



## The Daily Bulletin: 2023-03-06

### PUBLIC/HOUSE BILLS

H 270 (2023-2024) **DEATH BENEFITS PARITY**. Filed Mar 6 2023, *AN ACT ESTABLISHING DEATH BENEFITS PARITY FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.*

#### Part I

Amends Death Benefit Plan provisions for the Teachers and State Employees' Retirement System [TSERS] (GS 135-5(l)); Local Government Employees' Retirement System [LGERS] GS 128-27(l); and the Legislative Retirement System [LRS] (GS 120-4.27) as follows. Sets a lump sum death benefit payment of \$50,000 payable to late member's beneficiary for members who have completed at least one full calendar year of service in the specified retirement system. (Currently, under LGERS and TSERS the death benefit payment for such members is tied to member's compensation and can be no less than \$25,000 and no more than \$50,000. Under the LRS the death benefit is tied to salary and caps out at \$15,000.)

Makes language gender neutral.

#### Part II

Amends GS 135-63(a) (pertaining to benefits on death before retirement for members of the Consolidated Judicial Retirement System [JRS]) as follows. Adds requirements that in order to qualify for a lump sum payment to beneficiary upon death before retirement, a member in service must (1) complete at least one month of membership credit prior to July 1, 2024, and (2) have not withdrawn their contributions for that service. (Currently, law just specifies that a member must in "service.") Makes technical change.

Enacts the following new provisions, applicable upon the death of a member or former member who earned the first month of membership service credit on or after July 1, 2024, or forfeited all creditable service in the System earned prior to July 1, 2024, by receiving a return of contributions. Provides for living designated persons, otherwise the member's legal representatives, to be paid the member's accumulated contributions at the time of the member's death. Allows for the beneficiary to elect to receive a reduced retirement allowance under the provisions of Option 2 prescribed for beneficiaries of members of the Teachers' and State Employees' Retirement System (TSERS) set out in GS 135-5(g), which also applies when the death is of a member in service, with the assumption that the allowance is computed as if the member retired on the first day of the month following the date of the member's death. Sets four qualifying criteria for such election, including (1) that the member had attained such age or creditable service to be eligible to commence retirement with an early or service retirement allowance, or attained 16 years of creditable service, in which case the retirement allowance must be computed in accordance with subsection (b) of GS 135-58; (2) at the time of the member's death, only one beneficiary was eligible to receive a return of accumulated contributions under this provision; (3) the member had not instructed the Board of Trustees, in writing, that the member did not wish for the provisions to apply; and (4) the member had not begun receiving a retirement allowance as provided for the System under Article 4. Sets parameters applicable to the enacted alternate survivor benefit, including that a member is considered to be in service on the date of death if the death occurs within 180 days from the last date of actual service, as defined; and any terminal payments made after the member's date of death that meet the definition of compensation must be credited to the month prior to the member's month of death, excluding salary or wages paid for work performed during the month of the member's death. Provides for payment of the retirement allowances to a living contingent beneficiary designated by the member, or the principal beneficiary's legal representative in one lump sum if the contingent beneficiary is not living at the time the payment becomes payable, upon death of the primary beneficiary prior to total payment of the member's total contributions at the date of the member's death. Provides for payment of the remaining contributions to the contingent beneficiary's legal representative in lump sum upon death of the contingent beneficiary who dies before the total

accumulated contributions are paid. Provides for benefits that become payable for a member that does not have a designated beneficiary to be paid to the retired member's legal representative.

Additionally, provides for a \$50,000 death benefit for a designated beneficiary of a member, or the member's legal representative, upon the death of a member in service who earned the first month of membership service credit on or after July 1, 2024, or forfeited all creditable service in the System earned prior to July 1, 2024, by receiving a return of contributions and had completed at least one full calendar year of membership in the System. Similarly provides that a member is considered to be in service on the date of death if the death occurs within 180 days from the last date of actual service, as defined.

Amends GS 135-64, which provides for a death benefit for retired members, to limit the application of the existing provisions to described former members who earned the first month of membership service credit prior to July 1, 2024, and had not withdrawn contributions for such membership service in the Retirement System. Further limits the application of that death benefits under GS 135-64(b) to former members who were vested as of July 1, 2024, who are in receipt of a retirement allowance and who die prior to their 65<sup>th</sup> birthday. (Currently there is no vesting language in GS 135-64(b)). Adds the following new provisions. For a retired member who earned the first month of membership service credit on or after July 1, 2024, and have not withdrawn contribution for the membership service, who dies while that retired member was in receipt of a retirement allowance under Article 4, allows for payment of a death benefit to living designated beneficiaries, otherwise to the member's legal representatives, equal to the excess of the accumulated contributions of the retiree at the date of retirement over the total of the allowances paid to prior to the death of the member. Additionally provides for designating beneficiaries of a retirement allowance payable to a designated survivor of the retired member under GS 135-61, or otherwise the retiree's legal representative, which would otherwise terminate upon death of the survivor before the total of the allowances paid to the member and survivor equaled the total accumulated contributions of the member at retirement.

Details designation and proof of death requirements for enacted provisions.

Makes language gender neutral.

Effective July 1, 2024.

**Intro. by Howard.**

[GS 120, GS 126, GS 135](#)

[View summary](#)

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

H 271 (2023-2024) [RESTRICT CASH BAIL FOR CLASS 3 MISDEMEANORS](#). Filed Mar 6 2023, *AN ACT TO RESTRICT THE IMPOSITION OF CASH BAIL AS A CONDITION OF PRETRIAL RELEASE WHEN A DEFENDANT IS CHARGED WITH ONLY A CLASS 3 MISDEMEANOR*.

Amends GS 15A-534 to prohibit judicial officials from imposing a bond secured by a cash deposit as a condition of pretrial release pursuant to subdivision (a)(4) if the defendant is only charged with one or more offenses punishable as a Class 3 misdemeanor. Applies to conditions of pretrial release imposed on or after December 1, 2023.

**Intro. by Morey, Alston, A. Jones, John.**

[GS 15A](#)

[View summary](#)

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

H 273 (2023-2024) [LOCAL GOVERNMENT BUDGET HEARINGS](#). Filed Mar 6 2023, *AN ACT TO REQUIRE ADDITIONAL BUDGET HEARINGS UNDER THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT*.

Amends GS 159-12 (pertaining to budget hearing requirements under the Local Government Budget and Fiscal Control Act) as follows.

Increases the number of hearings a local government must hold before adopting a budget ordinance to at least two public hearings on separate dates, unless the unit of local government has a population of less than 2,000, then the unit must only hold one public hearing (currently, all units of local government only need to hold only one public hearing). Specifies that at least one of those hearings must provide the public with certain detailed revenue information, including the following information for the prior two fiscal years: (1) tax rate; (2) tax base; (3) tax collection rate; and (4) with respect to each public enterprise fund, the rates charged, any amounts transferred from the general fund to the public enterprise fund, any amounts transferred from the public enterprise fund to the general fund, any debt service payments paid by the public enterprise fund, and the estimated completion date of those debt service payments.

Requires the Local Government Commission (Commission), when exercising its enforcement authority under GS 159-181(c) or (d) (pertaining to certain instances when the Commission has the authority to impound the books and records of a local government or local government water/sewer system), to hold a public hearing with the requirements set forth above. Allows the Commission to waive other hearings.

Specifies notice requirements of the governing board to notify property owners of the public hearing discussing the revenue portion of the proposed budget when the proposed budget ordinance raises the tax rate from the previous fiscal year's budget ordinance.

Specifies notice requirements of the governing board to notify users of the public enterprise fund of the public hearing discussing the revenue portion of the proposed budget when the proposed budget ordinance (1) raises the rates (including an increase in the rate and a change in base rates) charged by a public enterprise fund or (2) proposes a transfer of any amount from the general fund to the public enterprise fund.

Adds a requirement for a budget message to be filed and made publicly available along with the proposed budget ordinance. Specifies that the budget message must include tax rates and the change in those rates from the prior budget ordinance, all proposed fees and the change in those fees from the prior adopted fees, and other synopsis information the budget officer deems important, in addition to a general description.

Makes language gender neutral. Makes clarifying and conforming changes. Makes organizational changes.

Effective July 1, 2024, and applies to budgets adopted on or after that date.

**Intro. by Winslow, Balkcom.**

**GS 159**

[View summary](#)

**Government, Local Government**

H 274 (2023-2024) **GRANDFATHER PROVISIONAL LICENSE MODIFICATION**. Filed Mar 6 2023, *AN ACT TO EXTEND EXPIRATION OF LEVEL 2 LIMITED PROVISIONAL LICENSE REQUIREMENT MODIFICATION*.

Expiring December 31, 2022, SL 2021-24 and SL 2021-134 amended GS 20-11(d)(1), requiring individuals to hold a limited learner's driving permit for at least six months (instead of 12 months) before obtaining a limited provisional driving license. Provides that the requirements of GS 20-11(d), as amended by SL 2021-24 and SL 2021-134, apply to limited provisional license applicants after December 31, 2022, if the person met the other requirements of GS 20-11, subdivisions (d)(2) through (d)(5), prior to December 31, 2022.

**Intro. by von Haefen, Hawkins.**

**UNCODIFIED, GS 20**

[View summary](#)

**Courts/Judiciary, Motor Vehicle**

H 275 (2023-2024) **DMV MATERIALS IN ADDITIONAL LANGUAGES**. Filed Mar 6 2023, *AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION TO PROVIDE MATERIALS REQUIRED FOR LICENSURE IN ADDITIONAL LANGUAGES*.

Amends GS 20-7 to require the Division of Motor Vehicles to provide an option for applicants to receive the driver license handbook and take the written test required for licensure in: Chinese; Khmer; Spanish; and each language that is the primary language of at least 2% of the State's population. Effective January 1, 2024.

**Intro. by Quick, Hardister, Clemmons, Liu.**

**GS 20**

[View summary](#)

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

H 276 (2023-2024) **SALISBURY ACADEMY COMMUNITY CENTER**. Filed Mar 6 2023, *AN ACT TO APPROPRIATE FUNDS TO SALISBURY ACADEMY TO CONSTRUCT A COMMUNITY CONNECTION FACILITY*.

Appropriates \$2.2 million for 2023-24 from the General Fund to the Department of Public Instruction to be allocated as a directed grant as title indicates. Effective July 1, 2023.

**Intro. by Howard, Warren, Crutchfield.**

**APPROP**

[View summary](#)

**Education, Elementary and Secondary Education,  
Government, Budget/Appropriations, State Agencies,  
Department of Public Instruction**

H 277 (2023-2024) **FUNDS FOR JOHNSTON CO. EMERGENCY RADIOS**. Filed Mar 6 2023, *AN ACT TO APPROPRIATE FUNDS TO PURCHASE EMERGENCY TRACKING RADIOS FOR THE JOHNSTON COUNTY WATER RESCUE TEAMS*.

Appropriates \$222,750 for 2023-24 from the General Fund to the Office of State Budget and Management for a directed grant to Johnston County as title indicates. Effective July 1, 2023.

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

**APPROP, Johnston**

[View summary](#)

**Government, Budget/Appropriations, Public Safety and  
Emergency Management**

H 278 (2023-2024) **THE RAKIM SHACKLEFORD EMBALMING FLUID ACT**. Filed Mar 6 2023, *AN ACT TO CREATE THE OFFENSE OF CRIMINAL POSSESSION AND UNLAWFUL SALE OF EMBALMING FLUID AND TO MAKE OTHER TECHNICAL REVISIONS*.

Names the act the “Rakim Shackelford Embalming Fluid Act.” Makes technical changes to GS 90-210.20 (pertaining to definitions related to the practice of funeral services) and sets forth a definition of *embalming fluid*.

Enacts GS 90-210.29C making it a criminal offense punishable as a Class I felony for a funeral director, embalmer, or resident trainee to knowingly give, sell, permit to be sold, offer for sale, or display for sale, other than for purposes within the general scope of their activities as a funeral director, embalmer, or resident trainee, embalming fluid to another person with actual knowledge that the person is not a funeral director, embalmer, or resident trainee. Requires imposition of fines of not less than \$100 or more than \$500 for a violation.

Enacts GS 90-113.107, under new Article 5H (Miscellaneous Drug-Related Regulations), making it a criminal offense to (1) possess embalming fluid for any purpose other than the lawful preservation of dead human bodies by a person authorized by law to engage in such activity or (2) sell, deliver, or otherwise distribute embalming fluid to another person with knowledge that the person intends to utilize the embalming fluid for any purpose other than the lawful preservation of dead human bodies by a person authorized by law to engage in such activity. Specifies felony classifications from Class I to Class D based on the

amount of embalming fluid involved in the offense. Specifies that the statute should not be construed as prohibiting possession by, or selling, delivering, or otherwise distributing to, funeral directors, embalmers, or resident trainees of embalming fluid for the purposes of embalming. Incorporates definitions of *embalmer*, *embalming*, *embalming fluid*, *funeral director*, and *resident trainee* from GS 90-210.20 into new section GS 90-113.107.

Amends GS 90-96.2 (pertaining to limited immunity for good samaritans and overdose victims under the North Carolina Controlled Substances Act) to allow for immunity for violations of GS 90-113.107 involving less than 28 grams and that is punishable as a Class I felony.

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

**Intro. by Fontenot, Cotham, Winslow.**

**GS 90**

[View summary](#)

**Business and Commerce, Occupational Licensing,  
Courts/Judiciary, Criminal Justice, Criminal Law and  
Procedure**

H 279 (2023-2024) **BREAK FREE FROM PLASTICS & FOREVER CHEMICALS**. Filed Mar 6 2023, *AN ACT TO ESTABLISH EXTENDED PRODUCER RESPONSIBILITY FOR CERTAIN PRODUCERS OF PRODUCTS USING PACKAGING MATERIALS AND TO BAN THE MANUFACTURE AND DISTRIBUTION OF PACKAGING MATERIALS CONTAINING CERTAIN TOXIC SUBSTANCES IN ORDER TO PROTECT PUBLIC HEALTH*.

#### Part I

Adds new Part J, Extended Producer Responsibility, in Article 9 of GS Chapter 130A, providing as follows. Sets out and defines the terms *collector*, *packaging material*, *postconsumer waste material*, *producer responsibility fund*, *fulfillment service provider*, *producer responsibility organization or organization*, *readily-recyclable*, *recycling rate*, *responsible producer or producer*, *reusable*, and *stewardship plan*.

Requires responsible producers (as defined) to register with the Department of Environmental Quality (DEQ) before selling, offering for sale, or distributing in North Carolina a product contained, protected, delivered, presented, or distributed in or using packaging materials. Also prohibits responsible producers from selling, offering for sale, or distributing in the state a product that is contained, protected, delivered, presented, or distributed in or using packaging materials unless the producer participates as a member of a producer responsibility organization for which a stewardship plan is approved by DEQ and through that participation, meets the following requirements of the statute, effective October 1, 2025. Requires responsible producers to reduce the total amount of non-reusable packaging material used for containing, protecting, delivering, presenting, and distributing products sold, offered for sale, or distributed in North Carolina according to the specified schedule which first requires a reduction of 10% after two years following approval of the stewardship plan and builds up to 40% reduction after eight years following the approval of the stewardship plan. Requires responsible producers to ensure that all of their non-reusable packaging material in the aggregate, used for containing, protecting, delivering, presenting, and distributing the products it sold, offered for sale, or distributed in North Carolina is recycled at a rate set out in the specified schedule, under which 50% is to be recycled after five years following approval of the stewardship plan, building up to 90% after 12 years following approval of the stewardship plan. Requires responsible producers to ensure that all non-reusable packaging material used for containing, protecting, delivering, presenting, and distributing the products it sold, offered for sale, or distributed in North Carolina to incorporate, on average and in the aggregate, amounts of postconsumer waste materials at the rate set out in the specified schedule, under which 50% must be postconsumer waste material after five years following approval of the stewardship plan, building up to 90% after 12 years after the approval of the stewardship plan.

Requires responsible producers to establish or join a producer responsibility organization (organization) to act as an agent on behalf of the producer for purposes of satisfying obligations under this Part. Requires the organization to have participation fees and sets out guidelines for those fees including requiring that fees provide producers with financial incentives to reward waste reduction and recycling compatibility innovations and practices and to discourage designs or practices that increase product management costs. Requires the organization to maintain a producer responsibility fund consisting of the payments received from responsible producers, to be used to reimburse participating collectors as required by statute; fund collection and

convenience obligations; fund required outreach and education programs; fund the actual operating costs of the organization; and pay fees assessed by DEQ for implementing this Part. Sets out the schedule for paying participation fees. Requires responsible producers to provide the organization with all information necessary for determining the producer's compliance with the stewardship plan and for calculating the participation fees.

Requires each organization to develop and submit a stewardship plan to DEQ, to be updated every five years, or sooner if requirements are not being met or followed by the responsible producer or organization, or if circumstances have changed. Sets out 12 categories of information that must be included in the stewardship plan, including a comprehensive list of the packaging material products for which the producer or organization is responsible for under the plan, a description of how the packaging materials covered under the plan will be collected and managed using environmentally sound management practices, a proposal for implementing the outreach and education program in a manner that increases access to recycling throughout North Carolina, and a description of the process for collectors to recoup all reasonable activity-based costs from the organization for collecting, transporting, or sorting packaging materials covered under the plan. Requires the organization to give stakeholders and members of the public an opportunity to review and comment on the draft plan before it is submitted to DEQ. Allows the organization to prepare a revised plan and submit it to DEQ in response to changed circumstances.

Requires DEQ to make a determination on the plan within 90 days. Sets out 10 factors that DEQ must consider in reviewing the plan. Requires the organization and its members to implement the approved plan no later than six months after it is approved.

Makes organizations responsible for calculating and dispersing funds for collectors that elect to be compensated by the organization for the recovery, recycling, and processing of packaging material. Requires collectors to provide for recycling of all recyclable packing material listed under a stewardship plan in order to be eligible for reimbursement. Sets out provisions for calculating the reimbursement rate. Requires participating collectors to annually report to the organization on information necessary to determine the collector's incurred net costs. Prohibits participating collectors from charging fees to customers for reimbursable costs. Effective October 1, 2025.

Requires organizations to provide for widespread, convenient, and equitable access to collection opportunities for the packaging materials identified in the stewardship plans. Sets out conditions under which the organization must provide for curbside or multifamily recycling collection. Requires responsible producers to indicate on packaging material sold, offered for sale, or distributed for sale in North Carolina: (1) the percentage of postconsumer waste material content, (2) whether the packaging material is readily recyclable, and (3) whether the packaging material is compostable. Effective October 1, 2025.

Requires organizations to provide effective outreach, education, and communications to consumers in North Carolina on: (1) proper end-of-life management of packaging materials; (2) the location and availability of curbside and drop-off collection opportunities; (3) recycling and composting instructions that are consistent statewide, except as necessary to take into account differences among local ordinances and processing capabilities; easy to understand, and easily accessible. Sets out additional requirements for the outreach and education's design and content. Requires DEQ to evaluate these efforts and determine if changes are necessary. Effective October 1, 2025.

Requires organizations to report annually to DEQ on evaluating progress toward meeting the Part's requirements for the immediately preceding year; sets out information that must be included in the report. Sets out confidentiality requirements. Requires DEQ to publish on its website a list of responsible producers and organizations that are out of compliance.

Allows the Environmental Management Commission (EMC) to adopt rules setting fees for responsible producers and organizations to defray DEQ's administration costs.

Provides for enforcement of the part, including holding each responsible producer jointly and severally liable for payment of any penalty imposed on an organization.

Exempts the following responsible producers, except as otherwise provided, from this Part: (1) producers generating less than \$2 million in gross revenue during the immediately preceding calendar year; (2) producers selling, offering for sale, or distributing for sale in this state during the immediately preceding calendar year less than 1 ton of packaging material; and (3) producers conducting all of the packaging material sales in this state during the immediately preceding calendar year at a single point of retail sale that was not supplied or operated as part of a franchise.

Allows the EMC to adopt rules to implement this Part.

Unless otherwise specified, effective October 1, 2023.

## Part II.

Adds new Part 2K, Ban Manufacture and Distribution of Certain Toxic Substances in Packaging Materials, in Article 9 of GS Chapter 130A, providing as follows.

Prohibits knowingly (1) manufacturing packaging material containing a covered toxic substance or (2) distributing, selling, or offering for sale, for use within North Carolina or for export from the state, any packaging material containing a covered toxic substance. Defines *covered toxic substance* as: ortho-phthalates, bisphenols, PFAS, lead and lead compounds, hexavalent chromium and compounds, cadmium and cadmium compounds, mercury and mercury compounds, benzophenone and its derivatives, halogenated flame retardants, perchlorate, formaldehyde, toluene, polyvinyl chloride, polystyrene, and polycarbonate.

Allows the Secretary of Environmental Quality to assess a civil penalty of no more than \$5,000 for violations involving a hazardous waste and of up to \$25,000 against a person who violates this Part. Sets out penalties for repeat offenses. Sets out procedures for determining the penalty amount and for notifying the person assessed a penalty. Allows for the filing of contested case petitions within 30 days of receipt of the notice. Sets out the process for filing a request for remission of civil penalties. Provides that if the penalty has not been paid within 30 days, the Secretary is to request the Attorney General to institute a civil action, which must be filed within three years of the date the final agency decision or court order was served on the violator. Effective October 1, 2025.

**Intro. by Butler, Harrison.**

[GS 130A](#)

[View summary](#)

**[Business and Commerce, Environment, Environment/Natural Resources, Government, State Agencies, Department of Environmental Quality \(formerly DENR\)](#)**

H 280 (2023-2024) [TEACHER LICENSURE/RETIRED EDUCATOR PROGRAM](#). Filed Mar 6 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*.

Identical to [S 187](#), filed 3/1/23.

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 Elmore, Clemmons, Miller.**

**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**

H 281 (2023-2024) **ALLOW ERPOS TO PREVENT SUICIDES & SAVE LIVES.** Filed Mar 6 2023, *AN ACT TO AUTHORIZE THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER TO RESTRICT TEMPORARILY A PERSON'S ACCESS TO FIREARMS IF THERE IS EVIDENCE THAT THE PERSON POSES A DANGER OF PHYSICAL HARM TO SELF OR OTHERS AND TO REQUIRE A*



*COURT TO ORDER THE SEIZURE OF ANY FIREARM, AMMUNITION, OR PERMITS A DEFENDANT FAILS TO SURRENDER AFTER THE ISSUANCE OF AN EMERGENCY OR EX PARTE DOMESTIC VIOLENCE PROTECTIVE ORDER.*

Enacts new GS Chapter 50E, the Extreme Risk Protection Orders Act, providing a court procedure for concerned citizens and law enforcement to obtain an order temporarily restricting a person's access to firearms in situations where a person poses a significant danger of harming themselves or others by possessing a firearm. Includes legislative purpose. Sets out defined terms applicable to the Chapter.

Allows a family or household member, a current or former spouse or dating partner, a law enforcement officer or agency, or a health care provider to file a verified petition in district court for an Extreme Risk Protection Order (ERPO) in any county authorized by the venue provisions set out in GS 1-82 (most commonly where the plaintiff or defendant resides).

Defines family or household member to be (1) a person related by blood, marriage, or adoption to the respondent; (2) a current or former dating partner of the respondent; (3) a person who has a child in common with the respondent; (4) a domestic partner of the respondent; (5) a person who has a biological or legal parent-child relationship with the respondent, including stepparents, stepchildren, grandparents, and grandchildren; and (6) a person who is acting or has acted as the respondent's legal guardian. Sets out information required in the petition, including: (1) a factual allegation that the respondent poses a danger of physical harm to self or others (and in the case of an ex parte ERPO, poses an imminent danger of physical harm to self or others) by having in his or her care, custody, possession, ownership, or control a firearm; (2) an identification of the number, types, and locations of firearms under the respondent's custody or control; (3) an identification of any existing protection order governing the respondent; and (4) an identification of any pending legal action between the petitioner and the respondent.

Clarifies that a petition for an ERPO can be granted without delay regardless of whether there is pending action between the petitioner and the respondent. Provides for a petitioner to use the substitute address designated by the Address Confidentiality Program when filing documents required by new Chapter 50E. Requires a petitioner's address to be kept confidential if the petitioner does not have a current and valid Address Confidentiality Program authorization card if the petitioner submits either specified court orders and a signed statement that the petitioner has good reason to believe that the physical safety of the petitioner or a member of the petitioner's family residing with the petitioner would be jeopardized if the petition's address were open to public inspection. Prohibits the assessment of court costs for filing or service of an ERPO petition or service of any ERPOs. Authorizes electronic filing of all documents filed, issued, registered, or served in an action under new Chapter 50E. Requires annual reporting by the Administrative Office of the Court, beginning December 1, 2023, to the specified NCGA committee and division with five data components specified.

Requires a summons be issued and served no later than five days prior to the date set for the final ERPO hearing, with the ERPO petition, any ex parte ERPO that has been issued and the notice of hearing on the ex parte ERPO, and a description of an ERPO attached. Directs the clerk of court to effect service through the appropriate law enforcement agency.

Sets forth the required information that must be included in an ERPO, including (1) a statement of the grounds supporting its issuance; (2) the date and time the ERPO was issued and when it expires; (3) whether a mental health or chemical dependency evaluation of the respondent is required; (4) the court's address where a responsive pleading can be filed; (5) a description of the relinquishment and retrieval requirements for firearms, ammunition, and related permits of the respondent; (6) a description of the process for seeking termination of the ERPO; and (7) a statement that violation of the ERPO is a Class A1 misdemeanor. Requires the court to order, upon issuance of an ERPO, that the respondent surrender to the sheriff all firearms, ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the respondent's care, custody, possession, ownership, or control of the respondent. Requires the court, during a hearing for issuance of an ERPO, to consider whether a mental health evaluation or chemical dependency evaluation of the respondent is appropriate and allows ordering the respondent to undergo evaluation if appropriate.

Details the parameters of issuing a final ERPO, including a hearing on the petition no later than 10 days from either the date an ex parte ERPO was issued, if applicable, or the date the petition was filed. Allows for one continuance of no more than 10 days unless all parties consent or good cause is shown. Permits issuance of a full ERPO when (1) the court finds by clear and convincing evidence that the respondent poses a danger of causing physical harm to self or others by having in his or her custody a firearm, (2) process was proper, and (3) notice of hearing was proper.

Sets out separate requirements for the hearing and issuance of an ex parte ERPO. Requires the hearing, which may be held via video conference to be held in person on the day the petition is filed or the day immediately following. Allows for the issuance of an ex parte ERPO before a hearing for a final ERPO and without evidence of service of process or notice if the court finds

that there is clear and convincing evidence that the respondent poses an imminent danger of causing physical harm to self or others by having a firearm in his or her custody. Sets out additional requirements for an ex parte ERPO granted without notice.

Requires the respondent to immediately surrender to the sheriff possession of all firearms, ammunition, and permits in the care, custody, possession, ownership, or control of the respondent upon service of an ERPO, or within 24 hours of service at a time and place specified by the sheriff in the event weapons cannot be surrendered at the time the ERPO is served. Requires the sheriff to issue receipt at the time of surrender or seizure, and file receipt with the court within 48 hours after issuing the receipt. Provides for a warrant to be issued for failure to surrender firearms. Allows the sheriff to charge the respondent a reasonable fee for the storage of any firearms and ammunition taken pursuant to an ERPO. Provides for retrieval if the ex parte ERPO expires and the court does not enter a final RPO. Otherwise, allows the respondent to file a motion for return after the expiration or termination of the ERPO, whereby surrendered firearms, ammunition, and permits must be returned to the respondent within 30 days of the motion unless the court finds the respondent is otherwise precluded from owning or possessing a firearm pursuant to state or federal law. Provides for motion for return by a third party owner of firearms or ammunition. Authorizes disposal of surrendered firearms that have not been or cannot be returned as specified.

Sets the duration of an ex parte ERPO to be from its effective date to the date the hearing is held, or if a hearing is not held or a continuance not granted, no more than 10 days from its issuance. Requires a final ERPO to be effective for a fixed period of time not to exceed one year. Provides for renewal of any ERPO by the petitioner one or more times prior to its expiration, providing the initial requirements are satisfied and there has been no material change in the circumstances since its issuance.

Details the process of terminating an ERPO, with the respondent limited to submitting one motion for termination for every 12-month period the full ERPO is in effect. Requires the court to set a hearing no sooner than 10 days and no later than 30 days from the date of service upon the petitioner. Requires the respondent to prove by a preponderance of the evidence that he or she does not pose a danger of causing physical harm to self or others by having a firearm in his or her custody, care, possession, ownership, or control.

Requires the clerk to provide same day notice of ERPO issuance to the sheriff. Requires the sheriff to promptly enter the ERPO into the National Crime Information Center registry; update the orders in the registry upon modification, termination, renewal, or dismissal; and provide 24/7 access to the orders to the courts. Also requires a copy of the ERPO be issued promptly to and retained by the municipal police department. Provides for notice to the respondent if he or she was not present when the ERPO was issued, and for notice to third parties where applicable.

Makes it a Class A1 misdemeanor for any person to possess, purchase, or receive, or attempt to possess, purchase, or receive, a firearm, ammunition, or permits to purchase or carry concealed firearms for so long as an effective ERPO is entered against that person.

Makes it a Class 1 misdemeanor for any person to knowingly make a false statement when petitioning for an ERPO, and for any person to knowingly make a false statement to law enforcement that an ERPO remains in effect.

Clarifies that the remedies provided in new GS Chapter 50E are not exclusive, and that the Chapter does not impose any criminal or civil liability on any person or entity for actions or omission related to obtaining an ERPO.

Amends GS Chapter 15C, providing for the inclusion of petitioners for an ERPO in the Address Confidentiality Program. Makes conforming changes.

Directs the Administrative Office of the Courts to develop the appropriate forms to implement the processes set out in new GS Chapter 50E.

The above provisions are effective October 1, 2023.

Amends GS 50B-3.1 which concerns the issuance of an emergency or ex parte order under GS Chapter 50B, where a defendant is ordered to surrender all firearms, machine guns, ammunition, and related permits in the defendant's care, custody, possession, ownership, or control, if the court finds: (1) the use or threatened use of a deadly weapon by the defendant or a pattern of prior conduct involving the use or threatened use of violence with a firearm against persons; (2) threats to seriously injure or kill the aggrieved party or minor child by the defendant; (3) threats to commit suicide by the defendant; or (4) serious injuries inflicted upon the aggrieved party or minor child by the defendant. Adds that if the defendant fails to surrender the firearms, ammunitions, and permits to the sheriff within 24 hours of service, the court must order the sheriff to seize the firearms, ammunitions, and permits.

**Intro. by Morey, John, Autry, Harrison.****GS 15C, GS 50B, GS 50E**[View summary](#)**Courts/Judiciary, Civil, Family Law, Court System,  
Administrative Office of the Courts, Criminal Justice,  
Criminal Law and Procedure, Government, Public Safety and  
Emergency Management**

H 282 (2023-2024) **TRADE SCHOOLS STUDY**. Filed Mar 6 2023, *AN ACT TO COMPILE INFORMATION REGARDING THE TRADES WORKFORCE AND FUTURE TRAINING*.

Requires the Commissioner of Labor, Superintendent of Public Instruction, Commissioner of Insurance, Department of Commerce, UNC, and North Carolina Community College System to report on the following specified information to the Fiscal Research Division by December 31, 2023: (1) the current process to become a worker practicing the trades in the disciplines and all licensure requirements for the disciplines of plumbing, heating and air conditioning, electricity, and welding; (2) the current number of workers in these trades, to be listed by specified categories of information; (3) the projected needs of the labor force in North Carolina over the next five to 25 years in these trades; (4) the process to become a worker practicing these trades; (5) the current options for a high school student to become a worker practicing any of these trades; (6) the possibilities of establishing a high school program for students to opt to become a worker practicing these trades and whether the program should include a residency option; and (7) whether students in programs such as NC LINKS could benefit from a high school program for students to opt to become a worker practicing these trades. Requires the Fiscal Division to compile this information into a report for the NCGA, which may be the basis of legislative action in 2024.

**Intro. by Winslow, Arp, Hardister, Zenger.****STUDY**[View summary](#)**Business and Commerce, Government, State Agencies,  
Community Colleges System Office, UNC System, Department  
of Commerce, Department of Insurance, Department of  
Labor, Department of Public Instruction**

H 283 (2023-2024) **PURCHASE PERMIT REQ'D/LONG GUN**. Filed Mar 6 2023, *AN ACT TO REQUIRE A PERMIT FOR THE PURCHASE OF A LONG GUN*.

Amends GS 14-402 (prohibiting transfer of firearms without permit) making it unlawful to sell, give, transfer, or receive a pistol or long gun (was, pistol only) without a permit and defining long gun as a rifle or shotgun that is not considered an antique firearm.

Amends GS 14-403 (form of Sheriff's firearm permit) to make conforming changes.

Amends GS 14-404(c)(1) (relating to issuance and denial of firearm permits) to make conforming changes.

Effective December 1, 2023.

**Intro. by von Haefen, Logan, Majeed, Rudow.****GS 14**[View summary](#)**Courts/Judiciary, Criminal Justice, Criminal Law and  
Procedure**

H 284 (2023-2024) **LAW ENFORCEMENT/DESTROY CERTAIN FIREARMS**. Filed Mar 6 2023, *AN ACT TO AUTHORIZE LAW ENFORCEMENT AGENCIES TO DESTROY UNCLAIMED FIREARMS, FIREARMS CONFISCATED AFTER CONVICTION OF CERTAIN OFFENSES, AND FIREARMS PURCHASED BY OR VOLUNTARILY SURRENDERED TO THE LAW ENFORCEMENT AGENCY*.

Amends GS 15-11.1 (pertaining to court orders for the disposition of seized firearms determined to be no longer useful as evidence) GS 15-11.2 (pertaining to dispositions of unclaimed firearms not confiscated or seized as trial evidence), and GS 14-269.1(pertaining to disposition of confiscated firearms used for offenses involving a deadly weapon) by removing each statutory requirement that a firearm not have a legible, unique identification number or is unsafe before it can be turned over to the appropriate law enforcement agency to be destroyed.

Enacts GS 15-11.3, creating the disposition of firearms received through a firearm buy-back program (a program in which firearms, ammunition, or firearms and ammunition are purchased or voluntarily surrendered for the purpose of destruction). Sets forth the following three requirements for participating law enforcement agencies. (1) The serial number of each firearm that is purchased or surrendered to the program is checked against any local, State, and federal records of stolen firearms and, if it is found that the firearm is a stolen firearm, that the firearm is not destroyed without the written permission of the lawful owner, and that if the lawful owner of the firearm does not give written permission for the firearm to be destroyed, that the firearm is returned to its lawful owner. (2) If it is determined that a firearm that is purchased by or surrendered to the firearm buy-back program is stolen, that the law enforcement agency makes an effort to arrest the thief or any person who possessed the firearm knowing it was stolen. (3) Prior to the destruction of any firearm that is purchased or surrendered, that a written determination is made as to whether the firearm may have been used in a crime, and that if it is determined that the firearm probably was used in a crime, that it is retained for evidence, and if it is determined that the firearm probably was not used in a crime, if the firearm is a rifled firearm, that a fired bullet and fired cartridge case is retained for possible use as evidence and that if the firearm is a smooth bore firearm, that a fired cartridge case is retained for possible use as evidence.

Requires that a law enforcement agency determine whether a lawful owner is entitled to possess a firearm under federal law before returning a stolen firearm to that owner. Authorizes the law enforcement agency to destroy the firearm if the owner is barred from owning the firearm under federal law after the written determination set forth above.

Effective July 1, 2023, and applies to any firearm found or received by a law enforcement agency on or after that date.

**Intro. by Morey, von Haefen, Logan.**

[GS 14, GS 15](#)

[View summary](#)

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

H 286 (2023-2024) [PERMANENCY INNOVATION INITIATIVE/SAYSO/FUNDS](#). Filed Mar 6 2023, *AN ACT TO APPROPRIATE FUNDS TO THE PERMANENCY INNOVATION INITIATIVE AND THE SAYSO PROGRAM*.

Appropriates \$2 million in recurring funds for each year of the 2023-25 fiscal biennium from the General Fund to the Department of Health and Human Services, Division of Social Services, to provide additional funds for the Permanency Innovation Initiative Fund; requires these funds to be supplemented, not supplanted, by all available federal matching funds.

Appropriates \$1.3 million in recurring funds for each year of the 2023-25 fiscal biennium from the General Fund to the Department of Health and Human Services, Division of Social Services, to the Children's Home Society of North Carolina for the SaySo (Strong Able Youth Speaking Out) program, a statewide association of youth aged 14 through 24 who are, or have been, in the out-of-home care system in North Carolina, including foster care, group homes, and mental health placements.

Effective July 1, 2023.

**Intro. by Potts, Hardister, Sasser, Ball.**

[APPROP](#)

[View summary](#)

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

**PUBLIC/SENATE BILLS**

S 201 (2023-2024) [UNION COUNTY/USE WHEEL LOCKS](#). Filed Mar 6 2023, *AN ACT AUTHORIZING UNION COUNTY TO USE WHEEL LOCKS OR OTHER SIMILAR DEVICES TO ENFORCE PARKING REGULATIONS ON COUNTY-OWNED PROPERTY AND PROPERTY LEASED BY THE COUNTY*.

Applicable to Union County only, amends GS 153A-170 to authorize the county to regulate by ordinance motor vehicle parking on property leased by the county in addition to county-owned property. Allows for ordinances to provide for vehicles parked in violation of county regulations to be immobilized by wheel locks or similar devices at cost to the owner.

**Intro. by Johnson, Craven.**

[Union, GS 153A](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

S 202 (2023-2024) [RESTORE MASTER'S PAY FOR CERTAIN EDUCATORS](#). Filed Mar 6 2023, *AN ACT TO REINSTATE EDUCATION-BASED SALARY SUPPLEMENTS FOR CERTAIN TEACHERS AND INSTRUCTIONAL SUPPORT PERSONNEL*.

Amends GS 115C-302.10, which governs education-based salary supplements for teachers and support personnel. Expands the classes of teachers and instructional support personnel who can be paid on the "M" salary schedule or receive a salary supplement for academic preparation at the six-year degree level or at the doctoral degree level by establishing a new qualifying class that requires the teachers to spend at least 70% of their work time in classroom instruction related to their graduate preparation in their field or subject area within their area of licensure and the other 30% in one or more of the four specified forms of teacher or curricula development. Requires these teachers' salary schedule and supplement determinations to be made on an annual basis. Excludes those with an advanced degree in school administration unless qualified under the second or third described classes set forth in existing law. Makes organizational changes.

Appropriates \$6.8 million in recurring funds from the General Fund to the Department of Public Instruction for 2023-24 to provide the authorized salary supplements.

Effective July 1, 2023, and applies beginning with the 2023-24 school year.

**Intro. by Britt.**

[APPROP, GS 115C](#)

[View summary](#)

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

S 206 (2023-2024) [STOP COUNTERFEIT PILLS ACT](#). Filed Mar 6 2023, *AN ACT AMENDING THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT TO ESTABLISH NEW VIOLATIONS INVOLVING COUNTERFEIT CONTROLLED SUBSTANCES AND ESTABLISHING AND REVISING PENALTIES FOR CERTAIN VIOLATIONS*.

Amends GS 90-108, making it a Class D felony to either possess, or manufacture, distribute, export, or import, any three-neck round-bottom flask, tableting machine, encapsulating machine, or gelatin capsule, or any equipment, chemical, or material which may be used to manufacture a controlled substances or listed chemical, knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance. Applies to offenses committed on or after December 1, 2023.

**Intro. by McInnis.**

[GS 90](#)

[View summary](#)

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

S 207 (2023-2024) [BOTTLENOSE DOLPHIN AS STATE MARINE MAMMAL](#). Filed Mar 6 2023, *AN ACT ADOPTING THE BOTTLENOSE DOLPHIN AS THE STATE MARINE MAMMAL*.

Includes whereas clauses. Enacts GS 145-52, as title indicates.

**Intro. by Hanig.**

[GS 145](#)

[View summary](#)

[Government, Cultural Resources and Museums](#)

S 210 (2023-2024) [GUN VIOLENCE PREVENTION ACT](#). Filed Mar 6 2023, *AN ACT TO REQUIRE A PERMIT FOR THE PURCHASE OF AN ASSAULT WEAPON OR LONG GUN; TO REQUIRE A SEVENTY-TWO-HOUR WAITING PERIOD BEFORE A PURCHASED FIREARM MAY BE DELIVERED OR OTHERWISE POSSESSED; TO PROHIBIT THE SALE OF AN ASSAULT WEAPON OR LONG GUN TO PERSONS UNDER A CERTAIN AGE; TO PROHIBIT THE SALE OR POSSESSION OF A BUMP STOCK OR TRIGGER CRANK; TO REQUIRE THE SAFE STORAGE OF A FIREARM; TO REVISE RECIPROCITY LAW FOR A CONCEALED HANDGUN PERMIT; TO REQUIRE THE REPORTING OF A LOST OR STOLEN FIREARM; TO REQUIRE ANY PERSON WHO OWNS A FIREARM TO CARRY FIREARM LIABILITY INSURANCE; TO LIMIT THE SIZE OF AMMUNITION MAGAZINES; TO REPEAL THE PREEMPTION OF LOCAL REGULATION OF FIREARMS; TO ALLOW THE DESTRUCTION OF A SEIZED FIREARM; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO DEVELOP A ROSTER OF HANDGUNS THAT MEET CERTAIN DESIGN AND SAFETY STANDARDS AND PROHIBIT THE SALE, TRANSFER, OWNERSHIP, OR POSSESSION OF HANDGUNS THAT ARE NOT INCLUDED ON THE ROSTER; TO REPEAL THE "STAND YOUR GROUND LAWS" AND CODIFY COMMON LAW REGARDING USE OF FORCE AGAINST AN INTRUDER; TO PROHIBIT LEAVING A FIREARM IN AN UNATTENDED MOTOR VEHICLE UNLESS FIREARM IS SAFELY STORED; TO PROHIBIT THE SALE OR POSSESSION OF GHOST GUNS; TO PROHIBIT POSSESSION OF A SEMIAUTOMATIC FIREARM BY PERSONS UNDER TWENTY-ONE YEARS OF AGE; TO REQUIRE THE SHERIFF UPON DENIAL, REVOCATION, OR REFUSAL TO RENEW A CONCEALED HANDGUN PERMIT OR PISTOL PERMIT TO TRANSMIT THE PROHIBITION RECORD TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM; AND TO DIRECT THE STATE TREASURER TO DIVEST THE PENSION FUND OF GUN STOCKS*.

Part I.

Currently, the prohibitions set out in GS 14-402 apply to the sale, transfer, purchase, or receipt of pistols only.

Amends GS 14-402, also making it a Class 2 misdemeanor to sell, transfer, purchase, or receive assault weapons or long guns in the State unless the purchaser or receiver holds a license or permit issued under Article 52A (sale permits) from the county sheriff where the purchaser or receiver resides, or the purchaser or receiver holds a valid NC concealed handgun permit issued under Article 54B and is an NC resident at the time of purchase. Makes it a Class 2 misdemeanor to receive assault weapons or long guns from various federal, state, or local mail carriers or agents; railroad agents; or employees within the State without having, possessing, and exhibiting the purchase permit issued by the sheriff in GS 14-403. Additionally, makes it a Class 2 misdemeanor for any person to receive a pistol, assault weapon, or long gun unless a period of 72 hours has passed from the date of purchase or transfer agreement.

Defines *assault weapon* to mean: (1) any selective-fire firearm capable of semiautomatic or burst fire at the option of the user, including 37 specifically identified semiautomatic firearms; (2) 49 specifically named semiautomatic centerfire rifles, or copies or duplicates with the capability of the rifles; (3) 22 specifically identified semiautomatic centerfire pistols, or copies or duplicates with the capability of the pistols; (4) all IZHMAISH Saiga 12 Shotguns, or copies or duplicates with the capability of the shotguns; and (5) all semiautomatic firearms that meet any of 8 detailed specifications, including a semiautomatic pistol with a fixed magazine that has the ability to accept more than 10 rounds, and a shotgun with a revolving cylinder. Defines *long guns* to mean a shotgun or rifle that is not considered an antique firearm or assault weapon, as currently defined by the statute.

Makes conforming changes to GS 14-403, setting out the standard form of the purchase permit issued by the county sheriff; and GS 14-404, providing for the issuance of permits to persons with felony convictions who are later pardoned or whose firearm rights have been restored.

Makes conforming changes to GS 14-403 (pertaining to form of certain weapons permits) and GS 14-404 to include reference to assault weapons and long guns, in addition to pistols. Amends GS 14-408.1 to include assault weapons in the term *firearm* as it is applied to the statute's provisions regarding soliciting unlawful purchases of firearms and unlawfully providing materially false information regarding the legality of a firearms or ammunition transfer.

Effective December 1, 2023.

#### Part II.

Amends GS 14-269.7, making it a Class 1 misdemeanor for any minor under 18 to possess or carry a long gun, and for any minor under 21 to possess or carry an assault weapon. Defines *long gun* and *assault weapon* as set out in GS 14-402 as amended above. Currently, GS 14-269.7 only applies to minors under the age of 18 who possess or carry a handgun. Extends the current exceptions set out for minors' possession of handguns for certain purposes, such as the discharge of official duties as Armed Forces officers or personnel, to also include possession of a long gun or assault weapon in the same manner.

Amends GS 14-315, also making it a Class H felony for a person to sell, offer for sale, give, or transfer in any way a long gun or assault weapon to a minor (currently, the prohibition only applies to handguns). Extends the current exceptions set out for certain circumstances for handguns to also apply for long guns and assault weapons.

Effective December 1, 2023.

#### Part III.

Enacts new GS 14-409A, making it a Class I felony for any person, firm, or corporation to manufacture, sell, give away, transfer, use, or possess bump stocks, trigger cranks, or any other similar device or instrument added to a firearm by a person other than the manufacturer designed to increase the rate of fire achievable by the firearm. Defines *bump stock* to mean any device or instrument for a firearm that increases the rate of fire achievable with the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger. Defines *trigger crank* to mean any device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion, but does not include any weapon initially designed or manufactured to fire through the use of a crank or lever. Defines *firearm* to be as the term is defined in GS 14-409.39, defining the term to mean a handgun, shotgun, or rifle which expels a projectile by action of an explosion (and does not include assault weapons, as included in *firearm* defined in GS 14-408.1 as amended). Effective December 1, 2023.

#### Part IV.

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

Enacts GS 14-409.44, requiring a person in possession or control of a firearm to store and keep the firearm in a locked container when it is not being carried or used by the owner or another lawfully authorized user. Makes violation of the statute a Class A1 misdemeanor and deems a violation to constitute wanton conduct, subjecting the violator to punitive damages in a civil action filed against the violator. Clarifies that the statute does not authorize the possession of a firearm otherwise prohibited under State or federal law. Specifies that *firearm* includes weapons regulated under GS 14-409 (machine guns and other like weapons) for purposes of the statute.

Amends GS 14-315.2, requiring a seller or transferor to deliver a written copy of GS 14-409.44, as enacted, to the purchaser or transferee upon the retail commercial sale or transfer of any firearm. Modifies the statement the statute requires to be conspicuously posted at each purchase counter of any retail or wholesale store, shop, or sales outlet that sells firearms, mirroring the language of new GS 14-409.44. Maintains the provision making a violation of the statute a Class 1 misdemeanor.

Effective December 1, 2023.

#### Part V.

Amends GS 14-415.24 (Reciprocity; out-of-state handgun permits). Directs the Department of Justice to inquire what criteria other states use for the issuance of a concealed handgun permit, and to compile a list of states whose criteria are at least as stringent as the criteria required in this State. Provides that only out-of-state licenses issued by those states are valid in North Carolina.

#### Part VI.



Enacts new GS 14-409.13 requiring a firearm owner to report the loss or theft of the firearm within 48 hours of discovering the loss or theft, to either: (1) the local law enforcement agency with jurisdiction over the location where the loss or theft occurred or (2) the State Bureau of Investigation. Violations are a Class 3 misdemeanor, subsequent violations are a Class I felony. Applies to offenses committed on or after December 1, 2023.

#### Part VII.

Amends GS 14-404 to require, before the issuance of a pistol permit, that the sheriff verify that the person has firearm liability insurance under new GS 14-409.44A.

Enacts new GS 14-409.44A, requiring any person in this State who intends to own a firearm to obtain, before owning the firearm, and continuously maintain liability insurance in an amount not less than \$100,000 specifically covering any damages from any negligent or willful acts involving the use of the firearm while the person owns it. Prohibits transferring the firearm unless the transferee at the time of the transfer gives the transferee proof of the same insurance. Deems a person is to own a lost or stolen firearm until the loss or theft is reported. Requires any person who owns a firearm on December 1, 2023, to obtain the required insurance by January 15, 2024. Requires the Department of Insurance to adopt rules to implement this statute.

#### Part VIII.

Enacts new Article 53D, Regulation of Large-Capacity Ammunition Magazines, providing as follows. Defines *large-capacity magazine* as including: (1) a fixed or detachable magazine box, drum, feed strip, or similar device capable of accepting, or that is designed to be readily converted to accept, more than 15 rounds of ammunition; (2) a fixed or detachable magazine capable of accepting more than eight shotgun shells; and (3) a detachable magazine, tube, box, drum, feed strip, or similar device capable of accepting more than eight shotgun shells when combined with a fixed magazine. Sets out what is excluded from the term.

Makes it Class 2 misdemeanor to sell, transfer, or possess a large-capacity magazine; subsequent offenses are a Class 1 misdemeanor. Makes it a Class 1 felony to violate this prohibition during the commission of a felony. Allows possession of a large-capacity magazine if the person owns the magazine on December 1, 2019, and maintains continuous possession. Sets out exceptions to the offense for specified entities and their employees and specified transporters.

Requires large-capacity magazines manufactured in NC on or after December 1, 2019, to include a permanent stamp or marking indicating that it was manufacture or assembled after that date. Allows the SBI to adopt rules to implement this statute. Violations are a Class 2 misdemeanor. Applies to offenses committed on or after December 1, 2023.

#### Part IX.

Repeals GS 14-409.40, which prohibited local governments from regulating the possession, ownership, storage, transfer, sale, purchase, licensing, taxation, manufacture, transportation, or registration of firearms, firearms ammunition, components of firearms, dealers in firearms, or dealers in handgun components or parts, and prohibited local governments from regulating firearms shows with regulations more stringent than those applying to shows of other types of items.

#### Part X.

Amends GS 15-11.1 (pertaining to court orders for the disposition of seized firearms determined to be no longer useful as evidence) GS 15-11.2 (pertaining to dispositions of unclaimed firearms not confiscated or seized as trial evidence), and GS 14-269.1 (pertaining to disposition of confiscated firearms used for offenses involving a deadly weapon) by removing each statutory requirement that a firearm not have a legible, unique identification number or is unsafe before it can be turned over to the appropriate law enforcement agency to be destroyed.

#### Part XI.

Enacts new GS 14-406.2, Prohibition on sale, transfer, ownership, or possession of unsafe handgun. Includes findings of the General Assembly and defined terms. Directs the Department of Public Safety (DPS) to develop a roster of handguns determined not to be unsafe based off the California Roaster of Handguns Certified for Sale (roster), defined as a roster compiled by the Department of Justice for the State of California pursuant to California Penal Code 12131 that lists all of the pistols, revolvers, and other firearms that have been tested by a certified testing laboratory and determined not to be unsafe. Makes it a Class 3 misdemeanor for any person, firm, or corporation to (1) manufacture, sell, give, loan, import, or otherwise

transfer a handgun that is not listed on the roster as of January 1 of the calendar year in which the handgun is to be transferred or (2) own or possess a handgun that is not listed on the roster as of January 1 of the applicable calendar year, unless the person, firm, or corporation lawfully owned or possessed the handgun prior to that date. Limits lawful owners of handguns not listed on the roster as of January 1 of the applicable calendar year to selling or otherwise transferring the handgun only to a dealer or sheriff of the county where the person resides. Authorizes the sheriff to destroy or dispose of the handgun pursuant to the specified provisions. Limits a dealer who retains or lawfully acquires a handgun not listed on the roster as of January 1 of the applicable year to selling or otherwise transferring the handgun to another dealer. Prohibits the transfer of a handgun not listed on the roster as of January 1 of the applicable year by devise or bequest. Makes a violation of these provisions a Class 3 misdemeanor.

Identifies seven exemptions from the statute, including the temporary transfer of a lawfully owned handgun for the purposes of cleaning, repairing, or servicing the handgun by a dealer, and the possession of a handgun by a nonresident while temporarily traveling through the state.

Provides for DPS testing of handguns that it believes should be added to the roster or should be removed from the roster in accordance with the specified parameters. Directs DPS to annually review and update the roster by rule by January 1, including (1) adding or removing those handguns tested by DPS under subsection (f) and (2) adding to the exemptions approved pistols developed by other states as authorized under subdivision (e)(7). Directs DPS to publish the roster and any updates to its website at least 30 days prior to the date the roster is to take effect.

Specifies that the initial roster developed pursuant to new GS 14-406.2 is to be based on the California Roster of Handguns Certified for Sale as of January 1, 2024.

Directs DPS to submit a report to the Joint Legislative Oversight Committee on Justice and Public Safety on the development of the roster and the types of handguns included on the roster, and publish the roster on its website, by January 15, 2024.

Effective January 1, 2024.

#### Part XII.

Repeals: (1) GS 14-51.2 (Home, workplace, and motor vehicle protection; presumption of fear of death or serious bodily harm); (2) GS 14-51.3 (Use of force in defense of person; relief from criminal or civil liability); and (3) GS 14-51.4 (Justification for defensive force not available).

Enacts new GS 14-51.5, providing that a lawful occupant of a home or other place of residence is justified in using any degree of force that the occupant reasonably believes is necessary, including deadly force, against an intruder to prevent forcible entry into the home or residence or to terminate the unlawful entry if the occupant reasonably apprehends that the intruder may kill or inflict serious bodily harm to the occupant or others in the home or residence or if the occupant reasonably believes the intruder intends to commit a felony in the home or residence. Specifies that a lawful occupant does not have a duty to retreat in these circumstances.

#### Part XIII.

Enacts new GS 14-269.9 making it a Class 2 misdemeanor to leave a firearm in an unattended motor vehicle unless the vehicle is locked and the firearm is either (1) secured with a trigger lock or other safety device designed to prevent an unauthorized user from operating the firearm or (2) in a locked container. Applies to offenses committed on or after December 1, 2023.

#### Part XIV.

Enacts new GS 14-409B making it a Class I felony for any person, firm, or corporation to manufacture, sell, give away, transfer, use, or possess a ghost gun. Defines a *ghost gun* as a firearm, including a frame or receiver, that lacks a unique serial number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer, maker, or importer under federal law or markings in accordance with 27 C.F.R. § 479.102. Applies to offenses committed on or after December 1, 2023.

#### Part XV.

Enacts new GS 14-269.7A making it a Class 1 misdemeanor for a person under age 21 to willfully and intentionally possess or carry a semiautomatic firearm, as defined. Sets out an exception for officers and enlisted personnel of the US Armed Forces when in discharge of their official duties or acting under orders. Applies to offenses committed on or after December 1, 2023.

## Part XVI.

Amends GS 14-404 to provide that if a sheriff denies a person's pistol permit application because of a prohibition under the National Instant Criminal Background Check System (NICS), then the sheriff must transmit the record to NICS no later than 48 hours after notifying the application of the denial. Enacts GS 14-415.18A providing that if the sheriff denies, revokes, or refuses to renew a person's application for a concealed handgun permit because of a prohibition under NICS, then the sheriff must transmit the record to NICS no later than 48 hours after notifying the applicant.

## Part XVII.

Requires, within 90 days of September 1, 2023, the Public Fund to make its best efforts to identify all firearms manufacturers in which the Public Fund has direct or indirect holdings or could possibly have such holdings in the future, including taking the specified efforts. Defines Public Fund as any funds held by the State Treasurer to the credit of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Firemen's and Rescue Workers' Pension Fund, the Local Governmental Employees' Retirement System, the Legislative Retirement System, the Legislative Retirement Fund, or the North Carolina National Guard Pension Fund. Requires the Public Fund, by the first meeting of the Public Fund following the 90-day period, to assemble a list of all firearms manufacturers in which the Public Fund holds direct or indirect investments. Requires the State Treasurer to promptly divest all direct and indirect holdings in firearms manufacturers held by the Public Fund. Prohibits the Public Fund from acquiring direct or indirect holdings in firearms manufacturers.

## Part XVIII.

Includes a severability clause.

Specifies that prosecutions for offenses committed before the act's effective date are not abated or affected by this act.

**Intro. by Marcus, Murdock, Garrett.**

[GS 14, GS 15, GS 147](#)

[View summary](#)

**[Business and Commerce, Insurance, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, State Agencies, Department of Insurance, Department of State Treasurer](#)**

S 211 (2023-2024) [PERMIT MULTISTATE WATER/SEWER AUTHORITY](#). Filed Mar 6 2023, *AN ACT TO ALLOW POLITICAL SUBDIVISIONS FROM ADJOINING STATES TO BE MEMBERS OF A NORTH CAROLINA WATER AND SEWER AUTHORITY*.

Amends GS 162A-3 (pertaining to procedures for creation of a public water and sewer authority) as follows. Expands the scope of entities allowed to create a water or sewer authority to include an authority that includes one or more units of local government in a state adjoining any county that is or contains one or more political subdivisions organizing that authority under GS 162A-3, if that inclusion is permitted by the laws of the adjoining state. Specifies that the governing body of the political subdivision in the adjoining state must adopt a resolution that meets the specifications of GS 162A-3 as well as filing and publication requirements. Makes clear that the unit of local government in the adjoining state is considered a political subdivision for all other purposes of governing water and sewer authorities. Makes conforming changes to GS 162A-3.1 (pertaining to alternate procedures for creation of public water and sewer authorities).

**Intro. by Moffitt.**

[GS 162A](#)

[View summary](#)

**[Government, Local Government, Public Enterprises and Utilities](#)**

S 212 (2023-2024) [FUNDS FOR POLK COUNTY YMCA](#). Filed Mar 6 2023, *AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A YMCA FACILITY IN POLK COUNTY*.

Appropriates \$12.5 million for 2023-24 from the General Fund to the Office of State Budget and Management for a directed grant to Polk County to construct a YMCA facility. Effective July 1, 2023.

**Intro. by Moffitt.**

[APPROP, Polk](#)

[View summary](#)

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

## LOCAL/HOUSE BILLS

H 236 (2023-2024) [SCHOOL CALENDAR FLEXIBILITY/CARTERET](#). Filed Feb 28 2023, *AN ACT TO ALLOW CARTERET COUNTY SCHOOLS TO ALIGN THE SCHOOL CALENDAR WITH CARTERET COMMUNITY COLLEGE*.

Amends GS 115C84.2(d) to authorize local boards of education to align the calendar of schools in the local school administrative unit with the calendar of a community college serving the city or county in which the unit is located by stating the calendar on the same day as the college or any day thereafter. Applies only to Carteret County Schools. Applies beginning with the 2023-24 school year.

**Intro. by Cairns.**

[Carteret](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 272 (2023-2024) [BROADEN ELECTRONIC NOTICE AUTHORIZATION](#). Filed Mar 6 2023, *AN ACT BROADENING THE AUTHORITY TO USE ELECTRONIC MEANS TO PROVIDE REQUIRED NOTICES*.

Amends SL 2007-86, as amended, to also allow the governing bodies of Fuquay-Varina, Holly Springs, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon to use electronic means to provide required notices (in addition to notice of public hearings). Provides that the electronic notice may be in lieu of traditional publication methods.

**Intro. by Gill, Everitt, Roberson, von Haefen.**

[UNCODIFIED, Wake](#)

[View summary](#)

H 285 (2023-2024) [REMOVE SATELLITE ANNEX. CAP/ARCHDALE](#). Filed Mar 6 2023, *AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ARCHDALE*.

As title indicates, expands the scope of the exemption to the territorial cap on satellite annexations under GS 160A-58.1 to include the City of Archdale.

**Intro. by Biggs, N. Jackson.**

[Guilford, Randolph, GS 160A](#)

[View summary](#)

## LOCAL/SENATE BILLS

S 198 (2023-2024) [EVENYR ELECTION/MOORESVILLE/GRADED SCHOOL DIS](#). Filed Mar 6 2023, *AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF MOORESVILLE AND MOORESVILLE GRADED SCHOOL DISTRICT ELECTIONS IN IREDELL COUNTY SHALL BE HELD IN EVEN-NUMBERED YEARS.*

Part I amends the Charter of the Town of Mooresville (Town), SL 1975-239, as amended, to require municipal elections to be held in even-numbered years rather than odd-numbered years. Provides for election of a mayor to a two-year term beginning in 2024. Details election of commissioners to staggered four-year terms, with commissioners from two identified wards and one at-large commissioner elected in 2024 and 2026, as specified. Prohibits holding an election until 2024. Extends the terms of commissioners expiring in 2023 and 2025 by one year, and extends the term of the mayor expiring in 2023 by one year.

Part II extends by one year the terms of the Board of Graded School Trustees of Mooresville members serving on the date the act becomes law and set to expire in 2023 and 2025. Requires members to be elected at the same time and in the same manner as other Town officers, subject to state election laws.

**Intro. by Sawyer.**

[Iredell](#)

[View summary](#)

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

S 199 (2023-2024) [DURHAM/REDUCE SPEED LIMITS](#). Filed Mar 6 2023, *AN ACT TO REDUCE THE SPEED LIMITS TO TWENTY-FIVE MILES PER HOUR ON RESIDENTIAL STREETS IN DURHAM EXPERIENCING CONGESTION, AS DETERMINED BY THE CITY OF DURHAM'S TRANSPORTATION DEPARTMENT.*

Makes it unlawful to drive in excess of 25 miles per hour on residential streets in Durham that the City of Durham's Transportation Department has determined to be experiencing congestion. Applies to offenses committed on or after December 1, 2023.

**Intro. by Woodard, Murdock.**

[UNCODIFIED, Durham](#)

[View summary](#)

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

S 200 (2023-2024) [ONSLow COUNTY/PUBLIC NOTICES](#). Filed Mar 6 2023, *AN ACT TO AUTHORIZE THE MUNICIPALITIES IN ONSLOW COUNTY TO PUBLISH REQUIRED PUBLIC NOTICES ELECTRONICALLY AND TO AUTHORIZE ONSLOW COUNTY TO PUBLISH LEGAL NOTICES VIA THE COUNTY-MAINTAINED WEBSITE FOR A FEE.*

Limits the scope of the act to Onslow County and any municipality located wholly or in part in the County.

#### Section 1

Enacts GS 153A-52.3 as follows. Authorizes governing boards to adopt ordinances to provide that any notice the county is required to publish or advertise by state law or local act can be published electronically pursuant to the statute's provisions in lieu of or in addition to the required publication or advertisement. Defines *governing board* to mean the body elected or appointed as the board of county commissioners or city council. Allows for the ordinances to cover all required publications or advertisements, or to clearly identify categories of notices, and to set reasonable fees to cover electronic notice costs. Details requirements for adopting such ordinances and using electronic notice, including instructions for the public to access electronic notices, time and content requirements for electronic notices, filing requirements of copies of electronic notices, and requirements for mailing or emailing electronic notices to persons who file written requests, as specified. Requires all electronic notices to be published on the website of the board of county commissioners. Specifies that the act does not supersede laws or acts requiring mailed notice to certain persons or classes of persons, or posting of signs to certain property. Specifies that ordinances can govern notice given by any board appointed by the governing board, including the planning board, board of social services, and board of health. Authorizes a city council to adopt an ordinance under the statute's provisions and publish notices in compliance with the statute's provisions through publication on the board of county

commissioners' website where the city council is located if the county has also adopted an ordinance pursuant to the statute's provisions.

Amends GS 160A-1 (sets forth definitions used in GS Chapter 160A, governing cities and towns), GS 153A-1 (sets forth definitions used in GS Chapter 153A, governing counties), and GS 159-1(b) (sets forth definitions used in GS 159, governing local government finance), to include electronic notice, as provided for in new GS 153A-52.3, in the definition provided for *publish*, *publication*, and other forms of the word *publish*, so long as an ordinance has been adopted by the relevant governing board.

Amends GS 163-33, to allow election notices to be given by the county board of elections on the website of the county board of commissioners if the board of commissioners has adopted an ordinance pursuant to new GS 153A-52.3. Makes technical and clarifying changes.

Specifies that Section 1 only applies to Onslow County and any municipality located wholly or in part in the County, and applies to notices published on or after the date the act becomes law.

## Section 2

Enacts new GS 1-602 allowing publishing of any notice permitted or required to be published in a newspaper, by instead contracting with a county that has adopted an ordinance authorizing the county to publish such notices on a county-maintained website. Allows the board of commissioners to adopt such an ordinance if the county: (1) maintains its own website, with sufficient staff to maintain that site; (2) has sufficient staff to complete affidavits as needed for all legal notices as required by this statute; (3) collects and remits fees as authorized in this statute; and (4) provides notice that public notices may be published on the county website, in a newspaper, or via both. Provides that when a county has published a notice or any other paper, document, or legal advertisement and a county employee makes a written statement under oath stating that the county placed such notice, paper, document, or legal advertisement on its website, the sworn written statement must be received in all courts in North Carolina as prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its website for the stated period of time. Requires that such a sworn statement filed with that county's superior court clerk be deemed to be a record of the court and be prima facie evidence that the county placed the notice, paper, document, or legal advertisement upon its website for the stated period of time. Allows the county to charge fees for administrative costs. Provides that when a statute or written instrument stipulates that an advertisement of a sale must be made for a specified number of weeks, publication on the county website in accordance with this statute for that specified period is sufficient compliance. Requires any newspaper publishing public notices to provide notice that public notices may be published on the county website, in the newspaper, or via both. Specifies that this statute does not require a county to adopt an ordinance authorizing the county to publish notices on a website maintained by the county.

Specifies that Section 2 applies only to Onslow County and any municipality located wholly or in part in the County, and applies to notices published on or after the date the act becomes law.

**Intro. by Lazzara.**

[Onslow, GS 1, GS 153A, GS 159, GS 160A, GS 163](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law](#)

S 203 (2023-2024) [AUTHORIZE SKATEBOARD RESTRICTIONS/POLK CO.](#) Filed Mar 6 2023, *AN ACT AUTHORIZING POLK COUNTY TO PROHIBIT OR RESTRICT SKATEBOARDING.*

Authorizes Polk County to prohibit or restrict the use of skateboards on any public street or road within the county. Provides that the County can, by ordinance, specify with respect to skateboarding: prohibited streets or roads; authorized users; required equipment; and authorized hours and methods. Effective October 1, 2023. Prohibits an authorized ordinance from being effective prior to that date.

**Intro. by Moffitt.**

[Polk](#)

[View summary](#)

[Transportation](#)

S 204 (2023-2024) [HENDERSONVILLE LOCAL OPTION SALES TAX](#). Filed Mar 6 2023, *AN ACT TO AUTHORIZE THE LEVY OF A MUNICIPAL ONE-QUARTER PERCENT SALES AND USE TAX*.

Applicable only to the City of Hendersonville (City), enacts Article 47 to GS Chapter 105. Names the act the “First One-Quarter Cent (1/4¢) Municipal Sales and Use Tax Act.” Subject to voter approval, authorizes the City to levy a one-quarter cent sales and use tax in addition to any other State and local sales and uses taxes levied. Requires that the tax be levied only by resolution and after 10 days of public notice. Sets parameters for an election on the question and provides ballot language. Details administration of the tax. Specifies that the tax levied under Article 47 does not apply to the sales price of food that is exempt from tax pursuant to GS 105-164.13B or to the sales price of a bundled transaction taxable pursuant to GS 105-467(a) (5a). Requires the Secretary of Revenue to distribute the net proceeds collected from the tax to the City monthly, and provides for apportionment in instances where proceeds cannot be identified as attributable to a particular taxing municipality. Specifies that amounts collected by electronic funds transfer payments are included in the monthly distribution in which the return that applies to the payment is received. Authorizes the City to use the net proceeds of the tax for the purposes of public safety, economic development, and public facilities.

**Intro. by Moffitt.**

[Henderson, GS 105](#)

[View summary](#)

[Government, Tax](#)

S 205 (2023-2024) [RUTHERFORDTON LOCAL OPTION SALES TAX](#). Filed Mar 6 2023, *AN ACT TO AUTHORIZE THE LEVY OF A MUNICIPAL ONE-QUARTER PERCENT SALES AND USE TAX*.

Applicable only to the Town of Rutherfordton (Town), enacts Article 47 to GS Chapter 105. Names the act the “First One-Quarter Cent (1/4¢) Municipal Sales and Use Tax Act.” Subject to voter approval, authorizes the Town to levy a one-quarter cent sales and use tax in addition to any other State and local sales and uses taxes levied. Requires that the tax be levied only by resolution and after 10 days of public notice. Sets parameters for an election on the question and provides ballot language. Details administration of the tax. Specifies that the tax levied under Article 47 does not apply to the sales price of food that is exempt from tax pursuant to GS 105-164.13B or to the sales price of a bundled transaction taxable pursuant to GS 105-467(a) (5a). Requires the Secretary of Revenue to distribute the net proceeds collected from the tax to the Town monthly, and provides for apportionment in instances where proceeds cannot be identified as attributable to a particular taxing municipality. Specifies that amounts collected by electronic funds transfer payments are included in the monthly distribution in which the return that applies to the payment is received. Authorizes the Town to use the net proceeds of the tax for the purposes of public safety, economic development, and public facilities.

**Intro. by Moffitt.**

[Rutherford, GS 105](#)

[View summary](#)

[Government, Tax](#)

S 208 (2023-2024) [GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY](#). Filed Mar 6 2023, *AN ACT CLARIFYING THE TYPE OF PROPERTY THAT SHALL REVERT TO THE ORIGINAL GRANTOR IF THE GREATER ASHEVILLE REGIONAL AIRPORT CEASES TO OPERATE OR THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY IS DISSOLVED*.

Amends SL 2012-121 by specifying that if the Greater Asheville Regional Airport ceases to operate or if the Greater Asheville Regional Airport Authority is dissolved, then any applicable real property of Buncombe or Henderson counties or Asheville that is conveyed or transferred to the Authority and not subsequently sold or exchanged for another property by the Authority will revert to the grantor.

**Intro. by Moffitt.**

[UNCODIFIED, Buncombe, Henderson](#)



[View summary](#)[Transportation](#)

S 209 (2023-2024) [DURHAM/GRANTS TO BUSINESSES & NONPROFITS](#). Filed Mar 6 2023, *AN ACT AUTHORIZING THE CITY OF DURHAM TO MAKE GRANTS TO BUSINESSES AND PRIVATE OR PUBLIC NONPROFIT ORGANIZATIONS THAT SERVE THE PUBLIC INTEREST AND WELL-BEING OF THE DURHAM COMMUNITY AND ITS CITIZENS.*

Amends the Charter of the City of Durham, SL 1975-671, as amended, adding a new section as follows. Authorizes the City to use public funds to make grants to businesses and nonprofits to be used to serve the public interest and well-being of the Durham community and its citizens. Requires the City to develop policies and procedures for grant administration. Details five criteria required of grant applicants and City oversight of grantees, including requiring that the grantee be engaged in a business or activity that is an essential service, as defined, which the grantee has continuously provided for at least two years.

**Intro. by Woodard, Murdock.**[Durham](#)[View summary](#)[Business and Commerce](#)

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 10: [REQUIRE SHERIFFS TO COOPERATE WITH ICE.](#)**

*House: Withdrawn From Cal*

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

*House: Withdrawn From Com*

*House: Cal Pursuant Rule 36(b)*

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

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

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

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

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

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

#### **H 103: [GSC TECHNICAL CORRECTIONS 2023.](#)**

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

#### **H 104: [GSC UNIF. UNREG. CHILD CUST. TRFR. ACT/ART. 3.](#)**

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 119: NCORR/INCREASE INFORMAL BID THRESHOLD.**

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

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

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 151: TERM LIMITS FOR CONGRESS.**

*House: Withdrawn From Com*

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

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

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

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

*House: Withdrawn From Com*

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

**H 256: MUDDY SNEAKERS.**

*House: Passed 1st Reading*

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

**H 258: NOVEL OPIOID CONTROL ACT OF 2023.**

*House: Passed 1st Reading*

*House: Ref to the Com on Health, if favorable, Judiciary 3, if favorable, Rules, Calendar, and Operations of the House*

**H 259: 2023 APPROPRIATIONS ACT.**

*House: Passed 1st Reading*

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

**H 260: DIVERSITY IN PICKLEBALL PILOT PROGRAM.**

*House: Passed 1st Reading*

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

**H 261: LIMITED PROVISIONAL LICENSE MODIFICATION.**

*House: Passed 1st Reading*

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

**H 263: 2023 APPROPRIATIONS ACT.**

*House: Passed 1st Reading*

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

**H 265: CITIES/FLOOD REDUCTION TECHNIQUES.**

*House: Passed 1st Reading*

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

**H 266: LOCAL GOVERNMENTS/SYSTEM DEVELOPMENT FEES.**

*House: Passed 1st Reading*

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

**H 268: MODIFY AGE LIMITS OF JUDGES.**

*House: Passed 1st Reading*

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

**H 270: DEATH BENEFITS PARITY.**

*House: Filed*

**H 271: RESTRICT CASH BAIL FOR CLASS 3 MISDEMEANORS.**

*House: Filed*

**H 273: LOCAL GOVERNMENT BUDGET HEARINGS.**

*House: Filed*

**H 274: GRANDFATHER PROVISIONAL LICENSE MODIFICATION.**

*House: Filed*

**H 275: DMV MATERIALS IN ADDITIONAL LANGUAGES.**

*House: Filed*

**H 276: SALISBURY ACADEMY COMMUNITY CENTER.**

*House: Filed*

**H 277: FUNDS FOR JOHNSTON CO. EMERGENCY RADIOS.**

*House: Filed*

**H 278: THE RAKIM SHACKLEFORD EMBALMING FLUID ACT.**

*House: Filed*

**H 279: BREAK FREE FROM PLASTICS & AMP FOREVER CHEMICALS.**

*House: Filed*

**H 280: TEACHER LICENSURE/RETIRED EDUCATOR PROGRAM.**

*House: Filed*

**H 281: ALLOW ERPOS TO PREVENT SUICIDES & AMP SAVE LIVES.**

*House: Filed*

**H 282: TRADE SCHOOLS STUDY.**

*House: Filed*

**H 283: PURCHASE PERMIT REQ'D/LONG GUN.**

*House: Filed*

**H 284: LAW ENFORCEMENT/DESTROY CERTAIN FIREARMS.**

*House: Filed*

**H 286: PERMANENCY INNOVATION INITIATIVE/SAYSO/FUNDS.**

*House: Filed*

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

*House: Passed 1st Reading*

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

**S 22: RENAME OUTDOOR HERITAGE ADVISORY COUNCIL.***Senate: Reptd Fav***S 52: OPEN MEETINGS/ADMINISTERING ORGANIZATIONS.***Senate: Reptd Fav***S 91: AMEND RULE 4/ACCEPTANCE OF SERVICE.***Senate: Reptd Fav***S 110: GSC UNIF. COMMUNITY PROP. DISP. AT DEATH ACT.***Senate: Reptd Fav***S 189: FENTANYL DRUG OFFENSES/INCREASE PUNISHMENT.***Senate: Withdrawn From Com**Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate***S 193: CAREER DEVELOPMENT PLANS.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 194: STUDENT BORROWERS' BILL OF RIGHTS.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 195: UNC OMNIBUS.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 196: STUDENT BORROWERS' BILL OF RIGHTS.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 197: CAPITAL PROJECT FUNDING FOR NCCU.***Senate: Passed 1st Reading**Senate: Ref To Com On Rules and Operations of the Senate***S 201: UNION COUNTY/USE WHEEL LOCKS.***Senate: Filed***S 202: RESTORE MASTER'S PAY FOR CERTAIN EDUCATORS.***Senate: Filed***S 206: STOP COUNTERFEIT PILLS ACT.***Senate: Filed***S 207: BOTTLENOSE DOLPHIN AS STATE MARINE MAMMAL.***Senate: Filed***S 210: GUN VIOLENCE PREVENTION ACT.***Senate: Filed***S 211: PERMIT MULTISTATE WATER/SEWER AUTHORITY.***Senate: Filed***S 212: FUNDS FOR POLK COUNTY YMCA.**

*Senate: Filed*

## LOCAL BILLS

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

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

### **H 257: SCHOOL CALENDAR FLEXIBILITY/MULTIPLE COUNTIES.**

*House: Passed 1st Reading*

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

### **H 262: SCHOOL ASSIGNMENT ZONES.**

*House: Passed 1st Reading*

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

### **H 264: PARTISAN ELECTION/MUNL/HAYWOOD & AMP MADISON COS.**

*House: Passed 1st Reading*

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

### **H 267: TOWN OF HOLLY SPRINGS DEANNEXATION.**

*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 272: BROADEN ELECTRONIC NOTICE AUTHORIZATION.**

*House: Filed*

### **H 285: REMOVE SATELLITE ANNEX. CAP/ARCHDALE.**

*House: Filed*

### **S 198: EVENYR ELECTION/MOORESVILLE/GRADED SCHOOL DIS.**

*Senate: Filed*

### **S 199: DURHAM/REDUCE SPEED LIMITS.**

*Senate: Filed*

### **S 200: ONSLOW COUNTY/PUBLIC NOTICES.**

*Senate: Filed*

### **S 203: AUTHORIZE SKATEBOARD RESTRICTIONS/POLK CO.**

*Senate: Filed*

### **S 204: HENDERSONVILLE LOCAL OPTION SALES TAX.**

*Senate: Filed*

### **S 205: RUTHERFORDTON LOCAL OPTION SALES TAX.**

*Senate: Filed*

### **S 208: GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY.**

*Senate: Filed*

### **S 209: DURHAM/GRANTS TO BUSINESSES & NONPROFITS.**

*Senate: Filed*

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