



## The Daily Bulletin: 2023-02-28

### PUBLIC/HOUSE BILLS

H 122 (2023-2024) **REIMBURSE LATE AUDIT COSTS WITH SALES TAX REV.** Filed Feb 14 2023, *AN ACT TO INCREASE COMPLIANCE BY COUNTIES AND MUNICIPALITIES THAT FAIL TO TIMELY SUBMIT AN ANNUAL AUDIT REPORT.*

House committee substitute to the 1<sup>st</sup> edition makes the following changes. Changes the act's long title and makes conforming changes to refer to counties and municipalities, instead of local governments, throughout the act. Makes technical change to GS 159-34(e). Shifts responsibility for providing notice of warning from the Local Government Commission (LGC) more specifically to the secretary of the Local Government Commission. Amends notice requirements to specify method of delivery as first-class mail and to no longer require posting on the Department of State Treasurer's website. Enacts new GS 159-34(f) governing appeals of notices of noncompliance under GS 159-34(e). Deletes 45-day deadline for municipality or county to submit a notice of appeal. Sets forth requirements for content of notice of appeal. Requires the LGC to establish guidelines outlining specific criteria that would warrant a successful appeal. Requires the Secretary of Revenue (Secretary) to delay any withholding authorized by GS 159-34 if an appeal is taken before the Secretary takes action to withhold any portion of its sales tax distributions under GS 159-34(g). If an appeal is taken after withholding occurs under GS 159-34(g) the Commission must notify the Secretary to release any withheld funds if the Commission determines that the county or municipality's failure to submit a copy of their annual audit report is due to the circumstances established by the commission.

Makes technical, clarifying, and reorganizational changes to withholding provisions of the act, now GS 159-34(g). Amends the provisions concerning the release of funds and the timing of the release of funds, to account for a successful appeal by the county or municipality.

Requires the LGC to establish and make available the appeal guidelines discussed above before the Secretary of the LGC sends out any notice of noncompliance to a county or municipality for failure to provide a copy of its annual audit report. Permits the LGC to establish these guidelines prior to January 1, 2024, but specifies that they may not become effective until on or after that date.

Makes technical changes to the effective date and other organizational changes to account for new subsections GS 159-34(f)-(g) and new sections two and three.

**Intro. by Warren.**

[GS 159](#)

[View summary](#)

[Government, Local Government](#)

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

House committee substitute to the 2nd edition changes the effective date of the act from when it becomes law to September 1, 2023, applicable to actions filed on after that date.

**Intro. by Elmore, D. Hall, Winslow.**

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

[View summary](#)

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

H 214 (2023-2024) [ADD MEMBERS TO NC TRAINING STANDARDS COMMISS.](#) Filed Feb 28 2023, *AN ACT TO PROVIDE THAT THE NORTH CAROLINA POLICE BENEVOLENT ASSOCIATION AND THE NORTH CAROLINA FRATERNAL ORDER OF POLICE MAY EACH SELECT ONE PERSON TO SERVE ON THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION.*

Substantively identical to [S 161](#), filed 2/23/23.

Amends GS 17C-3 to add two individuals to the membership of the North Carolina Criminal Justice Education and Training Standards Commission. One is to be a full-time sworn law-enforcement officer selected by the North Carolina Police Benevolent Association and the other a member selected by the North Carolina Fraternal Order of Police.

Sets the initial term of the new members from July 1, 2023, to June 30, 2026; subsequent appointees will serve a term of three years, with services at the will of the appointing authority.

**Intro. by Riddell, Hardister, Bradford, Cunningham.**

[GS 17C](#)

[View summary](#)

[Government, Public Safety and Emergency Management](#)

H 215 (2023-2024) [GENERAL ASSEMBLY/"IN GOD WE TRUST" DISPLAY.](#) Filed Feb 28 2023, *AN ACT TO REQUIRE THE LEGISLATIVE SERVICES OFFICER OF THE GENERAL ASSEMBLY TO DISPLAY THE NATIONAL MOTTO "IN GOD WE TRUST" DIRECTLY ABOVE AND BEHIND THE DAIS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE.*

Amends GS 120-32.1 by requiring the Legislative Services Officer to display the national motto "In God We Trust" directly above and behind the dais of the Speaker of the House of Representatives and the President of the Senate. Requires the display to be consistent with the motto that is above and behind the dais of the Speaker of the US House of Representatives.

Requires the Legislative Services Officer to first use any funds gifted or otherwise provided to the State by a private individual or entity for this purpose. Provides that to the extent any of the funds are deemed unappropriated, the funds are appropriated for the purpose of this act. Provides that if no funds are gifted or otherwise provided by no later than 90 days from the effective date of this act, the Legislative Services Officer is allowed to use funds available to cover any costs incurred from implementing the display.

Effective July 1, 2023.

**Intro. by Moss, Kidwell, McNeely, Sossamon.**

[GS 120](#)

[View summary](#)

[Government, General Assembly](#)

H 216 (2023-2024) [EXPANSION OF AVIATION SALES TAX EXEMPTION.](#) Filed Feb 28 2023, *AN ACT TO BROADEN THE SALES AND USE TAX EXEMPTION ON AVIATION PARTS AND ACCESSORIES USED FOR THE REPAIR OR MAINTENANCE OF AIRCRAFT AND RELATED SERVICE CONTRACTS TO ALL AIRCRAFT WITH A MAXIMUM TAKE-OFF WEIGHT OF TWO THOUSAND POUNDS AND ABOVE.*

Amends the definition of qualified aircraft in GS 105-164.3 as it applies in Article 5 of GS Chapter 105 (Sales and Use Tax) to include an aircraft with a maximum take-off weight of more than 2,000 pounds (was, maximum take-off weight of more than 9,000 but not exceeding 15,000 pounds). Applies to sales occurring on or after July 1, 2023.

**Intro. by Hardister, Howard, Ross, Clemmons.**

[GS 105](#)

[View summary](#)

[Government, Tax, Transportation](#)

H 217 (2023-2024) **HIGHER ED SAVINGS GRANT PILOT PROGRAM**. Filed Feb 28 2023, *AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PILOT PROGRAM IN CERTAIN COUNTIES TO PROVIDE SAVINGS FOR HIGHER EDUCATION*.

Establishes the Higher Education Savings Grant Pilot Program (Program) to be administered by the State Education Assistance Authority (Authority) to invest funds to be awarded for the benefit of qualifying students who enroll in eligible public or private postsecondary educational institutions. Defines qualifying student as one who enrolls in an eligible public or private postsecondary educational institution who: (1) qualifies as a legal resident of North Carolina and as a resident for tuition purposes under the criteria in GS 116-143.1 and in accordance with definitions of residency that may from time to time be adopted by the UNC Board of Governors; (2) is an eligible resident (defined as a child born in an eligible county between July 1, 2022, and June 30, 2023); and (3) has not previously benefitted from an award of funds pursuant to this act.

Establishes the Higher Education Savings Trust Fund (Trust Fund) to be administered by the Authority to be used to provide grant awards to qualifying students. Allows 2.5% of the monies available in the Fund each fiscal year to be used for administrative costs related to operating the Fund and marketing for the Program.

Amends GS 147-69.2 to allow the State Treasurer to invest funds deposited in the Higher Education Savings Trust Fund in any of the investments authorized under (b)(6c) (b)(8) or (b)(9a) of the statute notwithstanding the percentage limits imposed on the Retirement Systems' investments.

Requires the Department of Health and Human Services to transmit the following to the Authority by December 31, 2023, for live births that occurred in Duplin, Guilford, Madison, Union, and Wake counties, between July 1, 2022, and June 20, 2023: names of children born and their parents, the parents' addresses, and the total number of live births. Specifies that this information is not public record and must be kept confidential. Allows the Authority to use the information only to identify eligible residents, notify the person of eligibility, and determine the funds needed to be deposited into the Higher Education Savings Account.

Requires students wanting to participate in the Program to contact the Authority within 30 days of enrolling at an eligible public or private post-secondary educational institution. Requires awarding \$100 plus interest within 60 days of enrollment at an eligible institution for each qualifying student to defray costs of tuition, with funds to be provided directly to the institution. Provides that to the extent funds appropriated for this purpose are insufficient or in excess of what is needed to award each qualifying student \$100, the Authority may reduce or increase the award amount in order to expend the appropriated funds on a prorated basis as fully and efficiently as possible.

Requires a report by November 1, 2024, and each year thereafter in which funds are deposited in or awarded from the fund, to the specified NCGA committee. Specifies items to be included in the report.

Appropriates \$2.4 million for 2023-24 from the General Fund to the UNC Board of Governors to be allocated to the Authority for the Program. Requires the Authority to hold the funds until it determines the number of eligible residents who were born and at that time requires depositing funds sufficient to award \$100 to each eligible resident into the Trust Fund.

Effective July 1, 2023.

**Intro. by Roberson, Clemmons, Willis.**

**APPROP, STUDY**

[View summary](#)

**Education, Higher Education, Government,  
Budget/Appropriations, State Agencies, UNC System,  
Department of Health and Human Services, Department of  
State Treasurer**

H 218 (2023-2024) **THE SAVE ACT**. Filed Feb 28 2023, *AN ACT TO DELIVER SAFE, ACCESSIBLE, VALUE-DIRECTED, AND EXCELLENT (SAVE) HEALTH CARE THROUGHOUT NORTH CAROLINA BY MODERNIZING NURSING REGULATIONS*.

Enacts new GS 90-171.36B to prohibit an advanced practice registered nurse (APRN) from practicing as such without a license. Defines advanced practice registered nurse or APRN as an individual licensed by the The North Carolina Board of

Nursing (Board) as an advanced practice registered nurse within one of the following four roles: (1) certified nurse practitioner or CNP, (2) certified nurse midwife or CNM, (3) clinical nurse specialist or CNS, or (4) certified registered nurse anesthetist or CRNA. Enacts GS 90-171.36C to require the Board to issue an APRN license to any person recognized by the Board as an APRN or approved to practice as an APRN in the state on or before the date that this statute becomes law. Enacts GS 90-171.36D, which specifies the process for APRN license renewal and reinstatement. Makes conforming changes to GS 90-171.43, GS 90-171.43A, and GS 90-171.44.

Amends the definitions of terms used in the Nursing Practice Act. Adds definitions for advanced assessment, advanced practice registered nurse, population focus, practice of nursing as an advanced practice registered nurse or APRN, practice of nursing as a certified nurse midwife or CNM, practice of nursing as a certified registered nurse anesthetist or CRNA, practice of nursing as a clinical nurse specialist or CNS, and practice of nursing as a certified nurse practitioner or CNP. Amends the components listed that define the practice of nursing by a registered nurse to include collaborating with other health care providers in determining the appropriate health care for a patient (previously, limited to not prescribing a medical treatment regimen or making a medical diagnosis, except under the supervision of a licensed physician). Makes clarifying, organizational, and technical changes.

Amends GS 90-18(c) to establish that the practice of nursing by a APRN does not constitute practicing medicine or surgery.

Repeals GS 90-18.2, which places limitations on nurse practitioners. Makes conforming changes to GS 90-2, GS 90-18.3, GS 90-85.24, and GS 90-85.34A.

Amends GS 90-29(b) to establish that a certified registered nurse anesthetist administering anesthetic does not constitute practicing dentistry.

Amends the powers of the Board in GS 90-171.23 by empowering the Board to grant prescribing, ordering, dispensing, and furnishing authority to holders of the advanced practice registered nurses license (deletes the power of the Board to appoint and maintain a subcommittee to work with the NC Medical Board to develop rules and regulations to govern the performance of medical acts by registered nurses and to determine related application fees).

Amends GS 90-171.27 to set out fees for application for licensure, license renewal, and reinstatement of lapsed licenses for APRNs.

Repeals GS 90-171.37(b) regarding the Board's disciplinary authority over registered nurses.

Repeals Article 10A of GS Chapter 90, Nurses Registered Under Previous Law, Practice of Midwifery. Makes conforming changes to GS 90-18 and GS 90-21.11.

Requires the Governor to submit an opt-out letter to the Centers for Medicare and Medicaid Services within 30 days of the date the section becomes law, requesting an exemption that allows hospitals, ambulatory surgical centers, critical access hospitals, and rural hospitals in the state the maximum flexibility to obtain Medicare reimbursement for anesthesia services in a manner that best serves each facility and its patients and community.

Directs the Board, the NC Medical Board, and the State Board of Dental Examiners to adopt implementing rules.

Requires the Revisor of Statutes to change all references to nurse practitioners to certified nurse practitioners and change all references to the abbreviation NP to the abbreviation CNP, wherever those terms appear in: GS 15-190, GS 20-37.6(c1), GS 55B-14(c), GS 58-3-169, GS 58-50-30, GS 58-51-45, GS 90-1.1, GS 90-3, GS 90-21.17, GS 90-21.81, GS 90-171.21, GS 90-724, GS 115C-12, GS 115C-323, GS 115C-375.2A, GS 122C-263.1, GS 122C-465, GS 130A-115, GS 130A-440.1, and GS 131D-4.8.

Effective 90 days after the act becomes law.

**Intro. by White, Lambeth, Sasser, Cunningham.**

[GS 15, GS 20, GS 55B, GS 58, GS 90, GS 115C, GS 122C, GS 130A, GS 131D](#)

[View summary](#)

**Health and Human Services, Health, Health Care Facilities and Providers**

H 219 (2023-2024) **CHARTER SCHOOL OMNIBUS**. Filed Feb 28 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING CHARTER SCHOOLS*.

#### Part I

Amends GS 115C-218.5 (pertaining to final approval of applications for charter schools) to prohibit the State Board of Education (Board) from considering any alleged impact on the local school administrative unit(s) in the area served by the charter school when deciding whether to grant, renew, amend, or terminate a charter.

Amends GS 115C-218.6(b)(2), pertaining to when a charter school's diminished academic outcomes would bar the Board from renewing a charter school's charter because those outcomes have not been comparable to the academic outcomes of the students in the local school administrative unit, as follows. Specifies that, if a school's charter results in it providing services to certain targeted subgroups, the school's academic performance will be judged in comparison to the academic outcomes of students in the same subgroups in the local school administrative unit where the school is located.

#### Part II

Amends GS 115C-218.7 (pertaining to material revisions of charters) as to limit enrollment caps to low-performing schools as follows. Deletes the entirety of the text in subsection GS115C-218.7(b)-(d) (barring enrollment growth of greater than 20% for a low-performing charter school and setting forth circumstances when enrollment growth will be allowed for high-performing charter schools, including formulae for determining actual enrollment and maximum allowed enrollment, documentation requirements, and requests for increased maximum enrollment requests due to capital expansions) and replaces it with the following subsection(b). Specifies that if a charter school has been identified as low-performing under state law, then it will be considered a material revision of the school's charter to increase its maximum authorized enrollment by more than 20% of the previous year's maximum authorized enrollment. Incorporates new definition of *maximum authorized enrollment* from GS 115C-218.8 (pertaining to nonmaterial revisions of charters) as the target enrollment defined in a school's charter. Makes conforming deletions.

Amends two of the circumstances under GS 115C-218.8 that describe nonmaterial changes to a charter school's charter as follows. Amends GS 115C-218.8(1) to specify that it is not a material revision of a charter school's charter to increase its maximum authorized enrollment during its second year of operation and annually thereafter so long as the charter school is not identified as low performing under GS 115C-105.37A (pertaining to continually low performing schools). Specifies that a charter school may only update its maximum authorized enrollment once per year and cannot decrease based on actual enrollment. Sets forth new definition of *maximum authorized enrollment* as discussed above. (Currently, that nonmaterial change is only if charter school increases its enrollment in accordance with the standards in procedures set forth in current version of GS 115C-218.7, which will be deleted by the act as specified above). Amends GS 115C-218.8(2) to specify that that if a school is designated as low performing under GS 105.37A and has a planned growth authorized in its charter, it is a nonmaterial change to the school's charter if it increases its maximum authorized enrollment during the school's second year of operation and annually thereafter in line with that planned growth. (Currently, there is no reference to low performing schools with a planned growth authorized in its charter or reference to maximum authorized growth in GS 115C-218.8(2)).

#### Part III

Enacts new GS 115C-218.87, establishing micro school programs in charter schools. Defines *micro school* as a group of students enrolled in a charter school that have been assigned to attend the school in accordance with this statute. Specifies that no more than 50% of the charter school's total enrollment may be assigned to micro schools. Permits charter schools to apply for a micro school program either in its initial charter application or by a submitting a revision to the school's charter including the following information: (1) The number and grade level of students that will comprise a micro school, which may combine students of varying grade levels. (2) The method of instruction for the micro school which may be conducted in any one or combination of the following methods: (i) on the charter school campus. (ii) at a location other than the charter school campus; or (iii) through virtual instruction. (3) Any specialized curriculum or program to be provided to a micro school. (4) The process by which students may be assigned to or withdrawn from a micro school. Specifies that at a minimum, the process will include the following: (i) how a parent may request a student be assigned to a micro school; (ii) the criteria the school will use to determine whether the parent's request for assignment will be granted or denied; (iii) how the school will make a recommendation to a parent that the student be assigned to a micro school; (iv) how a parent may consent to or reject the

school's recommendation that the student be assigned. Specifies that no student will be assigned to a micro school without parental consent. Specifies that students and teachers assigned to micro schools must comply with the charter school's charter, except those in conflict with GS 115C-218.87. Makes conforming changes to GS 115C-84.3 (remote instruction) and GS 115C-218.1 (charter school applications). Requires the Board to adopt rules to delegate to the Office of Charter Schools (OCS) the authority to approve a revision of an existing school's charter that establishes a micro school program.

#### Part IV

Amends GS 115C-218.45(f) (pertaining to enrollment priority for charter schools) by enacting two new subdivisions that add admissions preferences for graduates of certain pre-k programs and for military families as follows. Specifies charter schools may give enrollment preferences to any student who was enrolled for at least 75 consecutive days in the prior semester in a preschool program operated by an entity other than the charter school so long as the charter school has a written enrollment articulation agreement with the program operator to give the program's students enrollment priority and such enrollments are limited to no more than 10% of the school's total enrollment. Specifies that charter schools may give enrollment preference to a student whose parent or legal guardian is on active military duty.

#### Part V

Enacts new subsection GS 115C-218.45(b1) which prohibits a local board of education from discriminating against students applying for admission to any school or special program operated by the local board of education based on the fact that a student is currently attending, or has attended, a charter school.

#### Part VI

Enacts new GS 153A-461 which authorizes counties to provide funds to charter schools by direct appropriation for certain specified purposes and to lease real property to those schools. Amends GS 115C-218.105 to enact subsections (b1) and (b2) as follows. Subsection (b1) sets forth the following sole purposes for which counties may provide funds discussed above to charter schools: (1) the acquisition of real property for school purposes, including, but not limited to, school sites, playgrounds, and athletic fields; (2) the acquisition, construction, reconstruction, enlargement, renovation, or replacement of buildings and other structures, including, but not limited to, buildings for classrooms and laboratories, physical and vocational educational purposes, libraries, auditoriums, and gymnasiums; (3) the acquisition or replacement of furniture and furnishings, instructional apparatus, technology, data processing equipment, business machines, and similar items of furnishings and equipment. Subsection (b2) specifies promissory note and deed of trust requirements for when charter schools use funds for real property, including authority granted to the county to subordinate the deed to other liens. Provides for deed of release upon repayment by charter school.

Amends GS 115C-218.100(b) (pertaining to distribution of assets upon dissolution of a charter school) as follows. Exempts capital-sourced assets from those net assets of a charter school that is deemed to be the property of a local school administrative unit in the district where the school is located upon dissolution of the charter school. Specifies that capital-source assets include (1) capital funds provided to a charter school by one or more counties under new subsection GS115C-218.105(b1), discussed above and (2) net assets purchased or improved with such funds, up to the total amount of the funds provided. Specifies that capital-sourced assets are deemed the property of the county or counties providing the funding and, if applicable, divided between the counties in proportion to the funds provided.

Makes conforming changes to GS 153A-149 (county property taxes) to allow property taxes to be used for capital funds to charter schools.

#### Part VII

Enacts new GS 115C-218.107 pertaining to charter school funding comparability, setting forth the General Assembly's intent that State and local funds for students attending charter schools is to be provided in a manner that results in per-pupil funding roughly equal to that provided to students attending other public school units. Amends GS 115C-218.105 (pertaining to state and local funds for a charter school) as follows. Changes the formula for the base amount that the Board must allocate to each charter school for students who are not disabled or who do not have limited English proficiency to be an amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located based on the number of students actually enrolled in the school, up to the maximum authorized enrollment. (Currently, that formula is based on each child attending the charter school.) Specifies that the Board will allow for annual adjustments to the amount allocated to a charter school based on the number of students actually enrolled in the school,

up to the maximum authorized enrollment. (Currently, the Board must allow for annual adjustments based on enrollment growth in school years following the school's initial year of operation). Deletes provisions stipulating that if a local school unit is required to transfer funds to a charter school for a child attending that school, then any source of that funds that consists of revenue derived from supplemental taxes can only be transferred to a charter school located in the tax district for which those taxes are levied and where the student resides. Amends GS 115C-218.426(c) (pertaining to the uniform budget format) to narrow the scope of permitted uses for other funds to account for trust funds, federal grants restricted as to use, and special programs. (Currently, those funds may be used for reimbursements, including indirect costs, fees for actual costs, tuition, sales tax revenues distributed using the ad valorem method pursuant to state law (GS 105-472(b)(2)), sales tax refunds, gifts and grants restricted as to use, trust funds, federal appropriations made directly to local school administrative units, municipal appropriations made directly to local school administrative units under GS 160A-700 and funds received for prekindergarten programs.) Deletes language specifying that the appropriation or use of fund balance or interest income by a local school administrative unit is not construed as a local current expense appropriation included as a part of the local current expense fund.

Applies beginning with the 2023-2024 school year.

**Intro. by Torbett, Bradford, Willis, Saine.**

**GS 115C, GS 153A**

[View summary](#)

**Education, Elementary and Secondary Education,  
Government, State Agencies, State Board of Education, Local  
Government**

H 222 (2023-2024) **NO CV19 VACCINE MANDATES FOR NC STUDENTS**. Filed Feb 28 2023, *AN ACT PROHIBITING THE COMMISSION FOR PUBLIC HEALTH, STATE AND LOCAL PUBLIC HEALTH AGENCIES, AND STATE AND LOCAL PUBLIC HEALTH OFFICIALS FROM REQUIRING NORTH CAROLINA STUDENTS TO BE IMMUNIZED AGAINST CORONAVIRUS DISEASE (COVID-19)*.

Enacts new GS 130A-152.1 prohibiting the Commission for Public Health, State and local public health agencies, and State and local public health officials from requiring that any child or student in NC be immunized against COVID-19 for any reason.

Amends GS 130A-152, concerning required immunizations, to make exceptions according to new GS 130A-152.1. Includes among the rules for the implementation of an immunization program that is to be enforced by the Department of Health and Human Services, also delineate (1) reasonable fees that health care providers may charge for the administration of vaccines provided by the State, and (2) limitations on the requirements that can be placed on children and their parents, guardians, or custodians as a condition for receiving vaccines. Makes conforming deletions of a similar requirement in existing law. Makes additional clarifying changes.

**Intro. by Cleveland, Setzer, Pless, Goodwin.**

**GS 130A**

[View summary](#)

**Health and Human Services, Health, Public Health**

H 223 (2023-2024) **OSHR/VARIOUS SHRA CHANGES**. Filed Feb 28 2023, *AN ACT MAKING VARIOUS CHANGES TO THE STATE HUMAN RESOURCES ACT AND RELATED LAW*.

Amends GS 126-14.3, which requires the State Human Resources Commission (Commission) to adopt specified rules or policies, as follows. Amends the requirement for a rule/policy to require that a closing date must be posted for each job opening, to allow for exceptions for when there is a special exception through the Office of State Human Resources (Office). Requires the adoption of a rule/policy to allow an individual the option of having their application considered for future job postings if the individual has been identified as a qualified applicant within the same or a comparable classification.



Amends GS 126-4, which sets out exceptions to the confidentiality of information in a personnel file, to allow them to be opened for inspection and examination by a potential state or local government supervisor during the interview process to prevent application fraud. Makes additional technical changes.

Amends GS 126-10, to allow the Office, when a local entity indicates that it will permanently appoint a person who does not meet the class specification's minimum qualifications for a position subject to the State Human Resources Act (except for trainee and work-against appointments), to contact any relevant members of the board supervising that entity, the county manager and commission, and the Department of Health and Human Services (DHHS). Allows the message to identify the particular qualifications the proposed appointee would need to meet to have the minimum qualifications of the class specification. Also allows the Office, when a local entity requests that the Office make the final determination as to whether the employee or applicant meets the minimum qualifications, to share the relevant portions of the personnel file with the Deputy Director of the Public Health or Social Services Division of DHHS to assist in determining qualification status.

Amends GS 95-476 to prohibit a private personnel service from imposing or attempting to collect any fee prohibited under GS 126-18 (barring compensation for assisting a person in obtaining State employment) from the State, or any of its agencies, for aiding or assisting any person in obtaining employment with the State.

Amends GS 126-18 to allow a person, firm, or corporation that is licensed (was, licensed and supervised) by the Department of Labor as a private personnel service under Article 5A of GS Chapter 95 (was, as a private employment service acting in the normal course of business) to collect fees for services related to assistance in obtaining employment with the State, for services rendered under a written contract when the fees are paid by someone other than the State. Makes conforming changes. Instead of the required monthly report, now requires any person, firm, or corporation collecting fees for this service to retain documents as required under the specified law.

**Intro. by Cleveland, Riddell.**

**GS 95, GS 126**

[View summary](#)

**Employment and Retirement, Government, State Agencies,  
Department of Health and Human Services, State  
Government, State Personnel, Local Government**

H 224 (2023-2024) **PROTECT NC OPIOID SETTLEMENT PAYMENTS**. Filed Feb 28 2023, *AN ACT PROTECTING NATIONAL OPIOID SETTLEMENT PROCEEDS FOR NORTH CAROLINA AND ITS UNITS OF LOCAL GOVERNMENT BY PROHIBITING THE ASSERTION OF ANY RELEASED CLAIMS AGAINST ANY RELEASED ENTITIES PURSUANT TO THE FINAL CONSENT JUDGMENTS RESOLVING THIS LITIGATION.*

Enacts new Article 7, Legislative Release to Protect National Opioid Settlement Payments, in GS Chapter 122C. Sets out and defines terms as they are used in the act, including initial opioid consent judgments and subsequent opioid settlement agreements. Sets out 11 NCGA findings related to the opioid epidemic, related litigation, the State's share of the Initial Opioid Consent Judgments, and the Subsequent Opioid Settlement Agreements.

States that the intent of the Article is to prevent the assertion of Initial Released Claims and Subsequent Released Claims against Initial Released Entities and Subsequent Released Entities by the State (as defined) and its Units of Local Government (as defined), and to thereby help secure the full share to which the State, its Units of Local Government, and its people are otherwise entitled under the Initial Opioid Consent Judgments and the Subsequent Opioid Settlement Agreements.

New GS 122C-470.8 prohibits a Unit of Local Government and the State from asserting any Initial Released Claims against Initial Released Entities, or any Subsequent Released Claims against Subsequent Released Entities. Allows the State, as expressly contemplated in the Subsequent Opioid Settlement Agreements, to initiate civil actions asserting Subsequent Released Claims against Subsequent Released Entities for the purpose of obtaining consent judgments that effectuate the Subsequent Opioid Settlement Agreements, including the release of such claims. Specifies that this statute applies to all Initial Released Claims, whether originally asserted before or after the act's effective date. Specifies that this statute applies to all Subsequent Released Claims, whether originally asserted before or after the effective date of this act, except that it does not apply to Subsequent Released Claims against Subsequent Released Entities that were included in any lawsuits filed by a Unit of Local Government before November 1, 2022. If the Subsequent Opioid Settlement Agreements with respect to all of the



Subsequent Settling Opioid Defendants are not entered as consent judgments by the Superior Court of Wake County by December 31, 2023, then, beginning on January 1, 2024, this statute only applies to Subsequent Released Claims against Subsequent Released Entities covered by a consent judgment approved by a North Carolina court of competent jurisdiction.

Specifies that this Article preserves all remedies the State or any Unit of Local Government may have under the Initial Opioid Consent Judgments and Subsequent Opioid Settlement Agreements. Provides that this Article does not limit or otherwise affect such remedies.

**Intro. by Sasser, Ball, Bell, Setzer.**

[GS 122C](#)

[View summary](#)

[Government, State Government, Local Government, Health and Human Services, Health, Public Health](#)

H 225 (2023-2024) [DESIGNATE STATE BALLOON RALLY](#). Filed Feb 28 2023, *AN ACT ADOPTING THE CAROLINA BALLOONFEST HELD IN THE CITY OF STATESVILLE AS THE OFFICIAL BALLOON RALLY OF THE STATE OF NORTH CAROLINA*.

Identical to [S 159](#), filed 2/27/23.

Includes whereas clauses.

Enacts GS 145-52, as title indicates.

**Intro. by Harris, Setzer, Mills, McNeely.**

[Iredell](#)

[View summary](#)

[Government, Cultural Resources and Museums](#)

H 226 (2023-2024) [END PREDATORY PET LEASING](#). Filed Feb 28 2023, *AN ACT TO PROHIBIT CERTAIN LEASES, OFFERS TO LEASE, SALES, OR OFFERS TO SELL A LIVING CAT OR DOG FOR PERSONAL, FAMILY, OR HOUSEHOLD USE*.

Contains whereas clauses. Amends Chapter 19A of the General Statutes by adding Article 7, GS 19A-80 which does the following:

- (1) Prohibits the sale or lease (or the offer of) of cats or dogs for family, personal, or household use when the offer to sell or lease includes a provision authorizing the use of the cat or dog as security where the cat or dog can be repossessed by the seller or lessor contingent on the purchaser making payments;
- (2) Excludes from this prohibition: agreements to lease pure-bred dogs for breeding, agreements to use a cat or dog in spectator events or entertainment media, agreements related to service animals, and agreements related to security or police/military dogs;
- (3) Makes it a Class 2 misdemeanor to violate this prohibition;
- (4) Establishes that violation of this prohibition constitutes and unfair and deceptive trade practice in violation of GS 75-1.1 (declaring certain unfair and deceptive practices affecting commerce unlawful); and
- (5) Provides that contracts violating this prohibition are null and void.

Effective December 1, 2023, and applies to contracts entered into and offenses committed on or after that date.

**Intro. by Harris, Setzer.**

[GS 19A](#)

[View summary](#)

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

H 228 (2023-2024) [REV. LAWS TECH., CLARIFYING, & ADMIN. CHNGS.](#) Filed Feb 28 2023, *AN ACT TO MAKE VARIOUS TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS.*

Identical to [S 174](#), filed 2/28/23.

#### Part I.

Amends GS 105-228.90 to update the term Code as it applies to the general administration of taxation to mean the Internal Revenue Code as enacted as of January 1, 2023 (currently, April 1, 2021).

Amends GS 105-122, which sets parameters for determining the net worth of a corporation for tax purposes, revising the statutory cross-references used to define the term qualified interest expense in the context of indebtedness owed to a parent, subsidiary, affiliate, or noncorporate entity in which the corporation or group owns more than 50% capital interest, which cannot be added to the corporation's net worth amount.

Amends GS 105-153.4 to enact a formula for determining North Carolina taxable income for a sole proprietorship operating in one or more other states, as specified.

Amends GS 105-153.9, which allows a tax credit for income taxes paid to other states by individuals, enacting a new subsection to cap the credit at the amount of tax imposed by the Individual Income Tax Act, Part 2, Article 4, for the taxable year reduced by the sum of all credits allowed, less tax payments made by or on behalf of the taxpayer.

Makes the following effective for taxable years beginning on or after January 1, 2022.

Amends GS 105-154(d), which requires taxation of nonresident business owners and partners, deeming partners described in GS 105-154.1(a)(5), as enacted, of a taxed partnership within the scope of the subsection's provisions (previously excluded all taxed partnerships).

Amends GS 105-154.1(a), which allows taxed partnership election, enacting new subdivision (5) to include within the described types of partners of partnerships permitted to make the election, partnerships that have had a partner that is a partnership at any time during the taxable year. Adds that a partnership partner includes an entity that is classified as a partnership for federal income tax purposes.

Amends GS 105-154.1(b), limiting the application of the formula for taxable income of taxes partnerships to partners who are individuals, estates, trusts, or identified organizations described in subdivision (a)(1) through (a)(4), excluding partnership partners described in new subdivision (a)(5).

Further amends GS 105-153.9, enacting new subsections (d) and (e) to establish when each resident partner or shareholder of a taxed partnership or S Corporation is considered to have paid the tax imposed on that partner or shareholder in the amount of their distributive share or pro rata share of any income tax paid by the partnership or S Corporation to a state or D.C. Details when a partnership or S Corporation is taxable in another state or D.C. Prohibits taxpayers from claiming this credit and the credit under GS 105-131.8 with respect to the same income tax paid by the S Corporation.

Makes the following effective for taxable years beginning on or after January 1, 2023.

Repeals the following:

GS 105-131.1A(b)(1)b. (requiring an S Corporation to include in its taxable income each resident shareholder's pro rata share of the taxed S Corporation's income or loss not attributable to the State with respect to such taxable period);

GS 105-131.1A(d) (allowing S Corporations a tax credit for income taxes paid to other states);

GS 105-153.9(a)(4) (regarding tax credits for S Corporations and their shareholders for income taxes paid to another state or country);

GS 105-153.9(a)(5) (regarding tax credits for taxable partnerships and their partners for income taxes paid to another state or country); and

GS 105-154.1(b)(1)b. (requiring taxable partnerships to include in its taxable income each resident partner's distributive share of the taxed partnership's income or loss not attributable to the State with respect to such taxable period.

Amends GS 105-131.1A(a), which permits an S Corporation to elect to be taxed for the taxable period covered by its timely filed return, required annually under GS 105-131.7, prohibiting making the election or revoking the election after the return is filed (previously prohibited revoking the election after the due date of the return, including extensions).

Amends GS 105-153.3(c3), revising the adjustments for calculating taxable income of pass-through entities as follows. Separates deductions income of S Corporation shareholders and partnerships, based on income attributable to the State and income not attributable to the State. Makes income and losses attributable to the State subject to the adjustments under GS 105-153.5 and GS 105-153.6. Refers to the required addition of a shareholder or partner's share of net taxable loss attributed to the State (was, loss, generally). Adds qualifications for a deduction of income not attributable to the State.

Further amends GS 105-153.9, prohibiting a credit for taxes paid to another state or D.C. on income eligible for the deduction provided in GS 105-153.3(c3), as amended. Makes conforming changes to eliminate references to repealed provisions.

Further amends GS 105-154.1(a), which provides for taxes partnership election for the taxable period covered by it timely filed return, required annually under GS 105-154(c), prohibiting making the election or revoking the election after the return is filed (previously prohibited revoking the election after the due date of the return, including extensions).

Amends GS 105-249.2(b) to prohibit the assessment of the \$50 fee for failure to file returns or reports required by Articles 2A, 2C, 4, 4A, 5, 9, 36C, or 36D of the Chapter for any period in which the time for filing a federal return or report or for paying a federal tax is extended due to a presidentially declared disaster. Applies to presidentially declared disasters occurring on or after the date the act becomes law.

## Part II.

Removes the existing definition of "prepared food" in GS 105-164.3(179), and substitutes a reference to the new GS 105-164.4L (Prepared food). The "prepared food" definition in GS 105-164.4L reorganizes and expands on the previous definition, including detailing when the term prepared food includes food sold with eating utensils provided by the retailer based on what type of person places utensils in a package with the food. Uses prepared food sales percentage to determine what sold with eating utensils "provided by the retailer" means when determining if an item qualifies as "prepared food" under subdivision (a) (3). Specifies that a retailer's prepared food sales percentage is calculated by dividing the numerator of the retailer's annual sales of prepared food as defined by the section by the total sales of all food, including prepared food, but excluding alcohol. The definition of "provided by the retailer" for retailers with a prepared food sales percentage over 75% includes making eating utensils available to purchasers, but an item with four or more servings packaged together and sold for a single price is not prepared food unless the retailer physically gives or hands utensils to the purchaser of the food item. For retailers with 75% or less of prepared food sales percentage, "provided by the retailer" means that the retailer physically gives or hands eating utensils to the purchasers, except that plates, bowls, glasses, and cups only need to be made available to purchasers.

Adds new subsection (k) (Efficient Administration) to GS 105-164.4J (Marketplace-facilitated sales), permitting the Secretary of the Department of Revenue (Secretary) to classify sales representatives, solicitors, and similar persons as agents of the dealers, distributors, or similar entities under which they operate or from whom they obtained the items they sell, regardless of whether the sales are made on the sales representatives' or other persons' own behalf or on the behalf of the dealers or other entities. Permits the Secretary to regard the dealers, distributors or similar entities as "marketplace facilitators," the sales made as "marketplace-facilitated sales," and the sellers as "marketplace sellers" for purposes of Article 5, GS Chapter 105.

Creates new subsection (b) (Marketplace Facilitators) in GS 105-164.11B (Recover sales tax paid), permitting marketplace facilitators to recover sales tax paid to marketplace sellers when the marketplace facilitator is considered the retailer under GS 105-164.4J(b) and the tax is separately stated on an invoice or similar billing document given to the marketplace facilitator at the time of the sale. Outlines requirements and limitations on the amount of sales tax recovered and adjustments to taxable receipts.

Adds a reference to the refund of tax allowed under GS 105-449.106 subsection (d) (Off-highway Use) to the list of alternative fuels exempt from tax under GS 105-164.13(11)b., and makes this change retroactive to January 1, 2023, and applicable to applications for refunds submitted on or after that date.

Requires that exempt sales by nonprofits under GS 105-164.13(35) must occur at least 60 days after the beginning of the prior annual sales period, that each annual sales period funds a distinct and different project from the other annual sales periods occurring during the year, and that each annual sales period sells products that are distinct and different from the other products sold during other annual sales periods occurring during the year, in addition to the already required conditions.

Revises the date reference in GS 105-164.3(259) regarding the Streamlined Sales and Use Tax Agreement to December 22, 2022, from December 21, 2021.

### Part III.

Clarifies that the definition of “vapor product” in GS 105-113.4(13a) includes products that produce vapor from nicotine, however derived, in a solution. Amends the definition of “cost price” in GS 105-113.4(2) to include the actual price paid for an item identified as a stock keeping unit by a unique code or identifier, and remove the previous language regarding the method of determining the average of the actual price paid for the item over the past 12 calendar months if the actual price is not available. Includes a method for determining the value when documentation is not available using the average of the actual price paid over the past 12 calendar months in new subdivision (b)(2) of GS 105-113.36A.

Removes the requirement that a duplicate license state that it is a duplicated or amended license in GS 105-113.4A(e).

Amends GS 105-113.4F subsection (c) (Filing Requirement) to insert “for which tax is due under this Article” to the requirement that a delivery seller file a copy of the invoice for every delivery sale made during the previous month, effective when the act becomes law and applicable to sales made during the previous month.

Amends GS 105-113.4G to organize the section into subsections (a) and (b). New subsection (a) includes an amendment changing the requirement to make reports as required under the article to as required by the Secretary of Revenue. New subsection (b) makes the applicable statute of limitations for preserving the required records as provided in Article 9 of GS Chapter 105, and for records applying to transactions not required to be reported, three years.

Changes the language in GS 105-113.12 subdivision (a)(2) and GS 105-113.39A subdivision (a)(3) from “ships” to “receives or stores non-tax-paid cigarettes (or tobacco products, as relevant)for” regarding delivery sales of cigarettes and tobacco products. Requires a remote seller required to be licensed to maintain the records required under GS 105-113.38B. Creates two new license types, a vapor products license and an other tobacco products license, for wholesale dealers and retailers selling vapor products and other tobacco products at locations where they make, receive, store, and receive or store the products for delivery sales. The new license types are effective July 1, 2024.

Amends GS 105-113.88 (Record-keeping requirements) to change that persons make reports or returns as required under the article to as required by the Secretary of Revenue, including any additional information required. Makes the applicable statute of limitations for preserving the required records as provided in Article 9 of GS Chapter 105, and for records applying to transactions not required to be reported in a return, three years. Permits the Secretary’s designee to inspect records at any reasonable time, and this authority is ongoing and not limited to records for transactions on or after the effective date of the act.

Changes the reference from “time period covered by the return” to “reporting period” in GS 105-449.39, and reorganizes that section into subsections (a) and (b).

Amends GS 105-449.42 to specify that if motor carriers are exempt from filing a tax return under GS 105-449.45(b)(2), the tax levied is due when collectable under GS 105-241.22.

Changes the due date of motor carrier quarterly returns from the last day of April, July, October, or January to the last day of the month following the quarter in GS 105-449.45. Amends subdivision (b)(2) to clarify that exemptions only apply to a motor carrier who operates exclusively in North Carolina.

Amends the title of GS 105-449.46 to “Record-keeping requirements; inspection authority,” and inserts new subsection (a) regarding record keeping requirements for interstate motor carriers, while maintaining existing language authorizing inspections in new subsection (b). Specifies that the Secretary’s authority to authorize inspections is ongoing and not limited to records for transactions occurring on or after the effective date of the act.

Creates a grace period for motor carriers to display the new calendar year decals required by the section if they meet the applicable requirements in new subsection (a3) under GS 105-449.47, and makes clarifying changes to existing text reorganized as subsection (a2).

Amends GS 105-449.61 to also prohibit a county or city from imposing a tax on the sale, distribution, or use of motor fuel, except for those for which a refund of the per gallon excise tax is allowed under GS 105-449.106(d).

Amends GS 105-449.97, concerning deductions and discounts that are allowed when a supplier (a position holder or a person who receives motor fuel pursuant to a two-party exchange, a fuel alcohol provider, or a biodiesel provider) files a return, by

adding that when filing a return, a licensed supplier who is the position holder may take a credit for tax-paid motor fuel entering the terminal system. Makes organizational changes to the statute.

Amends GS 105-449.106(a), under which a nonprofit, in one of the specified categories, that purchases and uses motor fuel may receive a quarterly refund at the specified rate. Removes the requirement that the refund application be made in accordance with the specified Part and signed by the organization's chief executive officer.

Amends GS 105-449.121 which requires a person subject to audit to keep a record of all shipping documents or other documents used to determine information the person provides in a return or to determine the person's motor fuel transactions. Requires the records to be kept for the applicable period of statute of limitations, and if the records apply to a transaction not required to be reported in a return, the records must be kept for three years from the date of transaction. Gives the Secretary or their designee the right to inspect the records at any reasonable time. Applies to documents required to be kept for transactions occurring on or after the date that this section becomes law. Specifies that the authority of the Secretary or their designee to inspect records at any reasonable time is ongoing and not limited to records for transactions occurring on or after the section's effective date.

Amends GS 105-449.139 to require licensees as a provider of alternative fuel, a bulk end-user or as a retailer under Article 36D (Alternative Fuel) to keep a record of any information required by the Secretary, in addition to documents used to determine the information provided in a return under Article 36D. Requires the records to be kept for the applicable period of statute of limitations, and if the records apply to a transaction not required to be reported in a return, the records must be kept for three years from the date of transaction. Gives the Secretary or their designee the right to inspect the records at any reasonable time (was, during business hours). Applies to documents required to be kept for transactions occurring on or after the date that this section becomes law. Specifies that the authority of the Secretary or their designee to inspect records at any reasonable time is ongoing and not limited to records for transactions occurring on or after the section's effective date.

Amends GS 119-18, concerning the inspection tax of one-fourth of one cent per gallon that is levied on the listed types of fuel. Adds that the tax return must be in the form prescribed by, and contain information required by, the Secretary. Adds record keeping requirements for the person required to remit the tax and gives the Secretary or their designee the right at any reasonable time to inspect the records. Effective when the act becomes law and applies to documents required to be kept for transactions occurring on or after that date. Specifies that the authority of the Secretary or their designee to inspect records at any reasonable time is ongoing and not limited to records for transactions occurring on or after the effective date of this section.

#### Part IV.

Repeals GS 105-277.9, which designated real property that lies within a transportation corridor marked on an official map as a special class of property taxable at 20% of the appraised value of the property if (1) as of January 1, no building or other structure is located on the property, and (2) the property has not been subdivided, since it was included in the corridor.

#### Part V.

Amends GS 105-236 to provide that when the bank upon which an uncertified check tendered to the Department of Revenue (Department) in payment of any obligation due to the Department returns the check because of insufficient funds or the nonexistence of the account of the drawer, the Secretary must assess the drawer of the check, the specified penalties (was, assess a penalty without specifying whom it was to be assessed against). Defines the drawer, in the case of a garnishment payment, as the garnishee. Provides that the stated penalties are to be assessed against the transferor (was, penalty was assessed without specifying whom it was assessed against), when an electronic funds transfer cannot be completed due to insufficient funds or the nonexistence of an account of the transferor. Provides that in the case of a garnishment payment, transferor means the garnishee.

Amends GS 105-242.1(b), which requires a garnishee to comply with a notice of garnishment or file a written response to the notice, after which the Department must hold a conference to discuss the garnishee's response or inform the garnishee of the Department's position on the response. Provides that when the Department does not agree with the garnishee on the garnishee's liability, the Department may proceed to enforce the garnishee's liability for the tax by sending a notice of proposed assessment including any penalties that are to be imposed (previously did not include penalties). Adds that if the garnishee does not file a response to the notice within the set time frame and fails to comply with the notice, the garnishee is subject to penalties imposed under Article 9 (General Administration; Penalties and Remedies). Amends GS 105-241.11(a) which allows a taxpayer who objects to a proposed denial of a refund or a proposed assessment of a tax to request a

Departmental review, to now allow the request for review to be, instead of on the required form, in a written statement clearly indicating the taxpayer requests review of a proposed denial of a refund or a proposed assessment of tax.

Enacts new GS 105-241.24 allowing the Department to collect a tax for a period of 10 years from the date it becomes collectible. Allows tolling the 10 year period for the same reasons the enforcement period for a certificate of tax liability may be tolled under GS 105-242(c) (which allows tolling for the specified amounts of time for instances in which the taxpayer is absent from the State, upon the death of the taxpayer, while an action is pending to set aside a conveyance made by the taxpayer as a fraudulent conveyance, while an insolvency proceeding against the taxpayer is pending, during the period of any statutory or judicial bar to the enforcement of the certificate, and the period for which a taxpayer has waived the 10-year period). Specifies that if the tax is not collected within the authorized time frame, then the remaining liability is abated. Amends GS 105-242(c) by making conforming and clarifying changes.

**Intro. by Bradford, Setzer, Kidwell, Wray.**

**GS 105, GS 119**

[View summary](#)

**Business and Commerce, Corporation and Partnerships,  
Government, State Agencies, Department of Revenue, Tax**

H 230 (2023-2024) **STUDY STATE TRAVEL ALLOWANCES REIMBURSEMENTS**. Filed Feb 28 2023, *AN ACT TO ESTABLISH AN INDEPENDENT BIPARTISAN COMMITTEE TO STUDY THE MODERNIZATION OF THE STATE'S CURRENT TRAVEL ALLOWANCES FOR STATE OFFICERS, EMPLOYEES, TEACHERS, AND MEMBERS OF BOARDS, COMMISSIONS, AND THE GENERAL ASSEMBLY BY ADJUSTING THE AMOUNTS BASED ON FEDERAL GUIDELINES.*

Establishes a seven-member Committee, with two members appointed by the Speaker of the House of Representatives, as specified, two appointed by the President Pro Tempore of the Senate, as specified, and three appointed by the Governor. Charges the Committee with studying and making recommendations on adjusting the State's current travel allowances for State officers, employees, teachers, and members of boards, commissions, and the NCGA. Sets out items that must be considered as a part of the study. Requires the first meeting to be called by the Governor by September 1, 2023, at which time a Chair is appointed. Allows for the establishment of subcommittees. Requires a report to the specified NCGA commission by March 15, 2024. Terminates the Committee upon the earlier of the submission of its report or March 15, 2024.

**Intro. by Warren.**

**STUDY**

[View summary](#)

**Education, Government, General Assembly, State  
Government, State Personnel**

H 234 (2023-2024) **CONFORM PRIVILEGE EXEMPTIONS**. Filed Feb 28 2023, *AN ACT TO PROVIDE THAT PSYCHIATRISTS AND LICENSED MARRIAGE AND FAMILY THERAPISTS ARE EXEMPT IN THE SAME MANNER AS CURRENT EXEMPTIONS FOR SOCIAL WORKERS, CLINICAL MENTAL HEALTH COUNSELORS, AND PSYCHOLOGISTS.*

Amends GS 14-318.6, which makes it a Class 1 misdemeanor for any person 18 years of age or older who knows or should have reasonably known that a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse to fail to report the case of that juvenile to the appropriate local law enforcement agency. Adds that the statute does not require a person with psychiatrist-client or patient privilege to report if the privilege would prevent them from doing so. Also adds that the statute does not require a licensed marriage and family therapist with a privilege to report if that privilege would prevent them from doing so, but limits the application of the privilege to the primary client (as defined) and not to any other family members.

**Intro. by K. Baker, Stevens, Wheatley, Reeder.**

**GS 14**

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and  
Procedure, Health and Human Services, Health, Health Care**

## Facilities and Providers

H 235 (2023-2024) [APPLICATION FOR A CONVENTION OF THE STATES](#). Filed Feb 28 2023, *A JOINT RESOLUTION APPLYING TO CONGRESS FOR AN ARTICLE V CONVENTION OF THE STATES WITH THE PURPOSE OF PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION*.

Includes whereas clauses.

Applies to Congress for the calling of a convention of the states limited to proposing amendments to the US Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress. Specifies that this is a continuing application until the legislatures of at least two-thirds of states have made applications on the same subject.

**Intro. by Riddell, Bell, Hardister, Saine.**

[JOINT RES](#)

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[Constitution](#)

## PUBLIC/SENATE BILLS

S 58 (2023-2024) [PROTECT CRITICAL INFRASTRUCTURE](#). Filed Feb 1 2023, *AN ACT TO INCREASE THE PUNISHMENT FOR PROPERTY CRIMES COMMITTED AGAINST FACILITIES INVOLVED IN THE TRANSMISSION OF TELEPHONE, BROADBAND, OR CABLE TELECOMMUNICATIONS SERVICES AND FACILITIES INVOLVED IN THE PRODUCTION, STORAGE, TRANSMISSION, OR DISTRIBUTION OF ELECTRICITY, FUEL, OR ANOTHER FORM OR SOURCE OF ENERGY*.

Senate committee substitute to the 1<sup>st</sup> edition makes the following changes. Changes the act's long title. Amends the definition of *energy facility* as it is used in new GS 14-150.2 to make organizational changes and to clarify the scope of energy facilities involved in research, development, or demonstration. Adds that the term also includes any facility in operation, under construction, or otherwise not functioning. Amends the punishment subsection of GS 14-150.2 by adding that any violation of the act that results in the death of another is a Class B2 felony.

Adds facilities owned by a public utility as defined under state public utilities law (GS 62-3) or a unit of local government used for the treatment of wastewater, including sewage, industrial waste, or other wastes of a liquid nature as one of the qualifying facilities to establish a violation of GS 14-159.12 as a Class I felony if the act is committed on its premises.

Amends GS 62-323 (pertaining to willful injury to the property of a public utility) as follows. Specifies that violations of GS 62-323 are a Class C felony. (Currently, Class 1 misdemeanor.) Makes language gender neutral. Makes conforming organizational changes to the act.

**Intro. by McInnis, Britt, P. Newton.**

[GS 14, GS 62](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, Public Enterprises and Utilities](#)

S 95 (2023-2024) [EXPEDITE WATER/WASTEWATER FRANCHISE TRANSFER](#). Filed Feb 13 2023, *AN ACT TO EXPEDITE TRANSFER OF WATER OR WASTEWATER PUBLIC UTILITIES*.

Senate committee substitute to the 1<sup>st</sup> edition makes the following changes. Makes technical change to GS 62-111. Changes the deadline for the Utilities Commission (Commission) to issue an order approving the application if certain findings are made from 180 days to 210 days of the filing of the application.



Inserts new Section 1(b) to the act that requires the Commission to issue an order approving applications for (1) transfer or certificates of public convenience and necessity for the transfer of a water or wastewater franchise under GS 62-111, or (2) for a certificate of public convenience and necessity to acquire control of or operate a water or wastewater system pursuant to GS 62-110, within 180 days if the following conditions are met: (i) the applications were pending when the act becomes law; (ii) the Commission finds that the proposed transfer, including adoption of the transferring utility's currently approved rates, or the requested certificate of convenience and necessity, as applicable, is in the public interest, will not adversely affect service to the public under any existing franchise, and the person acquiring said franchise or certificate of public convenience and necessity has the technical, managerial, and financial capabilities necessary to provide public utility service to the public; and (iii) the water or wastewater system has an unresolved notice of violation issued by the Department of Environmental Quality.

Makes technical changes to the effective date and organizational changes to account for new subsection 1(b).

**Intro. by Barnes, Daniel.**

[GS 62](#)

[View summary](#)

[Public Enterprises and Utilities](#)

S 170 (2023-2024) [SCHOOL CAL. FLEXIBILITY/MULTIPLE COUNTIES](#). Filed Feb 28 2023, *AN ACT TO PROVIDE LOCAL BOARDS OF EDUCATION FLEXIBILITY IN ADOPTING THE SCHOOL CALENDAR IN MULTIPLE COUNTIES*.

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to provide the local boards of education for the Asheville City Schools, Buncombe County Schools, Cherokee County Schools, Clay County Schools, Graham County Schools, Haywood County Schools, Jackson County Schools, Macon County Schools, Swain County Schools, and Transylvania County Schools with additional flexibility in adopting their school calendars by removing the specified opening and closing dates. Applies beginning with the 2023-24 school year.

**Intro. by Corbin.**

[Buncombe, Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain, Transylvania, GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

S 171 (2023-2024) [DEPARTMENT OF PUBLIC SAFETY AGENCY BILL.-AB](#) Filed Feb 28 2023, *AN ACT TO MODIFY LAWS RELATED TO PUBLIC SAFETY, AS RECOMMENDED BY THE DEPARTMENT OF PUBLIC SAFETY*.

Amends GS 143B-911 (pertaining to jurisdiction of Capitol Police) to change the statewide jurisdiction of the State Capitol Police so that they have the same power of arrest as law enforcement officers generally. (Currently, their power of arrest is the same as police officers in the City of Raleigh to be exercised in the city's territorial jurisdiction, unless an officer is on State property in Wake County, then officers have additional arrest authority of a deputy sheriff.)

Amends GS 15A-150(e) (pertaining to notice for expunction of records) to require the Administrative Office of the Courts (AOC) to provide notice of expunction to State and local agencies in a matter determined by the AOC of expunctions granted for certain dispositions of dismissal, not guilty, or not responsible under the Second Chance Act [GS 15A-146(a4)]. (Currently, AOC has discretion on whether to provide notice.) Applies to those expunctions granted on or after October 1, 2023.

Amends GS 20-4.01(definitions pertaining to the Division of Motor Vehicles [DMV]) to add and define the term *wood residual*. Applies to wood residuals transported, stored, or otherwise interacted with on or after the date the act becomes law.

Amends GS 143B-1015(c) (pertaining to missing persons) to change the time that a law enforcement agency must enter information from a missing person's report into the National Missing and Unidentified Persons System (NamUs) to when the person or child has been missing for more than 90 days (currently, more than 30 days) or about an unidentified person who has not been identified more than 90 days (currently, more than 30 days).

Amends GS 143B-1022, establishing the North Carolina Silver Alert System to change the name to North Carolina Missing Endangered System. Amends the purpose of the alert system to also protect, in addition to those suffering from dementia or Alzheimer's disease, a person or a child with a cognitive impairment that, in light of the person's or child's missing status, requires protection from abuse or other physical harm, neglect, or exploitation. (Currently, the law lists a person or child with a "disability" as the third type of person protected under the alert system.) Adds law enforcement agencies receiving a request pertaining to a missing person covered under the alert system as an entity, that in addition to the Center for Missing Persons (Center), must, no more than 72 hours after the person or child went missing: (1) issue an alert and (2) make every effort to disseminate the information as quickly as possible. (Currently, just the Center and no 72-hour timeframe.) Requires Center and law enforcement agencies described above to issue guidelines and procedures related to issuing an alert and developing a procedure for the use of overhead permanent changeable message signs (in consultation with the Department of Transportation). (Currently, just the Center.) Makes conforming changes throughout to reflect change of name. Effective October 1, 2023, and applies to persons or children reported missing on or after that date.

Enacts GS 127A-63 (pertaining to Adjutant General access to law enforcement and medical examiner records) as follows.

Authorizes the Adjutant General or their designee to request records of criminal investigations or criminal intelligence information from a district attorney, law enforcement agency, or medical examiner for use in a court-martial action or administrative investigation involving a member of the National Guard. Requires release of the records to the Adjutant General or designee unless prohibited by court order. Specifies that records or information continue to remain State records governed by certain confidentiality provisions of State public records law (GS 127A-17.1), GS 132.14 (concerning confidentiality of records of criminal investigations), and military regulations governing official use or disclosure to servicemembers as required in connection with adjudicative proceedings. Makes conforming changes to GS 132-1.4. Applies to requests made on or after the date the act becomes law.

Amends GS 127A-47 (pertaining to courts-martial for National Guard members) to enact new subsection (b), specifying that no provision in the Uniform Code of Military Justice and Manual for Courts-Martial, United States, concerning the special trial counsel will apply to courts-martial convened under Article 2 of GS Chapter 127, nor will any such provision be construed as imposing additional or alternative procedural requirements upon the Governor of North Carolina or the North Carolina National Guard as to any "covered offense" under 10 USC § 801 (the Uniform Code of Military Justice). Makes organizational and conforming change to GS 127A-47 (specifying general courts-martial procedures) to include reference to new subsection. Applies to courts-martial convened on or after the date the act becomes law.

Amends GS 14-208.6 (4) (definition of "reportable conviction" relating to sex offender registration) to enact new subsection (4)(f), to include as a reportable conviction a final conviction in a State court-martial proceeding imposing confinement under GS 127A-48 (pertaining to courts-martial) or GS 127A-49 (pertaining to special courts-martial) for an offense which is substantially similar to an offense against a minor or a sexually violent offense as defined in GS 14-208.6. Applies to convictions occurring on or after October 1, 2023.

**Intro. by Daniel.**

[GS 14, GS 15A, GS 20, GS 127A, GS 132, GS 143B](#)

[View summary](#)

**Courts/Judiciary, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, State Agencies, Department of Public Safety, Military and Veteran's Affairs**

S 172 (2023-2024) [ABC STORES/ALLOW SALE OF GIFT CARDS](#). Filed Feb 28 2023, *AN ACT TO AUTHORIZE ABC STORES TO SELL GIFT CARDS*.

Amends GS 18B-800 to allow an ABC store to sell gift cards for redemption for alcoholic beverages sold in its store. Allows an ABC store to redeem a gift card sold by an ABC store under the jurisdiction of a different local board if the respective local boards have entered into a written agreement allowing this type of transaction. Prohibits gift cards from being redeemed by persons under 21 years of age. Defines gift card and specifies that gift card includes a record that contains a microprocessor chip, magnetic strip, or other storage medium that is prefunded and for which the value is adjusted upon each use, a gift certificate, a stored value card or certificate, or a store card.

**Intro. by Sawrey, Johnson, Moffitt.****GS 18B**[View summary](#)**Alcoholic Beverage Control**

S 174 (2023-2024) **REV. LAWS TECH., CLARIFYING, & ADMIN. CHNGS.** Filed Feb 28 2023, *AN ACT TO MAKE VARIOUS TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS.*

Part I.

Amends GS 105-228.90 to update the term Code as it applies to the general administration of taxation to mean the Internal Revenue Code as enacted as of January 1, 2023 (currently, April 1, 2021).

Amends GS 105-122, which sets parameters for determining the net worth of a corporation for tax purposes, revising the statutory cross-references used to define the term qualified interest expense in the context of indebtedness owed to a parent, subsidiary, affiliate, or noncorporate entity in which the corporation or group owns more than 50% capital interest, which cannot be added to the corporation's net worth amount.

Amends GS 105-153.4 to enact a formula for determining North Carolina taxable income for a sole proprietorship operating in one or more other states, as specified.

Amends GS 105-153.9, which allows a tax credit for income taxes paid to other states by individuals, enacting a new subsection to cap the credit at the amount of tax imposed by the Individual Income Tax Act, Part 2, Article 4, for the taxable year reduced by the sum of all credits allowed, less tax payments made by or on behalf of the taxpayer.

Makes the following effective for taxable years beginning on or after January 1, 2022.

Amends GS 105-154(d), which requires taxation of nonresident business owners and partners, deeming partners described in GS 105-154.1(a)(5), as enacted, of a taxed partnership within the scope of the subsection's provisions (previously excluded all taxed partnerships).

Amends GS 105-154.1(a), which allows taxed partnership election, enacting new subdivision (5) to include within the described types of partners of partnerships permitted to make the election, partnerships that have had a partner that is a partnership at any time during the taxable year. Adds that a partnership partner includes an entity that is classified as a partnership for federal income tax purposes.

Amends GS 105-154.1(b), limiting the application of the formula for taxable income of taxes partnerships to partners who are individuals, estates, trusts, or identified organizations described in subdivision (a)(1) through (a)(4), excluding partnership partners described in new subdivision (a)(5).

Further amends GS 105-153.9, enacting new subsections (d) and (e) to establish when each resident partner or shareholder of a taxed partnership or S Corporation is considered to have paid the tax imposed on that partner or shareholder in the amount of their distributive share or pro rata share of any income tax paid by the partnership or S Corporation to a state or D.C. Details when a partnership or S Corporation is taxable in another state or D.C. Prohibits taxpayers from claiming this credit and the credit under GS 105-131.8 with respect to the same income tax paid by the S Corporation.

Makes the following effective for taxable years beginning on or after January 1, 2023.

Repeals the following:

GS 105-131.1A(b)(1)b. (requiring an S Corporation to include in its taxable income each resident shareholder's pro rata share of the taxed S Corporation's income or loss not attributable to the State with respect to such taxable period);

GS 105-131.1A(d) (allowing S Corporations a tax credit for income taxes paid to other states);

GS 105-153.9(a)(4) (regarding tax credits for S Corporations and their shareholders for income taxes paid to another state or country);

GS 105-153.9(a)(5) (regarding tax credits for taxable partnerships and their partners for income taxes paid to another state or country); and

GS 105-154.1(b)(1)b. (requiring taxable partnerships to include in its taxable income each resident partner's distributive share of the taxed partnership's income or loss not attributable to the State with respect to such taxable period.

Amends GS 105-131.1A(a), which permits an S Corporation to elect to be taxed for the taxable period covered by its timely filed return, required annually under GS 105-131.7, prohibiting making the election or revoking the election after the return is filed (previously prohibited revoking the election after the due date of the return, including extensions).

Amends GS 105-153.3(c3), revising the adjustments for calculating taxable income of pass-through entities as follows. Separates deductions income of S Corporation shareholders and partnerships, based on income attributable to the State and income not attributable to the State. Makes income and losses attributable to the State subject to the adjustments under GS 105-153.5 and GS 105-153.6. Refers to the required addition of a shareholder or partner's share of net taxable loss attributed to the State (was, loss, generally). Adds qualifications for a deduction of income not attributable to the State.

Further amends GS 105-153.9, prohibiting a credit for taxes paid to another state or D.C. on income eligible for the deduction provided in GS 105-153.3(c3), as amended. Makes conforming changes to eliminate references to repealed provisions.

Further amends GS 105-154.1(a), which provides for taxes partnership election for the taxable period covered by it timely filed return, required annually under GS 105-154(c), prohibiting making the election or revoking the election after the return is filed (previously prohibited revoking the election after the due date of the return, including extensions).

Amends GS 105-249.2(b) to prohibit the assessment of the \$50 fee for failure to file returns or reports required by Articles 2A, 2C, 4, 4A, 5, 9, 36C, or 36D of the Chapter for any period in which the time for filing a federal return or report or for paying a federal tax is extended due to a presidentially declared disaster. Applies to presidentially declared disasters occurring on or after the date the act becomes law.

## Part II.

Removes the existing definition of "prepared food" in GS 105-164.3(179), and substitutes a reference to the new GS 105-164.4L (Prepared food). The "prepared food" definition in GS 105-164.4L reorganizes and expands on the previous definition, including detailing when the term prepared food includes food sold with eating utensils provided by the retailer based on what type of person places utensils in a package with the food. Uses prepared food sales percentage to determine what sold with eating utensils "provided by the retailer" means when determining if an item qualifies as "prepared food" under subdivision (a) (3). Specifies that a retailer's prepared food sales percentage is calculated by dividing the numerator of the retailer's annual sales of prepared food as defined by the section by the total sales of all food, including prepared food, but excluding alcohol. The definition of "provided by the retailer" for retailers with a prepared food sales percentage over 75% includes making eating utensils available to purchasers, but an item with four or more servings packaged together and sold for a single price is not prepared food unless the retailer physically gives or hands utensils to the purchaser of the food item. For retailers with 75% or less of prepared food sales percentage, "provided by the retailer" means that the retailer physically gives or hands eating utensils to the purchasers, except that plates, bowls, glasses, and cups only need to be made available to purchasers.

Adds new subsection (k) (Efficient Administration) to GS 105-164.4J (Marketplace-facilitated sales), permitting the Secretary of the Department of Revenue (Secretary) to classify sales representatives, solicitors, and similar persons as agents of the dealers, distributors, or similar entities under which they operate or from whom they obtained the items they sell, regardless of whether the sales are made on the sales representatives' or other persons' own behalf or on the behalf of the dealers or other entities. Permits the Secretary to regard the dealers, distributors or similar entities as "marketplace facilitators," the sales made as "marketplace-facilitated sales," and the sellers as "marketplace sellers" for purposes of Article 5, GS Chapter 105.

Creates new subsection (b) (Marketplace Facilitators) in GS 105-164.11B (Recover sales tax paid), permitting marketplace facilitators to recover sales tax paid to marketplace sellers when the marketplace facilitator is considered the retailer under GS 105-164.4J(b) and the tax is separately stated on an invoice or similar billing document given to the marketplace facilitator at the time of the sale. Outlines requirements and limitations on the amount of sales tax recovered and adjustments to taxable receipts.

Adds a reference to the refund of tax allowed under GS 105-449.106 subsection (d) (Off-highway Use) to the list of alternative fuels exempt from tax under GS 105-164.13(11)b., and makes this change retroactive to January 1, 2023, and applicable to

applications for refunds submitted on or after that date.

Requires that exempt sales by nonprofits under GS 105-164.13(35) must occur at least 60 days after the beginning of the prior annual sales period, that each annual sales period funds a distinct and different project from the other annual sales periods occurring during the year, and that each annual sales period sells products that are distinct and different from the other products sold during other annual sales periods occurring during the year, in addition to the already required conditions.

Revises the date reference in GS 105-164.3(259) regarding the Streamlined Sales and Use Tax Agreement to December 22, 2022, from December 21, 2021.

### Part III.

Clarifies that the definition of “vapor product” in GS 105-113.4(13a) includes products that produce vapor from nicotine, however derived, in a solution. Amends the definition of “cost price” in GS 105-113.4(2) to include the actual price paid for an item identified as a stock keeping unit by a unique code or identifier, and remove the previous language regarding the method of determining the average of the actual price paid for the item over the past 12 calendar months if the actual price is not available. Includes a method for determining the value when documentation is not available using the average of the actual price paid over the past 12 calendar months in new subdivision (b)(2) of GS 105-113.36A.

Removes the requirement that a duplicate license state that it is a duplicated or amended license in GS 105-113.4A(e).

Amends GS 105-113.4F subsection (c) (Filing Requirement) to insert “for which tax is due under this Article” to the requirement that a delivery seller file a copy of the invoice for every delivery sale made during the previous month, effective when the act becomes law and applicable to sales made during the previous month.

Amends GS 105-113.4G to organize the section into subsections (a) and (b). New subsection (a) includes an amendment changing the requirement to make reports as required under the article to as required by the Secretary of Revenue. New subsection (b) makes the applicable statute of limitations for preserving the required records as provided in Article 9 of GS Chapter 105, and for records applying to transactions not required to be reported, three years.

Changes the language in GS 105-113.12 subdivision (a)(2) and GS 105-113.39A subdivision (a)(3) from “ships” to “receives or stores non-tax-paid cigarettes (or tobacco products, as relevant)for” regarding delivery sales of cigarettes and tobacco products. Requires a remote seller required to be licensed to maintain the records required under GS 105-113.38B. Creates two new license types, a vapor products license and an other tobacco products license, for wholesale dealers and retailers selling vapor products and other tobacco products at locations where they make, receive, store, and receive or store the products for delivery sales. The new license types are effective July 1, 2024.

Amends GS 105-113.88 (Record-keeping requirements) to change that persons make reports or returns as required under the article to as required by the Secretary of Revenue, including any additional information required. Makes the applicable statute of limitations for preserving the required records as provided in Article 9 of GS Chapter 105, and for records applying to transactions not required to be reported in a return, three years. Permits the Secretary’s designee to inspect records at any reasonable time, and this authority is ongoing and not limited to records for transactions on or after the effective date of the act.

Changes the reference from “time period covered by the return” to “reporting period” in GS 105-449.39, and reorganizes that section into subsections (a) and (b).

Amends GS 105-449.42 to specify that if motor carriers are exempt from filing a tax return under GS 105-449.45(b)(2), the tax levied is due when collectable under GS 105-241.22.

Changes the due date of motor carrier quarterly returns from the last day of April, July, October, or January to the last day of the month following the quarter in GS 105-449.45. Amends subdivision (b)(2) to clarify that exemptions only apply to a motor carrier who operates exclusively in North Carolina.

Amends the title of GS 105-449.46 to “Record-keeping requirements; inspection authority,” and inserts new subsection (a) regarding record keeping requirements for interstate motor carriers, while maintaining existing language authorizing inspections in new subsection (b). Specifies that the Secretary’s authority to authorize inspections is ongoing and not limited to records for transactions occurring on or after the effective date of the act.

Creates a grace period for motor carriers to display the new calendar year decals required by the section if they meet the applicable requirements in new subsection (a3) under GS 105-449.47, and makes clarifying changes to existing text

reorganized as subsection (a2).

Amends GS 105-449.61 to also prohibit a county or city from imposing a tax on the sale, distribution, or use of motor fuel, except for those for which a refund of the per gallon excise tax is allowed under GS 105-449.106(d).

Amends GS 105-449.97, concerning deductions and discounts that are allowed when a supplier (a position holder or a person who receives motor fuel pursuant to a two-party exchange, a fuel alcohol provider, or a biodiesel provider) files a return, by adding that when filing a return, a licensed supplier who is the position holder may take a credit for tax-paid motor fuel entering the terminal system. Makes organizational changes to the statute.

Amends GS 105-449.106(a), under which a nonprofit, in one of the specified categories, that purchases and uses motor fuel may receive a quarterly refund at the specified rate. Removes the requirement that the refund application be made in accordance with the specified Part and signed by the organization's chief executive officer.

Amends GS 105-449.121 which requires a person subject to audit to keep a record of all shipping documents or other documents used to determine information the person provides in a return or to determine the person's motor fuel transactions. Requires the records to be kept for the applicable period of statute of limitations, and if the records apply to a transaction not required to be reported in a return, the records must be kept for three years from the date of transaction. Gives the Secretary or their designee the right to inspect the records at any reasonable time. Applies to documents required to be kept for transactions occurring on or after the date that this section becomes law. Specifies that the authority of the Secretary or their designee to inspect records at any reasonable time is ongoing and not limited to records for transactions occurring on or after the section's effective date.

Amends GS 105-449.139 to require licensees as a provider of alternative fuel, a bulk end-user or as a retailer under Article 36D (Alternative Fuel) to keep a record of any information required by the Secretary, in addition to documents used to determine the information provided in a return under Article 36D. Requires the records to be kept for the applicable period of statute of limitations, and if the records apply to a transaction not required to be reported in a return, the records must be kept for three years from the date of transaction. Gives the Secretary or their designee the right to inspect the records at any reasonable time (was, during business hours). Applies to documents required to be kept for transactions occurring on or after the date that this section becomes law. Specifies that the authority of the Secretary or their designee to inspect records at any reasonable time is ongoing and not limited to records for transactions occurring on or after the section's effective date.

Amends GS 119-18, concerning the inspection tax of one-fourth of one cent per gallon that is levied on the listed types of fuel. Adds that the tax return must be in the form prescribed by, and contain information required by, the Secretary. Adds record keeping requirements for the person required to remit the tax and gives the Secretary or their designee the right at any reasonable time to inspect the records. Effective when the act becomes law and applies to documents required to be kept for transactions occurring on or after that date. Specifies that the authority of the Secretary or their designee to inspect records at any reasonable time is ongoing and not limited to records for transactions occurring on or after the effective date of this section.

#### Part IV.

Repeals GS 105-277.9, which designated real property that lies within a transportation corridor marked on an official map as a special class of property taxable at 20% of the appraised value of the property if (1) as of January 1, no building or other structure is located on the property, and (2) the property has not been subdivided, since it was included in the corridor.

#### Part V.

Amends GS 105-236 to provide that when the bank upon which an uncertified check tendered to the Department of Revenue (Department) in payment of any obligation due to the Department returns the check because of insufficient funds or the nonexistence of the account of the drawer, the Secretary must assess the drawer of the check, the specified penalties (was, assess a penalty without specifying whom it was to be assessed against). Defines the drawer, in the case of a garnishment payment, as the garnishee. Provides that the stated penalties are to be assessed against the transferor (was, penalty was assessed without specifying whom it was assessed against), when an electronic funds transfer cannot be completed due to insufficient funds or the nonexistence of an account of the transferor. Provides that in the case of a garnishment payment, transferor means the garnishee.

Amends GS 105-242.1(b), which requires a garnishee to comply with a notice of garnishment or file a written response to the notice, after which the Department must hold a conference to discuss the garnishee's response or inform the garnishee of the Department's position on the response. Provides that when the Department does not agree with the garnishee on the garnishee's liability, the Department may proceed to enforce the garnishee's liability for the tax by sending a notice of proposed assessment including any penalties that are to be imposed (previously did not include penalties). Adds that if the garnishee does not file a response to the notice within the set time frame and fails to comply with the notice, the garnishee is subject to penalties imposed under Article 9 (General Administration; Penalties and Remedies). Amends GS 105-241.11(a) which allows a taxpayer who objects to a proposed denial of a refund or a proposed assessment of a tax to request a Departmental review, to now allow the request for review to be, instead of on the required form, in a written statement clearly indicating the taxpayer requests review of a proposed denial of a refund or a proposed assessment of tax.

Enacts new GS 105-241.24 allowing the Department to collect a tax for a period of 10 years from the date it becomes collectible. Allows tolling the 10 year period for the same reasons the enforcement period for a certificate of tax liability may be tolled under GS 105-242(c) (which allows tolling for the specified amounts of time for instances in which the taxpayer is absent from the State, upon the death of the taxpayer, while an action is pending to set aside a conveyance made by the taxpayer as a fraudulent conveyance, while an insolvency proceeding against the taxpayer is pending, during the period of any statutory or judicial bar to the enforcement of the certificate, and the period for which a taxpayer has waived the 10-year period). Specifies that if the tax is not collected within the authorized time frame, then the remaining liability is abated. Amends GS 105-242(c) by making conforming and clarifying changes.

**Intro. by P. Newton, Perry, Rabon.**

[GS 105, GS 119](#)

[View summary](#)

**Business and Commerce, Corporation and Partnerships,  
Government, State Agencies, Department of Revenue, Tax**

S 175 (2023-2024) [THE SAVE ACT](#). Filed Feb 28 2023, *AN ACT TO DELIVER SAFE, ACCESSIBLE, VALUE-DIRECTED, AND EXCELLENT (SAVE) HEALTH CARE THROUGHOUT NORTH CAROLINA BY MODERNIZING NURSING REGULATIONS*.

Identical to [H 218](#), filed 2/28/23.

Enacts new GS 90-171.36B to prohibit an advanced practice registered nurse (APRN) from practicing as such without a license. Defines advanced practice registered nurse or APRN as an individual licensed by the The North Carolina Board of Nursing (Board) as an advanced practice registered nurse within one of the following four roles: (1) certified nurse practitioner or CNP, (2) certified nurse midwife or CNM, (3) clinical nurse specialist or CNS, or (4) certified registered nurse anesthetist or CRNA. Enacts GS 90-171.36C to require the Board to issue an APRN license to any person recognized by the Board as an APRN or approved to practice as an APRN in the state on or before the date that this statute becomes law. Enacts GS 90-171.36D, which specifies the process for APRN license renewal and reinstatement. Makes conforming changes to GS 90-171.43, GS 90-171.43A, and GS 90-171.44.

Amends the definitions of terms used in the Nursing Practice Act. Adds definitions for advanced assessment, advanced practice registered nurse, population focus, practice of nursing as an advanced practice registered nurse or APRN, practice of nursing as a certified nurse midwife or CNM, practice of nursing as a certified registered nurse anesthetist or CRNA, practice of nursing as a clinical nurse specialist or CNS, and practice of nursing as a certified nurse practitioner or CNP. Amends the components listed that define the practice of nursing by a registered nurse to include collaborating with other health care providers in determining the appropriate health care for a patient (previously, limited to not prescribing a medical treatment regimen or making a medical diagnosis, except under the supervision of a licensed physician). Makes clarifying, organizational, and technical changes.

Amends GS 90-18(c) to establish that the practice of nursing by a APRN does not constitute practicing medicine or surgery.

Repeals GS 90-18.2, which places limitations on nurse practitioners. Makes conforming changes to GS 90-2, GS 90-18.3, GS 90-85.24, and GS 90-85.34A.

Amends GS 90-29(b) to establish that a certified registered nurse anesthetist administering anesthetic does not constitute practicing dentistry.



Amends the powers of the Board in GS 90-171.23 by empowering the Board to grant prescribing, ordering, dispensing, and furnishing authority to holders of the advanced practice registered nurses license (deletes the power of the Board to appoint and maintain a subcommittee to work with the NC Medical Board to develop rules and regulations to govern the performance of medical acts by registered nurses and to determine related application fees).

Amends GS 90-171.27 to set out fees for application for licensure, license renewal, and reinstatement of lapsed licenses for APRNs.

Repeals GS 90-171.37(b) regarding the Board's disciplinary authority over registered nurses.

Repeals Article 10A of GS Chapter 90, Nurses Registered Under Previous Law, Practice of Midwifery. Makes conforming changes to GS 90-18 and GS 90-21.11.

Requires the Governor to submit an opt-out letter to the Centers for Medicare and Medicaid Services within 30 days of the date the section becomes law, requesting an exemption that allows hospitals, ambulatory surgical centers, critical access hospitals, and rural hospitals in the state the maximum flexibility to obtain Medicare reimbursement for anesthesia services in a manner that best serves each facility and its patients and community.

Directs the Board, the NC Medical Board, and the State Board of Dental Examiners to adopt implementing rules.

Requires the Revisor of Statutes to change all references to nurse practitioners to certified nurse practitioners and change all references to the abbreviation NP to the abbreviation CNP, wherever those terms appear in: GS 15-190, GS 20-37.6(c1), GS 55B-14(c), GS 58-3-169, GS 58-50-30, GS 58-51-45, GS 90-1.1, GS 90-3, GS 90-21.17, GS 90-21.81, GS 90-171.21, GS 90-724, GS 115C-12, GS 115C-323, GS 115C-375.2A, GS 122C-263.1, GS 122C-465, GS 130A-115, GS 130A-440.1, and GS 131D-4.8.

Effective 90 days after the act becomes law.

**Intro. by Hise, Krawiec, Adcock.**

[GS 15, GS 20, GS 55B, GS 58, GS 90, GS 115C, GS 122C, GS 130A, GS 131D](#)

[View summary](#)

**Health and Human Services, Health, Health Care Facilities and Providers**

S 176 (2023-2024) [CONSUMERS IN CRISIS PROTECTION ACT](#). Filed Feb 28 2023, *AN ACT TO ENACT THE CONSUMERS IN CRISIS PROTECTION ACT*.

To be summarized.

**Intro. by Johnson, Britt, Craven.**

[View summary](#)

S 177 (2023-2024) [TEACHER LICENSE RECIPROCITY](#). Filed Feb 28 2023, *AN ACT TO GRANT A CONTINUING PROFESSIONAL LICENSE TO TEACHERS LICENSED IN OTHER STATES WITH SUBSTANTIALLY SIMILAR REQUIREMENTS*.

Creates a system for granting continuing professional licenses to teachers with at least three years of experience and out-of-state licenses in good standing from states with substantially similar licensure requirements through new subsection (e) in GS 115C-270.20. Repeals GS 115C-270.20(a)(4a)b (concerning limited licenses for out of state licensees) and GS 115C-270.25 (concerning out of state continuing professional teaching license applicants).

**Intro. by Waddell.**

[GS 115C](#)

[View summary](#)**Business and Commerce, Occupational Licensing, Education,  
Elementary and Secondary Education**

S 181 (2023-2024) **PITT COUNTY SCHOOL NURSES**. Filed Feb 28 2023, *AN ACT TO FUND A SCHOOL NURSE FOR EVERY PUBLIC SCHOOL IN PITT COUNTY.*

Appropriates \$1.5 million in recurring funds for 2023-24 from the General Fund to the Department of Public Instruction to be used as title indicates. States that these funds are to supplement and not supplant any funds from any source already provided for the same purpose. Effective July 1, 2023.

**Intro. by Smith.****APPROP, Pitt**[View summary](#)**Education, Elementary and Secondary Education,  
Government, Budget/Appropriations, State Agencies,  
Department of Public Instruction, Health and Human  
Services, Health**

## LOCAL/HOUSE BILLS

H 66 (2023-2024) **CATAWBA/NEWTON-CONOVER/HICKORY BD OF ED ELECT**. Filed Feb 7 2023, *AN ACT TO PROVIDE FOR PARTISAN ELECTIONS FOR THE MEMBERS OF THE CATAWBA COUNTY BOARD OF EDUCATION, HICKORY CITY BOARD OF EDUCATION, AND NEWTON-CONOVER CITY BOARD OF EDUCATION.*

House committee substitute to the 1<sup>st</sup> edition makes the following changes.

### Section 1

Adds new Section 1(a) to amend Section 1 of SL 1969-874, as amended, as follows. Specifies that Catawba County Board of Education (Board) will consist of seven members elected to staggered four-year terms. Deletes outdated language. Amends Section 2 of SL 1969-874, as amended, as follows. Deletes outdated language. Makes conforming changes to account for amended Section 1 of SL 1969-874. Deletes proposed language from section 6.1 that provided for filling vacancies for Board members elected on a nonpartisan basis in 2020 and 2022 by appointment of remaining Board members until the next Board election, so that the remainder of the unexpired term would filled by election. Amends section 6.1 to state that all vacancies on the Board will be filled pursuant to GS 115C-37.1 (pertaining to vacancies in offices of county boards elected on a partisan basis). Amends Section 1(g) [was, 1(f)] of the act to provide that any vacancy on the Board for a member elected in 2020 and 2022 will be filled by appointment by the remaining members of the Board.

Makes other technical, conforming, and clarifying changes.

### Section 2

Adds new Section 2(a) to amend Section of SL 1971-930 as follows. Removes outdated language. Specifies that the Hickory City Board of Education (Hickory Board) will consist of seven member elected to staggered four-year terms. Deletes language in Section 3 specifying that registration and the election are to be held and conducted in line with laws, rules, and regulations applicable to County elections. Adds language that specifies, except as provided by the act, the election will be conducted in accordance with the applicable provisions of GS Chapters 115C (pertaining to Boards of Education) and 163 (pertaining to elections and election laws). Amends residency requirements for Hickory Board candidates, to also require any candidate who is filing for a seat representing a ward to reside within that ward. Amends Section 7 to no longer require that beginning in 2023, seats on the Hickory City be filled by nomination in the primaries and by election in the general elections. Amends Section 10 to require that all vacancies on the Hickory Board be filled in accordance with GS 115C-37.1, specifying that for the purposes of that section, the Hickory Board is considered a county board of education. Provides that any vacancy on the

Hickory Board for a member elected in 2019 or 2021 will be filled by appointment by the remaining members of the Hickory Board.

Makes other technical, conforming, and clarifying changes.

#### Section 3

Amends SL 1935-200, as amended, as follows. Deletes the specified staggering of the terms. Deletes requirement that the Town of Conover and the City of Newton provide separate ballots for each of their candidates for the Newton-Conover City Board of Education (City Board). Amends residency requirements for City Board candidates, requiring all candidates to be qualified voters residing within the Newton-Conover Administrative School Unit in the district for the seat apportioned for that district. (Was, just qualified voter residing within the Newton-Conover Administrative School Unit.) Adds that members serve until successors are elected and qualified. Deletes requirement that City Board elect a chair at their first meeting each year; instead just provides for the annual election of a chair. Requires that all vacancies on the City Board be filled in accordance with GS 115C-37.1, specifying that for the purposes of that section, the Board is considered a county board of education. Provides that any vacancy on the City Board for a member elected in 2019 or 2021 will be filled by appointment by the remaining members of the City Board at the time of the vacancy.

Makes other technical, conforming, and clarifying changes.

#### Section 4

Amends GS 115C-37.1 to add the Hickory Board and the City Board to the list of entities covered by the statute, effective December 1, 2023.

Deletes proposed GS 115C-37.2.

Makes other organizational, technical, conforming, and clarifying changes.

**Intro. by Adams, Setzer.**

[Catawba](#)

[View summary](#)

**[Education, Elementary and Secondary Education,  
Government, Elections](#)**

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

House committee substitute to the 1st edition makes the following changes. No longer amends the Charter of the Town of Oak Island to allow the Town to use proceeds from parking meters on public streets in the same manner in which proceeds from off-street parking facilities are used under GS 160A-301(b) (which allows revenue from off-street parking facilities to be pledged to amortize bonds issued to finance such facilities, or used for any other public purpose). Instead, sets out a provision allowing the Town of Oak Island to use the proceeds from any parking on public streets in the same manner in which proceeds from off-street parking facilities are permitted under GS 160A-301(b). Makes conforming changes to the act's titles.

**Intro. by Miller.**

[Brunswick](#)

[View summary](#)

**[Transportation](#)**

H 152 (2023-2024) [EVEN YR ELECTIONS/MAYSVILLE & POLLOCKSVILLE.](#) Filed Feb 20 2023, *AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWNS OF MAYSVILLE AND POLLOCKSVILLE SHALL BE HELD IN EVEN-NUMBERED YEARS.*

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

Makes clarifying changes to the location of the Maysville Town Charter. Amends Section 7 of the Maysville Town Charter, by removing the proposed language that required beginning in 2024 and quadrennially thereafter, that regular municipal elections be held for the election of town officers in Maysville in accordance with the uniform municipal election laws in North Carolina. Instead, requires that regular municipal elections be held every four years at the time of the general election in an even-numbered year. Requires that the election of the mayor and commissioners be on a nonpartisan plurality basis. Requires the election to be conducted in accordance with the uniform municipal election laws in GS Chapter 163.

Requires that regular municipal elections be conducted in Maysville in even-numbered years beginning in 2024.

Makes clarifying changes to the location of the Pollocksville Town Charter. Amends Section 3 by removing the proposed language that beginning in 2024, three commissioners must be elected to serve four-year terms, that beginning in 2026 that two commissioners and a mayor be elected to serve four-year terms and required that regular municipal elections be held for the election of town officers in Pollocksville in accordance with the uniform municipal election laws in North Carolina. Instead, requires that the elections for mayor and commissioners be in regular municipal elections held at the time of the general election in each even-numbered year. Requires that the election of the mayor and commissioners be on a nonpartisan plurality basis. Requires the election to be conducted in accordance with the uniform municipal election laws in GS Chapter 163. Removes language referring to a town constable.

Requires that regular municipal elections be conducted in Pollocksville in even-numbered years beginning in 2024. Adds that in 2024 and quadrennially thereafter, three commissioners must be elected to serve four-year terms, and requires that in 2026 and quadrennially thereafter, two commissioners and a mayor be elected to serve four-year terms.

**Intro. by Humphrey.**

[Jones](#)

[View summary](#)

[Government, Elections](#)

H 213 (2023-2024) [INDIAN TRAIL/STALLINGS OCCUPANCY TAX AUTH.](#) Filed Feb 28 2023, *AN ACT TO AUTHORIZE THE TOWN OF INDIAN TRAIL AND A PORTION OF THE TOWN OF STALLINGS TO LEVY AN OCCUPANCY TAX.*

Authorizes the Town of Indian Trail Town Council to levy a room occupancy tax of up to 5%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (Uniform provisions for room occupancy taxes). Amends GS 160A-215 to require a referendum to be held regarding levying room occupancy taxes, and maintains the requirement of holding a public hearing before adopting the resolution to levy the tax (was, only required a public hearing before adopting the resolution). Adds an explicit authorization for the Town of Indian Trail Town Council to increase the occupancy tax rate by resolution after 10 days' public notice and hearing, at a rate not exceeding the rate approved by a referendum. Requires the Indian Trail Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the town and the remainder for other tourism-related expenditures (may include tourism-related capital expenditures). Mandates that at least one-third of the TDA's members must be affiliated with businesses that collect the tax in the town and at least one-half must be currently active in the town's travel and tourism promotion. Provides further parameters of TDA members, meetings and duties. Requires quarterly and end of year reports from the TDA to the Town Council.

Creates a new tax district for the part of the Town of Stallings that is located in Union County, to be called Stallings District S. Stallings District S is a body politic and corporate. Provides for the governance of that district by the Stallings Town Council and city officers. Authorizes the Stallings District S governing body to levy a room occupancy tax of up to 5%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Amends GS 160A-215 to require a referendum to be held regarding levying room occupancy taxes, and maintains the requirement of holding a public hearing before adopting the resolution to levy the tax (was, only required a public hearing before adopting the resolution). Adds an explicit authorization for the governing board of Stallings District S to increase the occupancy tax rate by resolution after 10 days' public notice and hearing, at a rate not exceeding the rate approved by a referendum held pursuant to previously specified conditions. Requires the Stallings District S Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the district and the remainder for tourism related expenditures. Mandates that at least one-third of the members of the TDA must be affiliated with businesses that collect the tax in the district and at least one-half must be currently active in the district's travel and tourism

promotion. Provides further parameters of TDA members, meetings and duties. Requires quarterly and end of year reports from the TDA to the governing body.

Makes conforming changes to GS 160A-215.

**Intro. by Arp, Willis.**

[Union, GS 105](#)

[View summary](#)

**Government, Tax**

H 220 (2023-2024) [LANSING AND JEFFERSON OCC. TAX AUTHORIZATION](#). Filed Feb 28 2023, *AN ACT TO AUTHORIZE THE TOWNS OF LANSING AND JEFFERSON TO LEVY AN OCCUPANCY TAX.*

Part I.

Authorizes the Town of Lansing Board of Aldermen to levy a room occupancy tax of up to 3%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires the Lansing Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism and the remainder for tourism-related expenditures in the town. Mandates that at least one-third of the members of the TDA must be affiliated with businesses that collect the tax in the town and at least one-half must be currently active in the town's travel and tourism promotion. Makes conforming changes.

Part II.

Authorizes the Town of Jefferson to levy a room occupancy tax of up to 3%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires the Jefferson Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism and the remainder for tourism-related expenditures in the town. Mandates that at least one-third of the members of the TDA must be affiliated with businesses that collect the tax in the town and at least one-half must be currently active in the town's travel and tourism promotion. Makes conforming changes.

**Intro. by Pickett.**

[Ashe, GS 160A](#)

[View summary](#)

**Government, Tax**

H 221 (2023-2024) [SCHOOL CAL FLEXIBILITY/YADKIN & AMP DAVIE CO](#). Filed Feb 28 2023, *AN ACT TO ALLOW YADKIN COUNTY SCHOOLS AND DAVIE COUNTY SCHOOLS TO ALIGN THEIR SCHOOL CALENDARS WITH SURRY COUNTY COMMUNITY COLLEGE'S OR DAVIDSON-DAVIE COMMUNITY COLLEGE'S CALENDAR.*

Amends GS 115C-84.2(d) to authorize local boards of education to align the calendar of schools in the local school administrative unit with the calendar of a community college serving the city or county in which the unit is located. Applies only to Yadkin County Schools and Davie County Schools. Applies beginning with the 2023-24 school year.

**Intro. by Howard.**

[Davie, Yadkin](#)

[View summary](#)

**Education, Elementary and Secondary Education**

H 227 (2023-2024) [EVEN-YEAR ELECTIONS/TOWN OF VANCEBORO](#). Filed Feb 28 2023, *AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF VANCEBORO SHALL BE HELD IN EVEN-NUMBERED YEARS.*

As title indicates, amends section 2 of the Town of Vanceboro's charter, Chapter 114 of the 1876-77 Session Laws, as amended, to hold regular elections every four years (was, every two years), beginning in 2024, in accordance with the North

Carolina uniform municipal election laws. Prohibits holding municipal election in Vanceboro in 2023. Extends the term of the mayor and all aldermen currently serving terms that expire in 2023 until the 2024 municipal elections.

**Intro. by Tyson.**

Craven

[View summary](#)

**Government, Elections**

H 229 (2023-2024) **STAGGER/EXTEND TERMS OF TOWN OFFICERS/HALIFAX**. Filed Feb 28 2023, *AN ACT TO AMEND THE CHARTER OF THE TOWN OF HALIFAX IN HALIFAX COUNTY TO STAGGER THE TERMS OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS AND EXTEND THEIR TERMS TO FOUR YEARS*.

Amends the Charter of the Town of Halifax, by adding that at the regular municipal elections in 2023, (1) a mayor must be elected to serve a four-year term and (2) five commissioners must be elected with the two candidates receiving the highest number of votes serving four-year terms and the other three candidates receiving the next highest number of votes serving two-year terms. Requires (1) in 2025 and quadrennially thereafter that three commissioners be elected to four-year terms and (2) in 2027 and quadrennially thereafter, a mayor and two commissioners be elected to four-year terms.

**Intro. by Wray.**

Halifax

[View summary](#)

**Government, Elections**

H 231 (2023-2024) **YANCEY COUNTY OCCUPANCY TAX INCREASE**. Filed Feb 28 2023, *AN ACT TO CONFORM AND INCREASE THE YANCEY COUNTY OCCUPANCY TAX AUTHORIZATION*.

Identical to [S 162](#), filed 2/27/23.

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 Greene.**

[Yancey](#)

[View summary](#)

**[Business and Commerce, Government, Tax, Local Government](#)**

H 232 (2023-2024) [MITCHELL COUNTY OCCUPANCY TAX INCREASE](#). Filed Feb 28 2023, *AN ACT TO INCREASE THE MITCHELL COUNTY OCCUPANCY TAX AUTHORIZATION*.

Amends SL 1987-141, as amended, to increase the rate of the Mitchell County room occupancy tax from 3% to up to 6%.  
Makes a technical change.

**Intro. by Greene.**

[Mitchell](#)

[View summary](#)

**[Government, Tax](#)**

H 233 (2023-2024) [AVERY COUNTY OCCUPANCY TAX MODIFICATION](#). Filed Feb 28 2023, *AN ACT TO AUTHORIZE AVERY COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY*.

Creates Avery County District A (district) as a taxing district, consisting of unincorporated areas within Avery County, authorized to carry out the act's provisions as a body politic and corporate. Requires the Avery County Board of Commissioners (board) to serve ex officio as the district's governing body, with county officers serving as the officers of the district. Provides rules for district governance.

Authorizes the district's governing body to levy a room occupancy tax of up to 6%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes) as if the district were a county, including the statute's penalties. Requires the Avery County District A Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the district and the remainder for tourism-related expenditures, with explicit prohibitions against using any proceeds to promote travel or tourism or for tourism related expenditures in areas outside of the district. Requires the district's governing body to adopt a resolution creating the TDA when it adopts the resolution levying the tax. Makes the TDA a public authority under the Local Government Budget and Fiscal Control Act. Requires at least one-third of the TDA's members be affiliated with businesses that collect the tax in the district, and at least one-half of the members be currently active in the promotion of travel and tourism in the district. Sets out the TDA's duties and reporting requirements. Makes further conforming changes to GS 153A-155.

**Intro. by Greene.**

[Avery, GS 153A](#)

[View summary](#)

**[Government, Tax](#)**

## LOCAL/SENATE BILLS

S 169 (2023-2024) [DAVIDSON CTY/REZONING SATELLITE ANNEXATIONS](#). Filed Feb 28 2023, *AN ACT PROVIDING FOR THE MANNER IN WHICH ANNEXED SATELLITE AREAS MAY BE REZONED BY MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN DAVIDSON COUNTY*.

Amends SL 2022-24, Section 2, which sets out additional requirements that must be met when Davidson County conducts an annexation under Part 4 of Article 4A of GS Chapter 160A, including that if the Davidson County Board of Commissioners (Board) finds, after a public hearing, that the interests of the inhabitants of the county and the area proposed for annexation



will be best served by the annexation, the Board must adopt a resolution approving the annexation and the governing body of the municipality may proceed with the adoption of the annexation ordinance. Amends the impacts of such a resolution, to now provide that if the resolution is adopted and a municipality adopts the annexation ordinance, any rezoning of the satellite annexation area or any part thereof within 60 days from the date of the adoption of the annexation ordinance must be done in accordance with the terms and conditions of the municipality's unified development ordinance adopted under GS Chapter 160D. Retains the requirement that approval be obtained from both the municipality's governing body and the Board before the municipality may rezone any satellite area that includes the annexed area or any part thereof. Adds that these provisions do not apply to an area that ceases to constitute satellite corporate limits and becomes part of the primary corporate limits. Requires that the area that becomes part of the primary corporate limits must be rezoned in accordance with the terms and conditions of the municipality's unified development ordinance. Applies to annexations initiated on or after July 1, 2023.

**Intro. by Jarvis.**

[Davidson](#)

[View summary](#)

S 173 (2023-2024) [DUAL TRACK DIPLOMA PILOT](#). Filed Feb 28 2023, *AN ACT TO ESTABLISH A PILOT PROGRAM IN CURRITUCK COUNTY SCHOOLS TO PROVIDE A VOCATIONAL GRADUATION PATHWAY FOR STUDENTS*.

Establishes the Vocational Track Diploma Pilot Program (Program), operated by Currituck County Schools to provide for Currituck County Schools to offer (1) an alternative set of graduation requirements for students who complete courses toward a vocational career path and (2) an alternative high school diploma for students who complete the alternate set of graduation requirements toward a vocational career path.

Requires Currituck County Schools to develop an alternative set of graduation requirements for students to receive a vocational track diploma. Requires the graduation requirements to be developed during the 2023-24 school year and requires a report on the requirements to the Department of Public Instruction before the end of the 2023-24 school year. Specifies that the requirements must (1) include all of the English, science, social studies, and elective requirements in accordance with the current graduation requirements, and (2) require students to complete NC Math 1 and 2 and require two additional applied math credits. Allows students entering ninth grade during the 2024-25 school year to elect to pursue the vocational track diploma. Sunsets the program at the end of the 2027-28 school year.

Exempts Currituck County Schools from any requirements to post school performance data in any publicly accessible forum, for the duration of the program. Requires Currituck County Schools to report annually to the specified NCGA committee, from October 15, 2024, to October 15, 2028. Specifies what is to be included in the reports.

**Intro. by Hanig.**

[STUDY, Currituck](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

S 178 (2023-2024) [GREENSBORO/SCHOOL ZONE ELEC. ENFORC.](#) Filed Feb 28 2023, *AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO ESTABLISH A PILOT PROGRAM FOR THE USE OF ELECTRONIC SPEED-MEASURING SYSTEMS TO DETECT SPEED LIMIT VIOLATIONS IN SCHOOL ZONES*.

This act applies to Greensboro only. Allows Greensboro, by December 1, 2024, to establish and implement a pilot program to use electronic speed-measuring systems to detect speeding violations in school zones. Defines electronic speed-measuring system (system) to mean a mobile or fixed device consisting of an automated traffic camera and sensor, that is capable of measuring speed and producing digital photos of a vehicle violating the speed limit set in a school zone. Requires the system to produce at least one photo that clearly shows the speeding vehicle; the vehicle registration number and state of issuance; the date, time, and location of the violation; and the recorded speed. Requires posting signs giving notice of the presence of the system to be located no more than 1,000 feet from the location of the system. Makes speeding violations detected by the system noncriminal violations for which a civil penalty of \$250 must be assessed but for which no points are to be assigned.

Sets out the process for delivering the citation to the registered owner of a motor vehicle; sets out required contents of the notice. Makes the registered owner of a vehicle cited for a speeding violation detected by the system be responsible the penalty unless the owner, within 30 days of service of the notification of violation, provides a sworn affidavit that either provides the name and address of the person who had actual physical control of the vehicle at the time of the violation, or that at the time of the violation the vehicle was under the control of a person unknown to the owner without the owner's permission. Sets out the procedure for notifying the operator identified in such an affidavit. Allows for imposing an additional penalty for failure to respond by the registered owner or identified operator. Requires photos captured by the system to be provided to the investigating law enforcement agency for use as evidence. Requires a law enforcement officer who cites or arrests an owner or operator of a vehicle in an area where a system is in use to notify the City so that the City does not issue a notice of violation. Requires establishment of an administrative nonjudicial hearing process to review challenges to penalties. Sets out an appeals process for those dissatisfied with the hearing decision.

Allows Greensboro and the Guilford County Board of Education to enter into an interlocal agreement to carry out this act's purpose and intent, including provisions on cost-sharing and reimbursement. Specifies that the act does not alter or supersede Section 7 of Article IX of the North Carolina Constitution (County school fund; State fund for certain moneys). Requires the Greensboro Police Department to select the school zones for the system, requiring written approval of the Superintendent of Guilford County Schools or his or her designee. Requires Greensboro to pay a \$1,000 fee to the Division of Motor Vehicles before implementing the system.

Requires Greensboro to report the results of the pilot program no later than three years after implementing the program. Require the report to be submitted to the specified NCGA committee chairs. Sets the program to expire upon the earlier of the submission of the report or three years after the date of implementation of the pilot program.

**Intro. by Robinson, Garrett.**

[STUDY, Guilford](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Education, Elementary and Secondary Education](#)

S 179 (2023-2024) [EXTEND SUNSET/BUNCOMBE CO./CC PROJECTS](#). Filed Feb 28 2023, *AN ACT TO EXTEND THE AUTHORIZATION FOR BUNCOMBE COUNTY TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY.*

Amends SL 2013-112, as amended, as the title indicates, extending the authorization by three years to the end of 2028.

**Intro. by Mayfield, Daniel.**

[Buncombe](#)

[View summary](#)

[Education, Higher Education](#)

S 180 (2023-2024) [EDGECOMBE COUNTY SCHOOL NURSES](#). Filed Feb 28 2023, *AN ACT TO FUND A SCHOOL NURSE FOR EVERY PUBLIC SCHOOL IN EDGECOMBE COUNTY.*

Appropriates \$471,000 in recurring funds for 2023-24 from the General Fund to the Department of Public Instruction to be used as title indicates. States that these funds are to supplement and not supplant any funds from any source already provided for the same purpose. Effective July 1, 2023.

**Intro. by Smith.**

[APPROP, Edgecombe](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, Budget/Appropriations, State Agencies,](#)

## ACTIONS ON BILLS

## PUBLIC BILLS

**H 10: REQUIRE SHERIFFS TO COOPERATE WITH ICE.***House: Reptd Fav**House: Cal Pursuant Rule 36(b)***H 11: SCHOOLS FOR THE DEAF AND BLIND.***House: Reptd Fav**House: Cal Pursuant Rule 36(b)**House: Placed On Cal For 03/01/2023***H 20: CASH COMMITMENT ACT.***House: Serial Referral To Rules, Calendar, and Operations of the House Stricken**House: Serial Referral To Judiciary 1 Stricken**House: Serial Referral To Rules, Calendar, and Operations of the House Added***H 60: SUDEP AWARENESS WEEK.***House: Reptd Fav**House: Cal Pursuant Rule 36(b)**House: Placed On Cal For 03/01/2023***H 89: ADOPT OFFICIAL STATE COOKIE AND STAR.***House: Reptd Fav**House: Cal Pursuant Rule 36(b)**House: Placed On Cal For 03/01/2023***H 103: GSC TECHNICAL CORRECTIONS 2023.***House: Reptd Fav**House: Cal Pursuant Rule 36(b)**House: Placed On Cal For 03/01/2023***H 104: GSC UNIF. UNREG. CHILD CUST. TRFR. ACT/ART. 3.***House: Reptd Fav**House: Cal Pursuant Rule 36(b)**House: Placed On Cal For 03/01/2023***H 119: NCORR/INCREASE INFORMAL BID THRESHOLD.***House: Reptd Fav**House: Cal Pursuant Rule 36(b)**House: Placed On Cal For 03/01/2023***H 122: REIMBURSE LATE AUDIT COSTS WITH SALES TAX REV.***House: Reptd Fav Com Substitute**House: Re-ref Com On Rules, Calendar, and Operations of the House***H 131: PROTECT NC ED. SAVINGS & INVESTMENT ACCOUNTS.***House: Reptd Fav Com Sub 2*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/01/2023*

**H 139: U.S. & N.C. FLAGS/MADE IN USA.**

*House: Withdrawn From Com*

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

**H 157: STATE OF THE STATE INVITATION.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/01/2023*

**H 206: INCREASE DROPOUT AGE/COMPLETION INDICATOR.**

*House: Passed 1st Reading*

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

**H 207: MANDATORY TRAINING CONTRIBUTING TO CEUS.**

*House: Passed 1st Reading*

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

**H 208: LOW-INCOME HOUSING TAX CREDITS.**

*House: Passed 1st Reading*

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

**H 209: CONSUMER CREDIT CARD PROTECTION ACT.**

*House: Passed 1st Reading*

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

**H 210: REDUCE BARRIERS TO STATE EMPLOYMENT.**

*House: Passed 1st Reading*

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

**H 211: DWI SENTENCING/MITIGATING FACTORS.**

*House: Passed 1st Reading*

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

**H 212: DL RESTORATION/DWI TREATMENT COURT.**

*House: Passed 1st Reading*

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

**H 214: ADD MEMBERS TO NC TRAINING STANDARDS COMMISS.**

*House: Filed*

**H 215: GENERAL ASSEMBLY/"IN GOD WE TRUST" DISPLAY.**

*House: Filed*

**H 216: EXPANSION OF AVIATION SALES TAX EXEMPTION.**

*House: Filed*

**H 217: HIGHER ED SAVINGS GRANT PILOT PROGRAM.**

*House: Filed*

**H 218: THE SAVE ACT.**

*House: Filed*

**H 219: CHARTER SCHOOL OMNIBUS.**

*House: Filed*

**H 222: NO CV19 VACCINE MANDATES FOR NC STUDENTS.**

*House: Filed*

**H 223: OSHR/VARIOUS SHRA CHANGES.**

*House: Filed*

**H 224: PROTECT NC OPIOID SETTLEMENT PAYMENTS.**

*House: Filed*

**H 225: DESIGNATE STATE BALLOON RALLY.**

*House: Filed*

**H 226: END PREDATORY PET LEASING.**

*House: Filed*

**H 228: REV. LAWS TECH., CLARIFYING, & ADMIN. CHNGS.**

*House: Filed*

**H 230: STUDY STATE TRAVEL ALLOWANCES REIMBURSEMENTS.**

*House: Filed*

**H 234: CONFORM PRIVILEGE EXEMPTIONS.**

*House: Filed*

**H 235: APPLICATION FOR A CONVENTION OF THE STATES.**

*House: Filed*

**S 3: NC COMPASSIONATE CARE ACT.**

*Senate: Passed 2nd Reading*

**S 22: RENAME OUTDOOR HERITAGE ADVISORY COUNCIL.**

*Senate: Reptd Fav*

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

**S 58: PROTECT CRITICAL INFRASTRUCTURE.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Judiciary*

**S 91: AMEND RULE 4/ACCEPTANCE OF SERVICE.**

*Senate: Reptd Fav*

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

**S 95: EXPEDITE WATER/WASTEWATER FRANCHISE TRANSFER.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

**S 110: GSC UNIF. COMMUNITY PROP. DISP. AT DEATH ACT.***Senate: Reptd Fav**Senate: Re-ref Com On Rules and Operations of the Senate***S 115: REPURPOSE R.J. BLACKLEY CTR AS PSYCH HOSPITAL.***Senate: Passed 2nd Reading**Senate: Passed 3rd Reading***S 138: SENATE BOG ELECTIONS.***Senate: Adopted***S 163: LOCAL GOVERNMENTS/SYSTEM DEVELOPMENT FEES.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 164: FUNDS FOR WS STATION 19 LADDER TRUCK.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate**Senate: Withdrawn From Com**Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate***S 165: AYDEN WATER/SEWER FUNDS.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate**Senate: Withdrawn From Com**Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate***S 166: PUBLIC ENTERPRISE/COMPLIANCE COST ALLOCATION.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 167: SOURCE OF INCOME NONDISCRIMINATION ACT.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 168: NORTH CAROLINA CROWN ACT.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 170: SCHOOL CAL. FLEXIBILITY/MULTIPLE COUNTIES.***Senate: Filed***S 171: DEPARTMENT OF PUBLIC SAFETY AGENCY BILL.-AB***Senate: Filed***S 172: ABC STORES/ALLOW SALE OF GIFT CARDS.***Senate: Filed***S 174: REV. LAWS TECH., CLARIFYING, & ADMIN. CHNGS.***Senate: Filed***S 175: THE SAVE ACT.***Senate: Filed***S 176: CONSUMERS IN CRISIS PROTECTION ACT.**

*Senate: Filed*

**S 177: TEACHER LICENSE RECIPROCITY.**

*Senate: Filed*

**S 181: PITT COUNTY SCHOOL NURSES.**

*Senate: Filed*

**LOCAL BILLS**

**H 5: TOWN OF FUQUAY-VARINA DEANNEXATION.**

*House: Reptd Fav*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/01/2023*

**H 57: CITY OF HENDERSONVILLE/PARKING METER PROCEEDS.**

*House: Reptd Fav*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/01/2023*

**H 66: CATAWBA/NEWTON-CONOVER/HICKORY BD OF ED ELECT.**

*House: Reptd Fav Com Substitute*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/01/2023*

**H 78: TOWN OF OAK ISLAND/PARKING PROCEEDS. (NEW)**

*House: Reptd Fav Com Substitute*

*House: Ruled Material*

*House: Re-ref Com On Finance*

**H 133: GRAHAM COUNTY OCCUPANCY TAX.**

*House: Reptd Fav*

*House: Re-ref Com On Finance*

**H 152: EVEN YR ELECTIONS/MAYSVILLE & POLLOCKSVILLE.**

*House: Reptd Fav Com Substitute*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/01/2023*

**H 213: INDIAN TRAIL/STALLINGS OCCUPANCY TAX AUTH.**

*House: Filed*

**H 220: LANSING AND JEFFERSON OCC. TAX AUTHORIZATION.**

*House: Filed*

**H 221: SCHOOL CAL FLEXIBILITY/YADKIN & AMP DAVIE CO.**

*House: Filed*

**H 227: EVEN-YEAR ELECTIONS/TOWN OF VANCEBORO.***House: Filed***H 229: STAGGER/EXTEND TERMS OF TOWN OFFICERS/HALIFAX.***House: Filed***H 231: YANCEY COUNTY OCCUPANCY TAX INCREASE.***House: Filed***H 232: MITCHELL COUNTY OCCUPANCY TAX INCREASE.***House: Filed***H 233: AVERY COUNTY OCCUPANCY TAX MODIFICATION.***House: Filed***H 236: SCHOOL CALENDAR FLEXIBILITY/CARTERET.***House: Filed***S 162: YANCEY COUNTY OCCUPANCY TAX INCREASE.***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 169: DAVIDSON CTY/REZONING SATELLITE ANNEXATIONS.***Senate: Filed***S 173: DUAL TRACK DIPLOMA PILOT.***Senate: Filed***S 178: GREENSBORO/SCHOOL ZONE ELEC. ENFORC.***Senate: Filed***S 179: EXTEND SUNSET/BUNCOMBE CO./CC PROJECTS.***Senate: Filed***S 180: EDGEcombe COUNTY SCHOOL NURSES.***Senate: Filed*

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