

The Daily Bulletin: 2023-03-30

PUBLIC/HOUSE BILLS

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.*

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. SL 2023-9. Enacted March 30, 2023. Effective March 30, 2023, unless otherwise provided.

Intro. by **D. Hall**.

UNCODIFIED

[View summary](#)

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

H 488 (2023-2024) [CODE COUNCIL REORG. AND VAR. CODE AMEND](#). Filed Mar 27 2023, *AN ACT TO REORGANIZE THE BUILDING CODE COUNCIL AND CREATE THE RESIDENTIAL CODE COUNCIL AND TO AMEND VARIOUS PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE AND LAND DEVELOPMENT REGULATIONS.*

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

Section 1

Amends GS 160D-706(b) (pertaining to zoning conflicts with other development standards) to expand the scope of state agency rules that local governments must look to to make sure that they have not adopted certain terms that are inconsistent with those provisions to include the Residential Code Council. Makes conforming change to update reference to Building Code Council.

Amends GS 160D-1104(d) (pertaining to local government power to require certain residential inspections) to require a local government to obtain approval from the Residential Code Council (currently, Building Code Council) for certain additional inspections. Transfers authority to review applications for additional inspections from the Building Code Council to the Residential Code Council. Makes conforming change to update reference to Building Code Council and North Carolina State Building Code.

Amends GS 160D-1114 (pertaining to appeals of stop orders) and GS 160D-1127 (appeals from a local inspection department pertaining to the North State Building Code or other State building laws) to allow for a subsequent appeal after a determination by the Commissioner of Insurance to either the Building Code Council or the Residential Code Council created by the act (currently, can only take subsequent appeal to the Building Code Council). Also makes conforming changes to update references to North Carolina State Building Code.

Makes conforming changes to GS 160D-102(14), GS 160D-915, GS 160D-1001(c), GS 160D-1103, GS 160D-1110, and GS 160D-1112 to update reference to the North Carolina State Building Code, North Carolina Electrical Code, or North Carolina Residential Code. Makes organizational changes to Section 1 to allow for new subsections.

Adds new Section 1A requiring the Department of Insurance (Department), in conjunction with the Building Code Council to report to the specified chairs of the NCGA Committees and submit recommendations for legislative changes necessary to implement the reorganization of the Building Code Council, the creation of the Residential Code Council, and clarifications of

statutory references to the North Carolina State Building Code and its volumes under Section 1 of this Act. Requires the report to include recommended statutory changes, subject matter clarifications, and any additional information the Department deems relevant.

Section 2

Makes technical change to the effective date of Section 2 (pertaining to changes to GS 143-138 and GS 160D-1110).

Section 6

Changes the proposed amendments to the R402 Rules set forth in Section 6 to change references from “air-permeable” to “air-impermeable.”

Section 12

Amends GS 160A-317(a) (pertaining to a city’s power to require connections to water or sewer services) to limit a city’s power to require a developed property to connect to its sewer line to when the city has adequate capacity to transport and treat the proposed new wastewater from the premises at the time of connection. Makes organizational changes.

Intro. by Brody, D. Hall, Cotham, Riddell.

GS 113A, GS 143, GS 153A, GS 160D

[View summary](#)

Development, Land Use and Housing, Building and Construction, Land Use, Planning and Zoning, Property and Housing, Environment, Environment/Natural Resources, Government, State Agencies, Department of Environmental Quality (formerly DENR), Local Government, Public Enterprises and Utilities

H 532 (2023-2024) [MODIFY JUDICIAL RETIREMENT AGES](#). Filed Mar 29 2023, *AN ACT TO MODIFY THE MAXIMUM AGE OF JUDICIAL SERVICE FOR JUSTICES AND JUDGES OF THE GENERAL COURT OF JUSTICE AND MAGISTRATES*.

Repeals Article 1B, GS Chapter 7A (GS 7A-4.20 and GS 7A-4.21), which prohibits judges and justices from serving beyond the last day of the month of their 72nd birthday except for temporary service.

Adds a new provision to GS 7A-5, prohibiting appellate judges and justices from serving in office beyond the last day of the year of their 76th birthday except for temporary service. Changes the caption and implements subsections.

Makes conforming changes to replace the statutory cross-references in GS 7A-39.3(a), GS 7A-39.6, and GS 7A-39.15(a) to now repealed GS 7A-4.20 with references to new GS 7A-5(b).

Enacts GS 7A-40.1, prohibiting superior court judges from continuing in office beyond the last day of the year of their 72nd birthday except for temporary service. Amends GS 7A-45.2 to make organizational changes, conforming changes to replace the statutory cross-references of now repealed GS 7A-4.20 with references to new GS 7A-5(b) or GS 7A-40.1 as appropriate, and clarifying changes.

Similarly enacts GS 7A-140.1, prohibiting district court judges from continuing in office beyond the last day of the year of their 72nd birthday except for temporary service.

Makes conforming changes to statutory cross-references in GS 7A-170, GS 7A-52(a), and GS 7A-53 to refer to new GS 7A-40.1 and GS 7A-140.1, as appropriate. Makes language gender neutral.

Makes conforming changes to GS 7A-170, prohibiting magistrates from serving beyond the last day of the year of year of the mandatory retirement age of district court judges specified in new GS 7A-140.1 (previously, tied to the mandatory retirement age in now repealed GS 7A-4.20).

Amends GS 135-57, setting automatic retirement for members of the Consolidated Judicial Retirement System at the last day of the calendar year in which the justice or judge reaches the maximum age for judicial service under new GS 7A-5(b), GS 7A-

40.1, or GS 7A-140.1, as applicable.

Specifies that the act does not automatically halt the retirement process of a justice, judge, or magistrate that has already initiated the process upon the act becoming law.

Intro. by Stevens.

[GS 7A, GS 135](#)

[View summary](#)

[Courts/Judiciary, Court System, Employment and Retirement, Government, State Agencies, Department of Justice, State Government, State Personnel](#)

H 533 (2023-2024) [HUMAN LIFE PROTECTION ACT OF 2023](#). Filed Mar 29 2023, *AN ACT TO PROHIBIT ABORTION AFTER CONCEPTION EXCEPT WHEN NECESSARY TO PRESERVE THE LIFE OF THE MOTHER*.

Part I titles the act as "The Human Life Protection Act of 2023."

Part II enacts GS 14-45.2, making it a Class B2 felony to perform, induce, or attempt an abortion, with one described exception. Enhances punishment for violations that result in the death of an *unborn child*, defined to include all stages from fertilization until birth, to a Class B1 felony. Defines *abortion*, *fertilization*, *pregnant*, *reasonable medical judgement*, and *unborn child*. Provides for one exception for which three criteria must be met: (1) a licensed physician performs, induces, or attempts the abortion; (2) in the exercise of reasonable medical judgement, the pregnant female has a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that places the female at risk of death or poses a serious risk of substantial impairment of a major bodily function unless the abortion is performed or induced (excludes risks arising from a claim or diagnosis that the female would engage in conduct that may result in death or substantial impairment); and (3) in the exercise of reasonable medical judgement, the physician provides the best opportunity for the unborn child to service unless that would create a greater risk of the pregnant female's death, a serious risk of substantial impairment of a major bodily function of the pregnant female. Excludes medical treatment provided by a licensed physician that results in the accidental or unintentional injury or death of an unborn child.

In addition to the criminal punishment provided, subjects violators to a civil penalty of at least \$100,000 per violation, and requires the appropriate licensing authority to revoke the license, permit, registration, certificate or other authority of the physician or health professional. Specifies that the statutory civil and criminal penalties do not affect other civil remedies available. Specifies that the statute does not impose any liability on the pregnant female.

Part III makes the following conforming changes. Repeals GS 14-44 (*Using drugs or instruments to destroy unborn child*), GS 14-45 (*Using drugs or instruments to produce miscarriage or injure pregnant woman*), and GS 14-45.1 (*When abortion not unlawful*); and Article 1I (Woman's Right to Know Act) and 1K (Certain Abortions Prohibited), GS Chapter 90. Replaces statutory cross-references in GS 14-23.7 to now repealed GS 14-45.1 with references to new GS 14-45.2.

Part III provides a severability clause and makes the act effective July 1, 2023, and applicable to abortions performed, induced, or attempted on or after that date.

Intro. by Kidwell, Moss, Goodwin, Crutchfield.

[GS 14, GS 90](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Health and Human Services, Health, Health Care Facilities and Providers](#)

H 537 (2023-2024) [WORKFORCE HOUSING ACT](#). Filed Mar 29 2023, *AN ACT TO ADDRESS CRITICAL HOUSING NEEDS BY DECREASING REGULATORY BURDENS ON CERTAIN DEVELOPMENT, ENHANCING FINANCING OPTIONS FOR FIRST-TIME*

HOMEBUYERS AND VETERANS, AND PROVIDING ADDITIONAL ONGOING FUNDING TO SUPPORT WORKFORCE HOUSING IN THIS STATE.

Part I

Enacts GS 160D-917, requiring local governments to permit by right multifamily housing in areas zoned as highway business, business office, general business, or similar classifications. Bars regulations relating to building design elements or other design standards on these properties but encourages owners to adopt the elements and standards applicable to the area as feasible.

Adds a new subsection (c1) to GS 146-29.1, authorizing the State or an agency to sell or lease as a ground lease real property at less than market value to any entity if the Department of Administration (DOA) determines that the buyer is a qualifying development, meaning one where no fewer than 50% of the lots in the proposed development contain affordable housing units for families or individuals with incomes below 80% of area median income, determined as described. Prohibits sales greater than \$100 or ground leases greater than \$1. Allows terms for grounds leases up to 99 years. Excludes these transactions from the provisions of GS 146-27(b) (requiring consultation with Joint Legislative Commission on Governmental Operations for sales of state land valued at \$25,000 or more), GS 146-29 (requiring the Governor and Council of State to approve the sale, lease, or rental of state lands), or GS 146-29.1(f) (delaying transactions where the State-owned property value exceeds \$1 million). Makes conforming changes.

Enacts GS 160A-280.1, authorizing cities and counties to sell or lease as a ground lease real property at less than real market value to any entity if the city (or county) determines that the buyer is a qualifying development, as defined in new GS 146-20.1(c1) described above. Sets identical caps for sales and leases as those set in new GS 146-20.1(c1).

Part II

Creates the Reaching the American Dream Loan Pool (Pool) as a revolving loan fund in the Housing Finance Agency (HFA) to be used to capitalize subordinate mortgage loans for qualifying first-time and veteran homebuyers. Specifies that funds do not revert. Establishes 10 parameters applicable to all loans made under the Pool, including requiring loans to be interest free with terms no longer than 10 years, with loan amounts capped at 25% of the purchase price and no more than \$50,000. Sets criteria for homebuyers who may be issued loans from the Pool, requiring the individual to (1) be either a first-time homebuyer or a veteran, (2) have a household income at or below 80% of the area median income, (3) complete a homebuyer education course and pre-purchase counseling, as specified and subject to a reasonable fee, and (4) make a reasonable deposit of funds for the purchase of not less than \$500, set by the HFA. Details further requirements and limitations of loans, payments, payoffs, recaptures, and proceeds under the Pool. Exempts the HFA from the rulemaking requirements of Article 2A, GS Chapter 150B in adopting procedures for the Pool program. Appropriates \$100 million from the General Fund to the Pool for 2023-24 to be used by the HFA to implement the Part's provisions. Effective July 1, 2023.

Part III

Appropriates \$35 million in recurring funds from the General Fund to the HFA for 2023-24 to be used in the Workforce Housing Loan Program established in GS 122A-5.15. Effective July 1, 2023.

Intro. by Zenger, Biggs, Lowery, Fontenot.

APPROP, GS 146, GS 160A, GS 160D

[View summary](#)

Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Government, Budget/Appropriations, State Government, State Property, Local Government, Military and Veteran's Affairs

H 539 (2023-2024) **NORTH CAROLINA FARMERS APPRECIATION DAY**. Filed Mar 30 2023, *AN ACT DESIGNATING THE SECOND WEDNESDAY IN NOVEMBER OF EACH YEAR AS NORTH CAROLINA FARMERS APPRECIATION DAY.*

Includes whereas clauses.

Enacts GS 103-17 designating the second Wednesday in November as North Carolina Farms Appreciation Day, beginning in 2024.

Designates the North Carolina Grange the lead organization for the recognition of North Carolina Farmers Appreciation Day and requires the development of a plan, in consultation with specified entities, to raise awareness of and promote the first annual appreciation day.

Appropriates \$500,000 for 2023-24 from the General Fund to the Department of Agriculture and Consumer Services to be transferred to the North Carolina Grange upon its request, and at the Commissioner of Agriculture's discretion, for the development and implementation of the plan.

Requires the North Carolina Grange to report on the plan to the specified NCGA committee by June 30, 2024.

Intro. by Dixon, McNeely, Bell, D. Hall.

GS 103

[View summary](#)

Agriculture, Government, Cultural Resources and Museums

H 540 (2023-2024) **FIONA MAE WAGGLEBOTTOM'S ACT**. Filed Mar 30 2023, *AN ACT TO PROVIDE THAT CRUELTY TO ANIMALS INCLUDES THE FAILURE TO PROVIDE ADEQUATE SHELTER*.

Amends GS 14-360, concerning cruelty to animals, as follows. Expands upon the offense to also make it a Class 1 misdemeanor to deprive an animal of adequate shelter or adequate space or to cause any animal to be deprived of the same. Adds and defines the terms adequate shelter, extreme weather, and lawful hunt. Excludes from the offense under the statute the use of a dog in a lawful hunt. Makes additional clarifying changes. Effective December 1, 2023.

Appropriates \$100,000 for 2023-24 to the Department of Agriculture and Consumer Services for a public awareness campaign about the changes made by this act. Effective July 1, 2023.

Intro. by Dahle, Ward, Longest.

APPROP, GS 14

[View summary](#)

Animals, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Budget/Appropriations, State Agencies, Department of Agriculture and Consumer Services

H 541 (2023-2024) **ECONOMIC SECURITY ACT**. Filed Mar 30 2023, *AN ACT ADVANCING ECONOMIC SECURITY FOR ALL IN NORTH CAROLINA BY INCREASING THE STATE MINIMUM WAGE IN PHASES TO FIFTEEN DOLLARS PER HOUR OVER FIVE YEARS; MANDATING EQUAL PAY FOR EQUAL WORK; REQUIRING PAID SICK LEAVE AND FAMILY MEDICAL LEAVE; RESTORING UNEMPLOYMENT INSURANCE BENEFITS ADJUSTED FOR INFLATION AND STUDYING UNEMPLOYMENT INSURANCE BENEFITS FOR APP-BASED "GIG ECONOMY" WORKERS; INCREASING THE TIPPED MINIMUM WAGE; ENDING WAGE THEFT; REQUIRING THE FAIR ASSESSMENT OF PERSONS WITH CRIMINAL HISTORIES BY "BANNING THE BOX"; REPEALING PUBLIC EMPLOYEE COLLECTIVE BARGAINING RESTRICTIONS; REENACTING THE EARNED INCOME TAX CREDIT AND TAX CREDITS FOR CHILD AND DEPENDENT CARE EXPENSES; CREATING A REBUTTABLE PRESUMPTION THAT FIRST RESPONDERS, HEALTH CARE WORKERS, AND ESSENTIAL SERVICE WORKERS INFECTED BY THE CORONAVIRUS CONTRACTED THE DISEASE IN THE COURSE OF EMPLOYMENT; REQUIRING THAT LOCAL GOVERNMENT EMPLOYERS CREDIT FIRST RESPONDERS AND HEALTH CARE WORKERS FOR LEAVE TAKEN WHILE QUARANTINED DURING THE CORONAVIRUS PANDEMIC; MANDATING HAZARD PAY FOR ESSENTIAL STATE EMPLOYEES FIGHTING THE PANDEMIC AND APPROPRIATING FUNDS FOR THAT PURPOSE; DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE PROVISION OF HAZARD PAY TO PRIVATE AND LOCAL GOVERNMENTAL EMPLOYEES; AND APPROPRIATING FUNDS TO SETTLE PANDEMIC-RELATED STATE EMPLOYEE WORKERS' COMPENSATION CLAIMS*.

Section 1.1

Titles the act as the "Economic Security Act of 2023."

Amends GS 95-25.3(a) to delete the provision requiring wages of at least \$6.15 per hour. Replaces deleted text with a provision requiring a minimum wage of (1) \$8.00 per hour, effective Labor Day, September 4, 2023; (2) \$9.50 per hour, effective Labor Day, September 2, 2024; (3) \$11.00 per hour, effective Labor Day, September 1, 2025; (4) \$13.00 per hour, effective Labor Day, September 7, 2026; and (5) \$15.00 per hour, effective Labor Day, September 6, 2027. Each of the provisions states that if the minimum wage in the federal Fair Labor Standards Act is higher than the stated new minimum wage, that the rate specified in the Fair Labor Standards Act is the state minimum wage.

Section 1.2

Enacts Article 2B, entitled Equal Pay Act, to GS Chapter 95 as follows.

Enacts GS 95-25.27 to establish that no employer can pay any person in the employer's employ at wage rates less than the rates paid to employees of the opposite sex in the same establishment for the same quantity and quality of the same classification of work. Establishes that any employer who violates the statute is liable to the employee affected in the amount of the wages that the employee is deprived of by reason of the violation. Defines employer to include the state and any local political subdivision of the state and every person having control or direction of any woman or man employed at any labor, or responsible directly or indirectly for the wages of another who employs more than five employees. Defines an employee as any person in receipt of or entitled to compensation for labor performed for another.

Establishes that nothing in the statute prohibits a variation of rates of pay for employees engaged in the same classification of work based upon seniority; a difference in length of service; ability; skill; difference in duties or services performed, whether regularly or occasionally; difference in the shift or time of day worked; hours of work; or restrictions or prohibitions on lifting or moving objects in excess of specified weight or other reasonable differentiation; or factor or factors other than sex, when exercised in good faith.

Bars an employer who is in violation of the statute from reducing the pay of any employee in order to bring the employer into compliance with Article 2B. Bars an employer from retaliating against any employee who seeks redress pursuant to Article 2B or who participates in the investigation of a complaint under Article 2B.

Enacts GS 95-25.28, which allows an affected employee to file a complaint with the Department of Labor (Department) and requires the Department to investigate the complaint and notify the employer and the employee of the results of the investigation. Allows an employee receiving less than the wage to which the employee is entitled under the statute to recover in a civil action the balance of those wages, together with costs and attorneys' fees, notwithstanding any agreement to work for a lesser wage. Provides that the employee is not required to exhaust administrative remedies before filing the civil action. Establishes that a civil action pursuant to the statute is to be instituted within two years after the date that the alleged violation is discovered by the affected employee.

Section 1.3

Enacts new Article 3A of GS Chapter 95, to be cited as the Healthy Families and Healthy Workplaces Act (HFHW Act). Denotes that state public policy in promoting the general welfare of the people of North Carolina requires the enactment of new Article 3A under the police power of the state.

Provides definitions for the following terms as used in the HFHW Act: child, domestic violence, employee, employ, employer, health care provider, immediate family member, parent, paid sick time or paid sick days, sexual assault, stalking, and small business.

Provides that the proposed HFHW Act does not apply to (1) bona fide volunteers in an organization where an employer-employee relationship does not exist or (2) any person who is exempt from the Wage and Hour Act under GS 95-25.14(a)(2) through (8), GS 95-25.14(b), GS 95-25.14 (b1), GS 95-25.14(c), and GS 95-25.14(e). Makes an exception regarding domestic workers, providing that they are exempt only if they are employed in the place of residence of their employer.

Provides that paid sick time begins to accrue at the start of employment at a rate of one hour of paid sick time for every 30 hours worked. Provides additional guidelines regarding discretionary advancement of sick time by the employer, limits on the amount of paid sick time accrued and the accrual of paid sick time when there is a separation of employment followed by a rehiring by the same employer. Provides that with the exception of the specified exemptions to the proposed HFHW Act, any employee who works in North Carolina and who must be absent from work for the reasons delineated in proposed new GS 95-31.5(a) is entitled to paid sick time.

Directs that paid sick time is to be provided by an employer to an employee who meets any of the following reasons listed in proposed new GS 95-31.5: (1) to care for the employee's immediate family member who is suffering from a physical or mental illness, injury, or medical condition that requires care, professional medical diagnosis or care, preventive medical care, or a routine medical appointment, (2) to care for the employee's own physical or mental illness, injury, or medical condition that requires care, professional medical diagnosis or care, preventive medical care, or a routine medical appointment, or (3) absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of stalking or domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member medical attention, victims services, counseling, relocation, or legal services. Permits the employer to require certification of the qualifying health issue or event when a paid sick time period covers more than three consecutive work days. Provides guidelines for determining what may be deemed acceptable certification. Provides that an employer may not require certification from a health care provider that is employed by the employer. Prohibits an employer from requiring the disclosure of details relating to domestic violence, sexual assault, stalking, or an employee's medical condition as a condition of providing paid sick time to an employee. Directs an employer to treat as confidential any information that the employer acquires about the employee or the employee's immediate family regarding domestic violence, sexual assault, stalking, or health conditions. Prohibits the employer from requiring an employee to secure a replacement worker as a condition of providing sick time under the proposed HFHW Act. Prohibits counting paid sick time taken under the Article as an absence that may result in a retaliatory or adverse action. Directs the employee to make a good faith effort, when the use of paid sick time is foreseeable, to provide the employer with advance notice. States that this Article provides minimum requirements regarding paid sick time and should not be construed to limit, preempt, or otherwise affect other applicability of law, regulation, or policy that extends additional or greater protections to employees, nor should this proposed act be construed to discourage employers from adopting more generous paid sick time policies. Provides that employers already offering a paid sick time policy do not have to modify that policy providing that the paid sick time policy currently in place offers an employee, at his or her discretion, the option to take paid sick time that is equivalent to the amount and for the same purposes offered under the proposed HFHW Act.

Requires employers to provide notice to employees, in Spanish and English, of their entitlement to paid sick time as well as other related information. Notice may be provided by supplying each employee with a notice in Spanish and English or by conspicuously displaying a poster in the place of employment in both languages. Prohibits employers from retaliating against employees who request or use paid sick time. Provides that an employee has a right to file a complaint with the Commissioner of Labor (Commissioner) or in the General Court of Justice if an employer (1) denies an employee paid sick time or (2) retaliates against an employee for requesting or taking paid sick time.

Authorizes the Commissioner to enforce and administer the provisions of the proposed HFHW Act. Provides criteria regarding employer's liability for a violation under the proposed HFHW Act, including provisions for the potential awarding of liquidated damages for a violation of the act. Directs that actions under the proposed HFHW Act must be brought within two years pursuant to GS 1-53. Also provides that the rights and remedies created under the HFHW Act are supplementary to all existing common law and statutory rights and remedies. Directs the Commissioner to adopt rules to implement the proposed act. Provides that the provisions of the proposed Article are severable.

Makes conforming changes to GS 95-241(a).

Effective January 1, 2024, and applies only to covered employment on or after that date. Specifies that with respect to employees covered by a valid collective bargaining agreement in effect on January 1, 2024, this section does not apply until the expiration date in the collective bargaining agreement; however, this section applies upon any such agreement's renewal, extension, amendment, or modification in any respect after January 1, 2024.

Section 1.4

Amends the labor laws of North Carolina to reduce the amount of tips that may be counted as wages of tipped employees through December 31, 2023, and subsequently requires that no tips may be counted as wages.

Section 1.5

Amends GS 95-25.2 modifying the format of the definitions section and adding subsection (5a) defining employment status, subsection (8a) defining intentional, and subsection (16a) defining willful. Makes technical changes.

Amends GS 95-25.13(1) requiring only written notification to employees at the time of hiring and upon any material change of (1) the promised wages and basis upon which wages will be calculated; (2) the method, day, and place for payment; (3) the full

name, mailing address, and telephone number of the employer and the federal and state tax identification number of each employer who is not a natural person; and (4) the employment status of the employee.

Amends GS 95-25.22 requiring the court to award liquidated damages in an amount equal to twice the amount found to be due to an employee when the employer has violated provisions relating to minimum wage, overtime, or wage payment unless the employer shows the act or omission constituting a violation was in good faith and the employer had reasonable grounds for believing the act or omission was not a violation of this article.

Amends GS 95-25.22 adding subsection (a2) clarifying liability of an employer found in violation of GS 95-25.13 to be in the form of actual damages, including, but not limited to, lost wages and benefits plus interest.

Amends GS 95-25.22 adding subsection (a3) expanding the forms of damages available to employees to include statutory damages of up to \$500 per employee per violation.

Amends GS 95-25.22(d) to require awarding costs, fees, and attorneys' fees in addition to a judgment awarded to a plaintiff.

Amends GS 95-25.22 adding an exception to the statute of limitations for actions arising out of a willful violation. Such actions may be brought within three years. Actions may also be brought within one year after notification to the employee of final disposition by the state of a complaint for the same violation.

Amends GS 95-25.23 expanding civil penalties to include violations of provisions relating to minimum wage, overtime, wage payment, or notification.

Enacts GS 95-25.23D entitling an employee to enumerated liens for the purpose of wage claims and collections under this Article and outlining perfection and priority of liens. Liens recorded pursuant to subsection (f) take precedence over all other debts, decrees, liens, or mortgages against the employer. A successful action to foreclose a lien pursuant to this section entitles the employee to court costs and reasonable attorneys' fees. Provides further regulations of the liens.

Section 1.6

Adds a new Article 17, Fair Assessment of Persons with Criminal Histories, to GS Chapter 126. Defines the following terms as they apply in this Article: (1) criminal history means a state or federal history of conviction for a misdemeanor or felony relevant to an applicant's fitness for public employment but does not include a record of arrest that did not result in a conviction; (2) hiring authority means an agent responsible by law for the hiring of persons for public employment; and (3) public employment means any employment, including seasonal or temporary work, where the State or any local political subdivision of the State is the employer.

Prohibits a hiring authority from (1) asking about or considering the criminal history of an applicant for public employment or (2) including such an inquiry on any initial employment application form until the hiring authority has made a conditional offer of employment to the applicant. Declares that this Article does not apply to public employment in positions where the hiring authority is required by law to consider the applicant's criminal record. Provides that nothing in this Article is to be construed to prevent any hiring authority in its discretion from adopting the provisions of this Article.

Prohibits any person from being disqualified for public employment solely or in part because of a previous conviction except as otherwise required by law or if the conviction is determined to be substantially related to the qualifications, functions, or duties of the position after all of the following factors are considered: (1) the level and seriousness of the crime; (2) the date of the crime; (3) the age of the person at the time of conviction; (4) the circumstances surrounding the commission of the crime; (5) the connection between the criminal conduct and the duties of the position; (6) the prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed; and (7) the subsequent commission of a crime by the person. Clarifies that an arrest record that did not result in a conviction cannot be the basis for disqualification from public employment.

Requires a hiring authority to inform an individual of a potential adverse hiring decision based on the background check and provide the applicant an opportunity to provide evidence that the report is incorrect or inaccurate.

Specifies criteria governing data to be collected by the State Human Resources Commission.

Declares that the provisions of this Article apply to all applicants for public employment. Makes a conforming change to GS 126-5.

Effective when the act becomes law and applies to applications for employment made on or after that date.

Section 1.7

Repeals GS 95-98 (prohibiting public employee union collective bargaining agreements).

Section 1.8

Reenacts GS 105-151.31 (earned income tax credit), which provides an individual who claims an income tax credit under section 32 of the Internal Revenue Code (IRS Code) for the taxable year with a credit against the tax imposed by the Individual Income Tax Act (Act), as it existed immediately before its specified sunset expiration. Also amends the statute by establishing that the allowable credit against the tax imposed by the Act is to be equal to 5% (was, a percentage of up to 5% based on the taxable year) of the amount of credit the individual qualified for under section 32 of the Code. Repeals the provision providing that Section 3507 of the Internal Revenue Code, Advance Payment of Earned Income Credit, does not apply to the credit. Repeals the sunset provision.

Effective for taxable years on or after January 1, 2023.

Section 1.9

Enacts GS 115C-151.34, providing for a tax credit against federal income tax for a percentage of employment-related expenses under section 21 of the Internal Revenue Code as a credit against state income tax at an amount equal to 100% of the amount provided under the section that is claimed. Requires provision of required information to the Secretary of Revenue to claim the credit. Reduces the credit amount as specified based on adjusted gross income and filing status. Provides for reduction based on nonresident or part-year resident status. Effective for taxable years beginning on or after January 1, 2023.

Section 2.1

Amends GS 96-14.2 to revise the calculation and cap of the weekly unemployment benefit amount, now providing for an amount equal to the wages paid to the individual in the highest paid quarter of the individual's base period (rather than the last two completed quarters) divided by 52 and rounded to the next lower dollar. Increases the weekly benefit cap from \$350 to \$680. Effective for benefit weeks beginning on or after April 1, 2023.

Section 2.2

Amends GS 96-14.3 to establish a maximum duration of receipt of unemployment benefits at 26 weeks, unless expressly extended by state or federal law. Makes conforming changes to eliminate adjustments to the benefit period based on seasonal statewide unemployment rates.

Section 2.3

Requires the Legislative Research Commission (LRC) to study expanding the State's employment security system to cover self-employed workers (means an individual who has a contract or arrangement to perform work or services, including app-based ride-share and food delivery drivers, freelancers, and other similar "gig economy" workers) who are laid off or have hours reduced due to an economic downturn. Requires a report of its findings and legislative proposals to the 2024 Session of the 2023 General Assembly.

Section 3.1

Amends GS 97-53 to expand the definition of occupational diseases applicable to the Workers' Compensation Act to include a pandemic infection contracted by a covered person which is presumed to be due to exposure in the course of the covered person's employment. Defines covered person to mean (1) a law enforcement officer, jailer, prison guard, firefighter, or an emergency medical technician, or paramedic employed by a State or local government employer, including volunteer firefighters; (2) a health care worker; or (3) an employee required to work during the pandemic for a business declared essential by executive order or municipal order, including food service, retail, and other essential personnel. Defines pandemic.

Section 3.2

Directs that the following local government employees must be credited by their respective employers for any sick or vacation leave taken by the employee to comply with a quarantine related to exposure of the coronavirus: (1) health care workers; and

(2) a law enforcement officer, jailer, prison guard, firefighter, or an emergency medical technician, paramedic, or volunteer firefighter.

Section 4.1

Enacts GS 126-8.6 as follows. States legislative findings and state policy. Sets forth eight defined terms. Deems it the responsibility of the head of each State agency to consult with local, State, and federal public health officials to assess the severity of the individual situation and to determine the actions that must be taken. Sets forth required actions of each State agency. Requires predetermination and designation of mandatory operations and designating mandatory employees to staff operations when isolation, quarantine, and social distancing are public health control measures that may be required to protect public health during a communicable disease pandemic or epidemic. Requires the agency to provide certain accommodations and extra hazard pay, as specified, if the mandatory employee is required to remain at the work site for an extended period of time. Mandates hazard pay at a rate of at least 1.5 or equivalent compensatory time for hours worked onsite up to 40 hours in a work week when an agency is closed or when management determines that only mandatory employees are required to report to the work site. Details further parameters of hazard pay. Authorizes disciplinary action against mandatory employees for willful failure to report to or remain at work; provides for appeal of a denial of exemption under GS 126-34.02. Defines the scope of the statute to include all State employees, regardless of exemption from the Chapter. Makes conforming changes to allow the treatment of mandatory employees to be heard as a contested case after completion of the agency grievance procedure and the Office of State Human Resources review. Makes conforming changes to GS 126-8 regarding minimum leave granted to State employees.

Section 5.1

Directs the Legislative Research Commission to study the practices of local government and private employers regarding hazard pay for their employees, and report to the 2024 Regular Session of the NCGA upon its convening.

Section 6.1

Appropriates \$5 million from the General Fund to the Office of State Budget and Management for 2023-24 to fund mandatory employee hazard pay pursuant to the act.

Appropriates \$5 million from the General Fund to the Office of State Human Resources for 2023-24 to settle claims filed by State employees who contract the coronavirus in the course of State employment as provided in the act. Requires the funds to remain available until December 31, 2023, whereupon the funds can be used to assist State agencies with the settlement of prior outstanding workers' compensation claims.

Effective July 1, 2023.

Section 7.1

Makes the act on the date the act becomes law, unless otherwise provided.

Intro. by Harrison, Morey, T. Brown, A. Baker.

[APPROP, STUDY, GS 66, GS 90, GS 95, GS 96, GS 97, GS 105, GS 126](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure, Employment and Retirement, Government, Budget/Appropriations, General Assembly, Public Safety and Emergency Management, State Agencies, Department of Administration, Tax, Local Government, Health and Human Services, Health, Health Care Facilities and Providers](#)

FORECLOSURE PROCEEDINGS AND TO STRENGTHEN NOTICE OF DELINQUENT ASSESSMENTS GIVEN BY THE ASSOCIATIONS TO OWNERS TO APPRISE OWNERS OF THE DELINQUENCY AND POTENTIAL FILING OF A CLAIM OF LIEN TO INITIATE FORECLOSURE.

Amends GS 47C-3-116 (pertaining to liens imposed for sums due to condominium owners' associations) and GS 47F-3-116 (pertaining to liens imposed due homeowners' association in planned communities) to require that the delinquent assessment be at least \$2,500 or one year of unit owners'/homeowners' association assessments, whichever is lesser, that remains unpaid for a period 30 days or longer to constitute a lien on the unit/lot when a claim of lien is filed. (Currently, no minimum amount required before past due assessment can become a lien on the unit if more than 30 days past due.) Requires the unit owners'/homeowners' association to provide proper notice of delinquent assessment to the unit/lot owner before filing a claim of lien. Sets forth rules related to notice and makes conforming changes to the owner's contact information that must be given to the association.

Intro. by Liu, Brody, Tyson, Iler.

[GS 47C, GS 47F](#)

[View summary](#)

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

H 543 (2023-2024) [2023 YOUTH END ACT](#). Filed Mar 30 2023, *AN ACT ENACTING THE "YOUTH END NICOTINE DEPENDENCE ACT" OR "YOUTH END ACT."*

Identical to [S 116](#), filed 2/15/23.

Includes whereas clauses.

Enacts new GS 14-313.5 creating the Tobacco Use Prevention Fund (Fund) in the Division of Public Health, Chronic Disease and Injury Section (Division) within DHHS, to prevent the use of new and emerging tobacco products, especially among youth and people of childbearing age. Prohibits DHHS from using the funds in the Fund for anything beyond the seven stated purposes, including funding local health departments to provide regional community-based education and training of community leaders regarding CDC evidence-based tobacco use prevention and cessation interventions, and tracking youth tobacco use and exposure. Requires DHHS to administer the Fund and allows up to 10% of the amount appropriated to the Fund each fiscal year from the Settlement Reserve Fund to be used for administrative purposes. Requires DHHS to report annually by March 1 to the specified NCGA committee and division on the expenditures from the Fund.

Amends GS 143C-9-3 to appropriate \$17 million from the Settlement Reserve Fund to the Tobacco Use Prevention Fund.

Effective July 1, 2023.

Intro. by Cervania, Lambeth, K. Baker, Ball.

[GS 14, GS 143C](#)

[View summary](#)

[Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health](#)

H 544 (2023-2024) [LIMITED SHARK FISHING TOURNAMENT MORATORIUM](#). Filed Mar 30 2023, *AN ACT TO MAKE IT UNLAWFUL TO TAKE SHARKS FROM THE SHORELINE AS PART OF A RECREATIONAL FISHING TOURNAMENT DURING TOURIST SEASON IN CERTAIN SOUTHEASTERN WATERS.*

Creates new GS 113-192 (Moratorium on certain shark fishing tournaments during tourist season), which prohibits taking sharks from shore or a structure attached to the shore as a part of a fishing tournament between May 1 and October 31. Applies to the shores of Carolina Beach, Caswell Beach, Holden Beach, Kure Beach, Oak Island, and Bald Head Island.

Intro. by Miller.

[GS 113](#)

[View summary](#)

[Animals](#)

H 545 (2023-2024) [WILLFUL OR WANTON GUN DISCHARGE/EXPAND SCOPE](#). Filed Mar 30 2023, *AN ACT TO REVISE THE LAW PROHIBITING WILLFUL OR WANTON DISCHARGE OF CERTAIN BARRELED WEAPONS OR FIREARMS*.

Amends the title of GS 14-34.1 to “Willful or wanton discharge of certain barreled weapons or a firearm.” Creates new subsection (a1), making it a Class E felony to willfully or wantonly discharge a firearm or barreled weapon capable of a muzzle velocity of at least 600 ft. per second in or on the property of another without permission, or on a public street or highway, or any public place where people (other than the person firing the weapon) are present. Effective and applies to offenses committed on or after December 1, 2023.

Intro. by Miller.

[GS 14](#)

[View summary](#)

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

H 546 (2023-2024) [CAPITAL PROJECT FUNDING FOR NCCU](#). Filed Mar 30 2023, *AN ACT TO APPROPRIATE FUNDS FOR CERTAIN CAPITAL IMPROVEMENT PROJECTS AT NORTH CAROLINA CENTRAL UNIVERSITY*.

Identical to [S 197](#), filed 3/2/23.

Appropriates \$275 million for 2023-24 from the General Fund to North Carolina Central University (NCCU) to be allocated in specified amounts to the following projects: a convocation center, the McDougald-McLendon Arena expansion, the O’Kelly-Riddick Stadium, the Health and Human Performance Center, and land acquisition.

Effective July 1, 2023.

Intro. by Hawkins, Alston.

[APPROP](#)

[View summary](#)

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

PUBLIC/SENATE BILLS

S 408 (2023-2024) [PROPERTY TAX MODIFICATIONS](#). Filed Mar 29 2023, *AN ACT TO MODIFY THE MACHINERY ACT OF NORTH CAROLINA*.

Amends GS 105-275(16) (excluding certain types of personal property from tax) as follows. Changes the name of the “non business property” exemption to the “qualified personal property” exemption. Expands the exemption so that, in addition to exempting personal property not used for the production of income, also exempts certain qualified personal property used by the owner for production of income or in connection with a business, or both, so long as the value of the property is equal to or less than \$20,000 and it is not a *registered motor vehicle* as that term is defined in GS 20-4.01, a mobile home, or aircraft or watercraft required to be registered by law and not otherwise exempt. (Current law does not allow the nonbusiness property exemption for motor vehicles, mobile homes, aircraft, watercraft, or engines for watercraft.) Amends GS 105-308 to require individuals to list any changes, additions, or subtractions, with respect to the property required to be listed with the tax assessor (currently, just need to list the property with the assessor). Provides that if a person does not timely list property, presumption arises that no changes, additions, or subtractions have occurred. Specifies that failure to list such changes, additions, or subtractions is a Class 2 misdemeanor. (Currently just failure to list property is a Class 2 misdemeanor.) Specifies that if the person has a duty to list under the statute, then the failure to list is *prima facie* evidence that the failure to do so is willful (currently, no mention of a duty to list). Effective for taxes imposed for taxable years beginning on or after July 1, 2023.

Permits a county to change the value of its real property after January 1, 2023, effective for the tax year beginning July 1, 2023, based upon the schedule of values used to appraise real property in the county for its last reappraisal if the county adopted a resolution to postpone a 2023 reappraisal between January 1, 2023, and June 30, 2023. Clarifies that this authorization does affect the statutory requirement for the county to reappraise property at least once every eight years. Specifies that if a county changes its values of real property pursuant to this section, the schedule of values adopted by the board of county commissioners and used to appraise real property in the county for its last reappraisal will remain the schedule of values to be used to appraise real property until the county reappraises all real property in accordance with GS 105-286 (pertaining to county appraisals of real property).

Intro. by Moffitt, Hanig, B. Newton.

[GS 105](#)

[View summary](#)

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

S 412 (2023-2024) [MODIFY FOOD ESTABLISHMENT RULES](#). Filed Mar 29 2023, *AN ACT TO MODIFY THE RULES RELATED TO THE INSPECTION OF ESTABLISHMENTS THAT PREPARE OR SERVE FOOD*.

Requires the Reinspection Rule (subsection (h) of 15A NCAC 18A .2661 concerning inspections and reinspections of food establishments) to be implemented as follows. Requires a reinspection to be made upon request of the permit holder or the holder's representative. Provides that when a food establishment requests an inspection for the purpose of raising the alphabetical grade and holds an unrevoked permit, the regulatory authority must make an unannounced inspection within five calendar days from the request. Specifies that if no violations related to priority items or priority foundation items were documented during the most recent inspection, then the regulatory authority cannot further lower the alphabetical grade during the pendency of a reinspection for the purpose of raising the grade. Requires adoption of a rule to amend the Reinspections Rule so that it is consistent with the above provisions. Sets out provisions governing the adoption of the rule and the effectiveness of the rule. Expires when permanent rules become effective.

Requires the Frequency of Inspections for Risk Category IV Food Service Establishments Rule [meaning the item addressing Risk Category IV Establishments in subdivision (a)(1) of 10A NCAC 46 .0213 (Food, Lodging/Inst. Sanitation/Public Swimming Pools/Spas)] to be implemented as follows. Requires a local health department to provide food, lodging, and institutional sanitation and public swimming pools and spa services within the jurisdiction of the local health department. Also requires a local health department to establish, implement, and maintain written policies that include the frequency of inspections of food, lodging, and institutional facilities and public swimming pools and spas. Requires a Risk Category IV Food Service Establishment to be inspected at least once every four months per fiscal year. Requires a Risk Category IV Food Service Establishment to undergo an educational visit once per fiscal year, which must not result in issuing a new grade or grade card. Requires the following to be reviewed during an educational visit: (1) any priority violations that occurred during the three previous inspections of the establishment; (2) the public health risk factors identified on the inspection form furnished by the local health department; and (3) if applicable, any required Hazard Analysis Critical Control Plan. Requires adoption of a rule to amend the Frequency of Inspections for Risk Category IV Food Service Establishments Rule so that it is consistent with the above provisions. Sets out provisions governing the adoption of the rule and the effectiveness of the rule. Expires when permanent rules become effective.

Requires the Calculation of Rate of Compliance Rule [(meaning subdivision (a)(5) of 15A NCAC 18A .2901 (Restaurant and Lodging Fee Collection and Inventory Program)] be implemented as follows. Specifies that "rate of compliance" means the number of inspections and educational visits for food and lodging establishments conducted by the local health department during the previous State fiscal year divided by the number of inspections and educational visits mandated to be conducted by the local health department per State fiscal year pursuant to GS 130A-249 and 10A NCAC 46 .0213, not to exceed a value of 1. Requires adoption of a rule to amend the Calculation of Rate of Compliance Rule so that it is consistent with the above provisions. Sets out provisions governing the adoption of the rule and the effectiveness of the rule. Expires when permanent rules become effective.

Intro. by Burgin, Lazzara, Krawiec.

[UNCODIFIED](#)

[View summary](#)

**Business and Commerce, Government, APA/Rule Making,
Health and Human Services, Health, Public Health**

S 413 (2023-2024) **FUNDS/DOLLY PARTON IMAGINATION LIB./CHILDCARE**. Filed Mar 29 2023, *AN ACT TO INCREASE FUNDING TO DOLLY PARTON'S IMAGINATION LIBRARY AND TO APPROPRIATE FUNDS TO IMPROVE CHILD CARE ACCESS*.

Appropriates \$1.5 million in recurring funds for each year of the 2023-25 fiscal biennium from the General Fund to the Department of Health and Human Services, Division of Child Development and Early Education, to be allocated to the North Carolina Partnership for Children, Inc., for Dolly Parton's Imagination Library.

Appropriates \$200,000 in recurring funds for 2023-24 from the General Fund to the Department of Health and Human Services, Division of Child Development and Early Education, for a child care infrastructure study performed by a nonprofit in the State. Requires the selected nonprofit to analyze innovative State-based options that engage employers in solutions that meet child care infrastructure, capital, and workforce needs with a focus on promoting child care accessibility and affordability. Requires a report on the study to the specified NCGA committee by December 1, 2024.

Effective October 1, 2023, amends Section 9C.4(a) of SL 2021-180, which sets out the maximum on gross annual income for initial eligibility for subsidized child care services. Deems children of an individual employed by or with an employment offer and designated start date from a licensed child care facility eligible for the subsidized child care program regardless of income.

Effective July 1, 2023.

Intro. by Burgin, Krawiec, Hise.

APPROP

[View summary](#)

**Education, Elementary and Secondary Education,
Government, Budget/Appropriations, State Agencies,
Department of Health and Human Services, Health and
Human Services, Social Services, Child Welfare**

S 424 (2023-2024) **RESTORE THE AMERICAN DREAM**. Filed Mar 29 2023, *AN ACT TO EXPAND WORKFORCE HOUSING BY PROVIDING CURRENT AND ONGOING FUNDING FOR THE HOUSING TRUST FUND*.

Includes whereas clauses.

Appropriates \$30 million for 2023-24 from the General Fund to the North Carolina Housing Trust Fund to be used in accordance with the purposes of GS Chapter 122E (North Carolina Housing Trust and Oil Overcharge Act).

Amends GS 161-11.5 by amending the distribution of the \$6.20 of the fee collected by the register of deeds for registering or filing Instruments in General and registering or filing any deed of trust or mortgage, by decreasing the amount that goes to the General Fund from 20% to 18.5% and adds a distribution of 1.5% to the North Carolina Housing Trust Fund.

Amends GS 105-228.30 by amending the distribution of the proceeds of the excise tax on instruments conveying an interest in real property so that 33% of the funds are remitted to the North Carolina Housing Trust Fund, with the remainder to the General Fund.

Intro. by Batch, Garrett, Chaudhuri.

APPROP, GS 105, GS 161

[View summary](#)

**Courts/Judiciary, Court System, Development, Land Use and
Housing, Property and Housing, Government,
Budget/Appropriations, Tax**

Section 1

Repeals Section 9D.7(a) of SL 2022-74 (setting deadlines and initial terms for BH IDD tailored plans [integrated plans for individuals with behavioral health needs and intellectual/developmental disabilities, hereinafter referred to throughout this summary as Plans or Plan]). Sets new deadline for the Division of Health Benefits (DHB) of the Department of Health and Human Services (DHHS) to implement the Plans by no later than October 1, 2023, with its initial term ending on December 1, 2026, in alignment with the initial term of the standard benefit plan prepaid health plan capitated contracts. Allows DHHS to extend the initial term of the Plans if it also extends standard benefit plan contracts so that both contracts are extended for the same amount of time.

Section 2

Amends GS 108A-68.2 (pertaining to the Medicaid beneficiary management lock-in program [MLIP], which targets prescription drug substance abuse by restricting the pharmacy and prescribing physician of Medicaid beneficiaries who qualify for the program) as follows.

Changes the definition of *Lock-in program* from a requirement that a Medicaid beneficiary (Beneficiary) select a single prescriber and pharmacy to align it with the requirements of the federal Medicaid rule (42 CFR 431.54) that a requirement that restricts the number of prescribers from whom, and the number of pharmacies from which, a Beneficiary may obtain covered substances. Deletes provisions specifying that the statute does not apply to any MLIP for Medicaid or NC Health Choice beneficiaries who are not enrolled in a Prepaid Health Plan (PHP). Changes statutory reference from “prepaid health plan” to “PHP,” and makes conforming changes throughout. Deletes statutory criteria for PHP’s to develop MLIP’s for Beneficiaries and instead directs PHP’s to use the criteria set forth in DHHS’s Outpatient Clinical Coverage Policy. Allows Beneficiaries to choose up to two prescribers/pharmacies when medically necessary. Updates language for when a Beneficiary fails to designate prescribers/pharmacies to account for increase in number from one to two designees. Adds language allowing a PHP to impose MLIP on Beneficiary for up to two years if it finds that the Beneficiary is using Medicaid services at a frequency or amount that is not medically necessary. Makes conforming change to GS 58-51-37(l) (authorizing lock-in programs under insurance policies for prescription drug coverage) to refer to GS 108A-68.2. Effective on the later of the date the act becomes law or the date that the NC Health Choice program is eliminated, as approved by the Centers for Medicare and Medicaid Services (CMS) in accordance with Section 9D.15(a) of SL 2022-74.

Section 3

Amends GS 108D-35(b) (pertaining to services covered by PHP’s) to require PHP capitated contracts to now cover substance abuse comprehensive outpatient treatment program services, substance abuse intensive outpatient program services, and social settings detoxification services, in addition to list of 15 already covered services. Makes conforming changes. Effective October 1, 2023.

Section 4.

Enacts new provisions pertaining to state, county, and area authority as part of the organization and delivery system of mental health, development disability, and substance abuse services under the Mental Health Act, Developmental Disabilities, and Substance Abuse Act of 1985 (Act), as follows.

Current law provides that within the public system of mental health, developmental disabilities, and substance abuse services, there are area, county, and State facilities. An area authority or county program is the locus of coordination among public services for clients of its catchment area (i.e., the geographic part of the state served by a specific area authority or county program). (GS 122C-101 and GS 122C-3(4)). Enacts GS 122C-115.5, pertaining to alignment of counties with an area authority. Prohibits counties from withdrawing from an area authority or an area authority from being dissolved without prior approval of the DHHS Secretary (Secretary). Allows for counties to realign with another area authority operating a Medicaid waiver upon approval of the Secretary. Allows for area authorities to add additional counties to their catchment area upon adoption of a resolution approved by a majority of the members of the area board and the approval by the Secretary. Requires Secretary to adopt rules to establish a process for county disengagement to ensure that provision of services is not disrupted by the engagement, the timing of the disengagement is accounted for and does not conflict with setting capitation rates, adequate notice is provided, and provisions exist for the distribution of any real property no longer within the catchment area of the area

authority. Requires Secretary to direct the dissolution of an area authority upon the termination of a BH IDD tailored plan contract with an area authority or upon the Secretary's delivery of a notice of noncompliance to an area authority. Lists 12 things that must occur relating to timing, provision of services, notice, reassignment and transfer of services, area cooperation, and funding when an area authority is dissolved at the discretion of the Secretary.

Enacts new GS 122C-115.6 pertaining to the transfer of area authority fund balance upon county realignment. Requires that a portion of the risk reserve and other funds of the area authority from which the county is disengaging to be transferred to the area authority with which the county is realigning. Specifies that the amount of risk reserve and other funds to be transferred must be determined by DHHS in accordance with a formula or formulas developed in accordance with GS 122C-115.6.

Provides that the formula developed by DHHS must consider the stability of both the area authority from which the county is disengaging and the area authority with which the county is realigning. Requires the formula to support: (1) the ability for each area authority to carry out its responsibilities under State law; (2) the successful operation of the 1915(b)/(c) Medicaid waivers; (3) the capitated BH IDD tailored plans arrangements authorized by GS 108D-60(b), and (4) the successful operation of BH IDD tailored plans under 108D-60. Emphasizes that the formula must assure that the area authority from which the county is disengaging retains sufficient funds to pay any outstanding liabilities to healthcare providers, staff-related expenses, and other liabilities. Sets forth procedures for DHHS's development/amendment of the formula, including submission of the draft to specified NCGA Committees, and public comment. Exempts the development and application of the formula from rulemaking and contested case provisions of the APA. Requires the DHHS, starting on July 15, 2023, and quarterly thereafter, to report to the specified NCGA Committees and the Fiscal Research Division any funds transferred as a result of disengagements during the previous quarter.

Amends GS 122C-3 (definitions of the Act), as follows. Deletes the defined term state or local consumer advocate. Incorporates definition of standard benefit plan from GS 108D-1. Makes technical and organizational changes. Repeals GS 122C-112.1(a)(25), setting forth the Secretary's power to adopt rules for determining minimally adequate services for purposes of GS 122C-124.1 (pertaining to actions by the Secretary when the area authority or county program is not providing minimally adequate services).

Amends GS 122C-115 (pertaining to the duties of counties and appropriation and allocation of funds by counties and cities), as follows. Deletes language referencing 1915(b)/(c) Medicaid Waivers. Deletes provisions specifying minimum population requirements for catchment areas of area authorities and for the reduction of funds for local management entities (LME's) that do not comply with the population requirements. Deletes provisions relating to county disengagement with LME or managed care organization and realignment. Makes conforming changes to delete language that is duplicative of new GS 122C-115.5. Deletes reference to county programs in bar on counties reducing funds to area authorities because of the availability of State funds or other fees for the area authority. Deletes statutory references to certain qualifying recipients and dates and changes the date that LME's/managed care organizations (MCO's) cease managing Medicaid services for all Medicaid recipients who are enrolled in a standard benefit plan to July 1, 2021. Makes clarifying changes. In provision authorizing LME's/MCO's to continue to operate certain behavioral health and developmental disability services for certain individuals, deletes statutory references to certain qualifying recipients and replaces it with catchall Medicaid recipients not enrolled in a BH IDD tailored plan, to indicate authorized recipients. Repeals GS 122C-115.3(h) (requiring the dissolution of area authority upon termination of a BH IDD tailored plan contract with an area authority effective until December 1, 2023) and GS 122C-124.1 (pertaining to actions by the Secretary when area authority or county program is not providing minimally adequate services).

Amends GS 122C-124.2 (pertaining to actions by the Secretary to ensure effective management of behavioral health services under the 1915(b)/(c) Medicaid Waiver) as follows. Makes conforming changes to incorporate new GS 122C-125.3 and deletes references to statutes repealed under the act. Deletes provisions pertaining to what the Secretary must do if they are not going to provide a local LME/MCO with a certificate of compliance or if they determine it is not in compliance with certain contract requirements and instead requires the Secretary to direct the dissolution of the LME/MCO in accordance with "GS 122C-155.5(d)" (Appears to intend to refer to new GS 122C-115.5.) Deletes further provisions relating the dissolution of a noncompliant LCO/MCO. Amends the term contract to include a contract for the operation of a BH IDD tailored plan.

Repeals GS 122C-125 (pertaining to area authority financial failure, state assumption of financial control), and GS 122C-125.2 (pertaining to LME/MCO solvency ranges).

Enacts new GS 122C-125.3, pertaining to LME/MCO solvency and corrective action plans, as follows. Requires DHHS to establish in its contracts with LME/MCOs, solvency standards based on industry-standard financial accounting measures, such as the current ratio of assets to liabilities, defensive interval ratio of current assets to average monthly expenditure, capital

reserves, and profit and loss. Requires the contracts to contain the development of a corrective action plan when an LME/MCO does not meet the solvency standards specified in the contract. Requires DHHS to publish a dashboard on its website containing certain information for the LME's/MCO's each quarter. Sets forth notification provisions to the specified NCGA Committees when the dashboard is updated.

Amends GS 108D-60(b) allowing DHHS to contract with entities providing BH IDD tailored plans for certain individuals who are excluded from PHP coverage, to replace the reference to PHP coverage with language authorizing that coverage for individuals who are not enrolled in a BH IDD tailored plan. Adds new subsection authorizing four temporary delivery systems when an area authority is undergoing dissolution.

Makes conforming amendments to the APA as follows: (1) exempts DHHS from rulemaking with respect to the development and application of any formula under GS 122C-155.6 (appears to intend to refer to new GS 122C-115.6); (2) exempts DHHS's actions taken under GS 122C-124.2 and GS 122C-115.5(d) and GS 122C-155.6 (appears to intend to refer to new GS 122C-115.6) from the contested case provisions.

Repeals Section 3.5A of SL 2021-62 (pertaining to transfer of area authority fund balances/county disengagement) and Section 9D.13(b) of SL 2022-74(b) (pertaining to certain changes related to the launch of BH IDD tailored plans).

Section 5

Amends GS 122C-102(b) (pertaining to the contents of the State Plan for mental health, developmental disabilities and substance abuse services) to require the plan to also contain, in addition to the 12 other requirements, identification of priority infrastructure, services, and supports that are needed across the State related to mental health, intellectual or other developmental disabilities, and substance use disorder.

Amends GS 122C-112.1(a)(pertaining to powers and duties of the Secretary) to require the Secretary to direct and oversee the allocation and use of single-stream funding to support the priority infrastructure, services, and supports identified in the State Plan). Amends GS 122C-112.1(b)(4) (list of things Secretary may do) to cross reference the new infrastructure requirement for the State Plan, described above. Makes technical changes. Enacts new subdivision GS122C-112.1(b)(4a) to authorize the Secretary to spend certain State funds for the priority infrastructure areas discussed above.

Section 6

Amends GS 122C-112.1(a)(6) to delete reference to county programs. Now requires Secretary to establish comprehensive, cohesive oversight and monitoring procedures and processes to ensure continuous compliance with third-party contractors of area authorities, in addition to other parties listed. Also now only requires Secretary to only include a monitoring mechanism for the progress of area authorities, not area authorities and county programs. Deletes reference to required technical assistance.

Amends GS 122C-142(a) (pertaining to contracts for services by area authorities) as follows. Specifies that area authorities must assure that contracted services meet both State and federal laws and rules (currently, just references State laws and rules). Makes conforming changes to similarly refer to compliance with State and federal rules. If an area authority's oversight of a contract for services results in noncompliance, authorizes the Secretary to direct the area authority to cancel the contract for services.

Amends GS 122C-115.4(c) (pertaining to functions of LME's) to specify that LME's are also subject to contractual requirements established by the Secretary in addition to other limitations on its ability to subcontract its functions to another entity. Requires LME's to cancel a contract when directed to do so by the Secretary under GS 122C-142(a), as amended by the act.

Repeals GS 122C-115.4(f)(3) requiring the Commission to adopt rules on the notice and procedural requirements for removing one or more LME functions under GS 122C-115.4(d). Repeals GS 122C-115.4(d) and (e) pertaining to removal of LME's.

Section 7

Amends GS 126-5 (listing employees subject to State Human Resources Act) to exempt employees of area mental health, developmental disability, and substance abuse authorities except as otherwise provided by law and all employees of area authorities from the State Human Resources Act. Applies to employees of area mental health, developmental disabilities, and substance abuse authorities, defined as area authorities under GS 122C-3, hired after the date the act becomes law.

Section 8

Amends GS 150B-1(e)(25) to expand DHHS's exemption from the APA's contested case provisions to also include disputes arising from a prepaid inpatient health plan, as defined in 42 CFR 438.2 and disputes arising from a primary care case management entity, as defined in 42 CFR 438.2.

Section 9

Retroactive to June 26, 2020, amends GS 108A-54.3A (pertaining to eligibility categories and income thresholds for Medicaid) to require that the applicable federal poverty guidelines for the eligibility categories will be updated annually on April 1 immediately following publication of those guidelines. Directs the Revisor of Statutes to implement technical correction to statutory citation.

Intro. by Krawiec, Burgin, Corbin.

GS 58, GS 108A, GS 108D, GS 122C, GS 126, GS 150B

[View summary](#)

Government, APA/Rule Making, State Agencies, Department of Health and Human Services, State Government, State Personnel, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Mental Health, Social Services, Public Assistance

S 426 (2023-2024) [STATE AUDITOR/ACCESS TO MEDICAL BOARD RECORDS](#). Filed Mar 29 2023, *AN ACT TO GIVE THE STATE AUDITOR ACCESS TO THE MEDICAL BOARD'S RECORDS*.

Amends GS 90-16 to require the North Carolina Medical Board to make the following documents available for review by the State Auditor at the Board's offices or other reasonable designated place: records, papers, investigative files, investigative reports, other investigative information, and other documents containing information in the possession of or received or gathered by the Board, or its members, employees, or consultants as a result of investigations, inquiries, assessments, or interviews conducted in connection with a licensing, complaint, assessment, potential impairment matter, disciplinary matter, or report of professional liability insurance awards or settlements. Makes additional clarifying and technical changes to the statute.

Intro. by Krawiec, Hise, Adcock.

GS 90

[View summary](#)

Government, State Agencies, Office of State Auditor, Health and Human Services, Health

S 427 (2023-2024) [REVISE DOT RESIDUE PROPERTY DISPOSAL](#). Filed Mar 29 2023, *AN ACT TO REVISE THE PROCEDURES FOR DISPOSAL OF DEPARTMENT OF TRANSPORTATION RESIDUE PROPERTY AND FOR ENCROACHMENTS*.

Amends GS 136-19.7, which classifies residue property of the Department of Transportation (DOT) and establishes procedures for its disposal. Modifies the requirements for the disposition of Class A property, which includes property of sufficient size and access to allow commercial or residential development, at public sale. Current law requires advertising by at least two of the three described methods, including newspaper publication, placement on DOT's website, and placement of a sign on the property. Adds a fourth method of advertisement: notice by personal delivery or registered or certified mail, return receipt requested, to adjoining landowners and to any person who has expressed in writing to DOT an interest in purchase of the property. Additionally now requires advertisement of the sale by all four methods described.

Enacts new subsection (f1) to GS 136-19.7, allowing the owner of property adjacent to Class A residue property to purchase from DOT through negotiated sale a portion of the residue property burdened by the encroachment of a structure or improvement of the adjacent property owner, either in fee simple or as a permanent easement. Requires the sale be at fair market value and the final decision as to interest conveyed be at DOT's discretion. Requires the property owner to notify DOT

prior to the disposal and agree to pay any survey and recording costs. Also requires DOT to notify an adjacent property owner once DOT becomes aware that a structure or improvement encroaches onto Class A residue property.

Intro. by Mayfield, Sawyer.

GS 136

[View summary](#)

**Development, Land Use and Housing, Property and Housing,
Government, State Agencies, Department of Transportation,
State Government, State Property**

S 428 (2023-2024) **COUNTY WASTE MANAGEMENT ASSISTANCE**. Filed Mar 30 2023, *AN ACT TO RESTORE ASSISTANCE TO COUNTIES WITH THE CLEANUP OF SCRAP TIRES*.

Amends GS 105-187.19 to require that 30% of the net proceeds of the scrap tire disposal tax be credited to the Scrap Tire Disposal Account (was, the entire 30% was credited to the General Fund), and adds that excess funds are to be credited to the Highway Fund if the amount in the Account exceeds \$300,000 at the end of a fiscal year.

Reenacts GS 130A-309.63, Scrap Tire Disposal Account, as it existed immediately prior to repeal and makes the following changes. Specifies that the Account is located within the Department of Environmental Quality. Amends the allowable uses of the Account's revenue, to allow the use of up to 75% (was, 50%) for grants to local governments to assist in the disposal of scrap tires, allows the use of up to 15% (was, 40%) for grants to encourage the use of processed scrap tire materials, allows the use of up to \$175,000 for administrative costs and to support a position for implementation (was, an unspecified amount could be used to support a position with specified duties), and allow the use of remaining revenue to clean up illegal scrap tire collection sites (was, scrap tire collection sites) that are nuisances. Removes the deadline for the report to the Environmental Review Commission (ERC) on the implementation of the NC Scrap Tire Disposal Act.

Repeals GS 130A-309.64 concerning grants for the disposal of scrap tires and activities related to scrap tires.

Amends GS 130A-309.06 to require the Department of Environmental Quality (DEQ) to include in its annual report to the ERC and specified NCGA division on solid waste management, the beginning and ending balances in the Scrap Tire Disposal Account for the reporting period, and the amount credited to the Scrap Tire Disposal Account during the reporting period. Makes conforming changes.

Amends GS 130A-309.09C to provide that local governments that do not comply with the requirements of GS 130A-309.09A(b) (requiring making a good-faith effort to achieve the State's 40% municipal solid waste reduction goal and to comply with the State's comprehensive solid waste management plan), GS 130A-309.09A(d) (requiring annual reporting on the solid waste management programs and waste reduction activities within the unit of local government), and GS 130A-309.09B(a) (including specific requirements for a local government's solid waste reduction program) are not eligible for grants from the Scrap Tire Disposal Account (in addition to the Solid Waste Management Trust Fund and White Goods Management Account) and shall not receive the proceeds of the scrap tire disposal tax or white goods disposal tax. Requires that the proceeds of the taxes withheld to be credited to the Highway Fund instead of the General Fund.

Amends GS 130A-309.54 to no longer allow the tax on new tires to be used for the cleanup of inactive hazardous waste sites and for the purposes for which the Bernard Allen Memorial Emergency Drinking Water Fund may be used, limiting the use to the disposal of scrap tires.

The above provisions are effective October 1, 2023, and apply to quarterly crediting of the proceeds of the scrap tire disposal tax occurring on or after that date.

Amends GS 130A-309.58 by adding the following applicable to the collection of shipment and tires for disposal and recycling. Specifies that a local government is not prohibited from collecting and shipping, or arranging for the collection and shipment of, scrap tires directly from a tire retailer for permissible disposal or recycling purposes. Provides that a tire retailer that ships its own scrap tires directly from their location to a disposal or recycling facility, in coordination with the county in which the scrap tires were generated, is not liable for shipping costs, except those associated with trailers owned and operated by the tire retailer. Makes a tire retailer responsible for the costs of shipping to a site provided by a county for scrap tire collection.

S 429 (2023-2024) [MODIFY CHARITABLE SOLICITATION LICENSING LAWS](#). Filed Mar 30 2023, *AN ACT TO INCREASE THE QUALIFYING INCOME THRESHOLD FOR EXEMPTION FROM CHARITABLE SOLICITATION REQUIREMENTS, TO MODIFY THE DEADLINES FOR LICENSURE RENEWAL FOR CHARITABLE ORGANIZATIONS, AND TO REMOVE THE REQUIREMENT THAT APPLICATIONS FOR LICENSURE AND CERTAIN FINANCIAL REPORTS BE NOTARIZED.*

Revises individuals and entities exempt from the provisions governing the solicitation of contributions by charitable organizations in GS Chapter 131F, as set forth in GS 131F-3. Now exempts any person who receives less than \$50,000 (was, \$25,000) in contributions in any calendar year who does not provide compensation to any officer, trustee, organizer, incorporator, fund-raiser, or solicitor. Adds that compensation to any organizer or incorporator does not include professional fees paid to licensed attorneys or licensed accountants. Identifies five ways a charitable organization can demonstrate to the Department of the Secretary of State (Department) that it receives less than \$50,000 in contributions, including providing a copy of its most recently completed and filed IRS Form 990 or Form 990-EZ, a copy of its budget for the current year approved by its governing board with projected revenue and projected expenses, or a completed financial form developed by the Department.

Amends GS 131F-5 regarding charitable organization licensure renewal. No longer specifies that an extension for license renewal and annual filing of update information cannot exceed three months after the initial renewed date or eight months after the conclusion of the year for which financial information is due at the time of renewal. Specifies that federal filing date means federal informational tax form filing date. Deems a license renewal application filed as of the date shown on the postmark affixed, or, if filed electronically, when it is sent, as provided in GS 66-325. Now requires a charitable organization or sponsor whose federal informational tax form filing date has been extended pursuant to filing the federal application for automatic extension, to, within seven days after filing the application for automatic renewal, notify the Department that the license renewal period is extended by forwarding a copy of the application to the Department (previously provided for forwarding the document granting the extension within seven days of receipt). Now allows the Department to extend the time for license renewal and annual filing of updated information for a period of up to 60 days beyond (1) the 15th day of the fifth calendar month after the close of each fiscal year in which the charitable organization or sponsor solicited in the State or (2) the date of any applicable extension of the federal information tax form filing date, during which time the previous license remains in effect (was, not exceeding 60 days). Adds authority for the Department to extend the time for a charitable organization or sponsor whose federal informational tax form filing date has been extended pursuant to filing the federal application for automatic extension for an additional period not to exceed 60 days. Effective October 1, 2023.

Amends licensure requirements for charitable organizations and sponsors in GS 131F-6, fund-raising consultants in GS 131F-15, and solicitors in GS 131F-16 to no longer require applications to be signed under oath; maintains signature requirement. Additionally no longer requires the financial report for solicitation campaigns required under GS 131F-16 to be signed certified under oath; maintain certification requirement.

S 430 (2023-2024) [ELIMINATE PARTICIPATION TROPHIES](#). Filed Mar 30 2023, *AN ACT TO PROHIBIT AWARDS IN YOUTH RECREATION ACTIVITIES OF LOCAL GOVERNMENTS BASED SOLELY ON PARTICIPATION.*

Enacts new GS 160A-358 prohibiting youth sports or youth recreation operated by a local government from giving participation awards; requires awards to be based on performance achievements.

S 431 (2023-2024) **FIGHT EXPLOITATION FUNDING ACT (FEFA)**. Filed Mar 30 2023, *AN ACT REQUIRING A NOMINAL ADMISSION FEE ON ADULT LIVE ENTERTAINMENT BUSINESSES TO BE REMITTED QUARTERLY TO THE DEPARTMENT OF REVENUE AND DEPOSITED INTO THE NORTH CAROLINA HUMAN TRAFFICKING AND CHILD EXPLOITATION PREVENTION GRANT FUND AND CREATING THE NORTH CAROLINA HUMAN TRAFFICKING AND CHILD EXPLOITATION PREVENTION GRANT FUND FOR THE BENEFIT OF GOVERNMENT ENTITIES AND NONPROFITS THAT ARE WORKING TO PROVIDE ASSISTANCE TO VICTIMS OF HUMAN TRAFFICKING AND SEXUAL EXPLOITATION.*

Includes whereas clauses. Specifies that the act is to be cited as the "Fight Exploitation Funding Act (FEFA)."

Enacts new Article 2E, Adult Live Entertainment Fee, in Subchapter I of GS Chapter 105. Sets out NCGA findings. Imposes a fee on adult live entertainment businesses (business) that have an alcohol permit in an amount equal to \$5 for each entry of a customer admitted to the business. Specifies that the business is not required to impose the fee on the customer. Sets out daily record keeping requirements. Requires that the fee proceeds be remitted to the State Treasury to be deposited into the NC Human Trafficking and Child Exploitation Prevention Grant Fund (Fund) established in this act.

Enacts new GS 7A-354.1 establishing the Fund to be administered by the Administrative Office of the Court's (AOC) NC Human Trafficking Commission, to be used to make grants to provide programs or services that combat human trafficking or assist victims of human trafficking or sex offenses. Species that the Fund consists of the adult live entertainment business fee and any other appropriations, gifts, grants, donations, and bequests. Requires AOC to determine eligibility requirements and develop guidelines for the grant program. Sets out five minimum eligibility requirements for recipients, including that the recipient be a local government entity or nonprofit, that it act in support of victims of human trafficking or offenses involving sexual exploitation, and that it have been in operation on the preceding July 1 and continue to operate. Requires the Commission to report annually on the specified information to the specified NCGA committee and division.

Effective July 1, 2023.

Intro. by Hanig, Alexander, Jarvis.

GS 7A, GS 105

[View summary](#)

Business and Commerce, Courts/Judiciary, Criminal Justice, Government, Tax

S 432 (2023-2024) **K-3 CLASS SIZE WAIVER**. Filed Mar 30 2023, *AN ACT TO ADD WAIVERS FOR LOCAL SCHOOL ADMINISTRATIVE UNITS FROM KINDERGARTEN THROUGH THIRD GRADE CLASS SIZE REQUIREMENTS.*

Amends GS 115C-301 to allow a waiver on the class size requirements for kindergarten through third grade when there is a shortage of qualified, licensed teachers available to teach in a grade level for the number of classrooms required at each school, and/or inadequate classroom space or facilities that would require facility expansion, construction, or relocation.

Intro. by Chaudhuri, Batch, Grafstein.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education

S 433 (2023-2024) **HBCU/HMSI APPROPRIATIONS OMNIBUS**. Filed Mar 30 2023, *AN ACT TO APPROPRIATE FUNDS TO SUPPORT CERTAIN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND HISTORICALLY MINORITY-SERVING INSTITUTIONS IN NORTH CAROLINA.*

Appropriates \$6 million for 2023-24 from the General Fund to the Office of State Budget and Management with allocations of \$500,000 each to be made to: (1) Bennett College, (2) Chowan University, (3) Johnson C. Smith University, (4) Livingstone College, (5) Louisburg College, (6) North Carolina Wesleyan College, (7) Shaw University, and (8) St. Augustine's University.

Appropriates \$1.5 million for 2023-24 from the General Fund to the Office of State Budget and Management to be allocated to Bennett College for education and business degree programs.

Appropriates \$10,660,610 in recurring funds for each year of the 2023-25 biennium from the General Fund to the UNC Board of Governors to be allocated to North Carolina Agricultural and Technical State University for its agriculture and extension programs.

Effective July 1, 2023.

Intro. by Robinson.

[APPROP](#)

[View summary](#)

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

S 434 (2023-2024) [FUNDS FOR MY BROTHER'S KEEPER](#). Filed Mar 30 2023, *AN ACT TO APPROPRIATE FUNDS FOR MY BROTHER'S KEEPER OF CHARLOTTE*.

Appropriates \$75,000 for 2023-24 from the General Fund to the Office of State Budget and Management for a directed grant to My Brother's Keeper of Charlotte to support programs that improve outcomes for young men of color. Effective July 1, 2023.

Intro. by Waddell.

[APPROP](#), [Mecklenburg](#)

[View summary](#)

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

S 435 (2023-2024) [FUND FOR MECKLENBURG COUNCIL OF ELDERS](#). Filed Mar 30 2023, *AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE MECKLENBURG COUNCIL OF ELDERS*.

Appropriates \$75,000 for 2023-24 from the General Fund to the Office of State Budget and Management, for a directed grant to Mecklenburg Council of Elders, Inc., for services to raise awareness of rights and options as citizens regardless of their past involvement with the law and to assist with their Juvenile Court Intervention program. Effective July 1, 2023.

Intro. by Waddell.

[APPROP](#), [Mecklenburg](#)

[View summary](#)

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

S 436 (2023-2024) [FUNDS FOR THE MALES PLACE](#). Filed Mar 30 2023, *AN ACT TO APPROPRIATE FUNDS FOR THE MALES PLACE, INC*.

Appropriates \$75,000 for 2023-24 from the General Fund to the Office of State Budget and Management, for a directed grant to The Males Place, Inc. Effective July 1, 2023.

Intro. by Waddell.

[APPROP](#)

[View summary](#)

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

S 437 (2023-2024) [HATE CRIMES PREVENTION ACT](#). Filed Mar 30 2023, *AN ACT TO INCREASE THE SCOPE AND PUNISHMENT OF HATE CRIMES; TO REQUIRE THE STATE BUREAU OF INVESTIGATION TO CREATE AND MAINTAIN A HATE CRIMES STATISTICS DATABASE; TO REQUIRE THE NORTH CAROLINA JUSTICE ACADEMY TO DEVELOP AND PROVIDE LAW ENFORCEMENT OFFICERS WITH TRAINING ON IDENTIFYING, RESPONDING TO, AND REPORTING HATE CRIMES; AND TO REQUIRE THE CONFERENCE OF DISTRICT ATTORNEYS OF NORTH CAROLINA TO DEVELOP AND PROVIDE TRAINING TO PROSECUTORS ON HOW TO PROSECUTE HATE CRIMES.*

Part I.

Entitles this act “The Hate Crimes Prevention Act.”

Part II.

Amends GS 14-3 by expanding the categories under which a crime will be elevated to a higher level offense as a hate crime under subsection (c) to include crimes committed because of the actual or perceived race, ethnicity, color, religion, nationality, country of origin, gender, gender identity, gender expression, disability, or sexual orientation of the victim or a person or group associated with the victim (previously did not specify actual or perceived characteristics included). Class 2 or Class 3 misdemeanors committed for these reasons will be elevated to a Class 1 misdemeanor. Class A1 or Class 1 misdemeanors committed for these reasons will be elevated to a Class H felony. Adds new subsection (d), permitting a person who is injured or whose property is damaged as a result of a hate crime as defined in subsection (c) or an immediate family member of that person to bring an action for appropriate relief, including actual damages, punitive damages, reasonable attorneys’ fees, and any other litigation costs reasonably incurred. Deems the burden of proof to be the same as in other civil actions for similar relief. Actual damages under this subsection includes damages for emotional distress. Makes conforming changes to the statute's caption. Adds a new subsection (e), authorizing ordering a person convicted of or who has pleaded no contest to having engaged in conduct in violation of subsection (c) to participate in a restorative justice session with the victim at the victim's request, to be conducted as specified at the cost of the defendant.

Amends GS 14-401.14, changing the title to Intimidation by hate crime; teaching any technique to be used in the commission of a hate crime. Expands the categories covering hate crime identical to the above changes to GS 14-3. Adds new subsection (c), allowing for the person who is injured or whose property is damaged as a result of a hate crime or their immediate family member to seek civil damages, identical to the above changes to GS 14-3. Deems the burden of proof to be the same as in other civil actions for similar relief. Adds new subsection (d), authorizing ordering a person convicted of or who has pleaded no contest to having engaged in conduct in violation of subsection (a) to participate in a restorative justice session with the victim at the victim's request, to be conducted as specified at the cost of the defendant. Includes gender-neutral pronoun change.

Amends GS 15A-1340.16(d)(17), expanding the definition of an aggravating factor identical to the above definition of hate crime.

Amends GS Chapter 14, Article 8, adding new GS 14-34.11, titled Felonious assault as a hate crime. Creates the crime felonious assault as a hate crime, defined as assaulting and inflicting serious bodily injury or attempting an assault inflicting serious bodily injury because of, in whole or in part, the actual or perceived race, ethnicity, color, religion, nationality, country of origin, gender, gender identity, gender expression, disability, or sexual orientation of that person or a person or group associated with that person. Punishable as a Class F felony, elevated to a Class E felony if death results from the offense, or the offense includes the commission or attempted commission of kidnapping, first- or second-degree forcible rape, or first- or second-degree forcible sexual offense. Permits the person injured or whose property is damaged as a result of a hate crime or the person's immediate family to seek civil damages, identical to the above changes to GS 14-3. Deems the burden of proof to be the same as in other civil actions for similar relief. Authorizes ordering a person convicted of or who has pleaded no contest to having engaged in conduct in violation of subsection (b) to participate in a restorative justice session with the victim at the victim's request, to be conducted as specified at the cost of the defendant. Defines gender identity as actual or perceived gender-related characteristics.

This Part becomes effective December 1, 2023, and applies to offenses committed on or after that date.

Part III.

Amends GS Chapter 143B, Article 13, enacting new GS 143B-907, titled Hate crime statistics. Directs the State Bureau of Investigation (SBI) to collect, analyze, and disseminate information regarding the commission of offenses punishable under GS 14-3(c), 14-401.14, or 14.34.11. This information must include the total number of offenses committed for each type, personal protected characteristics of the offender and victim from each offense, and the disposition of each offense. Requires all State and local law enforcement agencies to report monthly to the SBI on offenses committed in their jurisdictions that meet the criteria for a hate crime. Requires the SBI to report to the General Assembly on a yearly basis on the information gathered. The SBI must also publish this report on its website. Requires the SBI to share any information collected under this section upon request of any local law enforcement agency, unit of local government, or State agency. Effective January 1, 2024.

Directs the SBI to develop guidelines for the information on hate crimes required to be submitted by local law enforcement agencies. Requires the first report by the SBI to the General Assembly to be submitted by January 15, 2023.

Appropriates \$1.89 million in nonrecurring funds for the 2023-24 fiscal year from the General Fund to the SBI to cover any costs incurred in establishing the hate crime statistics database. Appropriates \$530,000 in recurring funds for the 2023-24 fiscal year from the General Fund to the SBI to hire an additional employee to manage the database.

Effective July 1, 2023.

Part IV.

Amends GS 17D-2(c), adding new subdivision (5), requiring the North Carolina Justice Academy to develop and provide training to law enforcement officers on how to identify, respond to, and report hate crimes.

Amends GS 17C-6(a) and GS 17E-4(a), requiring the minimum educational, training, in-service training, and continuing education standards for criminal justice officers and sheriffs established by the Training Standards Commission to include education and training on how to identify, respond to, and report a hate crime.

Effective July 1, 2023.

Part V.

Amends GS 7A-413 to add new subsection (d), requiring the Conference of District Attorneys to develop and provide training to prosecutors on prosecuting hate crimes.

Effective July 1, 2023.

Part VI.

Except as otherwise provided, this act is effective when it becomes law.

Intro. by Chaudhuri, Waddell, Mohammed.

[APPROP, GS 7A, GS 14, GS 15A, GS 17C, GS 17D, GS 17E, GS 143B](#)

[View summary](#)

[Courts/Judiciary, Court System, Criminal Justice, Criminal Law and Procedure, Government, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, Department of Justice](#)

S 438 (2023-2024) [NCORR ADMINISTRATIVE MODIFICATIONS](#). Filed Mar 30 2023, *AN ACT TO ESTABLISH PROCUREMENT PROCEDURES FOR CONSTRUCTION PROJECTS FUNDED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM, TO PROTECT HOMEOWNERS FROM AN INCREASE IN PROPERTY TAX LIABILITY RESULTING FROM THE REVALUATION OF REAL PROPERTY REHABILITATED USING COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY FUNDS OR HURRICANE FLORENCE DISASTER RECOVERY FUNDS BY LIMITING THE ABILITY OF ASSESSORS TO REAPPRAISE REAL PROPERTY AT HIGHER VALUES UNDER CERTAIN CIRCUMSTANCES, TO INCREASE THE INFORMAL BID THRESHOLD FOR CONTRACTS FOR CONSTRUCTION OR REPAIR WORK RELATED TO DISASTER RECOVERY UNDERTAKEN BY THE NORTH CAROLINA OFFICE OF RECOVERY AND RESILIENCY, AND TO MAKE OTHER PROGRAMMATIC CHANGES.*

Section 1

Amends GS 143B-1040 to include Tropical Storm Fred in the natural disasters for which the Office of Recovery and Resiliency (ORR) is charged with executing recovery and resiliency projects and administering funds provided by the Community Development Block Grant Disaster Recovery program (Recovery program). Adds a new subsection providing that the provisions of Subpart D, Part 5 (Division of Emergency Management; Division), Article 13 (Department of Public Safety; DPS) relating to standards and practices of applicant and homeowner eligibility, contractor requirements, rehabilitation assistance, physical condition requirements, and displacement and relocation, are not to be construed as more restrictive than applicable federal or state law.

Section 2

Enacts GS 143B-1042, establishing nine requirements for contracts awarded or assigned by ORR related to detached single-family dwelling funded with funds provided by the Recovery program, including: (1) requiring ORR to develop a priority-based system for awarding or assigning contracts as specified with described qualifications; (2) limiting the number of detached single-family dwellings included in a single bid package to 20, and limiting the award or assignment of contracts to contractors to perform construction activities on no more than 20 dwellings at one time; (3) requiring described cancellation and liquidation clauses in all contracts; and (4) requiring contractors awarded or assigned a contract to begin activities on the property within 45 days after the award and complete activities within 120 days of award or assignment, or the temporary relocation of the applicant, whichever is later. Defines *construction activities* and *property*.

Enacts GS 160D-1112.1, requiring local government inspection departments (departments) to give priority to inspections services (including permitting) required under Article 11, Building Code Enforcement, that involving activities on detached single-family dwellings funded in whole or in part with funds from the Recovery program. Allows departments to require contractors to present evidence proving the activities are funded by the Recovery program prior to granting priority.

Directs ORR to adopt the priority-based system required under new GS 160D-1042(b)(1) within 30 days of the date the act becomes law, and within 30 days of such adoption, report to the specified NCGA commission detailing the system.

Section 3

Amends Article 14 (Time for Listing and Appraising Property for Taxation) and Article 22 (Listing property for city and town taxation; duty of owner; authority of governing body to obtain lists from county) of GS Chapter 105 by enacting GS 105-286.1 and GS 105-328.1 with identical provisions as follows. Prohibits appraising a permanent residence, which has increased in true value because it was rehabilitated using Recovery program funds administered by ORR or Hurricane Florence Disaster Recovery Fund administered by the Office of State Budget and Management (OSBM), at a value higher than the most recent value appraised prior to the rehabilitation unless one of four acts or circumstances occurs: (1) transfer of the residence; (2) death of the owner; (3) cease of use as a permanent residency by the owner; or (4) passage of five years since the first reappraisal. Specifies limitations of each circumstance. Defines *owner*, *permanent residence*, and *rehabilitation or rehabilitated*. Establishes a process by which an owner can file a complaint alleging appraisal in violation of the statute, from which the assessor has 30 days to confirm or deny the allegations and notify the owner. Requires the assessor to assist the owner in providing or verifying information in the custody of the city or county. Requires reappraisal if the allegations are confirmed. Allows an owner to appeal an assessor's decision that the appraisal was not in error to the county's governing body, with an appeal of the governing body's decision permitted to the Property Tax Commission.

Makes conforming changes to GS 105-283, GS 105-284, and GS 105-328, relating to appraisals, to reference new GS 105-286.1 and GS 105-328.1 as appropriate.

Applies for taxes imposed for taxable years beginning on or after July 1, 2023.

Section 4

Amends GS 143-53.1 to set the competitive bidding benchmark for ORR when awarding or assigning contracts under Subpart D, Part 5, GS Chapter 143B, as amended, at \$250,000.

Amends GS 143-131, which requires public construction or purchase contracts of \$30,000 or more (but less than the limits of GS 143-129) made by any political subdivision of the State or their officer be made after informal bids have been secured, with all contracts awarded to the lowest responsible, responsive bidder, taking into account specified considerations, and public entities responsible for recordkeeping. Explicitly subjects ORR to these provisions for all contracts for construction or repair

work related to disaster recovery involving the expenditure of \$250,000 or more of public money, but less than the limits of GS 143-129. Defines *construction* to include the purchase of manufactured housing units.

Intro. by Jackson, Perry, Britt.

[GS 105, GS 143, GS 143B, GS 160D](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Land Use, Planning and Zoning, Property and Housing, Government, Public Safety and Emergency Management, Tax, Local Government](#)

S 439 (2023-2024) [FORECLOSURE TRUSTEE AUCTIONS](#). Filed Mar 30 2023, *AN ACT TO ALLOW FOR CERTAIN FORECLOSURE SALES TO BE CONDUCTED AT DESIGNATED PUBLIC LOCATIONS, TO EXPAND THE TIME ALLOWED FOR A SCHEDULED FORECLOSURE SALE TO COMMENCE, AND TO ESTABLISH A PROCEDURE FOR REMOTE BIDDING AT A FORECLOSURE SALE*.

Amends GS 45-21.4(d) and (e), which set the place of sale of property subject to a mortgage or deed with a power of sale where the instrument does not designate the place of sale. Allows the clerk of superior court of the county in which the land is situated to designate a public location within the county where the land is situated for the sale, in lieu of holding the sale at the courthouse door. Makes conforming changes for sales of tracts situated in two or more counties.

Amends GS 45-21.23 to allow a sale to begin within three hours (was, one hour) after the time noticed, unless it is delayed by other sales held at the same place, upon which the sale can occur later on the same day, as reasonably determined by the person exercising the power of sale (previously did not give guidance as to timing due to a delay because of other sales).

Enacts GS 45-21.25A, allowing persons exercising the power of sale of real property or their agent to accept remote bids so long as all bids are clearly announced to all participating bidders, both physically present and remote. Requires the person exercising the power of sale or their agent to collect funds required to be paid by the winning bidder pursuant to state law prior to accepting the remote bid. Bars making mortgager responsible for costs of remote bidding.

Applies to notices of foreclosure of sale with the clerk of superior court on or after October 1, 2023.

Intro. by McInnis, Johnson, Craven.

[GS 45](#)

[View summary](#)

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

S 440 (2023-2024) [INCREASE NC MINIMUM WAGE/\\$15](#). Filed Mar 30 2023, *AN ACT AMENDING THE WAGE AND HOUR ACT TO INCREASE THE STATE MINIMUM WAGE TO FIFTEEN DOLLARS PER HOUR*.

Amends GS 95-25.3 by increasing the minimum wage from \$6.15 to \$15 per hour. Effective January 1, 2024.

Intro. by Waddell, Hunt.

[GS 95](#)

[View summary](#)

[Employment and Retirement](#)

S 441 (2023-2024) [THE WELLS ACT](#). Filed Mar 30 2023, *AN ACT TO FACILITATE THE ELIMINATION OF NONRESPONSIVE BOARDS, COMMITTEES, AND COMMISSIONS*.

Directs the Legislative Library (Library) to send a request for documentation (i.e., the current membership, last reported minutes, current bylaws, and a listing of the entities to which reports are to be submitted) and confirmation of activity to all

boards, committees, and commissions that have not expired or been repealed. Directs the Library to compile a list of any entity that fails to respond within 120 days or responds, but has not met within the past 12 months and to send that list to the Joint Legislative Administrative Procedure Oversight Committee (Committee). Directs the Committee to recommend legislation to the 2024 Regular Session of the 2023 General Assembly to repeal those entities on the list.

Intro. by Burgin, Krawiec, Chaudhuri.

UNCODIFIED

[View summary](#)

Government, APA/Rule Making, General Assembly

S 442 (2023-2024) **EARNED WAGE ACCESS SERVICES ACT**. Filed Mar 30 2023, *AN ACT TO ENACT THE EARNED WAGE ACCESS SERVICES ACT*.

Enacts new Article 26, Earned Wage Access Services Act, providing as follows. Requires registration as an earned wage access (EWA) service provider before providing earned wage access services. Defines *earned wage access services* as payment of amounts representing earned wages to a consumer prior to the next date on which an obligor is scheduled to pay the consumer, the amount of which is deducted from the obligor's next payment of wages to the consumer. Sets the registration and renewal fee at \$1,000; registration must be renewed every three years. Sets out information that must be included in the application for registration/renewal, which is to be submitted through the Nationwide Multistate Licensing System and Registry (NMLS). Permits the Commissioner of Banks (Commissioner) to participate in the NMLS. Requires the Commissioner to approve a registration application/renewal upon the finding of the following: the applicant has satisfied the requirements imposed by the article; (2) the applicant's business will be conducted honestly, fairly, and in a manner commanding the confidence and trust of the community; (3) persons controlling the applicant, as a group, have degrees of character, competence, and experience that command the confidence and trust of the community and justify the belief that the applicant will operate safely, soundly, and in compliance with the law; (4) the applicant meets other similar requirements determined by the Commissioner.

Directs that an EWA service provider registering for the first time will pay the actual cost of obtaining a credit report and federal and State criminal background checks and the processing fees required by the NMLS. Specifies that a registration is not assignable. Specifies that if the information contained in any document filed with the Commissioner or the NMLS under the article is or becomes inaccurate or incomplete in any material respect, the EWA service provider, whether registered or applying for registration, must within 30 days file a correcting amendment to the information contained in the document.

Allows a registered EWA service provider to provide earned wage access services through a contract with an obligor or service provider to an obligor if: (1) the EWA service provider verifies the consumer's earned wages based on data relating directly to the consumer's earnings in that pay period, (2) the EWA service provider informs the consumer in writing that the consumer has a right to receive the full amount of the obligor's next payment of wages on the next date on which the obligor is scheduled to pay the consumer if the consumer chooses to not use earned wage access services, and (3) the consumer authorizes in writing that the amount of the payment of earned wages from the EWA service provider is to be deducted from the obligor's next payment of wages to the consumer. Prohibits an obligor from sharing information with an EWA service provider relating to the obligor's accrued and expected obligations to the consumer unless the obligor has entered into a contract for earned wage access services with the EWA service provider and the consumer has given advance consent to sharing the information. Allows an EWA service provider to charge a fee for earned wage access services if they are disclosed in writing to the consumer before the consumer chooses to use the services. Provides that if an EWA service provider complies with this Article, then the EWA service provider's earned wage access services are not lending activity and its payments pursuant to those services are not loans, and any fees for the EWA service provider's earned wage access services are not interest.

Allows the Commissioner to examine an EWA service provider, with the costs borne by the EWA service provider. Specifies when the reimbursement of these expenses can be waived. Permits the Commissioner to also conduct an examination of an EWA service provider upon receipt of a consumer complaint.

Specifies that information obtained by the Commissioner is subject to the confidential treatment under GS 53C-2-7 (confidentiality provisions pertaining to certain records of the NC Office of the Commissioner of Banks). Requires Commissioner to report enforcement actions and other relevant information to the NMLS. Authorizes the Commissioner to enter into written agreements with certain entities to share confidential information with these entities. Sets forth rules relating

to confidentiality for these shared records. Clarifies that the Commissioner is not prohibited from releasing to the public a list of persons registered under the article or aggregated financial data on the registered EWA service providers.

Allows the Commissioner to adopt rules to enforce the Article and procedures aggrieved persons may take, including an initial appeal to the State Banking Commission and subsequent petition for judicial review. Sets out actions that may be taken for violations of this Article or any rule adopted under it, after notice and opportunity for hearing, to include (1) revoking, suspending, or refusing to renew an EWA service provider's registration; (2) ordering an EWA service provider to cease and desist from providing earned wage access services; (3) assessing a civil penalty of not more than \$10,000 for each willful violation, with the clear proceeds of the penalty to be remitted to the Civil Penalty and Forfeiture Fund; and (4) ordering an EWA service provider to make restitution to the injured customer. Failure to comply with the Article is an unfair or deceptive trade practice. Sets forth rules related to service of process.

Effective May 1, 2024.

Intro. by Moffitt, Hanig.

[GS 53](#)

[View summary](#)

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

S 443 (2023-2024) [TPR/ARREARAGE OF CHILD SUPPORT OWED/FORGIVE](#). Filed Mar 30 2023, *AN ACT TO ELIMINATE CHILD SUPPORT OWED IN CERTAIN CASES WHERE THE CHILD IS PLACED IN FOSTER CARE AND THE ABILITY TO SUSPEND AND REDUCE CHILD SUPPORT OWED*.

Amends GS 7B-904(d) to eliminate a court's authority at the dispositional hearing or a subsequent hearing to order a parent, who the court has found able, to pay a reasonable sum to support a juvenile that has been adjudicated as abused, neglected, or dependent for whom legal custody is vested in someone other than the juvenile's parent. Now directs the county department of social services in whose custody the juvenile is placed to pay the cost of the support of the juvenile when legal custody is vested in someone other than the juvenile's parent.

Makes conforming changes to repeal subsection (n) of GS 7B-1114, which released a parent whose parental rights were reinstated from liability for child support or costs of any services provided to the juvenile for the period from the date of the order terminating their rights to the date of the order reinstating their rights.

Amends GS 50-13.10 to specify that a child support payment or the relevant portion thereof is not past due and no arrearage accrues for foster care assistance owed to the State by the supporting party during any period when the child is placed in foster care.

Enacts GS 110-135.1 to require the following upon motion by either party and a showing that the child has been placed in foster care: (1) suspension of the obligor's child support obligation, if owed to the State, during any period when the child is placed in the custody of a county department of social services and (2) reduction of any foster care assistance arrears owed to the State for past paid foster care assistance to zero. Specifies that the statute does not create a debt owed to the obligor.

Applies to cases, motions, or petitions filed or pending on or after the date the act becomes law.

Intro. by Krawiec, Burgin, Corbin.

[GS 7B, GS 50, GS 110](#)

[View summary](#)

[Courts/Judiciary, Civil, Family Law, Juvenile Law, Abuse, Neglect and Dependency](#)

S 444 (2023-2024) [AUGMENT AGENCY APPEAL RIGHTS](#). Filed Mar 30 2023, *AN ACT TO ALLOW FOR APPEAL FROM CERTAIN AGENCY DETERMINATIONS*.

Amends GS 133-17 (pertaining to administrative payments related to eminent domain) to delete language stating that the statute does not create enforceable rights in court with the agency's determination conclusive. Also enacts new subsection GS 133-17(b) providing for the right of a person aggrieved by an agency determination to judicial review in the superior court where the displacement has occurred or will occur after exhaustion of administrative remedies. Sets forth rules and procedures related to exhaustion and judicial review including required content and timing of a petition. Sets out three conditions under which a court may affirm, reverse, or modify the agency's determination. Provides for an appeal of the determination of the superior court. Applies to administrative proceedings for which a final determination is entered on or after the act becomes law.

Intro. by Moffitt, Sawrey, B. Newton.

[GS 123](#)

[View summary](#)

[Government, State Agencies](#)

S 445 (2023-2024) [RECORDING OF COURT-FILED DOCUMENTS](#). Filed Mar 30 2023, *AN ACT TO ALLOW CERTIFIED COPIES OF COURT-FILED DOCUMENTS TO BE RECORDED WITHOUT MEETING CERTAIN CONFORMING REQUIREMENTS OF THE REGISTER OF DEEDS*.

Amends GS 161-14 to except any certified copy of a court-filed document from the formatting requirements set forth in subsection (b) for the registration of instruments with the register of deeds.

Intro. by Daniel.

[GS 161](#)

[View summary](#)

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

S 446 (2023-2024) [RIGHT TO START ACT](#). Filed Mar 30 2023, *AN ACT TO ALLOW CORPORATIONS LESS THAN FIVE YEARS OLD AND HAVING A NET INCOME OF LESS THAN FIVE THOUSAND DOLLARS TO DEFER INCOME TAXES FOR ONE YEAR AND TO PROVIDE THAT STATE AGENCIES ARE ENCOURAGED TO USE IN-STATE CONTRACTORS WHO HAVE BEEN IN OPERATION FOR LESS THAN FIVE YEARS AND THE DEPARTMENT OF ADMINISTRATION SHALL COLLECT AND REPORT DATA ON THE USE OF THOSE CONTRACTORS TO THE GENERAL ASSEMBLY*.

Amends GS 105-130.19 (pertaining to when taxes must be paid by corporations) and GS 105-131.1A (pertaining to taxation of an S Corporation as a taxed pass through entity) to allow for the entity to defer the full amount of tax payable to the next taxable year if the corporation has been in existence less than five years and files a return showing a State net income of less than \$5,000 for the taxable year. Makes conforming changes. Effective for taxable years beginning on or after January 1, 2023.

Amends GS 143-48 (state policy to promote certain contractors in goods and service contracts); GS 143-135.5 (state policy to promote certain contractors in contracts for the construction of public buildings) and GS 143B-1361 (state policy to promote certain contractors as part of its information technology procurement policy) to encourage and promote these divisions of the State to use contractors that have been in operation for less than five years, in addition to contractors who are small businesses, women, minorities, and physically handicapped. Requires the Department of Administration to compile information on participation in State goods and services and construction contracts by contractors that have been in business for less than five years. Sets forth required analytics in report. Effective October 1, 2023, and applies to contracts awarded on or after that date.

Intro. by Johnson, Chaudhuri, Perry.

[GS 105, GS 143, GS 143B](#)

[View summary](#)

[Business and Commerce, Corporation and Partnerships, Government, State Agencies, Department of Administration, Tax](#)

S 447 (2023-2024) [UP MINIMUM WAGES/NO SUBMINIMUM OR EXEMPTIONS](#). Filed Mar 30 2023, *AN ACT INCREASING THE MINIMUM WAGE TO FIFTEEN DOLLARS PER HOUR BY 2025, AND THEN ADJUSTING THE MINIMUM WAGE AUTOMATICALLY EACH YEAR BY INCREASES IN THE COST OF LIVING; ENDING THE SUBMINIMUM WAGE FOR PERSONS WITH DISABILITIES; PHASING OUT THE SUBMINIMUM WAGE FOR TIPPED EMPLOYEES; AND ENDING THE EXEMPTION FOR AGRICULTURAL, DOMESTIC, AND INCARCERATED WORKERS.*

Section 1

Current law, GS 95-25.3(a), sets the minimum wage that every employer must pay to each employee who performs any work during any workweek at the higher of \$6.15 per hour or the minimum wage set forth in 29 USC 206(a)(1) (the Fair Labor Standards Act, which may change with time), except as otherwise provided in the statute.

This act increases the state's minimum wage in three phases. Effective January 1, 2024, sets the minimum wage at the higher of \$10.35 per hour or the minimum wage set forth in 29 USC 206(a)(1). Effective January 1, 2025, sets the minimum wage at the higher of \$15.00 per hour or the minimum wage set forth in 29 USC 206(a)(1). Beginning September 1, 2025, requires an annual adjustment by the Commissioner of Labor, calculated as specified.

Eliminates the remaining content of GS 95-25.3, except existing subsection (f), which permits tipped employees to have tips counted as wages up to a certain federally specified limit.

Section 2

Further amends GS 95-25.3, setting a statutory cap on the amount of tips earned by tipped employees that can be counted as wages at \$6.50 per hour. Eliminates employee notice and employer record keeping requirements. Effective January 1, 2024, until December 31, 2024. Gradually increases the statutory cap, further amending the statute effective for the following specified terms: \$9.50 per hour, effective January 1, 2025, until December 31, 2025; \$12.50 per hour, effective January 1, 2026, until December 31, 2026; and \$15.00 per hour, effective January 1, 2027, until December 31, 2027. Further amends the statute, effective January 1, 2028, setting the minimum wage rate of a tipped employee at the amount set by the Commissioner of Labor as annually adjusted, with no tips counted as wages. Bars reducing an employee's wages under a tip pooling arrangement.

Section 3

Amends GS 95-25.14 to no longer exclude the following individuals from the provisions of GS 95-25.3 (Minimum Wage); GS 95-25.4 (Overtime); GS 95-25.5 (Youth Employment); and GS 95-25.15(b) (Record Keeping): (1) any persons employed in agriculture, as defined by federal law; (2) any person employed as a domestic, including baby sitters and companions, as defined by federal law; and (3) persons confined in and working for any penal, correctional, or mental institution of State or local government. Makes clarifying and technical changes.

Intro. by Murdock, Mayfield, Grafstein.

GS 95

[View summary](#)

Agriculture, Business and Commerce, Employment and Retirement, Government, State Agencies, Department of Labor

S 448 (2023-2024) [SCHOOL PSYCHOLOGIST OMNIBUS](#). Filed Mar 30 2023, *AN ACT TO ENACT PROVISIONS RELATED TO IMPROVING THE NUMBER AND QUALITY OF SCHOOL PSYCHOLOGISTS IN NORTH CAROLINA.*

Provides for salary supplements to school psychologists for the 2023-24 fiscal year to be provided in addition to any salary received under the teacher salary schedule, as follows: (1) \$650 per month and (2) for school psychologists who have a National Certified School Psychologist Credential, 12% of their monthly salary. Appropriates \$8.1 million in recurring funds from the General Fund to the Department of Public Instruction (DPI) for the compensation increase.

Enacts GS 115C-316.6, the school psychologists grant program, to provide funds to public school units for signing bonuses to recruit school psychologists subject to the following conditions: (1) DPI must prioritize the award of funds to public school units without a full-time psychologist at the time the application is submitted; (2) no individual bonus can be greater than

\$5,000; (3) the school psychologist must agree to remain employed in the public school unit for at least one year; and (4) grants must be used to supplement, not supplant, State or non-State funds already used for these services. Sets forth application requirements and instructs the Superintendent of Public Instruction to develop criteria and guidelines for the administration of the grants. By no later than April 1, 2024, and annually thereafter in years where funds are awarded, requires the superintendent of DPI to report to the specified NCGA committee and division on the grant program. Appropriates \$1.7 million in recurring funds for 2023-24 from the General Fund to DPI for the grant program.

Requires DPI to reclassify at least one position within the department to serve as a full-time recruitment and retention coordinator to increase the number of school psychologists in public schools that have a demonstrated need that is difficult to fill by no later than September 1, 2023.

Enacts GS 115C-316.7 requiring DPI to establish an internship program for school psychologists in public school units. Sets forth stipend and field supervisor compensation. Appropriates \$5 million in recurring funds from the General Fund to DPI for the internship program.

Appropriates \$5 million in nonrecurring funds from the General Fund to the UNC Board of Governors for the 2023-2024 fiscal year to be allocated to Appalachian State University (ASU) to host a virtual school psychology training program at the ASU campus in Hickory, North Carolina.

Appropriates \$1.6 million in recurring funds from the General Fund to the UNC Board of Governors for the 2023-24 fiscal year to be allocated to five specified constituent institutions to support the school psychology programs at those institutions with the goal of doubling the number of school psychologists produced.

Effective July 1, 2023.

Intro. by Sanderson, Burgin, Corbin.

APPROP, GS 115C

[View summary](#)

Education, Elementary and Secondary Education, Higher Education, Government, Budget/Appropriations, State Agencies, UNC System, Department of Public Instruction, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health

S 449 (2023-2024) **STANDARD DEDUCTION CHARITABLE CONTRIBUTIONS**. Filed Mar 30 2023, *AN ACT TO ALLOW A TAX CREDIT FOR CHARITABLE CONTRIBUTIONS BY A TAXPAYER THAT ELECTS TO TAKE THE STANDARD DEDUCTION*.

Enacts GS 105-153.11 to provide a tax credit applicable to individual State income tax in the amount of 25% of charitable contributions made by a taxpayer under section 170 of the Internal Revenue Code for a taxpayer who deducts the standard deduction provided for taxpayers under GS 105-153.5(a)(1) for the taxable year. Requires nonresidents or part-year residents to reduce the credit as appropriate under GS 105-153.4. Bars the credit from exceeding the amount of tax income tax imposed for the taxable year reduced by the sum of all credits allowed, except payments of tax made by or on behalf of the taxpayer. Effective for taxable years beginning on or after January 1, 2023.

Intro. by Woodard, Alexander.

GS 105

[View summary](#)

Government, Tax

S 450 (2023-2024) **SEIZED WEAPONS SECURITY ACT**. Filed Mar 30 2023, *AN ACT TO AUTHORIZE LOCAL LAW ENFORCEMENT AGENCIES TO DESTROY UNCLAIMED FIREARMS AND FIREARMS CONFISCATED AFTER CONVICTION OF CERTAIN OFFENSES*.

Amends the following statutes to no longer limit the firearms that can be ordered to be destroyed to only those which do not have a legible, unique identification number or are unsafe for use because of wear, age, or modification: GS 15-11.1(b1)(3)

(relating to the disposition of firearms seized as evidence); GS 15-11.2(d)(1) (relating to the disposition of unclaimed firearms not confiscated or seized as evidence); and GS 14-239.1(4) (relating to the confiscation and disposition of deadly weapons used by a defendant upon conviction of certain offenses). Applies to any firearm found or received by a local law enforcement agency on or after July 1, 2023.

Intro. by Garrett, Robinson, Chaudhuri.

[GS 14, GS 15](#)

[View summary](#)

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

S 451 (2023-2024) [CREATE NORTH CAROLINA JAIL FUND](#). Filed Mar 30 2023, *AN ACT TO ESTABLISH THE NORTH CAROLINA JAIL FUND TO ASSIST SHERIFFS IN COMPLYING WITH THE MINIMUM HEALTH AND SAFETY STANDARDS SET FOR COUNTY JAILS*.

Enacts GS 153A-223.1, creating the North Carolina Jail Fund (Fund) as a nonreverting special fund in the Department of Health and Human Services (DHHS), consisting of proceeds from any gifts, grants, or contributions to the State that are specifically designated for inclusion in the Fund, appropriations by the NCGA, and interest accrued to it. Specifies that jail refers to county jails. Authorizes use of funds from the Fund for the following purposes: (1) a payment to an NC sheriff to be used for repairs and improvements that the sheriff must make for the jail under the sheriff's authority to meet the minimum standards developed under State law and (2) regular payments to DHHS, not to exceed \$200,000 for the administration of the Fund. Requires DHHS to develop rules for the eligibility and award of Fund distributions with specified matters those rules must require, including (1) matching funding, (2) entering into a Facility Correction Agreement with DHHS if selected to receive funds, and (3) a prohibition on DHHS issuing further citations for, or directing the closure of, a jail that is the subject of a Facility Correction Agreement under this section, so long as the Facility Correction Agreement is being executed in good faith. Specifies that the Secretary of DHHS has sole discretion to determine eligibility for funds from the Fund and for awarding those funds, so long as the awarding of funds is done in a manner that incentivizes self-reporting on behalf of sheriffs and facilitates the rapid remedy of deficiencies in jails throughout the State.

Appropriates from the General Fund to the Fund \$10 million in nonrecurring funds for the 2023-24 fiscal year to be used as provided for in the act.

Effective July 1, 2023.

Intro. by Britt, Mayfield, Burgin.

[APPROP](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\), Government, Budget/Appropriations, State Agencies, Department of Health and Human Services](#)

S 452 (2023-2024) [NC DEPARTMENT OF INSURANCE OMNIBUS](#) .-AB Filed Mar 30 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE LAWS OF NORTH CAROLINA, AS RECOMMENDED BY THE DEPARTMENT OF INSURANCE*.

Part I.

Amends GS 58-21-10, which sets out the definitions for terms as they are used in Article 21, Surplus Lines Act, as follows. Excludes from the definition of surplus lines insurance: (1) insurance of property and operations of railroads engaged in interstate or foreign commerce and (2) personal and commercial automobile liability insurance required to be written by licensed insurers under GS 58-37-5, excluding excess automobile liability insurance. Amends the definition of wet marine and transportation insurance by adding that it includes ocean marine insurance. Makes additional technical and clarifying changes.

Amends GS 58-21-40 by adding to the functions of the North Carolina Surplus Lines Association providing other services to its members that are identical or related to the association's purpose.

Amends GS 58-21-85 by amending the due date of the premium receipts tax paid by a surplus lines licensee so that payment is now due: (1) for risk purchasing groups, at the same time the licensee files a quarterly report with the Commissioner of Insurance (Commissioner) or (2) for surplus lines insurers receiving invoices from the North Carolina Surplus Lines Stamping Office SLIP system, 30 days after the end of each quarter.

Part II.

Amends GS 58-3-179 to require health benefit plans to provide coverage for colorectal cancer exams and labs test for cancer, for any non-symptomatic covered individual who is: (1) at least 45 (was, 50) years old or (2) less than 45 (was, 50) years old and at high risk for colorectal cancer. Applies to insurance contracts issued, renewed, or amended on or after October 1, 2023.

Part III.

Amends the following statutes by changing the name of the ThomsonMicromedex DrugDex to the Micromedex DrugDex System: GS 58-51-59, GS 58-65-94, and GS 58-67-78.

Part IV.

Amends GS 58-48-20, which sets out the definitions for terms as they are used in Article 48, the Insurance Guaranty Association Act, by making clarifying and technical changes.

Amends GS 58-48-35 the North Carolina Insurance Guaranty Association's (Association) obligation as follows. The Association is obligated, under current law, to the extent of the covered claims that exist before the determination of insolvency and arising within 30 days after the determination of insolvency, or before the policy expiration date if less than 30 days after the determination, or before the insured replaces the policy or causes its cancellation, if done within 30 days of the determination. Increases the upper limit, so that this obligation includes only the amount of each covered claim that exceeds \$50 and is less than \$500,000 (was, \$300,000). Makes conforming changes. Specifies that the Association's lack of obligation in an amount in excess of the obligation of the insolent insurer under the policy from which the claim arises include an applicable specific and aggregate limit. Applies to covered claims arising from orders of liquidation becoming final on or after October 1, 2023.

Part V.

Amends GS 58-19-30, as follows. Adds the following to the standards that apply to transactions within an insurance holding company system to which an insurer subject to registration is a party. (1) If the Commissioner determines that the continued operation of an insurer subject to Article 19 (Insurance Holding Company System Regulatory Act) is hazardous to the insurer's policyholders, creditors, or the general public, then the Commissioner may require the insurer to choose between securing and maintaining either a deposit held by the Commissioner or a bond with respect to any contract or agreement entered into by the insurer. Sets out additional requirements for the duration and amount of the bond or deposit. (2) Provides that all of the insurer's records and data (as defined) held by an affiliate remain the property of the insurer and are subject to the insurer's control. Require an affiliate holding an insurer's records and data to: (a) ensure, at no additional cost to the insurer, that the records and data the insurer controls are identifiable and segregated, or readily capable of segregation, from all other persons' records and data; (b) provide to any receiver of the insurer, upon request: a complete set of all records and data of any type that pertain to the insurer's business, access to the operating systems on which the records and data are maintained, and the software that runs those systems; and (c) if the affiliate defaults under a lease or other agreement, secure a waiver of any landlord lien or other encumbrance to provide the insurer access to all records and data. (3) Makes the insurer's premiums or other funds collected by or held by an affiliate the exclusive property of the insurer and subject to the insurer's control. Makes any right of offset in the event an insurer is placed into receivership subject to Article 30 (Insurers Supervision, Rehabilitation, and Liquidation) of GS Chapter 58.

Amends GS 58-19-30(b), which sets out transactions involving a domestic insurer and any person in its holding company system that must give the specified notice to the Commissioner before entering into the transaction. Makes the following changes to the provisions in (b)(4) applicable to all management agreements, service contracts, tax allocation agreements, or cost-sharing arrangements.

Requires defining records and data (was, books and records) of the insurer to include all information developed or maintained under or related to the contract or agreement that are otherwise the insurer's property (was, developed or maintained under or related to the agreement). Defines records and data.

Requires specifying that all of the insurer's records and data (was, books and data) remain the insurer's property and are subject to the insurer's control; adds that the records and data must be held, at no additional cost to the insurer, in a manner that ensures that the records and data controlled by the insurer are identifiable and segregated, or readily capable of such, from all other persons' records and data.

Requires including standards for termination of a contract with and without cause.

Adds the instances providing indemnification of the insurer, to also include when the affiliate violates the specified terms.

Amends the conditions that must be met if the insurer is placed in supervision, conservatorship, or receivership (was, in receivership), or seized by the Commissioner as follows. (1) Requires all of the insurer's rights under the contract or agreement to extend to the receiver, conservator, or Commissioner. (2) Requires all of the insurer's books and data to be, at no additional cost to the receiver or Commissioner, identifiable and segregated, or readily capable of such, from all other persons' records and data. (3) Adds requirements for the insurer's records and data that are being turned over to the receiver or Commissioner upon request. (4) Requires the affiliate, at the direction of the receiver or Commissioner, to make available all employees required to maintain the continued performance of operations or services of the insurer deemed essential by the receiver or Commissioner.

Requires specifying that the affiliate has no automatic right to terminate the agreement if the insurer is placed in supervision, conservatorship or receivership, or seized by the Commissioner (was, placed in receivership).

Requires specifying the following with respect to the performance of services after termination of the contract or agreement if the insurer is placed in supervision, conservatorship, receivership, or seized by the Commissioner: (1) that the affiliate must, at the direction of the conservator or Commissioner, provide services deemed essential after termination of the contract or agreement; (2) that the contract or agreement must specify the minimum period of time essential services must be performed after termination; and (3) that, until the insured is released by the receiver, Commissioner, or a court order, performance of essential services after the contract or agreement's termination must be provided without regard to pre-receivership unpaid fees, if the affiliate continues to receive timely payment for post-receivership services rendered.

Requires specification that if the insurer is placed in supervision, conservatorship, receivership, or is seized by the Commissioner, the affiliate will: (1) maintain any infrastructure necessary to the performance of the contract or agreement and (2) until the insured is released, make any infrastructure necessary to the performance of the contract or agreement available to the receiver or Commissioner, if the affiliate continues to receive timely payment for post-receivership services rendered.

Requires specifying that if the insurer is placed into receivership and portions of the insurer's policies or contracts are eligible for coverage by one or more guaranty associations, then, subject to the receiver's authority over the insurer, the affiliate's specified commitments extend to the affected guaranty associations.

Further amends the statute by adding the following.

Subjects any affiliate party to an agreement or contract with a domestic insurer that is subject to (b)(4) (as discussed above) to the jurisdiction of any supervision, seizure, conservatorship, or receivership proceedings against the insurer and to the authority of the Commissioner or any supervisor, conservator, rehabilitator, or liquidator for the insurer appointed for the purpose of interpreting, enforcing, and overseeing the affiliate's obligations under the agreement or contract to perform services for the insurer that (1) are an integral part of the insurer's operations or (2) essential to the insurer's ability to fulfill its obligations under insurance policies. Allows the Commissioner to require that an agreement or contract under (b)(4) for the provision of these services specify that the affiliate consents to the jurisdiction.

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

Part VI.

Amends GS 58-30-1 by removing an outdated cross-reference.

Part VII.

Enacts new GS 58-30-262, providing as follows.

Defines large deductible policy as including: (1) A combination of one or more workers' compensation policies and endorsements issued to an insured and contracts or security agreements entered into between the insurer and the insured in

which the insured has agreed with the insurer to do either of the following: (a) pay directly the initial portion of any claim under the policy up to a specified dollar amount, or the expenses related to any claim or (b) reimburse the insurer for its payment of any claim or related expenses under the policy up to the specified dollar amount of the deductible. (2) Any policy which contains an aggregate limit on the insured's liability for all deductible claims in addition to a per claim deductible limit. Provides that the primary purpose and distinguishing characteristic of a large deductible policy is the shifting of a portion of the ultimate financial responsibility under the large deductible policy to pay claims from the insurer to the insured, even though the obligation to initially pay claims may remain with the insurer. (3) Any policy with a deductible of \$100,000 or greater. Sets out exclusions from the term.

Provides that the statute applies to workers' compensation large deductible policies insuring workers' compensation liabilities under the Workers' Compensation Act issued by an insurer subject to an order of liquidation that has become final in the state of entry, whether the liquidation order is entered in this State or a reciprocal state. Applicability does not extend to claims funded by the Association or a foreign guaranty association net of the deductible unless (d) applies. Subsection (d) requires large deductible policies to be administered in accordance with their terms, except to the extent that those terms conflict with this statute. Requires all large deductible claims resulting from the handling or administration of one or more covered claims of a claimant to be turned over to the Association for handling and administration or be turned over to the foreign guaranty association in the state where the claim is pending for handling and administration. Provides that to the extent the insured funds or pays the deductible claim, the funding or payment of a deductible claim directly or to the Association or a foreign guaranty association by or on behalf of the insured extinguishes any obligations of the liquidator, the Association, or the foreign guaranty association to pay the claim. Prohibits making any charge or claim against the liquidator, the Association, or a foreign guaranty association on the basis of the funding or payment of a deductible claim by or on behalf of an insured.

Provides that to the extent the Association or a foreign guaranty association pays any deductible claim for which the insurer would have been entitled to reimbursement from the insured, the Association or foreign guaranty association is entitled to the full amount of the reimbursement and available collateral as provided for under this statute to the extent necessary to reimburse the Association or the foreign guaranty association. Provides that to the extent that the Association or a foreign guaranty association pays a deductible claim that is not reimbursed either from collateral or by payments by an insured, or incurred expenses in connection with large deductible policies that are not reimbursed under this statute, the Association or a foreign guaranty association is entitled to assert a claim for those amounts in the liquidation proceeding in this State or in the domiciliary state.

Requires the Association or a foreign guaranty association to collect reimbursements owed for deductible claims and take all commercially reasonable actions to collect those reimbursements, unless otherwise agreed to with the liquidator. Sets out additional billing requirements and process for collecting late payments.

Requires the liquidator of the insurer to use collateral, when available, to secure the insured's obligation to fund or reimburse deductible claims or other secured obligations. Sets out the order to paying claims against the collateral. Requires liquidators of the insurer to draw down collateral to the extent necessary in the event that the insurer fails to: (1) perform its funding or payment obligations under any large deductible policy, (2) pay deductible claim reimbursements within the specified time frames, (3) pay amounts due the estate for pre-liquidation obligations, (4) timely fund any other secured obligation, or (5) timely pay expenses. Sets out when excess collateral may be returned to the insured.

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

Part VIII.

Amends GS 58-33-5 by making a technical correction.

Part IX.

Amends GS 58-56-26 (pertaining to responsibilities of an insurer using a third-party administrator) to allow for an insurer to conduct an audit of a third party administrator on site or virtually.

Part X.

Amends GS 58-2-161 (prohibiting false statements to procure or deny benefits of insurance policy or certificate) by changing the punishment from a Class H felony to the following: (1) if the amount of the claim for payment or other benefits is less than

\$100,000 a violation is punishable as a Class H felony and (2) if the amount of the claim for payment or other benefits is \$100,000 or more, a violation is punishable as a Class C felony. Makes technical changes.

Enacts new GS 58-33A-93 specifying that any person who willfully and knowingly conducts business as a public adjuster in violation of Article 33A of GS Chapter 58 is guilty of a Class 1 misdemeanor, unless the person's conduct is authorized by other parts of the article.

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

Part XI.

Amends GS 58-3-149 pertaining to unlawful conduct related to certificates of insurance to include a bar on knowingly preparing, issuing, requesting, or requiring a certificate of insurance that contains information not contained in the underlying insurance policy. Effective October 1, 2023.

Part XII.

Amends GS 58-3-145 (pertaining to solicitation, negotiation, or payment of insurance policy premiums) to broaden the definition of what types of payment an insurer may accept to include any form of electronic tender defined in GS 147-86.20. Deletes current requirement that the insure pay for any fees charged by the credit card/debit card company in connection with the transaction and instead adds that an insurer or insurance produce that accepts electronic payment by credit or debit card may charge a convenience fee not to exceed 4% of the electronic payment. Makes technical changes. Effective October 1, 2023.

Part XIII.

Amends the proof of financial responsibility definition to require proof of ability to respond to liability for motor vehicle policies in the State under GS 20-279.1 from \$30,000 to \$50,000 for personal injury/death for one person, from \$60,000 to \$100,000 for personal injury/death to two or more people in any accident, and from \$25,000 to \$50,000 for property damage. Makes conforming changes to GS 20-279.5 (security required unless evidence of insurance), GS 20-279.15 (payment sufficient to satisfy requirements), GS 20-279.21 (definition motor vehicle liability policy), GS 20-281 (liability insurance prerequisite to engaging in business), and GS 58-37-35 (pertaining to the functions and administration of the NC Motor Vehicle Reinsurance Facility) to reflect new minimum liability limits.

Amends GS 20-279.21 (definition of motor vehicle policy) to also change the definition of uninsured motor vehicle from when a motorist's coverage is less than the applicable limits of underinsured motorist coverage for the vehicle involved in the accident and insured under the owner's policy (the "Coverage Standard") to when coverage is less than the total damages sustained by an individual seeking payment of benefits. Removes the Coverage Standard throughout the section. In instances where an underinsured motorist claim is asserted by a person injured in an accident where more than one person is injured, replaces the Coverage Standard with language directing that a highway vehicle will be considered an underinsured highway vehicle in that instance if all bodily injury liability bonds and insurance policies applicable to such highway vehicle at the time of the accident are exhausted and the total amount paid to the claimant is less than the total damages sustained by the person seeking payment of benefits under the subdivision. Amends language clarifying that underinsured motorist coverage does not kick in unless that coverage is greater than bodily injury coverage to provide that the available underinsured motorist coverage is the amount of underinsured motorist coverage under the owner's policy that exceeds the policy's bodily injury limits. Expands the triggering events for when liability coverage has been exhausted for underinsured motorist coverage to when it has been paid or tendered. (Currently, just paid.) Specifies that the amount of underinsured motorist coverage applicable to any claim for benefits under the subdivision 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 the statute. If a claimant is an insured under the underinsured motorist coverage on separate or additional policies, specifies that 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 the statute. Deletes language relating to the limits of underinsured motorist coverage. Makes conforming and technical changes.

Increases the amount of money or securities required as proof of financial responsibility under GS 20-279.25 from \$85,000 to \$125,000.

Amends GS 58-37-35 (pertaining to the functions and administration of the NC Motor Vehicle Reinsurance Facility) to increase uninsured motorist coverage from \$30,000 to \$50,000 per person and from \$60,000 to \$100,000 per accident for bodily injury and from \$25,000 to \$50,000 for property damage.

Effective October 1, 2025, and applies to policies issued, amended, or renewed on or after that date.

Intro. by Johnson, Craven, Britt.

GS 20, GS 58

[View summary](#)

Business and Commerce, Insurance, Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Insurance, Health and Human Services, Health, Health Insurance

S 453 (2023-2024) **SUPPORTING LAW ENFORCEMENT**. Filed Mar 30 2023, *AN ACT TO STRENGTHEN POLICIES AND STANDARDS SURROUNDING LAW ENFORCEMENT OFFICERS*.

Part I.

Requires the Department of Justice (DOJ) to alert law enforcement agencies to available grant funds and assist law enforcement agencies with drafting and submitting grant proposals and applications.

Appropriates \$200,000 in recurring funds for each year of the 2023-25 biennium from the General Fund to DOJ to hire two full-time grant writers.

Effective July 1, 2023.

Part II.

Appropriates \$250,000 in recurring funds for each year of the 2023-25 biennium from the General Fund to DOJ to award grants to law enforcement agencies for initiatives supporting community policing. Effective July 1, 2023.

Part III.

Appropriates \$500,000 in recurring funds for 2024-25 from the General Fund to DOJ to be used for grants: (1) provided to law enforcement agencies to be awarded to law enforcement officers exhibiting exemplary service and (2) awarded to law enforcement agencies for meeting racial or gender diversity benchmarks. Caps grant awards at \$10,000. Effective July 1, 2024.

Part IV.

Amends GS 15A-401(d)(2), which sets out when a law-enforcement officer is justified in using deadly physical force, by making the following changes. Adds that the use of deadly force includes strangleholds, lateral vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck. Requires in all circumstances in which a law-enforcement officer uses force of any kind, that a law-enforcement officer use the minimum amount of force reasonably necessary to accomplish the law-enforcement action and attempt to use de-escalation tactics.

Requires the Attorney General, in consultation with the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police, to develop uniform use-of-force policies that may be adopted by all law enforcement agencies in the state. Requires the policies to be submitted to the specified NCGA committee by December 1, 2024, published on DOJ's website, and distributed digitally to all law enforcement agencies in the state.

Part V.

Amends GS 17C-6 to also give the North Carolina Criminal Justice Education and Training Standards Commission and GS 17E-4 to give the North Carolina Sheriffs' Education and Training Standards Commission the power to establish minimum: (1) age requirement of 21 for qualification for entry level employment; (2) mental health screening protocols that must be met to qualify for entry level employment and retention, to include a psychological screening within one year prior to certification; and (3) annual mental health screening protocols. Effective January 1, 2024.

Amends GS 17C-13 and GS 17E-12 to give those same Commissions access to a person's misdemeanor conviction records and allow the Commission to deny, suspend, or revoke a person's certification based solely on that person's conviction of four or more misdemeanors. Effective January 1, 2024.

Appropriates \$1 million in recurring funds for each year of the 2023-25 fiscal biennium from the General Fund to DOJ for grants to law enforcement agencies to pay for the mental health screenings required by this part. Effective July 1, 2023.

Part VI.

Appropriates \$1 million in recurring funds for each year of the 2023-25 fiscal biennium from the General Fund to DOJ for grants to law enforcement agencies to temporarily provide funding for detective or other investigative law enforcement positions in order to aid in the investigation of person crimes that would constitute a charge of a Class D felony or higher. Effective July 1, 2023.

Part VII.

Includes a severability clause.

Intro. by Batch, Garrett, Smith.

[APPROP, GS 15A, GS 17C, GS 17E](#)

[View summary](#)

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

S 454 (2023-2024) [BEHAVIOR ANALYST CREDENTIALING MODIFICATION](#). Filed Mar 30 2023, *AN ACT TO MODIFY THE CREDENTIALING OF BEHAVIOR ANALYSTS UNDER THE NORTH CAROLINA BEHAVIOR ANALYST BOARD*.

Amends the definition of *Certifying entity* in GS 90-732(4) as it applies in Article 43 (Behavior Analyst Licensure) to include the Qualified Applied Behavior Analysis Credentialing Board, in addition to the already-existing Behavior Analyst Certification Board, Inc. Includes the successors for both of these certifying entities.

Intro. by Perry.

[GS 90](#)

[View summary](#)

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

S 455 (2023-2024) [PROTECT MOMS WHO SERVE](#). Filed Mar 30 2023, *AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, TO STUDY HEALTH ISSUES AFFECTING WOMEN WHO SERVE IN THE MILITARY*.

Directs the Department of Health and Human Services (DHHS) to perform a study on issues affecting women who serve in the military, including (1) coordination between veterans health care facilities and non-veterans facilities in the delivery of maternity and other health care, (2) facilitating access to community resources to address social determinants of health, including housing, nutrition, and employment status, (3) identifying mental and behavioral risks to health for prenatal and postpartum periods, and ensuring veteran mothers get necessary treatments, (4) facilitating access to classes on childbirth preparation, parenting, and lactation, and nutrition counselling and breastfeeding support, and (5) reducing maternal mortality and severe maternal morbidity with a focus on racial and ethnic disparities in health outcomes. Requires DHHS to consult with mothers who currently serve or formerly served in the military, and the Department of Military and Veterans Affairs.

Requires DHHS to report its findings with any recommendations for legislation to various committees and division at the General Assembly by April 1, 2024. Appropriates \$100,000 for 2023-24 from the General Fund to DHHS for completion of the study.

Effective July 1, 2023.

Intro. by Applewhite, Smith.

[View summary](#)

Government, State Agencies, Department of Health and Human Services, Department of Military & Veterans Affairs, Military and Veteran's Affairs

S 456 (2023-2024) **EMPLOYEE EQUITY OWNERSHIP PLAN ASSISTANCE**. Filed Mar 30 2023, *AN ACT TO APPROPRIATE FUNDS FOR THE OUTREACH, EDUCATION, TECHNICAL ASSISTANCE, AND PROMOTION OF EMPLOYEE EQUITY OWNERSHIP PLANS BY BUSINESS OWNERS IN THE STATE*.

Directs the Department of Commerce (Department) to provide outreach and education to business owners on employee equity ownership plans, and technical assistance to business owners to understand the feasibility of implementing these plans. Appropriates \$50,000 from the General Fund to the Department each year of the 2023-25 fiscal biennium for these purposes. Permits the Department to work with any relevant nonprofits to achieve these purposes. Effective July 1, 2023.

Intro. by Chaudhuri.

[View summary](#)

APPROP

Business and Commerce, Employment and Retirement, Government, Budget/Appropriations, State Agencies, Department of Commerce

S 457 (2023-2024) **AMEND ANIMAL FIGHTING & WELFARE LAWS**. Filed Mar 30 2023, *AN ACT TO INCREASE THE SCOPE AND PUNISHMENT OF CERTAIN DOG FIGHTING AND BAITING OFFENSES; TO AUTHORIZE THE INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS WHEN THE INTERCEPTION MAY PROVIDE EVIDENCE OR EXPEDITE THE APPREHENSION OF PERSONS INDICTED FOR FELONY ANIMAL FIGHTING OFFENSES; TO AMEND THE DANGEROUS DOG LAWS TO PERMIT A CASE BY CASE DETERMINATION AS TO WHETHER A DOG TRAINED FOR DOG FIGHTING IS DANGEROUS; AND TO MAKE ANIMAL FIGHTING AND OTHER CRUELTY TO ANIMAL OFFENSES SUBJECT TO THE STATE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS LAW*.

Amends GS 14-362.2, increasing the punishment for dog fighting or baiting in violation of subsection (a), and owning, possessing, or training a dog with the intent to dog fight or bait in violation of subsection (b), to a Class G felony (was, a Class H felony). Additionally makes it a Class G felony to breed a dog with the intent that the dog be used for baiting or fighting another animal. Applies to offenses committed on or after December 1, 2023.

Amends GS 15A-290 to permit orders authorizing electronic surveillance when the interception of such communications can provide, or has provided, evidence of, or conspiracy to commit the following offenses, or expedite the apprehension of persons indicated for the commission of the following offenses: GS 14-362 (cockfighting); GS 14-362.1(a) or (b) (animal fighting and baiting); and GS 14-362.2 (dog fighting and baiting). Applies to offenses committed on or after December 1, 2023.

Revises the definition of *dangerous dog* used in Article 1A and defined in GS 67-4.1 to no longer include any dog that is owned or harbored primarily or in part for dog fighting or a dog trained for dog fighting. Makes conforming changes to GS 19A-70 to no longer require animal shelters to notify persons adopting a dog used for fighting of the liability provisions for owners of dangerous dogs under Article 1A, GS Chapter 67, as such dogs are no longer included in the definition of *dangerous dog* as amended.

Amends GS 67-4.5 to specify that city and county programs for the control of dangerous dogs must be consistent with Article 1A. Adds that cities and counties are prohibited from designating all dogs of a particular breed as dangerous.

Amends GS 75D-3(c)(1), defining *racketeering activity* under the Chapter 75D, which makes racketeering activity a civil offense, to no longer exclude from the term crimes set forth in Article 47, GS Chapter 14.

Effective October 1, 2023.

Intro. by Woodard, Moffitt.

[GS 14](#), [GS 15A](#), [GS 19A](#), [GS 67](#), [GS 75D](#)

[View summary](#)

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

S 458 (2023-2024) [GOOD SAMARITAN LAW](#). Filed Mar 30 2023, *AN ACT TO PROVIDE LIMITED IMMUNITY FOR CERTAIN ACTIONS TAKEN BY PERSONS SEEKING MEDICAL ASSISTANCE FOR OVERDOSES AND TO BROADEN LIMITED IMMUNITY FOR CERTAIN COVERED OFFENSES AND PERSONS*.

Repeals GS 90-96.2 (pertaining to limited immunity for drug-related overdose treatment) and makes conforming change to GS 14-18.4(f) (Samaritan protection) to refer to new GS 90-96.3.

Enacts GS 90-96.3 providing for limited immunity for certain covered crimes that relate to overdose treatment. Defines *protected person* as any person who (1) requests medical assistance for themselves or another person experiencing an overdose, (2) is the subject of that request, or (3) is at the scene of an overdose where medical assistance has been requested. Defines *covered crimes* as an offense that qualifies for immunity described in GS 90-96.3, which includes:

- GS 90-95 (NC Controlled Substances Act [NCCSA])
- GS 90-95.1 (Continuing criminal enterprise-NCCSA)
- GS 90-113.22 (possession of drug paraphernalia)
- GS 90-113.23 (manufacture or delivery of drug paraphernalia)
- GS 90-98 (attempt and conspiracy under the NCCSA) in connection with a covered crime
- GS 90-108 (NCSA)
- GS 14-18.4 (death by distribution of certain controlled substances)
- GS 18B-302 (sale to or purchase of alcoholic beverages by underage persons)
- A nonviolent misdemeanor or nonviolent felony as defined in GS 15A-145.5(a) (expungable offenses)

Also defines *overdose*. Specifies that a protected person will not be arrested, charged, prosecuted, or subject to any criminal penalty for a violation of any covered crime, nor will they be arrested or detained on an outstanding warrant for a covered crime, if either of the following conditions is met: (1) the grounds for arrest, charge, prosecution, detention, or other penalty were obtained because of a request for assistance for a person experiencing an overdose or (2) the identity of the protected person is learned because of a request for assistance for an individual experiencing an overdose. Further specifies that if those conditions are met, then a protected person is not in violation of the conditions of any restraining order or protective order, pretrial release, probation, parole, or post-release supervision. Allows for the court to consider those grounds as mitigating factors in a criminal prosecution of a protected person where immunity is not available. In addition to any other immunity available at law, provides immunity from civil liability for the arrest or filing of charges for law enforcement officers who, acting in good faith, arrest or charge a person who thereafter is determined to be entitled to immunity. Clarifies that the statute is not intended to: (1) limit the admissibility of evidence obtained in connection with the investigation and prosecution of any offense other than a covered crime; (2) limit any seizure of evidence or contraband otherwise permitted by law; and (3) limit or abridge the authority of a law enforcement officer to detain or take into custody a protected person in the course of an investigation of, or to effectuate an arrest for, any offense other than a covered crime.

Effective October 1, 2023, and applies to acts or omissions on or after that date.

Intro. by Hanig, Moffitt, Adcock.

[GS 90](#)

[View summary](#)

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

S 459 (2023-2024) [EXEMPT VASCULAR ACCESS PROVIDERS FROM CON.](#) Filed Mar 30 2023, *AN ACT EXEMPTING PROVIDERS OF PHYSICIAN OFFICE-BASED VASCULAR ACCESS PROCEDURES FROM CERTIFICATE OF NEED REVIEW.*

Amends GS 131E-175 (findings of fact related to certificate of need law) by adding findings related to vascular access sites and end-stage renal disease. Amends GS 131E-178 (pertaining to activities requiring a certificate of need) to expand limited exemption to certificate of need requirements to include vascular access for hemodialysis, subject to certain conditions. (Currently, exemption just applies to gastrointestinal endoscopies.)

Exempts persons who provide vascular access for hemodialysis in a physician office-based vascular access center located in a non-licensed setting from obtaining a certificate of need to license that setting as an ambulatory surgical facility with the existing number of vascular access procedure rooms if: (1) the license application is postmarked for delivery to the Division of Health Service Regulation by December 31, 2023; (2) the applicant verifies, by affidavit submitted to the Division of Health Service Regulation, within 60 days after the effective date of the act, that the facility was in operation as of the effective date of the act or that the completed application for the building permit for the facility was submitted by the effective date of the act; (3) the facility has been accredited by the Accreditation Association for Ambulatory Health Care, The Joint Commission, or the American Association for Accreditation of Ambulatory Surgical Facilities by the time the license application is postmarked for delivery to the Division of Health Service Regulation; and (4) the license application includes a commitment to and a plan for serving indigent and medically underserved populations.

Prohibits the annual State Medical Facilities Plan from including policies or need determinations that limit the number of vascular access procedure rooms that may be approved.

Makes conforming changes to section title. Makes technical and organizational changes.

Effective October 1, 2023.

Intro. by Hise, Krawiec.

GS 131E

[View summary](#)

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

S 460 (2023-2024) [STUDY AUTOMATION AND THE WORKFORCE.](#) Filed Mar 30 2023, *AN ACT TO ESTABLISH THE STUDY COMMITTEE ON AUTOMATION AND THE WORKFORCE.*

Includes NCGA findings.

Establishes the 11-member Study Committee on Automation and the Workforce (Committee) to serve as a study and advisory committee on the effects of automation on the State's workforce, with a special emphasis on low-income and minority workers. Sets out specific issues the Committee must study. Sets out provisions for the appointment of the members by the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives; names ex officio members. Requires appointments to be made to the Committee by October 1, 2023, and with membership terms commencing on October 1, 2023. Member terms are for two years; allows voting members to be reappointed to successive terms. Requires the election of members to be conducted during the initial organizational meeting with elected members' terms deemed to begin on October 1, 2023. Provides for the appointment of co-chairs, removal of members, per diem and travel and subsistence expenses, establishing a quorum and assignment of staff. Requires the Committee to report to the Governor and specified NC commission before the 2025 convening of the NCGA, with reports due biennially after that.

Intro. by Salvador, Lowe, Murdock.

STUDY

[View summary](#)

Business and Commerce, Employment and Retirement

S 461 (2023-2024) [REENACT EITC](#). Filed Mar 30 2023, *AN ACT TO REENACT THE EARNED INCOME TAX CREDIT*.

Reenacts GS 105-153.11, the Earned Income Tax Credit (EITC) as it existed immediately before its expiration, but recodifies it as GS 105-153.11. Increases the State EITC to 10% (from 5%) of the amount the individual qualifies for under the federal earned income tax credit. Removes outdated language. Effective for taxable years beginning on or after January 1, 2023.

Intro. by Salvador, Chaudhuri, Garrett.

[GS 105](#)

[View summary](#)

[Government, Tax](#)

LOCAL/HOUSE BILLS

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

House amendment to the 1st edition makes the following changes.

Expands the scope of the act so that it also applies to Montgomery County Schools, Person County School, and Stanly County Schools. Makes conforming and clarifying changes to Section 4. Amends the act's title.

Intro. by Sossamon.

[Granville, Montgomery, Person, Stanly, Vance, GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, Community Colleges System Office](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 124: [AUTHORIZE HAW RIVER STATE TRAIL](#).

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: 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 149: [REMOTE CHARTER ACADEMIES](#).

Senate: Withdrawn From Com

Senate: Re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate

H 168: [DNCR AGENCY BILL.-AB](#)

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 180: ADOPT HAYWOOD COUNTY AS ELK CAPITAL OF NC.

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 190: DEPT. OF HEALTH AND HUMAN SERVICES REVISIONS.-AB

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 210: REDUCE BARRIERS TO STATE EMPLOYMENT.

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 248: REMEMBER 9/11 WITH FREEDOM FLAG.

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 252: MULTI JURISDICTIONAL PROPERTY.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 296: ADOPT VETERANS HISTORY MUSEUM.

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 347: SPORTS WAGERING.

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 382: REGISTERED NURSES IN SCHOOLS.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 411: GENERAL ASSEMBLY APPOINTMENTS.

House: Ratified

House: Ch. SL 2023-9

H 488: CODE COUNCIL REORG. AND VAR. CODE AMEND.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 509: REDUCE SCHOOL LUNCH DEBT.

House: Passed 1st Reading

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

H 510: SCHOOL SUPPLIES ACT OF 2023.

House: Passed 1st Reading

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

H 511: ENHANCE URBAN STORMWATER MANAGEMENT.

House: Passed 1st Reading

House: Ref to the Com on Local Government - Land Use, Planning and Development, if favorable, Rules, Calendar, and Operations of the House

H 512: FORGIVABLE LOANS/HBCU SUPPLEMENTAL FUNDING.

House: Passed 1st Reading

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

H 513: ADOPT OSPREY AS STATE RAPTOR.

House: Passed 1st Reading

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

H 514: REENACT CHILD TAX CREDIT.

House: Passed 1st Reading

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

H 515: FUNDS FOR CAMDEN CO. SHERIFF'S OFFICE.

House: Passed 1st Reading

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

H 516: FUNDS FOR HISTORIC MORGAN SCHOOL.

House: Passed 1st Reading

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

H 517: LIABILITY PROTECTION/DISPOSAL OF REMAINS.

House: Passed 1st Reading

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

H 518: EQUALITY FOR ALL.

House: Passed 1st Reading

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

H 519: MENTAL HEALTH PROTECTION ACT.

House: Passed 1st Reading

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

H 520: PROHIBIT DEFENSE BASED ON SEX OR GENDER.

House: Passed 1st Reading

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

H 521: FUNDS FOR NC TROOPERS ASSOC. CAISSON UNIT.

House: Passed 1st Reading

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

H 522: REPEAL PRELITIGATION PUBLIC RECORDS MEDIATION.

House: Passed 1st Reading

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

H 523: FIRST RESPONDERS MENTAL HEALTH.

House: Passed 1st Reading

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

H 524: WRC & CRIME LAB/INCREASES/POSITIONS/STUDY.

House: Passed 1st Reading

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

H 525: ROANOKE-CHOWAN CC FUNDS.

House: Passed 1st Reading

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

H 526: TURNING HIGH ACHIEVING STUDENTS INTO TEACHERS.

House: Passed 1st Reading

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

H 527: HIGHWAY SAFETY OMNIBUS/ADDIT'L MAGISTRATES.

House: Passed 1st Reading

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

H 528: BUTNER TRANSPORTATION STUDY FUNDS.

House: Passed 1st Reading

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

H 529: LIMIT HEALTH CARE POWER OF ATTORNEY.

House: Passed 1st Reading

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

H 530: ADVOCACY FOR BONE MARROW EDUC. & REGISTRATION.

House: Passed 1st Reading

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

H 531: CHARTER SCH. TUITION - OUT-OF-STATE STUDENTS.

House: Passed 1st Reading

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

H 532: MODIFY JUDICIAL RETIREMENT AGES.

House: Passed 1st Reading

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

H 533: HUMAN LIFE PROTECTION ACT OF 2023.

House: Passed 1st Reading

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

H 534: PROTECTING SCHOOL EMPLOYEES.

House: Passed 1st Reading

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

H 535: SOLAR CAPACITY LIMIT ELIMINATION.

House: Passed 1st Reading

House: Ref to the Com on Energy and Public Utilities, if favorable, Rules, Calendar, and Operations of the House

H 536: LOGGERHEAD TURTLE/STATE SALTWATER REPTILE.

House: Passed 1st Reading

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

H 539: NORTH CAROLINA FARMERS APPRECIATION DAY.

House: Filed

H 540: FIONA MAE WAGGLEBOTTOM'S ACT.

House: Filed

H 541: ECONOMIC SECURITY ACT.

House: Filed

H 542: PROTECT HOMEOWNERS' RIGHTS.

House: Filed

H 543: 2023 YOUTH END ACT.

House: Filed

H 544: LIMITED SHARK FISHING TOURNAMENT MORATORIUM.

House: Filed

H 545: WILLFUL OR WANTON GUN DISCHARGE/EXPAND SCOPE.

House: Filed

H 546: CAPITAL PROJECT FUNDING FOR NCCU.

House: Filed

S 51: KAYLA'S ACT: PROTECTING DOM. VIOLENCE VICTIMS.

House: Passed 1st Reading

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

S 90: SEARCHES OF STUDENT'S PERSON.

House: Passed 1st Reading

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

S 123: CERTIFICATE OF INSURANCE CLARIFICATIONS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 134: CURB UNDERWRITING ABUSES.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 135: REGISTERED VET. TECH. MODIFICATION.

House: Passed 1st Reading

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

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

Senate: Ratified

S 193: CAREER DEVELOPMENT PLANS.

House: Passed 1st Reading

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

S 206: STOP COUNTERFEIT PILLS ACT.

House: Passed 1st Reading

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

S 211: PERMIT MULTISTATE WATER/SEWER AUTHORITY.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 220: CONFIRM PHIL BADDOUR/INDUSTRIAL COMMISSION.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 221: CONFIRM THERESA STEPHENSON/BD OF REVIEW.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 236: MODERNIZE AUDIOLOGY PRACTICE LAWS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 239: REDUCE BARRIERS TO STATE EMPLOYMENT.

House: Passed 1st Reading

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

S 246: PROPERTY OWNERS PROTECTION ACT.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 267: RESTRICT DETACHED CATALYTIC PURCHASES.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 274: HOME ASSISTANCE SERVICES. (NEW)

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 331: CONSUMER FINANCE ACT AMENDMENTS.

Senate: Withdrawn From Com

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

S 383: PROTECT OUR YOUTH IN FOSTER CARE.

Senate: Withdrawn From Com

Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

S 384: CARBON MONOXIDE DETECTORS/SCHOOL BLDGS.

Senate: Withdrawn From Com

Senate: Re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate

S 391: NCSSM PLATE.

Senate: Passed 1st Reading

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

S 392: NC TIME ZONE/OBSERVE DST ALL YEAR.

Senate: Passed 1st Reading

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

S 393: CRNA SUPERVISION MODIFICATIONS.

Senate: Passed 1st Reading

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

S 394: LEGISLATIVE REFORM COMMISSION.

Senate: Passed 1st Reading

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

S 395: REINSTATE MERCHANT'S DISCOUNT.

Senate: Passed 1st Reading

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

S 396: COMPACT TO AWARD PRIZES FOR CURING DISEASES.

Senate: Passed 1st Reading

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

S 397: NONPROFIT FUNDRAISING SALES TAX EXEMPTION.

Senate: Passed 1st Reading

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

S 398: EQUALITY FOR ALL.

Senate: Passed 1st Reading

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

S 399: MENTAL HEALTH PROTECTION ACT.

Senate: Passed 1st Reading

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

S 400: PROHIBIT DEFENSE BASED ON SEX OR GENDER.

Senate: Passed 1st Reading

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

S 401: ENSURE SAME-SEX DOMESTIC VIOLENCE PROT. ORDER.

Senate: Passed 1st Reading

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

S 402: FULL REPEAL OF HB2.

Senate: Passed 1st Reading

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

S 403: PROHIBIT WEAPONS AT VOTING PLACE.

Senate: Passed 1st Reading

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

S 404: EMPLOYMENT AND INDEPENDENCE ACT.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

S 405: REQUIRE PHOTO ON HANDICAPPED PLACARD.

Senate: Passed 1st Reading

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

S 406: CHOOSE YOUR SCHOOL, CHOOSE YOUR FUTURE.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

S 407: UTERINE FIBROID RESEARCH AND EDUCATION ACT.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

S 408: PROPERTY TAX MODIFICATIONS.

Senate: Passed 1st Reading

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

S 409: INCREASE PUNISHMENT FOR CARGO THEFT.

Senate: Passed 1st Reading

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

S 410: EXPAND CERTAIN APA STANDING PROVISIONS.

Senate: Passed 1st Reading

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

S 411: STUDENTS IN HOME SCHOOL TAKE PSAT/AP.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate

S 412: MODIFY FOOD ESTABLISHMENT RULES.

Senate: Passed 1st Reading

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

S 413: FUNDS/DOLLY PARTON IMAGINATION LIB./CHILDCARE.

Senate: Passed 1st Reading

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

S 414: AGRICULTURAL MANUFACTURING TAX INCENTIVE.

Senate: Passed 1st Reading

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

S 415: NC STATE HIGHWAY PATROL RETENTION ACT.

Senate: Passed 1st Reading

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

Senate: Withdrawn From Com

Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

S 416: POPULAR ELECTION.

Senate: Passed 1st Reading

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

S 417: MOBILE BEAUTY SALONS.

Senate: Passed 1st Reading

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

S 418: NC PAID FAMILY LEAVE INSURANCE ACT.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 419: CAROLINA'S GUARANTEE SCHOLARSHIP PROGRAM.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 420: HOMEBUYER FAIRNESS & PROTECTION ACT.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 421: STATE EMPLOYEES/PAID PARENTAL LEAVE.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 422: HOMES FOR HEROES.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 423: HOMEOWNER SOLAR EXPANSION ACT.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 424: RESTORE THE AMERICAN DREAM.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 425: MEDICAID AGENCY OMNIBUS.-AB

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 426: STATE AUDITOR/ACCESS TO MEDICAL BOARD RECORDS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 427: REVISE DOT RESIDUE PROPERTY DISPOSAL.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 428: COUNTY WASTE MANAGEMENT ASSISTANCE.

Senate: Filed

S 429: MODIFY CHARITABLE SOLICITATION LICENSING LAWS.

Senate: Filed

S 430: ELIMINATE PARTICIPATION TROPHIES.

Senate: Filed

S 431: FIGHT EXPLOITATION FUNDING ACT (FEFA).

Senate: Filed

S 432: K-3 CLASS SIZE WAIVER.

Senate: Filed

S 433: HBCU/HMSI APPROPRIATIONS OMNIBUS.

Senate: Filed

S 434: FUNDS FOR MY BROTHER'S KEEPER.

Senate: Filed

S 435: FUND FOR MECKLENBURG COUNCIL OF ELDERS.

Senate: Filed

S 436: FUNDS FOR THE MALES PLACE.

Senate: Filed

S 437: HATE CRIMES PREVENTION ACT.

Senate: Filed

S 438: NCORR ADMINISTRATIVE MODIFICATIONS.

Senate: Filed

S 439: FORECLOSURE TRUSTEE AUCTIONS.

Senate: Filed

S 440: INCREASE NC MINIMUM WAGE/\$15.

Senate: Filed

S 441: THE WELLS ACT.

Senate: Filed

S 442: EARNED WAGE ACCESS SERVICES ACT.

Senate: Filed

S 443: TPR/ARREARAGE OF CHILD SUPPORT OWED/FORGIVE.

Senate: Filed

S 444: AUGMENT AGENCY APPEAL RIGHTS.

Senate: Filed

S 445: RECORDING OF COURT-FILED DOCUMENTS.

Senate: Filed

S 446: RIGHT TO START ACT.

Senate: Filed

S 447: UP MINIMUM WAGES/NO SUBMINIMUM OR EXEMPTIONS.

Senate: Filed

S 448: SCHOOL PSYCHOLOGIST OMNIBUS.

Senate: Filed

S 449: STANDARD DEDUCTION CHARITABLE CONTRIBUTIONS.

Senate: Filed

S 450: SEIZED WEAPONS SECURITY ACT.

Senate: Filed

S 451: CREATE NORTH CAROLINA JAIL FUND.

Senate: Filed

S 452: NC DEPARTMENT OF INSURANCE OMNIBUS .-AB

Senate: Filed

S 453: SUPPORTING LAW ENFORCEMENT.

Senate: Filed

S 454: BEHAVIOR ANALYST CREDENTIALING MODIFICATION.

Senate: Filed

S 455: PROTECT MOMS WHO SERVE.

Senate: Filed

S 456: EMPLOYEE EQUITY OWNERSHIP PLAN ASSISTANCE.

Senate: Filed

S 457: AMEND ANIMAL FIGHTING & WELFARE LAWS.

Senate: Filed

S 458: GOOD SAMARITAN LAW.

Senate: Filed

S 459: EXEMPT VASCULAR ACCESS PROVIDERS FROM CON.

Senate: Filed

S 460: STUDY AUTOMATION AND THE WORKFORCE.

Senate: Filed

S 461: REENACT EITC.

Senate: Filed

LOCAL BILLS

H 306: SCHOOL CALENDAR FLEXIBILITY/GRANVILLE & VANCE.

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

S 17: 33RD SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Withdrawn From Com

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

S 68: CITY OF HENDERSONVILLE/PARKING METER PROCEEDS.

House: Passed 1st Reading

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

S 200: ONSLOW COUNTY PUBLIC NOTICES. (NEW)

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 208: GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY.

House: Passed 1st Reading

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

S 276: UNION COUNTY/USE WHEEL LOCKS.

House: Passed 1st Reading

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

S 386: AUTH. ELECTORAL DISTRICTS/CITY OF NORTHWEST.

Senate: Withdrawn From Com

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

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

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

[Print Version](#)