



The Daily Bulletin: 2023-09-21

PUBLIC/HOUSE BILLS

H 8 (2023-2024) **VARIOUS STATUTORY CHANGES. (NEW)** Filed Jan 25 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE GENERAL STATUTES.*

Senate amendments to the 3rd edition make the following changes.

Changes the act's titles.

Amendment #1

Changes the date by which the State Board of Education must adopt the list of approved computer science courses and post it on the Department of Public Instruction's website from July 1, 2023, to November 1, 2023.

Repeals the following portions of this act if H 259 (2023 Appropriations Act) becomes law: (1) Section 1(a), which amends GS 115C-12(9d); (2) Section 1(c), which made the changes to GS 115C-12(9d) applicable to beginning with students entering the ninth grade in 2024-25; (3) Section 2(a), which enacted new GS 115C-81.90 (computer science); and (4) Section 2(c), concerning the signed notification that schools may submit in 2024-25 and 2025-26 stating that a computer science course fulfilling the statute's requirement was not available, and which waives the requirement to offer such a course for the school year.

Provides that if H 259 becomes law, then the following changes are made.

- Amends GS 115C-83.31, as enacted by Section 7.72(a) of H 259, as follows. Requires for high school graduation a passing grade in a computer science course. Specifies that the course will fulfill one credit that is not an English, math, science, or social studies credit. Exempts students enrolling in a public high school after completion of the 11th grade. This requirement applies beginning with students entering the ninth grade in the 2024-25 school year. Prohibits enforcing a computer science graduation requirement for any student whose individualized education program states that the student's disability would prevent the student from completing that graduation requirement.
- Enacts new GS 15C-81.90 specifically requiring the State Board to include instruction in computer science, with defined components, in the standard course of study for middle and high school students. Requires public school units to offer an elective introductory course to middle school students and a course on using existing technologies and creating new technologies to high school students, with a passing grade in the latter course satisfying the graduation requirement. Authorizes units to offer the graduation requirement course to middle school students. Requires the courses to be conducted in person when practicable.
- For the 2024-25 and 2025-26 school years, by July 1, allows public schools to submit a signed notification stating that a computer science course fulfilling the statute's requirement was not available, which waives the requirement to offer such a course for the school year.
- Repeals the following section of H 259: (a) Section 8A.6(k), which amended GS 115C-12 concerning the development of a sequence of courses that allows students to graduate high school in three years and (b) Section 8A.6(l), which amended GS 115C-12(9d) by removing the provision specifying that local boards of education may require students to complete a high school graduation project.
- Amends GS 115C-83.31, as enacted in H 259, by removing the provision specifying that local boards of education may require students to complete a high school graduation project. Also adds the requirement that the State Board of Education develop a sequence of courses that allow a student to complete the credits required for graduation in a three-year period. Requires graduation within three years to be indicated on a student's transcript. Prohibits a local board of education from requiring any additional credits beyond those that are mandated by the State Board for graduation. Makes conforming changes to GS 115C-47, GS 115C-218.85(a)(6), GS 115C-238.66(1)f, and Section 8A.6(r) of H 259.

Adds the following content.

Enacts GS 116-11.4 governing the accreditation process for UNC constituent universities, and GS 115D-6.2 governing the accreditation process for community colleges, providing as follows.

Prohibits accreditation by an accrediting agency for consecutive accreditation cycles. Requires an institution or college that pursues accreditation with a different accrediting agency in accordance with this section to pursue accreditation with a regional accrediting agency. If the constituent institution or college is not granted candidacy status by any regional accrediting agency that is different from its current accrediting agency at least three years prior to the expiration of its current accreditation, it may remain with its current accrediting agency for an additional accreditation cycle. Exempts certain programs from the accreditation requirements above, including graduate programs in law, pharmacy, engineering, or other similar educational programs as identified by the UNC BOG/State Board of Community Colleges.

Allows a constituent institution or community college to bring a civil action against any person who makes a false statement to the accrediting agency if all of the following criteria are met: (1) the statement, if true, would mean the constituent institution/community college is out of compliance with its accreditation standards; (2) the person made the statement with knowledge that the statement was false or with reckless disregard as to whether it was false; (3) the accreditation agency conducted a review of the constituent institution/community college as a proximate result of the statement; and (4) the review caused the constituent institution/community college to incur costs. Sets out damages that can be recovered by a prevailing constituent institution/community college, including costs related to the review conducted by the accrediting agency.

Requires the BOG to establish a Commission to study alternatives to the current process by which institutions of higher education are accredited and invite stakeholders, including those from other states, to participate. Requires an interim report on efforts to recruit stakeholders to participate to the specified NCGA committee by January 1, 2024. Requires a report on any findings the BOG develops to the same committee by September 1, 2024.

Requires the UNC GOB and State Board of Community Colleges to each adopt a policy requiring community colleges to be accredited in line with the act.

Makes conforming changes to GS 90-631(b) (concerning accreditation of a massage and bodywork therapy program operated by a North Carolina community college), GS 93A-4(a2) (concerning fees paid by a certified real estate education provider), GS 93A-38.5(e) (concerning fees paid by private real estate education providers), GS 93E-1-7(b2) (concerning continuing education fees), GS 93E-1-8 (concerning fees for real estate and appraiser courses), GS 115D-5 (concerning faculty credential requirements), and GS 130A-309.28 (concerning research projects on hazardous waste). Also makes conforming changes to GS 116-201(b)(8) (definition of *private institution* under the State Education Assistance Authority) and GS 116-280(3) (concerning need-based scholarshipS for students attending private institutions of higher education).

Provides that if H 259 becomes law, Section 8.5(a)(4) is amended to require than any faculty member hired or appointed to the School of Civic Life and Leadership be subject to the approval of the dean of the school (currently, only hired faculty subject to dean approval).

Amendment #2

Enacts new Article 51 to GS Chapter 66, entitled the Pornography Age Verification Enforcement Act (PAVE Act). Defines eight terms. Defines *harmful to minors* by incorporating the definition from GS 14-190.13 (that quality of any material or performance that depicts sexually explicit nudity or sexual activity and that, taken as a whole, has the following characteristics: (1) the average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest of minors in sex; (2) the average adult person applying contemporary community standards would find that the depiction of sexually explicit nudity or sexual activity in the material or performance is patently offensive to prevailing standards in the adult community concerning what is suitable for minors; and (3) the material or performance lacks serious literary, artistic, political, or scientific value for minors).

Specifies that any commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on the internet from a website that contains a substantial portion of such material must, through use of (1) a commercially available database regularly used by businesses or governmental entities for the purpose of age and identity verification or (2) another commercially reasonable method of age and identity verification, verify the age of the individuals attempting to access the material. Prevents the commercial entity or a third party acting on its behalf from retaining any identifying information of the individual after access has been granted to the material. Provides for civil liability for both the entity and third parties working on its behalf. Authorizes a civil action to be brought by parents of minors who were allowed to access the material or persons whose identifying information is retained. Provides for injunctive relief, compensatory and punitive

damages, and fee shifting, including payment of attorneys' fees. Provides for legal interest on judgments. Exempts bona fide news or public interest broadcast, website, video, report, or event from the PAVE Act. Specifies that the PAVE Act should not be construed to affect the rights of any news-gathering organization.

Effective January 1, 2024, and applies to websites accessed on or after that date.

Intro. by Paré, Torbett, Blackwell, Hardister.

GS 66, GS 90, GS 93A, GS 93E, GS 115C, GS 116, GS 130A

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Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System, Department of Public Instruction, State Board of Education

H 125 (2023-2024) **NC HEALTH & HUMAN SERVICES WORKFORCE ACT (NEW)**. Filed Feb 15 2023, *AN ACT TO ALLOW MILITARY RELOCATION LICENSES FOR PHYSICIAN AND PHYSICIAN ASSISTANT SERVICEMEMBERS AND SPOUSES; TO ALLOW THE GRANTING OF AN INTERNATIONALLY-TRAINED PHYSICIAN EMPLOYEE LICENSE; TO MODIFY THE LAW FOR OVER-THE-COUNTER HEARING AIDS; TO MODIFY THE CREDENTIALING OF BEHAVIOR ANALYSTS UNDER THE NORTH CAROLINA BEHAVIOR ANALYST BOARD; TO MAKE MODIFICATIONS TO THE LAWS OF OPTOMETRY; TO DEVELOP A PLAN TO TRANSITION THE NURSE AIDE I EDUCATION AND TRAINING PROGRAM TO THE BOARD OF NURSING; TO PROTECT HEALTH CARE WORKERS FROM VIOLENCE BY REQUIRING CERTAIN HOSPITALS TO HAVE LAW ENFORCEMENT OFFICERS IN EMERGENCY DEPARTMENTS, TO ADDRESS THE VIOLATION OF A PROTECTIVE ORDER ISSUED UPON THE REQUEST OF A HOSPITAL, TO INCREASE THE PUNISHMENT FOR ASSAULT AGAINST CERTAIN PERSONNEL; TO MODERNIZE AND EXPAND PHYSICIAN-PHARMACIST COLLABORATIVE PRACTICE; AND TO EXTEND FLEXIBILITY FOR AMBULANCE TRANSPORT PROVIDED UNDER THE EXPIRING FEDERAL PUBLIC HEALTH EMERGENCY DECLARATION.*

Conference report to be summarized.

Intro. by White, Bradford, Riddell.

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H 142 (2023-2024) **PROTECT OUR STUDENTS ACT/BUNCOMBE BD OF ED. (NEW)** Filed Feb 16 2023, *AN ACT TO MODIFY PENALTIES AND DEFINITIONS FOR CERTAIN SEX OFFENSES AGAINST STUDENTS, TO INCREASE THE PENALTIES FOR THE FAILURE OF SCHOOL ADMINISTRATORS TO REPORT CERTAIN MISCONDUCT TO THE STATE BOARD OF EDUCATION, TO CLARIFY THE FORFEITURE OF RETIREMENT BENEFITS FOR CERTAIN FELONIES, AND TO REQUIRE PUBLIC SCHOOL UNITS TO SHOW STUDENTS IN GRADES SIX THROUGH TWELVE A VIDEO PRODUCED BY THE CENTER FOR SAFER SCHOOLS CONTAINING AGE-APPROPRIATE INFORMATION ABOUT SEXUAL ABUSE, AS RECOMMENDED BY THE DEPARTMENT OF PUBLIC INSTRUCTION; TO CLARIFY THE REQUIREMENT FOR THE BUNCOMBE COUNTY BOARD OF EDUCATION TO ESTABLISH ITS ELECTORAL DISTRICTS; AND TO REQUIRE THE BUNCOMBE COUNTY BOARD OF EDUCATION AND ASHEVILLE CITY BOARD OF EDUCATION TO STUDY MERGING THE BUNCOMBE COUNTY SCHOOL ADMINISTRATIVE UNIT AND THE CITY OF ASHEVILLE SCHOOL ADMINISTRATIVE UNIT.*

Senate amendment to the 4th edition makes the following changes.

Repeals Section 6(d) of SL 2023-32 (directing the Buncombe County Board of Education [BOE] to comply with nine factors in establishing or revising electoral districts). Instead, directs that the BOE comply with all requirements of State and federal law in establishing or revising electoral districts. Amends Section 6(e) of SL 2023-32 to change the deadline by which the BOE must amend the electoral districts from February 1, 2024, to June 30, 2024. Clarifies that the new boundaries must be used in the 2024 elections and thereafter. Sets the filing period for the BOE elections in the 2024 election to run from noon on the third Friday in July until noon on the first Friday in August. Directs the BOE and the Asheville City Board of Education to jointly study the feasibility of the merger of the Buncombe County School Administrative Unit and the City of Asheville School

Administrative Unit. Directs that the findings and recommendations be reported to the specified NCGA committees by no later than February 15, 2025.

Makes conforming changes to the act's titles.

Intro. by Torbett, K. Baker, Johnson, Kidwell.

[Buncombe, GS 14, GS 115C, GS 128, GS 135](#)

[View summary](#)

[Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Employment and Retirement, Government, Elections, State Government, State Personnel, Local Government, Health and Human Services, Social Services, Child Welfare](#)

H 361 (2023-2024) [REQUIRE REPORT/PROTECTION & ADVOCACY AGENCY](#). Filed Mar 14 2023, *AN ACT TO REQUIRE THE PROTECTION AND ADVOCACY AGENCY FOR NORTH CAROLINA TO REPORT ITS ACTIONS REGARDING ITS IMPACT ON PERSONS WITH DISABILITIES*.

Senate amendments make the following changes to the 2nd edition.

Amendment #1

Encourages the designated Protection and Advocacy Agency (Agency) to annually hold six meetings with the public throughout the state to share the Agency's findings in the reports that are required in this act.

No longer requires the Agency to report to the NCGA by December 1, 2023, on the Agency's outcomes in advocating for students with disabilities in elementary and secondary education.

Amendment #2

Changes the act's effective date (was, when the act became law) so that it is now effective on the date that H 125 (NC Health & Human Services Workforce Act) becomes law. Provides that if H 125 has not become law by December 31, 2023, then this act expires on that date.

Intro. by White, Lambeth, Bradford, Hawkins.

[UNCODIFIED](#)

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[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 3rd edition makes the following changes.

Part I.

Amends proposed GS 18D-100 by deleting the term *cannabinoid* and replacing it with the term *hemp-derived cannabinoid*, as defined. Amends the definition of the term *hemp-derived consumable product* so that it is now defined as a hemp product intended for human ingestion or inhalation that contains a delta-9 THC concentration of not more 0.3% on a dry weight basis, but may contain concentrations of other hemp-derived cannabinoids including CBD, CBDA, 5 CBG, CBGA, CBN, THCA, and THCP, in excess of that amount.

Amends GS 18D-101 to prohibit a person from knowingly, or having reason to know, sell 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 (was,

delta-9 tetrahydrocannabinol, delta-7 tetrahydrocannabinol, delta-8 tetrahydrocannabinol, or delta-10 tetrahydrocannabinol).

Amends GS 18D-103 to prohibit a manufacturer from 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 (was, delta-9 tetrahydrocannabinol, delta-7 tetrahydrocannabinol, delta-8 tetrahydrocannabinol, or delta-10 tetrahydrocannabinol). Makes conforming changes.

Amends GS 18D-104 to require hemp-derived consumable products to be tested for the presence of and amount of cannabinoids, not to exceed a concentration of 0.3% total combined of delta-9 tetrahydrocannabinol (was, delta-9 tetrahydrocannabinol, delta-7 tetrahydrocannabinol, delta-8 tetrahydrocannabinol, or delta-10 tetrahydrocannabinol).

Amends GS 18D-105 as follows. Amends what must be in a consumer protection warning on the label on a hemp-derived consumable product to require a statement that the product is not approved by the US FDA (was, not approved by the FDA for medical use), and a statement to consult your physician before use (was, only if you are pregnant). Removes the prohibition on a hemp-derived consumable product intended for ingestion from being sold in a serving that contains more than 200 milligrams, in the aggregate, of one or more hemp-derived cannabinoids. Prohibits a hemp-derived consumable product intended for ingestion from being sold in a serving that contains more than three milligrams, in the aggregate, of one or more of: delta-9 tetrahydrocannabinol, delta-7 tetrahydrocannabinol, delta-8 tetrahydrocannabinol, or delta-10 tetrahydrocannabinol.

Amends GS 18D-301 to require that in order to obtain and maintain a license for manufacturing hemp-derived consumable products, distributing hemp-derived consumable products, selling hemp-derived consumable products, manufacturing kratom products, distributing kratom products, or selling kratom products to consent to reasonable inspection by the ALE Division of the inventory of products regulated by GS Chapter 18D to ensure compliance with the Chapter, and the taking of samples found to not be in compliance with the packaging, labeling, and testing requirements (was, consent to reasonable inspection and the taking of reasonable samples by the ALE Division of the person's inventory of products regulated by this Chapter).

Amends GS 18D-400 by amending the ALE's enforcement provisions to require that it enforce the provisions of GS Chapter 18D in a manner reasonable to reduce the extent to which hemp-derived consumable products and kratom products are sold or distributed to persons under age 18 and conduct random, unannounced inspections on locations where products are sold or distributed. Provides that if, upon reasonable inspection, the Division determines a licensee's inventory may consist of products not in compliance with the packaging, labeling, and testing requirements of this Chapter, the Division is authorized to only take samples of a licensee's inventory of hemp-derived consumable products and kratom products considered non-compliant to be submitted for testing in order to determine compliance with the provisions of this Chapter (was, the Division is authorized to take reasonable samples of a licensee's inventory of hemp-derived consumable products and kratom products to be submitted for testing in order to determine compliance with this Chapter).

Intro. by McNeely, Sasser, Cotham, Fontenot.

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

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[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 600 (2023-2024) [REGULATORY REFORM ACT OF 2023](#). Filed Apr 13 2023, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA*.

Conference report to the 6th edition is to be summarized.

Intro. by Riddell, Zenger, Brody, Chesser.

[STUDY, GS 14, GS 62, GS 90, GS 95, GS 110, GS 113, GS 113A, GS 130A, GS 131F, GS 136, GS 143, GS 143B, GS 153, GS 153A, GS 160A, GS 160D, GS 162A, GS 166A](#)

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Business and Commerce, Occupational Licensing, Development, Land Use and Housing, Building and Construction, Environment, Aquaculture and Fisheries, Environment/Natural Resources, Government, APA/Rule Making, State Agencies, Department of Agriculture and Consumer Services, Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Department of Labor, Department of Public Safety, Department of Transportation, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Lottery and Gaming, Nonprofits

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S 452 (2023-2024) [NC DEPARTMENT OF INSURANCE OMNIBUS](#) .-AB Filed Mar 30 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE LAWS OF NORTH CAROLINA.*

Conference report to be summarized.

Intro. by Johnson, Craven, Britt.

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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.*

Conference report to be summarized.

Intro. by B. Newton, Britt, Daniel.

[View summary](#)

S 677 (2023-2024) [SURVEYORS RIGHT OF ENTRY/EXPED. COMM. BLDG. \(NEW\)](#) Filed Apr 6 2023, *AN ACT TO ALLOW A LIMITED RIGHT OF ENTRY FOR PROFESSIONAL LAND SURVEYORS IN CERTAIN CIRCUMSTANCES AND TO EXPEDITE PLAN REVIEW AND AUTHORIZE AT-RISK CONSTRUCTION PERMITTING FOR CERTAIN COMMERCIAL AND MULTIFAMILY BUILDING PROJECTS.*

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

Section 1.

Changes the effective date of new GS 89C-19.2 (establishing a limited right of entry to land by professional land surveyors) from October 1, 2023, to July 1, 2024.

Section 2.

Enacts new GS 160D-1110.1, pertaining to commercial and multifamily development project building permit applications that have plans and specifications that are complete and selected for construction by a licensed professional engineer or a licensed architect.

Article 11 of Chapter 160D is the primary body of law that outlines code enforcement by local government in land development. Generally, a person cannot commence or proceed with construction or related activities without first securing relevant building permit(s) as required by North Carolina State Building Code (Code) and any other State or local laws applicable to the construction activity. Local governments and their inspection departments are generally responsible for plan review for building permit purposes.

Creates at-risk building permit option for an eligible applicant that requested and attended a pre-submittal meeting, discussed below. Specifies that such applicants proceeding with an at-risk permit issued by a local government pursuant to this subsection assumes all risks of liability, and the local government is discharged and released from any liabilities, duties, and responsibilities attributable to the review, approval, or construction pursuant to that at-risk permit. Clarifies that, where multiple local development permits are required to complete a development project, a permit issued by a local government pursuant to this subsection is not an initial development permit for purposes of the vesting protections of GS 160D-108(e) (pertaining to permit choice and vested rights).

Provides for two at-risk permit options, the at-risk foundation option or the at-risk building structure option. Requires the local government to issue an at-risk building foundation permit if the statutory conditions are met, including the pre-submission meeting; the applicant's receipt of all approvals necessary for building foundation construction notwithstanding that other development approvals from the local government, or other state or federal agencies, for the project have not yet been obtained; and there is an approved erosion and sedimentation control plan as required by GS Chapter 113A for land-disturbing activity at a building foundation construction site. Authorizes, but does not require, a local government to issue an at-risk building structure permit if a local government determines a permit applicant has submitted all necessary plans and sufficient information, and received all approvals necessary, for building structure construction (i.e., the erection and installation of structural or framing members for exterior walls and roof assemblies) notwithstanding that other development approvals from the local government, or other state or federal agencies, for the project have not yet been obtained.

Now requires local governments to provide the option for an eligible building permit applicant to request a pre-submittal meeting prior to applying for a building permit to discuss a building project and to determine whether the applicant possesses necessary plans and sufficient information the local government would require for building permit plan review. Requires local government to schedule the pre-submittal meeting within five business days of a request. Specifies four circumstances when an applicant would be able to request this kind of meeting: (1) the project plans and specifications for a building project are complete and sealed for construction, as applicable, by a licensed engineer or architect; (2) those plans and specifications are substantially identical to those that the applicant would submit for the permit application; (3) the applicant has made best efforts to compile and prepare documents required by local, state, and federal law; (4) the applicant has determined whether an at-risk permit option will be utilized.

Now requires the local government to complete its permit application review and issue a decision on the permit within 45 days, unless the local government and applicant otherwise agree. Provides for a ten-day extension if the government requests additional information or changes. Specifies that a local government may issue a permit decision within 60 days if the government issues an at-risk building permit at the request of the applicant.

Authorizes local governments to contract with licensed engineers or architects to perform an independent third-party plan review, so long as that person complies with the timeframes set forth above. Prohibits conflicts of interest in third-party plan reviews, including any financial interest in, or being employed, other than as a plan reviewer, by a business that has a financial interest in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of, or any involvement in the making of plans or specifications for, the project subject to plan review. Allows a permit applicant to elect to use a licensed professional engineer or architect for an independent third-party review if the local government is unable to meet the deadlines set forth above. Requires the local government to issue applicable building permits for the project within three business days and refund or waive all applicable plan review and permit fees for the project upon issuance of the applicable building permits once it receives a completed plan review with a certification that the project complies with all applicable Code provisions and other law.

Prevents local governments from delaying or denying the issuance of a permit based on its receipt of specifications or manufacturer engineering information on an element, component, or fixture.

Clarifies that a permit issued by a local government under GS 160D-1110.1 will not be construed to guarantee the issuance of further building permits, development approvals, or certificates of occupancy by a local government, or other State or federal agencies, that a project requires. Provides that a local government and inspection department are discharged and released from

any liabilities, duties, and responsibilities imposed by Article 11 of GS Chapter 160D, or in common law, from any claim arising out of, or attributed to, plans subject to a third-party independent review pursuant.

Makes conforming changes to GS 143-151.8(a)(3) (code enforcement); GS 143-151.13 (required standards and certificates for code enforcement officials); GS 113A-61 (local approval of erosion and sedimentation control plans); GS 160D-922 (erosion and sedimentation control); and GS 160D-1110, as amended by Section 16 of SL 2023-46 and Section 8.1(a) of SL 2023-90 (building permits).

Effective July 1, 2024, and applies to permit applications submitted on or after that date.

Makes organizational changes and conforming changes to the act's titles.

Intro. by Jarvis, McInnis.

[GS 89C](#), [GS 113A](#), [GS 143](#), [GS 160D](#)

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[Business and Commerce](#), [Occupational Licensing](#), [Development, Land Use and Housing](#), [Building and Construction](#), [Land Use, Planning and Zoning](#)

[S 692 \(2023-2024\) CHANGES IN EDUCATION LAWS. \(NEW\)](#) Filed Apr 6 2023, *AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.*

House committee substitute to the 4th edition deletes the content of the previous edition and replaces it with the following. Makes conforming changes to the act's titles.

Part I.

Enacts new Article 15A in GS Chapter 115A establishing the Northeast Regional School of Biotechnology and Agriscience (School), with the purpose of expanding student opportunities for educational success through high quality instructional programming in the northeastern region of the state. Allows the School to serve grades 7-12. Makes students domiciled in the counties of Beaufort, Bertie, Camden, Currituck, Dare, Edenton, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington eligible to attend the School. Requires the Board of Directors to establish criteria, standards, and procedures for admission. Allows the admission criteria to give priority to first generation students, defined as a student who has no parent who has completed a two- or four-year degree. Requires the admission criteria to include demonstrated academic achievement, demonstrated student interest in attendance, and documented parental support for student attendance. Requires students to be accepted by lot when the number of eligible students exceeds seats available.

Houses the School within the Department of Public Instruction for the purpose of distribution of State funds only. Specifies that the School is exempt from statutes and rules applicable to local boards of education or local school administrative units, except as otherwise provide in this Article and Article 7B.

Establishes the regional school board of directors (board) as the School's governing board, consisting of members who meet the specified qualifications and residency requirements who are appointed by the Superintendent of Public Instruction, State Board of Education, Parent Advisor Council, and an institution of higher education partner. Members serve four-year terms. Provides for filling vacancies and removing members. Sets out requirements for board meetings. Requires the election of a chair and vice-chair who serve two-year terms; the chair may only vote to break a tie. Sets out the board's corporate powers. Also sets out the board's 25 powers and duties, including: (1) establishing the School's academic program, including meeting specified requirements; (2) complying with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System; (3) the board of directors must comply with the purchasing and contract statutes and regulations applicable to local school administrative units; (4) the board of directors must develop a plan to provide transportation to the students enrolled in the School, which may include entering into interlocal agreements with local school administrative units; and (5) the board of directors, to the extent practicable, must provide school food services to the School.

Requires a Parent Advisory Council (Council) that will be a resource and provide input to the board. Requires the board to consult the Council when considering changes to the School's operations that may significantly impact students. Requires

members to be parents or guardians of students enrolled in the School. Appointments to the Council are made by the Superintendent of Public Instruction and members serve for four years or until the member's child is no longer attending the School.

Requires the board to appoint all certified and noncertified staff and sets out provisions related to personnel requirements, including that the board must employ and contract with a principal for a term not to exceed three years and with necessary teachers, at least 50% of whom must hold teacher licensure (unless waived by the State Board of Education).

Requires the board to adopt a policy on whether and the circumstances under which school personnel are required to undergo a criminal history check. Sets out the requirements for the background checks. Requires the board to review the criminal history it receives on an individual and determine if the results of the review indicate that the individual: (1) poses a threat to the physical safety of students or personnel or (2) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel. Requires this information to be used when making employment decisions and decisions on independent contractors. Requires the board to make written findings with regard to how it used the information. Allows this duty to be delegated to the principal. Also requires the Board to give the State Board of Education the criminal history it receives on a person who is certificated, certified, or licensed by the State Board, which must then determine whether the person's certificate or license should be revoked. Sets out confidentiality provisions for the records. Provides that there is no liability for negligence on the part of the board or its employees, or the State Board of Education, the Superintendent of Public Instruction, or any of their members or employees, arising from any act taken or omission by any of them in carrying out the criminal history record check requirements. Makes it a Class A1 misdemeanor for any applicant for employment to willfully furnish, supply, or otherwise give false information on an employment application that is the basis for a criminal history record check. Allows the board to adopt a policy for uniform periodic checks of criminal history of employees.

Allows the board to contract with a local school administrative unit to serve as the board's finance agent. Allows the School to request appropriations directly from a city.

Repeals Part 10 of Article 16 of GS Chapter 115C, concerning regional schools. Makes conforming changes throughout the following to refer to regional schools as the one established in this act (under new GS 115C-229.5) instead of regional schools created under GS 15C-238.62 (allowing any two or more local boards of education to create a regional school): GS 14-458.2(a) (concerning definitions applicable to Cyber-bullying of school employee by student); GS 58-31A-1(2) (concerning definitions applicable to Part 1, Public Education Property, of Article 31A); GS 115B-2(a)(6) (concerning tuition waivers by the constituent institutions of The University of North Carolina and community colleges); GS 115C-238.50A (concerning definitions for Part 9, Cooperative Innovative High School Programs, of Article 16); GS 126-5(c1)(8a) (concerning exemptions to the Chapter); and GS 143B-931(b) (concerning criminal record checks); GS 160A-700(d)(5) concerning funding for public education).

The above provision are effective July 1, 2024.

States the NCGA's intent to provide funding to the School beginning with the 2024-25 school year.

Terminates the terms of members serving on the board as of the date this act becomes law on June 30, 2025. Requires initial appointments to the board to be made for terms beginning July 1, 2025. Sets out the terms for appointments that begin on that date.

Vets the title to and ownership of all property of Northeast Regional School of Biotechnology and Agriscience, established as provided in Part 10 of Article 16 of GS Chapter 115C, both real and personal of every kind and description, in the School established in this act by July 1, 2024. Passes all claims and demands to the School by July 1, 2024, and gives the board the same powers and authority to enforce said claims and demands. Makes obligations and liabilities of the previous school the obligations of the new School by July 1, 2024, and allows such obligations and liabilities to be enforced against the board to the same extent that they might have otherwise been enforced

Part II.

Amends GS 116-209.25 (establishing parental trust funds for higher education) to enact new subsection GS 116-209.25(c2) setting forth protections for North Carolina education savings and investment accounts as follows. Exempts funds located in an education savings and investment account of the Parental Savings Trust Fund or withdrawn from the account and used for expenses permitted under section 529 of the Internal Revenue Code (IRS Code) (governing qualified tuition programs) from liens, attachment, garnishment, levy, seizure, any involuntary sale or assignment by operation or execution of law, or the

enforcement of any other judgment or claim to pay any debt or liability of any account owner, beneficiary, or contributor to a plan. States that the new subsection (c2) will not affect any protection from creditors under GS 1C-1601(a)(10) (setting forth exemptions of certain property from the claims of creditors) for education savings and investment accounts that are not part of the Parental Savings Trust Fund.

Makes conforming changes to GS 1C-1601(10) (governing the educational savings plan creditor exemption) to refer to the new subsection and to change references to "college savings plan" to "education savings and investment account." Changes the permitted use of exempted funds from the college or university expenses for a child of the debtor to expenses for a child of the debtor permitted under the IRS Code.

Adds new section enacting GS 147-86.47 to Article 6F of GS Chapter 147 exempting funds located in an ABLE account (savings accounts for people with disabilities where the disability occurred before the age of 26) or withdrawn from the account and used for expenses permitted under section 529A of the Internal Revenue Code (governing qualified tuition payments) from liens, garnishment, attachment, and judgment and other debt collection devices. Specifies that funds may still be distributed upon the death of the account holder as provided by law.

Applies to actions filed on or after November 1, 2023.

Part III.

Enacts new GS 160D-913.1 (pertaining to school sites in residential zones), providing as follows. Defines school to mean a building or group of buildings that are primarily used for the instruction of students in a pre-kindergarten program or in a grade from kindergarten to grade 12, and includes both (i) schools within public school units and (ii) nonpublic schools.

Requires that schools be permitted, by right, in an area zoned for residential use if: (1) the site of the school is located on 30 or more contiguous acres of land, which may be comprised of one or more parcels of land; (2) the site of the school is not situated within an existing residential subdivision as to cause discontinuity in the subdivision, but may be adjacent to an existing residential subdivision; (3) the county in which the school is to be sited has a population of at least 200,000 residents as of the most recent decennial census; (4) the county in which the school is to be sited has a population density of at least 300 people per square mile as of the most recent decennial census; (5) the county in which the school is to be sited has a land area of at least 200 square miles; and (6) the site of a school containing any combination of kindergarten through grade eight has at least one boundary located along either a State-maintained road or highway or a city-maintained street or the site of a school containing any combination of grades nine through twelve has at least one boundary along a major or minor thoroughfare, as designated by the thoroughfare plan approved by the metropolitan planning organization or rural transportation planning organization with jurisdiction over the area, that is maintained by either the State or a city.

Specifies that further expansion of any such school cited under GS 160D-913.1 is subject to all applicable zoning ordinances and cannot receive permitted use beyond the original boundaries. Provides that a permitted school will not be subject to any changes or additions made to the restrictions and requirements placed on schools by the governing body for five years from the date the permit is issued. Limits any restrictions placed on a school as part of the permitting process to those that are the restrictions and requirements the governing body could impose under any other law or ordinance. Requires the governing entity of the school to inquire in writing, of the public water system, public sewers system, or public water and sewer system, currently serving the site or closest to the site as to whether that public system has capacity to serve the proposed school facility. Sets forth process and timeframes for response by the public systems listed above. Provides for the public system to reserve resources for the school for 24 months from the date of the written inquiry unless it does not have capacity or under a moratorium precluding expansion.

Enacts new GS 160D-917, requiring that in areas zoned for commercial use, zoning regulations must permit, by right or by special use, the siting of a school building that is primarily used for the instruction of students and is under the control of a public school unit.

Part IV.

Requires all constituent institutions offering degrees, certifications, or training related to health care to provide the public with the criteria for evaluating applicants for admission to the institution or program. Requires that the public information include a rubric detailing the weight placed upon each admissions criterion, including standardized test scores, grades, class rigor, personal statements, interviews, and any other factors used to determine admission. Requires each of these institutions to annually report to the UNC Board of Governors (BOG) on the prior year's applicants for admission to programs related to

health care. Sets out items that must be included in the report with information de-identified separately for both applicants and admitted students, disaggregated by race. Requires the BOG to create and annually update an electronic dashboard of all reported information that consolidates the information submitted by each constituent institution. Also requires the BOG to update the specified NCGA committee when the dashboard has been updated. Requires the BOG to designate the degrees, certifications, and trainings that relate to health care. Applies beginning with reports due September 15, 2024.

Part IV-A.

Amends GS 115C-81.45 (pertaining to civic literacy, amongst other things) to now require that either the week of Patriot's Day (September 11) or the week of Constitution Day (September 17) be a civic focus week. Requires that local boards of education give civic youth groups (Big Brothers Big Sisters of America, Boy Scouts of America, Boys and Girls Clubs of America, Future Farmers of America, or Girl Scouts of the United States of America) opportunities in each school to address students during these weeks to address how involvement can further students' educational interests and civic participation to improve their schools, communities, and themselves. Sets out the procedure for the group to provide notice to the school's principal and for the principal's approval. Requires the group to be given at least 10 minutes during the instructional day to address students. Allows a principal to designate a single event to observe a civic focus week when all civic youth groups may address students, with time allocated equally among the groups; sets out additional time limitations on such an event. Requires the same opportunity to be given by charter schools (GS 115C-218.75), regional schools (GS 115C-238.66), and laboratory schools (GS 116-239.8). Applies beginning with the 2024-25 school year.

Part IV-B.

Enacts new GS 145-52, adopting the Kidzu Children's Museum as the official State children's museum.

Part IV-F.

Amends GS 115C-12 (powers and duties of the State Board of Education [Board]) as follows. Removes the Board's power to accredit schools. Changes the Board's power from submitting a budget request directly to the Director of the Budget to preparing a budget request for the Superintendent of Public Instruction (SPI) to be submitted in conjunction with the SPI's request for the Department of Public Instruction (DPI). Removes the Board's power to develop and make available to teachers and parents support materials, including teacher and parent guides, academic content standards and instead gives this power to the SPI. Expands GS 115C-21(a), the administrative duties of the SPI, to also include: (1) enter into contracts equal to or less than \$2.5 million; (2) to review comprehensive plans to revise content standards in core academic areas and to provide recommendations, and (3) to create advisory councils or commissions as DPI deems necessary. Makes conforming changes to Board and SPI duties.

Enacts new GS 115C-420 (Board approval of contracts) to require the SPI to present contracts larger than \$2.5 million to the Board for approval. Provides that the SPI does not have to present contracts for \$2.5 million or less to the Board. Specifies that contract amounts cannot be aggregated with other contracts.

Intro. by Galey, Johnson, McInnis.

[GS 1C, GS 14, GS 58, GS 115B, GS 115C, GS 116, GS 126, GS 145, GS 147, GS 160A, GS 160D](#)

[View summary](#)

Banking and Finance, Development, Land Use and Housing, Building and Construction, Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, UNC System

S 749 (2023-2024) [NO PARTISAN ADVANTAGE IN ELECTIONS](#). Filed Jun 12 2023, *AN ACT TO REVISE THE STRUCTURES OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS AND COUNTY BOARDS OF ELECTIONS, TO REVISE THE EMERGENCY POWERS OF THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS, TO MAKE CLARIFYING CHANGES TO SENATE BILL 512 OF THE 2023 REGULAR SESSION, TO MAKE ADDITIONAL CONFORMING AND CLARIFYING CHANGES TO IMPLEMENT PHOTO IDENTIFICATION FOR VOTING, AND TO AMEND THE TIME FOR CANDIDATES AND VACANCY APPOINTEES TO FILE STATEMENTS OF ECONOMIC INTERESTS.*

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

Parts I-II.

Changes the effective date of Parts I and II from July 1, 2024, to January 1, 2024.

No longer requires that a chair of the State Board of Elections (State Board) and an Executive Director be appointed in accordance with Article 3 of GS Chapter 163 (as amended by this act) upon the eight members of the State Board of Elections appointed in accordance with GS 163-19, as amended by this act, taking the oath of office.

Part IV.

Amends GS 163-30 by removing the proposed language that prohibited a registered lobbyist from serving as a member of a county board of elections.

Changes the effective date of Part IV from July 1, 2024, to January 1, 2024.

Part V.

Amends GS 163-213.4 to allow the State Board, during the meeting to nominate presidential primary candidates, by a vote of at least five (was, three) members in the affirmative, to nominate as a presidential primary candidate any other person affiliated with a political party that it finds is generally advocated and recognized in the news media throughout the US or in the state as candidates for the nomination by that party. Makes additional conforming, organizational, clarifying, and technical changes.

Changes the effective date of Part V from July 1, 2024, to January 1, 2024.

Part VIII.

Amends the act's effective date provisions as follows.

Provides that notwithstanding GS 163-19 if a chair is not elected by January 10, 2024 (was, within 30 days after taking the prescribed oath in 2024) or within 30 days of the occurrence of a vacancy in the office of the chair in 2024, the office may be filled by legislative appointment as if the chair is a member of a board or commission by the President Pro Tempore of the Senate. No longer provides that the chairs of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics may submit a list of names to the General Assembly by March 1, 2024, for appointments to be made effective July 1, 2024.

Provides that notwithstanding GS 163-30 if a chair is not elected by January 10, 2024 (was, within 15 days after the first meeting in July 2024) or within 30 days of the occurrence of a vacancy in 2024, the office may be filled by legislative appointment as if the chair is a member of a board or commission by the President Pro Tempore of the Senate. No longer provides that the chairs of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics may submit a list of names to the General Assembly by March 1, 2024, for appointments to be made effective July 1, 2024.

Changes the date by which the Executive Director must be selected from July 15, 2024, to January 10, 2024, or within 30 days of a vacancy in 2024 before the position may be filled by legislative appointment as if the chair is a member of a board or commission by the President Pro Tempore of the Senate.

Adds that for the 2024 presidential preference primary only: (1) the State Board must meet on December 19, 2023, to perform its duties under GS 163-213.4; (2) petitions must be presented to the county board of elections no later than December 4, 2023, and filed with the State Board no later than December 18, 2023; (3) the December 19, 2023, meeting of the State Board is deemed to be the January 2024 meeting required by GS 163-213.4; and (4) no petitions filed under GS 163-213.5 after December 18, 2023, may be considered by the State Board.

Amends the act's long title.

Intro. by Daniel, P. Newton, Hise.

GS 163

[View summary](#)

Environment, Environment/Natural Resources, Government, Elections, General Assembly, State Agencies, Secretary of

ACTIONS ON BILLS**PUBLIC BILLS****H 8: VARIOUS STATUTORY CHANGES. (NEW)**

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Amend

House: Cal Pursuant 36(b)

H 142: PROTECT OUR STUDENTS ACT/BUNCOMBE BD OF ED. (NEW)

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Amend

House: Added to Calendar

House: Added to Calendar

House: Concurred In S Amend H142v4

H 259: 2023 APPROPRIATIONS ACT.

House: Conf Report Adopted 2nd

Senate: Conf Report Passed 2nd

H 361: REQUIRE REPORT/PROTECTION & ADVOCACY AGENCY.

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Amend

House: Added to Calendar

House: Added to Calendar

H 415: STOP ADDICTION FRAUD ETHICS ACT OF 2023.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 09/22/2023

H 432: PRINCIPAL LICENSURE CHANGES.

House: Pres. To Gov. 9/21/2023

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

House: Reptd Fav Com Sub 3

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

H 600: REGULATORY REFORM ACT OF 2023.

House: Conf Com Reported

House: Added to Calendar

House: Added to Calendar

Senate: Placed On Cal For 09/22/2023

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

Senate: Pres. To Gov. 9/21/2023

S 211: PERMIT MULTISTATE WATER/SEWER AUTHORITY.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

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

House: Conf Com Appointed

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

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 531: DAM SAFETY LAW CLARIFICATION.

Senate: Concurred In H Amend S531v1

Senate: Ordered Enrolled

S 579: PREVENT HARM TO CHILDREN.

House: Conf Com Appointed

Senate: Conferees Changed

House: Conf Com Reported

House: Added to Calendar

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

Senate: Pres. To Gov. 9/21/2023

S 677: SURVEYORS RIGHT OF ENTRY/EXPED. COMM. BLDG. (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

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

Senate: Conf Report Adopted

House: Conf Report Adopted

S 692: CHANGES IN EDUCATION LAWS. (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

S 749: NO PARTISAN ADVANTAGE IN ELECTIONS.

House: Conf Com Reported

House: Added to Calendar

Senate: Conf Com Reported

Senate: Placed On Cal For 09/22/2023

House: Conf Report Adopted

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

Senate: Withdrawn From Cal

Senate: Placed On Cal For 09/22/2023

House: Withdrawn From Cal

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

House: Withdrawn From Com

House: Cal Pursuant Rule 36(b)

H 438: FRANKLIN/GRANVILLE RECOGNIZED COMMON BOUNDARY.

Senate: Passed 2nd Reading

S 68: VARIOUS LOCAL 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: Ref To Com On Rules and Operations of the Senate

S 154: OMNIBUS OCCUPANCY TAX CHANGES. (NEW)

Senate: Failed Concur In H Com Sub

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