



## The Daily Bulletin: 2023-03-01

### PUBLIC/HOUSE BILLS

H 44 (2023-2024) [CONST. AMENDMENT/REPEAL LITERACY TEST](#). Filed Feb 2 2023, *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO REPEAL THE LITERACY TEST REQUIREMENT*.

House committee substitute to 1<sup>st</sup> edition makes the following changes. Changes the wording of the for/against question to be used in the voting systems and ballots to have voters indicate for or against the following description of the amendment: Constitutional amendment to remove the literacy test requirement for voting from the North Carolina Constitution. The federal Voting Rights Act of 1965 prohibits implementation of this requirement. (Was, Constitutional amendment to repeal the requirement that every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language.)

**Intro. by Alexander, Saine, T. Brown, Stevens.**

[CONST](#)

[View summary](#)

[Constitution, Government, Elections](#)

H 116 (2023-2024) [MODIFY LAWS AFFECTING DISTRICT ATTORNEYS](#). Filed Feb 14 2023, *AN ACT TO MODIFY VARIOUS STATUTORY PROVISIONS AFFECTING DISTRICT ATTORNEYS AND DISTRICT ATTORNEYS' OFFICES*.

House committee substitute to the 1<sup>st</sup> edition makes the following changes. Amends GS 7A-413 (pertaining to the powers of the Conference of District Attorneys' [Conference]) as follows. Authorize the Conference to provide legal counsel and advice to the district attorneys and their staff related to the performance of their duties through attorneys employed by the Conference. Specifies that advice or counsel provided by the Conference is confidential and privileged, including any documents or communications made or used in connection with that legal counsel or advice. Specifies that those communications or documents are not public records under State law (GS 132-1) and are not available for inspection or copying except as provided for by GS 132-1.4(g) (pertaining to exemption and disclosures of criminal investigation records).

Amends GS 74-414 (pertaining to executive director of the Conference) as follows. Requires the conference to employ an Executive Director, who must be an attorney licensed and eligible to practice law in North Carolina at the time of appointment and while serving as Executive Director. (Currently, just authorized to employ an executive secretary, who does not have to be a North Carolina licensed attorney.) Makes conforming changes to the section's title. Provides for longevity pay to Executive Director instead of merit and other increment raises starting after five years of service as Executive Director, including any service as a public defender, appellate defender, assistant public or appellate defender, district attorney, assistant district attorney, resource prosecutor, justice or judge of the General Court of Justice, or clerk of superior court. Sets forth formula to establish rates of longevity pay which increases every five years.

Amends GS 7A-314 (pertaining to uniform fees for witnesses and experts) as follows. Allows witnesses who are entitled to a fee under State law and law enforcement officers who qualify as a witness to be paid either an allowance or reimbursement for meals and lodging, and travel expenses. (Currently, just reimbursement.) Specifies that those individuals who are required to appear for more than one day are entitled to an allowance or reimbursement for expenses. (Currently, just reimbursement for actual expenses.) Makes conforming changes to indicate option for allowances in addition to reimbursement.

Amends GS 7A-38.7 (pertaining to dispute resolution fees for cases referred to mediation) to allow for the court, upon a motion by the district attorney, to waive or reduce a dispute resolution fee for criminal cases referred to the community mediation center, as applied to an entire class of criminal cases by administrative order or otherwise, when the court finds that a mediation program exists in the judicial district that operates in compliance with state law and such fee prevents access to a community mediation center. Deletes requirement that requires the court to set forth findings of fact and conclusions of law

when issuing any other order waiving or reducing community mediation fees. Amends GS 7A-38.3D(m) (pertaining to mediation as part of a criminal case) to allow for dispute resolution fees for mediation to be waived in part or in its entirety pursuant to the court orders issued under GS 7A-38.7, discussed above. Effective October 1, 2023 and applies to proceedings on or after that date.

Makes conforming changes to the effective dates.

Deletes proposed amendments to GS 132-1.1(a). Makes organizational changes.

**Intro. by Stevens.**

[GS 7A, GS 132](#)

[View summary](#)

[Courts/Judiciary, Court System](#)

H 125 (2023-2024) [SAFE SURRENDER INFANTS](#). Filed Feb 15 2023, *AN ACT TO REVISE THE LAWS PERTAINING TO THE SAFE SURRENDER OF INFANTS UNDER THE ABUSE, NEGLECT, AND DEPENDENCY LAWS AND TO MAKE CONFORMING STATUTORY CHANGES*.

House Committee substitute to the 1<sup>st</sup> edition makes the following changes. Under the 1<sup>st</sup> edition of the bill, Article 5A does not apply when the infant is not reasonably believed to be under seven days old. Removes this language and changes the exclusion to when “a surrendered infant is reasonably believed to be more than seven days old.” Changes the age of the infant from “under” seven days old to “not more than” seven days old throughout the Article, in GS 7B-101, GS 14-318.2, GS 14-318.4, and GS 14-322.3. Changes the age of the infant from “less than seven days of age” to “not more” than seven days of age in GS 14-322.3. Makes technical changes to GS 7B-1105.1 to change references from juvenile to infant.

Makes reorganizational changes.

**Intro. by White, Bradford, Riddell.**

[GS 7B, GS 14, GS 115C](#)

[View summary](#)

[Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Government, Public Safety and Emergency Management, State Agencies, UNC System, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Social Services, Child Welfare](#)

H 140 (2023-2024) [CIVILIAN TRAFFIC CRASH INVESTIGATORS](#). Filed Feb 16 2023, *AN ACT AUTHORIZING CITIES TO EMPLOY AND ALLOW CIVILIAN PERSONNEL TO INVESTIGATE TRAFFIC CRASHES*.

House committee substitute to 1<sup>st</sup> edition makes the following changes. Changes the entity responsible for designing civilian investigator training program under GS 160A-499.6 (new provision pertaining to civilian traffic crash investigators) to the North Carolina Justice Academy (NCJA) (was, designed by the chief of police, or the chief's designee, or, if applicable, the sheriff of the county with which the city has contracted to provide law enforcement services, or the sheriff's designee, in consultation with the NCJA). Adds specification that the employment or use of civilian investigators, either full or part time, will not supplant or replace any existing sworn law enforcement personnel or otherwise reduce the number of sworn law enforcement officers employed by the city. Amends GS 20-166.1(i) (pertaining to reports and investigations required in the event of an accident) to make conforming changes to account for reports made by civilian investigators employed pursuant to new statute. Requires NCJA to develop a uniform statewide training program for civilian investigators and to make the training available to civilian investigators employed by any municipality under the new statute.

**Intro. by Faircloth, Hardister, Lambeth, Ross.**

[GS 160A](#)

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

H 237 (2023-2024) [CRIMINAL LAW REVISIONS](#). Filed Mar 1 2023, *AN ACT TO CRIMINALIZE MONEY LAUNDERING AND TO ESTABLISH AN ENHANCED SENTENCE IF A DEFENDANT IS CONVICTED OF AN OFFENSE AND THE DEFENDANT WAS WEARING A MASK, HOOD, OR OTHER CLOTHING OR DEVICE TO CONCEAL OR ATTEMPT TO CONCEAL THE DEFENDANT'S IDENTITY.*

#### Part I

Enacts new GS 14-118.8 setting forth crime of money laundering as follows. Sets forth defined terms *criminal activity*, *financial institution*, *funds*, *insurer*, and *proceeds*. Establishes offense of money laundering if a person knowingly does any of the following: (1) acquires or maintains an interest in, conceals, possesses, transfers, or transports the proceeds of criminal activity; (2) conducts, supervises, or facilitates a transaction involving the proceeds of criminal activity; (3) invests, expends, or receives, or offers to invest, expend, or receive, the proceeds of criminal activity or funds that the person believes are the proceeds of criminal activity; (4) finances or invests, or intends to finance or invest, funds that the person believes are intended to further the commission of criminal activity. Specifies that knowledge of the specific nature of the criminal activity giving rise to the proceeds is not required to establish a culpable mental state under GS 14-118.8. Specifies that a person is presumed to believe that funds are the proceeds of or intended to further criminal activity if a law enforcement officer or someone acting at their direction represented those things, regardless of whether or not the officer or designee disclosed their status as a law enforcement officer or someone acting at the officer's direction.

If the value of the laundered proceeds or funds is less than \$100,000 the offense is punishable as a Class H felony, in addition to any other civil or criminal penalties provided by law. If the value is more than \$100,000 the offense is punishable as a Class C felony, in addition to any other civil or criminal penalties provided by law. Specifies that all property of every kind used or intended for use in the course of, derived from, maintained by, or realized through money laundering as set forth in GS 14-118.8 will be subject to forfeiture under the process set forth in GS 75D-5 (pertaining to Racketeer Influenced and Corrupt Organizations (RICO) civil forfeiture). If the proceeds are related to one scheme or continuing course of conduct, regardless of the source of funds, allows for the conduct to be considered one offense and for aggregation of the value of the proceeds for purposes of determining the classification of the offense. Bars merger of violations of GS 14-118.8 with other offenses.

Specifies that it is a defense to prosecution under GS 14-118.8 if the person acted with intent to facilitate the lawful seizure, forfeiture, or disposition of funds or other legitimate law enforcement purpose pursuant to the laws of this State or the United States. Provides civil liability shield for financial institutions or its agents who have acted lawfully to facilitate the lawful seizure, forfeiture, or disposition of funds from persons who (1) claim an ownership interest in funds involved money laundering or (2) conduct with the financial institution or insurer a transaction concerning funds involved in money laundering.

Makes conforming change to GS 75D-3(c)(1) (RICO definitions) to include reference to GS 14-118.8.

#### Part II

Enacts new GS 15A-1340.16F, providing for enhanced sentences if a defendant is convicted of a misdemeanor or felony and the defendant was wearing a mask, hood, or other clothing or device to conceal or attempt to conceal the defendant's identity as follows. Specifies that if a person is convicted of a misdemeanor or felony and it is found as provided in this section that the person wore a mask, hood, or other clothing or device that concealed or attempted to conceal the person's identity at the time of the offense, then the person is guilty of a misdemeanor or felony that is one class higher than the underlying misdemeanor or felony for which the person was convicted. Specifies that new offense does not apply if wearing a mask, hood, or other clothing or device to conceal or attempt to conceal their identity is needed to prove an element of the underlying misdemeanor or felony. Requires allegation of facts for violation of GS 15A-1340.16F along with indictment or information for the underlying misdemeanor or felony offense(s), either in same document or by separate indictment/information. Specifies that the State must prove the violation of GS 15A-1340.16F beyond a reasonable doubt during the same trial in which the defendant is tried for the offense unless the defendant pleads guilty or no contest to the issues.

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

**Intro. by Torbett, Greene, Faircloth, Carson Smith.**

[GS 14, GS 15A](#)

[View summary](#)**Courts/Judiciary, Criminal Justice, Criminal Law and Procedure**

H 241 (2023-2024) **UNIFORMED CIVIL SERVICE ACT**. Filed Mar 1 2023, *AN ACT TO PROHIBIT DISCRIMINATION OR RETALIATION IN EMPLOYMENT FOR ABSENCES OF MEMBERS OF THE CIVIL AIR PATROL PERFORMING AUTHORIZED DUTIES AND TO APPROPRIATE FUNDS FOR EMPLOYER EDUCATION.*

Enacts GS 143B-1033. Prohibits employers from discriminating against or taking any adverse employment actions against an employee based on either the employee's membership in the NC Wing-Air Patrol, or the employee's statutorily authorized absence, meaning one that is required to perform duties incident to a State approved mission or US Air Force authorized mission, is no longer than seven consecutive scheduled working days for the employee, and which does not exceed 14 scheduled working day absences for the employee in one calendar year. Permits the employer to require documentation of the employee's mission order. Specifies that the enactment does not require an employer to pay salary or wages to an employee during an authorized absence unless the employee chooses to use paid leave.

Appropriates \$5,000 from the General Fund to the Department of Labor for 2023-24 to create and provide educational materials to employers relating to new GS 143B-1033.

Effective July 1, 2023.

**Intro. by Loftis, Bell, Saine, D. Hall.**

**APPROP, GS 143B**

[View summary](#)**Employment and Retirement, Government, Budget/Appropriations, Military and Veteran's Affairs**

H 243 (2023-2024) **REPEAL COLLECTIVE BARGAINING BAN**. Filed Mar 1 2023, *AN ACT REPEALING THE BAN ON PUBLIC EMPLOYEE COLLECTIVE BARGAINING.*

Repeals GS 95-98, as the title indicates.

**Intro. by Logan, Harrison, Hawkins, Majeed.**

**GS 95**

[View summary](#)**Employment and Retirement, Government, State Government, State Personnel, Local Government**

H 246 (2023-2024) **REVISE PHARMACY BENEFITS MANAGER PROVISIONS**. Filed Mar 1 2023, *AN ACT TO LIMIT THE USE OF SPREAD PRICING, FEES, AND REBATES BY PHARMACY BENEFITS MANAGERS, TO ESTABLISH UNIFORM STANDARDS FOR ACCREDITATION, TO CLARIFY A HEALTH BENEFIT PLAN BENEFICIARY'S RIGHT TO A PHARMACY OF CHOICE, TO CLARIFY THE APPLICATION OF THE PHARMACY BENEFITS MANAGER COPAYMENT ACCUMULATOR PROVISION, AND TO STRENGTHEN THE PROTECTIONS PROVIDED TO PHARMACIES DURING AUDITS.*

Part I.

Amends GS 58-56A-1 by adding and defining the following terms as they are used in Article 56A, Pharmacy Benefits Management, of GS Chapter 58: *national average drug acquisition cost*, *specialty drug*, and *specialty pharmacy accreditation*.

Amends GS 58-56A-4 by deleting the provisions related to fees that may be charged by a pharmacy benefits manager for a fee relating to the adjudication of a claim, and instead replaces those provisions with the following. Prohibits a pharmacy benefits manager from charging a pharmacist or pharmacy a fee related to the adjudication of a claim. Prohibits a pharmacy benefits manager from: (1) reimbursing a pharmacy or pharmacist for a prescription drug or pharmacy service in an amount less than the national average drug acquisition cost for the prescription drug or pharmacy service at the time it is administered or

dispensed, plus a *professional dispensing fee* (as defined); (2) reimbursing a pharmacy or pharmacist for a prescription drug or pharmacy service in an amount less than the amount the pharmacy benefits manager reimburses itself or an affiliate for the same prescription drug or pharmacy; (3) basing pharmacy reimbursement on patient outcomes, scores, or metrics; (4) imposing a point-of-sale or retroactive fee on a pharmacist, pharmacy, or insured; (5) deriving any revenue from a pharmacist, pharmacy, or insured in connection with performing pharmacy benefits management services; and (6) receiving deductibles or copayments. Provides that a pharmacy or pharmacist must not be prohibited by a pharmacy benefits manager from dispensing any specialty drug allowed to be dispensed under a license to practice pharmacy under Article 4A of GS Chapter 90 if the pharmacist or pharmacy obtains specialty pharmacy accreditation. Makes a conforming deletion. No longer allows the retroactive denial or reduction of a claim for pharmacist services after adjudication of the claim when the adjustments were part of an attempt to limit overpayment recovery efforts by a pharmacy benefits manager. Specifies that the provisions of Article 4C, Pharmacy Audit Rights, of GS Chapter 90 apply to an audit of a pharmacy or pharmacist conducted by a pharmacy benefits manager, insurer, or third-party administrator and are enforceable by the Commissioner.

Enacts new GS 58-56A-6 prohibiting a pharmacy benefits manager from charging an insurer offering a health benefit plan a price for prescription drugs that differs from the amount the manager pays the pharmacy or pharmacist for pharmacist services.

Amends GS 58-56A-15 to prohibit a pharmacy benefits manager from (1) denying the right to any properly licensed pharmacist or pharmacy with specialty drug accreditation to participate in a retail pharmacy network that dispenses specialty drugs on the same terms and conditions of other similarly situated participants in the network or (2) requiring multiple specialty pharmacy accreditations as a prerequisite for participation in a retail pharmacy network that dispenses specialty drugs. Also prohibits a pharmacy benefits manager from charging a pharmacist or pharmacy a fee related to participation in a retail pharmacy network.

Enacts new GS 58-56A-22 to require licensed pharmacy benefits managers to file a report quarterly, beginning April 1, 2025, that contains four specified items concerning aggregate wholesale acquisition costs for therapeutic categories of drugs, aggregate rebates for each health benefit plan, aggregate amount of fees and rebates received, and rebates from all manufacturers that were not passed on to clients. Makes the information in the report confidential and privileged and not a public record, not subject to subpoena, and not subject to discovery or admissible in evidence in a private civil action. Requires the Commission to annually, beginning August 1, 2025, to prepare a report based on the reported information and post the report on the Department of Insurance's website.

## Part II.

Amends GS 58-51-37, pharmacy of choice, to no longer exclude from the statute's provisions (1) any entity that has its own facility; employs or contracts with physicians, pharmacists, nurses, and other health care personnel; and that dispenses prescription drugs from its own pharmacy to its employees and to enrollees of its health benefit plan and (2) a hospital or other health care facility licensed pursuant to GS Chapters 131E or 122C, when dispensing prescription drugs to its patients. Adds that the terms of a health benefit must not impose upon a beneficiary any copayment, amount of reimbursement, number of days of a drug supply for which reimbursement will be allowed, or any other payment or condition relating to purchasing pharmacy services, including prescription drugs, from any pharmacy that is more costly or more restrictive than that which would be imposed upon the beneficiary if those services were purchased from a mail-order pharmacy or any other pharmacy willing to provide the same services or products for the same cost and copayment as any mail order service.

Amends GS 58-5A-3 by specifying that a pharmacy benefits manager must not prohibit an insured's selection of a pharmacy or pharmacist with respect to any pharmacy or pharmacist that has agreed to participate in the health benefit plan according to the insurer's terms. Amends the provision requiring that when calculating an insured's contribution to any out-of-pocket maximum, deductible, copayment, coinsurance, or other applicable cost-sharing requirement, the insurer or pharmacy benefits manager must include any amounts paid by the insured for prescriptions that meet the specified requirements, to provide that this does not apply to an insured covered by a high deductible health plan if its application would render the insured ineligible for a health savings account unless the insured has satisfied the minimum deductible or the prescription qualifies as preventative care.

Repeals GS 58-56A-50(c), under which the provisions of GS 58-51-37 (Pharmacy of choice) apply to pharmacy benefits managers with respect to 340B covered entities and 340B contract pharmacies.

## Part III.

Amends GS 90-85.50 to provide that whenever a managed care company, insurance company, third-party payer, or any entity that represents a responsible party conducts an audit of the records of a pharmacy, the pharmacy has a right to: (1) if an audit is conducted for a reason other than described in subdivision (6) (having a projection of an overpayment or underpayment based on either the number of patients served with a similar diagnosis or the number of similar prescription orders or refills for similar drugs), the audit is limited to 15 total (was, 100 selected), including refills (previously did not specify that refills were included) and (2) if an audit reveals the necessity for a review of additional claims, the pharmacy may request the audit be conducted on site (was, on site without a request needed) and adds that it is entitled to written notice of the basis of the claims, including a specific description of any suspected fraud or abuse, at least 14 days prior to any additional audit.

Amends GS 90-85.52 to require the entity conducting an audit, before any recoupment, to provide the pharmacy with a summary describing the total recoupment amount and the date on which it will be assessed. Requires the summary to also include payment summaries or electronic remittance advices documenting any disputed funds, charges, or other penalties.

Part IV.

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

**Intro. by Sasser, Bell, Blackwell, Humphrey.**

**GS 58, GS 90**

[View summary](#)

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

H 248 (2023-2024) **REMEMBER 9/11 WITH FREEDOM FLAG**. Filed Mar 1 2023, *AN ACT DESIGNATING THE FREEDOM FLAG AS A SYMBOL OF THE STATE'S CONTINUED REMEMBRANCE OF THE LIVES LOST DUE TO THE TERRORISTS' ATTACKS ON SEPTEMBER 11, 2001, AND AUTHORIZING THE FREEDOM FLAG TO BE DISPLAYED ON SEPTEMBER 11 OF EACH YEAR.*

Enacts new GS 145-32.1 designating the Freedom Flag created by the Freedom Flag Foundation as a symbol of the State's remembrance of American lives lost as a result of the terrorist attacks in the US on September 11, 2001. Allows the flag to be flown with the US and State flags on public buildings and institutions and at county courthouses statewide on September 11. Allows public offices and officials to accept a donation of a Freedom Flag.

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

**GS 145**

[View summary](#)

**Government, Cultural Resources and Museums**

H 249 (2023-2024) **JANUARY 6 RIOT/ATTEMPT OVERTHROW OF GOV'T**. Filed Mar 1 2023, *AN ACT TO MAKE IT A CLASS F FELONY TO ENGAGE IN A RIOT OR INCITE A RIOT IN WHICH AN ATTEMPT OCCURS TO OVERTHROW THE GOVERNMENT OF THE UNITED STATES, THE STATE OF NORTH CAROLINA, OR ANY POLITICAL SUBDIVISION THEREOF.*

Amends GS 14-288.2 (pertaining to riots and incitement to riot) by enacting new subsection (c1) making it a Class F felony to willfully engage in a riot if, during the course of a riot, a person attempts to overthrow the government of the United States, the State of North Carolina, or any political subdivision thereof. Enacts new subsection (f) making it a class F felony for any person who willfully incites or urges another to engage in a riot, and such inciting or urging is a contributing cause of a riot in which a person attempts to overthrow the government of the United States, the State of North Carolina, or any political subdivision thereof. Effective December 1, 2023, and applies to offenses committed on or after that date.

**Intro. by Everitt.**

**GS 14**

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and Procedure**

H 250 (2023-2024) **DEATH BY DISTRIBUTION REVISIONS**. Filed Mar 1 2023, *AN ACT TO MODIFY THE OFFENSE OF DEATH BY DISTRIBUTION TO INCLUDE THE UNLAWFUL DELIVERY AND INGESTION OF CERTAIN CONTROLLED SUBSTANCES THAT PROXIMATELY CAUSES THE DEATH OF A PERSON AND TO INCREASE THE PUNISHMENTS FOR A PERSON WHO COMMITS THE OFFENSE OF DEATH BY DISTRIBUTION*.

Enacts new subsection GS 14-18.4(a1) setting forth offense of death by distribution through unlawful delivery of certain controlled substances as Class C felony when (1) the person unlawfully delivers at least one certain controlled substance; (2) the ingestion of the certain controlled substance or substances causes the death of the user; and (3) the unlawful delivery of those controlled substance(s) proximately caused the victim's death. Sets forth separate offense of death by distribution through unlawful delivery with malice of certain controlled substances as Class B2 felony when person meets the three elements discussed above, but also acts with malice, enacted as GS 14-14.4(a2).

Amends GS 14-18.4(b) to change name of subsection title to Death by Distribution Through Unlawful Sale of Certain Controlled Substances, and GS 14-18.4(c) to change name of subsection title to Aggravated Death by Distribution Through Unlawful Sale of Certain Controlled Substances. Makes conforming changes throughout to reflect new title changes. (Currently, subsections are entitled Death by Distribution of Certain Controlled Substances, and Aggravated Death by Distribution of Certain Controlled Substances, respectively.) Deletes the requirement that the person did not act with malice as an element of each offense. For Aggravated Death by Distribution Through Unlawful Sale of Certain Controlled Substances and other offenses, increases the lookback time for previous identical or similar convictions from 7 years to 10 years. Specifies that violation of GS 14-18.4(b) is a Class B2 felony (was, Class C), and violation of GS 14-18.4(c) is a Class B1 felony (was, B2).

Amends GS 14-17 as follows. Deletes language making it second degree murder and a Class B2 felony if the murder is one that was proximately caused by the unlawful distribution of any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, or opiate, or opioid; cocaine or other substance described as a Schedule II controlled substance in GS 90-90(1)d.; methamphetamine; or a depressant described as a Schedule IV controlled substance in GS 90-92(a)(1), and the ingestion of such substance caused the death of the user. Makes conforming changes to account for deletion.

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

**Intro. by Arp, K. Baker, Wray, Carson Smith.**

**GS 14**

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and Procedure**

H 251 (2023-2024) **AMEND FUNERAL PROCESSION LAW**. Filed Mar 1 2023, *AN ACT TO ALLOW FUNERAL PROCESSIONS TO HAVE THE RIGHT-OF-WAY AT INTERSECTIONS REGARDLESS OF TRAFFIC CONTROL SIGNS OR SIGNALS AND TO PROVIDE IMMUNITY TO THE FUNERAL DIRECTOR OR FUNERAL ESTABLISHMENT FOR ANY DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE CAUSED BY THE ACTION OR INACTION OF A PERSON OPERATING A VEHICLE IN A FUNERAL PROCESSION*.

Amends GS 20-157.1 as follows. Sets forth new definitions *funeral director* and *funeral establishment*. Makes conforming change to definition of *funeral procession*, which means two or more vehicles accompanying the remains of a deceased person, or traveling to the church, chapel, or other location at which the funeral services are to be held, in which the lead vehicle is either a State or local law enforcement vehicle, other vehicle designated by a law enforcement officer or the funeral director, or the lead vehicle displays a flashing amber or purple light, sign, pennant, flag, or other insignia furnished by a funeral establishment (was, funeral home) indicating a funeral procession.

Amends GS 20-157.1(e) to specify that funeral procession has the right-of-way at intersections regardless of traffic control signs or signals, except the operator of any vehicle in a funeral procession must yield the right-of-way (1) to law enforcement vehicles, fire protection vehicles, rescue vehicles, ambulances, and other emergency vehicles giving appropriate warning signals by light or siren and (2) when directed to do so by a law enforcement officer. Amends GS 20-157.1(c) to delete



references requiring lead vehicle in a funeral procession to comply with all traffic control signals. Specifies that when lead vehicle in a funeral procession has lawfully progressed across an intersection, all vehicles may follow. Deletes language specifying that lead funeral vehicle only can progress across an intersection in accordance with the traffic-control sign or signal, or when directed to do so by a law enforcement officer or a designee of a law enforcement officer or the funeral director, or when the lead vehicle is a law enforcement vehicle that progresses across the intersection while giving appropriate warning by light or siren. Makes technical and conforming changes. Makes conforming changes to GS 20-157.1(i) to refer to amended subsections. Effective December 1, 2023, and applies to offenses committed on or after that date.

Specifies registration requirements with the Division of Motor Vehicles (DMV) for lead funeral establishment vehicle used in funeral processions along with registration fee of \$100. Specifies that funeral establishments must amend their registration before using a vehicle not described in its initial registration (which does not expire). Prohibits the DMV from charging an additional fee for amending registrations. Specifies that failure to register a lead funeral vehicle is an infraction punishable by fine of \$250, but not negligence per se. Specifies that fees collected are to be credited to the Highway Fund. Effective December 1, 2023, and applies to funeral processions held on or after that date.

Deletes provisions of GS 20-157.1 that specify that local government ordinances in conflict with any part of the statute control and prevail over the conflicting part.

Provides immunity to any funeral director, funeral establishment, or any of their employees or agents for any death, personal injury, or property damage resulting from, caused by, or arising from any action or inaction of an operator of a vehicle in a funeral procession if: (1) the funeral procession was operating in accordance with the provisions of GS 20-157.1 or (2) the funeral procession would have been operating in accordance with the provisions of GS 20-157.1 but for a negligent act or omission in the operation of one or more vehicles in the funeral procession. Specifies that the limited grant of immunity does not apply if the death, personal injury, or property damage arose from a negligent act or omission in the operation of a vehicle operated by the funeral director, funeral establishment, or any of its employees or agents. Specifies that the operator of a vehicle in a funeral procession will not be deemed to be an agent of the funeral director or funeral establishment unless such operator is either of the following: (1) an employee of the funeral director or funeral establishment and acting in the course of his or her employment or (2) an independent contractor retained by the funeral director or funeral establishment and performing services for the funeral director, funeral establishment, or funeral home. Effective December 1, 2023, and applies to death, personal injury, or property damage occurring on or after that date.

Effective December 1, 2023, except as provided herein.

**Intro. by Alexander.**

GS 20

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

H 252 (2023-2024) [MULTIJURISDICTIONAL PROPERTY](#). Filed Mar 1 2023, *AN ACT TO ESTABLISH JURISDICTION FOR PLANNING AND DEVELOPMENT REGULATIONS FOR LAND THAT LIES WITHIN THE PLANNING AND DEVELOPMENT JURISDICTION OF MORE THAN ONE LOCAL GOVERNMENT*.

Amends GS 160D-203, which currently pertains to when a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, as follows. Enacts new subsections GS 160D-203(b)-(d) as described below. Changes references in GS 160D-203(a) from “a parcel of land” to “land,” so that the land would not have to be in one parcel in order for the provisions of that subsection to apply. Specifies that if local governments agree, with the consent of the landowner, to assign exclusive planning and development regulation, that includes all development phases on the land.

Specifies that if the local governments are unable to come to a mutual agreement as set forth above, the landowner may designate which local government’s planning and development regulations apply to the land. Authorizes landowner to enter into agreements with one or more other local governments for any part of the development, including utilities, annexation for utility access, all development phases on the land (if applicable), and other services offered, after the designation is made. Requires the landowner to record all such agreements with the register of deeds in any county where the land is located within 14 days of the execution of the agreement. Specifies that GS 160D-203 is only applicable to planning and development



regulations (currently, just development regulations). Specifies definition of *landowner* as all titleholders of record owning an interest in the land.

Makes organizational and conforming changes to account for new subsections.

**Intro. by Winslow, Brody, Tyson, Zenger.**

GS 160D

[View summary](#)

**Development, Land Use and Housing, Property and Housing, Government, Local Government**

H 253 (2023-2024) **PREVENT STUDENTS FROM HARM ACT**. Filed Mar 1 2023, *AN ACT TO INCORPORATE CHARACTER EDUCATION IN ADDRESSING BULLYING AND HARASSING BEHAVIOR, TO AUTHORIZE EXPERIENCED NONPROFITS TO PROVIDE CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAMS FOR EDUCATORS, AND TO PROVIDE AGE-APPROPRIATE INFORMATION AND RESOURCES ON PREVENTION OF SUICIDE, ABUSE, AND NEGLECT AS PART OF THE HEALTH EDUCATION CURRICULUM.*

Part I.

Amends GS 115C-81.60, which requires local boards of education to develop and implement character education instruction; adds the requirement that this instruction be high-quality and specifies that it is to be incorporated into the standard curriculum at all grade levels. Requires, rather than encouraging, local boards of education to include instruction on respect for school personnel, responsibility for school safety, service to others, and good citizenship. Amends the requirements for instruction in responsibility for school safety to also include creating a school atmosphere that is free from *bullying and harassing behavior* (as defined in GS 115C-407.15).

Amends GS 115C-407.16, which requires local school administrative units to adopt policies prohibiting bullying or harassing behavior. Specifies that the units are to also implement the policy. Specifies that the required policy components are preventative. Provides that the component consisting of consequences and appropriate remedial action for a person who commits bullying or harassment may include additional high-quality instruction on the trait and responsibilities of character education, or participation in a conflict resolution and mediation model. Removes outdated language.

Applies beginning with the 2023-24 school year.

Part II.

Amends GS 115C-375.20 to allow the training program for school personnel on child sexual abuse and sex trafficking to be provided, among the other listed options, by a nonprofit organization with over 10 years of experience in providing a research-based child sexual abuse prevention curriculum.

Part III.

Amends GS 115C-81.25 to require that the health education instruction for the K-9th grade component on mental and emotional health also include resources, skills, and strategies for suicide prevention. Also requires that the instruction include abuse and neglect prevention, including sexual abuse, that is age appropriate and provides high-quality information to students on resources for reporting abuse.

Applies beginning with the 2023-24 school year.

**Intro. by Elmore, K. Baker, White, Clemmons.**

GS 115C

[View summary](#)

**Education, Elementary and Secondary Education, Health and Human Services, Social Services, Child Welfare**

H 254 (2023-2024) [STORAGE OF FIREARMS TO PROTECT MINORS](#). Filed Mar 1 2023, *AN ACT TO REQUIRE A PERSON WHO OWNS OR POSSESSES A FIREARM AND RESIDES IN THE SAME PREMISES AS A MINOR TO STORE OR KEEP THE FIREARM IN A LOCKED CONTAINER EXCEPT WHEN THE FIREARM IS BEING LAWFULLY CARRIED OR USED*.

Repeals GS 14-315.1, concerning storage of firearms to protect minors.

Enacts new GS 14-315.1A which requires a person who owns or possesses a firearm and resides in the same premises as a minor to store or keep the firearm in a locked container, except when it is being carried or used by the owner or any lawfully authorized user. Makes violations a Class A1 misdemeanor. Provides that if a minor accesses a firearm stored or kept in violation of these requirements and the minor uses the firearm in a way that results in injury to a person or property, the person whose property or person is injured may sue for and recover treble damages, costs, and attorneys' fees from the person who violated the requirements.

Amends GS 14-315.2 by updating the notice required to be posted at the purchase counter of any sales outlet that sells firearms, to include notification that a firearm that a reasonable person should know is accessible to a minor must be in a locked container. Makes additional conforming changes.

Applies to offenses committed on or after December 1, 2023.

**Intro. by A. Jones, Morey, Hawkins.**

[GS 14](#)

[View summary](#)

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

H 255 (2023-2024) [REGULATE EV CHARGING STATIONS](#). Filed Mar 1 2023, *AN ACT TO REGULATE ELECTRIC VEHICLE CHARGING STATIONS*.

Adds to GS 20-4.01 to define electric vehicle charging station to mean a public or private parking space that is served by charging equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric vehicle.

Enacts GS 20-162.4 to prohibit parking a vehicle in an electric vehicle charging station located on public or private property if the vehicle is not connected to the charging equipment, punishable as an infraction and fine of \$100. Details signage required of a space designated as an electric vehicle charging station. Permits municipalities to, by ordinance, prohibit additional conduct and provide higher penalties regarding parking in a space designated as an electric vehicle charging station. Requires enforcement by the State, county, city, and other municipal authorities in their respective jurisdictions in the same manner as other parking laws and ordinances are enforced.

Enacts GS 143-139.5 prohibiting electric vehicle charging stations that use parking spaces in parking lots or parking garages from displacing handicapped accessible parking spaces.

Applies to offenses committed on or after December 1, 2023.

**Intro. by Warren, von Haefen.**

[GS 20, GS 143](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Transportation](#)

H 256 (2023-2024) [MUDDY SNEAKERS](#). Filed Mar 1 2023, *AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE MUDDY SNEAKERS PROGRAM*.

Appropriates \$500,000 in recurring funds for 2023-24 from the General Fund to the Department of Public Instruction to be allocated to Muddy Sneakers, Inc., to support its experiential learning programs that aim to improve the science aptitude of fifth grade students through supplemental, hands-on field instruction of the State science standards. Effective July 1, 2023.

**Intro. by Johnson, Blackwell, Balkcom, Gillespie.****APPROP**[View summary](#)**Education, Elementary and Secondary Education,  
Government, Budget/Appropriations, State Agencies,  
Department of Public Instruction**

H 258 (2023-2024) **NOVEL OPIOID CONTROL ACT OF 2023**. Filed Mar 1 2023, *AN ACT TO UPDATE THE STATE CONTROLLED SUBSTANCES ACT*.

Expands the definition of opiates under GS 90-89 (listing Schedule I controlled substances) to include 45 additional chemical designations. Amends GS 90-89(1a) to change the alternative names for certain fentanyl derivatives. Amends GS 90-89 to enact new subdivision GS 90-89(1b) to include Nitazene derivatives as a Schedule I controlled substance including any of the specified derivatives, their salts, isomers, or salts of isomers unless specifically utilized as part of the manufacturing process by a commercial industry of a substance or material not intended for human ingestion or consumption, as a prescription administered under medical supervision, or for research at a recognized institution, whenever the existence of these salts, isomers, or salts of isomers is possible within the specific chemical designation or unless specifically excepted or listed in this or another schedule, structurally derived from benzimidazole by substitution at the 1-position nitrogen with an ethylamine group, and by substitution at the 2-position carbon with a benzyl group, whether or not the compound is further modified in any of specified ways.

Revises GS 90-89(3)v (pertaining to Schedule I hallucinogenic substances) to read “bromo-2, 5-dimethoxyamphetamine” (currently, 4-bromo-2, 5-dimethoxyamphetamine) and GS 90-89(3)(mm) to read “5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT)” (currently, 5-methoxy-N-methyl-N-propyltryptamine (5-MeO-MiPT)).

Expands scope of substituted cathinones as Schedule I substance under GS 90-89(5)j to include cycloalkyl.

Amends GS 90-89(7) (synthetic cannabinoids) to conform to statutory list. Amends GS 90-89(7)(n), synthetic cannabinoids, to add four additional groups and GS 90-89(7)(o) to delete reference to APINCACA as a substance included in the definition.

Amends GS 90-90(2)h1 (pertaining to Schedule II controlled substances that are opioids/opiates) to read as follows: fentanyl immediate precursor chemical 4-anilino-N-phenethylpiperidine (ANPP). (Currently, Fentanyl immediate precursor chemical, 4-anilino-N-phenethyl-4-piperidine (ANPP)). Amends GS 90-91(k)11 (Schedule III controlled substances that are anabolic steroids) to change listing to Dehydrochloromethyltestosterone (currently, Dehydrochloromethyltestosterone) and GS 90-91(k)16 to Mesterolone (currently, Mesterolene).

**Intro. by Blackwell, Arp, Lambeth, Sasser.****GS 90**[View summary](#)**Health and Human Services, Health, Public Health**

## PUBLIC/SENATE BILLS

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*.

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

Part I.

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, or an S corporation (did not previously include an S corporation). Makes conforming changes.

## Part III.

Amends the definition of “cost price” in GS 105-113.4(2) to include the actual price paid by the person liable for the tax, before any discount, rebate, or allowance, for an item identified as a stock keeping unit by a unique code or identifier.

Amends GS 105-113.88 (Record-keeping requirements) to require that persons who are required to file a report or return under the Article also keep any other information required by the Secretary, specifying that this information must be required by the Secretary in order to determine the person's alcoholic beverage transactions.

Amends GS 105-449.39 to require that the amount of the credit for motor carriers be determined using the tax rate in effect for the date the fuel is placed into the qualified motor vehicle (was, using the rate in effect for the reporting period).

Amends GS 105-449.46 to also require an interstate motor carrier to maintain records to determine the person's alternative fuel transactions.

Makes a clarifying change in GS 105-449.97(e).

Amends GS 105-449.121 by providing that the records subject to inspection by the Secretary at any reasonable time are those that are subject to audit.

Amends GS 105-449.139 to no longer require that any other information required by the Secretary be recorded by the licensee as a provider of alternative fuel, a bulk end-user, or a retailer, beyond the records of documents used to determine the information provided in a return. Makes a similar change to the recording keeping requirements in GS 119-18.

Amends GS 105-449.81 by amending the conditions that must be met before an excise tax at the motor fuel rate is imposed on fuel grade ethanol or biodiesel fuel. Requires that the fuel be imported to NC by means of a vessel where fuel grade ethanol or biodiesel (previously did not specify fuel grade) from the vessel is not delivered to a terminal that has been assigned a terminal control number. Amended to also include fuel grade ethanol or biodiesel fuel that is removed from the terminal transfer system and is not subject to the federal excise tax. Imposes the tax on motor fuel that is transferred within the terminal transfer system and is subject, upon transfer, to the federal excise tax or is transferred to a person at a terminal (was, to a person) who is not licensed as a supplier.

Amends GS 105-449.88 to exempt from excise tax fuel grade ethanol or biodiesel transferred between terminals within NC, if the fuel grade ethanol or biodiesel is owned by the same licensed supplier.

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

Enacts new Article 94, Consumers in Crisis Protection Act (Act), in GS Chapter 58, providing as follows.

Sets out and defines terms as they are used in the act. Defines a *consumer legal funding company* as a person that enters into a consumer legal funding transaction with a consumer, whether or not the person is registered under this Article. Defines *consumer legal funding contract* as a contract for a consumer legal funding transaction. Defines *consumer legal funding transaction* as a nonrecourse transaction in which a consumer sells an unvested, contingent future interest in the potential net proceeds of a settlement or judgment obtained from a legal claim in exchange for no more than \$400,000 so long as: (1) the consumer is required to use the funds to address personal needs or household expenses; (2) the consumer is prohibited from using the funds to pay for attorneys' fees, legal filings, legal marketing, legal document preparation or drafting, appeals, expert testimony, or other litigation-related expenses; and (3) the consumer is not required to use the funds in a particular manner, including to make specific payments or secure specific services.

Requires registering as a consumer legal funding company with the Commissioner of Insurance (Commissioner) before entering into a consumer legal funding transaction with a consumer. Requires submission of a registration fee and proof of

financial stability. Voids a consumer legal funding contract between a consumer and a consumer legal funding company that has not registered under this Article. Sets the registration and renewal fee at \$1,000 and requires registrations to be renewed every three years. Allows a consumer legal funding company's registration or renewal to be denied for failure to comply with this Article. Exempts from the Article: (1) a consumer's immediate family member; (2) a bank, lender, financing entity, or other special purpose entity that either provides financing to a consumer legal funding company or receives an interest in a consumer legal funding from a consumer legal funding company; and (3) an attorney or accountant who provides services to a consumer.

Specifies that a consumer legal funding transaction that complies with this Article is not a loan and is not subject to any provision of law governing loans or investment contracts. Provides that to the extent that this Article conflicts with any other law, this Article supersedes that law for purposes of regulating consumer legal funding transactions in this State.

Sets out content that must be included in an application for registration. Allows the Commissioner to deem an application abandoned if the applicant fails to respond to a written request for information by the Commissioner within 30 days of the date of the request.

Requires a consumer legal funding company, before entering into a consumer legal funding transaction in this State, to file a template of a consumer legal funding contract with the Commissioner. Requires the contract to be written using plain language and be understandable to the average consumer who makes a reasonable effort under ordinary circumstances to read and comprehend the terms of the contract without needing professional assistance. Requires that all terms of the consumer legal funding contract be completed when it is presented to the consumer for their signature. Sets out required content for the contract. Requires the contract to include consumer disclosures, including 11 specified disclosures, on the first two pages, including a description of a consumer's right to rescission, total amount due from the consumer in six-month intervals for 36 months, and a statement that, if the net proceeds of the claim are insufficient to repay the consumer's financial obligation to the company, defined as the complete funded amount and charges, the consumer is not responsible to the company for any amount in excess of the net proceeds. Also requires the contract to include a written acknowledgment by the attorney retained by the consumer for the legal claim that attests to seven specified requirements, including that to the best of the attorney's knowledge, the funded amounts and any charges relating to the consumer legal funding transaction have been disclosed to the consumer, and that gross proceeds of the legal claim must be deposited into the client trust account of the attorney or a settlement fund established to receive the gross proceeds of the legal claim on behalf of the consumer. Specifies that failure of the attorney to provide this written attestation renders the contract null and void; however, the contract remains valid and enforceable if subsequent to execution, a consumer moves to substitute counsel or pursue the legal claim pro se.

Provides that if a consumer obtains no recovery from the consumer's legal claim, the consumer is not required to repay a consumer legal funding company unless the consumer committed fraud against the consumer legal funding company. Provides that if the net proceeds of the claim are insufficient to repay the consumer's financial obligation to the company, defined as the complete funded amount plus authorized charges, the consumer is not responsible to the company for any amount in excess of the net proceeds. Limits the charges a consumer legal funding company may charge a consumer to the following. (1) Upon funding, a charge not to exceed 18% of the funded amount and a servicing charge not to exceed 3.5% of the funded amount. (2) Upon every subsequent six-month anniversary, a charge not to exceed 18% of the funded amount and a servicing charge not to exceed 3.5% of the funded amount. If, however, within five days after the start of a new six-month interval, the consumer legal funding company receives payment of the full amount owed by the consumer for the immediately preceding six-month interval, no additional charges can be charged for the new six-month interval. (3) A document preparation charge, not to exceed \$250, that may be deducted from the funded amount. Prohibits charges from accruing on a consumer legal funding transaction more than 36 months after execution of the consumer legal funding contract; however, allows the company to assess charges on any additional funding, whether by amendment to the consumer legal funding contract or by execution of a new consumer legal funding contract, for 36 months after the provision of the additional funding.

Prohibits a legal funding company from performing 12 specified acts, including (1) paying or offering to pay commissions, referral fees, or any other form of consideration to any attorney, law firm, health care provider, or an employee of a law firm or health care provider for referring a consumer to the company; (2) providing legal advice to the consumer regarding the consumer legal funding transaction or the underlying legal claim; and (3) reporting a consumer to a credit reporting agency if insufficient funds remain from the net proceeds to repay the company unless the consumer has committed fraud against the consumer legal funding company.

Prohibits an attorney retained by a consumer for a legal claim from having a financial interest in the consumer legal funding company offering consumer legal funding to the consumer. Also prohibits an attorney who has referred the consumer to the consumer's retained attorney from having a financial interest in the consumer legal funding company offering consumer legal funding to the consumer. Specifies that a consumer legal funding contract that violates these requirements is null and void, and no person has a right to collect, attempt to collect, receive, or retain any funded amount or charges related to the consumer legal funding.

Specifies that communications between a consumer's attorney and a consumer legal funding company necessary to ascertain the status of a legal claim or a legal claim's expected value are not discoverable by a party with whom the claim is filed or against whom the claim is asserted.

Requires a consumer, within 30 calendar days of receipt of a written request, to disclose to any party to a legal claim whether the consumer has entered into a consumer legal funding transaction. Requires that if a consumer enters into a consumer legal funding transaction after responding to a request, the consumer must disclose this fact to the requesting person within 30 calendar days of entering into the transaction.

Provides that consumer legal funding contracts are presumed to be discoverable in a civil action; allows a consumer to seek to rebut this presumption. Presumes that consumer legal funding transactions that have been disclosed and consumer legal funding contracts discovered are inadmissible as evidence; allows a party to seek to rebut this presumption.

Allows the Commissioner to examine a consumer legal funding company and requires the company to reimburse the reasonable costs and expenses of the examination. Allows the Commissioner to waive the reimbursement in unusual circumstances and in the interests of justice.

Allows the Commissioner to adopt rules necessary for the enforcement of this Article, but requires the Commission to give notice before proposing a rule, to all companies registered or pending registration under this Article.

Allows the Commissioner, after notice and opportunity for a hearing, to take the following actions against a consumer legal funding company that intentionally violated any provision of this Article: (1) revoke, suspend, or refuse to renew a consumer legal funding company's registration; (2) order a consumer legal funding company to cease and desist from entering into additional consumer legal funding transactions; (3) assess a civil penalty of not more than \$10,000 for each violation, the clear proceeds of which must be remitted to the Civil Penalty and Forfeiture Fund; and (4) order the consumer legal financing company to make restitution to an injured consumer.

Includes a severability clause.

Effective October 1, 2023.

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

GS 58

[View summary](#)

**Business and Commerce, Consumer Protection,  
Courts/Judiciary, Government, State Agencies, Department of  
Insurance**

S 182 (2023-2024) **NO PRIVILEGE TAX FOR CERTAIN PROFESSIONS.** Filed Mar 1 2023, *AN ACT TO ELIMINATE CERTAIN PRIVILEGE TAXES.*

Repeals GS 105-41, which requires personal privilege licenses for specified professions, (attorneys, physicians, dentists, veterinarians and others who practice a professional art of healing, professional engineers, registered land surveyors, architects, landscape architects, architects, photographers, real estate brokers, real estate appraisers, persons who solicit or negotiate loans on real estate for another, funeral directors, and individuals licensed under the Home Inspector Licensure Act). Makes conforming changes to GS 53-191 (pertaining to businesses exempted from the North Carolina Consumer Finance Act) and GS 105-88(b) (pertaining to loan agencies) to remove statutory reference to GS 105-41.

Repeals GS 93-12(12), which pertains to annual submission of a list of the names of all persons who are qualified as Certified Public Accountants and accountants under State law to the Secretary of Revenue and requiring personal privilege licenses

issued under GS 105-41 to include such designation.

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

**Intro. by Sawrey, Settle, Overcash.**

[GS 53, GS 93, GS 105](#)

[View summary](#)

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

S 183 (2023-2024) [BRANDON MARSHALL ACT OF 2023](#). Filed Mar 1 2023, *AN ACT TO REPLACE THE GRAY SQUIRREL WITH THE BLACK BEAR AS THE OFFICIAL STATE MAMMAL*.

Includes whereas clauses. Amends GS 145-5 to make the black bear, instead of the gray squirrel, the official State mammal.

**Intro. by Hanig.**

[GS 145](#)

[View summary](#)

[Government, Cultural Resources and Museums](#)

S 184 (2023-2024) [RESTORE MASTER'S PAY FOR TEACHERS & ISP](#). Filed Mar 1 2023, *AN ACT TO REINSTATE EDUCATION-BASED SALARY SUPPLEMENTS FOR TEACHERS AND INSTRUCTIONAL SUPPORT PERSONNEL*.

Repeals GS 115C-302.10, which set out qualifications to be met in order for certified school nurses, teachers, and instructional support personnel to receive certain education-based salary supplements.

Requires that for 2023-24, the State Board of Education policy TCP-A-006, as it was in effect on June 30, 2013, is to be used to determine if teachers and instructional personnel are paid on the "M" schedule and whether they receive a salary supplement for academic preparation at the six-year or doctoral degree level.

Appropriates \$8 million in recurring funds for 2023-24 from the General Fund to the Department of Public Instruction to reinstate education-based salary supplements for teachers and instructional support personnel according to this act.

Effective July 1, 2023.

**Intro. by Waddell, Hunt, Mohammed.**

[APPROP, GS 115C](#)

[View summary](#)

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

S 185 (2023-2024) [RESTORE EDUCATOR LONGEVITY](#). Filed Mar 1 2023, *AN ACT TO RESTORE LONGEVITY PAYMENTS FOR EDUCATORS*.

Repeals Section 9.1(d) of SL 2014-100, which established that annual longevity payments for educators are built into their salary schedules.

Sets the rates for annual longevity payments for teachers and instructional support personnel for 2023-24 at: 1.5% of base salary for 10-14 years of State service; 2.25% of base salary for 15-19 years of State service; 3.25% for 20-24 years of State service; and 4.5% for base salary for 25 or more years of State service. Requires payment in one lump sum.

Requires that longevity payments for principals and assistant principals be provided to State employees under the Human Resources Act for 2023-24.



Appropriates \$140,300,000 from the General Fund to the Department of Public Instruction for 2023-24 to restore longevity payments pursuant to the act.

Effective July 1, 2023.

**Intro. by Waddell, Hunt, Mohammed.**

**APPROP, UNCODIFIED**

[View summary](#)

**Education, Elementary and Secondary Education,  
Employment and Retirement, Government,  
Budget/Appropriations, State Government, State Personnel**

S 186 (2023-2024) **BAIL BOND REFORM.-AB** Filed Mar 1 2023, *AN ACT TO MAKE VARIOUS CHANGES TO LAWS RELATING TO BAIL BONDSMEN, AS RECOMMENDED BY THE DEPARTMENT OF INSURANCE.*

Identical to [H 171](#), filed 2/22/23.

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

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

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

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

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

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

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

Amends GS 58-71-71 (governing continuing education requirements for runners or bail bondsmen) to change the due date for completing continuing education from June 30 to May 31. Makes a conforming change. Amends GS 58-71-75 (licensure renewal) to set an established license renewal due date of May 31 of each even-numbered year (currently, tied to the licensee's

current license expiration date). Effective July 1, 2024, and applies to bail bondsmen licenses issued or renewed on or after that date.

**Intro. by Johnson, Perry, Lazzara.**

GS 58

[View summary](#)

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

S 187 (2023-2024) **TEACHER LICENSURE/RETIRED EDUCATOR PROGRAM**. Filed Mar 1 2023, *AN ACT TO MAKE CHANGES TO TEACHER LICENSURE REQUIREMENTS AND TO REVIVE AND EXPAND THE PROGRAM TO ALLOW RETIRED EDUCATORS TO RETURN TO WORK IN HIGH-NEED SCHOOLS*.

Amends GS 115C-270.20 to make three-year limited licenses for teachers renewable. Requires for renewal that the local board of education evaluate the teacher's effectiveness every three years. Specifies that for teachers teaching subjects that use the Education Value-Added Assessment System (EVAAS), the data must demonstrate that the teacher meets or exceeds expectations of growth. Applies to any teacher who holds a nonrenewable limited license as of the date this act becomes law and beginning with applications submitted on or after the date this act becomes law.

Requires the State Board of Education (Board), in consultation with the Department of Public Instruction (DPI) and the Professional Educator Preparation and Standards Commission (PEPSC), to develop an alternative to the examination requirements for converting from an initial professional license (IPL) and a residency license (RL) to a continuing professional license (CPL). Requires the alternative to include a process to accommodate different circumstances in which the examination may not be required or be the most appropriate or efficient pathway of evaluating a teacher's readiness or effectiveness. Requires the Board, in consultation with DPI and PEPSC, to examine issues related to licensure classes and teacher salary. Requires the Board, in consultation with those same entities, to report to the specified NCGA committee by February 15, 2024, on (1) the development of the alternative to examination requirements, (2) any proposed salary incentives tied to classes of licensure, and (3) any legislative changes needed for implementation of the recommendations.

Enacts new GS 115C-270.22 to grant a servicemember who (1) has a teaching license issued by an entity other than the Board and (2) relocates to NC because of military orders for military service, a teaching license for the duration of the military orders if: (a) the servicemember provides the Board with a copy of the military orders requiring the location to NC; (b) the servicemember remains in good standing with the licensing authority that issued the license and every other licensing authority that has issued a license to the servicemember that is similar in scope to the teaching license; and (c) the servicemember submits to the Board's authority for the purpose of standards of practice, discipline, and fulfillment of any continuing education requirements. Requires the Board to adopt rules to determine which class of teacher license is to be issued. Provides that if the servicemember is transferred out of NC on military orders during a school year, the license granted under this statute terminates at the end of the school year during which the member was transferred. Amends GS 115C-270.1 to define the term servicemember. Makes conforming changes to GS 93B-15.1. Requires the State Board to adopt temporary rules to comply with these provisions, which will remain in effect until permanent rules become effective.

Part II.

Reenacts GS 115C-302.4 (high-need retired teachers), as it existed immediately prior to its expiration, until June 30, 2027. Makes the following changes to the statute. Amends the definition of high-need retired teacher to no longer require that they provide classroom instruction, only that they be reemployed as a teacher. Adds and defines the term teacher as licensed personnel who are classified as teachers or instructional support personnel. Amends the salary requirement for high-need retired teachers by adding that a school psychologist, a school speech pathologist licensed as a speech pathologist at the master's degree level or higher, and a school audiologist who is licensed as an audiologist at the master's degree level or higher, must be paid on the sixth step of the teacher salary schedule.

Amends GS 135-3, concerning membership in the Retirement System for Teachers and State Employees, to provide the computation of postretirement earnings of a beneficiary who retired on or before February 1, 2019, and who has been retired at least six months, does not include earnings while the beneficiary is employed as a high-need retired teacher, and the

beneficiary must not be restored to service as a teacher or employee. Requires a local board of education to annually inform the Retirement System, by September 15, if it will not employ high-need retired teachers for that school year. Specifies that the retirement allowance of a beneficiary who retired on an early or service retirement does not cease due to reemployment as a high-need retired teacher. Provides that a beneficiary reemployed as a high-need retired teacher is not entitled to any benefits otherwise provided under GS Chapter 135 as a result of this period of employment. Makes conforming changes. Makes conforming changes to GS 135-1. Amends GS 135-48.40 to include high-need retired teachers in those who are eligible for coverage under the State Health Plan for Teachers and State Employees on a partially contributory basis.

Allows the State Treasurer to seek a private letter ruling from the IRS to determine if the provisions of this section relating to the computation of postretirement earnings of retired teachers jeopardize the status of the Teachers' and State Employees' Retirement System.

Allows the Retirement Systems Division of the Department of State Treasurer to increase receipts from the retirement assets of the System or pay costs associated with the administration directly from the retirement assets.

Provides that any beneficiary that is employed by a local board of education as a high-need retired teacher, is not eligible to elect into a position that would lead him or her to be eligible to accrue any additional benefits. Requires any failure of a local board of education or a beneficiary to comply with the foregoing to be corrected by the Retirement System as it determines may be appropriate; costs of the correction are the sole responsibility of the local board of education and must be transferred to the Pension Accumulation Fund.

Expires June 30, 2027.

**Intro. by McInnis, Johnson, Barnes.**

[GS 93B, GS 115C, GS 135](#)

[View summary](#)

**Education, Elementary and Secondary Education, Employment and Retirement, Government, State Agencies, Department of State Treasurer, State Board of Education, State Government, State Personnel**

S 188 (2023-2024) [LOCAL GOVERNING BDS/COMPENSATION EQUITY ACT](#). Filed Mar 1 2023, *AN ACT PROVIDING THAT MEMBERS OF THE GOVERNING BOARDS OF COUNTIES AND CITIES SHALL NOT FIX THEIR COMPENSATION AND ALLOWANCES AT AN AMOUNT GREATER THAN THAT OF A MEMBER OF THE GENERAL ASSEMBLY.*

Amends GS 153A-28 (pertaining to compensation/expense allowances for board of county commissioners) and GS 160A-64 (pertaining to compensation/expense allowances for city mayors and councils) to cap compensation/expense allowances to no more than authorized by law for members of the General Assembly as set by GS 120-(b) and (c) (setting annual salary of \$13,951 and expense allowance of \$559 per month for members of the General Assembly who are not in designated leadership roles along with any per diem allowance permitted by law.) Currently, no compensation caps exist for governing members of counties and cities. Specifies that if a governing member of a county subject to the compensation caps becomes a full-time county official, then their adjusted compensation and allowances will not be subject to the caps. Specifies that a salary of an elected city officer other than a member of the council may not be reduced during their current term of office unless they agree, unless the salary must be reduced in order to comply with the caps discussed above. (Currently, those current salaries can only be reduced if the person agrees.) Applies to the annual budget ordinance adopted for the 2023-2024 fiscal year.

**Intro. by Moffitt, Hanig.**

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

[View summary](#)

**Government, Local Government**

S 189 [FENTANYL DRUG OFFENSES/INCREASE PUNISHMENT](#). Filed Mar 1 2023, *AN ACT TO INCREASE THE FINE IMPOSED ON PERSONS CONVICTED OF TRAFFICKING IN HEROIN, FENTANYL, OR CARFENTANIL; TO MODIFY THE OFFENSE OF DEATH BY DISTRIBUTION TO INCLUDE THE UNLAWFUL DELIVERY AND INGESTION OF CERTAIN CONTROLLED*

*SUBSTANCES THAT PROXIMATELY CAUSES THE DEATH OF A PERSON AND TO INCREASE THE PUNISHMENTS FOR A PERSON WHO COMMITS THE OFFENSE OF DEATH BY DISTRIBUTION; TO ADD POSSESSION OF LESS THAN ONE GRAM OF FENTANYL TO THE LIST OF OFFENSES FOR WHICH LIMITED IMMUNITY FROM PROSECUTION APPLIES FOR AN INDIVIDUAL WHO SEEKS MEDICAL ASSISTANCE; AND TO CREATE THE TASK FORCE ON ENFORCEMENT OF FENTANYL AND HEROIN DRUG VIOLATIONS.*

#### Part I

Amends GS 90-95 (pertaining to penalties for certain opioid-related crimes) to set forth higher monetary fines for violations of trafficking in opium, opiate, opioid, or heroin as follows. If the amount is between 4 and 14 grams (a Class F felony) and the controlled substance is heroin, fentanyl, or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances, increases fine to \$500,000. Fine remains no less than \$50,000 for any other controlled substance violations under GS 90-95 that would be classified as a Class F felony. If the amount is between 14 and 28 grams (a Class E felony) and the controlled substance is heroin, fentanyl, or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances, increases fine to \$750,000. Fine remains no less than \$100,000 for any other controlled substance violations under GS 90-95 that would be classified as a Class E felony. If the amount is 28 grams or more (a Class C felony) and the controlled substance is heroin, fentanyl, or carfentanil, or any salt, compound, derivative, or preparation thereof, or any mixture containing any of these substances, increases fine to \$1 million. Fine remains no less than \$500,000 for any other controlled substance violations under GS 90-95 that would be classified as a Class C felony. Effective December 1, 2023, and applies to offenses committed on or after that date.

#### Part II

Enacts new subsection GS 14-18.4(a1), setting forth offense of death by distribution through unlawful delivery of certain controlled substances as a Class C felony when (1) the person unlawfully delivers at least one certain controlled substance, (2) the ingestion of the certain controlled substance or substances causes the death of the user, and (3) the unlawful delivery of those controlled substance(s) proximately caused the victim's death. Sets forth separate offense of death by distribution through unlawful delivery with malice of certain controlled substances as a Class B2 felony when the person meets the three elements discussed above, but also acts with malice, enacted as GS 14-14.4(a2).

Amends GS 14-18.4(b) to change name of subsection title to Death by Distribution Through Unlawful Sale of Certain Controlled Substances, and GS 14-18.4(c) to change name of subsection title to Aggravated Death by Distribution Through Unlawful Sale of Certain Controlled Substances. Makes conforming changes throughout to reflect new title changes. (Currently, subsections are entitled Death by Distribution of Certain Controlled Substances, and Aggravated Death by Distribution of Certain Controlled Substances, respectively.) Deletes the requirement that the person did not act with malice as an element of each offense. For Aggravated Death by Distribution through Unlawful Sale of Certain Controlled Substances and other offenses, increases the lookback time for previous identical or similar convictions from 7 years to 10 years. Specifies that violation of GS 14-18.4(b) is a Class B2 felony (was, Class C), and violation of GS 14-18.4(c) is a Class B1 felony (was, B2).

Amends GS 14-17 as follows. Deletes language making it second degree murder and a Class B2 felony if the murder is one that was proximately caused by the unlawful distribution of any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, or opioid; cocaine or other substance described as a Schedule II controlled substance in GS 90-90(1)d.; methamphetamine; or a depressant described as a Schedule IV controlled substance in GS 90-92(a)(1), and the ingestion of such substance caused the death of the user. Makes conforming changes to account for deletion.

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

#### Part III

Amends GS 90-96.2(c3) (setting forth covered offenses for which a person has limited immunity from prosecution as a good samaritan or overdose victim) to add felony violation under GS 90-95(a)(3) (barring possession of controlled substances) for possession of less than one gram of fentanyl to list of covered offenses. Effective December 1, 2023, and applies to offenses committed on or after that date.

#### Part IV

Creates a Task Force on Enforcement of Fentanyl and Heroin Drug Violations (Task Force), consisting of specified individuals, to study ways to enhance the ability of law enforcement throughout the State to combat the illegal manufacturing, importation, and distribution of fentanyl, heroin, and other similar controlled substances. Specifies composition of Task Force membership. Specifies meeting and quorum requirements. Allows for meeting space, per diem, and necessary travel and subsistence expenses for Task Force members. Specifies that legislative staff may be made available to assist the Task Force upon the approval of the Legislative Services Commission. Requires the Task Force to submit an interim report to the 2023 General Assembly when it reconvenes in 2024 and a final report, including findings and recommendations, to the 2025 General Assembly. Specifies that the Task Force terminates after filing its final report.

**Intro. by McInnis, Britt, Lazzara.**

[STUDY, GS 14, GS 90](#)

[View summary](#)

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

S 190 (2023-2024) [DOL/OSH NEW POSITIONS & SALARY INCREASE FUNDS](#). Filed Mar 1 2023, *AN ACT APPROPRIATING FUNDS FOR SALARY INCREASES FOR EMPLOYEES OF THE DEPARTMENT OF LABOR, DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, AND FOR NEW COMPLIANCE OFFICER POSITIONS IN THE DIVISION.*

Identical to [H 84](#), filed 2/9/23.

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

**Intro. by Hanig.**

[APPROP](#)

[View summary](#)

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

S 191 (2023-2024) [GENERAL ASSEMBLY/"IN GOD WE TRUST" DISPLAY](#). Filed Mar 1 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.*

Identical to [H 215](#), filed 2/28/23.

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 Hanig, Alexander, Ford.**

[GS 120](#)

[View summary](#)[Government, General Assembly](#)

S 192 (2023-2024) [REMOVING BARRIERS TO WORK](#). Filed Mar 1 2023, *AN ACT TO ALLOW FOR EXPUNCTION OF THE OFFENSES OF BREAKING OR ENTERING OF A BUILDING WITH INTENT TO COMMIT A FELONY OR LARCENY AND POSSESSION OF COCAINE WITH INTENT TO SELL OR DELIVER OR SELL AND DELIVER, TO PROHIBIT EXPUNCTION OF A FELONY OFFENSE UNDER CHAPTER 90 OF THE GENERAL STATUTES INVOLVING FENTANYL, AND TO AMEND THE CONDITIONS THAT RESULT IN A PETITION FOR EXPUNCTION BEING DENIED.*

Amends GS 15A-145.5 (pertaining to expunction of certain misdemeanors and felonies) as follows. Removes felony offenses under GS Chapter 90 involving possession with intent to sell or deliver cocaine and breaking or entering any building with intent to commit a felony or larceny as offenses exempt from the meaning of “nonviolent misdemeanor” or “nonviolent felony” under the expunction statute. Adds felony offenses involving fentanyl to the list of felony offenses under GS Chapter 90 that are exempt from the meaning of nonviolent misdemeanor or nonviolent felony under the expunction statute.

Amends the time periods for expunctions of up to three nonviolent felony convictions as follows. Enacts new subsubsection GS 15-145.5(c)(2)(a1) that allows a person convicted of one nonviolent felony under GS 14-54(a) or (a1), or one nonviolent felony involving possession with intent to sell or deliver or sell and deliver cocaine, to file petition for expunction 15 years after the date of the conviction or 15 years after any active sentence, period of probation, or post-release supervision related to the conviction listed in the petition has been served, whichever occurs later. Makes conforming change to GS 15-145.5(c)(2)(a) to reflect new (a1). Amends GS 15-145.5(c1) to remove references to specific waiting period years in the affidavit statement of good moral character. Expands the scope of what the court must find in order to grant a petition for expunction of one or more nonviolent misdemeanors or nonviolent felonies to include findings that (1) in addition to having no outstanding warrants or pending criminal cases, the petitioner is not under indictment, and no finding of probable cause exists against the petitioner for a felony, in any federal court or state court in the United States and (2) the petitioner is not free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime which would prohibit the person from having his or her petition for expunction under this section granted. Removes references to specific waiting period times in finding related to other felony or misdemeanor convictions required to grant petition for expunction and in finding related to completing the waiting period itself.

Effective December 1, 2023, and applies to petitions filed on or after that date.

**Intro. by Britt, Lazzara, Mohammed.**

[GS 15A](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Corrections  
\(Sentencing/Probation\), Criminal Law and Procedure](#)

## LOCAL/HOUSE BILLS

H 238 (2023-2024) [TOWN OF CLAYTON OCCUPANCY TAX](#). Filed Mar 1 2023, *AN ACT TO AUTHORIZE THE TOWN OF CLAYTON TO LEVY AN OCCUPANCY TAX.*

Authorizes the Clayton Town Council to levy a room occupancy tax of up to 2%. 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 Johnston County Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the town and the remainder for tourism–related expenditures. Makes conforming changes.

**Intro. by White, Strickland, Penny.**

[Johnston, GS 160A](#)

[View summary](#)

[Government, Tax](#)

H 239 (2023-2024) [SCHOOL CALENDAR FLEXIBILITY/JOHNSTON CO.](#) Filed Mar 1 2023, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO JOHNSTON COUNTY SCHOOLS IN ADOPTING THE SCHOOL CALENDAR.*

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to require Johnston County Schools to open no later than August 10 (currently, prohibited from opening earlier than the Monday closest to August 26), excluding year-round schools. Deletes the provisions of subsection (d) concerning waiver of the opening date requirements upon a showing of good cause. Amends GS 115C-174.12 to allow the Johnston County Schools to administer assessments before the conclusion of the fall semester if it concludes the fall semester before December 31. Applies beginning with the 2023-24 school year.

**Intro. by Strickland, White, Penny.**

[Johnston](#)

[View summary](#)

[Courts/Judiciary, Juvenile Law, Delinquency, Education, Elementary and Secondary Education](#)

H 240 (2023-2024) [TOWN OF FOUR OAKS OCC. TAX AUTHORIZATION.](#) Filed Mar 1 2023, *AN ACT TO AUTHORIZE THE TOWN OF FOUR OAKS TO LEVY AN OCCUPANCY TAX.*

Authorizes the Four Oaks Board of Commissioners to levy a room occupancy tax of up to 2%. 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 Johnson County Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the town and the remainder for tourism-related expenditures. Makes conforming changes.

**Intro. by Strickland, White, Penny.**

[Johnston](#)

[View summary](#)

[Government, Tax](#)

H 242 (2023-2024) [WRIGHTSVILLE BEACH INITIATIVE ORDINANCES.](#) Filed Mar 1 2023, *AN ACT AMENDING THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH TO ALLOW PROPOSED ORDINANCES TO BE SUBMITTED TO THE TOWN COUNCIL BY PETITION SIGNED BY FORTY PERCENT OF THE REGISTERED VOTERS OF THE TOWN.*

Amends Section 6.1 of the Charter of the Town of Wrightsville Beach, SL 1989-611, as amended, to allow proposed ordinances to be submitted to the Board of Alderman by petition signed by registered voters (was, voters) equal to at least 40% (was, 35%) of the Town's registered voters. Makes conforming changes.

**Intro. by Davis, Miller.**

[New Hanover](#)

[View summary](#)

H 244 (2023-2024) [PARTISAN BD.OFED. ELECTIONS MCDOWELL/MITCHELL.](#) Filed Mar 1 2023, *AN ACT TO PROVIDE FOR PARTISAN ELECTIONS OF MEMBERS TO THE MCDOWELL COUNTY BOARD OF EDUCATION AND TO THE MITCHELL COUNTY BOARD OF EDUCATION.*

Amends Section 1 of SL 1987-322, as amended, to require, beginning with elections held in 2024, that the McDowell County Board of Education be elected on a partisan basis (was, nonpartisan basis). Requires vacancies on the Board for positions elected on a nonpartisan basis in 2020 and 2022 be filled by appointment by the remaining members in accordance with the specified plan and session law. Requires, beginning in 2024, that vacancies on the Board for positions elected on a partisan



basis be filled by appointment by the remaining members in accordance with GS 115C-37.1 (Vacancies in offices of county boards elected on partisan basis) for the remainder of the unexpired term.

Specifies that the act does not affect the terms of office of any member elected in 2020 or 2022 to the McDowell County Board of Education. Requires the members of the McDowell County Board of Education elected in 2020 or 2022 or any member appointed to fill a vacancy for the remainder of an unexpired term for one of those members to serve until a successor has been elected and qualified.

Repeals SL 1987-55 under which elections to the Mitchell County Board of Education are nonpartisan.

Sets membership in the Mitchell County Board of Education to be by biennial partisan elections instead of nonpartisan elections that generally apply to counties under GS 115C-37, beginning with elections held in 2024. Prescribes procedures for candidacy, taking office, term, and vacancy. Provides that terms of office of any member elected in 2020 or 2022 to the Mitchell County Board of Education are not affected by this act and those members and any member appointed to fill a vacancy for the remainder of an unexpired term for a member elected in 2020 or 2022 serve until a successor has been elected and qualified. Requires vacancies for positions elected in 2020 or 2022 to be filled by a person appointed by the remaining members of the Board, but beginning in 2024, vacancies elected on a partisan basis must be filled by appointment by the remaining members of the Board, in accordance with GS 115C-37.1 (Vacancies in offices of county boards elected on partisan basis), for the remainder of the unexpired term.

Amends GS 115C-37.1(d) by adding Mitchell and McDowell counties to the section prescribing procedures for filling vacancies to Board of Education positions filled through partisan elections. Effective December 1, 2024.

**Intro. by Greene, Johnson.**

[McDowell, Mitchell](#)

[View summary](#)

[Education, Government, Elections](#)

H 245 (2023-2024) [RALEIGH DEANNEXATION](#). Filed Mar 1 2023, *AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF RALEIGH*.

Removes the described property from Raleigh's corporate limits. Provides that the act has no effect upon the validity of any liens of the City of Raleigh for ad valorem taxes or special assessments outstanding before the effective date of this act. Allows those liens to be collected or foreclosed upon after the effective date of this act as though the property were still within the corporate limits of the City of Raleigh.

Effective June 30, 2023. Specifies that the property in the territory described as of January 1, 2023, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2023.

**Intro. by Ball.**

[Wake](#)

[View summary](#)

H 247 (2023-2024) [AVERY/CROSSNORE DEED RECORD./DELINQUENT TAXES](#). Filed Mar 1 2023, *AN ACT TO REQUIRE THE REGISTER OF DEEDS OF AVERY COUNTY TO REFUSE RECORDATION OF A DEED FOR PROPERTY SUBJECT TO DELINQUENT MUNICIPAL PROPERTY TAXES FOR THE TOWN OF CROSSNORE*.

Amends Section 1 of SL 1963-305, as amended, to direct that deeds for property located in the Town of Crossnore submitted to the Avery County Register of Deeds (Register) for recordation must be accompanied by a certificate from the town tax collector stating that all delinquent municipal taxes have been paid with respect to the property before the Register can accept the deed.

**Intro. by Greene.**

[Avery](#)

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

H 257 (2023-2024) [SCHOOL CALENDAR FLEXIBILITY/MULTIPLE COUNTIES](#). Filed Mar 1 2023, *AN ACT TO PROVIDE FLEXIBILITY TO CASWELL COUNTY SCHOOLS, CHAPEL HILL-CARRBORO CITY SCHOOLS, AND ORANGE COUNTY SCHOOLS IN ADOPTING THE SCHOOL CALENDAR.*

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of the statute. Amends GS 115C-84(d) to require Caswell County Schools, Chapel Hill-Carrboro City Schools, and Orange County Schools to open no earlier than August 11 (currently, prohibited from opening earlier than the Monday closest to August 26), excluding year round schools. Deletes the provisions of subsection (d) concerning waiver of opening date requirements upon a showing of good cause.

Amends GS 115C-175.12(a)(4) (governing student testing procedures) to permit a local board of education that has implemented a school calendar that concludes the fall semester prior to December 31 to administer assessments before the conclusion of the fall semester. Applicable only to Caswell County Schools, Chapel Hill-Carrboro City Schools, and Orange County Schools.

Effective beginning with the 2023-24 school year.

**Intro. by Price, Buansi.**

[Caswell, Orange, GS 115C](#)

[View summary](#)[Education, Elementary and Secondary Education](#)

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 11: [SCHOOLS FOR THE DEAF AND BLIND.](#)**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

#### **H 40: [PREVENT RIOTING AND CIVIL DISORDER.](#)**

*Senate: Withdrawn From Com*

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

#### **H 44: [CONST. AMENDMENT/REPEAL LITERACY TEST.](#)**

*House: Reptd Fav Com Substitute*

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

#### **H 60: [SUDEP AWARENESS WEEK.](#)**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

#### **H 87: [DA MAY PETITION FOR PROBATION MODIFICATIONS.](#)**

*House: Reptd Fav*

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

#### **H 89: [ADOPT OFFICIAL STATE COOKIE AND STAR.](#)**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 103: GSC TECHNICAL CORRECTIONS 2023.***House: Passed 2nd Reading**House: Passed 3rd Reading***H 104: GSC UNIF. UNREG. CHILD CUST. TRFR. ACT/ART. 3.***House: Passed 2nd Reading**House: Passed 3rd Reading***H 116: MODIFY LAWS AFFECTING DISTRICT ATTORNEYS.***House: Reptd Fav Com Substitute**House: Re-ref Com On Appropriations***H 119: NCORR/INCREASE INFORMAL BID THRESHOLD.***House: Passed 2nd Reading**House: Passed 3rd Reading***H 125: SAFE SURRENDER INFANTS.***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: Passed 2nd Reading**House: Passed 3rd Reading***H 140: CIVILIAN TRAFFIC CRASH INVESTIGATORS.***House: Reptd Fav Com Substitute**House: Re-ref Com On Rules, Calendar, and Operations of the House***H 142: PROTECT OUR STUDENTS ACT.-AB***House: Serial Referral To Rules, Calendar, and Operations of the House Stricken**House: Serial Referral To Pensions and Retirement Added**House: Serial Referral To Rules, Calendar, and Operations of the House Added***H 157: STATE OF THE STATE INVITATION.***House: Ratified**House: Ch. Res 2023-3***H 175: CONFIRM ED WILSON/SPECIAL SUPERIOR CT JUDGE.***House: Passed 2nd Reading**House: Passed 3rd Reading***H 214: ADD MEMBERS TO NC TRAINING STANDARDS COMMISS.***House: Passed 1st Reading**House: Ref to the Com on Judiciary 2, if favorable, Rules, Calendar, and Operations of the House***H 215: GENERAL ASSEMBLY/"IN GOD WE TRUST" DISPLAY.***House: Passed 1st Reading**House: Ref to the Com on Appropriations, if favorable, Rules, Calendar, and Operations of the House***H 216: EXPANSION OF AVIATION SALES TAX EXEMPTION.***House: Passed 1st Reading**House: Ref to the Com on Finance, if favorable, Rules, Calendar, and Operations of the House***H 217: HIGHER ED SAVINGS GRANT PILOT PROGRAM.***House: Passed 1st Reading*

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

**H 218: THE SAVE ACT.**

*House: Passed 1st Reading*

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

**H 219: CHARTER SCHOOL OMNIBUS.**

*House: Passed 1st Reading*

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

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

*House: Passed 1st Reading*

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

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

*House: Passed 1st Reading*

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

**H 237: CRIMINAL LAW REVISIONS.**

*House: Filed*

**H 241: UNIFORMED CIVIL SERVICE ACT.**

*House: Filed*

**H 243: REPEAL COLLECTIVE BARGAINING BAN.**

*House: Filed*

**H 246: REVISE PHARMACY BENEFITS MANAGER PROVISIONS.**

*House: Filed*

**H 248: REMEMBER 9/11 WITH FREEDOM FLAG.**

*House: Filed*

**H 249: JANUARY 6 RIOT/ATTEMPT OVERTHROW OF GOV'T.**

*House: Filed*

**H 250: DEATH BY DISTRIBUTION REVISIONS.**

*House: Filed*

**H 251: AMEND FUNERAL PROCESSION LAW.**

*House: Filed*

**H 252: MULTI JURISDICTIONAL PROPERTY.**

*House: Filed*

**H 253: PREVENT STUDENTS FROM HARM ACT.**

*House: Filed*

**H 254: STORAGE OF FIREARMS TO PROTECT MINORS.**

*House: Filed*

**H 255: REGULATE EV CHARGING STATIONS.**

*House: Filed*

**H 256: MUDDY SNEAKERS.***House: Filed***H 258: NOVEL OPIOID CONTROL ACT OF 2023.***House: Filed***S 3: NC COMPASSIONATE CARE ACT.***Senate: Passed 3rd Reading***S 53: HOTEL SAFETY ISSUES.***House: Withdrawn From Com**House: Re-ref to the Com on Judiciary 3, if favorable, Rules, Calendar, and Operations of the House***S 115: REPURPOSE R.J. BLACKLEY CTR AS PSYCH HOSPITAL.***Senate: Regular Message Sent To House**House: Regular Message Received From Senate***S 170: SCHOOL CAL. FLEXIBILITY/MULTIPLE COUNTIES.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 171: DEPARTMENT OF PUBLIC SAFETY AGENCY BILL.-AB***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 172: ABC STORES/ALLOW SALE OF GIFT CARDS.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 174: REV. LAWS TECH., CLARIFYING, & ADMIN. CHNGS.***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**Senate: Reptd Fav Com Substitute**Senate: Com Substitute Adopted**Senate: Re-ref Com On Rules and Operations of the Senate***S 175: THE SAVE ACT.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 176: CONSUMERS IN CRISIS PROTECTION ACT.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 177: TEACHER LICENSE RECIPROCITY.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 181: PITT COUNTY SCHOOL NURSES.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 182: NO PRIVILEGE TAX FOR CERTAIN PROFESSIONS.**

*Senate: Filed*

**S 183: BRANDON MARSHALL ACT OF 2023.**

*Senate: Filed*

**S 184: RESTORE MASTER'S PAY FOR TEACHERS & ISP.**

*Senate: Filed*

**S 185: RESTORE EDUCATOR LONGEVITY.**

*Senate: Filed*

**S 186: BAIL BOND REFORM.-AB**

*Senate: Filed*

**S 187: TEACHER LICENSURE/RETIRED EDUCATOR PROGRAM.**

*Senate: Filed*

**S 188: LOCAL GOVERNING BDS/COMPENSATION EQUITY ACT.**

*Senate: Filed*

**S 189: FENTANYL DRUG OFFENSES/INCREASE PUNISHMENT.**

*Senate: Filed*

**S 190: DOL/OSH NEW POSITIONS & SALARY INCREASE FUNDS.**

*Senate: Filed*

**S 191: GENERAL ASSEMBLY/"IN GOD WE TRUST" DISPLAY.**

*Senate: Filed*

**S 192: REMOVING BARRIERS TO WORK.**

*Senate: Filed*

## LOCAL BILLS

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

*House: Passed 2nd Reading*

*House: Withdrawn From Cal*

*House: Placed On Cal For 03/07/2023*

**H 27: ELECT THOMASVILLE CITY BD. OF ED.**

*Senate: Reptd Fav*

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

**H 30: REDUCE LENGTH OF GRANVILLE BD. OF ED. TERMS.**

*Senate: Reptd Fav*

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

**H 31: ROWAN-SALISBURY BOARD OF EDUC. FILING PERIOD.**

*Senate: Reptd Fav*

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

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

*House: Passed 2nd Reading*

*House: Withdrawn From Cal*

*House: Placed On Cal For 03/07/2023*

**H 66: CATAWBA/NEWTON-CONOVER/HICKORY BD OF ED ELECT.***House: Withdrawn From Cal**House: Re-referred To Rules, Calendar, and Operations of the House***H 152: EVEN YR ELECTIONS/MAYSVILLE & POLLOCKSVILLE.***House: Passed 2nd Reading**House: Passed 3rd Reading***H 213: INDIAN TRAIL/STALLINGS OCCUPANCY TAX AUTH.***House: Passed 1st Reading**House: Ref to the Com on Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House***H 220: LANSING AND JEFFERSON OCC. TAX AUTHORIZATION.***House: Passed 1st Reading**House: Ref to the Com on Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House***H 221: SCHOOL CAL FLEXIBILITY/YADKIN & AMP DAVIE CO.***House: Passed 1st Reading**House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House***H 238: TOWN OF CLAYTON OCCUPANCY TAX.***House: Filed***H 239: SCHOOL CALENDAR FLEXIBILITY/JOHNSTON CO.***House: Filed***H 240: TOWN OF FOUR OAKS OCC. TAX AUTHORIZATION.***House: Filed***H 242: WRIGHTSVILLE BEACH INITIATIVE ORDINANCES.***House: Filed***H 244: PARTISAN BD.OFED. ELECTIONS MCDOWELL/MITCHELL.***House: Filed***H 245: RALEIGH DEANNEXATION.***House: Filed***H 247: AVERY/CROSSNORE DEED RECORD./DELINQUENT TAXES.***House: Filed***H 257: SCHOOL CALENDAR FLEXIBILITY/MULTIPLE COUNTIES.***House: Filed***S 169: DAVIDSON CTY/REZONING SATELLITE ANNEXATIONS.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 173: DUAL TRACK DIPLOMA PILOT.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 178: GREENSBORO/SCHOOL ZONE ELEC. ENFORC.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate*



**S 179: [EXTEND SUNSET/BUNCOMBE CO./CC PROJECTS.](#)***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 180: [EDGECOMBE COUNTY SCHOOL NURSES.](#)***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate*

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

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

[Print Version](#)