

The Daily Bulletin: 2023-06-14

PUBLIC/HOUSE BILLS

H 6 (2023-2024) [UNIFORMED HEROES VOTING ACT](#). Filed Jan 25 2023, *AN ACT TO CLARIFY THAT FIRST RESPONDERS MAY NOT BE DENIED THE OPPORTUNITY TO VOTE DUE TO APPEARING IN THE VOTING PLACE IN UNIFORM.*

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

Amends GS 163-166.3(a1) by expanding upon the listed categories of individuals that may not be refused entry to a voting site because they appear in their uniform to also include probation officers. Makes a clarifying change. Amends the act's long title.

Intro. by D. Hall, Carson Smith, Miller, Pyrtle.

[GS 163](#)

[View summary](#)

[Government, Elections, Public Safety and Emergency Management, Military and Veteran's Affairs](#)

H 34 (2023-2024) [PROTECT THOSE WHO SERVE AND PROTECT ACT](#). Filed Jan 30 2023, *AN ACT ENACTING THE PROTECT THOSE WHO SERVE AND PROTECT ACT.*

Senate committee substitute to the 2nd edition adds the following content.

Amends GS 14-34.2, making it a Class E felony (currently, a Class F felony) to commit an assault with a deadly weapon (currently, assault with a firearm or other deadly weapon) upon a governmental officer or employee, a company police officer, or a campus police officer in the performance of an official duty.

Amends GS 14-34.5(a1) to make the felony described in that statute (concerning assault with a firearm on members of the NC National Guard) into a Class D felony (currently, Class E felony).

Amends GS 14-34.7 to make the felonies listed in subsections (a), (a1), and (b), concerning assaults inflicting serious bodily injury on listed law enforcement, probation, and parole officers, National Guard members, and detention facility employees, into Class E felonies (currently, Class F felonies). Makes the felony in subsection (c), concerning assaults inflicting physical injury on those same categories of individuals into a Class H felony (currently, Class I felony).

Amends GS 14-32 making it a Class D felony for any person to assault an emergency worker with a deadly weapon and either inflict serious injury or have intent to kill. Defines *emergency worker* as a law enforcement officer, firefighter, emergency medical technician, or medical responder.

Makes organizational changes to account for new sections. Makes conforming changes to act's long title.

Intro. by Hastings, Saine, Carson Smith, Pyrtle.

[GS 14](#)

[View summary](#)

[Animals, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, Health and Human Services, Health, Health Care Facilities and Providers, Military and Veteran's Affairs](#)

H 166 (2023-2024) [AMERICAN INDIANS GRADUATING WITH HONORS ACT](#). Filed Feb 21 2023, *AN ACT TO ALLOW AMERICAN INDIAN STUDENTS TO WEAR CULTURAL OBJECTS AT PUBLIC SCHOOL GRADUATION CEREMONIES*.

AN ACT TO ALLOW AMERICAN INDIAN STUDENTS TO WEAR CULTURAL OBJECTS AT PUBLIC SCHOOL GRADUATION CEREMONIES. SL 2023-43. Enacted June 14, 2023. Effective June 14, 2023.

Intro. by Lowery, Gillespie, B. Jones, Clappitt.

[GS 115C, GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, Native Americans](#)

H 168 (2023-2024) [DNCR AGENCY BILL.-AB](#) Filed Feb 21 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES, AS RECOMMENDED BY THE DEPARTMENT*.

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

Section 10.

Amends GS 143B-135.242 (pertaining to the powers and duties of the Clean Water Management Trust Fund Board of Trustees [Trustees]) to allow the Council of State to delegate its approval authority of any acquisition of land by the Trustees. Specifies that deeds for the land in fee simple absolute (was, just deeds for the land) are subject to approval by the Attorney General before the acquisition can become effective.

Section 11.

Amends GS 121-25 (licenses to conduct exploration, recovery or salvage operations) to delete provisions specifying that all photographs, video recordings, or other documentary materials of a derelict vessel or shipwreck or its contents, relics, artifacts, or historic materials in the custody of any agency of North Carolina government or its subdivisions are public records. Makes conforming changes.

Section 12.

Amends Section 40.17(a)(55) of SL 2021-180 (pertaining to certain funds for the Nikwasi and Watauga Towns Cherokee Settlement) as amended, as follows. Specifies that \$100,000 of the Watauga Town Cherokee Settlement for the 2021-2022 fiscal year is to be provided instead, along with the already specified funds for the Nikwasi Town Cherokee Settlement, as a grant to Mainspring Conservation Trust, Inc. Makes conforming changes to reflect new total of \$813,400 in transferred funds. Now just specifies that the receiving trust should use those funds for land acquisition at the Nikwasi Town and Watauga Town Cherokee mound sites (currently, specifies amount of acreage and easement to purchase). Deletes grant of \$113,000 to the Department of Natural and Cultural Resources (DNCR) for the purchase of easement.

Section 13.

Amends GS 143-260.10 (components of State nature and historic preserve) as follows. Changes effective date of the list of all lands and waters within the boundaries of the listed units of the State Parks System from as of June 7, 2022, to May 2, 2023. Adds Bakers Lake State Natural Area. Removes Oconeechee Mountain State Natural Area and South Mountains State Park. Changes the date by which listed lands and waters are to be within the boundaries of William B. Umstead State Park, Morrow Mountain State Park, Crowders Mountain State Park, New River State Park, Hanging Rock State Park, Jockey's Ridge State Park, Mount Jefferson State Natural Area, Eno River State Park, Hemlock Bluffs State Natural Area, Lake James State Park, Lake Waccamaw State Park, Chimney Rock State Park, Mountains-to-Sea Trail, Gorges State Park, Lower Haw State Natural Area, Lumber River State Park, Mitchells Millpond State Natural Area, Carvers Creek State Park, and the Mayo River State Park from June 7, 2022 to May 2, 2023.

Changes effective date of the list of all lands and waters that are within the boundaries of the listed State Historic Sites from as of June 7, 2022, to May 2, 2023. Adds Shallow Ford of the Yadkin and Thomas Day House/Union Tavern to the list.

Excludes from the State Parks System an additional portion of land in Hanging Rock State Park described in Deed Book 588, Page 727, and containing 0.155 acres as shown on the survey entitled "Plat of Survey for the State of North Carolina Showing

Proposed Boundary Line Agreement" by C.E. Robertson and Associates, PC, dated March 14, 2023.

Deletes language excluding that portion of that certain tract or parcel of land at Lake James State Park in Burke County, Linville Township, described in Deed Book 1431, Page 859, and shown on the survey prepared by Suttles Surveying, PA dated May 2, 2014, entitled "Survey for State of North Carolina," containing 3.41 acres and on file with the State Property Office from the State Parks System.

Deletes language excluding that portion of that certain tract or parcel of property at Gorges State Park in Transylvania County, described in Deed Book 153, Page 083, and containing approximately 4.2 acres as shown as Tract "A" in a survey prepared by E. Roger Raxter, Inc., entitled "State of North Carolina and Blue Ridge Mountains RV Resort Property Owners' Association, Inc.," and dated March 20, 2016 from the State Parks System.

Excludes from the State Parks System those portions of that certain tract or parcel of land at Lumber River State Park in Robeson County, described in Deed Book 1134, Page 70, containing a total of 9,572.57 square feet for the North Carolina Department of Transportation Improvement Plan I-6064A (Interstate-95 Widening) and shown on the drawing prepared by ICE of Carolinas, PLLC, and filed in the State Property Office.

Adds certain tracts within and in the vicinity of the National Landmark Historic District of Bethania in Forsyth County containing approximately 189.84 acres, identified within the State Property Office file as those complexes designated as Bethania Walnut Bluffs and Historic Bethabara Park, and assigned to the Department of Natural and Cultural Resources as of May 2, 2023, to the State Parks System.

Specifies that all lands and waters located within the boundaries of the Oconeechee Mountain State Natural Area as of May 2, 2023, are part of the State Parks System, with the exception of the following tract: the portion of that certain tract or parcel of land at Oconeechee Mountain State Natural Area in Orange County, Hillsborough Township, described in Deed Book 6638, Page 2222, and Deed Book 6638, Page 2227, containing 2,662.48 square feet for the North Carolina Department of Transportation Improvement Plan I-3306A (Interstate-40 Widening) and shown on the drawing prepared by HDR Engineering, Inc., of the Carolinas and filed in the State Property Office.

Specifies that all lands and waters located within the boundaries of the of South Mountains State Park as of May 2, 2023, are part of the State Parks System, with the exception of the following tract: with respect to the communications tower site on Walkertop Mountain located on a portion of that certain tract or parcel of land at South Mountains State Park in Burke County, Morganton Township, described in Deed Book 2654, Page 801, the State may provide space at the communications tower site for the placement of broadband infrastructure on State land. Requires that the State allow the collocation, installation, and operation of equipment by a broadband provider on any existing structure owned by the State.

Makes organizational changes.

Intro. by K. Hall, Wray.

GS 20, GS 66, GS 121, GS 132, GS 140, GS 143, GS 143B, GS 146

[View summary](#)

Environment, Environment/Natural Resources, Government, Cultural Resources and Museums, Public Records and Open Meetings, State Agencies, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources), State Government, Executive, State Property, Transportation

H 193 (2023-2024) [AOC CT CHANGES/AMD EXPUNCTION \(NEW\)](#). Filed Feb 23 2023, *AN ACT TO MAKE VARIOUS CHANGES AND TECHNICAL CORRECTIONS TO THE LAWS GOVERNING THE ADMINISTRATION OF JUSTICE, AS RECOMMENDED BY THE ADMINISTRATIVE OFFICE OF THE COURTS AND TO ALLOW FOR THE EXPUNCTION OF THE OFFENSE OF BREAKING AND ENTERING OF A BUILDING WITH INTENT TO COMMIT A FELONY OR LARCENY AND AMEND THE CONDITIONS THAT RESULT IN A PETITION FOR EXPUNCTION BEING DENIED.*

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

Section 12.

Inserts new Section 12, amending NC Rule of Civil Procedure 5 (GS 1A-1), pertaining to service and filing of pleadings and other papers, as follows. With respect to any document filed by the court that is required to be served, permits service by the court to be made by a notice that identifies the document filed and directs the recipient to an internet location where the document is available to the recipient. Amends provisions pertaining to service through the court's electronic filing or case management system to provide that service is only made on party (not an attorney) using these system(s) if it is made to an email address on record with the court in the case if the party has consented to receive service electronically through these systems and the consent has been filed with the court by any party. Now specifies that service is made on an attorney using these systems if service is made through these systems to an email address on record with the court. Specifies that service through these systems must be sent by 5:00 pm EST on a regular business day, and if sent after that time, it will be deemed to have been sent the next business day. Specifies that if service is not available electronically that the serving party may effect service on a party's attorney of record by mailing a copy to the attorney's mailing address of record with the court (currently, just need to mail it to attorney's office). Clarifies that for items filed through the court's electronic filing system, the automated certificate of service must be generated by the system and filed in the case to satisfy rule's certificate of service requirements (currently, just requires automatic generated certificate of service to comply with rule). Makes conforming changes to account for case management systems and changes to rule pertaining to electronic service upon a party.

Enacts new GS 84-39 (member's address of record with the court) requiring each member of the State Bar to provide a provide a mailing address, phone number, and email address to the secretary-treasurer of the State Bar to be that member's contact information of record with the court. Specifies that contact information provided by the member will be used for service of pleadings and other papers under NC Rule of Civil Procedure 5 unless the member provides different contact information to the secretary-treasurer of the State Bar. Amends GS 84-4.1 (limited practice by out-of-state attorneys) to make out-of-state attorneys subject to filing the same contact information.

Effective August 1, 2023.

Section 13.

Inserts new Section 13, amending GS 122C-261 (affidavit and petition before clerk or magistrate when immediate hospitalization is not necessary for involuntary commitment) as follows. Changes the scope of GS 122C-261(d) from applying to applying to all commitment examiner affiants to commitment examiner affiants filing a petition and affidavit for an involuntary commitment in a county that has not implemented an electronic filing system approved by the Director of the Administrative Office of the Courts. Now requires when a physician or eligible psychologist affiant at a 24-hour treatment facility for involuntary commitment of clients recommends inpatient commitment, that the clerk or magistrate, if finding probable cause to believe the respondent meets criteria for inpatient commitment, to issue a commitment order by facsimile or electronic transmission to the physician or psychologist (currently, magistrate "may" issue orders using facsimile or electronic means).

Specifies that if the affiant is a commitment examiner filing a petition and affidavit for an involuntary commitment in a county that has implemented an electronic filing system approved by the Director of the Administrative Office of the Courts, requires the commitment examiner or their designee to file the affidavit and petition, as well as any other supporting documentation required by law, through the electronic filing system, in addition to other requirement listed in GS 122C-261(d). Specifies that the original custody order is not required to be mailed to the clerk or magistrate. Further specifies that in such counties, commitment examiners must also file any subsequent documentation and notifications prescribed by statute to the clerk of superior court through the electronic filing system.

Amends GS 122C-262(c) (special emergency procedure for individuals needing immediate hospitalization), GS 122-266(c) (outpatient commitment second examination and treatment pending hearing), and GS 122C-283(e) (first examination by commitment officer for substance abuse) to specify that the statutory documents (e.g., under GS 122C-262 certificates of immediate hospitalization completed by commitment examiners under the statute; finding of a physician under GS 122-266; and findings of physician or eligible psychologist and commitment examiner under GS 122C-283) can be sent to the clerk through an electronic filing system, if the county has implemented e-filing or by the most reliable and expeditious means otherwise available (currently, no mention of e-filing and just must send by most reliable and expeditious means). Makes clarifying change to GS 122C-283(c).

Effective April 1, 2024.

Section 14.

Inserts new Section 14, amending expunction eligibility under GS 15A-145.5 (expunction of certain misdemeanors and felonies) as follows. Removes felony offenses under GS 14-54 breaking or entering any building with intent to commit a felony or larceny as offenses exempt from the meaning of “nonviolent misdemeanor” or “nonviolent felony” under the expunction statute.

Amends the time periods for expunctions of up to three nonviolent felony convictions as follows. Enacts new subsubsection GS 15-145.5(c)(2)(a1) that allows a person convicted of one nonviolent felony under GS 14-54(a) to file petition for expunction 15 years after the date of the conviction or 15 years after any active sentence, period of probation, or post-release supervision related to the conviction listed in the petition has been served, whichever occurs later. Makes conforming change to GS 15-145.5(c)(2)(a) to reflect new (a1). Amends GS 15-145.5(c1) to remove references to specific waiting period years in the affidavit statement of good moral character. Expands the scope of what the court must find in order to grant a petition for expunction of one or more nonviolent misdemeanors or one to three nonviolent felonies to include findings that (1) in addition to having no outstanding warrants or pending criminal cases, the petitioner is not under indictment, and no finding of probable cause exists against the petitioner for a felony, in any federal court or state court in the United States and (2) the petitioner is not free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime which would prohibit the person from having his or her petition for expunction under this section granted. Removes references to specific waiting period times in finding related to other felony or misdemeanor convictions required to grant petition for expunction and in finding related to completing the waiting period itself.

Effective December 1, 2023, and applies to petitions filed on or after that date.

Makes organizational changes to account for newly added sections. Makes conforming changes to act’s long and short titles.

Intro. by Stevens.

[GS 1, GS 1A, GS 7A, GS 9, GS 15, GS 58, GS 84, GS 122C, GS 162](#)

[View summary](#)

[Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Court System, Administrative Office of the Courts, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure, Government, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health](#)

H 347 (2023-2024) [SPORTS WAGERING/HORSE RACING WAGERING. \(NEW\)](#) Filed Mar 13 2023, *AN ACT TO AUTHORIZE AND REGULATE WAGERING ON PROFESSIONAL, COLLEGE, AND AMATEUR SPORTS AND ON HORSE RACING IN NORTH CAROLINA, AND TO AUTHORIZE LIVE HORSE RACING IN NORTH CAROLINA.*

AN ACT TO AUTHORIZE AND REGULATE WAGERING ON PROFESSIONAL, COLLEGE, AND AMATEUR SPORTS AND ON HORSE RACING IN NORTH CAROLINA, AND TO AUTHORIZE LIVE HORSE RACING IN NORTH CAROLINA. SL 2023-42. Enacted June 14, 2023. Sections 1, 2, 3, 4, 5, 5.1, 5.5, and 6 are effective January 8, 2024. The remainder is effective June 14, 2023, except as otherwise provided.

Intro. by Saine, Bell, Hawkins, Clemmons.

[STUDY, GS 14, GS 16, GS 18C, GS 105, GS 143B](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Commerce, Department of Revenue, Tax, Native Americans, Lottery and Gaming](#)

H 422 (2023-2024) [UNFAIR REAL ESTATE AGREEMENTS ACT](#). Filed Mar 21 2023, *AN ACT TO PROHIBIT UNFAIR REAL ESTATE SERVICE AGREEMENTS FOR RESIDENTIAL REAL ESTATE*.

Senate committee substitute to the 3rd edition makes the following change. Amends new GS 93A-85.4 (classifying violations of new Article 7, Prohibition of Unfair Real Estate Service Agreements, as deceptive trade practices) to authorize any party aggrieved by the a violation of Article 7 (instead of any persons whose real property is encumbered by an unfair real estate service agreement) to bring a cause of action against the service provider and provides they are entitled to relief under GS Chapter 75 (Monopolies, Trusts and Consumer Protection).

Intro. by K. Hall, Miller, Blackwell, Alston.

[GS 6, GS 93A](#)

[View summary](#)

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

H 574 (2023-2024) [FAIRNESS IN WOMEN'S SPORTS ACT](#). Filed Apr 5 2023, *AN ACT TO PROTECT OPPORTUNITIES FOR WOMEN AND GIRLS IN ATHLETICS*.

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

Amends proposed GS 115C-12(23) as follows. Deletes the requirement that athletic teams participating in interscholastic or intramural activities designated for males, men, or boys not be open to female students unless there is no comparable female team for a particular sport and the sport is not wrestling. Makes conforming organizational changes.

Makes technical organizational changes to GS 115C-218.75, GS 115C-238.66, and GS 116-239.8.

Amends proposed GS 116-401 by removing intramural athletic teams from the scope of the statute and makes a conforming change in GS 116-400 by deleting the definition of *intramural athletics*. Further amends GS 116-401 by no longer requiring intercollegiate athletic teams designated for males, men, or boys not be open to female students unless there is no comparable female team for a particular sport and the sport is not wrestling.

Intro. by Balkcom, Gillespie, Paré, K. Baker.

[GS 115C, GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System, Health and Human Services, Health](#)

H 605 (2023-2024) [SCHOOL THREAT ASSESSMENT TEAMS](#). Filed Apr 13 2023, *AN ACT TO ESTABLISH THREAT ASSESSMENT TEAMS IN PUBLIC SCHOOL UNITS, TO ESTABLISH PEER-TO-PEER COUNSELING IN PUBLIC SCHOOL UNITS, TO CLARIFY THAT THE DEPARTMENT OF PUBLIC INSTRUCTION SHALL PARTICIPATE IN THE ADOPTION OF POLICIES REGARDING PLACEMENT AND CONTENTS OF SCHOOL CRISIS KITS IN PUBLIC SCHOOL UNITS, TO EXPAND LAW ENFORCEMENT ACCESS FROM ONLY TRADITIONAL PUBLIC SCHOOLS TO ALL PUBLIC SCHOOL UNITS, AND TO EXPAND DATA COLLECTION REQUIREMENTS REGARDING SCHOOL SAFETY EXERCISES FROM ONLY TRADITIONAL PUBLIC SCHOOLS TO ALL PUBLIC SCHOOL UNITS*.

Senate committee substitute to the 2nd edition makes the following changes. Expands the required content that must be included in the guidance for threat assessment teams under new GS 115C-105.65 (threat assessment teams) to also require that the guidance contain a provision directing referral to the appropriate law enforcement agency if the individual is not a student. Requires the following to be included in the public school unit's policies pertaining to assessment and intervention by assessment teams: (1) any scale or classification that will be used to indicate various levels of threats and the standard response to each level of threat and (2) differentiation between assessment and intervention at the elementary, middle, and high school level, as appropriate. Requires the public school unit to also consult with any threat assessment team in the unit in developing the policy, in addition to Center for Safer Schools (Center) guidance. Requires that a copy of the policy be sent to the Center. No longer requires that the threat assessment team be multidisciplinary.

Makes clarifying, conforming, and organizational changes.

Intro. by Torbett, Blackwell.

[GS 115C, GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, Public Safety and Emergency Management, State Agencies, Department of Public Instruction](#)

H 618 (2023-2024) [CHARTER SCHOOL REVIEW BOARD](#). Filed Apr 13 2023, *AN ACT TO CONVERT THE CHARTER SCHOOLS ADVISORY BOARD INTO THE CHARTER SCHOOLS REVIEW BOARD, TO SHIFT THE AUTHORITY TO APPROVE CHARTERS FROM THE STATE BOARD TO THE REVIEW BOARD, AND TO CREATE A RIGHT OF APPEAL TO THE STATE BOARD OF EDUCATION FROM REVIEW BOARD DECISIONS.*

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

Section 1.

Changes the preliminary function of the Charter Schools Review Board (CSRБ) in the State Board of Education's (Board) rulemaking under GS 115C-218 (a1), from needing to first approve any rule for the operation and approval of charter schools adopted by the Board to requiring that any such rule adopted by the Board be first recommended by the CSRБ. Reduces the number of voting members on the CSRБ back to 11 (was, 12) and removes the proposed inclusion of the Superintendent of Public Instruction or their designee as a voting member of the CSRБ. Changes the approval authority over training for charter schools or coordinating services with the Department of Public Instruction (DPI) for Office of Charter Schools from the Board to the CSRБ.

Amends the role of the Board under GS 115C-218.90 (employment requirements) to specify that the Board has final decision-making authority on the approval of charter applications, renewals, revocations, and amendments. Changes the entity establishing a competitive bid process under GS 115C-218.95 (cause for nonrenewal or termination of charter schools) back to the Board (was, CSRБ).

Makes clarifying changes to GS 115C-218.105 (state and local funds for a charter school) and conforming change to account for new recommended language.

Makes clarifying change to GS 115C-218.15 (pertaining to charter school operation), GS 115C-296.2 (defining North Carolina Public School) and GS 135-5.3 (optional participation for charter schools operated by private nonprofit corporations or municipalities).

Intro. by Cotham, Moore, D. Hall, Willis.

[GS 115C, GS 135](#)

[View summary](#)

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

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 DIRECT THE BUILDING CODE COUNCIL TO CREATE AN ON-SITE WASTEWATER EXISTING SYSTEM AFFIDAVIT, TO MAKE CERTAIN WASTEWATER ELECTRICAL CHANGES, TO MAKE CERTAIN CHANGES TO PRIVATE DRINKING WATER WELL BUILDING INSPECTION AND INSTALLATION, TO PROHIBIT FORCED SEWER CONNECTIONS IN CERTAIN SITUATIONS, AND TO ESTABLISH A REGISTERED ENVIRONMENTAL HEALTH ASSOCIATE CERTIFICATION UNDER THE STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALIST EXAMINERS.*

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

Amends GS 130A-343 by removing the prohibition on the Commission including more restrictive conditions and limitations in the approval of a wastewater system as Accepted that are not included in the approval of the wastewater system as Innovative or otherwise approved by law.

Adds the following content.

Amends GS 87-97 by removing the provisions under which a building inspector may request from the local health department the opportunity to inspect the activities authorized by a private drinking water well permit that has been issued. Also adds that the permit is deemed to also include authorization for installation of both water pipes and electrical wiring in a single ditch by a person certified as a well contractor when running electrical wires from the well pump to a pressure sensing device other than a pressure switch. Adds the requirement that the ditch be covered by a person certified as a well contractor upon the completion of the allowed activities.

Changes the effective date of fees assessed pursuant to GS 130A-336.1(n), as amended by Section 3 of this act, and fees assessed pursuant to GS 130A-336.2(n), as amended by Section 32 of this act, to September 1, 2023.

Adds the following, effective May 1, 2024.

Replaces the education and practice qualifications required for registration as an environmental health specialist under GS 90A-53 to now require satisfying any of the following: (1) graduation with a bachelor's degree or a postgraduate degree from a program accredited by the National Health Science and Protection Accreditation Council (EHAC); (2) graduation with a bachelor's degree or a postgraduate degree in public health and has at least one year of experience in the field of environmental health practice; or (3) graduation with a bachelor's degree or postgraduate degree, has earned a minimum of 30 semester hours or 45 quarter hours in physical, biological, natural, life, or health sciences and has at least one year of experiences in the field of environmental health practice; or (4) worked at least five years as a registered environmental health associate. Makes technical changes.

Enacts GS 90A-53.1, establishing requirements for registration as an environmental health associate, with certification issuable by the Board of Environmental Health Specialist Examiners. Registration requirements include application and payment of \$100 fee, meeting and complying with applicable ethics standards, and meeting at least one of the education qualifications described: either (1) graduating with an associate, bachelor's, or postgraduate degree from a program accredited by EHAC and completed general and specialized instruction and training in environmental health approved by the Department of Health and Human Services (DHHS) or (2) graduating with an associate, bachelor's, or postgraduate degree and earned a minimum of 15 semester hours in physical, biological, natural, life, or health sciences and satisfactorily completed general and specialized instruction and training in environmental health approved by DHHS. Adds *environmental health associate* and *registered environmental health associate* to the defined terms in GS 90A-51 and makes technical changes.

Amends GS 90A-52 to allow a person with a temporary certification of registration to practice as an environmental health specialist intern for two (was, three) years. Also authorizes a registered environmental health associate, working under the responsible charge of a registered environmental health specialist, to perform any of eight specified duties relating to permitting and inspections, pursuant to rules adopted by the Commission for Public Health, including permitting and inspections for private water wells, inspections of Category I food establishments, temporary food establishments, and limited food service establishments, and inspections of residential care facilities.

Effective when the act becomes law, directs the Board of Environmental Health Specialist Examiners to amend its rules consistent with the act's provisions.

Amends the act's long title.

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

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

[View summary](#)

[Business and Commerce, Occupational Licensing, Development, Land Use and Housing, Building and Construction, Land Use, Planning and Zoning, Environment, Environment/Natural Resources, Government, State Agencies, Department of Environmental Quality \(formerly DENR\),](#)

H 721 (2023-2024) [STATE PRECIOUS METALS DEPOSITORY STUDY](#). Filed Apr 18 2023, *AN ACT TO STUDY WHETHER TO ESTABLISH THE NORTH CAROLINA BULLION DEPOSITORY AND TO PROVIDE FOR BULLION INVESTMENT FOR THE STATE*.

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

Deletes the \$2 billion appropriation from the Savings Reserve as well as the requirement that the State Treasurer acquire gold bullion to be stored with the Texas Bullion Depository. Makes a conforming change to the act's long title.

Appropriates \$50,000 for 2023-24 from the General Fund to the Department of State Treasurer to conduct the study required by the act.

Intro. by Brody, Warren, Loftis, N. Jackson.

[APPROP, STUDY](#)

[View summary](#)

[Banking and Finance, Government, Budget/Appropriations,
State Agencies, Department of State Treasurer](#)

H 741 (2023-2024) [MODIFY/NONPROFITS & 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*.

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

Section 1.

Deletes amendment to GS 55A-12-02(g) (pertaining to corporate sale of assets other than in regular course of activities) that would have exempted sales to charitable and religious organizations from the notice provisions of the law.

Section 2.

Extends the date from January 1, 2027, to January 1, 2028, until which the Secretary of State is authorized to waive the reinstatement fee for a corporation seeking reinstatement following administrative dissolution for delinquent filing.

Intro. by Warren, Lofton, Howard, Reives.

[GS 55A, GS 131F](#)

[View summary](#)

[Business and Commerce, Corporation and Partnerships,
Nonprofits](#)

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

Senate committee substitute to the 3rd edition makes the following changes. Amends GS 15A-533(h) (right to pretrial release in capital and noncapital cases) as follows. Now requires that the judge return the entirety of any criminal history report and risk assessment provided to the court for a determination of pretrial release to the providing agency or department (previously only information obtained from a restricted database was returned). Deletes provisions specifying that nonrestricted information from such reports become part of the court record. Makes clarifying changes.

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 893 (2023-2024) **PRIVATE COMMERCIAL BUILDING INSPECTION**. Filed Apr 25 2023, *AN ACT TO AUTHORIZE INSPECTIONS BY PRIVATE INSPECTORS OF COMMERCIAL BUILDINGS AND STRUCTURES FOR COMPLIANCE WITH THE NORTH CAROLINA STATE BUILDING CODE*.

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

Amends GS 143-151.16 by amending the cap on fees (was, \$20 in current law and \$50 in 1st edition) to the following: (1) \$20 for certification as a qualified Code-enforcement official and (2) \$200 for certification as a private commercial inspector. Also amends the cap on the renewal application fee (was, \$10 in current law and \$200 in 1st edition) to the following: (1) \$10 for a qualified Code-enforcement official and (2) \$50 for a private commercial inspector. Makes additional technical changes.

Intro. by Brody, B. Jones, Pyrtle, Hardister.

GS 143, GS 160D

[View summary](#)

Business and Commerce, Occupational Licensing, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Building and Construction, Government, State Agencies, Department of Insurance, Local Government

PUBLIC/SENATE BILLS

S 58 (2023-2024) **PROTECT CRITICAL INFRASTRUCTURE**. Filed Feb 1 2023, *AN ACT TO INCREASE THE PUNISHMENT FOR PROPERTY CRIMES COMMITTED AGAINST UTILITIES, INCLUDING FACILITIES INVOLVED IN THE TRANSMISSION OF TELEPHONE, BROADBAND, BROADCAST, OR CABLE TELECOMMUNICATIONS SERVICES AND FACILITIES INVOLVED IN THE PRODUCTION, STORAGE, TRANSMISSION, OR DISTRIBUTION OF ELECTRICITY, FUEL, OR ANOTHER FORM OR SOURCE OF ENERGY*.

House committee substitute to the 4th edition makes the following changes.

Amends GS 14-154 to also make it a Class C felony to injure, destroy, or pull down any cables, apparatus, equipment, or fixture used in the transmission of broadcast communications. Make a conforming change.

Makes conforming changes to the act's long title.

Intro. by McInnis, Britt, P. Newton.

GS 1D, GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, Public Enterprises and Utilities

S 382 (2023-2024) **DENTAL PRACTICE ACT CHANGES**. Filed Mar 28 2023, *AN ACT MAKING VARIOUS CHANGES TO THE LAWS OF DENTISTRY*.

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

Further amends GS 90-29(c)(4) (pertaining to exemption to bar on unlicensed dentistry for dental services performed in dental schools or colleges) to allow the practice of dentistry by students at long-term care facilities, group care home programs, State-

operated facilities with resident populations, hospitals, State or county health departments, Area Health Education Centers, Federally Qualified Health Centers, and other nonprofit healthcare organizations recommended by the State Health Director or the Director's designee (was, students at State or county institutions with resident populations, hospitals, State or county health departments, area health education centers, nonprofit health care facilities serving low-income populations and approved by the State Health Director or the Director's designee and approved by the Board of Dental Examiners (Board), and State- or county-owned nursing homes), subject to the already specified review process, under the required supervision, and performed without payment except for expenses and subsistence.

Amends GS 90-41 by providing that failure to comply with any order issued when an individual is unable to practice dentistry due to illness; drunkenness; excessive alcohol, drug, chemical, or other use or due to any physical or mental abnormality is considered unprofessional conduct (was, unprofessional conduct under subdivision (a)(26) of the statute, which allows disciplinary action to be taken when an individual has engaged in any unprofessional conduct as defined by the rules and regulations of the Board).

Amends GS 90-229 by expanding upon the instances in which the Board may refuse to issue a license to practice or a certificate of renewal to practice dental hygiene, revoke or suspend a license to practice dental hygiene, or invoke other disciplinary measures, censure, or probative terms, to include when the applicant or licensee is unable to practice dental hygiene with reasonable skill and safety to patients by reason of illness; drunkenness; excessive use of alcohol, drugs, chemicals, or any other type of material or by reason of any physical or mental abnormality. Allows the Board to require an applicant or licensee to submit to a mental or physical examination or mental examinations during the pendency of a license application and before or after charges may be presented against the applicant or licensee, and allows the results of the exam to be admissible in evidence in a hearing before the Board. Considers failure to comply with an order under this provision as unprofessional conduct.

Amends GS 90-414 by removing dentists from the individuals who must begin submitting demographic and clinical data through the HIE Network by January 1, 2023, and instead makes their participation in the HIE Network voluntary.

Intro. by Perry, Corbin, Johnson.

[GS 90](#)

[View summary](#)

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

S 753 (2023-2024) [HONOR JERRY TILLMAN. FORMER STATE SENATOR.](#) Filed Jun 14 2023, *A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF JERRY WAYNE TILLMAN, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

Includes whereas clauses. As title indicates.

Intro. by Craven, Berger, Woodard.

[SENATE RES](#)

[View summary](#)

[Government, General Assembly](#)

LOCAL/HOUSE BILLS

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

AN ACT TO REQUIRE A REFERENDUM ON WHETHER TO CHANGE THE ELECTION METHOD FOR THE ALEXANDER COUNTY BOARD OF EDUCATION FROM NONPARTISAN TO PARTISAN. SL 2023-41. Enacted June 14, 2023. If the majority of the votes cast in the referendum in Section 3 are in favor of the question, Section 1 is effective with

respect to elections conducted in 2026 and thereafter and Section 2 is effective December 1, 2026. The remainder of the act is effective when it becomes law.

Intro. by Elmore.

Alexander, GS 115C

[View summary](#)

[Education, Government, Elections](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 6: UNIFORMED HEROES VOTING ACT.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 34: PROTECT THOSE WHO SERVE AND PROTECT ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

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

House: Ratified

H 140: CIVILIAN TRAFFIC INVESTIGATORS. (NEW)

House: Concurred In S Com Sub

House: Ordered Enrolled

H 142: PROTECT OUR STUDENTS ACT.-AB

Senate: Reptd Fav

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

H 166: AMERICAN INDIANS GRADUATING WITH HONORS ACT.

House: Signed by Gov. 6/14/2023

House: Ch. SL 2023-43

H 168: DNCR AGENCY BILL.-AB

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 186: DIV. OF JUVENILE JUSTICE MODS.-AB

Senate: Reptd Fav

H 192: 2023 WILDLIFE RESOURCES CHANGES.-AB

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 193: AOC CT CHANGES/AMD EXPUNCTION (NEW).

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 344: MENTAL HEALTH LIC. FAIR PRACTICE STDS. (NEW)

Senate: Regular Message Sent To House
House: Regular Message Received For Concurrence in S Com Sub

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

House: Signed by Gov. 6/14/2023
House: Ch. SL 2023-42

H 415: STOP ADDICTION FRAUD ETHICS ACT OF 2023.

Senate: Reptd Fav
Senate: Re-ref Com On Judiciary

H 422: UNFAIR REAL ESTATE AGREEMENTS ACT.

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 455: EXPEDITE WATER/WASTEWATER FRANCHISE TRANSFER.

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

H 574: FAIRNESS IN WOMEN'S SPORTS ACT.

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 603: TEMPORARY EVENT VENUES.

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading

H 605: SCHOOL THREAT ASSESSMENT TEAMS.

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 608: SAFETY REQUIREMENTS FOR ELEVATORS.

Senate: Regular Message Sent To House
House: Regular Message Received For Concurrence in S Amend

H 611: MODIFY TRAINING/STANDARDS COMMISSIONS POWER.

Senate: Reptd Fav

H 618: CHARTER SCHOOL REVIEW BOARD.

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 627: ON-SITE WASTEWATER RULES IMPLEMENTATION.

Senate: Reptd Fav

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

H 628: AMEND ON-SITE WASTEWATER/ENVIRONMENT STATUTES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 681: INTERSTATE MED. LIC. COMPACT/MIL. LICENSURE.

House: Reptd Fav

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

House: Withdrawn From Com

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 721: STATE PRECIOUS METALS DEPOSITORY STUDY.

House: Reptd Fav Com Substitute

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

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

H 741: MODIFY/NONPROFITS & CHARITABLE SOLICITATION.

House: Reptd Fav Com Sub 2

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

H 750: ADDRESS ESG FACTORS.

House: Ratified

House: Pres. To Gov. 6/14/2023

H 808: SURGICAL GENDER TRANS./MINORS. (NEW)

Senate: Withdrawn From Com

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

H 813: THE PRETRIAL INTEGRITY ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 815: THE LOVING HOMES ACT.

Senate: Reptd Fav

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

H 850: LICENSING BOARD/CONTRACTORS & INSPECTORS.

House: Reptd Fav

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

H 893: PRIVATE COMMERCIAL BUILDING INSPECTION.

House: Reptd Fav Com Substitute

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

S 22: RENAME OUTDOOR HERITAGE ADVISORY COUNCIL.

Senate: Ratified

S 58: PROTECT CRITICAL INFRASTRUCTURE.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Special Message Sent To Senate
Senate: Special Message Received For Concurrence in H Com Sub
Senate: Placed On Cal For 06/15/2023

S 240: PERMIT CHOICE/CERTAIN AIRPORT AUTHORITIES.

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Ordered Enrolled

S 327: GSC ASSIGNMENTS OF ERROR.

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Ordered Enrolled

S 382: DENTAL PRACTICE ACT CHANGES.

House: Reptd Fav Com Substitute
House: Re-ref Com On Rules, Calendar, and Operations of the House
House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading

S 673: WATER AND WASTEWATER REGULATORY RELIEF ACT.

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Ordered Enrolled

S 751: HONOR DAVID HOYLE, FORMER MEMBER.

Senate: Passed 1st Reading
Senate: Placed On Cal For 06/28/2023

S 752: HONOR STAN BINGHAM, FORMER MEMBER.

Senate: Passed 1st Reading
Senate: Placed On Cal For 06/15/2023

S 753: HONOR JERRY TILLMAN. FORMER STATE SENATOR.

Senate: Filed

LOCAL BILLS

H 285: ARCHDALE NO SATELLITE ANNEX. CAP/ZOO ANNEX. (NEW)

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

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

House: Ratified
House: Ch. SL 2023-41

S 126: CITY OF ASHEVILLE/PARKING METER PROCEEDS.

House: Passed 3rd Reading

S 179: EXTEND SUNSET/BUNCOMBE/CC PROJECT/SPENCER MTN. (NEW)

House: Regular Message Sent To Senate
Senate: Regular Message Received For Concurrence in H Com Sub
Senate: Placed On Cal For 06/15/2023

S 265: INCREASE MUNICIPAL ELECTION PARTICIPATION ACT.

House: Regular Message Sent To Senate
Senate: Regular Message Received For Concurrence in H Com Sub
Senate: Placed On Cal For 06/15/2023

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