

The Daily Bulletin: 2024-06-19

PUBLIC/HOUSE BILLS

H 38 (2023-2024) [EDUCATION OMNIBUS CHANGES. \(NEW\)](#) Filed Jan 31 2023, *AN ACT TO MAKE CHANGES TO EDUCATION LAWS.*

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

Part I

Extends the effective date of new GS 115C-407.55(10) (concerning entry rules for high school interscholastic athletic activities) by one school year.

Adds the following new content.

Part II

Starting with the 2024-2025 school year, allows Dare Early College High School and Rockingham County CTE Innovation High School to operate as cooperative innovative high schools, subject to the statutory evaluation requirements governing cooperative innovative high schools.

Part III

Amends Section 7A.4 of SL 2023-134, pertaining to supplemental funds for teach compensation, as follows. Adds new methodology to determine the supplant factor for teachers in FY 2024-2025, so that it is the lesser of: (1) the total non-State funds expended for salary supplements for teachers in the 2020-2021 fiscal year divided by the total State and non-State funds expended for salaries for teachers in the 2020-2021 fiscal year or (2) the total non-State funds expended for salary supplements for teachers in the 2021-2022 fiscal year divided by the total State and non-State funds expended for salaries for teachers in the 2021-2022 fiscal year (was, determined by prong 1 set forth above). Makes conforming changes. Expands the State Board of Education's (Board) options for nonsupplant enforcement in FY 2024-2025 so that it can either (1) continue to allocate funds to the unit if the unit can show it has remedied the deficiency in funding or (2) not allocate any funds under Section 7A.4 of SL 2023-134 to the unit if it cannot show it has remedied the funding deficiency. (Currently, Board must not allocate any funds to the unit under Section 7A.4 of SL 2023-134.)

Part IV

Allows any project by a low-capacity institution (defined as a UNC constituent institution with a full-time equivalent enrollment of less than 10,000 students in the fiscal year preceding authorization of the project) falling under GS 143C-4-3.1 (State Capital and Infrastructure Fund [Fund]) that exceeds \$20 million to use up to 2% of the total project authorization to support additional project management capacity through (1) time-limited employees of the constituent institution or (2) a non-State third-party. Prevents the institution from using the flexibility to supplant funding for existing employees. Applies to contracts executed after the act becomes law.

Part V

Effective June 30, 2024, adds new Section 8.25, pertaining to carryforwards for certain projects for Fayetteville State University and North Carolina Agricultural and Technical State University in Part VIII of SL 2023-134, as amended, as follows. Specifies that the following nonrecurring funds appropriated for the 2023-2024 fiscal year do not revert at the end of the 2023-2024 fiscal year but remain available until the end of the 2024-2025 fiscal year: (1) \$2.5 million appropriated to the Office of State Budget and Management to be allocated to Fayetteville State University for a risk management school; (2) \$5 million appropriated to the Board of Governors of The University of North Carolina to be allocated to North Carolina Agricultural and Technical State University for programs, research faculty and staff, research expenditures, and building infrastructure.

Part VI

Effective June 30, 2024, amends GS 116-30.3 (reversions pertaining to UNC) so that funds appropriated to UNC constituent institutions under GS 105-113.128 (use of tax proceeds from sports wagering) do not revert at the of the fiscal year in which they're appropriated but remain available until expended.

Part VII

Allows the Chair of the UNC Board of Governors or their designee to sit as an ex officio voting member on the board of Project Kitty Hawk (was, just the chair) under Section 8.24 of SL 2021-180.

Part VIII

Notwithstanding GS 116-209.62, requires for applications for the award of funds beginning in the 2024-2025 academic year only, the North Carolina Teaching Fellows Program to provide forgivable loans for completion of an educator preparation program of up to \$5,000 per semester for up to six semesters to the following categories of selected students: (1) students who were enrolled in the 2023-2024 academic year in a program of study leading to licensure in elementary education or (2) students who were enrolled in the 2023-2024 academic year in an educator preparation program that becomes a selected educator preparation in the 2024-2025 academic year and who remain enrolled in that program.

Part IX

Amends GS 116-143.1 (provisions for determining resident status in State institution of higher education for tuition purposes) so that any citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau who is a nonresident will be eligible to be charged the in-State tuition rate and pay the full amount of the in-State tuition rate and applicable mandatory fees. Effective July 1, 2024, and applies beginning with the 2024-2025 academic year.

Part X

Allows the State Education Assistance Authority (Authority) to allocate unused funds authorized for administering the Opportunity Scholarship Grant Fund Program under GS 115C-562.8 to the additional administrative costs of the Personal Education Student Accounts for Children with Disabilities Program (Account) under GS 115C-597. Increases the amount that the Account may retain for administrative costs to the lesser of 4% of the funds appropriated or \$3 million (currently, lesser of 4% of appropriated funds or \$2 million). Directs that if the actual costs of administering the Account exceeds the funds authorized, the Authority may allocate unused funds set aside for administration costs from the Opportunity Scholarship Grant Fund Reserve pursuant to G.S. 115C-562.8(c) for the additional administrative costs of the Accounts.

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

Intro. by Pyrtle, Saine, Moss, Miller.

[GS 115C, GS 116, GS 143C](#)

[View summary](#)

[Education, Elementary and Secondary Education, Higher Education](#)

H 263 (2023-2024) [2023 APPROPRIATIONS ACT](#). Filed Mar 2 2023, *AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.*

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

Part II. Current Operations and Expansion/General Fund

Section 2.1 General Fund Appropriations

Amendment #11 makes a technical change to the net appropriation in the General Fund Reserves.

Section 2.2 General Fund Availability

Amendment #11 requires the State Controller to transfer from funds available in the Medicaid Contingency Reserve to the Department of Health and Human Services (DHHS), Division of Health Benefits (DHB), \$200,000,000 in nonrecurring funds for the 2024-2025 fiscal year, and the funds transferred are appropriated for the fiscal year in which they are transferred.

Part V. General Provisions

Section 5.6 Freeze Disaster of 2023 Funding and Agricultural Crop Loss Program Authorization

Amendment #11 repeals Section 5.6(a)(1)(d) of SL 2023-134. Directs the Department of Agriculture and Consumer Services (Department) to use available funds in Budget Code 23702 for the agricultural disaster that occurred March 13, 2023 to April 25, 2023, and subject to Secretarial Disaster Designation S5468 caused by freezing temperatures and frost in Henderson, Polk, Rutherford, Buncombe, Haywood, and Transylvania counties. Requires the use of those funds to comply with the Agricultural Disaster Crop Loss Program, as enacted by the section below. Directs that any funds allocated to the Program in Budget Code 23702 not expended or encumbered by November 1, 2027, will revert to the Disaster Relief and Mitigation Fund.

Enacts new Article 85B, the Agricultural Disaster Crop Loss Program (Program), in GS Chapter 106, established and administered by the Department, effective July 1, 2024, and applying to applications received on or after that date. Specifies that the Program will be used to provide financial assistance to persons affected by natural disasters designated as a secretarial disaster by the USDA in accordance with federal law or as the State deems necessary to provide financial assistance for agricultural disasters in the State. Allows the Department to use up to 3% of funds allocated to the Program for each agricultural disaster for administrative purposes. Contains ten defined terms. Establishes three criteria for financial assistance under the Program for loss of agricultural commodities: (1) the person experienced verifiable loss of agricultural commodities (as defined) as a result of an agricultural disaster; (2) the farm is located in a qualifying county; and (3) an agricultural commodity was planted but not harvested before the date of the disaster or an aquaculture commodity was being propagated or reared on or before the disaster. Provides for verification of loss by form along with a signed affidavit. Provides for financial assistance for losses of livestock and poultry so long as the applicant qualifies for and receives payment through the USDA Livestock Indemnity Program and is a participant in a livestock or poultry indemnity program administered by the USDA Farm Service Agency. Requires documentation of livestock or poultry loss along with a signed affidavit.

Sets forth five listed criteria for administration of the financial assistance program, including payment calculations for both agricultural crops (based on county or State averages in price) and livestock and poultry losses (12.5% of the total loss reported to the USDA Livestock Indemnity Program). Permits the Department to audit the financial and other records of each recipient of funds in order to ensure that the funds are used in accordance with the requirements of the Program.

Requires that the awarded funds be used for agricultural production expenses and recovery of losses due to the impacts of an agricultural disaster. Directs the Department to develop guidelines and procedures to ensure that funds are expended appropriately. Specifies that funds are subject to State and federal income tax. Requires a recipient to refund the entire amount of any financial assistance if the Department determines they provided inaccurate information. Authorizes the Department of Revenue (DOR) to collect the money by using the collection procedures under GS 105-242 if the recipient fails to provide the refund.

Starting six months after the Program receives funds and continuing every six months thereafter until all funds are expended, requires the Department to submit a report to the specified NCGA committee and the Fiscal Research Division containing five listed categories of information, including the number of applicants, number and amount of grants, geographic distribution of the awards, and any refunds made to the Program.

Directs that prior applications under Section 5.9B of SL 38 2021-180, as amended, for Tropical Storm Fred, and Section 4.4 of SL 2022-6, as amended, for the freeze disaster of 2021, will continue to be processed by the Department in accordance with those sections. Authorizes the Department to adopt rules to implement the Program.

Part VII. Public Instruction

Section 7.20 Sunset Textbook Commission

Amendment #11 amends new GS 115C-98.5 (challenges to supplementary and instructional material by adding pervasively vulgar as one of the bases for a challenge to an instructional or supplemental material in elementary, middle, or high school (currently, other three prongs are obscene, inappropriate to the age, maturity, or grade level of the students or not aligned with

the standard course of study). Makes conforming changes. Allows the decision of the local board of education on the merit of the challenged material to be subject to judicial review in the superior court of the county where the local board is located.

Section 7.24 DOA to Administratively Support Residential Schools

Amendment #11 amends GS 115C-150.11 (establishing schools for the deaf and blind) to require the Department of Public Instruction (DPI) to include the schools themselves in addition to schools' employees in coverage for professional liability, worker's compensation, property and liability insurance policies (was, just professional liability policies) purchased by DPI or its employees. Specifies that in addition to appropriations directed solely to the schools for the deaf and blind, the schools are eligible to: (1) receive the benefit of any regional or statewide systems of support provided by DPI to all public school units and (2) apply for any grants available to all public school units. Directs that the schools for the deaf and blind are not eligible to receive funding allotments for local school administrative units unless otherwise directed by the General Assembly. Makes technical and clarifying changes. Applies DPI's insurance obligations to the schools as described above during the 2024-2025 school year. Requires the North Carolina Collaboratory (Collaboratory), in consultation with each of the schools, DPI, and the Department of Administration (DOA), to study each school's administrative structure, operations, and policies, including the cost and positions needed for the support of the schools and how to optimize operation of that school to maximize the educational outcomes for the school's students and ensure the school's success and independence. Directs the Collaboratory to report its findings, recommendations for each school, and any recommended legislation to the Fiscal Research Division and the specified NCGA committee by no later than March 1, 2025.

Amends the effective date of Section 7.24 so that subsections (a) through (f) and (n) through (r) of the section are effective July 1, 2024. Subsections (g) through (m) of this section are effective July 1, 2025. The remainder of the section is effective when it becomes law.

Section 7.25 Northeast Regional School of Biotechnology and Agriscience

Amendment #11 changes the entity responsible for fingerprinting and conducting criminal history checks from DPI to the State Bureau of Investigation (SBI) in new GS 115C-229.50 (criminal history checks).

Section 7.34 Add Funds for STEM West/Reduce Funds for SME Prime

Amendment #2, adds new Section 7.34 to the budget to increase the nonrecurring funds appropriated in the act to the Department of Public Instruction (DPI) for the 2024-2025 fiscal year by \$500,000 to provide as a directed grant to STEM West, Inc. to increase and enhance STEM opportunities and interest for local communities and for students in elementary, secondary, and higher education in the State and to foster STEM partnerships between students and public and private industries. Decreases the nonrecurring funds appropriated by the act to DPI for the 2024-2020 fiscal year for SME Prime by \$500,000. Adjusts appropriate totals accordingly.

Section 7.34 Eliminate Testing Requirements to be Admitted to An Educator Preparation Program

Amendment #9 repeals GS 115C-269.15(a), as title indicates.

Section 7.34 To Establish the Cultivation of Excellence Pilot Program

Amendment #11 adds new Part 3B, the Cultivation of Excellence Pilot Program (Pilot Program) to Article 16 of GS Chapter 115C. Establishes the purpose of the Pilot Program is to provide the opportunity for the Cleveland County Board of Education to design and create an innovative and strategic vision to improve student achievement and performance, along with teacher recruitment and retention. Allows Cleveland County Schools to participate in the Pilot Program beginning with the 2024-2025 school year and ending following the 2029-2030 school year. Allows the Pilot Program to do the following five things: (1) exercise flexibility in establishing staffing levels for kindergarten through third grade classes; (2) adopt a school calendar that sets an opening date no earlier than three days prior to the opening date of the fall semester for Cleveland Community College; (3) employ individuals as teachers who do not hold a teacher license, subject to listed limitations; (4) employ any individual who meets the requirements for employment as a teaching assistant in a kindergarten classroom as a teacher assistant in the local school administrative unit's NC Prekindergarten program; and (5) transfer and approve transfers of funds for the teacher assistants allotment category and textbooks and digital resources allotment category. Specifies that if the Board determines that Cleveland County Schools has failed to meet generally accepted standards of fiscal management or violated State or federal law at any time, the Board will terminate participation in the pilot, and shall submit, within 30 days of the termination, a report of the basis and evidence for the termination to the specified NCGA Committee. Requires the Cleveland County Board of

Education to report by no later than December 15, 2025, and annually thereafter until December 15, 2030, to the specified NCGA Committee and the Superintendent of Public Instruction on five listed pieces of information, including the number of unlicensed teachers employed and the average class sizes for kindergarten through third grade.

Allows Cleveland County Schools to submit a report to the above entities by December 15, 2024, on initial implementation of the Pilot Program and any additional recommendations.

Repeals new Part 3B effective December 31, 2030.

Part VIII. The University of North Carolina System

Section 8.11 Establish the School of Applied Science and Technology (School) at UNC Chapel Hill

Amendment #11 changes the entity tasked with establishing the School (was, the College of Applied Science and Technology) to the UNC Board of Governors from the Board of Trustees at UNC Chapel Hill. Changes the entity tasked with evaluating existing programs at UNC Chapel Hill and consider consolidating or eliminating programs that have a low return on investment to the Chancellor at UNC Chapel Hill in consultation with the Board of Governors (was, the Board of Trustees).

Part IX-B. Central Management and Support

Section 9B.1 Use of Directed Grant Funds for the NC Association of Free and Charitable Clinics (Clinics)

Amendment #11 prohibits the funds appropriated to DHHS, Division of Central Management and Support, Office of Rural Health, for each year of the 2023-2025 fiscal biennium, to be allocated as a directed grant to the Clinics, for distribution to its member clinics to support the provision of health care to individuals who are uninsured and underserved from being withheld from member clinics in which less than 50% (was, 25%) of the total number of individuals served per year are Medicaid beneficiaries.

Part IX-D. Child Development and Early Education

Section 9D.3 Child Care Regulatory Reforms

Amendment #11 amends the requirement for DHHS's Division of Early Childhood Education (Division) to separate the quality rating improvement system (QRIS) from the requirements and payments for participation in the State subsidized child care program to require that the Division use the market rate study submitted in 2025. Directs that the next market rate study must be completed and made available to the public by May 1, 2025. Removes language concerning revising rates.

Makes a technical change to reporting requirements and changes deadline for final report to within two months from the date the new rates are implemented (was, two months from the date the next market rate study is released and include an estimate of the cost of implementing the recommended rates).

Part IX-E. Health Benefits

Section 9E.13 Extending and Clarifying Primary Care Payment Reform Task Force

Amendment #20 makes the following changes. Amends the provision requiring the Task Force to establish a definition of primary care, by specifying that this does not require the definition to be used in administering the State Health Plan. Also amends the duty to collect and compile data related to healthcare spending on primary care services to specify that it must be done on a manner that complies with HIPPA and specifies that entities must comply with requests for data or information to the extent that the request is allowable under federal or State law.

Part IX-F. Health Service Regulation

Section 9F.1 Delay Effective Date of Law Requiring Sworn Law Enforcement Officers to be Present in Emergency Departments and Related Reports

Amendment #18 removes this section of the act.

Part IX-G. Mental Health/Developmental Disabilities/Substance Use Services

Section 9G.2 Use of Opioid Settlement Funds

Amendment #11 amends provisions relating to \$4.66 million in settlement funds transferred to DHHS's Division of Public Health by deleting the requirement that the \$1 million used for purchasing units of injectable opioid antagonists be long-acting.

Part XII. Environmental Quality

Section 12.2A City of Stanford Water and Sewer Project

Amendment #11 redirects funds appropriated in the act to DOC for a grant to Golden L.E.A.F. to DEQ instead to be used to provide a grant for the City of Stanford for water or wastewater infrastructure project or for repayment of a loan for a water or wastewater project from Golden L.E.A.F. Applies the directives and limitations of Section 12.2 of SL 2023-134 to the funds.

Section 12.2A Nash County Water and Wastewater Reallocations

Amendment #8 redirects \$15 million of the funds allocated to Nash County under SL 2023-134 (2023 appropriations act) and instead allocates the funds to the listed local governments for water and wastewater projects as follows: (1) \$5 million to the Town of Bailey; (2) \$1 million to the Town of Middlesex; (3) \$3 million to the Town of Nashville; (4) \$4 million to the City of Rocky Mount; (5) \$1 million to the Town of Spring Hope; and (6) \$1 million to the Town of Whitakers.

Section 12.10 PFAS Remediation and Prevention Funding

Amendment #6 takes \$2,130,357 from the funds appropriated in the act to the Department of Environmental Quality (DEQ) from the General Fund for the Shallow Draft Navigation Channel and Aquatic Weed Fund and redirects them for DEQ to establish a technical assistance program to support industry and municipalities as they implement treatment and management programs to prevent the release of Per- and Polyfluoroalkyl Substances (PFAS) into the environment and to remove PFAS chemicals from drinking water supplies. Reappropriates \$750,000 of the nonrecurring funds for the 2024-2025 fiscal year appropriated to the Department of Commerce (DOC) for the OneNC program to be used by DOC for equipment and lab supplies to increase its capacity to analyze PFAS and other emerging compounds in-house.

Part XIV. Natural and Cultural Resources

Section 14.1 Authorize New Trails

Amendment #11 amends the authorization to the Department of Natural Resources (DNR) pertaining to new trails to clarify that the First Broad River Trail should also be in Rutherford County and updates the name to the First Broad River Paddle Trail.

Part XVI. Administrative Office of the Courts

Section 16.8 Temporarily Extend the Mandatory Retirement Age of District Court Judges

Amendment #14 removes this section of the act.

Part XIX-G. Law Enforcement

Amendment #11 removes Section 19G.1, Authorizing the State Highway Patrol to Provide Assistance to Other Law Enforcement Agencies

Section 19G.1A Funds to Upgrade Fueling and Vehicle Maintenance at the State Highway Patrol Station in Huntersville, North Carolina

Amendment #12 reallocates \$643,150 of the funds appropriated from the General Fund to the State Highway Patrol (SHP) for the 2024-2025 fiscal year to support operating expenses to instead be allocated to the State Highway Patrol Station in Huntersville, North Carolina to be used for three listed purposes: (1) \$640,000 for fuel infrastructure to include specified items; (2) \$3,000 for an air compressor for filling tires; and (3) \$150 for a vehicle vacuum. Requires SHP to enter into a memorandum of understanding with the Department of Transportation (DOT) for the creation, use, and maintenance of the items funded.

Part XXIV. Budget and Management—Special Appropriations

Section 24.2 Correct Grant Recipient for Treatment and Removal of Noxious Aquatic Weeds Treatment in Person County

Amendment #11 amends Section 24.7 of SL 2023-134 to require that the \$250,000 from the Regional Economic Development Reserve be used for a grant to the Person-Caswell Lake Authority, instead of Person County, for the treatment and removal of native and noxious aquatic weeds. Makes conforming changes.

Part XXX. Insurance

Section 30.5 Firefighters' Cancer Insurance Pilot Program Made Permanent

Amendment #11 adds the following.

Enacts new Article 86A to GS Chapter 58, titled the "Firefighters' Cancer Insurance Program (Program)." Specifies that the Article's purpose is to provide health benefits as authorized by the Article to eligible firefighters with a new diagnosis of cancer on or after January 1, 2022, and that the health benefits provided under the Article are supplemental to any other health benefits authorized by law for firefighters. Requires the Office of State Fire Marshal (Office) to administer the Program by contracting with a third-party administrator.

Defines terms cancer, eligible firefighter, fire department, and firefighter. Sets forth the following eligibility requirements for the Program: (1) service in an NC fire department or in a fire department on a military base in NC for a minimum of 5 years, or have been included on the certified roster submitted to the NC Firefighters' Association for a period of no more than 10 years as retired/nonactive after the firefighter no longer meets the definition of firefighter and (2) a new diagnosis of cancer on or after January 1, 2022, except if they are receiving benefits related to cancer under the NC Worker's Compensation Act.

Provides for the following benefits under the Program; (1) a lump sum benefit of \$37,000 for each diagnosis of cancer, capped at \$74,000, upon submission of proof of diagnosis to the insurance carrier, the Department, Office, or other applicable payor; (3) payment of specified amounts of disability benefits upon submission of proof to the insurance carrier, the Department, Office, or other applicable payor of total disability resulting from the diagnosis of cancer or that the cancer precludes the firefighter from serving as a firefighter.

Sets forth the following limitation on disability benefits: (1) disability benefits can continue for no more than 36 consecutive months; (2) any firefighter receiving disability benefits may be required to have his or her condition reevaluated to determine if that firefighter has regained the ability to perform the duties of a firefighter. If that reevaluation indicates that the firefighter has regained the ability to perform the duties of a firefighter, then the monthly disability benefits will cease on the last day of the month the reevaluation was conducted; (3) if there is no reevaluation performed, but the firefighter's treating physician determines that the firefighter is again able to perform the duties of a firefighter, then the disability benefits will cease on the last day of the month that the physician made the determination; (4) if a firefighter returns to work as a firefighter before exhaustion of the 36 months of disability benefit an eligible firefighter may receive, and if there is a subsequent recurrence of disability caused by cancer that again precludes the firefighter from performing the duties of a firefighter, then the firefighter will be entitled to any remaining monthly disability benefits, not to exceed 36 months in total; (5) the monthly disability benefit will be subordinate to any other benefit paid from any source to the firefighter solely for a disability related to the cancer diagnosis, so long as that source is not private insurance purchased solely by the firefighter. Disability benefits under this section will be limited to the difference between the benefit amount paid by the other source and the amounts specified under the Article.

Sets forth reporting requirements by the Office to the General Assembly and the Governor due on January 1 of each year.

Effective July 1, 2025.

Amends GS 105-228.5(d)(3) to change the distribution of certain amounts of net proceeds from the additional .74% tax on gross premiums from property coverage contracts as follows. Requires up to 10% (was up to 20%) of the net proceeds to be credited to the Workers' Compensation Fund, but prohibits the Fund reserve from exceeding \$45 million. In addition to other allocations, now allocates 10% of the net proceeds to the Office of State Fire Marshal for the Firefighter Cancer Insurance Program, with a cap of \$10 million on the amount credited to the Office. Requires the net proceeds that exceed these limits for the Workers' Compensation Fund and the Office to be credited to the General Fund. Effective July 1, 2025.

Amends GS 58-87-10 (Workers' Compensation Fund) by making conforming changes. Effective July 1, 2025.

Makes conforming changes to GS 58-78A-1 by adding the Firefighters' Cancer Insurance Program to the Office of State Fire Marshal's responsibilities. Effective July 1, 2025.

Amends GS 153A-233 (counties), GS 153A-234(b) (fire marshal), and GS 160A-292(b) (fire chiefs) to specify that these entities only have to obtain a background check of any person over age 18 (previously, no minimum age requirement) who either applies for a paid or volunteer position with their respective departments (fire marshal and fire chiefs) or, in the case of GS 153A-233, is in a paid or volunteer position with a county, city, or other unit of local government, or incorporated fire department (currently, volunteer fire department) with whom the county contracts for fire-fighting or prevention services. Permits the criminal history check to be conducted through the county clerk of court or a third-party vendor if the applicant has been a resident of the State for over five years and reports no charges or convictions on the application. Also amends GS 153A-234 and GS 160A-234 to allow the fire marshal or fire chief, respectively, to designate a person to obtain the required criminal history record check. Applies to applications submitted on or after the act becomes law. Makes organizational changes.

Part XXXVIII. Information Technology

Section 38.4 Completing Access to Broadband Program Changes

Amendment #11 amends GS 143B-1373.1 by reinstating the provision concerning the committing of funds from the Completing Access to Broadband Fund (CAB Fund) and now allows the Broadband Infrastructure Office to commit up to 70% (was, 35%) of the total estimated project costs from monies in the CAB Fund.

Section 38.10 BEAD (Broadband Equity, Access and Deployment) Grant Program

Amendment #11 amend provisions related to the GREAT 3.0 Fund by removing the provision appropriating federal funds receive by the State under the IJA for the BEAD Program to the GREAT 3.0 Fund for the described purposes.

Amends Section 38.10 of SL 2021-180 by removing the expiration date on the provisions concerning the Broadband Pole Replacement Program.

Requires the State Controller to establish a Broadband Equity, Access, and Deployment Reserve (Reserve) to maintain federal funds received from the federal Infrastructure Investment and Jobs Act for the BEAD Program. Requires that funds be transferred to the Growing Rural Economic with Access to Technology for Broadband Equity, Access and Deployment Fund only as need to meet the appropriations set out in subsequent legislation.

Section 38.11 Plasma Games Grant Program DIT

Amendment #11 adds the following new section.

Repeals Section 7.69 of SL 2023-134, which required the Department of Public Instruction (DPI) to create a grant program for public school units to apply for funds to contract with Plasma Games, Inc., for the use of educational software to be used in science, technology, engineering, and math (STEM) and career and technical education (CTE) courses. Instead requires the Department of Information Technology (DIT) to create the grant program. Incorporates the requirements of the previous program, but extends the deadlines by a year and changes the entities that are to receive the annual report. Adds that DPI must assist DIT with any information necessary to institute the program. Effective July 1, 2024.

Requires that the \$3 million in nonrecurring funding appropriated to DPI for Plasma Games and \$1.8 million in recurring funding instead be appropriated to DIT for the purposes above. Effective June 30, 2024.

Part XXXIX. Salaries and Benefits

Section 39.21 Enhance Benefits Under North Carolina Firefighters' and Rescue Squad Workers' Pension Fund and Make Technical Changes to the Related Statutes

Amendment #11 corrects a statutory cross-reference in GS 58-86-55 and makes other technical changes.

Part XL. Capital

Section 40.2 Six-Year Intended Project Allocation Schedule

Amendment #11 amends the amount in fiscal year 2024-25 for UNC/R&R21 to 298,384 (was, 250,000) and no longer changes the amount for R&R21, leaving it at 200,000. Changes the amount for UNC/WSS21-1 from N/A to 37,050 in fiscal year 2025-26 instead of 2024-25.

Section 40.7 Clarify SCIF River Debris/Flood Resiliency Blueprint Authorization

Amendment #11 adds the following.

Amends Section 40.7 of SL 2021-180, as amended, by specifying that the funds to the Department of Environmental Quality for stream debris removal can be used for flood mitigation strategies throughout the State that are prioritized through the Flood Resiliency Blueprint. Adds that DEQ may enter into a memorandum of understanding with another state agency to implement the section's requirements. Amends the targeted river basis to include the French Broad River basin.

Intro. by Arp, Saine, Lambeth.

APPROP, STUDY, Cleveland, Jones, Nash, Union, Wake, GS 1C, GS 7A, GS 14, GS 17C, GS 17E, GS 18B, GS 18C, GS 20, GS 53, GS 58, GS 62, GS 65, GS 66, GS 74F, GS 90, GS 105, GS 106, GS 108A, GS 110, GS 115B, GS 115C, GS 115D, GS 116, GS 117, GS 120, GS 121, GS 122A, GS 126, GS 127A, GS 130A, GS 135, GS 136, GS 143, GS 143A, GS 143B, GS 143C, GS 145, GS 147, GS 150B, GS 153A, GS 160A, GS 163, GS 164, GS 166A

Agriculture, Alcoholic Beverage Control, Banking and Finance, Business and Commerce, Insurance, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Court System, Administrative Office of the Courts, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure, Development, Land Use and Housing, Building and Construction, Community and Economic Development, Property and Housing, Education, Preschool, Elementary and Secondary Education, Higher Education, Environment, Energy, Environment/Natural Resources, Government, APA/Rule Making, Budget/Appropriations, Cultural Resources and Museums, General Assembly, Public Safety and Emergency Management, State Agencies, Community Colleges System Office, UNC System, Department of Administration, Department of Adult Correction, Department of Agriculture and Consumer Services, Department of Commerce, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources), Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Department of Information Technology, Department of Insurance, Department of Justice, Department of Labor, Department of Military & Veterans Affairs, Department of Public Instruction, Department of Public Safety, Department of Revenue, Department of State Treasurer, Department of Transportation, Office of Information Technology Services, Office of State Auditor, Office of State Budget and Management, Office of State Controller, Secretary of State, State Board of Education, Office of State Human Resources (formerly Office of State Personnel), State Government, Executive, State Personnel, State Property, Tax, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Public Health, Mental Health, Social Services, Adult Services, Child Welfare, Public Assistance, Lottery and Gaming, Military and Veteran's Affairs, Nonprofits, Public Enterprises and Utilities, Transportation

[View summary](#)

H 287 (2023-2024) [HEALTH CARE OMNIBUS. \(NEW\)](#) Filed Mar 7 2023, *AN ACT REQUIRING HEALTH CARE PRACTITIONERS AND PHARMACISTS TO EDUCATE PATIENTS WITH PRESCRIPTIONS FOR OPIOID PAIN MEDICATIONS AND MEDICATIONS TO TREAT OPIOID USE DISORDER ABOUT THE POTENTIAL DANGERS OF OPIOIDS, OVERDOSE PREVENTION, AND THE AVAILABILITY AND USE OF OPIOID ANTAGONISTS TO PREVENT OVERDOSE DEATHS; CLARIFYING MEDICAID BENEFITS FOR INMATES; ALLOWING RECIPROCAL LICENSING FOR MARRIAGE AND FAMILY THERAPISTS; REDUCING THE UNNECESSARY REGULATORY BURDEN ON MASTER'S LEVEL PSYCHOLOGISTS; INCREASING ACCESS TO QUALITY MENTAL HEALTH CARE SERVICES; ELIMINATING CERTIFICATE OF NEED REVIEW FOR INPATIENT REHABILITATION SERVICES, REHABILITATION FACILITIES, AND REHABILITATION BEDS; INCREASING THE NUMBER OF EDUCATION HOURS REQUIRED FOR LICENSURE AS A MASSAGE THERAPIST; AND ENCOURAGING THE USE OF TRIBAL HEALTH FACILITIES BY STATE RESIDENTS SEEKING MENTAL HEALTH TREATMENT.*

Senate committee substitute to the 4th edition makes the following changes.

Amends the act's long title. Makes organizational changes.

Section 5

Removes proposed changes to definition of *nursing care* under GS 131E-176 (the definitions pertaining to certificates of need). Amends term *rehabilitation facility* so that it means a facility that has been classified and designated as an inpatient rehabilitation facility by the Centers for Medicare and Medicaid Services (currently, means a public or private inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of individuals with disabilities through an integrated program of medical and other services which are provided under competent, professional supervision).

Section 7

Encourages the Secretary of the Department of Health and Human Services (DHHS) and the local management entity/managed care organizations (LME/MCOs) to enter into any intergovernmental agreements allowable under federal and State law with the Eastern Band of Cherokee Indians to facilitate the use of tribal health facilities by any residents of the State seeking voluntary admission to those facilities or subject to involuntary commitment under State law. Allows the agreements to address matters such as transportation of individuals under involuntary commitment and assurances of compliance with State and tribal court orders, and other matters, as necessary. Requires DHHS, in consultation with the LME/MCOs to report to the specified NCGA committee on whether any intergovernmental agreements have been executed and any necessary legislative changes by February 1, 2025.

Intro. by Sasser, K. Baker, White, Potts.

GS 90, GS 108D, GS 131E

[View summary](#)

Business and Commerce, Occupational Licensing, Government, State Agencies, Department of Health and Human Services, Native Americans, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Mental Health

H 556 (2023-2024) [TENANCY IN COM/E-NOTARY/SMALL CLAIMS CHANGES. \(NEW\)](#) Filed Apr 3 2023, *AN ACT TO CODIFY THE LAW OF TENANCY IN COMMON IN THIS STATE, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION, TO MAKE CHANGES TO NORTH CAROLINA'S NOTARY PUBLIC LAWS, AS REQUESTED BY THE DEPARTMENT OF THE SECRETARY OF STATE, TO PROHIBIT COUNTIES AND CITIES FROM ADOPTING CERTAIN ORDINANCES, RULES, AND REGULATIONS THAT WOULD PROHIBIT LANDLORDS FROM REFUSING TO RENT TO TENANTS BECAUSE A TENANT'S LAWFUL SOURCE OF INCOME TO PAY RENT INCLUDES FUNDING FROM A FEDERAL HOUSING ASSISTANCE PROGRAM, TO CLARIFY AUTHORIZED LITIGATION COSTS IN SUMMARY EJECTMENT MATTERS, AND TO ESTABLISH THE SMALL CLAIM APPEAL PERIOD BEGINNING WHEN A JUDGMENT IS RENDERED.*

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

Section 1

Enacts new Article 7, pertaining to Tenancy in Common, of GS Chapter 41.

Defines *actual ouster*, *constructive ouster*, *conveyance*, *cotenant*, and *property*. Describes a tenancy in common as having the following five characteristics: (1) two or more persons hold separate undivided interests in the property, (2) the interests of the cotenants in the property are deemed to be equal unless otherwise specified in the instrument of conveyance, (3) the cotenants hold by several and distinct titles with each cotenant having a right to possession of the property, (4) the cotenants need not take title from the same instrument or at the same time, (5) the cotenants do not have a right of survivorship. Directs that the interests are deemed to be equal unless otherwise specified in the instrument of conveyance. Specifies that the percentage of interests acquired by intestacy are determined under GS Chapter 29.

Makes clear that each cotenant has a right to enter upon property and to occupy and use it subject to the rights of the cotenant(s). Directs that unless an actual ouster occurs, one cotenant cannot bring an action against another for taking possession of the property to which each has a right as a cotenant. Provides that an ousted cotenant may bring an action, other than an action for partition, seeking to compel the cotenant in possession to admit the ousted cotenant into possession.

Creates rules for the creation of a tenancy in common as follows. The conveyance must meet one of the following three criteria: (1) the conveyance is to two or more grantees and expresses an intent that the grantees hold separate undivided interests in the property; (2) the conveyance is to one or more grantees and expresses an intent that the grantor and the grantee or grantees hold separate undivided interests in the property; (3) the conveyance does not express an intent described in prongs (1) or (2) and, with nothing else appearing, does not under the circumstances create an estate in property other than a tenancy in common. Identifies the following five terms contained in an instrument of conveyance that are to be deemed to express an intent to create a tenancy in common unless the instrument provides otherwise: (1) equal portions; (2) equally divided; (3) share and share alike; (4) share equally; (5) their respective portions.

Sets forth rules for when an interest in property held by cotenants who marry or when a tenancy in common interest is conveyed to parties who are married convert to a tenancy by the entirety or tenancy by the entirety with right of survivorship. Specifies when a tenancy in common may be created by operation of law.

Specifies that an act of a cotenant in relation to the property cannot bind a cotenant with respect to a third party unless it was previously authorized or subsequently ratified by the cotenant and is presumed to have been done by authority and for the benefit of the cotenant. Sets forth rules related to rents and profits from property and for reimbursement for a cotenant from another cotenant.

Affirms the rights of cotenants to enter into agreements with respect to their property, including possession, sharing rents and profits, reimbursement related to the property, and the authority of a cotenant to bind a cotenant.

Sets forth rules related to the following: (1) adverse possession of a cotenant's interest in the property with or without color of title; (2) the acquisition of title to the property by one cotenant; (3) the alienation of a cotenant's undivided interest in the property; (4) obligations amongst cotenants, including when a fiduciary relationship is created; and (5) action against a third party by a cotenant.

Specifies that events terminating a tenancy in common include the following four events: (1) partition of the property under GS Chapter 46A, (2) voluntary partition of the property among cotenants executing one or more instruments conveying the property held as cotenants to themselves in separate tracts, (3) conveyance of all interests in the property to one grantee, and (4) acquisition by one cotenant of the ownership of the property by adverse possession.

Directs that an interest of a cotenant in the property may be sold as part of a proceeding of satisfaction of the cotenant's debt to a creditor, but that it does not affect the title of any other cotenant's interest in the property.

Clarifies that the Article does not apply to property in a general partnership covered by GS Chapter 59, an action for partition and its effect under GS Chapter 46A, or tenancy in common in personal property. Sets forth rules of construction and relationship of new statutory provisions to the common law and principles of equity related to tenancy in common.

Section 2

Extends the expiration date of the emergency video notarization to 12:01 am on July 1, 2025 (was, 12:01 am on June 30, 2024). Extends the expiration date for Article 3 of GS Chapter 10B (Video Witnessing During State of Emergency) from June

30, 2024, to June 30, 2025.

Section 3

Amends GS 10B-20 (powers and limitations of a notary) to allow a notary to disclose confidential information in response to five listed requests, including a valid subpoena, court order, warrant, and a written request from all principals to a specific notarial transaction. Effective July 1, 2024.

Section 4

Amends GS 10B-134.9, as amended by SL 2023-57, so that notaries commissioned by the Secretary (was, registered with the Secretary) may administer an oath or affirmation to a principal (was, witness) that does not require remote electronic notarization of a record or a notarial certificate and seal when done in person so long as listed statutory requirements are met. Makes conforming changes. Effective July 1, 2024.

Section 5

Amends the definition of *geolocation* GS 10B-134.1, as amended by SL 2023-57 (definitions pertaining to electronic notarization). Adds to the requirement pertaining to geolocation platforms under GS 10B-134.19(c)(3) as amended by SL 2023-57, (pertaining to platform licensure requirements for electronic notaries) so that the platform only has to identify geolocation of the remotely located principal when the remotely located principal is conducting the remote electronic notarization via a device capable of identifying their geographic location at the time. Effective July 1, 2024.

Section 6

Directs that if technology becomes available so that geolocation may be broadly utilized without a global positioning system to determine geographic location of remotely located principals to a remote notarization, the Secretary must amend permanent rules adopted pursuant to GS Chapter 10B to include processes and requirements for the use of geolocation technology in remote electronic notarization in accordance with Part 4A of Article 2 of GS Chapter 10B.

Section 8

Allows judgment to be rendered electronically by a magistrate in a small claims act under GS 7A-224. Makes conforming change to GS 7A-228 (pertaining to new trials before a magistrate and appeals for trial de novo). Makes language gender neutral. Effective October 1, 2024.

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

Intro. by Blackwell, Wheatley, White, Fontenot.

[GS 7A, GS 10B, GS 41, GS 42](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing, Government, Local Government](#)

H 563 (2023-2024) [HEMP-DERIVED CONSUMABLES/CON SUB CHANGES. \(NEW\)](#) Filed Apr 4 2023, *AN ACT TO REGULATE THE SALE AND DISTRIBUTION OF HEMP-DERIVED CONSUMABLE PRODUCTS, TO IMPOSE AN EXCISE TAX ON THOSE PRODUCTS, TO BAN THOSE PRODUCTS FROM SCHOOL GROUNDS, TO PLACE TIANEPTINE, XYLAZINE, AND KRATOM ON THE CONTROLLED SUBSTANCE SCHEDULES, TO CREATE THE OFFENSE OF CRIMINAL POSSESSION AND UNLAWFUL SALE OF EMBALMING FLUID AND TO MAKE OTHER TECHNICAL REVISIONS, TO CREATE NEW CRIMINAL OFFENSES FOR EXPOSING A CHILD TO A CONTROLLED SUBSTANCE TO ENACT THE NORTH CAROLINA COMPASSIONATE CARE ACT, AND TO REQUIRE CERTAIN EDUCATION ABOUT OPIOIDS.*

Senate committee substitute to the 6th edition is to be summarized.

Intro. by McNeely, Sasser, Cotham, Fontenot.

[APPROP, GS 18B, GS 18D, GS 90, GS 105, GS 106, GS 115C, GS 116](#)

[View summary](#)

Agriculture, Business and Commerce, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Government, APA/Rule Making, Budget/Appropriations, State Agencies, UNC System, Department of Public Safety, Department of Revenue, Tax

H 900 (2023-2024) **SUBSTITUTE CERTAIN CIHS PARTNERS/WAKE**. Filed Apr 24 2024, *AN ACT TO PROVIDE CONTINUED RECOGNITION OF THE WAKE YOUNG MEN'S LEADERSHIP ACADEMY AND THE WAKE YOUNG WOMEN'S LEADERSHIP ACADEMY AS COOPERATIVE INNOVATIVE HIGH SCHOOLS, TO REQUIRE THE STATE BOARD OF EDUCATION TO APPROVE THE SUBSTITUTION OF A NEW PARTNER INSTITUTION OF HIGHER EDUCATION FOR THOSE SCHOOLS, AND TO REGULATE TOBACCO PRODUCTS.*

The Senate committee substitute to the 2nd edition is to be summarized.

Intro. by Paré, Crawford, Liu, Cervania.

APPROP

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Education, Elementary and Secondary Education, Higher Education, Government, Budget/Appropriations, State Agencies, Department of Public Instruction, State Board of Education

H 971 (2023-2024) **HUMAN TRAFFICKING CHANGES. (NEW)** Filed May 1 2024, *AN ACT DIRECTING THE DEPARTMENT OF LABOR TO DEVELOP HUMAN TRAFFICKING AWARENESS TRAINING, REQUIRING LODGING ESTABLISHMENTS, ACCOMMODATION FACILITATORS, AND PROPERTY MANAGERS FOR VACATION RENTALS TO IMPLEMENT HUMAN TRAFFICKING AWARENESS TRAINING, INCREASING THE PUNISHMENT FOR A FIRST OFFENSE OF SOLICITING A PROSTITUTE, MODIFYING LAWS RELATED TO HUMAN TRAFFICKING, AND MODIFYING THE DEFINITION OF VICTIM IN THE CRIME VICTIM'S COMPENSATION ACT.*

The Senate committee substitute to the 3rd edition is to be summarized.

Intro. by Crutchfield, Reeder, Arp, Sasser.

APPROP, GS 14, GS 42A, GS 130A

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Business and Commerce, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Department of Justice

PUBLIC/SENATE BILLS

S 90 (2023-2024) **SCHOOLS FOR THE DEAF AND BLIND TRANSITION. (NEW)** Filed Feb 9 2023, *AN ACT TO MAKE ADDITIONAL CHANGES TO FACILITATE THE TRANSITION OF THE SCHOOLS FOR THE DEAF AND BLIND TO GOVERNANCE BY BOARDS OF TRUSTEES.*

House amendment to the 5th edition makes the following changes.

Section 1

Amends GS 115C-150.11 (establishing schools for the deaf and blind) to require the Department of Public Instruction (DPI) include the schools themselves in addition to schools' employees in coverage for professional liability, worker's compensation,

property and liability insurance policies (was, just professional liability policies) purchased by DPI or its employees. Specifies that in addition to appropriations directed solely to the schools for the deaf and blind, the schools are eligible to: (1) receive the benefit of any regional or statewide systems of support provided by DPI to all public school units and (2) apply for any grants available to all public school units. Directs that the schools for the deaf and blind are not eligible to receive funding allotments for local school administrative units unless otherwise directed by the General Assembly. Makes technical and clarifying changes.

Section 3

Changes the effective date to July 1, 2025.

Section 6

Applies DPI's insurance obligations to the schools as described above during the 2024-2025 school year.

Requires the North Carolina Collaboratory (Collaboratory), in consultation with each of the schools, DPI, and the Department of Administration, to study each school's administrative structure, operations, and policies, including the cost and positions needed for the support of the schools and how to optimize operation of that school to maximize the educational outcomes for the school's students and ensure the school's success and independence. Directs the Collaboratory to report its findings, recommendations for each school, and any recommended legislation to the Fiscal Research Division and the specified NCGA committee by no later than March 1, 2025.

Intro. by Lazzara, Galey, Sawyer.

[GS 14, GS 115C](#)

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Government, APA/Rule Making, Budget/Appropriations, State Agencies, UNC System, Department of Administration, Department of Public Instruction, Office of State Budget and Management, Office of State Controller, State Board of Education

S 319 (2023-2024) [CAPTIVE INSURANCE REVISIONS/ONLINE AUCTIONS. \(NEW\)](#) Filed Mar 16 2023, *AN ACT TO REVISE STATUTES RELATED TO CAPTIVE INSURANCE, TO ESTABLISH A PROCEDURE FOR REMOTE BIDDING AT A FORECLOSURE SALE, AND TO PERMIT HEALTH BENEFIT PLAN SPONSORS TO OBTAIN CONSENT TO ELECTRONIC MAILING OF REQUIRED COMMUNICATIONS.*

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

Section 5

Amends proposed GS 58-2-255(f) by now allowing a health benefit plan sponsor, on behalf of an enrolled individual, to provide consent for all communications related to the plan to be delivered electronically, unless prohibited by any application provision of ERISA (was, allowed to the extent permitted by ERIFSA and its amendments).

Adds the following new content and makes conforming changes to the act's long title.

Section 6

Repeals GS 58-33-26(p) which prohibited a person from simultaneously holding an insurance producer license with casualty, personal lines, or property lines of authority and an adjuster's license in this State.

Amends GS 58-33-40 by requiring that notice of the cancellation of an appointment where an insurer authorized to transact business in this State has appointed as its agent any individual with a valid insurance producer license issued by the Commissioner of Insurance, to be submitted to the Commissioner of Insurance by either the appointing insurer or appointed insurance producer.

Section 7

Amends GS 20-279.21 by amending the definition of an uninsured motor vehicle, which includes an underinsured highway vehicle, which is a highway vehicle with respect to the ownership, maintenance, or use of which, the sum of the limits of liability under all bodily injury liability bonds and insurance policies applicable at the time of the accident is less than the applicable limits of underinsured motorist coverage (was, applicable limits of underinsured motorist coverage for the vehicle involved in the accident and insured against the owner's policy). Makes conforming changes.

Section 8

Amends GS 20-279.21 to require a motor vehicle liability policy to provide underinsured motorist coverage, no longer requiring that the coverage be used only with a policy that is written at limits exceeding those specified because of bodily injury or death). Makes conforming changes. Specifies that the following provision now applies only to insurance on nonfleet private passenger motor vehicles: if a claimant is an insured under the underinsured motorist coverage on separate or additional policies, the total amount of coverage that is applicable is the sum of the limits of the claimant's underinsured motorist coverages as determined by combining the highest limit available under each policy, and must not be reduced by a setoff against any coverage, including liability insurance, except for workers' compensation coverage to the extent provided for in the statute.

Amends GS 58-37-35 to require that the North Carolina Motor Vehicle Reinsurance Facility (Facility) reinsure for underinsured motorist coverage at the rate of \$50,00 for each person and \$100,00 each accident for bodily injury.

Changes the effective date of Section 12 of SL 2023-133, concerning minimum liability limits for insurance required by the state and changes to the calculation of the total applicable amount of underinsurance coverage, from January 1, 2025, to July 1, 2025.

Section 9

Amends GS 58-36-65 to require that for insureds receiving a driver's license for the first time before July 1, 2025 (was, for the first time on or before January 1, 2025), the subclassification plan may provide for premium surcharges for insureds having less than three years' driving experience as licensed drivers. Also allows for insureds receiving a driver's license for the first time on or after July 1, 2025 (was, January 1, 2025), the subclassification plan to provide for premium surcharges for those having less than eight years' driving experience as licensed drivers.

Amends Section 16 of SL 2023-133 by delaying the effective date of amendments to insurance rate-making laws from January 1, 2025, to July 1, 2025. Makes additional clarifying changes.

Section 10.1

Enacts new Article 86A to GS Chapter 58, titled the "Firefighters' Cancer Insurance Program (Program)." Specifies that the Article's purpose is to provide health benefits as authorized by the Article to eligible firefighters with a new diagnosis of cancer on or after January 1, 2022, and that the health benefits provided under the Article are supplemental to any other health benefits authorized by law for firefighters. Requires the Office of State Fire Marshal (Office) to administer the Program by contracting with a third-party administrator.

Defines terms cancer, eligible firefighter, fire department, and firefighter. Sets forth the following eligibility requirements for the Program: (1) service in an NC fire department or in a fire department on a military base in NC for a minimum of 5 years, or have been included on the certified roster submitted to the NC Firefighters' Association for a period of no more than 10 years as retired/nonactive after the firefighter no longer meets the definition of firefighter and (2) a new diagnosis of cancer on or after January 1, 2022, except if they are receiving benefits related to cancer under the NC Worker's Compensation Act.

Provides for the following benefits under the Program; (1) a lump sum benefit of \$37,000 for each diagnosis of cancer, capped at \$74,000, upon submission of proof of diagnosis to the insurance carrier, the Department, Office, or other applicable payor; (3) payment of specified amounts of disability benefits upon submission of proof to the insurance carrier, the Department, Office, or other applicable payor of total disability resulting from the diagnosis of cancer or that the cancer precludes the firefighter from serving as a firefighter.

Sets forth the following limitation on disability benefits: (1) disability benefits can continue for no more than 36 consecutive months; (2) any firefighter receiving disability benefits may be required to have his or her condition reevaluated to determine if

that firefighter has regained the ability to perform the duties of a firefighter. If that reevaluation indicates that the firefighter has regained the ability to perform the duties of a firefighter, then the monthly disability benefits will cease on the last day of the month the reevaluation was conducted; (3) if there is no reevaluation performed, but the firefighter's treating physician determines that the firefighter is again able to perform the duties of a firefighter, then the disability benefits will cease on the last day of the month that the physician made the determination; (4) if a firefighter returns to work as a firefighter before exhaustion of the 36 months of disability benefit an eligible firefighter may receive, and if there is a subsequent recurrence of disability caused by cancer that again precludes the firefighter from performing the duties of a firefighter, then the firefighter will be entitled to any remaining monthly disability benefits, not to exceed 36 months in total; (5) the monthly disability benefit will be subordinate to any other benefit paid from any source to the firefighter solely for a disability related to the cancer diagnosis, so long as that source is not private insurance purchased solely by the firefighter. Disability benefits under this section will be limited to the difference between the benefit amount paid by the other source and the amounts specified under the Article.

Sets forth reporting requirements by the Office to the General Assembly and the Governor due on January 1 of each year.

Effective July 1, 2025.

Section 10.2

Amends GS 105-228.5(d)(3) to change the distribution of certain amounts of net proceeds from the additional .74% tax on gross premiums from property coverage contracts as follows. Requires up to 10% (was up to 20%) of the net proceeds to be credited to the Workers' Compensation Fund, but prohibits the Fund reserve from exceeding \$45 million. In addition to other allocations, now allocates 10% of the net proceeds to the Office of State Fire Marshal for the Firefighter Cancer Insurance Program, with a cap of \$10 million on the amount credited to the Office. Requires the net proceeds that exceed these limits for the Workers' Compensation Fund and the Office to be credited to the General Fund.

Effective July 1, 2025.

Section 10.3

Amends GS 58-87-10 (Workers' Compensation Fund) by making conforming changes. Effective July 1, 2025.

Section 10.4

Makes conforming changes to GS 58-78A-1 by adding the Firefighters' Cancer Insurance Program to the Office of State Fire Marshal's responsibilities. Effective July 1, 2025.

Section 11.1-11.3

Amends GS 58-86-35 and GS 58-86-40, increasing monthly member payments to the NC Firefighters' and Rescue Squad Workers' Pension Fund (Pension Fund) from \$10 to \$15 as it applies to new and current members.

Amends GS 58-86-55, increasing the monthly pension to eligible members, including disabled members, beneficiaries, and retired firefighters, from \$170 to \$175 monthly. Makes conforming changes, including changes regarding increased monthly member contributions.

Effective July 1, 2024.

Section 12.1-12.4

Amends GS 153A-233 (counties), GS 153A-234(b) (fire marshal), and GS 160A-292(b) (fire chiefs) to specify that these entities only have to obtain a background check of any person over age 18 (previously, no minimum age requirement) who either applies for a paid or volunteer position with their respective departments (fire marshal and fire chiefs) or, in the case of GS 153A-233, is in a paid or volunteer position with a county, city, or other unit of local government, or incorporated fire department (currently, volunteer fire department) with whom the county contracts for fire-fighting or prevention services. Permits the criminal history check to be conducted through the county clerk of court or a third-party vendor if the applicant has been a resident of the State for over five years and reports no charges or convictions on the application. Also amends GS 153A-234 and GS 160A-234 to allow the fire marshal or fire chief, respectively, to designate a person to obtain the required criminal history record check. Applies to applications submitted on or after the act becomes law. Makes organizational changes.

[View summary](#)

Business and Commerce, Insurance, Courts/Judiciary, Motor Vehicle, Government, Public Safety and Emergency Management, Tax, Local Government

S 425 (2023-2024) [HHS OMNIBUS. \(NEW\)](#) Filed Mar 29 2023, *AN ACT MAKING TECHNICAL, CONFORMING, AND OTHER MODIFICATIONS TO LAWS PERTAINING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; CREATING A UNIFORM REFERENCE TO EAST CAROLINA UNIVERSITY REGIONAL BEHAVIORAL HEALTH FACILITY; AND UPDATING THE HOSPITAL VIOLENCE PROTECTION ACT.*

House committee substitute to the 2nd edition removes the provisions of the previous edition and replaces it with the following. Makes conforming changes to the act's titles.

Part I

Amends GS 108A-105 by requiring that the petition for an order authorizing the provision of protective services for a disabled adult to be served along with the notice of hearing upon the disabled adult in accordance with GS 1A-1, Rule 4(j), which sets out the manner of service needed to exercise personal jurisdiction. Makes additional technical changes. Applies to petitions filed on or after August 1, 2024.

Part II

Amends GS 110-86 by amending the definition of child care facility as it applies to GS Chapter 110 Article 7, Child Care Facilities, by increasing upper limit on the number of children that may receive care in a family child care home at any one time to less than 11 (was, 10).

Part III

Amends GS 130A-40 by amending the qualifications for a local health director by changing one set of the possible minimum education and experience qualifications to now require a bachelor's degree in a field related to public health and at least seven years of experience in health programs or health services, which must include at least three years of supervisory experience (was, a bachelor's degree in public health administration or public administration and at least three years of experience in health programs or health services). Includes the appointment of a person with these qualifications among those that must be sent to the State Health Director to decide if their degree is in a field related to public health. Also requires the State Health Director to review requests from educational institutions to determine whether a particular degree offered by the institution is related to public health for the purposes of this educational requirement. Makes other technical changes.

Make a clarifying change to GS 153A-77.

Applies to appointments made on or after August 1, 2024.

Part IV

Amends Section 6.6 of SL 2023-14 by requiring the policy of the Department of Health and Human Services (DHHS) that allows an individual related by blood, marriage, or adoption to a child who is providing foster care to the child, now also including any of the child's half-sibling(s), in a family foster home to be reimbursed for providing care without having to meet the licensure requirements. Amends the definition of family foster home to include the residence of an individual providing full-time foster care for a child that is related to the adult members of the household by blood, marriage, or adoption, and the child's half-siblings regardless of the half-sibling's relationship to the kinship caregiver.

Part V

Amends GS 7B-521 by amending the list of individuals who may take temporary custody of an infant reasonably believed to be no more than 30 days old that is voluntarily delivered to the individual by the infant's parent who does not intend to return for the infant, to include a first responder who is on duty (was, just a first responder). Applies to infants surrendered on or after August 1, 2024.

Part VI

Amends GS 7B-525 by changing the timing for when a county department of social services may apply ex parte for an order finding that an infant has been safely surrendered and confirming that the department has legal custody for the purpose of obtaining a copy of the birth certificate, a social security number, or benefits for the minor, from when notice has been completed to when the notice has been initiated. Applies to infants surrendered on or after October 1, 2024.

Part VII

Amends Section 9J.12 of SL 2023-134 by amending the minimum requirements for DHHS's trauma-informed standardized assessment, as follows: (1) now requires parental consent for juveniles included in any Medicaid children and families special plan to receive an assessment; (2) requires that the county department of social services makes the referral for an assessment within five working days of obtaining parental consent for children who are at risk for entry into foster care (was, after obtaining parental consent, a juvenile is able to receive an assessment if the county department of social services determines that the juvenile is at imminent risk for entry into foster care).

Part VIII

Requires DHHS, Division of Child Development and Early Education (Division), to update and revise the quality rating improvement system (QRIS) so that it includes alternative pathways for licensed child care facilities to earn a license of two to five stars based on program standards and education levels of staff as follows: (1) a pathway focused on program assessment; (2) a pathway focused on classroom and instructional quality; (3) a pathway focused on accreditation; and (4) any other pathway regarding updating the QRIS designated by the North Carolina Child Care Commission (Commission).

Allows a child care facility to request to be awarded a star-rated license based on accreditation from a national childhood education accreditation organization if the facility maintains its accreditation and remains in good standing. Sets out provisions governing the issuance of these licenses based on whether the license is three- or five-star rated. For those earning less than five stars, there must be additional opportunities for the facility to increase its star rating. Allows the Commission to reassess an accreditation's star-rating equivalency, or change a rating, or approve additional accreditations from national organizations and determine the equivalency on request. Prohibits the Division from requiring facility with a two- to five-star-rated license to undergo a QRIS reassessment until rules implementing QRIS reform become effective. Effective February 1, 2025, requires that if the Division issues any new license with a rating of two to five stars to a child care facility or any facility that elects to undergo a QRIS assessment based on a program assessment before rules implementing QRIS reform become effective, then the facility must be evaluated using the specified scales. Provides that when the Division issues any new license with a rating of two to five stars to a child care facility or any facility that elects to undergo a QRIS assessment before rules implementing QRIS reform become effective, if the percentage of lead teachers in the facility required to meet the "rated licensed education requirements" criteria is set at 75% for the facility to earn those "education points" toward the facility's star rating, then the Division must lower the threshold to 50% of lead teachers. These provisions expire on the date rules implementing QRIS reform become effective.

Amends GS 110-90 by amending the Secretary of Health and Human Services' powers to issue a license to any child care facility, by requiring that for any facility with a license of two to five stars or any new license issued to a facility with a rating of two to five stars, the rating must be based on program standards and education levels of staff. Sets out factors that must be considered when evaluating program standards and education levels of staff. Also requires providing licensed facilities with a rating of two to five stars with an opportunity to earn recognition for voluntary participation in other quality initiatives or specialties. Makes other conforming and technical changes.

Requires the Commission to adopt, amend, or repeal any rules regarding star-rating reform necessary to implement this act.

Part IX

Amends Section 1.8 of SL 2023-7 by changing the date by which DHHS must stop using the federal health benefit exchange to make Medicaid eligibility determinations to June 30, 2025 (was, no later than 12 months after the date approved by CMS for Medicaid coverage to begin in the State for specified categories of individuals). Makes conforming changes to the section's expiration date.

Part X

Amends Section 4.10 of SL 2023-134 to change the recipient of the \$50 million for the NC Care initiative to a regional behavioral health facility (was, hospital). Amends Section 40.1 of SL 2023-134 by changing the name of the Regional Children's Behavioral Health Facility to the Regional Behavioral Health Facility.

Requires that the \$50 million in funding allocated from the State Capital and Infrastructure Fund to East Carolina University by sued to construct a Regional Behavioral Health facility in Greenville.

Part XI

Amends GS 131E-88, which is effective October 1, 2024, by allowing each hospital licensed under the Hospital Licensure Act that has an emergency department to submit its security risk assessment to DHHS by October 1, 2024, and sets out the times that must be included in the risk assessment, including the proposed budget and timeline for the implementation of the security plan. Specifies that the requirements for the security plan do not apply until June 1, 2025, to a licensed hospital with an emergency department who acts in compliance with this provision. Requires DHHS to keep a list of those hospital submitting a security risk assessment under this provision in addition to a list of those hospitals with a security plan.

Part XII

Amends GS 108D-40 as follows. Requires that the exclusion of prison inmates from the requirement that capitated PHP contracts cover all Medicaid program aid categories continue to apply once the recipient is released from prison for a period that is the shorter of: (1) the recipient's initial Medicaid eligibility certification period post-release, or (2) 365 days. Adds an exclusion from the requirement that capitated PHP contracts cover all Medicaid program aid categories, for recipients residing in carceral settings other than prison and whose Medicaid eligibility has been suspended; upon their release, the exception continues to apply for a period that is the shorter of: (1) the recipient's initial Medicaid eligibility certification period post-release, or (2) 365 days. Effective January 1, 2025.

Amends GS 122C-115 to specify that LME/MCOs operating the BH IDD tailored plans may contract with DHHS to continue management (was, may continue management) of the behavioral health, intellectual and developmental disability, and traumatic brain injury services for any Medicaid recipients who are not enrolled in a BH IDD tailored plan or the CAF specialty plan.

Intro. by Krawiec, Burgin, Corbin.

[GS 7B](#), [GS 108A](#), [GS 108D](#), [GS 110](#), [GS 122C](#), [GS 130A](#), [GS 131E](#), [GS 135](#), [GS 153A](#)

[Courts/Judiciary](#), [Civil](#), [Civil Procedure](#), [Juvenile Law](#), [Abuse, Neglect and Dependency](#), [Criminal Justice](#), [Corrections \(Sentencing/Probation\)](#), [Education](#), [Preschool](#), [Government](#), [State Agencies](#), [Department of Health and Human Services](#), [Local Government](#), [Health and Human Services](#), [Health](#), [Health Care Facilities and Providers](#), [Health Insurance](#), [Mental Health](#), [Social Services](#), [Adult Services](#), [Child Welfare](#), [Public Assistance](#)

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LOCAL/HOUSE BILLS

H 909 (2023-2024) [VARIOUS LOCAL PROVISIONS I. \(NEW\)](#) Filed Apr 24 2024, *AN ACT TO DEANNEX CERTAIN DESCRIBED TERRITORIES; TO ANNEX CERTAIN DESCRIBED TERRITORIES; AND TO MAKE OTHER CHANGES TO VARIOUS LOCAL LAWS.*

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

Section 1

Amends the description of the tracts of land removed from the limits of the Town of Fuquay-Varina.

Adds the following new content.

Section 3

Amends Section 5.14 of SL 1985-861 to require the Board of Alcoholic Beverage Control of the City of Concord to distribute the net profits remaining after the payment of all costs and operating expenses as follows: the first 5% (was, 15%) for law enforcement, and now requires retaining working capital before distributing the remaining 25% to Cabarrus County and 75% to Concord.

Section 4

Effective June 30, 2024, adds to the corporate limits of the City of High Point the property "Samet Drive," recorded in the Guilford County Register of Deeds office, Plat Book 34, Page 37. As of January 1, 2024, the property is subject to municipal taxes for taxable years beginning on or after July 1, 2024.

Section 5

Adds a new section pertaining to the conveyance of real property with restrictions to Article IX of the Charter of the City of High Point, SL 1979-501, permitting the City Council, in addition to other authorized means, to approve the sale, exchange, or transfer of the entirety of or any lesser interest in real property, either by public sale or by negotiated private sale in furtherance of adopted City policies or plans for the area. Allows the City to encumber the property being sold in order to further those policies or plans for the area or to make the sale contingent upon necessary rezoning of the property. Permits the price of the property to reflect any of those restrictions. Allows for conveyances to be made only pursuant to a resolution adopted by the Council after at least ten days' notice. Allows for bids or written proposals, including detailed development and site plans for the purchase of any such property or property interest.

Section 6

Removes specified property from the Kannapolis corporate limits, effective June 30, 2024. Specifies that this has no effect on the validity of any of the City's liens for ad valorem taxes or special assessments outstanding before June 30, 2024, and allows those liens to be collected or foreclosed upon as though the property were still within the City's corporate limits. Exempts property in the described territory as of January 1, 2024, from municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2024.

Section 7

Limits the City of Kings Mountain from exercising any powers of extraterritorial jurisdiction under Article 2 of GS Chapter 160D or its predecessor statute in any area extending more than 1 mile beyond its contiguous corporate limits. Repeals SL 1999-259 (allowing Kings Mountain to extend its jurisdiction to certain areas within two miles of its limits). Effective October 1, 2024.

Section 8

Adds the specified property to the Town of Mount Gilead's corporate limits, effective June 30, 2025. Specifies that property in the specified territory as of January 1, 2025, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2025.

Section 9

Amends Section 9 of SL 1911-233, as amended, as follows. Provides that vacancies on the Stanley Town Council will be filled by appointment of the remaining members of the council for the remainder of the unexpired term, notwithstanding GS 160A-63's provisions pertaining to municipal vacancies. (Currently, Town Council elects members to fill vacancies.) Deletes provisions pertaining to the Town Council's (1) ability to elect members to fill any and all vacancies (either elective or appointive offices) that occur during their time in office; and (2) election and terms of police chief, assistant policemen, town clerk, sanitary officer, city attorney and other town officers deemed necessary to promote the general welfare of the people by the board of aldermen. Makes technical changes. Applies to vacancies occurring after the act becomes law.

Section 10

Removes 41 parcels, as described, from the corporate limits of the Town of Summerfield. Provides a savings clause for the validity of any liens of the Town for outstanding ad valorem taxes or special assessments. Directs that the property described is not subject to any existing or future joint annexation agreement entered into between Summerfield and Greensboro and is not subject to the extraterritorial powers of any municipality. Effective June 30, 2024. Deems property in the described territory as of January 1, 2024, no longer subject to municipal taxes for taxable years beginning on or after July 1, 2024.

Section 11

Removes specified property from Washington's corporate limits. Specifies that the act has no effect upon the validity of any of the City's liens for ad valorem taxes or special assessments outstanding before the effective date of this act; allows the liens to be collected or foreclosed upon after the effective date of this act as though the property were still within the Washington corporate limits.

Effective June 30, 2024. Specifies that property in the removed territory as of January 1, 2024, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2024.

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

Intro. by Paré.

[Beaufort, Cabarrus, Cleveland, Davidson, Forsyth, Gaston, Guilford, Montgomery, Wake](#)

[View summary](#)

[Government, Public Safety and Emergency Management, State Agencies](#)

H 909 (2023-2024) [VARIOUS LOCAL PROVISIONS I. \(NEW\)](#) Filed Apr 24 2024, *AN ACT TO DEANNEX CERTAIN DESCRIBED TERRITORIES; TO ANNEX CERTAIN DESCRIBED TERRITORIES; AND TO MAKE OTHER CHANGES TO VARIOUS LOCAL LAWS.*

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

Makes technical change to organization of act's sections.

Section 3

Makes a clarifying change to Section 5.14 of SL 1985-861 (changing the distribution of the Board of Alcoholic Beverage Control of the City of Concord net profits remaining after the payment of all costs and operating expenses).

Section 11

Makes technical changes to the description of the specified property removed from Washington's corporate limits.

Intro. by Paré.

[Beaufort, Cabarrus, Cleveland, Gaston, Guilford, Montgomery, Wake](#)

[View summary](#)

H 911 (2023-2024) [VARIOUS LOCAL PROVISIONS II. \(NEW\)](#) Filed Apr 24 2024, *AN ACT TO DEANNEX CERTAIN DESCRIBED TERRITORIES; TO ANNEX CERTAIN DESCRIBED TERRITORIES; AND TO MAKE OTHER CHANGES TO VARIOUS LOCAL LAWS.*

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

Adds the following new content and amends the act's titles.

Section 2

Removes the described property from Asheville's corporate limits. Provides that the act has no effect upon the validity of any liens of the City of Asheville for ad valorem taxes or special assessments outstanding before the effective date of this section. Allows those liens to be collected or foreclosed upon after the effective date of this section as though the property were still within Asheville's corporate limits.

Effective June 30, 2024. Specifies that the property in the territory described as of January 1, 2024, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2024.

Section 3

Allows Beaufort to lease the Town's real property that is under its control, along with all littoral and riparian rights, in the area south of Front Street to Taylor Creed, upon terms and conditions determined by the Town's Board of Commissioners (Board), for longer than 10 years as long as it follows the requirements in GS 160A-272 for lease of 10 years or less if the Board determines that the property will not be needed by the Town for the term of the lease. Also allow Beaufort to renew or extend such a lease for longer than 10 years if it follows requirements in GS 160A-272 for lease of 10 years or less if the Board determines that the property will not be needed by the Town for the term of the lease.

Specifies that Section 2 of SL 1981-1199, which required the adoption of a resolution before Beaufort could dispose of or lease the real property donated, given or devised to it under that act, does not apply to the real property described above.

Repeals SL 1979-371, which allowed the public docks, piers and wharf area owned by Beaufort and within the Town's Urban Renewal Area located on the south side of Front Street between Turner and Queen Streets in the Town of Beaufort to be leased or rented upon terms and conditions set by the Board including leases for longer than 10 years if the Board determines that the area will not be needed by the Town for the term of the lease.

Repeals SL 1983-100, which allowed Beaufort to dispose of, or lease for periods longer than 10 years, any or all of the real property owned by the Town within the one-block area more particularly described as bounded on the North by Ann Street, on the West by Queen Street, on the East by Pollock Street, and on the South by Taylor's Creek, upon terms and conditions determined by the Board without complying with Article 12 of GS Chapter 160A.

Section 4

Removes the described property from the corporate limits of Boiling Spring Lakes. Provides that the act has no effect upon the validity of any liens of the City for ad valorem taxes or special assessments outstanding before the effective date of this section. Allows those liens to be collected or foreclosed upon after the effective date of this section as though the property were still within the corporate limits of Boiling Spring Lakes. Specifies that the described property is not subject to any municipality's extraterritorial powers.

Effective June 30, 2024. Specifies that the property in the territory described as of January 1, 2024, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2024.

Section 5

Adds the described property to Edenton's corporate limits. Effective June 30, 2024. Specifies that the property in the territory described as of January 1, 2024, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2024.

Section 6

Requires vacancies in the office of Mayor of Hendersonville to be filled by majority vote of the Hendersonville City Council (Council) from the membership of the Council; requires the successor to serve the remainder of the unexpired term. Requires vacancies on the Council to be filled by a majority vote of the Mayor and remaining members of the Council; requires the successor to serve the remainder of the unexpired term.

Applies to any vacancy occurring on or after the date that this section becomes law and before the Council's organizational meeting following the municipal election for Hendersonville in 2026.

Section 7

Amends GS 160A-58.1(b)(5) by adding Laurel Park to those that are exempt from the cap on satellite annexations.

Section 8

Removes the described property from Newport's corporate limits. Provides that the act has no effect upon the validity of any liens of the Town of Newport for ad valorem taxes or special assessments outstanding before the effective date of this section. Allows those liens to be collected or foreclosed upon after the effective date of this section as though the property were still within Newport's corporate limits.

Effective June 30, 2024. Specifies that the property in the territory described as of January 1, 2024, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2024.

Section 9

Recodifies Section 3.2 of the Northwest City Charter (SL 1993-222), as Section 4.2 of the Charter and makes the following changes. Divides the City into four residency districts for the purpose of conducting elections, with districts 1, 2, and 4 single-member districts and district 3 a two-member district. Requires a candidate for election to the City Council to reside in the district for which they are seeking election.

Amends Section 3.3 of the Charter by removing outdated language and specifying that City Council members are elected to staggered terms.

Specifies that this does not affect the terms of any person selected to the Council in 2021 or 2023 who will continue to hold at-large positions until the end of their terms or when a vacancy occurs.

Requires that members be elected from districts 1, 2, and 4 starting in 2025 and that two members be elected from district 3 starting in 2027.

Section 10

Prohibits Southport from exercising its powers under GS Chapter 160D, or its predecessor, beyond its contiguous corporate limits. Effective July 1, 2024, relinquishes the city's jurisdiction over an area it is regulating under GS 160D-202 (extraterritorial jurisdiction). Once jurisdiction is relinquished, specifies that the city's regulations and powers of enforcement remain in effect until (1) Brunswick County has adopted the regulation or (2) 60 days have passed, whichever is sooner. Allows for Brunswick County to take measures consistent with GS 160D-204 (pending jurisdiction) that may be required to adopt and apply its development regulations for the area at the time it assumes jurisdiction. Specifies that any person who has vested rights in the City of Southport may exercise those rights as if no change of jurisdiction has occurred. Allows Brunswick County to take action pertaining to development that could have been taken by the City of Southport. Specifies that otherwise, any other land use in Brunswick County where the County has acquired jurisdiction is subject to the county's development regulations.

Section 11

Amends Section 2 of SL 2022-34 to change the manner in which appointments are made to the Washington-Warren Airport Authority (Authority) and the composition of its members, as follows. Requires that members' oath of office be filed with the clerk to the board of the Beaufort County Commissioners (Commissioners) in addition to the clerk of the board of the Washington City Council (Council). No longer makes the Council the sole appointing authority and makes conforming changes to the filling of vacancies. Removes the member whose only qualification was that they be a registered voter of Beaufort County and not a registered voter of Wilmington. The Authority will now be comprised of the following seven members:

- One member appointed by the Council who is a registered voter of Washington with experience in aviation or drones, or business management.
- One member appointed by the Commissioners who is a registered voter of Beaufort County and Washington with business management or financial expertise.
- Two members appointed by the Commissioners who are registered voters of the County of Beaufort and not Washington with experience aviation or drones.
- Three members who are registered voters of the County of Beaufort selected and appointed by the remaining members of the Authority.

Repeals Section 16 of SL 2022-34 (establishing the initial and continuing appointment authority of the Council).

Directs that the terms of current members of the Authority will expire October 1, 2024. Upon the expiration of those terms, directs that appointments will be made to the Authority as provided above. After establishing the staggered terms, all terms of office will be for three years as provided in Section 2 of SL 2022-34, as enacted by the act. Sets out the staggered terms. Sets out the process for filling vacancies if they are not filled by the required date and the number of vacancies prevents a quorum from being established.

Section 12

Amends GS 40A-3(b1) by adding Currituck County to those that may exercise eminent domain for the following purposes: (1) opening, widening, extending, or improving roads, streets, alleys, and sidewalks; (2) establishing, extending, enlarging, or improving any of the public enterprises listed in GS 153A-274; (3) establishing, enlarging, or improving parks, playgrounds, and other recreational facilities; (4) establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and systems; (5) establishing, enlarging, or improving hospital facilities, cemeteries, or library facilities; (6) constructing, enlarging, or improving city halls, fire stations, office buildings, courthouse jails and other buildings for use by any department, board, commission, or agency; (7) establishing drainage programs and programs to prevent obstructions to the natural flow of streams, creeks, and natural water channels or improving drainage facilities; (8) acquiring designated historic properties, designated as such before October 1, 1989, or acquiring a designated landmark designated as such on or after October 1, 1989, for which an application has been made for a certificate of appropriateness for demolition, in pursuance of the specified purposes; (9) opening, widening, extending, or improving public wharves; (10) engaging in or participating with other governmental entities in acquiring, constructing, reconstructing, extending, or otherwise building or improving beach erosion control or flood and hurricane protection works, including, but not limited to, the acquisition of any property that may be required as a source for beach renourishment; and (11) establishing access for the public to public trust beaches and appurtenant parking areas. Amends GS 40A-42 by making conforming changes.

Intro. by Gillespie.

[Brunswick, Buncombe, Carteret, Cherokee, Chowan, Currituck, Henderson, GS 40A, GS 160A](#)

[View summary](#)

[Government, Local Government](#)

H 911 (2023-2024) [VARIOUS LOCAL PROVISIONS II. \(NEW\)](#) Filed Apr 24 2024, *AN ACT TO DEANNEX CERTAIN DESCRIBED TERRITORIES; TO ANNEX CERTAIN DESCRIBED TERRITORIES; AND TO MAKE OTHER CHANGES TO VARIOUS LOCAL LAWS.*

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

Section 6

Changes the application date of the act's changes to how mayoral vacancies are filled in the City of Hendersonville to any vacancy filled on or after October 23, 2023 (was, occurring on or after the date that this section becomes law) and before the Council's organizational meeting following the municipal election for Hendersonville in 2026.

Section 9

Makes a technical change.

Adds the following new content:

Section 13

Amends GS 160A-314, to authorize the Town of Woodfin to bill and collect stormwater utility fees in the same manner as property taxes.

Section 14

Creates a new tax district in Pender County consisting of all of Pender County exclusive of the Towns of Burgaw, Surf City, and Topsail Beach, to be called Pender County District P. The District is a body politic and corporate. Provides for the governance of that district by the Pender County Board of Commissioners and county officers.

Authorizes the Pender County District P governing body to levy a room occupancy tax of up to 3%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Requires the Pender County Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the District and the remainder for tourism related expenditures in the District. Makes conforming changes to GS 153A-155.

Section 15

Amends SL 1985-892, as amended, as follows. Allows the McDowell County Board of Commissioners to levy a 3% room occupancy tax on the gross receipts derived from the rental of an accommodation within the county (was, rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county). Removes the exclusion for accommodations furnished by nonprofit charitable, educational, or religious organizations. Specifies that the additional 2% occupancy tax is to be levied, collected, administered, and repealed in accordance with the act (which requires these actions to be in accordance with GS 153A-155, Uniform provisions for room occupancy taxes).

Adds an authorization for the levy of an additional 1% room occupancy tax so long as the 3% occupancy tax and additional 2% occupancy taxes have been levied. Requires this additional occupancy tax to be levied, collected, administered, and repealed in accordance with the act.

Amends the uses of the proceeds of the tax to now require the Tourism Development Authority (Authority) to expend the proceeds for promoting travel and tourism and for tourism-related expenditures. Removes the provision allowing the Authority to contract with an outside entity to advise and assist it in performing its duties.

Intro. by Gillespie.

[Brunswick](#), [Buncombe](#), [Carteret](#), [Cherokee](#), [Chowan](#), [Currituck](#), [Henderson](#), [McDowell](#), [Pender](#), [GS 40A](#), [GS 160A](#)

[View summary](#)

[Government](#), [Tax](#), [Local Government](#)

LOCAL/SENATE BILLS

S 776 (2023-2024) [COMM. COLL. TRUSTEE TERMS/REGION 2](#). 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 2024-7. Enacted June 19, 2024. Effective June 19, 2024.

Intro. by Jarvis, Corbin, Moffitt.

[Cherokee](#), [Clay](#), [Davidson](#), [Davie](#), [Graham](#), [Henderson](#), [Jackson](#), [Macon](#), [Madison](#), [Swain](#)

[View summary](#)

[Education](#), [Higher Education](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 38: EDUCATION OMNIBUS CHANGES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 97: VARIOUS EDUCATION CHANGES. (NEW)

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

H 155: TITLES FOR OFF-ROAD VEH./LOW SPEED VEH. INSP. (NEW)

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Added to Calendar

House: Withdrawn From Cal

House: Placed On Cal For 06/20/2024

H 223: OSHR/VARIOUS SHRA CHANGES.

House: Concurred In S Com Sub

House: Ordered Enrolled

H 263: 2023 APPROPRIATIONS ACT.

House: Amend Failed A1

House: Amend Adopted A2

House: Amend Failed A3

House: Amend Failed A4

House: Amend Failed A5

House: Amend Adopted A6

House: Amend Failed A7

House: Amend Adopted A8

House: Amend Adopted A9

House: Amend Failed A10

House: Amend Adopted A11

House: Amend Adopted A12

House: Amend Failed A13

House: Amend Adopted A14

House: Amend Failed A15

House: Amend Failed A16

House: Amendment Withdrawn A17

House: Amend Adopted A18

House: Amend Failed A19

House: Amend Adopted A20

House: Passed 2nd Reading

H 287: HEALTH CARE OMNIBUS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 309: VARIOUS TRANSPORTATION CHANGES. (NEW)

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

H 317: UNC OMNIBUS.

Senate: Withdrawn From Com

Senate: Re-ref Com On Appropriations/Base Budget

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

House: Concurred In S Com Sub

House: Ordered Enrolled

H 556: TENANCY IN COME-NOTARY/SMALL CLAIMS CHANGES. (NEW)

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 563: HEMP-DERIVED CONSUMABLES/CON SUB CHANGES. (NEW)

Senate: Withdrawn From Com
Senate: Re-ref Com On Judiciary
Senate: Sequential Referral To Rules and Operations of the Senate Added
Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 900: SUBSTITUTE CERTAIN CIHS PARTNERS/WAKE.

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 910: CONFIRM TODD BROWN/SPECIAL SUPERIOR CT. JUDGE.

Senate: Reptd Fav
Senate: Re-ref Com On Select Committee on Nominations

H 971: HUMAN TRAFFICKING CHANGES. (NEW)

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

S 90: SCHOOLS FOR THE DEAF AND BLIND TRANSITION. (NEW)

House: Amend Adopted A1
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Ordered Engrossed
House: Special Message Sent To Senate

S 166: 2024 BLDG. CODE REGULATORY REFORM. (NEW)

Senate: Withdrawn From Com
Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate

S 319: CAPTIVE INSURANCE REVISIONS/ONLINE AUCTIONS. (NEW)

House: Reptd Fav Com Sub 2
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Withdrawn From Cal
House: Placed On Cal For 06/20/2024

S 425: HHS OMNIBUS. (NEW)

House: Reptd Fav Com Substitute
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: Passed 3rd Reading
House: Special Message Sent To Senate

S 790: STATE BAR REVIEW COMMITTEE RECOMMENDATIONS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 802: C-PACE PROGRAM.

House: Passed 1st Reading

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

S 910: CONFIRM JAMES C. GILLEN/INDUSTRIAL COMMISSION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

LOCAL BILLS

H 593: RESTRICT TRUCK LENGTH THROUGH CULLASAJA GORGE.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

H 909: VARIOUS LOCAL PROVISIONS I. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 911: VARIOUS LOCAL PROVISIONS II. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 1061: CREEDMOOR/ANNEXATION & DEANNEXATION.

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received From House

Senate: Passed 1st Reading

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

H 1066: BOILING SPRING LAKES/DEANNEXATION.

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received From House

Senate: Passed 1st Reading

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

S 776: COMM. COLL. TRUSTEE TERMS/REGION 2.

Senate: Ratified

Senate: Ch. SL 2024-7

S 912: ELECTIONS CHANGES FOR WATAUGA ED & COUNTY BDS.

House: Passed 1st Reading

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

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