**The Daily Bulletin: 2023-08-17**

**PUBLIC/HOUSE BILLS**

**H 219 (2023-2024) CHARTER SCHOOL OMNIBUS.** Filed Feb 28 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING CHARTER SCHOOLS.*

AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING CHARTER SCHOOLS. SL 2023-107. Enacted August 16, 2023. Effective August 16, 2023, except as otherwise provided.

*Intro. by Torbett, Bradford, Willis, Saine.*

GS 115C, GS 153A

View summary

Education, Elementary and Secondary Education,
Government, State Agencies, State Board of Education, Local Government

**H 488 (2023-2024) CODE COUNCIL REORG. AND VAR. CODE AMEND.** Filed Mar 27 2023, *AN ACT TO REORGANIZE THE BUILDING CODE COUNCIL AND CREATE THE RESIDENTIAL CODE COUNCIL, TO AMEND VARIOUS PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE AND LAND DEVELOPMENT REGULATIONS, AND TO INCREASE THE PROJECT COST MINIMUM FOR APPLICABILITY OF GENERAL CONTRACTOR LICENSING REQUIREMENTS.*


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

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

View summary

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

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


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

GS 115C, GS 116

View summary

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

AN ACT TO CONVERT THE CHARTER SCHOOLS ADVISORY BOARD INTO THE CHARTER SCHOOLS REVIEW BOARD, TO SHIFT THE AUTHORITY TO APPROVE CHARTERS FROM THE STATE BOARD TO THE REVIEW BOARD, AND TO CREATE A RIGHT OF APPEAL TO THE STATE BOARD OF EDUCATION FROM REVIEW BOARD DECISIONS. SL 2023-110. Enacted August 16, 2023. Effective August 16, 2023.

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

View summary

GS 115C, GS 135

Education, Elementary and Secondary Education, Government, State Agencies, State Board of Education

H 808 (2023-2024) GENDER TRANSITION/MINORS. (NEW) Filed Apr 18 2023, AN ACT TO PROHIBIT GENDER TRANSITION PROCEDURES FOR MINORS.

AN ACT TO PROHIBIT GENDER TRANSITION PROCEDURES FOR MINORS. SL 2023-111. Enacted August 16, 2023. Section 2 is effective July 1, 2023. Sections 1 and 3 are effective August 1, 2023. The remainder is effective August 16, 2023.

Intro. by Blackwell, Pless, Fontenot, Torbett.

View summary

GS 90, GS 143C

Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health

PUBLIC/SENATE BILLS

S 49 (2023-2024) PARENTS’ BILL OF RIGHTS. Filed Jan 31 2023, AN ACT TO ENUMERATE THE RIGHTS OF PARENTS TO DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE, AND MENTAL HEALTH OF THEIR MINOR CHILDREN.


Intro. by Galey, Lee, Barnes.

View summary

GS 90, GS 114A, GS 115C

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

Adds the following content.

Section 8.5

Amends the definition in GS 130A-247 of the term "bar" as it is used in Part 6, Regulation of Food and Lodging Facilities, of the Chapter. Now defines bar as an establishment with a permit to sell alcoholic beverages pursuant to subdivision (1), (3), (5), or (10) of GS 18B-1001 and that does not prepare or serve food as defined in this Part other than beverage garnishes, ice, or food that does not require time/temperature control for safety as set out in GS 130A-248(a) and implementing rules, and that is in an unopened original commercial package, except for food used as a beverage garnish (was, defined as an establishment that is primarily engaged in the business of selling alcoholic beverages for consumption on the premises; excluded a brewery, winery, or distillery). Makes conforming changes. Effective January 1, 2024.

Section 8.7

Amends SL 2022-74, Section 20.4, by correcting the statutory reference to a repealed provision to GS 147-69.2(a)(22). Effective retroactively to July 1, 2022.

Section 9.1

Amends Section 1.7, SL 2019-251, to direct funds remaining of the $30 million appropriation to DOT for Hurricane Dorian recovery be used to continue DOT's Resilience Program.

Section 10.1

Amends GS 143-134 to exempt from the public contracting laws of Article 8 public building contracts entered into by the Department of Transportation (DOT) for facilities jointly occupied by personnel from the Division of Motor Vehicles (DMV) and the Highway Patrol. Specifies that the powers and duties related to public contracts under Article 8 must be exercised by DOT and the Secretary of Administration, with other State officers, employees, or agencies having no duties or responsibilities concerning the contracts. Requires DOT to advertise and award contacts as required by Article 8. Allows for assistance from the Department of Administration. Specifies that construction, alteration, and repair of facilities may be subject to local building permit requirements.

Section 11.1

Amends GS 143-299.2 (limitations on payments by the State under State Tort Claims Act) to specify that the maximum amount that DOT may pay cumulatively to all claimants on account of injury and damage to any one person arising out of any one occurrence, whether the claim or claims are brought under the State Tort Claims Act, Article 31A (Defense of State Employees), or Article 31B (Defense of Public School Employees) of GS Chapter 143, is $3 million less any commercial liability insurance purchased by DOT and applicable to the claim or claims under GS 143-291(b), 143-300.6(c), or 143-300.16(c). Amends DOT’s powers set forth in GS 136-18 to allow DOT to purchase and maintain an umbrella policy of commercial liability insurance providing coverage in an amount up to $10 million beyond the limits of commercial liability insurance policies otherwise authorized by law. Effective when it becomes law and applies retroactively to January 1, 2021.

Section 12.1

Requires the DMV to study how to modernize and improve dealer license plates it issues, including the process for issuance, format, and design of the plates. Requires a report to the NCGA and specified NCGA committee and division by December 31, 2023.

Section 13.1

Enacts new GS 20-79.1B. Requires the DMV, by January 1, 2024, to implement a statewide print-on-demand temporary registration plate system for on-demand printing of temporary registration plates with vehicle owner information electronically associated and transferred to the DMV, in lieu of those issued under GS 20-79.1 and GS 20-50(b). Defines print-on-demand...
temporary registration plate system as a computerized system that allows the on-demand and on-site printing of required vehicle registration and other information on a temporary registration plate by the issuer of the plate and allows required information about the vehicle owner or lessee to whom the temporary plate has been issued to be transferred to the Division in electronic format. Requires contracting with a qualified vendor who meets described experience criteria, after consultation with the specified stakeholders, to develop and implement the system. Establishes minimum standards, specifying contracting requirements and limitations as well as the costs, and lists required elements of the system, including the ability of dealers to directly connect to the system for issuance. Provides for a secure procedure to obtain plate materials from a registered distribution or the DMV, with the DMV required to register two distributors in the State as specified. Requires all motor vehicle dealers and other entities that issue at least five temporary registration plates annually to exclusively use the print-on-demand temporary registration plate system for issuance of all such plates to vehicle owners and lessees, beginning October 1, 2024. Authorizes the DMV to adopt implementing rules.

Section 14.1

Enacts new GS 136-44.40 (setting forth limitations on rail transportation liability for S-Line Corridor acquisition). Sets forth four defined terms, including S-Line Corridor, defined to mean that portion of the rail corridor located generally between Raleigh and Ridgeway, also known as the S-Line, which is to be acquired by the Department, as it may now be constituted or hereafter enlarged, adjusted, or relocated, and shall include any additional real property from any source and howsoever acquired if used for or in connection with passenger rail service on or near the S-Line. Permits DOT to contract with any railroad, Regional Public Transportation Authority, county, or city to allocate financial responsibility for passenger rail claims, including, but not limited to, the execution of indemnity agreements, notwithstanding any other statutory, common law, public policy, or other prohibition against the same, and regardless of the nature of the claim or the conduct giving rise to such claim. Sets forth insurance requirements if DOT enters into such contracts. Provides that the aggregate liability of DOT and the railroad for all passenger rail claims arising from a single accident or incident for property damage, personal injury, bodily injury, and death of passengers is limited to the current limitations of liability provided in federal law pertaining to limitations on rail passenger transportation liability (49 U.S.C. § 28103 (or any successor legislation)) or to any proceeds available under any insurance policy, whichever is greater. Clarifies that new GS 136-44.40 does not affect the damages under the Federal Employers’ Liability Act or Article 1 of GS Chapter 97. Specifies that new GS 136-44.40 does not waive any sovereign immunity for tort to which DOT or its directors, officers, employees, or agents are otherwise entitled. Applies to contracts entered into after GS 136-44.40 becomes law.

Section 15.1

Adds new Article 33, Rail Transportation Corridor Authority, in GS Chapter 160A, providing as follows. Sets out the Article’s purpose as authorizing the creation of an Authority to establish, construct, purchase, maintain, equip, and operate any structure, facility, or improvement to aid commerce, public transportation, and any other rail services associated with rail corridors. Sets out and defines terms as they are used in the Article.

Allows a Rail Transportation Corridor Authority (Authority) to be created for any area of the State that, at the time of creating the Authority, consists of three or more counties containing portions of an existing rail corridor. Requires the Authority’s territorial jurisdiction to be coterminous with the boundaries of the organizing counties. Requires the service area and boundaries of the rail corridor of the Authority to be designated by and recorded in the minutes of the Board of Trustees. Prohibits extending the rail corridor into a political subdivision that is not an organizing entity without (1) the consent of the governing body of that political subdivision or (2) the political subdivision having first become an organizing entity; specifies that a majority vote of the governing body constitutes consent.

Sets out requirements for the creation and expansion of an Authority, including adopting a resolution by boards of commissioners to create the Authority, and requiring a public hearing before forming an Authority. Sets out requirements for the Authority’s articles of incorporation and certification of incorporation. Provides the process for a municipality to join the Authority after it has been created. Compensates Board of Trustee members $50 per meeting. Requires an annual report to the Governor, NCGA, and Local Government Commission, including an audit of the Authority’s books and accounts. Also requires quarterly reports to the specified NCGA commission.

Requires each Authority to be governed by a Board of Trustees consisting of one member from each organizing entity and one member for each regional council of government containing a portion of the rail corridor. Sets out additional provisions governing the Board. Allows the Board to select an advisory committee.
Sets out the Authority’s 16 powers, including: (1) to operate a rail corridor and enter and perform contracts to provide and operate rail and rail corridor services and facilities within the rail corridor service area; (2) to charge and collect fees and rents for the use of the rail corridor or for services rendered in the operation of the rail corridor; (3) to enter in a reasonable manner lands, waters, or premises of the territorial jurisdiction for the purpose of making data, examinations, plans, surveys, and studies whereby such entry shall not be deemed a trespass except that the Authority shall be liable for any actual and consequential damages resulting from such entries; (4) to acquire, lease as lessee with or without option to purchase, hold, own, and use any property within the rail corridor service area, real or personal, tangible or intangible, or any interest therein, and to sell, lease as lessor with or without option to purchase, transfer, or dispose thereof, whenever the same is no longer required for purposes of the Authority, or exchange same for other property or rights that are useful for the Authority's purposes; and (5) to issue bonds and bond anticipation notes under the Local Government Revenue Bond Act, Articles 5 and 9 of GS Chapter 159 for the purpose of acquiring, constructing, improving, maintaining, operating, or financing a rail corridor, rail corridor project, or any part thereof and to refund, whether or not in advance of maturity or the earliest redemption date, any such bonds or notes.

Allows the State and local governments to appropriate funds to support the establishment and operation of the Authority or to dedicate, sell, convey, donate, or lease their interests in any property to the Authority. Also allows an Authority to apply for grants from the State or federal government. Allows DOT to allocate to an Authority any funds appropriated for rail corridors, public transportation, or any funds whose use is not restricted by law.

Sets out the process to be followed when federal law requires holding public hearings, or requires approval following a hearing, for the issuance of bonds to finance a rail corridor project or special user project.

Allows the Authority to issue at one time or from time to time bonds and notes, including bond anticipation notes and renewal notes, of the Authority to finance or refinance special user projects. Also allows issuing refunding bonds or notes for the purpose of refunding any outstanding bonds or notes issued under this section for special user projects. Sets out seven allowable investments of the proceeds of refunding bonds or notes. Requires that notes and bonds mature at the times determined by the Authority, not to exceed 40 years from the date of issue. Prohibits the Authority from issuing a bond or note without approval by the Local Government Commission and requires it to be sold by the Local Government Commission. Sets out the criteria to be considered by the Local Government Commission when approving the issuance of a bond or note as well as the process for approval. Limits the use of bond or note proceeds to the purposes for which it was issued and requires proceeds to be disbursed in accordance with the resolution of the Authority authorizing the issuance of the bond or note and with any trust agreement securing the bond or note. Allows the Authority to secure a bond or note by a trust agreement between the Authority and a corporate trustee; sets out trustee requirements. Sets out additional provisions governing these bonds and notes.

Defines special user projects as any land, equipment, or buildings or other structures located on one or more sites within the rail corridor and the addition to or the rehabilitation, improvement, renovation, or enlargement of a structure located within the rail corridor when the property is to be used as or in connection with any of the following: (1) an undertaking for industry, including an industrial or a manufacturing factory, mill, assembly plant, or fabricating plant, a freight terminal, an industrial research, development, or laboratory facility, or an industrial processing or distribution facility for industrial or manufactured products; (2) a commercial, processing, mining, transportation, distribution, storage, marine, aviation, rail, or environmental facility or improvement; or (3) any combination of the above. Provides that a special user project, during its economic life, is to be principally used by one or more for-profit entities other than as lessee under a lease that has a fair market value rental and is not treated as a financing lease or installment sale for federal tax law purposes. New GS 160A-891 governs special user project financing agreements. Requires each agreement to ensure that the: (1) amounts payable under the financing agreement are sufficient to pay, when due, the principal of, redemption premium, if any, and interest on the bonds issued to pay the costs of the special user project; (2) operator pays all costs incurred by the Authority in connection with the financing and administration of the special user project, except costs paid out of the proceeds of bonds or otherwise, including, but without limitation, insurance costs, the cost of administering the financing agreement and the security document, and the fees and expenses of the fiscal agent or trustee, paying agents, attorneys, consultants, and others; (3) operator pays all the costs and expenses of operation, maintenance, and upkeep of the special user project; and (4) operator's obligation to provide for the payment of the bonds in full is not subject to cancellation, termination, or abatement until the payment of the bonds or provision for their payment is made. Requires the agreement, if in the nature of a lease agreement, to either provide that the obligor will have an option to purchase, or require that the obligor purchase, the special user project upon the expiration or termination of the financing agreement subject to the condition that payment in full of the principal of, and the interest and any
redemption premium on, the bonds, or provision therefor, shall have been made. Allows the agreement to provide the Authority’s rights in the event of a default.

Allows bonds that are issued to be secured by a security document that may be a trust instrument between the Authority and a bank or trust company or individual within the State, or a bank or trust company outside the State, as trustee. Sets out additional requirements for the security document.

Allows a county or municipality in which all or part of the rail corridor is located to enter into an agreement with the Authority, after the Authority designates the rail corridor, for payments to be made by the county or municipality to the Authority. Specifies that neither the county nor municipality's obligations under the agreement constitute a pledge of its faith and credit. Gives the Authority the power and authorization to enter into agreements with such local governments as provided in the Interlocal Cooperation Act.

Gives the owner of bonds or notes issued under this Article or any coupons appertaining thereto, and the trustee under any trust agreement securing or resolution authorizing the issuance of such bonds or notes, power to protect and enforce any and all rights under the laws of the State or granted hereunder or under the trust agreement or resolution, or under any other contract executed by the Authority; and may enforce and compel the performance of all duties required by this Article or by the trust agreement or resolution or by any Authority officer.

Exempts from taxation property of the Authority, both real and personal, and its acts, activities, and income. Provides for the impact on this exemption when the Authority leases its property. Also exempts from taxation the interest on bonds or obligations issued by the Authority. Specifies that property that is part of or is located on the rail corridor and is not owned by the Authority, including property that is part of a special user project, is not exempt from tax due to its location.

Gives the Authority power to require any public utility, railroad, or other public service corporation owning or operating any installations, structures, equipment, apparatus, appliances, or facilities in, upon, under, over, across, or along any ways on which the Authority has the right to own, construct, operate, or maintain its rail corridor, to relocate or remove installation, structures, equipment, apparatus, appliances, or facilities from their locations. Allows the Authority to relocate these items if the owner or operator fails or refuses to do so. Requires the Authority to provide the new locations and necessary real estate interests and allows it to exercise the power of eminent domain so long as the new locations are not in, on, or above, a public highway; also allows acquiring the new location by purchase or otherwise. Sets out provision governing reimbursement for any real estate taken and for the cost of relocations or removals.

Gives the Authority the power to acquire, by gift, grant, devise, exchange, purchase, lease with or without option to purchase, or any other lawful method (including the power of eminent domain), the fee or any lesser interest in real or personal property for use by the Authority. Also allows the Authority to exchange any property it has for other property that is useable in carrying out its powers. Also allows the Authority to remove buildings and structures and relocate them.

Requires the Authority to consider comprehensive plans and land-use regulations adopted by local governments and the capability of local governments to provide services when selecting sites for adjoining rail facilities or property for shell or storage buildings.

Sets out the process for terminating the Authority.

Amends GS 160A-20 to include an Authority under the term "local government" as it is used in GS 160A-20, concerning security interests.

Changes the act’s titles.
S 542 (2023-2024) DOL OMNIBUS/OTHER CHANGES. (NEW) Filed Apr 4 2023, AN ACT TO MAKE OMNIBUS CHANGES TO THE LABOR LAWS OF NORTH CAROLINA, TO AMEND THE DEFINITION FOR BAR AS IT RELATES TO PUBLIC HEALTH INSPECTION AND REGULATION, AND TO MAKE VARIOUS CHANGES TO TRANSPORTATION LAWS.

House amendment to the 2nd edition makes the following changes.

Makes a technical correction in GS 95-69.9.

Removes the repeal of Article 22 (Safety and Health Programs and Committees) of GS Chapter 95.

Intro. by Galey, Barnes, Corbin.

GS 95, GS 130A, GS 136, GS 143, GS 160A


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.


Intro. by Rabon.

UNCODIFIED

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

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.

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. SL 2023-112. Enacted August 17, 2023. Effective August 17, 2023, except as otherwise provided.
ACTIONS ON BILLS

PUBLIC BILLS

H 186: JUV JUST MODS/DOI EXPENSES/TECH CHANGES. (NEW)
   House: Ratified
   House: Pres. To Gov. 8/17/2023

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

H 422: UNFAIR REAL ESTATE AGREEMENTS ACT.
   House: Ratified
   House: Pres. To Gov. 8/17/2023

H 447: CLARIFY MOTOR VEHICLE DEALER LAWS.
   House: Ratified
   House: Pres. To Gov. 8/17/2023

S 176: CONSUM. IN CRISIS PROTECT. ACT./ESOPs MIN. BUS. (NEW)
   House: Passed 1st Reading
   House: Ref To Com On Rules, Calendar, and Operations of the House

S 512: GREATER ACCOUNTABILITY FOR BOARDS/COMMISSIONS.
   Senate: Ratified

S 754: GENERAL ASSEMBLY APPOINTMENTS.
   Senate: Ratified
   Senate: Ch. SL 2023-113

LOCAL BILLS

S 9: LOCAL OMNIBUS CHANGES. (NEW)
   Senate: Ratified
   Senate: Ch. SL 2023-112

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