



The Daily Bulletin: 2023-02-22

PUBLIC/HOUSE BILLS

H 67 (2023-2024) (2023-2024) [ENCOURAGE HEALTHY NC FOOD IN SCHOOLS](#). Filed Feb 7 2023, *AN ACT TO PROMOTE MUSCADINE GRAPE JUICE USAGE IN THE STATE'S LEARNING INSTITUTIONS AND TO INCLUDE MUSCADINE GRAPE JUICE PRODUCERS AND OTHER FRUIT AND FRUIT PRODUCT PRODUCERS PARTICIPATING IN THE "GOT TO BE NC" MARKETING PROGRAM AS PARTICIPANTS IN THE FARM TO SCHOOL PURCHASING PROGRAM.*

House committee substitute to the 1st version makes the following changes. Makes clarifying change to effective date in Section 1. Makes clarifying change to effective date in Section 3 by specifying that the act's buyback provision that the Food Distribution Division of the Department of Agriculture and Consumer Services (DACS) is required to include in all agreements for packaged fruit products applies to purchasing agreements or contracts entered into on or after the act becomes law.

Intro. by Howard, Setzer, Dixon.

[GS 115C](#)

[View summary](#)

[Agriculture, Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System, Department of Agriculture and Consumer Services, Health and Human Services, Health](#)

H 131 (2023-2024) (2023-2024) [PROTECT NC ED. SAVINGS & INVESTMENT ACCOUNTS](#). Filed Feb 15 2023, *AN ACT TO INCREASE PROTECTIONS FOR FUNDS HELD IN NORTH CAROLINA EDUCATION SAVINGS AND INVESTMENT ACCOUNTS FROM CLAIMS OF CREDITORS AND OTHER JUDGMENTS.*

House committee substitute to the first edition makes the following changes.

Adds new section enacting GS 147-86.47 to Article 6F of GS Chapter 147 exempting funds located in an ABLE account (savings accounts for people with disabilities where the disability occurred before the age of 26) or withdrawn from the account and used for expenses permitted under section 529A of the Internal Revenue Code (governing qualified tuition payments) from liens, garnishment, attachment, and judgment and other debt collection devices. Specifies that funds may still be distributed upon the death of the account holder as provided by law.

Makes organizational changes.

Intro. by Elmore, D. Hall, Winslow.

[GS 1C, GS 116, GS 147](#)

[View summary](#)

[Banking and Finance, Education, Higher Education](#)

H 169 (2023-2024) [EXECUTIVE ORDER MODIFICATIONS](#). Filed Feb 22 2023, *AN ACT TO ENFORCE SECTION 5(10) OF ARTICLE III OF THE CONSTITUTION OF NORTH CAROLINA.*

Under current law, Article III, Section 5(10) (Administrative reorganization), of the North Carolina Constitution permits the Governor to issue executive orders that affect existing law and make changes to the allocation of offices and agencies and in the allocation of functions, powers, and duties necessary for efficient administration, and requires that these orders be

submitted to the General Assembly on or before the 60th calendar day of its session. These executive orders become effective upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly.

Amends GS 143B-4 (Policy-making authority and administrative powers of Governor; delegation) to create new subsections (b) (Administrative Function Limitations) and (c) (Multiple Executive Orders).

New subsection (b) requires the Governor to submit all executive orders issued in accordance with Article III, § 5(10), of the Constitution to the Council of State for concurrence as defined in GS 166A-19.3(2d), except for orders under the North Carolina Emergency Management Act. Sets an expiration date of 30 days for an executive order that does not receive concurrence. An order that receives concurrence expires after 60 days, unless each house of the General Assembly approves the order by resolution or the General Assembly modifies it by joint resolution.

If the Council of State fails to concur with the executive order, new subsection (c) prohibits the Governor from submitting the same or a substantially similar executive order for one year after the initial issuance of the order.

Intro. by Kidwell, Cleveland, Moss, Pless.

GS 143B

[View summary](#)

Government, State Government, Executive

H 170 (2023-2024) **CONTINUING CARE RETIREMENT COMMUNITIES ACT-AB** Filed Feb 22 2023, *AN ACT TO ENACT THE CONTINUING CARE RETIREMENT COMMUNITIES ACT, AS RECOMMENDED BY THE DEPARTMENT OF INSURANCE.*

Identical to [S 145](#), filed 2/22/23.

Repeals Article 64, Continuing Care Retirement Communities, of GS Chapter 58. Instead, enacts new Article 64A, Continuing Care Retirement Communities, which provides as follows.

Part 1.

States the NCGA's intent to promote the dignity and protect the health, safety, and welfare of older NC citizens by (1) encouraging the development of continuing care retirement communities and (2) requiring providers offering or providing continuing care in the State to be licensed and to be monitored and regulated by the North Carolina Department of Insurance (Department) under this new Article. Specifies that the Article applies to for-profit and non-profit providers.

Sets out and defines 63 terms as they are used in the Article. Defines a continuing care retirement community as a retirement community consisting of one or more structures where a provider renders or will render some or all services promised in a continuing care or continuing care without lodging contract, whether or not the structures and land that make up the community are constructed, owned, leased, rented, managed, or otherwise contracted for by the provider. Provides that a continuing care retirement community may include one or more structures on a primary or contiguous site or an immediately accessible site. Excludes from the term, a person's personal residence if the residence is not a living unit provided by the provider. Allows a distinct phase of development approved by the Commissioner of Insurance (Commissioner) to be considered to be the continuing care retirement community when a project is being developed in successive distinct phases over a period of time. Specifies that "continuing care retirement community" and "life plan community" are the same thing. Defines provider as a person that offers or undertakes to provide continuing care under a continuing care or continuing care without lodging contract, or that represents themselves as providing continuing care. Defines continuing care as rendering to an individual other than an individual related by blood, marriage, or adoption to the person rendering the care housing in an independent living unit, together with related services, including access, when needed, to progressive levels of health care, including either assisted living care or nursing care, or both, regardless of whether the health care is provided at the continuing care retirement community where the individual resides or another location or through a contractual relationship with a third party, pursuant to a contract effective for the life of the individual or for a period longer than one year. Defines continuing care without lodging as a program offered by a licensed provider that provides continuing care to an individual who is not yet receiving housing, including programs that offer an individual an opportunity to move to an independent living unit at a future

date, if desired, according to the provider's established priority and admissions policies at the continuing care retirement community sponsoring the continuing care without lodging program.

Allows the Commissioner to adopt rules to implement the Article.

Prohibits a provider from paying a dividend or other distribution of equity or net assets after the Commissioner has determined that the provider is in a hazardous condition or has been determined to not be in satisfactory actuarial balance in an actuarial study filed with the Commission, or when the payment would have the effect of creating a hazardous condition in the provider or cause the provider to not be in satisfactory actuarial balance.

Requires a person to have a certification, license, permit, or other approval from the Commissioner before offering or providing continuing care in this State. Sets out eight acts that are considered to be engaging in the business of offering or providing continuing care, including accepting any deposit or any other payment related to continuing care; entering into any non-binding or binding reservation agreement, continuing care contract, or continuing care without lodging contract; commencing construction or converting an existing building for a continuing care retirement community; and expanding the number of independent living units at a continuing care retirement community in an amount equal to or in excess of 20% of existing independent living units.

Prohibits a provider who intends to collect or does collect entrance fees from leasing land or real property from another person if the land or property is to be used as a material part of a continuing care retirement community operated by the provider without first obtaining approval from the Commissioner. Entrance fees are defined as the sum of any initial, amortized, or deferred transfer of consideration made or promised by, or on behalf of, an individual entering into a continuing care or continuing care without lodging contract. Sets out the factors that the Commissioner must consider when deciding whether to allow an applicant or provider to lease any of the real property of a continuing care retirement community.

Requires all filings required under the Article by applicants and providers to be submitted electronically.

Allows the Commissioner to waive or modify the Article's provisions if there is a state of emergency or disaster; there is an incident beyond a provider's reasonable control that substantially affects the daily business operations of the provider or continuing care retirement community; or there is a sound actuarial, accounting, business principles, or other reasonable reason that does not diminish the Article's protections. Prohibits any waiver or modification that results in a greater regulator burden, unless agreed to in writing by the applicant or provider.

Specifies contracts, leases, notices, approvals, studies, and other documents that are confidential and privileged and are not considered public record and are not subject to subpoena or discovery or admissible as evidence in civil actions. Allows the Commissioner to use the same documents and information in furtherance of any regulatory or legal action brought as a part of the Commissioner's official duties. Sets out the steps the Commissioner must take before making those items public. Requires any information shared with the Commissioner that is not covered under these provisions but a person believes to be confidential or a trade secret to make it as such before submission to the Commissioner. Sets out provisions governing when the Commissioner may (1) share information, including confidential and privileged documents, with regulatory agencies or law enforcement or (2) receive information, including confidential and privileged items, from regulatory and law enforcement officials of other foreign or domestic jurisdictions and how those documents must be treated.

Prohibits providers from advertising a continuing care retirement community if the ad includes a statement or representation which materially conflicts with the disclosures required under this Article or materially conflicts with any continuing care or continuing care without lodging contract offered by the provider.

Part 2.

Requires a permit to accept deposits in order to market a proposed continuing care retirement community to measure its viability. Sets out the process for submitting the application to the Commissioner. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the application. Allows the applicant, after having been issued a permit, to: (1) disseminate materials describing the intent to develop a continuing care retirement community; (2) enter into non-binding reservation agreements; and (3) collect deposits in an amount not to exceed \$5,000, to be placed in escrow and released on in accordance with Part 4 of this Article. Providers that have been issued a permit are required to file periodic status reports.

Allows a person to apply for a start-up certificate by submitting the required information and paying a \$2,00 application fee. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the application. Once the certificate has been issued, requires the Commissioner to: (1) require the provider to submit periodic sales, development, and financial reports and (2) post the disclosure statement of the continuing care retirement community on the Department's website. Allows the applicant, after having been issued the certificate, to: (1) enter into binding reservation agreements and continuing care contracts; (2) accept entrance fees and deposits greater than \$5,000, to be placed in escrow and only released in accordance with Part 4 of this Article; (3) begin site preparation work; and (4) construct model independent living units for marketing.

Allows a person to apply for a preliminary certificate by submitting the required information. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the application. Once the certificate has been issued, requires the Commissioner to: (1) require the provider to submit periodic sales, development, and financial reports and (2) post the disclosure statement of the continuing care retirement community on the Department's website. Allows the applicant, after having been issued the certificate, to: (1) construct a continuing care retirement community and (2) convert existing structure(s) into a continuing care retirement community.

Allows a person to apply for a permanent license by submitting the required information. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the application. Allows for the issuance of a restricted license. Once the license has been issued, requires the Commissioner to: (1) require the provider to submit periodic occupancy and financial statements and (2) post the disclosure statement of the continuing care retirement community on the Department's website. Allows the applicant, after having been issued a permanent license, to: (1) open the continuing care retirement community and (2) provide continuing care. Allows applicants that receive a restricted permanent license to operate a continuing care retirement community under restrictions established by the Commissioner until the Commissioner issues a permanent license. Provides that when a restricted license is issued, the provider must inform all depositors and residents within 10 business days of all restrictions imposed by the license and conditions that the provider must satisfy to qualify for a permanent license.

Sets the duration of a permit to accept deposits and a start-up certificate at 36 months. Allows a person with a permit to accept deposits or a start-up certificate to request an extension and sets out the information that must be included in the request. Allows the Commissioner to extend the permit or certificate for up to one year if there is satisfactory cause for the delay, and allows the Commissioner to require the provider to update information that was previously filed before approving an extension. Does not limit the number of extensions that may be granted. Provides that if there is no satisfactory cause for the delay, the Commissioner must instruct the escrow agent to refund all deposits held in escrow, plus interest. Requires the provider, within 10 days of denial of an extension, to notify each depositor of the denial, of the expiration of the permit or certificate, and of any right to a deposit refund.

Sets out the process to be followed when an applicant or provider has material changes or deviation from the information submitted to the Commissioner.

Sets out the steps to be followed when the Commissioner denies an application, notification, or any other request for approval under this Article. Sets out the process under which applicants can demand a review to determine the reasonableness of the denial.

Part 3.

Requires a provider, before marketing and collecting deposits for a proposed expansion of a continuing care retirement community that is 20% or more of existing independent living units, to: (1) notify and obtain written approval from the Commissioner and (2) give all residents written warning of the intent to expand the number of units. Sets out information that must be included in the notice to the Commissioner. Sets out the timeline within which the Commissioner must respond to the notification. Sets out the conditions that must be met in order to approve the expansion notification. Once the notification has been approved, requires the Commissioner to require the provider to submit periodic sales and development reports. Allows the provider, after approval of the expansion notification, to: (1) disseminate materials, including advertisements, describing the intent to expand the number of independent living units at the continuing care retirement community; (2) enter into non-binding reservation agreements, binding reservation agreements, and continuing care contracts for the proposed independent living units; and (3) collect entrance fees and deposits for the proposed independent living units, with deposits placed in escrow and only released in accordance with Part 4 of this Article.

Requires a provider, before commencing construction of an expansion of a continuing care retirement community that is 20% or more of existing independent living units, to receive the Commissioner's approval of an expansion notification and apply to the Commissioner for approval to commence construction. Sets out information that must be included with the expansion application, including a \$1,000 application fee. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the expansion application. Once the application has been approved, requires the Commissioner to require the provider to submit periodic sales and development reports. Allows the provider, after approval of the expansion application, to commence construction of the new independent living units at the continuing care retirement community as proposed, and upon completion of construction and the satisfaction of all other legal requirements, open the expansion and provide continuing care to the residents of the new units.

Requires all entrance fees and deposits collected for independent living units in an expansion that requires approval from the Commissioner to be placed in escrow unless otherwise exempted by the Commissioner.

Part 4.

Requires entrance fees and deposits required under the Article to be deposited by the provider in an escrow account and maintained in a segregated account without commingling with other funds. Requires the Commissioner to approve in advance the escrow agent and all terms governing the account. Specifies 12 provisions that must be included in the written escrow agreement between the provider and escrow agent. Requires changes to the agreement to be approved by the Commissioner before they are used. Sets out provisions governing the delivery of the entrance fees or deposits to the escrow agent. Sets out the manners in which the entrance fees and deposits must be maintained by the escrow agent.

Requires approval from the Commissioner for interest, income, and other gains from funds held in escrow to be released or distributed. Sets out conditions for such approval. Requires interest to be distributed to the provider or depositors when the release of earnings is approved.

Prohibits using funds in an escrow account as collateral without prior written approval from the Commissioner.

Requires a refund of the escrowed funds upon notice from the provider of the death of a depositor, nonacceptance by the provider, voluntary cancellation, the denial of an application, or upon written notice from the Commissioner.

Sets out the process for requirements for petitioning the Commissioner for the release of: (1) the first 25% of each escrowed entrance fee and deposit and (2) the remaining 75% of escrowed entrance fees and deposits. Sets out requirements for the release of those funds.

Part 5.

Requires a provider to prepare a disclosure statement for each continuing care retirement community operated or to be operated in the State that contains the 34 specified pieces of information, including: (1) specified information about the officers, directors, trustees, managers, managing or general partners, or any person having a 10% or greater equity or beneficial interest in the provider and any person who will be managing the community on a day-to-day basis; (2) names of any other person who will be responsible for the financial and contractual obligations of the provider not already disclosed and the extent of their responsibilities; (3) the number of existing living units, or the number of units to be constructed at the community; (4) a description of any property rights of residents in the community; (5) circumstances under which a resident will be allowed to remain a resident at the community in the event of possible resident financial difficulties; (6) terms and conditions under which a contract may be canceled by the provider, or by the resident, and the conditions under which fees can be refunded; (7) conditions under which a provider may require a resident to move into another unit for their safety or for the provider's good; and (8) a five-year prospective financial statement. Requires a copy of the most common continuing care and continuing care without lodging contract used by the provider to be attached to each disclosure statement. Sets out requirements for the disclosure statement's cover page and for the readability of the disclosure statement. Requires the Commissioner to review the statement for completeness. Requires the Commissioner to post the current disclosure statement for each continuing care retirement community on the Department's website.

Sets out requirements for the delivery of a disclosure statement to a person or their legal representative with whom a binding reservation agreement, continuing care contract, or continuing care without lodging contract is being entered into. Sets out the required timing for delivery. Allows electronic delivery if the person consents. Requires an acknowledgment of receipt of a disclosure statement. Requires the Commissioner to maintain copies of all disclosure statements and amendments for at least five years.

Requires providers to file a revised disclosure statement within 150 days following the end of each fiscal year along with an annual filing fee of \$2,000. Sets out requirements for the receipt that the Commissioner must provide and requires posting the annual revised disclosure statement on the Department's website within the specified timeframe. Also requires the provider to make the annual revised statement available to all residents and depositors. Allows for extension of the due date, of no more than 30 days. Provides for a late fee, which can be waived for good cause.

Sets out conditions under which other revisions may be made to a disclosure statement.

Part 6.

Sets out items that must be included in a binding reservation agreement, defined as a binding contractual agreement between a provider and a depositor that requires the payment of a deposit to reserve the right to purchase continuing care, including the right to live in an independent living unit at a continuing care retirement community. Specifies that a purchase and sale agreement for an independent living unit is not considered a binding reservation agreement for the purposes of this Article. Items that must be included in the agreement relate to rescinding the agreement, automatic cancellation of the agreement, the refund of money or other consideration transferred to the provider upon a rescinding or cancellation, and the computation of any refund due to a depositor for cancellation or termination.

Sets out the provisions that must be included in a continuing care contract.

Part 7.

Requires a license for a person to arrange or provide continuing care without lodging. Allows a provider with a permanent license or a restricted permanent license to apply for a continuing care without lodging license. Sets out items that must be included in the application, including a \$500 application fee. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the application. Once the application has been approved, allows the Commissioner to require the provider to submit periodic reports to monitor the status of the program. Allows the applicant, after approval of the application, to arrange or provide continuing care without lodging, and requires filing an amended disclosure statement that contains the required information on continuing care without lodging.

Sets out items that must be included in a continuing care without lodging contract.

Part 8.

Requires a provider that has a permanent license or a restricted permanent license to submit an annual report to the Commissioner. Specifies items that must be included related to audited financial statements, five-year prospective financial statements, operating reserve certification, disclosure statements, and dates on which the required semiannual meetings were held. Requires additional information if the provider is also licensed to provide continuing care without lodging. Sets out the timing for filing the annual report and allows an extension for no more than 30 days. Sets out late fees, which may be waived for good cause.

Allows the Commissioner to require additional information. Requires the provider to notify the Commissioner and residents when the provider fails to maintain the operating reserve; the 12-month daily average independent living unit occupancy rate has fallen below 85% and remained there for more than 90 days; the provider or any group the provider is a part of has violated any covenant in the debt agreement, or the provider seeks modification, waiver, or extension of the material financial covenants or material payment terms under a mortgage loan, bond indenture, or other long-term financial agreement.

Prohibits the transfer of a permit, certificate, or license issued under this Article. Requires approval from the Commissioner before a provider or other owning person can sell or transfer any real property used in the operations of a continuing care retirement community or any interest in a community, other than the sale of an independent living unit to a resident or other transferee. Requires a provider to get approval from the Commissioner before consummating any purchase of real property currently leased and used by the provider in the operations of a continuing care retirement community. Sets out requirements for the timing and content of the requests for these transactions. Sets out the timeline within which the Commissioner must respond to the request. Sets out the conditions that must be met in order to approve the request. Allows the Commissioner to revoke or restrict a certificate or license of a provider or take other administrative actions if a provider violates these provisions.

Requires the Commissioner's approval to enter into an agreement to merge with, or otherwise acquire control of, a provider holding a certificate or license. Requires the acquiring person to file the request for approval. Sets out the required content for

the approval request. Sets out the timeline within which the Commissioner must respond to the request. Sets out the conditions that must be met in order to approve the request. Requires providers to give notice to all affected residents and depositors of the proposed merger or other acquisition of control within 5 business days after receiving approval. Allows the Commissioner to revoke or restrict a certificate or license of a provider or take other administrative actions if a provider violates these provisions.

Requires a provider to maintain, after the opening of a continuing care retirement community, an operating reserve and sets out reporting requirements.

Requires a provider to submit an actuarial study to the Commissioner, at least once every three years. Sets out additional requirements governing the study. Exempts from these actuarial study requirements a provider that only offers health care on a fee-for-service basis or only provides a limited discount or a limited number of free days in a long-term care facility; sets out documents that these individuals must provide instead.

Requires notifying the Commissioner before the provider changes its name or the name of a community it operates. Sets out requirements for notifying residents and depositors of the proposed change.

Requires approval from the Commissioner before a provider enters into a contract with a third party for the management of a continuing care retirement community. Sets out required content of the notification given to the Commissioner and for providing notice to residents. Sets out the timeline for the Commissioner's review of the notification. Sets out conditions under which the Commissioner may disapprove of the proposed third-party manager and conditions under which the provider must immediately remove a third-party manager.

Requires the provider to notify the Commissioner before reducing the number of living units at a continuing care retirement community by 20% or more. Specifies the information that must be provided in the notice and for providing notice to residents.

Part 9.

Requires providers to maintain after the opening of a continuing care retirement center an operating reserve equal to 50% of the total operating costs of the community forecasted or projected for the 12-month period following the period covering the most recent disclosure statement. Provides that once a community achieves a 12-month daily average independent living unit occupancy rate of 90% or higher, a provider is only required to maintain an operating reserve in the amount specified, with amounts ranging from 12.5% to 50% depending on the occupancy rate. Allows the Commissioner to increase the operating reserve amount if the provider is in a hazardous condition. Sets out related resident notification requirements. Sets out provisions for calculating the operating reserve amount. Specifies the types of assets that can be used by a provider to fund the operating reserve.

Allows a provider, instead of funding the operating reserve with qualifying assets, to fund all or a portion of the reserve by filing a surety bond or letter of credit. Sets out the requirements for the surety bond or letter of credit.

Requires approval from the Commissioner before an operating reserve can be released. Sets out requirements for the request. Allows disapproval of the request to withdraw funds if it is determined that it would not be in the resident's best interest. Sets out requirements for providing notice to residents.

Part 10.

Allows the Commissioner to (1) deny an application or any other request or approval or (2) restrict or revoke any permit, certificate, license, or other authorization issued under the Article if the Commissioner finds that the applicant or provider committed one of the 20 specified acts, including: (1) willfully violated any provision of this Article or the Commissioner's rules or orders; (2) engaged in fraudulent or dishonest business practices; (3) failed to maintain the escrow account; (4) violated a restriction of its permit, certificate, or license; or (5) has been determined to be in a hazardous condition. Requires the Commissioner to first issue a cease-and-desist order; if the order is not or cannot remedy the violation, allows the Commissioner, after notice and hearing, to order revocation. Allows a revocation order to be appealed to the Wake County Superior Court. Allows the Commissioner to remove a restriction upon finding changed circumstances. Sets out requirements for notice to residents. Specifies that revocation does not release a provider from obligations assumed through continuing care and continuing care without lodging contracts.

Sets out 14 standards that the Commissioner may consider in determining whether a provider is in a hazardous condition, including: (1) whether the provider is impaired or insolvent; (2) adverse findings reported in examination reports, audit reports, and actuarial opinions, reports, or summaries; (3) whether the provider has failed to establish, maintain, or has substantially depleted the required operating reserve; (4) whether the management of a provider has failed to respond to the Commissioner's inquiries about the condition of the applicant or provider or has furnished false and misleading information in response to an inquiry by the Commissioner; or (5) whether the applicant or provider has experienced or will experience in the foreseeable future cash flow or liquidity problems.

Allows the Commissioner, upon determining that a provider is in a hazardous condition, to issue an order, after notice and opportunity for hearing, requiring a provider to (1) submit a corrective action plan within 45 days and (2) notify all residents and depositors within five business days of the Commissioner's order. Requires the corrective action plan to include: (1) proposals of corrective actions the provider intends to take which would reasonably be expected to result in the elimination of the hazardous condition and (2) a date when the provider anticipates it will rectify the problems and deficiencies. Sets out the timeline under which the Commissioner must act on the plan. Allows for submission of a revised plan based on notification from the Commissioner. Requires immediate implementation of an approved plan, distribution of the plan to residents and depositors, and reporting progress to the Commissioner. Allows the Commissioner to engage consultants to develop a corrective action plan when a submitted plan is disapproved.

Sets out the Commissioner's investigate and subpoena powers.

Makes a provider civilly liable for entering into a binding reservation agreement, continuing care contract, or continuing care without lodging contract without having first delivered a disclosure statement to the person with whom the agreement or contract was entered into, or for entering into a binding reservation agreement, continuing care contract, or continuing care without lodging contract with a person who has relied on a disclosure statement that materially misrepresents or omits a material fact required to be stated or necessary in order to make the statement, in light of the circumstances under which they are made, not misleading. Specifies that liability exists regardless of whether the provider had actual knowledge of the misstatement or omission. Prohibits a person from bringing an action if the person was offered and failed to timely accept an offer of a refund that meets the specified amounts. Requires the action to be brought within three years of the alleged violation.

Makes it a Class 1 misdemeanor to willfully and knowingly violate the Article.

Sets out the conditions under which a permit, certificate, license, or other approval must be forfeited, after notice and opportunity for hearing. Sets out requirements for notifying residents and depositors of forfeiture.

Allows the Commissioner, after determining that a provider is or has been violating the Article, to, after notice and opportunity for hearing, order the provider to cease entering into binding reservation agreements, continuing care contracts, and continuing care without lodging contracts and make a rescission offer to any resident or depositor who entered into such an agreement or contract while the violation was occurring. Allows for the agreements and contracts to be rescinded without penalty by the resident or depositor. Bars residents and depositors from benefitting from this provision if they have refused or failed to timely accept an offer by the provider to rescind the agreement or contract and refund the full amount paid plus interest (less specified costs).

Sets out the conditions under which the Commissioner may order payment of a penalty (of \$100-\$1,000 per violation) or petition the court for an order directing payment of restitution.

Prohibits a provider from actively soliciting, approving the solicitation of, or entering into new binding reservation agreements, continuing care contracts, or continuing care without lodging contracts in this State after the provider knew, or reasonably should have known, that the provider was impaired or insolvent except with the Commissioner's written permission.

Part 11.

Sets out the conditions under which the Commissioner may commence supervision proceedings or apply to the Wake County Superior Court or federal bankruptcy court that may have previously taken jurisdiction over the provider or community for an order directing or authorizing the Commissioner to rehabilitate or to liquidate a provider or continuing care retirement community. Sets out requirements for providing notice to residents and depositors. Sets out the conditions under which the rehabilitation may be terminated and the community and its assets and affairs are returned to the provider's management. Requires an order for rehabilitation to be refused or vacated if the provider posts a bond, as specified.

Allows, when the Commissioner has been appointed as a receiver for a provider or a continuing care retirement community, the Department of Health and Human Services to accept and approve the addition of adult care home beds or nursing beds for a continuing care retirement community owned by, or operated by, the provider, if it appears to the Court that (1) the best interests of the provider or (2) the welfare of persons who have previously contracted with the provider or may contract with the provider, may be best served by the addition of adult care home beds or nursing beds.

Provides that in the event of liquidation of a provider, all continuing care and continuing care without lodging contracts executed by the provider are deemed preferred claims against all of the provider's assets (although claims are subordinate to the liquidator's cost of administration or any secured claim).

Part 12.

Gives a resident of a continuing care retirement community operated by a licensed provider the right of self-organization, the right to be represented by an individual of the resident's own choosing, and the right to engage in concerted activities to keep informed on the community's operations or for other mutual aid or protection. Specifies that this includes the right to establish a residents' council.

Requires the provider's board of directors or other governing body to hold in-person semiannual meetings with the residents of each continuing care retirement community operated by the provider in this State for free discussions of subjects include specified topics. Specifies that a provider is allowed to make a semiannual meeting available via electronic means to residents who are unable to attend in person. Sets out requirements for providing notice of the meetings. Sets out emergency conditions under which the meetings can be held electronically.

Section 13.

Provides that no act, agreement, or statement of any resident, or of an individual purchasing continuing care for a resident under any continuing care or continuing care without lodging contract, is a valid waiver of any provision of this Article intended for the benefit or protection of the resident or the individual purchasing continuing care for the resident.

Establishes the 12 member Continuing Care Advisory Committee comprised of providers, residents, and professionals involved in the continuing care retirement community industry. Sets out additional membership requirements and sets membership terms at 3 years, with two consecutive terms allowed. Requires the Committee to: (1) act in an advisory capacity to the Commissioner on matters pertaining to the operation and regulation of continuing care retirement communities and continuing care without lodging programs; (2) report to the Commissioner on developments in the continuing care retirement community industry and problems or concerns of providers and residents; and (3) recommend changes in relevant statutes and rules.

Provides that this Article does not affect the authority of the Department of Health and Human Services or any successor agency otherwise provided by law to license or regulate any long-term care facility. Exempts continuing care retirement communities and providers licensed under this Article that are also subject to the provisions of the North Carolina Condominium Act from the provisions of GS Chapter 39A (Transfer Fee Covenants Prohibited), if the continuing care retirement community's declaration of condominium does not require the payment of any fee or charge not otherwise provided for in a resident's continuing care contract, or other separate contract for the provisions of membership or services.

Allows the Commissioner, or designee, to visit a provider to examine its books and records. Also allows the Commissioner, or designee, to examine a person with a contractual or financial relationship with the provider, to the extent necessary to ascertain the provider's financial condition, if the provider relies on a contractual or financial relationship with another person in order to meet the Article's financial requirements.

Applies to contracts issued, renewed, or amended on or after October 1, 2023.

Intro. by Setzer, Humphrey.

GS 58

[View summary](#)

Business and Commerce, Insurance, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Health and Human Services,

**Department of Insurance, Health and Human Services, Social
Services, Adult Services**

H 171 (2023-2024) **BAIL BOND REFORM.-AB** Filed Feb 22 2023, *AN ACT TO MAKE VARIOUS CHANGES TO LAWS RELATING TO BAIL BONDSMEN, AS RECOMMENDED BY THE DEPARTMENT OF INSURANCE.*

Amends Article 71 of GS Chapter 58 by enacting new GS 58-71-2, setting forth a statement of purpose and expressly abrogating any part of the common law that conflicts with Article 71.

Amends GS 58-71-30 (allowing a surety to arrest a defendant for purposes of surrendering the defendant before forfeiture of the undertaking or to request a judicial official to order that arrest) by adding new provisions as follows. Bars sureties on a bail bond or undertaking from another state or jurisdiction from arresting the defendant in this State for purposes of surrender, but permits those sureties to use any surety bondsman, professional bondsman, or runner to effect the arrest or surrender of the defendant so long as the surety provides that person with a certified copy of the undertaking.

Amends GS 58-71-1 as follows. Deletes defined term *first-year licensee* (any person licensed as a bail bondsman or runner and who has that license for a period of less than 12 months). Sets forth new defined terms *direct supervision* and *provisional licensee* (any person licensed as a bail bondsman or runner for less than a period of 24 months). Amends the definition of *supervising bail bondsman* to be any person licensed as a professional bondsman or surety bondsman that meets the requirements of new GS 58-71-43, and employs or contracts with a provisional license.

Amends GS 58-71-41 (governing limitations on first-year licensees) by deleting the reference to "first-year licensees" and replacing that term with the new term "provisional licensee." Makes conforming changes. Requires a provisional licensee to work from the same office as their supervising bail bondsman. Specifies that the supervising bail bondsman is responsible for a provisional licensee's acts. Increases the time that a first-year bail bondsman can not serve as supervising bail bondsman from two years to five years. Deletes language stating that inactive or unlicensed bail bondsmen or runners for no more than three years, who had been previously licensed with the Commissioner of Insurance (Commissioner) for at least 18 months, would not be deemed a new licensee.

Enacts new GS 58-71-43 setting forth the following requirements for supervising bail bondsmen: (1) submission of an application with \$200 fee; (2) five years of uninterrupted experience as a licensed bail bondsman; (3) have not violated an order of the Commissioner or had adverse administrative action taken against the applicant's license pursuant to GS 58-71-80 (disciplinary procedures); (4) complete a supervising bail bondsman training course offered by the Commissioner and pass a written examination provided by the Commissioner. Requires payment of annual \$200 fee by May 31, with failure to pay resulting in revocation of the bondsman's status as a supervising bail bondsman. Sets forth a monthly reporting requirement to the Commissioner of each supervised provisional licensee.

Amends GS 58-71-80 to allow for disciplinary action based on the commission of certain crimes, including any felony. (Currently, just conviction and no reference to commission of specified crimes or of a felony.) Makes conforming changes to refer to provisional licensee.

Effective October 1, 2023, and applies to bail bondsmen licenses issued or renewed on or after that date.

Amends GS 58-71-71 (governing continuing education requirements for runners or bail bondsmen) to change the due date for completing continuing education from June 30 to May 31. Makes a conforming change. Amends GS 58-71-75 (licensure renewal) to set an established license renewal due date of May 31 of each even-numbered year (currently, tied to the licensee's current license expiration date). Effective July 1, 2024, and applies to bail bondsmen licenses issued or renewed on or after that date.

Intro. by Setzer, Humphrey.

GS 58

[View summary](#)

**Business and Commerce, Occupational Licensing,
Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation)**

H 172 (2023-2024) [SAM'S LAW](#). Filed Feb 22 2023, *AN ACT TO PROVIDE TRAINING TO STUDENTS AND SCHOOL PERSONNEL ON RECOGNIZING AND RESPONDING WHEN A PERSON IS EXPERIENCING A SEIZURE.*

Names the act the “Seizure Safe Schools Act of 2023” or “Sam’s Law.”

Amends Article 25A of GS Chapter 115C by enacting new GS 115C-375.7 (governing seizure preparedness) as follows.

Allows a parent of a student diagnosed with a seizure disorder to petition the student’s school unit for a *seizure action plan* [Plan] (a written, individualized health plan developed between a school unit and the parent of a student enrolled in the unit who is diagnosed with a seizure disorder that identifies the health care needs of the student and prepares school personnel to meet those needs). Specifies that the Plan must include at minimum the following components: (1) written statement from the student’s health care provider with the student’s name, any seizure medication prescribed to the student, the dosage and method of administering the seizure medication, the frequency of administration of the seizure medication, and the symptoms necessitating administration of the seizure medication; and (2) a written statement from the parent indicating whether school personnel or volunteers are permitted to administer seizure medication to the student, to be renewed in each subsequent school year the student attends a school in the school unit, and (3) if school personnel or volunteers who meet the act’s training requirements are authorized by the parent to administer seizure medication to a student, requires the parent provide the school with at least one unopened dosage of the medication with an intact pharmaceutical label, to be stored in a safe and secure location accessible only by school personnel or volunteers with training to administer seizure medication in accordance with training requirements of new GS 115C-375.7. Specifies that a Plan is only valid for one school year.

Requires each school unit to ensure at least one of its employees is trained to administer or assist with the self-administration of any seizure medication provided to the school under a Plan. Requires the governing body of each school unit to adopt minimum training requirements for those employees or volunteers supervising students with seizure disorders consistent with the guidelines established by the Epilepsy Foundation of America, Inc., or its successor. Establishes a seizure education program for all school personnel having direct contact with students in grades kindergarten through 12. Requires annual seizure education in each public school unit, to cover at a minimum the following topics: (1) instructions for administering seizure medications; (2) signs and symptoms of seizures and the appropriate steps to be taken to respond to symptoms of a seizure; and (3) any other guidelines established by the Epilepsy Foundation of America, Inc., or its successor. Requires governing body of each public school unit to adopt a policy outlining the requirements of the seizure education program. Requires governing body of each school unit to adopt a policy requiring principals, guidance counselors, and teachers in the unit to complete at least one hour of self-study review of seizure disorder materials each school year. The governing body of the unit must select the materials for study in accordance with current practices and standards. Requires the governing body of the school unit to ensure that an informational poster on seizure first aid is posted in at least one visible, high traffic area in each school in the unit.

Amends GS 115C-12 (State Board of Education [Board]), GS 115C-47 (local boards of education), GS 115C-218.75 (charter schools), GS 115C-238.66 (regional schools), and GS 116-11 (Board of Governors) by requiring the Board to adopt rules regarding seizures for all schools under its authority and requiring the other entities to adopt seizure policies for schools under their control.

Appropriates from the General Fund to the Department of Public Instruction \$50,000 in nonrecurring funds to assist the Board with the development of its seizure policy and with other costs associated with the implementation of the act. Authorizes the Board to share any materials or rule language developed under the act with the Board of Governors of the University of North Carolina and the Division of Nonpublic Schools to facilitate the development of seizure policies consistent with the act.

Applies beginning with the 2024-25 school year.

Intro. by Kidwell, Hardister, Biggs, Cairns.

APPROP, GS 115C, GS 116

[View summary](#)

**Education, Elementary and Secondary Education,
Government, State Agencies, UNC System, Department of
Public Instruction, State Board of Education**

H 173 (2023-2024) [TREASURY ADMINISTRATIVE CHANGES ACT.-AB](#) Filed Feb 22 2023, *AN ACT MAKING CLARIFYING AND ADMINISTRATIVE CHANGES TO LAWS RELATING TO THE DEPARTMENT OF STATE TREASURER'S BANKING OPERATIONS AND INVESTMENT PROGRAMS, AS RECOMMENDED BY THE DEPARTMENT OF STATE TREASURER.*

Amends GS 147-68.1 to require the cost of banking operations of the Department of State Treasurer (Department) to be apportioned and paid equitably among the funds and programs using the Department's services, as prescribed by the State Treasurer. Requires the income and assets of the funds and programs using the Department's services to pay the cost of banking operations to the extent the costs are not otherwise chargeable directly to the income or assets of a specific fund or program (no longer requiring deposits with the Treasurer as a general fund nontax revenue and costs to be covered by appropriations to the State Treasurer in the Appropriations Act). Directs apportionment and payment to be accounted for in a manner determined by the State Treasurer.

Amends GS 147-69.3 to require the cost of administering the State Treasurer's investment programs to be apportioned and paid equitably among the established programs in a manner prescribed by the State Treasurer. Requires the administration costs to be paid from the income and assets of a particular investment program when not otherwise chargeable directly to the income or assets of the program (no longer requiring deposits with the Treasurer as a General Fund nontax revenue and appropriations to cover costs not directly paid from the income or assets of the particular program). Directs apportionment and payment to be accounted for in a manner determined by the State Treasurer.

Amends GS 147-76, changing the statute's caption. Adds a new provision deeming the cost of administration, management, and operations of the Department to be accounted for in a manner determined by the State Treasurer. Makes technical changes.

Intro. by Ross, Carson Smith.

[GS 147](#)

[View summary](#)

[Government, State Agencies, Department of State Treasurer](#)

H 175 (2023-2024) [CONFIRM ED WILSON/SPECIAL SUPERIOR CT JUDGE](#). Filed Feb 22 2023, *A JOINT RESOLUTION CONFIRMING THE GOVERNOR'S APPOINTMENT OF EDWIN G. WILSON, JR., AS A SPECIAL SUPERIOR COURT JUDGE.*

Includes whereas clauses.

As title indicates, confirms the governor's appointment of Edwin G. Wilson, Jr. as a special superior court judge whose term will end five years from the date of the appointment.

Intro. by Pyrtle.

[JOINT RES](#)

[View summary](#)

H 177 (2023-2024) [DEQ OMNIBUS.-AB](#) Filed Feb 22 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE DEPARTMENT OF ENVIRONMENTAL QUALITY, AS RECOMMENDED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY.*

Amends GS 130A-309.204, modifying the reporting requirements of the Department of Environmental Quality (DEQ) to the Environmental Review Commission concerning all activities and programs relating to coal combustion residuals surface impoundments. Now requires annual rather than quarterly reporting, and permits the reports to be combined with the report required to the NCGA in subsection (b), which requires reporting to members who have coal combustion residuals surface impoundments in their district.

Amends GS 130A-309.05, making technical changes to add descriptors to existing subsections. Revises subsection (c) to deem recovered material not subject to permitting requirements for solid waste (previously, not subject to regulation as solid waste). Now authorizes DEQ to require persons with ownership or control over the material to obtain a beneficial use determination

from DEQ as an alternative to DEQ's existing authority to require such persons demonstrate that the material meets the requirements of recovered material under subsection (c). Grants DEQ (was the Environmental Management Commission) authority to adopt implementing rules for subsection (c), and no longer qualifies that this rulemaking authority is for the purpose of protecting public health and the environment. No longer specifies that materials that are accumulated speculatively are subject to regulation as a solid waste; maintains that such materials are not recovered material. Enacts a new subsection (d), authorizing DEQ to determine whether nonhazardous solid waste can be used or reused for a particular site or application alternatively to disposal at a permitted facility, pursuant to stated purposes, including reduction of greenhouse emissions. Provides for an application and review process for a beneficial use determination from DEQ, valid for up to five years. Upon review of an application, allows DEQ to either authorize management of a specified type of nonhazardous solid waste at a site other than a permitted facility, or issue a beneficial use determination with appropriate conditions for use. Requires DEQ to consider internal research or information submitted by any person or entity concerning the potential hazards of any type of solid waste when reviewing applications and additional information. Allows DEQ to require submittal of a demonstration that the solids waste is being safely managed, and as part of any authorization, require periodic testing of solid wastes or other conditions that ensure the product or by-products recovered or diverted for beneficial use are not discharged, deposited, or otherwise placed into or upon land or water whereby their constituents enter the environment or pose a threat to public health and safety. Requires applicants to annually report to DEQ on the material's use and compliance with state law. Grants DEQ authority to suspend, revoke, or modify any authorization due to noncompliance or discovery of new information related to public health or environmental safety. Requires DEQ to provide notice on its website of approved beneficial use determinations. Excludes facilities that manage source separated materials for recycling from new subsection (d)'s requirements. Authorizes DEQ to adopt implementing rules and establish application fees for a reuse determination. Details further requirements related to establishing fees. Effective October 1, 2023.

Enacts GS 159G-22(g1), establishing the Local Assistance for Stormwater Infrastructure Investments (LASII) Fund (established in Section 12.14, SL 2021-180, the 2021 Appropriations Act) as an account within the Water Infrastructure Fund with a purpose of providing grants to eligible entities for described stormwater improvement projects. Defines eligible entity as a city or county that documents a stormwater quality or quantity issue as specified by DEQ, and demonstrates a significant hardship is raising the necessary revenue to finance stormwater management activities based on specified population data. Specifies that a regional council of government and nonprofits qualify as eligible entities if the council or nonprofit partners with a city or county. Effective October 1, 2023.

Amends GS 159G-36(d) to no longer limit awards from the Viable Utility Reserve to local governments made under GS 159-32(d)(6) as emergency grants for operating deficits to no more than three consecutive fiscal years. Effective July 1, 2023.

Amends Section 12.9(e), SL 2022-74, which provide for allocations of funds appropriated to DEQ for the Water Infrastructure Fund, as follows. More specifically requires \$1 million be allocated to Harnett Regional Water to construct water or sewer lines inside the Town of Erwin (was, allocated to the Town without specifications). Removes the apportionment previously specified for the \$8 million allocated to the Town of Walnut Cove.

Effective July 1, 2023, repeals GS 143-214.7B, which grants rulemaking authority to the Environmental Management Commission to establish a fast-track permitting process that allows for the issuance of stormwater management system permits without a technical review when the permit applicant complies with DEQ's Minimum Design Criteria for stormwater management and submits a permit application prepared by a qualified professional.

Amends GS 126-53, which allows intergovernmental employee interchanges of up to two years, to allow for an extension of an interchange for an additional two years if the sending and receiving agencies agree.

Intro. by K. Hall, Iler.

APPROP, Harnett, Stokes, GS 126, GS 130A, GS 143, GS 159G

[View summary](#)

Environment, Energy, Environment/Natural Resources, Government, Budget/Appropriations, State Agencies, Department of Environmental Quality (formerly DENR), State Government, State Personnel, Local Government, Health and Human Services, Health, Public Health

H 178 (2023-2024) [MAINTENANCE OF STATE VETERANS CEMETERIES](#). Filed Feb 22 2023, *AN ACT REQUIRING THE DEPARTMENT OF VETERANS AND MILITARY AFFAIRS TO ENHANCE OVERALL MAINTENANCE OF THE STATE'S VETERANS CEMETERIES*.

Requires the Department of Veterans and Military Affairs (Department) to ensure that all the State's four veterans cemeteries are staffed by those able to properly operate maintain the cemeteries. Requires the Department to identify and correct the following issues: (1) undue delays in installing headstones, (2) damage to headstones, temporary markers, and graves caused by lawn equipment or vehicles, (3) drainage and flooding problems, (4) scattered debris and other items, and (5) overall grounds appearance, including bare patches due to lack of grass. Authorizes the Department to permit auxiliary and active military groups and other fraternal organizations to volunteer to perform maintenance projects in the State's veterans cemeteries.

Requires the Department to adjust its policies to accommodate family requests relating to funeral services. Requires the Department to review its current policies related to (1) chapel only services, (2) the time allotted for funeral services, (3) the number of attendees allowed to attend funeral services, and (5) barring visitation of grave sites while a funeral is being held.

Sets reporting requirement on the Department's findings on both the issues it identified and corrected as well as any policy changes it made pursuant to this act to the specified NCGA committee chairs by October 1, 2023.

Intro. by Wheatley, Penny.

[UNCODIFIED](#)

[View summary](#)

[Government, State Agencies, Department of Military & Veterans Affairs, Military and Veteran's Affairs](#)

H 180 (2023-2024) [ADOPT HAYWOOD COUNTY AS ELK CAPITAL OF NC](#). Filed Feb 22 2023, *AN ACT ADOPTING HAYWOOD COUNTY AS THE ELK CAPITAL OF THE STATE OF NORTH CAROLINA*.

Includes whereas clauses. As title indicates, enacts new GS 145-52 adopting Haywood County as the State's official elk capital.

Intro. by Pless.

[Haywood, GS 145](#)

[View summary](#)

[Government, Cultural Resources and Museums](#)

H 181 (2023-2024) [UNCLAIMED PROPERTY DIVISION CHANGES.-AB](#) Filed Feb 22 2023, *AN ACT MAKING VARIOUS CHANGES TO THE UNCLAIMED PROPERTY DIVISION STATUTES, AS RECOMMENDED BY THE DEPARTMENT OF STATE TREASURER*.

Amends GS 116B-52(11) of the North Carolina Unclaimed Property Act (Act) to change references in the definition of property from "money" to "currency."

Amends GS 116B-59(a1) (setting forth duty of holders of certain types abandoned property to notify apparent owners of that property before reporting the abandoned property to the state as required by the Act) by permitting a holder to authorize a third party to perform the required notice. Specifies that any third party authorization does not absolve the holder of responsibility to comply with the notice requirements.

Amends GS 116B-60 (setting forth reporting requirement of abandoned property holder to the state and tax return certification requirements) to allow a holder to authorize a third party to perform the required reporting and/or certification requirements. Specifies that any third party authorization does not absolve the holder of responsibility to comply with the reporting and/or certification requirements.

Amends GS 116B-62 (setting forth requirement that Treasurer prepare a list of the apparent owners of escheated and abandoned property and requirements governing that list) as follows. Deletes provision stating that the Treasurer does not have to list any item valued at less than \$50 unless the Treasurer finds it in the public interest to do so. Now generally

specifies that the Treasurer is not required to include property values in any list unless the Treasurer finds it in the public interest to do so.

Amends GS 116B-65(a) (governing sale of abandoned property) to require publication of notice of sale of abandoned property on the Treasurer's website. (Currently, publication must be at least twice a year in a major newspaper in the state's major media markets.)

Amends GS 116B-78(d) (agreements to locate property finders and owners or apparent owners) to specify that a property finder cannot be authorized to negotiate or deposit (was, negotiate) a check made payable to the owner.

Makes technical and conforming changes.

Intro. by Hardister, Rudow, Carson Smith.

[GS 116B](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing, Government, State Agencies, Department of State Treasurer](#)

H 182 (2023-2024) [ESCHEAT FUND FEE WAIVER.-AB](#) Filed Feb 22 2023, *AN ACT TO WAIVE FEES FOR CERTAIN PROPERTIES HELD IN THE ESCHATE FUND, AS RECOMMENDED BY THE DEPARTMENT OF STATE TREASURER.*

As title indicates, amends GS 7A-307(b) (governing collections of personal property by affidavit filed in court) by setting forth facility and specified amount of court fee waiver requirements when: (1) the amount to be collected is \$5,000 or less and (2) the property is held in the Escheat Fund pursuant to Article 1A of GS Chapter 116B. Effective January 1, 2024, and applies to petitions filed on or after that date.

Intro. by Hardister, Rudow, Carson Smith.

[GS 7A](#)

[View summary](#)

[Government, State Agencies, Department of State Treasurer](#)

H 183 (2023-2024) [WC/SOLE PROPRIETORS MUST HAVE COVERAGE.](#) Filed Feb 22 2023, *AN ACT AMENDING THE WORKERS' COMPENSATION ACT TO REQUIRE SOLE PROPRIETORS TO MAINTAIN WORKERS' COMPENSATION INSURANCE.*

Amends Article 1 of GS Chapter 97 (Worker's Compensation Act [WCA]) by enacting new GS 97-6.2 requiring a sole proprietor performing any work to maintain workers' compensation insurance at all times, even if they do not employ any other employees. Specifies that the sole proprietor is entitled to employee benefits and subject to employee responsibilities. Specifies that even if the sole proprietor is performing work under a contract that provides workers' compensation insurance for them, the contract does not satisfy or supersede the statutory requirements. States that failure to comply with the requirement estops the sole proprietor from making a claim on the workers' compensation policy of another person. Clarifies that the new provision does not affect law relating to the presumption that taxi cab drivers are independent contractors.

Amends GS 97-2 (the definitions section of the WCA) by setting forth a definition of *sole proprietor* and deleting references to sole proprietors as individuals who are not considered "employees" under the WCA.

Intro. by Alexander, Majeed.

[GS 97](#)

[View summary](#)

[Business and Commerce, Insurance, Employment and Retirement, Health and Human Services, Social Services, Public Assistance](#)

H 185 (2023-2024) [CLARIFYING SEX ED TIME FRAME](#). Filed Feb 22 2023, *AN ACT TO CLARIFY REPRODUCTIVE HEALTH AND SAFETY EDUCATION REQUIREMENTS IN PUBLIC SCHOOL UNITS*.

Amends GS 115C-81.30(a), which requires local school administrative units to provide a reproductive health and safety education program starting in the seventh grade, to specify that this education cannot start before the seventh grade. Amends GS 115C-218.85 to prohibit charter schools from providing instruction on, and GS 115C-238.66 and GS 115C-239.8 to ensure regional schools or lab schools do not include any material covering, reproductive health and safety education addressed in GS 115C-81.30 before the start of the seventh grade.

Additionally amends subsection (c) of GS 115C-81.30, which requires parents and legal guardians to be given an opportunity to review the objectives and materials prior to student participation in programs relating to the prevention of sexually transmitted diseases, the avoidance of out-of-wedlock pregnancy, or any reproductive health and safety education program. Requires local boards of education to adopt policies to require parents and legal guardians to consent to the student's participation in any or all of the programs before the student may participate (under current law, boards are required to adopt policies to provide opportunities for parents and legal guardians to consent or withhold consent to the student's participation in any or all programs).

Intro. by Torbett, Blackwell, Zenger, Wheatley.

GS 115C, GS 116

[View summary](#)

**Education, Elementary and Secondary Education,
Government, State Agencies, UNC System, Health and Human
Services, Health, Public Health**

H 186 (2023-2024) [DIV. OF JUVENILE JUSTICE MODS.-AB](#) Filed Feb 22 2023, *AN ACT TO MODIFY THE SERVICE OF SUMMONS FOR JUVENILE PETITIONS, TO CREATE ALTERNATIVES TO JUVENILE DETENTION, TO CLARIFY THE PROCESS FOR COURT-ORDERED EVALUATIONS FOR JUVENILES, TO MODIFY THE DISCLOSURE OF CERTAIN INFORMATION TO THE PUBLIC CONCERNING JUVENILES, TO CLARIFY MINORITY SENSITIVITY TRAINING FOR LAW ENFORCEMENT PERSONNEL, TO CLARIFY JUVENILE DETENTION TRANSFER, AND TO MAKE VARIOUS TECHNICAL AND CONFORMING CHANGES, AS RECOMMENDED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF JUVENILE JUSTICE*.

Amends GS 7B-1806 to allow a juvenile court counselor or any other person authorized by law to serve and complete juvenile process pursuant to GS 143B-831.

Enacts GS 7B-1902.5 to authorize courts to impose alternatives to juvenile detention, under the supervision of a juvenile court counselor, so long as the juvenile is eligible to be placed in secure custody and the court finds the alternatives ensure both the public's safety and the juvenile's appearance in court. Requires the order to be in writing and specify the reasons for use of the alternatives to detention. Provides authority for the chief district court judge to delegate the court's authority to direct the use of alternatives to detention to the chief court counsel or their staff by administrative order, as specified; excludes the court's authority to detain or house juveniles in holdover facilities. Requires a hearing within five days of entry of an order pursuant to delegated authority, with hearings at intervals of no more than 60 days thereafter, to determine if the continued use of the alternatives is appropriate. For all other orders, requires hearings on the continued use of the alternatives in intervals of not more than 60 days after entry of the initial order. Additionally authorizes hearings on their continued use at any time upon the court's own motion or upon motion of the juvenile court counselor, the prosecutor, or the juvenile. Requires the court to use the criteria under GS 7B-1903 in determining whether to continue the order, terminate the order, or take other authorized action.

Amends GS 7B-1907 to allow for telephonic communication as required under new GS 7B-1902.5 when other means of communication are impractical.

Amends GS 7B-2502 to allow a hearing after the completion of an undisciplined or delinquent juvenile's examination to determine whether the juvenile has any medical, surgical, psychiatric, or psychological needs, or conduct other evaluation or treatment. Authorizes the court to order the juvenile to comply with any recommended evaluation or treatment. For juveniles adjudicated delinquent who are identified with a suspected mental illness by a validated screening instrument or other evidence presented to the court (previously did not specify validation by screening or evidence), or suspected development disability to intellectual disability, requires the Division of Juvenile Justice of the Department of Public Safety (Division) to make a referral for a comprehensive clinical assessment or equivalent mental health assessment, unless such assessment has been conducted

within the last 90 days before the disposition hearing (was within 45 days before the adjudication hearing). Now requires the court to review the assessment, whether court ordered or one conducted within 90 days before the disposition hearing, prior to the disposition of the case (previously limited to court-ordered assessments and required review prior to the date of disposition).

Enacts GS 7B-3103 authorizing courts to order the Division or any law enforcement agency to release to the public specified information about a juvenile upon making three written findings in the order: (1) that a petition has been filed alleging the juvenile has committed an offense that would be a Class A, B1, B2, or C felony if committed by an adult; (2) the court determines that the juvenile presents a danger to self or others; and (3) the court determines good cause exists. Enumerates information about the juvenile that may be disclosed, including a photograph, first name and last initial, the offense alleged, whether secure custody was issued, and a statement of the juvenile's threat to self or others. Prohibits disclosure if the juvenile is taken into custody. Requires the disclosing entity to make a reasonable effort to notify a parent, legal guardian, or custodian of the juvenile before disclosure.

Corrects a statutory cross-reference in GS 153A-218 with regard to criteria for juvenile detention facilities located within county jails.

Amends GS 114-12.1 to deem the Division responsible for creating, implementing, and evaluating juvenile minority sensitivity and racial and ethnic disparities training annually. Excludes the Division from the Department of Justice's requirement to conduct minority sensitivity training annually so long as the Division's training meets the Department's guidelines.

Amends GS 7B-2204 to allow juveniles to be detained in a holdover facility or a Division-approved detention facility until transfer to the Division of Prisons of the Department of Adult Correction to serve their active sentence. No longer prohibits detention in a detention facility pending transfer unless the facility is operated by the sheriff.

Effective December 1, 2023.

Intro. by Davis, Pyrtle, Carson Smith, A. Jones.

[GS 7B, GS 114, GS 153A](#)

[View summary](#)

[Courts/Judiciary, Juvenile Law, Delinquency, Government, State Agencies, Department of Public Safety, Local Government, Health and Human Services, Health](#)

PUBLIC/SENATE BILLS

S 3 (2023-2024) [NC COMPASSIONATE CARE ACT](#). Filed Jan 25 2023, *AN ACT ENACTING THE NORTH CAROLINA COMPASSIONATE CARE ACT*.

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

Amends 90-113.136, which prioritizes funds appropriated to the Medical Cannabis Production Commission, to correct and add to statutory cross-references relating to the medical cannabis supply system and the registry system established under the new Article 5H.

Intro. by Rabon, Lee, Lowe.

[GS 90, GS 105, GS 106](#)

[View summary](#)

[Agriculture, Courts/Judiciary, Criminal Justice, Government, State Agencies, UNC System, Department of Health and Human Services, Tax, Health and Human Services, Health](#)

S 142 (2023-2024) [MAKE CORPORATIONS PAY THEIR FAIR SHARE](#). Filed Feb 22 2023, *AN ACT TO REPEAL THE CORPORATE INCOME TAX PHASEOUT*.

Identical to [H 165](#), filed 2/21/23.

Repeals Section 42.2 of SL 2021-180, as the title indicates.

Intro. by Grafstein, Murdock, Mayfield.

UNCODIFIED

[View summary](#)

**Business and Commerce, Corporation and Partnerships,
Government, Tax**

S 144 (2023-2024) [COMMON SENSE DISTRIBUTION LICENSING](#). Filed Feb 22 2023, *AN ACT TO REMOVE THE LICENSING REQUIREMENT FOR DELIVERY SELLERS MAKING DELIVERY SALES OF NON-TAX-PAID CIGARETTES, TO REMOVE THE LICENSING REQUIREMENT FOR DELIVERY SELLERS OR REMOTE SELLERS MAKING DELIVERY SALES OR REMOTE SALES OF NON-TAX-PAID TOBACCO PRODUCTS, AND TO CREATE A DISTINCT LICENSE TYPE FOR VAPOR PRODUCTS.*

Amends GS 105-113.12 to remove the requirement in subdivision (a)(2) that delivery seller distributors hold a license for each location where they ship non-tax paid cigarettes, replacing the language with a requirement that distributors hold a license at the location where they receive or store non-tax paid cigarettes for delivery sales if this location is different than the licensed location under subdivision (a)(1).

Amends GS 105-113.39A to create two new license types for wholesale dealers and retailers: an Other Tobacco Products License under new subsection (a1), and a Vapor Products License under new subsection (a2). The new Other Tobacco Products License is required for each location where a licensee makes, receives, or stores non-tax paid tobacco products other than vapor products. The new Vapor Products License is required for each location where a licensee makes, receives, or stores *non-tax paid vapor products* (defined under existing GS 105-113.4(13a)).

Effective October 1, 2023.

Intro. by Johnson, Sawrey.

GS 105

[View summary](#)

Business and Commerce, Government, Tax

S 145 (2023-2024) [CONTINUING CARE RETIREMENT COMMUNITIES ACT.-AB](#) Filed Feb 22 2023, *AN ACT TO ENACT THE CONTINUING CARE RETIREMENT COMMUNITIES ACT, AS RECOMMENDED BY THE DEPARTMENT OF INSURANCE.*

Repeals Article 64, Continuing Care Retirement Communities, of GS Chapter 58. Instead, enacts new Article 64A, Continuing Care Retirement Communities, which provides as follows.

Part 1.

States the NCGA's intent to promote the dignity and protect the health, safety, and welfare of older NC citizens by (1) encouraging the development of continuing care retirement communities and (2) requiring providers offering or providing continuing care in the State to be licensed and to be monitored and regulated by the North Carolina Department of Insurance (Department) under this new Article. Specifies that the Article applies to for-profit and non-profit providers.

Sets out and defines 63 terms as they are used in the Article. Defines a continuing care retirement community as a retirement community consisting of one or more structures where a provider renders or will render some or all services promised in a continuing care or continuing care without lodging contract, whether or not the structures and land that make up the community are constructed, owned, leased, rented, managed, or otherwise contracted for by the provider. Provides that a continuing care retirement community may include one or more structures on a primary or contiguous site or an immediately accessible site. Excludes from the term, a person's personal residence if the residence is not a living unit provided by the provider. Allows a distinct phase of development approved by the Commissioner of Insurance (Commissioner) to be

considered to be the continuing care retirement community when a project is being developed in successive distinct phases over a period of time. Specifies that “continuing care retirement community” and “life plan community” are the same thing. Defines provider as a person that offers or undertakes to provide continuing care under a continuing care or continuing care without lodging contract, or that represents themselves as providing continuing care. Defines continuing care as rendering to an individual other than an individual related by blood, marriage, or adoption to the person rendering the care housing in an independent living unit, together with related services, including access, when needed, to progressive levels of health care, including either assisted living care or nursing care, or both, regardless of whether the health care is provided at the continuing care retirement community where the individual resides or another location or through a contractual relationship with a third party, pursuant to a contract effective for the life of the individual or for a period longer than one year. Defines continuing care without lodging as a program offered by a licensed provider that provides continuing care to an individual who is not yet receiving housing, including programs that offer an individual an opportunity to move to an independent living unit at a future date, if desired, according to the provider's established priority and admissions policies at the continuing care retirement community sponsoring the continuing care without lodging program.

Allows the Commissioner to adopt rules to implement the Article.

Prohibits a provider from paying a dividend or other distribution of equity or net assets after the Commissioner has determined that the provider is in a hazardous condition or has been determined to not be in satisfactory actuarial balance in an actuarial study filed with the Commission, or when the payment would have the effect of creating a hazardous condition in the provider or cause the provider to not be in satisfactory actuarial balance.

Requires a person to have a certification, license, permit, or other approval from the Commissioner before offering or providing continuing care in this State. Sets out eight acts that are considered to be engaging in the business of offering or providing continuing care, including accepting any deposit or any other payment related to continuing care; entering into any non-binding or binding reservation agreement, continuing care contract, or continuing care without lodging contract; commencing construction or converting an existing building for a continuing care retirement community; and expanding the number of independent living units at a continuing care retirement community in an amount equal to or in excess of 20% of existing independent living units.

Prohibits a provider who intends to collect or does collect entrance fees from leasing land or real property from another person if the land or property is to be used as a material part of a continuing care retirement community operated by the provider without first obtaining approval from the Commissioner. Entrance fees are defined as the sum of any initial, amortized, or deferred transfer of consideration made or promised by, or on behalf of, an individual entering into a continuing care or continuing care without lodging contract. Sets out the factors that the Commissioner must consider when deciding whether to allow an applicant or provider to lease any of the real property of a continuing care retirement community.

Requires all filings required under the Article by applicants and providers to be submitted electronically.

Allows the Commissioner to waive or modify the Article's provisions if there is a state of emergency or disaster; there is an incident beyond a provider's reasonable control that substantially affects the daily business operations of the provider or continuing care retirement community; or there is a sound actuarial, accounting, business principles, or other reasonable reason that does not diminish the Article's protections. Prohibits any waiver or modification that results in a greater regulator burden, unless agreed to in writing by the applicant or provider.

Specifies contracts, leases, notices, approvals, studies, and other documents that are confidential and privileged and are not considered public record and are not subject to subpoena or discovery or admissible as evidence in civil actions. Allows the Commissioner to use the same documents and information in furtherance of any regulatory or legal action brought as a part of the Commissioner's official duties. Sets out the steps the Commissioner must take before making those items public. Requires any information shared with the Commissioner that is not covered under these provisions but a person believes to be confidential or a trade secret to make it as such before submission to the Commissioner. Sets out provisions governing when the Commissioner may (1) share information, including confidential and privileged documents, with regulatory agencies or law enforcement or (2) receive information, including confidential and privileged items, from regulatory and law enforcement officials of other foreign or domestic jurisdictions and how those documents must be treated.

Prohibits providers from advertising a continuing care retirement community if the ad includes a statement or representation which materially conflicts with the disclosures required under this Article or materially conflicts with any continuing care or continuing care without lodging contract offered by the provider.

Part 2.

Requires a permit to accept deposits in order to market a proposed continuing care retirement community to measure its viability. Sets out the process for submitting the application to the Commissioner. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the application. Allows the applicant, after having been issued a permit, to: (1) disseminate materials describing the intent to develop a continuing care retirement community; (2) enter into non-binding reservation agreements; and (3) collect deposits in an amount not to exceed \$5,000, to be placed in escrow and released on in accordance with Part 4 of this Article. Providers that have been issued a permit are required to file periodic status reports.

Allows a person to apply for a start-up certificate by submitting the required information and paying a \$2,00 application fee. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the application. Once the certificate has been issued, requires the Commissioner to: (1) require the provider to submit periodic sales, development, and financial reports and (2) post the disclosure statement of the continuing care retirement community on the Department's website. Allows the applicant, after having been issued the certificate, to: (1) enter into binding reservation agreements and continuing care contracts; (2) accept entrance fees and deposits greater than \$5,000, to be placed in escrow and only released in accordance with Part 4 of this Article; (3) begin site preparation work; and (4) construct model independent living units for marketing.

Allows a person to apply for a preliminary certificate by submitting the required information. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the application. Once the certificate has been issued, requires the Commissioner to: (1) require the provider to submit periodic sales, development, and financial reports and (2) post the disclosure statement of the continuing care retirement community on the Department's website. Allows the applicant, after having been issued the certificate, to: (1) construct a continuing care retirement community and (2) convert existing structure(s) into a continuing care retirement community.

Allows a person to apply for a permanent license by submitting the required information. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the application. Allows for the issuance of a restricted license. Once the license has been issued, requires the Commissioner to: (1) require the provider to submit periodic occupancy and financial statements and (2) post the disclosure statement of the continuing care retirement community on the Department's website. Allows the applicant, after having been issued a permanent license, to: (1) open the continuing care retirement community and (2) provide continuing care. Allows applicants that receive a restricted permanent license to operate a continuing care retirement community under restrictions established by the Commissioner until the Commissioner issues a permanent license. Provides that when a restricted license is issued, the provider must inform all depositors and residents within 10 business days of all restrictions imposed by the license and conditions that the provider must satisfy to qualify for a permanent license.

Sets the duration of a permit to accept deposits and a start-up certificate at 36 months. Allows a person with a permit to accept deposits or a start-up certificate to request an extension and sets out the information that must be included in the request. Allows the Commissioner to extend the permit or certificate for up to one year if there is satisfactory cause for the delay, and allows the Commissioner to require the provider to update information that was previously filed before approving an extension. Does not limit the number of extensions that may be granted. Provides that if there is no satisfactory cause for the delay, the Commissioner must instruct the escrow agent to refund all deposits held in escrow, plus interest. Requires the provider, within 10 days of denial of an extension, to notify each depositor of the denial, of the expiration of the permit or certificate, and of any right to a deposit refund.

Sets out the process to be followed when an applicant or provider has material changes or deviation from the information submitted to the Commissioner.

Sets out the steps to be followed when the Commissioner denies an application, notification, or any other request for approval under this Article. Sets out the process under which applicants can demand a review to determine the reasonableness of the denial.

Part 3.

Requires a provider, before marketing and collecting deposits for a proposed expansion of a continuing care retirement community that is 20% or more of existing independent living units, to: (1) notify and obtain written approval from the Commissioner and (2) give all residents written warning of the intent to expand the number of units. Sets out information that

must be included in the notice to the Commissioner. Sets out the timeline within which the Commissioner must respond to the notification. Sets out the conditions that must be met in order to approve the expansion notification. Once the notification has been approved, requires the Commissioner to require the provider to submit periodic sales and development reports. Allows the provider, after approval of the expansion notification, to: (1) disseminate materials, including advertisements, describing the intent to expand the number of independent living units at the continuing care retirement community; (2) enter into non-binding reservation agreements, binding reservation agreements, and continuing care contracts for the proposed independent living units; and (3) collect entrance fees and deposits for the proposed independent living units, with deposits placed in escrow and only released in accordance with Part 4 of this Article.

Requires a provider, before commencing construction of an expansion of a continuing care retirement community that is 20% or more of existing independent living units, to receive the Commissioner's approval of an expansion notification and apply to the Commissioner for approval to commence construction. Sets out information that must be included with the expansion application, including a \$1,000 application fee. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the expansion application. Once the application has been approved, requires the Commissioner to require the provider to submit periodic sales and development reports. Allows the provider, after approval of the expansion application, to commence construction of the new independent living units at the continuing care retirement community as proposed, and upon completion of construction and the satisfaction of all other legal requirements, open the expansion and provide continuing care to the residents of the new units.

Requires all entrance fees and deposits collected for independent living units in an expansion that requires approval from the Commissioner to be placed in escrow unless otherwise exempted by the Commissioner.

Part 4.

Requires entrance fees and deposits required under the Article to be deposited by the provider in an escrow account and maintained in a segregated account without commingling with other funds. Requires the Commissioner to approve in advance the escrow agent and all terms governing the account. Specifies 12 provisions that must be included in the written escrow agreement between the provider and escrow agent. Requires changes to the agreement to be approved by the Commissioner before they are used. Sets out provisions governing the delivery of the entrance fees or deposits to the escrow agent. Sets out the manners in which the entrance fees and deposits must be maintained by the escrow agent.

Requires approval from the Commissioner for interest, income, and other gains from funds held in escrow to be released or distributed. Sets out conditions for such approval. Requires interest to be distributed to the provider or depositors when the release of earnings is approved.

Prohibits using funds in an escrow account as collateral without prior written approval from the Commissioner.

Requires a refund of the escrowed funds upon notice from the provider of the death of a depositor, nonacceptance by the provider, voluntary cancellation, the denial of an application, or upon written notice from the Commissioner.

Sets out the process for requirements for petitioning the Commissioner for the release of: (1) the first 25% of each escrowed entrance fee and deposit and (2) the remaining 75% of escrowed entrance fees and deposits. Sets out requirements for the release of those funds.

Part 5.

Requires a provider to prepare a disclosure statement for each continuing care retirement community operated or to be operated in the State that contains the 34 specified pieces of information, including: (1) specified information about the officers, directors, trustees, managers, managing or general partners, or any person having a 10% or greater equity or beneficial interest in the provider and any person who will be managing the community on a day-to-day basis; (2) names of any other person who will be responsible for the financial and contractual obligations of the provider not already disclosed and the extent of their responsibilities; (3) the number of existing living units, or the number of units to be constructed at the community; (4) a description of any property rights of residents in the community; (5) circumstances under which a resident will be allowed to remain a resident at the community in the event of possible resident financial difficulties; (6) terms and conditions under which a contract may be canceled by the provider, or by the resident, and the conditions under which fees can be refunded; (7) conditions under which a provider may require a resident to move into another unit for their safety or for the provider's good; and (8) a five-year prospective financial statement. Requires a copy of the most common continuing care and continuing care without lodging contract used by the provider to be attached to each disclosure statement. Sets out requirements for the

disclosure statement's cover page and for the readability of the disclosure statement. Requires the Commissioner to review the statement for completeness. Requires the Commissioner to post the current disclosure statement for each continuing care retirement community on the Department's website.

Sets out requirements for the delivery of a disclosure statement to a person or their legal representative with whom a binding reservation agreement, continuing care contract, or continuing care without lodging contract is being entered into. Sets out the required timing for delivery. Allows electronic delivery if the person consents. Requires an acknowledgment of receipt of a disclosure statement. Requires the Commissioner to maintain copies of all disclosure statements and amendments for at least five years.

Requires providers to file a revised disclosure statement within 150 days following the end of each fiscal year along with an annual filing fee of \$2,000. Sets out requirements for the receipt that the Commissioner must provide and requires posting the annual revised disclosure statement on the Department's website within the specified timeframe. Also requires the provider to make the annual revised statement available to all residents and depositors. Allows for extension of the due date, of no more than 30 days. Provides for a late fee, which can be waived for good cause.

Sets out conditions under which other revisions may be made to a disclosure statement.

Part 6.

Sets out items that must be included in a binding reservation agreement, defined as a binding contractual agreement between a provider and a depositor that requires the payment of a deposit to reserve the right to purchase continuing care, including the right to live in an independent living unit at a continuing care retirement community. Specifies that a purchase and sale agreement for an independent living unit is not considered a binding reservation agreement for the purposes of this Article. Items that must be included in the agreement relate to rescinding the agreement, automatic cancellation of the agreement, the refund of money or other consideration transferred to the provider upon a rescinding or cancellation, and the computation of any refund due to a depositor for cancellation or termination.

Sets out the provisions that must be included in a continuing care contract.

Part 7.

Requires a license for a person to arrange or provide continuing care without lodging. Allows a provider with a permanent license or a restricted permanent license to apply for a continuing care without lodging license. Sets out items that must be included in the application, including a \$500 application fee. Sets out the timeline within which the Commissioner must respond to the application. Sets out the conditions that must be met in order to approve the application. Once the application has been approved, allows the Commissioner to require the provider to submit periodic reports to monitor the status of the program. Allows the applicant, after approval of the application, to arrange or provide continuing care without lodging, and requires filing an amended disclosure statement that contains the required information on continuing care without lodging.

Sets out items that must be included in a continuing care without lodging contract.

Part 8.

Requires a provider that has a permanent license or a restricted permanent license to submit an annual report to the Commissioner. Specifies items that must be included related to audited financial statements, five-year prospective financial statements, operating reserve certification, disclosure statements, and dates on which the required semiannual meetings were held. Requires additional information if the provider is also licensed to provide continuing care without lodging. Sets out the timing for filing the annual report and allows an extension for no more than 30 days. Sets out late fees, which may be waived for good cause.

Allows the Commissioner to require additional information. Requires the provider to notify the Commissioner and residents when the provider fails to maintain the operating reserve; the 12-month daily average independent living unit occupancy rate has fallen below 85% and remained there for more than 90 days; the provider or any group the provider is a part of has violated any covenant in the debt agreement, or the provider seeks modification, waiver, or extension of the material financial covenants or material payment terms under a mortgage loan, bond indenture, or other long-term financial agreement.

Prohibits the transfer of a permit, certificate, or license issued under this Article. Requires approval from the Commissioner before a provider or other owing person can sell or transfer any real property used in the operations of a continuing care

retirement community or any interest in a community, other than the sale of an independent living unit to a resident or other transferee. Requires a provider to get approval from the Commissioner before consummating any purchase of real property currently leased and used by the provider in the operations of a continuing care retirement community. Sets out requirements for the timing and content of the requests for these transactions. Sets out the timeline within which the Commissioner must respond to the request. Sets out the conditions that must be met in order to approve the request. Allows the Commissioner to revoke or restrict a certificate or license of a provider or take other administrative actions if a provider violates these provisions.

Requires the Commissioner's approval to enter into an agreement to merge with, or otherwise acquire control of, a provider holding a certificate or license. Requires the acquiring person to file the request for approval. Sets out the required content for the approval request. Sets out the timeline within which the Commissioner must respond to the request. Sets out the conditions that must be met in order to approve the request. Requires providers to give notice to all affected residents and depositors of the proposed merger or other acquisition of control within 5 business days after receiving approval. Allows the Commissioner to revoke or restrict a certificate or license of a provider or take other administrative actions if a provider violates these provisions.

Requires a provider to maintain, after the opening of a continuing care retirement community, an operating reserve and sets out reporting requirements.

Requires a provider to submit an actuarial study to the Commissioner, at least once every three years. Sets out additional requirements governing the study. Exempts from these actuarial study requirements a provider that only offers health care on a fee-for-service basis or only provides a limited discount or a limited number of free days in a long-term care facility; sets out documents that these individuals must provide instead.

Requires notifying the Commissioner before the provider changes its name or the name of a community it operates. Sets out requirements for notifying residents and depositors of the proposed change.

Requires approval from the Commissioner before a provider enters into a contract with a third party for the management of a continuing care retirement community. Sets out required content of the notification given to the Commissioner and for providing notice to residents. Sets out the timeline for the Commissioner's review of the notification. Sets out conditions under which the Commissioner may disapprove of the proposed third-party manager and conditions under which the provider must immediately remove a third-party manager.

Requires the provider to notify the Commissioner before reducing the number of living units at a continuing care retirement community by 20% or more. Specifies the information that must be provided in the notice and for providing notice to residents.

Part 9.

Requires providers to maintain after the opening of a continuing care retirement center an operating reserve equal to 50% of the total operating costs of the community forecasted or projected for the 12-month period following the period covering the most recent disclosure statement. Provides that once a community achieves a 12-month daily average independent living unit occupancy rate of 90% or higher, a provider is only required to maintain an operating reserve in the amount specified, with amounts ranging from 12.5% to 50% depending on the occupancy rate. Allows the Commissioner to increase the operating reserve amount if the provider is in a hazardous condition. Sets out related resident notification requirements. Sets out provisions for calculating the operating reserve amount. Specifies the types of assets that can be used by a provider to fund the operating reserve.

Allows a provider, instead of funding the operating reserve with qualifying assets, to fund all or a portion of the reserve by filing a surety bond or letter of credit. Sets out the requirements for the surety bond or letter of credit.

Requires approval from the Commissioner before an operating reserve can be released. Sets out requirements for the request. Allows disapproval of the request to withdraw funds if it is determined that it would not be in the resident's best interest. Sets out requirements for providing notice to residents.

Part 10.

Allows the Commissioner to (1) deny an application or any other request or approval or (2) restrict or revoke any permit, certificate, license, or other authorization issued under the Article if the Commissioner finds that the applicant or provider

committed one of the 20 specified acts, including: (1) willfully violated any provision of this Article or the Commissioner's rules or orders; (2) engaged in fraudulent or dishonest business practices; (3) failed to maintain the escrow account; (4) violated a restriction of its permit, certificate, or license; or (5) has been determined to be in a hazardous condition. Requires the Commissioner to first issue a cease-and-desist order; if the order is not or cannot remedy the violation, allows the Commissioner, after notice and hearing, to order revocation. Allows a revocation order to be appealed to the Wake County Superior Court. Allows the Commissioner to remove a restriction upon finding changed circumstances. Sets out requirements for notice to residents. Specifies that revocation does not release a provider from obligations assumed through continuing care and continuing care without lodging contracts.

Sets out 14 standards that the Commissioner may consider in determining whether a provider is in a hazardous condition, including: (1) whether the provider is impaired or insolvent; (2) adverse findings reported in examination reports, audit reports, and actuarial opinions, reports, or summaries; (3) whether the provider has failed to establish, maintain, or has substantially depleted the required operating reserve; (4) whether the management of a provider has failed to respond to the Commissioner's inquiries about the condition of the applicant or provider or has furnished false and misleading information in response to an inquiry by the Commissioner; or (5) whether the applicant or provider has experienced or will experience in the foreseeable future cash flow or liquidity problems.

Allows the Commissioner, upon determining that a provider is in a hazardous condition, to issue an order, after notice and opportunity for hearing, requiring a provider to (1) submit a corrective action plan within 45 days and (2) notify all residents and depositors within five business days of the Commissioner's order. Requires the corrective action plan to include: (1) proposals of corrective actions the provider intends to take which would reasonably be expected to result in the elimination of the hazardous condition and (2) a date when the provider anticipates it will rectify the problems and deficiencies. Sets out the timeline under which the Commissioner must act on the plan. Allows for submission of a revised plan based on notification from the Commissioner. Requires immediate implementation of an approved plan, distribution of the plan to residents and depositors, and reporting progress to the Commissioner. Allows the Commissioner to engage consultants to develop a corrective action plan when a submitted plan is disapproved.

Sets out the Commissioner's investigate and subpoena powers.

Makes a provider civilly liable for entering into a binding reservation agreement, continuing care contract, or continuing care without lodging contract without having first delivered a disclosure statement to the person with whom the agreement or contract was entered into, or for entering into a binding reservation agreement, continuing care contract, or continuing care without lodging contract with a person who has relied on a disclosure statement that materially misrepresents or omits a material fact required to be stated or necessary in order to make the statement, in light of the circumstances under which they are made, not misleading. Specifies that liability exists regardless of whether the provider had actual knowledge of the misstatement or omission. Prohibits a person from bringing an action if the person was offered and failed to timely accept an offer of a refund that meets the specified amounts. Requires the action to be brought within three years of the alleged violation.

Makes it a Class 1 misdemeanor to willfully and knowingly violate the Article.

Sets out the conditions under which a permit, certificate, license, or other approval must be forfeited, after notice and opportunity for hearing. Sets out requirements for notifying residents and depositors of forfeiture.

Allows the Commissioner, after determining that a provider is or has been violating the Article, to, after notice and opportunity for hearing, order the provider to cease entering into binding reservation agreements, continuing care contracts, and continuing care without lodging contracts and make a rescission offer to any resident or depositor who entered into such an agreement or contract while the violation was occurring. Allows for the agreements and contracts to be rescinded without penalty by the resident or depositor. Bars residents and depositors from benefitting from this provision if they have refused or failed to timely accept an offer by the provider to rescind the agreement or contract and refund the full amount paid plus interest (less specified costs).

Sets out the conditions under which the Commissioner may order payment of a penalty (of \$100-\$1,000 per violation) or petition the court for an order directing payment of restitution.

Prohibits a provider from actively soliciting, approving the solicitation of, or entering into new binding reservation agreements, continuing care contracts, or continuing care without lodging contracts in this State after the provider knew, or reasonably should have known, that the provider was impaired or insolvent except with the Commissioner's written permission.

Part 11.

Sets out the conditions under which the Commissioner may commence supervision proceedings or apply to the Wake County Superior Court or federal bankruptcy court that may have previously taken jurisdiction over the provider or community for an order directing or authorizing the Commissioner to rehabilitate or to liquidate a provider or continuing care retirement community. Sets out requirements for providing notice to residents and depositors. Sets out the conditions under which the rehabilitation may be terminated and the community and its assets and affairs are returned to the provider's management. Requires an order for rehabilitation to be refused or vacated if the provider posts a bond, as specified.

Allows, when the Commissioner has been appointed as a receiver for a provider or a continuing care retirement community, the Department of Health and Human Services to accept and approve the addition of adult care home beds or nursing beds for a continuing care retirement community owned by, or operated by, the provider, if it appears to the Court that (1) the best interests of the provider or (2) the welfare of persons who have previously contracted with the provider or may contract with the provider, may be best served by the addition of adult care home beds or nursing beds.

Provides that in the event of liquidation of a provider, all continuing care and continuing care without lodging contracts executed by the provider are deemed preferred claims against all of the provider's assets (although claims are subordinate to the liquidator's cost of administration or any secured claim).

Part 12.

Gives a resident of a continuing care retirement community operated by a licensed provider the right of self-organization, the right to be represented by an individual of the resident's own choosing, and the right to engage in concerted activities to keep informed on the community's operations or for other mutual aid or protection. Specifies that this includes the right to establish a residents' council.

Requires the provider's board of directors or other governing body to hold in-person semiannual meetings with the residents of each continuing care retirement community operated by the provider in this State for free discussions of subjects include specified topics. Specifies that a provider is allowed to make a semiannual meeting available via electronic means to residents who are unable to attend in person. Sets out requirements for providing notice of the meetings. Sets out emergency conditions under which the meetings can be held electronically.

Section 13.

Provides that no act, agreement, or statement of any resident, or of an individual purchasing continuing care for a resident under any continuing care or continuing care without lodging contract, is a valid waiver of any provision of this Article intended for the benefit or protection of the resident or the individual purchasing continuing care for the resident.

Establishes the 12 member Continuing Care Advisory Committee comprised of providers, residents, and professionals involved in the continuing care retirement community industry. Sets out additional membership requirements and sets membership terms at 3 years, with two consecutive terms allowed. Requires the Committee to: (1) act in an advisory capacity to the Commissioner on matters pertaining to the operation and regulation of continuing care retirement communities and continuing care without lodging programs; (2) report to the Commissioner on developments in the continuing care retirement community industry and problems or concerns of providers and residents; and (3) recommend changes in relevant statutes and rules.

Provides that this Article does not affect the authority of the Department of Health and Human Services or any successor agency otherwise provided by law to license or regulate any long-term care facility. Exempts continuing care retirement communities and providers licensed under this Article that are also subject to the provisions of the North Carolina Condominium Act from the provisions of GS Chapter 39A (Transfer Fee Covenants Prohibited), if the continuing care retirement community's declaration of condominium does not require the payment of any fee or charge not otherwise provided for in a resident's continuing care contract, or other separate contract for the provisions of membership or services.

Allows the Commissioner, or designee, to visit a provider to examine its books and records. Also allows the Commissioner, or designee, to examine a person with a contractual or financial relationship with the provider, to the extent necessary to ascertain the provider's financial condition, if the provider relies on a contractual or financial relationship with another person in order to meet the Article's financial requirements.

Applies to contracts issued, renewed, or amended on or after October 1, 2023.

Intro. by Johnson.

GS 58

[View summary](#)

**Business and Commerce, Insurance, Courts/Judiciary,
Criminal Justice, Criminal Law and Procedure, Government,
State Agencies, Department of Insurance, Health and Human
Services, Social Services, Adult Services**

S 147 (2023-2024) [UPDATE REQS./ADVANCE HEALTH CARE DIRECTIVES](#). Filed Feb 22 2023, *AN ACT UPDATING REQUIREMENTS FOR HEALTH CARE POWERS OF ATTORNEY AND ADVANCE HEALTH CARE DIRECTIVES; AND AUTHORIZING THE SECRETARY OF STATE TO RECEIVE ELECTRONIC FILINGS OF ADVANCE HEALTH CARE DIRECTIVES*.

Part I.

Changes the requirements for a health care power of attorney under GS 32A-16(3) to now require the written instrument to be signed in the presence of two qualified witnesses or acknowledged before a notary public (previously, required signature in the presence of two qualified witnesses and acknowledgement before a notary public). Makes conforming changes to the statutory form for health care power of attorney, set forth in GS 32A-25.1. No longer provides a weblink to the Advance Health Care Directive Registry.

Part II.

Changes the requirements for a health care declaration under GS 90-321 to now require the written document to be either (1) signed by the declarant in the presence of a notary public or two witnesses (was, two witnesses only) who believe the declarant to be of sound mind and who state that they are not four specified individuals with respect to the declarant, or (2) proved before a clerk or assistant clerk of superior court or a notary public (previously, required signature in the presence of two witnesses as described and to be proven before a clerk, assistant clerk or notary public). Makes conforming changes to the definition given for declaration. Makes conforming changes to the statutory form for advance directive for a natural death set forth in subsection (d1). No longer provides a weblink to the Advance Health Care Directive Registry.

Part III.

Allows for submission of specified documents and revocations to the Secretary of State for filing in the Advance Health Care Directive Registry under GS 130A-466 in electronic or hard copy format. No longer requires documents and revocations to be notarized (previously, only anatomical gift declarations were not required to be notarized). Adds a Health Insurance Portability and Accountability Act (HIPPA) waiver to the documents and revocations that can be filed.

Amends GS 130A-468 to direct the Secretary of State to file documents received in electronic format that can be filed with the registry to enter that document into the registry database and send a wallet-size card containing the document's file number and password to the person who submitted the document. Makes clarifying changes to specify existing similar procedures apply to hard copy documents received. Authorizes the Secretary of State to remove documents of deceased registrants from the registry upon notification of death in writing in a form acceptable to the Secretary of State.

Part IV.

Effective October 1, 2023.

Intro. by Krawiec, Burgin, Corbin.

GS 32A, GS 90, GS 130A

[View summary](#)

**Courts/Judiciary, Civil, Civil Law, Government, State
Agencies, Secretary of State, Health and Human Services,
Health, Health Care Facilities and Providers, Public Health**

S 148 (2023-2024) [DEVIERE DISABLED VETERANS ACT](#). Filed Feb 22 2023, *AN ACT TO INCREASE THE PROPERTY TAX HOMESTEAD EXCLUSION AMOUNT FOR DISABLED VETERANS, TO REIMBURSE LOCAL GOVERNMENTS FOR THEIR RESULTING REVENUE LOSS, AND TO ALLOW DISABLED VETERANS TO PREQUALIFY FOR THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION.*

Amends the disabled veteran property tax homestead exclusion (GS 105-277.1C) as follows, effective for taxable years beginning on or after July 1, 2024. Increases the amount of the exclusion to the first \$100,000 of the appraised value of the veteran's residence (was, the first \$45,000 of the appraised value). Effective for taxable years beginning on or after July 1, 2026, increases the amount of the exclusion to the first \$150,000 of the appraised value and to the first \$200,000 of the appraised value starting July 1, 2028.

Sets a *holds harmless amount* as the appraised value of the property excluded from taxation under the disabled veteran's property tax homestead exclusion, multiplied by the applicable local tax rate. Sets a *total hold harmless amount* as the sum of the hold harmless amount for all property excluded from taxation under this statute in the county plus the hold harmless amount for all property excluded from taxation under this statute in the cities located in the county. Requires counties to notify the Secretary of Revenue (Secretary) of the total hold harmless amount and disallows reimbursement to the county if it fails to notify the Secretary by the due date. Requires the Secretary to reimburse the county on or before December 31 of each year.

Requires county to disperse attributable reimbursement funds to cities within the county. Requires cities or counties that received funds because they were collecting taxes for another unit of government or special district to credit those funds to those units in accordance with regulations issued by the Local Government Commission. Allows for disabled veterans to apply for prequalification of the homestead exemption tax relief, even before purchasing a property, so long as a prequalified veteran applies for the property tax relief when purchasing the property. Sets forth an application process and notice requirements.

Makes conforming changes. Effective for tax years beginning July 1, 2024.

Intro. by Johnson, Lazzara, Bode.

GS 105

[View summary](#)

**Government, State Agencies, Department of Revenue, Tax,
Local Government, Military and Veteran's Affairs**

S 149 (2023-2024) [VETERANS APPRECIATION ACT](#). Filed Feb 22 2023, *AN ACT TO INCREASE THE PROPERTY TAX HOMESTEAD EXCLUSION AMOUNT FOR DISABLED VETERANS TO ALLOW FOR THE EXCLUSION OF APPRECIATION OF THE APPRAISED VALUE OF THE PERMANENT RESIDENCE ATTRIBUTABLE TO HOUSING GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND TO ALLOW DISABLED VETERANS TO PREQUALIFY FOR THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION.*

Amends the disabled veteran property tax homestead exclusion in GS 105-277.1C as follows. Allows for a disabled veteran to exclude from property tax, in addition to the statutory allowance of the first \$45,000 of the appraised value of the residence, any portion of the appraised value of the residence attributable to adaptations for the qualifying owner's medical needs if the adaptations were funded by a housing grant from the United States Department of Veterans Affairs for one or more service-connected disabilities.

Allows for disabled veterans to apply for prequalification of the homestead exemption tax relief, even before purchasing a property, so long as a prequalified veteran applies for the property tax relief when purchasing the property. Sets forth an application process and notice requirements. Authorizes a prequalified applicant to provide a copy of the prequalification to the assessor to establish eligibility for the exclusion instead of providing their disability certification or other evidence of benefits received from the Department of Veterans' Affairs.

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

Intro. by Johnson, Lazzara, Bode.

GS 105

[View summary](#)

Government, Tax, Military and Veteran's Affairs

LOCAL/HOUSE BILLS

H 115 (2023-2024) (2023-2024) [SCHOOL CALENDAR FLEXIBILITY. \(NEW\)](#) Filed Feb 14 2023, *AN ACT TO PROVIDE FLEXIBILITY IN ADOPTING THE SCHOOL CALENDAR FOR CERTAIN LOCAL SCHOOL SYSTEMS.*

House amendment to the 2nd edition expands the scope of the act so that it now also applies to Anson County Schools.

Intro. by Setzer.

[Anson, Burke, Catawba, Cleveland, Cumberland, Davie, Rutherford, Wake, Yadkin](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 174 (2023-2024) [STAGGER WINSTON-SALEM/FORSYTH BD. OF ED. TERM.](#) Filed Feb 22 2023, *AN ACT TO STAGGER THE TERMS OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION.*

Amends section 2(a)(5)(ii) of SL 1961-112, as amended, as follows.

Creates four-year staggered terms for the Winston-Salem/Forsyth County Board of Education (Board), which expire on the first Monday in December at the end of the term. (Currently, members serve four-year terms, but they are not staggered.) Starting in 2024, implements the staggered terms by highest number of vote count as follows. For the two persons elected from District 1, the candidate with the highest number of votes will serve a four-year term, with the seat up for reelection in 2028 and every four years after. The second highest vote getter will serve a two-year term, with the seat up for reelection in 2026 and every four years after. For the four persons elected from District 2, the top two vote getters will serve four-year terms, with the seats up for reelection in 2028 and every four years after. Those receiving the third and fourth highest votes will serve two-year terms, with the seats reelection in 2026 and every four years after. For the three members elected at-large from all of Forsyth County, the top two vote getters will serve four-year terms, with the seats up for reelection in 2028 and every four years after. The third highest vote getter will serve a two-year term, with the seat up for reelection in 2026 and every four years after.

Amends Section 2(a)(5)(i) to remove outdated language to reflect current number of members of the Board (currently, nine, the session law lists eight).

Specifies that the staggering schedule set forth above does not affect the terms of those members elected or appointed to the Board in 2020 and that they will continue to serve until their term has expired and a successor is elected and qualified.

Removes outdated language.

Intro. by Lambeth.

[Forsyth](#)

[View summary](#)

[Education, Government, Elections](#)

H 176 (2023-2024) [SCHOOL CALENDAR FLEXIBILITY/LEE.](#) Filed Feb 22 2023, *AN ACT TO PROVIDE LEE COUNTY SCHOOLS FLEXIBILITY IN ADOPTING THE SCHOOL CALENDAR.*

Under current law, GS 115C-84.2(d) provides authority to local boards of education to determine the opening and closing dates for public schools under GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided. Amends GS 115C-84.2(d) to allow Lee County Schools to open as early as August 10 (currently, no earlier than the Monday closest to August 26), excluding year-round schools. Deletes the provisions of subsection (d) concerning waiver of the requirements upon a showing of good cause. Adds new language to GS 115C-174.12 allowing assessments to be given before the conclusion of the fall semester for local boards that have

implemented a school calendar that concludes the fall semester prior to December 31. Applies beginning with the 2023-24 school year.

Intro. by Sauls.

[Lee](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 179 (2023-2024) [PAMLICO BD. OF ED. ELECT. PARTISAN](#). Filed Feb 22 2023, *AN ACT TO PROVIDE FOR THE PARTISAN ELECTION OF MEMBERS OF THE PAMLICO COUNTY BOARD OF EDUCATION*.

Repeals the remainder of SL 1981-551, as amended, concerning the Pamlico County Board of Education (Board).

Amends section 11 of SL 1987-939 as follows. Changes the election of members of the Board from nonpartisan to partisan starting in 2024, with biennial partisan elections thereafter and the results determined by using the nonplurality method under state law. Sets filing requirements for notice of candidacy.

Enacts new section 11a to SL 1987-939. Specifies that any vacancies for Board members elected on a nonpartisan basis in 2020 and 2022 should be filled by appointment by the remaining Board members to serve until the next Board election. Starting in 2024, specifies that vacancies will be appointed using the partisan method specified in state law, with the appointed member serving until next election. Clarifies that the act does impact the term of any member elected to the Board in 2020 or 2022.

Effective December 1, 2024, expands the scope of GS 115C-37.1(d) (partisan appointment methods to fill vacancies) by adding Pamlico County to the list of covered counties.

Applies to elections held in 2024 and after.

Intro. by Kidwell.

[Pamlico](#)

[View summary](#)

[Education, Government, Elections](#)

H 184 (2023-2024) [HAYWOOD COUNTY OCCUPANCY TAXES](#). Filed Feb 22 2023, *AN ACT TO INCREASE THE OCCUPANCY TAX RATE AUTHORIZED FOR HAYWOOD COUNTY*.

Amends Part V of SL 1983-908, as amended, authorizing Haywood County to levy occupancy taxes under certain conditions as follows.

Deletes the occupancy tax exemption in Section 10 for accommodations furnished by nonprofit, charitable, educational, benevolent, or religious organizations. Renames the additional occupancy taxes at sections 10.1 and 10.2 the *First Additional 1% Occupancy Tax*, and the *Second Additional 1% Occupancy Tax*, respectively. (Currently, those sections are just named additional occupancy tax.)

Enacts new section 10.3 that creates the First Additional 2% Occupancy Tax, which authorizes the Haywood County Board of Commissioners (Board) to levy a room occupancy and tourism development tax comprised of the sum of 2% of the gross receipts derived from the rental of accommodations taxable under the general 2% occupancy tax and the First and Second Additional 1% Occupancy taxes. Stipulates that such tax may not be imposed unless it also levies the general 2% occupancy tax, and the First and Second Additional 1% Occupancy Taxes. Requires that the levy, collection, administration, and repeal of the First Additional 2% Occupancy Tax must be done as provided in GS 153A-155 (uniform provisions for room occupancy taxes).

Amends section 14 (Distribution and Use of the First Three Percent Occupancy Tax) to require the Haywood County Tourism Development Authority (Authority) to use at least two-thirds of the funds remitted to it under this section (currently, part) to promote travel and tourism in the county and use the remainder for tourism-related expenditures.

Enacts new section 14.2 (Distribution and Use of the First Additional 2% Occupancy Tax). Requires Haywood County to monthly remit the net proceeds of the First Additional 2% Occupancy Tax to the Authority. Requires the Authority to use the funds for construction of one or more of the following: sports parks, a new amphitheater, or a convention center.

Intro. by Pless.

[Haywood](#)

[View summary](#)

[Government, Tax](#)

LOCAL/SENATE BILLS

S 143 (2023-2024) [PINEHURST-LIMIT COMMERCIAL DEVEL. MORATORIA](#). Filed Feb 22 2023, *AN ACT TO LIMIT THE IMPOSITION OF MORATORIA ON COMMERCIAL DEVELOPMENT WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE VILLAGE OF PINEHURST.*

Applies only to the Village of Pinehurst (village).

Amends GS 160D-107 (Moratoria) to impose additional restrictions on the use of commercial development moratoria in the village. Requires the village to hold four additional legislative hearings before imposing a commercial development moratorium under the statute; two of these additional legislative hearings must be held on different dates in the place where legislative hearings are normally held, and two of the hearings must be held on different dates at a location within the area of the corporate limits or extraterritorial jurisdiction that will be affected by the moratorium.

Permits the village to impose a single 60-day commercial development moratorium that may not be renewed or extended, and prohibits the village from including the area subject to the commercial development moratorium in any future commercial development moratorium for five years. Provides an exception to allow the village to address an imminent threat to public health or safety. Makes corresponding changes to the language of subsection (e).

Voids any commercial development moratorium currently in place on the date the bill becomes law, and prohibits the village from including any area subject to a current commercial development moratorium in any future moratorium for five years.

Intro. by McInnis.

[Moore, GS 160D](#)

[View summary](#)

[Development, Land Use and Housing, Land Use, Planning and Zoning](#)

S 146 (2023-2024) [41ST SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 22 2023, *AN ACT RELATING TO THE 41ST SENATORIAL DISTRICT.*

Blank bill.

Intro. by Marcus.

[Mecklenburg](#)

[View summary](#)

S 150 (2023-2024) [MAKE MCDOWELL CO. BD. OF ED. ELECT. PARTISAN](#). Filed Feb 22 2023, *AN ACT TO PROVIDE FOR PARTISAN ELECTIONS FOR MEMBERS OF THE MCDOWELL COUNTY BOARD OF EDUCATION.*

As title indicates, amends section 1 of SL 1987-322, as rewritten by SL 1995-107, to convert the McDowell County Board of Education (Board) to partisan elections beginning with elections held in 2024. Provides that vacancies for positions elected in 2020 and 2022 on a non-partisan basis are filled by appointment by the remaining Board members as provided in the Plan for

Merger of Marion City Board of Education and McDowell County Board of Education, and Section 3 of SL 2019-234; vacancies occurring for positions elected on a partisan basis in 2024 and after will be filled by appointment by the remaining Board members in accordance with GS 115C-37.1.

Provides that the act does not affect the terms of any Board member elected in 2020 or 2022, or appointed to fill a vacancy for a position elected in 2020 or 2022. Includes McDowell County in the list of counties subject to GS 115C-37.1, effective December 1, 2024.

Intro. by Daniel.

[McDowell, GS 115C](#)

[View summary](#)

[Education, Government, Elections](#)

S 151 (2023-2024) [15TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 22 2023, *AN ACT RELATING TO THE 15TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Chaudhuri.

[Wake](#)

[View summary](#)

S 152 (2023-2024) [47TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 22 2023, *AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Hise.

[Alleghany, Ashe, Avery, Caldwell, Haywood, Madison, Mitchell, Watauga, Yancey](#)

[View summary](#)

S 153 (2023-2024) [18TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 22 2023, *AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Bode.

[Granville, Wake](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 2: [EXTEND DEADLINE FOR EXPENDITURE OF FUNDS.](#)

House: Passed 2nd Reading

House: Passed 3rd Reading

H 10: REQUIRE SHERIFFS TO COOPERATE WITH ICE.

House: Reptd Fav

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

H 29: SUPPORT PRIVATE PROPERTY RIGHTS.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 34: PROTECT THOSE WHO SERVE AND PROTECT ACT.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 35: EXPAND DEFINITION OF OPIOID ANTAGONIST.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 41: HOTEL SAFETY ISSUES.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 50: PISTOL PURCHASE PERMIT REPEAL.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 67: ENCOURAGE HEALTHY NC FOOD IN SCHOOLS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Education - K-12

H 72: FIREARM SAFE STORAGE AWARENESS INITIATIVE.

House: Amend Failed A1

House: Passed 2nd Reading

House: Passed 3rd Reading

H 75: PA TEAM-BASED PRACTICE.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 103: GSC TECHNICAL CORRECTIONS 2023.

House: Reptd Fav

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

H 104: GSC UNIF. UNREG. CHILD CUST. TRFR. ACT/ART. 3.

House: Reptd Fav

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

H 119: NCORR/INCREASE INFORMAL BID THRESHOLD.

House: Reptd Fav

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

H 131: PROTECT NC ED. SAVINGS & INVESTMENT ACCOUNTS.

House: Reptd Fav Com Substitute

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

H 153: USE TRIBAL ID FOR ALCOHOL & TOBACCO PURCHASE.

House: Passed 1st Reading

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

H 154: FUNDS/FORSYTH UNITED WAY/SUMMER LEARNING.

House: Passed 1st Reading

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

H 155: AUTHORIZE ATV AND UTILITY VEHICLE TITLING.

House: Passed 1st Reading

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

H 156: FUNDS FOR ESTABLISHING SAFE CULTURES.

House: Passed 1st Reading

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

H 157: STATE OF THE STATE INVITATION.

House: Passed 1st Reading

House: Cal Pursuant 32

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

H 158: STANLY CC/CONTRACT DATE &MCC STATUS.

House: Passed 1st Reading

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

H 159: ADOPT OFFICIAL NC DOGWOOD FESTIVAL.

House: Passed 1st Reading

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

H 161: PROTECTING PROPERLY INSURED INDIVIDUALS.

House: Passed 1st Reading

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

H 162: LIVING DONOR PROTECTION ACT.

House: Passed 1st Reading

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

H 164: FUNDS FOR BURLINGTON-ALAMANCE REG. AIRPORT.

House: Passed 1st Reading

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

H 165: MAKE CORPORATIONS PAY THEIR FAIR SHARE.

House: Passed 1st Reading

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

H 169: EXECUTIVE ORDER MODIFICATIONS.

House: Filed

H 170: CONTINUING CARE RETIREMENT COMMUNITIES ACT.-AB

House: Filed

H 171: BAIL BOND REFORM.-AB

House: Filed

H 172: SAM'S LAW.

House: Filed

H 173: TREASURY ADMINISTRATIVE CHANGES ACT.-AB

House: Filed

H 175: CONFIRM ED WILSON/SPECIAL SUPERIOR CT JUDGE.

House: Filed

H 177: DEQ OMNIBUS.-AB

House: Filed

H 178: MAINTENANCE OF STATE VETERANS CEMETERIES.

House: Filed

H 180: ADOPT HAYWOOD COUNTY AS ELK CAPITAL OF NC.

House: Filed

H 181: UNCLAIMED PROPERTY DIVISION CHANGES.-AB

House: Filed

H 182: ESCHEAT FUND FEE WAIVER.-AB

House: Filed

H 183: WC/SOLE PROPRIETORS MUST HAVE COVERAGE.

House: Filed

H 185: CLARIFYING SEX ED TIME FRAME.

House: Filed

H 186: DIV. OF JUVENILE JUSTICE MODS.-AB

House: Filed

S 3: NC COMPASSIONATE CARE ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 45: CADC SUPERVISION REQUIREMENTS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 46: MEDICAL BILLING TRANSPARENCY.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 115: REPURPOSE R.J. BLACKLEY CTR AS PSYCH HOSPITAL.

Senate: Reptd Fav

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

S 137: CONST. AMENDMENT/REPEAL LITERACY TEST.

Senate: Passed 1st Reading

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

S 138: SENATE BOG ELECTIONS.*Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate**Senate: Withdrawn From Com**Senate: Re-ref Com On Select Committee on Nominations***S 139: AMERICAN INDIANS GRADUATING WITH HONORS ACT.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 142: MAKE CORPORATIONS PAY THEIR FAIR SHARE.***Senate: Filed***S 144: COMMON SENSE DISTRIBUTION LICENSING.***Senate: Filed***S 145: CONTINUING CARE RETIREMENT COMMUNITIES ACT.-AB***Senate: Filed***S 147: UPDATE REQS./ADVANCE HEALTH CARE DIRECTIVES.***Senate: Filed***S 148: DEVIERE DISABLED VETERANS ACT.***Senate: Filed***S 149: VETERANS APPRECIATION ACT.***Senate: Filed***LOCAL BILLS****H 45: ADDRESS PANDEMIC LEARNING LOSS/ALAMANCE CO.***House: Passed 2nd Reading**House: Passed 3rd Reading***H 73: TOWN OF BRIDGETON - CHARTER AMENDMENT (NEW).***House: Passed 2nd Reading**House: Passed 3rd Reading***H 106: SCHOOL CALENDAR FLEXIBILITY/VARIOUS LEAS. (NEW)***House: Passed 2nd Reading**House: Passed 3rd Reading***H 115: SCHOOL CALENDAR FLEXIBILITY. (NEW)***House: Amend Adopted A1**House: Passed 2nd Reading**House: Passed 3rd Reading**House: Ordered Engrossed***H 129: SCHOOL CALENDAR FLEXIBILITY/PITT COUNTY.***House: Passed 2nd Reading**House: Passed 3rd Reading***H 160: SCHOOL CAL. FLEXIBILITY/BUNCOMBE & AMP ASHEVILLE.***House: Passed 1st Reading**House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House*

H 163: SCHOOL CALENDAR FLEXIBILITY/CRAVEN CO.*House: Passed 1st Reading**House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House***H 174: STAGGER WINSTON-SALEM/FORSYTH BD. OF ED. TERM.***House: Filed***H 176: SCHOOL CALENDAR FLEXIBILITY/LEE.***House: Filed***H 179: PAMLICO BD. OF ED. ELECT. PARTISAN.***House: Filed***H 184: HAYWOOD COUNTY OCCUPANCY TAXES.***House: Filed***S 136: 23RD SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 140: 12TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 141: 17TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 143: PINEHURST-LIMIT COMMERCIAL DEVEL. MORATORIA.***Senate: Filed***S 146: 41ST SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Filed***S 150: MAKE MCDOWELL CO. BD. OF ED. ELECT. PARTISAN.***Senate: Filed***S 151: 15TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Filed***S 152: 47TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Filed***S 153: 18TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Filed*

© 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](#)

