



## The Daily Bulletin: 2023-03-16

### PUBLIC/HOUSE BILLS

H 399 (2023-2024) **THE NORTH CAROLINA JUDICIAL PRIVACY ACT**. Filed Mar 16 2023, *AN ACT TO CREATE THE NORTH CAROLINA JUDICIAL PRIVACY ACT*.

Effective December 1, 2023, enacts Article 31C to GS Chapter 7A. Names the article the North Carolina Judicial Privacy Act (Act). States the Act's purpose as improving the safety and security of North Carolina judicial officials. Clarifies that the Act is not intended to restrain a judicial official from publicizing their own public information and that no government agency, business or association has any obligation to protect the privacy of a judicial official until receiving a request in writing from that individual. Directs that the Act should not be construed to impair free access to decisions and opinions expressed by judicial officials in the course of carrying out each judicial official's public function. Specifies that the Act and any rules adopted pursuant to the Act should be construed broadly to favor the protection of the personal information of judicial officials and members of their immediate family.

Defines *judicial official* as actively employed, former, or deceased (1) justices of the US Supreme Court and NC Supreme Court, (2) judges of the US Court of Appeals and NC Court of Appeals, (3) judges and magistrate judges of the US District Court, (4) judges of the US Bankruptcy Court, and (5) judges presiding over NC superior courts and district courts.

Defines *personal information* as a home address, home telephone number, mobile telephone number, pager number, personal email address, Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, and identity of children under the age of 18. Defines *publicly post or publicly display* as to publicly communicate to another or otherwise make available to the general public. Defines *written request* as written notice signed by a judicial official or their representative requesting a government agency, person, business, or association to refrain from posting or displaying publicly available content that includes the judicial official's personal information.

Also defines *government agency*, *home address*, *immediate family*, and *publicly available content*.

Bars government agencies from publicly posting or displaying publicly available content that includes a judicial official's personal information, provided that the government agency has received a written request from the official that it refrain from disclosing their personal information. After the written request is made, directs the removal of any personal information from publicly available content within five business days. Specifies that such information is also exempt from disclosure under State public records law unless a government agency receives permission from the judicial official to disclose the information. Permits a judicial official to seek injunctive or declaratory relief if a government agency fails to comply with the request. Creates a good faith exception for government agency employees who, in good faith, publish personal information prohibited from being published in the ordinary course of carrying out their public functions, if the agency has otherwise complied with the Act.

Bars any person, business, or association from publicly posting or displaying on the internet publicly available content that includes a judicial official's personal information so long as the official has made a written request to the person, business, or association that it refrain from disclosing the personal information. Also bars any person, business, or association from soliciting, selling, or trading on the internet a judicial official's personal information with the intent to pose an imminent and serious threat to the health and safety of the official or their immediate family. Clarifies that the bar on public disclosure by these private parties includes, but is not limited to, internet phone directories, internet search engines, internet data aggregators, and internet service providers. After the written request is made, directs the private parties to remove any personal information from the internet within 72 hours and to refrain from publicly sharing or transferring any personal information. Authorizes a judicial official to seek declaratory or injunctive relief against the private party and to obtain costs and attorneys' fees if the court grants the relief sought.

Sets forth specifications for submission of the written request, including the requirement that the judicial official specify exactly what personal information they would like kept private. Specifies that the written request is valid until the judicial

official revokes the request or passes away.

Makes it a Class C felony for any person to knowingly and publicly post on the internet the personal information of a judicial official or member of their immediate family if (1) the person knows or reasonably should know that publicly posting the personal information poses an imminent and serious threat to the health and safety of the judicial official or member of their immediate family and (2) the violation of the Act is a proximate cause of bodily injury or death of the judicial official or a member of their immediate family.

Contains a severance clause.

The above applies to public information that is made public or continues to remain public on or after December 1, 2023.

**Intro. by Alexander, Majeed, Belk.**

GS 7A

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**Courts/Judiciary, Court System, Administrative Office of the Courts, Government, Public Records and Open Meetings, State Agencies, Local Government**

H 400 (2023-2024) **CREATE NEW PUBLIC DEFENDER DISTRICT 22A**. Filed Mar 16 2023, *AN ACT TO CREATE A NEW PUBLIC DEFENDER DISTRICT TO SERVE ALEXANDER AND IREDELL COUNTIES AND TO APPROPRIATE FUNDS.*

Identical to [S 289](#), filed 3/9/23.

Amends GS 7A-498.7(a), creating a new public defender district to serve Alexander and Iredell counties (District 22A). Appropriates from the General Fund a recurring \$1,071,211 to the Office of Indigent Services (IDS) for 2023-2024 to create 20 new positions in the new public defender district 22A, including a chief public defender, up to 12 assistant public defenders, and up to seven support positions. IDS may also use up to \$1,500,000 from the Private Assigned Counsel Fund to support the staffing of public defender district 22A. Effective July 1, 2023.

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

APPROP, Alexander, Iredell, GS 7A

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**Courts/Judiciary, Court System, Administrative Office of the Courts, Government, Budget/Appropriations**

H 401 (2023-2024) **FUNDS FOR DOLLY PARTON'S IMAGINATION LIBRARY**. Filed Mar 16 2023, *AN ACT TO APPROPRIATE FUNDS FOR DOLLY PARTON'S IMAGINATION LIBRARY.*

Appropriates \$1.5 million in recurring funds for each year of the 2023-25 biennium from the General Fund to the Department of Health and Human Services, Division of Child Development and Early Education, to be allocated the NC Partnership for Children Inc. as title indicates. Effective July 1, 2023.

**Intro. by Brisson, Lambeth, Arp.**

APPROP

[View summary](#)

**Education, Government, Budget/Appropriations, State Agencies, Department of Health and Human Services**

H 402 (2023-2024) **MOTOR VEHICLE INSURANCE REFORM**. Filed Mar 16 2023, *AN ACT MAKING VARIOUS CHANGES TO THE MOTOR VEHICLE INSURANCE AND SERVICE OF PROCESS LAWS OF NORTH CAROLINA.*

Amends the term *proof of financial responsibility* in GS 20-279.1 (the definitions section of the Motor Vehicle Safety and Responsibility Act of 1953) to raise the motor vehicle insurance coverage amounts for bodily injury or death as follows:

- for bodily injury or death to one person because of an accident from \$30,000 to \$50,000;
- for bodily injury to two or more persons because of an accident from \$60,000 to \$100,000;
- for injury or destruction of property because of an accident from \$25,000 to \$50,000.

Makes conforming changes to GS 20-279.5 (pertaining to security required unless there is evidence of insurance) GS 20-279.15 (payment sufficient to satisfy requirements for certain judgments related to motor vehicle accidents); GS 20-279.21(b) (2) (definition of motor vehicle liability policy); GS 20-281 (pertaining to liability insurance prerequisite to engaging in business, and coverage of policy); and GS 58-37-35 (pertaining to the functions and administration of the North Carolina Motor Vehicle Reinsurance Facility) to refer to new amounts set forth above.

Amends GS 20-279.21 to specify the manner of service that litigants in civil lawsuits involving an insured against an uninsured motorist should use to effect service of the required documents to an insurer as an unnamed party (registered or certified mail, return receipt requested or in any manner provided by law). Specifies that service outside the statute of limitations is valid so long as the summons has been properly issued, preserved, and served pursuant to North Carolina Rule of Civil Procedure 4. Amends the definition in GS 20-279.21 of *uninsured motor vehicle* to change the benchmark which determines when a vehicle is considered an underinsured vehicle to when the sum of the limits of liability under all bodily injury liability bonds and insurance policies of the vehicle (including an underinsured highway vehicle) applicable at the time of the accident is less than the total damages sustained by an individual seeking payment of benefits under this subdivision. (Currently, the sum of the limits of liability under all bodily injury liability bonds and insurance policies of the vehicle applicable at the time of the accident must be less than the applicable limits of underinsured motorist coverage for the vehicle involved in the accident and insured under the owner's policy.) Changes the benchmarks determining when a vehicle is considered underinsured for underinsured motorist claims asserted by a person in an accident where more than one person is injured to when all bodily injury liability bonds and insurance policies applicable to the vehicle at the time of the accident are exhausted and the total amount paid to a person asserting an underinsured motorist claim from the exhaustion of those bonds and policies is less than the total damages sustained by the person seeking payment of benefits under an uninsured motorist policy. (Currently, vehicle is considered underinsured in these circumstances if the total amount actually paid to that person under all bodily injury liability bonds and insurance policies applicable at the time of the accident is less than the applicable limits of underinsured motorist coverage for the vehicle involved in the accident and insured under the owner's policy.) Amends the circumstances under which exhaustion of liability coverage for the purpose of a single claim presented for uninsured motors coverage occurs to when certain limits have been paid or tendered (i.e., when an unconditional offer of money to satisfy a debt or obligation has been made) (currently, only occurs for liability claims that been paid). Amends the circumstances when underinsurance motorist coverage is deemed to apply to the first dollar of an underinsured motorist coverage claim beyond amounts paid to the claimant under the policy to include the possibility that there might be more than one policy applicable to the underinsured vehicle at the time of the accident. Directs that the amount of underinsured motorist coverage applicable to any claim for benefits will not be reduced by a setoff or credit against any coverage, including liability insurance, except for workers' compensation coverage to the extent provided for in GS 20-279.21(e). Specifies that, if a claimant is an insured under the underinsured motorist coverage on separate or additional policies, the total amount of underinsured motorist coverage applicable to the claimant is the sum of the limits of the claimant's underinsured motorist coverages as determined by combining the highest limit available under each policy and will not be reduced by a setoff against any coverage, including liability insurance, except for workers' compensation coverage to the extent provided for in GS 20-279.21(e). Deletes language describing how the limits of underinsured motorist coverage are currently met. Amends GS 20-279.21(m)(3) to require those who purchase motor vehicle insurance in the state to purchase underinsured motorist bodily coverage (currently, only required if applicable). Makes conforming changes to GS 20-279.21(m)(4).

Amends GS 20-279.25 (money or securities as proof of financial responsibility) to change the deposit amounts from \$85,000 to \$125,000.

**Intro. by Stevens, Humphrey, Gillespie.**

GS 20, GS 58

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**Business and Commerce, Insurance, Courts/Judiciary, Motor Vehicle**

H 403 (2023-2024) [FUNDS/PROSPERA](#). Filed Mar 16 2023, *AN ACT TO APPROPRIATE FUNDS TO PROSPERA, A NONPROFIT ORGANIZATION*.

Appropriates \$350,000 for 2023-24 from the General Fund to the Department of Commerce for a directed grant to Prospera, an economic development nonprofit, to provide in-culture and in-language business consulting and educational services. Effective July 1, 2023.

**Intro. by Bradford, Sasser, Ross, Crutchfield.**

[APPROP](#)

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[Development, Land Use and Housing, Community and Economic Development, Government, Budget/Appropriations, State Agencies, Department of Commerce](#)

H 404 (2023-2024) [FUNDS FOR GTCC FAME PARTNERSHIP](#). Filed Mar 16 2023, *AN ACT TO APPROPRIATE FUNDS FOR GUILFORD TECHNICAL COMMUNITY COLLEGE FOR ITS NORTH CAROLINA FEDERATION OF ADVANCED MANUFACTURING EDUCATION (NC FAME) PROGRAM*.

Appropriates \$9 million from the General Fund to the Community Colleges System Office to be allocated to Guilford Technical Community College as title indicates. Effective July 1, 2023.

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

[APPROP, Guilford](#)

[View summary](#)

[Government, Budget/Appropriations, State Agencies, Community Colleges System Office](#)

H 405 (2023-2024) [FUNDS FOR READY FOR SCHOOL, READY FOR LIFE](#). Filed Mar 16 2023, *AN ACT TO APPROPRIATE FUNDS TO READY FOR SCHOOL, READY FOR LIFE TO CONTINUE STATE FINANCIAL SUPPORT OF AN INTEGRATED DATA SYSTEM FOR EARLY CHILDHOOD DEVELOPMENT PROGRAMS*.

Appropriates from the General Fund \$4.8 million in nonrecurring funds for the 2023-2024 fiscal year to provide a directed grant to Ready for School, Ready for Life, a nonprofit organization developing and providing a system of care for children prenatally to 5 years of age to improve outcomes and school readiness. Directs that the grant be used to support the building, testing, and improving of an integrated data system technology to (1) enable care coordination, service monitoring, and outcomes tracking for young children and families and the government agencies and nonprofits that serve them and (2) provide empirical outcomes data to facilitate decision making by policymakers. Effective July 1, 2023.

**Intro. by Clemmons, Hardister, Faircloth, Brockman.**

[APPROP](#)

[View summary](#)

[Education, Preschool, Government, Budget/Appropriations](#)

H 407 (2023-2024) [NC SEMIQUINCENTENNIAL LEGISLATIVE COMMISSION](#). Filed Mar 16 2023, *AN ACT TO ESTABLISH THE NORTH CAROLINA SEMIQUINCENTENNIAL LEGISLATIVE COMMISSION*.

Establishes the eight-member NC Semiquincentennial Legislative Commission (Commission) to plan for the observance of the semiquincentennial of the American Revolution in NC. The Commission is required to coordinate with the North Carolina USA 250th Committee and the Department of Natural and Cultural Resources to make recommendations for the observance. Recommendations shall include any proposed legislation or appropriation appropriate to carry out the recommendations. Provides for Commission membership, meetings, member expenses, and staff. Grants the Committee powers regarding information, data, or document requests of State officers, agents, agencies and departments that is the same of legislative committees set forth in GS 120-19. Requires the Commission to submit interim reports by December 1 annually, beginning

December 1, 2023, and a final report by April 15, 2031, to the specified NCGA committee chairs. Terminates the Commission on the earlier of April 15, 2031, or the submission of the report.

**Intro. by Blackwell, Wheatley, Bell, Cotham.**

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**Government, Cultural Resources and Museums, General Assembly**

H 408 (2023-2024) **CHARLOTTE FC SPECIAL REGISTRATION PLATE**. Filed Mar 16 2023, *AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A CHARLOTTE FOOTBALL CLUB SPECIAL REGISTRATION PLATE*.

Amends GS 20-79.4 to allow the Division of Motor Vehicles (DMV) to produce a special registration plate with the logo of the Charlotte Football Club. Authorizes the Revisor of Statutes to reorganize the special registration plates listed in GS 20-79.4 to ensure that all the special registration plates are listed in alphabetical order and numbered accordingly. Effective July 1, 2023.

**Intro. by Bradford.**

GS 20

[View summary](#)

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

H 409 (2023-2024) **REGULATION OF ACCESSORY DWELLING UNITS**. Filed Mar 16 2023, *AN ACT TO INCREASE AFFORDABLE HOUSING BY ALLOWING FOR THE CONSTRUCTION OR SITING OF ACCESSORY DWELLING UNITS*.

Enacts GS 160D-917 (pertaining to accessory dwelling units [ADU]) as follows. Defines *ADU* as an attached or detached residential structure that is used in connection with or that is accessory to a primary single-family dwelling and that has less total square footage than the primary single-family dwelling. Requires local governments to allow for the development of at least one ADU which conforms to the State Residential Code for One- and Two-Family Dwellings for each detached single-family dwelling in areas zoned for residential use that allow for development of detached single-family dwellings. Permits ADU's to be built or sited at any time before, concurrently, or after the primary dwelling unit has been constructed or sited. Clarifies that GS 160D-917 is not intended to restrict local governments from permitting ADU's in other areas not mentioned by the statute nor is it intended to impact covenants or other contractual agreements among property owners relating to dwelling type restrictions.

Specifies that development and permitting of ADU's are not subject to any of the following requirements; (1) owner-occupancy of any dwelling unit; (2) minimum parking requirements or other parking restrictions; (3) conditional use zoning. Bars local governments from doing any of the following in permitting ADU's: (1) barring the connection of the ADU to existing utilities serving the primary unit and (2) charging any fee other than a building permit that does not exceed the amount charged for a single-family dwelling unit similar in nature. Allows the local government to regulate the ADU's pursuant to GS Chapter 160D, except as provided under the new law, so long as the regulations do not act to discourage development or siting of ADU's through unreasonable costs or delay. Authorizes local governments to impose setback minimums for ADU's, subject to certain specifications. Effective October 1, 2023.

Requires local governments to adopt land use ordinances and regulations or to amend them to implement new GS 160D-917 by no later than October 1, 2023.

**Intro. by Winslow, Alston, Tyson, G. Brown.**

GS 160D

[View summary](#)

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

H 410 (2023-2024) [CREDIT UNION UPDATE](#). Filed Mar 16 2023, *AN ACT TO UPDATE THE CREDIT UNION STATUTES*.

Amends Article 14B, relating to the supervision and regulation of credit unions, in GS Chapter 54 as follows. Refers to Administrator instead of the Administrator of Credit Unions and to Division instead of to the Credit Union Division throughout.

Amends GS 54-109.14 allowing the Administrator to charge fees other than those already specified for service and supervision as approved by the Credit Union Commission. Allows the Administrator to waive any fee for any credit union or group of credit unions at the Administrator's discretion. Allows the Administrator to assess a civil penalty not to exceed \$500 for violations of sections of Articles 14A (Formation of Credit Union) to 15A (Corporate Credit Union) or any rule the Administrator has adopted. Requires penalty proceeds to be remitted to the Civil Penalty and Forfeiture Fund.

Amends GS 54-109.15 by removing the report of condition requirements and instead requiring credit unions organized under Article 14A to 15A to make a report of condition to the Administrator in a manner and schedule adopted by the Administrator. Also allows the Administrator to require additional reports. Changes the fee for neglecting to make such reports so that it's no less than \$75 and no more than \$750 (was, flat fine of \$75) for each day the neglect continues. Requires the Administrator to publish the late penalty amount annually by rule. Removes authority to revoke the certificate of incorporation and take possession of the credit union's assets and business for failing to pay the penalty.

Amends GS 54-109.16 as follows. Expands upon the types of credit unions subject to examination to also include those formed under Article 15A. Specifies that the examinations are to be once every 18 months or a shorter period (was, 18 months or whenever deemed necessary) as deemed necessary by the Administrator. Requires the examiners to also be given free access to electronic or digital records in respect to the credit union. Allows an independent audit, the examination of a peer state regulatory agency, or the examination of a deposit insurer, in lieu of an exam by the Division.

Amends GS 54-109.17 by specifying that the Administrator is to adopt rules (was, prescribe rules) concerning recordkeeping. Removes the provision allowing a photostatic or photographic reproduction of any credit union record to be admissible as evidence of transactions with the credit union. Allows a credit union to cause its records to be recorded, copied, or reproduced by any photographic, reproduction, electronic, or digital process or method, or by any other records retention technology approved by rule or order of the Administrator, in a manner capable of accurately converting the records into tangible form within a reasonable time. Deems each converted tangible form of record as a record.

Deletes GS 54-109.18 which required the Administrator to establish rules and regulations relating to selection of attorneys-at-law to handle credit union loan closing proceedings.

Enacts new GS 54-109.18A requiring administrative hearings required or permitted to be held by the Administrator to be conducted according to Article 3A (Other administrative hearings) of GS Chapter 150B. Allows for an appeal of the hearing decision to the Credit Union Commission; sets out the procedure and timing for such an appeal. Entitles any party to an appeals proceeding before the Commission to judicial review of the decision or order according to Article 4 (Judicial Review) of GS Chapter 150B. Allows the hearing officer at administrative hearings conducted under this statute to be the Administrator or other suitable person designated by the Administrator to serve as a hearing officer.

Amends GS 54-109.19 by amending the disciplinary actions the Administrator may take to now also include one or both of (1) removing the director, officer, committee member, or employee from office; or (2) prohibit the director, officer, committee member, or employee from participating in the conduct of the affairs of a credit union or credit union service organization (was, may remove individuals from office). Expands upon the reason for taking action to also include being deceitful, convicted of a felony, convicted of a misdemeanor involving fraud or dishonestly, gross negligence, and breaching the member's trust. Amends what is to be included in a notice of removal and the timeline for the hearing. No longer allows removal pending the hearing. Requires the Commission, upon a request for hearing, or upon scheduling a discretionary hearing on its own initiative, to review the facts of the case and hear from the Administrator and the removed party and determine whether the preponderance of the evidence supports removal. Requires the Commission to issue an order that does one of the following: (1) overturns the removal and reinstates the removed party; (2) upholds the removal in full; or (3) modifies the removal into a suspension of a defined period. Specifies that the order remains effective and enforceable except to the extent that it is stayed, modified, terminated, or set aside by a later action of the Commission or a reviewing court.

Enacts new GS 54-109.20 allowing the Administrator, if there is a natural disaster or other national, regional, State, or local emergency, to temporarily waive or suspend requirements for compliance by one or more credit unions with any provisions of this Chapter or rules if it is in the public interest. Allows the Administrator to issue and serve upon a credit union an order to cease and desist from one or more unsafe or unsound practices or violations if, in the Administrator's opinion, a credit union is engaging or has engaged, is reasonably believed to be about to engage in, an unsafe or unsound practice, or is violating or has violated, or there is reasonable cause to believe is about to violate, this Chapter or any other applicable law, rule, regulation, or order. Sets out what is to be included in the order. Allows the Administrator to investigate, including conducting background checks, any credit union employee, officer, director, or committee member when considering applications for new charters, changes to those positions in credit unions in a troubled condition, a managing agent or manager in a conserved credit union, or when the Administrator has reason to believe the credit union employee, director, or committee member affected or is likely to affect the safety or soundness of the credit union.

Amends Article 14C, relating to the powers of a credit union, in GS Chapter 54 as follows. Refers to Administrator instead of the Administrator of Credit Unions throughout.

Amends GS 54-109.21, enumerating the general powers of a credit union, as follows:

- Allows a credit union to acquire, lease, hold and dispose of property, either in whole or in part, necessary or incidental to its present and future operations (currently, just specifies operations).

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Allows the credit union to receive funds from persons (currently, credit union is allowed to receive savings from its members) in the form of shares, deposits or special purpose thrift accounts.

- Expands the scope of whom a credit union may lend its funds to beyond its members, to include credit union service organizations, other credit unions, and any State or tribal government or political subdivision thereof as provided in Articles 14A to 15A (currently, Articles 14A-14L).

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Expands the type of funds that a credit union may invest pursuant to Articles 14A to 15A (currently, Articles 14A-14L) to any funds (currently, just surplus funds).

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Removes central type credit union organizations from a place where credit unions may legally make deposits and replaces it with corporate credit unions.

- Allows credit unions to also hold membership in any type of credit union organized under GS Chapter 54 (currently, just Articles 14A to 14L) and in organizations or associations fostering the interests of credit unions or providing services to credit unions.

- Changes statutory reference in powers related to declaring dividends, paying interest on deposits and paying interest refunds to borrowers to refer to Articles 14A to 15A (currently, Articles 14A-14L).

- Expands the scope of financial services that a credit union can offer beyond travelers checks and money orders so that a credit union may also offer other negotiable instruments, electronic transfer of funds, safe deposit boxes, custodial services, and correspondent services, and charge a reasonable fee for these services. Also lifts the condition that the travelers checks/money orders sold by the credit union are payable at other institutions than a credit union.

- Changes the statutory scope governing when a credit union performs tasks and missions requested by the federal government or the State to Articles 14A to 15A (currently, Articles 14A-14L).

- Changes the process by which a credit union can expel a member for cause to remove the requirement for notice and a hearing. Now requires that a member be expelled after being informed in writing, and also allows for the member to appeal the determination in writing. Also removes the specified acts (i.e., the member has not carried out the engagement the member made with the corporation, has been convicted of a felony or crime involving moral turpitude, or neglects or refuses to comply with the provisions of GS Chapter 54, Article 14 or of the bylaws) that constitute cause. Removes the standards governing a credit union's determination to expel a member for cause (currently, expulsion only warranted when the credit union finds



either, the member's intemperance disrupts the activities of the credit union or the member's habitual neglect of financial obligations reflects discredit upon the credit union). Also permits a credit union to reduce services to a member for cause.

· Allows credit unions, notwithstanding the provisions of Articles 14C to 14J of this Chapter, upon 45-day written notice to the Administrator and subject to the Administrator's written disapproval during the 45-day period if the Administrator concludes the credit union is not well-capitalized or well-managed as demonstrated by the supervisory rating it received during its most recent safety and soundness examination, engage in any activity or exercise any power in which it could engage or exercise if it were a federally chartered credit union, subject to similar approval provisions, if any, applicable to federally chartered credit unions with respect to the activity or power. (Currently, only authorizes the Administrator subject to the advise and consent of the Credit Union Commission, to adopt rules authorizing to engage in any activity in which they could engage if they were a federally chartered credit union and only if there is a finding that action is necessary to preserve and protect the welfare of credit unions and to promote the general economy of the State.)

Makes technical and clarifying changes, and terms gender neutral.

Amends Article 14D, relating to the membership in a credit union, in GS Chapter 54 as follows. Refers to Administrator instead of the Administrator of Credit Unions and to Division instead of to the Credit Union Division throughout.

Amends GS 54-109.26 (definition of credit union membership) to remove the requirement of paying an entrance/membership fee, subscribing for one or more shares, and paying the initial installment. Expands the scope of eligible members by allowing for family members of groups having a common bond, persons who reside within an identifiable neighborhood, community, rural district, employees of a common employer or family members of any member in good standing to join a credit union.

Amend GS 54-109.27 to allow societies and partnerships composed of or controlled primarily by individuals eligible for membership, corporations owned or controlled primarily by eligible individual, and other business entities owned or controlled primarily by eligible individuals may be admitted to membership in the same manner and under the same conditions as individuals.

Amends GS 54-109.28 (pertaining to other credit unions) by permitting any credit union organized under Articles 14A to 14L of GS Chapter 45 to also permit membership of the following persons located in this State: (1) individuals and families that earn income at or below the federal poverty threshold; (2) women-owned or minority-owned businesses; and (3) underserved areas, as defined by the Federal Credit Union Act.

Amends GS 54-109.31 (pertaining to meetings of members) to require annual and special meeting to be held at the same time (currently, same time and place) as required in the bylaws and new GS 55A-7-01 (currently, just bylaws). In provision relating to voting at meetings by businesses or other organizational members, removes reference to "society association, copartnership or corporation having membership" and replaces it with "business or other entity having membership" so it is clear that any entity may be a member of a credit union.

Makes clarifying changes to GS 54-109.29 and GS 54-109.30.

Makes technical changes, and terms gender neutral.

Amends Article 14I, relating to investments of a credit union in GS Chapter 54, as follows. Refers to Administrator instead of the Administrator of Credit Unions throughout.

Amends GS 54-109.82 (pertaining to investments of funds) to change the aggregate amount of funds a credit union may invest from 25% of the allocations to the reserve fund to 12.5% of the credit union's net worth, in agencies, companies, or associations. Allows a credit union to invest an aggregate amount not to exceed 1% of the credit union's net worth in a small business formed under the laws of the United States, or a state, district, or territory of the United States, that meets the appropriate United States Small Business Administration definition of small business and that is principally engaged in the development or exploitation of inventions, technological improvements, new processes, or other fintech products. Allows a credit union to invest in a common trust or mutual funds whose investment portfolios consist of securities otherwise permitted for credit unions. Allows a credit union to invest in stock, securities, obligations, or other instruments that are approved by the Administrator. Allows a credit union to hold an investment regardless of its change in status or form. Allows for credit unions, subject to the rules of the Administrator, to make an otherwise impermissible investment to fund an employee benefit plan. Specifies that a credit union's investment to fund an employee benefit plan obligation is not subject to the investment



limitations of GS 54-109.82 if the investment is directly related to the credit union's obligation under the employee benefit plan and the credit union holds the investment only for so long as it has an actual or potential obligation under the plan.

Makes technical changes.

Amends GS 54-109.92 (pertaining to suspension and conservation of a credit union) to delete hearing process provided for and replace it with reference to new GS 54-109.18A.

Effective January 1, 2024.

**Intro. by Howard, Bell.**

GS 54

[View summary](#)

**Banking and Finance**

H 411 (2023-2024) **GENERAL ASSEMBLY APPOINTMENTS**. Filed Mar 16 2023, *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE CORRECTIONS TO PREVIOUS APPOINTMENTS.*

I.

Appoints the specified persons to the following boards and commissions upon the recommendation of the Speaker of the House, effective on the specified date, with terms expiring as provided: Education Commission of the States, Criminal Justice Education and Training Standards Commission, Board of Directors of the NC Partnership for Children, NC School of Science and Mathematics Board of Trustees, Commission of Indigent Defense Services, NC Childcare Commission, NC Marine Industrial Port Authority, NC Board of Dietetics/Nutrition, NC Interpreter and Transliterator Licensing Board, NC Housing Partnership, Virginia-North Carolina High-Speed Rail Compact Commission, and Interstate Commission on Educational Opportunity for Military Children State Council.

II.

Appoints the specified persons to the following boards and commissions upon the recommendation of the President Pro Tempore of the Senate, effective on the specified date, with terms expiring as provided: NC Turnpike Authority Board, Board of Directors of the NC Institute of Medicine, Supplemental Retirement Board of Trustees, NC Board of Barber and Electrolysis Examiners, NC Board of Transportation, NC Private Protective Services Board, NC Medical Board, NC Acupuncture Licensing Board, NC State Banking Commission, Domestic Violence Commission, NC Child Care Commission, NC State Bar, NC Recreational Therapy Licensure Board, and Virginia-North Carolina High Speed Rail Compact Commission.

III.

Amends SL 2022-42, Part I, concerning appointments made by the Speaker of the House, as follows. Amends the expiration of the terms for specified members of the African American Heritage Commission, Education and Workforce Innovation Commission, Information Technology Strategy Board, NC Institute of Medicine, 911 Board, and NC Respiratory Care Board. Adds an individual to those appointed to the NC Board of Barber and Electrolysis Examiners, corrects the name of the Board, and amends the date of the end of the term of all of the specified individuals. Changes the effective date of the appointments to the Governor's Crime Commission. Changes an appointee to the NC Institute of Medicine, makes the correction to the name of another, removes the effective date of all of the appointments, and changes the date of the expiration of the terms for all of the listed appointees. Corrects a name and a title of appointees to the License to Give Trust Fund Commission.

IV.

Specifies that appointments begin upon the act's effective date, unless otherwise specified.

**Intro. by D. Hall.**

UNCODIFIED

[View summary](#)

**Business and Commerce, Occupational Licensing, Government, General Assembly, State Government, Executive**

H 412 (2023-2024) [MODIFY PROPERTY TRANSFER TO PENDER COUNTY](#). Filed Mar 16 2023, *AN ACT TO MODIFY THE TERMS OF CONVEYANCE OF A CERTAIN PARCEL OF LAND TO PENDER COUNTY TO ENABLE CERTAIN FINANCING OPTIONS NEEDED IN THE CONSTRUCTION OF A JAIL FACILITY.*

Amends Section of SL 2019-137 (pertaining to the conveyance of certain property to Pender County by the State so long as the property is used as a jail and law enforcement center) as follows. Adds the stipulation that if, Pender County grants a deed of trust or similar security instrument related to the property conveyed by the State, the State's reversionary interest in the property will be subordinate to the interest conveyed in the security instrument. Requires the Department of Administration to execute and provide any instruments of title or other documentation required by Pender County to facilitate or obtain financing agreements in connection with the construction of a jail facility on the subject property.

**Intro. by Carson Smith.**

Pender

[View summary](#)

**Government, Public Safety and Emergency Management,  
State Agencies, Department of Administration**

## PUBLIC/SENATE BILLS

S 319 (2023-2024) [CAPTIVE INSURANCE REVISIONS](#). Filed Mar 16 2023, *AN ACT TO REVISE STATUTES RELATED TO CAPTIVE INSURANCE.*

Amends GS 58-22-15 (pertaining to risk retention groups chartered in the State) to enact new subsection authorizing the Insurance Commissioner (Commissioner) to examine any risk retention group when the Commissioner deems it reasonable and prudent. Requires the Commissioner to coordinate the exam with any other examining bodies to avoid repetition and to conduct the examination expeditiously and in line with the Examiner Handbook of the National Association of Insurance Commissioners (NAIC). Stipulates that the examination costs are the responsibility of the examined risk retention group.

Reduces the tax on premiums paid to risk retention groups not chartered in NC from 5% (the amount surplus lines insurance premiums are taxed under GS 58-21-85) to 1.85%. Amends GS 105-228.4A(g) (pertaining to tax on captive insurance companies) to remove the requirement that a foreign captive insurance company redomesticate to North Carolina by December 31, 2022, in order to take advantage of the premium tax exemption for the year the redomestication occurs and the year after. Extends the expiration date of the tax exemption to taxable years beginning on or after January 1, 2025. (Currently, expires January 1, 2024.)

Effective October 1, 2023.

**Intro. by Johnson, Perry, Sawrey.**

GS 58, GS 105

[View summary](#)

**Business and Commerce, Insurance, Government, Tax**

S 320 (2023-2024) [HONORING NC'S CONTRIBUTIONS TO CIVIL RIGHTS](#). Filed Mar 16 2023, *AN ACT AUTHORIZING THE AFRICAN AMERICAN HERITAGE COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING MONUMENTS COMMEMORATING EVENTS AND PERSONS RELATING TO THE CIVIL RIGHTS MOVEMENT IN THE STATE AND APPROPRIATING FUNDS TO THE AFRICAN AMERICAN HERITAGE COMMISSION TO PLACE MARKERS AT SITES ALONG NORTH CAROLINA'S CIVIL RIGHTS TRAIL.*

Identical to [H 42](#), filed 2/1/23.

Includes whereas clauses.

Authorizes the African American Heritage Commission (Commission) to study the feasibility of establishing monuments commemorating civil rights movement events in North Carolina and the State's citizens that contributed to the civil rights movement. Requires holding public hearings and requires the Commission to report to the specified NCGA committee by May 1, 2024, on the Commission's findings and recommendations for legislation.

Appropriates \$500,000 for 2023-24 from the General Fund to the Department of Natural and Cultural Resources, African American Heritage Commission, to aid in the Commission's work of placing markers, signage, and other memorials to commemorate significant cultural or historical importance relating to North Carolina's Civil Rights Trail.

Effective July 1, 2023.

**Intro. by Murdock, Chaudhuri.**

APPROP, STUDY

[View summary](#)

**Government, Budget/Appropriations, Cultural Resources and Museums, State Agencies, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources)**

S 321 (2023-2024) **MEDICAL DEBT DE-WEAPONIZATION ACT**. Filed Mar 16 2023, *AN ACT TO ADOPT THE PRO-FAMILY, PRO-CONSUMER MEDICAL DEBT PROTECTION ACT TO SET TRANSPARENT PARAMETERS AROUND THE PROVISION OF FINANCIAL ASSISTANCE FOR IMPOVERISHED FAMILIES AND LIMIT THE ABILITY OF LARGE MEDICAL FACILITIES TO CHARGE UNREASONABLE INTEREST RATES AND EMPLOY UNFAIR TACTICS IN DEBT COLLECTION.*

Identical to [H 367](#), filed 3/14/23.

Enacts Article 11C, GS Chapter 131E, to be cited as the Medical Debt Protection Act (Act). States the Article's legislative purpose. Includes 15 defined terms. Requires all large health care facilities (defined to include licensed hospitals, outpatient clinics and facilities affiliated with licensed hospitals, licensed ambulatory surgical centers, and other practices and professionals offering specified health care services) to develop a written financial assistance policy called a medical debt mitigation policy (MDMP) pursuant to the Article and any implementing rules. Defines an MDMP to include seven components, including the basis for calculating amounts charged to patients and the method for applying for financial assistance, as well as eligibility criteria for financial assistance. Makes the requirements applicable regardless of federal law requirements. Further details required content of an MDMP and requires its approval and annual review by the owners or governing body of the health care provider.

Establishes five steps a large health care facility (facility) must take before seeking payment for any emergency or medically necessary care, including determining the patient's health care insurance status, offering to screen a patient for insurance eligibility and other public programs that assist in health care costs, determining qualifications for free or discounted care under the MDMP, and determining eligibility for financial assistance within 14 days of application with billing and collections stayed while determination is pending. Sets forth four categories of eligibility for patients to qualify for financial assistance under the MDMP based on household income and poverty level, with assistance ranging from no cost to discounted costs, applicable to any charges for health care services that are not covered by insurance and would be otherwise billed to the patient. Details acceptable methods for establishing eligibility for financial assistance, with authority for a facility to grant financial assistance notwithstanding the patient's failure to provide the acceptable documentation or can require other evidence of eligibility. Requires facilities to notify a patient in writing within 30 days of receipt of an application for financial assistance of its eligibility determination. Requires acceptance and consideration of applications submitted within one year of the date of the first bill after provision of health care services. Provides for review of applications for patients subject to collection activity by the facility or medical debt collector at any time, with medical debt collectors required to forward any application submitted within two business days and to cease activity until notified by the facility of the outcome. Bars charging late fees or interest to patients who qualify for financial assistance. Requires facilities and medical debt collectors to offer payment plans to qualifying patients of at least 24 months with payments never exceeding more than 5% of the patient's gross monthly income, with the first payment required to be at least 90 days after the services were provided. Bars prepayment and early payment fees or penalties.

Sets forth requirements of a large health care facility to publicize its MDMP, including making the policy and financial assistance application easily accessible online. Requires that the patient be informed of any financial assistance policy with every written and oral attempt by a medical creditor or debt collector to collect medical debt for health care services provided by a large health care facility. Includes translation requirements for MDMPs and other language access accommodations required by a large health care facility.

States four prohibited collection actions, including causing arrest or garnishing wages or tax refunds. Prohibits medical creditors and medical debt collectors from engaging in permissible extraordinary collection actions, as defined, until 180 days after the first bill for a medical debt has been sent, and before which specified notice requirements must be met at least 30 days prior to taking such actions. Prohibits a large health care facility or medical debt collector from taking extraordinary collection actions to collect debt for health care services provided by the facility unless the actions are described in the facility's billing and collections policy. Requires reversal of extraordinary collection actions taken when a patient is later found eligible for financial assistance.

Requires large health care facilities to post price information online as described, including using gross charges for services and listing amounts Medicare would reimburse for the service.

Deems parents and legal guardians jointly liable for any medical debts incurred by minors. Provides immunity from liability for spouses or other persons for the medical debt or nursing home debt of another adult, with requirements listed for voluntary consent to assume such liability.

Requires and described required content of itemized bills provided by medical creditors or medical debt collectors upon request, free of cost. Prohibits medical creditors and medical debt collectors from communicating with or reporting to consumer reporting agencies regarding a consumer medical debt for one year from the date of the first bill for the medical debt, whereby creditors and collectors must send one additional bill before such communications. Places restrictions on collection agency communications.

Details prohibited acts of medical creditors and medical debt collectors while health insurance decisions review or appeal is pending.

Establishes a formula to cap interest on medical debt. Establishes requirements for medical creditors and medical debt collectors relating to payment plans for medical debt, including providing a written copy of the plan to the consumer within five business days of entry that includes prominent disclosure of the interest rate and maturity date, and satisfaction of notice and negotiation requirements prior to accelerating or defaulting a plan.

Provides requirements for providing receipts of medical debt payments to consumers. Provides for debt forgiven by a medical center to not constitute a breach of contract between the medical center and the insurer or payor.

Creates a private right of action for a consumer against whom a violation of the Article occurs for up to treble the amount of damages incurred. Allows for injunction or other equitable relief. Prohibits MDMPs from waiving the patient's right to resolve a dispute by equitable relief, the award of damages, attorneys' fees and costs, or an evidentiary hearing. Deems any waiver by any patient or consumer of rights and protections under the Article void. Grants enforcement authority to the Attorney General, and requires the AG to establish a complaint process, which are deemed public records.

Requires large health care facilities to annually file its MDMP with the Department of Health and Human Services (DHHS), as specified, with DHHS required to post the reports in a searchable online database, and annually prepare a consolidated report. Creates reporting requirements for facilities that retain or initiate the process to retain a patient's State tax refund through GS Chapter 105 setoff other state law.

Includes a severability clause.

Exempts federally qualified health centers from GS 131E-214.23 through GS 131E-214.26, GS 131E-214.28, and GS 131E-214.40.

Deems the act supersedes GS 131E-91, GS 131-99, and GS 131E-147.1 in the event of conflict.

Appropriates \$100,000 in recurring funds from the General Fund to DHHS for 2023-24 to administer the collection of MDMPs and annual reports for public availability.

Applies to medical debt collection activities occurring after October 1, 2023.

**Intro. by Krawiec, Ford, Burgin.**

APPROP, GS 131E

[View summary](#)

**Government, Budget/Appropriations, State Agencies,  
Department of Health and Human Services, Health and  
Human Services, Health, Health Care Facilities and Providers,  
Health Insurance**

S 322 (2023-2024) **PERMANENT PLATES FOR WATER & AMP SEWER AUTHORITY.** Filed Mar 16 2023, *AN ACT TO AUTHORIZE PERMANENT PLATES FOR WATER AND SEWER AUTHORITY.*

Amends GS 20-84, as the title indicates.

**Intro. by Perry, Sawrey.**

GS 20

[View summary](#)

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

S 323 (2023-2024) **FUNDS FOR RENOVATIONS TO ASHLEY ELEMENTARY.** Filed Mar 16 2023, *AN ACT TO PROVIDE FUNDS FOR RENOVATION AND CONSTRUCTION AT ASHLEY ELEMENTARY SCHOOL.*

Appropriates \$35 million for 2023-24 from the General Fund to the Department of Public Instruction to be allocated the Winston-Salem/Forsyth County Schools as title indicates. Effective July 1, 2023.

**Intro. by Lowe.**

APPROP, Forsyth

[View summary](#)

**Education, Elementary and Secondary Education,  
Government, Budget/Appropriations**

S 324 (2023-2024) **INTERSTATE MEDICAL LICENSURE COMPACT.** Filed Mar 16 2023, *AN ACT TO ESTABLISH AN INTERSTATE COMPACT FOR THE LICENSURE OF THE PRACTICE OF MEDICINE.*

Enacts new Article 1M, Interstate Medical Licensure Compact, to GS Chapter 90. States the purpose and objectives of the Interstate Medical Licensure Compact (Compact) and sets forth 15 defined terms. Grants licensed physicians the opportunity to apply for issuance of an expedited license to practice in Compact states, subject to the requirements and restrictions provided in the Compact. Requires designation of a state of principal licensure where the physician has a full and unrestricted license to practice medicine which is the physician's principal residence, where the physician conducts at least 25% of their practice, and is the location of the physician's employer, or if no state applies, the state designated for federal income tax purposes; allows for re-designation of the principal state at any time.

Details application procedures for a physician seeking licensure through the Compact, including (1) applying to the member board of the selected state of principal license, (2) the member board of the selected state of principal license conducting a criminal background check prior to the issuance of a letter of qualification either verifying or denying the physician's eligibility to the Interstate Medical Licensure Compact Commission (Commission), (3) completion of the registration process established by the Commission to receive a license in the member state selected as the principal license state, including payment of applicable fees, and (4) issuance of an expedited license by any member board authorizing the physician to practice medicine in the issuing state consistent with the medical practice act and application laws and regulations of the issuing member board and member state, subject to issuance or renewal fees. Provides for eligibility appeals to be made to the member state where the application is filed. Provides for the expedited license to be valid for a period consistent with the licensure period of the member state and in the same manner as required for other physicians holding a full and unrestricted license within the

member state, and terminated for failure to maintain a license in the state of principal licensure for nondisciplinary reasons without redesignating a new state. Details expedited license renewal requirements and procedures.

Requires the Commission to establish a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals and applicants in members states. Provides for reporting and access by member states. Provides for joint investigations by member states and related authorities. Deems any disciplinary action taken by any member board against a physician licensed through the Compact to be unprofessional conduct subject to discipline by other boards in addition to violation of the medical practice act or regulations in the state. Provides for licensure status following disciplinary action to be automatically mirrored by member states who have issued licenses to the physician, with each member state maintaining individual reinstatement procedures following reinstatement of the principal state of licensure. Provides for a 90-day automatic suspension of licenses issued by member states when one member state revokes, surrenders, or suspends a license.

Establishes the Interstate Medical Licensure Compact Commission (Commission) as a joint public agency created by member states. Provides for Commission membership, voting, meetings, powers and duties, executive committee, financing, recordkeeping, and member qualified immunity, defense, and indemnification. Among the 21 powers and duties charged of the Committee, includes prosecuting legal proceedings and actions, and the acquisition and disposal of property. Provides for Commission rulemaking procedures and effect, as well as member state rejection of a Commission rule.

Details dispute resolution procedures between member states and Compact enforcement. Provides for member state default grounds and procedures, member withdrawal procedures and dissolution. Provides for the Compact to become effective upon enactment in the seventh member state. Details initial Commission powers, effect of Commission rules on joining states, and Compact amendment parameters.

Deems the provisions of the Compact severable and advises on its construction and effect on other laws.

Makes conforming changes to the following statutes: GS 90-5.1 (authorizing the Board of Medical Examiners to appoint Commissioners to the Commission); GS 90-11 (authorizing background checks for Compact applicants); GS 90-13.1 (regarding licensing fees of the Board of Medical Examiners and the Commission for Compact applicants); GS 90-13.2 (regarding Compact licensing renewals); GS 90-14 (authorizing the Board of Medical Examiners to take disciplinary action for violations of the Compact); and GS 90-14.2 (regarding automatic disciplinary action upon Compact licensees).

Effective October 1, 2023.

**Intro. by Perry, Sawrey, Lee.**

[GS 90](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers](#)

S 325 (2023-2024) [LIMIT ONLINE MARKETPLACE REGULATIONS](#). Filed Mar 16 2023, *AN ACT PROVIDING THAT COUNTIES AND CITIES SHALL NOT REGULATE CERTAIN ONLINE MARKETPLACES*.

Enacts GS 153A-461 (applicable to counties) and GS 160A-499.6 (applicable to cities) to bar counties and cities from regulating the operation of an online marketplace or from requiring an online marketplace to provide users' personally identifiable information, unless pursuant to subpoena or court order. Defines *online marketplace* to mean a person or entity that does both of the following: (1) provides for consideration, regardless of whether the consideration is deducted as a fee from the transaction, an online application, software, website, system, or other medium through which a service is advertised in this State or is offered to the public as available in this State or (2) provides, directly or indirectly, or maintains a platform for services by performing any of the following: (i) providing a payment system that facilitates a transaction between two platform users, (ii) transmitting or otherwise communicating the offer and acceptance of a transaction between two platform users, and (iii) owning or operating the infrastructure or technology that brings two or more users together.

**Intro. by Perry, Lazzara, Moffitt.**

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

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

S 326 (2023-2024) **FIREFIGHTER CANCER INS. & WC PROGRAM FUNDING**. Filed Mar 16 2023, *AN ACT TO FUND THE NORTH CAROLINA FIREFIGHTER CANCER INSURANCE PROGRAM WITHIN THE DEPARTMENT OF INSURANCE BY AMENDING THE CURRENT PERCENTAGE DISTRIBUTION OF THE GROSS PREMIUM ASSESSMENT AND TO SET RETAINED EARNING LIMITS FOR THE VOLUNTEER SAFETY WORKERS' COMPENSATION FUND.*

Amends GS 105-228.5(d)(3) to change the distribution of certain amounts of net proceeds from the additional .74% tax on gross premiums from property coverage contracts as follows. In addition to other allocations, now allocates up to 20% of the net proceeds credited to the Department of Insurance (Department) to be used to fund the provisions of the Firefighter Cancer Insurance Program, with the balance of the 20% as determined in accordance with the provisions of GS 58-87-10(f) (calculations for the amount to meet the needs of the Workers' Compensation Fund [WRC]) credited to the WRC.

Amends GS 58-87-10(e) (revenue sources for the WRC) to require that when the retained earnings within the WRC reach \$45 million, the excess amount at year's end will be credited to the General Fund. Makes conforming changes to account for the amendments to GS 105-228.5(d)(3). Effective July 1, 2023.

**Intro. by Johnson, Perry, Barnes.**

GS 58, GS 105

[View summary](#)**Business and Commerce, Insurance, Employment and Retirement, Government, Public Safety and Emergency Management, Tax**

S 327 (2023-2024) **GSC ASSIGNMENTS OF ERROR**. Filed Mar 16 2023, *AN ACT TO CONFORM THE GENERAL STATUTES TO THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE BY UPDATING OBSOLETE REFERENCES TO "ASSIGNMENTS OF ERROR" AND "EXCEPTIONS" AND TO MAKE OTHER TECHNICAL CHANGES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Repeals GS 1-186, which provided that (1) for the purposes of an appeal, either party may except to a decision on a matter of law arising upon a trial by the court within 10 days after the judgment, in the same manner and with the same effect as upon a trial by jury and specified that if the decision does not authorize a final judgment, but directs further proceedings before a referee or otherwise, either party may except thereto, and make a case or exception as above provided in case of an appeal; (2) either party desiring a review, upon the evidence appearing on the trial of the questions of law, may within 10 days after the judgment, or within such time as is prescribed by the rules of the court, make a case or exceptions in like manner as upon a trial by jury, except that the judge in settling the case must briefly specify the facts found by him, and his conclusions of law.

Amends GS 1-271 to allow any party aggrieved to appeal or cross-appeal in the cases prescribed in GS Chapter 1 (Civil Procedure), defining party aggrieved to include a party challenging the grant or denial of a motion under the Rules of Civil Procedure.

Amends GS 1-277 by making clarifying changes.

Amend GS 1-286 to specifically refer to the statute concerning undertaking on appeal and to make clarifying changes.

Amends Rule 46 of the Rules of Civil Procedure (GS 1A-1), concerning objects and exceptions by specifying that an objection is deemed in the three already specified circumstances. Specifies that formal exceptions are unnecessary. Amends the listed objections by: (1) deeming specified court rulings to have been objected to instead of excepted to; and (2) no longer deems an exception to have been taken to the court's ruling by all parties when an objection is made to questions propounded to a witness by the court or a juror. Makes additional changes to remove references to exceptions and to make clarifying changes.

Amends GS 15-173 by updating the term demurrer with the modern "motion to dismiss based on the evidence." Removes references authorizing the defendant to move for "judgment as in the case of nonsuit" at the close of the state's case and just



references the defendant's ability to dismiss the action. Makes clarifying changes. Makes terms gender neutral. Removes references to exceptions and replaces the term with objection/objected.

Removes reference to exceptions in GS 15A-1446(d) (pertaining to errors that may be raised on appeal even without an objection at trial). Makes other clarifying changes to the remainder of GS 15A-1446 (pertaining to preservation of issues for appellate review). Makes terms gender neutral.

Makes clarifying changes and terms gender neutral in GS 15A-2000 (pertaining to separate sentencing proceedings where life in prison or the death penalty may be imposed). Updates the term "errors assigned" to "arguments raised on appeal" in explaining what the NC Supreme Court should review in an appeal involving a sentence of death in addition to reviewing the punishment itself.

Amends GS 62-90 (pertaining to appeals from the North Carolina Utilities Commission [Commission]) and GS 105-345 (pertaining to appeals from the North Carolina Property Tax Commission [PTC]) to remove the requirement that a party set forth the ground or grounds on which the party considers the decisions or order of the Commission/PTC to be unlawful, unjust, unreasonable or unwarranted, including errors alleged to have been committed by the Commission/PTC as exceptions. Instead, now requires those ground(s)/error(s) to be set forth in the notice of appeal in appeals from both bodies. Amends GS 62-94 (pertaining to the record on appeal on appeals from the Commission) and GS 105-345.2 (pertaining to the record on appeal on appeals from the PTC) to replace references to "exceptions and assignments of error" with the term "issues raised." Makes clarifying changes and terms gender neutral.

**Intro. by Galey, Overcash.**

GS 1, GS 1A, GS 15, GS 15A, GS 15C, GS 62, GS 105

[View summary](#)

**Courts/Judiciary, Civil, Civil Law, Civil Procedure, Court System, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Government, Public Enterprises and Utilities**

S 328 (2023-2024) **IMPROVE PIPELINE SAFETY**. Filed Mar 16 2023, *AN ACT TO PROTECT THE CITIZENS OF NORTH CAROLINA FROM AGING AND POORLY MAINTAINED PIPELINES*.

Contains whereas clauses. Directs the Department of Environmental Quality (DEQ), Division of Energy, Mineral, and Land Resources, with assistance from the North Carolina Utilities Commission staff, to study the condition, safety, and environmental impact of petroleum product pipelines in the state in order to recommend legislative changes or additional funding to improve pipeline safety. Appropriates \$100,000 to DEQ in fiscal year 2023-24 from the General Fund to DEQ to be allocated to the Division to fund the study, effective July 1, 2023. Authorizes establishing time-limited positions using appropriated funds to support the study. Requires DEQ to report study findings and recommendations to the Joint Legislative Commission on Energy Policy by April 1, 2024.

**Intro. by Marcus.**

APPROP

[View summary](#)

**Environment, Energy, Government, Budget/Appropriations, State Agencies, Department of Environmental Quality (formerly DENR), Public Enterprises and Utilities**

S 329 (2023-2024) **RETAIL INSTALLMENT SALES ACT AMENDMENTS**. Filed Mar 16 2023, *AN ACT TO AMEND THE RETAIL INSTALLMENT SALES ACT*.

Amends GS 25A-15 (pertaining to finance charges for consumer credit installment sale contracts) as follows. Changes the maximum finance charge rate imposed for a consumer credit installment sale contract to a flat 24%. (Currently, 24% is the maximum rate where the amount financed is less than \$1,500 and the maximum rate decreases gradually to a maximum of

18% for amounts of \$3,000 or more as the amount financed gets higher.) Increases the authorized finance charge rates for consumer credit installment sales contracts repayable in not less than six months for a self-propelled motor vehicle as follows:

- For vehicles one and two model years old, increases the rate from 18% to 20% per annum;
- For vehicles three model years old, increases the rate from 20% to 22% per annum;
- For vehicles four model years old, increases the rate from 22% to 24% per annum;

For vehicles five model years old or older, increases the rate from 29% to 31% per annum.

Amends GS 25A-29 (default charges) to increase the default charge for past due payments on installment contracts from \$15 to \$20. Makes technical changes.

Effective October 1, 2023 and applies to contracts entered into, modified, or renewed on or after that date.

**Intro. by Perry, Britt.**

[GS 25A](#)

[View summary](#)

[Banking and Finance, Business and Commerce](#)

S 330 (2023-2024) [PROTECT JUDGES' PERSONAL INFORMATION](#). Filed Mar 16 2023, *AN ACT PROTECTING JUDGES' PERSONAL INFORMATION*.

Amends GS Chapter 143 by enacting new Article 3I, pertaining to protecting judges' personal information. Defines *immediate family member*, *personal information*, and *public record*. Upon written request of a judge or the immediate family member of a judge, requires each State agency, department, and institution and each clerk of court, register of deeds, and other local government official responsible for public records to redact or omit the judge's personal information from a public record, and from any online public database, under the entity's or official's control. Defines *judge* as any current or retired justice, judge, or magistrate of the General Court of Justice of North Carolina; also includes a current or retired federal court justice, judge, or magistrate residing in this State. Amends GS 132-1.2 (pertaining to confidential information barred from disclosure under State public records law) to include records that reveal the personal information of judges and their immediate family members protected under Article 3I of GS Chapter 143.

**Intro. by Robinson, Britt, Mohammed.**

[GS 132, GS 143](#)

[View summary](#)

[Courts/Judiciary, Court System, Government, Public Records and Open Meetings, State Agencies, Local Government](#)

## 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*.

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. SL 2023-4.

Enacted March 16, 2023. Effective March 16, 2023, except as otherwise provided.

**Intro. by Hardister, Faircloth.**

Ashe, Cabarrus, Guilford, Henderson, Jones, McDowell, Mitchell,  
GS 115C

[View summary](#)

**Education, Government, Elections**

H 406 (2023-2024) **GUILFORD COUNTY SCHOOLS FUNDING REQUESTS.** Filed Mar 16 2023, *AN ACT TO APPROPRIATE FUNDS TO CONTINUE PROGRAMS IN GUILFORD COUNTY SCHOOLS FOR TUTORING, LEARNING HUBS, AND THE INNOVATIVE SIGNATURE CAREER ACADEMY.*

Appropriates from the General Fund the sum of \$8.9 million in nonrecurring funds for the 2023-2024 fiscal year to the Department of Public Instruction for a directed grant to the Guilford County Schools to support academic support programs as follows: (1) \$3.1 million to support the high dosage tutoring program, (2) \$3.3 million to support the learning hub program, and (3) \$2.5 million to support the Innovative Signature Career Academy Program. Effective July 1, 2023.

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

APPROP, Guilford

[View summary](#)

**Education, Elementary and Secondary Education,  
Government, Budget/Appropriations**

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 10: REQUIRE SHERIFFS TO COOPERATE WITH ICE.**

*House: Withdrawn From Cal*

*House: Re-referred To Rules, Calendar, and Operations of the House*

*House: Withdrawn From Com*

*House: Cal Pursuant Rule 36(b)*

#### **H 67: ENCOURAGE HEALTHY NC FOOD IN SCHOOLS.**

*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 96: NC REACH ACT.**

*House: Reptd Fav*

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

#### **H 97: IN-STATE TUITION PILOT PROGRAM.**

*House: Reptd Fav*

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

#### **H 130: PRESERVING CHOICES FOR CONSUMERS.**

*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 150: SCHOOL CONTRACTED HEALTH SERVICES.**

*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 158: STANLY CC/CONTRACT DATE & MCC STATUS.**

*House: Reptd Fav*

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

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

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

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

*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 370: RESPONSIBLE FIREFIGHTING FOAM MANAGEMENT ACT.**

*House: Passed 1st Reading*

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

**H 371: FOX TRAPPING/CENTRAL AND WESTERN NC.**

*House: Passed 1st Reading*

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

**H 372: SAFEGUARD FAIR ELECTIONS ACT.**

*House: Passed 1st Reading*

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

**H 373: FUNDS FOR VARIOUS PROJECTS IN MOCKSVILLE.**

*House: Passed 1st Reading*

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

**H 374: RAFFLES/INCREASE REAL ESTATE PRIZE LIMIT.**

*House: Passed 1st Reading*

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

**H 375: FUNDS TO IGNITE DAVIE COLLEGE PROMISE.**

*House: Passed 1st Reading*

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

**H 376: LITTLE FEDERAL MODEL NC EDITION.**

*House: Passed 1st Reading*

*House: Ref to the Com on Election Law and Campaign Finance Reform, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House*

**H 377: GRADE "A" DAIRY ASSESSMENT ACT.**

*House: Passed 1st Reading*

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

**H 378: FIREFIGHTERS CRIMINAL HISTORY RECORD CHECKS.**

*House: Passed 1st Reading*

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

**H 379: FAIR USE OF CONSUMER REPORTS.**

*House: Passed 1st Reading*

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

**H 380: PROVIDE SUPPORT TO JAIL INSPECTORS.**

*House: Passed 1st Reading*

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

**H 381: FUNDS FOR LOCAL AIRPORT PROJECTS.**

*House: Passed 1st Reading*

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

**H 382: REGISTERED NURSES IN SCHOOLS.**

*House: Passed 1st Reading*

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

**H 383: FUNDS/MATTAMUSKEET LODGE.**

*House: Passed 1st Reading*

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

**H 384: CITIES/USE OF PERPETUAL CARE TRUST FUNDS.**

*House: Passed 1st Reading*

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

**H 385: REGULATION OF BATTERY-CHARGED SECURITY FENCES.**

*House: Passed 1st Reading*

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

**H 386: INCREASE PERMISSIBLE INTERSTATE SPEED LIMIT.**

*House: Passed 1st Reading*

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

**H 387: MEDAL OF VALOR AWARD FOR EMER. RESPONDERS.**

*House: Passed 1st Reading*

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

**H 399: THE NORTH CAROLINA JUDICIAL PRIVACY ACT.**

*House: Filed*

**H 400: CREATE NEW PUBLIC DEFENDER DISTRICT 22A.**

*House: Filed*

**H 401: FUNDS FOR DOLLY PARTON'S IMAGINATION LIBRARY.**

*House: Filed*

**H 402: MOTOR VEHICLE INSURANCE REFORM.***House: Filed***H 403: FUNDS/PROSPERA.***House: Filed***H 404: FUNDS FOR GTCC FAME PARTNERSHIP.***House: Filed***H 405: FUNDS FOR READY FOR SCHOOL, READY FOR LIFE.***House: Filed***H 407: NC SEMIQUINCENTENNIAL LEGISLATIVE COMMISSION.***House: Filed***H 408: CHARLOTTE FC SPECIAL REGISTRATION PLATE.***House: Filed***H 409: REGULATION OF ACCESSORY DWELLING UNITS.***House: Filed***H 410: CREDIT UNION UPDATE.***House: Filed***H 411: GENERAL ASSEMBLY APPOINTMENTS.***House: Filed***H 412: MODIFY PROPERTY TRANSFER TO PENDER COUNTY.***House: Filed***S 41: GUARANTEE 2ND AMEND FREEDOM AND PROTECTIONS. (NEW)***Senate: Ratified**Senate: Pres. To Gov. 3/16/2023***S 54: CONFIRM KATHERINE BOSKEN, COMM. OF BANKS.***Senate: Passed 2nd Reading**Senate: Passed 3rd Reading***S 58: PROTECT CRITICAL INFRASTRUCTURE.***House: Passed 1st Reading**House: Ref To Com On Rules, Calendar, and Operations of the House***S 157: LIMITED PROVISIONAL LICENSE MODIFICATION.***Senate: Passed 2nd Reading**Senate: Passed 3rd Reading***S 189: FENTANYL DRUG OFFENSES AND RELATED CHANGES. (NEW)***House: Passed 1st Reading**House: Ref To Com On Rules, Calendar, and Operations of the House***S 211: PERMIT MULTISTATE WATER/SEWER AUTHORITY.***Senate: Withdrawn From Com**Senate: Re-ref to Agriculture, Energy, and Environment. If fav, re-ref to Rules and Operations of the Senate***S 314: INSUFFICIENT FUND TAX PAYMENT FEE MOD.**

*Senate: Passed 1st Reading*

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

**S 315: RETAIN ADULT DAY VOC. REHAB. PROGRAMS.**

*Senate: Passed 1st Reading*

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

**S 316: REGULATE EV CHARGING STATIONS.**

*Senate: Passed 1st Reading*

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

**S 317: ADDRESSING THE WORKFORCE HOUSING CRISIS.**

*Senate: Passed 1st Reading*

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

**S 318: NATIVE PLANTS ACT.**

*Senate: Passed 1st Reading*

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

*Senate: Withdrawn From Com*

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

**S 319: CAPTIVE INSURANCE REVISIONS.**

*Senate: Filed*

**S 320: HONORING NC'S CONTRIBUTIONS TO CIVIL RIGHTS.**

*Senate: Filed*

**S 321: MEDICAL DEBT DE-WEAPONIZATION ACT.**

*Senate: Filed*

**S 322: PERMANENT PLATES FOR WATER & AMP SEWER AUTHORITY.**

*Senate: Filed*

**S 323: FUNDS FOR RENOVATIONS TO ASHLEY ELEMENTARY.**

*Senate: Filed*

**S 324: INTERSTATE MEDICAL LICENSURE COMPACT.**

*Senate: Filed*

**S 325: LIMIT ONLINE MARKETPLACE REGULATIONS.**

*Senate: Filed*

**S 326: FIREFIGHTER CANCER INS. & WC PROGRAM FUNDING.**

*Senate: Filed*

**S 327: GSC ASSIGNMENTS OF ERROR.**

*Senate: Filed*

**S 328: IMPROVE PIPELINE SAFETY.**

*Senate: Filed*

**S 329: RETAIL INSTALLMENT SALES ACT AMENDMENTS.**

*Senate: Filed*

**S 330: PROTECT JUDGES' PERSONAL INFORMATION.**



Senate: Filed

## LOCAL BILLS

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

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 70: SCHOOL CALENDAR FLEXIBILITY/HALIFAX.**

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

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 80: ST. JAMES OCCUPANCY TAX AUTHORIZATION.**

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 88: OMNIBUS LOCAL ELECTIONS. (NEW)**

House: Ratified

House: Ch. SL 2023-4

### **H 163: SCHOOL CALENDAR FLEXIBILITY. (NEW)**

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 176: SCHOOL CALENDAR FLEXIBILITY. (NEW)**

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 195: SCHOOL CALENDAR FLEXIBILITY/ROANOKE RAPIDS.**

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 221: SCHOOL CAL FLEXIBILITY/YADKIN & DAVIE 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 227: EVEN-YEAR ELECTIONS/TOWN OF VANCEBORO.**

*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 229: STAGGER/EXTEND TERMS OF TOWN OFFICERS/HALIFAX.**

*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 236: SCHOOL CALENDAR ALIGNMENT/CARTERET. (NEW)**

*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 247: AVERY/CROSSNORE DEED RECORD./DELINQUENT TAXES.**

*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 406: GUILFORD COUNTY SCHOOLS FUNDING REQUESTS.**

*House: Filed*

**S 9: APEX TOWN COUNCIL TO APPOINT TOWN CLERK.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 126: CITY OF ASHEVILLE/PARKING METER PROCEEDS.**

*Senate: Passed 2nd Reading*

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 03/21/2023*

**S 179: EXTEND SUNSET/BUNCOMBE CO./CC PROJECTS.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

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

*Senate: Withdrawn From Com*

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

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