

The Daily Bulletin: 2023-10-25

PUBLIC/HOUSE BILLS

H 898 (2023-2024) HOUSE REDISTRICTING PLAN 2023/H898 ED 2. (NEW) Filed Oct 18 2023, AN ACT TO REALIGN THE NORTH CAROLINA HOUSE OF REPRESENTATIVES' DISTRICTS.

AN ACT TO REALIGN THE NORTH CAROLINA HOUSE OF REPRESENTATIVES' DISTRICTS. SL. 2023-149. Enacted October 25, 2023. Effective October 25, 2023.

Intro. by D. Hall, Stevens, Saine.

GS 120

View summary

Government, Elections, General Assembly

PUBLIC/SENATE BILLS

S 274 (2023-2024) SENIOR CARE OPTIONS. (NEW) Filed Mar 9 2023, AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXEMPT CERTAIN HOME ASSISTANCE SERVICES FROM HOME CARE LICENSURE REQUIREMENTS.

Conference report replaces the 4th edition in its entirety with the following.

Expands the scope of the Home Care Agency Licensure Act (GS Chapter 131E, Article 6, Part 3) so it now also includes licensure of *home assistance providers* (defined as a private or public organization that is predominantly engaged in providing, directly or indirectly, home assistance services; This excludes a home care agency, home health agency, or other organization predominantly engaged in providing home care services). Defines *home assistance services*, as the following non-home-care services: (1) in-home companion, sitter, or respite care services provided to an individual or (2) homemaker services provided in combination with in-home companion, sitter, or respite care services. Defines *homemaker services* as basic home management tasks, shopping, meal preparation, transportation, socialization, medication reminders, and other services that do not require the service provider to touch the client and which do not require training or verification of skills by a registered nurse. Makes clarifying changes to home care services to distinguish that term from home assistance services. Requires home assistance service providers to obtain a license under the procedure set forth in GS 131E-138 from the Department of Health and Human Services before operating as a home assistance service provider.

Requires a license to operate as a home assistance services provider. Sets forth six requirements for home assistance service providers to operate lawfully under the statute: (1) maintain liability insurance; (2) inform all new clients that they do not provide health care or hands-on care; (3) conduct a criminal background check in any state where any contractor or employee was a resident during the past seven years; (4) document that each employee or contractor possesses a valid drivers license, vehicle registration, proof of insurance, and has provided an official driving record from the North Carolina Division of Motor Vehicles; (5) require that all services provided by employees or contracts are provided in a safe and appropriate manner that complies with all relevant laws; (6) annually attest that the home assistance service provider is in compliance with the above requirements. Prevents home assistance service providers from submitting claims for reimbursement to any public or private insurer, managed care organization, or health plan, employing or contracting with an individual convicted of a relevant offense under GS 131D-40(d), or employing or contracting with an individual on the National Sex Offender Public Website.

Makes conforming changes to various provisions of the licensure act, including GS 131E-140 (authorizing the NC Medical Care Commission to adopt rules); GS 131E-141.1 (penalties for operating without a license); GS 131E-142 (actions for injunctive relief); GS 131E-143 (prohibiting smoking while providing services to an individual in their home); GS 131E-135 (title of the act); and GS 131E-136 (definitions under the statute) to account for expanded scope of the statute.

Amends GS 131E-272 to set a fee of \$510 for an initial home assistance service license and changes the amount of an initial home care license from \$560 to \$510.

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

Intro. by Perry, Sawyer, Overcash.

GS 131E

View summary

Business and Commerce, Occupational Licensing, Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Adult Services

S 409 (2023-2024) VARIOUS CHANGES TO CRIMINAL AND CIVIL LAWS. (NEW) Filed Mar 29 2023, AN ACT TO AMEND THE OFFENSE OF BREAKING OR ENTERING INTO OR BREAKING OUT OF RAILROAD CARS, MOTOR VEHICLES, TRAILERS, AIRCRAFT, BOATS, OR OTHER WATERCRAFT; TO PROVIDE THAT MULTIPLE ACTS OF CERTAIN FINANCIAL CRIME OFFENSES MAY BE AGGREGATED IN CERTAIN CIRCUMSTANCES WHEN DETERMINING THE LEVEL OF PUNISHMENT TO BE IMPOSED; TO PROVIDE THAT PROVING IT WAS THE REGULAR PRACTICE OF A BUSINESS ACTIVITY TO MAKE A MEMORANDUM, REPORT, OR DATA COMPILATION MAY BE MADE BY AN UNSWORN DECLARATION UNDER PENALTY OF PERJURY; TO CREATE A PILOT PROGRAM TO AUTHORIZE AUTOMATIC LICENSE PLATE READERS IN STATE RIGHTS-OF-WAY; TO MAKE TECHNICAL CHANGES TO THE OBSCENE LITERATURE AND EXHIBITIONS STATUTE; AND TO ESTABLISH AN INDEPENDENT OFFICE OF THE STATE FIRE MARSHAL IN THE DEPARTMENT OF INSURANCE, TO PRESCRIBE THE POWERS AND DUTIES OF THAT OFFICE, AND TO AMEND CERTAIN FIREFIGHTER PROGRAMS.

Conference report to the 2nd edition make the following changes.

Makes organizational changes, moving existing content into Parts I, II, and III and adds part headings.

Part II.

Changes the effective date of proposed new GS 15A-1340.16F, concerning the aggregation of multiple financial crime offenses, from December 1, 2023, to March 1, 2024.

Part III.

Changes the effective date of the changes to GS 8C-1, Rule 803, from December 1, 2023, to March 1, 2024.

Deletes the proposed addition to GS 115C-81.45 concerning civic youth group presentations in schools, and the conforming changes.

Deletes proposed new GS 160D-912.1, concerning local regulation of nonconforming signs.

Adds the following new content.

Part V.

Authorizes DOT to enter into agreements with the NC SBI, with the SBI acting on its own behalf or as an administrative agency of a local law enforcement agency of the State pursuant to authority granted by these provisions, for the placement and use of automatic license plate reader systems within land or rights-of-way owned by DOT as part of a pilot program, subject to six qualifications, including: the use of the land is temporary; the system is above ground, removeable, and contains no combustible fuel; and the system is operated in accordance with GS Chapter 20, Article 3D. Requires termination and removal by DOT upon request by any affected public utility. Allows DOT or public utilities to relocate the system for immediate access to utilities, with liability limited to gross negligence or willful misconduct, and subject to notification to the SBI. Defines public utility. Effective January 1, 2024; expires July 1, 2025, with any agreement entered into under the pilot program terminating no later than that date.

Requires the SBI to submit an in initial report to the specified NCGA committees by April 15, 2025, and a final report by October 1, 2025, on systems placed on rights-of-way owned or maintained by DOT as specified. Repeals GS 136-27.3A

(Relocation of automatic license plate reader systems) and GS 20-183.32A (Report on automatic license plate reader systems). Amends GS 20-183.30, adding new defined terms to Article 3D, Automated License Plate Reader Systems. Defines criminal justice officer as criminal justice officer under GS 17C-2 and a justice officer under GS 17E-2. Defines law enforcement purpose to include (1) actions related to criminal investigations, arrests, prosecutions, post-conviction confinement, or supervision; (2) apprehending an individual with an outstanding felony warrant; (3) locating a missing or endangered person; or (4) locating a lost or stolen vehicle. Defines missing or endangered person to mean a person who has been identified as a missing or endangered person by one of three listed sources, including the National Criminal Information Center and law enforcement agency "be on the lookout" bulletins. Amends GS 20-183.31 to limit access and disclosure of data obtained by a law enforcement agency under Article 3D to law enforcement purposes, as that term is now defined by the Article (was, for law enforcement or criminal justice purposes). Amends GS 20-183.32 to limit disclosure of captured plate data to criminal justice officers of State or local law enforcement agencies or similar officials at a federal law enforcement agency for a legitimate law enforcement purpose pursuant to a written request from the requesting agency (previously limited disclosure to federal, State, or local law enforcement agencies for a legitimate law enforcement or public safety purpose pursuant to such written request). Effective January 1, 2024.

Enacts new GS 20-183.33 making it a Class 1 misdemeanor to violate Article 3D of GS Chapter 20 (Automatic License Plate Reader Systems) by obtaining, accessing, preserving, or disclosing data obtained under the Article in a manner other than that allowed by the Article. Applies to offenses committed on or after January 1, 2024.

Part VII.

GS 14-190.1 makes it illegal for any person, firm, or corporation to intentionally disseminate obscenity; or any person, firm, or corporation to knowingly and intentionally create, buy, procure or possess obscene material with the purpose and intent of disseminating it unlawfully; or for a person, firm, or corporation to advertise or otherwise promote the sale of material represented or held out by said person, firm, or corporation as obscene. Amends GS 14-190.1(g), as amended by SL 2023-17, to clarify that violations are a Class I felony, increasing the penalty to a Class H felony when the violation was committed knowingly in the presence of a minor under age 18. Applies to offenses committed on or after December 1, 2023.

Part X.

Section 10.1

Amends GS 58-78A-1, as amended by SL 2023-134 (2023 Appropriations Act) by expanding the Independent Office of the State Fire Marshal (Office) as follows. Now designates the Office as responsible for the following 19 listed statutory matters and entities in the Department of Insurance (DOI):

- (1) State Fire and Rescue Commission GS Chapter 58, Article 78.
- (2) Investigation of Fires and Inspection of Premises, GS Chapter 58, Article 79.
- (3) State Volunteer Fire Department, GS Chapter 58, Article 80.
- (4) Pyrotechnics Training and Permitting GS Chapter 58, Article 82A.
- (5) Management of Aqueous Film-Forming Foams, GS Chapter 58, Article 82B.
- (6) Local Firefighters' Relief Funds, GS Chapter 58, Article 84.
- (7) Statewide Firefighters' Relief Fund, GS Chapter 58, Article 85.
- (8) State Fire Protection Grant Fund, GS Chapter 58, Article 85A.
- (9) North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, GS Chapter 58, Article 86.
- (10) Volunteer Safety Workers Assistance, GS Chapter 58. Article 87.
- (11) Rescue Squad Workers' Relief Fund, GS Chapter 58, Article 88.
- (12) Building Code Council and Building Code, GS Chapter 143, Article 9.
- (13) North Carolina Manufactured Housing Board-Manufactured Home Warranties, GS Chapter 143, Article 9A.

- (14) Uniform Standards Code for Manufactured Homes, GS Chapter 58, Article 9B.
- (15) North Carolina Code Officials Qualification Board, GS Chapter 58, Article 9C.
- (16) North Carolina Home Inspector Licensure Board, GS Chapter 58, Article 9F.
- (17) Engineering and Building Codes Division in DOI.
- (18) Risk Management Division in DOI.
- (19) Community Risk Reduction Division in DOI.

Requires DOI to provide clerical and professional services to the Office, including but not limited to, budgetary, human resources, information technology, and legal services (previously the Commissioner of Insurance was required to provide general administrative support).

Makes technical and clarifying changes.

Empowers the Office to adopt rules in line with the APA to enforce, carry out, and make effective the laws it is charged with administering. Provides for general access to Office records of the Office under State public records law, except for records compiled as part of an arson investigation, which are only available upon a court order or to the district attorney of any district if it concerns persons or investigations in their district. Requires hearings and investigations undertaken by the Office to be conducted by the State Fire Marshal. Provides for a hearing process with notice for hearings conducted by the Office. Authorizes the Office to use hearing officers or to apply to the Director of the Office of Administrative Hearings for an administrative law judge to hear the contested case. Empowers the Office to be able to arrest with warrant or cause the person(s) to be arrested if they are of the opinion that there is evidence to charge any person or persons with a criminal violation.

Authorizes the Office to impose civil penalties ranging from \$100 to \$1000 upon persons who are subject to licensure by the Office for any violations. Specifies that the civil penalty can be in addition to or in lieu of action against the person's license. Directs the Office to consider the degree and extent of harm caused by the violation, the amount of money that inured to the benefit of the violator as a result of the violation, whether the violation was committed willfully, and the prior record of the violator in complying or failing to comply with laws, rules, or orders applicable to the violator, in setting the amount of the penalty. Directs that the proceed from the penalty be remitted to the Civil Penalty and Forfeiture Fund. Authorizes a court, upon petition of the Office, to order restitution in an amount that would make whole any person harmed by license violation. Clarifies that the Office is nevertheless authorized to negotiate a mutually acceptable agreement with any person as to the status of the person's license or as to any civil penalty or restitution.

Provides for court review of orders and decisions by the Office in the Superior Court of Wake County by persons aggrieved and an appeal of the Superior Court's decision to the appellate division of the General Court of Justice. Specifies that the process of judicial review does not stay an order of the Office unless a stay is ordered by the court. Provides that certain documents bearing the seal of the Office may be used as evidence and/or recorded in the proper recording office in the same manner as a deed. Provides for reimbursement to employees of the Office called to testify as an expert witness by the requesting party. Provides for a seal for the Office. Authorizes the State Fire Marshal or a designee in the Office to administer oaths required in the discharge of their official duties.

Authorizes the Office, whenever it appears that any person has violated, is violating, or threatens to violate any provision of the North Carolina Manufactured Housing Board – Manufactured Home Warranties (GS Chapter 143, Article 9A), to apply to the superior court of any county in which the violation has occurred, is occurring, or may occur for a restraining order and injunction to restrain the violation. Requires the court to issue the restraining order if it finds that the violation has occurred, is occurring, or is threatened to occur, regardless of whether a criminal proceeding has also been initiated.

Provides for surrender of a person's or entity's license if they are licensed under GS Chapter 143, Article 9A, to the Office upon consent and approval of the Office, if they are accused of any act, omission, or misconduct that would subject the license to suspension or revocation. Bars the licensee from eligibility for licensure during the surrender period.

Requires those persons and entities holding a license issued by the Office to provide their most current address. Provides for notice to those licensees by the Office either personally or via first-class mail sent to the address provided. Authorizes the Office to create and appoint committees. Provides for membership, per diem, and expenses for those committees.

Makes conforming changes to recodified GS 58-78A-15 (was, GS 58-2-95) (now pertains to the authority of the Office [was, DOI commissioner] to supervise local inspectors); recodified 58-78A-16 (was, GS 58-31-40) (pertains to the authority of the Office [was, the Commissioner of Insurance, the "Commissioner"] to inspect State property); GS 58-78A-17 (was, GS 58-2-121) (requires the Office to submit reports on use of various funds to the specified NCGA committees). Amends GS 58-78A-17 to require the Office to submit the required fund reports to the NCGA Fiscal Research Division, in addition to the specified NCGA committees.

Effective January 1, 2024.

Section 10.2

Amends Section 30.8(e) of SL 2023-134 to now designate Chief State Fire Marshal, position number 60013729, serving on October 1, 2023, (was, the Commissioner) as the State Fire Marshal until one is confirmed by the General Assembly. Provides that the Chief State Fire Marshal has the same powers as the Commissioner for the purpose of executing the laws of this State that are assigned to the State Fire Marshal and the Office. Provides that the person serving as the legislative liaison for the Office, position number 60013560, on October 1, 2023, will continue to serve in that capacity at the individual's option or until further action is taken by the Office in accordance with law. Provides that all employees of the Office and programs and function conducted by the Office will be maintained without any reduction in funds, responsibilities, or administrative support, including, but not limited to, budgetary, human resources, information technology, and legal, unless expressly authorized by the General Assembly.

Part XI.

Repeals GS 58-2-40(1a) (power of Commissioner to power and authority to fix and collect reasonable fees for services performed by Code-enforcement officials).

Makes conforming and clarifying changes to the following statutes to account for the new role of the Office: GS 58-2-50 (examinations, hearings, and investigations by DOI); GS 58-255 (designated hearing officers by the Insurance Commissioner); GS 58-2-60 (restraining orders and criminal convictions under the ambit of DOI); GS 58-2-65 (license surrenders under the ambit of DOI); GS 58-2-70 (civil penalties/restitution under the ambit of DOI); GS 58-2-100 (DOI public records); GS 58-78-1 (membership of the State Fire and Rescue Commission [SFRC]); GS 58-78-5 as amended by SL 2023-134 (powers and duties of the SFRC); GS 58-78-10 (organization of the SFRC); GS 58-78-15 (SFRC staff); GS 58-78-20 (fiscal affairs of the SFRC); GS 58-79-20 (inspections of premises); GS 58-79-22 (door lock exemption permits); GS 58-79-35 (fire prevention and Fire Prevention Day); GS 58-79-45 (fire incident reports); GS 58-80-25 (dispatching firemen and apparatus from municipalities); GS 58-82A-1 (pyrotechnic safety guidelines); GS 58-82A-1.5 (pertaining to the administration of guidelines for the use, handling, exhibiting, or discharge of pyrotechnics in connection with a concert or public exhibition and licensure of pyrotechnic operators); GS 58-82A-2 (pertaining to training requirements for pyrotechnic handling); GS 58-82A-2.1 (licenses pertaining to pyrotechnics); GS 58-82A-2.5 (terms of pyrotechnics licenses); GS 58-82A-3 (pyrotechnics display operator licenses); GS 58-82A-10 (proximate display operator licenses); GS 58-82A-15 (assistance display operator licenses); GS 58-82A-20 (license fees pertaining to pyrotechnics); GS 58-82A-25 (qualifications for pyrotechnic event employees); GS 58-82A-30 (examination fees for certain pyrotechnic operator licenses); GS 58-82A-35 (pertaining to pyrotechnic license renewal fees); GS 58-82A-45 (pertaining to pyrotechnic license reciprocity); GS 58-82A-50 (discipline); GS 58-82A-55 (pertaining to pyrotechnic license sanctions and denials); GS 58-84-5(3) (definition of fire district); GS 58-84-25 (disbursement of the Local Firefighters' Relief Fund [LFRF]); GS 58-84-30 (LFRF trustees); GS 58-84-33 (LFRF balances); GS 58-84-40 (requiring LFRF trustees to keep account and file certain reports); GS 58-84-41 (database of reports pertaining to the LFRF and unique fire department ID numbers); GS 58-84-46 (certification to the State Fire Marshal under the LFRF); GS 56-84-50 (pertaining to membership of the NC State Firefighters' Association [Association]); GS 58-85-10 (requiring the treasurer of the Association to give yearly expenditure reports); GS 58-85-30 (pertaining to the treasurer's payment of funds to the State's volunteer firefighters association); GS 58-85A-1 (pertaining to distribution of funds to the State's local fire districts and political subdivisions); GS 58-86-2 (definition of eligible fire department); GS 58-86-6 (pertaining to the Firefighters' and Rescue Squad Workers' Pension Fund Advisory Panel); GS 58-87-1 as amended by SL 2023-134 (volunteer fire department fund); Sections 30.2(d) and (c) of SL 2023-134 (appropriation for the volunteer firefighter fund and reporting duties in conjunction thereof); GS 58-87-5 (pertaining to the volunteer rescue/EMS fund); GS 58-87-7 (pertaining to oversight and accountability of grant awards); GS 58-87-10 (pertaining to the workers' compensation fund for the benefit of certain safety workers); Section 30.5 of SL 2023-134 (pertaining to certain funds paid to the workers' compensation fund for the benefit of certain safety workers); GS 58-88-5 (pertaining to the rescue squad workers' relief fund); GS 58-88-10 (pertaining to

membership requirements for the North Carolina Association of Rescue and Emergency Medical Services, Inc.); GS 58-88-15 (pertaining to accounting duties of the board of the rescue squad workers' relief fund); GS 58-88-30 (pertaining to administration costs of the rescue squad workers' relief fund); GS 143-137 (pertaining to the organization of the Building Code Council); effective January 1, 2025, GS 143-137.1 as enacted by Section 1(a) of SL 2023-108 (pertaining to the Residential Code Council); GS 143-138 (pertaining to the State Building Code); GS 143-138.1 (pertaining to posting of State Building Code commentaries and interpretations on the Office's website); GS 143-139 (enforcement of State Building Code); GS 143-139.4 (certain building inspections by the State); GS 143-140.1 as amended by SL 2023-108 (pertaining to appeals from disputes between local authority having jurisdiction and the designer or owner-representative regarding alternative designs and construction under either the Building Code or Residential Code); GS 143-141 as amended SL 2023-108 (posting requirements pertaining decisions of the Building and Residential Code Councils); GS 143-143.4 (pertaining to door lock exemptions for certain businesses); GS 63-143.7, as amended (concerning information to be provided to the State Fire Marshal instead of the Commissioner upon installation of an elevator door baffle, door space guard, or gate); GS 143-143.8 (concerning manufactured home industry cooperation with the Office to provide for a comprehensive framework for industrial regulations; GS 143-143.9 (concerning definitions that apply to Part 1 Duties, Warranties, Purchase Transaction of Article 9A (North Carolina Manufactured Housing Board – Manufactured Home Warranties); GS 143-143.10 (membership of the Manufactured Housing Board; GS 143-143.15 (State Fire Marshal responsible for adopting State of North Carolina Regulations for Manufactured Homes); GS 143-143.54 (State Fire Marshal among those responsible for audits of financial records under Part 1; GS 143-145 (removing the term and definition of "Commissioner" from Article 9B, Uniform Standards Code For Manufactured Homes); GS 143-146 (specifies that Article 9B gives the State Fire Marshal authority to enable the State to obtain approval as a State Administrative Agency); GS 143-148 (allow the State Fire Marshal to provide for the exclusion of certain structures by certification in accordance with The Uniform Standards for Manufactured Homes Act); GS 143-151 (makes the State Fire Marshal responsible for determining penalties for violations of The Uniform Standards for Manufactured Homes Act, gives enforcement power and responsibility of establishing a monitoring inspection fee); GS 143-151.3 (oversight over reports from manufactured home manufacturers, distributors, and dealers); GS 143-151.8, (definitions for Article 9C, North Carolina Code Officials Qualification Board); GS 143-151.9 (membership of the North Carolina Code Officials Qualification Board); GS 143-151.13 (concerning certificate to a person currently certified as a county electrical inspector); GS 143-151.46 (membership of the North Carolina Home Inspector Licensure Board); GS 143-151.21 (responsibility for collecting fees under Article 9C); GS 160D-402 (requests for the performance of an inspection by a marketplace pool Code-enforcement official); GS 160D-910 (responsibility for adopting the Set-Up and Installation Standards); GS 160D-1102 (responsibility for arranging for inspection services when a local government fails to provide inspection services or ceases to provide inspection services; makes conforming changes); GS 160D-1114, as amended (allowing an owner or builder to appeal from a stop order involving alleged violations of the State Building Code or any approved local modification, to the State Fire Marshal); GS 160D-1126 (submission of specified inspection reports); GS 160D-1127 (appeals from any order, decision, or determination by a member of a local inspection department pertaining to the State Building Code or other State building laws); GS 160D-1128 (require approval by the State Fire Marshal for specified exceptions to a county's fire limits).

Amends GS 58-78-15 to designate the State Fire Marshal as the State Fire Training Director.

Specifies that the representative trustee of the LFRF appointed by the Commissioner pursuant to GS 58-84-40 and the designee of the Commissioner appointed to the Firefighters' and Rescue Squad Workers' Pension Fund Advisory Panel will continue to serve at the pleasure of the State Fire Marshal.

Specifies that a unique fire department identification number issued by the Commissioner pursuant to GS 58-84-41 on or before the date the becomes law will continue to be used for the purposes provided for in G.S. 58-84-41.

Specifies that door lock exemption permit rules, pyrotechnic safety rules/licensure rules, rules pertaining to alternate design construction appeals, and door lock exemption permits for certain businesses that were adopted by the Commissioner will remain in effect until amended by the Office.

Amends GS 58-87-1 as amended by SL 2023-134 and GS 58-87-5 to require the Office to submit the required grant program reports to the NCGA Fiscal Research Division, in addition to the specified NCGA committees.

Makes technical change to Section 30.2 of SL 2023-134 to update reference to statutory provision that expires on June 30, 2025. Makes technical change to GS 143-139.4 to update statutory citation to remove reference to statute repealed under the act and replace it with current law.

Amends GS 58-87-10 to only require that the Office include all provisions of Section 2(d) of SL 2014-64 (contract requirements of the State Fire and Rescue Commission for its workers' compensation third-party administrator) (previously, also had to contain a clause explicitly stating that no commissions of any kind may be paid to any agent, broker, or other person from the worker's compensation fund). Makes organizational changes. Makes conforming change by repealing Section 30.3(b) of SL 2023-134 (referencing now deleted requirement of GS 58-87-10).

Specifies that members membership of the Manufactured Housing Board appointed by the Commissioner may continue to serve until their terms expire; the State Fire Marshal must appoint successors once those terms expire.

Specifies that rules adopted by the Commissioner under GS 143-146 remain in effect until amended by the State Fire Marshal in accordance with GS Chapter 150B.

Specifies that rules adopted by the Commissioner under GS 143-148 remain in effect until amended by the State Fire Marshal in accordance with GS Chapter 150B.

Specifies that the fee established by the Commissioner under GS 143-151 remains in effect until amended by the State Fire Marshal in an amount required by the Secretary of HUD.

Specifies that the current North Carolina Code Officials Qualification Board members appointed by the Commissioner may continue to serve until their terms expire; the State Fire Marshal must appoint successors once those terms expire. Makes conforming changes to the Board's powers and gives the State Fire Marsal the power and authority to fix and collect reasonable fees for services performed by Code-enforcement officials who are part of the marketplace pool and required to assist in the Marshal's duty to supervise, administer, and enforce the State Building Code; also allows collecting reimbursement for mileage costs incurred by Code-enforcement officials. Specifies that the State Fire Marshal does not have the power or authority to fix or collect fees incurred by local inspection departments in the specified circumstances. Specifies that the fees fixed by the Commissioner remain in effect until amended by the State Fire Marshal.

Amends Section 30.4A of SL 2021-180 as amended by Section 30.4A(b) of SL 2023-134, to require the Office (was DOI) to continue and administer a pilot program to provide supplemental health benefits as authorized to eligible firefighters with a new diagnosis of cancer on or after January 1, 2022. Now provides the fund code for the pilot program. Requires the Office to administer the pilot program by contracting with a third-party administrator. Authorizes the Office to use up to 10% (was, 5%) of the \$5 million for reasonable and necessary expenses (was, hiring staff) incurred by the Office in administering the pilot program. Exempts the contracting procedure statutory requirements governing contracts to obtain consultant services.

Provides that a firefighter is eligible for the pilot program if they are diagnosed with another cancer type on or after January 1, 2022, even if that cancer metastasized from a cancer diagnosed before January 1, 2022. Makes conforming changes to reflect new authority of the Office over pilot program. Amends the Office's reporting requirement so that the first report is now due on July 1, 2024, to the specified NCGA committees (was, July 1, 2023).

Amends Section 30.6 of SL 2023-134 to provide the fund code for rescue squad assistance and makes conforming changes to reflect new authority of the Office (was, DOI) over the accompanying grant program.

Amends Section 30.7 of SL 2023-134 to provide the fund code for voluntary firefighter department assistance and makes conforming changes to reflect new authority of the Office (was, DOI) over the accompanying grant program.

Part XII.

Amends GS 14-68 to make it a Class 3 misdemeanor for the owner or occupant of a building or premises to fail to comply with the duly authorized orders of the State Fire Marshal (was, the Commissioner).

Amends GS 66-25 to make the State Fire Marshal, instead of the Commissioner, responsible for implementing the procedure necessary to approve suitable national standards and to approve suitable qualified test laboratories for electrical materials, devices, appliances, and equipment. Makes conforming changes.

Amends GS 115C-288 to require school fire drills to be conducted in a manner that meets regulations prescribed by the State Fire Marshal (was, by the Commissioner). Makes conforming changes.

Amends GS 115C-525, concerning the duties of school principals regarding fire hazards, to require that work done on electrical wiring be performed by a licensed electrical contractor, or a maintenance electrician regularly employed by the board of education and approved by the State Fire Marshal (was, Commissioner). Makes the State Fire Marshal, instead of the

Commissioner: (1) the recipient of the report on school building fire hazard inspections and (2) one of the entities responsible for prescribing additional rules and regulations necessary in connection with those inspections and reports.

Amends GS 143B-943, concerning criminal record checks of applicants and members of fire departments, by defining local fire chief to include the fire chief of any bona fide fire department certified to the State Fire Marshal (was, Commissioner) with at least a Class 9S rating for insurance grading purposes.

Amends GS 150B-38 by making GS Chapter 150B, Article 3A, Other Administrative Hearings, applicable to the Office and the State Fire Marshal.

Amends GS 169-4 by removing the Fire Marshal from the membership of the North Carolina Innovation Council.

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

Intro. by Britt, McInnis, Craven.

STUDY, GS 8C, GS 14, GS 15A, GS 20, GS 58, GS 66, GS 115C, GS 136, GS 143, GS 143B, GS 150B, GS 160D, GS 169

View summary

Business and Commerce, Courts/Judiciary, Evidence,
Criminal Justice, Criminal Law and Procedure, Development,
Land Use and Housing, Land Use, Planning and Zoning,
Education, Elementary and Secondary Education,
Government, APA/Rule Making, Public Safety and Emergency
Management, State Agencies, UNC System, Department of
Insurance, Department of Transportation, Local Government,
Transportation

S 508 (2023-2024) 2023 BUDGET TECH/OTHER CORRECTIONS. (NEW) Filed Apr 3 2023, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2023 AND TO OTHER LEGISLATION.

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

Part VI. General Government

Adds that the provisions in Section 35.1 (concerning lobbying fee increases) of SL 2023-134 become effective January 1, 2025.

Deletes the following provisions that were added to SL 2023-134 in the previous edition: (1) the reduction in the amount of the \$800,000 directed grant to Denver Area Business Association, Inc., by \$100,000, which was to be allocated instead to North 321 VFD, Inc.; and (2) the reduction in the amount of the \$2 million directed grant to Lincoln County Schools for athletic facility upgrades by \$1 million, which was to instead be provided to North 321 VFD, Inc.

Removes the section that would have: required that \$15 million of the funds appropriated to the League of Municipalities for the creation of an audit software grant program be provided instead to the Piedmont Triad Regional Council for the management and implementation of the SimplySolv centralized state auditing system, and specified how those funds could have been used.

Intro. by Hise.

APPROP, GS 20, GS 113A, GS 115C, GS 116, GS 126, GS 130A, GS 131E, GS 143, GS 159

View summary

Courts/Judiciary, Court System, Development, Land Use and Housing, Community and Economic Development, Education, Elementary and Secondary Education, Higher Education, Environment, Aquaculture and Fisheries, Environment/Natural Resources, Government, Budget/Appropriations, Ethics and Lobbying, Public Safety

and Emergency Management, State Agencies, Department of Adult Correction, Department of Environmental Quality (formerly DENR), Department of Transportation, Office of State Budget and Management, State Board of Education, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Mental Health, Military and Veteran's Affairs

S 757 (2023-2024) REALIGN CONGRESSIONAL DISTRICTS 2023/CST-4 (NEW). Filed Oct 18 2023, AN ACT TO REALIGN THE NORTH CAROLINA CONGRESSIONAL DISTRICTS.

AN ACT TO REALIGN THE NORTH CAROLINA CONGRESSIONAL DISTRICTS. SL 2023-145. Enacted October 25, 2023. Effective October 25, 2023.

Intro. by Hise, Daniel, P. Newton. GS 163

View summary Government, Elections

S 758 (2023-2024) REALIGN NC SENATE DISTRICTS 2023/SB758,2 ED. (NEW) Filed Oct 18 2023, AN ACT TO REALIGN THE NORTH CAROLINA SENATE DISTRICTS.

AN ACT TO REALIGN THE NORTH CAROLINA SENATE DISTRICTS. SL 2023-146. Enacted October 25, 2023. Effective October 25, 2023.

Intro. by Hise, Daniel, P. Newton. GS 120

View summary Government, Elections, General Assembly

S 760 (2023-2024) ADJOURNMENT RESOLUTION. Filed Oct 24 2023, A JOINT RESOLUTION ADJOURNING THE 2023 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

Senate amendment to the 1st edition makes the following changes.

Amends what can be considered during the two-day sessions held in November, December, January, February, March, and April to also include bills providing for the selection, appointment, or confirmation as required by law, including the filling of vacancies of positions for which the appointees were elected by the NCGA upon recommendation of a minority leader of a chamber of the NCGA.

Intro. by Daniel.

JOINT RES

View summary Government, General Assembly

S 761 (2023-2024) ADDITIONAL GENERAL ASSEMBLY APPOINTMENTS. Filed Oct 24 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.

Senate amendment to the 1st edition makes the following changes.

Part I.

Corrects the spelling of the name of the appointee from Wake County to the UNC Health Care System's Board of Directors. Corrects the term and county of the appointment to the UNC Health Care System's Board of Directors so that the appointment originally reading from Duplin County is now Durham County and the start of the appointment is November 1, 2023 (was, November 1, 2024).

Part II.

Removes the Speaker of the House's appointments from Gaston County, Mecklenburg County, and Wake County to the America's Semiquincentennial Committee.

Appoints the specified person to the North Carolina Board of Transportation upon the recommendation of the Speaker of the House, for the specified term.

Intro. by Rabon. UNCODIFIED

View summary

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

S 761 (2023-2024) ADDITIONAL GENERAL ASSEMBLY APPOINTMENTS. Filed Oct 24 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.

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. SL 2023-148. Enacted October 25, 2023. Effective October 25, 2023.

Intro. by Rabon.

UNCODIFIED

View summary

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

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; TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS FOR THE TOWN OF HOOKERTON AND THE TOWN OF WALSTONBURG SHALL BE HELD IN EVEN-NUMBERED YEARS; TO ALLOW BURKE COUNTY TO USE LOCAL SALES AND USE TAX REVENUE DISTRIBUTED TO THE COUNTY IN A MANNER THAT IS CONSISTENT WITH GENERAL LAW; TO CHANGE THE JOHNSTON COUNTY BOARD OF EDUCATION ELECTIONS TO RESIDENCY DISTRICTS; TO EXTEND THE TERMS OF THE MEMBERS OF THE SOUTHEAST REGIONAL AIRPORT AUTHORITY FROM TWO TO FOUR YEARS AND AUTHORIZE THE SOUTHEAST REGIONAL AIRPORT AUTHORITY TO CONVEY REAL OR PERSONAL

PROPERTY BELONGING TO THE AUTHORITY BY PRIVATE NEGOTIATION AND SALE OR LONG-TERM LEASE; TO AUTHORIZE TRANSYLVANIA COUNTY TO ESTABLISH A RURAL DEVELOPMENT AUTHORITY; AND TO CHANGE THE FILING PERIOD FOR MUNICIPAL OFFICES FOR THE TOWNS OF LAUREL PARK AND MILLS RIVER.

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; TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS FOR THE TOWN OF HOOKERTON AND THE TOWN OF WALSTONBURG SHALL BE HELD IN EVEN-NUMBERED YEARS; TO ALLOW BURKE COUNTY TO USE LOCAL SALES AND USE TAX REVENUE DISTRIBUTED TO THE COUNTY IN A MANNER THAT IS CONSISTENT WITH GENERAL LAW; TO CHANGE THE JOHNSTON COUNTY BOARD OF EDUCATION ELECTIONS TO RESIDENCY DISTRICTS; TO EXTEND THE TERMS OF THE MEMBERS OF THE SOUTHEAST REGIONAL AIRPORT AUTHORITY FROM TWO TO FOUR YEARS AND AUTHORIZE THE SOUTHEAST REGIONAL AIRPORT AUTHORITY TO CONVEY REAL OR PERSONAL PROPERTY BELONGING TO THE AUTHORITY BY PRIVATE NEGOTIATION AND SALE OR LONG-TERM LEASE; TO AUTHORIZE TRANSYLVANIA COUNTY TO ESTABLISH A RURAL DEVELOPMENT AUTHORITY; AND TO CHANGE THE FILING PERIOD FOR MUNICIPAL OFFICES FOR THE TOWNS OF LAUREL PARK AND MILLS RIVER. SL 2023-143. Enacted October 25, 2023. Effective October 25, 2023, except as otherwise provided.

Intro. by Moffitt.

Columbus, Greene, Guilford, Henderson, Johnston, Randolph, Scotland, Transylvania, 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

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

AN ACT TO MAKE VARIOUS OCCUPANCY TAX CHANGES. SL 2023-144. Enacted October 25, 2023. Effective October 25, 2023, except as otherwise provided.

Intro. by Hise.

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

View summary

Government, Tax

S 759 (2023-2024) WATAUGA COUNTY BOARD OF COMMISSIONERS/LST-2. Filed Oct 18 2023, AN ACT TO ESTABLISH ELECTION DISTRICTS FOR THE WATAUGA COUNTY BOARD OF COMMISSIONERS TO ESTABLISH RESIDENCY DISTRICTS FOR THE ANSON COUNTY BOARD OF COMMISSIONERS; AND TO MODIFY THE PRIMARY PROCESS THE JOHNSTON COUNTY BOARD OF EDUCATION.

AN ACT TO ESTABLISH ELECTION DISTRICTS FOR THE WATAUGA COUNTY BOARD OF COMMISSIONERS TO ESTABLISH RESIDENCY DISTRICTS FOR THE ANSON COUNTY BOARD OF COMMISSIONERS; AND TO MODIFY THE PRIMARY PROCESS THE JOHNSTON COUNTY BOARD OF EDUCATION. SL 2023-147. Enacted October 25, 2023. Effective October 25, 2023, except as otherwise provided.

Intro. by Hise.

Anson, Johnston, Watauga

View summary

Government, Elections, Local Government

ACTIONS ON BILLS

PUBLIC BILLS

H 898: HOUSE REDISTRICTING PLAN 2023/H898 ED 2. (NEW)

Senate: Reptd Fav

Senate: Placed on Today's Calendar Senate: Passed 2nd Reading Senate: Passed 3rd Reading Senate: Ordered Enrolled

House: Ratified

House: Ch. SL 2023-149

S 274: SENIOR CARE OPTIONS. (NEW)

House: Conf Com Reported House: Cal Pursuant Rule 36(b) Senate: Conf Com Reported

Senate: Placed on Today's Calendar Senate: Conf Report Adopted House: Added to Calendar House: Conf Report Adopted Senate: Ordered Enrolled

Senate: Ordered Enrolled House: Conf Com Reported House: Cal Pursuant Rule 36(b) Senate: Conf Com Reported

Senate: Placed on Today's Calendar

Senate: Conf Report Adopted House: Withdrawn From Cal House: Added to Calendar House: Conf Report Adopted Senate: Ordered Enrolled

Senate: Ratified

Senate: Pres. To Gov. 10/25/2023

S 409: VARIOUS CHANGES TO CRIMINAL AND CIVIL LAWS. (NEW)

Senate: Conf Com Reported

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

Senate: Placed on Today's Calendar

Senate: Conf Report Adopted House: Conf Com Reported House: Added to Calendar House: Conf Report Adopted Senate: Ordered Enrolled

Senate: Ratified

Senate: Pres. To Gov. 10/25/2023

S 508: 2023 BUDGET TECH/OTHER CORRECTIONS. (NEW)

House: Amend Adopted A1 House: Passed 2nd Reading 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 757: REALIGN CONGRESSIONAL DISTRICTS 2023/CST-4 (NEW).

House: Reptd Fav

House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Amend Failed A1
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Ordered Enrolled

Senate: Ratified

Senate: Ch. SL 2023-145

S 758: REALIGN NC SENATE DISTRICTS 2023/SB758,2 ED. (NEW)

Senate: Passed 3rd Reading

Senate: Special Message Sent To House House: Special Message Received From Senate

House: Passed 1st Reading

House: Ref to the Com on Redistricting, if favorable, Rules, Calendar, and Operations of the House

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b) House: Added to Calendar House: Passed 2nd Reading House: Passed 3rd Reading House: Ordered Enrolled

Senate: Ratified

Senate: Ch. SL 2023-146

S 760: ADJOURNMENT RESOLUTION.

Senate: Passed 1st Reading

Senate: Placed on Today's Calendar Senate: Passed 2nd Reading

Senate: Amend Adopted A1

Senate: Passed 3rd Reading

Senate: Engrossed

Senate: Special Message Sent To House House: Special Message Received From Senate

House: Passed 1st Reading House: Added to Calendar House: Passed 2nd Reading House: Passed 3rd Reading House: Ordered Enrolled

Senate: Ratified

Senate: Ch. Res 2023-11

S 761: ADDITIONAL GENERAL ASSEMBLY APPOINTMENTS.

Senate: Passed 1st Reading

Senate: Placed on Today's Calendar

Senate: Amend Adopted A1 Senate: Passed 2nd Reading Senate: Passed 3rd Reading

Senate: Engrossed

Senate: Special Message Sent To House House: Special Message Received From Senate

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

House: Reptd Fav

House: Cal Pursuant Rule 36(b) House: Added to Calendar House: Passed 2nd Reading House: Passed 3rd Reading House: Ordered Enrolled

Senate: Ratified

Senate: Ch. SL 2023-148

LOCAL BILLS

H 5: LOCAL CHANGES OMNIBUS. (NEW)

Senate: Withdrawn From Cal

Senate: Placed On Cal For 11/29/2023

S 68: VARIOUS LOCAL CHANGES. (NEW)

Senate: Conf Report Adopted 3rd House: Conf Report Adopted 3rd

Senate: Ordered Enrolled

Senate: Ratified

Senate: Ch. SL 2023-143

S 154: OMNIBUS OCCUPANCY TAX CHANGES. (NEW)

Senate: Conf Report Adopted 3rd House: Conf Report Adopted 3rd

Senate: Ordered Enrolled

Senate: Ratified

Senate: Ch. SL 2023-144

S 759: WATAUGA COUNTY BOARD OF COMMISSIONERS/LST-2.

House: Reptd Fav

House: Cal Pursuant Rule 36(b) House: Added to Calendar House: Amend Failed A1 House: Passed 2nd Reading

House: Passed 3rd Reading House: Ordered Enrolled

Senate: Ratified

Senate: Ch. SL 2023-147

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