

## The Daily Bulletin: 2023-09-20

### PUBLIC/HOUSE BILLS

H 259 (2023-2024) [2023 APPROPRIATIONS ACT](#). Filed Mar 2 2023, *AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS*.

Conference report deletes the contents of the previous edition and replaces it with the Appropriations Act of 2023. We will not be including a summary of the Appropriations Act. For the content of the bill, please follow the [View NCGA Bill Details](#) link. Further information on the budget, including the committee report, can be found on the “News” section of the General Assembly’s website at: <https://www.ncleg.gov/News>.

**Intro. by Lambeth, Saine, Arp.**

[APPROP, STUDY, GS 1, GS 1A, GS 7A, GS 7B, GS 14, GS 15A, GS 17C, GS 18C, GS 20, GS 45, GS 48, GS 50B, GS 53, GS 58, GS 62, GS 66, GS 70, GS 74F, GS 84, GS 85B, GS 89D, GS 90, GS 90A, GS 93E, GS 95, GS 97, GS 105, GS 106, GS 108A, GS 108D, GS 110, GS 113, GS 113A, GS 114A, GS 115C, GS 115D, GS 116, GS 116D, GS 120, GS 120C, GS 121, GS 122A, GS 122C, GS 126, GS 130A, GS 131D, GS 131E, GS 132, GS 135, GS 136, GS 138, GS 143, GS 143B, GS 143C, GS 146, GS 147, GS 148, GS 150B, GS 153A, GS 159, GS 159G, GS 160A, GS 160D, GS 163, GS 164, GS 166A, GS 169](#)

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[Agriculture, Animals, Business and Commerce, Insurance, Occupational Licensing, Courts/Judiciary, Civil, Civil Procedure, Juvenile Law, Delinquency, Motor Vehicle, Court System, Administrative Office of the Courts, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure, Development, Land Use and Housing, Building and Construction, Community and Economic Development, Property and Housing, Education, Preschool, Elementary and Secondary Education, Higher Education, Employment and Retirement, Environment, Aquaculture and Fisheries, Energy, Environment/Natural Resources, Government, Budget/Appropriations, Cultural Resources and Museums, Elections, Ethics and Lobbying, General Assembly, Public Records and Open Meetings, Public Safety and Emergency Management, State Agencies, Community Colleges System Office, UNC System, Department of Adult Correction, Department of Agriculture and Consumer Services, Department of Commerce, Department of Natural and Cultural Resources \(formerly Dept. of Cultural Resources\), Department of Environmental Quality \(formerly DENR\), Department of Health and Human Services, Department of Insurance, Department of Justice, Department of Military & Veterans Affairs, Department of Public Instruction, Department of Public Safety, Department of Revenue, Department of State Treasurer, Department of Transportation, Office of Information Technology Services, Office of State](#)

**Auditor, Office of State Budget and Management, Office of State Controller, State Board of Education, State Board of Elections, State Government, Executive, State Personnel, State Property, Tax, Local Government, Native Americans, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Public Health, Mental Health, Social Services, Adult Services, Child Welfare, Public Assistance, Lottery and Gaming, Military and Veteran's Affairs, Nonprofits, Public Enterprises and Utilities, Transportation**

## **PUBLIC/SENATE BILLS**

S 678 (2023-2024) **CLEAN ENERGY/OTHER CHANGES. (NEW)** Filed Apr 6 2023, *AN ACT TO (I) DEFINE "CLEAN ENERGY," WHICH INCLUDES "RENEWABLE ENERGY" AND NUCLEAR AND FUSION ENERGY; (II) ELIMINATE LANGUAGE IMPEDING CPCN ISSUANCE FOR NUCLEAR FACILITIES; (III) MODIFY CLOSURE DEADLINES FOR CERTAIN COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (IV) MODIFY APPLICATIONS FEES FOR DAM CONSTRUCTION, REPAIR, ALTERATION, OR REMOVAL UNDER THE DAM SAFETY ACT; (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; (VI) PROHIBIT LOCAL GOVERNMENTS FROM ENTERING NONDISCLOSURE AGREEMENTS IN ORDER TO RESTRICT ACCESS TO PUBLIC RECORDS SUBJECT TO DISCLOSURE UNDER THE PUBLIC RECORDS ACT; AND (VII) ESTABLISH EMPLOYEE CLASSIFICATION AND COMPENSATION EXEMPTIONS FOR THE UTILITIES COMMISSION AND PUBLIC STAFF.*

Conference report makes the following changes to the 5th edition.

Part I.

Section 1.

Amends GS 62-133.8 (pertaining to clean energy and energy efficiency portfolio standard (CEPS)) to add new defined terms (1) *clean energy facility*: a renewable energy facility, a nuclear energy facility, including an uprate to a nuclear energy facility, or a fusion energy facility; (2) *clean energy resource*: renewable energy resources, nuclear energy resources, including an uprate to a nuclear energy facility, and fusion energy; and (3) *new clean energy facility*: a new renewable energy facility, or facilities placed into service on or after January 1, 2007, which are either (a) a nuclear energy facility, including an uprate to a nuclear energy facility or (b) a fusion energy facility. Reinstates defined term *new renewable energy facility*. Reverts defined term *clean energy facility* back to *renewable energy facility*. Amends newly defined term *renewable energy resource* (was, clean energy resource) to remove references to nuclear energy in the definition's list of what types of energy constitute a renewable energy resource. Makes conforming changes.

Removes proposed changes to GS 62-110.8 (concerning competitive procurement of clean energy); GS 62-126.4 (concerning the establishment of net metering rates by the Utilities Commission [Commission]); GS 62-133.2 (pertaining to fuel and fuel-related charge adjustments for electric utilities); GS 62-133.20 (cleanfields clean energy demonstration parks); GS 62-153 (contracts of public utilities with certain companies for services); GS 62-156 (power sales by small power producers to public utilities); GS 62-159.2 (direct clean energy procurement for major military installations, public universities, and large customers); GS 143-213 (proposed changes to defined terms *farmer digester system* and *clean animal biomass energy resource*); GS 160A-272 (lease or rental of property); and GS 160D-1320 (local government programs to finance energy improvements).

Section 2.

Changes the standard governing the Commission's determination under GS 62-110.1 (pertaining to permits for generating facilities) as to whether to grant a certificate for a generating facility by an electric public utility to whether facility is part of the least cost path to achieve compliance with the authorized carbon reduction goals in GS 62-110.9 (carbon dioxide reduction standards), will maintain or improve upon the adequacy and reliability of the existing grid, in addition to whether the

construction and operation of the facility is in the public interest. (Previously, Commission had to find that energy efficiency measures, demand-side management, renewable clean energy resource generation, combined heat and power generation, or any combination thereof would not establish or maintain a more cost-effective and reliable generation system, in addition to public interest evaluation.)

Part IV.

Deletes old Part IV, concerning an increase in the rooftop solar leasing cap.

Amends proposed GS 159-154 (nongovernmental control of public enterprises) by adding that the statute does not apply to the sale of a public enterprise to a utility regulated by the Commission.

Changes the effective date of the changes to GS 132-1 from October 1, to November 1, 2023.

Part V.

Adds the following new content.

Amends GS 62-14 by exempting the Commission and its employees from classification and compensation rules established by the State Human Resources Commission under GS 126-4(1) through (4) (concerning position classification plans, compensation plans, reasonable position qualifications, and recruitment programs); GS 126-4(5) only as it applies to hours and days of work, vacation, and sick leave; GS 126-4(6) only as it applies to promotion and transfer; GS 126-4(10) only as it applies to the prohibition of the establishment of incentive pay programs; and Article 2 (Salaries, Promotions, and Leave of State Employees) of GS Chapter 126, except for GS 126-7.1 (Posting requirement; State employees receive priority consideration; reduction-in-force; Work First hiring; reorganization through reduction).

Amends GS 62-15 by adding in the same exemptions for the Public Staff (except for the executive director).

Makes conforming changes to GS 126-5(c11).

Makes organizational changes and conforming changes to act's long title.

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

[GS 62, GS 126, GS 130A, GS 132, GS 143B, GS 159](#)

[View summary](#)

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

## LOCAL/SENATE BILLS

S 68 (2023-2024) [VARIOUS LOCAL CHANGES. \(NEW\)](#) Filed Feb 6 2023, *AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE TO USE PROCEEDS FROM ON-STREET PARKING METERS TO FUND CAPITAL PROJECTS AND PROVIDE THAT REVENUES REALIZED FROM OFF-STREET PARKING FACILITIES MUST BE USED TO PAY BONDS ISSUED TO FINANCE SUCH FACILITIES OR FOR OTHER CAPITAL PROJECTS; TO CHANGE THE METHOD OF ELECTION IN THE CITY OF HENDERSONVILLE, THE VILLAGE OF FLAT ROCK, AND THE TOWN OF FLETCHER; TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ARCHDALE; TO ADD CERTAIN DESCRIBED PROPERTIES TO THE CORPORATE LIMITS OF THE CITY OF ASHEBORO; TO CHANGE THE BOUNDARIES OF THE WHITEVILLE CITY SCHOOL ADMINISTRATIVE UNIT; TO PROHIBIT HOMEOWNERS' ASSOCIATION OR UNIT OWNERS' ASSOCIATION REGULATION OR PROHIBITION OF DISPLAYS OF FLAGS OF BRANCHES OF THE ARMED FORCES OR FLAGS OF FIRST RESPONDERS BY OR WITH THE PERMISSION OF OWNERS ON THEIR PROPERTY IN UNION COUNTY; AND TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS FOR THE TOWN OF HOOKERTON AND THE TOWN OF WALSTONBURG SHALL BE HELD IN EVEN-NUMBERED YEARS.*

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

## Section 7.

Prevents municipal elections from being held in the Town of Hookerton in 2025 (was, 2023). Specifies that regular municipal elections will be held in Hookerton in even-numbered years as terms expire beginning in 2026 (was, just 2024 and no mention of as terms expire). Extends the terms of the town's mayor and commissioners serving on January 1, 2025 (was, those whose terms expire in 2023), by one year. Makes technical and conforming changes. Specifies that in 2026 (was, 2024) and biennially thereafter, a mayor will be elected to serve a two-year term. In 2026 and quadrennially thereafter, two commissioners will be elected to serve four-year terms (was, 2024). In 2028 and quadrennially thereafter, two commissioners will be elected to serve four-year terms (was, 2026). Changes the effective date of the section to January 1, 2025.

## Section 8.

Prevents municipal elections from being held in the Town of Walstonburg in 2025 (was, 2023). Extends the terms of the town's mayor and five commissioners, whose terms are to expire in 2025 (was, 2023), by one year. Specifies that regular municipal elections will be held in Walstonburg in even-numbered years beginning in 2026 (was, 2024). Makes conforming changes. Changes the effective date of the section to January 1, 2025.

**Intro. by Moffitt.**

UNCODIFIED, Columbus, Greene, Guilford, Henderson, Randolph, Union, GS 47C, GS 47F, GS 160A

[View summary](#)

**Development, Land Use and Housing, Property and Housing, Education, Elementary and Secondary Education, Government, Elections, Local Government, Transportation**

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 8: COMPUTER SCI. GRAD. REQUIREMENT.**

*Senate: Reptd Fav*

#### **H 142: PROTECT OUR STUDENTS ACT.-AB**

*Senate: Reptd Fav*

#### **H 259: 2023 APPROPRIATIONS ACT.**

*Senate: Conf Com Reported*

*Senate: Conf Held As Material*

*Senate: Placed On Cal For 09/21/2023*

*House: Conf Com Reported*

*House: Ruled Material*

*House: Placed On Cal For 09/21/2023*

#### **H 361: REQUIRE REPORT/PROTECTION & ADVOCACY AGENCY.**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 09/21/2023*

#### **H 415: STOP ADDICTION FRAUD ETHICS ACT OF 2023.**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 09/21/2023*

#### **H 432: PRINCIPAL LICENSURE CHANGES.**

*House: Ratified*

**H 770: CAST VOTE RECORDS. (NEW)**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Rules and Operations of the Senate*

**H 893: PRIVATE COMMERCIAL BUILDING INSPECTION.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Rules and Operations of the Senate*

**S 189: FENTANYL DRUG OFFENSES AND RELATED CHANGES. (NEW)**

*Senate: Ratified*

**S 409: CRIM LAW & PROC CHANGES/CIV YOUTH GRPS/SIGNS. (NEW)**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received For Concurrence in H Com Sub*

*Senate: Placed on Today's Calendar*

*Senate: Failed Concur In H Com Sub*

*Senate: Conf Com Appointed*

*House: Conf Com Appointed*

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

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received For Concurrence in H Com Sub*

*Senate: Placed On Cal For 09/21/2023*

**S 531: DAM SAFETY LAW CLARIFICATION.**

*House: Regular Message Sent To Senate*

*Senate: Regular Message Received For Concurrence in H Amend*

*Senate: Placed On Cal For 09/21/2023*

**S 542: DOL OMNIBUS/OTHER CHANGES. (NEW)**

*House: Conf Com Appointed*

**S 615: ADOPTION LAW/NOTARY CHANGES/GUARDIANSHIP RTS. (NEW)**

*Senate: Ratified*

**S 677: RIGHT OF ENTRY/LIMITED LIC/SURVEYORS.**

*House: Withdrawn From Com*

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

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

*House: Conf Com Reported*

*House: Cal Pursuant Rule 44(d)*

*House: Placed On Cal For 09/21/2023*

*Senate: Conf Com Reported*

**S 749: NO PARTISAN ADVANTAGE IN ELECTIONS.**

*Senate: Failed Concur In H Com Sub*

*Senate: Conf Com Appointed*

*House: Conf Com Appointed*

**LOCAL BILLS**

**H 5: LOCAL CHANGES OMNIBUS. (NEW)**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 09/21/2023*

**H 438: FRANKLIN/GRANVILLE RECOGNIZED COMMON BOUNDARY.**

*Senate: Withdrawn From Com*

*Senate: Placed On Cal For 09/21/2023*

**S 68: VARIOUS LOCAL CHANGES. (NEW)**

*House: Amend Adopted A1*

*House: Passed 2nd Reading*

**S 132: HIGH POINT ROW ANNEXATION. (NEW)**

*Senate: Failed Concur In H Com Sub*

**S 154: OMNIBUS OCCUPANCY TAX CHANGES. (NEW)**

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

*House: Special Message Sent To Senate*

*Senate: Special Message Received For Concurrence in H Com Sub*

*Senate: Held As Material*

*Senate: Placed On Cal For 09/21/2023*

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