

The Daily Bulletin: 2023-04-21

PUBLIC/HOUSE BILLS

H 628 (2023-2024) **AMEND ON-SITE WASTEWATER/ENVIRONMENT STATUTES**. Filed Apr 17 2023, *AN ACT TO AMEND THE STATUTES GOVERNING ON-SITE WASTEWATER SYSTEMS, TO MAKE CERTAIN NC ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD CHANGES, TO CREATE AN ADVISORY WASTEWATER CODE COUNCIL, TO MAKE CERTAIN WASTEWATER PLUMBING AND ELECTRICAL CHANGES, TO CLARIFY FEE CALCULATION FOR EROSION AND SEDIMENTATION CONTROL PLAN REVIEWS, TO DIRECT DEQ TO SEEK APPROVAL FROM USEPA TO STREAMLINE IMPLEMENTATION OF REQUIREMENTS OF THE SEDIMENTATION POLLUTION CONTROL ACT AND FEDERAL REQUIREMENTS FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, TO PROHIBIT FORCED SEWER CONNECTIONS IN CERTAIN SITUATIONS, TO PROHIBIT LOCAL GOVERNMENTS FROM REQUIRING PAYMENTS FROM OWNERS OF STORMWATER CONTROL SYSTEMS FOR FUTURE MAINTENANCE OR REPLACEMENT COSTS OF A SYSTEM, AND TO DIRECT THE BUILDING CODE COUNCIL TO CREATE AN ON-SITE WASTEWATER EXISTING SYSTEM AFFIDAVIT.*

Section 1

Amends GS 130A-335 concerning wastewater collection, treatment and disposal, as follows. No longer specifies that for the evaluation conducted by a licensed soil scientist or licensed geologist used in developing design and construction features for a new proposed wastewater system or proposed repair project for an existing system, that the evaluation of soil conditions, site features, or geologic and hydrologic conditions must satisfy the requirements of Article 11 (wastewater systems). Amends the process for review of an application for an Improvement Permit to now provide that the application submitted to a local health department must be accompanied by the permit fee, the common form developed by the Department of Health and Human Services (DHHS), and the soil evaluation. Requires the local health department to conduct a completeness review within five business days (was, approve, deny, or notify the applicant that more information is needed within 10 business days). Allows the applicant to cure deficiencies if the application is deemed incomplete; requires making a final decision on completeness within five business days of receiving additional information. Allows the applicant to treat the local health department's failure to act in the required time frame as a determination of completeness. Requires DHHS to develop a common form to be used as the Improvement Permit. Allows the licensed soil scientist or licensed geologist who submitted the required evaluation to request that an Improvement Permit be revoked or suspended for cause and requires the Permit to be suspended or revoked upon such a written request.

Amends the application process for a Construction Authorization as follows. Allows an Improvement Permit and Construction Authorization to be submitted together. Requires the application to be accompanied by the permit fee and common form as well as any necessary signed and sealed plans or evaluations. Requires the local health department to conduct a completeness review within five business days (was, approve, deny, or notify the applicant that more information is needed within 10 business days). Allows the applicant to cure deficiencies if the application is deemed incomplete; requires making a final decision on completeness within five business days of receiving additional information. Allows the applicant to treat the local health department's failure to act in the required time frame as a determination of completeness. Allows the applicant to apply for a building permit for a project upon the determination of completeness of the Construction Authorization or Improvement Permit and Construction Authorization by the local health department or if the local health department fails to act within five business days. Allows the Authorized On-Site Wastewater Evaluator or licensed engineer who submitted the required evaluation to request that an Authorization or Permit be revoked or suspended for cause and requires the Authorization or Permit to be suspended or revoked upon such a written request. Requires DHHS to develop a common form to be used as the Construction Authorization.

Adds that a local health department may assess a fee for the Construction Authorization or the Improvement Permit/Construction Authorization combination permit of up to 40% of the fee established for similar systems the department permits.

Requires the wastewater system contractor (was, the contractor or applicant) to notify the local health department of completion of the wastewater system for the inspection and issuance of the operation permit after determination of compliance with the construction authorization.

Exempts proposed wastewater systems submitted to the local health department from the requirements of 15A NCAC 18A .1938(e) (requiring the State to review and approve the system layout on a site plan or plat plans and specifications for all systems serving a design unit with a design flow greater than 3,000 gallons per day, except for specified systems) or 15A NCAC 18A .1938(f) (requiring the state to also review and approve plans and specifications for any industrial process wastewater system required to be designed by a registered professional engineer and any other system so specified by the local health department). Exempts proposals sent to DHHS for review from the statute's time constraints.

Requires all wastewater systems to either (1) be regulated by DHHS under rules adopted by the Commission for Public Health (Commission) or Commission, (2) conform with the engineered option permit criteria under GS 130A-336.1 and under rules adopted by the Commission, or (3) conform with the Authorized On-Site Wastewater Evaluator permit criteria under GS 130A-336.2 and rules adopted by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board except for specified wastewater systems regulated by the Department of Environmental Quality (under current law, option 3 does not exist).

Adds that DHHS or the owner of a wastewater system may file a written complaint with the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board for failure of an Authorized Wastewater Evaluator to adhere to rules adopted by the Commission or Board under Article 11.

Makes additional conforming and technical changes to the statute.

Section 2

Amends GS 130A-335.1 to no longer require that an access device providing access to each compartment of a septic tank for inspection and maintenance be visibly marked so that the access device can be readily located.

Section 3

Amends GS 130A-336.1 , concerning alternative process for wastewater system approvals, as follows. Expands upon when a Notice of Intent to Construct a wastewater system using the engineered permit option is required to include repair of a wastewater system; makes conforming changes. Allow the owner of a proposed wastewater system to apply for a building permit for the project upon receiving the Notice of Intent to Construct by the local health department. Requires the owner to notify the local health department upon completion of installation of the system, adherence to the submitted Notice of Intent to Construct, and the submittal of the Authorization to Operate to the local health department. Deletes the provisions requiring a completeness review of a Notice of Intent to Construct. Removes the requirement of an on-site wastewater system contractor employed by the owner of the wastewater system that where the professional engineer's designs, plans, and specifications call for the installation of a conventional wastewater system, the designs, plans, and specifications must allow for the installation of an accepted system instead of a conventional system in accordance with the accepted system approval. Removes the provision allowing the local health department to conduct a site visit of the wastewater system at any time. Amends who must be included in the post-construction conference by removing the local health department and DHHS. Adds a copy of the authorization to operate that can be used for the certificate of occupancy for the facility to the documentation that must be submitted by the professional engineer who designed the wastewater system to the owner at the completion of the post-construction conference. Requires the owner to sign the report (was, sign and notarize the report) and specifies that this confirms both acceptance and receipt of the report (was, receipt); makes conforming changes. Expands upon the items that the owner must submit to the local health department to also include a copy of the Authorization to Operate. Deletes provisions related to a letter of confirmation and authorization to operate. Amends the fee provision by removing the current provisions and instead allows the local health department to assess a fee of no more than \$35 for filing costs. Provides that a wastewater system authorized under this statute is transferrable to a new owner with the consent of the professional engineer (was, not affected by change in ownership of the site for the system, if the site and the facility the system serves are unchanged and remain under the ownership or control of the person owning the facility). Adds that the new owner and professional engineer must enter a contract for the wastewater system.

Adds that a Notice of Intent to Construct or an Authorization to Operate issued by an engineer under this statute may be revoked by the engineer that issued the Notice or Authorization. Requires written notification of the revocation, citing the

specific reason for the revocation, to be sent to the owner; the licensed soil scientist; the licensed geologist, if any; the certified contractor; the local health department; and the certified water pollution control system operator, if any.

Allows the owner to apply for an Improvement Permit or a Construction Authorization from the local health department or obtain a Notice of Intent to Construct to repair a malfunctioning wastewater system initially established under this statute.

Deletes the DHHS's reporting requirements.

Makes additional conforming and technical changes.

Section 4

Amends GS 130A-336.2, concerning alternative wastewater system approvals for nonengineered systems, as follows. Allows the owner to apply for a building permit for the project upon submitting a complete Notice of Intent to Construct to the local health department. Requires the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board, instead of DHHS, to develop a common form for use as a Notice of Intent to Construct; deletes the specified items that were required to be included in the common form. Deletes the requirements for a completeness review for Notice of Intent to Construct. Deletes the requirement that where the Authorized On-Site Wastewater Evaluator's designs, plans, and specifications call for the installation of a conventional wastewater system, the designs, plans and specifications must allow for the installation of an accepted system instead of a conventional system in accordance with the accepted system approval. Removes the provision allowing the local health department to conduct a site visit of the wastewater system at any time.

Provides that if necessary to comply with rules adopted by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board (was, adopted by the Commission), the owner must enter into a contract with a water pollution control system operator. Adds the Authorization to Operate to be used for the certificate of occupancy for the facility to the items the Authorized On-Site Wastewater Evaluator must provide to the owner at the post-construction conference. No longer requires the owner to notarize the document confirming acceptance and receipt of the Authorized On-Site Wastewater Evaluator's report; makes conforming changes. No longer requires the issuance of an authorization to operate. Deletes the existing fee provisions and instead allows the local health department to assess a fee of no more than \$35 for filing costs.

Provides that a wastewater system authorized under this statute is transferrable to a new owner with the consent of the Authorized On-Site Wastewater Evaluator (was, not affected by change in ownership of the site for the system, if the site and the facility the system serves are unchanged). Adds that the new owner and professional engineer must enter a contract for the wastewater system.

Adds that a Notice of Intent to Construct or an Authorization to Operate issued by an Authorized On-Site Wastewater Evaluator may be revoked by the Evaluator that issued the Notice or Authorization. Requires written notification of the revocation, citing the specific reason for the revocation, to be sent to the owner, the licensed soil scientist, the licensed geologist, the certified contractor, the local health department, and the certified water pollution control system operator.

Allows the owner to apply for an Improvement Permit or a Construction Authorization from the local health department or obtain a Notice of Intent to Construct to repair a malfunctioning wastewater system initially established under this statute.

Gives the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board, instead of the Commission, power to adopt rules to implement this statute. Adds that the rules for wastewater systems approved under the alternative wastewater system approvals for nonengineered systems criteria must be at least as stringent as the rules for wastewater systems established by the Commission.

Removes the DHHS's reporting requirements.

Makes additional conforming and technical changes.

Section 5

Amends GS 130A-337 to allow an applicant to contract with a certified Authorized On-Site Wastewater Evaluator to conduct any required verifications or inspections. Requires the Evaluator to give the applicant written verification that all conditions of the Improvement Permit and Construction Authorization have been met, including a sketch of the wastewater system as verified by the evaluator. Allows the applicant to cover the system and place it into operation after receiving the Evaluator's written verification and requires submitting the verification to the local health department within two business days. Discharges and releases DHHS, DHHS's authorized agents, and the local health department from any liabilities, duties, and

responsibilities imposed by statute or common law from any claim arising out of or attributed to the on-site wastewater system installation. Makes technical changes.

Section 6

Amends GS 130A-343 by adding that the Commission is prohibited from including more restrictive conditions and limitations established in the approval of a wastewater system as Accepted that are not included in the approval in system as Innovative. Sets out the following requirements for a wastewater dispersal system designated as an Accepted wastewater system: (1) the approval must be limited to the manufacturer who submitted the petition and received the Accepted status from the Commission and (2) neither the Commission, DHHS, or any local health department shall condition, delay, or deny the substitution of any Accepted wastewater system based on location of nitrification lines when all parts of the dispersal field can be installed within the approved initial dispersal field area while complying with all Commission rules. No longer allows DHHS to recommend that the Commission designate a nonproprietary wastewater system as an accepted system without having received a petition from a manufacturer. Applies retroactively to any wastewater system approvals issued by the Commission or DHHS.

Section 7

Amends GS 90A-73 by amending the membership of the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board (Certification Board) as follows. Requires that one of the members appointed upon recommendation of the Speaker of the House be (1) a registered (was, employed as an) environmental health specialist and (2) engaged primarily in the inspection of on-site wastewater systems under Article 5, and the operation of onsite wastewater systems (was, engaged primarily in the inspection and permitting of on-site wastewater systems). Amends the qualifications of the member appointed upon the recommendation of the Speaker of the House to require the person be a certified Authorized On-Site Wastewater Evaluator instead of a licensed soil scientist.

Section 8

Amends the Certification Board's powers and duties in GS 90A-74 to also include implementation of GS 130A-336.2.

Section 9

Adds new Article 6 in GS Chapter 90A, providing as follows. Establishes the nine-member North Carolina On-Site Wastewater Code Council to: (1) develop and amend on-site wastewater system rule proposals for submission to the Commission for Public Health for consideration and adoption and (2) confer with any relevant stakeholders at the discretion of the Council in developing proposed rules. Sets out membership requirements with members appointed by the Governor and NCGA to three-year terms. Provides for filling vacancies, removal of members, election of officers, per diem, and quorum. Requires meeting at least twice a year.

Section 10

Amends GS 87-21 to exempt from Article 2 of GS Chapter 87, Plumbing and Heating Contractors, a person who is a certified on-site wastewater contractor when they are connecting waste plumbing from the facility stub-out to the inlet opening of a septic tank. Amends GS 87-43.1 to exempt from Article 4 of GS Chapter 87, Electrical Contractors, the installation, construction, maintenance, or repair of electrical wiring or devices, appliances, or equipment by a person who is a certified on-site wastewater contractor when wiring the wastewater pump to the control panel for the wastewater system.

Section 11

Amends GS 113A-60 by amending the allowable fee for the review of an erosion and sedimentation control plan and related activities, so that the fee is on the option of the applicant, either (1) calculated on the basis of the number of acres disturbed or (2) no more than \$1,000 per lot developed, in the case of a single-family lot that is less than one acre, including a lot that is part of a larger common plan of development.

Section 12

Requires the Department of Environmental Quality (DEQ), by September 1, 2023, to develop a plan for submittal to the US EPA that eliminates any program redundancies between the State's Sedimentation Pollution Control Act of 1973 (Act) and its implementation of requirements for stormwater discharges from construction activities under the 2022 Clean Water Act National Pollution Discharge Elimination System (NPDES) general permit for stormwater discharges from construction

activities (Construction Permit), 87 Federal Register 3522, through NPDES General Permit NCG010000 (NCG01). Sets out items that must be included in the plan for streamlining permitting requirements. Requires a status report to the Environmental Review Commission quarterly, beginning August 1, 2024, until the NCGA repeals the reporting requirement.

Section 13

Amends GS 160A-317 by adding the following. Sets out the following applicable to a city's authority to require connection of an owner's premises to a water or sewer line. Exempts a property owner from mandatory connection to a city's sewer if: (1) the city has inadequate capacity to transport and treat the proposed new wastewater from the premises at the time of connection or (2) the costs of connection, including the costs of underground piping and connections to the dwelling or building, exceed the costs of installing an on-site wastewater system, with the cost determination assessed by the specified individuals. Exempts a property owner from a mandatory connection to a city's water supply if adequate water pressure cannot be achieved using the same piping size as the meter provides to the owner's premises. Prohibits requiring a property owner to install a larger meter and corresponding larger piping connection, or imposing an increased fee, to achieve adequate water pressure. Sets out additional provisions governing the adequacy of water pressure. Allows a property owner to install a private drinking water well if water pressure is determined to be inadequate and specifies that a city has no liability for the quality or quantity of water or water pressure from a private drinking water well installed under these provisions.

Amends GS 153A-284 by adding that a county may only require connection of an owner's premises to a sewer line if the county has adequate capacity to transport and treat the proposed new wastewater from the premises at the time of the connection.

Section 14

Amends GS 160D-925 concerning a local government's regulation of a stormwater control program necessary to comply with an NPDES permit, by no longer allowing the adopting of a regulation that requires financial arrangements to ensure that adequate funds are available for the maintenance and replacement costs of the project. Prohibits a local government from adopting any regulation that requires an owner of a privately owned and maintained stormwater control project to make payments to the local government for the purpose of ensuring assets are available for maintenance, repair, replacement, and reconstruction costs of (1) the owner's stormwater control project or (2) other stormwater control projects within the local government's jurisdiction. Allows a local government to require an owner of a privately owned and maintained stormwater control project to establish and retain funds for maintenance, repair, replacement, and reconstruction costs for the owner's stormwater control project, not to exceed 10% of the stormwater control project's original cost of construction and shall be retained by the owner of the system.

Provides that if, before the above provision becomes effective, a local government has required an owner of a privately owned and maintained stormwater control project to make payments to the local government to ensure assets are available for maintenance, repair, replacement, and reconstruction costs of the owner's stormwater control project or other stormwater control projects within the local government's jurisdiction, the local government must make such funds accessible to the owner to cover necessary maintenance, repair, replacement, and reconstruction costs for the owner's stormwater control project. Specifies that for stormwater control projects in residential communities, if maintenance, repair, replacement, or reconstruction of a project is needed, such funds must be exhausted before the local government may assess costs of the necessary work on individual homeowners within the community or any applicable owner's association.

Section 15

Amends GS 160D-1110 by adding prohibiting a local government from withholding a building permit under the statute where the project does not propose to increase the design daily flow or wastewater strength of the existing system, and the property owner submits an on-site wastewater existing system inspection exemption affidavit. Requires the property owner to affirm that any modifications will meet wastewater system setback requirements.

Requires the Building Code Council, with assistance from the Department of Insurance, to create an on-site wastewater existing system inspection exemption affidavit for distribution to all building inspection departments. Requires the affidavit to inform the property owner of their ability to consult with an authorized on-site wastewater evaluator certified by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board or an inspector to locate the on-site wastewater existing system and verify system setback requirements prior to executing the affidavit at the option of the property owner. Does not require the property owner to consult with an authorized on-site wastewater evaluator or an inspector to submit an

on-site wastewater existing system inspection exemption affidavit to a local health department. Requires the affidavit to be created and distributed by October 1, 2023.

Section 16

Includes a severability clause.

Intro. by Brody, Dahle, N. Jackson, Cairns.

[GS 87, GS 90A, GS 113A, GS 130A, GS 153A, GS 160A, GS 160D](#)

[View summary](#)

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

H 741 (2023-2024) [MODIFY/NONPROFITS & AMP CHARITABLE SOLICITATION](#). Filed Apr 18 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA NONPROFIT CORPORATIONS ACT AND TO MODIFY CERTAIN REQUIREMENTS GOVERNING CHARITABLE SOLICITATION*.

Part I.

Amends GS 55A-11-02 to allow a charitable or religious corporation to merge, without prior approval of the superior court, with a limited liability company if (1) its sole member is a domestic or foreign corporation exempt from income tax; and (2) it is disregarded for income tax purposes but would be eligible for an exemption under the specified provision of the Internal Revenue Code if it were not disregarded.

Amends GS 55A-11-09, concerning merger with unincorporated entities, as follows. Expands upon the definition of a business entity to also include a nonprofit association, whether or not it was formed under this State's laws. Provides that if the surviving business entity is not a domestic limited liability company, a domestic business corporation, a domestic nonprofit corporation, or a domestic limited partnership, when the merger takes effect, the surviving business entity is deemed to have agreed that it may be served with process in this State in any proceeding for enforcement of any obligation of any merging nonprofit association that is formed under the laws of this State. Makes additional technical and clarifying changes.

Amends GS 55A-12-02, concerning sales of assets other than in regular course of activities, to exempt dispositions to a charitable or religious corporation authorized under a plan of dissolution adopted pursuant to GS Chapter 14 from a charitable/religious corporation's obligation to give written notice to the Attorney General 30 days before it disposes of all, or a majority of its property if the transaction is not in its usual and regular course of business and no waiver by the Attorney General of this requirement has been granted.

Applies to plans of mergers adopted on or after October 1, 2023.

Part II.

Enacts new GS 55A-16-22.1 requiring domestic and foreign corporations authorized to conduct affairs in the State to submit annual reports electronically to the Secretary of State that include six specified items, including its principal office address and telephone number, brief description of the nature of its activities, and specified types of contact information. Requires corporations to also submit annual reports with due date varying based on the type of corporation. Sets out the process for filing late reports and for amending previously filed reports. Sets out actions a corporation may take under which it is deemed to have filed the required annual report.

Amends GS 55A-1-22, as amended, by providing that there is no fee for filing the annual report.

Amends GS 55A-14-20 to allow the Secretary of State to commence a proceeding to dissolve administratively a corporation for being delinquent in submitting its annual report. Makes additional technical changes.

Amends GS 55A-14-22 by amending the actions that must be taken before the Secretary of State will cancel a certificate of dissolution and prepare a certificate of reinstatement, to also require the payment of any penalties and payments due. Makes additional clarifying changes.

Allows the Secretary of State, to waive the fee to be paid by a corporation seeking reinstatement following administrative dissolution for delinquent filing of the annual report, until January 1, 2026.

Applies to annual reports due on or after January 1, 2025.

Part III.

Adds new Article 11B, Domestication, to GS Chapter 55A, providing as follows.

Allows a foreign nonprofit corporation to become a domestic nonprofit corporation by complying with the Article, so long as domestication is allowed by the laws in the foreign corporation's jurisdiction. Also allows a domestic nonprofit corporation to become a foreign nonprofit corporation by complying with the Article, under a plan of domestication, so long as the domestication is allowed by the laws of the jurisdiction of the foreign corporation. Provides that a charitable or religious corporation may only become a foreign nonprofit corporation in accordance with the statutory requirements for mergers involving charitable or religious corporations, and requires the domesticated corporation to meet the same requirements as the survivor in a merger. Provides that any devise, gift, grant, or promise contained in a will or other instrument made to a domesticating corporation that takes effect or remains payable after the domestication becomes effective, inures to the domesticated corporation unless the will or other instrument provides otherwise.

Allows a domestic nonprofit corporation to become a foreign nonprofit corporation by approving a plan of domestication; sets out items that must be included in the plan. Allows the plan's terms concerning the manner and basis of converting the memberships of the domesticating corporation into memberships, obligations, rights to acquire memberships, cash, or other property, to be made dependent upon facts objectionably ascertainable outside the plan.

Sets out the process under which the plan of domestication is to be adopted when the domestic nonprofit corporation is to be the domesticating corporation. Allows a plan of domestication of a domestic nonprofit corporation to be amended before articles of domestication have taken effect. Sets out the procedures that can be used by a domestic nonprofit corporation in approving an amendment of a plan of domestication. Allows a plan of domestication to be abandoned, as provided for in the plan, after it is approved but before articles of domestication have become effective. Sets out the process for abandonment and requires specified information to be included in the articles of abandonment.

Sets out what must be included in the articles of domestication, and requires the articles to be signed by the domesticating corporation and filed with the Secretary of State. Sets out provisions governing when the domestication becomes effective. Sets out six provisions that apply once the domestication becomes effective, including that all debts, obligations, and other liabilities of the domesticating corporation remain the responsibility of the domesticated corporation, allows the name of the domesticated corporation to be substituted for the name of the domesticating corporation in any pending proceeding, and the articles of incorporation and bylaws of the domesticated corporation become effective. Sets out provisions governing the interest holder liability of a member in a foreign corporation that is domesticated into this State who had interest holder liability in respect of the domesticating corporation before the domestication becomes effective. Provides that a member who becomes subject to interest holder liability in respect of the domesticated corporation as a result of the domestication has interest holder liability only in respect of interest holder liabilities that arise after the domestication becomes effective. Specifies that a domestication does not constitute or cause the dissolution of the domesticating corporation.

Amends GS 55A-1-22, by setting a \$25 fee for filing articles of domestication and a \$10 fee for filing articles of abandonment of domestication.

Amends GS 55A-1-60 to allow a judicial order requiring a meeting of a corporation to be held or that requires a method be used to obtain a vote, to also authorize obtaining votes or approvals necessary for domestication. Makes additional clarifying changes.

Amends GS 55A-8-25 to prohibit a committee of the board from recommending to members or approving domestication.

The above provisions are effective October 1, 2023.

Provides that if a protected agreement of a domestic domesticating nonprofit corporation in effect immediately before the domestication becomes effective contains a provision that applies to a merger of the corporation and the agreement does not refer to domestication, then the provision applies to a domestication as if the domestication were a merger until the provision is first amended after October 1, 2023. Sets forth four items that are considered a protected agreement if in effect immediately before October 1, 2023.

Part IV.

Amends GS 55A-1-50, concerning private foundations, by adding that a private foundation's board of directors consists of one or more natural persons, with the number specified in or fixed in accordance with the articles of incorporation or bylaws.

Amends GS 55A-8-03 to require a board of directors of a nonprofit corporation to have three or more persons (was, one or more); makes conforming and clarifying changes. Amends GS 55A-8-11 to allow a board of directors to have fewer than three members due to vacancies until the vacancies are filled.

Applies to corporations organized on or after October 1, 2023.

Part V.

Amends GS 55A-8-25 by providing that the number required to approve the creation of a committee of the board and the appointment of its members applies unless the articles of incorporation or bylaws provide otherwise. Applies to committees created on or after October 1, 2023.

Part VI.

Adds new Part 1, Conversion to Nonprofit Corporation, in Article 11A of GS Chapter 55A, providing as follows.

Allows a business entity that is not a domestic nonprofit, to convert to a domestic nonprofit if (1) the conversion is permitted by the laws of the state or country governing the organization and internal affairs of the converting business entity and (2) the converting business entity complies with the requirements of this Part 17 and, to the extent applicable, the laws referred to above. Defines business entity as a domestic business corporation, including a professional corporation, a foreign business corporation, including a foreign professional corporation, a domestic or foreign nonprofit corporation, a domestic or foreign limited liability company, a domestic or foreign limited partnership, a registered limited liability partnership or foreign limited liability partnership, or any other partnership whether or not formed under the laws of this State.

Requires the converting business entity to approve a written plan of conversion that includes specified information, including the manner and basis for converting the interests in the converting business entity, if any, into any combination of eligible interests or other securities, rights to acquire interests or other securities, obligations, cash, or other property of the resulting domestic nonprofit corporation. Requires the plan to be approved in accordance with the laws of the state or county governing the organization and internal affairs of the converting business entity. Allows amending or abandoning the plan after it has been approved but before articles of incorporation for the resulting domestic nonprofit have become effective, to the extent legally allowed.

Requires the converting business entity to deliver articles of conversion to the Secretary of State for filing after a plan of conversion has been approved. Sets out what must be included in the articles of incorporation. Sets out steps that must be taken when the plan is abandoned after the articles have been filed. Specifies that the conversion takes effect when the articles of incorporation become effective. Requires certificates of conversion to also be registered.

Provides that when the conversion takes effect, then: (1) the converting business entity ceases its prior form of organization and continues in existence as the resulting domestic nonprofit; (2) the title to all real estate and other property owned by the converting business entity continues vested in the resulting domestic nonprofit without transfer, reversion, or impairment; (3) except as otherwise provided by law or by the plan of conversion, all rights, privileges, immunities, powers, and purposes of the converting business entity remain vested in the resulting domestic nonprofit; (4) all debts, obligations, and other liabilities of the converting business entity continue as debts, obligations, and other liabilities of the resulting domestic nonprofit; (5) a proceeding pending by or against the converting business entity may be continued as if the conversion did not occur and allows the name of the resulting domestic nonprofit to be substituted for the name of the converting business entity in any pending action or proceeding; (6) the interests and obligations in the converting business entity are converted to eligible interests or

other securities, rights to acquire interests or other securities, obligations, cash, or other property of the resulting domestic corporation in accordance with the plan of conversion; and (7) all of the following apply to the resulting domestic nonprofit corporation: it is incorporated under and subject to GS Chapter 55A, it converts from the converting business entity into its new form of organization interruption, and it is deemed to have been incorporated on the date that the converting entity was originally incorporated or organized. Specifies that the conversion does not affect the liability or absence of liability of any holder of an interest in the converting business entity for any acts, omissions, or obligations of the converting business entity made or incurred prior to the effectiveness of the conversion. The cessation of the existence of the converting business entity in its prior form of organization does not constitute a dissolution or termination of the converting business entity.

Amends Part 2 of Article 11A of GS Chapter 55A, by renaming the Part to Conversion of Nonprofit Corporation and making the following changes.

Amends GS 55A-11A-10 to require that the plan of conversion of a charitable or religious corporation to a domestic limited liability company comply with the following. If the converting charitable or religious corporation does not have any members entitled to vote on the conversion, the plan must be approved by the board of directors of the converting charitable or religious corporation. If members are entitled to vote on the conversion, the plan must be approved first by the board of directors and then by the members entitled to vote; sets out additional requirements for the voting process. If, as a result of the conversion, one or more members of the converting entity would become subject to new member liability, approval of the plan of conversion requires that each of those members sign a separate record consenting to become subject to the new member liability. Also requires the plan of conversion to be approved by any person or group of persons whose approval is required under GS 55A-10-30 to amend the articles of incorporation or bylaws of the charitable or religious corporation.

Applies to plans of conversion approved on or after October 1, 2023.

Part VII.

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. Applies to requests for exemption filed on or after the act becomes law.

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.

[View summary](#)

**Business and Commerce, Corporation and Partnerships,
Nonprofits**

H 806 (2023-2024) **PROTECT SCHOOL JOURNALISTS**. Filed Apr 18 2023, *AN ACT TO CLARIFY THE FREE SPEECH RIGHTS OF STUDENT JOURNALISTS IN PUBLIC SCHOOLS, CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, AND COMMUNITY COLLEGES.*

Enacts the Student Journalist Press Freedom Restoration Act as new Article 29F in GS Chapter 115C (for students in elementary/secondary schools), new GS 116-305 (students attending a UNC constituent institution), and new GS 115D-82 (students attending a State community college), as follows.

Defines school-sponsored (elementary/secondary schools)/university-sponsored (UNC institutions)/college-sponsored (community colleges) media as any material that is prepared, substantially written, published, or broadcast, in any media, by a student journalist at a school within the applicable institution (e.g., public school unit, UNC institution, or community college) under the direction of a student media adviser and distributed or generally made available to members of the student body. The media does not include media intended for distribution or transmission for classroom purposes only. Also defines *student journalist* and *student media advisor*.

Establishes a student journalist's right to exercise freedom of speech and of the press in school-sponsored media regardless of whether the media is supported financially by the school, uses the facilities of the school, or is produced in conjunction with a course or class in which the student is enrolled. Specifies that a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. Permits student media advisers to teach professional standards of English and journalism to student journalists, consistent with the act. Clarifies that this protection does not extend to expression by a student journalist that is: (1) libelous or slanderous; (2) constitutes an unwarranted invasion of privacy; (3) obscene; (4) in violation of federal or State law; (5) for UNC/community college students, inciteful to students as to create a clear and present danger of the commission of an unlawful act or the violation of a lawful policy issued by the educational institution where the student journalist is enrolled; (6) for elementary/secondary students enrolled in a public school unit, inciteful to students as to create a clear and present danger of the commission of an unlawful act, the violation of a lawful school district policy, or the material and substantial disruption of the orderly operation of the school. Specifies that administrators must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension. Prohibits prior restraint of material prepared for official school publications that do not fit within one of the exceptions to protected speech described above. Places burden on administrators to show prior justification for their limitation on expression and requires that the students have a timely opportunity for appeal. Clarifies this protection does not apply to advertisements in a school-sponsored media publication that's unlawful for purchase or use by minors.

Prohibits disciplining student journalists for exercising their freedom of expression under the act, the First Amendment of the US Constitution, or Article I of the State Constitution and student media advisers for refusing to infringe on conduct protected by the act, the First Amendment of the US Constitution, or Article I of the State Constitution or acting to protect a student engaged in this conduct. Permits students, individually or through a parent or guardian, or student media adviser, to initiate legal proceedings solely limited to declaratory or injunctive relief to enforce the act. Permits reasonable attorneys' fees to substantially prevailing plaintiff. Clarifies that no expression made by students in the exercise of free speech or free press rights will be deemed to be an expression of a policy of any of the institutions governed by the act, and no administrative officials of any of those institutions, or the institution itself, will be held responsible in any civil or criminal action for any expression made or published by students.

Requires public school units, individual community colleges, and UNC institutions to adopt a written policy pertaining to the rights of student journalists that includes, at least, reasonable provisions for time, place, and manner of student expression and the timely appeal of decisions made under the act. Amends GS 115C-47 (local boards of education), GS 115C-218.75 (charter schools), GS 115C-238.66 (regional schools), GS 116-11 (UNC Board of Governors and pertaining to public secondary schools under its jurisdiction) requiring these institutions to adopt policies to support student-developed, school-sponsored media in line with the act.

[View summary](#)

Constitution, Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System

H 812 (2023-2024) **UNIFORM RESTRICTIVE EMPLOYMENT AGREEMENT ACT**. Filed Apr 18 2023, *AN ACT TO ENACT THE UNIFORM RESTRICTIVE EMPLOYMENT AGREEMENT ACT*.

Creates new GS Chapter 1H (Uniform Restrictive Employment Agreement Act), which adopts the uniform act regulating agreements that prohibit or limit employees from working elsewhere after their relationship with the original employer ends, such as noncompete, nonsolicitation, and no-recruit agreements. Also regulates restrictive agreements after the sale of a business is completed. Does not affect agreements related to the transfer or enforcement of patents, copyrights, trade secrets, or similar rights. Provides definitions for the chapter.

Creates notice requirements applicable to restrictive employment agreements. Directs the North Carolina Department of Labor to prepare required notice to be included with any proposed agreement, and outlines requirements that must be met for enforceability of an agreement.

Prohibits restrictive employment agreements for *low-wage workers*, which are defined as employees earning less than the annual mean wage for North Carolina. Establishes that restrictive employment agreements are not enforceable if the employee resigns for good cause attributable to the employer or if the employer terminates the employee for a reason other than misconduct or completion of agreed work or contract term. Requires all restrictive employment agreements to be reasonable for enforceability.

Provides that a noncompete agreement, which is an agreement that prohibits an employee for working for other employers, is only enforceable if it meets certain criteria provided in new GS 1H-8. Requires noncompete agreements to be narrowly tailored and limited in time as provided in that section.

Sets requirements for the enforceability of confidentiality agreements, including the ability of employees to use or disclose information in specified circumstances.

Establishes requirements for the enforceability of no-business agreements, which are agreements that prohibit an employee from working for a prospective or current client or customer of the employer. Requirements include a limitation on applicability only to prospective and ongoing clients/customers the employee worked with personally, and a six-month time period limitation.

Provides requirements for the enforceability of nonsolicitation agreements, which are agreements that prohibit an employee from contacting the clients or customers of an employer. Requirements include a limitation on applicability only to prospective and ongoing clients/customers the employee worked with personally, and a one-year time period limitation.

Enacts requirements for the enforceability of no-recruit agreements, which are agreements that prohibit an employee from recruiting current or former employees of the employer. Requirements include a limitation on applicability only to employees of the employer that the employee worked with personally, and a six-month time period limitation.

Mandates requirements for the enforceability of payment-for-competition agreements, which are agreements that impose financial consequences on employees for working for other employers, but does not directly prohibit the employee working for another employer. Requirements include a limitation on the financial penalty cannot be more than the competitive harm to the employer, and that the agreement cannot last more than one year after employment has ended.

Provides limitations on training-repayment agreements, including that the repayment must be only for the special training, the agreement cannot last longer than two years after the training is completed, and that the agreement must prorate the payments for the training.

Prevents a party to an agreement under the chapter from waiving a requirement of the Chapter, except in specific circumstances such as litigation or other dispute resolution. Outlines enforceability provisions, including judicial remedies and

civil penalties for violating the chapter. Prohibits choice of law and choice of venue provisions unless they require the choice of law or venue to be the location where the employee primarily works or worked when the relationship ended, or the venue where the employee resides at the time of the dispute.

Directs a court to consider the uniform application of the act in other jurisdictions that have adopted the uniform act. Contains a severability provision.

Contains a savings provision that allows agreements entered into before the effective date of the Chapter to remain in effect, except that the Chapter also contains a transitional provision that makes GS 1H-4(a)(4)-(5), requiring the agreement to be separately signed by the employee and that an employee receives a copy of the agreement when signed and an additional copy within 14 days of request, applicable to agreements entered into before, on, or after the effective date of the Chapter.

Effective January 1, 2024.

Intro. by Longest, Harrison.

[GS 1H](#)

[View summary](#)

[Employment and Retirement](#)

H 813 (2023-2024) [THE PRETRIAL INTEGRITY ACT](#). Filed Apr 18 2023, *AN ACT TO MODIFY LAWS RELATING TO PRETRIAL RELEASE*.

Amends subsection (b) of GS 7B-1906 to mandate that a juvenile being held in secure or nonsecure custody for an offense that would be a Class A felony if committed by an adult is not entitled to the subsequent hearings on the need for secure or nonsecure custody held in 10-day intervals under that subsection. Amends subsection (b1) to include any juvenile alleged to have committed an offense that would be a Class A felony if committed by an adult to the criteria under that subsection for continued hearings on secure custody at 30-day intervals. Reorganizes that subsection for clarity. Effective and applies to offenses committed on or after October 1, 2023.

Amends GS 15A-533 to provide that a judge must determine, in the judge's discretion, if a defendant should be released before trial for 14 listed offenses, ranging from murder to robbery with a dangerous weapon. Allows the judge to set pretrial release conditions for the offenses in accordance with GS 15A-534. Requires that if a defendant commits a new offense while on pretrial release, a judge must determine the conditions of pretrial release for the new offense. The judge must consider a criminal history report prepared by a law enforcement officer or district attorney, and may not take longer than 48 hours to make a determination on pretrial release conditions. Effective and applies to offenses committed on or after October 1, 2023.

Intro. by Bradford, D. Hall, A. Jones.

[GS 7B, GS 15A](#)

[View summary](#)

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

H 814 (2023-2024) [EMERGENCY MANAGEMENT MODS](#). Filed Apr 18 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT ACT AND OTHER PROVISIONS GOVERNING EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE DIVISION OF EMERGENCY MANAGEMENT OF THE DEPARTMENT OF PUBLIC SAFETY*.

Amends GS 166A-19.12 (Powers of Emergency Management) to remove subdivision (4), which permits the Division of Emergency Management (DEM) to establish a voluntary model registry for identification of functionally and medically fragile persons in need of assistance during an emergency. Changes "operations center" to "watch center" in subdivision (16). Adds new subdivision (26), permitting DEM to contract for services from vendors specializing in (1) repair, replacement, construction, or improvements on infrastructure (as defined) or equipment on private residential structures or public structures damaged as a result of hazard mitigation and (2) construction or improvement of infrastructure to support hazard mitigation on private residential structures and public structures for the purpose of implementing hazard mitigation programs. Adds new subdivision (27), requiring DEM to establish a statewide interoperability coordinator for voice and data interoperability

programs and initiatives. Adds new subdivision (28), requiring DEM to support local, regional, state, and federal disaster communications planning and responses.

Repeals GS 102-1.1. (Name and description in relation to 1983 North American Datum). Adds new GS 102-1.2 (Name and description in relation to the North American Terrestrial Reference Frame of 2022), requiring the North Carolina Geodetic Survey Section (NCGS) of DEM to use the updated 2022 reference frame from the National Geodetic Survey and sets out related provisions for the use of the reference frame. Adds new GS 102-1.3 (Name and description of future horizontal and vertical reference frames) granting the NCGS the authority to use any updated changes or adjustments to the 2022 reference frame from the National Geodetic Survey and adopt rules, regulations, and specifications for future reference frames. Amends GS 102-11 (Vertical control) to grant NCGS the authority to determine the official vertical datum used in North Carolina.

Amends GS 153A-18 (Uncertain or disputed boundary) to make NCGS the authoritative source for county and state boundary information, and to permit the use of light detection and ranging in the establishment of county boundaries. Requires the map showing county boundaries and monuments to also contain county boundary metadata and State plane coordinates of all county boundary points information.

Creates new GS 166A-19.14A (North Carolina Flood Inundation Mapping and Alert Network records), allowing the DEM to make the list of individuals subscribing to the North Carolina Flood Inundation Mapping and Alert Network available for public inspection, and specifies the only purposes for which DEM may use the list.

Reappropriates the funds allocated to DEM for the GuardianAngel Emergency Management Personnel/Equipment Tracking Tool to DEM, the North Carolina National Guard, and other agencies for funding licenses and payment of vendor fees for personnel and equipment tracking capabilities.

Amends GS 166A-69 (North Carolina Search and Rescue Team Advisory Committee) to add the North Carolina Helicopter Aquatic Rescue Team to the list of entities from which a representative must be appointed to the committee.

Permits DEM to use up to \$200,000 of the recurring funds appropriated for the State Search and Rescue Program to support the transfer of two full-time positions from federal grant funding to support management of the program.

Adds new subsection (b1) in GS 166A-29.1, creating the Hazardous Material Facility Account at the Department of Public Safety, where all funds collected from the hazardous materials facility fee charged under that statute will be credited.

Amends GS 166A-61, subsection (a), to remove the specified requirements for the standards and guidelines for administration of the Emergency Management Certification Program by DEM.

Intro. by Pless.

GS 102, GS 153A, GS 166A

[View summary](#)

Government, Public Safety and Emergency Management, State Agencies, Department of Public Safety, Local Government

H 815 (2023-2024) [THE LOVING HOMES ACT](#). Filed Apr 18 2023, *AN ACT TO ALLOW ONE CHILD OR SIBLINGS IN FOSTER CARE TO BE PLACED IN A FAMILY FOSTER HOME IF THE FOSTER FAMILY HAS FIVE BIOLOGICAL CHILDREN.*

Enacts GS 131D-10.2C, limiting the allowed number of children in a family foster home to five children at any time. Specifies that these five children include the foster parent's own children, children placed for family foster care, licensed capacity for in-home day care children, children kept for babysitting, or any other children residing in the home. Specifies that children kept for in-home day care and babysitting are considered residents of the home. Exempts family foster homes from this requirement if written documentation is submitted to the licensing authority for family foster care that siblings will be placed together and that the foster home complies with all other licensure requirements. Requires the foster agreement to evaluate the foster parent's skill, stamina, and ability to care for the children. Allows for foster family homes that would otherwise qualify but for the presence of more than five children in the home, to apply for licensure.

Requires the Social Services Commission (Commission) to adopt temporary rules to implement the act. Requires the Department of Health and Human Services, Division of Social Services, or appropriate agency to submit an updated State Plan

to the United States Secretary of Health and Human Services for approval in accordance with 42 U.S.C. § 671 to maintain federal funding for foster care maintenance payments if necessary to implement the act.

Specifies that GS 131D-10.2C is effective October 1, 2023, if no State Plan amendment is required. If an amendment is required, then GS 131D-10.2C is effective on the date that the family foster care home rule is changed, as approved by the United States Secretary of Health and Human Services. Requires the Secretary of Department of Health and Human Services to report to the Revisor of Statutes when the family foster care home is changed under the act, approved by State Plan amendment and the specific date approved for that change, or on October 1, 2023, as applicable.

Intro. by Chesser, Loftis, Reeder, Willingham.

GS 131D

[View summary](#)

Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Child Welfare

H 816 (2023-2024) **POLL OBSERVERS**. Filed Apr 18 2023, *AN ACT TO AUTHORIZE CERTIFIED POLL OBSERVERS TO OBSERVE OPENING PROCEDURES AT EARLY ONE-STOP VOTING SITES AND ON ELECTION DAY.*

Amends GS 163-166.5 (Procedures at voting place before voting begins) to require the State Board of Elections to adopt rules regarding the setup of a voting place before voting begins (was promulgate rules for precinct officials to set up the voting place before voting begins), including specified criteria. Requires the rules to permit observers under GS 163-45 to witness, but not participate in, the setup of the voting place prior to voters entering. Requires county boards of elections and precinct officials to adhere to the rules adopted under the section.

Amends GS 163-234(2) to add a requirement that the results of an election count and the documents associated with that count are public record and are available for inspection under GS Chapter 132 after a county board of elections announces the result of a count.

Intro. by Mills, Davis, Warren, Zenger.

GS 163

[View summary](#)

Government, Elections

H 817 (2023-2024) **HEALTHY FAMILIES & WORKPLACES/PAID SICK DAYS**. Filed Apr 18 2023, *AN ACT PROVIDING FOR HEALTHY FAMILIES AND HEALTHY WORKPLACES BY ENSURING THAT ALL WORKERS HAVE EARNED PAID SICK DAYS TO ADDRESS THEIR OWN HEALTH NEEDS AND THE HEALTH NEEDS OF THEIR FAMILIES.*

Includes whereas clauses.

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, employ, employee, employer, health care provider, immediate family member, paid sick time or paid sick days, parent, sexual assault, small business, and stalking.*

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 a member of the employee's immediate family suffering from health issues or to care for the employee's own health or (2) absence necessary due to the circumstances resulting from the employee or an immediate family member of the employee being a victim of stalking or domestic violence or sexual violence if leave allows the employee or family member to obtain: medical attention needed to recover from physical or psychological injury or disability caused by stalking or domestic violence or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other 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 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. Specifies that an employer's absence control policy must not count paid sick time as an absence that may lead to or result in a retaliatory personnel action or any other adverse action. Directs the employee to make a good faith effort, when the use of sick time is foreseeable, to provide the employer with advance notice. States that this act 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 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 an 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 act 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 and does not apply to any collective bargaining agreement in effect on January 1, 2024, until the agreement's stated expiration date; however the act applies upon the agreement's renewal, extension, amendment, or modification in any respect after January 1, 2024.

H 818 (2023-2024) [PERFORMANCE BONDS FOR ELECTIONS VENDORS](#). Filed Apr 18 2023, *AN ACT TO REVISE HOW THE AMOUNT OF PERFORMANCE BONDS FOR ELECTIONS VENDORS IS DETERMINED IN THIS STATE*.

Amends GS 163-165.7(a)(1), directing that the amount of bonds or letters of credit posted by a vendor to cover damage resulting from defects in the voting system, expenses associated with decertification of the voting system, and to protect against the vendor's insolvency or inability to make mandated modifications or updates, must be based on the estimated cost of conducting elections in the counties in which the vendor operates (was, in an amount sufficient for the cost of a new statewide election or \$10 million, whichever is greater). Applies to bonds or letters of credit on or after the date act becomes law.

Intro. by Ball, Blackwell, Dahle.

[GS 163](#)

[View summary](#)

[Government, Elections](#)

H 820 (2023-2024) [UPDATE STRATEGIC STATE PLAN FOR ALZHEIMER'S](#). Filed Apr 18 2023, *AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES, TO UPDATE THE STRATEGIC STATE PLAN FOR ALZHEIMER'S DISEASE AND RELATED DEMENTIAS (THE DEMENTIA-CAPABLE NORTH CAROLINA STATE PLAN) AT LEAST ONCE EVERY FOUR YEARS*.

Amends GS 143B-181.1, retitling the Division of Aging to the Division of Aging and Adult Services. Directs the Division of Aging and Adult Services to address related dementias alongside Alzheimer's disease. Gives the strategic State plan for addressing Alzheimer's disease and related dementias the title Dementia-Capable North Carolina State Plan. By January 1, 2025, and every four years thereafter, the Division must update and submit the plan to the General Assembly. Makes conforming changes to the items that must be addressed in the plan.

Requires the Revisor of Statutes to replace "Division of Aging" with "Division of Aging and Adult Services" throughout the General Statutes.

Intro. by Buansi, Liu, Crawford.

[GS 143B](#)

[View summary](#)

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

H 822 (2023-2024) [CONST. AMEND. - INVOLUNTARY SERVITUDE](#). Filed Apr 18 2023, *AN ACT TO MAKE ABSOLUTE THE PROHIBITION AGAINST INVOLUNTARY SERVITUDE IN THE STATE*.

Subject to approval of voters at the first primary election held in 2024, amends Section 17 of Article I of the NC Constitution, declaring that involuntary servitude is forever prohibited. Specifies that Section 17 does not prohibit an inmate from working when the inmate was duly convicted of a crime. Sets out the ballot language.

Intro. by Buansi, T. Brown, Charles Smith.

[CONST](#)

[View summary](#)

[Constitution, Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\)](#)

H 825 (2023-2024) [TEACHING FELLOWS EXPANSION](#). Filed Apr 18 2023, *AN ACT TO STUDY EXPANSION OF THE NORTH CAROLINA TEACHING FELLOWS PROGRAM*.

Directs the Joint Legislative Education Oversight Committee to study ways to expand the NC Teaching Fellows Program to achieve specified objectives.

Intro. by Cotham.

STUDY

[View summary](#)

Education, Elementary and Secondary Education, Higher Education, Government, General Assembly

H 827 (2023-2024) **RARE DISEASE ADVISORY COUNCIL**. Filed Apr 18 2023, *AN ACT REVISING THE COMPOSITION AND DUTIES OF THE ADVISORY COUNCIL ON RARE DISEASES*.

Amends Taylor's Law Establishing the Advisory Council on Rare Diseases as follows. Amends GS 130A-33.65 by changing the location of the Advisory Council from within the UNC-Chapel Hill School of Medicine to the Department of Health and Human Services (DHHS). Changes the number of the Advisory Council to 22 members and removes the appointing authority of the Dean of the School of Medicine at UNC-Chapel Hill. Instead, allows the DHHS Secretary to appoint 19 members in line with the qualifications listed in the statute.

Amends the appointed membership as follows: increases number of physicians from one to three; requires two hospital administrators representing hospitals in the State that provide care to persons diagnosed with a rare disease, or their designees, with at least one of the hospital administrators appointed to represent a hospital with a scope of service that focuses on the treatment of pediatric patients diagnosed with a rare disease; three persons aged 18 or older who have either been diagnosed with a rare disease or who are caregivers to a person diagnosed with a rare disease; a representative of a rare disease patient organization in the State; a social worker practicing in the State providing services to persons diagnosed with a rare disease; a pharmacist licensed and practicing in the State with knowledge and experience regarding drugs used to treat rare disease; a licensed dentist practicing in the State with experience treating persons diagnosed with a rare disease; two representatives of the life science industry that either focus on research efforts related to the development of therapeutic products for persons diagnosed with a rare disease or have a demonstrable understanding of the path to commercialization of such products, at least one of whom is currently employed as a professional patient advocate; a representative of the biotech industry; a representative of a health benefit plan or health insurer; a genetic counselor with experience providing services to persons diagnosed with rare diseases or their caregivers. Deletes appointed members that are representatives from academic research institutions in the State that receives any funding for rare diseases research, one rare disease survivor, one member who represents a rare disease organization, and one parent of a rare disease survivor. Provides for terms for each of the appointed representatives and term limits of three consecutive terms (except for the initial physician member, who can serve up to four terms). Provides for filling vacancies, member removal, and selection of a chair by a majority vote. Requires that the Advisory Council's meet at least quarterly (currently, just need to meet). Makes technical and conforming changes.

Amends GS 130A-33.66, pertaining to the Advisory Council's powers and duties as follows. Specifies that the Advisory Council should advise the Governor, the DHHS Secretary, and General Assembly on all of the following, in addition to powers already listed in the statute: coordination of statewide efforts to increase public awareness and understanding of rare diseases; identification of policy issues related to rare diseases and the advancement of policy initiatives related to rare diseases at the State and federal levels; and the appropriation of State funds to facilitate increased public awareness of and improved treatment for rare diseases. Requires the Advisory Council to, in consultation with certain medical schools, other educational institutions with specified programs, and hospitals in the State that provide services to persons with rare diseases, develop resources or recommendations regarding quality of and access to treatment and services available within North Carolina for persons diagnosed with a rare disease. Now requires the Advisory Council to advise and consult with DHHS and other specified boards and panels in developing recommendations, resources, and programs relating to the diagnosis and treatment of rare diseases. Now requires the Advisory Council to identify additional relevant areas for the advisory council to study and evaluate.

Requires the DHHS Secretary to appoint the new members described above by September 1, 2023. Requires the co-chairs to the specified NCGA committee listed as members of the Advisory Council in GS 130A-33.65 to appoint any designees to the Advisory Council by September 1, 2023. Requires the Advisory Council Chair to convene the first meeting of the newly constituted Advisory Council by October 1, 2023.

Intro. by Carney, Lambeth.

GS 130A

[View summary](#)

Government, State Agencies, UNC System, Department of Health and Human Services, Health and Human Services, Health

H 831 (2023-2024) **FILM SOUNDSTAGE GRANT PROGRAM**. Filed Apr 18 2023, *AN ACT TO CREATE A SPECIAL FUND IN THE DEPARTMENT OF COMMERCE TO PROVIDE GRANT FUNDING TO APPLICANTS TO CONSTRUCT SOUNDSTAGES AND TO APPROPRIATE MONIES FOR THAT PURPOSE.*

Creates the Production Soundstage Grant Fund in the Department of Commerce (DOC) to provide grants to applicants to construct soundstages in the state. Defines soundstage as a building, including ancillary buildings, that is (1) purpose-built, renovated, or converted for production, (2) has a minimum of 20,000 square feet of floor space, (3) incorporates a permanent grid, and (4) has column spacing of at least 40 feet by 40 feet with a clear height of at least 24 feet under the permanent grid. Specifies that for purposes of this definition, "ancillary buildings" are used for office space, mill space, workshops, and property or wardrobe storage if production-related and located on property contiguous to a soundstage that is funded in whole or in part by funds provided in this act.

Requires DOC to consult with the NC Film Office (Office) to develop guidelines for the program, including capping funding at \$2 million per soundstage and setting out factors which are to be given priority in awarding grants. Sets out requirements for the application process. Requires applications to be substantiated before money can be awarded and sets out requirements for that process.

Requires DOC and the Office to report to the specified NCGA committee and division annually, beginning December 1, 2024, on the program's implementation. Sets out information that must be included in the report.

Requires DOC to develop guidelines related to the administration of the Grant Fund and to the selection of soundstages that will receive grants. Requires DOC, at least 20 days before the effective date of any guidelines or nontechnical amendments to the guidelines, to publish the proposed guidelines on its website and give notice to persons who have requested notification of proposed guidelines. Requires DOC to accept comments on the proposed guidelines during the 15 business days beginning on the first day that DOC has completed these notifications.

Requires grant money to be forfeited if an applicant receives a grant: (1) for which it submitted incorrect information or was otherwise ineligible to apply or (2) with which it expends such funds in a manner inconsistent with these provisions.

Expires for funds not awarded by July 1, 2028. Specifies that for funds awarded before July 1, 2028, these provisions expire for soundstages not placed in service by July 1, 2030.

Appropriates \$12.5 million for 2023-24 from the General Fund to DOC to be allocated to the Production Soundstage Grant Fund. Allows DOC to use up to 5% of these funds for administrative costs.

Effective July 1, 2023.

Intro. by Autry, Loftis, Reives, Hawkins.

APPROP, UNCODIFIED

[View summary](#)

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

H 833 (2023-2024) **INCREASE MINORITY MALE TEACHERS/PROGRAM STUDY**. Filed Apr 19 2023, *AN ACT TO APPROPRIATE FUNDS TO STUDY AND REPORT ON PROGRAMS FOCUSED ON INCREASING MINORITY MALE TEACHERS.*

Directs the Office of Learning Recovery and Acceleration in the Department of Public Instruction, in collaboration with the NC Policy Collaboratory, no later than March 15, 2024, to study and report to the Joint Legislative Education Oversight Committee on programs aimed at increasing minority males, including African American males, enrolled in educator preparation programs and employed as teachers in public elementary and secondary schools.

Specifies the report must include at least: (1) a survey of at least the Call Me MiSTER (Mentors Instructing Students Toward Effective Role Models) program at Western Carolina University, the Marathon Teaching Institute at North Carolina Central University, and effective programs in other states, about their impact on the number of minority males enrolled in educator preparation programs and employed as teachers in public elementary and secondary schools and (2) recommendations, including expanding programs, establishing new programs, and developing a statewide program.

Appropriates \$150,000 in nonrecurring funds from the General Fund to the Department of Public Instruction for fiscal year 2023-24 for the study and report.

Effective July 1, 2023.

Intro. by Fontenot, Cotham, Brockman.

[APPROP, STUDY](#)

[View summary](#)

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

H 834 (2023-2024) [JUVENILE CAPACITY](#). Filed Apr 19 2023, *AN ACT TO ESTABLISH A PROCEDURE TO EVALUATE WHETHER A JUVENILE HAS THE CAPACITY TO PROCEED AND TO APPROPRIATE FUNDS.*

Amends GS 7B-2401, pertaining to determinations of incapacity in juvenile proceedings, as follows. Deletes provisions specifying that GS 15A-1001, 15A-1002, and 15A-1003 apply to all cases in which a juvenile is alleged to be delinquent and which barred a juvenile committed under the statute from being placed in a situation where they will come into contact with adults committed for any purpose. Replaces GS 7B-2401 with the following. Prohibits any juvenile from being transferred to superior court for trial as an adult, adjudicated delinquent or undisciplined, or subject to disposition for an offense in juvenile court, including a violation of probation, when, by reason of mental disorder, intellectual disability, neurological disorder, traumatic or acquired brain injury, or developmental immaturity, the juvenile is unable to understand the nature and object of the proceedings against them, to comprehend their own situation in reference to the proceedings, or to assist in their own defense in a rational or reasonable manner. Allows the court to go forward with any motions which can be handled by counsel without the assistance of the juvenile. Specifies that GS 7B-2401 does not apply to individuals over whom the juvenile court has jurisdiction pursuant to GS 7B-1601(d) through (d1) nor to any juvenile who is subject to transfer by indictment pursuant to G S 7B-2200.5(a). Specifies that capacity to proceed under these circumstances will not be addressed by the juvenile court, and instead can be raised pursuant to Article 56 of GS Chapter 15A if the superior court obtains jurisdiction of the proceeding, effective January 1, 2025.

Defines *developmental immaturity, division, forensic evaluation, forensic evaluation report, incapacity to proceed, and remediation*. Enacts new GS 7B-2401.2, setting forth procedures to determine capacity of juveniles. Allows for the question of capacity to be raised at any time by the juvenile, the court, the prosecutor or the juvenile's attorney, with a requirement that the motion describe the specific conduct that leads the moving party to question the juvenile's capacity to proceed. Requires a hearing on the question of capacity, with notice to be provided to the juvenile and prosecutor. Require that the court inquire into capacity if the offender is less than 12 years of age. Permits the court to appoint one or more forensic evaluators qualified by the Department of Health and Human Services (DHHS) to examine the juvenile and return a forensic evaluation report, which is admissible at the competency hearing. Allows for the court to call experts on its own initiative, which does not impede the rights of any party to retain and call their own expert witness.

Permits, at any time in the case of a juvenile charged with an offense that would be a felony if committed by an adult, for the court to order the juvenile to a State facility for the mentally ill for observation and treatment for the period, not to exceed 60 days, necessary to determine the defendant's capacity to proceed. If a juvenile is ordered to a State facility without first having an examination pursuant to GS 7B-2401.2, requires the judge to make a finding that an examination would be more appropriate to determine the juvenile's capacity. Requires the Division of Juvenile Justice and Delinquency Prevention of the Department of Public Safety (Division) to return the juvenile to the county when notified that the evaluation has been completed. Requires the director of the facility to direct the report to the defense attorney and clerk of superior court, who must bring it to the attention of the court. Specifies that the report is admissible at the hearing. Specifies that any court ordered

forensic evaluation must be conducted in the least restrictive environment, considering the best interests of the juvenile and the safety of the public. Provides for transportation to that location by the Division.

Sets deadline of completion of forensic report at 30 days after the report was ordered, unless extended for good cause and specifies deadlines for submission of the report to the court based on the offense charged or whether the juvenile has challenged the determination of the court-ordered evaluator. Prohibits the court from granting extensions totaling more than 120 days beyond these time periods. Specifies persons who should receive the report and how delivery should be made, with specifications that the report is confidential and should be treated as such. Specifies that an order for forensic evaluation stays the proceedings, except for custody determinations and transfer of jurisdiction. Sets forth requirements for evidentiary hearing, including requirement that the court issue findings of fact and conclusions of law. Prohibits subjecting a juvenile found incapable to proceed to transfer, adjudication, disposition, or modification of disposition so long as the incapacity exists.

Enacts GS 7B-2401.3, providing for a credentialing body designed and supervised by DHHS to set and maintain the minimum standards to qualify professionals who are court-appointed to conduct forensic evaluations as ordered pursuant to GS 7B-2401.2. Specifies that this does not infringe on a juvenile's right to retain their own expert. Specifies that qualified professionals who have been conducting forensic evaluations of juveniles prior to enactment of GS 7B-2401.3 will be deemed to possess the minimum requirements to become an evaluator, but will be required to satisfy DHHS's qualification standards within 12 months of the adoption of those standards. Provides for process of disclosure of confidential records to forensic evaluator when an evaluation is ordered by the court as described above. Specifies that no statement or disclosure made by the juvenile during the forensic evaluation regarding their responsibility for a criminal act that can result either in an adjudication of delinquency or transfer of a matter to superior court for trial as an adult is admissible in any juvenile or criminal proceeding against the juvenile or defendant. Specifies that the forensic evaluation cannot include any such statement. Sets forth three elements that the forensic evaluator is required to consider as part of the forensic evaluation, including the capacity of the juvenile to proceed and identification of the basis for any incapacity. Requires the report to cover seven listed matters, with four additional prongs of information if the juvenile is incapable to proceed, including recommended treatment or education for the juvenile to attain capacity (if any), the likelihood that the juvenile will attain capacity in the foreseeable future, an assessment of the probable duration of the treatment or education required to attain capacity, and if treatment is recommended, the least restrictive environment for that treatment. Provides for reasonable fee to forensic evaluator for evaluation.

Enacts GS 7B-2401.4, concerning remediation ordered for the juvenile to attain capacity to proceed upon a required finding by the court that the juvenile is incapable to proceed, and substantially likely to attain capacity in the foreseeable future. The remediation services must be based on the recommendations from the forensic evaluation and in the least restrictive environment considering the best interests of the juvenile and the safety of the public. Provides for eight additional considerations that the court must weigh when determining where services may be rendered. Sets forth time limitations on remediation services based on gravity of the offense. Provides for contents of remediation order. If the court finds less restrictive alternatives are inappropriate, then the court may enter an order for the juvenile to be assessed for involuntary commitment.

Designates the Division as responsible for providing psychoeducation remediation programming and working with community partners to secure any additional services recommended in the forensic evaluation report. The Division is authorized to contract with UNC-Chapel Hill or any other qualified educational organization to develop and conduct related trainings and curriculum. Requires the remediation service provider to provide reports to the court at least every 90 days with required information. Specifies that these reports cannot contain any inculpatory statement described above. Requires a review hearing on the report within 30 days of receipt with notice. Allows for the juvenile, and their parent, guardian, or custodian to present evidence and advise the court on the remediation services. Specifies that a remediation order can only be amended or supplemented after notice and the hearing. Allows for reassessment of capacity and new forensic evaluations by someone who is not the remediation specialist for the juvenile. Provides for notice to the court by the remediation specialist when the specialist determines that the juvenile has likely completed the requirements of the remediation services. Permits release of the report to the prosecutor after providing notice to the juvenile and a reasonable opportunity to be heard and then determining that the information is relevant and necessary to the hearing of the matter before the court and unavailable from any other source. Provides for confidentiality of records.

Enacts new GS 7B-2401.5, concerning involuntary commitment of a juvenile, as follows. Specifies that when the court finds that a juvenile is incapable to proceed and not likely to attain capacity in the foreseeable future, permits the court to conduct an additional hearing, as the court determines to be necessary, to determine whether there are reasonable grounds to believe the juvenile meets the criteria for involuntary commitment. If the presiding judge finds reasonable grounds to believe that the

juvenile meets the criteria, requires the judge to make findings of fact and issue a custody order in the same manner upon the same grounds and with the same effect as an order issued by a clerk or magistrate pursuant to GS.122C-261. Specifies that proceedings thereafter are in accordance with Part 7 of Article 5 of GS Chapter 122C. Requires that if the juvenile was charged with a violent crime, including a crime involving assault with a deadly weapon, the judge's custody order must require a law enforcement officer to take the juvenile directly to a 24-hour facility as described in GS 122C-252. Requires that the order must also indicate that the juvenile was charged with a violent crime and that the juvenile was found incapable of proceeding. Specifies that evidence used at the hearing regarding capacity to proceed is admissible in involuntary civil commitment proceedings. When the court finds that a juvenile is incapable to proceed and not likely to attain capacity in the foreseeable future, requires the court to dismiss the petition. Permits the prosecutor to voluntarily dismiss with leave any allegations stated in the petition, prior to the termination of the jurisdiction of the court. After the completion of all capacity hearings or after a juvenile has been found not to be substantially likely to be restored to or to attain capacity in the foreseeable future, the court must direct the clerk to seal all forensic evaluations, remediation reports, and any other records pertaining to the capacity of the juvenile. Specifies that records sealed pursuant to GS 7B-2401.5 may be opened or inspected only by order of the court or for appellate review.

Amends GS 7B-1906, pertaining to secure or nonsecure custody hearings, to specify that when the capacity of the juvenile to proceed is questioned, further hearings to determine the need for secure custody must be held at intervals of no more than 30 calendar days from the date of the motion. Further hearings may be waived only with the consent of the juvenile through counsel for the juvenile. Upon request of the juvenile, through counsel for the juvenile, and for good cause as determined by the court, further hearings to determine the need for secure custody may be held at intervals of 10 days.

Effective January 1, 2025.

Effective July 1, 2023, appropriates \$217,135 from the General Fund to the Division in nonrecurring funds for 2023-24 and \$895,1862 in nonrecurring funds for 2024-25 to implement the provisions of the act.

Specifies that prosecutions for offenses committed before the effective date of the act are not abated or affected by the act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Intro. by Davis, N. Jackson.

[APPROP, GS 7B](#)

[View summary](#)

[Courts/Judiciary, Juvenile Law, Delinquency, Criminal Justice, Criminal Law and Procedure, Government, Budget/Appropriations, Health and Human Services, Mental Health, Social Services, Child Welfare](#)

H 835 (2023-2024) [EXPAND THE WAGES PROGRAM](#). Filed Apr 19 2023, *AN ACT TO APPROPRIATE FUNDS TO EXPAND THE WAGES PROGRAM STATEWIDE*.

Appropriates \$22.7 million in recurring funds for the 2023-24 fiscal year and \$36.3 million in recurring funds for the 2024-25 fiscal year from the General Fund to the Department of Health and Human Services, Division of Child Development and Early Education to expand the Child Care WAGES program. Directs funds to be used to provide education-based supplements to low-wage educators and expand the program to all NC counties. Establishes that the Division will have one statewide contract with the Child Care Services Association to administer the program, one supplement structure, and one set of eligibility requirements. Effective July 1, 2023.

Intro. by von Haefen, Clemmons, Lofton, Longest.

[APPROP](#)

[View summary](#)

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

H 836 (2023-2024) [REENTRY REFORM/MODIFICATION](#). Filed Apr 20 2023, *AN ACT TO AID IN THE SUCCESSFUL REENTRY OF INCARCERATED PERSONS INTO SOCIETY*.

Amends GS 15A-173.2 which allows an individual who is convicted of no more than (1) three Class H or I felonies and (2) any misdemeanors to petition the court for a Certificate of Relief relieving collateral consequences. Removes from the conditions to be met for the issuance of a Certificate of Relief, the requirement that 12 months have passed since the individual has completed his or her sentence. Applies to Certificates of Relief granted on or after October 1, 2023.

Appropriates \$1 million in recurring funds for each year of the 2023-25 biennium from the General Fund to the Department of Adult Correction for five new Local Reentry Councils, with the location of each determined by the Secretary of Adult Correction. Effective July 1, 2023.

Enacts new GS 143B-1485 establishing the Basic Needs Fund in the Department of Adult Correction (DAC) and managed by the Division of Community Supervision and Reentry (Division). Requires, beginning January 1, 2024, that the Division give indigent individuals released from the custody of the Department of Adult Corrections monthly stipends for housing, food, clothing, and transportation, for no more than six months following release. The amount and duration of the stipend is dependent upon the individual's indigency and availability of funds. Caps the total amount at \$3,000 per individual for each instance in which the individual is released from custody. Requires the Division to develop implementation rules. Allows the Division to use up to \$100,000 from the Fund in each fiscal year for implementation. Requires an annual report for each year in which stipends are distributed to the specified NCGA committee on implementation, distribution of stipends, and use of funds. Appropriates \$1 million in recurring funds for each year of the 2023-25 biennium from the General Fund to the Basic Needs Fund. Effective July 1, 2023.

Amends the annual reporting requirement set forth in GS 93B-2(e) of each State agency licensing board to the Secretary of State, specified NCGA committee, and Attorney General to require that the annual report also contain information on the number of applicants with criminal convictions who were granted or denied a license or the renewal thereof because of a conviction or criminal history that is characterized as nonviolent. Effective October 1, 2023, and applies to applications for or denials or renewals of licenses, certifications, or registrations on or after that date.

Directs the Labor and Economic Analysis Division of the Department of Commerce (LAD) to collect the data described above from all occupational licensing boards and State agency licensing boards and compile a report to be sent to the specified NCGA committee on how many qualified job applicants with nonviolent records are denied issuance or renewal of licensure, registration, or certification due to prior criminal convictions by April 1, 2024, and then annually thereafter for three years. Allows the specified NCGA committee to report any additional data and legislative recommendations to the Regular Session of the 2025 General Assembly and any session thereafter upon receipt of a report from LAD.

Amends GS 93B-8.1, pertaining to use of criminal history records by occupational licensing boards, to prohibit a board from denying an applicant a license based on a nonviolent crime, or already listed crime of moral turpitude. Specifies that a board must provide the applicant with notice before running a criminal history check or consumer reporting check and that the check must be done in compliance with the Fair Credit Reporting Act. Effective October 1, 2023, and applies to applications for or denials or renewals of licenses, certifications, or registrations on or after that date.

Intro. by Alston, T. Brown, Charles Smith, Morey.

[APPROP, STUDY, GS 15A, GS 93B, GS 143B](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\), Government, Budget/Appropriations, State Agencies, Department of Adult Correction](#)

H 837 (2023-2024) [MAKE NORTH CAROLINA MORE DEMENTIA-CAPABLE](#). Filed Apr 20 2023, *AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES (DAAS), TO UPDATE THE STRATEGIC STATE PLAN FOR ALZHEIMER'S DISEASE AND RELATED DEMENTIAS (THE DEMENTIA-CAPABLE NORTH CAROLINA STATE PLAN) AT LEAST ONCE EVERY FOUR YEARS AND TO MAINTAIN WITHIN THE DAAS A DEMENTIA SERVICES COORDINATOR RESPONSIBLE FOR OVERSEEING AND UPDATING THE DEMENTIA-CAPABLE NORTH CAROLINA STATE*

PLAN; APPROPRIATING FUNDS TO OFFSET THE COSTS INCURRED IN UPDATING THE DEMENTIA-CAPABLE NORTH CAROLINA STATE PLAN; AND REQUIRING THE TASK FORCE ON ALZHEIMER'S DISEASE AND RELATED DEMENTIAS TO MEET ON AT LEAST A QUARTERLY BASIS TO DEVELOP RECOMMENDATIONS FOR UPDATES TO THE DEMENTIA-CAPABLE NORTH CAROLINA STATE PLAN.

Amends GS 143B-181.1, retitling the Division of Aging to the Division of Aging and Adult Services (Division). Directs the Division to address related dementias alongside Alzheimer's disease. Gives the strategic State plan for addressing Alzheimer's disease and related dementias the title Dementia-Capable North Carolina State Plan. By January 1, 2025, and every four years thereafter, the Division must update and submit the plan to the General Assembly. Makes conforming changes to the items that must be addressed in the plan.

Appropriates \$5,000 for 2023-24 and \$5,000 for 2024-25 from the General Fund to the Division to offset the Division's costs in updating the Dementia-Capable North Carolina State Plan by January 1, 2025. Effective July 1, 2023.

Enacts new GS 143B-181.2A requiring the Secretary of Health and Human Services to appoint a Coordinator for the Dementia-Capable North Carolina State Plan. In addition to the powers and duties delegated to the Dementia Services Coordinator by the Secretary, requires the coordinator to oversee development, periodic updating, and implementation of the Dementia-Capable State Plan.

Requires the Revisor of Statutes to replace "Division of Aging" with "Division of Aging and Adult Services" throughout the General Statutes.

Intro. by Wheatley, Chesser, Moss.

[APPROP, GS 143B](#)

[View summary](#)

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

ACTIONS ON BILLS

PUBLIC BILLS

H 223: OSHR/VARIOUS SHRA CHANGES.

House: Regular Message Sent To Senate

H 298: CRIMINAL FALSIFICATION OF MEDICAL RECORDS.

House: Regular Message Sent To Senate

H 314: CONFLICTS OF INTEREST TRAINING/LEAS. (NEW)

House: Regular Message Sent To Senate

H 365: REQUIRE THAT JURORS BE US CITIZENS.

House: Regular Message Sent To Senate

H 480: ADOPT DOC WATSON DAY.

House: Regular Message Sent To Senate

No local actions on bills

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