

The Daily Bulletin: 2023-06-06

PUBLIC/HOUSE BILLS

H 130 (2023-2024) [ENERGY CHOICE/SOLAR DECOMMISSIONING RQMTS. \(NEW\)](#) Filed Feb 15 2023, *AN ACT TO (I) LIMIT CITIES AND COUNTIES FROM PROHIBITING CONSUMER CHOICE OF ENERGY SERVICE BASED UPON THE TYPE OR SOURCE OF ENERGY TO BE DELIVERED AND (II) REQUIRE RESPONSIBLE DECOMMISSIONING OF NEWLY SITED UTILITY-SCALE SOLAR PROJECTS UPON CESSATION OF OPERATIONS.*

Senate committee substitute to the 3rd edition makes the following changes.

Amends GS 130A-309.240 as follows. Amends the definition of *recycle*, as it is used in new Part 2J of Article 9 of GS Chapter 130A, to require PV modules determined to be hazardous to comply with applicable hazardous waste requirements even when recycled (no longer limits this requirement to until rules are adopted that classify solar panels as universal waste). Amends the steps that an owner must take in decommissioning a project to also require components that do not meet the definition of *hazardous waste* to be property disposed of in an industrial landfill or a municipal solid waste landfill. Amends information that must be provided when an owner of a utility-scale solar project registers to require that the PV module hazardous waste determination that must be made be done be in compliance with rules adopted by the Department of Environmental Quality or the Environmental Management Commission (was, by the Department of Environmental Quality). Makes additional clarifying changes.

Intro. by Arp, Saine, Wray, Miller.

[GS 130A](#), [GS 153A](#), [GS 160A](#)

[View summary](#)

[Environment](#), [Energy](#), [Government](#), [State Agencies](#),
[Department of Environmental Quality \(formerly DENR\)](#),
[Local Government](#), [Public Enterprises and Utilities](#)

H 140 (2023-2024) [CIVILIAN TRAFFIC INVESTIGATORS. \(NEW\)](#) Filed Feb 16 2023, *AN ACT AUTHORIZING CITIES TO EMPLOY AND ALLOW CIVILIAN PERSONNEL TO INVESTIGATE TRAFFIC CRASHES INVOLVING ONLY PROPERTY DAMAGE.*

Senate committee substitute makes the following changes to the 3rd edition.

Changes new GS 160A-499.6 from a pilot program only run in the cities of Burlington, Greensboro, Greenville, and Winston-Salem to a statewide law authorizing cities to employ and allow civilian personnel to investigate traffic crashes as Civilian Traffic Investigators. Removes requirement that any Civilian Traffic Investigator use the city's s existing police towing rotation system if one has been established when removing a vehicle that is obstructing a public street or highway. Changes the effective date from July 1, 2023, to when the act becomes law. Deletes sunset date. Removes reporting requirements. Makes organizational changes, technical changes, and conforming changes to reflect expanded scope of the act. Makes conforming changes to act's long and short titles.

Intro. by Faircloth, Hardister, Lambeth, Ross.

[GS 160A](#)

[View summary](#)

[Government](#), [Local Government](#), [Transportation](#)

H 580 (2023-2024) [EXPAND DAY/EMPLOYMENT OPTIONS/IDD.](#) Filed Apr 5 2023, *AN ACT TO EXPAND MEANINGFUL DAY AND EMPLOYMENT SERVICES OPTIONS FOR MEDICAID BENEFICIARIES WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES.*

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

Now directs the Department of Health and Human Services (DHHS) to study the feasibility of adding coverage to a new Medicaid service Community Activities and Employment Transitions (CAET) program for individuals aged 16 or older (was, adults 18 or older) with intellectual and developmental disabilities. (Prior version directed the Department of Health and Human Services, Division of Health Benefits (DHB), to create a new Medicaid in-lieu-of-service Community Activities and Employment Transitions (CAET) program for adults with intellectual disabilities.) Directs DHHS to consider the feasibility of adding the coverage in any of the following ways: (1) by adding an "in-lieu-of" service offered through the 1115 waiver for Medicaid transformation, (2) by adding or amending a 1915(i) home and community-based State Plan amendment to include the service, or (3) by adding the service to any existing Medicaid waiver in this State. Amends first of three listed criteria for CAET service to specify that the service modeled after services by Alliance Behavioral Healthcare support a meaningful week when used either separately or with other available services.

Now directs the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services (Commission) (was, DHB) to collaborate with listed stakeholders to review any relevant rules. Authorizes the Commission, in its discretion, to amend or adopt relevant rules, if necessary (previously, DHB was required to amend or adopt any relevant rules if necessary).

Changes the due date of DHHS's (was, DHB) report to the specified NCGA Committee to April 1, 2024 (was, January 1, 2024), and the subject of the report to now include information related to any new CAET service determined to be feasible under the act (prior report required DHB to provide specified information on the development of the CAET program).

Effective July 1, 2023, appropriates \$500,000 from the General Fund to DHR in nonrecurring funds for 2023-24 to implement feasibility study required by the act. Also appropriates \$2 million in nonrecurring funds for 2024-25 to be used for drafting the requests for the authorities or supports needed to implement any proposed new CAET service determined to be feasible under the act. (Prior version appropriated \$4.5 million in recurring funds for 2023-24 and \$9 million in recurring funds for 2024-25 to DHB from the General Fund for implementation of the CAET services. Specified that the funds were a match for federal recurring funds of \$8.7 million for 2023-24, and \$17.4 million for 2024-25, and those federal funds were also appropriated to DHB for the same purpose.)

Intro. by Crawford, White, K. Baker, Hawkins.

APPROP, STUDY

[View summary](#)

**Government, Budget/Appropriations, State Agencies,
Department of Health and Human Services, Health and
Human Services, Health, Health Insurance, Social Services,
Public Assistance**

PUBLIC/SENATE BILLS

S 145 CONTINUING CARE RETIREMENT COMMUNITIES ACT.-AB Filed Feb 22 2023, *AN ACT TO ENACT THE CONTINUING CARE RETIREMENT COMMUNITIES ACT, AS RECOMMENDED BY THE DEPARTMENT OF INSURANCE.*

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

Part 1.

Amends GS 58-64A-5 (new Article 64A, Continuing Care Retirement Communities, definitions provisions) to remove provision stating that definitions therein apply unless context requires otherwise. Deletes the following defined terms: *assisted living care, depositor, expansion, generally accepted accounting principles, immediately accessible site, life plan community, living unit days available, lodging, nursing care, occupancy rates, processing fee, renovation*, and restriction. Enacts new definition, continuing care at home (a program offered by a provider holding a permanent license under the Article that provides continuing care to an individual who is not yet receiving housing, including programs that offer an individual an opportunity to move to an independent living unit at a future date, if desired, according to the provider's established priority and admissions policies at the continuing care retirement community sponsoring the continuing care at home program).

Incorporates the statutory definitions of assisted living care (GS 131D-2.1) and nursing care (GS 131E-176), into definition of continuing care. Replaces prior definition of continuing care retirement community so that it now means a retirement community consisting of one or more structures where a provider renders continuing care to residents. A distinct phase of development approved by the Commissioner may be considered to be the continuing care retirement community when a project is being developed in successive distinct phases over a period of time. Narrows scope of entrance fee to exclude consideration that is just promised to be made by the individual entering into the specified contracts. Removes specific reference to bank from what can be considered a person under definition of escrow agent. Clarifies that for purposes of the defined term occupancy rate, the term living unit days available means the maximum number of living unit days that would have been provided if all available living units were filled during the given time period. The total shall equal the sum of all living units, minus any living units that are unavailable for occupancy, on each day for the given time period. For purposes of this definition, defines "occupied living unit days" as the sum of each daily living unit census at the continuing care retirement community for a given time period, excluding any second person occupants. Requires the total to equal the sum of each daily census for the given time period.

Makes conforming changes throughout the Article to refer to newly defined term continuing care at home instead of continuing care without lodging. Makes technical changes.

Amends GS 58-64A-25 (leasing real property for a continuing care retirement community) to refer to applicants in addition to provider.

Amends GS 58-64A-35, which permits the Commissioner to waive or modify any provisions of new Article 64A to remove Commissioner's authority to do so if there is a sound actuarial, accounting, business principles, or other reasonable reason that does not diminish the Article's protections. Removes language that prohibited any waiver or modification that results in a greater regulator burden, unless it was agreed to in writing by the applicant or provider.

Removes statements filed with the Commissioner regarding any significant disagreements with a former manager from the confidentiality provisions of GS 58-64A-40. Makes clarifying change.

Part 2.

Enacts new GS 58-64A-67, setting forth a general review schedule in response to the following applications: (1) permit to accept deposits, (2) a start-up certificate, (3) a preliminary certificate, (4) a permanent license, (5) an expansion, (6) a continuing care at home license, (7) an expansion notification, and (8) a request for approval pursuant to GS 58-64A-215, GS 58-64A-220, or GS 58-64A-240.

Makes conforming change to GS 58-64A-50 to now require that the Commissioner comply with the review schedule set forth in new GS 58-64A-67 (discussed above) when responding to an application for a permit to accept deposits. Makes other clarifying changes.

Amends GS 58-64A-55 (start-up certificates) as follows. Deletes provisions requiring proof of authority for person signing on behalf of an applicant under penalty of perjury if authority is not apparent as well as language specifying means of such proof. Changes requirements for the market study that is required to be submitted as part of the application to no longer require it be acceptable to the Commissioner. Allows Commissioner to require (was, reasonably require) the person applying for a start-up certificate to submit any other data, financial statements, and pertinent information to assist in its determination. Makes conforming change to now require that the Commissioner comply with the review schedule set forth in new GS 58-64A-67 (discussed above). Changes one of the five listed requirements for approval of a start-up application to now require that the market study and the five-year prospective financial statements included in the applicant's disclosure statement demonstrate that a market for the proposed continuing care retirement community appears to exist and the continuing care retirement community appears to be financially viable. (Prior version had no reference to market study or financial statements.) Requires the applicant and its governing body, officers, and management to be of good moral character (was, demonstrate integrity) in addition to other listed attributes.

Amends GS 58-64A-60 (preliminary certificates) as follows. Makes organizational, technical, and clarifying changes. Changes the standard governing the feasibility study to have it project (was, reasonably project) the market and financial viability of the proposed continuing care retirement community. Makes conforming change to now require that the Commissioner comply with the review schedule set forth in new GS 58-64A-67 (discussed above). Changes provisions governing required actuarial study/projects to specify that the projections must meet metrics determined by the Commissioner (prior version had no reference to determination of metrics by Commissioner).

Amends the statement requirement for a permanent license (GS 58-64A-65) by making technical and conforming changes. Removes discretion for the Commissioner to permit lesser amounts of signed binding reservation agreements or continuing care contracts under the amounts specified in GS 58-64-65. Makes conforming change to now require that the Commissioner comply with the review schedule set forth in new GS 58-64A-67 (discussed above). Changes the explanation requirements accompanying a provisional license so that the Commission must explain the conditions the applicant (was, provider) must satisfy to qualify for a permanent license. Makes clarifying, technical, and organizational changes.

Changes references from person to provider in GS 58-64A-70 (expiration of a permit to accept deposits and start-up certificates).

Makes clarifying changes to when the applicant must submit a request of review of the Commissioner's denial under GS 58-64A-74 (pertaining to denials of applications, notifications, or other requests for approval).

Part 3.

Makes conforming change to GS 58-64A-75 (exemption notifications) to now require that the Commissioner comply with the review schedule set forth in new GS 58-64A-67 (discussed above). Makes clarifying and technical changes.

Changes references from provider to applicant throughout GS 58-64A-80 (expansion applications). Changes the standard governing the feasibility study to have it project (was, reasonably project) the market and financial viability of the proposed expansion. Makes conforming change to now require that the Commissioner comply with the review schedule set forth in new GS 58-64A-67 (discussed above). Makes clarifying changes.

Part 4.

Changes one of the 12 provisions required by GS 58-64A-120 (escrow agreements) to be included the written escrow agreement between the provider and escrow agent so that it must specify that funds deposited shall (was, may) not be subject to any liens or charges by the escrow agent.

Makes technical change to GS 58-64A-130 (entrance fee and deposit delivery to the escrow agent).

Makes organizational changes to GS 58-64A-140 (earnings from funds held in escrow).

Amends GS 58-64A-135(b) (investment of funds in escrow) to require that any investment not diminish the funds held in escrow below the amounts required by the Article (was, investments "may" not diminish the funds).

Amends the delayed refund provisions of GS 58-64A-150 (refunds of escrowed entrance fees and deposits) to allow a provider or an escrow agent (was, just escrow agent) to demonstrate good cause for an extension of a delayed refund beyond one year. Makes organizational changes.

Amends GS 58-64A-155 (release of escrowed entrance fees and deposits) as follows. Changes one of the three required certifications for release of the first 25% of the each escrowed entrance fee and deposit to now make the provider demonstrate that they have received a commitment for any permanent mortgage loan or other long-term financing of the proposed continuing care retirement community or expansion, and more than 70% of any conditions of the commitment prior to disbursement of funds thereunder have been satisfied. (Prior version did not have 70% requirement.) Makes clarifying changes.

Part 5.

Makes clarifying and technical changes to GS 58-64A-160 (pertaining to disclosure statements).

Changes reference from prospective resident to a person in GS 58-64A-165 when noting who must sign an acknowledgement of receipt of the specified disclosure statement. Makes a clarifying change.

Part 6.

Amends GS 58-64A-185 by requiring that a binding reservation agreement include a provision that the depositor (was, person) entering into the agreement may rescind the agreement within 30 days of the specified occurrences.

Amends GS 58-64A-190 by requiring that a continuing care contract include a provision that the resident (was, person) contracting with the provider may rescind the contract within 30 days of the specified occurrences.

Part 7.

Amends GS 58-64A-195, concerning applications for a continuing care at home license, as follows. Amends the items that must be included in an application to include a market study prepared by a person experienced in the preparation of market studies for continuing care at home or similar programs that demonstrates sufficient interest in a continuing care at home program (was, experienced in the preparation of market studies for continuing care without lodging or similar programs, and acceptable to the Commissioner, that demonstrates sufficient interest in a continuing care without lodging program). Make a conforming change to require compliance with the review schedule in GS 58-64A-67 in responding to an application. Amends the criteria that must be met for an application to be approved by making clarifying changes and to specify that the sufficient consumer interest in the proposed continuing care at home program must be as evidenced by the market study; also specifies that the Commissioner must determine whether the proposed program will have a detrimental impact on the overall operation of the applicant and continuing care retirement community. Makes additional clarifying changes.

Amends GS 58-64A-200 by requiring a continuing at home contract include a provision that the resident (was, person) contracting with the provider may rescind the contract within 30 days of the specified occurrences. Makes additional clarifying changes.

Part 8.

Amends GS 58-64A-205 by requiring the annual report to include audited financial statements of the provider's most recent fiscal year (was, audited financial statements as of the end of the provider's most recent fiscal year).

Amends GS 58-64A-210 by making a clarifying change.

Amends GS 58-64A-215 as follows. Requires a provider to request approval of the specified sales, transfers, and purchase of property used in the operations of a continuing care retirement community by filing a request for approval with the Commissioner (was, by providing written notice to the Commissioner). Makes conforming changes. Amends the items that must be in the request for approval (previously in the written notice), to include a description of the financial impact on the applicant (was, on the provider). Makes a conforming change to require compliance with the review schedule in GS 58-64A-67 in responding to a request for approval. Amends the requirements to be met for the approval of the request for approval to include that the transaction does not jeopardize the financial stability of the application (was, of the provider). Makes additional clarifying changes.

Amends GS 65-64A-220, which requires Commissioner approval to enter into an agreement to merge with, or otherwise acquire control of, a provider holding a certificate or license under this Article. Amends the information that must be included in a request for approval as follows. Specifies that that names and addresses that must be included are for each acquiring person (was, each person by whom or on whose behalf the merger or other acquisition of control is to be effected). No longer provides that when the source of the consideration is a loan made in the lender's ordinary course of business the identity of the lender must remain confidential, if requested. Requires inclusion of a description of any changes in the provision of goods and services to the provider and residents (was, a description of any change in the persons who currently provide goods and services to the provider and residents, including health care and management). Makes additional technical changes.

Further amends the statute by making a conforming change to require compliance with the review schedule in GS 58-64A-67 in responding to a request for approval. Amends the conditions that must be met for approval of a request for approval by making clarifying changes and adding the requirement that the request for approval comply with the statute.

Amends GS 58-64A-230, concerning the actuarial study by requiring the study to specifically state the reason when the actuary is unable to form an opinion (was, form a needed opinion). Makes additional technical changes.

Amends GS 58-64A-240 to require a provider to request approval from the Commissioner (was, notify and receive the approval of the Commissioner) before entering into a contract with a third party for the management of a continuing care retirement community; makes conforming changes. No longer requires the inclusion, when applicable, of a statement as to whether there were any significant disagreements with the former manager. Makes a conforming change to require compliance with the review schedule in GS 58-64A-67 in responding to a request for approval. Amends the provision that requires the provider to remove a third-party manager immediately upon discovery of either of the two listed conditions by no longer requiring that the conditions had not been disclosed in the required notice to the Commissioner or in any disclosure statement filed with the Commissioner.

Part 9.

Amends GS 58-64A-270 by making clarifying changes.

Amends GS 58-64A-280 to require submitting a request for the release of an operation reserve at least 10 business days before the proposed date of the release (was, proposed date of the withdrawal). Provides that the Commissioner may disapprove any request to release (was, withdrawal) the funds if the release (was, withdrawal) is not in the residents' best interests.

Part 10.

Amends GS 58-64A-285 by amending the conditions under which the Commissioner may deny an application or any other request for approval, or restrict or revoke any permit, certificate, license, or other authorization issued under the Article, by making clarifying and technical changes.

Amends GS 58-64A-295 by amending the required content of a corrective action plan, which must be completed when the Commissioner has determined that a provider is in a hazardous condition, to require that it include proposals of corrective actions the provider intends to take that would be expected (was, would be reasonably expected) to result in the elimination of the hazardous condition. Limits the requirements that apply to a revised corrective action plan by specifying that they are required when a revised corrective action plan is applicable. Makes a clarifying change.

Amends GS 58-64A-300 by amending the provision that gives the Commission or his designee, for purposes of any investigation or proceeding under this Article, all the powers given to him for insurance companies, by no longer specifying that the Commissioner may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records deemed relevant or material to the inquiry.

Part 12.

Amends GS 58-64A-360 by changing the purpose of the semiannual meetings that the board of directors or other governing body of a provider or its designated representative must hold with the residents of each continuing care retirement community, to require free discussions of subjects affecting and concerning the continuing care retirement community and its residents (was, for free discussions of subjects, including, but not limited to, income, expenditures, and financial matters, trends, and problems as they apply to the continuing care retirement community and discussions of proposed changes in policies, programs, fees, facilities, and services). No longer sets out examples of the members of the governing body of the provider who must attend the meetings. No longer allows a provider to petition the Commissioner for a waiver if, in the provider's opinion, a semiannual meeting cannot reasonably be held. Makes an additional clarifying change.

Part 13.

Amends GS 58-64A-370 by amending the membership of the Continuing Care Advisory Committee to require at least two (was, four) representatives of, and nominated by, the North Carolina Continuing Care Residents Association and two (was, four) representatives of, and nominated by, LeadingAge North Carolina. Removes the requirement that the Commissioner notify the Committee in writing of proposed statute or rule changes and hearings related to the administration of this Article.

Amends the act's effective date by adding that it applies to contracts entered into on or after October 1, 2023.

Intro. by Johnson.

GS 58

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**Business and Commerce, Insurance, Courts/Judiciary,
Criminal Justice, Criminal Law and Procedure, Government,
State Agencies, Department of Insurance, Health and Human
Services, Social Services, Adult Services**

S 552 (2023-2024) [MODIFICATIONS TO NOTARY PUBLIC ACT](#). Filed Apr 4 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE NOTARY PUBLIC ACT*.

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

Amends GS 10B-134.9 to require an electronic notary to refuse to perform a remote electronic notarial act if the electronic notary has reasonable grounds to believe the remotely located principal appears (was, does not appear) in the judgment of the electronic notary to be incompetent, lacking in understanding of the nature and consequences of the transaction requiring the notarial act, or acting involuntarily, under duress, or undue influence.

Intro. by Daniel, Craven.

GS 10B

[View summary](#)

Courts/Judiciary, Civil, Civil Law

S 582 (2023-2024) **NORTH CAROLINA FARM ACT OF 2023**. Filed Apr 4 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL AND WASTEWATER LAWS OF THIS STATE*.

House committee substitute makes the following changes to the 5th edition.

Enacts new Article 68B (Grade "A" Dairy Assessment Act) to GS Chapter 106.

Sets forth the Article's purpose and defined terms. Authorizes the NC Dairy Producers Association (Association) to conduct a referendum on whether to levy an assessment, with every dairy producer eligible to vote. Defines dairy producer as a State resident who produces Grade "A" milk, as defined, for commercial sale and holds a Grade "A" milk permit from the Department (the NC Department of Agriculture and Consumer Services). Sets ballot requirements for proposed assessments and caps the amount at five cents for each hundredweight of Grade "A" milk produced by a dairy producer. Provides the Association discretion to set the assessment at an amount lower than that approved with annual increases as specified. Requires the Association to determine the amount of the assessment, the time and place of the referendum, and referendum procedures. Requires voter eligibility disputes to be determined by the Association. Requires the Association to provide reasonable notice of a referendum.

Sets limitations and procedures for assessment payment and collection. Prohibits collection unless more than half of the votes cast in the referendum are in favor of the assessment, whereby the Association must notify the Department of Agriculture and Consumer Services (DACS) of the assessment amount and effective date, and DACS must notify dairy producers. Provides for payment on each hundredweight of Grade "A" milk produced in the State and sold commercially by either (1) milk handlers and dairy cooperatives deducting the amount from the proceeds of sales and monthly remitting the collection to DACS or (2) dairy producers paying the assessment. Sets a 5% penalty on dairy producers for assessments of the previous year's sales unpaid by January 20, plus 1% of the unpaid assessment for each month after that date the assessment remains unpaid. Authorizes the Association to conduct inspections and audits, with dairy producers responsible for their cost if willful failure to remit assessments is revealed. Provides for the Association to bring a civil action against a dairy producer to collect unpaid assessments, penalties, and reasonable costs for an inspection or audit, with action costs, including attorneys' fees, recoverable if the Association is successful.

Directs DACS to quarterly remit collections to the Association to be used to promote interests of the dairy industry, as specified. Provides a procedure for dairy producers to request a refund on grounds that no benefit from the assessment was received.

Establishes a petition procedure for dairy producers to submit a petition to DACS that begins with a farmer first requesting a refund form from the Association. Requires the Association to provide any farmer with the form within one week of receiving the request and allows the farmer to submit the request on that form between December 15 and December 31.

Requires the Association to conduct a referendum within six months of the receipt of a petition to determine whether to continue the assessment. Provides for the assessment's expiration upon either (1) the majority of the votes cast in the referendum being against continuing the assessment or (2) the Association's failure to conduct a referendum within the required six-month period. Adds that if a majority of the votes cast are in favor of the assessment's continuation, then subsequent referendums are barred for three years.

Amends GS 106-559.1, GS 106-563.1, and GS 106-567.1 to specify that that these statutes refer to assessment referendums for milk products conducted pursuant to the provisions of existing Article 50, GS Chapter 106.

Amends GS 90A-47.4(b) (renewal fees for animal waste management system operators) as follows. Now imposes deadline for payment of annual renewal fee of December 31. Declares certificates not renewed by deadline to be invalid. Requires payment of the renewal fee and late fee equivalent to twice the annual renewal fee (was, renewal penalty of same amount) to renew the certificate. Requires payment of any penalties assessed since the certificate was last renewed along with completion of any accrued continuing education requirements. If a certificate has been invalid for more than 12 months, then requires the operator to make a passing score on examination for certification.

Intro. by Jackson, Sanderson, B. Newton.

Chatham, Cumberland, Harnett, Hoke, Lee, Montgomery, Moore, Richmond, GS 14, GS 15A, GS 19A, GS 20, GS 87, GS 90, GS 99E, GS 105, GS 106, GS 113A, GS 115C, GS 115D, GS 116, GS 130A, GS 136, GS 143, GS 145, GS 160D

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Agriculture, Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Education, Elementary and Secondary Education, Higher Education, Environment, Environment/Natural Resources, Government, Cultural Resources and Museums, Public Safety and Emergency Management, State Agencies, Community Colleges System Office, UNC System, Department of Agriculture and Consumer Services, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources), Department of Health and Human Services, State Government, State Property, Tax, Health and Human Services, Health, Public Health, Transportation

S 675 (2023-2024) **LAND USE CLARIFICATION AND CHANGES**. Filed Apr 6 2023, *AN ACT TO ALLOW THE SITING OF SCHOOLS VIA SPECIAL USE PERMIT FOR AREAS ZONED FOR COMMERCIAL USE; TO CLARIFY THAT USE RIGHTS ON PROPERTY ARE NOT EXTINGUISHED BY THE APPROVAL OF ADDITIONAL USE RIGHTS; AND TO ELIMINATE MUNICIPAL EXTRATERRITORIAL JURISDICTION.*

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

Part III.

Amends GS 130A-317(d) and GS 143-215.1(f) by amending the definitions provided for *extraterritorial jurisdiction* by providing that it means the boundaries of the area over which a municipality was exercising extraterritorial planning jurisdiction under Article 19 or its successor GS Chapter 160D before the municipality's relinquishment of extraterritorial planning jurisdiction (was, relinquishment of jurisdiction) over the area, and specifies that this relinquishment is in accordance with the law.

Amends the effective date for Section 3.1 of the act to specify that it applies only to extraterritorial jurisdiction territory of a city located within counties meeting the specified criteria. Moves the provision repealing any provision in a local act that grants a city the power to exercise extraterritorial planning jurisdiction under Article 19 of GS Chapter 160A or its successor GS Chapter 160D from Section 3.2 of the act to Section 3.1, making it subject to Section 3.1's applicability provisions.

Part IV.

Removes Part IV of the act, which amended GS 160D-702, by adding the requirement that calculations of required open space include wetlands, stream buffers, and stormwater facilities as open space and that prohibited a zoning or development regulation from: (1) setting a minimum lot size greater than 8,700 square feet for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings and (2) limiting density in any district that allows for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings below five structures per acre.

Makes conforming changes to the act's long title.

Intro. by Lee, Craven, Galey.

Granville, Iredell, GS 113A, GS 122C, GS 130A, GS 136, GS 143, GS 153A, GS 160A, GS 160D

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Development, Land Use and Housing, Land Use, Planning and Zoning, Education, Government, Local Government, Public Enterprises and Utilities, Transportation

S 748 (2023-2024) **VOTER FRAUD PREVENTION ACT**. Filed Jun 6 2023, *AN ACT TO REQUIRE A SPECIAL ELECTION WHEN AN ELECTED OR APPOINTED MEMBER OF THE GENERAL ASSEMBLY CHANGES PARTY AFFILIATION DURING THE MEMBER'S TERM IN OFFICE WITH MORE THAN SIX MONTHS OF THE TERM REMAINING AND TO REQUIRE THE RETURN OF CAMPAIGN CONTRIBUTIONS UPON THE REQUEST OF THE CONTRIBUTOR.*

Includes whereas clauses.

Enacts new GS 163-3.5, which deems an office vacated and requires holding a special election to fill the vacancy when an elected or appointed member of the NCGA changes party affiliation during the member's term of office with more than six months remaining in the term. Requires the special election to be held within 90 days from the date the member changed party affiliation. Requires the State Board of Elections to develop guidelines and procedures for these special elections, including reimbursement to the county board of elections for the actual cost involved in administering the special election.

Enacts new GS 163-278.16C requiring a member elected or appointed to the NCGA who changes party affiliation as described above, to return any campaign contributions made to the member's or candidate's campaign committee during the most recent election cycle when requested by the contributor. Requires a refund to be made within 30 days from the date of the request.

Intro. by Garrett, Marcus, Batch.

GS 163

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Government, Elections, General Assembly, State Agencies, State Board of Elections

LOCAL/SENATE BILLS

S 18 (2023-2024) **STANLY CTY AIRPORT AUTHORITY/MEMBERS & LEASES**. Filed Jan 25 2023, *AN ACT INCREASING THE NUMBER OF MEMBERS OF THE STANLY COUNTY AIRPORT AUTHORITY AND AUTHORIZING THE AIRPORT AUTHORITY TO ENTER INTO LEASES AND CONTRACTS FOR TERMS NOT TO EXCEED THIRTY YEARS.*

AN ACT INCREASING THE NUMBER OF MEMBERS OF THE STANLY COUNTY AIRPORT AUTHORITY AND AUTHORIZING THE AIRPORT AUTHORITY TO ENTER INTO LEASES AND CONTRACTS FOR TERMS NOT TO EXCEED THIRTY YEARS. SL 2023-28. Enacted June 5, 2023. Effective June 5, 2023.

Intro. by Ford.

Stanly

[View summary](#)

Transportation

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

AN ACT CLARIFYING THE TYPE OF PROPERTY THAT SHALL REVERT TO THE ORIGINAL GRANTOR IF THE GREATER ASHEVILLE REGIONAL AIRPORT CEASES TO OPERATE OR THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY IS DISSOLVED. SL 2023-29. Enacted June 5, 2023. Effective June 5, 2023.

Intro. by Moffitt.

UNCODIFIED, [Buncombe](#), [Henderson](#)

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ACTIONS ON BILLS

PUBLIC BILLS

H 87: PROBATION MODIFICATIONS/SHERIFF AUTHORITY. (NEW)

House: Concurred In S Com Sub

House: Ordered Enrolled

H 103: GSC TECHNICAL CORRECTIONS 2023.

House: Concurred In S Com Sub

House: Ordered Enrolled

H 130: ENERGY CHOICE/SOLAR DECOMMISSIONING RQMTS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 140: CIVILIAN TRAFFIC INVESTIGATORS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 347: SPORTS WAGERING/HORSE RACING WAGERING. (NEW)

House: Concurred On 2nd Reading

H 364: 2023 UNC SELF-LIQUIDATING CAPITAL PROJECTS.

Senate: Reptd Fav

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

H 580: EXPAND DAY/EMPLOYMENT OPTIONS/IDD.

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 587: NC GENETIC COUNSELORS WORKFORCE ACT.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/07/2023

H 608: SAFETY REQUIREMENTS FOR ELEVATORS.

Senate: Reptd Fav

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

H 750: ADDRESS ESG FACTORS.

Senate: Reptd Fav

Senate: Re-ref Com On Pensions and Retirement and Aging

H 834: JUV CAPACITY/TRANSFER/INTERROG/CONFIDENTIAL. (NEW)

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/07/2023

S 145: CONTINUING CARE RETIREMENT COMMUNITIES ACT.-AB

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Judiciary

S 329: RETAIL INSTALLMENT SALES ACT AMENDMENTS.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/07/2023

S 364: NONDISCRIMIN & DIGNITY IN STATE WORK. (NEW)

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 452: NC DEPARTMENT OF INSURANCE OMNIBUS .-AB

House: Withdrawn From Com

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

S 490: ABC OMNIBUS 2023.

Senate: Withdrawn From Com

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

S 512: GREATER ACCOUNTABILITY FOR BOARDS/COMMISSIONS.

Senate: Failed Concur In H Com Sub

Senate: Conf Com Appointed

S 552: MODIFICATIONS TO NOTARY PUBLIC ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 582: NORTH CAROLINA FARM ACT OF 2023.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/07/2023

S 675: LAND USE CLARIFICATION AND CHANGES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 729: CBBC WORKING GROUP CHANGES.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/07/2023

S 748: VOTER FRAUD PREVENTION ACT.

Senate: Filed

LOCAL BILLS

H 31: ROWAN-SALISBURY BOARD OF EDUC. FILING PERIOD.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 66: BOARDS OF EDUCATION ELECTIONS (NEW)

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

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

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

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

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

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

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