



## The Daily Bulletin: 2023-03-08

### PUBLIC/HOUSE BILLS

H 76 (2023-2024) [ACCESS TO HEALTHCARE OPTIONS](#). Filed Feb 8 2023, *AN ACT TO PROVIDE NORTH CAROLINA CITIZENS WITH GREATER ACCESS TO HEALTHCARE OPTIONS*.

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

Deletes whereas clauses.

Part I.

Makes the repeal of Section 3, SL 2013-5, which bars the State from expanding the State's Medicaid eligibility under the Medicaid expansion provided in the Affordable Care Act, PL 111-148, effective on the date the act becomes law rather than January 1, 2024.

Makes proposed GS 108A-54.3A(24), requiring the Department of Health and Human Services (DHHS) to provide Medicaid coverage to individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act, previously effective on January 1, 2024, now effective on the later of: (1) the date approved by the Centers for Medicare and Medicaid Services (CMS) for Medicaid coverage to begin in North Carolina for individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act; or (2) the date the Current Operations Appropriations Act for the 2023-24 fiscal year becomes law. Adds to the criteria for Medicaid coverage under new subsection (24) that individuals must be in compliance with any work requirements established in the State Health Plan and in rule.

Eliminates the directive requiring DHHS to establish preventive care and wellness incentives for individuals eligible for Medicaid coverage under the provisions described in amended GS 108A-54.3A, and encouraging prepaid health plans to offer preventive care and wellness incentives to their enrollees.

Eliminates the requirement for DHHS and all county departments of social services to begin accepting applications from, and enrolling if permissible, individuals who will be eligible for coverage under amended GS 108A-54.3A as soon as practicable but no later than December 1, 2023.

Directs the DHHS Secretary to notify the specified NCGA division and the Revisor of Statutes of the date approved by CMS for Medicaid coverage to begin in North Carolina for individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act.

Revises new GS 108A-54.3B and GS 108A-54.3C by correcting a NCGA committee name. Changes the effective date of the new statutes from January 1, 2024, to mirror the effective date of new GS 108A-54.3A(24), being the later of: (1) the date approved by the Centers for Medicare and Medicaid Services (CMS) for Medicaid coverage to begin in North Carolina for individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act; or (2) the date the Current Operations Appropriations Act for the 2023-24 fiscal year becomes law. Adds to the criteria for Medicaid coverage under new subsection (24) that individuals must be in compliance with any work requirements established in the State Health Plan and in rule.

Makes the establishment of the ARPA Temporary Savings Fund effective on the date the Current Operations Appropriations Act for the 2023-24 fiscal year becomes law (was effective on the date the act becomes law).

Regarding the hospital assessment to be imposed by DHHS for the fiscal quarter beginning October 1, 2023, now requires DHHS to use \$4 million to provide funding to county departments of social services to support their implementation of Section 1.1 of the act, which enacts new GS 108A-54.3A(24) (previously called for the funds to be provided to county departments to support their preparing for implementation of Section 1.1). Regarding required reporting on the assessment proceeds, corrects the name of a legislative committee. Makes the provisions effective on the date the Current Operations Appropriations Act for

the 2023-24 fiscal year becomes law (was effective on the date the act becomes law). Sets a sunset of September 30, 2023, in the event no Current Operations Appropriations Act for 2023-24 has become law by that date.

Revises new Part 3, Health Advancement Assessments, in Article 7B of GS Chapter 108A, as follows. Makes the provisions effective on the first day of the next assessment quarter after the act becomes law, rather than January 1, 2024.

Amends GS 108A-147.5, which previously set the presumptive service cost component used in formulating the aggregate health advancement assessment collection amount, for the fiscal quarters beginning January 1, 2024, and each quarter beginning on or after April 1, 2024. Now sets the presumptive cost service component for (1) every quarter prior to the quarter in which new GS 108A-54.3A(24) becomes effective, setting the component at zero; (2) the quarter in which GS 108A-54.3A(24) becomes effective, setting the component at the product of \$48.75 million multiplied by the number of months in the quarter in which new GS 108A-54.3A(24) is effective in any part of the month; and (3) the first quarter after the quarter in which new GS 108A-54.3A(24) becomes effective, setting the component at \$146.25 million (previously the set amount for the quarter beginning January 1, 2024). Makes the greater of amounts previously set out to determine the component for every quarter beginning on or after April 1, 2024, now applicable to determine the component for the second quarter following the quarter in which new GS 108A-54.3A(24) becomes effective and every quarter thereafter.

Amends GS 108A-147.7, which sets amounts for the State and county administration subcomponents that makeup the administration component used in formulating the aggregate health advancement assessment collection amount. For the State administration subcomponent, sets the amount for (1) every quarter in the 2022-23 and 2023-24 fiscal years at the product of \$1.1 million multiplied by the number of months in the quarter in which new GS 108A-54.3A(24) is effective in any part of the month; (2) every quarter in 2024-25 at \$3.3 million increased by the Consumer Price Index (CPI); and (3) every subsequent quarter increased over the prior year's quarterly amount by the CPI (previously, set at \$3.3 million for quarters in 2023-24 with subsequent CPI increases thereafter). For the county administration component, sets the amount for (1) every quarter in the 2022-23 and 2023-24 fiscal years at \$1.667 million multiplied by the number of months in the quarter in which new GS 108A-54.3A(24) is effective in any part of the month; (2) every quarter in 2024-25 at \$7.4 million; (3) every quarter of 2025-26 at \$7.8 million; and (4) every subsequent quarter increased over the prior year's quarterly amount by the CPI (previously, set at \$5 million for each quarter of 2023-24, with the remainder of the schedule the same).

Amends GS 108A-147.8, which sets the amount of the State retention component used in formulating the aggregate health advancement assessment collection amount. Sets the component for every fiscal quarter prior to the quarter in which new GS 108A-54.3A(24) becomes effective, at zero, and for the quarter in which new GS 108A-54.3A(24) becomes effective and every quarter thereafter at \$10.75 million (was a flat amount at \$10.75 million for each assessment quarter).

Amends GS 108A-147.12 to set the gross premiums offset amount at zero for 2022-23 and 2023-24 (was zero for 2023-24 and 2024-25). Requires using the previously described formulas for determining the offset for the first and second, third and fourth quarters in 2024-25 and each year thereafter (was used for 2025-26 and each year thereafter).

Amends new GS 108A-147.7 by increasing the amount of the State administration subcomponent for each quarter of the 2023-24 and 2024-25 fiscal years as specified. Now effective upon the later of: (1) the first day of the next assessment quarter after the CMS approves the initial 42 C.F.R. § 438.6(c) preprint requesting approval of the healthcare access and stabilization program (HASP) submitted in accordance with GS 108A-148.1 or (2) the first day of the next assessment quarter after the act becomes law (rather than January 1, 2024).

Makes new GS 143C-9-10, establishing the Health Advancement Receipts Special Fund, effective on the first day of the next assessment quarter after the act becomes law, rather than January 1, 2024.

Revises Part 2, Modernized Hospital Assessments, of Article 7B, as follows.

Amends GS 108A-146.12, which sets out the postpartum coverage component used in the calculation of the aggregate modernized assessment collection amount. Specifies that the amount set for each quarter of 2022-23 is for quarters prior to the quarter in which new GS 108A-53.4A(24) becomes effective. Reduces the component for each quarter in 2022-23 in which new GS 108A-53.4A(24) becomes or is effective to \$4.5 million. Sets the component for each quarter of 2023-24 prior to new GS 108A-53.4A(24) being effective at \$11,004,424, and each quarter of 2023-24 in which new GS 108A-53.4A(24) is or becomes effective at \$4.5 million (previously provided amounts for the first and second, and then third and fourth quarters of 2023-24). Makes a technical change. Effective on the first day of the next assessment quarter after the date the Current Operations Appropriations Act for 2023-24 becomes law and applies to assessment imposed on or after that date (was, January 1, 2024).

Amends GS 105-523(b)(2), defining the hold harmless threshold for counties with repealed local taxes, to specify that a county's Medicaid service costs do not include any costs for newly eligible individuals defined by GS 108A-145.3. Effective on the date the Current Operations Appropriations Act for 2023-24 becomes law.

Makes the amendments to Section 2.1, SL 2021-61, and GS 108D-65(6), and the proposed repeal of Sections 9D.13A(e) and 9D.14, SL 2021-180, regarding assessment amounts, effective on the date the Current Operations Act for 2023-24 becomes law (was, January 1, 2024).

Eliminates the \$50 million appropriation for 2023-24 from the General Fund to the Division of Health Benefits (DHB) to be distributed to all counties for the administrative costs of Medicaid eligibility determinations and for inmate medical costs.

Adds the following new content to Part I, effective on the date the Current Appropriations Act for 2023-24 becomes law.

Authorizes DHHS to use the federally facilitated marketplace to make Medicaid eligibility determinations on a temporary basis up to 12 months after the date approved by CMS for Medicaid coverage to begin in NC for individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act. Requires compliance with all eligibility categories, resource limits, and income thresholds legislatively set. Authorizes DHHS to make any necessary request or enter into agreement with the federally facilitated marketplace. Expires 12 months after the date approved by CMS for Medicaid coverage to begin in North Carolina for individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act.

Amends GS 108A-25 to require county departments to accept Medicaid eligibility determinations made by the federally facilitated marketplace if legislative authorization has been given and upon direction of the DHHS Secretary.

Enacts GS 108A-25.1A(b1) to make county departments not financially liable for the erroneous issuance of Medicaid benefits and Medicaid claims payments resulting from a failure or error attributable solely to the federally facilitated marketplace.

Amends GS 108A-70.36, which sets the scope of Part 10, Medicaid Eligibility Decision Processing Timelines, Article 2, making the Part's provisions not apply to any eligibility determinations made by the federally facilitated marketplace that have been legislatively authorized.

Amends GS 108A-55.3 to require applicants for medical assistance benefits show only one rather than two of the listed documents to prove residency. Makes technical changes.

New Part IA. lists sections of the act that expire on June 30, 2024, if no Current Operations Appropriations Act for 2023-24 has become law by that date: Section 1.4 (enacting Part 4, Article 7B, GS Chapter 108A); Section 1.6(a), (f), and (g) (amending GS 108A-145.3, effective and implementing provisions); and Section 1.7(a) through (j) and (q) (amending various GS Chapter 108A sections and effective provisions).

## Part II.

Regarding the directive for DHHS to develop a workforce development program in collaboration with named entities, requires collaboration with the NC Chamber (was Chamber of Commerce). Concerning required reporting on the plan and workforce development assistance, corrects a NCGA committee name. Makes technical changes.

Allows for the notice required of DHB to Medicaid applicants and certain recipients about the Health Insurance Marketplace and contact information for the NC Navigators Consortium to be electronic. Regarding required reporting, corrects an NCGA committee name.

Corrects the NCGA committee name regarding required reporting by DHB when entering into negotiations with CMS relating to work requirement planning.

Eliminates all previous sections establishing and pertaining to the Doctors and Nurses in Rural Areas Forgivable Loan Pilot Program.

Makes the remaining sections of Part II. of the act effective on the date the Current Operations Appropriations Act for 2023-24 becomes law. Sunsets the provisions on June 30, 2024, if no Current Operations Appropriations Act for 2023-24 has become law by that date (was the later of July 1, 2023, or the date the Current Operations Appropriations Act for the 2023-24 fiscal year becomes law).

Enacts the following new content.

## Part III.

Section 3.1, effective on the date the act becomes law and applies to activities occurring on or after that date, provides as follows.

Revises defined terms applicable to certificates of need (CON) laws in Article 9, set forth in GS 131E-176, as follows.

Changes the threshold criteria for *diagnostic center* to include a facility, program, or provider in which the total cost of all medical diagnostic equipment used by the facility which costs more than \$10,000 or more exceeds \$3 million (currently, the cost threshold is set at \$1.5 million). Removes psychiatric facilities and chemical dependency treatment facilities from the definition of *health service facility*; makes conforming deletions from the term *health service facility bed*. Changes the threshold criteria for replacement equipment to include equipment that costs less than \$3 million (was \$2 million) as described; requires annually adjusting the threshold beginning September 30, 2023 using the Medical Care Index of the CPI as specified.

Amends GS 131E-184 by exempting from certificate of need review a new institutional health service if it receives prior written notice from the proposing entity to allow a licensed home care agency to provide early and periodic Screening, Diagnosis, and Treatment services to children up to 21 years of age in compliance with federal Medicaid requirements; applicable to all licensed child care agencies whether or not Medicare-certified. Repeals subsections (c) and (d) of the statute, relating to CON review exemptions for certain psychiatric beds or chemical dependency or substance abuse service facilities, now excluded from the definition of hospital service facility and beds. Replaces the set threshold amounts referenced in subsections (e), (f), and (g), to instead refer to "monetary" thresholds relating to capital expenditures and replacement equipment costs.

Makes conforming changes to GS 148-19.1 to eliminate the CON exemption for chemical dependency or substance abuse service facilities for inmates and offenders.

Establishes that no person is required to obtain a CON under Article 9, GS Chapter 131E prior to converting health service facility beds that obtained a CON prior to the date the act becomes law into chemical dependency treatment facility beds or psychiatric beds; or increasing the number of health service facility beds that obtained CON approval prior to the date the act becomes law as chemical dependency treatment facility beds or psychiatric beds.

Section 3.2 provides the following, effective two years from the date DHHS issues the first directed payment under HASP pursuant to GS 108A-148.1, and applies to activities occurring on or after that date. Directs the DHHS Secretary to notify the Revisor upon issuance of the first directed payment under HASP and the date of issuance. Sunsets the provisions on June 30, 2025, if DHHS has not made any HASP payments by that date.

Further amends GS 131E-176 to define *qualified urban ambulatory surgical facility* as a licensed facility that has a single specialty or multispecialty ambulatory surgical program and is located in a county with a population greater than 125,000. Excludes qualified urban ambulatory surgical facilities from *health service facility*. Also excludes qualified urban ambulatory surgical facilities as a *new institutional health service* otherwise meeting the threshold criteria in subdivision b. Revises the definition of *special ambulatory surgical program*.

Adds *qualified urban ambulatory surgical facility* to the defined terms in Part 4, Article 5, GS Chapter 131E, Ambulatory Surgical Facility Licensure. Defines the term by statutory cross-reference.

Enacts GS 131E-147.5 to require at least 4% of every qualified urban ambulatory surgical facility's total earned revenue to be attributed to self-pay and Medicaid revenue. Provides for calculation. Requires annual reporting to DHHS the percentage of the facility's earned revenue that is attributed to self-pay and Medicaid revenue.

Section 3.3 provide the following, effective three years from the date DHHS issues the first directed payment under HASP pursuant to GS 108A-148.1, and applies to activities occurring on or after that date. Directs the DHHS Secretary to notify the Revisor upon issuance of the first directed payment under HASP and the date of issuance. Sunsets the provisions on June 30, 2025, if DHHS has not made any HASP payments by that date.

Further amends GS 131E-176 to provide that no facility, program, or provider can be deemed a *diagnostic center* solely by virtue of having a magnetic resonance imaging scanner in a county with a population greater than 125,000, including but not limited to physicians' offices, clinical labs, radiology centers, or mobile diagnostic programs. Also provides that magnetic resonance imaging scanners in counties with a population greater than 125,000 are not *major medical equipment*. Limits the

scope of including the acquisition of magnetic resonance imaging scanners as *new institutional health services* to only those scanners acquired in counties with a population of 125,000 or less.

Includes a severability clause.

Changes the act's catchall effective date provision to the date the act becomes law (was, the date that the Current Operations Appropriations Act for the 2023-24 fiscal year becomes law). Eliminates the provision that provided that if by December 31, 2023, no Current Operations Appropriations Act for the 2023-24 fiscal year has become law, then the act expires.

Changes bill headings throughout.

**Intro. by Lambeth, White, Wray, Humphrey.**

[APPROP, GS 108A, GS 131E, GS 143C](#)

[View summary](#)

**Government, Budget/Appropriations, State Agencies, UNC System, Department of Commerce, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Social Services, Public Assistance**

H 87 (2023-2024) [DA MAY PETITION FOR PROBATION MODIFICATIONS](#). Filed Feb 9 2023, *AN ACT TO ALLOW A DISTRICT ATTORNEY TO FILE A PROBATION MODIFICATION PETITION*.

House amendment to 1<sup>st</sup> edition inserts introductory clause to GS 15A-1344 (b2) to limit instances in which a district attorney may file a petition to reduce, terminate, extend, modify, or revoke probation to when the petition is based on the violation of a condition of probation.

**Intro. by N. Jackson, Stevens, Carson Smith, Biggs.**

[GS 15A](#)

[View summary](#)

**Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure**

H 101 (2023-2024) [THE FIREARMS LIBERTY ACT](#). Filed Feb 13 2023, *AN ACT TO ALLOW THE ISSUANCE OF LIFETIME CONCEALED HANDGUN PERMITS, TO PROVIDE THAT A CONCEALED CARRY PERMITTEE WHO ALLOWS THE PERMIT TO LAPSE DOES NOT HAVE TO TAKE ANOTHER FIREARMS SAFETY AND TRAINING COURSE UPON APPLYING FOR RENEWAL UNDER CERTAIN CONDITIONS, AND TO PROTECT THE PROPERTY RIGHTS OF PERSONS SUBJECT TO A DOMESTIC VIOLENCE PROTECTIVE ORDER BY ALLOWING THEM TO STORE THEIR FIREARMS WITH OR SELL THEIR FIREARMS THROUGH A QUALIFIED LICENSED FIREARMS DEALER*.

House committee substitute to the 1<sup>st</sup> edition makes the following changes. Changes act's long title.

Deletes part II of the first edition (pertaining to carrying a handgun in certain places of religious worship) in its entirety and replaces it with the following to create lifetime concealed handgun permits. Amends GS 14-415.10 (definitions section for concealed handgun permits) to create new definitions *fixed duration permit* and *lifetime permit*. Makes conforming changes to definition of *permit* to account for both types of concealed handgun permits. Makes organizational changes. Makes conforming change to GS 17C-6 and GS 14-269 to account for renumbering of definitions. Amends GS 14-415.11 (scope of concealed handgun permits) to reference fixed duration permits in those parts of the statute that reference an expiration date for the permit. Specifies that a lifetime permit is valid throughout the State until revoked or surrendered. Requires any permit holder to notify the sheriff in the county where they reside of any change of address. (Currently, holder must notify the sheriff who issued the permit of a change of address.) Makes technical change. Makes conforming change to GS 14-415-14(a) (pertaining to the permit application forms) to account for both types of permits. Amends GS 14-415.16 (pertaining to renewal of concealed handgun permits) to specify the renewal is for fixed duration permits. Allows renewal applicants to indicate whether the permit holder would like the renewal to be for a fixed duration permit or a lifetime permit. Makes conforming

changes to GS 14-415.16A (permit extension and renewals for deployed military permittees) to make the provisions applicable to fixed duration permits. Enacts GS 14-415.16B to allow for lifetime permit holders to submit an application at any time to have that permit reissued as a fixed duration permit. Specifies application requirements, including submission and review. Amends GS 14-415.17 (pertaining to the sheriff's list of concealed handgun permit holders) to refer to both types of permits. Specifies that a sheriff must submit any changes of address for permit holders to the State Bureau of Investigation for inclusion in the statewide system. Amends GS 14-415.18 (pertaining to reasons why a permit may be revoked) to authorize revocation when a person is no longer a resident of the State. Limits the scope of what may be appealed to the revocation of a permit. (Currently, revocation and nonrenewal are able to be appealed.) Amends GS 14-415.19 (permit fees) to include reissuance fees. Makes conforming changes. Effective December 1, 2023.

Deletes parts III (carrying a handgun in a law enforcement or correctional facility) and IV (pistol purchase permit repeal) of the first edition in their entirety. Makes organizational changes to account for deleted parts.

Amends GS 14-415.16 to require the sheriff to waive the requirement of taking another firearms training course if the concealed carry permittee applies to renew the permit less than 180 days (was, no more than 60 days) after the permit expires. Allows waiving the requirement if the permittee applies for renewal between 180 days and one year after the permit expires; deletes the other proposed conditions.

**Intro. by Adams, Hastings, Kidwell, Carson Smith.**

[GS 14, GS 17C, GS 50B](#)

[View summary](#)

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

H 307 (2023-2024) [DISASTER REC./STREAM RESTORATION/FUNDS EXT.](#) Filed Mar 8 2023, *AN ACT TO EXTEND THE DEADLINE FOR THE EXPENDITURE OF FUNDS AS ALLOCATED TO CUMBERLAND COUNTY FOR STREAM RESTORATION.*

As title indicates, extends deadline to June 30, 2025, for Cumberland County to spend the nonrecurring grant funds appropriated in SL 2021-180 for stream restoration on the Methodist University campus in Fayetteville. Directs that as of June 30, 2025, any funds will revert back to the Disaster Relief and Mitigation Fund.

**Intro. by Charles Smith, Lucas, F. Jackson, Wheatley.**

[UNCODIFIED, Cumberland](#)

[View summary](#)

[Education, Higher Education, Environment, Environment/Natural Resources, Government, Budget/Appropriations](#)

H 309 (2023-2024) [INSPECTION OF LOW-SPEED VEHICLES.](#) Filed Mar 8 2023, *AN ACT MODIFYING THE INSPECTION REQUIREMENTS FOR LOW-SPEED VEHICLES AND DIRECTING THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES ADDRESSING THE INSPECTION OF LOW-SPEED VEHICLES.*

Amends GS 20-121.1 (pertaining to low-speed vehicles) to require that a low-speed vehicle undergo an annual inspection conducted by a person licensed by the Division of Motor Vehicles (DMV). Permits inspections to be conducted at mobile inspection stations (i.e., an inspection site temporarily set up at a location where there is no existing inspection site). Amends GS 20-183.2 to exempt low-speed vehicles from emissions inspection requirements. Effective July 1, 2024.

Authorizes the DMV and the Department of Transportation to adopt rules for the inspection and licensure of low-speed vehicles.

**Intro. by Iler.**

[GS 20](#)

[View summary](#)**Courts/Judiciary, Motor Vehicle, Government, State Agencies,  
Department of Transportation**

H 310 (2023-2024) **SELECTION OF PERFORMANCE GUARANTEE METHOD**. Filed Mar 8 2023, *AN ACT TO ALLOW LOCAL GOVERNMENTS TO SELECT THE TYPE OF PERFORMANCE GUARANTEE FOR REQUIRED SUBDIVISION IMPROVEMENTS*.

As title indicates, amends GS 160D-804.1 (pertaining to performance guarantees) to allow the local government to select the type of performance guarantees required for subdivision improvements. (Currently, developer selects type of performance guarantee.)

**Intro. by Iler.**

GS 160D

[View summary](#)**Development, Land Use and Housing, Building and  
Construction, Government, Local Government**

H 311 (2023-2024) **COMMUNITY ASSOCIATION OVERSIGHT DIVISION**. Filed Mar 8 2023, *AN ACT TO ESTABLISH A COMMUNITY ASSOCIATION OVERSIGHT DIVISION IN THE OFFICE OF THE ATTORNEY GENERAL TO ASSIST HOMEOWNERS IN COMMUNITIES GOVERNED BY COMMUNITY ASSOCIATIONS BY ENSURING THE COMMUNITY ASSOCIATIONS ARE COMPLYING WITH THE LAWS AND BY REMEDYING ANY VIOLATIONS OF THE LAWS*.

As title indicates, enacts Article 3B of GS Chapter 114, entitled “Community Association Oversight Division,” establishing a Community Association Oversight Division (Division) in the Office of the Attorney General. Defines the duties of the Division as to be available to assist a homeowner in a community governed by a community association to (1) determine whether the community association is acting in accordance with all applicable laws set forth in GS Chapters 47C (North Carolina Condominium Act), 47F (North Carolina Planned Community Act), and 55A (North Carolina Nonprofit Corporation Act) and (2) remedy any violations the Division determines to have been made by the community association by taking all steps the Division deems necessary, including commencing legal proceedings against the community association. Defines *community association*. Authorizes the Department of Justice to use the procedures set forth in GS 150B-21.1 (pertaining to procedures for adopting temporary rules) to adopt/amend rules to implement the establishment of the Division.

Enacts GS 47C-3-123 (Condominium Act) and GS 47F-3-123 (Planned Community Act) giving the Division jurisdiction over unit owners/lot owners associations to assist homeowners making complaints by ensuring compliance with the applicable laws. Requires both associations to comply with all requests made by the Division, including furnishing association records to the Division. Specifies that the Division can remedy violations by any means it deems necessary.

Effective July 1, 2023.

**Intro. by Iler.**

GS 47C, GS 47F, GS 114

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

H 313 (2023-2024) **TRANSPORTATION RESILIENCY FUND MODS./DISASTER**. Filed Mar 8 2023, *AN ACT TO MODIFY THE TRANSPORTATION INFRASTRUCTURE RESILIENCY FUND GRANT PROGRAM*.

Amends SL 2021-180, Section 5.9(h), concerning the Transportation Infrastructure Resiliency Fund Grant Program (Program), as follows. Expands upon the entities that may apply for funding to also include metropolitan planning organizations, rural planning organizations, and councils of governments. Prohibits an individual grant from accounting for more than 10% of the available funds, or 20% of the total available funds for *awards of regional significance*, defined to mean a transportation project serving regional transportation needs, including access to and from specified regions. Amends the allowable uses of the Fund: (1) to include projects that update and prepare transportation infrastructure for rock slides; (2) require applicants for

projects that update and prepare transportation infrastructure for storms, mudslides, rock slides, and flood events, to allow applicants to incorporate into the project design forward-looking data or modeling that incorporates future weather event occurrence and severity, additional elevation of the project above base-flood elevation or the required regulatory flood plain elevation, and whether the location of the project is in or adjacent to a floodplain; (3) to no longer allow funds to be used for risk assessment for critical transportation routes, building on existing and future reports; and (4) so that funds can be used as a part of a nonfederal match when incorporating flood resilience into federally funded transportation infrastructure projects.

Appropriates \$5 million from the State Emergency Response and Disaster Relief Reserve to the Transportation Infrastructure Resiliency Fund, to be administered by the Department of Public Safety, Division of Emergency Management, for purposes consistent with Section 5.9(h) of SL 2021-180, as amended above. Makes the reporting requirements of SL 2021-180 applicable to these funds.

Effective July 1, 2023.

**Intro. by Pless.**

**APPROP**

[View summary](#)

**Government, Budget/Appropriations, Transportation**

H 314 (2023-2024) **PUBLIC SCHOOL ETHICS TRAINING**. Filed Mar 8 2023, *AN ACT TO REQUIRE ETHICS TRAINING FOR CERTAIN PUBLIC SCHOOL EMPLOYEES*.

Enacts GS 115C-335.15, requiring two hours of ethics training for all local school administrative unit employees involved in making or administering contracts. Sets parameters for the ethics training, including requiring the training every odd-numbered year; requiring initial training within 90 days of assuming relevant responsibility; and requiring the training include education on conflicts of interest and ethical standards of conduct that is position-specific. Permits the training to be provided by UNC School of Government or another qualified source at the choice of the local board.

Requires described employees to receive initial training within six months of the date the act becomes law.

**Intro. by Penny, Wheatley, White, Pike.**

**GS 115C**

[View summary](#)

**Education, Elementary and Secondary Education,  
Employment and Retirement, Government, State Agencies,  
UNC System**

H 315 (2023-2024) **ROCKINGHAM/GUILFORD WATER/SEWER FUNDS**. Filed Mar 8 2023, *AN ACT PROVIDING THAT CERTAIN REGIONAL WATER AND SEWER FUNDING SHALL NOT REVERT UNTIL JUNE 30, 2025*.

Amends Section 14.20A of SL 2016-94, as amended, to provide that the funds that are to be released to Rockingham and Guilford counties for interconnection and extension of water lines when the county and one or more of the specified municipalities reach an agreement on the funds allocated to that county by interlocal agreements and regional water and sewer authorities remain available until expended and do not revert (was, funds not spent or encumbered by June 30, 2023, must be returned and revert to the General Fund).

**Intro. by Faircloth, Clemmons.**

**Guilford, Rockingham**

[View summary](#)

**Government, Budget/Appropriations, Public Enterprises and  
Utilities**



H 316 (2023-2024) **RESPIRATORY CARE MODERNIZATION ACT**. Filed Mar 8 2023, *AN ACT TO UPDATE THE GENERAL STATUTES OF NORTH CAROLINA GOVERNING THE PRACTICE OF RESPIRATORY CARE TO BETTER REFLECT THE CHANGES IN EDUCATION, EXPERIENCE, AND PRACTICE OF THE PROFESSION IN ORDER TO ENHANCE THE HEALTH AND WELFARE OF NORTH CAROLINA CITIZENS.*

Includes whereas clauses. Makes the following changes to Article 38, Respiratory Care Practice Act, of GS Chapter 90. Adds and modifies defined terms as follows. Adds *advanced respiratory care practitioner*, *advanced respiratory care procedures*, *endorsement*, *practice of advanced practice respiratory therapy*, *prescriptive and dispensing authorization*, and *supervising physician* to the Article's defined terms.

Expands *license* to include respiratory care practitioners or advanced respiratory care practitioners who have met the requirements and have been issued a certificate by the NC Respiratory Care Board (Board). Revises *the practice of respiratory care* to specify the term is as defined by the written order of a licensed physician for respiratory care practitioners, as specified, and the performance of diagnostic testing and therapeutic application of the use of associated respiratory care equipment for medical gases, humidity, and aerosols, except anesthesia. Revises *support activities* to mean tasks that do not require formal academic training, including the delivery, setup, and routine maintenance and repair of respiratory care equipment, and includes giving instructions on the use, fitting, and application of respiratory care equipment, excluding therapeutic evaluation and assessment for an individual patient as defined by Board rules. Makes clarifying changes to *physician*.

Modifies membership of the Board set forth in GS 90-649 to include one member who must be a state resident to represent the Atlantic Coast Medical Equipment Services Association (replaces the member to represent the NC Association of Medical Equipment Services). Amends GS 90-650 to provide for appointment of this member by the Atlantic Coast Medical Equipment Association.

Revises and adds to the Board's powers and duties set forth in GS 90-652. No longer requires the Board to submit a signed form of the licensure applicant consenting to a criminal record check or the use of fingerprints or other identifying information to the Department of Public Safety. Grants authority to establish and adopt rules defining the education and credential requirements for persons seeking endorsement, defined to mean a designation issued by the Board recognizing the person named as having met the requirements to perform advanced respiratory care procedures as defined by the Board's rules.

Enacts GS 90-652.1 to authorize the Board to waive the Article's requirements in order to permit the provision of professional services (including the practice of advanced practice respiratory therapy and respiratory care, and prescriptive and ordering authorization) to the public in the event of a gubernatorially declared state of emergency; a locally declared state of emergency; or to protect the public health, safety, or welfare of citizens under specified state law.

Distinguishes licensure requirements for respiratory care practitioner licenses and advanced respiratory care practitioner licenses under GS 90-653. Revises respiratory care practitioner licensure requirements to require applicants to submit a completed application that includes a signed form consenting to a criminal background check and the use of fingerprints and other identifying information; submit verification of completion of entry-level degree requirements of a respiratory care education program approved by the Commission on Accreditation for Respiratory Care (CoARC) or its successor through submission of an official transcript to the Board; and submitting written evidence, verified by oath, that the applicant passed the exam requirements defined by Board rules given by the National Board for Respiratory Care Inc. (National Board) or its successor for entry-level care practitioners. Eliminates previous provisions regarding provision of the entry-level exam throughout the year. Establishes licensure requirements for advanced respiratory care practitioners, mirroring those for respiratory care practitioners, except as follows. Requires verification of successful completion of the postgraduate requirements of respiratory care education for the advanced practice respiratory therapist approved by CoARC or its successor through submission of an official transcript to the Board, requires verification of successful completion of the minimal requirements for Basic Cardiac Life Support recognized by the specified national entities, and requires verification that the applicant passed the exam requirements defined by Board rules given by the National Board or its successor for advanced-level respiratory care practitioners defined by Board Rules. Adds a new requirement for the Board to state the terms and conditions of use of the license to the licensee upon issuance.

Enacts GS 90-667, pertaining to confidentiality of Board investigative information. Directs that all investigative information (investigative files and reports, information relating to the identity and report of a physician or other professional performing an expert review for the Board, and any of the Board's investigative materials that are not admitted into evidence) along with any records, papers, and other documents containing information that the Board, its members, or its employees possess, gather, or receive as a result of investigations, inquiries, assessments, or interviews conducted in connection with a licensing

complaint, appeal, assessment, potential impairment matter, or disciplinary matter are not considered public records and are not subject to discovery, subpoena, or any means of legal compulsion for release to anyone other than the Board, its employees, or consultants involved in the application for license, impairment assessment, or discipline of the licensee, except for certain disclosures to a licensee in connection with a disciplinary hearing. Specifies that Board is not required to produce any attorney-client privileged information or other information the Board does not intend to offer into evidence and is related to advice, opinions, or recommendations of the Board's staff, consultants, or agents to a licensee in connection with a disciplinary hearing. Specifies that any licensee's notice of statement of charges, notice of hearing, and all information contained in those documents are considered public records subject to disclosure. Authorizes the Board to report confidential information concerning the denial, annulment, suspension, or revocation of a license to any other health care licensing board in this State, other state, or country, or authorized Department of Health and Human Services personnel who are charged with the enforcement or investigative responsibilities of licensure. Specifies notice requirements to licensee if information is disclosed and procedure for licensee to request a copy of all transmitted information. Sets out provisions governing release of such information if it relates to an ongoing criminal investigation by any law enforcement agency or authorized Department of Health and Human Services personnel with enforcement or investigative responsibilities. Requires the Board to withhold identity related to any patient including information relating to dates and places of treatment, or any other information that would tend to identify the patient, in any proceeding, record of a hearing, and in the notice of charges against any licensee, unless the patient or the patient's representative expressly consents to the public disclosure. Requires all licensees to self-report to the Board any felony arrest or indictment or any arrest for driving while impaired or driving under the influence or for possession, use, or sale of any controlled substances within 30 days of their arrest or indictment.

Eliminates the statutory fee set in GS 90-660 for exams. No longer distinguishes a fee for a provisional or temporary endorsement.

Expands the unlawful practices of unlicensed persons under GS 90-661 to include the use of advanced respiratory care practitioner title, letters, or indications.

Makes the above provisions effective October 1, 2024.

Enacts GS 90-18.8, authorizing any advanced respiratory practitioner who is licensed under GS 90-648(9a) (as enacted, effective October 1, 2024) to perform medical acts, tasks, and functions to use such title; provides any other use of the title or indication as such to be a violation of Article 1 (practice of medicine) and 38. Establishes conditions under which advanced respiratory care practitioners are authorized to practice advanced respiratory care as defined by GS 90-648(9a) (as enacted, effective October 1, 2024) under the supervision of a physician, including adoption of governing rules by the Board and the Medical Board, approval of both Boards, and assignment of an identification number that is shown on written prescriptions. Establishes conditions under which advanced respiratory care practitioners that have prescriptive and dispensing authorization under GS 90-648(10a) (as enacted, effective October 1, 2024) can order medications, tests, and treatments, including adoption of governing rules by both Boards, current approval of both Boards, and provision of specified instructions from the supervising physician. Deems written prescriptions or orders of an advanced respiratory care practitioner authorized by the physician approved by the Board as the supervisor, with liability on the supervisor. Authorizes registered nurses or licensed practical nurses to perform orders received from advanced respiratory care practitioners as if received from a licensed physician.

Amends GS 90-8.2 to direct the Medical Board to appoint and maintain a subcommittee to work jointly with the Board to develop rules to govern the performance of medical acts by advanced respiratory care practitioners. Provides for membership and authorizes rulemaking. Further amends GS 90-652 to grant the Board the authority to appoint and maintain said subcommittee.

Makes the above provisions effective October 1, 2023.

Directs the Medical Board and the Board to make subcommittee appointments by January 1, 2024, with initial appointees from the Board required to be licensed health care providers currently serving the Board. Further charges the joint subcommittee with developing rules to implement the act, with the approval of both Boards and in compliance with GS Chapter 150B.

**Intro. by Moss, Sasser, Potts.**

**GS 90**

[View summary](#)**Business and Commerce, Occupational Licensing,  
Government, Public Records and Open Meetings**

H 317 (2023-2024) **UNC OMNIBUS**. Filed Mar 8 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS CONCERNING THE UNIVERSITY OF NORTH CAROLINA*.

Substantively identical to [S 195](#), filed 3/2/23.

**Part I**

Amends GS 126-5(c1)(9a) to add employees of North Carolina Agricultural and Technical State University (NCATSU) employed in county operations to the list of employees exempt from the State Human Resources Act (SHRA). Makes conforming change to GS 153A-439(b) (pertaining to personnel rules for certain employees exempt from the SHRA) to add reference to policies adopted by NCATSU.

**Part II**

Makes technical changes to GS 116-41.13 (pertaining to distinguished professors endowment trust fund). Expands the scope of special needs institutions included in GS 116-41.13A, applicable to the Distinguished Professors Endowment Fund, by adding the North Carolina School of Science and Mathematics to the list of covered institutions.

**Part III**

Expands the scope of GS 126-5(c1)(8) (pertaining to certain professional staff exempt from SHRA) to add pilots and all other employees of UNC (list already includes instructional and research staff, finance professionals, business office professionals, auditor professionals, information technology professionals, physicians, and dentists) who are exempt from the minimum wage and overtime compensation provisions of the Fair Labor Standards Act (FLSA) to the exemption. Authorizes the Board of Governors to establish positions under the exemption without further review or approval by any other State agency. Effective July 1, 2023.

Amends GS 126-1.1 to provide UNC employees exempt from FLSA's minimum wage and overtime requirements who attained career status before July 1, 2023, the option of either (1) continuing employment with career State employee status if the employee remains in the position the employee occupied on June 30, 2023, or (2) waiving career State employee status and continuing employment as an exempt employee under the SHRA. Requires the University to provide each affected employee with a written explanation of the impact of an election to waive career State employee status. Specifies acknowledgement requirements for employee's election to waive State career employee status. Makes technical changes.

**Intro. by Hardister, Pickett, Blackwell, Hawkins.**

[GS 116](#), [GS 126](#), [GS 153A](#)

[View summary](#)

**Government, State Agencies, UNC System, State Government,  
State Personnel**

H 318 (2023-2024) **BUILDING CODE/EV CHARGING STATION**. Filed Mar 8 2023, *AN ACT TO REQUIRE THE AMENDMENT OF THE NORTH CAROLINA RESIDENTIAL BUILDING CODE FOR ONE- AND TWO-FAMILY DWELLINGS TO REQUIRE THAT NEW RESIDENTIAL CONSTRUCTION INCLUDE AN ELECTRIC CIRCUIT CAPABLE OF ACCOMMODATING AN ELECTRIC VEHICLE CHARGING DEVICE*.

Requires the NC Residential Code for One- and Two-Family Dwellings, including applicable provisions from the NC Energy Code and the NC Electrical Code, to provide that all new one- and two-family dwellings include at least one electric vehicle-ready parking space, as defined, and with a dedicated branch circuit as described, unless no parking spaces are provided for the dwelling unit. Directs the NC Building Code Council to amend the NC Residential Code for One- and Two-Family Dwellings and applicable provisions from the NC Energy Code and the NC Electrical Code consistent with the described provisions, to become effective January 1, 2024.

**Intro. by Butler, T. Brown, Cervania, von Haefen.****UNCODIFIED**[View summary](#)**Courts/Judiciary, Motor Vehicle, Development, Land Use and Housing, Building and Construction, Transportation**

H 319 (2023-2024) **VETERAN REGISTRATION PLATE MODIFICATIONS**. Filed Mar 8 2023, *AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE THE MILITARY VETERAN SPECIAL REGISTRATION PLATE ON A PERSONALIZED BACKGROUND AND MODIFYING THE DESCRIPTION OF THE MILITARY VETERAN SPECIAL REGISTRATION PLATE*.

Amends GS 20-63 to allow the Division of Motor Vehicles to issue a military veteran special plate on a personalized background.

Amends GS 20-79.4 by amending the design of the military veteran plate to specify where design elements are to be placed.

**Intro. by Blackwell, Iler, Shepard, Cleveland.****GS 20**[View summary](#)**Government, State Agencies, Department of Transportation, Military and Veteran's Affairs, Transportation**

H 320 (2023-2024) **CREATE BLDG. CODE PERMIT TECH. CERT**. Filed Mar 8 2023, *AN ACT TO CREATE A STATE BUILDING CODE PERMIT TECHNICIAN CERTIFICATION*.

Amends GS 143-151.12 to give the North Carolina Code Officials Qualification Board (Board) the power to certify persons as being qualified under the provisions of this Article to be State Building Code Permit Technicians. Enacts new GS 143-151.22 requiring the Board to develop a State Building Code Permit Technician certification program and State Building Code Permit Technician Certificate. Requires passing an exam, made up of specified topics, to obtain a certificate. Allows the Board to establish professional development requirements for State Building Code Permit Technicians as a condition of certificate renewal. Requires certificate holders to present evidence to the Board at each certificate renewal that during the 12 months before the certificate expiration date, the certificate holder has completed the required number of credit hours in Board-approved courses. Requires certificates to be renewed annually. Requires the Board to establish a fee schedule for initial certification and renewal certification, with an application fee of no more than \$20 and a fee of no more than \$10 for the issuance of a renewal certification. Allows a \$4 late renewal fee. Allows granting a certificate without taking the exam to a person with a Building Inspector standard certificate issued by the Board and who is in good standing. Allows the Board to grant a certificate to a person who does not take the exam if at the time of application the person is similarly certified as a permit technician in good standing by a similar board of another jurisdiction or certified as a permit technician in good standing by the International Code Council. Specifies that such a certificate expires after one year unless, within that time period, the holder completes a short course.

Effective July 1, 2023.

**Intro. by von Haefen, Brody.****GS 143**[View summary](#)**Business and Commerce, Occupational Licensing, Development, Land Use and Housing, Building and Construction**

## PUBLIC/SENATE BILLS

S 157 (2023-2024) **LIMITED PROVISIONAL LICENSE MODIFICATION**. Filed Feb 23 2023, *AN ACT TO REDUCE THE TIME A LIMITED PROVISIONAL LICENSE MUST BE HELD BEFORE OBTAINING A FULL PROVISIONAL LICENSE*.

Senate committee substitute to the 1<sup>st</sup> version makes the following changes. Changes the act's long title. Amends the introductory language of the changes to SL 2021-24 to reflect amendments by another session law. Amends GS 20-11(e)(4) (pertaining to level 2 restrictions related to limited learner's permits and provisional driver's licenses given to individuals under age 18) as follows. Allows for one additional passenger under 21 years of age to be in driver's vehicle when the passenger is a student being driven directly to or from school. Effective August 1, 2023.

**Intro. by Sawyer, Lazzara, McInnis.**

**GS 20**

[View summary](#)

**Courts/Judiciary, Motor Vehicle**

S 217 (2023-2024) **REAL PROPERTY-TENANCY IN COMMON CHANGES**. Filed Mar 7 2023, *AN ACT TO CODIFY THE LAW OF TENANCY IN COMMON IN THIS STATE, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION*.

Enacts new Article 7, pertaining to Tenancy in Common, of GS Chapter 41.

Sets forth definitions of *actual ouster*, *constructive ouster*, and *conveyance*. Describes a tenancy in common as having the following five characteristics: (1) two or more persons hold separate undivided interests in the property, (2) the interests of the tenants in common in the property may be equal or unequal percentages, (3) the tenants in common hold by several and distinct titles with each tenant in common having a right to possession of the property, (4) the tenants in common need not take from the same instrument or at the same time, (5) the tenants in common do not have a right of survivorship. Directs that the interests are deemed to be equal unless otherwise specified in the instrument of conveyance. Specifies that the percentage of interests acquired by intestacy are determined under Chapter 29 of the General Statutes.

Makes clear that each tenant in common has a right to enter upon property and to occupy and use it subject to the rights of the cotenant(s). Directs that unless an actual ouster occurs, one cotenant cannot bring an action against another for taking possession of the property to which each has a right as a cotenant. Clarifies that an ousted cotenant may bring an action for ejectment, but not for partition, seeking to compel the cotenant in possession to admit the ousted tenant in common into possession.

Creates rules for the creation of a tenancy in common as follows. The conveyance must meet one of the following three criteria: (1) the conveyance is to two or more grantees and expresses an intent that the grantees hold separate undivided interests in the property; (2) the conveyance is to one or more grantees and expresses an intent that the grantor and the grantee or grantees hold separate undivided interests in the property; (3) the conveyance does not express an intent described in prongs (1) or (2) and, with nothing else appearing, does not under the circumstances create an estate in property other than a tenancy in common. Identifies the following five terms contained in an instrument of conveyance that are to be deemed to express an intent to create a tenancy in common unless the instrument provides otherwise: (1) equal portions; (2) equally divided; (3) share and share alike; (4) share equally; (5) their respective portions.

Sets forth rules for when an interest in property held by tenants in common who marry or when a tenancy in common interest is conveyed to parties who are married convert to a tenancy by the entirety or tenancy by the entirety with right of survivorship. Specifies when a tenancy in common may be created by operation of law.

Specifies that an act of a cotenant in relation to the property cannot bind a cotenant with respect to a third party unless it was previously authorized or subsequently ratified by the cotenant and is presumed to have been done by authority and for the benefit of the cotenant. Sets forth rules related to rents and profits from property and for reimbursement for a tenant in common from another cotenant.

Affirms the rights of cotenants to enter into agreements with respect to their property, including possession, sharing rents and profits, reimbursement related to the property, and the authority of a tenant in common to bind a cotenant.

Sets forth rules related to the following: (1) adverse possession of a cotenant's interest in the property with or without color of title; (2) the acquisition of title to the property by one tenant in common; (3) the alienation of a tenant in common's undivided

interest in the property; (4) obligations amongst tenants in common, including when a fiduciary relationship is created; (5) action against a third party by a tenant in common.

Specifies that events terminating a tenancy in common include the following four events: (1) partition of the property under GS Chapter 46A, (2) voluntary partition of the property among tenants in common executing one or more instruments conveying the property held as tenants in common to themselves in separate tracts, (3) conveyance of all interests in the property to one owner, and (4) acquisition by one tenant in common of the ownership of the property by adverse possession.

Directs that an interest of a tenant in common in the property may be sold as part of a proceeding of satisfaction of the cotenant's debt to a creditor, but that it does not affect the title of any other cotenant's interest in the property.

Clarifies that the Article does not apply to property in a general partnership covered by GS Chapter 59, an action for partition and its effect under GS Chapter 46A, or tenancy in common in personal property. Sets forth rules of construction and relationship of new statutory provisions to the common law and principles of equity related to tenancy in common.

**Intro. by Galey, Daniel, Overcash.**

**GS 41**

[View summary](#)

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

S 218 (2023-2024) **ESTATES & TRUSTS CHANGES**. Filed Mar 7 2023, *AN ACT TO UPDATE AND REORGANIZE THE GENERAL STATUTES RELATING TO SPOUSAL AND CHILD'S ALLOWANCE IN ESTATES AND TO AMEND THE GENERAL STATUTES TO TREAT WILLS AND REVOCABLE TRUSTS ALIKE IN CONSTRUCTION, INTERPRETATION, AND ADMINISTRATION WHEN A MARRIAGE IS DISSOLVED BY ABSOLUTE DIVORCE OR ANNULMENT AFTER EXECUTION OF THE WILL OR REVOCABLE TRUST, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.*

Repeals the following statutes from Article 4, GS Chapter 30, pertaining to surviving spousal allowances: GS 30-16 (duty of personal representative, magistrate, or clerk to assign allowance), GS 30-21 (report of clerk or magistrate), GS 30-23 (right of appeal), GS 30-25 (personal representative entitled to credit), GS 30-28 (nature of proceedings; parties in superior court), GS 30-29 (what superior court petition must show), GS 30-31.1 (service of judgment and appeal in superior court proceedings), GS 30-31.2 (execution in superior court proceedings).

Extensively amends Article 4 of GS Chapter 30 as follows. Revises GS 30-15 (pertaining to when a spouse is entitled to an allowance) to expand the circumstances when the surviving spouse is barred from seeking an allowance from the decedent's estate to all acts under GS 31A-1 (listing acts that bar the rights of a spouse) or other applicable law. (Currently, law only bars allowance when surviving spouse forfeits rights thereto.) Specifies that the spouse's allowance will be in addition to the spouse's share of the decedent's estate if the decedent died intestate but will be charged against the spouse's share of the decedent's estate if the decedent died testate. Specifies that if the surviving spouse dies after the petition is filed but before the claim for an allowance has been fully satisfied, any deficiency judgment existing at the time of the surviving spouse's death will not expire. Sets rules for how the right of a surviving spouse to file a claim for an allowance must be exercised during the spouse's lifetime. Removes residency requirements related to spouse's ability to claim spousal allowance. Specifies that the spouse's allowance takes priority over any child's allowance. Makes other technical changes.

Amends GS 30-17 (pertaining to allowance for children) as follows. Narrows the scope of children entitled to a child's share from a decedent's estate by removing children who are less than 22 years of age and a full-time student in any educational institution, children under 21 years of age who have been declared mentally incompetent, and children under 21 years of age who are totally disabled from the class of children covered by the statute. Clarifies that the child's allowance is in addition to the child's share of the estate, regardless of whether the decedent died with a will. Directs that the right of a child to file a claim for an allowance must be exercised during the child's lifetime by the person with priority to file on behalf of the child, (in the following order: either the general guardian of the child or the estate of the child, if any; the surviving parent, if the child resides with the surviving parent, the person with whom the child resides, or a court appointee, if there is no fit or suitable person who falls under those categories). Specifies procedure for filing child's claim. Directs that the child's allowance is exempt from any lien or judgment against the property of the decedent or any other claim made against or owed by the decedent's estate except for the spousal allowance. Directs that the child's allowance can only be awarded after the full spouse's allowance has been awarded.

Removes language requiring the personal representative to assign all child's allowances to all qualifying children within one year after the parent's death and providing for a procedure if there is no personal representative or the personal representative fails to act. Removes language specifying persons to be paid the child's allowance. Removes language directing that the child be paid regardless of whether the surviving spouse petitioned for an elective share. Removes language stating that the allowance is not available to a child of a deceased father who is born out of wedlock, unless the paternity of that child has been formally recognized. Makes other technical changes.

Amends GS 30-18 (pertaining to property from which the allowance is assigned) to specify that a spousal allowance will be distributed to the spouse and a child's allowance will be distributed to one of the persons with priority to file on behalf of the child, specified above. Makes other technical changes.

Amends GS 30-19 to rename section title "Property awarded to surviving spouse and children." (Currently titled, Value of property ascertained.) Removes magistrate as a judicial officer who may ascertain the value of a spousal or child's allowance so that just clerk of the court where venue is proper makes that calculation. Makes technical changes.

Makes conforming changes to GS 3-20 (procedure for assignment for spousal/child's allowance) to account for priority of spousal allowance, the procedure for deficiencies, and to remove references to magistrates. Directs that a copy of any orders awarding an allowance be provided to the personal representative of the decedent's estate. Allows for the clerk to determine, on its own motion, if a hearing is necessary. If so, directs the clerk to have the petitioner file a contested case proceeding under GS 30-23.

Enacts GS 30-21.1 setting forth rules related to reporting of spousal/child allowances by the personal representative of the estate. Enacts GS 30-23.1 authorizing any person with standing, including the personal representative of the decedent's estate, to bring a proceeding to challenge the award of a spousal allowance or a child's allowance, including but not limited to, a proceeding to challenge the validity of an award of a year's allowance, a proceeding to challenge the amount of a year's allowance awarded, and a proceeding to challenge the assets awarded as part of a year's allowance, so long as no contested case proceeding under GS 30-20, set forth above, has commenced. Further specifies that if a contested estate proceeding was commenced under GS 30-20, then any person with standing, including the personal representative of the decedent's estate, who was not a party to the contested estate proceeding may bring a proceeding in accordance with this section. Sets filing deadlines and directs that the contested case proceeding should be conducted as an estate proceeding brought as a probate action under Article 2 of GS Chapter 28A.

Renames Part 3 of Article 4, GS Chapter 30, Additional Year's Allowance. (Currently, Assigned in Superior Court.) Amends GS 30-27 to direct that a proceeding for an additional allowance must be filed within six months after the issuance of letters testamentary or letters of administration if a personal representative was appointed. Directs that the proceeding should proceed as a contested case proceeding under Article 2 of GS Chapter 28A. Makes technical changes.

Amends GS 30-30 (pertaining to judgments entered in matters assigned in superior court) to have the clerk enter judgment against the estate for the amount of the deficiency once the clerk determines that a spouse or child is entitled to relief. (Currently, judgment not entered unless personal property of the estate insufficient to pay the money owed to the spouse or child.) Directs the personal representative (if any) to pay the deficiency as soon as they have the assets from the estate to do so. Makes clarifying and technical changes.

Amends GS 30-31 (pertaining to the amount of allowance), to remove condition that in awarding the amount of allowance, the clerk must take into consideration the estate and condition of the decedent. Amends the three criteria the clerk must take into consideration if awarding an amount to support the petitioner without regard to the dollar amounts set forth in Article 4 as follows: (1) adds additional consideration of the financial condition of the decedent's estate to how the amount is fixed (currently, the amount allowed is fixed with due consideration for other persons entitled to allowances from the decedent's estate); (2) changes references to net income to after-tax income in setting a ceiling on the total amount of all allowances, so that the prong reads, "the total value of all allowances does not in any case exceed one-half of the decedent's annual after-tax income, averaged over the three calendar years preceding the calendar year of the decedent's death" and provides definition of after-tax income; (3) makes technical changes to the attorneys' fees prong. Makes other technical and clarifying changes.

Amends GS 28A-15-10 (pertaining to assets of decedent's estate for limited purposes) to add a provision directing that "any asset acquired by a personal representative or collector will be used to first pay the allowances allowed to a spouse and children under Article 4, GS Chapter 30. Directs that after the allowances are fully satisfied, an asset may be used to satisfy other claims against an estate. Corrects statutory citation.



Amends GS 31-5.4 (revocation by divorce or annulment; revival) to add exceptions as to when revocation by divorce or annulment does not apply (1) if the testator executes a subsequent valid testamentary document that makes express reference to the will, such as by date of the will, and which modifies the will or (2) the testator remarries the former spouse prior to the testator's death, unless the remarriage is subsequently dissolved by absolute divorce or annulment. Makes technical and clarifying changes. Specifies that a former spouse includes a purported former spouse.

Amends GS 36C-6-606 (pertaining to revocation of provisions in revocable trust by divorce or annulment; revival) so that it expressly bars a former spouse from being appointed as an executor, trustee, conservator, guardian, or any other fiduciary or nonfiduciary position after dissolution of marriage. (Currently only expressly states trustee.) Sets forth two exceptions: (1) the settlor executes a subsequent valid amendment to the revocable trust, such as by date of the revocable trust, and which modifies the revocable trust; (2) the settlor remarries the former spouse prior to the settlor's death, unless the remarriage is subsequently dissolved by absolute divorce or annulment. Specifies that the term "former spouse" includes a purported former spouse. Makes other technical and clarifying changes.

**Intro. by Galey, Daniel, Sawrey.**

[GS 28A, GS 30, GS 31, GS 36C](#)

[View summary](#)

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

S 227 (2023-2024) [FUNDS FOR DAVIDSON PEDESTRIAN SAFETY](#). Filed Mar 8 2023, *AN ACT TO APPROPRIATE FUNDS TO IMPROVE PEDESTRIAN SAFETY IN THE TOWN OF DAVIDSON*.

Appropriates \$600,000 for 2023-24 from the General Fund to the Office of State Budget and Management for a directed grant to the Town of Davidson as title indicates. Effective July 1, 2023.

**Intro. by Marcus, Sawyer.**

[APPROP, Iredell, Mecklenburg](#)

[View summary](#)

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

S 228 (2023-2024) [PRIVATE CONDEMNATION/WITHDRAW DEPOSIT](#). Filed Mar 8 2023, *AN ACT TO ALLOW DISBURSEMENT WITHOUT PREJUDICE OF ALL OR A PORTION OF THE DEPOSIT MADE BY A CONDEMNOR IN A PRIVATE CONDEMNATION PROCEEDING*.

Amends GS 40A-28 by adding that if there is no dispute as to title to property, the person named in the condemnation complaint may apply to the court for disbursement of the money the condemnor deposited in the court as full compensation or as a credit against just compensation without prejudice to further proceedings in the cause to determine just compensation. Requires, when such an application is made, that the judge or clerk order that the money deposited be paid to the person entitled to it. Gives the judge or clerk the power to make such an order with respect to encumbrances, liens, rents, taxes, assessments, insurance, and other charges, as is just and equitable. Provides that it is not necessary to give notice to the condemnor of the hearing upon the application for disbursement. Applies to condemnation proceedings initiated on or after October 1, 2023.

**Intro. by Sawrey, Craven, B. Newton.**

[GS 40A](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing](#)

S 230 (2023-2024) [APPROVE AMERICAN LEADERSHIP ACADEMY CHARTER](#). Filed Mar 8 2023, *AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO APPROVE THE CHARTER SCHOOL APPLICATION SUBMITTED BY AMERICAN*



*LEADERSHIP ACADEMY – MONROE.*

Requires the State Board of Education (Board) to approve the application submitted by American Leadership Academy to operate a charter school in Monroe beginning with the 2024-25 school year. Requires the Board to issue American Leadership Academy–Monroe a charter and requires the school to operate under the requirements applicable to charter schools that are in Article 14A of GS Chapter 115C, specifically including applying for renewal at the end of the charter granted by this bill.

**Intro. by Johnson, Craven.**

UNCODIFIED, Union

[View summary](#)**Education, Elementary and Secondary Education,  
Government, State Agencies, State Board of Education**

S 231 (2023-2024) [NC ADOPT ERA](#). Filed Mar 8 2023, *AN ACT TO RATIFY THE EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.*

Identical to [H 302](#), filed 3/7/23.

Includes whereas clauses.

Ratifies and affirms the Equal Rights Amendment to the US Constitution (which is set out in the act's whereas clauses).

Requires that the Governor forward certified copies of the act to the Archivist of the United States, the President Pro Tempore of the Senate, the Speaker of the House of the US Congress, and each member of the NC congressional delegation.

**Intro. by Murdock, Marcus, Mayfield.**

CONST, UNCODIFIED

[View summary](#)**Constitution**

S 232 (2023-2024) [DISAPPROVE CERTAIN DOA RULES](#). Filed Mar 8 2023, *AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA DEPARTMENT OF ADMINISTRATION.*

Identical to [H 305](#), filed 3/7/23.

Disapproves the following rules, which were adopted by the Department of Administration on October 20, 2022, and approved by the Rules Review Commission on December 15, 2022: 01 NCAC 05A .0112 (Definitions) (relating to purchasing and contracting) and 01 NCAC 05E .0101 (Good Faith Efforts) (relating to requirements for agency vendors subcontracting all or part of a contract for the purchase of goods or services to undertake good faith efforts to recruit historically underutilized business participation when contracting with the State).

**Intro. by Sanderson, Settle.**

UNCODIFIED

[View summary](#)**Government, State Agencies, Department of Administration**

S 234 (2023-2024) [TAXPAYER TRANSPARENCY ACT](#). Filed Mar 8 2023, *AN ACT TO REQUIRE ASSESSORS TO PROVIDE WRITTEN NOTICE TO PROPERTY OWNERS OF CERTAIN INFORMATION RELATED TO THE REVALUATION OF REAL PROPERTY.*

Amends GS 105-317 (applicable to counties) and GS 105-328 (applicable to towns and cities) by requiring the assessor, within 30 days of completing the revaluation of real property, to see that notice of the following is given to the owner in writing: (1) the appraised value of the property based upon the most recent revaluation, (2) the appraised value of the property based upon the revaluation immediately preceding the most recent revaluation, (3) the percentage increase or decrease between those two values, (4) the total ad valorem tax due on the property in the year immediately preceding the most recent revaluation, (5) the

total ad valorem tax that would be due on the property based on the appraised value of the property pursuant to the most recent revaluation and the property tax rate applicable in determining number 4 above, (6) the annual property tax revenue for the county/city or town for revalued real property for every year of the prior revaluation cycle, and (7) the projected annual property tax revenue for the county/city or town for the revalued real property based on the appraised value of the property pursuant to the most recent revaluation in the county/city or town and the property tax rate applicable in determining number 4 above.

**Intro. by Daniel, Perry, Galey.**

**GS 105**

[View summary](#)

**Government, Tax, Local Government**

S 236 (2023-2024) **MODERNIZE AUDIOLOGY PRACTICE LAWS**. Filed Mar 8 2023, *AN ACT TO UPDATE THE GENERAL STATUTES OF NORTH CAROLINA GOVERNING THE PRACTICE OF AUDIOLOGY TO BETTER REFLECT THE CHANGES IN EDUCATION, EXPERIENCE, AND PRACTICE OF THE PROFESSION IN ORDER TO ENHANCE THE HEALTH AND WELFARE OF NORTH CAROLINA CITIZENS.*

Includes whereas clauses. Makes the following changes to Article 22 of GS Chapter 90 concerning the licensure of audiologists.

Amends GS 90-292 to include protection of the public from unqualified persons to the State's declared policy concerning licensing audiologists and speech and language pathologists.

Modifies and adds to the defined terms set out in GS 90-293. Now defines *audiologist* to mean any person who is qualified by education, training, and clinical experience and is licensed under Article 22 to engage in the practice of audiology (was more generally any person who engages in the practice of audiology). Adds that an audiologist is an independent hearing health care practitioner providing services in hospitals, clinics, schools, private practices, and other settings in which audiologic services are relevant. Expands on the services a person offers that deem the person to be or hold him or herself out to be an audiologist, including hearing aid audiologist and hearing specialist. Adds that an association, company, or trust is included in the defined term person, and that any reference to a licensed person means a natural, individual person. Replaces the definition given for the *practice of audiology*, now defining the term to mean the application of principles, methods, and procedures related to disorders of the auditory and vestibular systems, and gives a nonexhaustive list of 19 areas of audiology practice. Expands the *practice of speech and language pathology* to include evaluation, treatment and instruction related to the development and disorders of communication and cognitive-communication. Makes technical changes.

Makes organizational and technical changes to GS 90-294 regarding the exclusion of individuals licensed to fit and sell hearing aids under GS Chapter 93D from the scope of the Article. Also excludes from the Article the selling of over-the-counter hearing aids. Amends the exclusion of (1) students or trainees who are students or working in a training center program and (2) nurses or other certified technicians trained to perform audiometric screening tests and whose work is supervised by a physician or audiologist, to specify that the exclusion applies if the student, trainee, or nurse is not registered with the Board of Examiners for Speech and Language Pathologist and Audiologists (Board) as an assistant. Makes further technical changes.

Enacts GS 90-294A to authorize licensed audiologists to treat minors by administering nonmedical audiologic services. Specifies that only individuals licensed to practice medicine or working under the supervision of such an individual, or a person licensed under this Article, can make an assessment of a minor for hearing impairment treatment or manage health care services to a minor for hearing impairment. Authorizes licensed audiologists to provide clinical treatment, home intervention, family support, case management, and other audiologic services to minors. Further authorizes audiologists to participate in the development of individualized educational programs and consult on individual classroom matters. Authorizes audiologists to administer hearing screening programs in school and train and supervise nonaudiologists performing hearing screening in an educational setting. Specifies that over-the-counter hearing aids are not appropriate for individuals under age 18 and do not apply to this statute.

Amends GS 90-295 to remove the specific hour requirements for certain areas in meeting the clinical experience hours required for permanent licensure as a speech and language pathologist; maintains the 400 hour minimum clinical hour requirement. Also amends the licensure requirements to require the applicant to present written evidence of nine months of

full-time professional experience in which clinical work (was, bona fide clinical work) has been accomplished in speech and language pathology.

Amends GS 90-298.1 by amending the requirements for a licensed speech and language pathologist or audiologist to register an assistant to also require that the registration fee be remitted to the Board before the assistant can be registered.

Amends GS 90-299 to also require a person registered with the Board to give the Board written notification of the address of where the person engages in practice. Makes conforming changes to the statute's record keeping and notice requirements.

Amends GS 90-301 to make the grounds for suspension or revocation of a license under the Article also applicable to persons registered under the Article. Makes conforming changes and makes language gender neutral.

Amends GS 90-303 by removing outdated language related to the Board's membership.

Amends GS 90-304 by amending the Board's powers and duties to require providing a list (was, provide an annual list) stating the names of persons currently licensed under the Article; adds the requirement that the list be provided on the Board's website.

Amends GS 90-305 to make the listed fees also applicable to registered individuals.

Amends GS 90-306 by making a clarifying change.

Makes the above changes effective October 1, 2023.

Allows the Board of Examiners for Speech and Language Pathologists and Audiologists to adopt temporary rules to implement the act.

**Intro. by Corbin, Krawiec, Adcock.**

GS 90

[View summary](#)

**Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers**

S 237 (2023-2024) **AG COST-SHARE FUNDS/FRENCH BROAD**. Filed Mar 8 2023, *AN ACT TO SUPPORT LIVESTOCK FARMERS IN THE FRENCH BROAD RIVER BASIN*.

Sets out the NCGA's findings and purpose for the act concerning demands on funding from the Agriculture Cost Share Program and the need to protect the Upper French Broad River basin.

Appropriates \$2 million for 2023-24 from the General Fund to the Agriculture Cost Share Program for Nonpoint Source Pollution Control, with funds used for cost share assistance to farmers who are farming in the watershed of the Upper French Broad River in Transylvania, Henderson, Buncombe, and Madison counties for the installation of fences, alternative livestock watering systems, pasture management, and other measures appropriate to keep livestock out of existing streams and watercourses that constitute or drain into the Upper French Broad River.

Makes the grants subject to: (1) all requirements and limits in GS 106-850(b) (which sets out requirements and limitations for the Agriculture Cost Share Program for Nonpoint Source Pollution Control), except the description of eligible measures and (2) the applicant's demonstration that the measures for which they seek cost share assistance would mitigate or prevent stream impacts from livestock in or adjacent to surface waters in the Upper French Broad River basin.

Effective July 1, 2023.

**Intro. by Mayfield, Moffitt, Corbin.**

APPROP, Buncombe, Henderson, Madison, Transylvania

[View summary](#)

**Agriculture, Environment, Environment/Natural Resources, Government, Budget/Appropriations**

S 238 (2023-2024) [WESTERN CAROLINA UNIVERSITY ENGINEERING FUNDS](#). Filed Mar 8 2023, *AN ACT TO APPROPRIATE FUNDS FOR THE COLLEGE OF ENGINEERING AND TECHNOLOGY AT WESTERN CAROLINA UNIVERSITY*.

Includes whereas clauses.

Appropriates specified amounts from the General Fund to the UNC Board of Governors for 2023-24 to be allocated to Western Carolina University for its College of Engineering and Technology for the following projects: (1) to acquire lab equipment and renovate and expand current lab facilities; (2) to support instructional and professional staff, focusing on hands-on, project-based learning in industry; and (3) to construct a new facility for the College. Effective July 1, 2023.

**Intro. by Corbin, Hise, Moffitt.**

[APPROP](#)

[View summary](#)

[Government, Budget/Appropriations, State Agencies, UNC System](#)

S 239 (2023-2024) [REDUCE BARRIERS TO STATE EMPLOYMENT](#). Filed Mar 8 2023, *AN ACT TO REDUCE BARRIERS TO STATE EMPLOYMENT*.

Identical to [H 210](#), filed 2/27/23.

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

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

**Intro. by Corbin, Lee, Johnson.**

[GS 126](#)

[View summary](#)

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

S 240 (2023-2024) [PERMIT CHOICE/CERTAIN AIRPORT AUTHORITIES](#). Filed Mar 8 2023, *AN ACT TO PROVIDE CHOICE OF EROSION AND SEDIMENTATION CONTROL PERMITTING AUTHORITY FOR CERTAIN AIRPORT AUTHORITIES*.

Amends GS 113A-56, concerning the North Carolina Sedimentation Control Commission's jurisdiction, by adding the following. Allows an airport authority operating an airport located wholly or in part in a county with a population greater than 250,000 to elect to be regulated under the jurisdiction of a local sedimentation and erosion control program (local program). Allows an airport authority making this election that is located in more than one county to elect to be regulated under local programs in each county for property of the airport authority located in each county. Subjects an airport authority that makes local program election to the following: (1) the governing board of the local government operating the local program must enact a resolution accepting jurisdiction over the airport authority, (2) the airport authority must provide notice to the Commission that includes specified information, and (3) any existing erosion and sedimentation control permits issued by the Commission must remain under the Commission's jurisdiction until the airport authority has submitted a permit modification request to transfer the permit to the local program. Makes additional conforming changes.

Amends GS 113A-52 to define *airport authority*.

Effective October 1, 2023.

**Intro. by Moffitt.**

GS 113A

[View summary](#)**Development, Land Use and Housing, Building and Construction, Environment, Environment/Natural Resources, Transportation**

S 244 (2023-2024) **HOUSING EXTENSION**. Filed Mar 8 2023, *AN ACT TO REQUIRE NEW LANDLORDS TO PROVIDE CURRENT TENANTS WITH SIXTY DAYS' WRITTEN NOTICE TO VACATE BEFORE TERMINATING A TENANCY AND TO PROVIDE CURRENT TENANTS WITH SIXTY DAYS' WRITTEN NOTICE OF RENT INCREASE WITH THE OPTION TO VACATE THE PROPERTY WITHIN SIXTY DAYS IF THE CURRENT TENANT REJECTS THE RENT INCREASE.*

Enacts new GS 42-14.1A providing as follows. Specifies that unless a lease otherwise provides, requires in residential tenancies from month-to-month or week-to-week, or tenancies where a tenant holds over after the initial lease expires, that new residential property landlords to give current tenants written notice to vacate at least 60 days before terminating the lease. Also requires new residential property landlords to give current tenants written notice of a rent increase at least 60 days before the rent increase becomes effective. If the tenant rejects the rent increase, the tenant has the option to terminate the residential lease agreement and vacate within 60 days.

**Intro. by Smith, Applewhite.**

GS 42

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

S 246 (2023-2024) **PROPERTY OWNERS PROTECTION ACT**. Filed Mar 8 2023, *AN ACT TO AMEND WHAT CONSTITUTES THE CRIME OF FIRST DEGREE TRESPASS TO INCLUDE ENTERING OR REMAINING ON THE PREMISES OF ANOTHER BETWEEN THE HOURS OF MIDNIGHT AND 6:00 A.M.*

Amends GS 14-159.12(a) as title indicates. Effective December 1, 2023.

**Intro. by Britt, Perry.**

GS 14

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

S 247 (2023-2024) **AMEND USE OF DEFENSIVE FORCE**. Filed Mar 8 2023, *AN ACT TO PROVIDE THAT THE PRESUMPTION OF A PERSON HAVING A REASONABLE FEAR OF IMMINENT DEATH OR SERIOUS BODILY HARM TO HIMSELF OR HERSELF OR ANOTHER WHEN USING DEFENSIVE FORCE OF A HOME, MOTOR VEHICLE, OR WORKPLACE DOES NOT APPLY IF THE PERSON ENTERING OR ATTEMPTING TO ENTER THE PROPERTY IS AN EMERGENCY MEDICAL SERVICES PERSONNEL OR FIREFIGHTER.*

As title indicates, amends GS 14-51.2 so that the presumption that a lawful occupant of a home, vehicle, or workplace held a reasonable fear of imminent death or serious bodily harm to himself or herself or another when using defensive force does not apply when the person against whom defensive force is used is a firefighter or emergency medical services personnel who enters or attempts to enter a home, motor vehicle, or workplace in the lawful performance of his or her official duties, and the person entering or attempting to enter gives appropriate notice of the person's identity and purpose for entering or attempting to enter, to any occupant thereof or the person using force knew or reasonably should have known that the person entering or attempting to enter was a firefighter or emergency medical services personnel in the lawful performance of his or her official duties. Incorporates definition of emergency medical services personnel under GS 131E-155 into the statute.

**Intro. by Mayfield, Woodard.**

GS 14

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

S 250 (2023-2024) **COUNTIES/SEMIANNUAL ASSESSMENTS**. Filed Mar 8 2023, *AN ACT AUTHORIZING COUNTIES TO PROVIDE THAT ASSESSMENTS MAY BE PAID IN EITHER SEMIANNUAL OR ANNUAL INSTALLMENTS*.

Amends GS 153A-199 to authorize boards of commissioners to determine that assessment payments may be made by semiannual payments in addition to annual installment payments authorized under existing law. Allows for the resolution to set the number of installments, with up to 40 semiannual installments or 20 annual installments permitted. Details when semiannual payments may be due, allowing the board to provide that the first installment is due with interest either on (1) the date when property taxes are due, with one installment with interest due on the same date in each successive six-month time period, or (2) 60 days after the date that the assessment roll is confirmed, with future installments and interest due on that same day in each successive six-month time period.

**Intro. by Hanig, Salvador, Sawyer.**

GS 153A

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

S 251 (2023-2024) **CIVILIAN TRAFFIC INVESTIGATORS**. Filed Mar 8 2023, *AN ACT AUTHORIZING CITIES TO EMPLOY AND ALLOW CIVILIAN PERSONNEL TO INVESTIGATE TRAFFIC CRASHES INVOLVING ONLY PROPERTY DAMAGE*.

Enacts new GS 160A-499.6 authorizing a city to employ and allow civilian personnel to investigate traffic crashes involving only property damage, naming these personnel civilian investigators (investigators). Details nine requirements of the city and investigators regarding the employment of investigators, including establishing minimum employment standards and compliance with specified training conditions, equipment issuance, and limits of investigator authority. Specifies that investigators cannot be issued a weapon and have no authority to arrest or issue criminal process.

**Intro. by Lazzara, P. Newton, Moffitt.**

GS 160A

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

S 253 (2023-2024) **2023 APPROPRIATIONS ACT**. Filed Mar 8 2023, *AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS*.

Blank bill.

**Intro. by Jackson, Hise, Lee.**[View summary](#)**Government, Budget/Appropriations**

S 254 (2023-2024) **GOVERNMENT TRANSPARENCY ACT OF 2023**. Filed Mar 8 2023, *AN ACT TO STRENGTHEN CONFIDENCE IN GOVERNMENT BY INCREASING ACCESSIBILITY TO CERTAIN PUBLIC PERSONNEL PERFORMANCE AND DISMISSAL RECORDS*.

Amends GS 126-23 regarding required State personnel recordkeeping by each department, agency, institution, commission and bureau of the State, to require records to show the date and general description of the reasons for each promotion, demotion, dismissal, transfer, suspension, or separation (dismissals, suspensions, and demotions were previously separated and required stated disciplinary reasoning). No longer requires keeping records for suspension or demotion for disciplinary reasons of a copy of the written notice of the final decision of the head of the department setting forth the specific acts or omissions that are the basis of the dismissal. Adds that nothing in the statute authorizes the disclosure of any confidential information protected by HIPAA, the Americans with Disabilities Act, or other applicable law. Requires that for the general descriptions of the reason for each promotion, demotion, dismissal, transfer, suspension, or separation: (1) no general description can disclose information otherwise prohibited from disclosure by an applicable law; and (2) the general description must become part of the record upon the later of the expiration of the time period to file an appeal or a final decision being entered in that administrative appeals process. Amends GS 126-22 by amending the term employee to mean any current State employee, former State employee, or application for State employment subject to Article 7, The Privacy of State Employee Personnel Records. Amends the term employer, defined as any State department, university, divisions, bureau, commission, council or other agency subject to Article 7, by specifying that university includes the Board, the Board of Trustees, Chancellor, constituent institutions, and the President.

Makes identical changes to the personnel recordkeeping requirements by local boards of education, community colleges: GS 115C-320 and GS 115D-28.

Makes identical changes to that information that is considered public record for LME/MCOs, local governments, and water and sewer authorities, pursuant to the following governing statutes: GS 122C-158; GS 153A-98; GS 160A-168; and GS 162A-6.1. Further amends GS 122C-158 to make a public record the station to which an LME/MCO employee is currently assigned. Further amends GS 153A-98 to also make the statute applicable to employees subject to GS 153A-103 (number of employees in offices of sheriff and register of deeds); makes a conforming clarifying change to GS 153A-99. Amends GS 130A-45.9 by making those same changes to the public health authority employee information that is public record and also (1) requires the type of promotion, demotion, transfer, suspension, separation, or other change in position classification to be public record; (2) includes as public record the office or station to which the employee is currently assigned; and (3) makes organizational changes. Amends GS 131E-257.2 by making those same changes to the public hospital employee information that is public record and also requires the type of the promotion, demotion, transfer, suspension, separation, or other change in position classification to be public record.

Requires, by November 30, 2023, each employer affected by this act to adopt personnel policies to effectuate the act to allow its employees to challenge the wording of the general description of any promotion, demotion, transfer, suspension, separation, or dismissal occurring on or after December 1, 2023. This provision is effective when the act becomes law.

Effective December 1, 2023, and applies to promotions, demotions, transfers, suspensions, separations, and dismissals occurring on or after that date.

**Intro. by Sanderson, Rabon, Meyer.**

[GS 115C, GS 115D, GS 122C, GS 126, GS 130A, GS 131E, GS 153A, GS 160A, GS 162A](#)

[View summary](#)

**[Education, Elementary and Secondary Education, Higher Education, Government, Public Records and Open Meetings, State Government, State Personnel, Local Government](#)**

S 257 (2023-2024) [2023 APPROPRIATIONS ACT](#). Filed Mar 8 2023, *AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.*

Blank bill.

**Intro. by Hise, Jackson, Lee.**

[View summary](#)

**[Government, Budget/Appropriations](#)**



S 258 (2023-2024) [2023 APPROPRIATIONS ACT](#). Filed Mar 8 2023, *AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.*

Blank bill.

**Intro. by Lee, Hise, Jackson.**

[View summary](#)

[Government, Budget/Appropriations](#)

## LOCAL/HOUSE BILLS

H 88 (2023-2024) [OMNIBUS LOCAL ELECTIONS. \(NEW\)](#) Filed Feb 9 2023, *AN ACT TO CLARIFY THE FILLING OF VACANCIES ON THE GUILFORD COUNTY BOARD OF EDUCATION; TO PROVIDE FOR PARTISAN ELECTIONS FOR MEMBERS OF VARIOUS COUNTY BOARDS OF EDUCATION; AND TO PROVIDE FOR EVEN-YEAR ELECTIONS IN THE TOWNS OF MAYSVILLE AND POLLOCKSVILLE.*

Senate amendment to the 4th edition makes the following changes.

Amends Section 6 of SL 1991-78, to require when filling vacancies on the Guilford County Board of Education, that when the vacating Board member being replaced was elected from within a single member district, the individual appointed (was, the Board must appoint an individual) must be a resident of the district where the vacancy exists. Makes an additional technical change.

**Intro. by Hardister, Faircloth.**

[Ashe, Cabarrus, Guilford, Henderson, Jones, McDowell, Mitchell, GS 115C](#)

[View summary](#)

[Education, Government, Elections](#)

H 174 (2023-2024) [W-S/FORSYTH BD. OF ED./RURAL HALL EVEN-YEAR. \(NEW\)](#) Filed Feb 22 2023, *AN ACT TO STAGGER THE TERMS OF THE MEMBERS OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND TO PROVIDE FOR EVEN-YEAR ELECTIONS IN THE TOWN OF RURAL HALL.*

House amendment to 3<sup>rd</sup> edition makes the following changes. Amends section 2 of SL 1973-1100 by requiring the Town of Rural Hall to operate under a council-manager form of government (was, mayor-council). Changes the effective dates of the amendments to sections 3 and 4 of SL 1973-1100 and the changes to the Town of Rural Hall's election schedule beginning in 2026 to the first regular meeting of the council in December in 2026, and elections held in 2026 will be conducted accordingly.

**Intro. by Lambeth.**

[Forsyth](#)

[View summary](#)

[Education, Government, Elections](#)

H 306 (2023-2024) [SCHOOL CALENDAR FLEXIBILITY/GRANVILLE & VANCE](#). Filed Mar 8 2023, *AN ACT TO PROVIDE GRANVILLE COUNTY SCHOOLS AND VANCE COUNTY SCHOOLS FLEXIBILITY IN ADOPTING THE SCHOOL CALENDAR.*

Amends GS 115C-84.2(d) as title indicates. Requires Granville County Schools and Vance County Schools to open no later than August 1 (currently, prohibited from opening earlier than the Monday closest to August 26), excluding year-round schools. Deletes the provisions of subsection (d) concerning waiver of the opening date requirements upon a showing of good cause. Amends GS 115C-174.12 to allow Granville County Schools and Vance County Schools, if a school calendar is



implemented that concludes the fall semester before December 31, to administer assessments before the conclusion of that semester.

Encourages any community colleges located in Granville or Vance counties to cooperate with the local boards of education to develop school calendars that best suit the needs of students attending class in both systems.

Applies beginning with the 2023-24 school year.

**Intro. by Sossamon.**

[Granville, Vance, GS 115C](#)

[View summary](#)

**Education, Elementary and Secondary Education,  
Government, State Agencies, Community Colleges System  
Office**

H 308 (2023-2024) [ALEXANDER CO. BD. OF ED. REFERENDUM](#). Filed Mar 8 2023, *AN ACT TO REQUIRE ALEXANDER COUNTY TO CONDUCT A REFERENDUM ON WHETHER TO CHANGE THE ELECTION METHOD FOR THE ALEXANDER COUNTY BOARD OF EDUCATION FROM NONPARTISAN TO PARTISAN.*

Identical to [S 233](#), filed 3/8/23.

Subject to approval by the voters of Alexander County in a referendum conducted at the time of the general election in 2024, sets out the following provisions.

Specifies that the Alexander County Board of Education (Board) consist of seven members who are nominated and elected on a partisan basis at the time of the general election in each even-numbered year as terms expire. Requires elections to be conducted in accordance with GS Chapters 115C and 163. Requires, for electing the seven members to the Board, that the electoral district boundaries be as they were adopted by the Board under SL 1991-253, as amended. Requires candidates be nominated and elected by the qualified voters of each district, with candidates residing in the district for which they seek election. Requires for positions elected on a nonpartisan basis in 2022 or 2024 that Board vacancies arising during a term of office be filled for the unexpired term by majority vote of the remaining members. Requires, however, beginning in 2026, that positions elected on a partisan basis be filled in accordance with GS 115C-37.1 (vacancies in offices of county boards elected on partisan basis in certain counties) for the remainder of the unexpired term.

Specifies that this act does not affect the terms of office of any person elected to the Board in 2022 or 2024 and requires those members, or any member appointed to fill a vacancy for one of those members, to serve until a successor has been elected and qualified.

Effective the first Monday in December of 2026, makes a conforming change to GS 115C-37.1.

Repeals SL 1969-774, which concerns the election of the Board, and other laws in conflict with this act.

Specifies that the above provisions apply beginning with elections conducted after the referendum.

**Intro. by Elmore.**

[Alexander, GS 115C](#)

[View summary](#)

**Education, Government, Elections**

H 312 (2023-2024) [FOUR-YEAR TERM FOR MAYOR/SILER CITY](#). Filed Mar 8 2023, *AN ACT TO EXTEND THE TERM OF THE MAYOR FOR THE TOWN OF SILER CITY FROM TWO YEARS TO A FOUR-YEAR TERM.*

As title indicates, amends Section 4 of the Charter of the Town of Siler City (SL 1887-88, as amended), so that beginning at the regular municipal election in 2023, and quadrennially thereafter, the Town's mayor is elected for a four-year term instead of a two-year term.

**Intro. by Reives.**[Chatham](#)[View summary](#)

## LOCAL/SENATE BILLS

S 229 (2023-2024) [SCHOOL CALENDAR FLEXIBILITY/CHARLOTTE-MECK.](#) Filed Mar 8 2023, *AN ACT TO PROVIDE FLEXIBILITY TO THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR.*

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to provide the local boards of education for the Charlotte-Mecklenburg Schools with additional flexibility in adopting their school calendars by removing the specified opening and closing dates. Requires that all first semester exams may be given before winter break. Applies beginning with the 2023-24 school year.

**Intro. by Marcus, Hunt, Salvador.**[Mecklenburg, GS 115C](#)[View summary](#)[Education, Elementary and Secondary Education](#)

S 233 (2023-2024) [ALEXANDER CO. BD. OF ED. REFERENDUM.](#) Filed Mar 8 2023, *AN ACT TO REQUIRE ALEXANDER COUNTY TO CONDUCT A REFERENDUM ON WHETHER TO CHANGE THE ELECTION METHOD FOR THE ALEXANDER COUNTY BOARD OF EDUCATION FROM NONPARTISAN TO PARTISAN.*

Subject to approval by the voters of Alexander County in a referendum conducted at the time of the general election in 2024, sets out the following provisions.

Specifies that the Alexander County Board of Education (Board) consist of seven members who are nominated and elected on a partisan basis at the time of the general election in each even-numbered year as terms expire. Requires elections to be conducted in accordance with GS Chapters 115C and 163. Requires, for electing the seven members to the Board, that the electoral district boundaries be as they were adopted by the Board under SL 1991-253, as amended. Requires candidates be nominated and elected by the qualified voters of each district, with candidates residing in the district for which they seek election. Requires for positions elected on a nonpartisan basis in 2022 or 2024 that Board vacancies arising during a term of office be filled for the unexpired term by majority vote of the remaining members. Requires, however, beginning in 2026, that positions elected on a partisan basis be filled in accordance with GS 115C-37.1 (vacancies in offices of county boards elected on partisan basis in certain counties) for the remainder of the unexpired term.

Specifies that this act does not affect the terms of office of any person elected to the Board in 2022 or 2024 and requires those members, or any member appointed to fill a vacancy for one of those members, to serve until a successor has been elected and qualified.

Effective the first Monday in December of 2026, makes a conforming change to GS 115C-37.1.

Repeals SL 1969-774, which concerns the election of the Board, and other laws in conflict with this act.

Specifies that the above provisions apply beginning with elections conducted after the referendum.

**Intro. by Settle.**[Alexander, GS 115C](#)[View summary](#)[Education, Government, Elections](#)

S 235 (2023-2024) [DURHAM/ELECTRONIC NOTICES FOR PUBLIC HEARINGS](#). Filed Mar 8 2023, *AN ACT AUTHORIZING THE CITY OF DURHAM AND DURHAM COUNTY TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS*.

Authorizes the City of Durham's and Durham County's governing bodies to adopt ordinances enabling notice of public hearings required under GS Chapter 160D (local planning and development regulation) by joint planning board through electronic means, including, but not limited to, the city's or county's website. Retains state law requirements that mailed notice be given to certain classes of people and signs posted on certain property, as well as publication schedules for public notices.

**Intro. by Woodard, Murdock.**

[UNCODIFIED, Durham](#)

[View summary](#)

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

S 241 (2023-2024) [DESIGN ELEM.EXEMPT-HISTORIC DOWNTOWN DAVIDSON](#). Filed Mar 8 2023, *AN ACT TO ALLOW CERTAIN DESIGN AND AESTHETIC CONTROLS FOR STRUCTURES LOCATED ALONG NC HIGHWAY 115 IN THE HISTORIC DOWNTOWN OF DAVIDSON*.

Amends GS 160D-702, applicable to the Town of Davidson only, to allow regulation in the building design of the structures located along the portion of NC Highway 115 beginning in the Town of Davidson at the city limit line at the railroad and continuing north until the intersection with Ridge Road in the Town.

**Intro. by Marcus.**

[Mecklenburg, GS 160D](#)

[View summary](#)

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

S 242 (2023-2024) [DAVIDSON/DEMOLITION OF HISTORIC STRUCTURES](#). Filed Mar 8 2023, *AN ACT AUTHORIZING THE TOWN OF DAVIDSON TO ADOPT ORDINANCES REGULATING THE DEMOLITION OF HISTORIC STRUCTURES*.

Amends SL 2007-66, as amended, adding the Town of Davidson to the municipalities authorized to adopt ordinances after proper notice and a public hearing, as specified, to regulate the demolition of historic structures within its municipal corporate limits and extraterritorial jurisdiction.

**Intro. by Marcus.**

[UNCODIFIED, Iredell, Mecklenburg](#)

[View summary](#)

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

S 243 (2023-2024) [TOWN OF DAVIDSON-EXPEDITED REVIEW EXEMPTION](#). Filed Mar 8 2023, *AN ACT TO CLARIFY THAT THE TOWN OF DAVIDSON IS NOT REQUIRED TO PROVIDE EXPEDITED REVIEW OF CERTAIN SUBDIVISION APPROVALS*.

Amends GS 160D-802, as the title indicates.

**Intro. by Marcus.**

[Iredell, Mecklenburg, GS 160D](#)

[View summary](#)

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

S 245 (2023-2024) [PARK SOUTH STATION TRAFFIC CITATIONS](#). Filed Mar 8 2023, *AN ACT TO ALLOW A LAW ENFORCEMENT OFFICER OF A LAW ENFORCEMENT AGENCY CONTRACTED BY THE PARK SOUTH STATION COMMUNITY TO ENFORCE MOTOR VEHICLE LAW VIOLATIONS OCCURRING WITHIN THE COMMUNITY*.

Applicable only to the City of Charlotte, makes the provisions of GS Chapter 20 pertaining to use of highways and the operation of motor vehicles applicable to the streets, roadways, and alleys on the properties owned by or under the control of the Park South Station Master Association, Inc., or the members of the Park South Station Master Association, Inc. Specifies that the streets, roadways, and alleys in the Park South Station Community have the same meanings as highways and public vehicular areas as set forth in GS 20-4.01 (definitions). Directs that a violation of any of those laws is punishable as prescribed by those laws. Authorizes a law enforcement officer of a law enforcement agency that has contracted with the Park South Station Master Association Inc., to enforce the motor vehicle laws that will be applicable to the Park South Station Master Association. Clarifies that the act does not impact the ownership or control of the streets, roadways, and alleys of the Park South Station Master Association, Inc. or its members, nor will the act impact the current speed limit. Directs that any proposed change in the speed limit be submitted to the Charlotte City Council, who may authorize by ordinance higher or lower speed limits.

**Intro. by Salvador.**

[UNCODIFIED, Mecklenburg](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

S 248 (2023-2024) [CHANGE NO. OF MEMBERS ON NASH CO. BD. OF ED.](#) Filed Mar 8 2023, *AN ACT TO PROVIDE FOR THE ELECTION OF SEVEN MEMBERS TO THE NASH COUNTY BOARD OF EDUCATION AND TO ALIGN THE DISTRICTS OF NASH COUNTY BOARD OF EDUCATION MEMBERS WITH THE DISTRICTS OF NASH COUNTY COMMISSIONERS*.

Repeals Sections 9, 10, and 11 of SL 1991-391 (pertaining to districts to be used for elections of the Interim Board and for the Nash-Rocky Mount Board of Education (Board); elections of the Board pertaining to 1992; and providing for nonpartisan elections every two years from 1994 and onwards). Repeals Section 7(3) of SL 2016-14 (requiring before July 1 of the following calendar year, the boards of the school administrative units of Nash and Edgecombe to revise the electoral districts for the respective boards to reflect the boundaries of each school administrative unit as of July 1, when upon failure to provide the required funding pertaining to the Nash-Rocky Mount School Administrative District).

Beginning in 2024, the Board will consist of seven members elected from each district used to elect county commissioners for staggered four-year terms of office on a nonpartisan basis as provided in GS Chapter 115C and Chapter 163, with the results determined in accordance with GS 163-292. Provides for a filing period time. Specifies that persons elected to the Board will take office on the second Monday in December following their election, and the terms of their office will date and extend from that time. Requires a person to be a qualified voter and resident of the district from which the person seeks to be elected in order to file for candidacy/be elected to the Board. Specifies that candidates will be voted on by the electors residing in the district from which they seek election. All members of the Board will be elected in 2024. In order to implement staggered terms, for elections held in 2024, members from Districts 1, 3, 5, and 7 will be elected to four-year terms and members from Districts 2, 4, and 6 will be elected to a two-year term and to four-year terms thereafter.

Specifies that all members residing in Nash County who were elected to the Board in 2022 will continue to hold at-large positions on the Board until the end of their term or a vacancy occurs due to resignation or other causes.

Applies to elections held beginning in 2024.

**Intro. by Barnes, B. Newton.**

[Nash](#)

[View summary](#)

[Education](#)

S 249 (2023-2024) [MOORESVILLE PD MAY USE LICENSE PLATE READERS](#). Filed Mar 8 2023, *AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AGREEMENTS WITH THE CITY OF MOORESVILLE POLICE DEPARTMENT FOR THE PLACEMENT OF AUTOMATIC LICENSE PLATE READER SYSTEMS.*

Requires the Department of Transportation (DOT) to enter into agreements with the City of Mooresville Police Department for the placement and use of automatic license plate reader systems within land or right-of-way owned by DOT, if: (1) the use of the land or right-of-way is temporary, (2) the automatic license plate reader system is placed within the Mooresville city limits and is above ground, removeable, and contains no combustible fuel, (3) the placement and use does not unreasonably interfere with the operation and maintenance of public utility facilities or cause the facilities to fail to comply with all applicable laws, codes, and 15 regulatory requirements, (4) the authorization to locate a certain automatic license plate reader system within the right-of-way is revocable by DOT for cause with at least 30 days' notice, (5) the use of the automatic license plate reader system complies with provisions of Article 8A (Underground Utility Safety and Damage Prevention Act) of GS Chapter 87 of the General Statutes, and (6) the automatic license plate reader system is operated in accordance with Article 3D (Automatic License Plate Reader Systems) of GS Chapter 20 of the General Statutes. Sets out provisions governing when the system may be removed or relocated upon request by a public utility.

Requires DOT, in consultation with the Mooresville Police Department, to report by March 1, 2024, to the specified NCGA committee on the reader systems that are placed on rights-of-way owned or maintained by DOT. Sets out what must be included in the report.

**Intro. by Sawyer.**

[UNCODIFIED, Iredell](#)

[View summary](#)

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

S 252 (2023-2024) [FOUR-YEAR TERM FOR MAYOR/SILER CITY](#). Filed Mar 8 2023, *AN ACT TO EXTEND THE TERM OF THE MAYOR FOR THE TOWN OF SILER CITY FROM TWO YEARS TO A FOUR-YEAR TERM.*

Identical to [H312](#), filed 3/8/23.

As title indicates, amends Section 4 of the Charter of the Town of Siler City (SL 1887-88, as amended), so that beginning at the regular municipal election in 2023, and quadrennially thereafter, the Town's mayor is elected for a four-year term instead of a two-year term.

**Intro. by Murdock.**

[Chatham](#)

[View summary](#)

S 255 (2023-2024) [IREDELL COUNTY OCCUPANCY TAX MODIFICATIONS](#). Filed Mar 8 2023, *AN ACT TO REPEAL THE CURRENT IREDELL COUNTY-WIDE OCCUPANCY TAX, TO CREATE IREDELL COUNTY DISTRICT I, AND TO AUTHORIZE THE LEVY OF AN OCCUPANCY TAX IN THE DISTRICT.*

Specifies that the portions of Iredell County located outside of incorporated areas within the County is to be called Iredell County District I. The District is a body politic and corporate. Provides for the governance of that district by the Iredell County Board of Commissioners.

Authorizes the Iredell County District I governing body to levy a room occupancy tax of up to 6%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Requires adoption of a resolution establishing the Iredell County District I Tourism Development Authority (TDA) at the time of the adoption of a resolution levying the tax. Mandates that at least one-third of the members of the TDA must be affiliated with businesses that collect the tax in the county and at least one-half must be currently active in the county's travel and tourism promotion. Requires the TDA to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the District and the remainder for tourism related expenditures in the District. Makes conforming changes to GS 153A-155.

Repeals Part IV of SL 1985-570, as amended (pertaining to Iredell countywide occupancy tax). Effective when the governing body of Iredell County District I adopts a resolution levying a room occupancy tax.

**Intro. by Sawyer.**

[Iredell, GS 153A](#)

[View summary](#)

**Government, Tax**

S 256 (2023-2024) [HARMONY REQ'MENT CHANGES-TOWN OF HUNTERSVILLE](#). Filed Mar 8 2023, *AN ACT TO CLARIFY THE HARMONY REQUIREMENT LIMITATION FOR RESIDENTIAL DEVELOPMENTS THAT CONTAIN AFFORDABLE HOUSING FOR THE TOWN OF HUNTERSVILLE*.

Amends GS 160D-703 to provide that for parcels where multifamily structures are an allowable use, the Town of Huntersville may not impose a harmony requirement for development approval if at least 10% of the number of residential units in the development are affordable housing units for families or individuals with incomes below 80% of the area median income. Under current law, a harmony requirement can not be imposed for permit approval if the development contains affordable housing units for families or individuals with incomes below 80% of the area median income.

**Intro. by Sawyer.**

[Mecklenburg, GS 160D](#)

[View summary](#)

**Development, Land Use and Housing, Land Use, Planning and Zoning**

## ACTIONS ON BILLS

## PUBLIC BILLS

### **H 8: COMPUTER SCI. GRAD. REQUIREMENT.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

### **H 40: PREVENT RIOTING AND CIVIL DISORDER.**

*Senate: Reptd Fav*

### **H 76: ACCESS TO HEALTHCARE OPTIONS.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Finance*

*Senate: Reptd Fav*

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

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

### **H 86: SCHOOL CALENDAR FLEX/STATEWIDE.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 87: DA MAY PETITION FOR PROBATION MODIFICATIONS.**

*House: Amend Adopted A1*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**H 101: THE FIREARMS LIBERTY ACT.**

*House: Reptd Fav Com Substitute*

*House: Serial Referral To Rules, Calendar, and Operations of the House Stricken*

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

**H 122: REIMBURSE LATE AUDIT COSTS WITH SALES TAX REV.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 125: SAFE SURRENDER INFANTS.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 136: ARTS HIGH SCHOOL DIPLOMA ENDORSEMENT.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 142: PROTECT OUR STUDENTS ACT.-AB**

*House: Reptd Fav*

*House: Re-ref Com On Pensions and Retirement*

**H 144: GSC UNIFORM PUBLIC EXPRESSION PROTECTION ACT.**

*House: Reptd Fav*

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

**H 149: REMOTE CHARTER ACADEMIES.**

*House: Regular Message Sent To Senate*

*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: Passed 2nd Reading*

*House: Passed 3rd Reading*

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

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 166: AMERICAN INDIANS GRADUATING WITH HONORS ACT.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 172: SAM'S LAW.**

*House: Serial Referral To Rules, Calendar, and Operations of the House Stricken*

*House: Withdrawn From Com*

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

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

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

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

*House: Withdrawn From Com*

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

**H 287: EDUCATE PATIENTS ABOUT OPIOID ANTAGONISTS.**

*House: Passed 1st Reading*

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

**H 288: REMOVE FEE/FIRE DEPT. & AMP RESCUE SQUAD PLATE.**

*House: Passed 1st Reading*

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

**H 289: GUN VIOLENCE PREVENTION ACT.**

*House: Passed 1st Reading*

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

**H 290: PROTECTING NC'S MILITARY AND WORKING LANDS.**

*House: Passed 1st Reading*

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

**H 291: NC NEW TEACHER SUPPORT PROGRAM FUNDS.**

*House: Passed 1st Reading*

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

**H 292: MATH THAT COUNTS.**

*House: Passed 1st Reading*

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

**H 293: FREEDOM TO VOTE.**

*House: Passed 1st Reading*

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

**H 294: NC HOUSING CHOICE INCENTIVE.**

*House: Passed 1st Reading*

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

**H 295: PROMOTE NORTH CAROLINA SAWMILLS.**

*House: Passed 1st Reading*

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

**H 296: ADOPT VETERANS HISTORY MUSEUM.**

*House: Passed 1st Reading*



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

**H 297: FUNDS FOR FORT FISHER HISTORIC SITE.**

*House: Passed 1st Reading*

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

**H 298: CRIMINAL FALSIFICATION OF MEDICAL RECORDS.**

*House: Passed 1st Reading*

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

**H 299: PERPETUAL CARE OF CERTAIN CEMETERIES.**

*House: Passed 1st Reading*

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

**H 301: MODIFY FILM GRANT.**

*House: Passed 1st Reading*

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

**H 307: DISASTER REC./STREAM RESTORATION/FUNDS EXT.**

*House: Filed*

**H 309: INSPECTION OF LOW-SPEED VEHICLES.**

*House: Filed*

**H 310: SELECTION OF PERFORMANCE GUARANTEE METHOD.**

*House: Filed*

**H 311: COMMUNITY ASSOCIATION OVERSIGHT DIVISION.**

*House: Filed*

**H 313: TRANSPORTATION RESILIENCY FUND MODS./DISASTER.**

*House: Filed*

**H 314: PUBLIC SCHOOL ETHICS TRAINING.**

*House: Filed*

**H 315: ROCKINGHAM/GUILFORD WATER/SEWER FUNDS.**

*House: Filed*

**H 316: RESPIRATORY CARE MODERNIZATION ACT.**

*House: Filed*

**H 317: UNC OMNIBUS.**

*House: Filed*

**H 318: BUILDING CODE/EV CHARGING STATION.**

*House: Filed*

**H 319: VETERAN REGISTRATION PLATE MODIFICATIONS.**

*House: Filed*

**H 320: CREATE BLDG. CODE PERMIT TECH. CERT.**

*House: Filed*

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

*Senate: Regular Message Sent To House*

*House: Regular Message Received From Senate*

**S 52: OPEN MEETINGS/ADMINISTERING ORGANIZATIONS.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Withdrawn From Cal*

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

**S 53: HOTEL SAFETY ISSUES.**

*Senate: Ratified*

*Senate: Pres. To Gov. 3/8/2023*

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

*Senate: Regular Message Sent To House*

*House: Regular Message Received From Senate*

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 110: GSC UNIF. COMMUNITY PROP. DISP. AT DEATH ACT.**

*Senate: Regular Message Sent To House*

*House: Regular Message Received From Senate*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Enrolled*

**S 156: MEDICAID CHILDREN & AMP FAMILIES SPECIALTY PLAN.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 157: LIMITED PROVISIONAL LICENSE MODIFICATION.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Commerce and Insurance*

**S 174: REV. LAWS TECH., CLARIFYING, & ADMIN. CHNGS.**

*Senate: Passed 2nd Reading*

**S 214: INSPECTIONS/IMMEDIATE THREAT TO OCCUPANTS.**

*Senate: Passed 1st Reading*

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

**S 215: ALLOW ERPOS TO PREVENT SUICIDES & SAVE LIVES.**

*Senate: Passed 1st Reading*

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

**S 216: MUDDY SNEAKERS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 217: REAL PROPERTY-TENANCY IN COMMON CHANGES.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 218: ESTATES & TRUSTS CHANGES.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 220: CONFIRM PHIL BADDOUR/INDUSTRIAL COMMISSION.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 221: CONFIRM THERESA STEPHENSON/BD OF REVIEW.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 222: CHARTER APPROVAL PROCESS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 223: FUNDS/BINGHAM PARK REMEDIATION.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 224: EAST GREENSBORO NOW - NONPROFIT SUPPORT.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 225: ACT TO PERMIT LOCAL GOV TO ENACT RENT CONTROL.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 226: FREEDOM TO VOTE.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 227: FUNDS FOR DAVIDSON PEDESTRIAN SAFETY.**

*Senate: Filed*

**S 228: PRIVATE CONDEMNATION/WITHDRAW DEPOSIT.**

*Senate: Filed*

**S 230: APPROVE AMERICAN LEADERSHIP ACADEMY CHARTER.**

*Senate: Filed*

**S 231: NC ADOPT ERA.**

*Senate: Filed*

**S 232: DISAPPROVE CERTAIN DOA RULES.**

*Senate: Filed*

**S 234: TAXPAYER TRANSPARENCY ACT.**

*Senate: Filed*

**S 236: MODERNIZE AUDIOLOGY PRACTICE LAWS.**

*Senate: Filed*

**S 237: AG COST-SHARE FUNDS/FRENCH BROAD.**

*Senate: Filed*

**S 238: WESTERN CAROLINA UNIVERSITY ENGINEERING FUNDS.**

*Senate: Filed*

**S 239: REDUCE BARRIERS TO STATE EMPLOYMENT.**

*Senate: Filed*

**S 240: PERMIT CHOICE/CERTAIN AIRPORT AUTHORITIES.**

*Senate: Filed*

**S 244: HOUSING EXTENSION.**

*Senate: Filed*

**S 246: PROPERTY OWNERS PROTECTION ACT.**

*Senate: Filed*

**S 247: AMEND USE OF DEFENSIVE FORCE.**

*Senate: Filed*

**S 250: COUNTIES/SEMIANNUAL ASSESSMENTS.**

*Senate: Filed*

**S 251: CIVILIAN TRAFFIC INVESTIGATORS.**

*Senate: Filed*

**S 253: 2023 APPROPRIATIONS ACT.**

*Senate: Filed*

**S 254: GOVERNMENT TRANSPARENCY ACT OF 2023.**

*Senate: Filed*

**S 257: 2023 APPROPRIATIONS ACT.**

*Senate: Filed*

**S 258: 2023 APPROPRIATIONS ACT.**

*Senate: Filed*

## LOCAL BILLS

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

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

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

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

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

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 69: WARREN COUNTY OCCUPANCY TAX.**

*House: Reptd Fav*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Withdrawn From Cal*

*House: Placed On Cal For 03/15/2023*

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

*House: Reptd Fav*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Withdrawn From Cal*

*House: Placed On Cal For 03/15/2023*

**H 80: ST. JAMES OCCUPANCY TAX AUTHORIZATION.**

*House: Reptd Fav*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Withdrawn From Cal*

*House: Placed On Cal For 03/15/2023*

**H 81: INCREASE HALIFAX CO. BD. OF ED. COMPENSATION.**

*House: Reptd Fav*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 88: OMNIBUS LOCAL ELECTIONS. (NEW)**

*Senate: Amend Adopted A1*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Engrossed*

**H 99: WAKE CO. BD. OF COMM. ELECTIONS. (NEW)**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 135: EVEN-YEAR ELECTIONS/CITY OF TRINITY.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 174: W-S/FORSYTH BD. OF ED./RURAL HALL EVEN-YEAR. (NEW)**

*House: Amend Adopted A1*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**H 179: PAMLICO BD. OF ED. ELECT. PARTISAN.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 239: SCHOOL CALENDAR FLEXIBILITY/JOHNSTON CO.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

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

**H 300: ROCKINGHAM COUNTY/PUBLIC NOTICES.**

*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 306: SCHOOL CALENDAR FLEXIBILITY/GRANVILLE & VANCE.**

*House: Filed*

**H 308: ALEXANDER CO. BD. OF ED. REFERENDUM.**

*House: Filed*

**H 312: FOUR-YEAR TERM FOR MAYOR/SILER CITY.**

*House: Filed*

**S 213: GREENSBORO/CIVILIAN TRAFFIC INVESTIGATORS.**

*Senate: Passed 1st Reading*

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

**S 219: CAMERA ENFORCEMENT FOR SPEEDING IN SCHOOL.**

*Senate: Passed 1st Reading*

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

**S 229: SCHOOL CALENDAR FLEXIBILITY/CHARLOTTE-MECK.**

*Senate: Filed*

**S 233: ALEXANDER CO. BD. OF ED. REFERENDUM.**

*Senate: Filed*

**S 235: DURHAM/ELECTRONIC NOTICES FOR PUBLIC HEARINGS.**

*Senate: Filed*

**S 241: DESIGN ELEM.EXEMPT-HISTORIC DOWNTOWN DAVIDSON.**

*Senate: Filed*

**S 242: DAVIDSON/DEMOLITION OF HISTORIC STRUCTURES.**

*Senate: Filed*

**S 243: TOWN OF DAVIDSON-EXPEDITED REVIEW EXEMPTION.**

*Senate: Filed*

**S 245: PARK SOUTH STATION TRAFFIC CITATIONS.**

*Senate: Filed*

**S 248: CHANGE NO. OF MEMBERS ON NASH CO. BD. OF ED.**

*Senate: Filed*

**S 249: MOORESVILLE PD MAY USE LICENSE PLATE READERS.**

*Senate: Filed*

**S 252: FOUR-YEAR TERM FOR MAYOR/SILER CITY.**

*Senate: Filed*

**S 255: IREDELL COUNTY OCCUPANCY TAX MODIFICATIONS.**

*Senate: Filed*

**S 256: HARMONY REQ'MENT CHANGES-TOWN OF HUNTERSVILLE.**

*Senate: Filed*

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