

The Daily Bulletin: 2024-06-06

PUBLIC/HOUSE BILLS

H 199 (2023-2024) **DMV PROPOSED LEGISLATIVE CHANGES.-AB** Filed Feb 23 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE, LIEN HEARING NOTIFICATION, AND SERVICE OF PROCESS LAWS OF THE STATE, AS RECOMMENDED BY THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION, AND TO MAKE OTHER CHANGES TO LAWS RELATED TO TRANSPORTATION.*

Senate committee substitute to the 3rd edition makes the following changes. Changes the act's long title. Removes the following provisions from the act:

- Amendments to GS 20-43.1 that would have authorized the DMV to adopt rules restricting disclosure of personal information about a judicial officer and increased the fee for a records request from \$1 to \$5 per individual record.
- Amendments to GS 20-63.1 (pertaining to license plates) which would have: (1) eliminated the requirement that the DMV develop standards for reflectivity that use the most current technology available while maintaining a competitive bid prices and (2) eliminated the requirement that all registration plates be removed every seven years.
- Amendments to GS 20-63.02, which would have changed the membership of the License Plate Agent (LPA) advisory committee.
- Amendments to GS 20-84, which would have clarified EMS/rescue entity eligibility for permanent registration plates.
- Amendments to GS 20-79.5, which would have authorized the issuance of multiple State government official special registration plates for vehicles registered to the same State official.
- Amendments to GS 20-79.1, which would have increased the penalty for violation of a registration provision involving a temporary registration plate from a Class 3 misdemeanor to a Class I felony.
- Amendments to GS 143-341, which would have authorized the DMV to own and operate a fleet of vehicles.

Extends the effective dates by one year of the act's following changes to GS Chapter 20: GS 20-17.8 (restoration of a license after certain driving while impaired convictions), GS 20-42 (authority of DMV officers and employees to administer oaths and certify copies of records), GS 1-105 (service of process upon nonresident drivers), GS 66-201.1 (recovery of vehicle licenses and registration fees), GS 20-292.2 (electronic transactions-new), and GS 20-79.1 (use of temporary registration plates). Extends the DMV's and any partner institutions' reporting deadlines to the specified NCGA committees and other institutions by one year on the following matters: (1) the study and plan on implementing mobile drivers' licenses and mobile special identification cards; (2) the study on the use of alternative materials for manufacturing registration plates issued by the DMV; and (3) the study on ways to modernize and improve dealer license plates issued by the DMV.

Section 8 (Former Section 13)

Extends the DMV's implementation deadline a statewide print-on-demand temporary registration plate system from January 1, 2024, to January 1, 2025, under GS 20-79.1B. Extends the mandatory participation deadline for all motor vehicle dealers from October 1, 2024, to October 1, 2025.

Section 12 (Former Section 18)

Makes technical change to GS 66-201.1 (recovery of vehicle license and registration fees).

Adds the following new content.

Section 15

Amends GS 20-17.4 (concerning disqualifications from driving a commercial vehicle) so that a person is now disqualified for drug and alcohol violations upon the DMV's receipt of notice of the person's prohibited status in the Federal Motor Carrier Safety Administration's Commercial Driver's License Drug and Alcohol Clearinghouse. Also adds a conviction of fraud in

connection with issuance of a commercial driver's license or commercial learner's permit to the disqualifications from driving a commercial vehicle for one year. Amends GS 20-37.13 (qualification standards for CDLs) by giving drivers 60 days to comply with medical certification requirements (was, 60 days to provide required documentation). Effective October 1, 2024.

Amends GS 20-37.20 (notification of traffic convictions) so that the DMV must electronically notify (currently, just notify) the driver licensing authority in the licensing state or foreign jurisdiction of the following convictions: (1) those of any nonresident holder of a CDL or commercial learner's permit (currently, just CDL holders) for any violation of State law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a motor vehicle or (2) any nonresident holder of a driver's license for any violation of State law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle. Effective August 1, 2024.

Section 16

Amends GS 20-63 to require the DMV to review an application and issue a decision on commission contractor applications within 60 days of the date the application is submitted. Provides for extension of deadline if the DMV requests additional information. Effective October 1, 2024, and applies to commission contract applications submitted on or after that date.

Section 17

Amends GS 20-63(h) (concerning commission contracts for issuance of plates and certificates) as follows. Requires commission contracts to allow the contractor to sell their business and assign contractual rights to another qualified contractor (defined) prior to the expiration of the contract. Provides for transference of DMV equipment and software upon sale in accordance with DMV guidelines. Requires the DMV to enter into contracts using the business entity's name, unless it is contracting with the individual.

Provides a mechanism for contracts to be amended where the DMV had required a business entity to contract in the individual contractor's name.

Effective October 1, 2024.

Section 18

Amends GS 20-63.01 (bond required for commission contractors) to now require the contractors that are not subdivisions of the State to obtain surety (was, guaranty) bonds. Makes conforming changes. Removes the DMV's authority to negotiate bonds for contractors who qualify for bonds as a group under favorable rates or circumstances.

Section 19

Amends GS 20-63.02 to require the LPA Advisory Committee to comply with State open meetings law (Article 33C of GS Chapter 143).

Section 20

Repeals GS 20-85.1 (registration renewal by mail and one-day title service), effective July 1, 2024. Effective July 1, 2024, makes the following changes that incorporate provisions previously in GS 20-85.1. Adds a \$105.75 fee for each application of certificate of title prepared and delivered using a one-day title service under GS 20-85 (the one-day title fee) and requires \$2 of the fee be credited to the Highway Fund. Adds this one-day title fee to those transactions that should be assessed at \$2 fee for commission contract agents performing the service under GS 20-63. Provides for renewal of vehicle registration by mail in GS 20-66 (renewal of vehicle registration). Makes conforming changes to GS 20-4.02.

Section 21

Amends GS 20-63(j) (concerning DMV contracts with other online vehicle registration vendors) to include out of state entities, such as dealers, fleet, leasing and rental car companies as entities that the DMV is authorized to contract with under the statute. Prevents the DMV from unreasonably denying a contract or access to any entity.

Section 22

Amends the farm vehicle exemption in (1) the CDL requirements under GS 20-37.16(e), (2) the weight and height exemptions under GS 20-118, and (3) the exemption from certain federal regulations under GS 20-381 so that the exemption(s) applies to

farm vehicles that are traveling intrastate within the official state border (currently, there is a 150-mile use limit from the user's farm on farm vehicles for them to fall within the exemption(s)).

Section 23

Increases the annual permit fee to move commodities other than a house trailer or trailer frames under GS 20-119 from \$100 to \$185. Specifies that electric vehicle batteries, transported on the same vehicle with a weight up to 132,000 pounds, are considered a non-divisible load for purposes of permit issuance. Requires an additional \$498 fee to the Department of Transportation (DOT) upon issuance of an annual permit to transport electric vehicle batteries.

Section 24

Removes requirement that a new motor vehicle dealer display an LD license plate on certain loaner vehicles under GS 20-79.02. Makes conforming changes. Removes expiration date of changes to GS 20-4.01(48a) (concerning U-drive-it vehicles) set forth in Section 1.1(b) of SL 2015-232, as amended. Removes expiration date of changes to GS 20-79(d) (concerning restrictions on dealer license plates) set forth in Section 1.4(b) of SL 2015-232, as amended.

Section 25

Amends GS 20-79.4(b) to allow the DMV to issue two new special registration plates: (1) the Home of the Venus Flytrap and (2) NC School of Science and Mathematics. Establishes a special plate fee of \$30 for each plate. Requires that \$20 of the fee for the Venus Flytrap plate be transferred quarterly to the North Carolina Botanical Garden Foundation, Inc., to support plant conservation and research. Requires that \$20 of the fee for the NC School of Science and Mathematics plate be transferred quarterly to the NCSSM foundation. Effective July 1, 2024.

Section 26

Amends the definition of *established salesroom* in GS 20-286 (definitions provision of the Motor Vehicle Dealers and Manufacturers Licensing Law [Law]) so that the definition's requirement that a salesroom contain at least 96 square feet of floor space in a permanent enclosed building does not preclude a dealer from using the same permanent enclosed building for other business uses, including uses conducted by a separate business entity, as long as all requirements for an established salesroom are met.

Section 27

Amends GS 20-288 (applications for motor vehicle dealer licenses) to extend those licenses from one to two years. Makes conforming changes. Requires that applicants take one six-hour course approved by the DMV for each year of their licensing period immediately preceding the renewal. Allows for notices of cancellation and notices of nonrenewal by a corporate surety to be delivered electronically. Effective October 1, 2024, and applies to licenses issued on or after that date. For licensed used motor vehicle dealers applying for renewal on or after October 1, 2024, requires the DMV to stagger the expiration dates of licenses issued to those dealers such that, if a license was initially issued to the dealer in an even-numbered year, the first license issued on or after October 1, 2024, will expire in the next even-numbered year, and, if a license was initially issued to the dealer in an odd-numbered year, the first license issued on or after October 1, 2024, will expire in the next odd-numbered year.

Section 28

Increases the minimum fines for intentionally or recklessly littering up to ten pounds of litter (was, 15 pounds) that is for noncommercial purposes from \$250 to \$500 for a first offense and from a range of \$500 to \$2,000 to \$1,000 to \$3,000 for subsequent violations within three years of the first violation.

Increases the fines for littering up to ten pounds of litter (was, 15 pounds) from \$100 to \$200 for a first offense and from \$200 to \$500 for subsequent violations within three years of the first violation.

Increases the fines for intentionally or recklessly littering between ten (was, 15 pounds) and 500 pounds of litter not for commercial purposes from not less than \$500 to not less than \$1,000 and no more than \$3,000 (was, \$2,000) for the first offense. Increases the minimum amount of community service that a court may order from 24 to 50 hours.

Increases the fines for littering between ten (was, 15 pounds) and 500 pounds of litter not for commercial purposes from \$200 to \$500. Increases the minimum amount of community service that a court may order from eight to 24 hours and the maximum

amount from 24 to 50 hours.

Imposes a \$5,000 fine for intentionally or recklessly littering more than 500 pounds or for commercial purposes or discarding litter that is a hazardous waste. Requires the court to require the violator to perform community service of not less than 100 hours, and to pick up litter during that service if feasible, and if not feasible, to perform other community service commensurate with the offense committed.

Increases the fine for littering more than 500 pounds from \$300 to \$2,500. Requires the court to require the violator to perform community service of not less than 50 hours, and to pick up litter during that service if feasible, and if not feasible, to perform other community service commensurate with the offense committed.

Lowers the triggering amount of litter from fifteen pounds to ten pounds which requires the court order the violator to remove the litter and other provisions pertaining to property damage and community service.

Specifies that any disposal of litter into the State's waters will be punished in line with the section's provisions on intentionally or recklessly littering.

Effective December 1, 2024, and applies to offenses committed on or after that date.

Section 29

Amends GS 74C-3 by excluding a person performing duties as a Civilian Traffic Investigator from the definition of private protective services, as that term is used in GS Chapter 74C, Private Protective Services.

Section 30

Amends GS 105-561 by increasing the cap on registration taxes levied by a transportation authority from \$8/year to \$10/year. Makes conforming changes. Effective July 1, 2024.

Section 31

Amends GS 136-89.56 to require the DOT to contract with a private entity to administer the erection of signs and placement of logos for signs indicating the location of fuel, gas, food, lodging, camping, and attraction facilities. Sets out the responsibilities of these entities. Sets out provisions governing the fee that the vendor may charge. Specifies that the provisions do not authorize any DOT contractor to conduct any commercial activity upon signs erected and maintained within the right-of-way of fully and partially controlled-access highways. No longer requires that the logo sign program be administered by the DOT's Transportation Mobility and Safety Division.

Allows DOT to adopt temporary rules and requires the adoption of permanent rules consistent with these provisions.

Require DOT, no later than 120 days after this section's effective date, to issue a request for proposals and select a vendor.

Section 32

Amends GS 136-89.183 by amending the provision giving the Turnpike Authority power to design, establish, purchase, construct, operate the specified projects by adding in Phases 1 and 2 of Complete 540.

Amends GS 136-189A to allow the Turnpike Authority to contact with one or more private firms (was, a single private firm) to design, obtain necessary permits, and construct the Mid-Currituck Bridge.

Section 33

Adds new Article 33, Rail Transportation Corridor Authority, to GS Chapter 160A, providing as follows. Sets out and defines terms used in the Article. Defines *rail corridor* as a combination of rail line and real and personal property, structures, improvements, buildings, equipment, vehicle parking, and other appurtenant fixtures essential to rail operations and public transportation, including any facilities, maintenance yard, marshalling yard, transfer yard, utilities, pedestrian foot paths, and bicycle paths. Defines *rail corridor project* as any of the following that is part of or used in connection with a rail corridor and is not a special user project (as defined): (1) any land, equipment, or buildings or other structures, whether located on one or more sites within a rail corridor, or (2) the addition to or the rehabilitation, improvement, renovation, or enlargement of any property described above. Specifies that the term rail corridor project includes infrastructure improvements, such as improvements to railroad facilities, roads, bridges, and water, sewer, or electric utilities. Allows a rail corridor project to

include a facility leased to one or more entities under a true lease. Defines a *unit of local government* as a county, city, town, or municipality of this State, and any other political subdivision, public corporation, authority, or district in this State, that is or may be authorized by law to acquire, establish, construct, improve, maintain, own, or operate a rail corridor.

Allows the creation of a Rail Transportation Corridor Authority (Authority) for any area of the State that, at the time of creation of the Authority meets the following: (1) the area consists of three or more contiguous counties each containing portions of an existing rail corridor; (2) the distance between the rail corridor milepost origination and termination points is no more than 25 miles long; (3) if the Authority intends to receive existing rail corridor interests in property, those interests can be transferred to the Authority without purchase of those interests; and (4) an Authority must not have jurisdiction over any Class I railroad, nor a rail line or rail corridor owned or operated by the US Department of Defense. Requires the Authority's territorial jurisdiction to be coterminous with the boundaries of the three or more organizing counties, except when the Authority intends to receive existing rail corridor interests in property than can be transferred without purchase. Requires the Authority's rail corridor service area to be designated by and recorded in the minutes of the Authority's Board of Trustees (BOT), consistent with its purpose, and must not exceed immediately adjacent and proximate area of the rail corridor as owned or otherwise controlled by the Authority. Requires the boundaries of the Authority's rail corridor to be designated by and recorded in the BOT's minutes once the properties and rail line making up the rail corridor are in the Authority's possession or control. Sets out the conditions that must be met before the Authority can extend the rail corridor into a political subdivision that is not an organizing entity. Sets out requirements for how the rail corridor boundaries are to be described.

Requires the adoption of a resolution to create an Authority by the boards of commissioners of all three or more counties within an area for which an Authority may be created and the elected board of municipality containing a portion of the rail corridor. Requires a public hearing before adoption of the resolution and sets out requirements for notice of the public hearing. Requires the resolution to form an Authority to include articles of incorporation that set forth specified information. Requires that a certified copy of each resolution organizing an Authority to be filed with the Secretary of State, along with proof of publication of the notice of hearing. Upon finding that those items conform to this Article, requires the Secretary of State to issue a certificate of incorporation. Sets out the process under which counties or municipalities may join the Authority when the Authority intends to extend the rail corridor into a new county or municipality. Specifies that members of the BOT are not subject to personal liability or accountability by reason of their execution of any debt, or the issuance of any debt. Pays BOT members \$50 for each Authority meeting they attend. Requires the Authority to submit an annual report to the Governor, NCGA, and Local Government Commission; specifies what must be included in the report. Also requires the Authority to submit its annual reports to the Joint Legislative Commission on Governmental Operations.

Requires the BOT to consist of one member of each organizing entity that has adopted a resolution for the creation of or a resolution to join the Authority, and one member for each regional council of government containing a portion of the rail corridor. Sets out additional provisions governing the appointment of members, establishing a quorum, election of chairs and vice-chairs, and filling of vacancies. Require an affirmative vote equal to a majority of all members not excused from voting in order to authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the Authority.

Allows the BOT to select advisory committees it may find appropriate.

Gives the Authority all powers necessary to execute the Article, which includes at least the 16 specified powers, including powers to: (1) operate a rail corridor and enter and perform contracts to provide and operate rail and rail corridor services and facilities within the rail corridor service area; (2) charge and collect fees and rents for the use of the rail corridor or for services rendered in the operation of the rail corridor; (3) make or enter contracts, agreements, deeds, leases with or without option to purchase, conveyances, or other instruments, including contracts and agreements with the US, the State, units of local government, public transportation authorities, and private parties, to effectuate the purpose of this Article; (4) with the consent of the unit of local government that would otherwise have jurisdiction to exercise the powers enumerated in this subdivision, to issue certificates of public convenience and necessity, and to grant franchises and enter into franchise agreements, and in all respects to regulate the operation of rail, buses, trams, taxicabs, and other methods of public transportation that originate and terminate within the rail corridor as fully as the unit of local government is now or hereafter empowered to do within the jurisdiction of the unit of local government; and (5) issue debt for the purpose of financing the costs (defined as the capital costs of a rail corridor project or special user project) of a rail corridor project or any part thereof and to refund, whether or not in advance of maturity or the earliest redemption date, any such debt. Requires the BOT to, in order to execute these powers, to determine the policies of the Authority by majority vote of those members present and voting. Gives the chair the sole and exclusive authority the execute the polity of the Authority.

Specifies that an Authority is a public authority and is subject to GS Chapter 159, The Local Government Finance Act.

Allows the State and any unit of local government to appropriate funds to support the establishment and operation of the Authority, or to dedicate, sell, convey, donate, or lease any of their interests in any property to the Authority. Allows an Authority to apply for grants from the State, or from the US or any department, agency, or instrumentality thereof. Allows the Department of Transportation to allocate to an Authority any funds appropriated for rail corridors, public transportation, or any funds whose use is not restricted by law.

Sets out the requirements that apply to public hearings that are required by federal tax law for the issuance of debt to finance a rail corridor project or special user project.

Sets out items that must be include in every special user project financing agreement. Requires the agreement, if in the nature of a lease agreement, to either provide that the obligor must have an option to purchase, or require that the obligor purchase, the special user project upon the expiration or termination of the financing agreement subject to the condition that payment in full of the debt principal shall have been made. Allows the financing agreement to give the Authority rights and remedies in the event of a default by the obligor, including, without limitation: (1) acceleration of all amounts payable under the financing agreement; (2) reentry and repossession of the special user project; (3) termination of the financing agreement; (4) leasing or sale of foreclosure of the special user project to others; and (5) taking whatever actions at law or in equity may appear necessary or desirable to collect the amounts payable under, and to enforce covenants made in, the financing agreement. Provides that the Authority's interest in a special user project under a financing agreement may be that of owner, lessor, lessee, conditional or installment vendor, mortgagor, mortgagee, secured party, or otherwise, but the Authority does not need to have any ownership or possessory interest in the special user project. Allows the Authority to assign all or any of its rights and remedies under the financing agreement to debt holders under a security document.

Allows a county or municipality in which all or part of the rail corridor is located to enter into an agreement with the Authority providing for payments to be made by the county or municipality, as applicable, to the Authority; such an agreement may be entered into only after the Authority designates the rail corridor.

Exempts the Authority's real and personal property, its acts, activities, and income from taxation. Specifies that this exemption does not apply to the value of a leasehold interest or to a lessee's income.

Specifies that the Article does not limit or affect the power or authority of the North Carolina Utilities Commission or the right of appeal to the North Carolina Utilities Commission as provided by law. Specifies that the North Carolina Utilities Commission does not have jurisdiction over rates, fees, charges, routes, and schedules of an Authority for service within the rail corridor.

Gives the Authority the power to require any public utility, railroad, or other public service corporation owning or operating any installations, structures, equipment, apparatus, appliances, or facilities in, upon, under, over, across, or along any ways on which the Authority has the right to own, construct, operate, or maintain its rail corridor, to relocate such installation, structures, equipment, apparatus, appliances, or facilities from their locations, or, in the sole discretion of the affected public utility, railroad, or other public service corporation, to remove such installations, structures, equipment, apparatus, appliances, or facilities from their locations. Allows the Authority to relocate the object if the owner or operator fails or refuses to do so. Requires the Authority to provide any necessary new locations and necessary real estate interests for such relocation, and may exercise eminent domain for that purpose if the new locations is not in, on, or above, a public highway; the Authority may also acquire the necessary new locations by purchase or otherwise. Requires compensation for any affected public utility, railroad, or other public service corporation for any real estate interest taken via eminent domain, subject to the right of the Authority to reduce the compensation due by the value of any property exchanged under this statute. Requires the method and procedures of a particular adjustment to the facilities of a public utility, railroad, or other public service corporation to be covered by an agreement between the Authority and the affected party. Requires the Authority to reimburse the public utility, railroad, or other public service corporation, for the cost of relocations or removals, to be calculated as specified.

Gives the Authority power to acquire the fee or any lesser interest in real or personal property for use by the Authority. Also allows the Authority to exchange any property it acquires for other property usable in carrying out the powers conferred on the Authority and also, upon the payment of just compensation, may remove a building or another structure from land needed for its purposes and reconstruct the structure on another location (prohibits using eminent domain to acquire property for exchange). Sets out issues that must be considered when the Authority selects one or more sites for adjoining rail facilities or property for shell or storage buildings. Sets out the process and effect of dissolving the Authority.

Amends GS 160A-20, concerning security interests, by adding an Authority to the definition of a unit of local government as it is used under the statute.

Section 34

Requires DOT's Chief Financial Officer (CFO), in consultation with the Office of State Budget and Management, Office of the State Controller, and the Fiscal Research Division, to align the DOT's internal ledger and business practices with the DOT's certified budget in accordance with the standards established by the Governmental Accounting Standards Board (GASB).

Requires completion by July 1, 2025.

Requires the CFO, beginning October 1, 2024, and every quarter thereafter until the completion date above, to submit progress reports on implementation, including any legislative recommendations, to the specified NCGA committee and division.

Section 35

Requires DOT to designate the specified overpass in Columbus County as the Waccamaw Siouan Tribe Bridge.

Intro. by B. Jones, Shepard, McNeely, Tyson.

[STUDY, GS 1, GS 20, GS 44A, GS 66, GS 74C, GS 105, GS 114, GS 136, GS 160A](#)

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[Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, Public Records and Open Meetings, State Agencies, Department of Adult Correction, Department of Transportation, Tax, Local Government](#)

H 223 (2023-2024) [OSHR/VARIOUS SHRA CHANGES](#). Filed Feb 28 2023, *AN ACT MAKING VARIOUS CHANGES TO THE STATE HUMAN RESOURCES ACT AND RELATED LAW*.

Senate amendment #1 makes the following changes to the 4th edition. Removes changes to GS 126-14.3 that would have required the State Human Resources Commission (Commission) to adopt the following specified rules or policies: (1) to allow agencies to make job offers as soon as possible after the completion of interviews, including authorizing agencies to make job offers that are contingent on satisfactory reference checks and, if required, satisfactory background check, and (2) to allow an individual the option of having their application considered for future job postings if the individual has been identified as a qualified applicant within the same or a comparable classification.

Removes changes to GS 95-47.6 (prohibited acts by private personnel services) that would have prevented the service from imposing or attempting to collect any fee prohibited under GS 126-18 (barring compensation for assisting a person in obtaining State employment) from the State, or any of its agencies, for aiding or assisting any person in obtaining employment with the State. Removes changes to GS 126-18 that would have allowed a person, firm, or corporation that is licensed by the Department of Labor as a private personnel service under Article 5A of GS Chapter 95 to collect fees for services related to assistance in obtaining employment with the State, for services rendered under a written contract when the fees are paid by someone other than the State.

Amends the pilot hiring program for Department of Health and Human Services (DHHS) temporary employees as follows. Changes the type of program from one that gives priority consideration to certain temporary employees to a program that allows direct hire of those employees by DHHS so long as certain conditions are met. Imposes the following new conditions on DHHS's authority to directly hire temporary employees: (1) the annual salary for the employee appointed to the position must be \$80,000 or less; (2) the position must be vacant (previously, applies to vacant, permanent, probationary, or time-limited positions, whether full-time or part-time); (3) the temporary employee must have been working in a position that is substantially equivalent to the appointed position with satisfactory performance for at least six months prior to consideration (previously, just six-month requirement); and (4) the temporary employee must have been hired through the Temporary Solutions Program. Exempts the hiring from the State Human Resources Act (SHRA) except as follows: (1) the Equal Employment and Compensation provisions; (2) the employee records provisions; (3) the provisions barring political

contributions or support of State employees; and (4) the provisions barring compelled speech. Shortens the duration of the program from two years to 180 days after the enactment of the act. Specifies that the program continues to apply to any hiring where DHHS issues an offer letter, while this section is in effect, that is contingent upon successful completion of any pre-requisite condition, such as a background check, reference check, or drug test, that would otherwise be required of a job candidate for the appointed position, even if the hiring occurs after this section otherwise expires. Directs DHHS to report to OSHR the number and type of positions filled under the temporary authority described above by no later than July 1, 2025.

Intro. by Cleveland, Riddell.

GS 95, GS 126

[View summary](#)

Employment and Retirement, Government, State Agencies, Department of Health and Human Services, Office of State Human Resources (formerly Office of State Personnel), State Government, State Personnel, Local Government

H 237 (2023-2024) **VARIOUS CRIMINAL AND ELECTION LAW CHANGES. (NEW)** Filed Mar 1 2023, *AN ACT TO MODIFY THE PHYSICAL HEALTH AND SAFETY OF OTHERS EXEMPTION TO CERTAIN LAWS PROHIBITING WEARING MASKS; TO ENHANCE PUNISHMENT IF THE DEFENDANT WAS WEARING A MASK OR OTHER CLOTHING OR DEVICE TO CONCEAL OR ATTEMPT TO CONCEAL THE DEFENDANT'S IDENTITY; TO PROHIBIT GUBERNATORIAL EXECUTIVE ORDERS, SECRETARIAL DECLARATIONS, MUNICIPAL OR LOCAL GOVERNMENT PROHIBITIONS AND RESTRICTIONS, OR OTHER RULES OR REGULATIONS BY A POLITICAL SUBDIVISION OF THIS STATE FROM IMPOSING ADDITIONAL LIMITATIONS ON RELIGIOUS INSTITUTIONS THAT ARE NOT APPLICABLE TO BUSINESSES, NONPROFIT ORGANIZATIONS, OR OTHER PRIVATE ENTITIES AFFECTED BY THE SAME OR SIMILAR EMERGENCY; TO INCREASE THE PENALTY FOR IMPEDING A ROAD DURING A DEMONSTRATION OR OBSTRUCTING AN EMERGENCY VEHICLE FROM ACCESSING A ROAD AT ANY TIME; TO CREATE CIVIL LIABILITY FOR A DEMONSTRATION ORGANIZER OF A DEMONSTRATION THAT OBSTRUCTS AN EMERGENCY VEHICLE; AND TO AMEND CAMPAIGN FINANCE LAWS REGARDING FEDERAL POLITICAL COMMITTEES AND POLITICAL ORGANIZATIONS.*

Conference report makes the following changes to the 4th edition.

Amends GS 14-12.11 to now exempt from the prohibitions on wearing of masks in public places including public ways, public property, the house of another person, while demonstrating, and or while placing an exhibit to intimidate another or prevent another from taking legal action, any person wearing a medical or surgical grade mask for the purpose of preventing the spread of contagious disease (under current law, an exemption is granted to a person wearing a mask for the purpose of ensuring the physical health or safety of the wearer or others; the previous edition removed this exemption). Also requires that a person wearing a mask under this exemption (1) remove the mask upon request by a law enforcement officer or (2) temporarily remove the mask upon request by the owner or occupant of public or private property where the wearer is present in order to identify the wearer (under current law, a person wearing a mask under the exemption for ensuring physical health or safety had to remove their mask when requested by a law enforcement office during a traffic stop or when the law enforcement officer had reasonable suspicions or probable cause during a criminal investigation).

Specifies that the changes to GS 14-12.11 are not to be interpreted to limit, replace, or conflict with available protections or remedies under the Americans with Disabilities Act or any other applicable federal or State laws.

Adds the following content. Amends the definition of political committee as it applies to Article 22A, Regulating Contributions and Expenditures in Political Campaigns, of GS Chapter 163, by excluding from the term a federal political committee that is registered with and reports to the Federal Election Commission or other federal political organization that files Internal Revenue Service Forms 8871 and 8872. Makes technical changes.

Amends GS 163-278.7A as follow. Removes the four conditions (including State Board of Elections (State Board) registration and reporting requirements) that were to be met before a federal political committee, as defined by the Federal Election Campaign Act and its regulations, could make contributions to a North Carolina candidate or political committee registered with the State Board or a county board of elections, and instead allows a federal political committee organized under the Federal Election Campaign Act and its regulations to make contributions to a North Carolina candidate or political committee in accordance with the limit of \$6,400. Prohibits a federal political committee or other political organization from contributing to North Carolina candidates or political committees if it accepts contributions from sources that are prohibited from

contributing under GS 163-278.19 (concerning prohibitions on corporations, business entities, labor unions, professional associations and insurance companies), but allows such a committee or organization that also accepts and maintains in segregated accounts contributions from sources that are not prohibited by GS 163-278.19 to contribute to any national, State, district, or county executive committee of any political party or affiliated party committee exclusively from those segregated accounts containing funds from sources not prohibited by GS 163-278.19. Requires a federal political committee or other political organization that makes a contribution to: (1) comply with applicable reporting, operating, contribution, and other requirements and limits of federal law; (2) file with the State Board, within 10 calendar days of making a permitted contribution, a copy of its then-effective Statement of Organization filed with the Federal Election Commission or Internal Revenue Service Form 8871, as applicable, unless previously filed; (3) for any federal filing period during which it makes a permitted contribution, submit to the State Board a copy of its regularly required report filed with the Federal Election Commission or Internal Revenue Service Form 8872 within 10 calendar days of such filing.

Makes conforming title changes.

Intro. by Torbett, Greene, Faircloth, Carson Smith.

[GS 14](#), [GS 15A](#), [GS 20](#), [GS 163](#), [GS 166](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Elections, Public Safety and Emergency Management, State Agencies, State Board of Elections](#)

H 385 (2023-2024) [VARIOUS ENERGY/ENV. CHANGES. \(NEW\)](#) Filed Mar 15 2023, *AN ACT TO: (I) REQUIRE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO REPORT QUARTERLY ON APPLICATIONS FOR PERMITS REQUIRED FOR NATURAL GAS PIPELINES AND GAS-FIRED ELECTRIC GENERATION FACILITIES; (II) INCREASE THE PUNISHMENT FOR PROPERTY CRIMES COMMITTED AGAINST CRITICAL INFRASTRUCTURE, INCLUDING PUBLIC WATER SUPPLIES, WASTEWATER TREATMENT FACILITIES, AND MANUFACTURING FACILITIES, AND TO MAKE CONFORMING CHANGES TO UPDATE STATUTES RELATING TO DAMAGE TO UTILITIES; (III) PROHIBIT THE ACQUISITION OF QUARTZ MINING OPERATIONS AND LANDS CONTAINING HIGH PURITY QUARTZ BY FOREIGN GOVERNMENTS DESIGNATED AS ADVERSARIAL BY THE UNITED STATES DEPARTMENT OF COMMERCE; (IV) EXPAND REQUIREMENTS FOR ISSUANCE OF 401 CERTIFICATIONS BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO PROJECTS LOCATED AT AN EXISTING OR FORMER ELECTRIC GENERATING FACILITY; (V) REQUIRE THE COASTAL RESOURCES COMMISSION TO REVISE THE CAMA RULES TO ELIMINATE A PERMIT REQUIREMENT FOR DOCK, PIER, AND WALKWAY REPLACEMENT, AND TO ALLOW THE WIDTH AND LENGTH OF A PIER, DOCK, OR WALKWAY TO BE ENLARGED BY NOT MORE THAN FIVE FEET AND THE STRUCTURE HEIGHTENED, AT THE TIME OF REPAIR; (VI) MAKE A TECHNICAL CORRECTION TO THE SWINE FARM SITING ACT; (VII) AMEND THE STATUTE GOVERNING CLEANFIELDS RENEWABLE ENERGY DEMONSTRATION PARKS; (VIII) AUTHORIZE RENEWABLE ENERGY CERTIFICATES FOR NATURAL GAS GENERATED FROM RENEWABLE ENERGY RESOURCES; (IX) AMEND THE STATUTES GOVERNING NATURAL GAS LOCAL DISTRIBUTION COMPANIES COST RECOVERY; (X) EXCLUDE AQUACULTURE FROM THE DEFINITION OF "DEVELOPMENT" FOR PURPOSES OF CAMA AND LIMIT THE AUTHORITY OF THE MARINE FISHERIES COMMISSION TO ADOPT RULES REGULATING AQUACULTURE EQUIPMENT; (XI) AMEND VARIOUS STATUTES GOVERNING COASTAL DEVELOPMENT; (XII) REMOVE TIME LIMITS ON CERTAIN VIABLE UTILITY RESERVE GRANTS; (XIII) ESTABLISH A TIME LIMIT FOR REVIEW OF APPLICATIONS SUBMITTED TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR APPROVAL OF CONSTRUCTION OR ALTERATION OF A PUBLIC WATER SYSTEM; (XIV) LIMIT THE AUTHORITY OF PUBLIC WATER AND SEWER SYSTEMS TO IMPOSE UNAUTHORIZED CONDITIONS ON RESIDENTIAL DEVELOPMENT, AND TO PROHIBIT THE IMPLEMENTATION OF PREFERENCE SYSTEMS FOR ALLOCATING WATER AND SEWER SERVICE TO RESIDENTIAL DEVELOPMENT; (XV) PROHIBIT CERTAIN BACKFLOW PREVENTER REQUIREMENTS BY PUBLIC WATER SYSTEMS; AND (XVI) TO EXEMPT CERTAIN FOOD SERVICE ESTABLISHMENTS FROM SEPTAGE MANAGEMENT FIRM PERMITTING REQUIREMENTS.*

Senate committee substitute to the 1st edition replaces the prior version in its entirety with the following.

Part I

Section 1

Adds new GS 143B-279.20, requiring the Department of Environmental Quality (DEQ) to make quarterly reports to the specified NCGA commission on any applications received for permits required for siting or operation of natural gas pipelines and gas-fired electric generation facilities within the State, and DEQ's activities to process those applications, including information of processing times. Directs that the first report is due not later than October 1, 2024. Specifies that new GS 143B-279.20 applies to permit applications pending or received on or after the date the act becomes law.

Part II

Section 2

Amends GS 14-159.1 (now titled criminal offense of contaminating or injuring a public water system and injuring a public wastewater treatment facility) as follows. Changes the intent requirement for contaminating a public water system from willfully and wantonly to knowingly and willfully commit any of the listed acts. Sets forth the separate offense of injuring a public water system, which makes it a Class C felony to knowingly and willfully stop, obstruct, impair, weaken, destroy, injure, or otherwise damage, or attempt to stop, obstruct, impair, weaken, destroy, injure, or otherwise damage, the property or equipment of a public water system, with the intent to impair the services of the public water system. (Currently, the only illegal acts pertaining to injuring a public water system are if the person willfully and wantonly damages or tampers with the property or equipment of a public water system with the intent to impair the system's services.) Makes it a Class C felony to knowingly and willfully stop, obstruct, impair, weaken, destroy, injure, or otherwise damage, or attempt to stop, obstruct, impair, weaken, destroy, injure, or otherwise damage, the property or equipment of a wastewater treatment system (defined) that is owned or operated by a (1) public utility or (2) local government unit. Makes organizational and technical changes. Imposes a mandatory \$250,000 fine for persons who commit any of the offenses listed in GS 14-159.1. Prevents the offense from merging with other offenses.

Amends GS 62-323 (willful injury to public utility property) to increase the offense from a Class 1 misdemeanor to a Class C felony. Prevents merger of offenses. Specifies that the section only applies to conduct resulting in injury to a public utility or property thereof, that's not otherwise covered by GS 14-159.1 (discussed above), GS 14-150.2 (injuring an energy facility), and GS 14-154 (injuring wires and other fixtures of telephone, broadband, broadcast, or cable telecommunications companies).

Adds new GS 14-150.3 (injuring a manufacturing facility) making it a Class C felony for a person to knowingly and willfully stop, obstruct, impair, weaken, destroy, injure, or otherwise damage, or attempt to stop, obstruct, impair, weaken, destroy, injure, or otherwise damage, the property or equipment of a manufacturing facility (defined as a facility used for the lawful production or manufacture of goods). Imposes a mandatory \$250,000 fine for persons who commit the offense. Prevents the offense from merging with other offenses.

Creates a civil action for persons whose property or person is injured by reason of a violation of GS 14-159.1, GS 62-323, or GS 14-150.3 with treble actual and consequential damages. Provides for direct, accessory, solicitation, conspiracy and material support liability. Directs that establishment of the statutory violation constitutes willful and wanton conduct for purposes of punitive damages and that the cap on punitive damages does not apply. Directs that the civil action is in addition to any other rights and remedies provided by law.

Directs that: (1) GS 14-159.1 (offenses for public water and wastewater facilities) does not apply to work or activity that is performed at or on a wastewater treatment facility by the owner or operator of the facility, or an agent of the owner or operator authorized to perform such work or activity by the owner or operator; (2) GS 62-323 (felony willful injury to public utility property) does not apply to work or activity performed at or on a public activity by the utility's owner or operator or an agent thereof authorized to perform such work; and (3) GS 14-150.3 (injury to a manufacturing facility) does not apply to work or activity performed at or on a wastewater treatment facility/public utility/manufacturing facility by the utility's/facility's owner or operator or an agent thereof authorized to perform such work. Also specifies that GS 62-323 does not apply to lawful activity authorized or required under State or federal law.

Repeals GS 143-152 (making it a misdemeanor to cause injury to intentionally or maliciously damage or obstruct any waterline of any public institution, or in any way contaminate or render the water impure or injurious).

Amends GS 1D-27 by specifying that the cap on punitive damages in GS 1D-25(b) does not apply to violations of GS 14-159.1, GS 62-323, or GS 14-150.3.

Effective December 1, 2024, and applies to offenses committed on or after that date. Specifies that prosecutions for offenses committed before December 1, 2024 are not abated or affected by the act, and the statutes that would be applicable but for the

act remain applicable.

Part III

Section 3

Enacts new Article 3 to GS Chapter 64, which is titled The NC High Purity Quartz Protection Act. Contains findings. Specifies that it is in the public interest for the State to guard its deposits of high purity quartz from the potential of adversarial foreign government control to protect its vital mineral and economic resources. Contains five definitions, including *adversarial foreign government* (a state-controlled enterprise or the government of a foreign nation that has received a designation under 15 C.F.R. § 7.4 from a determination by the United States Secretary of Commerce that the entity has engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons). Prevents an adversarial foreign government from purchasing, acquiring, leasing or holding any interest in (1) a quartz mining operation or (2) land containing commercially valuable amounts of high purity quartz under new GS 64-53. Directs that any transfers of an interest in land or mining operation in violation of the above is void. Designates the State and the US Secretary of Commerce as solely responsible for determining whether an individual or entity is subject to new Article 3. Directs that an individual or other entity that is not an adversarial foreign government does not bear any civil or criminal liability for failing to determine or make inquiry of whether an individual or other entity is an adversarial foreign government. Applies to interests in land acquired on or after the act becomes law.

Part IV

Section 4

Expands the type of projects subject to the requirements for certification under Section 401 of the Clean Water Act included in GS 143-214.1A to include also projects located at an existing or former electric generation facility.

Part V

Section 5

Requires the Replacement of Existing Structures Rule (15A NCAC 07J .0210) to be implemented as follows. For fixed docks, floating docks, fixed piers, floating piers, or walkways damaged or destroyed by natural elements, fire, or normal deterioration, activity to rebuild the dock, pier, or walkway to its pre-damage condition will be considered repair of the structure, and will not require Coastal Management (CAMA) permits, without regard to the percentage of framing and structural components required to be rebuilt. At the time a dock, pier, or walkway damaged or destroyed by natural elements, fire, or normal deterioration is repaired, the width and length of the dock, pier, or walkway structure may be enlarged by not more five feet, and the structure may be heightened, without need for a CAMA permit, but the owner is required to comply with all other State and federal laws. Directs the Coastal Resources Commission to amend its rules so that it is consistent with this provision. Exempts those rule amendments from review by the Rules Review Commission under the APA. Sunsets this provision when the permanent rules become effective.

Makes the above provisions effective on the later of the following dates and applicable to applications for permits pending on or filed on or after that date: (1) October 1, 2024, or (2) the first day of the month that is 60 days after the DEQ Secretary certifies to the Revisor of Statutes that the National Oceanic and Atmospheric Administration has approved the changes made to the CAMA rules.

Requires DEQ, by July 1, 2024, to prepare and submit to the US National Oceanic and Atmospheric Administration for approval, the above proposed changes to the CAMA rules. Requires DEQ to report to the specified NCGA committee on the status of their activities under this section quarterly, beginning September 1, 2024, until the NCGA repeals this reporting requirement.

Part VI

Section 6

Removes GS 106-803(a3)'s (concerning siting requirements for swine houses and other facilities) bar from a liquid animal waste management system constructing those facilities on land located within a 100-year floodplain for those facilities needing a permit under by Article 21 of GS Chapter 143's Part 1 (water and air resources permits). Removes notice requirement under

GS 106-805 (pertaining to written notice of swine farms) for swine farms that are governed by Article 21 of GS Chapter 143's Part 1 (water and air resources permits).

Part VII

Section 7

Amends the criteria for designation of a cleanfields renewable energy demonstration park under GS 62-133.20 as follows. Specifies that the body of water that the real property must be contiguous to includes estuaries, rivers, streams, wetlands, and swamps. Expands the manufacturing site eligibility to include facilities that currently include more than 400,000 square feet of building enclosures. Extends eligibility to owners that have applied for a brownfields agreement with the Department of Environmental Quality (DEQ) (was, only owners who have entered into such agreements and provided satisfactory financial assurance for the agreement eligible). Includes animal waste as one of the sources that must be included for generating energy. Requires the Utilities Commission (UC) to assign triple credit to natural gas certificates that are generated by new renewable energy facilities. Specifies that the additional credits are now eligible to be used to meet the requirements of either GS 62-133.8(f), if the underlying electric power, natural gas, or renewable energy certificates were produced from any form of biomass other than swine waste resources, or GS 62-133.8(e) if produced from swine waste resources (was, just GS 62-133.8(f)). Makes conforming changes.

Part VIII

Section 8

Adds new GS 62-133.8A, creating renewable energy certificates for natural gas generated from renewable energy resources. Directs the UC to consider each 5,500 cubic feet of natural gas generated from renewable energy resources when injected into a natural gas pipeline to be equivalent to one megawatt hour of electric generation when assigning renewable energy certificates.

Part IX

Section 9

Amends GS 62-133.4 (concerning gas cost adjustments for natural gas local distribution companies), as follows. Prevents utilities from recovering from ratepayers, in any rate recovery proceeding or rider, the incremental cost of natural gas attributable to renewable energy biomass resources that exceeds the average system cost of gas unattributable to renewable energy biomass resources calculated and filed with the UC. Directs each natural gas local distribution company that incurs costs attributable to renewable energy biomass resources to submit the utility's actual cost thereof to the UC monthly for purposes of determining the total amount of natural gas costs recoverable under GS 62-133.4. Defines *domestic wastewater*, *natural gas or gas*, and *renewable energy biomass resources*. Amends the definition of cost to also include those related to the production of natural gas.

Expands the things that are recoverable under GS 62-133.7A (concerning rate adjustment mechanisms for natural gas local distribution company rates) to allow the UC to enable a natural gas local distribution company to recover the prudently incurred capital investment and associated costs for producing and transporting natural gas as defined in GS 62-133.4 or consistent with the intent and purpose of GS 62-133.4. Makes organizational changes. Makes conforming changes, including to the statute's title.

Applies to rate case proceedings filed on or after the date the act becomes law.

Part X

Section 10

Amends GS 113A-103 by excluding from the definition of *development*, as that term is used in the Coastal Area Management Act, floating structures used for aquaculture; also excludes uses related to aquaculture and aquaculture facilities from development. Effective on the later of the following dates and applicable to applications for permits pending on or filed on or after that date: (1) October 1, 2024, or (2) the first day of the month that is 60 days after the DEQ Secretary certifies to the Revisor of Statutes that the National Oceanic and Atmospheric Administration has approved the changes.

Amends GS 143B-289.52 by prohibiting the Marine Fisheries Commission from adopting rules regulating cases, poles, anchoring systems, or any above-water frames or structural supports used to suspend or hold in place equipment or floating structures used for aquaculture.

Requires DEQ, by July 1, 2024, to prepare and submit to the US National Oceanic and Atmospheric Administration for approval, the above proposed changes. Requires DEQ to report to the specified NCGA committee on the status of their activities under this section quarterly, beginning September 1, 2024, until the NCGA repeals this reporting requirement.

Part XI

Section 11

Amends GS 113A-103 by amending the definition of development, as that term is used in the Coastal Area Management Act (CAMA), so that it now includes activity in a duly designated area of environmental concern involving, requiring, or consisting of land disturbing resulting from the construction or enlargement of a structure, including the clearing or alteration of land as an adjunct of construction (was, involving, requiring, or consisting of the construction or enlargement of a structure, with clearing or alteration of land as an adjunct of construction listed separately). Add and defines the term land disturbing activity as any use of the land by a person that results in a change in the natural cover or topography of lands or submerged lands. Makes organizational changes.

Amends GS 113A-113 by amending one of the categories of areas that may be designated as an area of environmental concern, so that the eight listed types of areas may be designated to the extent they contain environmental or natural resources of more than local significance, or where uncontrolled development could result in major and irreversible damage to important historic, cultural, scientific or scenic values or natural systems (was, fragile or historic areas, and other areas containing environmental or natural resources of more than local significance, where uncontrolled or incompatible development could result in major or irreversible damage to important historic, cultural, scientific or scenic or natural systems). Amends the eight listed types of areas that may be included in this category, to now be historic places listed, or that have been determined to be eligible for listing, in the National Register of Historic Places under the National Historic Preservation Act of 1966, and properties or areas that are or may be designated as registered natural landmarks or national historic landmark (was, historic places that are listed, or have been approved for listing by the North Carolina Historical Commission, in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966; historical, archaeological, and other places and properties owned, managed or assisted by the State of North Carolina under GS Chapter 121; and properties or areas that are or may be designated by the Secretary of the Interior as registered natural landmarks or as national historic landmarks). Prohibits designation of these types of areas as an area of environmental concern based only on an agency identification of a proposed location from remaining effective for longer than three years unless, the proposed site has been at least 75% acquired. Makes additional clarifying and technical changes.

Amends GS 113A-118 by specifying that a development permit required under Part 4 (Permit Letting and Enforcement) applies only to development activities within the area of environmental concern.

Amends GS 113A-118.2 to make the Division of Coastal Management of DEQ (was, DEQ) responsible for the review required for all development within the Primary Nursery Areas or Outstanding Resource Waters area of environmental concern.

Amends GS 113A-120 to require the findings that must be made when denying a development permit application, to be written findings supported in detail, including the basis for concluding that the conditions are insufficient to avoid the finding. Amends the 10 listed findings as follows: (1) amends the findings previously related to fragile or historic areas to conform with changes discussed above to GS 113A-113 and adds that incidental disturbance of archaeological resources during development is not considered major and irreversible damage; and allows the responsible official or body to provide the results of any investigation of proposed developments in areas of environmental concern in order to obtain sufficient evidence to enable a balanced judgment to be rendered concerning the issuance of permits to build such developments, to the Department of Natural and Cultural Resources (DNCR), which then may take actions with respect to resources identified in the investigation; and (2) includes the finding that the proposed development would unreasonably contribute to cumulative impacts on waters subject to the Article (was, would contribute to cumulative effects that would be inconsistent with the guidelines in the statute). Makes conforming changes. Allows a permit to impose conditions on development activities, or on the operation or maintenance of the completed project, or both, that are reasonably necessary to prevent a finding with respect to the 10 applicable factors listed (was, may be condition upon the applicant's amending his proposal to take whatever measures or agreeing to carry out whatever terms of operation or use of the development that are reasonably necessary to protect the public interest with respect

to the 10 factors). Adds that the applicant may amend its proposal to incorporate conditions, and DEQ may conduct additional investigation before issuing the permit to determine what conditions are reasonably necessary, but the conditions must be specific, unambiguous, and minimize restrictions on the applicant's development activities to the greatest extent feasible. Require the determination to grant, deny or condition a permit under the statute on the responsible body or official's own review and prohibits incorporating conditions based on recommendations from other agencies unless expressly authorized to do so by law.

Amends GS 113A-124 to require investigations of proposed developments in areas of environmental concern in order to obtain sufficient evidence to enable a balanced judgment to be rendered concerning the issuance of permits to build such developments, to be done at DEQ's sole cost and expense. Requires applications to be given notice of investigation within 30 days of receipt of a permit application and requires that the investigation be completed within 60 days of the notice.

Require DEQ, by July 1, 2024, to prepare and submit to the US National Oceanic and Atmospheric Administration for approval, the above proposed changes. Requires DEQ to report to the specified NCGA committee on the status of their activities under this section quarterly, beginning September 1, 2024, until the NCGA repeals this reporting requirement.

Effective on the later of the following dates and applicable to applications for permits pending on or filed on or after that date: (1) October 1, 2024, or (2) the first day of the month that is 60 days after the DEQ Secretary certifies to the Revisor of Statutes that the National Oceanic and Atmospheric Administration has approved the changes.

Part XII

Section 12

Amends GS 159G-36 by no longer prohibiting grants under the Viable Utility Reserve to a single local government for emergency grants for operating deficits from being awarded for more than three consecutive fiscal years.

Part XIII

Section 13

Amends GS 130A-328 (concerning fees and permitting for public water systems) as follows. Lists six requirements that govern permits submitted to DEQ for approval under GS 130A-328, including: (1) that DEQ must complete a review of the plan set submitted with an application within 30 days of receiving the completed plan set; (2) an administrative review of each plan set by DEQ within 10 days of receiving the application, with required notice to the applicant on the completeness of the plan set; (3) procedures for DEQ's review of any additional requested information; (4) mandatory reimbursement to the applicant of 10% of its application fee for every working day that DEQ goes beyond the technical review period before issuing a construction authorization or a denial of the application, to be taken from DEQ's administrative overhead. Defines *plan set* and *technical review period*. Effective December 1, 2024, and applies to applications submitted on or after that date.

Requires DEQ to prepare a guidance document identifying all required information that constitutes a completed plan set and to post that document on its website by no later than September 1, 2024.

Part XIV

Section 14

Adds new GS 162A-900 (concerning limitations on allocating service for residential development) preventing a local government unit from (1) requiring an applicant for water or sewer service for residential development to agree to any condition or (2) accept any offer by the applicant to consent to any condition, not otherwise authorized by law, including, without limitation, any of the following: (i) payment of taxes, impact fees or other fees, or contributions to any fund; (ii) adherence to any restrictions related to land development or land use, including those within the scope of GS 160D-702(zoning regulations); or (iii) adherence to any restrictions related to building design elements within the scope of GS 160D-702. Prevents a local government unit from implementing a scoring or preference system to allocate water or sewer service among applicants for water or sewer service for residential development. Defines *residential development* as new development of single-family or multi-family housing.

Part XV

Section 15

Enacts new GS 130A-330 (Local authority to prevent backflow preventers), as follows. Specifies that a local government public water system cannot require a customer to install a backflow preventer on an existing nonresidential or residential connection, including multifamily dwellings not otherwise required by law except where the degree of hazard from the customer's connection is determined to be high by DEQ. Specifies that the limitations above cannot be construed to prohibit requirements of installations of backflow preventers under the NC Plumbing and Fire Codes if one of the listed triggering events occurs.

Provides for immunity to a public water system owned or operated by a local government unit, and its employees, including the Cross Connection Control Operator in Responsible Charge from civil liability in tort from any loss, damage, or injury arising out of or relating to the backflow of water into potable water supply systems where a backflow preventer is not required by State or federal law, or where the degree of hazard from the customer's connection is not determined to be high by DEQ. Requires DEQ to determine whether the degree of hazard is high when it is not required by State or federal law and to post notice of such determinations on its website. Allows public water systems owned or operated by a local government to require the installation of a backflow preventer if the system pays all costs, including the device, installation, and appropriate landscaping. Prevents a public water system owned or operated by a local government unit from requiring periodic testing more frequently than once every three years for backflow preventers on residential irrigation systems that do not apply or dispose chemical feeds. Provides for immunity for a public water system owned or operated by a local government, and its employees, including the Cross Connection Control Operator in Responsible Charge for the limitations on periodic testing. Allows a public water system owned or operated by a local government unit to accept the results of backflow preventer testing conducted by a plumbing contractor or a certified backflow prevention assembly tester approved by the public water system. Defines *high hazard*, *backflow preventer*, and *certified backflow prevention assembly tester*. Includes DEQ's determinations of high hazards as one of the defined rules in the APA in GS 150B-2. Applies to requirements for installation or testing of backflow preventers made by a public water supply on or after the act becomes law.

Part XVI

Section 16

Amends GS 130A-291.1 (concerning septage management programs and permitting) to exempt food service establishments not involved in pumping or vacuuming a grease appurtenance from needing a permit under the statute.

Part XVII

Contains severability clause.

Makes conforming changes to the act's titles.

Intro. by McNeely, Moss.

[GS 1D](#), [GS 14](#), [GS 62](#), [GS 64](#), [GS 106](#), [GS 113A](#), [GS 130A](#), [GS 143](#), [GS 143B](#), [GS 150B](#), [GS 159G](#), [GS 162A](#)

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[Agriculture](#), [Courts/Judiciary](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Development](#), [Land Use and Housing](#), [Building and Construction](#), [Environment](#), [Aquaculture and Fisheries](#), [Energy](#), [Environment/Natural Resources](#), [Government](#), [APA/Rule Making](#), [State Agencies](#), [Department of Agriculture and Consumer Services](#), [Department of Environmental Quality \(formerly DENR\)](#), [Local Government](#), [Health and Human Services](#), [Health](#), [Public Health](#), [Public Enterprises and Utilities](#)

H 1056 (2023-2024) [PA LICENSURE INTERSTATE COMPACT](#). Filed May 2 2024, *AN ACT TO ESTABLISH A PA LICENSURE COMPACT FOR THE LICENSURE OF PHYSICIAN ASSISTANTS*.

House committee substitute to the 2nd edition makes the following changes.

Further amends GS 90-13.2 to require that a privilege holder's annual registration with the North Carolina Medical Board be as required by Article 18J of GS Chapter 90 and any rules adopted by the PA Licensure Compact Commission; no longer requires that the registration happen no later than 30 days after the person's birthday.

Intro. by Paré, Sasser, White.

[GS 90](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers](#)

PUBLIC/SENATE BILLS

S 355 (2023-2024) [NORTH CAROLINA FARM ACT OF 2024. \(NEW\)](#) Filed Mar 22 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS OF THIS STATE.*

House amendment #1 makes the following changes to the 2nd edition.

Section 8

Amends new GS 106-977, pertaining to the purposes of the Prescribed Burning Cost Share Program (Program) so that the reimbursement rates will be set by the Board of Agriculture (BOA) by rule in consultation with the Forest Service (was, reimbursement rate set by Forest Service).

Section 14

Amends GS 160-314 to require that a property owner provide one of four listed types of evidence to the city seeking to impose a stormwater utility fee to establish the property is being used for bona fide farm purposes in order to be exempt from the fee. Makes technical and organizational changes.

Section 15

Extends the effective date for changes to GS 105-130.34 and GS 105-153.11 (credit for certain real property donations) from taxable years beginning on or after January 1, 2024, to those years beginning on or after January 1, 2025.

Section 21

Amends GS 106-516.1 (concerning permits for carnivals and other similar amusements) so that the deadline for the exhibition to obtain a permit is 60 days or more before the event (was, 90 days in previous edition and 30 days under current law).

Intro. by Jackson.

[STUDY, GS 103, GS 105, GS 106, GS 113, GS 113A, GS 122D, GS 146, GS 153A, GS 160A](#)

[View summary](#)

[Agriculture, Animals, Development, Land Use and Housing, Land Use, Planning and Zoning, Environment, Environment/Natural Resources, Government, State Agencies, Department of Agriculture and Consumer Services, Department of Natural and Cultural Resources \(formerly Dept. of Cultural Resources\), Department of Environmental Quality \(formerly DENR\), Local Government, Public Enterprises and Utilities, Transportation](#)

LOCAL/SENATE BILLS

S 764 (2023-2024) [COMM. COLL. TRUSTEE TERMS/REGION 4](#). Filed Apr 24 2024, *AN ACT TO REALIGN THE TERMS OF OFFICE FOR CERTAIN MEMBERS OF THE BOARDS OF TRUSTEES OF CERTAIN COMMUNITY COLLEGES*.

AN ACT TO REALIGN THE TERMS OF OFFICE FOR CERTAIN MEMBERS OF THE BOARDS OF TRUSTEES OF CERTAIN COMMUNITY COLLEGES. SL 2024-4. Enacted June 6, 2024. Effective June 6, 2024.

Intro. by Barnes, Ford, Craven.

Anson, Cabarrus, Caswell, Durham, Franklin, Granville, Orange, Scotland, Vance

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[Education, Higher Education](#)

S 772 (2023-2024) [COMM. COLL. TRUSTEE TERMS/REGION 3](#). Filed Apr 29 2024, *AN ACT TO REALIGN THE TERMS OF OFFICE FOR CERTAIN MEMBERS OF THE BOARDS OF TRUSTEES OF CERTAIN COMMUNITY COLLEGES*.

AN ACT TO REALIGN THE TERMS OF OFFICE FOR CERTAIN MEMBERS OF THE BOARDS OF TRUSTEES OF CERTAIN COMMUNITY COLLEGES. SL 2024-5. Enacted June 6, 2024. Effective June 6, 2024.

Intro. by Sawrey, Lee.

Bladen, Chatham, Duplin, Greene, Hoke, Johnston, Pender, Pitt

[View summary](#)

[Education, Higher Education](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 199: [DMV PROPOSED LEGISLATIVE CHANGES.-AB](#)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Judiciary

H 223: [OSHR/VARIOUS SHRA CHANGES.](#)

Senate: Amend Adopted A1

Senate: Amend Tabled A2

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

H 228: [REV. LAWS TECH., CLARIFYING, & ADMIN. CHNGS.](#)

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 237: [VARIOUS CRIMINAL AND ELECTION LAW CHANGES. \(NEW\)](#)

Senate: Conf Com Reported

Senate: Conf Com Reported

Senate: Placed on Today's Calendar

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

Senate: Conf Report Adopted

H 250: ME/IDS/DRIVING PRIVILEGES/XYLAZINE CHANGES. (NEW)

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/13/2024

H 385: VARIOUS ENERGY/ENV. CHANGES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Judiciary

H 495: REVISE MONEY LAUNDERING/RETAIL CRIME. (NEW)

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 834: JUVENILE JUSTICE MODIFICATIONS. (NEW)

House: Ratified

House: Pres. To Gov. 6/6/2024

H 900: SUBSTITUTE CERTAIN CIHS PARTNERS/WAKE.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 938: GSC MORAL TURPITUDE/OCCUPATIONAL LICENSURE.

House: Regular Message Sent To Senate

H 984: REMOVAL OF SQUATTERS FROM PRIVATE PROPERTY.

House: Reptd Fav

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

H 1056: PA LICENSURE INTERSTATE COMPACT.

House: Reptd Fav Com Sub 2

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

S 124: PREDATORY ROOFING/INS. REBATE REFORM. (NEW)

House: Regular Message Sent To Senate

S 303: COURT/OUT-OF-STATE ATTY CHANGES. (NEW)

House: Regular Message Sent To Senate

S 355: NORTH CAROLINA FARM ACT OF 2024. (NEW)

House: Reptd Fav

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

House: Special Message Sent To Senate

S 565: AMEND EXPUNCTION. (NEW)

House: Regular Message Sent To Senate

LOCAL BILLS

H 5: LOCAL CHANGES OMNIBUS. (NEW)

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/13/2024

H 901: HIGH POINT/CONVEYANCE OF REAL PROPERTY.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 904: TOWN OF EDENTON/HAYES FARM ANNEXATION.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 909: FUQUAY-VARINA/DEANNEX, WAKE/ID BUREAU UPDATE. (NEW)

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 911: TOWN OF ANDREWS DEANNEXATION.

House: Regular Message Sent To Senate

H 916: VACANCY FILLING FOR TOWN OF STANLEY.

House: Regular Message Sent To Senate

H 918: MOUNT GILEAD ANNEX/KANNAPOLIS DEANNEX. (NEW)

House: Reptd Fav

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Withdrawn From Cal

House: Placed On Cal For 06/11/2024

H 931: TOWN OF NEWPORT/DEANNEXATION.

House: Reptd Fav

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Withdrawn From Cal

House: Placed On Cal For 06/11/2024

H 1017: EVEN-YR. ELECTIONS/CITY OF JACKSONVILLE.

House: Regular Message Sent To Senate

H 1019: MCDOWELL/CASWELL/PENDER OCCUPANCY TAX MODS. (NEW)

House: Reptd Fav

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Withdrawn From Cal

House: Placed On Cal For 06/11/2024

H 1058: JACKSON CO BD OF ED ELECTIONS TO NOV.

House: Regular Message Sent To Senate

H 1059: TOWN OF BERMUDA RUN/CHARTER AMENDMENTS.

House: Regular Message Sent To Senate

S 764: COMM. COLL. TRUSTEE TERMS/REGION 4.

Senate: Ratified

Senate: Ch. SL 2024-4

S 769: COMM. COLL. TRUSTEE TERMS/REGION 1.

House: Regular Message Sent To Senate

S 772: COMM. COLL. TRUSTEE TERMS/REGION 3.

Senate: Ratified

Senate: Ch. SL 2024-5

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