

The Daily Bulletin: 2023-08-16

PUBLIC/HOUSE BILLS

H 186 (2023-2024) **JUV JUST MODS/DOI EXPENSES/TECH CHANGES. (NEW)** Filed Feb 22 2023, *AN ACT TO MODIFY THE TRANSFER PROCESS FOR JUVENILES WHO ALLEGEDLY COMMITTED CERTAIN FELONIES, TO MODIFY THE CONFIDENTIALITY OF CERTAIN INFORMATION CONCERNING JUVENILES UNDER INVESTIGATION, TO MODIFY THE INTERROGATION PROCEDURES FOR CERTAIN JUVENILES, TO MODIFY THE SERVICE OF SUMMONS FOR JUVENILE PETITIONS, TO CLARIFY THE PROCESS FOR COURT-ORDERED EVALUATIONS FOR JUVENILES, TO CLARIFY MINORITY SENSITIVITY TRAINING FOR LAW ENFORCEMENT PERSONNEL, TO CLARIFY JUVENILE DETENTION TRANSFER, TO MAKE VARIOUS TECHNICAL AND CONFORMING CHANGES, AS RECOMMENDED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF JUVENILE JUSTICE, TO CREATE LAWS TO EVALUATE WHETHER A JUVENILE HAS THE CAPACITY TO PROCEED, TO MODIFY CERTAIN LAWS RELATED TO SECURE CUSTODY ORDERS, TO AUTHORIZE CERTAIN DEPARTMENT OF INSURANCE LEASE EXPENSES, AND TO MAKE TECHNICAL CHANGES TO S.L. 2023-97.*

Conference report to the 6th edition makes the following changes.

Part IV.

Amends GS 7B-1806 to allow a law enforcement officer or juvenile court counselor (was, juvenile court counselor or any other person authorized by law) to serve and complete juvenile process.

Makes organizational changes to the act's effective date provision.

Adds the following new content.

Part V.

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 GS 7B-2200 and GS 7B-2200.5(a)(1). 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.

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 that allegedly committed 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 juvenile's 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 allegedly committed 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.

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.

Effective January 1, 2025.

Part VI.

Amends GS 7B-1904 to require a custody order direct a law enforcement officer or juvenile court counselor (was, or other authorized person) to assume custody of the juvenile and to make dure return on the order. Adds that an order for secure custody may be issued following the filing of the petition and before the juvenile has been served with the petition. Requires a copy of the order to be given to the juvenile in addition to the already listed individuals. Adds that if the juvenile has not been served with the petition upon being detained, then juvenile must be served with the petition no more than 72 hours after the juvenile has been detained.

Enacts new GS 7B-1904.5 as follows. Moves the provision that allowed an officer that receives an order for custody that is complete and regular on its face to execute it without inquiring into its regularity or continued validity and that protected the officer from criminal or civil liability from GS 7B-1904 into this statute. Allows a law enforcement officer to enter a private premises or a vehicle to take a juvenile into custody when three conditions are met. Allows the use of force to enter the premises or vehicle if the officer believes that admittance is being denied or unreasonably delayed or if the law enforcement officer is authorized to enter without giving notice.

Applies to offenses committed on or after December 1, 2023.

Part VII.

Authorizes the Department of Insurance to fund up to \$18 million, with receipts or from other non-General Fund and non-State Capital and Infrastructure Fund sources available to the Department, to enter into a lease agreement for the temporary relocation of offices and up to \$1 million for associated costs. Requires that the lease agreement not exceed five years and

prohibits renewing the lease without prior approval from the NCGA. Requires the relocation process to be completed by October 15, 2023. Prohibits the Office of State Fire Marshal from relocating.

Part VIII.

Amends GS 20-141.3(g), as amended by SL 2023-97, by limiting when an officer may seize the vehicle to when the person is violating the prohibition on operating a motor vehicle on a street or highway willfully in prearranged speed competition with another motor vehicle, or in violation of GS 20-141.10; makes conforming and clarifying changes. Applies to offenses committed on or after December 1, 2023.

Amends the act's titles.

Intro. by Davis, Pyrtle, Carson Smith, A. Jones.

[GS 7B](#), [GS 20](#), [GS 114](#), [GS 153A](#)

[View summary](#)

Courts/Judiciary, Juvenile Law, Delinquency, Motor Vehicle, Government, State Agencies, Department of Insurance, Department of Public Safety, Local Government, Health and Human Services, Health

H 563 (2023-2024) [REGULATE HEMP-DERIVED CONSUMABLES & KRATOM. \(NEW\)](#) Filed Apr 4 2023, *AN ACT TO REGULATE THE SALE AND DISTRIBUTION OF HEMP-DERIVED CONSUMABLE PRODUCTS AND KRATOM PRODUCTS, AND TO BAN THOSE PRODUCTS FROM SCHOOL GROUNDS.*

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

Part I.

Organizes proposed new GS Chapter 18D into Articles.

Article 1.

Amends the definitions in GS 18D-100 as follows. Amends the definition of cannabinoid by amending the list of included photocannabinoids; adds that the term also includes any synthetic cannabinoid derived from a source other than hemp. Changes the definition of hemp-derived consumable product to a hemp product intended for human ingestion or inhalation that contains a concentration of not more than 0.3% on a dry weight basis total combined of delta-9 tetrahydrocannabinol, delta-7 tetrahydrocannabinol, delta-8 tetrahydrocannabinol, or delta-10 tetrahydrocannabinol, or any amount of another cannabinoid; further excludes from the term seeds or seed-derived ingredients that are generally recognized as safe by the US FDA. Removes the term hemp-derived psychoactive cannabinoid. Amends the definition of independent testing laboratory to require that it hold an ISO 17025 accreditation or be registered with the Drug Enforcement Administration (DEA), instead of requiring both. Amends the definition of manufacture to also include packaging hemp-derived consumable products and to no longer specify that the term includes the process of extraction or infusion of hemp-derived cannabinoids and packaging, repacking, labeling, and relabeling of hemp-derived consumable products. Amends the definition of manufacturer to also include a person or entity engaged in the process of manufacturing hemp-derived consumable products.

Amends proposed GS 18D-101 as follows. Prohibits knowingly, or having reason to know, selling at retail a hemp-derived consumable product that has a concentration of more than 0.3% on a dry weight basis total combined of delta-9 tetrahydrocannabinol, delta-7 tetrahydrocannabinol, delta-8 tetrahydrocannabinol, or delta-10 tetrahydrocannabinol (was, has a delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis). Adds that when a penalty is imposed for violating this prohibition, the seller must also pay the actual costs paid for testing the samples that resulted in the violation; requires the fees to be remitted to the ALE Division. Specifies that penalties received as an offer in compromise must also be remitted to the Civil Penalty and Forfeiture Fund. Makes a subsequent violation of the prohibition on engaging in the business of selling a hemp-derived consumable product without a valid license a Class A1 misdemeanor.

Amends proposed GS 18D-103 as follows. Makes it illegal for a manufacturer or distributor to knowingly, or having reason to know, manufacture or distribute a hemp-derived consumable product that has a concentration of more than 0.3% on a dry weight basis total combined of delta-9 tetrahydrocannabinol, delta-7 tetrahydrocannabinol, delta-8 tetrahydrocannabinol, or

delta-10 tetrahydrocannabinol (was, has a delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis); makes conforming changes. Adds that when a penalty is imposed for violating this prohibition, the seller must also pay the actual costs paid for testing the samples that resulted in the violation; requires the fees to be remitted to the ALE Division. Specifies that penalties received as an offer in compromise must also be remitted to the Civil Penalty and Forfeiture Fund. Provides that when the Department of Revenue (Department) is entitled to suspend or revoke a manufacturer's or distributor's license (was, seller's license) the Department may accept an offer in compromise to pay a penalty of not more than \$8,000. Makes additional conforming changes.

Amends GS 18D-106 (now GS 18D-104), as follows. Requires a hemp-derived consumable product to be tested before distribution to determine the presence and amounts of the 101 listed substances (was, seven listed substances). Prohibits the products from exceeding the amounts listed for those substances. Violations will result in one or more of the following actions: (1) suspended license for no more than three years; (2) revocation of the license; (3) impose conditions on the operating hours of the licensee's business; or (4) impose civil penalties as follows: no more than \$1,000 for a first violation, no more than \$5,000 for a second violation within three years, and no more than \$7,500 for a third violation within three years of the first violation. Allows the Department, when it is entitled to suspend or revoke a manufacturer's or distributor's license, to accept an offer in compromise to pay a penalty of not more than \$8,000. Allows the Department to accept a compromise or revoke a license, but not both; allows the Department to accept a compromise and suspend the license in the same case. Requires the proceeds of the penalties, including those received as an offer in compromise, to be remitted to the Civil Penalty and Forfeiture Fund. Makes additional conforming changes.

Amends GS 18D-107 (now GS 18D-105) by amending and expanding upon the statements that must be included in the consumer protection warnings on hemp-derived consumable products. Prohibits a hemp-derived consumable product intended for ingestion from being sold in a serving that contains more than 100 milligrams, in the aggregate, of one or more of the four listed hemp-derived cannabinoids; and specifies that the prohibition on selling in a serving that contains more than 200 milligrams of one or more hemp-derived cannabinoids includes any of those four listed hemp-derived cannabinoids. Violations will result in one or more of the following actions: (1) suspended license for no more than three years; (2) revocation of the license; (3) impose conditions on the operating hours of the licensee's business; or (4) impose civil penalties as follows: no more than \$1,000 for a first violation, no more than \$5,000 for a second violation within three years, and no more than \$7,500 for a third violation within three years of the first violation. Allows the Department, when it is entitled to suspend or revoke a manufacturer's or distributor's license, to accept an offer in compromise to pay a penalty of not more than \$8,000. Allows the Department to accept a compromise or revoke a license, but not both; allows the Department to accept a compromise and suspend the license in the same case. Requires the proceeds of the penalties, including those received as an offer in compromise, to be remitted to the Civil Penalty and Forfeiture Fund.

Moves GS 18D-109 (now GS 18D-106) into Article 1.

Article 2.

Places provision related to the regulation of kratom products under Article 2 instead of in new GS Chapter 18E and makes the following changes.

Amends the definition in GS 18D-200 by changing the term processor to manufacturer; maintains the definition and updates the term throughout.

Amends GS 18D-201 (was, 18E-101) as follows. Allows the Department, when it is entitled to suspend or revoke a seller's license, to accept an offer in compromise to pay a penalty of not more than \$3,000. Allows the Department to accept a compromise or revoke a license, but not both; allows the Department to accept a compromise and suspend the license in the same case. Adds that when a penalty is imposed for violating the prohibition on knowingly, or having reason to know, selling at retail a kratom product that violates the product limitations, the seller must also pay the actual costs paid for testing the samples that resulted in the violation; requires the fees to be remitted to the ALE Division. Specifies that penalties received as an offer in compromise must also be remitted to the Civil Penalty and Forfeiture Fund. Makes a subsequent violation of the prohibition on engaging in the business of selling a kratom product without a valid license a Class A1 misdemeanor.

Amends GS 18D-203 (was, 18E-103) as follows. Provides that when the Department is entitled to suspend or revoke a manufacturer's or distributor's license (was, seller's license) the Department may accept an offer in compromise to pay a penalty of not more than \$8,000. Adds that when a penalty is imposed for violating the prohibition to knowingly, or having reason to know, manufacture or distribute a kratom product that violates the product limitations, the seller must also pay the

actual costs paid for testing the samples that resulted in the violation; requires the fees to be remitted to the ALE Division. Specifies that penalties received as on offer in compromise must also be remitted to the Civil Penalty and Forfeiture Fund.

Article 3.

Article 3 pertains to licensing, combining provisions previously found in 18D-105 and 18E-105. Specifies that a person or entity engaged in more than one of the businesses listed is required to obtain only a single license. Amends the fees for a license to manufacture hemp-derived consumable products or manufacture kratom products, or to distribute hemp-derived consumable products or kratom products, to allow for a lower fee if the applicant can demonstrate their gross income for the prior calendar year was less than \$100,000.

Allows the Department to revoke or refuse to issue any license for: (1) failure to comply with or meet any of the licensure qualifications; (2) submission of false or misleading information in an application for licensure or renewal; (3) submission of false or misleading information in any report or information required by this Chapter to be submitted to the Department; and (4) failure to comply with civil penalties.

Requires that proceedings for the assessment of civil penalties authorized in Articles 1 and 2 be governed by GS Chapter 150B. Upon failure to pay a penalty, allows the Department to institute an action in the superior court of the county in which the person resides or has their principal place of business to recover the unpaid amount; specifies that this recovery does not relieve any party from any other penalty prescribed by law.

Requires the Department to develop and make available online an application for the license required by this Article.

Article 4.

Article 4 contains enforcement provisions previously found in GS 18D-104 and makes them applicable to both hemp-derived consumable products and kratom.

Authorizes the ALE Division to take reasonable samples of inventory for testing in order to determine compliance. Requires the ALE Division to report to the Department any violations for which civil penalties are authorized.

Expands upon the forfeiture provisions as follows. Requires safe storage of a product subject to forfeiture until trial. Allows the presiding judge in a criminal proceeding for violation of GS 18D-101(a)(4) or GS 18D-103(a)(3) to do the following after resolution of a charge against the owner or possessor of products subject to forfeiture: (1) if the owner or possessor of the product is found guilty of specified violations, the judge must order the product forfeited; (2) if the owner or possessor of the product is found not guilty, or if the charge is dismissed or otherwise resolved in favor of the owner or possessor, the judge must order the product returned to the owner or possessor; (3) if the product is also needed as evidence at an administrative hearing, the judge must provide that the order does not go into effect until the Department determines that the product is no longer needed for the administrative proceeding. Requires a judge ordering forfeiture of property to order the product destroyed. Allows the owner of products seized for forfeiture to apply to have the products returned if no criminal charge has been made in connection with that product within a reasonable time after seizure. Prohibits ordering return of the product if possession by the owner would be unlawful.

Part II.

Changes the effective date of the repeal of GS 90-94.1 to December 1, 2023 (was, July 1, 2023).

Part III.

Reduces the amount appropriated to the Department of Public Safety for other costs incurred by the Department of Revenue in implementing the act from \$500,000 to \$375,000 and appropriates \$125,000 to be used for any other costs incurred by the ALE Division in implementing the act.

Part IV.

Amends the changes in the bill to Article 29A of GS Chapter 115 to now also include kratom products.

Further amends GS 115C-407 by removing the requirement that the North Carolina Health and Wellness Trust Fund Commission work with local boards of education to provide assistance with the implementation of the policy prohibiting

tobacco use in school buildings, grounds, and events, including providing information regarding smoking cessation and prevention resources.

Makes the changes in this section applicable beginning with the 2024-25 school year instead of the 2023-24 school year.

Makes conforming and technical changes throughout. Amends the act's long title.

Intro. by McNeely, Sasser, Cotham, Fontenot.

[APPROP, GS 18B, GS 18D, GS 90, GS 106, GS 115C, GS 116](#)

[View summary](#)

[Agriculture, Business and Commerce, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Government, APA/Rule Making, Budget/Appropriations, State Agencies, UNC System, Department of Public Safety](#)

H 896 (2023-2024) [URGE CONGRESS/EXPAND ECONOMIC TIES WITH INDIA](#). Filed Aug 16 2023, *A HOUSE RESOLUTION RECOGNIZING THE SEVENTY-SEVENTH INDEPENDENCE DAY OF INDIA AND URGING THE UNITED STATES CONGRESS TO CONTINUE EXPANDING ECONOMIC AND SECURITY TIES BETWEEN THE UNITED STATES AND INDIA.*

Includes whereas clauses.

Recognizes the 77th Independence Day of India and commemorates the anniversary of India's hard-fought freedom. Urges the US Congress to continue to expand the economic and security ties between the US and India. Requires the Principal Clerk to transmit a copy of this resolution to each member of North Carolina's Congressional Delegation, the Speaker of the US House of Representatives, the Majority Leader of the US Senate, and the President.

Intro. by Moore.

[HOUSE RES](#)

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[Government, State Government](#)

PUBLIC/SENATE BILLS

S 218 (2023-2024) [ESTATES & TRUSTS CHANGES](#). Filed Mar 7 2023, *AN ACT TO UPDATE AND REORGANIZE THE GENERAL STATUTES RELATING TO SPOUSAL AND CHILD'S ALLOWANCE IN ESTATES AND TO AMEND THE GENERAL STATUTES TO TREAT WILLS AND REVOCABLE TRUSTS ALIKE IN CONSTRUCTION, INTERPRETATION, AND ADMINISTRATION WHEN A MARRIAGE IS DISSOLVED BY ABSOLUTE DIVORCE OR ANNULMENT AFTER EXECUTION OF THE WILL OR REVOCABLE TRUST, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.*

House committee substitute to the 2nd edition makes the following changes. Sections 1.2 and 1.3 are effective March 1, 2024 (was, December 1, 2023) and apply to decedents dying on or after that date. Sections 2.1 and 2.2 are effective March 1, 2024 (was, December 1, 2023) and apply to wills probated on or after that date. Otherwise, the act is effective March 1, 2024 (was, December 1, 2023).

Intro. by Galey, Daniel, Sawrey.

[GS 28A, GS 30, GS 31, GS 36C](#)

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

S 308 (2023-2024) [GUARDIANSHIP RIGHTS/MODIFY FIREARMS RETRIEVAL. \(NEW\)](#) Filed Mar 14 2023, *AN ACT TO UPDATE THE GUARDIANSHIP ACCOUNTING STATUTE TO ALLOW FOR CERTAIN TIMING ELECTIONS AND EXTENSIONS, TO AMEND THE GENERAL STATUTES TO PREVENT THE ABUSE OR MISUSE OF AUTHORITY GRANTED TO AN AGENT IN A POWER OF ATTORNEY, AND TO PROMOTE THE RIGHTS AND INDEPENDENCE OF PERSONS SUBJECT TO THE GUARDIANSHIP PROCESS AND TO IMPROVE JUDICIAL OVERSIGHT AND ACCOUNTABILITY FOR GUARDIANS OF THE PERSON, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION, TO MODIFY AND CLARIFY PROVISIONS RELATED TO THE RETRIEVAL OF FIREARMS, AMMUNITION, AND PERMITS SURRENDERED PURSUANT TO AN EX PARTE, EMERGENCY, OR PERMANENT DOMESTIC VIOLENCE PROTECTIVE ORDER, AND TO PROTECT MINOR VICTIMS OF AND WITNESSES TO CRIME.*

House committee substitute to the 2nd edition adds the following new content.

Part IV

Amends GS 50B-3.1 (Surrender and disposal of firearms; violations; exceptions) to remove permits to purchase firearms from the list of items that the court must inquire about ownership or access to when holding the 10-day hearing required by subsection (c) following issuance of an ex parte or emergency GS Chapter 50B protective order. Removes permits to purchase firearms from the list of items that must be immediately surrendered to a sheriff upon service of an ex parte or emergency order under subsection (d). Amends subsections (i) and (j) to remove permits to purchase firearms from the list of items it is unlawful for a person subject to a protective order to possess. Amends subsection (e) to allow a defendant to obtain any weapons surrendered under the section without a further court order if (1) the court doesn't enter a protective order when the ex parte or emergency order expires, or (2) the protective order is denied by the court after a hearing. Requires the sheriff to run a background check on the defendant to ensure that they are not prohibited from possessing firearms before releasing the surrendered firearms. Amends subsection (g) to allow third parties who own items surrendered to a sheriff under a protective order to file a motion for their return at any time prior to their disposal under subsection (h) (was, motion must be filed within 30 days after seizure). Amends subsection (h) to include references to third-party owners and provide a time period for filing a motion to request return before disposal. Now allows rather than requires the sheriff to apply to the court for an order of disposition upon the defendant or third party failing to request the return of surrendered items, being precluded from the return, or failing to pay storage fees for the surrendered items. Effective when the act becomes law and applies to firearms, ammunition, and permits surrendered on or after that date, and, beginning 60 days after the act becomes law, applies to firearms, ammunition, and permits surrendered before the date the act becomes law.

Part V

Amends GS 132-1.4(c)(4) to remove from the designation of public records the contents of a 911 or other emergency call where the caller is less than 18 years of age. Makes clarifying changes.

Amends the act's titles.

Intro. by Galey, Daniel, Overcash.

[GS 32C, GS 35A, GS 50B, GS 132](#)

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[Courts/Judiciary, Civil, Family Law, Court System, Administrative Office of the Courts, Government, Public Records and Open Meetings, Public Safety and Emergency Management, Health and Human Services, Mental Health](#)

S 308 (2023-2024) [GUARDIANSHIP RIGHTS/MODIFY FIREARMS RETRIEVAL. \(NEW\)](#) Filed Mar 14 2023, *AN ACT TO UPDATE THE GUARDIANSHIP ACCOUNTING STATUTE TO ALLOW FOR CERTAIN TIMING ELECTIONS AND EXTENSIONS, TO AMEND THE GENERAL STATUTES TO PREVENT THE ABUSE OR MISUSE OF AUTHORITY GRANTED TO AN AGENT IN A POWER OF ATTORNEY, AND TO PROMOTE THE RIGHTS AND INDEPENDENCE OF PERSONS SUBJECT TO THE GUARDIANSHIP PROCESS AND TO IMPROVE JUDICIAL OVERSIGHT AND ACCOUNTABILITY FOR GUARDIANS OF THE PERSON, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION, TO MODIFY AND CLARIFY PROVISIONS RELATED TO THE RETRIEVAL OF FIREARMS, AMMUNITION, AND PERMITS SURRENDERED PURSUANT TO AN EX PARTE, EMERGENCY, OR PERMANENT DOMESTIC VIOLENCE PROTECTIVE ORDER, AND TO PROTECT MINOR VICTIMS OF AND WITNESSES TO CRIME.*

House amendment to the 3rd edition makes the following changes.

Part IV

Amends GS 50B-3.1 (Surrender and disposal of firearms; violations; exceptions) to remove ammunition from the list of items that the court must inquire about ownership or access to when holding the 10-day hearing required by subsection (c) following issuance of an ex parte or emergency GS Chapter 50B protective order. Removes ammunition from the list of items that must be immediately surrendered to a sheriff upon service of an ex parte or emergency order under subsection (d). Amends subsections (i) and (j) to remove permits to purchase firearms from the list of items it is unlawful for a person subject to a protective order to possess. Amends the provisions concerning disposal of firearms, ammunition, or permits as follows. Allows the sheriff who has control of the firearms, ammunition, or permits, after notice to the defendant and any known third-party owner, to apply for a court order for disposition of the firearms, ammunition, or permits under the following circumstances: (1) both of the following criteria are met: a. if the defendant or third-party owner has not filed a motion requesting the return of any firearms, ammunition, or permits surrendered within 90 days after the expiration of the current order or final disposition of any pending criminal charges committed against the person that is the subject of the current protective order, and b. the defendant has not retrieved the firearms within 90 days after the expiration of the current order or final disposition of any pending criminal charges committed against the person that is the subject of the current protective order; (2) the court has determined that the defendant or third-party owner is precluded from regaining possession of any firearms, ammunition, or permits surrendered; or (3) the defendant or third-party owner fails to remit all fees owed for the storage of the firearms or ammunition within 30 days of either (i) the entry of the order granting the return of the firearms, ammunition, or permits, or (ii) a request to retrieve the firearms, ammunition, or permits. Makes conforming changes. Reinstates the provision making it illegal for any person subject to a protective order prohibiting the possession or purchase of firearms to fail to surrender, or fail to disclose all information pertaining to, permits to purchase firearms. Reinstates the provision making it illegal for any person to possess, purchase, or receive or attempt to possess, purchase, permits to purchase concealed firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person.

Changes the effective date of Part IV so that it is now effective December 1, 2023, and applies (1) to firearms, ammunition, and permits surrendered on or after that date and (2) beginning February 1, 2024, to firearms, ammunition, and permits surrendered before December 1, 2023.

Intro. by Galey, Daniel, Overcash.

[GS 32C, GS 35A, GS 50B, GS 132](#)

[View summary](#)

[Courts/Judiciary, Civil, Family Law, Court System, Administrative Office of the Courts, Government, Public Records and Open Meetings, Public Safety and Emergency Management, Health and Human Services, Mental Health](#)

S 477 (2023-2024) [AMEND BUS. CORP. ACT/BUS. OPP. DISCLOSURES](#). Filed Apr 3 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO ELIMINATE DUPLICATIVE STATE DISCLOSURE REQUIREMENTS FOR BUSINESS OPPORTUNITY SELLERS THAT FILE COMPARABLE DISCLOSURES WITH THE FEDERAL TRADE COMMISSION, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.*

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

Adds a new Part VII with the following content.

Amends GS 58-70-90 (Definitions) to include a definition of “Itemized accounting,” which includes accountings for debt that has and has not been charged off. Standardizes the format of the definitions throughout the section.

Amends GS 58-70-115 (Unfair practices) to insert clarifying language that a collection agency unfair practice includes when the collection agency is a debt buyer on acting on behalf of one, bringing suit or initiating an arbitration proceeding against the debtor, or otherwise attempting to collect on the debt without “access to” (i) valid documentation of the debt buyer’s ownership of the debt instrument and (ii) reasonable verification of the amount of debt owed by the debtor.

Amends GS 58-70-155(b) to remove existing subsections (3)-(8), and replace them with new language requiring that an authenticated business record establishing the amount and nature of a debt to include an itemized accounting as defined by the act in GS 58-70-90.

Renumbers the previous Part VII as Part VIII.

Makes changes to the act's long title.

Intro. by Galey, Overcash.

[GS 55, GS 58, GS 66](#)

[View summary](#)

**[Business and Commerce, Corporation and Partnerships,
Government, State Agencies, Secretary of State](#)**

S 512 (2023-2024) [GREATER ACCOUNTABILITY FOR BOARDS/COMMISSIONS](#). Filed Apr 3 2023, *AN ACT TO INCREASE THE ACCOUNTABILITY OF PUBLIC BOARDS AND COMMISSIONS TO THE CITIZENS OF NORTH CAROLINA BY CHANGING THE APPOINTMENT STRUCTURE OF THOSE BOARDS AND COMMISSIONS*.

Conference report makes the following changes to the 3rd edition.

Part IV

Deletes the proposed changes to the Board of Transportation (BOT) membership set forth in GS 143B-350 and instead amends the statute as follows. Changes the start of a member's term of office from July 31 to July 1 of the year of appointment. Provides for 14 members to be appointed by the NCGA with recommendations split between the President Pro Tempore and the Speaker of the House, and six at-large members appointed by the Governor (currently, 14 division members are appointed by the Governor and six at-large members are appointed by the NCGA). Requires legislative recommendations to comply with GS 120-121. Eliminates references to the 14 highway divisions and instead refers to seven distribution regions, defined by GS 136-189.10(1). Provides for initial legislative appointments by distribution region, with terms beginning in 2023 and 2025 as specified. Provides for gubernatorial appointments to begin in 2023. Terminates terms of members serving prior to July 1, 2023, on June 30, 2023. Requires appointment of a new board of 20 voting members with terms beginning July 1, 2023. Places authority to select a chair with the board (was, the Governor).

Provides for legislative appointment of members from specified distribution regions for two-year terms, beginning July 1, 2023. Specifies replacement of identified highway division members with distribution region members appointed pursuant to GS 143B-350(d), as amended.

Effective July 1, 2023.

Part VIII

Modifies and adds to the changes to the board of directors of the UNC Health Care System (board) set out in GS 116-37 as follows. Increases membership of the board from 24 to 25 members by increasing ex officio members from four to five. Now includes as ex officio members two individuals designated by the Chief Executive Officer who meet four specified criteria, including membership of the executive staff of the UNC Health Care System, as specified (replacing the previously proposed requirement of the President of UNC Hospitals as an ex officio member). Now requires 12 at-large members to be appointed by the President of UNC and confirmed by the Board of Governors (BOG), with the President appointing a slate of three members for confirmation (previously proposed 12 members appointed by the BOG after consultation with the President of UNC, with the BOG appointing three members annually). Adds to the disqualifications of at-large members, barring individuals required to register as lobbyists under GS Chapter 120C for two years immediately preceding the effective date of appointment, on the effective date of the appointment, and at any point during the term of appointment. Adds provisions regarding vacancy appointment, requiring legislative appointments to be filled pursuant to GS 120-122, and appointments by the President of UNC to fill vacancies to be confirmed by the BOG. Adds a new provision deeming an at-large member's seat vacant upon failure for any reason other than ill health or service in the interest of the State or nation to be present for three successive regular meetings of the board. Enacts three operating principles for the board regarding members acting as fiduciaries of the UNC Health Care System, the limited and collective authority of members, and ethical standards required of members. Makes technical changes.

Changes the date of expiration of the terms of ex officio board members to the date the act becomes law (was, July 1, 2023). Changes the beginning date for terms of members appointed to be made in 2023, for terms ending in 2026 and 2027, to the

date the act becomes law (was, July 1, 2023). Makes conforming changes to the provisions regarding initial appointments of members by the President of UNC and confirmed by the BOG in 2023 through 2026.

Part X

Adds the following new content. Amends the appointment of commissioners to the Utilities Commission (Commission) set forth in GS 62-10 as follows. Decreases membership from seven to five commissioners, with three members appointed by the Governor upon confirmation by the NCGA and two members appointed by the NCGA pursuant to GS 120-121 (regarding recommendations for appointment) by the President Pro Tempore and the House Speaker (currently, seven commissioners appointed by the Governor with confirmation by the NCGA). Sets terms of commissioners to six years, beginning on July 1 and ending on June 30. Provides that upon the Governor's failure to submit a slate of names of commissioners to be appointed to the NCGA by May 1 of the year in which terms expire, the President Pro Tempore (was, the Lieutenant Governor) and the House Speaker must jointly submit names of commissioners to the NCGA by May 15 for NCGA confirmation. Makes conforming changes to the procedure for filling vacancies of commissioners appointed by the Governor. Changes term of chair from four-years to three-years. Adds that in case of death, incapacity, or vacancy for any other reason in the office of any commissioner appointed by the NCGA prior to the expiration of a term, the vacancy must be filled pursuant to GS 120-122. Makes technical and conforming changes.

Specifies that two of the tree terms expiring on June 30, 2025, are not to be filled with additional appointments in order to decrease the number of commissioners to five. Deems terms of commissioners now serving to expire at the conclusion of the term for which they are appointed. Provides for staggered appointments upon expiration of terms expiring in 2023-27, with legislative appointments to be made for terms expiring in 2023, and the Governor to appoint commissioners for the terms expiring in 2025, 2027, and 2029.

Part XI

Eliminates the proposed legislative appointment procedure for the UNC BOG in GS 116-6 to instead amend the existing election process as follows. Now provides for election of 12 members by House resolution, with six members elected at the regular session of the NCGA in 2025 and every two years thereafter, and election of 12 members by the Senate, with six members elected at the regular session of the NCGA in 2025 and every two years thereafter. Sets forth a procedure for the Senate's election of members from a slate of candidates prepared pursuant to Senate resolution. Makes technical and conforming changes.

Deletes the proposed changes to GS 116-6.1 (student members of BOG); GS 116-7 (general provisions concerning BOG members); and GS 138A-24 (regarding economic interest statements of BOG nominees).

Eliminates provisions providing for four additional NCGA appointments of BOG members in 2023, and the provisions providing for filling of vacancies for seats elected and filled on or after the effective date of the act.

Part XII

Adds the following new content. Enacts GS 116-31.5 (concerning the NCSU Board of Trustees) and GS 116-31.7 (concerning the UNC Board of Trustees), establishing membership requirements for each Board. Sets membership of each Board at 15, with eight members elected by the BOG, six members appointed by the NCGA, three each upon recommendation of the President Pro Tempore and the House Speaker, with the respective president of the student government serving as an ex officio member. Provides for legislative appointment of two members beginning July 1, 2025, and four members beginning July 1, 2027, and every four years thereafter each appointment. Deems the provisions governing boards of trustees of constituent institutions in GS 116-31 to apply to each Board except as specified. Makes conforming changes to GS 116-31.

Requires legislative appointment of two additional members to each Board to terms beginning on the date of appointment and expiring June 30, 2027, which will not count toward a full four-year term under GS 116-31, with appointments made upon recommendations of the President Pro Tempore and the House Speaker pursuant to GS 120-121.

[View summary](#)

Business and Commerce, Occupational Licensing, Environment, Government, State Agencies, UNC System, Department of Commerce, Department of State Treasurer, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Public Enterprises and Utilities, Transportation

S 542 (2023-2024) [DOL/OMNIBUS LAW CHANGES AGENCY BILL](#). Filed Apr 4 2023, *AN ACT MAKING OMNIBUS CHANGES TO THE LABOR LAWS OF NORTH CAROLINA*.

The House committee substitute to the 1st edition and amendment to the 2nd edition are to be summarized.

Intro. by Galey, Barnes, Corbin.

[GS 95](#)

[View summary](#)

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

S 579 (2023-2024) [PREVENT HARM TO CHILDREN](#). Filed Apr 4 2023, *AN ACT TO INCREASE THE PUNISHMENT FOR DISSEMINATING OBSCENITY, TO CLARIFY THE REGULATIONS ON ADULT LIVE ENTERTAINMENT, AND TO PROHIBIT SEXUAL CONTACT WITH A MINOR*.

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

Revises new GS 14-190.15A (Restrictions on adult live entertainment) to remove the definition of “public property.” Removes the offense of engaging in adult live entertainment on public property. Also removes the offenses of expending public funds for adult live entertainment performers, events with adult live entertainment performances, and promotion of adult live entertainment or events featuring it. Makes organizational changes.

Intro. by B. Newton, Britt, Daniel.

[GS 14](#)

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

S 678 (2023-2024) [CLEAN ENERGY/OTHER CHANGES. \(NEW\)](#) Filed Apr 6 2023, *AN ACT TO: (I) REDEFINE "RENEWABLE ENERGY" AS "CLEAN ENERGY," TO PROVIDE THAT THE TERM INCLUDES NUCLEAR RESOURCES AND FUSION ENERGY, AND TO ELIMINATE LANGUAGE IMPEDING CPCN ISSUANCE FOR NUCLEAR FACILITIES; (II) MODIFY CLOSURE DEADLINES FOR CERTAIN COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (III) MODIFY APPLICATIONS FEES FOR DAM CONSTRUCTION, REPAIR, ALTERATION, OR REMOVAL UNDER THE DAM SAFETY ACT; (IV) INCREASE THE ROOFTOP SOLAR LEASING CAP; (V) REQUIRE APPROVAL BY THE LOCAL GOVERNMENT COMMISSION FOR LOCAL GOVERNMENTS TO ENTER INTO AGREEMENTS TO CEDE OR TRANSFER CONTROL OVER A PUBLIC ENTERPRISE TO A NONGOVERNMENTAL ENTITY; AND (VI) PROHIBIT LOCAL GOVERNMENTS FROM ENTERING NONDISCLOSURE AGREEMENTS IN ORDER TO RESTRICT ACCESS TO PUBLIC RECORDS SUBJECT TO DISCLOSURE UNDER THE PUBLIC RECORDS ACT*.

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

Adds new Part V with the following content.

Creates new GS 159-154 (Non-governmental control of public enterprises), which:

(1) Adopts definitions relevant for the section.

(2) Prohibits a unit of local government from conceding or transferring control of any public enterprise to a non-governmental entity unless the concession/transfer and the agreement controlling the concession/transfer are approved by the Local Government Commission (LGC) under the terms of the section. Requires any agreement for concession/transfer to bear the LGC Secretary's certificate to be valid.

(3) Requires the governing board of a unit of local government to submit an application to the LGC prior to entering into an agreement subject to this section. Allows the LGC to require a preliminary conference with the governing board or representatives of the board prior to approving the application.

(4) Requires the governing body of a unit of local government to hold a public hearing to determine if an agreement subject to this section is in the public interest prior to the LGC's consideration of the agreement. Establishes requirements for the public hearing. Outlines 11 criteria for consideration by the governing body when determining whether the agreement is in the public interest.

(5) Allows the LGC to approve an agreement if it finds that the agreement will reduce short and long term costs to customers without the imposition of material costs or charges to the local government unit or the customers upon termination of the agreement. Permits the LGC to inquire into and consider matters that it believes have bearing on whether the agreement should be approved, including any of 12 listed criteria.

(6) Permits the LGC to require any projection or analysis provided along with an agreement to be prepared by an independent expert approved by the LGC.

(7) Allows the LGC to inform the unit of local government if it tentatively decides to deny an agreement because it cannot be supported by the information submitted to the LGC. Requires the LGC to enter an order denying or approving an application. Clarifies that LGC approval of an agreement does not represent approval of the legality of the agreement.

(8) Requires a unit of local government to seek approval from the LGC before terminating an agreement approved under this section prior to the expiration of its stated term. Specifies that the approval must follow a procedure similar to the initial approval of the agreement. Clarifies that this requirement does not apply to termination of the agreement as an exercise of legal remedies following a breach of the agreement's terms.

(9) Imposes a similar LGC approval requirement prior to adoption of an amendment to an agreement initially approved under this section.

Amends the title of Article 8, GS Chapter 159, to include "Arrangements for Non-Governmental Control of Public Enterprises."

Prohibits political subdivisions of the State from entering into non-disclosure agreements to restrict access to public records by creating new subsection (c) in GS 132-1. Makes a public record any contract where a political subdivision agrees not to disclose information confidential under state law, unless the existence of the contract is also confidential under state law. Requires that a non-disclosure agreement associated with a closed session meeting under GS Chapter 143, Article 33C, be included in the minutes of each closed session meeting. Effective and applicable to any non-disclosure agreements entered into on or after October 1, 2023.

Makes conforming changes to the act's long title.

Intro. by P. Newton, B. Newton, Craven.

[GS 62](#), [GS 130A](#), [GS 132](#), [GS 143](#), [GS 143B](#), [GS 159](#), [GS 160A](#), [GS 160D](#)

[View summary](#)

[Environment](#), [Energy](#), [Environment/Natural Resources](#), [Government](#), [Public Records and Open Meetings](#), [Local Government](#), [Public Enterprises and Utilities](#)

S 747 (2023-2024) [ELECTIONS LAW CHANGES](#). Filed Jun 1 2023, *AN ACT TO MAKE VARIOUS CHANGES REGARDING ELECTIONS LAW*.

House amendments make the following changes to the 4th edition.

Amendment #7 makes the following changes. Amends GS 163-33 by providing that county boards of elections are not prohibited from accepting the following in-kind donations: (1) use of a voting site, if that voting site is used for the purpose of conducting elections; (2) food or beverages for precinct officials or other workers at the voting place or county board of elections office; and (3) ink pens and personal protection equipment to be used in an election.

Amendment #18 makes the following changes. Amends proposed GS 163-45.1(f) by no longer requiring the development and use of a form for challenges to the list of observers. Amends subsection (k) by deleting the provision related to the process for appealing denial of the ability to serve as an observer. Instead, requires the State Board of Elections (State Board) to develop a uniform process for all county boards of elections and the State Board to implement for: (1) the filing and hearing of challenges of the appointment of an observer, (2) the hearing of appeals on challenges of the appointment of an observer, and (3) the hearing of appeals on the removal of an observer from the voting place.

Amends proposed GS 9-6.2 to require that the clerk of superior court communicate information regarding requests to be excused from jury duty on the basis that the person is not a US citizen to the State Board on a schedule determined by the State Board (was, at least on a semiannual basis).

Makes additional technical changes.

Intro. by Hise, P. Newton, Daniel.

[GS 9](#), [GS 18B](#), [GS 143](#), [GS 143B](#), [GS 163](#)

[View summary](#)

[Alcoholic Beverage Control](#), [Courts/Judiciary](#), [Court System](#), [Administrative Office of the Courts](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Government](#), [Elections](#), [State Agencies](#), [State Board of Elections](#), [Local Government](#)

S 754 (2023-2024) [GENERAL ASSEMBLY APPOINTMENTS](#). Filed Jun 27 2023, *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE CORRECTIONS TO PREVIOUS APPOINTMENTS*.

House committee substitute to the 2nd edition makes the following changes. Adds whereas clauses. Corrects the spelling of an appointee's name and makes a clarifying change.

Appoints the specified persons to the following boards and commissions upon the recommendation of the Speaker of the House, effective on the specified date, with terms expiring as provided: Acupuncture Licensing Board; African-American Heritage Commission; Agricultural Finance Authority; North Carolina Appraisal Board; North Carolina Board of Athletic Trainer Examiners; North Carolina Boxing and Combat Sports Commission; North Carolina Brain Injury Council; Centennial Authority; North Carolina Child Care Commission; State Board of Chiropractic Examiners; North Carolina Land and Water Fund Board of Trustees; Coastal Resources Commission; North Carolina Code Officials Qualification Board; Crime Victims Compensation Commission; North Carolina Criminal Justice Education and Training Standards Commission; North Carolina Criminal Justice Information Network Governing Board; North Carolina School for the Deaf Board of Trustees; North Carolina Dietetics/Nutrition Board; Domestic Violence Commission; Eastern North Carolina School for the Deaf Board of Trustees; North Carolina Emergency Medical Services Advisory Council; North Carolina Environmental Management Commission; State Fire and Rescue Commission; North Carolina Board of Funeral Services; North Carolina Global TransPark Authority Board of Directors; Governor Morehead School for the Blind Board of Trustees; North Carolina Home Inspector Licensure Board; North Carolina Housing Finance Agency; North Carolina Innovation Council; North Carolina Interpreter and Transliterator Licensing Board; North Carolina Irrigation Contractors' Licensing Board; North Carolina Institute of Medicine; Justus-Warren Heart Disease and Stroke Prevention Task Force; North Carolina Locksmith Licensing Board; North Carolina State Lottery Commission; North Carolina Marine Industrial Park Authority; North Carolina Medical Board; Board of Nursing; North Carolina Oil and Gas Commission; North Carolina On-site Wastewater Contractors and Inspectors Certification Board; North Carolina Professional Educator Preparation and Standards Commission; Property Tax Commission;

State Board of Proprietary Schools; Public Officers and Employees Liability Insurance Commission; North Carolina Railroad Board of Directors; North Carolina Real Estate Commission; North Carolina Recreational Therapy Licensure Board; Rules Review Commission; Rural Infrastructure Authority; North Carolina Partnership for Children, Inc., Board of Directors; North Carolina State Ports Authority; North Carolina Principal Fellows Commission; North Carolina Board of Science, Technology, and Innovation; North Carolina Board of Licensing for Soil Scientists; State Health Plan for Teachers and State Employees Board of Trustees; State Water Infrastructure Authority; Teachers' and State Employees' Retirement System Board of Trustees; North Carolina Teaching Fellows Commission; North Carolina Wildlife Resources Commission; Cleveland County Community College Board of Trustees; Rockingham County Community College Board of Trustees; Appalachian State University Board of Trustees; East Carolina University Board of Trustees; Elizabeth City State University Board of Trustees; North Carolina Agriculture and Technical State University Board of Trustees; North Carolina State University Board of Trustees; North Carolina Central University Board of Trustees; University of North Carolina at Asheville Board of Trustees; University of North Carolina at Greensboro Board of Trustees; University of North Carolina at Wilmington Board of Trustees; University of North Carolina at Pembroke Board of Trustees; University of North Carolina at Chapel Hill Board of Trustees; University of North Carolina at Charlotte Board of Trustees; University of North Carolina School of the Arts Board of Trustees; University of North Carolina Center for Public Media Board of Trustees; Western Carolina University Board of Trustees; Winston-Salem State University Board of Trustees; Commission for Mental Health, Development Disabilities, and Substance Abuse Services.

Section 1 of Senate Joint Resolution 2023-6 is amended. The expiration date of the appointee's term on to the North Carolina Industrial Commission is April 30, 2029 (was, 2027).

Intro. by Rabon.

UNCODIFIED

[View summary](#)

**[Business and Commerce](#), [Occupational Licensing](#),
[Government](#), [General Assembly](#), [State Government](#), [Executive](#)**

S 754 (2023-2024) **GENERAL ASSEMBLY APPOINTMENTS**. Filed Jun 27 2023, *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE CORRECTIONS TO PREVIOUS APPOINTMENTS.*

House amendment to the 3rd edition makes the following changes. Adds an appointment by the Speaker of the House to the Fayetteville State University Board of Trustees.

Intro. by Rabon.

UNCODIFIED

[View summary](#)

**[Business and Commerce](#), [Occupational Licensing](#),
[Government](#), [General Assembly](#), [State Government](#), [Executive](#)**

LOCAL/SENATE BILLS

S 9 (2023-2024) **LOCAL OMNIBUS CHANGES. (NEW)** Filed Jan 25 2023, *AN ACT TO ALLOW THE APEX TOWN COUNCIL AND MAYOR TO MAKE APPOINTMENTS AND VOTE ON CERTAIN MATTERS REGARDING THE APPOINTEES FOR THE TOWN MANAGER, TOWN ATTORNEY, AND TOWN CLERK FOR THE TOWN OF APEX; TO FURTHER CLARIFY THE PROCESS FOR FILLING VACANCIES ON THE GUILFORD COUNTY BOARD OF EDUCATION; TO REQUIRE THAT MUNICIPAL ELECTIONS FOR ALL MUNICIPALITIES IN MADISON COUNTY BE CONDUCTED ON A PARTISAN BASIS; AND TO AUTHORIZE THE CITIES OF GREENSBORO AND WINSTON-SALEM TO ESTABLISH A CIVIL SERVICE BOARD.*

Conference report makes the following changes to the 4th edition.

Part III.

Removes the proposed changes made to the charters for Canton, Clyde, Maggie Valley, and Waynesville.

Part IV.

Adds the following content.

Amends the Charters of the Cities of Greensboro and Winston-Salem, SL 1959-1137 and SL 1927-232, respectively and as amended, adding a new section to each with the following identical provisions.

Establishes a Civil Service Board (Board) as part of each City's government charged with oversight of their classified service, defined as officers and employees of Police Department and all officers and employees of the Fire Department except the the Chief of Police, the Deputy Chief of Police, Assistant Chiefs of Police, the Fire Chief, the Deputy Fire Chief, and Assistant Fire Chiefs.

Provides for the composition of each five-member Board, including two members elected by members of the classified service. Details member eligibility and disqualifications. Allows for successive terms. Provides further details relating to service on and election to the Board. Bars engaging or benefiting from any contractual work or employment with the City for two years following serving on the Board. Specifies members are unpaid except for reimbursement permitted by city policies. Designates the city clerk or their designee as the Board Secretary and describes the duties and responsibilities of the Secretary, including meeting notices and electronic recordings of meetings. Requires the Board to meet annually to adopt a regular meeting schedule. Details notice and agenda requirements of Board meetings. Requires the Board to notify their Director of Human Resources (HR) of any actions, reports, or recommendations made by the Board within a reasonable time after a meeting, with HR then required to notify affected classified service members. Bars supervisors from prohibiting, directing, or discouraging employees from wearing their uniforms while attending Board meetings.

Requires each Board to adopt substantive rules pertaining to classified service efficiency. Lists policies that such rules may provide for, among other things, such as position classification and standardization, disciplinary suspensions up to 90 days, and investigations and recordkeeping relating to classified service. Requires the Board to also adopt procedural rules. Describes the procedure for adoption or amendment of rules, including submission to the respective city council, public inspection and public hearing, and required approval by a majority vote of the council. Grants the council authority to amend the rules or amendments submitted to it for approval.

Grants each city council (by majority vote of membership), the city manager, or the Board (by majority vote of membership) authority to make official investigations with regard to the operation and enforcement of the new section's provisions, the Board's rules, and the condition of the classified service of the city, and refer such matters to the Board for hearing or further investigation. Grants the power to compel witnesses and issue subpoenas for any investigation. Requires copies of investigation reports to be filed with the city clerk and open for public inspection pursuant to state law.

Provides procedure for members of the classified service to request a hearing before the Board regarding discharge, suspension, rank reduction, transfer, or denial of promotion or raise; requires exhaustion of all remedies under the City's laws or policies prior to requesting a hearing with the Board. Establishes timelines for grievance procedures and Board hearings. Entitles members to representation at hearings before the Board. Grants the Board authority to issue subpoenas for the attendance of witnesses or the production of documents. Places the burden of justifying an act or omission on the City. Provides for the member to inspect and copy records the City plans to rely on upon written request. Requires the Board to render a decision affirming or rescinding the action or omission within 10 days of the hearing. Allows the Board to order the City to take additional steps for a just conclusion if the Board finds the action or omission unjustified. Further details requirements for orders of the Board. Provides for appeal of the Board's decision by the member or the City to superior court within 10 days of receipt of the Board's decision.

Authorizes the Board to designate independent legal counsel to advice and represent the Board, and requires the Board to establish a roster of attorneys for advising or in connection with grievance hearings. Provides for requirements and limitations as to such designations and rosters. Deems the City responsible for the costs of legal services. Details specific procedure for requesting the Office of the City Attorney to serve as legal advisor or attorney for the Board.

Deems the Board responsible for enforcement of the section's provisions and rules adopted thereunder. Authorizes disciplinary action up to and including dismissal for noncompliance. Subjects employees or officials who threaten or intimidate other employees from exercising their rights to disciplinary action up to and including dismissal.

Includes a severability clause. Provides for the act's provisions to supersede conflicting laws, rules, or clauses.

Amends the act's long title.

Intro. by Adcock, Batch.

[Forsyth, Guilford, Haywood, Wake](#)

[View summary](#)

[Employment and Retirement, Government, Elections](#)

S 132 (2023-2024) [HIGH POINT ROW ANNEXATION. \(NEW\)](#) Filed Feb 20 2023, *AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF HIGH POINT.*

House committee substitute to the 1st edition replaces the previous edition with the following.

Adds to the corporate limits of the City of High Point the property "Samet Drive," recorded in the Guilford County Register of Deeds office, Plat Book 34, Page 37. Property is subject to municipal taxes according to GS 160A-58.10.

Makes conforming changes to the act's titles.

Intro. by Hanig.

[Guilford](#)

[View summary](#)

[Government, Local Government](#)

S 154 (2023-2024) [OMNIBUS OCCUPANCY TAX CHANGES. \(NEW\)](#) Filed Feb 23 2023, *AN ACT TO MAKE VARIOUS OCCUPANCY TAX CHANGES.*

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

Part I.

Amends the use of the Avery County District A occupancy tax by no longer prohibiting the use of the proceeds to promote travel or tourism in areas within Avery County that are outside of the district or for tourism-related expenditures in the county that are outside of the district.

Part II.

Requires the Indian Trail Tourism Development Authority to use the proceeds of the occupancy tax for promoting travel and tourism in the town and for tourism-related expenditures in the town as provided for in the Part (was, must expend the net proceeds of the tax for purposes specified in the Part and required promoting travel, tourism, and conventions in the town, sponsoring tourist-related events and activities in the town, and financing tourist-related capital projects in the town).

Part III.

Amends the use of the Stallings District S occupancy tax by no longer prohibiting the use of the proceeds to promote travel or tourism in areas within Stallings that are outside of the district. Requires the Stallings District S Tourism Development Authority to use the proceeds of the occupancy tax for promoting travel and tourism in the district and for tourism-related expenditures in the district as provided for in the Part (was, must expend the net proceeds of the tax for purposes specified in the Part and required promoting travel, tourism, and conventions in the district, sponsoring tourist-related events and activities in the district, and financing tourist-related capital projects in the district).

Part IV.

Requires the Union County Tourism Development Authority to use the proceeds of the occupancy tax for promoting travel and tourism in the county and for tourism-related expenditures in the county as provided for in the Part (was, must expend the net proceeds of the tax for purposes specified in the Part and required promoting travel, tourism, and conventions in the county, sponsoring tourist-related events and activities in the county, and financing tourist-related capital projects in the county).

Expands upon the act by adding the following provisions.

Part V.

Creates a new tax district in Graham County consisting of the part of the County located outside of incorporated areas within the County, to be called Graham County District G. The District is a body politic and corporate. Provides for the governance of that district by the Graham County Board of Commissioners.

Authorizes the Graham County District G governing body to levy a room occupancy tax of up to 3%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Requires the Graham County Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the District and the remainder for tourism-related expenditures in the District.

Part VI.

Authorizes the Town of Lansing Board of Aldermen to levy a room occupancy tax of up to 3%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires the Lansing Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism and the remainder for tourism-related expenditures in the town. Mandates that at least one-third of the members of the TDA must be affiliated with businesses that collect the tax in the town and at least one-half must be currently active in the town's travel and tourism promotion. Makes conforming changes.

Part VII.

Authorizes the Town of Jefferson Board of Aldermen to levy a room occupancy tax of up to 3%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires the Jefferson Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism and the remainder for tourism-related expenditures in the town. Mandates that at least one-third of the members of the TDA must be affiliated with businesses that collect the tax in the town and at least one-half must be currently active in the town's travel and tourism promotion. Makes conforming changes.

Part VIII.

Authorizes Stokes County Board of Commissioners to levy a room occupancy tax of up to 6%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Requires the Stokes County Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism and the remainder for tourism-related expenditures in the county. Mandates that at least one-third of the members of the TDA must be affiliated with businesses that collect the tax in the county and at least one-half must be currently active in the county's travel and tourism promotion.

Part IX.

Repeals Part IX of SL 2001-439 (authorizing occupancy tax for the Town of Wilkesboro). Repeals sections 8 and 9 of SL 2010-78 (creating Wilkes County District K tax district). Provides that any revenue collected pursuant to those repealed laws prior to the effective date may only be used for the direct benefit of the Town of Wilkesboro/Wilkes County District K. Specifies that net proceeds of the occupancy tax levied under this Part supplements, rather than supplants, any proceeds being used that are derived from these repealed taxes. Effective when the Wilkes County District W governing body adopts a resolution levying a room occupancy tax under this Part.

Creates Wilkes County District W (District W) as a taxing district. Defines its jurisdiction as only that part of Wilkes County that is located outside of the incorporated area of the Town of Elkin. Specifies that the Wilkes County Board of Commissioners will serve as the officers of the governing body of District W, which is a body politic with the powers to carry out the powers enumerated in the act. Sets forth rules regarding quorum. Authorizes District W to levy a room occupancy tax of up to 6%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes) as if District W were a county. Specifies that in accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of District W. Requires at least two-thirds of the funds be used to promote travel and tourism with the remainder for tourism-related expenditures in the district. None of the proceeds may be used to promote travel or tourism or for tourism-related expenditures in areas within Wilkes County that are outside of the district. Requires that the Tourism Development Authority consist of the

members appointed by the specified entities; requires membership consist of at least one-third of the members who are affiliated with the businesses that collect the tax in the district and at least one-half of the members who are currently active in the promotion of travel and tourism in the district.

Part X.

Amends the taxing authority of the Yancey County Board of Commissioners (Board) under SL 1987-140, as amended. Authorizes the Board to levy an additional room occupancy tax of up to 3% of the gross receipts derived from the rental of accommodations that are taxable. No longer explicitly excepts accommodations furnished by educational, religious, or summer camp organizations. Clarifies that the tax is in addition to any State or local sales or room occupancy tax. Authorizes the Board to levy an additional room occupancy of up to 3%, provided the Board also levies the initially authorized room occupancy tax. Provides for the levy, collection, administration, and repeal of the taxes authorized by the act as provided in GS 153A-155; makes conforming repeals to previous provisions providing for the same. Provides for penalties under State law.

Replaces the distribution of proceeds provisions as follows. Now requires the County to quarterly remit the tax proceeds to the Yancey County Tourism Development Authority (TDA), which must use at least two-thirds of the proceeds to promote travel and tourism, with the remainder used for tourism-related expenditures in the county. Sets forth three defined terms.

Concerning the creation of the TDA upon the Board adopting a resolution to levy the occupancy tax, requires including that the TDA is a public authority under the Local Government Budget and Fiscal Control Act. Requires the resolution to provide for membership, terms of office, and filling of vacancies on the TDA, including that membership be one-third individuals affiliated with businesses collecting the tax and one-half individuals who are currently active in the promotion of travel and tourism in the district. Requires designation of the chair and member compensation, if any. Requires the TDA to meet at the call of the chair and adopt procedural rules. Names the County Finance Officer as the ex officio officer. Charges the TDA with expending the net proceeds of the occupancy tax and promoting travel and tourism in the district, and making tourism-related expenditures in the district. Directs the TDA to quarterly report to the Board, as well as at the close of the fiscal year, on its receipts and expenditures for the preceding quarter and for the year. Makes conforming repeals to eliminate the Chamber of Commerce Board of Directors' authorities under the act.

Part XI.

Creates Clayton District C (District) as a taxing district. Specifies that the District is a body politic and corporate and has the power to carry out the provisions of the act. Directs the Clayton Town Council to serve ex officio as the governing body of the District, and the officers of the town to serve as the officers of the governing body of the District. Sets forth rules governing quorum. Authorizes the District to levy a room occupancy tax of up to 2%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires the Johnston County Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the District and the remainder for tourism-related expenditures in the District.

Part XII.

Amends SL 1987-141, as follows. Allows Mitchell County to levy room occupancy tax of up to 3% (was, tax of 3%) and adds that an additional room occupancy tax of up to 3% may be levied. Prohibits levying the additional tax unless the original occupancy tax is levied.

Part XIII.

Authorizes the Warren County Board of Commissioners to levy a room occupancy tax of 5%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Requires the Warren County Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the county and the remainder for tourism-related expenditures. Requires the Warren County Board of Commissioners to adopt a resolution creating a TDA. Requires at least one-third of the TDA's members be affiliated with businesses that collect the tax in the county, and at least one-half of the members be currently active in the promotion of travel and tourism in the county. Requires the Board of Commissioners to designate one member of the TDA as chair and determine the compensation to be paid. Sets out the TDA's duties and reporting requirements.

Part XIV.

Authorizes the St. James Town Council to levy a room occupancy tax of up to 5%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires the Town of St. James Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the town and the remainder for tourism-related expenditures. Mandates that at least one-third of the members of the TDA must be affiliated with businesses that collect the tax in the town and at least one-half must be currently active in the town's travel and tourism promotion.

Part XV.

Authorizes the Four Oaks Board of Commissioners to levy a room occupancy tax of up to 2%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires the Johnson County Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the town and the remainder for tourism-related expenditures.

Part XVI.

Allows the Bertie County Board of Commissioners (Board) to levy a room occupancy tax of up to 6% of the gross receipts derived from the rental of an accommodation within the county that is subject to sales tax imposed by the State under GS 105-164.4(a)(3) (state sales tax for rentals of an accommodation) in addition to any other state or local sales tax. Requires that the new local tax be levied, administered, collected and repealed under the provisions set forth in GS 153A-155 (uniform provisions for room taxes). Requires Bertie County to remit the net proceeds of the occupancy tax to the Authority on a quarterly basis. Requires the Authority to use at least two-thirds of the funds to promote travel and tourism and use the remainder for tourism-related expenditures in the county. Requires the Board to create the Authority along with its resolution adopting the local room occupancy tax. Requires at least one-third of the members to be individuals who are affiliated with businesses that collect tax in the county, and at least one-half of the members to be individuals who are currently active in the promotion of travel and tourism in the county. Requires the Authority to expend the net proceeds of the new local room occupancy tax for promoting travel and tourism and for tourism-related expenditures.

Part XVII.

Specifies that the portions of Iredell County located outside of incorporated areas within the County is to be called Iredell County District I. The District is a body politic and corporate. Provides for the governance of that district by the Iredell County Board of Commissioners.

Authorizes the Iredell County District I governing body to levy a room occupancy tax of up to 6%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Requires adoption of a resolution establishing the Iredell County District I Tourism Development Authority (TDA) at the time of the adoption of a resolution levying the tax. Mandates that at least one-third of the members of the TDA must be affiliated with businesses that collect the tax in the county and at least one-half must be currently active in the county's travel and tourism promotion. Requires the TDA to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the District and the remainder for tourism related expenditures in the District.

Repeals Part IV of SL 1985-570, as amended (pertaining to Iredell countywide occupancy tax). Effective when the governing body of Iredell County District I adopts a resolution levying a room occupancy tax.

Part XVIII.

Amends SL 1985-923, as amended, as follows. Authorizes the Swain County Board of Commissioners (Board) to levy a room occupancy tax of up to 3% on gross receipts derived from the rental of an accommodation in the county (was, rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place). Eliminates the exclusion of accommodations furnished to nonprofit charitable, educational, or religious organizations. Makes the current provision concerning the distribution and use of the tax applicable only until the Joint County-City Tourism Development Authority is established. Requires within 60 days of the act becoming effective, that the Board and the Bryson City Board of Aldermen adopt a joint resolution converting the Swain County Tourism Development Authority to the Swain County-Bryson City Tourism Development Authority (TDA). Requires the county to transfer the assets of the Swain County Tourism Development Authority to the new TDA. Sets out the membership and appointing authorities for the new TDA. Requires the TDA to expend the net proceeds of the tax on promoting travel and tourism and for tourism-related expenditures. Once the new TDA has been established requires Swain County to quarterly remit the proceeds of the occupancy tax to the new TDA. Requires the new

TDA to segregate the funds into two separate accounts based on the jurisdiction from which they were collected (Bryson City vs Swain County); requires at least two-thirds of the funds in each account to be used to promote travel in the relevant area and for the remainder to be used for tourism-related expenditures in the relevant area. Allows the new TDA to use funds held in either/both accounts for a grant program providing financial assistance for tourism projects that will promote travel and tourism in the city or county or that will increase the use of accommodations, meeting facilities, or convention facilities in the county or city. Requires the TDA to create a website that contains the required quarterly reports, TDA member contact information, and the TDA's policy for providing grants.

Requires the Office of the State Auditor to audit the Swain County Tourism Development Authority for 2020-21, 2021-22, and 2022-23 and sets out issues that must be addressed in the audit. Requires a report to the specified NCGA committee and division by the convening of the 2025 General Assembly.

Part XXII.

Amends SL 2013-223, Section 2(i), under which Carteret County may use 50% of occupancy tax revenue for beach nourishment on Bogue Banks. Provides that Carteret County may not accumulate a balance of tax proceeds for beach nourishment in excess of \$60 million (was, \$30 million).

Part XXIII.

Creates a new tax district in Davidson County consisting of the part of the County located outside of incorporated areas within the County, to be called Davidson County District D. The District is a body politic and corporate. Provides for the governance of that district by the Davidson County Board of Commissioners.

Authorizes the Davidson County District D governing body to levy a room occupancy tax of up to 6%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Requires the Davidson County District D Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the district and the remainder for tourism-related expenditures in the district.

Part XXIV.

Creates a new tax district in Davie County consisting of the part of the County located outside of incorporated areas of Mocksville, Bermuda Run, and Coolemee, to be called Davie County District E. The District is a body politic and corporate. Provides for the governance of that district by the Davie County Board of Commissioners.

Authorizes the Davie County District E governing body to levy a room occupancy tax of up to 3%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Requires the Davie County District E Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the district and the remainder for tourism-related expenditures in the district.

Part XXV.

Amends Section 9.1 of SL 1983-908, as amended, as follows. Extends the repeal of Section 7 and Section 9(a)(4)b., the Mecklenburg County prepared food and beverages tax and distribution of a portion of occupancy tax proceeds to specified Mecklenburg County towns, to July 1, 2060.

Part XXVI.

Makes conforming changes to GS 153A-155 and GS 160A-215.

Makes additional organizational changes and changes the act's titles.

Intro. by Hise.

Ashe, Avery, Bertie, Brunswick, Carteret, Davidson, Davie, Graham, Iredell, Johnston, Mecklenburg, Mitchell, Stokes, Swain, Union, Warren, Wilkes, Yancey, GS 153A

[View summary](#)

Government, Tax

S 169 (2023-2024) [LOCAL OMNIBUS CHANGES. \(NEW\)](#) Filed Feb 28 2023, *AN ACT TO PROVIDE FOR VARIOUS LOCAL CHANGES.*

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

Changes the act's titles.

Adds the following content.

Permits the Carteret County Board of Commissioners and Board of Education to contract or approve a tenant's contract for design and construction of buildings on public school property. Exempts the contract and approval under from Article 8 (Public Contracts) of GS Chapter 143 and Article 12 (Sale and Disposition of Property) of GS Chapter 160A. Permits property subject to a contract under this provision to be leased to a public or private entity with a history of partnering with the Carteret County Board of Education for similar projects. Exempts any lease entered into under SL 2002-35 from Article 12 of GS Chapter 160A.

Amends Section 2.2 of Article II of the Charter of the City of Gastonia (SL 2017-37) to provide for election of City Council members from single-member electoral districts, known as wards. Provides that the wards shall be the wards approved by the Council on May 3, 2022. Amends Section 3.1 of Article III of the Charter to remove language referencing wards, and to include a requirement that elections shall be conducted in accordance with GS Chapter 163. Provides a staggered schedule of elections for the wards. Amendments to the city charter are effective at the first regular meeting of the city council held in 2025, and applicable to municipal elections held in 2025 and after.

Intro. by Jarvis.

[Carteret, Davidson, Gaston](#)

[View summary](#)

S 169 (2023-2024) [LOCAL OMNIBUS CHANGES. \(NEW\)](#) Filed Feb 28 2023, *AN ACT TO PROVIDE FOR VARIOUS LOCAL CHANGES.*

House amendment to the 4th edition adds the following.

Requires that Trenton regular municipal elections be held at the time of the general election in each even-numbered year. Requires that the mayor and commissioners be elected on a nonpartisan plurality basis and the results determined in accordance with GS 163-292. Requires the election to be conducted in accordance with the uniform municipal election laws in GS Chapter 163. Prohibits conducting municipal elections in Trenton in 2023 and cancels any notice of candidacy that has been filed in 2023. Extends by one year the terms of office for the mayor and three commissioners serving on the effective date of this section whose terms are set to expire in 2023. Requires regular municipal elections to be conducted in Trenton in even-numbered years beginning in 2024. Requires that the mayor and three commissioners be elected to serve two-year terms beginning in 2024.

Intro. by Jarvis.

[Carteret, Davidson, Gaston, Jones](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 75: [PA TEAM-BASED PRACTICE.](#)

House: Withdrawn From Com
House: Added to Calendar
House: Fail Concur In S Amend SA1

H 186: JUV JUST MODS/DOI EXPENSES/TECH CHANGES. (NEW)

Senate: Conf Com Reported
Senate: Placed on Today's Calendar
House: Conf Com Reported
House: Conf Report Adopted
Senate: Conf Report Adopted
House: Ordered Enrolled
House: Ordered Enrolled

H 219: CHARTER SCHOOL OMNIBUS.

House: Veto Overridden
Senate: Placed on Today's Calendar
Senate: Veto Overridden

H 323: RETAIN ADULT DEVEL. VOC. REHAB. PROGRAMS. (NEW)

Senate: Passed 3rd Reading
Senate: Ordered Enrolled

H 388: CAMPAIGN CONTRIBUTION/EXPENDITURE THRESHOLDS. (NEW)

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

H 422: UNFAIR REAL ESTATE AGREEMENTS ACT.

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: Added to Calendar
House: Concurred In S Com Sub
House: Ordered Enrolled

H 447: CLARIFY MOTOR VEHICLE DEALER LAWS.

House: Concurred In S Com Sub
House: Ordered Enrolled

H 466: ALLOW TEMPORARY DWELLINGS DURING CONSTRUCTION.

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

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

House: Veto Overridden
Senate: Placed on Today's Calendar

Senate: Veto Overridden

H 563: REGULATE HEMP-DERIVED CONSUMABLES & KRATOM. (NEW)

House: Reptd Fav Com Sub 2

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

H 574: FAIRNESS IN WOMEN'S SPORTS ACT.

House: Veto Overridden

Senate: Placed on Today's Calendar

Senate: Veto Overridden

H 618: CHARTER SCHOOL REVIEW BOARD.

House: Veto Overridden

Senate: Placed on Today's Calendar

Senate: Veto Overridden

H 808: GENDER TRANSITION/MINORS. (NEW)

House: Veto Overridden

Senate: Placed on Today's Calendar

Senate: Veto Overridden

H 896: URGE CONGRESS/EXPAND ECONOMIC TIES WITH INDIA.

House: Filed

House: Rules Suspended

House: Passed 1st Reading

House: Added to Calendar

House: Adopted

S 49: PARENTS' BILL OF RIGHTS.

Senate: Withdrawn From Com

Senate: Placed on Today's Calendar

Senate: Veto Overridden

House: Veto Received from Senate

House: Added to Calendar

House: Veto Overridden

S 176: CONSUM. IN CRISIS PROTECT. ACT./ESOPs MIN. BUS. (NEW)

Senate: Passed 3rd Reading

Senate: Engrossed

Senate: Special Message Sent To House

House: Special Message Received From Senate

S 218: ESTATES & TRUSTS CHANGES.

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

S 308: GUARDIANSHIP RIGHTS/MODIFY FIREARMS RETRIEVAL. (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Withdrawn From Cal

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

House: Withdrawn From Com

House: Added to Calendar

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

House: Special Message Sent To Senate

S 477: AMEND BUS. CORP. ACT/BUS. OPP. DISCLOSURES.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Withdrawn From Cal

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

S 512: GREATER ACCOUNTABILITY FOR BOARDS/COMMISSIONS.

Senate: Conf Com Reported

House: Conf Com Reported

House: Added to Calendar

Senate: Placed on Today's Calendar

House: Conf Report Adopted

Senate: Conf Report Adopted

Senate: Ordered Enrolled

S 542: DOL/OMNIBUS LAW CHANGES AGENCY BILL.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

House: Ordered Engrossed

House: Special Message Sent To Senate

S 579: PREVENT HARM TO CHILDREN.

House: Reptd Fav Com Sub 2

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 Today's Calendar

Senate: Failed Concur In H Com Sub

S 615: ADOPTION/CONFLICT OF INT/GUARD AD LITEM CHANGES. (NEW)

House: Conf Com Appointed

S 678: CLEAN ENERGY/OTHER CHANGES. (NEW)

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

S 747: ELECTIONS LAW CHANGES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Failed A1

House: Amend Failed A2

House: Amend Failed A3

House: Amend Failed A4

House: Amend Failed A5

House: Amend Failed A6

House: Amend Temporarily Displaced A7

House: Amend Failed A8

House: Amend Failed A9

House: Amend Failed A10

House: Amend Failed A11

House: Amend Failed A12

House: Amend Failed A13

House: Amend Failed A14

House: Amend Failed A15

House: Amend Failed A16

House: Amend Failed A17

House: Amend Adopted A18

House: Amend Adopted A7

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received For Concurrence in H Com Sub and H Amend

Senate: Placed on Today's Calendar

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 754: GENERAL ASSEMBLY APPOINTMENTS.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received For Concurrence in H Com Sub and H Amend

Senate: Placed on Today's Calendar

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

LOCAL BILLS

S 9: LOCAL OMNIBUS CHANGES. (NEW)

Senate: Failed Concur In H Com Sub

Senate: Conf Com Appointed

House: Conf Com Appointed

Senate: Conf Com Reported

Senate: Placed on Today's Calendar

House: Conf Com Reported

House: Conf Report Adopted

Senate: Conf Report Adopted

Senate: Conf Report Adopted

Senate: Ordered Enrolled

S 132: HIGH POINT ROW ANNEXATION. (NEW)

House: Reptd Fav Com Substitute

House: Ruled Material

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 08/17/2023

House: Withdrawn From Cal

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

S 154: OMNIBUS OCCUPANCY TAX CHANGES. (NEW)

House: Reptd Fav Com Substitute

House: Ruled Material

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 08/17/2023

House: Withdrawn From Cal

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

S 169: LOCAL OMNIBUS CHANGES. (NEW)

House: Reptd Fav Com Sub 3

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

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