

The Daily Bulletin: 2023-09-05

PUBLIC/SENATE BILLS

S 274 (2023-2024) **STUDY INDEP. OLDER ADULT SVS. (NEW)** Filed Mar 9 2023, *AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE ARRAY OF SERVICES AVAILABLE TO SUPPORT OLDER ADULTS IN NORTH CAROLINA WHO LIVE INDEPENDENTLY AND TO REPORT FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY.*

House committee substitute deletes all contents of the 3rd edition and replaces it with the following.

Contains whereas clauses. Requires the Department of Health and Human Services (DHHS)'s Division of Health Service Regulation (DHSR) and Division of Aging and Adult Services (DAAS) to jointly study the array of services available to older adults who live independently but need services to support and maintain their independence. Requires the study to examine the provision of the following paid services by a provider: (1) in-home companion, sitter, and respite care services; (2) meal preparation, cleaning, organizing, pet care, and other home management services; (3) shopping and pick-up/drop-off of items such as library materials, mail, and donations; and (4) transportation to and from medical appointments, social events, and community activities. Directs DHSR and DAAS to seek input from listed stakeholders in conducting the study.

Requires DHHS to make recommendations consistent with the General Assembly's findings in GS 143B-181.3 and GS 143B-181.1A pertaining to the needs of older adults. Requires DHHS to examine current statutes and rules pertaining to existing and new emerging support services to independent older adults and determine: (1) whether any changes are necessary to current statutes and rules to safely allow the provision of services described above; (2) whether those service providers should be licensed or regulated by the State; and (3) whether any limitations, background checks, or safeguards are necessary for the provision of those services. Requires DHSR and DAAS to submit a report on the study's findings, including any necessary legislative action to the specified NCGA committee no later than September 1, 2024. Prevents DHHS from pursuing changes to the statutes and rules examined under the act until after the General Assembly has received the report required by the act.

Makes conforming changes to the act's long and short titles.

Intro. by Perry, Sawyer, Overcash.

STUDY

Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Adult Services

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S 492 (2023-2024) **ADULT CORRECTIONS/LAW ENF. CHANGES. (NEW)** Filed Apr 3 2023, *AN ACT TO MODIFY LAWS CONCERNING ADULT CORRECTION AND LAW ENFORCEMENT AGENCIES.*

House committee substitute to the 2nd edition makes the following changes. Makes conforming changes to the act's long and short titles.

Section 3.

Increases the scope of GS 15A-1352(g) (permitting early transfers of persons serving a sentence in the Department of Adult Corrections subject to an outstanding sentence, detainer, or other lawful process authorizing detention) to include federal agencies, as defined in GS 130A-313. Makes conforming and technical changes.

Section 5.

Changes the Department of Adult Correction's (DAC) reporting requirement on its use of funds from annual to biennial under new GS 143B-1445 (requiring energy savings from DAC utilities remaining at the end of each fiscal year to be carried forward, with 60% used for energy conservation measures). Amends GS 116-30.3B(c) (pertaining to energy conservation savings) to require UNC constituent institutions to submit reports required by the statute biennially instead of annually.

Section 6.

Makes an organizational change in GS 146-30(d).

Section 9.

Makes clarifying change to legislative history of Section 4.15 of SL 2020-3 (amending definition of *security guard* to include services at state prisons).

Section 11.

Adds new defined terms to GS 14-415.10's definitions for Article 54B, Concealed Handgun Permit: (1) *qualified state probation or parole certified officer* (a state probation or parole certified officer authorized by the Division of Community Supervision and Reentry [Division] to carry a handgun in the course of duty who is not the subject of a disciplinary action by the Division that prevents carrying a handgun and who meets the Division's requirements regarding handguns) and (2) *qualified correctional officer* (an individual authorized by the Division of Prisons [DOP] to carry a handgun in the course of duty who is not the subject of a disciplinary action by the DOP that prevents carrying a handgun and who meets its requirements regarding handguns). Expands scope of GS 14-415.12A(a) to include those meeting those definitions as deemed to have satisfied the statutory requirement that an applicant for a concealed handgun permit successfully complete an approved firearms safety and training course. Applies to permit applications submitted after the act becomes law.

Section 12.

Amends the definition of *peer counselor* set forth in GS 8-53.10 (pertaining to peer support group counselors) to include certain employees of law enforcement agencies, corrections officers, and emergency agencies (currently just law enforcement agency) who, in addition to existing requirements, are designated to provide counseling to client law enforcement employees, corrections employees, and emergency personnel officers (currently just hired to counsel law enforcement employees). Defines *corrections employee* as any corrections employee or a member of his or her immediate family who is in need of and receives peer counseling services offered by the employee's corrections agency. Makes conforming changes to definition of *privileged communication* to account for newly defined terms.

Adds that GS 8-53.10's definition of *peer counselor* does not require that a person be designated as a peer counselor by the head of the same of agency that employs the client law enforcement employee, corrections employee, or emergency personnel officer.

Applies retroactively to communications made on or after July 8, 2022.

Section 13.

Amends GS 20-179, enacting new subsection (k5) as follows. Authorizes the Division to require an offender sentenced to Level One, Two, Three, Four, or Five punishment for impaired driving violations due to grossly aggravating factors pursuant to GS 20-179(f3), (g), (h), (i), (j), or (k), who is placed on supervised probation, to do any of the following: (1) performing up to 20 hours of community service and paying the applicable fee; (2) submission to substance abuse assessment, monitoring, or treatment; (3) submission to house arrest with electronic monitoring; (4) submission to period of confinement in a local confinement facility for up to six days per month during a period of three months, as specified; (5) submission to a curfew; (6) reporting to a probation officer on a frequency determined by the officer; and (7) participation in an educational or vocational skills development program, including an evidence-based program. Authorizes the Division to reduce or remove requirements it imposes. Allows probation officers to exercise authority delegated by the court after administrative review and approval by a chief probation officer. Provides for offenders to motion the court to review probation officers' actions; requires offenders to be given notice of this right; allows for written waiver of this right. Requires the Division, prior to exercising delegated authority, to determine the offender has failed to comply with a condition of probation or is high-risk based on a validated instrument to assess risks of reoffending; limits the Division's authority to require period of confinement in a local confinement facility to instances when the Division determines the offender has violated a condition of probation. Provides that the subsection does not affect the arrest and hearing procedures authorized in GS 15A-1345 for probation violations.

Directs the Division to adopt guidelines and procedures to implement new subsection (k5). Establishes requirements for imposing confinement, which must include a supervisor's approval prior to exercise of the delegation of authority authorized by GS 20-179(k)(5). Requires that the Division provide the probationer with a violation report that provides notice of the probationer's right to a hearing with representation and specified evidentiary rights before imposing confinement. Allows for confinement for the period of time designated in the report upon execution of a waiver of rights signed by the probationer and two officer witnesses, which must be the probation officer and another officer designated by the Division's Deputy Secretary in written Division policy.

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

Section 14.

Establishes a two-year pilot program authorizing DAC to conduct a two-year pilot program to contract with non-governmental staffing agencies for nursing services, starting on October 1, 2023. Specifies that DAC contracts with non-governmental staffing agencies for nursing services are exempt from any break in service requirement. Requires DAC to submit an interim report to the specified NCGA committees and division by September 30, 2024, and a final report by November 30, 2025, on the results of the pilot program, including any policies and rules adopted under the pilot program. Specifies that the pilot program expires on September 30, 2025. Effective October 1, 2023.

Section 15.

Expands the list of underlying criminal charges requiring fingerprinting by the arresting state law enforcement and forwarding of those fingerprints to the SBI under GS 15A-502(a2) to include misdemeanor domestic violence. Applies to offenses committed on or after December 1, 2023.

Section 16.

Updates GS 14-258.1 (criminal offense of furnishing controlled substances, deadly weapons, and other listed contraband to incarcerated persons and juveniles), GS 15-203 (duties of DAC Secretary), GS 15-204 (pertaining to assignment, compensation, and oath of probation officers), GS 15-207 (records treated as privileged information), GS 15A-1332(c) (presentence reports), and GS 148-32.1 (pertaining to local confinement) to (1) specify the Department of Juvenile Justice is part of the Department of Public Safety (currently, listed as Division of Juvenile Justice Section of DOP of DAC); (2) update references from the Division of Adult Correction to the Department of Adult Correction; or (3) remove references to DAC's Division of Community Supervision and Reentry, so that it just reads DAC. Expands the exemption pertaining to possession of a wireless communication device set forth in GS 14-258.1(h) to include DAC inmates who possess such devices with the approval of DAC. Increases the number of agencies that are able to obtain confidential license plates upon approval and request of the Director of the State Bureau of Investigation to include DAC under GS 20-39.1 (pertaining to publicly owned vehicles). Amends GS 148-32.1 to change the contracting state agency for local confinement from the Division of Adult Correction and Juvenile Justice to DAC. Requires the NC Sheriffs' Association to now include the administrative costs paid to DAC (currently, Department of Public Safety) and the Sheriffs' Association in its monthly and annual reports to the specified NCGA committees.

Intro. by Britt, Daniel.

[GS 8](#), [GS 14](#), [GS 15](#), [GS 15A](#), [GS 20](#), [GS 143](#), [GS 143B](#), [GS 146](#), [GS 148](#), [GS 150B](#)

[View summary](#)

[Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Motor Vehicle](#), [Criminal Justice](#), [Corrections \(Sentencing/Probation\)](#), [Criminal Law and Procedure](#), [Employment and Retirement](#), [Government](#), [APA/Rule Making](#), [Budget/Appropriations](#), [State Agencies](#), [Department of Adult Correction](#), [State Government](#), [State Personnel](#), [State Property](#)

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

Part XVIII.

Amends SL 1985-923, as amended, as follows. If the Swain County Board of Commissioners (Board) levies the 3% and 1% room occupancy taxes authorized by the act, authorizes the Board to levy an additional room occupancy tax of up to 2% of the gross receipts derived from the rental of accommodations taxable under the act.

Deletes provisions that would have converted the Swain County Tourism Development Authority (TDA) to the Swain County-Bryson City TDA. Makes conforming changes and deletions. Deletes provisions requiring the Office of the State Auditor (OSA) to audit the Swain County Tourism Development Authority for 2020-21, 2021-22, and 2022-23 along with required report of the OSA's findings to the specified NCGA committee. Deletes requirement that the TDA establish a website.

Makes clarifying changes.

Part XXV.

Amends Section 1(e) of SL 2005-68 as follows. Expands the way Mecklenburg County may repeal the occupancy tax related to the financing or refinancing of the NASCAR Hall of Fame Museum ("NASCAR Occupancy Tax") to include the process set forth under GS 153A-155(f). Changes the required repeal date to not earlier than the later of July 1, 2038, or July 1 after the date of final satisfaction of any debt instruments or obligations issued by the City of Charlotte or a related special purpose entity in connection with the financing or refinancing of the NASCAR Hall of Fame Museum facility but not later than July 1, 2060 (currently, repeal must occur the earlier of July 1, 2038, or July 1 after the date of final satisfaction of the debt instruments or obligations previously described).

Amends Section 1(f) of SL 2005-68 as follows. Expands how the City of Charlotte may use the proceeds of the NASCAR Occupancy Tax to include renovation, improvement, and refinancing of a NASCAR Hall of Fame Museum facility and an ancillary and adjacent NASCAR/convention center ballroom facility, in addition to other listed uses.

Makes organizational changes to account for new subsections.

Intro. by Hise.

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

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Government, Tax

ACTIONS ON BILLS

PUBLIC BILLS

S 274: STUDY INDEP. OLDER ADULT SVS. (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 429: MODIFY CHARITABLE SOLICITATION LICENSING LAWS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Ordered Enrolled

S 492: ADULT CORRECTIONS/LAW ENF. CHANGES. (NEW)

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

S 531: DAM SAFETY LAW CLARIFICATION.

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Withdrawn From Cal
House: Placed On Cal For 09/13/2023

LOCAL BILLS

S 132: HIGH POINT ROW ANNEXATION. (NEW)

House: Passed 2nd Reading
House: Placed On Cal For 09/13/2023
House: Withdrawn From Cal
House: Placed On Cal For 09/12/2023

S 154: OMNIBUS OCCUPANCY TAX CHANGES. (NEW)

House: Reptd Fav Com Sub 2
House: Ruled Material
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 09/12/2023

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