



The Daily Bulletin: 2023-02-09

PUBLIC/HOUSE BILLS

H 82 (2023-2024) [CLARIFICATION/PRECINCT VOTING DATA MAINTAINED](#). Filed Feb 9 2023, *AN ACT TO CLARIFY LANGUAGE UNDER THE ELECTION LAWS REGARDING VOTING DATA MAINTAINED BY PRECINCT*.

Amends GS 163-132.5G to require that each county board of elections maintain voting data by voting precinct so that official precinct returns (was, so that precinct returns) for each item on the ballot must include the votes cast by all residents of that voting precinct who voted, regardless of where the voter voted.

Intro. by Cleveland.

[GS 163](#)

[View summary](#)

[Government, Elections](#)

H 83 (2023-2024) [FUNDS FOR AWAKE IN SWAIN COUNTY](#). Filed Feb 9 2023, *AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A CHILD ADVOCACY CENTER IN SWAIN COUNTY TO ASSIST ABUSED CHILDREN*.

Appropriates \$250,000 for 2023-24 from the General Fund to the Office of State Budget and Management for a directed grant to Adults Working and Advocating for Kids' Empowerment, Inc. (AWAKE), to establish a child advocacy center in Swain County to assist abused children. Effective July 1, 2023.

Intro. by Clampitt.

[APPROP, Swain](#)

[View summary](#)

[Government, Budget/Appropriations, State Agencies, Office of State Budget and Management, Health and Human Services, Social Services, Child Welfare](#)

H 84 (2023-2024) [DOL/OSH NEW POSITIONS & AMP SALARY INCREASE FUNDS](#). Filed Feb 9 2023, *AN ACT APPROPRIATING FUNDS FOR SALARY INCREASES FOR EMPLOYEES OF THE DEPARTMENT OF LABOR, DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, AND FOR NEW COMPLIANCE OFFICER POSITIONS IN THE DIVISION*.

Appropriates \$5,367,427 in recurring funds from the General Fund to the Reserve for Compensation Increase for the 2023-24 and 2024-25 fiscal years for salary increases and new positions in the Occupational Safety and Health Division of the Department of Labor (OSH) to be used as follows in the specified amounts in each year of the 2023-25 fiscal biennium: (1) a 20% salary increase for 121 OSH compliance staff and (2) the establishment and support of 10 new OSH Health Compliance Officer I positions and 15 OSH Safety Compliance Officer I positions. Effective July 1, 2023.

Intro. by Clampitt, Hardister.

[APPROP](#)

[View summary](#)

[Government, Budget/Appropriations, State Agencies, Department of Labor](#)

H 85 (2023-2024) [REVISE USE OF ALCOHOL CONCENTRATION RESULT](#). Filed Feb 9 2023, *AN ACT TO REDUCE THE NUMBER OF UNNECESSARY MOTIONS IN DISTRICT COURT BY ALLOWING THE JUDGE TO KNOW AND USE THE ALCOHOL CONCENTRATION RESULT OF AN ALCOHOL SCREENING TEST TO PROVE PROBABLE CAUSE FOR THE ARREST.*

Amends GS 20-16.3, concerning alcohol screening tests of drivers, which allows the fact that a driver showed a positive or negative alcohol concentration result, but not the actual alcohol concentration result, of an alcohol screening test or a driver's refusal to submit, to be used by a law enforcement officer, court, or administrative agency in determining if there are reasonable grounds for believing that the driver has committed an implied-consent offense and that the driver consumed alcohol, but not to prove a particular concentration. Under GS 20-16.2, any person who drives a vehicle on a highway or public vehicular area thereby gives consent to a chemical analysis if charged with an implied-consent offense, which is defined as an offense involving impaired driving, certain alcohol-related offenses, or offenses constituting misdemeanor death by vehicle.

Modifies the statute to allow the alcohol concentration result of an alcohol screening test or a driver's refusal to submit to be used by a law enforcement officer, court, or administrative agency in determining if there is probable cause or reasonable grounds for believing that the driver has committed an implied consent offense and that the driver has consumed alcohol, but not to prove a particular concentration. Also allows negative or low results on the alcohol screening tests (previously, negative results only) to be used in factually appropriate cases in determining whether a person's alleged impairment is caused by an impairing substance other than alcohol. Applies to offenses committed on or after October 1, 2023.

Intro. by Clampitt, Loftis.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Criminal Justice, Criminal Law and Procedure](#)

H 86 (2023-2024) [SCHOOL CALENDAR FLEX/STATEWIDE](#). Filed Feb 9 2023, *AN ACT TO PROVIDE FLEXIBILITY IN ADOPTING THE SCHOOL CALENDAR.*

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of the statute. Amends GS 115C-84.2(d) to require schools to open no earlier than 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 opening date requirements upon a showing of good cause.

Amends GS 115C-175.12(a)(4) (governing student testing procedures) to permit a local board of education that has implemented a school calendar that concludes the fall semester prior to December 31 to administer assessments before the conclusion of the fall semester.

Effective beginning with the 2023-24 school year.

Intro. by N. Jackson, Biggs, Stevens, Loftis.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 87 (2023-2024) [DA MAY PETITION FOR PROBATION MODIFICATIONS](#). Filed Feb 9 2023, *AN ACT TO ALLOW A DISTRICT ATTORNEY TO FILE A PROBATION MODIFICATION PETITION.*

Amends GS 15A-1344 (governing the response to violations of probation including alteration or revocation of probation) to enact new subsection authorizing a district attorney (DA) to file a petition to reduce, terminate, extend, modify, or revoke a probation under the following conditions. The DA must be of the prosecutorial district where probation was imposed. The DA may only file a petition in the district court district, superior court district, or set of districts, as the case may be, where probation was imposed. Requires the supervising probation officer to serve a copy of a filed petition on the probationer.

Intro. by N. Jackson, Stevens, Carson Smith, Biggs.**GS 15A**[View summary](#)**Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation), Criminal Law and Procedure****PUBLIC/SENATE BILLS**

S 87 (2023-2024) **STATE EMPS./NO PAYROLL DUES DEDUCTION**. Filed Feb 9 2023, *AN ACT REPEALING PUBLIC EMPLOYEE PAYROLL DEDUCTION FOR PAYMENTS TO EMPLOYEES' ASSOCIATIONS*.

Amends GS 143B-426.40A as the title indicates.

Intro. by Hise, Krawiec, Johnson.**GS 143B**[View summary](#)**Government, State Government, State Personnel**

S 88 (2023-2024) **ELECTION DAY INTEGRITY ACT**. Filed Feb 9 2023, *AN ACT TO AMEND THE DATE BY WHICH MAIL-IN ABSENTEE BALLOTS MUST BE RECEIVED BY THE COUNTY BOARD OF ELECTIONS IN ORDER TO BE COUNTED, TO REQUIRE PUBLISHING OF THE DATE ABSENTEE BALLOTS ARE AVAILABLE AND THE DEADLINE FOR REQUESTING AN ABSENTEE BALLOT, AND TO PROVIDE FOR THE REPORTING OF BALLOTS BY THE COUNTY BOARDS OF ELECTIONS*.

Amends GS 163-231(b)(1) to require absentee ballots to be received by the county board of elections by 7:30 p.m. rather than by 5:00 p.m. on the day of the statewide primary or general election or county bond election. Makes conforming changes to GS 163-232.1(a). Amends (b)(2) to allow for absentee ballots not received by that specified time to be accepted if, in lieu of being required by federal law, the State Board of Elections has extended the closing time of the polls for every poll in the county pursuant to state law, whereby the ballots must be received by the closing time as extended by the State Board in order to be counted. Also requires absentee ballots to be accepted after the stated deadline if the ballots are received in accordance with Article 21A of GS Chapter 163, Uniform Military and Overseas Voters Act (was, if the ballots issued under Article 21A are received by the county board no later than the end of business on the business day before the canvass conducted by the county board). Makes conforming changes to the statutory cross references to this provision in GS 163-234 and GS 163-89.

Modifies the county boards' duty to prepare a certified list of absentee ballots received on or after election day pursuant to GS 163-232.1. Now requires the list to contain all absentee ballots returned to the county board to be counted, which have been approved by the county board and not included on the certified list of executed absentee ballots received before 7:30 p.m., the time provided in GS 163-231(b) on the day of the statewide primary or general election or county bond election. Makes conforming changes to the county chairman's certification of the list. Makes language gender-neutral.

Amends GS 163-234 by requiring that only absentee ballots returned to the county board by 5:00 pm on the day before election day in a properly executed container-return envelope or absentee ballots received pursuant to GS 163-231(b)(2) must be counted (removes the specification that this requirement is except to the extent federal law requires otherwise). Requires the county board to also comply with GS 163-230.1 (simultaneous issuance of absentee ballots with application) in counting absentee ballots received pursuant to GS 163-231(b)(2). Makes language gender neutral.

Amends GS 163-89 to specify that an absentee ballot received by the county board under GS 163-231(b)(1) may be challenged on the day of any statewide primary or general election or county bond election beginning no earlier than noon and ending no later than 5:00 pm, or by the chief judge at the time of closing of the polls (was, applicable to the absentee ballot of any voter).

Amends GS 163-227.10 by adding the requirement that each county board and the State Board publish on its website and on materials sent to voters the date by which absentee ballots are available for voting.

Amends GS 163-230.1 by adding that each county board and the State Board must publish on its website and on materials sent to voters the date by which a completed request form for an absentee application and absentee ballots must be received.

Enacts new GS 163-232.2 setting out the following reporting requirements. Requires each county board to report the following to the State Board during each day of the one-stop early voting period: (1) the number of absentee ballots that have been spoiled due to the voter voting in person at a one-stop voting site and (2) the number of outstanding absentee ballots. Requires each county board of elections to report, from the day after the day of the election through the day after the receipt deadline for absentee ballots, to the State Board by 5:00 pm each day: (1) the number of absentee ballots that have been counted, (2) the number of outstanding absentee ballots, and (3) the number of voted provisional ballots. Requires the State Board to publish each report on its website daily.

Intro. by Daniel, P. Newton, Hise.

[GS 163](#)

[View summary](#)

[Government, Elections, State Agencies, State Board of Elections](#)

S 89 (2023-2024) [PROHIBIT PRIVATE MONEY IN ELECTIONS ADMIN.](#) Filed Feb 9 2023, *AN ACT TO PROHIBIT THE ACCEPTANCE OF PRIVATE MONEY FOR CONDUCTING ELECTIONS OR HIRING TEMPORARY ELECTIONS WORKERS.*

Amends GS 163-22, GS 163-33, and GS 163-37 by specifying that nothing in GS Chapter 160 authorizes (1) the State Board of Elections, (2) a county board of elections, or (3) a county board of commissioners to accept private monetary donations, directly or indirectly, for conducting elections or employing individuals on a temporary basis.

Intro. by P. Newton, Hise, Daniel.

[GS 163](#)

[View summary](#)

[Government, Elections, State Agencies, State Board of Elections, Local Government](#)

S 90 (2023-2024) [SEARCHES OF STUDENT'S PERSON.](#) Filed Feb 9 2023, *AN ACT TO STANDARDIZE THE PROCEDURES FOR SEARCHING STUDENTS IN PUBLIC SCHOOL UNITS.*

Enacts new GS 115C-391.2 to allow a public school administrator to authorize the search of a student's person if the administrator has a reasonable suspicion that the student has or is violating school rules or policies lawfully adopted under GS 115C-390.2 (related to discipline policies) or State or federal law. Defines reasonable suspicion as a suspicion which, in the administrator's professional opinion, is based on specific and articulable facts from a credible source. Requires the policies and procedures for conducting a search to be consistent with the provisions of Article 27 (Discipline) and US and State constitutions, statutes, and regulations. Requires these searches to be executed using methods that are as minimally intrusive as possible. Prohibits the use of cavity searches and searches that require a student to completely disrobe. Requires these searches to be conducted in private by one school official and one adult witness, both of whom must be the same sex as the student, which is to be determined by the sex assigned at birth as reflected in the student's official record, unless the student's parent provides written notice to the school that a different designation is appropriate. Applies beginning with the 2023-24 school year.

Intro. by Lazzara, Galey, Sawyer.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

S 91 (2023-2024) [AMEND RULE 4/ACCEPTANCE OF SERVICE.](#) Filed Feb 9 2023, *AN ACT AMENDING RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE TO ALLOW ACCEPTANCE OF SERVICE USING A FORM ISSUED BY THE ADMINISTRATIVE OFFICE OF THE COURTS.*

Amends GS 1A-1, Rules 4(j5) of the NC Rules of Civil Procedure, as the title indicates. Applies to actions commenced on or after October 1, 2023.

Intro. by Galey, Sawrey, B. Newton.

[GS 1A](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure, Court System, Administrative Office of the Courts](#)

S 92 (2023-2024) [EXPAND CIRCUIT BREAKER PROPERTY TAX BENEFIT](#). Filed Feb 9 2023, *AN ACT TO MODIFY THE PROPERTY TAX HOMESTEAD CIRCUIT BREAKER*.

Amends who qualifies for the property tax homestead circuit breaker under GS 105-277.1B, as follows. No longer requires the owner to be at least 65 years old or totally or permanently disabled; makes conforming changes. Allows a subsequent owner to count the previous owner's ownership and occupancy in order to meet the requirements for owning the property as a permanent residence for at least five consecutive years and occupying the property as a permanent residence for at least five years, if the subsequent owner: (1) is the previous owner's surviving spouse and has not remarried or (2) inherits the property upon the previous owner's death and continues to use the property as a permanent residence. Effective for taxable years beginning on or after July 1, 2023.

Intro. by Mayfield, Murdock, Salvador.

[GS 105](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing, Government, Tax](#)

S 93 (2023-2024) [IN-STATE TUITION PILOT PROGRAM](#). Filed Feb 9 2023, *AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN IN-STATE TUITION PILOT PROGRAM FOR RESIDENTS OF CERTAIN GEORGIA COUNTIES*.

Requires the State Board of Community Colleges to establish and implement an in-state tuition pilot program for residents of four named counties in Georgia. Requires that the program allow Tri-County Community College to offer in-State tuition to residents of those counties but prohibits displacing a North Carolina resident in order to do so. Requires an annual report on specified information about the program, with the first report due on September 30, 2024, to the specified NCGA committee and division. The pilot program expires at the end of the 2026-27 academic year.

Applies beginning with the 2023-24 academic year.

Intro. by Corbin.

[STUDY](#)

[View summary](#)

[Education, Higher Education, Government, State Agencies, Community Colleges System Office](#)

LOCAL/HOUSE BILLS

H 88 (2023-2024) [GUILFORD BOARD OF EDUCATION VACANCIES](#). Filed Feb 9 2023, *AN ACT TO CLARIFY THE FILLING OF VACANCIES ON THE GUILFORD COUNTY BOARD OF EDUCATION*.

Amends Section 6 of SL 1991-78, as amended, to require that vacancies on the Guilford County Board of Education be filled in accordance with GS 115C-37.1, concerning vacancies in offices of county boards elected on a partisan basis in the specified counties (previously more narrowly pointed to a particular subsection of the statute that only listed the counties to which the

statute applied). Also removes language requiring, when the member being replaced was elected from within a single member district, that the Board appoint a resident of the district where the vacancy exists. Removes outdated language.

Intro. by Hardister, Faircloth.

Guilford

[View summary](#)

[Education, Government, Elections](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 26: EDUCATION OMNIBUS.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 68: REENACT NONPARTISAN JUDICIAL ELECTIONS/FUND.

House: Passed 1st Reading

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

H 71: RAISE AGE LIMIT FOR JUSTICES/JUDGES.

House: Passed 1st Reading

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

H 72: FIREARM SAFE STORAGE AWARENESS INITIATIVE.

House: Passed 1st Reading

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

H 74: MODIFY COUNCIL OF STATE VACANCIES.

House: Passed 1st Reading

House: Ref to the Com on Election Law and Campaign Finance Reform, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

H 75: PA TEAM-BASED PRACTICE.

House: Passed 1st Reading

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

H 76: ACCESS TO HEALTHCARE OPTIONS.

House: Passed 1st Reading

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

H 77: DRIVERS LICENSE DESIGNATION/AUTISM.

House: Passed 1st Reading

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

H 82: CLARIFICATION/PRECINCT VOTING DATA MAINTAINED.

House: Filed

H 83: FUNDS FOR AWAKE IN SWAIN COUNTY.

House: Filed

H 84: DOL/OSH NEW POSITIONS & AMP SALARY INCREASE FUNDS.

House: Filed

H 85: REVISE USE OF ALCOHOL CONCENTRATION RESULT.

House: Filed

H 86: SCHOOL CALENDAR FLEX/STATEWIDE.

House: Filed

H 87: DA MAY PETITION FOR PROBATION MODIFICATIONS.

House: Filed

S 20: SAFE SURRENDER INFANTS/SAFE SLEEP PROG. FUNDS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 31: CONFIRM NELS ROSELAND, STATE CONTROLLER.

Senate: Ratified

Senate: Ch. Res 2023-2

S 53: HOTEL SAFETY ISSUES.

Senate: Amend Tabled A1

Senate: Amend Tabled A2

Senate: Amend Tabled A3

Senate: Amend Tabled A4

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 67: FIREARM SAFE STORAGE AWARENESS INITIATIVE.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

S 80: STATE AUDITOR DISCLOSURE AND DISCOVERY ACT.

Senate: Withdrawn From Com

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

S 81: OAH TECHNICAL CHANGES.-AB

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Redistricting and Elections. If fav, re-ref to Rules and Operations of the Senate

S 83: NO TIKTOK ON GOVERNMENT DEVICES.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

S 85: OFFICIAL FRIED APPLE PIE FESTIVAL.

Senate: Passed 1st Reading

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

S 87: STATE EMPS./NO PAYROLL DUES DEDUCTION.

Senate: Filed

S 88: ELECTION DAY INTEGRITY ACT.

Senate: Filed

S 89: PROHIBIT PRIVATE MONEY IN ELECTIONS ADMIN.

Senate: Filed

S 90: SEARCHES OF STUDENT'S PERSON.

Senate: Filed

S 91: AMEND RULE 4/ACCEPTANCE OF SERVICE.

Senate: Filed

S 92: EXPAND CIRCUIT BREAKER PROPERTY TAX BENEFIT.

Senate: Filed

S 93: IN-STATE TUITION PILOT PROGRAM.

Senate: Filed

LOCAL BILLS

H 69: WARREN COUNTY OCCUPANCY TAX.

House: Passed 1st Reading

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

H 70: SCHOOL CALENDAR FLEXIBILITY/HALIFAX.

House: Passed 1st Reading

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

H 73: BRIDGETON - QUORUM.

House: Passed 1st Reading

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

H 78: TOWN OF OAK ISLAND/PARKING METER PROCEEDS.

House: Passed 1st Reading

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

H 79: CAROLINA BEACH NAVIGABLE WATERS.

House: Passed 1st Reading

House: Ref to the Com on Marine Resources and Aquaculture, if favorable, Rules, Calendar, and Operations of the House

H 80: ST. JAMES OCCUPANCY TAX AUTHORIZATION.

House: Passed 1st Reading

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

H 81: INCREASE HALIFAX CO. BD. OF ED. COMPENSATION.

House: Passed 1st Reading

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

H 88: GUILFORD BOARD OF EDUCATION VACANCIES.

House: Filed

S 9: APEX TOWN COUNCIL TO APPOINT TOWN CLERK.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

S 18: STANLY CTY AIRPORT AUTHORITY/MEMBERS & LEASES.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 82: BRIDGETON - QUORUM.

Senate: Passed 1st Reading

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

S 84: 26TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 86: ASHEVILLE LOCAL OPTION SALES TAX FOR TRANSIT.

Senate: Passed 1st Reading

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

© 2023 School of Government The University of North Carolina at Chapel Hill

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

[Print Version](#)