component. Enacts new GS 108A-146.10 setting out the calculation of the modernized HASP component. Enacts new GS 108A-146.14 setting out the process for calculating the modernized IGT actual receipts adjustment component.

Amends the following components of the calculation of the aggregate modernized assessment collection amount. Amends GS 108A-146.7 to amend the managed care component, amends GS 108A-146.9 by amending the fee-for service component, and amends GS 108A-146.11 by amending the graduate medical education component. Deletes the existing provisions of GS 108A-146.13 which sets out the calculation of the intergovernmental transfer adjustment component and replaces it with the calculation of the modernized presumptive IGT adjustment component.

Amends GS 108A-146.15 by expanding upon the allowable uses of the process of the assessment and corresponding matching federal funds, to include HASP-directed payments attributable to hospital reimbursements for not newly eligible individuals.

Effective January 1, 2024, amends GS 108A-146.12 by amending the amount of the postpartum coverage component for the specified quarters of the 2023-24 fiscal year.

Amends Section 2.1 of SL 2021-61, effective January 1, 2024. Provides that for any quarter in which the State receives the temporary increase of Medicaid FMAP (federal medical assistance percentage) allowed under (1) section 6008 of the Families First Coronavirus Response Act or (2) section 9814 of the American Rescue Plan Act of 2021, the FMAP for purposes of Article 7B of GS Chapter 108A shall be the federal share of North Carolina Medicaid service costs as calculated by the federal Department of Health and Human Services in accordance with section 1905(b) of the Social Security Act in effect at the start of the applicable assessment quarter, plus the applicable temporary increase, expressed as a decimal.

Repeals the following sections of SL 2021-180: (1) Section 9D.13A(e), which set, for the assessment quarter that begins on April 1, 2024, the home and community-based services component at \$40,350,000 and the home and community-based services subcomponent at \$9,563,000; (2) Section 9D.14, which made changes concerning allowing a parent to retain medicaid eligibility while a child is temporarily served by the foster care system. Effective January 1, 2024.

Amends GS 108D-65(6)a to refer to the report prepared by the Office of the Actuary instead of the Office of the Actuary for nonexpansion states. Effective January 1, 2024.

Part II.

Requires the Secretary of Commerce, by December 1, 2024, to develop a plan to create a seamless, statewide, comprehensive workforce development program, bringing together new opportunities with the current workforce development opportunities within the Department of Commerce, Department of Labor, and other State agencies. Requires the plan to be developed in collaboration with the 13 named stakeholders. Allows contracting with third-party entities in the development and implementation of the plan. Requires the Secretary to strive to ensure that all workforce development opportunities are available to participants statewide by coordinating efforts and resources across State agencies. Specifies five components of the plan. Requires the Secretary of Commerce, by December 1, 2024, to report to the specified NCGA committees on the plan. Specifies items that must be included in the report.

Requires the Department of Commerce to collaborate with DHHS in developing a method by which to assist individuals enrolled in the North Carolina Medicaid program and other relevant social service programs with accessing appropriate workforce development services. Requires DHHS to develop a plan for assessing the current employment status and any barriers to employment of newly enrolled Medicaid beneficiaries and newly enrolled participants in other relevant social service programs. Requires DHHS and Commerce to determine the best method by which Medicaid beneficiaries and beneficiaries of other relevant social service programs will be provided an initial assessment and consultation with a workforce development case manager, or other similar professional, to ensure that interested individuals can participate in the state's workforce development programs. Allows contracting with third-party entities or prepaid health plans to assist in providing these services and allows consideration of the use of incentives to prepaid health plans with regard to these services. Requires DHHS by December 1, 2024, to report to the specified NCGA committee on the method determined to be best to provide the required initial assessment and consultation with a workforce development case manager, or other similar professional. Specifies items to be included in the report. Requires DHHS and Commerce, beginning February 1, 2025, and for five years thereafter, to report annually to the specified NCGA committees on specified information related to those Medicaid beneficiaries and participants in other relevant social service programs and their participation in workforce development services and programs.

Sets out the NCGA's finding that awareness of, and assistance with, enrollment in health benefit coverage on the federal Health Insurance Marketplace will alleviate the false perception that the loss of Medicaid coverage equals an immediate loss of access to healthcare. Requires DHHS, Division of Health Benefits (DHB), to work with the NC Navigators Consortium to develop a mechanism by which a Medicaid recipient who is transitioning from qualifying for the Medicaid program to qualifying for premium or cost-sharing assistance for health insurance obtained on the Health Insurance Marketplace, or who could reasonably be determined to be eligible, will be assisted with that transition by a qualified Navigator or similar professional. Requires, at a minimum, that by January 1, 2024, DHB provide all Medicaid applicants written notification about the Health Insurance Marketplace that includes the NC Navigators Consortium's contact information. Requires the notification to also be provided to all Medicaid recipients, with the stated exceptions. Requires DHB to report by March 1, 2024, to the specified NCGA committee on details of the mechanism that has been developed for providing assistance, and details on the required written notification.

Part III.

Provides that the act is effective on the date that the Current Operations Appropriations Act for the 2023-2024 fiscal year becomes law. If, by December 31, 2023, no Current Operations Appropriations Act for the 2023-2024 fiscal year has become law, then this act expires.

Intro. by Lambeth, White, Wray, Humphrey.

[GS 108A, GS 143C](#)

[View summary](#)

Government, State Agencies, Department of Commerce, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Social Services, Public Assistance

H 77 (2023-2024) [DRIVERS LICENSE DESIGNATION/AUTISM](#). Filed Feb 8 2023, *AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO DEVELOP A DESIGNATION FOR DRIVERS LICENSES THAT MAY BE GRANTED UPON REQUEST TO A PERSON WITH AUTISM SPECTRUM DISORDER*.

Enacts GS 20-7(q3) requiring the Division of Motor Vehicles (DMV) to develop a drivers license designation that can be granted to a person with autism spectrum disorder, as defined by statutory cross-reference, upon request. Requires consultation with specified agencies. Establishes nine criteria and requirements applicable to the designation, including (1) entering the designation into the electronic record associated with the person's license, (2) the requesting individual providing verification or documentation substantiating the diagnosis, as specified, (3) limiting use of the information collected for mutually safe interactions with law enforcement, and (4) developing a process for voluntary removal of the designation.

Amends GS 17C-6, concerning the Criminal Justice Education and Training Standards Commission, and GS 17E-4, concerning the Sheriffs' Education and Training Standards Commission, adding the following to the Commissions' powers regarding establishing minimum educational and training standards for employment and continuing education for criminal justice officers and officers, respectively. Now requires the minimum educational and training standards to include recognition and appropriate interaction with persons with autism spectrum disorder, and drivers license and vehicle registration identifiers of persons with autism spectrum disorder, including that the identifiers are optional.

Applies to drivers licenses issued on or after January 1, 2024.

Intro. by Penny.

[GS 17C, GS 17E, GS 20](#)

[View summary](#)

Courts/Judiciary, Motor Vehicle, Criminal Justice, Government, Public Safety and Emergency Management, State Agencies, Department of Transportation, Health and Human Services, Mental Health, Transportation

PUBLIC/SENATE BILLS

S 81 (2023-2024) [OAH TECHNICAL CHANGES.-AB](#) Filed Feb 8 2023, *AN ACT FOR TECHNICAL CHANGES RELATED TO VARIOUS ADMINISTRATIVE LAW PROVISIONS OF THE GENERAL STATUTES, AS REQUESTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS.*

Amends GS 150B-21.1A(a) (governing emergency rules) to replace the notice requirements for emergency rules to require notice to an agency mailing list of those who have requested notice of rulemaking maintained pursuant to GS 150B-21.2(d) before adopting an emergency rule (currently, an agency may adopt an emergency rule without prior notice or hearing or upon any abbreviated notice or hearing it finds practical) if adhering to the Part's requirements on notice and hearings would be contrary to public interest and immediate adoption is required by a threat to the public health or safety. Amends GS 150B-27.1 (governing repeal of agency authority and termination of agencies) to set a 30-day time limit from the date of repeal for the agency that adopted the rule to give the Codifier of Rules notice that (1) the agency has repealed a rule because its statutory authority was repealed or (2) the agency has repealed a rule concerning a function of the agency because an executive order has abolished all or part of the agency and did not transfer a function of that agency to another agency. (Current law just requires notice in these circumstances but does not set a time limit.) Requires the Codifier of Rules to remove the rule from the North Carolina Administrative Code (Code) after notifying the agency if it does not receive timely notice set forth above. (Current law requires that the Codifier of Rules receive notice from the agency before removing the rule from the Code.) Amends the requirements for including a rule in the Code in GS 150B-21.19 to require both temporary and permanent rules to be approved by the Rules Review Commission to be included in the Code. (Currently, just permanent rules must be approved by the Rules Review Commission.) Applies to emergency rules adopted on or after the act becomes law.

Removes GS 41A-7(b)'s (governing enforcement of the State Fair Housing Act) requirement that fair housing complaints and answers filed before the North Carolina Human Relations be verified (sworn). Applies to complaints and answers filed on or after the act becomes law.

Amends GS 120-30.9H (governing published decisions of the U.S. Attorney General in the North Carolina Register) to require authorities that receive decision letters and other documents of the U.S. Attorney General regarding changes affecting voting to file those documents with the Codifier of Rules instead of the Director of the Office of Administrative Hearings. Makes other conforming change.

Amends GS 163-278.23 (setting forth Duties of the Executive Director of the State Board) to require that all opinions issued under the law be published unedited in the North Carolina Register (Register) and the State Board of Elections website (instead of the Register and the Code). States that the section applies to Article 22M of the Chapter to the same extent it applies to this Article (was, applicable to Articles and 22M of the General Statutes). Applies to filings made after the act becomes law.

Intro. by Moffitt, Sawrey, Daniel.

[GS 120, GS 150B, GS 163](#)

[View summary](#)

Development, Land Use and Housing, Property and Housing, Government, APA/Rule Making, Elections, State Agencies

S 83 (2023-2024) [NO TIKTOK ON GOVERNMENT DEVICES.](#) Filed Feb 8 2023, *AN ACT PROHIBITING THE USE OF TIKTOK ON GOVERNMENT DEVICES AND DURING PARTICIPATION IN STATE-FUNDED PROGRAMS.*

Enacts new GS 143-162.10 which provides as follows. Defines covered application as (1) TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited or (2) WeChat or any successor application or service developed or provided by Tencent Holdings Limited or an entity owned by Tencent Holdings Limited. Prohibits State employees and employees of a local political subdivision of the State from downloading or using a covered application or accessing the website of a covered application on or using any government-issued device (cellular phone, desktop computer, laptop, or other electronic device capable of connecting to the Internet issued by the State or by a local political subdivision of the State) or information technology. Prohibits a person contracting with the State, or with a local political subdivision of the State, from accessing, downloading or using a covered application on equipment owned or leased by the State or by a local political subdivision of the State. Prohibits a person from accessing, downloading, or using a covered application on any government-issued device or during participation in any State-funded program. Requires state agencies and

local political subdivisions of the State to restrict access to the websites of covered applications on government-issued devices and information technology. Defines *information technology* as defined by GS 143B-1320(a)(11) (set of tools, processes, and methodologies, including, but not limited to, coding and programming; data communications, data conversion, and data analysis; architecture; planning; storage and retrieval; systems analysis and design; systems control; mobile applications; and equipment and services employed to collect, process, and present information to support the operation of an organization. Also includes office automation, multimedia, telecommunications, and any personnel and support personnel required for planning and operations). The term also includes (1) any equipment or interconnected system or subsystem of equipment used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by a State-funded program, whether the equipment is used by the State-funded program directly or is used by a contractor under a contract with the State-funded program that requires the use of that equipment in the performance of a service or the furnishing of a product and (2) computers, mobile devices, and virtual machines as well as ancillary equipment, peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources.

Requires the removal, deletion, and uninstallation of these applications no later than 30 days after the act is enacted.

Specifies that the act does not prevent prosecutorial and law enforcement agencies from accessing the applications covered by this act for prosecutorial, law enforcement, and investigative purposes. Requires the Departments of Information Technology and Public Safety, by March 1, 2023, to develop jointly the guidelines necessary for prosecutorial and law enforcement agency access to covered applications along with the risk mitigation actions necessary for such use.

Intro. by Moffitt, Perry, Hanig.

GS 143

[View summary](#)

Government, State Agencies, Department of Information Technology, Department of Public Safety, State Government, Local Government

S 85 (2023-2024) **OFFICIAL FRIED APPLE PIE FESTIVAL**. Filed Feb 8 2023, *AN ACT DESIGNATING SPARTA'S FRIED APPLE PIE FESTIVAL AS THE OFFICIAL FRIED APPLE PIE FESTIVAL OF THE STATE OF NORTH CAROLINA*.

Includes whereas clauses. Enacts new GS 145-52 as title indicates.

Intro. by Hise.

GS 145

[View summary](#)

Government, Cultural Resources and Museums

LOCAL/HOUSE BILLS

H 69 (2023-2024) **WARREN COUNTY OCCUPANCY TAX**. Filed Feb 8 2023, *AN ACT TO AUTHORIZE WARREN COUNTY TO LEVY AN OCCUPANCY TAX*.

Authorizes the Warren County Board of Commissioners to levy a room occupancy tax of 5%. Excludes accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Requires the Warren County Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the county and the remainder for tourism related expenditures. Requires the Warren County Board of Commissioners to adopt a resolution modifying the TDA to conform with the following. Makes the TDA a public authority under the Local Government Budget and Fiscal Control Act. Requires at least one-third of the TDA's members be affiliated with businesses that collect the tax in the county, and at least one-half of the members be currently active in the promotion of travel and tourism in the county. Requires the Board of Commissioners to

designate one member of the TDA as chair and determine the compensation to be paid. Sets out the TDA's duties and reporting requirements. Makes conforming changes to GS 153A-155.

Intro. by Wray.

Warren

[View summary](#)

Government, Tax

H 70 (2023-2024) [SCHOOL CALENDAR FLEXIBILITY/HALIFAX](#). Filed Feb 8 2023, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO HALIFAX COUNTY SCHOOLS IN ADOPTING THE SCHOOL CALENDAR*.

Amends GS 115C-84.2(d) as title indicates. Requires Halifax County Schools to open no later than the Monday closest to August 10 (currently, prohibited from opening earlier than the Monday closest to August 26), excluding year-round schools. Deletes the provisions of subsection (d) concerning waiver of the opening date requirements upon a showing of good cause. Also amends GS 115C-174.12 to allow Halifax County Schools to administer assessments before the end of the fall semester if it implements a school calendar that concludes the fall semester before December 31.

Intro. by Wray.

Halifax, GS 115C

[View summary](#)

Education, Elementary and Secondary Education

H 73 (2023-2024) [BRIDGETON - QUORUM](#). Filed Feb 8 2023, *AN ACT TO AMEND THE CHARTER OF THE TOWN OF BRIDGETON TO REFLECT THE GENERAL LAW ON QUORUMS*.

Identical to [S 82](#), filed 2/8/23.

Repeals Section 2.7 of the Charter of the Town of Bridgeton (SL 1989-621), which sets forth quorum requirements for the Town's Board of Commissioners. (Currently, the charter provides that a quorum consists of a majority of the actual membership of the Board of Commissioners, with vacant seats to be subtracted from the normal board membership to determine actual membership. Official action of the board can only occur if there is quorum and a majority vote occurs.) Also amends Section 2.3 of the town charter to make terms gender neutral.

Intro. by Tyson.

Craven

[View summary](#)

Government, Local Government

H 78 (2023-2024) [TOWN OF OAK ISLAND/PARKING METER PROCEEDS](#). Filed Feb 8 2023, *AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND TO ALLOW THE TOWN TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED*.

Amends the Charter of the Town of Oak Island, SL 1999-66, to allow the Town to use proceeds from parking meters on public streets in the same manner in which proceeds from off-street parking facilities are used under GS 160A-301(b) (which allows revenue from off-street parking facilities to be pledged to amortize bonds issued to finance such facilities, or used for any other public purpose).

Intro. by Miller.

Brunswick

[View summary](#)

Transportation

H 79 (2023-2024) [CAROLINA BEACH NAVIGABLE WATERS](#). Filed Feb 8 2023, *AN ACT AUTHORIZING THE TOWN OF CAROLINA BEACH TO REGULATE NAVIGABLE WATERS WITHIN ITS CORPORATE LIMITS*.

The following applies to the Town of Carolina Beach (Town) only. Empowers the Town to make, adopt, and enforce ordinances for the navigable waters within its corporate limits as they presently exist and as the Town limits may be extended by law in the future as to: (1) operation of boats and vessels, including restrictions concerning speed zones, no-wake zones, and types of activities conducted on the navigable waters within the corporate limits of the Town; (2) restrict the anchoring and mooring of boats and vessels as to location and to generally regulate anchoring and mooring of vessels within the navigable waters within the corporate limits of the Town; (3) place and maintain channel aids and markers, anchoring aids and markers, and navigational aids and markers in conformity with the US Aids to Navigation System and Wildlife Resources Commission rules; (4) make all reasonable rules and regulations as it deems necessary for the safe and proper use of the navigable waters; (5) provide for the enforcement of ordinances adopted under this authority. Provides that if there is a conflict between any local ordinance adopted under this act and the rules or regulations of the Wildlife Resources Commission, the Department of Environmental Quality, the US Coast Guard, or the US Army Corps of Engineers, the State or federal rule or regulation supersedes and prevails over the local ordinance to the extent of the conflict. Gives the Town's duly sworn law enforcement officers authority to enforce any local ordinances adopted under this act.

Intro. by Miller.

[New Hanover](#)

[View summary](#)

[Environment, Environment/Natural Resources](#)

H 80 (2023-2024) [ST. JAMES OCCUPANCY TAX AUTHORIZATION](#). Filed Feb 8 2023, *AN ACT TO AUTHORIZE THE TOWN OF ST. JAMES TO LEVY AN OCCUPANCY TAX*.

Authorizes the St. James Town Council to levy a room occupancy tax of up to 5%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires the Town of St. James Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the town and the remainder for tourism-related expenditures. Mandates that at least one-third of the members of the TDA must be affiliated with businesses that collect the tax in the town and at least one-half must be currently active in the town's travel and tourism promotion. Makes conforming changes to GS 160A-215.

Intro. by Miller.

[Brunswick, GS 160A](#)

[View summary](#)

[Government, Tax](#)

H 81 (2023-2024) [INCREASE HALIFAX CO. BD. OF ED. COMPENSATION](#). Filed Feb 8 2023, *AN ACT TO INCREASE THE COMPENSATION OF THE CHAIR AND THE MEMBERS OF THE HALIFAX COUNTY BOARD OF EDUCATION*.

Amends SL 1971-530 by adding that the compensation of the chair of the Halifax County Board of Education is \$650 per month and the compensation for members of the Board is \$550 per month.

Intro. by Wray.

[Halifax](#)

[View summary](#)

[Education](#)

LOCAL/SENATE BILLS

S 82 (2023-2024) [BRIDGETON - QUORUM](#). Filed Feb 8 2023, *AN ACT TO AMEND THE CHARTER OF THE TOWN OF BRIDGETON TO REFLECT THE GENERAL LAW ON QUORUMS*.

Repeals Section 2.7 of the Charter of the Town of Bridgeton (SL 1989-621), which sets forth quorum requirements for the Town's board of commissioners. (Currently, the charter provides that a quorum consists of a majority of the actual membership of the board of commissioners, with vacant seats to be subtracted from the normal board membership to determine actual membership. Official action of the board can only occur if there is quorum and a majority vote occurs.) Also amends Section 2.3 of the town charter to make terms gender-neutral.

Intro. by Perry.

[Craven](#)

[View summary](#)

Government, Local Government

S 84 (2023-2024) [26TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 8 2023, *AN ACT RELATING TO THE 26TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Berger.

[Guilford, Rockingham](#)

[View summary](#)

S 86 (2023-2024) [ASHEVILLE LOCAL OPTION SALES TAX FOR TRANSIT](#). Filed Feb 8 2023, *AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO LEVY A MUNICIPAL QUARTER-CENT SALES AND USE TAX FOR PUBLIC TRANSPORTATION UPON A VOTE OF THE MAJORITY OF VOTERS IN A REFERENDUM*.

Enacts new Article 47 in GS Chapter 105 that authorizes governing body of the City of Asheville to levy a local sales and use tax of .25%, by adoption of a resolution after 10 days of public notice if approved by a majority of voters in a referendum as specified. Provides that adoption, levy, collection, and repeals of the tax in accordance with GS Chapter 39. Details distribution of the net proceeds. Directs proceeds of the tax to be used for local public transportation systems, as defined.

Authorizes the Secretary of Revenue to retain the Department of Revenue's cost of collecting and administering the tax at an amount of up to \$300,000 from the gross proceeds for each of the first two fiscal years the City levies the tax. Requires all other costs of collection and administration to be deducted from the gross proceeds pursuant to GS 105-472.

Makes the notice and effect requirements of GS 105-466(c) applicable to the tax, except that the City is required to give the Secretary of Revenue at least six months' advance notice of a tax levied under the act (the statute requires 90 days' notice).

Intro. by Mayfield.

[Buncombe](#)

[View summary](#)

Government, Tax

ACTIONS ON BILLS

PUBLIC BILLS

H 26: [EDUCATION OMNIBUS](#).

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 36: FIREARMS TRAINING/PROBATION & PAROLE OFFICERS.

House: Reptd Fav Com Substitute

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

H 40: PREVENT RIOTING AND CIVIL DISORDER.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Adopted A1

House: Amend Adopted A2

House: Amend Failed A3

House: Amend Adopted A4

House: Amendment Withdrawn A5

House: Amend Failed A6

House: Amendment Withdrawn A7

House: Amend Adopted A8

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

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 56: SAFE FIREARM STORAGE/TAX EXEMPTION AND CREDIT.

House: Reptd Fav

House: Re-ref Com On Finance

H 59: FUNDS FOR PROJECTS IN ROWAN COUNTY.

House: Passed 1st Reading

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

H 60: SUDEP AWARENESS WEEK.

House: Passed 1st Reading

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

H 61: ABOLISH EMPLOYMENT AT-WILL.

House: Passed 1st Reading

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

H 62: AN ACT TO DO SCHOOL CALENDARS BETTER.

House: Passed 1st Reading

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

H 63: VERIFICATION OF IMMIGRATION STATUS - SAVE.

House: Passed 1st Reading

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

H 64: FEE ON WIRE TRANSFERS.

House: Passed 1st Reading

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

H 65: FUNDS FOR FORSYTH AGRICULTURAL EVENT CENTER.*House: Passed 1st Reading**House: Ref to the Com on Appropriations, if favorable, Rules, Calendar, and Operations of the House***H 67: ENCOURAGE HEALTHY NC FOOD IN SCHOOLS.***House: Passed 1st Reading**House: Ref to the Com on Agriculture, if favorable, Education - K-12, if favorable, Rules, Calendar, and Operations of the House***H 68: REENACT NONPARTISAN JUDICIAL ELECTIONS/FUND.***House: Filed***H 71: RAISE AGE LIMIT FOR JUSTICES/JUDGES.***House: Filed***H 72: FIREARM SAFE STORAGE AWARENESS INITIATIVE.***House: Filed***H 74: MODIFY COUNCIL OF STATE VACANCIES.***House: Filed***H 75: PA TEAM-BASED PRACTICE.***House: Filed***H 76: ACCESS TO HEALTHCARE OPTIONS.***House: Filed***H 77: DRIVERS LICENSE DESIGNATION/AUTISM.***House: Filed***S 20: SAFE SURRENDER INFANTS/SAFE SLEEP PROG. FUNDS.***Senate: Reptd Fav***S 31: CONFIRM NELS ROSELAND, STATE CONTROLLER.***House: Reptd Fav**House: Added to Calendar**House: Cal Pursuant Rule 36(b)**House: Passed 2nd Reading**House: Passed 3rd Reading**House: Ordered Enrolled***S 53: HOTEL SAFETY ISSUES.***Senate: Reptd Fav***S 76: CITIES/FLOOD REDUCTION TECHNIQUES.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 77: CITIES/CIVILIAN TRAFFIC INVESTIGATORS.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 80: STATE AUDITOR DISCLOSURE AND DISCOVERY ACT.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate*

S 81: OAH TECHNICAL CHANGES.-AB*Senate: Filed***S 83: NO TIKTOK ON GOVERNMENT DEVICES.***Senate: Filed***S 85: OFFICIAL FRIED APPLE PIE FESTIVAL.***Senate: Filed***LOCAL BILLS****H 51: SCHOOL CALENDAR FLEX/MULTIPLE COUNTIES.***House: Serial Referral To Rules, Calendar, and Operations of the House Stricken**House: Withdrawn From Com**House: Re-ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House***H 66: CATAWBA/NEWTON-CONOVER/HICKORY BD OF ED ELECT.***House: Passed 1st Reading**House: Ref to the Com on Local Government, if favorable, Rules, Calendar, and Operations of the House***H 69: WARREN COUNTY OCCUPANCY TAX.***House: Filed***H 70: SCHOOL CALENDAR FLEXIBILITY/HALIFAX.***House: Filed***H 73: BRIDGETON - QUORUM.***House: Filed***H 78: TOWN OF OAK ISLAND/PARKING METER PROCEEDS.***House: Filed***H 79: CAROLINA BEACH NAVIGABLE WATERS.***House: Filed***H 80: ST. JAMES OCCUPANCY TAX AUTHORIZATION.***House: Filed***H 81: INCREASE HALIFAX CO. BD. OF ED. COMPENSATION.***House: Filed***S 18: STANLY CTY AIRPORT AUTHORITY/MEMBERS & LEASES.***Senate: Reptd Fav***S 75: 40TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 78: 39TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 79: 8TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate*

S 82: BRIDGETON - QUORUM.*Senate: Filed***S 84: 26TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Filed***S 86: ASHEVILLE LOCAL OPTION SALES TAX FOR TRANSIT.***Senate: Filed*

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