



The Daily Bulletin: 2023-02-27

PUBLIC/HOUSE BILLS

H 189 (2023-2024) **NC CONSTITUTIONAL CARRY ACT**. Filed Feb 23 2023, *AN ACT TO PROTECT A PERSON'S RIGHT TO CARRY A CONCEALED HANDGUN WITHOUT A PERMIT AND TO CONTINUE ALLOWING PERSONS TO ACQUIRE A CONCEALED HANDGUN PERMIT FOR THE PURPOSES OF RECIPROCITY OR FOR ANY OTHER REASON DESIRED, TO ALLOW THE PURCHASE OF A HANDGUN WITHOUT A PISTOL PURCHASE PERMIT, AND TO AUTHORIZE OFFICIALS ELECTED IN THE STATE TO CARRY A CONCEALED FIREARM WHILE PERFORMING THEIR OFFICIAL DUTIES IF THE OFFICIAL HAS A CONCEALED HANDGUN PERMIT.*

Part I.

Amends GS 14-269, which prohibits carrying concealed weapons, to establish that the term weapon does not include a firearm for purposes of the statute. Makes conforming changes to eliminate subsections (a1) and (a2) pertaining to carrying a concealed handgun with a permit and the punishments set out for violations of those subsections in subsection (c). Makes further conforming changes to eliminate related defenses to prosecution under this statute. Adds new subsection (a3) to provide that the exceptions to the prohibition on carrying a concealed weapon listed in subsection (b) of the statute that include a condition that the person have a concealed carry permit require a person to have a concealed handgun permit issued in accordance with Article 54B of GS Chapter 14 or one considered valid under GS 14-415.24 (reciprocity for out-of-state handgun permits or licenses) to qualify as an exception.

Enacts Article 54C, Carrying Concealed Handguns, to establish that any person who is a US citizen and is at least 18 years old can carry a concealed handgun in North Carolina unless prohibited otherwise by law. Makes it unlawful for a person who meets any of the 14 specified criteria to carry a concealed handgun, including a person who is under indictment for a felony, or who is or has been adjudicated to be a danger to self or others due to mental illness or lack of mental capacity. Makes a violation of this prohibition a Class 2 misdemeanor for a first offense, and a Class H felony for a second or subsequent offense. Requires a person to carry valid identification when carrying a concealed handgun. Further, requires a person to disclose to any law enforcement officer that the person is carrying a concealed handgun when approached or addressed by the officer, and to display the proper identification upon the officer's request. Makes a violation of this subsection an infraction punishable in accordance with GS 14-3.1 (setting a penalty not to exceed \$100).

Prohibits carrying a concealed weapon, unless provided otherwise by law, (1) in an area prohibited by a rule adopted by the Legislative Services Commission under GS 120-32.1 concerning State legislative buildings and grounds, (2) in any area prohibited by 18 USC 922 or any other federal law, (3) in a law enforcement or correctional facility, or (4) on any private premises where notice is given by posting a conspicuous notice or statement by the person in legal possession or control of the premises that carrying a concealed handgun is prohibited. Exempts any person listed in GS 14-415.41 [intends to exempt persons listed in GS 14-269(b)] from this prohibition. Makes a violation of this statute a Class 1 misdemeanor.

Amends GS 14-269.3 by amending the prohibition on carrying any gun, rifle, or pistol into an assembly where an admission fee has been charged, or into an establishment in which alcoholic beverages are sold and consumed, so that it now applies to any person consuming alcohol, or at any time while the person has remaining in the person's body any alcohol or in the person's blood a controlled substance previously consumed (was, applied to any person). Removes the exemptions to the prohibition.

Amends GS 14-269.4 to exempt a person carrying a concealed handgun from the prohibition on carrying weapons into certain State property and courthouses, so long as the firearm is in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle (previously, exempted persons carrying a concealed handgun with a valid permit under GS 14-415.24, a concealed handgun permit considered valid under GS 14-415.24, or a person who is exempt from obtaining a permit under GS 14-415.25, who has a firearm in the locked vehicle as specified). Makes similar changes to exempt carrying a concealed handgun from the prohibition of possessing any dangerous weapons at

parades or funeral processions (previously, exempted persons carrying a concealed handgun with a valid permit, a concealed handgun permit considered valid under GS 14-415.24, or is exempt from obtaining a permit under GS 14-415.25). Does not make changes to the clarification that a person may not carry a handgun on any premises where the person in legal possession or control of the premises has posted a conspicuous notice prohibiting the carrying of a concealed handgun on the premises in accordance with GS 14-415.11(c).

Amends GS 14-269.1 to include convictions under new GS 14-415.35(b) under the convicted offenses for which the presiding trial judge must order the confiscation and disposal of the deadly weapon referenced in the conviction, in the judge's discretion as specified. Also establishes that this provision applies to a conviction of any offense in addition to those specified involving the use of a deadly weapon, including a firearm.

Amends GS 14-269.2, which prohibits the carrying of weapons on any kind of educational property or to a curricular or extracurricular school-sponsored activity, as follows. Amends subsection (i) to exempt employees who reside on the higher education institution or nonpublic post-secondary educational institution at which the person is employed, who in addition to meeting other specified qualifications, has a handgun on the premises of the employee's residence or in a closed compartment or container within the employee's locked vehicle located in a parking area of the property at which the person is employed and resides (previously, exempted persons carrying a concealed handgun with a valid permit or who is exempt from obtaining a permit under Article 54B of GS Chapter 14). Makes conforming changes to eliminate provisions concerning employees who are not authorized to carry a concealed handgun pursuant to Article 54B of GS Chapter 14. Makes identical changes to subsection (j) exempting employees of a public or nonpublic school who reside on the campus of the school at which the person is employed. Makes conforming changes to eliminate reference to concealed handgun permits in the exemption set out in subsection (k), which sets out parameters for how a handgun must be kept in a locked compartment within the person's locked vehicle.

Amends GS 14-401.24, which sets out the provisions for the unlawful possession and use of unmanned aircraft systems, to make a clarifying change to define the term weapon to include any object capable of inflicting serious bodily injury or death when used as a weapon, including a firearm.

Amends GS 14-409.40, which establishes the regulation of firearms as an issue of general statewide concern, to provide that nothing in this statute prohibits municipalities or counties from application of their authority under GS 14-415.35 (as enacted by this act).

Amends GS 14-415.4, which provides for the restoration of firearms rights, to direct the court to deny the petition to restore the firearms rights of any petitioner if the court finds the petitioner is under indictment for a felony (previously, if the court finds that the petitioner is under indictment for a felony or a finding of probable cause exists against the petitioner for a felony).

Enacts GS 14-415.10A to provide that the State of North Carolina is to continue to make a concealed handgun permit available, even though it is lawful to carry a concealed handgun without a permit under new GS 14-415.35, to any person who applies for and is eligible to receive a concealed handgun permit pursuant to Article 54B of GS Chapter 14, reasoning that a permit is convenient for purposes of reciprocity when traveling out of state and to make the purchase of a firearm.

Amends GS 14-415.11 to eliminate the provision that allows a military concealed handgun permittee to carry a concealed handgun during the 90 days following the end of deployment when that permittee's permit has expired during deployment.

Repeals GS 14-415.22 (the construction provisions of Article 54B of GS Chapter 14).

Amends GS 74E-6 to provide that company police officers have the authority to carry concealed weapons pursuant to and in conformity with new GS 14-415.35 in addition to GS 14-269(b)(4) and (5) if duly authorized by the superior officer in charge. Company police agencies can be a hospital, a State institution, or a corporation engaged in providing on-site police security personnel service for persons or property under GS 74E-2 that is certified by the Attorney General in accordance with The Company Police Act, GS Chapter 74E.

Amends GS 74G-6 to provide that campus police officers have the authority to carry concealed weapons pursuant to and in conformity with new GS 14-415.35 in addition to GS 14-269(b) if duly authorized by their campus police agency and by the sheriff of the county in which the campus police agency is located. Campus police agencies can be public educational institutions operating under the authority of the UNC Board of Governors or the State Board of Community Colleges and private educational institutions licensed by the UNC Board of Governors pursuant to GS 116-15 or that are exempt from

licensure by the Board of Governors pursuant to GS 116-15(c) and certified by the Attorney General in accordance with The Campus Police Act, GS Chapter 74G.

Amends GS 113-136 to authorize inspectors and protectors of the Department of Environmental Quality to arrest for violations of new GS 14-415.35, subject to the direction of administrative superiors, relating to matters within the jurisdiction of the Department concerning the conservation of marine and estuarine resources and relating to matters within the jurisdiction of the Wildlife Resources Commission concerning boating and water safety, hunting and trapping, fishing, and activities in woodlands and on inland waters.

Effective December 1, 2023.

Part II.

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

Part III.

Adds to the exception from the prohibition set forth in GS 14-269 against carrying a concealed weapon when a person is not on their own premises to include any elected official or person appointed to fill an elective office when the person is acting in the discharge of their official duties and possess a concealed handgun permit or an out-of-state permit considered valid under GS 14-415.21. Specifies that the exemption does not apply while the person is consuming alcohol or an unlawful controlled substance or while either remains in the person's body. Further specifies that the exemption does not exempt the person from carrying weapons on campus or education property as prohibited in GS 14-269.2; makes a conforming clarification to GS 14-269.2(g).

Amends GS 14-415.11(c) to separate the area prohibitions of GS 14-269.2 from the other enumerated area prohibitions set forth for permit holders by GS 14-415.11(c).

Amends GS 14-415.27 to authorize an elected official or person appointed to fill an elective office to conceal carry in the area prohibitions set forth in GS 14-415.11(c), except for those described in GS 14-269.2, when acting in the discharge of their official duties and possessing a concealed handgun permit or an out-of-state permit considered valid under GS 14-415.21, subject to federal law.

Part IV.

Includes a savings clause.

Intro. by Kidwell, Adams, Moss, Pless.

[GS 14, GS 74E, GS 74G, GS 113](#)

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

H 196 (2023-2024) [DIT/OMNIBUS LAW CHANGES.-AB](#) Filed Feb 23 2023, *AN ACT MAKING OMNIBUS MODIFICATIONS TO LAWS RELATING TO STATE INFORMATION TECHNOLOGY AND THE PRIVACY OF PERSONAL IDENTIFYING INFORMATION.*

Section 1.1

GS 143B-1405 sets out provisions governing the distribution of funds from the 911 Fund for reimbursements to Commercial Mobile Radio Service (CMRS) providers. Under (a)(4), CRMS providers seeking reimbursement from the 911 Fund must get prior approval from the 911 Board for payment of costs that exceed the lesser of (1) 100% of the eligible cost allowed under

the statute, or (2) 125% of the service charges remitted to the 911 Board by the CMRS provider. Repeals the second paragraph related to the remitted service charges. Effective July 1, 2024, repeals GS 143B-1405 in its entirety.

Amends GS 143B-1403 to no longer require the revenue generated from the service charges imposed on each active communications service connection that provides access to the 911 system through a voice communications service to ensure full cost recover for communications service providers over a reasonable period of time.

Effective July 1, 2024, amends GS 143B-1407(a) to rename the PSAP Grant and Statewide 911 Projects Account by removing PSAP Grant from the title. Also removes the from the Account's purpose making grants to PSAPs in rural and other high cost areas. Amends the revenue sources for the account to no longer reference revenue allocated by the 911 Board under GS 143B-1405(c) which allowed the 911 Board to reallocate the excess amount when reimbursements to CMRS providers budgeted by the 911 Board for a fiscal year exceeds the amount of funds disbursed for reimbursements to CMRS providers for that fiscal year, to the Accounts established under GS 143B-1407.

Effective July 1, 2024, repeals GS 143B-1409(2), which prohibited CMRS providers from being required to provide enhanced 911 services until funds for reimbursement of the CMRS provider's costs are available under GS 143B-1405 (retain the other two conditions that must be met).

Section 2.1

Creates the Office of Privacy and Data Protection (Office) within the Department of Information Technology (Department) to serve as a central point of contact for State agencies on policy matters involving data privacy and data protection. Requires the Chief Privacy Officer to serve as the Director of the Office. Sets the Office's primary duties as: (1) conducting an annual privacy review; (2) conducting an annual privacy training for State agencies and employees; (3) articulating privacy principles and best practices; (4) coordinating data protection in cooperation with the agency; and (5) participating with the Office of the State CIO in the review of major State agency projects involving personally identifiable information. Also requires the Office to be a resource for local governments and the public on data privacy and protection concerns by: (1) developing and promoting the dissemination of best practices for the collection and storage of personally identifiable information, including establishing and conducting a training program or programs for local governments; and (2) educating consumers about the use of personally identifiable information on mobile and digital networks and measures that can help protect this information.

Requires the Office to submit a report evaluating its performance, due to the specified NCGA committee by December 1, 2023, and every four years thereafter. Requires the Office to establish performance measures in its 2023 report, including the specified measures, and demonstrate the extent to which performance results have been achieved in subsequent reports. Requires submitting the performance measures and a data collection plan by July 1, 2023, to the same NCGA committee for review and comment. Requires submitting a report to the same NCGA committee by October 1, 2023, on the extent to which telecommunication providers in the State are deploying advanced telecommunications capability and the existences of any inequality in access to advanced telecommunications infrastructure experienced by residents of rural areas, tribal lands, and economically distressed communities. Requires this report to be submitted at least once every four years, only to the extent the Office is able to gather and present the information within existing resources.

Amends GS 143B-1320 by adding the Office to the terms used in Article 15 (Department of Information Technology) of GS Chapter 143B.

Section 2.2

Amends GS 143B-1375 to prohibit confidential data from being entered into or processed through any information technology system or network established under Article 15 until safeguards for both the data's security and privacy (was, security) satisfactory to the State CIO have been designed and installed and are fully operational. Makes changes throughout Part 7 of Article 15, Security of Information Technology, to make provisions apply to both security and privacy instead of just security.

Section 2.3

Amends GS 143B-1320 by adding privacy incident to the term used in Article 15, defined as an occurrence which raises a reasonable risk of harm, whether suspected or confirmed: (1) where a person other than an authorized user has actual or potential access to identifying information as defined in GS 14-113.20(b), personal information as defined in GS 75-66(c), or protected health information in usable physical or electronic form; (2) where an authorized user has access to identifying information as defined in GS 14-113.20(b) or personal information as defined in GS 75-66(c) for an unauthorized purpose; or

(3) that otherwise involves loss of control, unauthorized disclosure, unauthorized acquisition, unauthorized access, or any similar compromise affecting information in the above provisions.

Section 3.1

Amends GS 143B-1322 to require the State CIO to submit an annual report, beginning February 1, 2024, on State government information technology and governance with a focus on broadband and connectivity, cybersecurity, privacy, procurement, and digital transformation to the specified NCGA committee and division.

Section 4.1

Recodifies GS Chapter 116E (Education Longitudinal Data System) into Part 13 (titled North Carolina Longitudinal Data System) of Article 15 of GS Chapter 143B, making conforming changes to the numbers of those statutory provisions and makes the following changes. Moves the North Carolina Longitudinal Data System (System) from the Department of Public Instruction to the Department of Information Technology. Adds the Department to those entities for which the System is considered an authorized representative. No longer requires that the System only use aggregate data in the release of data in reports and in response to data requests. Adds that the System must facilitate the sharing of data with approved requestors at the individual record level in accordance with memoranda of understanding executed by current data contributors. Makes additional technical changes.

Section 5.1

Amends GS 93B-14 by expanding upon the entities to which occupation licensing boards can share the social security number of an applicant for licensure, to also include the Government Data Analytics Center of the Department of Information Technology for purposes authorized under GS Chapter 143B, Article 15.

Section 5.2

Amends GS 143B-1385 to prohibit initiating, extending, or expanding a Government Data Analytics Center (GDAC) project without approval from the State CIO (was, without the specific approval of the NCGA unless the project can be implemented within funds appropriated for GDAC projects and without prior consultation with the Joint Legislative Commission on Governmental Operations and a report to that Commission if the project can be implemented within funds appropriated within funds appropriated for GDAC projects).

Section 5.3

Amends GS 116E-2, setting out the purpose of the North Carolina Longitudinal Data System, by removing the provision limiting the linkage of student data and workforce data for the purposes of the System to no longer than five years from the later of the date of the student's completion of secondary education or the date of the student's latest attendance at an institution of higher education in the State.

Section 6.1

Amends GS 143B-1421 by stating that the Chief Geographic information Officer (was, Director of the CGIA) is the secretary of the North Carolina Geographic Information Coordinating Council.

Section 7.1

Amends GS 143B-1330 to require that as a part of the State Information Technology Plan that the State CIO develop and update a long-range State Information Technology Plan that forecasts, at a minimum, the needs of State agencies for the next five years (was, 10 years).

Section 8.1

Amends GS 14-113.20 by amending the definition of identifying information as it is used in Article 19C (Identity Theft) of GS Chapter 14, so that also includes: (1) numbers or information that can be used to access a person's resources to cause harm (was, limited to a person's financial resources and did not require causing harm), which includes the stated harms; and (2) information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.

Section 8.2

Amends GS 75-66, which prohibits a person from knowingly broadcast or publishing to the public on radio, television, cable television, in a writing of any kind, or on the Internet, the personal information of another with actual knowledge that the person whose personal information is disclosed has previously objected to any such disclosure. Expands upon what is considered to be personal information to also include a person's first name or first initial and last name in combination with information that can be used to distinguish to trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.

Section 9.1

Amends GS 91-414.4 to no longer require dentists to begin submitting demographic and clinical data to the Health Information Exchange (HIE) Network by January 1, 2023. Instead, adds dentists and chiropractors to those who may connect to the HIE Network and submit data voluntarily.

Section 9.2

Increases by one the number of members appointed to the North Carolina Health Information Exchange Advisory Board by (1) the President Pro Tempore of the Senate to also include a provider of Medicaid or other State-funded health care services that is connected to the HIE Network, and (2) the Speaker of the House to also include a provider of Medicaid or other State-funded health care services that is connected to the HIE Network.

Intro. by Johnson.

GS 14, GS 75, GS 90, GS 93B, GS 116E, GS 143B

[View summary](#)

Business and Commerce, Occupational Licensing, Government, Public Safety and Emergency Management, State Agencies, Department of Information Technology, Department of Public Instruction, Health and Human Services, Health, Health Care Facilities and Providers

H 198 (2023-2024) **DOT LEGISLATIVE CHANGES.-AB** Filed Feb 23 2023, *AN ACT TO MAKE CHANGES TO LAWS, AS RECOMMENDED BY THE DEPARTMENT OF TRANSPORTATION.*

Amends GS 136-44.2E to limit use of funds in the Transportation Emergency Reserve (Reserve) to unreimbursable expenditures related to an emergency (previously permitted access and use of the funds to the extent practicable that the funds are eligible for federal reimbursement or cost sharing with federal funds). Expands use of Reserve funds to include use when the US Department of Transportation (DOT) authorizes expenditure of emergency relief funds pursuant to federal law or when the Governor has declared a disaster under state law, in addition to existing authority to use funds after a presidential declaration of a major disaster. Adds a new provision specifying that the funds in the Reserve can be used for past or present disasters and for any reimbursed expenditures related to the declared disaster. Repeals subsection (e) that requires DOT to submit biennial reports to specified NCGA committees and division.

Amends Section 1.7, SL 2019-251, as amended by Section 5.4, SL 2022-74, to direct funds remaining of the \$30 million appropriation to DOT for Hurricane Dorian recovery be used to continue DOT's Resilience Program.

Authorizes DOT to establish and implement a pilot project to award contracts for up to five transportation projects using the Progressive Design-Build procurement process, as described to include two distinct phases and contracts for (1) preconstruction activities and (2) completion of preliminary designs and construction of the project. Establishes five qualifications that must be met for award of a contract: (1) DOT determination that the project cost is less than \$500 million; (2) DOT determines that the Progressive Design-Build process is in the public's interest; (3) DOT prequalifies the prime contractor and lead design firm that will be awarded the contract; (4) DOT complies with the described pre-award reporting requirements; and (5) DOT establishes and implements Progressive Design-Build Guidelines as directed. Requires DOT to submit a pre-award report to the specified NCGA committee describing the project and the reasons this procurement process will serve the public interest, and submit a post-completion report to the specified NCGA committee and division detailing the project results. Directs DOT to develop and implement Progressive Design-Build Guidelines for awarding contracts under the pilot program. Sunsets these provisions upon submission of the post-completion report for the final project completed under this authority.

Amends Section 34.13 of SL 2018-5 (2018 Appropriations Act), as amended by Section 21, SL 2022-68, authorizing DOT to establish and implement a pilot project to award contracts for up to eight projects (was capped at five projects) for the construction of transportation projects on a construction manager-general contractor basis, subject to specified limitations and cost caps.

Repeals the reporting requirement in GS 136-93.1A(g), which requires DOT to annually report to the specified NCGA committee on the number of times in the preceding year that DOT failed to communicate the scope of a traffic impact analysis to an applicant within 10 business days of receipt of the scope proposed by the applicant as required by subdivision (a)(1) of the statute.

Repeals the reporting requirement in GS 143C-6-11(m), which requires DOT to report to the specified NCGA committee and division when the combined average daily cash balance of the Highway Fund and Highway Trust Fund is outside the target range defined by subdivision (k)(1), which requires transportation project funding to be between 15-20% of the total appropriations of the current fiscal year from those funds.

Enacts GS 136-28.1A, authorizing DOT's Integrated Mobility Division to establish independent statewide purchasing contracts with private vendors for capital assets, technology, or services related to public modes of transportation, so long as federal competitive procurement and selection requirements are met and the contracts are established primarily for the convenience of DOT and named local government entities to select and enter into contracts with vendors without completing additional procurement and competitive selection processes. Exempts the statewide purchasing contracts from Department of Administration (DOA) or Department of Information Technology (DIT) oversight and requirements, but requires DOT to notify DOA of the nature and scope of all contracts, and notify DIT of all those related to information technology. Directs DOT to report to specified NCGA committees and division within 30 days of entering into a statewide purchasing schedule for a project the Integrated Mobility Division is undertaking pursuant to the statute.

Amends GS 143-134 to exempt from the public contracting laws of Article 8 public building contracts entered into by DOT for facilities that are or will be jointly occupied by personnel from the Division of Motor Vehicles and the Highway Patrol. Specifies that the powers and duties related to public contracts under Article 8 must be exercised by DOT and the Secretary of Administration, with other State officers, employees, or agencies having no duties or responsibilities concerning the contracts.

Amends GS 136-28.1 relating to DOT's letting of contracts to bidders after public advertising, adding a new subsection to authorize DOT to specify a brand name or specific manufacturer of construction materials for promotion of listed purposes, including system compatibility or synchronization and product evaluation.

Amends GS 136-19.4 regarding registration of right-of-way plans. Removes requirements for copies of profile sheets to be certified by DOT to the register of deeds within which the project is located. Eliminates the requirement for DOT to certify to the register of deeds a copy of amended final right-of-way plans approved by the Board of Transportation within two weeks from their adoption, and the directive for the clerk to remove original plan sheets and record the amended sheets in lieu thereof. Makes conforming changes.

Amends GS 136-76.2 to include the installation of culverts associated with the State highway system on non-outlet roads to those activities funded by the "bridge program" not required to be outsourced to private contractors (previously excepted this activity only in cases of emergency and did not specify installation on non-outlet roads only).

Amends Section 41.7, SL 2022-74 to require funds transferred to the Highway Trust Fund Advance Right-of-Way Acquisition Account to be used by DOT to purchase property under the Advance Acquisition Program (Undue Hardship Advance Acquisition Program). Eliminates required quarterly reporting to the specific NCGA committee and division regarding DOT's required streamlining the Undue Hardship Program under the provision.

Amends SL 2018-16, the Build NC Bond Act of 2018, extending the sunset date of the act from December 31, 2028, to December 31, 2030.

Amends Section 41.3, SL 2021-180, as amended, providing (1) that DOT's average month-end cash balance for the first three months in the calendar year prior to the date of determination must be equal to or less than \$2 billion (no longer specifying the requirements are limited to the 2021-23 fiscal biennium), and (2) for any issuance and sale of Build NC Bonds on or before June 30, 2024 (was, June 30, 2022), the cash balance requirement under GS 142-97(2)a. does not apply and the consultation requirement under GS 142-97(2)c. must be no later than two months prior to the expected issuance of the bonds.

Repeals Section 34.5, SL 2014-100, as amended, which bars expenditures for out-of-state travel by DOT for 2014-15 and each fiscal year thereafter from exceeding the amount expended during the 2009-10 fiscal year.

Repeals Section 29.5A, SL 2015-241, which caps expenditures for out-of-state travel by the Board of Transportation for 2015-16 and each fiscal year thereafter at \$20,000.

Repeals GS 160A-605(d), which requires Board of Trustee members of the Regional Public Transportation Authority Board to reside within the Authority's territorial jurisdiction defined by GS 160A-604.

Amends GS 136-89.213 to authorize the Turnpike Authority to contract to exchange information with insurance companies to identify motor vehicles and owners relating to toll collection. Adds new authority for the Turnpike Authority to use digital communications and methods to obtain information for a registered owner of a motor vehicle through verification of phone numbers, connected or enabled vehicle applications, and other digital means to pursue bill by first-class mail.

Adds to the information that must be included in a toll bill under GS 136-89.214 to include the vehicle's VIN or other identifying information of the motor vehicle that traveled the Turnpike project.

Increases the cap for toll bill processing fees under GS 136-89.215 from \$6 to \$9. Increases the cap on the amount of annual processing fees that may be charged to one person in a 12-month period from \$48 to \$72.

Amends GS 20-146.2 relating to HOV lane restrictions, to remove the following from the list of HOV lane restriction exemptions: motorcycles; vehicles designed for 15 or more passengers; plug-in electric vehicles; dedicated natural gas vehicles; and fuel cell electric vehicles.

Amends GS 20-146.2, authorizing the Turnpike Authority to toll for travel in a lanes designated and marked as in use for temporary peak traffic shoulder lanes or directional flow peak traffic lanes.

Amends the Transportation Investment Strategy Formula set forth in GS 136-189.11, revising the distribution of funds for DOT division need projects to no longer bar DOT from providing financial support for independent bicycle and pedestrian improvement projects.

Amends GS 126-6.3 to exempt the Ferry Division from the required use of the Temporary Solutions Program for temporary employment when there is an established need for peak season hires or when the expertise requires a specific skillset beyond the scope of temporary employees.

Amends GS 136-82, requiring the Board of Transportation to establish resident priority passes for the Hatteras and Ocracoke route for those who provide a valid driver's license with an Ocracoke address and a current vehicle registration with an Ocracoke address.

Amends GS 136-82(f) to limit priority boarding passes for commercial vehicles boarding ferries to one annual pass per vendor per vehicle each year. Adds further limitations to limit use of the priority boarding passes, establishing windows of authorization as follows: for ferries departing Hatteras, between 10:00 a.m. and 4:00 p.m.; and for ferries departing Ocracoke, between 4:00 p.m. and 9:00 p.m. Additionally provides that no more than 10 vehicles can priority board a ferry during these authorized times.

Amends GS 136-82 to direct that all unexpended funds appropriated to the Ferry Division's budget from the prior fiscal year that are transferred to the Ferry Capital Special Fund and deposited in the Ferry Statewide fund code carryforward.

Repeals Section 41.15A(a) and (b), SL 2021-180, which (1) requires the Directors of the Office of State Budget and Management to certify line item expenditure accounts of the Ferry Fund Code 7825 as appropriations, and (2) requires positions in that fund code to be budgeted to the Personal Services major account group rather than agency receipts.

Repeals GS 63-74.5(2), removing from the Division of Aviation's annual reporting requirements to the specified NCGA committee and division, summaries of activities related to unmanned aircraft systems.

Amends GS 146-44.36, authorizing DOT to administer State and federal revitalization programs within adjoining states upon agreement with the adjoining state entity.

Adds a new section to Part XLI, SL 2022-74, directing that the \$7.527 million in nonrecurring funds appropriated to DOT, Rail Division for 2022-23 for the S-Line rail corridor can also be used for a future grant to develop S-Line beyond the CRISI grant

announced from Fiscal Year 2021 funds.

Replaces the language of GS 136-133.1(a), which defines maximum cut or removal zones for outdoor advertising sign owners who have obtained a selective vegetation removal permit, with changes to the maximum cut or removal zone for vegetation determination parameters as follows. Changes the description of the sign face points, and determines that lines drawn from point A, B, C, and D defines the limits of the vegetation cut or removal area. Sets view zone distances based on the travel way's speed limit. Adds new authority for owners or their designees to cut vegetation within any area on the State right-of-way located between viewing zones of two sign faces or otherwise within any areas measured perpendicular from any point on the sign structure to the edge of the pavement of the main traveled way, subject to a fee of \$100 per caliper inch. Additionally revises vegetation that may be removed without a permit under subsection (g), except for native dogwoods and native redbuds, to include vegetation located within 300 feet on either side of the existing sign location (was within 200 feet on either side of the existing sign location as defined by previously described points A and B). Makes conforming changes.

Replaces the language of GS 136-133.2 concerning the issuance of a selective vegetation removal permit with the following. Allows for granting a permit for locations that have been permitted for at least the two years prior to application. Requires approval or denial within 30 days of an application with required fee and documentation. Deems applications approved which are not given written approval or denial within 30 days. Provides for written notice of reasons for denial. For all other permit applications, allows for granting permits for locations where outdoor advertising has been relocated under GS 136-131.5 which otherwise comply with the statute's requirements and DOT rules. Prohibits denial of a new site for relocation due to the presence of vegetation obstructing the visibility of the advertising from the viewing zone. Requires the owner or operator be permitted to improve the visibility zone by removing any vegetation on private property subject to written consent of the landowner.

Authorizes DOT to enter into agreements with the NC SBI, with the SBI acting on its own behalf or as an administrative agency of a local law enforcement agency of the State pursuant to authority granted by these provisions, for the placement and use of automatic license plate reader systems within land or right-of-way owned by DOT as part of a pilot program, subject to six qualifications, including: the use of the land is temporary; the system is above ground, removeable, and contains no combustible fuel; and the system is operated in accordance with GS Chapter 20, Article 3D. Requires termination and removal by DOT upon request by any affected public utility. Allows DOT or public utilities to relocate the system for immediate access to utilities, with liability limited to gross negligence or willful misconduct, and subject to notification to the SBI. Defines public utility. Effective July 1, 2023; expires June 1, 2024, with any agreement entered into under the pilot program terminating no later than that date.

Requires the SBI to submit a report to the specified NCGA committees by March 1, 2024 on systems placed on rights-of-way owned or maintained by DOT as specified. Effective July 1, 2023.

Repeals Section 41.57(a) and (c), SL 2021-180, which enacts GS 136-27.3A (Relocation of automatic license plate reader systems) and GS 20-183.32A (Report on automatic license plate reader systems). Effective July 1, 2023.

Amends GS 20-183.30, adding new defined terms to Article 3D, Automated License Plate Reader Systems. Defines criminal justice officer by statutory cross-reference. Defines law enforcement purpose to include (1) actions related to criminal investigations, arrests, prosecutions, post-conviction confinement, or supervision; (2) apprehending an individual with an outstanding felony warrant; (3) locating a missing or endangered person; or (4) locating a lost or stolen vehicle. Defines missing or endangered person to mean a person who has been identified as a missing or endangered person by one of three listed sources, including the National Criminal Information Center and law enforcement agency "be on the lookout" bulletins. Effective July 1, 2023.

Amends GS 20-183.31 to limit access and disclosure of data obtained by a law enforcement agency under the Article 3D to law enforcement purposes, as that term is now defined by the Article (was, for law enforcement or criminal justice purposes). Effective July 1, 2023.

Amends GS 20-183.32 to limit disclosure of captured plate data to criminal justice officers of State or local law enforcement agencies or similar officials at a federal law enforcement agency for a legitimate law enforcement purpose pursuant to a written request from the requesting agency (previously limited disclosure to federal, State, or local law enforcement agencies for a legitimate law enforcement or public safety purpose pursuant to such written request). Effective July 1, 2023.

Adds DOT to the list of agencies authorized to implement and enforce State and federal environmental laws under GS 150B-19.3, limiting DOT from adopting more restrictive standards, limitations, or requirements than those imposed by federal law or

rule unless otherwise specified.

Amends GS 105-164.44M to require the Secretary of Revenue to monthly rather than quarterly transfer the net proceeds of sales and use taxes collected at the general rate to the Highway Fund and Highway Trust Fund.

Amends GS 143C-6-11 regarding DOT's required monthly financial statement reports to require the report include projected revenues and Spend Plan for the next 12-month period rather than 18-months.

Intro. by B. Jones, Shepard, McNeely, Tyson.

[APPROP, UNCODIFIED, GS 20, GS 63, GS 105, GS 126, GS 136, GS 143, GS 143C, GS 150B, GS 160A](#)

[View summary](#)

[Business and Commerce, Courts/Judiciary, Motor Vehicle, Environment, Environment/Natural Resources, Government, APA/Rule Making, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, Department of Transportation, State Government, State Personnel, Tax, Local Government, Transportation](#)

H 199 (2023-2024) [DMV PROPOSED LEGISLATIVE CHANGES.-AB](#) Filed Feb 23 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE, LIEN HEARING NOTIFICATION, AND SERVICE OF PROCESS LAWS OF THE STATE, AS RECOMMENDED BY THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION.*

Amends GS 20-4.01 effective July 1, 2025, by adding new definition mobile drivers license which means a supplemental digital version of a valid drivers license that (1) is approved by the Commissioner, (2) is issued by the Division of Motor Vehicles, (3) is comprised of the same data elements as are found on a valid drivers license, and (iv) is capable of, and limited to, being linked to, and displayed by a mobile device owned by the person to whom the valid drivers license is issued. Requires the Division of Motor Vehicles (DMV) of the North Carolina Department of Transportation (Department) to study and provide a plan for implementing mobile drivers' licenses and mobile special identification cards. Requires DMV to report its findings and recommendations to the NCGA, and specified NCGA committee chairs and division by no later than January 1, 2024.

Amends GS 20-7 (pertaining to issuance and renewal of driver's licenses) as follows. Adds disclosure of an applicant's social security number to the State Board of Elections to verify voter registration data as an additional circumstance where the DMV is authorized to disclose a driver's license applicant's social security number. Increases the duration of a driver's license for a person between the ages of 18-66 from eight years to sixteen years. Makes conforming changes. Effective October 1, 2023.

Enacts new subsection (m1) to GS 20-7 authorizing the Commissioner to issue a mobile driver's license as a supplemental license upon request of a valid license holder. Specifies that a mobile driver's license should be treated as the legal equivalent of a valid license. Effective July 1, 2025.

Amends GS 20-17.8 (a1) (ignition interlocks) to expand the scope of persons required to agree to ignition interlock restrictions to include persons whose licenses were revoked for felony or misdemeanor death by vehicle (except for a person engaged in impaired driving), felony serious injury by vehicle, aggravated felony serious injury by vehicle, aggravated felony death by vehicle, and repeat felony death by vehicle offender. Effective December 1, 2023, and applies to offenses committed on or after that date.

Amends GS 20-43.1 (disclosure of personal information in motor vehicle records) to enact new subsection (c1) permitting the DMV to adopt rules restricting disclosure of personal information about any person who is a current or former federal or state judicial officer, to the extent permitted under federal law. Amends GS 20-43.1(e1) to increase fee for disclosure of certain records from \$1to \$5per individual record.

Amends GS 20-63.1 (pertaining to reflectorized registration plates) by removing (1) DMV's obligation to develop standards for reflectivity that use the most current technology available while maintaining a competitive bid process and (2) mandatory replacement of plates every seven years.

Amends GS 20-63 (pertaining to commission contracts for plates, registration certificates and certificates of title) to expand scope of DMV offices authorized to issue these documents through commission contracts to all DMV offices in within the state. (Currently, exempts Wake, Cumberland, and Mecklenburg DMV offices.) Effective October 1, 2023.

Repeals GS 20-85.1 (pertaining to registration renewals by mail and one-day title services/fee) and incorporates those matters into GS 20-85 and GS 20-66 as described below. Effective October 1, 2023.

Amends GS 20-66 (pertaining to renewal of vehicle registrations) to permit renewal of registration by mail. Effective October 1, 2023.

Amends GS 20-85 (setting forth fee schedule pertaining to certificates of title, registration cards, and motor vehicle plates) by adding a \$105.75 fee for each application for a certificate of title prepared and delivered using a one-day title service. Designates an additional 20 cents from that fee to be credited to the Mercury Pollution Prevention Fund (this provision is repealed effective June 30, 2031). Increases the amount of certain fees credited to the North Carolina Highway Fund from \$1.00 to \$2.00 of each fee imposed, including the one-day titling fee. Effective October 1, 2023.

Amends GS 20-42 to increase the acknowledgement of signature fees from \$2 to \$6 for one signature; \$3 to \$7 for two signatures, and \$4 to \$8 for three or more signatures.

Amends GS 20-63.02(b) to change the composition of the License Plate Agent (LPA) Advisory Commission as follows: (1) reduces the number of persons appointed by the North Carolina Association of Motor Vehicle Registration Contractors (Association) from six to four (and those appointees must now be members of the Association); and (2) now allows the Commissioner to appoint two individuals who are contractors but not members of the Association. (Number of staff appointees remain the same.) Sets term limit of two consecutive terms.

Amends GS 20-84, pertaining to permanent registration plates, as follows. Deletes GS 20-84(b)(6) and (10) (listing motor vehicles owned by an incorporated emergency rescue squad and rural fire department, agency, or association, respectively). Incorporates those provisions into new GS 20-84(b)(21), which authorizes permanent registration plates for those same entities so long as the entity can establish that the entity (1) is listed in the Emergency Medical Services (EMS) System Plan in the county to which the entity provides services, (2) maintains an active provider number issued by the North Carolina Office of EMS, and (3) actively provides first responder services to a county, city, or town in the State. Authorizes the Commissioner to require proof eligibility of any vehicle that may apply for a permanent registration plate, with power to revoke any permanent plates issued to an entity that does not meet those requirements.

Amends GS 20-79.2 (pertaining to transporter plates) as follows. Bars plates issued to a business or a dealer from being used to deliver truck cabs or bodies manufactured, constructed, or rebuilt in another state. Specifies that transporter plates can only be issued to a financial institution that has a recorded lien on a vehicle located in North Carolina. (Currently, just requires a recorded lien on a motor vehicle.) Specifies that plates issued to a dealer or repair facility to pick up and deliver a motor vehicle that is to be repaired can only authorize the operation of the vehicle to be repaired. Specifies that plates issued to a dealer or a business that contracts with a dealer and has a business privilege license to take a motor vehicle either to or from a motor vehicle auction where the vehicle will be or was offered for sale can only authorize operation of the vehicle offered for sale. Adds requirement that a vehicle must both be registered and titled (was, registered) in the State for transporter plates related to driving older vehicle to a parade or other public event; sets limit of number of plates issued to a person for that purpose to two.

Requires the DMV, in consultation with the Department of Public Safety (DPS) to study the use of alternative materials for manufacturing the registration plates issued by the DMV. Requires the DMV to report its findings and any legislative recommendations to the NCGA, specified NCGA Committee chairs, and division by January 1, 2024.

Amends GS 20-347 (pertaining to disclosure requirements specified on the title in connection with the transfer of the motor vehicle) to increase the older vehicle exemption from the disclosure requirements from vehicles older than 10 years to 20 years.

Amends GS 20-79.5 (pertaining to special registration plates for elected and appointed State government officials) to add provision authorizing multiple plates with the same numeric designation. Directs DMV on how to differentiate multiple plates.

Amends GS 20-49.1 (pertaining to supplemental police authority of DMV officers) to increase the scope of when officers have the authority to enforce criminal laws to when they have probable cause to believe that a criminal act had immediately occurred, or is in the process of occurring, on physical property owned, operated, or maintained by either the North Carolina Department of Transportation or the DMV, or property operated as a license plate agency for and overseen and regulated by the DMV. (Currently, just probable cause to believe that a person has committed a criminal act in their presence.) Deletes language only authorizing police authority when, at the time of the violation they are engaged in the enforcement of laws otherwise within their jurisdiction. Adds additional emergency authorization for officers to exercise police power when an emergency exists and response by DMV personnel could not protect life and property. Specifies that when officers are providing temporary assistance at the request of the head of State or a local law enforcement agency/designee that the DMV officers will be considered an officer of the State (currently, not an officer, employee or agent of the State), but with the same law enforcement authority of the local law enforcement agency/designee asking for assistance. (Currently does not have that same enforcement authority.)

Amends GS 20-79 (dealer license plates) to increase number of months a dealer must be licensed to obtain dealer plates from 12 months to 24 months. Makes conforming changes to table demonstrating permitted the maximum dealer plates based on number of vehicles sold in 24-month period. (Currently, looks at number of vehicles sold in 12-month period) Makes a conforming doubling of the amount of vehicles that must be sold for each category of maximum number of plates. Makes additional conforming changes.

Amends GS 20-87 (pertaining to passenger vehicle registration fees) to increase fees for private passenger vehicles of not more than 15 passengers from \$36.00 to \$38.75 and for those vehicles holding over 15 passengers from \$40.00 to \$43.25. Increases dealer plate fee for passenger vehicles to double the regular fee for each of the first 5 plates issued and the regular fee for any others beyond those initial five. (Currently, dealer fee is regular fee for first 5 plates and half of regular fee for any others.)

Amends GS 20-288 (pertaining to licensures for motor vehicle dealers) as follows. Amends subsection (a1) (licensure requirements for used motor vehicle dealers) as follows. Increases the course requirement to two 12-hour courses within the last 24 months for initial applicants and two 6-hour courses for renewals (currently, one 12-hour (initial applicant) or 6-hour (renewal applicant) course in a 12-month period). Extends licensure period from one year to two years. Permits corporate surety to give notice of nonrenewal of surety bond by certified mail or electronically if the license holder has consented to electronic delivery of notice. (Currently, must give notice by delivery or certified mail.)

Amends GS 20-289 to increase license fees for motor vehicle dealers/distributors/distributor branches and wholesalers (\$97.00 to \$115.00), manufacturers (\$210.25 to \$420.50 and to \$260 from \$130 for each factory branch), sales representatives (\$21.50 to \$25.00), and factory/distributor representatives (\$21.50 to \$43.00). Effective October 1, 2023, and applies to plates issued, fees paid, or applications submitted on or after that date.

Amends GS 20-79.1 (pertaining to use of temporary plates in lieu of dealer plates) as follows. Notwithstanding any provision of GS 20-111 to the contrary, makes violation of subdivision (2) (involving the improper display or possession of a registration card, certificate of title or registration number plate knowing it is invalid for specified reasons) or (6) (prohibiting giving, lending, selling, or obtaining a certificate of title in order to use it for any purpose other than the registration, sale, or other use in connection with the vehicle for which the certificate was issued) of GS 20-111 punishable as a Class I felony (currently class 3 misdemeanor and class 2 misdemeanors, respectively). Effective December 1, 2023, and applies to offenses committed on or after that date.

Enacts new GS 20-79.1B (pertaining to print-on-demand temporary registration plates) as follows. Authorizes the DMV to develop and implement procedures necessary for issuance of temporary license plates by dealers to vehicle owners, using print-on-demand technology. Requires all dealers licensed on or after the effective date of the program to purchase and issue only print-on-demand temporary license plates, if DMV decides to implement such a program. Bars DMV from imposing a requirement relating to the minimum number of sets of temporary plates that must be purchased by a dealer pursuant to a print-on-demand temporary license plate program. Except as otherwise provided in this section, specifies that print-on-demand temporary license plates issued pursuant to GS 20-79.1B are subject to all conditions and limitations set forth Article 3 of GS Chapter 20 except as otherwise provided by the new section. Effective January 1, 2024. Authorizes DMV to adopt rules relating to print-on-demand temporary plates prior to effective date.

Amends GS 143-341 (powers and duties related to general services) to increase scope of those powers and duties related to the central motor fleet to permit the DMV to own and maintain custody and control over a fleet of vehicles used in specialized

investigative operations. Specifies the vehicles may be received, titled, transferred, or sold as deemed appropriate by the Commissioner.

Amends GS 20-131 (pertaining to headlamp and auxiliary driving lamp requirements) to require that any headlamp installed on a vehicle after initial manufacture of the vehicle to comply with Federal Motor Vehicle Safety Standard (FMVSS) 108.

Updates GS 1-105 (service of process upon nonresident drivers of motor vehicles or personal representatives of deceased nonresident drivers) as follows. Makes terms gender neutral. Makes technical and clarifying changes. Increases service of process fee from \$10 to \$20. Enacts new subsection pertaining to service of process upon a defendant in a place not within the United States. Requires the Commissioner to require a deposit of \$100 and delivery by private carrier with proof of actual delivery to the defendant. Effective July 1, 2023, and applies to service upon nonresident drivers on and after that date.

Intro. by B. Jones, Shepard, McNeely, Tyson.

[GS 1, GS 20, GS 143](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Courts/Judiciary, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, APA/Rule Making, State Agencies, Department of Public Safety, Department of Transportation](#)

H 201 (2023-2024) [DST ADMIN CHANGES.-AB](#) Filed Feb 23 2023, *AN ACT MAKING ADMINISTRATIVE AND CONFORMING CHANGES TO THE LAWS GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, LEGISLATIVE RETIREMENT SYSTEM, CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND TO OTHER RELATED STATUTES, AS RECOMMENDED BY THE DEPARTMENT OF STATE TREASURER.*

Part I

Amends GS 135-5(1) (pertaining to the death benefit plan for the Teachers' and State Employees' Retirement System [TSERS]), GS 128-27(16) (death benefit plan for Local Government Employees' Retirement System [LGERS]), GS 120-4.27 (death benefit for Legislative Retirement System [LRS]), and GS 135-64(k) (death benefit under Consolidated Judicial Retirement Act [JRA]) as follows. Upon proof of a death of a retired member received on or after January 1, 2015, removes requirement that payment be made to the member's surviving spouse (if any) if no beneficiary was designated by the decedent. Instead, payment will be made to the decedent's personal representative if no designated beneficiary has survived the decedent. Makes conforming changes.

Part II

Amends GS 135-105(d) (TSERS short-term disability benefits) to add new language specifying that the Plan shall not reimburse any employer for amounts related to notifications made on or after January 1, 2024.

Part III

Replaces the Medical Board with the Retirement Systems Division of the Department of State Treasurer (Division) as deciding agency for certain types of disability decisions, described in detail below. Makes conforming change to GS 135-6(k) and GS 135-102(d) (pertaining to the Medical Board) to allow for new designation.

Makes clarifying and conforming changes to GS 135-5(a)(5) (pertaining to conversion of disability application to early retirement), GS 135-105(f) (pertaining to eligibility of short-term disability or a preliminary determination on eligibility for long term disability), and GS 135-105(g) (pertaining to extension of short term disability benefits) to indicate that the Division is the deciding agency for applications for extended short-term, rather than the Medical Board.

Further amends GS 135-105 to authorize the Department of State Treasurer (DST) to adopt implementing rules.

Part IV

Amends GS 135-5(g) (TSERS/JRA election of optional allowance), GS 128-27 (LGERS election of optional allowance), and GS 120-4.26 (provisions of the LRS pertaining to benefit payment options) as follows. Changes relevant time period from “until the first payment on account of any benefit becomes normally due, or the member's first retirement check has been cashed” to until the first payment on account of any benefit becomes normally due and the first payment date has occurred” for (1) election of different benefit payment options; (2) revocations of certain options relating to beneficiaries who die before the members (only TSERS/JRA/LGERS); (3) revocations of certain options relating to beneficiary spouses who die before the members (only TSERS/JRA/LRS); (4) benefits options or designated survivor beneficiary. Makes conforming changes throughout. Makes language gender neutral.

Part V

Amends GS 135-105(g) (pertaining to short-term disability benefits) to clarify the starting date for a 365-day extension of short-term disability benefits. Provides that the extension commences the first day succeeding the conclusion of the short-term disability period if the beneficiary or participant applies within 180 days after the later of when the short-term disability period ceases, after salary continuation payments cease, or after monthly payments for Workers' Compensation cease.

Part VI

Amends 135-7(g) (pertaining to master trust and management of funds) as follows. Specifies that the assets of the trust fund will be used only for the exclusive benefit of persons who are or may be entitled to benefits under the Plans. Bars trustees from ever distributing the assets of the trust fund to any entity that is not a state, a political subdivision of a state, or another entity the income of which is excludable from its gross income by application of section 115(1) of the Internal Revenue Code.

Part VII

Amends GS 135-5(g1) (pertaining to the survivors' alternate beneficiary default-TSERS), GS 128-27(g1) (pertaining to the survivors' alternate beneficiary default-LGERS), GS 120-4.28 (pertaining to the survivors' alternate beneficiary default-LRS) as follows. Adds new language allowing for payment of excess funds to contingent beneficiary's personal representative in a lump sum if the contingent beneficiary dies before the total of the retirement allowances paid equals the amount of the accumulated contributions of the member at the date of the member's death. (Currently, this language only exists for primary beneficiaries.) Makes clarifying and conforming changes.

Part VIII

Enacts new subsection GS 135-106(b1) pertaining to reducing the amount of the long-term disability benefit to which a participant or beneficiary is entitled while receiving workers' compensation benefits. Sets forth the following formulas that apply. (1) If the participant or beneficiary is entitled to a weekly workers' compensation payment, the monthly payment for workers' compensation must be determined by multiplying the weekly payment by 52 and dividing by 12 and the long-term disability benefit must be reduced by the monthly payment for workers' compensation effective on the first day of the month following the month of initial entitlement for workers' compensation. (2) If the participant or beneficiary is entitled to a lump sum workers' compensation payment equal to a stated weekly or monthly amount for a given number of weeks or months, the monthly payment for workers' compensation must be determined using the stated weekly or monthly amount and the long-term disability benefit must be reduced by the monthly payment for workers' compensation effective on the first day of the month following the month of the lump sum payment. (3) If the participant or beneficiary is entitled to a lump sum workers' compensation payment that is not in reference to a stated weekly or monthly amount, the monthly payment for workers' compensation shall be determined by dividing the lump sum by 500 weeks to arrive at a weekly payment, then multiplying by 52 and dividing by 12, and the long-term disability benefit shall be reduced by the monthly payment for workers' compensation effective on the first day of the month following the month of the lump sum payment. (4) In the case of monthly reduction in the long-term disability benefit arising from a lump sum workers' compensation payment, once the total reductions, without interest, are at least equal to the entirety of the lump sum payment, the member may contact the Retirement Systems Division to request cessation of the monthly payment reduction. The Retirement Systems Division must cease the reduction after verifying that the total reductions are at least equal to the entirety of the lump sum payment. If the Retirement Systems Division determines that the total reductions are greater than the lump sum payment, the Retirement Systems Division shall distribute the excess amount to the member in a lump sum payment. Applies to participants or beneficiaries who become entitled to receive workers' compensation benefits on or after July 1, 2023.

Part IX

Enacts new subsection(e) to GS 135-9 (pertaining to recovery of funds overpaid to beneficiaries by the North Carolina Retirement Systems Division as fulfillment of its duties to recover overpayment of State funds within a reasonable amount of time). Requires that when there is an overpayment of benefits or erroneous payments to a member in a State-administered retirement system or the former Disability Salary Continuation Plan or the Disability Income Plan of North Carolina, including benefits paid to, or State Health Plan premiums or claims paid on behalf of, any member or beneficiary who was determined to have been ineligible for those benefits or unentitled to those amounts due to an administrative error of the Retirement Systems Division, the Retirement System must notify the member or beneficiary. Specifies that any member or beneficiary in receipt of the written notice will have not less than 25% of the net retirement allowance withheld toward the amount owed to the Retirement System until that amount has been paid in full.

Designates general effective date as January 1, 2024, except as otherwise provided.

Intro. by Carson Smith.

GS 120, GS 128, GS 135

[View summary](#)

Courts/Judiciary, Court System, Government, General Assembly, State Agencies, Department of State Treasurer, State Government, State Personnel, Local Government

H 205 (2023-2024) **TRANSPARENT GOVERNANCE & INTEGRITY ACT.-AB** Filed Feb 23 2023, *AN ACT PROVIDING FOR GREATER TRANSPARENCY IN AND MAINTENANCE OF STATE AND LOCAL GOVERNMENT FINANCIAL MATTERS.*

Section 1

Amends GS 115C-442 to bar appointment as a finance officer of a board of education if the person is unable to obtain a fidelity bond in the amount required by the statute. Current law requires a fidelity bond of at least \$50,000. Changes the fixed amount to instead require the greater of (1) \$50,000, or (2) an amount equal to 10% of the board's total annually budgeted expenditures included in the initial annual budget resolution, up to \$1 million. Details calculation of total expenditures. Applies to bonds purchased or renewed on or after January 1, 2024.

Sections 2 through 6

Amends GS 143-318.10, which provides for open meetings of public bodies, to specify that the term public body includes any of the public entities listed whether established by the Constitution or otherwise. Additionally amends GS 132-1, which defines public records of agencies of the State or its subdivisions, to specify that agencies of the State and its subdivisions includes every public body subject to Article 33C, GS Chapter 143, as amended.

Amends GS 147-13 to require the Governor to convene the Council of State (Council) whenever statutes call for the concurrence, advice, discretion, opinion, or consent of the Council. Requires the Council's proceedings, rather than the Council's advice and proceedings, to be entered in a journal. Deems the Council's convening subject to the open meetings laws of Article 33, GS Chapter 143, and requires the minutes required thereunder to include the journal required by this provision. Makes language gender neutral and makes technical changes. Effective January 1, 2024.

Requires the Council to adopt rules establishing parliamentary procedure by October 1, 2023, including the method for introduction and considering of resolutions and posting the journal and minutes online. Deems Mason's Manual of Legislative Procedure to apply to meetings after that date if the Council fails to adopt such rules, and makes the Governor responsible for posting minutes and the journal within 10 business days of each Council meeting. Further requires the Council to review relevant administrative rules for compliance and conformity with the General Statutes, as amended by Sections 2 through 5 of the act, and initiate any necessary amendments by October 1, 2023.

Specifies that the above provisions clarify and restate the intent of existing law.

Section 7

Enacts GS 153A-54, requiring every member of a county's governing board to complete at least six hours of financial management education if either (1) the Local Government Commission (LGC) is exercising statutory authority and assumed control of the county's financial affairs, or (2) the count was on the most recently published Unit Assistant List issued by the Department of State Treasurer (Department). Defines the scope of governing members subject to the requirement. Lists five requirements of the financial management education required, including that the education must be provided by the LGC, the League of Municipalities, the Association of County Commissioners, the UNC School of Government, or other qualified sources at the choice of the board, subject to LGC approval.

Section 8

Enacts GS 159-6.1 as follows. States policy encouraging reporting to an appropriate authority any evidence of State or local government fiscal and debt management violations, fraud, misappropriation, or gross mismanagement, waste or abuse of authority, free from intimidation or harassment. Prohibits employers or other persons from taking action against an employee or reporting person because the employee, person or their agent reports or plans to report any of the described activities related to fiscal and debt management, so long as the employee does not know or have reason to believe that the report is inaccurate. Also prohibits other employees of the employer from retaliating against such an employee. Establishes a right of action for damages, injunction, or other remedies against the person who committed the violation within one year after the alleged violation. Provides for remedies a court may order, including reinstatement and payment of back wages or payment. Requires awarding attorneys' fees if a permanent injunction is granted, and treble damages plus costs and attorney's fees for a finding of willful violation. Specifies that a person can discharge or take unfavorable action against an employee that has engaged in activity protected under the new statute if the person proves by a greater weight of the evidence that it would have taken the same action in the absence of the protected activity.

Sections 9 through 13

Amends GS 159-18, authorizing local governments and public authorities to establish a capital reserve account (was, fund) by resolution (no longer also allowing for establishing the account by ordinance). Specifies that the account can be established in the general fund or in any public enterprise fund. Makes conforming changes to the statute, GS 159-19, GS 159-21, and GS 159-22.

Amends GS 159-20, now authorizing a governing board to make appropriations to the capital reserve account in its annual budget ordinance (replacing the authority for funding the account by appropriations from any other fund within the limitations of GS 159-13(b)). Adds a new requirement for the budget officer to annually include in the budget information submitted to the governing board with the proposed budget a report of the estimated ending balance for the current fiscal year in each capital reserve account, along with allocations to each purpose identified in the resolution establishing the account and an estimate of the expected expenditures from each account during the budget year.

Amends GS 159-22 to more specifically require a withdrawal resolution authorizing an appropriation from a capital reserve account to an appropriate appropriation within the fund the account is associated with pursuant to GS 159-13(a) (was, to an appropriate appropriation in one of the funds maintained under GS 159-13(a)).

Section 14

Adds the following new content to GS 159-34 relating to local governments' annual audit requirements. Requires the LGC to provide notice of warning to units that have failed to submit an annual audit within nine months of the unit's fiscal year end. Details notice requirements, including making the notice available on the Department's website. Provides for noncompliance within 12 months of the unit's fiscal year to be deemed consent to the withholding of a portion of its sales tax distributions. Allows for a unit to notify the LGC within 45 days of receipt of the warning notice of intention to appeal, with the unit then scheduled to appear at the LGC's next regularly scheduled meeting. Provides for calculation of the quarterly sales tax distributions that may be withheld for failure to comply with the annual audit reporting requirements within 12 months of the unit's fiscal year, at a rate of 150% of the cost of the required annual audit under an executed audit contract or of the actual fee for the most recently filed audit report if no contract was executed for the current year audit.

Directs the Secretary of Revenue (Secretary) to withhold distributions under GS 105-486 and GS 105-501 upon quarterly written notice from the LGC. Provides for withholding the amount in subparts if the withholding exceeds 5% of the unit's monthly general fund budget. Requires the total amount to be withheld and any schedule of withholding to be provided by the LGC in its notice to the Secretary. Requires withholding to begin at least 45 days after the Secretary receives notice from the LGC. Provides for release of funds once the required reports are filed with the Secretary, reviewed for compliance and

accepted by the Secretary, and the LGC notifies the Secretary to release the funds, which must be within 30 days of the filing. Requires the Department of Revenue to release the funds in the unit's first scheduled distribution that is at least 45 days after the earlier of two years from the date of notification for the funds to be withheld, or the date the Secretary receives LGC notice that a compliant report was filed and accepted by the Secretary.

Effective January 1, 2024, and applies to audits for fiscal years ending on or after June 30, 2023.

Section 15

Enacts GS 159-38.1, authorizing local governments and public authorities to establish a fund balance reserve account in the general fund or in any public enterprise fund for the purpose of maintaining appropriate case reserves and an adequate fund balance. Details six criteria of fund balance reserve accounts, including requiring adoption of a fund balance policy and establishment of the fund by board resolution. Also provides criteria for fund appropriations, withdrawals, and accounting.

Section 16

Revises the scope of GS 159B-39, which authorizes uses of revenue from electric power rates, to now make the statute applicable to cities and towns that are members of a municipal power agency (previously listed specific cities and towns that are members of the NC Eastern Municipal Power Agency).

Section 17

Amends GS 160A-17.2, which authorizes counties and municipalities to enter into an interest-free loan agreement with the US Department of Agriculture or an authorized intermediary, subject to LGC approval. Requires securing the loan only by pledging a security interest in the collateral being financed to that specific county or municipality (previously permitted pledging a security interest in an escrow account funded with loan proceeds, or a certificate of deposit). Prohibits pledging a security interest for repayment of or liability for loans entered into under the statute by any other county or municipality. No longer specifies deposit and certificate requirements. Makes technical and conforming changes.

Section 18

Makes technical changes to the title of Part 3A, Article 5, GS Chapter 160A.

Enacts GS 160A-89, enacting requirements for members of governing boards of cities relating to financial management education identical to those enacted for members of county governing boards in new GS 153A-54.

Intro. by Penny, Winslow.

[GS 115C](#), [GS 132](#), [GS 143](#), [GS 147](#), [GS 153A](#), [GS 159](#), [GS 159B](#), [GS 160A](#)

[View summary](#)

[Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Education](#), [Elementary and Secondary Education](#), [Employment and Retirement](#), [Government](#), [Public Records and Open Meetings](#), [State Agencies](#), [Department of Revenue](#), [Department of State Treasurer](#), [State Government](#), [Executive](#), [Tax](#), [Local Government](#), [Public Enterprises and Utilities](#)

H 208 (2023-2024) [LOW-INCOME HOUSING TAX CREDITS](#). Filed Feb 27 2023, *AN ACT TO REENACT THE LOW-INCOME HOUSING TAX CREDITS*.

Reenacts Article 3E, Low-Income Housing Tax Credits, of GS Chapter 105, as it existed immediately before its repeal (effective January 1, 2015), and revises the Article as follows. Does not reenact GS 105-129.41, which provided credit for low-income housing awarded federal credit allocation prior to January 1, 2003. Makes conforming changes. Retitles GS 105-129.42, Credit for low-income housing awarded a federal credit allocation (no longer specifying the award on or after January 1, 2003). Extends the sunset of the Article, now effective January 1, 2027, applicable to developments to which federal credits are allocated on or after January 1, 2027. Effective for taxable years beginning on or after January 1, 2023.

Intro. by A. Jones.

GS 105

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

H 209 (2023-2024) **CONSUMER CREDIT CARD PROTECTION ACT**. Filed Feb 27 2023, *AN ACT TO PROHIBIT CERTAIN BUSINESSES, STATE AGENCIES, AND LOCAL GOVERNMENTS FROM IMPOSING AN EXTRA CHARGE FOR PAYMENTS BY CREDIT OR DEBIT CARD.*

Enacts new GS 66-67.10 prohibiting persons selling goods or services at retail, State agencies, local governments, restaurants, and landlords from imposing an extra charge for payment by credit card or debit card. Specifies that the specified entities may offer a discount for payments by cash. Authorizes the Secretary of Commerce to assess civil penalties against a person, other than a State agency or local government for violations. Sets caps on the fees for initial and subsequent violations. Directs that the proceeds of any civil penalties will be remitted to the Civil Penalty and Forfeiture Fund in accordance with GS 115C-457.2.

Effective October 1, 2023, and applies to payments made on or after that date.

Intro. by Humphrey.

GS 66

[View summary](#)**Business and Commerce, Consumer Protection, Government,
State Agencies, Department of Commerce, Local Government**

H 210 (2023-2024) **REDUCE BARRIERS TO STATE EMPLOYMENT**. Filed Feb 27 2023, *AN ACT TO REDUCE BARRIERS TO STATE EMPLOYMENT.*

Enacts new GS 126-8.6 entitled "Reducing barriers to State employment," as follows. Directs the State Human Resources Commission (Commission) to: (1) regularly assess the educational, experiential, and training requirements necessary for each position within each State agency, department, and institution; (2) determine when practical experience and training rather than a four-year college degree is the appropriate qualification for a position; (3) identify jobs for which the educational, experiential, and training requirements could be reduced from their present level; (4) remove language for a four-year college degree in position descriptions when they are not necessary for the position.

Starting October 1, 2023, requires the Commission to submit annual reports on its efforts to reduce barriers to State employment under new GS 126-8.6 to the specified NCGA joint committee.

Intro. by Bell, Balkcom, Gillespie, Sauls.

GS 126

[View summary](#)**Employment and Retirement, Government, State Agencies,
Office of State Human Resources (formerly Office of State
Personnel), State Government, State Personnel**

H 211 (2023-2024) **DWI SENTENCING/MITIGATING FACTORS**. Filed Feb 27 2023, *AN ACT TO AMEND THE MITIGATING FACTORS CONSIDERED IN IMPAIRED DRIVING SENTENCING TO PROVIDE THAT IMPAIRED DRIVING RESULTING FROM CONSUMPTION OF ALCOHOL IS JUST AS DANGEROUS AS IMPAIRED DRIVING RESULTING FROM OTHER IMPAIRED SUBSTANCES.*

Amends GS 20-179(e), eliminating from the mitigating factors judges are required to consider in driving while impaired sentencing: (1) slight impairment of the defendant's faculties resulting solely from alcohol and an alcohol concentration that did not exceed 0.09 at any relevant time after the driving; and (2) slight impairment of the defendant's faculties, resulting solely

from alcohol, with no chemical analysis having been available to the defendant. Applies to offenses committed on or after December 1, 2023.

Intro. by Clampitt.

GS 20

[View summary](#)

Courts/Judiciary, Motor Vehicle

H 212 (2023-2024) **DL RESTORATION/DWI TREATMENT COURT**. Filed Feb 27 2023, *AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CONDITIONALLY RESTORE THE DRIVERS LICENSES OF PERSONS WHO HAVE SUCCESSFULLY COMPLETED A DRUG TREATMENT OR DWI TREATMENT COURT PROGRAM AND TO DIRECT THE DIVISION OF MOTOR VEHICLES TO ESTABLISH A PILOT PROGRAM TO ASSIST PERSONS RECEIVING A CONDITIONAL RESTORATION WITH THE COST OF INSTALLING AN IGNITION INTERLOCK SYSTEM.*

Amends GS 20-19 (suspension or revocation of driver's license and conditions of restoration) by enacting new subsection (d1) as follows. Permits the Division of Motor Vehicles (DMV), when a person has been convicted of an impaired driving offense and was sentenced under GS 20-179, to conditionally restore a person's license after the license has been revoked for at least one year if the person provides the DMV all of the following: (1) a certificate of graduation from a Drug Treatment or Driving While Impaired (DWI) Treatment Court Program established pursuant to Article 62 of GS Chapter 7A; (2) a letter of recommendation from the presiding judge of the Drug Treatment or DWI Treatment Court, and (3) a fee of \$25 in addition to other fees, with the \$25 to be deposited in the Highway Fund.

If a license is restored, specifies that the DMV will impose the following requirements and restrictions on the person's license for the duration of the original revocation period: (1) a requirement that all registered vehicles owned by that person be equipped with a functioning ignition interlock system in line with the requirements of state law set forth in GS 20-17.8(c1); (2) a restriction that the person may operate only a motor vehicle equipped with a functioning ignition interlock system of a type approved by the Commissioner that is set to prohibit driving with an alcohol concentration of greater than 0.00; (3) a requirement that the person personally activate the ignition interlock system before driving the motor vehicle. Permits the DMV to impose other reasonable requirements, restrictions, and conditions on the person in addition to the three specified above.

Directs the DMV to establish a pilot project to cover the costs for persons installing ignition interlock systems on their vehicles as required by GS 20-19(d1). Specifies that persons seeking funding must provide proof satisfactory to the DMV of their inability to pay costs associated with installing an ignition interlock system on their vehicle. Authorizes the DMV to impose other reasonable restrictions, requirements, and conditions it deems necessary on persons seeking funding under the pilot project. Requires the DMV to submit a report to the 2024 Regular Session of the 2023 NCGA detailing the total amount of funds spent under the pilot project, the number of persons who received funds under the pilot project, and the average amount of funds provided per person under the pilot project. Appropriates \$250,000 from the Highway Fund to the DMV in nonrecurring funds for 2023-24 to be used for the pilot. Specifies that any unspent or unencumbered funds remaining upon the expiration of the pilot project revert to the Highway Fund. Expires June 30, 2024.

Effective July 1, 2023.

Intro. by Clampitt.

APPROP, STUDY, GS 20

[View summary](#)

**Courts/Judiciary, Motor Vehicle, Government,
Budget/Appropriations, State Agencies, Department of
Transportation**

PUBLIC/SENATE BILLS

S 163 (2023-2024) [LOCAL GOVERNMENTS/SYSTEM DEVELOPMENT FEES](#). Filed Feb 27 2023, *AN ACT GRANTING LOCAL GOVERNMENT UNITS THE AUTHORITY TO EXEMPT PROPERTY BEING DEVELOPED FOR AFFORDABLE HOUSING FROM SYSTEM DEVELOPMENT FEES*.

Amends GS 162A-203 to allow a local government unit or a joint agency to exempt affordable housing parcels from a system development fee. Requires the unit or joint agency to adopt criteria for determining whether a parcel qualifies for the exemption.

Intro. by Lowe.

[GS 162A](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Property and Housing, Government, Local Government](#)

S 164 (2023-2024) [FUNDS FOR WS STATION 19 LADDER TRUCK](#). Filed Feb 27 2023, *AN ACT TO APPROPRIATE FUNDS TO PURCHASE A LADDER TRUCK FOR FIRE STATION 19 IN WINSTON-SALEM*.

Appropriates \$2 million for 2023-24 from the General Fund to the Office of State Budget and Management for a directed grant to the city of Winston-Salem as title indicates. Effective July 1, 2023.

Intro. by Lowe.

[APPROP, Forsyth](#)

[View summary](#)

[Government, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, Office of State Budget and Management](#)

S 165 (2023-2024) [AYDEN WATER/SEWER FUNDS](#). Filed Feb 27 2023, *AN ACT TO APPROPRIATE FUNDS FOR IMPROVEMENTS TO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM FOR THE TOWN OF AYDEN*.

Appropriates \$3 million for 2023-24 from the General Fund to the Town of Ayden to be used as title indicates. Effective July 1, 2023.

Intro. by Smith.

[APPROP, Pitt](#)

[View summary](#)

[Government, Budget/Appropriations, Health and Human Services, Health, Public Health](#)

S 166 (2023-2024) [PUBLIC ENTERPRISE/COMPLIANCE COST ALLOCATION](#). Filed Feb 27 2023, *AN ACT TO REQUIRE A PUBLIC ENTERPRISE TO COVER A CUSTOMER'S COSTS TO COMPLY WITH RULES ADOPTED AFTER THE CUSTOMER'S CONNECTION TO THE SYSTEM*.

Amends GS 160A-312 (concerning cities) and GS 153A-275 (concerning counties), which authorize cities and counties to operate public enterprises, and enacts GS 162A-900 (concerning water or sewer authorities and districts) and GS 130A-64.2 (concerning sanitary districts) to require that these entities bear the cost to comply with any adopted rule that applies to customers who have received previous approval to connect to the specified system. Specifies that the cost to comply with a numerical pretreatment standard for each of these specified systems will be borne by the customer. Applies to compliance costs arising on or after the act becomes law.

Intro. by Krawiec, Jarvis, Lowe.

[GS 130A, GS 153A, GS 160A, GS 162A](#)

[View summary](#)[Government, Local Government](#)

S 167 (2023-2024) [SOURCE OF INCOME NONDISCRIMINATION ACT](#). Filed Feb 27 2023, *AN ACT TO MAKE HOUSING DISCRIMINATION ON THE BASIS OF "SOURCE OF INCOME" A VIOLATION OF THE STATE FAIR HOUSING ACT.*

Amends GS 41A-4 to make discrimination on the basis of source of income an unlawful discriminatory practice under the State Fair Housing Act, GS Chapter 41A. Amends GS 41A-3 to define *source of income* as lawful sources of money, including income or rental payments received from a grant, loan program, the State or federal government or any local governmental unit, including the HOPE program or Section 8 voucher, or financial assistance from a private source, including a nonprofit or other governmental entity, in addition to income derived from a lawful profession or occupation. Makes conforming changes to GS 41A-5 (Proof of Violation) and GS 41A-6 (Exemptions). Effective October 1, 2023.

Intro. by Mayfield, Murdock, Salvador.

[GS 41A](#)[View summary](#)[Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing](#)

S 168 (2023-2024) [NORTH CAROLINA CROWN ACT](#). Filed Feb 27 2023, *AN ACT TO ENACT THE NORTH CAROLINA CROWN ACT TO CREATE A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR.*

Titles the act the “North Carolina CROWN Act.” Enacts new GS 95-28.1B barring any person, firm, corporation, unincorporated association, State agency, unit of local government, or any public or private entity from denying or refusing employment to any person, or discharging any person from employment on account of the person's race, color, creed, religion, sex, or national origin. Defines *race* to include traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles. Defines *protective hairstyles* as including, but not limited to, hair styles such as bantu knots, braids, locks, and twists.

Amends GS 95-241 to prohibit discriminating or taking any retaliatory action against an employee who in good faith files a claim or other action related to new GS 95-28.1B.

Applies to employers, employees, and prospective employers on and after the date the act becomes law.

Intro. by Murdock, Salvador, Smith.

[GS 95](#)[View summary](#)[Employment and Retirement](#)

LOCAL/SENATE BILLS

S 162 (2023-2024) [YANCEY COUNTY OCCUPANCY TAX INCREASE](#). Filed Feb 27 2023, *AN ACT TO CONFORM AND INCREASE THE YANCEY COUNTY OCCUPANCY TAX AUTHORIZATION.*

Amends the taxing authority of the Yancey County Board of Commissioners (Board) under SL 1987-140, as amended. Authorizes the Board to levy a room occupancy tax of up to 3% of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to State sales tax (previously authorized a 3% flat occupancy tax and did not specifically include tourist camps). No longer explicitly excepts accommodations furnished by educational, religious, or summer camp organizations. Clarifies that the tax is in addition to any State or local sales or room occupancy tax. Authorizes the Board to levy an additional room occupancy of up to 3%, provided the Board also levies the initially authorized room occupancy tax. Provides for the levy, collection,

administration, and repeal of the taxes authorized by the act as provided in GS 153A-155; makes conforming repeals to previous provisions providing for the same. Provides for penalties under State law.

Replaces the distribution of proceeds provisions as follows. Now requires the County to quarterly remit the tax proceeds to the Yancey County Tourism Development Authority (TDA), which must use at least two-thirds of the proceeds to promote travel and tourism, with the remainder used for tourism-related expenditures in the county. Restricts use to the direct benefit of the county. Sets forth three defined terms.

Concerning the creation of the TDA upon the Board adopting a resolution to levy the occupancy tax, requires including that the TDA is a public authority under the Local Government Budget and Fiscal Control Act. Requires the resolution to provide for membership, terms of office, and filling of vacancies on the TDA, including that membership be one-third individuals affiliated with businesses collecting the tax and one-half individuals who are currently active in the promotion of travel and tourism in the district. Requires designation of the chair and member compensation, if any. Requires the TDA to meet at the call of the chair and adopt procedural rules. Names the County Finance Officer as the ex officio officer. Charges the TDA with expending the net proceeds of the occupancy tax and promoting travel and tourism in the district, and making tourism-related expenditures in the district. Directs the TDA to quarterly report to the Board, as well as at the close of the fiscal year, on its receipts and expenditures for the preceding quarter and for the year. Makes conforming repeals to eliminate the Chamber of Commerce Board of Directors' authorities under the act.

Makes conforming changes to include Yancey County within the scope of GS 153A-155.

Intro. by Hise.

Yancey

[View summary](#)

Business and Commerce, Government, Tax, Local Government

ACTIONS ON BILLS

PUBLIC BILLS

H 2: EXTEND DEADLINE FOR EXPENDITURE OF FUNDS.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 29: SUPPORT PRIVATE PROPERTY RIGHTS.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 34: PROTECT THOSE WHO SERVE AND PROTECT ACT.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 35: EXPAND DEFINITION OF OPIOID ANTAGONIST.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 41: HOTEL SAFETY ISSUES.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 50: PISTOL PURCHASE PERMIT REPEAL.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 72: FIREARM SAFE STORAGE AWARENESS INITIATIVE.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 75: PA TEAM-BASED PRACTICE.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 157: STATE OF THE STATE INVITATION.

Senate: Withdrawn From Com

Senate: Placed On Cal For 02/28/2023

H 168: DNCR AGENCY BILL.-AB

House: Withdrawn From Com

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

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

House: Passed 1st Reading

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

H 181: UNCLAIMED PROPERTY DIVISION CHANGES.-AB

House: Passed 1st Reading

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

H 182: ESCHEAT FUND FEE WAIVER.-AB

House: Passed 1st Reading

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

H 183: WC/SOLE PROPRIETORS MUST HAVE COVERAGE.

House: Passed 1st Reading

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

H 185: CLARIFYING SEX ED TIME FRAME.

House: Passed 1st Reading

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

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

House: Passed 1st Reading

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

H 187: EQUALITY IN EDUCATION.

House: Passed 1st Reading

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

H 188: STANDARDS OF STUDENT CONDUCT.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

H 189: NC CONSTITUTIONAL CARRY ACT.

House: Passed 1st Reading

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

H 190: DEPT. OF HEALTH AND HUMAN SERVICES REVISIONS.-AB

House: Passed 1st Reading

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

H 191: POPULAR ELECTION.

House: Passed 1st Reading

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

H 192: 2023 WILDLIFE RESOURCES CHANGES.-AB

House: Passed 1st Reading

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

H 193: VARIOUS COURT CHANGES 2023.-AB

House: Passed 1st Reading

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

H 194: STATE BAR AUTHORITY FOR CERTAIN FEES.-AB

House: Passed 1st Reading

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

H 196: DIT/OMNIBUS LAW CHANGES.-AB

House: Passed 1st Reading

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

H 197: BROADBAND CHANGES/DIT.-AB

House: Passed 1st Reading

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

H 198: DOT LEGISLATIVE CHANGES.-AB

House: Passed 1st Reading

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

H 199: DMV PROPOSED LEGISLATIVE CHANGES.-AB

House: Passed 1st Reading

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

H 200: LGC TOOLKIT III.-AB

House: Passed 1st Reading

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

H 208: LOW-INCOME HOUSING TAX CREDITS.

House: Filed

H 209: CONSUMER CREDIT CARD PROTECTION ACT.

House: Filed

H 210: REDUCE BARRIERS TO STATE EMPLOYMENT.*House: Filed***H 211: DWI SENTENCING/MITIGATING FACTORS.***House: Filed***H 212: DL RESTORATION/DWI TREATMENT COURT.***House: Filed***S 3: NC COMPASSIONATE CARE ACT.***Senate: Reptd Fav***S 95: EXPEDITE WATER/WASTEWATER FRANCHISE TRANSFER.***Senate: Withdrawn From Com**Senate: Re-ref to Agriculture, Energy, and Environment. If fav, re-ref to Rules and Operations of the Senate***S 115: REPURPOSE R.J. BLACKLEY CTR AS PSYCH HOSPITAL.***Senate: Reptd Fav***S 138: SENATE BOG ELECTIONS.***Senate: Reptd Fav***S 156: MEDICAID CHILDREN & AMP FAMILIES SPECIALTY PLAN.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate**Senate: Withdrawn From Com**Senate: Re-ref to Health Care. If fav, re-ref to Rules and Operations of the Senate***S 157: LIMITED PROVISIONAL LICENSE MODIFICATION.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate**Senate: Withdrawn From Com**Senate: Re-ref to Transportation. If fav, re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate***S 159: DESIGNATE STATE BALLOON RALLY.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 160: TRANSFER ON DEATH DEEDS.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate**Senate: Withdrawn From Com**Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate***S 161: ADD MEMBERS TO NC TRAINING STANDARDS COMMISS.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 163: LOCAL GOVERNMENTS/SYSTEM DEVELOPMENT FEES.***Senate: Filed***S 164: FUNDS FOR WS STATION 19 LADDER TRUCK.***Senate: Filed***S 165: AYDEN WATER/SEWER FUNDS.**

Senate: Filed

S 166: PUBLIC ENTERPRISE/COMPLIANCE COST ALLOCATION.

Senate: Filed

S 167: SOURCE OF INCOME NONDISCRIMINATION ACT.

Senate: Filed

S 168: NORTH CAROLINA CROWN ACT.

Senate: Filed

LOCAL BILLS

H 45: ADDRESS PANDEMIC LEARNING LOSS/ALAMANCE CO.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 73: TOWN OF BRIDGETON - CHARTER AMENDMENT (NEW).

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 106: SCHOOL CALENDAR FLEXIBILITY/VARIOUS LEAS. (NEW)

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 115: SCHOOL CALENDAR FLEXIBILITY. (NEW)

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 129: SCHOOL CALENDAR FLEXIBILITY/PITT COUNTY.

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 184: HAYWOOD COUNTY OCCUPANCY TAXES.

House: Passed 1st Reading

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

H 195: SCHOOL CALENDAR FLEXIBILITY/ROANOKE RAPIDS.

House: Passed 1st Reading

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

S 154: AVERY COUNTY OCCUPANCY TAX.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

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

S 155: MITCHELL COUNTY BD. OF ED. ELECT PARTISAN.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

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

S 158: 38TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 162: YANCEY COUNTY OCCUPANCY TAX INCREASE.

Senate: Filed

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