

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 259
PROPOSED COMMITTEE SUBSTITUTE H259-PCS40275-MHxfap-2

Short Title: 2023 Appropriations Act.

(Public)

Sponsors:

Referred to:

March 6, 2023

A BILL TO BE ENTITLED
AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS
OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.

The General Assembly of North Carolina enacts:

PART I. TITLE AND INTRODUCTION

TITLE OF ACT

SECTION 1.1. This act shall be known as the "Current Operations Appropriations Act of 2023."

INTRODUCTION

SECTION 1.2. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget in accordance with the State Budget Act. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes, and the savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law.

PART II. CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

GENERAL FUND APPROPRIATIONS

SECTION 2.1.(a) Appropriations from the General Fund for the budgets of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for each year of the 2023-2025 fiscal biennium, according to the following schedule:

Current Operations - General Fund	FY 2023-2024	FY 2024-2025
EDUCATION		
North Carolina Community College System		
Requirements	1,873,148,355	1,913,818,332
Less: Receipts	416,344,761	394,844,761
Net Appropriation	1,456,803,594	1,518,973,571
Department of Public Instruction		
Requirements	13,659,993,938	14,125,336,859



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1	Less: Receipts	1,917,598,621	1,850,898,621
2	Net Appropriation	11,742,395,317	12,274,438,238
3			
4	THE UNIVERSITY OF NORTH CAROLINA		
5	East Carolina Univ. - Academic Affairs		
6	Requirements	431,788,788	431,792,843
7	Less: Receipts	167,185,795	167,185,795
8	Net Appropriation	264,602,993	264,607,048
9			
10	East Carolina Univ. - Health Affairs		
11	Requirements	111,910,728	113,341,160
12	Less: Receipts	16,087,770	13,587,770
13	Net Appropriation	95,822,958	99,753,390
14			
15	Elizabeth City State University		
16	Requirements	49,820,539	49,820,539
17	Less: Receipts	3,660,169	3,660,169
18	Net Appropriation	46,160,370	46,160,370
19			
20	Fayetteville State University		
21	Requirements	90,646,751	90,646,751
22	Less: Receipts	11,935,205	11,935,205
23	Net Appropriation	78,711,546	78,711,546
24			
25	Appalachian State University		
26	Requirements	310,481,401	310,056,401
27	Less: Receipts	121,862,419	121,862,419
28	Net Appropriation	188,618,982	188,193,982
29			
30	NC A&T University		
31	Requirements	225,598,043	225,398,043
32	Less: Receipts	87,678,145	87,678,145
33	Net Appropriation	137,919,898	137,719,898
34			
35	NC School of Science and Mathematics		
36	Requirements	45,331,072	45,331,072
37	Less: Receipts	3,291,677	3,291,677
38	Net Appropriation	42,039,395	42,039,395
39			
40	NC State University - Academic Affairs		
41	Requirements	958,204,072	957,804,072
42	Less: Receipts	441,387,357	441,387,357
43	Net Appropriation	516,816,715	516,416,715
44			
45	NC State University - Ag. Research		
46	Requirements	78,078,032	78,078,032
47	Less: Receipts	19,124,784	19,124,784
48	Net Appropriation	58,953,248	58,953,248
49			
50	NC State University - Coop. Extension		
51	Requirements	64,983,558	64,983,558

1	Less: Receipts	20,874,550	20,874,550
2	Net Appropriation	44,109,008	44,109,008
3			
4	North Carolina Central University		
5	Requirements	143,469,077	143,469,077
6	Less: Receipts	51,845,844	51,845,844
7	Net Appropriation	91,623,233	91,623,233
8			
9	UNC at Asheville		
10	Requirements	72,301,113	72,301,113
11	Less: Receipts	21,876,242	21,876,242
12	Net Appropriation	50,424,871	50,424,871
13			
14	UNC at Chapel Hill - Academic Affairs		
15	Requirements	702,503,122	702,503,122
16	Less: Receipts	371,129,533	371,129,533
17	Net Appropriation	331,373,589	331,373,589
18			
19	UNC at Chapel Hill - Area Health Ed.		
20	Requirements	56,271,874	56,271,874
21	Less: Receipts	0	0
22	Net Appropriation	56,271,874	56,271,874
23			
24	UNC at Chapel Hill - Health Affairs		
25	Requirements	370,568,724	369,568,724
26	Less: Receipts	138,758,876	138,758,876
27	Net Appropriation	231,809,848	230,809,848
28			
29	UNC at Charlotte		
30	Requirements	485,592,624	485,592,624
31	Less: Receipts	178,652,793	178,652,793
32	Net Appropriation	306,939,831	306,939,831
33			
34	UNC at Greensboro		
35	Requirements	313,725,257	306,725,257
36	Less: Receipts	105,192,973	105,192,973
37	Net Appropriation	208,532,284	201,532,284
38			
39	UNC at Pembroke		
40	Requirements	121,844,011	121,844,011
41	Less: Receipts	23,662,155	23,662,155
42	Net Appropriation	98,181,856	98,181,856
43			
44	UNC at Wilmington		
45	Requirements	305,131,547	305,131,547
46	Less: Receipts	114,684,281	114,684,281
47	Net Appropriation	190,447,266	190,447,266
48			
49	UNC BOG - Aid to Private Institutions		
50	Requirements	12,209,300	11,209,300
51	Less: Receipts	11,000,000	10,000,000

1	Net Appropriation	1,209,300	1,209,300
2			
3	UNC BOG - Institutional Programs		
4	Requirements	330,238,092	468,940,941
5	Less: Receipts	35,250,000	25,250,000
6	Net Appropriation	294,988,092	443,690,941
7			
8	UNC BOG - Related Ed. Programs		
9	Requirements	632,916,596	660,977,779
10	Less: Receipts	151,187,939	136,187,939
11	Net Appropriation	481,728,657	524,789,840
12			
13	UNC School of the Arts		
14	Requirements	56,488,236	56,488,236
15	Less: Receipts	17,148,612	17,148,612
16	Net Appropriation	39,339,624	39,339,624
17			
18	UNC System Office		
19	Requirements	47,640,384	47,640,384
20	Less: Receipts	259,217	259,217
21	Net Appropriation	47,381,167	47,381,167
22			
23	Western Carolina University		
24	Requirements	184,596,722	182,069,946
25	Less: Receipts	32,007,260	29,507,260
26	Net Appropriation	152,589,462	152,562,686
27			
28	Winston-Salem State University		
29	Requirements	91,945,473	91,945,473
30	Less: Receipts	22,435,103	22,435,103
31	Net Appropriation	69,510,370	69,510,370
32			
33	HEALTH AND HUMAN SERVICES		
34	Aging and Adult Services		
35	Requirements	163,272,079	163,412,080
36	Less: Receipts	110,397,320	110,397,320
37	Net Appropriation	52,874,759	53,014,760
38			
39	Central Management and Support		
40	Requirements	423,105,724	420,683,541
41	Less: Receipts	214,176,544	213,473,068
42	Net Appropriation	208,929,180	207,210,473
43			
44	Child and Family Well-Being		
45	Requirements	594,140,122	593,336,963
46	Less: Receipts	532,996,692	532,996,692
47	Net Appropriation	61,143,430	60,340,271
48			
49	Child Development and Early Education		
50	Requirements	894,347,796	919,437,976
51	Less: Receipts	637,948,539	638,948,539

1	Net Appropriation	256,399,257	280,489,437
2			
3	Health Benefits		
4	Requirements	29,906,768,567	31,478,696,453
5	Less: Receipts	24,492,624,094	25,840,644,328
6	Net Appropriation	5,414,144,473	5,638,052,125
7			
8	Health Services Regulation		
9	Requirements	80,747,833	81,767,529
10	Less: Receipts	56,524,931	56,524,931
11	Net Appropriation	24,222,902	25,242,598
12			
13	Mental Hlth/Dev. Disabl./Subs. Abuse Serv.		
14	Requirements	1,793,919,254	1,760,704,145
15	Less: Receipts	953,746,809	913,966,605
16	Net Appropriation	840,172,445	846,737,540
17			
18	Public Health		
19	Requirements	499,335,449	505,704,390
20	Less: Receipts	350,818,104	350,843,111
21	Net Appropriation	148,517,345	154,861,279
22			
23	Services for the Blind/Deaf/Hard of Hearing		
24	Requirements	45,592,140	45,776,604
25	Less: Receipts	36,258,407	36,261,833
26	Net Appropriation	9,333,733	9,514,771
27			
28	Social Services		
29	Requirements	2,148,348,344	2,153,745,092
30	Less: Receipts	1,925,547,715	1,925,481,577
31	Net Appropriation	222,800,629	228,263,515
32			
33	Vocational Rehabilitation Services		
34	Requirements	185,086,972	184,575,021
35	Less: Receipts	141,566,889	140,253,360
36	Net Appropriation	43,520,083	44,321,661
37			
38	AGRICULTURE, NATURAL, AND ECONOMIC RESOURCES		
39	Agriculture and Consumer Services		
40	Requirements	273,812,668	271,843,083
41	Less: Receipts	101,050,056	101,050,056
42	Net Appropriation	172,762,612	170,793,027
43			
44	Commerce		
45	Requirements	526,021,028	527,827,239
46	Less: Receipts	306,283,455	330,143,455
47	Net Appropriation	219,737,573	197,683,784
48			
49	Environmental Quality		
50	Requirements	302,241,793	293,428,856
51	Less: Receipts	194,077,800	184,088,097

1	Net Appropriation	108,163,993	109,340,759
2			
3	Labor		
4	Requirements	43,587,229	44,481,484
5	Less: Receipts	18,112,941	18,112,941
6	Net Appropriation	25,474,288	26,368,543
7			
8	Natural and Cultural Resources		
9	Requirements	395,891,315	328,801,494
10	Less: Receipts	71,842,950	54,842,950
11	Net Appropriation	324,048,365	273,958,544
12			
13	Wildlife Resources Commission		
14	Requirements	109,831,420	96,923,250
15	Less: Receipts	91,816,959	81,855,762
16	Net Appropriation	18,014,461	15,067,488
17			
18	JUSTICE AND PUBLIC SAFETY		
19	Indigent Defense Services		
20	Requirements	160,815,507	164,473,779
21	Less: Receipts	13,962,679	13,962,679
22	Net Appropriation	146,852,828	150,511,100
23			
24	Department of Public Safety		
25	Requirements	933,228,020	941,033,859
26	Less: Receipts	266,387,023	260,058,598
27	Net Appropriation	666,840,997	680,975,261
28			
29	Department of Adult Correction		
30	Requirements	2,024,197,433	2,086,513,704
31	Less: Receipts	24,612,230	24,612,230
32	Net Appropriation	1,999,585,203	2,061,901,474
33			
34	Administrative Office of the Courts		
35	Requirements	745,800,518	777,720,355
36	Less: Receipts	1,740,166	1,440,166
37	Net Appropriation	744,060,352	776,280,189
38			
39	Department of Justice		
40	Requirements	110,791,800	112,457,293
41	Less: Receipts	45,147,562	45,147,562
42	Net Appropriation	65,644,238	67,309,731
43			
44	GENERAL GOVERNMENT		
45	Administration		
46	Requirements	75,279,178	76,684,070
47	Less: Receipts	11,636,055	11,636,055
48	Net Appropriation	63,643,123	65,048,015
49			
50	Administrative Hearings		
51	Requirements	9,338,519	9,398,421

1	Less: Receipts	1,216,625	1,216,625
2	Net Appropriation	8,121,894	8,181,796
3			
4	Auditor		
5	Requirements	25,627,711	26,247,019
6	Less: Receipts	6,899,163	6,899,163
7	Net Appropriation	18,728,548	19,347,856
8			
9	Budget and Management		
10	Requirements	14,717,001	15,063,843
11	Less: Receipts	1,036,517	1,036,517
12	Net Appropriation	13,680,484	14,027,326
13			
14	Budget and Management - Special Approp.		
15	Requirements	106,450,000	31,250,000
16	Less: Receipts	64,300,000	20,600,000
17	Net Appropriation	42,150,000	10,650,000
18			
19	Controller		
20	Requirements	34,985,281	35,915,783
21	Less: Receipts	875,957	875,957
22	Net Appropriation	34,109,324	35,039,826
23			
24	Elections		
25	Requirements	18,828,040	10,022,800
26	Less: Receipts	5,702,000	102,000
27	Net Appropriation	13,126,040	9,920,800
28			
29	General Assembly		
30	Requirements	90,619,374	93,836,314
31	Less: Receipts	561,000	561,000
32	Net Appropriation	90,058,374	93,275,314
33			
34	Governor		
35	Requirements	7,230,722	7,445,301
36	Less: Receipts	1,000,730	1,000,730
37	Net Appropriation	6,229,992	6,444,571
38			
39	Housing Finance Agency		
40	Requirements	45,660,000	45,660,000
41	Less: Receipts	35,000,000	35,000,000
42	Net Appropriation	10,660,000	10,660,000
43			
44	Human Resources		
45	Requirements	10,765,800	11,084,622
46	Less: Receipts	100,888	100,888
47	Net Appropriation	10,664,912	10,983,734
48			
49	Industrial Commission		
50	Requirements	24,568,466	25,101,419
51	Less: Receipts	12,889,395	13,128,395

1	Net Appropriation	11,679,071	11,973,024
2			
3	Insurance		
4	Requirements	56,972,029	58,718,919
5	Less: Receipts	5,140,347	5,140,347
6	Net Appropriation	51,831,682	53,578,572
7			
8	Lieutenant Governor		
9	Requirements	1,288,938	1,351,383
10	Less: Receipts	0	0
11	Net Appropriation	1,288,938	1,351,383
12			
13	Military and Veterans Affairs		
14	Requirements	10,069,847	10,359,561
15	Less: Receipts	0	0
16	Net Appropriation	10,069,847	10,359,561
17			
18	Revenue		
19	Requirements	188,679,869	190,954,952
20	Less: Receipts	68,502,082	67,432,082
21	Net Appropriation	120,177,787	123,522,870
22			
23	Secretary of State		
24	Requirements	19,450,243	20,115,685
25	Less: Receipts	330,036	330,036
26	Net Appropriation	19,120,207	19,785,649
27			
28	Treasurer		
29	Requirements	59,160,655	59,235,396
30	Less: Receipts	53,819,364	53,836,706
31	Net Appropriation	5,341,291	5,398,690
32			
33	Treasurer - Other Retirement Plans/Benefits		
34	Requirements	22,573,708	22,923,708
35	Less: Receipts	0	0
36	Net Appropriation	22,573,708	22,923,708
37			
38	INFORMATION TECHNOLOGY		
39	Department of Information Technology		
40	Requirements	101,864,010	95,662,780
41	Less: Receipts	27,472,580	20,472,580
42	Net Appropriation	74,391,430	75,190,200
43			
44	RESERVES, DEBT, AND OTHER BUDGETS		
45	General Fund Reserve - Reverting Funds		
46	Requirements	61,064,163	110,584,069
47	Less: Receipts	0	0
48	Net Appropriation	61,064,163	110,584,069
49			
50	Total Requirements	65,173,503,994	67,400,047,305
51	Less: Total Receipts	35,386,244,685	36,497,397,022

1	Total Net Appropriation	29,787,259,309	30,902,650,283
2			
3	SECTION 2.1.(b) For purposes of this act and the Committee Report described in		
4	Section 43.2 of this act, the requirements set forth in this section represent the total amount of		
5	funds, including agency receipts, appropriated to an agency, department, or institution.		
6			
7	GENERAL FUND AVAILABILITY		
8	SECTION 2.2.(a) The General Fund availability derived from State tax revenue,		
9	nontax revenue, and other adjustments used in developing the budget for each year of the		
10	2023-2025 fiscal biennium is as follows:		
11			
12		FY 2023-2024	FY 2024-2025
13	Unappropriated Balance Remaining FY 2022-23	818,331,123	2,640,759,732
14	Anticipated Reversions	500,000,000	300,000,000
15	FY 2022-23 Anticipated Over Collections	3,250,300,000	-
16	H.B. 2: 2022 Budget Technical Corrections	(26,207,523)	-
17	Total, Prior Year-End Fund Balance	4,542,423,600	2,940,759,732
18			
19	Consensus Revenue Forecast		
20	Tax Revenue	31,946,900,000	32,172,800,000
21	Non-Tax Revenue	1,759,500,000	1,475,500,000
22	Total, Tax and Non-Tax Revenue	33,706,400,000	33,648,300,000
23			
24	Revenue Adjustments		
25	Adjustments to Tax Revenue	(200,975,000)	(206,850,000)
26	Adjustments to Non-Tax Revenue	2,762,941	4,556,230
27	Total, Revenue Adjustments	(198,212,059)	(202,293,770)
28			
29	Statutorily Required Reservations of Revenue		
30	Unfunded Liability Solvency Reserve	-	(33,003,750)
31	State Capital and Infrastructure Fund (SCIF)	(1,412,592,500)	(1,461,333,238)
32	Subtotal, Statutorily Required Reservations of Revenue	(1,412,592,500)	(1,494,336,988)
33			
34	Reserves		
35	Clean Water and Drinking Water Reserve	(1,000,000,000)	(1,000,000,000)
36	Regional Economic Development Reserve	(550,000,000)	(550,000,000)
37	State Emergency and Disaster Response Fund	(50,000,000)	(50,000,000)
38	Economic Development Project Reserve	(200,000,000)	(200,000,000)
39	Housing Reserve	(100,000,000)	(100,000,000)
40	Transportation Reserve	(500,000,000)	(500,000,000)
41	Medicaid Contingency Reserve	(400,000,000)	-
42	Retiree Benefit Enhancements Reserve	(610,000,000)	(610,000,000)
43	Additional Transfer to SCIF	(800,000,000)	(500,000,000)
44	NC Innovation Reserve	-	(50,000,000)
45	Subtotal, Reserves	(4,210,000,000)	(3,560,000,000)
46			
47	Revised Total General Fund Availability	32,428,019,041	31,332,428,974
48			
49	Less General Fund Net Appropriations	29,787,259,309	30,902,650,283
50			
51	Unappropriated Balance Remaining	2,640,759,732	429,778,691

1
2 **SECTION 2.2.(b)** In addition to the amount required under G.S. 143C-4-3.1, the
3 State Controller shall transfer to the State Capital and Infrastructure Fund established under
4 G.S. 143C-4-3.1 the sum of eight hundred million dollars (\$800,000,000) in the 2023-2024 fiscal
5 year and five hundred million dollars (\$500,000,000) in the 2024-2025 fiscal year.

6 **SECTION 2.2.(c)** The State Controller shall reserve to the Medicaid Contingency
7 Reserve described in G.S. 143C-4-11 from funds available in the General Fund the sum of four
8 hundred million dollars (\$400,000,000) in nonrecurring funds for the 2023-2024 fiscal year.

9 **SECTION 2.2.(d)** The State Controller shall transfer funds available in the
10 Information Technology Reserve to State agencies and departments for information technology
11 projects in accordance with the following schedule, and the funds transferred are appropriated
12 for the fiscal year in which they are transferred:

State Agency or Department	2023-2024	2024-2025
(1) University of North Carolina (Budget Code: 16012)	\$15,000,000	\$0
(2) Department of Health and Human Services (Budget Code: 14440)	1,578,905	1,578,905
(3) Department of Environmental Quality (Budget Code: 14300)	6,000,000	3,500,000
(4) Department of Public Safety (Budget Code: 14550)	3,000,000	0
(5) General Assembly (Budget Code: 21000)	15,000,000	0
(6) Department of Information Technology (Budget Code: 14660)	3,800,000	3,800,000
(7) Board of Elections (Budget Code: 18025)	5,600,000	0

30
31 **SECTION 2.2.(e)** The State Controller shall reserve to the State Emergency
32 Response and Disaster Relief Fund established in G.S. 166A-19.42 from funds available in the
33 General Fund the sum of fifty million dollars (\$50,000,000) in nonrecurring funds for the
34 2023-2024 fiscal year and the sum of fifty million dollars (\$50,000,000) in nonrecurring funds
35 for the 2024-2025 fiscal year. The State Controller shall transfer funds available in the State
36 Emergency Response and Disaster Relief Fund to State agencies and departments in accordance
37 with the following schedule, and the funds transferred are appropriated for the fiscal year in
38 which they are transferred:

State Agency or Department	2023-2024	2024-2025
(1) Emergency Management (Budget Code: 24552)	\$25,000,000	\$0
(2) DACS–Soil & Water Conservation (Budget Code: 23704)	20,000,000	0
(3) Department of Environmental Quality-Disaster (Budget Code: 24310)	10,987,906	987,906
(4) Wildlife Resources Commission (Budget Code: 14350)	10,000,000	0
(5) Department of Environmental Quality (Budget Code: 14300)	7,500,000	0

1 (6) Office of State Budget and Management-Special
2 Appropriations (Budget Code: 13085) 2,000,000 0
3

4 **SECTION 2.2.(f)** There is established in the General Fund a Retiree Benefit
5 Enhancements Reserve. The State Controller shall reserve to the Retiree Benefit Enhancements
6 Reserve from funds available in the General Fund the sum of six hundred ten million dollars
7 (\$610,000,000) in nonrecurring funds for the 2023-2024 fiscal year and the sum of six hundred
8 ten million dollars (\$610,000,000) in nonrecurring funds for the 2024-2025 fiscal year. The State
9 Controller shall transfer to the Department of State Treasurer the funds needed to provide the
10 cost of living adjustment as provided in Section 39.27 of this act, and the funds transferred are
11 appropriated for the fiscal year in which they are transferred.

12 **SECTION 2.2.(g)** The State Controller shall reserve to the Clean Water and Drinking
13 Water Reserve established in Section 2.2(p) of S.L. 2022-74 from funds available in the General
14 Fund the sum of one billion dollars (\$1,000,000,000) in nonrecurring funds for the 2023-2024
15 fiscal year and the sum of one billion dollars (\$1,000,000,000) in nonrecurring funds for the
16 2024-2025 fiscal year. The State Controller shall transfer to the Department of Environmental
17 Quality the funds reserved in this section in accordance with this act, and the funds transferred
18 are appropriated for the fiscal year in which they are transferred.

19 **SECTION 2.2.(h)** The State Controller shall reserve to the Economic Development
20 Project Reserve established in Section 2.2 of S.L. 2021-180 from funds available in the General
21 Fund the sum of two hundred million dollars (\$200,000,000) in nonrecurring funds for the
22 2023-2024 fiscal year and the sum of two hundred million dollars (\$200,000,000) in nonrecurring
23 funds for the 2024-2025 fiscal year. The State Controller shall transfer funds available in the
24 Economic Development Project Reserve to the Department of Commerce (Budget Code 14600)
25 in the amount of two hundred million dollars (\$200,000,000) for the 2023-2024 fiscal year. Of
26 the funds transferred for the 2023-2024 fiscal year, one hundred fifty million dollars
27 (\$150,000,000) shall be allocated to the North Carolina Megasite Fund established in Section
28 11.11.(b) of S.L. 2022-74, to be used for purposes consistent with that section, and fifty million
29 dollars (\$50,000,000) shall be allocated to the North Carolina Selectsite Fund established in
30 Section 11.12 of this act, for purposes consistent with that section. Of the funds transferred for
31 the 2024-2025 fiscal year, one hundred fifty million dollars (\$150,000,000) shall be allocated to
32 the North Carolina Megasite Fund established in Section 11.11.(b) of S.L. 2022-74, to be used
33 for purposes consistent with that section, and fifty million dollars (\$50,000,000) shall be
34 allocated to the North Carolina Selectsite Fund established in Section 11.12 of this act, for
35 purposes consistent that section. The funds transferred pursuant to this subsection are
36 appropriated for the fiscal year in which they are transferred.

37 **SECTION 2.2.(i)** The State Controller shall reserve to the Housing Reserve
38 established in Section 2.2(k) of S.L. 2022-74 from funds available in the General Fund the sum
39 of one hundred million dollars (\$100,000,000) in nonrecurring funds for the 2023-2024 fiscal
40 year and the sum of one hundred million dollars (\$100,000,000) in nonrecurring funds for the
41 2024-2025 fiscal year. The State Controller shall transfer funds available in the Housing Reserve
42 to the Housing Finance Agency (Budget Code 13010) in the sum of thirty-five million dollars
43 (\$35,000,000) in nonrecurring funds for the 2023-2024 fiscal year and the sum of thirty-five
44 million dollars (\$35,000,000) in nonrecurring funds for the 2024-2025 fiscal year. Funds
45 transferred pursuant to this subsection shall be used in the Workforce Housing Loan Program
46 established in G.S. 122A-15.5, and the funds are appropriated for that purpose.

47 **SECTION 2.2.(j)** There is established in the General Fund a Transportation Reserve.
48 The State Controller shall reserve to the Transportation Reserve from funds available in the
49 General Fund the sum of five hundred million dollars (\$500,000,000) in nonrecurring funds for
50 the 2023-2024 fiscal year and the sum of five hundred million dollars (\$500,000,000) in
51 nonrecurring funds for the 2024-2025 fiscal year. Funds transferred under this subsection are

1 appropriated to the Department of Transportation (Budget Code: 84210) for the fiscal year in
 2 which they are transferred and shall be used in accordance with Part 41 of this act.

3 **SECTION 2.2.(k)** There is established in the General Fund an NCInnovation
 4 Reserve to make funds available to the Department of Commerce to allocate for the purposes set
 5 out in a plan to be developed as described in Section 11.9 of this act. The State Controller shall
 6 reserve to the NCInnovation Reserve from funds available in the General Fund the sum of fifty
 7 million dollars (\$50,000,000) in nonrecurring funds for the 2024-2025 fiscal year. The State
 8 Controller shall transfer funds available in the NCInnovation Reserve to the Department of
 9 Commerce upon the Governor submitting to the General Assembly a determination that the plan
 10 required by Section 11.9 of this act complies with the requirements of that Section, and funds
 11 transferred under this subsection are appropriated for the fiscal year in which they are transferred.

12 **SECTION 2.2.(l)** Section 2.2(j) of S.L. 2022-74 reads as rewritten:

13 "**SECTION 2.2.(j)** There is established in the General Fund a World University Games
 14 Reserve to make funds available to support the State of North Carolina as a host of the ~~2027~~ 2029
 15 World University Games upon an act of appropriation by the General Assembly. The State
 16 Controller shall reserve to the World University Games Reserve from funds available in the
 17 General Fund the sum of twenty-five million dollars (\$25,000,000) in nonrecurring funds for the
 18 2022-2023 fiscal year. Funds in the reserve that have not been appropriated by ~~June 30, 2026,~~ June
 19 30, 2029 shall revert to the General Fund and the World University Games Reserve shall be
 20 eliminated."

21 **SECTION 2.2.(m)** The State Controller shall transfer to the Department of
 22 Commerce the sum of four million dollars (\$4,000,000) in each year of the 2023-2025 fiscal
 23 biennium from the World University Games Reserve, and the funds transferred are appropriated
 24 for the fiscal year in which they are transferred.

25 **SECTION 2.2.(n)** There is established in the General Fund a Regional Economic
 26 Development Reserve. The State Controller shall reserve to the Regional Economic
 27 Development Reserve from funds available in the General Fund the sum of five hundred fifty
 28 million dollars (\$550,000,000) in nonrecurring funds for the 2023-2024 fiscal year and the sum
 29 of five hundred fifty million dollars (\$550,000,000) in nonrecurring funds for the 2024-2025
 30 fiscal year.

31 **SECTION 2.2.(o)** The State Controller shall transfer funds from the Stabilization
 32 and Inflation Reserve established in Section 2.2(q) of S.L. 2022-74 to the State Capital and
 33 Infrastructure Fund the sum of seven hundred fifty million dollars (\$750,000,000) in
 34 nonrecurring funds for the 2023-2024 fiscal year.

35 **SECTION 2.2.(p)** The State Controller shall transfer funds available in the Federal
 36 Infrastructure Match Reserve to agencies and departments as needed to draw down federal funds
 37 in accordance with the following schedule, and the funds transferred are appropriated for the
 38 fiscal year in which the funds are transferred:

	State Agency or Department	2023-2024	2024-2025
42	(1) DEQ – (Budget Code: 24300)	\$1,388,921	\$1,388,921
44	(2) DEQ – (Budget Code: 64311)	3,975,123	8,675,950
46	(3) DEQ – (Budget Code: 64320)	6,605,875	14,417,727

48 **SECTION 2.2.(q)** In accordance with G.S. 143C-4-2(i), the State Controller shall
 49 reserve to the Unfunded Liability Solvency Reserve the sum of thirty-three million three
 50 thousand seven hundred fifty dollars (\$33,003,750) in nonrecurring funds for the 2024-2025
 51 fiscal year.

1 **SECTION 2.2.(r)** The State Controller shall transfer the sum of one hundred million
 2 dollars (\$100,000,000) for the 2023-2024 fiscal year and the sum of fifty-five million six hundred
 3 forty-two thousand one hundred seventy dollars (\$55,642,170) for the 2024-2025 fiscal year from
 4 funds available in the Medicaid Transformation Reserve in the General Fund to the Medicaid
 5 Transformation Fund, established under Section 12H.29 of S.L. 2015-241.

6 **SECTION 2.2.(s)** Except as otherwise specifically provided, nothing in this section
 7 shall be construed as appropriating funds reserved pursuant to this section. Funds reserved
 8 pursuant to this section do not constitute an "appropriation made by law," as that phrase is used
 9 in Section 7(1) of Article V of the North Carolina Constitution.

10
 11 **PART III. HIGHWAY FUND AND HIGHWAY TRUST FUND**

12
 13 **CURRENT OPERATIONS AND EXPANSION/HIGHWAY FUND**

14 **SECTION 3.1.** Appropriations from the State Highway Fund for the maintenance
 15 and operation of the Department of Transportation and for other purposes as enumerated are
 16 made for the fiscal biennium ending June 30, 2025, according to the following schedule:

18 Highway Fund	18 FY 2023-24	18 FY 2024-25
19 Administration	112,105,606	112,105,606
20 Division of Highways		
21 Administration	58,305,975	57,986,424
22 Construction	84,043,078	82,543,078
23 Maintenance	1,869,812,811	2,089,816,673
24 Governor's Highway Safety Program	324,111	324,111
25 OSHA	358,030	358,030
26 Aid to Municipalities	170,375,000	185,875,000
27 Intermodal Divisions		
28 Ferry	86,929,849	90,679,849
29 Public Transportation, Bicycle 30 and Pedestrian	80,710,286	70,710,286
31 Aviation	185,373,306	180,473,306
32 Rail	55,299,938	55,299,938
33 Division of Motor Vehicles	175,796,364	176,121,896
34 Other State Agencies, Reserves, Transfers	55,199,827	76,687,940
35 Capital Improvements	29,819,819	10,571,863
36 Highway Fund Total	\$2,964,454,000	\$3,189,554,000

37
 38 **HIGHWAY FUND AVAILABILITY**

39 **SECTION 3.2.** The Highway Fund availability used in developing the 2023-2025
 40 fiscal biennial budget is shown below:

42 Highway Fund Availability	42 FY 2023-24	42 FY 2024-25
43 Beginning Balance	\$0	\$0
44 Motor Fuels Tax	1,805,200,000	1,827,700,000
45 Licenses and Fees	895,100,000	1,053,300,000
46 Short-Term Lease	116,700,000	121,500,000
47 Investment Income	40,700,000	35,700,000
48 Sales Tax Transfer	104,900,000	160,900,000
49 Adjustments to Availability		
50 Sales Tax Changes	(100,000)	(300,000)
51 Aviation Fuels Tax Changes	0	(11,200,000)

1	Title Fees – Transfer from Highway		
2	Trust Fund	1,954,000	1,954,000
3	Total Highway Fund Availability	\$2,964,454,000	\$3,189,554,000

HIGHWAY TRUST FUND APPROPRIATIONS

SECTION 3.3. Appropriations from the State Highway Trust Fund for construction, for operations of the Department of Transportation, and for other purposes as enumerated are made for the fiscal biennium ending June 30, 2025, according to the following schedule:

10	Highway Trust Fund	FY 2023-24	FY 2024-25
11	Program Administration	142,017,311	242,017,311
12	Bond	121,439,825	121,436,775
13	Turnpike Authority	49,000,000	49,000,000
14	State Ports Authority	45,000,000	45,000,000
15	FHWA State Match	6,070,440	6,176,440
16	Strategic Prioritization Funding		
17	Plan for Transportation Investments	1,940,413,396	1,974,975,474
18	Transfer to Visitor Center	640,000	640,000
19	Highway Trust Fund Total	\$2,304,580,972	\$2,439,246,000

HIGHWAY TRUST FUND AVAILABILITY

SECTION 3.4. The Highway Trust Fund availability used in developing the 2023-2025 fiscal biennial budget is shown below:

25	Highway Trust Fund Availability	FY 2023-24	FY 2024-25
26	Beginning Balance (Unspent Advance		
27	Acquisition Hardship Funds)	\$109,834,972	\$0
28	Highway Use Tax	1,112,400,000	1,160,800,000
29	Motor Fuels Tax	598,900,000	602,500,000
30	Fees	142,100,000	170,900,000
31	Investment Income	28,900,000	25,300,000
32	Sales Tax Transfer	314,700,000	482,600,000
33			
34	Adjustments to Availability		
35	Sales Tax Changes	(300,000)	(900,000)
36	Title Fees – Transfer to Highway Fund	(1,954,000)	(1,954,000)
37	Total Highway Trust Fund Availability	\$2,304,580,972	\$2,439,246,000

PART IV. OTHER AVAILABILITY AND APPROPRIATIONS

OTHER APPROPRIATIONS

SECTION 4.1.(a) State funds, as defined in G.S. 143C-1-1(d)(25), are appropriated for each year of the 2023-2025 fiscal biennium, as follows:

- 44 (1) All budget codes listed in the Governor's Recommended Base Budget for the
45 2023-2025 fiscal biennium, submitted pursuant to G.S. 143C-3-5, are
46 appropriated up to the amounts specified, as adjusted by the General
47 Assembly in this act and as delineated in the Committee Report described in
48 Section 43.2 of this act, or in another act of the General Assembly.
- 49 (2) Agency receipts up to the amounts needed to implement the legislatively
50 mandated salary increases and employee benefit increases provided in this act
51 for each year of the 2023-2025 fiscal biennium.

1 **SECTION 4.1.(b)** Receipts collected in a fiscal year in excess of the amounts
 2 appropriated by this section shall remain unexpended and unencumbered until appropriated by
 3 the General Assembly, unless the expenditure of overrealized receipts in the fiscal year in which
 4 the receipts were collected is authorized by G.S. 143C-6-4. Overrealized receipts are
 5 appropriated in the amounts necessary to implement this subsection.

6 **SECTION 4.1.(c)** Funds may be expended only for the specified programs,
 7 purposes, objects, and line items or as otherwise authorized by the General Assembly.

8
 9 **OTHER RECEIPTS FROM PENDING AWARD GRANTS**

10 **SECTION 4.2.(a)** Notwithstanding G.S. 143C-6-4, State agencies may, with
 11 approval of the Director of the Budget, spend funds received from grants awarded after the
 12 enactment of this act for grant awards that are for less than two million five hundred thousand
 13 dollars (\$2,500,000), do not require State matching funds, and will not be used for a capital
 14 project. State agencies shall report to the Joint Legislative Commission on Governmental
 15 Operations, the chairs of the Senate Committee on Appropriations/Base Budget, the chairs of the
 16 House Appropriations Committee, and the Fiscal Research Division within 30 days of receipt of
 17 such funds.

18 State agencies may spend up to the greater of one percent (1%) or ten million dollars
 19 (\$10,000,000) of the total amount of grants awarded after the enactment of this act to respond to
 20 an emergency, as defined in G.S. 166A-19.3, with the approval of the Director of the Budget.
 21 State agencies shall report to the Joint Legislative Commission on Governmental Operations, the
 22 chairs of the Senate Committee on Appropriations/Base Budget, the chairs of the House
 23 Appropriations Committee, and the Fiscal Research Division within 30 days of receipt of such
 24 funds, including specifying the total amount of grants awarded to respond to the emergency.

25 State agencies may spend all other funds from grants awarded after the enactment of
 26 this act only with approval of the Director of the Budget and after consultation with the Joint
 27 Legislative Commission on Governmental Operations.

28 **SECTION 4.2.(b)** The Office of State Budget and Management shall work with the
 29 recipient State agencies to budget grant awards according to the annual program needs and within
 30 the parameters of the respective granting entities. Depending on the nature of the award,
 31 additional State personnel may be employed on a time-limited basis. Funds received from such
 32 grants are hereby appropriated up to the applicable amount set forth in subsection (a) of this
 33 section and shall be incorporated into the authorized budget of the recipient State agency.

34 **SECTION 4.2.(c)** Notwithstanding the provisions of this section, no State agency
 35 may accept a grant not anticipated in this act if acceptance of the grant would obligate the State
 36 to make future expenditures relating to the program receiving the grant or would otherwise result
 37 in a financial obligation as a consequence of accepting the grant funds.

38
 39 **EDUCATION LOTTERY FUNDS/NEEDS-BASED PUBLIC SCHOOL CAPITAL FUND**
 40 **CHANGES**

41 **SECTION 4.3.(a)** The allocations made from the Education Lottery Fund for the
 42 2023-2025 fiscal biennium are as follows:

	FY 2023-2024	FY 2024-2025
43		
44 Noninstructional Support Personnel	\$431,914,455	\$435,914,455
45 Prekindergarten Program	78,252,110	78,252,110
46 Public School Building Capital Fund	100,000,000	100,000,000
47 Needs-Based Public School Capital Fund	208,252,612	208,252,612
48 Public School Repair & Renovation	50,000,000	50,000,000
49 Scholarship Reserve Fund for Public Colleges		
50 and Universities	41,194,733	41,194,733
51 LEA Transportation	21,386,090	21,386,090

1 **TOTAL ALLOCATION** **\$931,000,000** **\$935,000,000**

2
3 **SECTION 4.3.(b)** Article 38B of Chapter 115C of the General Statutes reads as
4 rewritten:

5 "Article 38B.

6 "Needs-Based Public School Capital Fund.

7 **"§ 115C-546.10. Fund created; purpose; prioritization.**

8 There is created the Needs-Based Public School Capital Fund as an interest-bearing,
9 nonreverting special fund in the Department of Public Instruction. The State Treasurer shall be
10 the custodian of the Needs-Based Public School Capital Fund and shall invest its assets in
11 accordance with the provisions of G.S. 147-69.2 and G.S. 147-69.3. The Department of Public
12 Instruction shall award grants from the Fund to counties to assist with their critical public school
13 building capital needs in accordance with the following priorities:

- 14 (1) Counties designated as development tier one areas.
- 15 (2) Counties with greater need and less ability to generate sales tax and property
16 tax revenue.
- 17 (3) Counties with a high debt-to-tax revenue ratio.
- 18 (4) The extent to which a project will address critical deficiencies in adequately
19 serving the current and future student population.
- 20 (5) Projects with new construction or complete renovation of existing facilities.
- 21 (6) Projects that will consolidate two or more schools into one new facility.
- 22 (7) Counties that have not received a grant under this Article in the previous three
23 years.

24 **"§ 115C-546.11. Matching requirement; use of funds; maximum awards; project review.**

25 (a) An eligible county awarded a grant under this Article shall provide local matching
26 funds from county funds, other non-State funds, or a combination of these sources for the grant
27 as provided in this section. An eligible county is a county with an adjusted market value of taxable
28 real property of less than forty billion dollars (\$40,000,000,000). The adjusted market value of
29 taxable property in a county is equal to the county's assessed taxable real property value, using
30 the latest available data published by the Department of Revenue, divided by the county's sales
31 assessment ratio determined under G.S. 105-289(h). The amount of matching funds for a county
32 awarded a grant shall be published annually by the Department of Public Instruction prior to any
33 application period. The local match requirement applied to the project shall be based on the match
34 requirement effective at the time of the grant award. The local match requirement is calculated
35 as follows:

36 **Adjusted Market Value of Taxable Real Property**

37	38 Over	38 Up to	38 Percentage Match
39	\$0	\$2 billion	0%
40	\$2 billion	\$10 billion	5%
41	\$10 billion	\$20 billion	15%
42	\$20 billion	\$30 billion	25%
43	\$30 billion	\$40 billion	35%

44 (b) Grant funds shall be used only for the construction of new school buildings and
45 additions, repairs, and renovations. Grant funds shall not be used for real property acquisition or
46 for capital improvements to administrative buildings. Grant funds shall be disbursed in a series
47 of payments based on the progress of the project. To obtain a payment, the grantee shall submit
48 a request for payment along with documentation of the expenditures for which the payment is
49 requested and evidence that the matching requirement contained in subsection (a) of this section
50 has been met. No portion of grant funds may be used to acquire a Leadership in Energy and
51 Environmental Design (LEED) certification.

1 (c) Maximum grant award amounts shall be determined as follows:

- 2 (1) Up to ~~thirty~~forty million dollars (~~\$30,000,000~~)(\$40,000,000) for an
3 elementary school.
4 (2) Up to ~~forty~~fifty million dollars (~~\$40,000,000~~)(\$50,000,000) for a middle
5 school or a combination of an elementary and middle school.
6 (3) Up to ~~fifty~~sixty million dollars (~~\$50,000,000~~)(\$60,000,000) for a high
7 school.

8 (d) The Department of Public Instruction shall review projected enrollment to evaluate
9 the reasonableness of a project's size and scope. A county may include in a grant application a
10 minimum grant amount that would enable the project to proceed. A grant application that
11 proposes to consolidate two or more schools by (i) making additions or renovations at one or
12 more school facilities and (ii) closing one or more existing school facilities may be submitted
13 and considered by the Department of Public Instruction as a single project. Each application for
14 a grant under this Article shall be evaluated independent of other grant applications submitted. A
15 county may not apply for projects that exceed an aggregate amount greater than the maximum
16 grant award amounts listed in subsection (c) of this section in any single year. The Department
17 of Public Instruction shall not award a grant to an applicant at less than the requested amount or
18 less than the maximum grant amounts listed in subsection (c) of this section for the purpose of
19 reserving the amount of grant funds available for other grant applications. If a county declines or
20 otherwise forfeits a grant awarded under this section, the Department shall not award additional
21 grants to that county for 24 months from the date the grant award was declined or forfeited.

22 **"§ 115C-546.12. Grant agreement; requirements.**

23 (a) A county receiving grant funds pursuant to this Article shall enter into an agreement
24 with the Department of Public Instruction detailing the use of grant funds. The agreement shall
25 contain at least all of the following:

- 26 (1) A requirement that the grantee seek planning assistance and plan review from
27 the School Planning Section of the Department of Public Instruction.
28 (2) A progress payment provision governing disbursements to the county for the
29 duration of the school construction project based upon the construction
30 progress and documentation satisfactory to the Department that the matching
31 requirement in G.S. 115C-546.11 has been met.
32 (3) A provision requiring periodic reports to the Department of Public Instruction
33 on the use of disbursed grant funds and the progress of the school construction
34 project.
35 (4) A requirement that matching funds paid by the county pursuant to
36 G.S. 115C-546.11 must be derived from non-State and nonfederal funds.
37 (5) A provision requiring repayment in full of awarded grant funds in the event
38 of grant forfeiture.

39 (b) Project construction must be initiated within 18 months of the award of grant funds.
40 The Superintendent of Public Instruction may grant an 18-month extension under extraordinary
41 circumstances.

42 (c) A grant awarded under this section may be forfeited if any of the following occur:

- 43 (1) Project construction is not initiated on time.
44 (2) Project scope changes significantly from what was outlined in the grant
45 agreement.
46 (3) Any statement or information provided in the grant application is later
47 determined to be materially false.
48 (4) Local funding is subsequently decreased from the amount provided in the
49 grant application.

50 **"§ 115C-546.13. Lease exception; requirements.**

1 (a) Notwithstanding any provision of this Article to the contrary, a county may utilize
2 grant funds for a lease agreement if all of the following criteria are met:

3 (1) Ownership of the subject property on which the leased school is constructed
4 shall be retained by the county.

5 (2) The lease agreement shall include a repairs and maintenance provision that
6 requires the landlord to bear the entire expense of all repairs, maintenance,
7 alterations, or improvements to the basic structure, fixtures, appurtenances,
8 and grounds of the subject property for the term of the lease.

9 (3) The lease agreement shall be for a term of at least 15 years and no more than
10 25 years.

11 (4) In lieu of the progress payment requirement provided in G.S. 115C-546.11(b),
12 a county that has entered into a lease agreement shall provide a copy of the
13 lease agreement to the Department of Public Instruction and shall be
14 periodically reimbursed upon submission of documentation satisfactory to the
15 Department that the matching requirement of this section has been met.

16 (b) For the purposes of this section, the term "lease agreement" shall include any ancillary
17 agreements or predevelopment agreements entered into in anticipation of or in accordance with
18 a lease. A lease agreement entered into pursuant to this subsection shall be subject to the
19 requirements of Article 8 of Chapter 159 of the General Statutes. In determining whether the
20 lease agreement is necessary or expedient pursuant to G.S. 159-151(a)(1) and
21 G.S. 159-151(b)(1), the Local Government Commission may consider any other relevant
22 construction and financing methods available to the county.

23 **"§ 115C-546.14. Reporting.**

24 (a) On or before April 1 of each year, a grant recipient shall submit to the Department of
25 Public Instruction an annual report for the preceding year that describes the progress of the
26 project for which the grant was received. The grant recipient shall submit a final report to the
27 Department of Public Instruction within three months of the completion of the project.

28 (b) On or before May 1 of each year, the Department of Public Instruction shall submit a
29 report to the chairs of the Senate Appropriations Committee on Education/Higher Education, the
30 chairs of the House Appropriations Committee on Education, and the Fiscal Research Division.
31 The report shall contain at least all of the following information for the fiscal year:

32 (1) Number, description, and geographic distribution of projects awarded.

33 (2) Total cost of each project and amount supported by the Needs-Based Public
34 School Capital Fund.

35 (3) Projections for local school administrative unit capital needs for the next 30
36 years based upon present conditions and estimated demographic changes.

37 (4) Any legislative recommendations for improving the Needs-Based Public
38 School Capital Fund program."

39 **SECTION 4.3.(c)** The Department of Public Instruction may award additional grant
40 funds for new construction, up to the maximum amounts provided in subsection (a) of this
41 section, to a county that received an award for new construction under G.S. 115C-546.11(c)
42 during the 2022-2023 fiscal year, provided that the county has not yet begun construction on the
43 project. A county seeking additional funding pursuant to this subsection shall request additional
44 funds from the Department in an amount not exceeding ten million dollars (\$10,000,000) by June
45 30, 2024, and shall provide actual bids or other documentation of cost increases satisfactory to
46 the Department based upon the original project scope outlined in the grant agreement to support
47 the requested additional funding. The additional grant awards provided pursuant to this
48 subsection shall be subject to the same local matching requirement applicable when the previous
49 grant was awarded. The Department may amend any existing agreements entered into with grant
50 recipients from the initial grant award to accommodate the increased grant funding provided in
51 this subsection. The Department may award additional grant funds under this subsection outside

of the regular application process and timeline; provided, however, all additional grants funds shall be awarded no later than June 30, 2025.

SECTION 4.3.(d) No later than January 1, 2024, the Department of Public Instruction shall publish guidelines for the Needs-Based Public School Capital Fund program specifying the following:

- (1) The extraordinary circumstances justifying an 18-month extension for the initiation of project construction.
- (2) The criteria to determine if the project scope has changed significantly.
- (3) The criteria to determine material falsehood in an application.
- (4) The timeline for repayment of forfeited grant awards.

INDIAN GAMING EDUCATION REVENUE FUND APPROPRIATIONS

SECTION 4.4.(a) Notwithstanding G.S. 143C-9-7, there is allocated from the Indian Gaming Education Revenue Fund to the Department of Public Instruction, Textbooks, and Digital Resources Allotment, the sum of ten million dollars (\$10,000,000) in the 2023-2024 fiscal year and the sum of ten million dollars (\$10,000,000) in the 2024-2025 fiscal year.

SECTION 4.4.(b) Notwithstanding G.S. 143C-9-7, there is allocated from the Indian Gaming Education Revenue Fund to the State Public School Fund the sum of one million dollars (\$1,000,000) in the 2023-2024 fiscal year and the sum of one million dollars (\$1,000,000) in the 2024-2025 fiscal year to be used for teacher assistants.

CIVIL PENALTY AND FORFEITURE FUND

SECTION 4.5. Allocations are made from the Civil Penalty and Forfeiture Fund for the fiscal biennium ending June 30, 2025, as follows:

	FY 2023-2024	FY 2024-2025
School Technology Fund	\$18,000,000	\$18,000,000
Drivers Education	32,693,768	32,693,768
State Public School Fund	226,041,640	166,041,640
Total Appropriation	\$276,735,408	\$216,735,408

CORONAVIRUS CAPITAL PROJECTS FUND RESERVE TRANSFER ADJUSTMENT

SECTION 4.6. Section 4.12 of S.L. 2021-180 reads as rewritten:

"SECTION 4.12. The State Controller shall transfer the sum of ~~two hundred seventy-seven million sixty thousand eight hundred fifty-five dollars (\$277,060,855)~~ two hundred seventy-three million five hundred eighty-three thousand one hundred seventy-nine dollars (\$273,583,179) to align with the federal award letter received for the 2021-2022 fiscal year from the Coronavirus Capital Projects Reserve, established in Section 2.3 of S.L. 2021-25, to the Coronavirus Capital Projects Fund, established in Section 2.4 of S.L. 2021-25."

GENERAL PROVISIONS FOR AMERICAN RESCUE PLAN ACT OF 2021 FUNDING

SECTION 4.7.(a) Definitions. – The definitions in S.L. 2021-25 and the following definitions apply in this section:

- (1) American Rescue Plan Act or ARPA. – The American Rescue Plan Act of 2021, as defined in S.L. 2021-25.
- (2) ARPA Temporary Savings Fund. – As established in Section 1.3 of S.L. 2023-7
- (3) State Fiscal Recovery Fund. – As established in Section 2.2 of S.L. 2021-25.
- (4) State Fiscal Recovery Reserve. – As established in Section 2.1 of S.L. 2021-25.

SECTION 4.7.(b) Guidance. – OSBM shall work with the recipient State agencies to budget receipts awarded pursuant to ARPA to allow for the tracking of such funds through

1 either separate accounts or fund codes according to the program needs and within the parameters
2 of the respective granting entities and applicable federal laws and regulations. State agencies
3 shall not use funds received pursuant to ARPA for recurring purposes. Depending on the nature
4 of the award, additional State personnel may be employed on a temporary or time-limited basis.

5 **SECTION 4.7.(c) Disbursement.** – OSBM shall allocate State Fiscal Recovery Fund
6 funds to State agencies and departments upon justification from the agency or department and
7 only as needed to implement the provisions of this act. State Fiscal Recovery Fund funds shall
8 be allocated to nonprofit organizations on a quarterly basis unless OSBM determines that cash
9 flow or the nature of the program being funded requires otherwise.

10 **SECTION 4.7.(d) Interest.** – All interest earned on funds held in the State Fiscal
11 Recovery Fund shall be transferred to the State Fiscal Recovery Reserve.

12 **SECTION 4.7.(e) Administration.** – For administrative expenses related to
13 administration of a provision allocating ARPA funds in this act, a State agency may, of ARPA
14 funds allocated to it under this act, use up to the lesser of (i) the amount allowed by federal law
15 or guidance or (ii) ten percent (10%) of ARPA funds allocated to it under this act. When utilizing
16 the authority set forth in this subsection, a State agency shall not reduce funds earmarked in this
17 act, or the Committee Report described in Section 43.2 of this act, for a particular local
18 government project or non-State entity project.

19 **SECTION 4.7.(f) Accounting.** – A State agency receiving State Fiscal Recovery
20 Fund funds shall track such funds separately from other funds by use of either separate accounts
21 or fund codes.

22 **SECTION 4.7.(g) Reports.** – In addition to any report required under this section or
23 any other law, OSBM shall provide a quarterly report to the Senate Committee on
24 Appropriations/Base Budget, the House Appropriations Committee, and the Fiscal Research
25 Division, beginning October 15, 2023, detailing the use of State Fiscal Recovery Fund funds
26 allocated under this act. The report required from OSBM under this section shall include, for the
27 preceding quarter, the amount of funds disbursed to each State agency, State department, and
28 nonprofit organization; the amount of funds remaining to be disbursed to each State agency, State
29 Department, and nonprofit organization; and how the funds were used by each State agency,
30 State department, and nonprofit organization.

31 **SECTION 4.7.(h) Audit.** – The State Auditor shall conduct biennial preliminary
32 financial audits and a final performance audit of the State Fiscal Recovery Fund no later than 90
33 days following the latest date on which expenditures may be made under applicable federal law
34 or guidance.

35 **SECTION 4.7.(i) Reversion.** – The funds appropriated from the State Fiscal
36 Recovery Fund in this act and in prior enactments of the General Assembly shall not revert at the
37 end of each fiscal year of the 2023-2025 fiscal biennium but shall remain available to expend
38 until the date set by applicable federal law or guidance.

39 **SECTION 4.7.(j) Exclusion.** – This section does not apply to funds allocated in this
40 act from the ARPA Temporary Savings Fund or to the Department of Health and Human Services
41 with regards to any federal receipts arising from the enhanced federal medical assistance
42 percentage (FMAP) available to the State under section 9814 of ARPA, or any savings realized
43 as a result of those receipts.

44 **TRANSFER OF FUNDS FROM STATE FISCAL RECOVERY RESERVE.**

45 **SECTION 4.8.(a)** The State Controller shall transfer the sum of sixteen million three
46 hundred thousand dollars (\$16,300,000) for the 2023-2024 fiscal year and eleven million four
47 hundred fifty-two thousand two hundred and six dollars (\$11,452,206) for the 2024-2025 fiscal
48 year from the State Fiscal Recovery Reserve to the State Fiscal Recovery Fund. The State
49 Controller shall transfer funds available in the State Fiscal Recovery Fund as set forth below, and
50 these funds are appropriated for the fiscal year in which they are transferred:
51

	State Agency or Department	2023-2024	2024-2025
1			
2			
3	(1) Department of Information Technology-Digital		
4	Literacy (Budget Code: 14660)	\$16,250,000	\$11,452,206
5	(2) Office of State Budget and Management-Special		
6	Appropriations (Budget Code: 13085)	50,000	0
7			

SECTION 4.8.(b) The State Controller shall transfer funds available in the State Fiscal Recovery Reserve to State agencies and departments in accordance with the following schedule, and the funds transferred are appropriated for the fiscal year in which they are transferred:

	State Agency or Department	2023-2024	2024-2025
12			
13			
14	(1) Department of Information Technology		
15	(Budget Code: 14660)	\$0	\$4,797,794
16	(2) Department of Public Instruction		
17	(Budget Code: 13510)	7,800,000	0
18	(3) Department of Agriculture and Consumer Services		
19	(Budget Code 23704)	4,600,000	0
20	(4) Department of Agriculture and Consumer Services		
21	(Budget Code 63701)	15,000,000	15,000,000
22	(5) Department of Agriculture and Consumer Services		
23	(Budget Code 13700)	25,000,000	25,000,000
24	(6) Department of Commerce		
25	(Budget Code: 14600)	40,000	0
26	(7) Department of Commerce		
27	(Budget Code: 14602)	4,100,000	0
28	(8) Department of Natural and Cultural Resources		
29	(Budget Code: 24820)	15,000,000	0
30	(9) Department of Natural and Cultural Resources		
31	(Budget Code: 14800)	17,000,000	0
32	(10) Department of Natural and Cultural Resources		
33	(Budget Code: 24817)	33,000,000	0
34	(11) Office of State Budget and Management-		
35	Special Appropriations (Budget Code: 13085)	81,500,000	8,000,000
36			

SECTION 4.8.(c) Section 39.2(f) of S.L. 2021-180 reads as rewritten:

"SECTION 39.2.(f) Of the funds appropriated in this act from the State Fiscal Recovery Fund, the sum of five hundred ~~forty-five~~ twenty-two million ~~seven hundred forty-seven thousand seven hundred ninety-four~~ dollars (\$545,000,000) (\$522,747,794) for the 2021-2022 fiscal year is allocated to provide the one-time, lump sum bonuses authorized in this section to State employees and local education employees for work performed during the COVID-19 pandemic."

ARPA TEMPORARY SAVINGS FUND

SECTION 4.9. Funds allocated in this act from the ARPA Temporary Savings Fund established in Section 1.3(a) of S.L. 2023-7 to State agencies and departments are appropriated for the purposes described in those allocations for the fiscal year in which they are allocated. Except as otherwise provided for in this act, these funds shall not revert.

PART V. GENERAL PROVISIONS

1 **UNEXPENDED DIRECTED GRANTS APPROPRIATED IN 2022-2023 FISCAL YEAR**
2 **DO NOT REVERT**

3 **SECTION 5.1.(a)** This section applies to any directed grants appropriated as
4 nonrecurring funds in S.L. 2021-180 for the 2022-23 fiscal year that (i) remain unexpended as of
5 the effective date of this section and (ii) are subject to reversion at the end of the 2022-23 fiscal
6 year. Notwithstanding any provision of law to the contrary, the grants described by this section
7 shall not revert at the end of the 2022-23 fiscal year and shall remain available for expenditure
8 for the purpose for which the funds were appropriated until the earlier of the date the funds are
9 expended or the date the funds revert pursuant to subsection (b) of this section.

10 **SECTION 5.1.(b)** Any funds described in subsection (a) of this section that remain
11 unexpended as of June 30, 2023, shall revert to the appropriate fund at the end of the 2023-24
12 fiscal year.

13 **SECTION 5.1.(c)** This section becomes effective June 30, 2023.
14

15 **ESTABLISHING OR INCREASING FEES**

16 **SECTION 5.2.(a)** Notwithstanding G.S. 12-3.1, an agency is not required to consult
17 with the Joint Legislative Commission on Governmental Operations prior to establishing or
18 increasing a fee to the level authorized or anticipated in this act.

19 **SECTION 5.2.(b)** Notwithstanding G.S. 150B-21.1A(a), an agency may adopt an
20 emergency rule in accordance with G.S. 150B-21.1A to establish or increase a fee as authorized
21 by this act if the adoption of a rule would otherwise be required under Article 2A of Chapter
22 150B of the General Statutes.
23

24 **DIRECTED GRANTS TO NON-STATE ENTITIES**

25 **SECTION 5.3.(a)** Definitions. – For purposes of this act and the Committee Report
26 described in Section 43.2 of this act, the following definitions apply:

27 (1) Directed grant. – Nonrecurring funds allocated by a State agency to a
28 non-State entity as directed by an act of the General Assembly.

29 (2) Non-State entity. – As defined in G.S. 143C-1-1.

30 **SECTION 5.3.(b)** Requirements. – Nonrecurring funds appropriated in this act as
31 directed grants are subject to all of the following requirements:

32 (1) Directed grants are subject to the provisions of subsections (b) through (k),
33 except for subdivision (1) of (f1), of G.S. 143C-6-23.

34 (2) Directed grants of one hundred thousand dollars (\$100,000) or less may be
35 made in a single annual payment in the discretion of the Director of the
36 Budget. Directed grants of more than one hundred thousand dollars
37 (\$100,000) shall be made in quarterly or monthly payments in the discretion
38 of the Director of the Budget. A State agency administering a directed grant
39 shall begin disbursement of funds to a non-State entity that meets all
40 applicable requirements as soon as practicable, but no later than 100 days after
41 the date this act becomes law. Full disbursement of funds to a non-State entity
42 that meets all applicable requirements shall be completed no later than nine
43 months after the date this act becomes law.

44 (3) Beginning on the first day of a quarter following the deadline provided in
45 subdivision (2) of this subsection and quarterly thereafter, State agencies
46 administering directed grants shall report to the Fiscal Research Division on
47 the status of funds disbursed for each directed grant until all funds are fully
48 disbursed. At a minimum, the report required under this subdivision shall
49 include updates on (i) the date of the initial contact, (ii) the date the contract
50 was sent to the entity receiving the funds, (iii) the date the disbursing agency

1 received the fully executed contract back from the entity, (iv) the contract
2 execution date, and (v) the payment date.

3 (4) Notwithstanding any provision of G.S. 143C-1-2(b) to the contrary,
4 nonrecurring funds appropriated in this act for the 2023-2024 fiscal year as
5 directed grants shall not revert until two years after this act becomes law, and
6 nonrecurring funds appropriated in this act for the 2024-2025 fiscal year as
7 directed grants shall not revert until June 30, 2026.

8 (5) Directed grants to nonprofit organizations are for nonsectarian, nonreligious
9 purposes only.

10 **SECTION 5.3.(c)** This section expires on June 30, 2026.

11 **CAP STATE-FUNDED PORTION OF NONPROFIT SALARIES**

12 **SECTION 5.4.** No more than one hundred twenty thousand dollars (\$120,000) in
13 State funds, including any interest earnings accruing from those funds, may be used for the annual
14 salary of any individual employee of a nonprofit organization.

15 **RECOMMENDATION ON PEN-AND-INK SIGNATURES**

16 **SECTION 5.5.** The General Statutes Commission shall review all provisions in the
17 General Statutes that require that documents have pen-and-ink signatures. The Commission may
18 recommend a bill for the 2024 Regular Session of the 2023 General Assembly to allow for both
19 pen-and-ink and electronic signatures, where appropriate.

20 **DISASTER RELIEF AND RECOVERY/MITIGATION/RESILIENCY**

21 **SECTION 5.6.(a)** Recapture of Unused Funds. – The State Controller shall transfer
22 from the following listed agencies to the State Emergency Response and Disaster Relief Fund
23 the sum of sixty million one hundred two thousand five hundred twelve dollars (\$60,102,512)
24 constituting the remaining funds appropriated or allocated in the following sections, as amended:

25 (1) \$52,270,070 from the Department of Agriculture and Consumer Services:

26 a. Section 4.1(10) of S.L. 2016-124.

27 b. Section 1(3) of S.L. 2017-119.

28 c. Funds remaining in the Committee Report as referenced in Section 6.1
29 of S.L. 2018-136.

30 d. Section 1.3(3) of S.L. 2018-138.

31 e. Section 5.9A(c)(2) of S.L. 2021-180.

32 (2) \$3,739,701 from The University of North Carolina System from funds
33 remaining in the Committee Report as referenced in Section 6.1 of S.L.
34 2018-136.

35 (3) \$2,174,372 from the Department of Health and Human Services from funds
36 remaining in the Committee Report as referenced in Section 6.1 of S.L.
37 2018-136.

38 (4) \$700,314 from the Department of Public Safety, Division of Emergency
39 Management:

40 a. Section 4.1(2) of S.L. 2016-124.

41 b. Section 5.6(b)(2)d. of S.L. 2018-5.

42 c. Section 2.1(7)b. of S.L. 2019-224.

43 d. Section 1.2(2)a. of S.L. 2019-250.

44 (5) \$673,613 from the Department of Insurance from funds remaining in the
45 Committee Report as referenced in Section 6.1 of S.L. 2018-136.

46 (6) \$480,846 from the North Carolina Community College System:

47 a. Section 1(4) of S.L. 2017-119.

48 b. Section 5.3(f) of S.L. 2018-136.

1 c. Funds remaining in the Committee Report as referenced in Section 6.1
2 of S.L. 2018-136.

3 d. Section 2.1(1) of S.L. 2019-224.

4 (7) \$59,393 from the Department of Environmental Quality:

5 a. Section 1.3(5) of S.L. 2018-138.

6 b. Section 1.2(9) of S.L. 2019-250.

7 (8) \$4,203 from the North Carolina Office of Recovery and Resiliency from
8 Section 2.1(4)c. of S.L. 2019-224.

9 **SECTION 5.6.(b)** Section 5.9(a) of S.L. 2021-180 reads as rewritten:

10 **"SECTION 5.9.(a)** Allocations. – The funds appropriated in Section 2.2(j) of this act for
11 disaster relief, recovery, mitigation, and resiliency shall be allocated as follows:

12 ...

13 (5) \$25,000,000 to the Office of State Budget and Management for Golden
14 L.E.A.F. (Long-Term Economic Advancement Foundation), Inc., a nonprofit
15 corporation, to establish and administer the Small Project Mitigation and
16 Recovery Program (Program) in accordance with this subdivision. The
17 Program shall disburse grants up to ~~two hundred fifty thousand dollars~~
18 ~~(\$250,000)~~ two million dollars (\$2,000,000) to units of local government for
19 flood mitigation and recovery projects. These funds may be used for planning
20 or as matching funds when applicable.

21"

22 **SECTION 5.6.(c)** Previous Allocations Reversion Modification. – Notwithstanding
23 Sections 5.9(b) and 5.9A(e) of S.L. 2021-180, funds allocated in Sections 5.9 and 5.9A of S.L.
24 2021-180, as amended by Section 1.4 of S.L. 2021-189, Section 1.2 of S.L. 2022-6, and Section
25 5.4 of S.L. 2022-74, shall not revert to the Disaster Relief and Mitigation Fund, but instead shall
26 revert to the State Emergency Response and Disaster Relief Fund. The funds allocated in Section
27 5.9(a)(30)l. of S.L. 2021-180 shall not revert until June 30, 2024. The funds subject to Section
28 5.9A(e) of S.L. 2021-180 shall remain available for expenditure and shall not revert until
29 November 1, 2026.

30 **SECTION 5.6.(d)** Stoney Creek Allocation Transfer. – The State Controller shall
31 transfer the allocation of five million dollars (\$5,000,000) under Section 5.9(a)(23) of S.L.
32 2021-180 for Stoney Creek acquisitions from the North Carolina Office of Recovery and
33 Resiliency to the Department of Environmental Quality for the same purpose.

34 **SECTION 5.6.(e)** Mitigation Buyouts Modification. – The funds allocated to the
35 Department of Public Safety, Office of Recovery and Resiliency (NCORR), under Section
36 2.1(4)a. of S.L. 2019-224, as amended, for mitigation buyouts and other various purposes shall
37 be instead used by NCORR for mitigation buyouts, relocations, rehabilitations, reconstructions,
38 and for the purchase of manufactured housing units in order to serve homeowners and
39 communities affected by Hurricanes Matthew and Florence.

40 **SECTION 5.6.(f)** Allocations. – The funds appropriated in Section 2.2(e) of this act
41 for disaster relief, recovery, mitigation, and resiliency shall be allocated as follows:

42 (1) \$25,000,000 to the Department of Public Safety, Division of Emergency
43 Management, for the Transportation Infrastructure Resiliency Fund.

44 (2) \$20,000,000 to the Department of Agriculture and Consumer Services to be
45 used for the Streamflow Rehabilitation Assistance Program for purposes
46 consistent with Article 6 of Chapter 139 of the General Statutes.

47 (3) \$10,000,000 to the Department of Environmental Quality, Division of Coastal
48 Management, for the Resilient Coastal Communities Program.

49 (4) \$10,000,000 to the Wildlife Resources Commission for the Lake
50 Mattamuskeet outfall canal.

- 1 (5) \$7,500,000 to the Department of Environmental Quality to provide directed
2 grants to North Carolina Coastal Federation, Inc. (Federation), a nonprofit
3 corporation, for the following purposes:
4 a. \$5,000,000 for the Stormwater Retrofit Pilot Cost-Share Program, in
5 accordance with subsection (g) of this section.
6 b. \$2,000,000 for living shoreline projects sponsored by a unit of local
7 government that is or is in a coastal county and matches for federal or
8 private funds provided to the Federation or a unit of local government
9 for those projects.
10 c. \$500,000 for (i) the Federation's Lost Fishery Gear Recovery Program,
11 which employs coastal fishermen and other private partners to remove
12 debris from coastal waters and (ii) the investigation, removal, and
13 disposal of abandoned and derelict vessels in public trust waters of the
14 State located in coastal counties. For purposes of this sub-subdivision,
15 the phrase "abandoned and derelict vessel" has the meaning set forth
16 in subdivision 2.1(10) of S.L. 2019-224, as rewritten by Section 4 of
17 S.L. 2020-74. The Federation may use these funds to contract with any
18 federal or State agency or unit of local government or to match federal
19 grant funds.
- 20 (6) \$1,975,812 to the Department of Environmental Quality to provide funding
21 across the fiscal biennium for six time-limited positions to implement the
22 Flood Resiliency Blueprint as set forth in Section 5.9(c) of S.L. 2021-180, as
23 amended.
- 24 (7) \$1,000,000 to the Office of State Budget and Management to provide a grant
25 to the North Carolina Insurance Underwriting Association for the Coastal
26 Resilient Roof Grant Pilot Program, consistent with the purposes set forth in
27 Section 5.9(i) of S.L. 2021-180.
- 28 (8) \$1,000,000 to the Office of State Budget and Management to provide a
29 directed grant to the North Carolina Resource Conservation and Development
30 Association for flood mitigation projects.

31 **SECTION 5.6.(g)** Stormwater Retrofit Pilot Cost-Share Program. – The North
32 Carolina Coastal Federation, Inc., a nonprofit corporation, shall establish the Stormwater Retrofit
33 Pilot Cost-Share Program. The Federation shall adopt guidelines to administer the Program and
34 consult with the Department of Environmental Quality in the development of the Program. The
35 purpose of the Program is to provide grants to eligible permittees. Grants are limited to
36 stormwater permittees who demonstrate that they would experience a significant economic
37 hardship based on such factors as the Department of Environmental Quality may specify in
38 financing upgrades and repairs to their stormwater control measures to meet the more stringent
39 of (i) current standards if the permittee was building a new system or (ii) the terms of the permit.
40 The Coastal Federation shall report to the chairs of the Joint Legislative Oversight Committee on
41 Agriculture and Natural and Economic Resources by March 1, 2024, on the implementation of
42 this Program. The report shall include, at a minimum, the continued need for the pilot program
43 to operate through the 2024-2025 fiscal year and whether the Program should be expanded or
44 terminated.

45 **SECTION 5.6.(h)** Allocation Reporting Requirements. – The Office of State Budget
46 and Management shall report to the chairs of the House Appropriations Committee on
47 Agriculture and Natural and Economic Resources and Senate Appropriations Committee on
48 Agriculture, Natural, and Economic Resources and to the Fiscal Research Division of the General
49 Assembly on the implementation of this section on a quarterly basis and shall also provide any
50 additional reports or information requested by the Fiscal Research Division. Each report required
51 by this section shall include information about all funds expended or encumbered pursuant to this

1 section as of the date of the report, regardless of which State agency, federal agency, or non-State
 2 entity administers the funds. Non-State entities that administer or receive any funds appropriated
 3 in this section shall assist and fully cooperate with the Office of State Budget and Management
 4 in meeting the Office's obligations under this section.

5 **SECTION 5.6.(i) Limitation on Funds.** – The Governor may not use the funds
 6 described in this section to make budget adjustments under G.S. 143C-6-4 or to make
 7 reallocations under G.S. 166A-19.40(c). Nothing in this section shall be construed to prohibit the
 8 Governor from exercising the Governor's authority under these statutes with respect to funds
 9 other than those described in this section.

10 The Governor shall also ensure that funds allocated in this section are expended in a
 11 manner that does not adversely affect any person's or entity's eligibility for federal funds that are
 12 made available, or that are anticipated to be made available, as a result of natural disasters. The
 13 Governor shall also, to the extent practicable, avoid using State funds to cover costs that will be,
 14 or likely will be, covered by federal funds.

15 STATE BUDGET ACT/FUNDS CARRYFORWARD

16 **SECTION 5.7.(a) G.S. 143C-1-1 reads as rewritten:**

17 **"§ 143C-1-1. Purpose and definitions.**

18 ...

19 (d) Definitions. – The following definitions apply in this Chapter:

20 (1) Appropriation. – An enactment by the General Assembly authorizing the
 21 withdrawal of money from the State treasury. An enactment by the General
 22 Assembly that authorizes, specifies, or otherwise provides that funds may be
 23 used for a particular purpose is not an appropriation.

24 ...

25 (6a) Carryforward. – The balance of a General Fund operating budget
 26 appropriation which would otherwise revert at the close of the fiscal year but
 27 instead is made available in the succeeding fiscal year as is specified in law or
 28 to liquidate an encumbrance of the prior fiscal year. Funds may not be carried
 29 forward for any other purpose.

30 ...

31 (12) Encumbrance. – A financial obligation created by a purchase order, contract,
 32 ~~salary commitment~~, unearned or prepaid collections for services provided by
 33 the State, or other legally binding agreement.

34"

35 **SECTION 5.7.(b) Part 1 of Article 6 of Chapter 143C of the General Statutes is**
 36 **amended by adding a new section to read:**

37 **"§ 143C-6-4.1. Carryforward of funds.**

38 (a) Unless otherwise specified by law, funds carried forward at the end of the fiscal year
 39 may only be spent in the succeeding fiscal year for the purpose for which they were carried
 40 forward. Carryforward funds that have not been liquidated in the year in which they were carried
 41 forward shall revert at the end of the fiscal year.

42 (b) Unless otherwise specified by law, funds carried forward under this authorization may
 43 not be transferred, or otherwise moved, out of the General Fund.

44 (c) Funds carried forward to support encumbrances are subject to cash availability."

45 MEDICAL FREEDOM/COVID-19 VACCINATIONS

46 **SECTION 5.8.(a) Article 10 of Chapter 143 of the General Statutes is amended by**
 47 **adding a new section to read:**

48 **"§ 143-162.6. Discrimination against persons based on refusal of COVID-19 vaccination**
 49 **and exemption.**

1 (a) No State agency, city, county, or political subdivision of the State shall deny or refuse
2 employment to any person or discharge any person from employment due to the person's refusal
3 to provide proof of a COVID-19 vaccination or the person's refusal to submit to a COVID-19
4 vaccination or a series of COVID-19 vaccinations, unless the exemption in subsection (c) of this
5 section applies. This section shall not be construed to prevent the person from being discharged
6 for cause. As used in this section, the term "COVID-19" means the coronavirus disease of 2019.

7 (b) No State agency, city, county, or political subdivision of the State shall discriminate
8 or take any retaliatory action against an employee because the employee in good faith does or
9 threatens to file a claim or complaint; initiate any inquiry, investigation, inspection, proceeding,
10 or other action; or testify or provide information to any person with respect to the provisions of
11 subsection (a) of this section.

12 (c) An exemption to subsections (a) and (b) of this section applies to the following:

13 (1) Any employee, vendor, volunteer, trainee, or student that is required by a
14 facility certified by the Centers for Medicare and Medicaid Services to show
15 proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination
16 or COVID-19 series of vaccinations.

17 (2) An employee employed by any entity that receives federal funding if
18 complying with subsection (a) or (b) of this section would result in the loss of
19 that federal funding.

20 (3) An employee employed by the Department of Health and Human Services in
21 the Division of State Operated Healthcare Facilities if the Department requires
22 the COVID-19 vaccination or series of vaccinations for that employee."

23 **SECTION 5.8.(b)** Part 2 of Article 6 of Chapter 130A of the General Statutes is
24 amended by adding a new section to read:

25 **"§ 130A-158.3. COVID-19 vaccination requirement prohibited; exemption.**

26 (a) Notwithstanding any provision of this Chapter or Chapter 166A of the General
27 Statutes to the contrary, no State or local public health agency or public health official may
28 require any person, including an applicant for employment or an employee, to provide proof of
29 a COVID-19 vaccination or to submit to a COVID-19 vaccination or series of COVID-19
30 vaccinations unless the exemption in subsection (b) of this section applies. For purposes of this
31 section, the following definitions apply:

32 (1) Applicant for employment. – Any person who seeks to be permitted, required,
33 or directed by a State or local public health agency, or any person employed
34 by a State or local public health agency, to engage in employment in
35 consideration of direct or indirect gain or profit.

36 (2) COVID-19. – The coronavirus disease of 2019.

37 (3) Employee. – Any individual employed by a State or local public health
38 agency.

39 (4) State or local public health agency. – Includes the following:

40 a. The Department or any of its divisions.

41 b. The Commission for Public Health or any district created by the
42 Commission pursuant to subsection (d) of G.S. 130A-29.

43 c. A local health department as defined in subdivision (5) of
44 G.S. 130A-2.

45 (5) State or local public health official. – Includes the following:

46 a. The Secretary or a designee.

47 b. The State Health Director or a designee.

48 c. The head of any State or local public health agency or a designee.

49 (b) An exemption to subsection (a) of this section applies to the following:

50 (1) Any employee, vendor, volunteer, trainee, or student that is required by a
51 facility certified by the Centers for Medicare and Medicaid Services to show

1 proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination
2 or COVID-19 series of vaccinations.

3 (2) An employee employed by any entity that receives federal funding if
4 complying with subsection (a) of this section would result in the loss of that
5 federal funding.

6 (3) An employee employed by the Department of Health and Human Services in
7 the Division of State Operated Healthcare Facilities if the Department requires
8 the COVID-19 vaccination or series of vaccinations for that employee."

9 **SECTION 5.8.(c)** Article 23 of Chapter 153A of the General Statutes is amended by
10 adding a new section to read:

11 **"§ 153A-461. COVID-19 vaccination requirement prohibited; exemption.**

12 (a) No county may require any person, including an applicant for employment or an
13 employee, to provide proof of a COVID-19 vaccination or to submit to a COVID-19 vaccination
14 or a series of COVID-19 vaccinations, unless the exemption in subsection (b) of this section
15 applies. For purposes of this section, the following definitions apply:

16 (1) Applicant for employment. – Any person who seeks to be permitted, required,
17 or directed by a county or any person employed by a county to engage in
18 employment in consideration of direct or indirect gain or profit.

19 (2) COVID-19. – The coronavirus disease of 2019.

20 (3) Employee. – As defined in G.S. 153A-99(b)(1).

21 (b) An exemption to subsection (a) of this section applies to the following:

22 (1) Any employee, vendor, volunteer, trainee, or student that is required by a
23 facility certified by the Centers for Medicare and Medicaid Services to show
24 proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination
25 or COVID-19 series of vaccinations.

26 (2) An employee employed by any entity that receives federal funding if
27 complying with subsection (a) of this section would result in the loss of that
28 federal funding.

29 (3) An employee employed by the Department of Health and Human Services in
30 the Division of State Operated Healthcare Facilities if the Department requires
31 the COVID-19 vaccination or series of vaccinations for that employee."

32 **SECTION 5.8.(d)** Article 21 of Chapter 160A of the General Statutes is amended
33 by adding a new section to read:

34 **"§ 160A-499.6. COVID-19 vaccination; requirement prohibited and exemption.**

35 (a) No city may require any person, including an applicant for employment or an
36 employee, to provide proof of a COVID-19 vaccination or to submit to a COVID-19 vaccination
37 or a series of COVID-19 vaccinations, unless the exemption in subsection (b) of this section
38 applies. For purposes of this section, the following definitions apply:

39 (1) Applicant for employment. – Any person who seeks to be permitted, required,
40 or directed by a city or any person employed by a city to engage in
41 employment in consideration of direct or indirect gain or profit.

42 (2) COVID-19. – The coronavirus disease of 2019.

43 (3) Employee. – As defined in G.S. 160A-169(b)(1).

44 (b) An exemption to subsection (a) of this section applies to the following:

45 (1) Any employee, vendor, volunteer, trainee, or student that is required by a
46 facility certified by the Centers for Medicare and Medicaid Services to show
47 proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination
48 or COVID-19 series of vaccinations.

49 (2) An employee employed by any entity that receives federal funding if
50 complying with subsection (a) of this section would result in the loss of that
51 federal funding.

1 (3) An employee employed by the Department of Health and Human Services in
2 the Division of State Operated Healthcare Facilities if the Department requires
3 the COVID-19 vaccination or series of vaccinations for that employee."

4 **SECTION 5.8.(e)** G.S. 130A-152 reads as rewritten:

5 **"§ 130A-152. Immunization required.**

6 (a) Every child present in this State shall be immunized against diphtheria, tetanus,
7 whooping cough, poliomyelitis, red measles (rubeola) and rubella. In addition, except as
8 provided in subsection (f) of this section, every child present in this State shall be immunized
9 against any other disease upon a determination by the Commission that the immunization is in
10 the interest of the public health. Every parent, guardian, person in loco parentis and person or
11 agency, whether governmental or private, with legal custody of a child shall have the
12 responsibility to ensure that the child has received the required immunization at the age required
13 by the Commission. If a child has not received the required immunizations by the specified age,
14 the responsible person shall obtain the required immunization for the child as soon as possible
15 after the lack of the required immunization is determined.

16 ...

17 (f) Notwithstanding this section or other applicable State law, the Commission for Public
18 Health, public school units, community colleges, and constituent institutions of The University
19 of North Carolina are prohibited from requiring a student to provide proof of vaccination against
20 the coronavirus disease of 2019 (COVID-19) or to submit to a COVID-19 vaccination or series
21 of COVID-19 vaccinations unless the requirement for vaccination or proof of vaccination is
22 required for participating in a program of study, or fulfilling education requirements for a
23 program, that requires working, volunteering, or training in a facility certified by the Centers for
24 Medicare and Medicaid Services."

25 **SECTION 5.8.(f)** This section becomes effective January 1, 2024.

26
27 **PART VI. COMMUNITY COLLEGE SYSTEM**

28
29 **SURRY COMMUNITY COLLEGE NORTHERN REGIONAL HOSPITAL MOU**

30 **SECTION 6.1.** Of the funds appropriated in this act from the General Fund to the
31 Community Colleges System Office for the 2023-2024 fiscal year, the System Office shall
32 allocate the sum of one million dollars (\$1,000,000) in recurring funds to Surry Community
33 College to enter into a memorandum of understanding (MOU) with Northern Regional Hospital
34 in Mount Airy, North Carolina, to train and employ up to eight licensed nurse educators each
35 year. Nurse educators employed by Northern Regional Hospital with these funds shall provide
36 clinical instruction services for nursing students on a full-time basis for affiliated nursing
37 programs.

38
39 **HIGH-COST WORKFORCE PROGRAMS START-UP FUNDS**

40 **SECTION 6.2.(a)** Establishment of the Fund. – Of the funds appropriated in this act
41 from the ARPA Temporary Savings Fund to the Community Colleges System Office for the
42 2023-2025 fiscal biennium, the System Office shall establish the Fund for High-Cost Workforce
43 Programs (Fund). The Fund shall be used to assist community colleges in starting new programs
44 in high-demand career fields that require significant start-up funds. Monies shall be allocated
45 from the fund in each fiscal year of the 2023-2025 fiscal biennium for high-demand career fields
46 offered at community colleges as follows:

47 (1) Up to ten million dollars (\$10,000,000) for nursing programs.

48 (2) Any remaining funds for Tier 1A and Tier 1B programs.

49 **SECTION 6.2.(b)** Applications. – The System Office shall establish an application
50 process for community colleges to apply for awards from the Fund no later than the beginning of
51 each fiscal year of the 2023-2025 fiscal biennium. To be eligible to receive funds, colleges shall

1 submit to the System Office a completed application, which shall include at least the following
2 information:

- 3 (1) A description of the proposed new program requiring start-up funds.
- 4 (2) Documentation of industry demand for the program or documentation of
5 future local, regional, or statewide employment needs that will be met by the
6 program.
- 7 (3) Total cash cost to start the program and maintain the program over two fiscal
8 years.
- 9 (4) A plan for the fiscal sustainability of the new program.

10 **SECTION 6.2.(c) Limitation on the Use of Funds.** – A community college may only
11 apply for the award of funds to support one new program in each fiscal year. Funds shall remain
12 available to the community college for a period of two fiscal years. The award of funds to a
13 community college from the Fund shall not exceed one million dollars (\$1,000,000).

14 **SECTION 6.2.(d) Matching Funds.** – A community college shall be required to
15 match a percentage of the total cash cost of the program with non-State funds based on a college's
16 total full-time equivalents (FTE) according to the following:

- 17 (1) Community colleges with a total FTE of greater than 6,500 shall be required
18 to match fifteen percent (15%) of the cost.
- 19 (2) Community colleges with a total FTE between 2,500 and 6,500 shall be
20 required to match ten percent (10%) of the cost.
- 21 (3) Community colleges with a total FTE below 2,500 shall be required to match
22 five percent (5%) of the cost.

23 **SECTION 6.2.(e) Administration.** – The System Office may adopt any regulations,
24 policies, or procedures regarding the application process, use of funds, eligibility requirements,
25 and any other rules necessary related to the administration of the Fund. The System Office may
26 use up to one hundred thousand dollars (\$100,000) each fiscal year for administrative costs for
27 establishing and implementing the program.

28 **SECTION 6.2.(f) Report.** – The System Office shall submit an initial report to the
29 Joint Legislative Education Oversight Committee by December 1, 2024, and an annual report
30 thereafter for each year the System Office provides funds to community colleges from the Fund
31 on the programs receiving the funds, which shall include at least the following information:

- 32 (1) The community colleges that received funds, the amount of funds, and the
33 types of programs started.
- 34 (2) The use of funds by community colleges receiving awards, including costs
35 associated with student instruction, faculty salaries, instructional supplies,
36 related instructional equipment, and accreditation costs.
- 37 (3) Evaluation of the success of the new community college programs receiving
38 funds.

40 **REPORT ON CERTAIN RECURRING PROGRAMS**

41 **SECTION 6.3.** Article 4A of Chapter 115D of the General Statutes is amended by
42 adding a new section to read:

43 **"§ 115D-58.17. Report on certain recurring programs.**

44 (a) No later than February 15, 2024, and annually thereafter, the State Board of
45 Community Colleges shall report to the Joint Legislative Education Oversight Committee on
46 outcomes related to the following recurring programs:

- 47 (1) Minority male mentoring programs, including the Minority Male Success
48 Initiative.
- 49 (2) The Rowan-Cabarrus Community College Biotechnology Training Center
50 and Greenhouse at the North Carolina Research Campus in Kannapolis.

1 (b) Each report required pursuant to this section shall include at least the following
2 information from the prior fiscal year:

- 3 (1) Program activities, objectives, and accomplishments.
4 (2) Itemized expenditures and fund sources.
5 (3) The impact of the program on its intended purpose."

6
7 **PERMIT STATE BOARD OF COMMUNITY COLLEGES TO WAIVE FEES FOR**
8 **WORKFORCE CONTINUING EDUCATION PROGRAMS**

9 **SECTION 6.4.(a)** G.S. 115D-5(b) reads as rewritten:

10 (b) In order to make instruction as accessible as possible to all citizens, the teaching of
11 curricular courses and of noncurricular extension courses at convenient locations away from
12 institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata
13 portion of the established regular tuition rate charged a full-time student shall be charged a
14 part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of
15 Community Colleges shall establish a uniform registration fee, or a schedule of uniform
16 registration fees, to be charged students enrolling in extension courses for which instruction is
17 financed primarily from State funds. The State Board of Community Colleges may provide by
18 general and uniform regulations for waiver of tuition and registration fees for the following:

- 19 (1) Persons not enrolled in elementary or secondary schools taking courses
20 leading to a high school diploma or equivalent certificate.
21 (2) Courses requested by the following entities that support the organizations'
22 training needs and are on a specialized course list approved by the State Board
23 of Community Colleges:
24 a. Volunteer fire departments.
25 b. Municipal, county, or State fire departments.
26 c. Volunteer EMS or rescue and lifesaving departments.
27 d. Municipal, county, or State EMS or rescue and lifesaving departments.
28 D1. Law enforcement, fire, EMS or rescue and lifesaving entities serving
29 a lake authority that was created by a county board of commissioners
30 prior to July 1, 2012.
31 e. Radio Emergency Associated Communications Teams (REACT)
32 under contract to a county as an emergency response agency.
33 f. Municipal, county, or State law enforcement agencies.
34 F1. Campus police agencies of private institutions of higher education
35 certified by the Attorney General pursuant to Chapter 74G of the
36 General Statutes.
37 g. The Division of Prisons of the Department of Adult Correction and the
38 Division of Juvenile Justice of the Department of Public Safety for the
39 training of full-time custodial employees and employees of the
40 Divisions required to be certified under Article 1 of Chapter 17C of
41 the General Statutes and the rules of the Criminal Justice and Training
42 Standards Commission.
43 h. Repealed by Session Laws 2017-186, s. 2(hhhhh), effective December
44 1, 2017.
45 i. The Eastern Band of Cherokee Indians law enforcement, fire, EMS or
46 rescue and lifesaving tribal government departments or programs.
47 j. The Criminal Justice Standards Division of the Department of Justice
48 for the training of criminal justice professionals, as defined in
49 G.S. 17C-20(6), who are required to be certified under (i) Article 1 of
50 Chapter 17C of the General Statutes and the rules of the North
51 Carolina Criminal Justice Education and Training Standards

1 Commission or (ii) Chapter 17E of the General Statutes and the rules
2 of the North Carolina Sheriffs' Education and Training Standards
3 Commission. The waivers provided for in this sub-subdivision apply
4 to participants and recent graduates of the North Carolina Criminal
5 Justice Fellows Program to obtain certifications for eligible criminal
6 justice professions as defined in G.S. 17C-20(6).

7 (2a) Firefighters, EMS personnel, and rescue and lifesaving personnel whose duty
8 station is located on a military installation within North Carolina for courses
9 that support their organizations' training needs and are approved for this
10 purpose by the State Board of Community Colleges.

11 (3) Repealed by Session Laws 2011-145, s. 8.12(a), effective July 1, 2011.

12 (4) Trainees enrolled in courses conducted under the Customized Training
13 Program.

14 (5) through (9) Repealed by Session Laws 2011-145, s. 8.12(a), effective July 1,
15 2011.

16 (10) Elementary and secondary school employees enrolled in courses in first aid or
17 cardiopulmonary resuscitation (CPR).

18 (11) Repealed by Session Laws 2013-360, s. 10.6, effective July 1, 2013.

19 (12) All courses taken by high school students at community colleges, in
20 accordance with G.S. 115D-20(4) and this section.

21 (13) Human resources development courses for any individual who (i) is
22 unemployed; (ii) has received notification of a pending layoff; (iii) is working
23 and is eligible for the Federal Earned Income Tax Credit (FEITC); or (iv) is
24 working and earning wages at or below two hundred percent (200%) of the
25 federal poverty guidelines.

26 (14) Repealed by Session Laws 2011-145, s. 8.12(a), effective July 1, 2011.

27 (15) Courses providing employability skills, job-specific occupational or technical
28 skills, or developmental education instruction to certain students who are
29 concurrently enrolled in an eligible community college literacy course, in
30 accordance with rules adopted by the State Board of Community Colleges.

31 (16) Courses provided to students who are participating in a pre-apprenticeship or
32 apprenticeship program that meets all of the following criteria:

33 a. Meets one of the following:

34 1. Is a registered apprenticeship program recognized by the
35 United States Department of Labor.

36 2. Is a pre-apprenticeship program recognized and approved by
37 the State agency administering the statewide apprenticeship
38 program.

39 b. Has a documented plan of study with courses relating to a job-specific
40 occupational or technical skill.

41 c. Requires the participants in the program to be North Carolina high
42 school students when entering the program.

43 (17) Courses provided to students in workforce continuing education programs.

44 The State Board of Community Colleges shall not waive tuition and registration fees for other
45 individuals."

46 **SECTION 6.4.(b)** Beginning in the 2024-2025 fiscal year, the Community Colleges
47 System Office shall incorporate any losses in estimated receipts resulting from the waiver
48 provided pursuant to subsection (a) of this section into its enrollment funding model without
49 reducing its total requirements.

50

1 **NC COMMUNITY COLLEGE SHORT-TERM WORKFORCE DEVELOPMENT**
2 **GRANTS**

3 **SECTION 6.5.** Article 1 of Chapter 115D of the General Statutes is amended by
4 adding a new section to read:

5 **"§ 115D-5.1A. Short-Term Workforce Development Grant Program.**

6 (a) Program Established. – There is established the North Carolina Community College
7 Short-Term Workforce Development Grant Program (Program) to be administered by the State
8 Board of Community Colleges. The State Board shall adopt rules for the disbursement of the
9 grants pursuant to this section.

10 (b) Programs of Study. – The State Board of Community Colleges, in collaboration with
11 the Department of Commerce, shall determine the eligible programs of study for the Program,
12 according to the occupations that are in the highest demand in the State. The eligible programs
13 of study shall include programs such as architecture and construction, health sciences,
14 information technology, electrical line worker, and manufacturing programs and may include
15 other programs to meet local workforce needs.

16 (c) Award Amounts. – To the extent funds are made available for the Program, the State
17 Board of Community Colleges shall award grants in an amount of up to seven hundred fifty
18 dollars (\$750.00) to students pursuing short-term, noncredit State and industry workforce
19 credentials. The State Board of Community Colleges shall establish criteria for initial and
20 continuing eligibility for students. At a minimum, students shall be required to qualify as a
21 resident for tuition purposes under the criteria set forth in G.S. 116-143.1 and in accordance with
22 the coordinated and centralized residency determination process administered by the State
23 Education Assistance Authority.

24 (d) Report. – The State Board shall submit a report by April 1, 2024, and annually
25 thereafter, on the Program to the Joint Legislative Education Oversight Committee and the Fiscal
26 Research Division. The report shall contain, for each academic year and by programs of study,
27 the amount of grant funds disbursed and the number of eligible students receiving funds."
28

29 **WORKFORCE DIPLOMA PROGRAM/GRADUATION ALLIANCE**

30 **SECTION 6.6.(a)** Program. – Of the funds appropriated in this act from the ARPA
31 Temporary Savings Fund to the Community Colleges System Office for each year of the
32 2023-2025 fiscal biennium for Graduation Alliance, the System Office shall contract with
33 Graduation Alliance, Inc., to establish the Workforce Diploma Program (Program) to assist adults
34 who are 21 years of age and older to obtain a high school diploma and develop employability
35 and career and technical skills. Funds shall be provided to Graduation Alliance, Inc., based on
36 the completion of milestones by each student served by the Program. The Program shall do at
37 least the following:

- 38 (1) Provide one or more courses that help students obtain a high school diploma
39 and enter or advance within a specific occupation or occupational cluster.
40 (2) Assist students in obtaining employment, including resume development and
41 mock interviews.
42 (3) Include at least the following:
43 a. Proactive communication with students regarding their pace and
44 progress through learning plans.
45 b. A plan for courses and credits needed for each student that integrates
46 graduation requirements and career goals.
47 c. Mentoring services.
48 d. Milestone tracking.
49 e. Academic skill intake assessments and transcript evaluations.
50 f. A catalogue of courses necessary to meet graduation requirements.
51 g. Remediation opportunities in literacy and numeracy.

- 1 h. Employability skills certifications.
- 2 i. Preparation for workforce credentials.
- 3 j. Career advising services.

4 **SECTION 6.6.(b)** Report. – The State Board of Community Colleges, in
5 consultation with Graduation Alliance, Inc., shall submit a report by August 15, 2024, to the Joint
6 Legislative Education Oversight Committee and the Fiscal Research Division on the impact of
7 the Program, including at least the following information:

- 8 (1) The number of participants.
- 9 (2) The number of credits earned by participants.
- 10 (3) The number of employability skills certifications issued to participants.
- 11 (4) The number and type of workforce credentials earned by participants.
- 12 (5) The number of participants who received a high school diploma.
- 13 (6) The average funding provided per participant who received a high school
14 diploma, credit, employability skills certification, or workforce credential.
- 15 (7) The percentage of participants who received a high school diploma, credit,
16 employability skills certification, or workforce credential.
- 17

18 **EXPANSION OF APPRENTICESHIP PROGRAMS FOR SMALL** 19 **BUSINESSES/HIGH-DEMAND TRADES**

20 **SECTION 6.7.(a)** Program Established. – Of the nonrecurring funds appropriated in
21 this act for the 2023-2024 fiscal year from the ARPA Temporary Savings Fund to the Community
22 Colleges System Office for expansion of apprenticeship programs, the System Office shall
23 establish a temporary program to expand apprenticeship opportunities for high school apprentices
24 and non-high school apprentices between the ages of 16 and 25 by providing incentives for small
25 businesses in high-demand fields and careers, including, but not limited to, surveying,
26 engineering, design, and all construction trades, as well as welding, pipe fitting, and engine
27 mechanics. The program shall provide for small businesses to participate in apprenticeships to
28 meet business needs, assist with financial challenges and employment demands in their local
29 communities, and provide opportunities for apprenticeships that will lead to certifications,
30 licensing, or an associate degree in a career field and full-time employment. Funds for the grant
31 program shall be used to award grants to reimburse employers for the costs associated with new
32 apprentices within a Registered Apprenticeship with ApprenticeshipNC and for tuition, fees, and
33 cost of books for curriculum programs and short-term workforce credentials in accordance with
34 this section. For the purposes of this section, a small business shall mean a business concern or
35 other organization that (i) has no more than 500 employees or, if applicable, the size standard in
36 number of employees established by the Administrator of the Small Business Administration for
37 the industry in which the business concern or organization operates and (ii) is a small business
38 concern as defined in section 3 of the Small Business Act, 15 U.S.C. § 632.

39 **SECTION 6.7.(b)** Use of Funds. – The System Office shall administer the grant
40 program established under subsection (a) of this section for applicants that are small business
41 employers located in development tier one and development tier two areas as designated in the
42 annual ranking performed by the Department of Commerce pursuant to G.S. 143B-437.08 for
43 the 2020 calendar year. The funds appropriated for the program shall be allocated by the System
44 Office to grant recipients as follows:

- 45 (1) Forty percent (40%) of the funds shall be allocated for apprenticeship
46 programs for apprentices that are enrolled in curriculum degree programs.
- 47 (2) Fifteen percent (15%) of the funds shall be allocated for apprenticeship
48 programs for apprentices that are high school students.
- 49 (3) The remaining funds shall be allocated for apprenticeship programs for
50 apprentices pursuing short-term workforce credentials.

1 Recipients of grants may be reimbursed for up to two thousand dollars (\$2,000) each
2 fiscal year in program expenses, including costs for purchasing program equipment and for costs
3 associated with payroll, mentor stipends, insurance, training, uniforms, and safety equipment.
4 For apprentices enrolled in curriculum degree programs and short-term workforce courses, up to
5 two thousand five hundred dollars (\$2,500) in grant funds may be used each fiscal year to cover
6 the cost of tuition, fees, and books for apprentices enrolled at community colleges. Grant funds
7 may also be used to cover the costs of the salary of apprentices upon matching funds being made
8 available by a grant recipient in accordance with subsection (c) of this section. Apprentices
9 participating in the grant program paid with matching State funds shall be limited to an hourly
10 rate of pay of fifteen dollars (\$15.00) for non-high school students and fourteen dollars (\$14.00)
11 for high school students.

12 **SECTION 6.7.(c) Matching Funds for Apprentices' Salary.** – Funds made available
13 to grant recipients pursuant to this section for the salary costs of apprentices shall be matched on
14 the basis of one dollar (\$1.00) in non-State funds for every one dollar (\$1.00) in State funds.

15 **SECTION 6.7.(d) Time-Limited Position.** – From the funds provided to the System
16 Office pursuant to this section, the System Office may contract for a new, time-limited position
17 through the deadline established for the expenditure of federal funds under federal law and
18 guidance to coordinate and oversee deliverables, daily operations of the grant program, financial
19 management, monitoring and accountability of budget accuracy, and the validity of
20 disbursements.

21 **SECTION 6.7.(e) Marketing.** – Of the nonrecurring funds appropriated in this act
22 for the 2023-2024 fiscal year from the ARPA Temporary Savings Fund to the Community
23 Colleges System Office for expansion of apprenticeship programs, the System Office shall use
24 up to five hundred thousand dollars (\$500,000) for marketing and recruitment to the program.

25 **SECTION 6.7.(f) Report.** – The System Office shall submit a report by October 1,
26 2024, to the Joint Legislative Education Oversight Committee and the Fiscal Research Division
27 on the grant program and the use of funds for each type of apprentice, matching funds provided
28 by grant recipients, as well as salary data, and the amount of funds used for the time-limited
29 position authorized under this section.

30 **EXTEND RISE UP TRAINING AND CREDENTIALING PROGRAM**

31 **SECTION 6.8.** Section 6.8 of S.L. 2021-180, as amended by Section 6.1 of S.L.
32 2022-74, reads as rewritten:

33 **"SECTION 6.8.(a)** The Community Colleges System Office shall partner with the North
34 Carolina Retail Merchants Association and the Retail Consumer Alliance Foundation to
35 implement the RISE Up credentialing program for the 2021-2023 and the 2023-2025 fiscal
36 ~~biennium~~biennia to teach foundational skills to students attending community colleges and
37 cooperative innovative high schools for career success in the retail industry, customer service,
38 and sales, which may include inventory management and profitability, as well as supply chain
39 warehouse, inventory, and logistics. The RISE Up credentialing program offers all of the
40 following: (i) opportunities for the industry to share the skills valued in job candidates and
41 employees, (ii) valuable skills needed in any industry, particularly customer service, sales, and
42 skills to run a business, (iii) job readiness skills, such as resume preparation, interviewing
43 strategies, professionalism in the workplace, and soft skills, including listening and problem
44 solving, (iv) an understanding of the retail industry and its wide variety of jobs, and (v)
45 preparation for students for the nearly 130,000 retail establishments and more than 1,000,000
46 retail jobs in North Carolina.

47 **"SECTION 6.8.(b)** The RISE Up credentialing program shall be offered to students at
48 community colleges and cooperative innovative high schools through each partner community
49 college with the opportunity for up to four different levels of the RISE Up credentials that include
50 the following:
51

- 1 (1) Retail Industry Fundamentals.
- 2 (2) Customer Service & Sales.
- 3 (3) Operations and Profit.
- 4 (4) Supply Chain: Warehouse, Inventory, & Logistics.

5 **"SECTION 6.8.(c)** The System Office, in collaboration with the North Carolina Retail
6 Merchants Association and the Retail Consumer Alliance Foundation, shall submit an initial
7 report by December 1, 2022, ~~and a final~~ a second report by December 1, 2023, and one or more
8 additional reports annually thereafter while students are participating in the program to the Joint
9 Legislative Education Oversight Committee, the Senate Appropriations Committee on
10 Education/Higher Education, the House Appropriations Committee on Education, and the Fiscal
11 Research Division on the results of implementing the RISE Up credentialing programs, including
12 at least the following information:

- 13 (1) The number of students who received or are in the process of receiving
14 credentials, by type of credential.
- 15 (2) Student outcomes related to the credentialing.
- 16 (3) A list of the community colleges and cooperative innovative high schools
17 participating in the program."
18

19 PART VII. PUBLIC INSTRUCTION

20 CODIFY FUNDING FOR CHILDREN WITH DISABILITIES

21 **SECTION 7.1.** Part 1F of Article 9 of Chapter 115C of the General Statutes is
22 amended by adding a new section to read:

23 **"§ 115C-111.05. Funding for children with disabilities.**

24 To the extent funds are made available for this purpose, the State Board shall allocate funds
25 for children with disabilities to each local school administrative unit on a per child basis. Each
26 local school administrative unit shall receive funds for the lesser of (i) all children who are
27 identified as children with disabilities or (ii) thirteen percent (13%) of its allocated average daily
28 membership in the local school administrative unit for the current school year."
29
30

31 CODIFY FUNDING FOR ACADEMICALLY OR INTELLECTUALLY GIFTED 32 STUDENTS

33 **SECTION 7.2.** Article 9B of Chapter 115C of the General Statutes is amended by
34 adding a new section to read:

35 **"§ 115C-150.10. Funding for academically or intellectually gifted students.**

36 To the extent funds are made available for this purpose, the State Board shall allocate funds
37 for academically or intellectually gifted children on a per child basis. A local school
38 administrative unit shall receive funds for a maximum of four percent (4%) of its allocated
39 average daily membership for the current school year, regardless of the number of children
40 identified as academically or intellectually gifted in the unit."
41

42 CODIFY BOILERPLATE AND CHANGE SMALL COUNTY TIERS

43 **SECTION 7.3.(a)** Chapter 115C of the General Statutes is amended by adding a new
44 Article to read:

45 "Article 32F.

46 "Supplemental School Funding.

47 **"§ 115C-472.17. Supplemental funding in low-wealth counties.**

48 (a) Use of Funds for Supplemental Funding. – To the extent funds are made available for
49 this purpose, all funds received pursuant to this section shall be used only (i) to provide
50 instructional positions, instructional support positions, teacher assistant positions, clerical
51 positions, school computer technicians, instructional supplies and equipment, staff development,

1 and textbooks and digital resources and (ii) for salary supplements for instructional personnel
2 and instructional support personnel. Local boards of education are encouraged to use at least
3 twenty-five percent (25%) of the funds received pursuant to this section to improve the academic
4 performance of children who are performing at Level I or II on either reading or mathematics
5 end-of-grade tests in grades three through eight.

6 (b) Definitions. – As used in this section, the following definitions apply:

7 (1) Anticipated county property tax revenue availability. – The county-adjusted
8 property tax base multiplied by the effective State average tax rate.

9 (2) Anticipated State average revenue availability per student. – The sum of all
10 anticipated total county revenue availability divided by the average daily
11 membership for the State.

12 (3) Anticipated total county revenue availability. – The sum of the following:

13 a. Anticipated county property tax revenue availability.

14 b. Local sales and use taxes received by the county that are levied under
15 Chapter 1096 of the 1967 Session Laws or under Subchapter VIII of
16 Chapter 105 of the General Statutes.

17 c. Fines and forfeitures deposited in the county school fund for the most
18 recent year for which data are available.

19 (4) Anticipated total county revenue availability per student. – The anticipated
20 total county revenue availability for the county divided by the average daily
21 membership of the county.

22 (5) Average daily membership. – Average daily membership as defined in the
23 North Carolina Public Schools Allotment Policy Manual adopted by the State
24 Board of Education. If a county contains only part of a local school
25 administrative unit, the average daily membership of that county includes all
26 students who reside within the county and attend that local school
27 administrative unit.

28 (6) County-adjusted property tax base. – Computed as follows:

29 a. Subtract the present-use value of agricultural land, horticultural land,
30 and forestland in the county, as defined in G.S. 105-277.2, from the
31 total assessed real property valuation of the county.

32 b. Adjust the resulting amount by multiplying by a weighted average of
33 the three most recent annual sales assessment ratio studies.

34 c. Add to the resulting amount the following:

35 1. Present-use value of agricultural land, horticultural land, and
36 forestland, as defined in G.S. 105-277.2.

37 2. Value of property of public service companies, determined in
38 accordance with Article 23 of Chapter 105 of the General
39 Statutes.

40 3. Personal property value for the county.

41 (7) County-adjusted property tax base per square mile. – The county-adjusted
42 property tax base divided by the number of square miles of land area in the
43 county.

44 (8) County wealth as a percentage of State average wealth. – Computed as
45 follows:

46 a. Compute the percentage that the county per capita income is of the
47 State per capita income and weight the resulting percentage by a factor
48 of five-tenths.

49 b. Compute the percentage that the anticipated total county revenue
50 availability per student is of the anticipated State average revenue

- 1 availability per student and weight the resulting percentage by a factor
2 of four-tenths.
- 3 c. Compute the percentage that the county-adjusted property tax base per
4 square mile is of the State-adjusted property tax base per square mile
5 and weight the resulting percentage by a factor of one-tenth.
- 6 d. Add the three weighted percentages to derive the county wealth as a
7 percentage of the State average wealth.
- 8 (9) Effective county tax rate. – The actual county tax rate multiplied by a weighted
9 average of the three most recent annual sales assessment ratio studies.
- 10 (10) Effective State average tax rate. – The average of effective county tax rates
11 for all counties.
- 12 (11) Local current expense funds. – The most recent county current expense
13 appropriations to public schools, as reported by local boards of education in
14 the audit report filed with the Secretary of the Local Government Commission
15 pursuant to G.S. 115C-447.
- 16 (12) Per capita income. – The average for the most recent three years for which
17 data are available of the per capita income according to the most recent report
18 of the United States Department of Commerce, Bureau of Economic Analysis,
19 including any reported modifications for prior years as outlined in the most
20 recent report.
- 21 (13) Sales assessment ratio studies. – Sales assessment ratio studies performed by
22 the Department of Revenue under G.S. 105-289(h).
- 23 (14) State average adjusted property tax base per square mile. – The sum of the
24 county-adjusted property tax bases for all counties divided by the number of
25 square miles of land area in the State.
- 26 (15) State average current expense appropriations per student. – The most recent
27 State total of county current expense appropriations to public schools, as
28 reported by local boards of education in the audit report filed with the
29 Secretary of the Local Government Commission pursuant to G.S. 115C-447.
- 30 (16) Supplant. – To decrease local per student current expense appropriations from
31 one fiscal year to the next fiscal year.
- 32 (17) Weighted average of the three most recent annual sales assessment ratio
33 studies. – The weighted average of the three most recent annual sales
34 assessment ratio studies in the most recent years for which county current
35 expense appropriations and adjusted property tax valuations are available. If
36 real property in a county has been revalued one year prior to the most recent
37 sales assessment ratio study, a weighted average of the two most recent sales
38 assessment ratios shall be used. If property has been revalued the year of the
39 most recent sales assessment ratio study, the sales assessment ratio for the year
40 of revaluation shall be used.
- 41 (c) Eligibility for Funds. – Except as provided in subsection (g) of this section, the State
42 Board of Education shall allocate these funds to local school administrative units located in whole
43 or in part in counties in which the county wealth as a percentage of the State average wealth is
44 less than one hundred percent (100%).
- 45 (d) Allocation of Funds. – Except as provided in subsection (f) of this section, the amount
46 received per average daily membership for a county shall be the difference between the State
47 average current expense appropriations per student and the current expense appropriations per
48 student that the county could provide given the county's wealth and an average effort to fund
49 public schools. To derive the current expense appropriations per student that the county could be
50 able to provide given the county's wealth and an average effort to fund public schools, multiply
51 the county's wealth as a percentage of State average wealth by the State average current expense

1 appropriations per student. The funds for the local school administrative units located in whole
2 or in part in the county shall be allocated to each local school administrative unit located in whole
3 or in part in the county based on the average daily membership of the county's students in the
4 school units. If the funds appropriated for supplemental funding are not adequate to fund the
5 formula fully, each local school administrative unit shall receive a pro rata share of the funds
6 appropriated for supplemental funding.

7 (e) Formula for Distribution of Supplemental Funding Pursuant to this Section Only. –
8 The formula in this section is solely a basis for distribution of supplemental funding for
9 low-wealth counties and is not intended to reflect any measure of the adequacy of the educational
10 program or funding for public schools. The formula is also not intended to reflect any
11 commitment by the General Assembly to appropriate any additional supplemental funds for
12 low-wealth counties.

13 (f) Minimum Effort Required. – A county shall receive full funding under this section if
14 the county (i) maintains an effective county tax rate that is at least one hundred percent (100%)
15 of the effective State average tax rate in the most recent year for which data are available or (ii)
16 maintains a county appropriation per student to the school local current expense fund of at least
17 one hundred percent (100%) of the current expense appropriations per student to the school local
18 current expense fund that the county could provide given the county's wealth and an average
19 effort to fund public schools. A county that maintains a county appropriation per student to the
20 school local current expense fund of less than one hundred percent (100%) of the current expense
21 appropriations per student to the school local current expense fund that the county could provide
22 given the county's wealth and an average effort to fund public schools shall receive funding under
23 this section at the same percentage that the county's appropriation per student to the school local
24 current expense fund is of the current expense appropriations per student to the school local
25 current expense fund that the county could provide given the county's wealth and an average
26 effort to fund public schools.

27 (g) Nonsupplant Requirement. – A county in which a local school administrative unit
28 receives funds under this section shall use the funds to supplement local current expense funds
29 and shall not supplant local current expense funds. The State Board of Education shall not
30 allocate funds under this section to a county found to have used these funds to supplant local per
31 student current expense funds. The State Board of Education shall make a finding that a county
32 has used these funds to supplant local current expense funds in the prior year, or the year for
33 which the most recent data are available, if all of the following criteria apply:

34 (1) The current expense appropriations per student of the county for the current
35 year is less than ninety-five percent (95%) of the average of local current
36 expense appropriations per student for the three prior fiscal years.

37 (2) The county cannot show (i) that it has remedied the deficiency in funding or
38 (ii) that extraordinary circumstances caused the county to supplant local
39 current expense funds with funds allocated under this section.

40 The State Board of Education shall adopt rules to implement the requirements of this
41 subsection.

42 (h) Counties Containing a Base of the Armed Forces. – Notwithstanding any other
43 provision of this section, counties containing a base of the Armed Forces of the United States
44 that have an average daily membership of more than 17,000 students shall receive whichever is
45 the higher amount in each fiscal year as follows: either the amount of supplemental funding the
46 county received as a low-wealth county in the 2012-2013 fiscal year or the amount of
47 supplemental funding the county is eligible to receive as a low-wealth county pursuant to the
48 formula for distribution of supplemental funding under the other provisions of this section.

49 (i) Funds for EVAAS Data. – Notwithstanding the requirements of subsection (a) of this
50 section, local school administrative units may utilize funds allocated under this section to

1 purchase services that allow for extraction of data from the Education Value-Added Assessment
2 System (EVAAS).

3 (j) Reports. – The State Board of Education shall report to the Fiscal Research Division
4 prior to May 15 of each year if it determines that counties have supplanted funds.

5 (k) Department of Revenue Reports. – The Department of Revenue shall provide to the
6 Department of Public Instruction a preliminary report for the current fiscal year of the assessed
7 value of the property tax base for each county prior to March 1 of each year and a final report
8 prior to May 1 of each year. The reports shall include for each county the annual sales assessment
9 ratio and the taxable values of (i) total real property, (ii) the portion of total real property
10 represented by the present use value of agricultural land, horticultural land, and forestland, as
11 defined in G.S. 105-277.2, (iii) property of public service companies determined in accordance
12 with Article 23 of Chapter 105 of the General Statutes, and (iv) personal property.

13 **"§ 115C-472.18. Small county school system supplemental funding.**

14 (a) Allotment Schedule. – Except as otherwise provided in subsection (d) of this section,
15 each eligible county school administrative unit shall receive a dollar allotment according to the
16 following schedule, to the extent funds are made available for this purpose:

<u>Allotted ADM</u>	<u>Small County Allotment</u>
0-1,300	\$2,336,400
1,301-1,700	\$2,286,400
1,701-2,000	\$2,236,400
2,001-2,300	\$2,186,400
2,301-2,600	\$2,136,400
2,601-2,800	\$2,086,400
2,801-3,300	\$2,036,400

25 (b) Phase-Out Provision. – If a local school administrative unit becomes ineligible for
26 funding under the schedule in subsection (a) of this section, funding for that unit shall be phased
27 out over a five-year period. Funding for such local school administrative units shall be reduced
28 in equal increments in each of the five years after the unit becomes ineligible. Funding shall be
29 eliminated in the fifth fiscal year after the school administrative unit becomes ineligible.

30 Allotments for eligible local school administrative units under this subsection shall not be
31 reduced in any fiscal year by more than twenty percent (20%) of the amount received during the
32 fiscal year when the local school administrative unit became ineligible to receive funds under
33 this section. A local school administrative unit shall not become ineligible for funding if either
34 the highest of the first two months' total projected average daily membership for the current year
35 or the higher of the first two months' total prior year average daily membership would otherwise
36 have made the unit eligible for funds under the schedule in subsection (a) of this section.

37 (c) Nonsupplant Requirement. – A county in which a local school administrative unit
38 receives funds under this section shall use the funds to supplement local current expense funds
39 and shall not supplant local current expense funds. The State Board of Education shall not
40 allocate funds under this section to a county found to have used these funds to supplant local per
41 student current expense funds. The State Board of Education shall make a finding that a county
42 has used these funds to supplant local current expense funds in the prior year or the year for
43 which the most recent data are available, if all of the following criteria apply:

- 44 (1) The current expense appropriation per student of the county for the current
45 year is less than ninety-five percent (95%) of the average of local current
46 expense appropriation per student for the three prior fiscal years.
- 47 (2) The county cannot show (i) that it has remedied the deficiency in funding or
48 (ii) that extraordinary circumstances caused the county to supplant local
49 current expense funds with funds allocated under this section.

50 The State Board of Education shall adopt rules to implement the requirements of this
51 subsection.

(d) Reports. – The State Board of Education shall report to the Fiscal Research Division prior to May 15 of each fiscal year if it determines that counties have supplanted funds.

(e) Use of Funds. – Local boards of education are encouraged to use at least twenty percent (20%) of the funds they receive pursuant to this section to improve the academic performance of children who are performing at Level I or II on either reading or mathematics end-of-grade tests in grades three through eight.

Local school administrative units may also utilize funds allocated under this section to purchase services that allow for extraction of data from the Education Value-Added Assessment System (EVAAS).

"§ 115C-472.19. Disadvantaged student supplemental funding.

(a) To the extent funds are made available for this purpose, funds appropriated for disadvantaged student supplemental funding shall be used, consistent with the policies and procedures adopted by the State Board of Education, only to do the following:

- (1) Provide instructional positions or instructional support positions.
- (2) Provide professional development.
- (3) Provide intensive in-school or after-school remediation, or both.
- (4) Purchase diagnostic software and progress-monitoring tools.
- (5) Provide funds for teacher bonuses and supplements. The State Board of Education shall set a maximum percentage of the funds that may be used for this purpose.

The State Board of Education may require local school administrative units receiving funding under the Disadvantaged Student Supplemental Fund to purchase the Education Value-Added Assessment System (EVAAS) in order to provide in-depth analysis of student performance and help identify strategies for improving student achievement. This data shall be used exclusively for instructional and curriculum decisions made in the best interest of children and for professional development for their teachers and administrators.

(b) Disadvantaged student supplemental funding (DSSF) shall be allotted to a local school administrative unit based on (i) the unit's eligible DSSF population and (ii) the difference between a teacher-to-student ratio of 1:21 and the following teacher-to-student ratios:

- (1) For counties with wealth greater than ninety percent (90%) of the statewide average, a ratio of 1:19.9.
- (2) For counties with wealth not less than eighty percent (80%) and not greater than ninety percent (90%) of the statewide average, a ratio of 1:19.4.
- (3) For counties with wealth less than eighty percent (80%) of the statewide average, a ratio of 1:19.1.
- (4) For local school administrative units that received DSSF funds in fiscal year 2005-2006, a ratio of 1:16. These local school administrative units shall receive no less than the DSSF amount allotted in fiscal year 2006-2007.

For the purpose of this subsection, wealth shall be calculated under the low-wealth supplemental formula as provided for in this Article.

(c) If a local school administrative unit's wealth increases to a level that adversely affects the unit's disadvantaged student supplemental funding (DSSF) allotment ratio, the DSSF allotment for that unit shall be maintained at the prior year level for one additional fiscal year."

SECTION 7.3.(b) G.S. 115C-472.18(a), as enacted by this section, reads as rewritten:

"(a) Allotment Schedule. – Except as otherwise provided in subsection (d) of this section, each eligible county school administrative unit shall receive a dollar allotment according to the following schedule, to the extent funds are made available for this purpose:

Allotted ADM	Small County Allotment
0-1,300	\$2,336,400\$2,485,400
1,301-1,700	\$2,286,400\$2,435,400

1	1,701-2,000	\$2,236,400 <u>\$2,385,400</u>
2	2,001-2,300	\$2,186,400 <u>\$2,335,400</u>
3	2,301-2,600	\$2,136,400 <u>\$2,285,400</u>
4	2,601-2,800	\$2,086,400 <u>\$2,235,400</u>
5	2,801-3,300	\$2,036,400 <u>\$2,185,400"</u>

6 **SECTION 7.3.(c)** Subsection (a) of this section becomes effective July 1, 2023. The
 7 remainder of this section becomes effective July 1, 2024.

8
 9 **RECLASSIFY DPI POSITIONS**

10 **SECTION 7.4.(a)** Notwithstanding G.S. 143C-6-4, the Department of Public
 11 Instruction shall reclassify at least the following full-time equivalent positions within the
 12 Department:

- 13 (1) One position to be a consultant for alternative learning.
- 14 (2) One position to be a teaching compensation and advanced teaching roles
 15 consultant.

16 **SECTION 7.4.(b)** In making the changes identified in subsection (a) of this section,
 17 the Department of Public Instruction shall not do either of the following:

- 18 (1) Reduce funding for any of the following:
 - 19 a. The State Public School Fund, including for the following residential
 20 schools:
 - 21 1. The Eastern North Carolina School for the Deaf.
 - 22 2. The North Carolina School for the Deaf.
 - 23 3. The Governor Morehead School.
 - 24 b. Any budget expansion item funded by an appropriation to the
 25 Department of Public Instruction by this act for the 2023-2025 fiscal
 26 biennium.
- 27 (2) Transfer from or reduce funding or positions for any of the following:
 - 28 a. Communities in Schools of North Carolina, Inc.
 - 29 b. Teach for America, Inc.
 - 30 c. Beginnings for Parents of Children Who are Deaf or Hard of Hearing,
 31 Inc.
 - 32 d. The Excellent Public Schools Act, Read to Achieve Program, initially
 33 established under Section 7A.1 of S.L. 2012-142.
 - 34 e. The North Carolina School Connectivity Program.
 - 35 f. The North Carolina Center for the Advancement of Teaching.
 - 36 g. The Schools That Lead Program.
 - 37 h. The Center for Safer Schools.

38
 39 **REQUIRED TRAINING TO COUNT TOWARD CONTINUING EDUCATION UNITS**

40 **SECTION 7.5.(a)** G.S. 115C-270.30 reads as rewritten:

41 **"§ 115C-270.30. Licensure renewal.**

42 ...

43 (b) Teacher Licensure Renewal. – Rules for continuing licensure for teachers shall
 44 include the following:

- 45 (1) For all teachers, at least eight continuing education credits with at least three
 46 credits required in a teacher's academic subject area.
- 47 (2) For elementary school teachers, at least three continuing education credits
 48 related to literacy. Literacy renewal credits shall include evidence-based
 49 assessment, diagnosis, and intervention strategies for students not
 50 demonstrating reading proficiency. Oral language, phonemic and
 51 phonological awareness, phonics, vocabulary, fluency, and comprehension

shall be addressed in literacy-related activities leading to license renewal for elementary school teachers.

(2a) For all teachers, hours spent attending mandatory training programs shall contribute toward the calculation for continuing education credits if all of the following apply:

a. The mandatory training program is required by State law or by a local board of education as a condition of employment.

b. The teacher has otherwise met any applicable requirements for literacy renewal credits, credits required in a teacher's academic subject area, digital teaching or learning, or other licensure renewal requirements adopted by the State Board pursuant to this section.

...

(c) License Renewal Rules Review. – The rules for licensure renewal shall be reviewed at least once every five years by the State Board to do the following:

...

(3) Integrate digital teaching and learning into the requirements for licensure renewal. The State Board of Education shall not require the completion of continuing education credits solely related to digital teaching and learning but may require completion of up to two continuing education credits that include pedagogy on digital teaching and learning as a component of a general or content-specific continuing education credit."

SECTION 7.5.(b) This section is effective when it becomes law and applies to licenses renewed on or after that date.

PROGRAM ENHANCEMENT TEACHER ALLOTMENT/K-12

SECTION 7.6.(a) G.S. 115C-301 reads as rewritten:

"§ 115C-301. Allocation of teachers; class size.

...

(a1) Teacher Position Allotments. – Funds for classroom teachers in the State Public School Fund shall consist of the following position allotments:

(1) Classroom teachers for kindergarten through twelfth grade, which shall include funds for ~~program enhancement teachers for sixth through twelfth grade,~~ self-contained exceptional children teachers, math, science, and computer teachers, and matching benefits.

(2) Program enhancement teachers for kindergarten through ~~fifth~~ twelfth grade.

...

(c) Maximum Class Size for Kindergarten Through Third Grade. Grade and Allotment Ratios for Classroom Teachers. – The average class size for kindergarten through third grade in a local school administrative unit shall at no time exceed the funded allotment ratio of teachers to students in kindergarten through third grade. At the end of the second school month and for the remainder of the school year, the size of an individual class in kindergarten through third grade shall not exceed the allotment ratio by more than three students. The funded class size allotment ratio for kindergarten through third grade shall be as follows:

- (1) For kindergarten, one teacher per 18 students.
- (2) For first grade, one teacher per 16 students.
- (3) For second grade, one teacher per 17 students.
- (4) For third grade, one teacher per 17 students.

Within the remaining funds available for classroom teachers in the State Public School Fund, the State Board of Education shall set the teacher-to-student ratios for class size in grades four through 12 to allot those positions. In grades four through 12, local school administrative units

1 shall have the maximum flexibility to use allotted teacher positions to maximize student
2 achievement.

3 ...
4 (c2) Program Enhancement Teacher Allotment for Kindergarten Through ~~Fifth~~-Twelfth
5 Grade. –

6 (1) Definitions. – For the purposes of this section, "program enhancement" refers
7 to any of the following:

- 8 a. Arts disciplines, including dance, music, theater, and the visual arts.
- 9 b. Physical education and health programs.
- 10 c. World languages.
- 11 d. Other supplemental classes as defined by the State Board of Education.

12 (2) Allotment ratio calculation. – The allotment ratio for kindergarten through
13 ~~fifth-twelfth~~ grade program enhancement teachers shall be one teacher per ~~191~~
14 140 students.

15 (3) Appropriation. – Beginning with the ~~2019-2020-2021-2022~~ fiscal year, there
16 is appropriated from the General Fund to the Department of Public Instruction
17 for the allotment for program enhancement teachers for kindergarten through
18 ~~fifth-twelfth~~ grade an amount equal to the percentage of the total funds
19 required to allot program enhancement teacher positions for kindergarten
20 through ~~fifth-twelfth~~ grade on a basis of one teacher per ~~191-140~~ students for
21 each fiscal year as follows:

Fiscal Year	Appropriation
2019-2020	50%
2020-2021	75%
2021-2022 and each subsequent fiscal year thereafter	100%.

26 When developing the base budget, as defined by G.S. 143C-1-1, for each
27 fiscal year specified in this subdivision, the Director of the Budget shall
28 include the appropriated amount for that fiscal year.

29"

30 **SECTION 7.6.(b)** G.S. 115C-105.25(b)(5d) reads as rewritten:

31 "(5d) No positions shall be transferred out of the allocation for program
32 enhancement teachers for kindergarten through ~~fifth-twelfth~~ grade except as
33 provided in this subdivision. Positions allocated for program enhancement
34 teachers for kindergarten through ~~fifth-twelfth~~ grade may be converted into
35 positions allocated for classroom teachers for kindergarten through twelfth
36 grade. For the purposes of this subdivision, the term "program enhancement"
37 is as defined in G.S. 115C-301(c2)."

38 **SECTION 7.6.(c)** This section applies beginning with the 2023-2024 school year.

39
40 **WEIGHTED FUNDING FOR EC STUDENTS**

41 **SECTION 7.7.** The Department of Public Instruction shall develop a model, based
42 on the study conducted pursuant to Section 7.44 of S.L. 2021-180, for funding children with
43 disabilities services on the basis of the reported cost of the services provided. The Department
44 shall report to the Joint Legislative Education Oversight Committee by January 15, 2024, on the
45 model of funding developed pursuant to this section and a comparison by public school unit of
46 funds provided under the existing model and the model developed pursuant to this section.

47
48 **CLARIFY PEPSC ROLE**

49 **SECTION 7.8.** G.S. 115C-268.5 reads as rewritten:

50 **"§ 115C-268.5. Powers and duties of the Commission.**

51 (a) Duties. – The Commission shall:

- 1 (1) Develop and recommend to the State Board of Education rules related to all
 2 aspects of educator preparation programs in accordance with Article 17D of
 3 this Chapter. These rules shall include the following:
 4 a. Requirements for appropriate pedagogy to be included in residency
 5 license programs.
 6 b. Appropriate courses to be used for calculation of individual and cohort
 7 grade point averages for admission to educator preparation programs,
 8 which may account for prior degrees attained, type of license, and
 9 areas of licensure. The Commission shall consider which grade point
 10 average, either the grade point average in the content courses relevant
 11 to the licensure area or the cumulative grade point average, would be
 12 most appropriate for clinical residency students.
- 13 (2) Develop and recommend to the State Board of Education rules related to ~~to all~~
 14 ~~aspects of professional standards for North Carolina educators~~ to obtaining a
 15 teaching license in accordance with Article 17E of this Chapter. These rules
 16 shall include specific hour requirements for the following:
 17 a. Preservice training and field experiences prior to entering the
 18 classroom for individuals issued residency licenses.
 19 b. Preservice training prior to entering the classroom for individuals
 20 issued emergency licenses.
- 21 ~~(3) Provide recommendations as requested to the State Board of Education related~~
 22 ~~to the educator preparation programs and professional standards of North~~
 23 ~~Carolina educators.~~

24 (b) The Commission shall recommend ways to ensure that the clinical practice
 25 requirements described in G.S. 115C-269.25(d) effectively prepare high-quality professional
 26 educators who meet the demands of North Carolina schools.

27 (c) State Board Approval. – The Commission shall submit its recommendations under
 28 subsection (a) of this section to the State Board. The State Board shall adopt or reject the rules
 29 recommendations. The State Board shall not make any substantive changes to any rules
 30 recommendation that it adopts. If the State Board rejects the rules recommendation, it shall state
 31 with specificity its reasons for rejection; the Commission may then amend that rules
 32 recommendation and resubmit it to the State Board. The Board shall adopt or reject the amended
 33 rules recommendation. If the State Board fails to adopt the Commission's original and amended
 34 rule recommendations, the State Board may develop and adopt its own rules.

35 (d) Annual Report. – The Commission shall submit a report by December 1, 2018, and
 36 annually thereafter, to the Joint Legislative Education Oversight Committee and the State Board
 37 of Education of its activities during the preceding year, together with any recommendations and
 38 findings regarding improvement of the ~~teaching profession~~ teacher licensure process, including
 39 methods of removing obstacles to obtaining a teaching license without decreasing educator
 40 quality."

41 **OPPORTUNITY GAP TASK FORCE**

42 **SECTION 7.9.(a)** There is established the Opportunity Gap Task Force (Task
 43 Force).

44 **SECTION 7.9.(b)** The Task Force shall consist of 14 members as follows:

- 45 (1) Three persons who are members of the House of Representatives at the time
 46 of appointment, at least one of whom represents the minority party, appointed
 47 by the Speaker of the House of Representatives.
 48 (2) Three persons who are members of the Senate at the time of appointment, at
 49 least one of whom represents the minority party, appointed by the President
 50 Pro Tempore of the Senate.
 51

- 1 (3) The chair of the State Board of Education, or his or her designee.
- 2 (4) The Superintendent of Public Instruction, or his or her designee.
- 3 (5) The President of The University of North Carolina, or his or her designee.
- 4 (6) The President of the North Carolina System of Community Colleges, or his or
- 5 her designee.
- 6 (7) The President of the North Carolina Independent Colleges and Universities,
- 7 Inc., or his or her designee.
- 8 (8) The President and Chief Executive Officer of North Carolina Business
- 9 Leaders for Education, doing business as BEST NC (Business for Educational
- 10 Success and Transformation), or his or her designee.
- 11 (9) The Executive Director of the NC Association for Public Charter Schools, or
- 12 his or her designee.
- 13 (10) The Senior Education Advisor to the Governor, or his or her designee.

14 **SECTION 7.9.(c)** Appointments to the Task Force shall be made no later than 30
15 days after the date this act becomes law. In making their appointments, the appointing authorities
16 shall consider the geographic and cultural diversity of the State and the value to the Task Force
17 of experience in business, education, and philanthropic organizations. Any vacancy shall be filled
18 by the appointing authority.

19 **SECTION 7.9.(d)** The Task Force shall (i) study the opportunity gap, (ii) consider
20 effective approaches and best practices from across the country to close the opportunity gap in
21 grades kindergarten through 12, and (iii) propose a plan to reduce the opportunity gap for all
22 subgroups by July 1, 2030. For the purposes of this section, the "opportunity gap" refers to the
23 significant disparity in the academic performance and postsecondary readiness of students
24 between any of the following subgroups: races, ethnicities, socioeconomic statuses, genders,
25 English-language proficiencies, and urban, rural, or suburban domiciles.

26 **SECTION 7.9.(e)** As part of its study, the Task Force shall consider the following:

- 27 (1) Best practices in public education.
- 28 (2) Professional development for teachers.
- 29 (3) Parental involvement in public education.
- 30 (4) Disparities in disciplinary consequences, including suspensions and
- 31 expulsions.
- 32 (5) Preparation and development of school leadership.
- 33 (6) Effective use of data to reduce the opportunity gap.
- 34 (7) Access to effective educators.
- 35 (8) Access to rigorous coursework, including content and courses.
- 36 (9) Access to effective school leadership.
- 37 (10) Innovative budgeting practices.
- 38 (11) The value of incorporating mastery-based learning into curriculum.
- 39 (12) Effective access to and use of technology, including (i) connectivity for
- 40 students and their families, (ii) devices, and (iii) software.
- 41 (13) The final report and recommendations of the Task Force to Develop a
- 42 Representative and Inclusive Vision for Education (DRIVE).
- 43 (14) Any other issue the Task Force deems relevant to its study.

44 **SECTION 7.9.(f)** At a minimum, the Task Force shall extend invitations to receive
45 input from all of the following:

- 46 (1) Two or more parents of students adversely affected by the opportunity gap.
- 47 (2) Two or more teachers employed in a North Carolina public school who have
- 48 demonstrated significant success in reducing the opportunity gap in the
- 49 classroom.
- 50 (3) Two or more principals employed in a North Carolina public school who have
- 51 demonstrated significant success in reducing the opportunity gap at a school.

- 1 (4) Two or more superintendents employed in a local school administrative unit
- 2 who have demonstrated significant success in reducing the opportunity gap at
- 3 a local school administrative unit.
- 4 (5) Organizations that have demonstrated success in closing the opportunity gap,
- 5 including, but not limited to, Communities in Schools of North Carolina, Inc.
- 6 (6) The Professional Educator Preparation and Standards Commission.
- 7 (7) The myFutureNC Commission.
- 8 (8) The Governor's Commission on Access to Sound Basic Education.
- 9 (9) The B-3 Interagency Council.
- 10 (10) The North Carolina Early Childhood Foundation, Inc.'s, Pathways to
- 11 Grade-Level Reading Initiative.
- 12 (11) The Executive Director of NC Child, or his or her designee.
- 13 (12) The President of Parents for Educational Freedom in North Carolina, or his or
- 14 her designee.
- 15 (13) The Public School Forum of North Carolina.
- 16 (14) The North Carolina Principal Fellows Program.

17 **SECTION 7.9.(g)** The Task Force shall include the following in its proposed plan
18 to reduce the opportunity gap for all subgroups:

- 19 (1) Information identifying opportunity gaps that exist between races, ethnicities,
- 20 socioeconomic statuses, genders, English-language proficiencies, and urban,
- 21 rural, or suburban domiciles.
- 22 (2) Recommendations for closing or significantly reducing the opportunity gaps
- 23 identified by the Task Force.
- 24 (3) Benchmarks for implementation of the proposed plan.

25 **SECTION 7.9.(h)** The Speaker of the House of Representatives and the President
26 Pro Tempore of the Senate shall each select a cochair for the Task Force from among its
27 members. The Task Force shall meet upon the call of its cochairs. A quorum of the Task Force
28 is a majority of its members. No action may be taken except by a majority vote at a meeting at
29 which a quorum is present. The Task Force, while in the discharge of its official duties, may
30 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
31 The Task Force may contract for professional, clerical, or consultant services, as provided by
32 G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a State employee
33 or a person currently under contract with the State to provide services.

34 Members of the Task Force shall serve without compensation but may receive travel
35 and subsistence as follows:

- 36 (1) Members who are officials or employees of a State agency or unit of local
- 37 government, in accordance with G.S. 138-6.
- 38 (2) Members who serve in the General Assembly, in accordance with
- 39 G.S. 120-3.1.
- 40 (3) All other members at the rate established in G.S. 138-5.

41 All State departments and agencies and local governments and their subdivisions shall
42 furnish the Task Force with any requested information in their possession or available to them.

43 **SECTION 7.9.(i)** The Legislative Services Officer shall assign professional and
44 clerical staff to assist the Task Force in its work. The Director of Legislative Assistants of the
45 House of Representatives and the Director of Legislative Assistants of the Senate shall assign
46 clerical support to the Task Force.

47 **SECTION 7.9.(j)** Meetings of the Task Force shall begin no later than 60 days after
48 the date this act becomes law. The Task Force shall submit a final report on the results of its
49 study, including its proposed plan and any proposed legislation, to the Joint Legislative Education
50 Oversight Committee on or before December 1, 2024, by filing a copy of the report with the
51 Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of

1 Representatives, the Joint Legislative Education Oversight Committee, and the Legislative
2 Library. The Task Force shall terminate on December 1, 2024, or upon the filing of its final
3 report, whichever comes first.

5 ACADEMIC TRANSPARENCY

6 **SECTION 7.10.(a)** Article 8 of Chapter 115C of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 115C-102.1. Inform the public about course materials.**

9 (a) The following definitions apply in this section:

10 (1) Course materials. – Any material used for instruction in a course, including,
11 but not limited to, all instructional materials, supplemental materials,
12 textbooks, other reading materials, videos, digital materials, websites, and
13 other online applications.

14 (2) Instructional materials. – As defined in G.S. 115C-102.20.

15 (3) Lesson plan. – An outline of all of the following:

16 a. The instruction provided by a teacher for a course that includes a list
17 of (i) all course materials assigned, distributed, or otherwise presented
18 in the course and (ii) when students must select course materials from
19 a defined list, all course materials on that list.

20 b. Each grade- or school-wide presentation, assembly, lecture, or other
21 activity or event facilitated by the school during instructional hours
22 outside of an individual teacher's classroom, excluding student
23 presentations. The outline shall include a list of (i) each presenter by
24 name and organization and (ii) any course material used or presented.

25 (4) Supplemental materials. – As defined in G.S. 115C-102.20.

26 (b) The governing body of a public school unit shall ensure that the following information
27 for each school it governs is prominently displayed on the school website, organized, at a
28 minimum, by subject area and grade level:

29 (1) For local school administrative units, the lesson plans that were used at the
30 school during the prior school year. Lesson plans shall include the following,
31 at a minimum:

32 a. The names of all instructional and supplemental materials used by the
33 school from the list of materials included in the instructional materials
34 repository, with an electronic link to the instructional materials
35 website.

36 b. Any other course materials used in a course, by the title and the author,
37 organization, or website associated with each material and activity.
38 These course materials shall include materials created by the teacher,
39 with the teacher identified as the author. The lesson plan shall include
40 a brief descriptor of the course materials, and a link to the course
41 material, if publicly available on the internet, or information on how
42 to request review of a copy of the course material in person. Nothing
43 in this section shall be construed to require the digital reproduction or
44 posting of copies of the course materials themselves.

45 (2) For all public school units that are not local school administrative units, the
46 lesson plans that were used at the school during the prior school year. Lesson
47 plans shall include the following, at a minimum:

48 a. All course materials by the title and the author, organization, or
49 website associated with each material and activity. If individual
50 components of course materials used throughout the lesson plan are
51 produced as a single volume, that volume may be listed only once in

1 the lesson plan. If the course material was created by the teacher, the
2 lesson plan shall identify the teacher as the author.

3 b. A brief descriptor of the course material.

4 c. A link to the course material, if publicly available on the internet, or
5 information on how to request review of a copy of the course material
6 in person. Nothing in this section shall be construed to require the
7 digital reproduction or posting of copies of the course materials
8 themselves.

9 (3) For all public school units, any procedures for the documentation, review, or
10 approval of the lesson plans, including course materials identified in those
11 plans, by the principal, curriculum administrators, or other teachers.

12 (4) For all public school units, the procedure established by the governing board
13 for requesting an in-person review of a course material not publicly available
14 on the internet. For local school administrative units, information shall be
15 provided on how to access the instructional materials repository, as provided
16 in G.S. 115C-102.50.

17 (c) The governing body shall provide access from the website of the public school unit
18 to the information required by subsection (b) of this section by June 30 of each year either through
19 a website maintained by the public school unit or by a link to another website where the
20 information is publicly accessible. Public access to the information for the school year ending
21 June 30 shall be maintained by the public school unit until June 30 of the following year. The
22 Department of Public Instruction shall make available to public school units one or more
23 templates for providing information as required by this section. A public school unit may exercise
24 flexibility in determining the most effective means of compliance with the requirements of this
25 section, including, but not limited to, utilizing any of the following in its discretion:

26 (1) Providing a template created by the Department of Public Instruction to
27 teachers to facilitate reporting of lesson plans.

28 (2) Creating one or more templates to provide to teachers to facilitate reporting of
29 lesson plans. The public school unit may customize templates for grades or
30 courses and may autopopulate any course materials required by the public
31 school unit as part of the curriculum for a particular grade or course.

32 (3) Allowing utilization of online collaborative software, documents, or
33 spreadsheets to allow multiple authorized users to update content.

34 (4) Authorizing updating lesson plans throughout the school year, if all updates
35 are completed by June 30.

36 (d) A governing body that is responsible for the operation of schools with fewer than 400
37 students cumulatively is not required to comply with the requirements of this section."

38 **SECTION 7.10.(b)** G.S. 115C-12 is amended by adding a new subdivision to read:

39 "(9e) Duty to Inform the Public About Course Materials. – The Board shall ensure
40 that information about course materials for any school operated under Article
41 9C of this Chapter is prominently displayed on the website of the school, as
42 required by G.S. 115C-102.1."

43 **SECTION 7.10.(c)** G.S. 115C-47 is amended by adding a new subdivision to read:

44 "(58a) To Inform the Public About Course Materials. – Local boards of education
45 shall ensure that information about course materials for each school in the
46 local school administrative unit is prominently displayed on the website of the
47 school, as required by G.S. 115C-102.1."

48 **SECTION 7.10.(d)** G.S. 115C-218.85 is amended by adding a new subsection to

49 read:

1 "(c) Course Materials. – A charter school shall ensure that information about course
2 materials is prominently displayed on the website of the charter school, in accordance with
3 G.S. 115C-102.1."

4 **SECTION 7.10.(e)** G.S. 115C-238.66 is amended by adding a new subdivision to
5 read:

6 "(11a) Course materials. – The board of directors shall ensure that information about
7 course materials is prominently displayed on the website of the regional
8 school, in accordance with G.S. 115C-102.1."

9 **SECTION 7.10.(f)** Article 4 of Chapter 116 of the General Statutes is amended by
10 adding a new section to read:

11 **§ 116-69.3. Inform the public about course materials.**

12 The Board of Trustees shall ensure that information about course materials is prominently
13 displayed on the website of the North Carolina School of the Arts for all elementary, middle, and
14 high school programs, in accordance with G.S. 115C-102.1."

15 **SECTION 7.10.(g)** G.S. 116-235 is amended by adding a new subsection to read:

16 "(k) Course Materials. – The Board of Trustees shall ensure that information about course
17 materials is prominently displayed on the website of the School, in accordance with
18 G.S. 115C-102.1."

19 **SECTION 7.10.(h)** G.S. 116-239.8(b) reads as rewritten:

20 "(b) The chancellor shall be the administrative head of a laboratory school approved by
21 the Subcommittee and shall provide general direction for the establishment and operation of a
22 laboratory school. The chancellor, with advice and input from the advisory board established in
23 subdivision (1) of this subsection, shall adopt policies, operating procedures, and the courses of
24 study to govern the operation of the laboratory school. The chancellor may designate the duties
25 required by this Article to other personnel as necessary. The chancellor shall also have the
26 following powers and duties:

27 ...

28 (2a) Course materials. – The chancellor shall ensure that information about course
29 materials is prominently displayed on the website of the laboratory school, in
30 accordance with G.S. 115C-102.1.

31 "

32 **SECTION 7.10.(i)** G.S. 115C-238.92, as enacted by this act, is amended by adding
33 a new subdivision to read:

34 "(6a) G.S. 115C-2.1, Inform the public about course materials."

35 **SECTION 7.10.(j)** Except as otherwise provided, this section is effective when it
36 becomes law and applies beginning with the display of course materials used during the
37 2023-2024 school year no later than June 30, 2024.

38 **MODERNIZE SELECTION OF INSTRUCTIONAL MATERIALS**

39 **SECTION 7.11.(a)** Part 3 of Article 8 of Chapter 115C of the General Statutes is
40 repealed.

41 **SECTION 7.11.(b)** Article 8 of Chapter 115C of the General Statutes is amended by
42 adding a new Part to read:

43 "Part 3C. Selection of Instructional Material.

44 **§ 115C-102.20. Definition of instructional materials.**

45 (1) Curricula. – All current objectives, curricula materials, texts, and all other
46 audiovisual or printed materials that are displayed or distributed to students.

47 (2) Health and safety programs. – Any instruction, curricula, or materials intended
48 to impart information or promote discussion or understanding regarding any
49 of the following, including instruction, curricula, or materials implemented to
50 comply with any federal law, regulation, or guidance:
51

- 1 a. Reproductive health and safety, as provided in G.S. 115C-81.30(a).
2 b. Mental and emotional health, as provided in G.S. 115C-81.25(c)(1).
3 c. Growth and development, as provided in G.S. 115C-81.25(c)(9).
4 d. Anti-bullying or anti-harassment.
5 (3) Instructional materials. – Systematically organized material comprehensive
6 enough to cover the primary objectives outlined in the standard course of
7 study for a grade or course. Formats for instructional materials may be print
8 or nonprint, including hardbound books, softbound books, activity-oriented
9 programs, classroom kits, or digital resources that require the use of electronic
10 equipment in order to be used in the learning process.
11 (4) Local committee. – A local community media advisory committee.
12 (5) Parent. – A student's parent or legal guardian.
13 (6) State Committee. – The State Community Media Advisory Committee.
14 (7) Supplemental materials. – Educational materials that supplement specific
15 instruction for the standard course of study selected and procured by a local
16 board of education for a grade or course or general education needs of the
17 school. Supplemental materials may include textbooks, library books,
18 periodicals, audiovisual materials, and other supplemental instructional
19 materials needed for instructional purposes in the local school administrative
20 unit. Supplemental materials may be print or nonprint, including hardbound
21 books, softbound books, activity-oriented programs, classroom kits, or digital
22 resources that require the use of electronic equipment in order to be used in
23 the learning process.
24 (8) Unfit materials. – Instructional or supplemental materials determined to be
25 inappropriate for use in an elementary or secondary school because the
26 material is either (i) obscene, (ii) inappropriate to the age, maturity, or grade
27 level of the students, or (iii) not aligned with the standard course of study.

28 **"§ 115C-102.25. Selection of instructional materials.**

29 (a) Local Board Adoption. – Local boards of education shall select and adopt
30 instructional materials for each standard course of study at each instructional level in the
31 elementary school and the secondary school adopted by the State Board of Education, as provided
32 in Part 1 of Article 8 of this Chapter.

33 (b) Evaluation of Instructional Materials Prior to Adoption. – For each standard course
34 of study, the local board of education may require experts employed by the local board of
35 education and certified in the discipline in which the instructional material would be used to offer
36 evaluation reports to the local board on materials being considered for adoption. Such evaluation
37 reports should give special consideration to the suitability of the instructional materials to the
38 instructional level for which it is offered, the content or subject matter, whether the instructional
39 materials are aligned with the standard course of study, and other criteria prescribed by the local
40 board.

41 **"§ 115C-102.30. Selection of supplemental materials.**

42 (a) Local boards of education shall adopt written policies concerning the procedures to
43 be followed in their local school administrative units for the selection and procurement of
44 supplemental materials for a grade or course or for general education needs at a school or
45 throughout the entire local school administrative unit. Local boards of education shall have sole
46 authority to select and procure supplemental materials, whether or not the materials contain
47 commercial advertising, to determine if the materials are related to and within the limits of the
48 prescribed curriculum, and to determine when the materials may be presented to students during
49 the school day.

50 (b) Supplemental materials shall neither displace nor be used to the exclusion of
51 instructional materials.

"§ 115C-102.35. Selection of health and safety instructional and supplemental materials.

(a) When adopting, modifying, or amending a health and safety program and the instructional and supplemental materials for that program, a local board of education shall conduct a public hearing after adequately notifying the public at least 10 days prior to the hearing.

(b) The local board of education shall also provide both electronic and written notice to all parents of students in the local school administrative unit of the public hearing and the opportunity to review those materials in the program repository, as provided in G.S. 115C-102.50, at least 60 days before the public hearing occurs.

(c) The notice to parents provided for in subsection (b) of this section shall include the following in both written and electronic form:

(1) A detailed description of the program's objectives and any proposed changes, including any topics that the local board of education determines that a reasonable parent in that community may wish to examine as to the age appropriateness of the topics.

(2) All written and audio materials that will be used.

(3) A link to, or information on how to access, the program repository on the local school administrative unit's website, as provided in G.S. 115C-102.50.

"§ 115C-102.40. Acquisition of instructional and supplemental materials.

(a) Funds allocated by the State Board of Education or appropriated in the current expense or capital outlay budgets of the local school administrative units shall be used by the local board of education for purchase, lease, or rental of instructional or supplemental materials and for hardware, software, or other equipment necessary for the use of the instructional or supplemental materials. The title of purchased materials and equipment shall be vested in the local board of education.

(b) Local boards of education are encouraged to partner with other local boards of education and other public schools to jointly purchase instructional and supplemental materials.

(c) All instructional materials purchased with State funds shall include a clause granting to the local board of education the license to produce braille, large print, and audio recording copies of the instructional materials for use in the local school administrative unit.

(d) The local board of education shall publish on the website of the local school administrative unit the title, author, and publisher of all instructional and supplemental materials purchased by the local board of education.

"§ 115C-102.45. Provision and maintenance of instructional and supplemental materials.

(a) The students of the public elementary and secondary schools of the State shall be provided with free instructional materials within the appropriation of the General Assembly for that purpose. The local board of education shall provide for the free use by students, with proper care and return, of elementary and secondary instructional materials. No local board of education may charge any student a rental fee for the use of instructional materials or for hardware, software, or other equipment necessary for the use of the instructional or supplemental materials.

(b) Local boards of education shall provide adequate and safe storage facilities for the proper care of instructional and supplemental materials and emphasize to all students the necessity for proper care of instructional and supplemental materials and equipment necessary for the use of the instructional materials.

(c) A student's parents or legal guardians may be charged damage fees for abuse or loss of instructional or supplemental materials or equipment necessary for the use of those materials under rules adopted by the local board of education. Damage fees collected under this subsection shall be used by the local board of education for purchase, lease, or rental of instructional and supplemental materials, as provided in G.S. 115C-102.40.

"§ 115C-102.50. Instructional materials repository.

(a) A local board of education shall maintain a continuous repository of current instructional and supplemental materials that have been selected and acquired by the local board

1 of education pursuant to this Article. The repository shall not be required to include classroom
2 materials developed by teachers. The materials shall be maintained at a central location for
3 in-person review by parents and the public upon request, and the names of all those materials
4 shall be posted to the local school administrative unit's website for review by parents and the
5 public.

6 (b) In addition to the requirements of subsection (a) of this section, a local board of
7 education shall also maintain a continuous repository of current objectives, entire curricula, texts,
8 and all other materials used in any health and safety program as follows:

9 (1) The current objectives, entire curricula, texts, and all other materials used in
10 any health and safety program shall be maintained at a central location for
11 in-person review by parents and the public upon request.

12 (2) Electronic copies of the current objectives and names of curricula, texts, or
13 any other materials used in any health and safety program shall be posted to
14 the local school administrative unit's website for review by parents and the
15 public. The website shall also include the curricula, texts, and any other
16 materials used in the health and safety program, including links to any
17 materials available on the publisher's website.

18 (3) The local board of education shall add to the central location and electronic
19 repository any objectives, curricula, texts, and other materials that may be
20 proposed for adoption, amendment, or modification to the health and safety
21 program and shall clearly indicate that status while the materials are under
22 consideration.

23 (c) Each school year, at least 14 days before students participate in a health and safety
24 program, a local board of education shall give both written and electronic notice to parents of
25 students participating in that program of the right of parents to review the objectives, complete
26 materials, and entire curriculum of that program in the program repository maintained by the
27 local board of education, as provided in subsection (b) of this section. The notice shall include
28 the same information provided under G.S. 115C-102.35(c). The notice shall be in conjunction
29 with and combination with the notice and requirements to inform parents of the local board of
30 education's policy for participation in certain health and safety programs, as established in
31 G.S. 115C-81.32.

32 **"§ 115C-102.55. Right to purchase; disposal of textbooks and materials.**

33 (a) Any parent, guardian, or person in loco parentis may purchase any instructional
34 material needed for any student in the public schools of the State from the board of education of
35 the local school administrative unit in which the child is enrolled, if the board of education holds
36 title to the instructional material, as described in G.S. 115C-102.40(a).

37 (b) Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4),
38 or any other provision of law, a local board of education may dispose of discontinued
39 instructional or supplemental materials.

40 **"§ 115C-102.60. Local community media advisory committee.**

41 (a) A local board of education shall establish a local community media advisory
42 committee to investigate and evaluate challenges from parents, teachers, and members of the
43 public to instructional materials and supplemental materials on the grounds that they are unfit
44 materials. This section does not apply to optional supplemental materials available through the
45 school library.

46 (b) The local committee shall, at a minimum, include the following:

47 (1) A principal from a high school, middle school, and elementary school,
48 respectively.

49 (2) A teacher from a high school, middle school, and elementary school,
50 respectively.

1 (3) A parent of a student in high school or middle school and a parent of a student
2 in elementary school.

3 (4) A school library media coordinator from a high school, middle school, and
4 elementary school, respectively.

5 (c) Individuals challenging unfit materials shall make challenges in writing to the local
6 board of education and shall specify whether the materials are being challenged on the grounds
7 of being (i) obscene, (ii) inappropriate to the age, maturity, or grade level of the students, or (iii)
8 not aligned with the standard course of study.

9 (d) Within two weeks of the filing of the challenge, the local committee shall hold a
10 hearing and provide the challengers an opportunity to present their concerns to the local
11 committee. The local committee may, in the local committee's discretion, request additional
12 information at the hearing from experts on the subject matter employed by the local school
13 administrative unit. Within two weeks of the hearing, the local committee shall make a
14 recommendation to the local board of education on whether the challenge has merit and whether
15 the challenged material should be retained or removed as unfit material. The local committee's
16 determination shall be limited to considerations of whether the material is unfit on the specific
17 grounds of the material being (i) obscene, (ii) inappropriate to the age, maturity, or grade level
18 of the students, or (iii) not aligned with the standard course of study.

19 (e) At the next meeting of the local board of education after the local committee's
20 recommendation is received, the local board shall determine whether the challenge has merit and
21 whether the challenged material should be retained or removed as unfit material.

22 (f) If the local board of education determines that the challenged material shall be
23 retained, a challenger may appeal the local board's decision to the State Community Media
24 Advisory Committee. The challenger must make the appeal in the form and manner designated
25 by the State Board of Education within two weeks of the local board's decision.

26 **"§ 115C-102.65. State Community Media Advisory Committee.**

27 (a) The State Board of Education shall establish a State Community Media Advisory
28 Committee to review challenges to instructional and supplemental materials appealed under
29 G.S. 115C-102.55.

30 (b) The State Committee shall, at a minimum, include the following:

31 (1) The State Superintendent of Public Instruction or designee.

32 (2) One superintendent of a local school administrative unit.

33 (3) A principal from a high school, middle school, and elementary school,
34 respectively.

35 (4) A teacher from a high school, middle school, and elementary school,
36 respectively.

37 (5) A parent of a student in high school or middle school and a parent of a student
38 in elementary school.

39 (6) A school library media coordinator from a high school, middle school, and
40 elementary school, respectively.

41 (c) A member of the State Committee may be recused from any challenge to materials
42 used in the local school administrative unit in which the member is employed or in which the
43 member's child is enrolled.

44 (d) The State Board of Education shall designate the form and manner for appeals to be
45 made to the State Committee. Upon receipt of an appeal, notice and a copy of the appeal shall be
46 provided to the local board of education.

47 (e) Within four weeks of the filing of the appeal, the State Committee shall hold a hearing
48 and provide the appellants an opportunity to present concerns to the State Committee as well as
49 the local board of education an opportunity to rebut those concerns. The State Committee may,
50 in the State Committee's discretion, request additional information at the hearing from experts on
51 the subject matter employed by the State Board of Education. Within two weeks of the hearing,

1 the State Committee shall make a recommendation to the State Board of Education on whether
2 the appealed challenge has merit and whether the challenged material should be retained or
3 removed as unfit material. The State Committee's determination shall be limited to considerations
4 of whether the material is unfit on the specific grounds of the material being (i) obscene, (ii)
5 inappropriate to the age, maturity, or grade level of the students, or (iii) not aligned with the
6 standard course of study.

7 (f) At the next meeting of the State Board of Education after the State Committee's
8 recommendation is received, the State Board shall determine whether the appealed challenge has
9 merit and whether the challenged material should be retained or removed as unfit material. If the
10 State Board of Education determines that challenged material shall be removed, the local board
11 of education shall remove the material. The decision of the State Board of Education is final and
12 is not subject to appeal by the local board of education or challenger."

13 **SECTION 7.11.(c)** G.S. 115C-11(d) reads as rewritten:

14 "(d) Voting. – No voting by proxy shall be permitted. ~~Except in voting on textbook~~
15 ~~adoptions, a~~ A majority of those present and voting shall be necessary to carry a motion and a
16 roll call vote shall be had on each motion. A record of all such votes shall be kept in the minute
17 book."

18 **SECTION 7.11.(d)** G.S. 115C-11(e) is repealed.

19 **SECTION 7.11.(e)** G.S. 115C-12(9)b. is repealed.

20 **SECTION 7.11.(f)** G.S. 115C-12(18)d. reads as rewritten:

21 "d. The State Board of Education shall modify the Uniform Education
22 Reporting System to provide clear, accurate, and standard information
23 on the use of funds at the unit and school level. The plan shall provide
24 information that will enable the General Assembly to determine State,
25 local, and federal expenditures for personnel at the unit and school
26 level. The plan also shall allow the tracking of expenditures for
27 ~~textbooks,~~ instructional materials, educational supplies and
28 equipment, capital outlay, at-risk students, and other purposes."

29 **SECTION 7.11.(g)** G.S. 115C-47(6) reads as rewritten:

30 "(6) To Regulate Fees, Charges and Solicitations. – Local boards of education shall
31 adopt rules and regulations governing solicitations of, sales to, and
32 fund-raising activities conducted by, the students and faculty members in
33 schools under their jurisdiction, and no fees, charges, or costs shall be
34 collected from students and school personnel without approval of the board of
35 education as recorded in the minutes of said board; ~~provided, this subdivision~~
36 ~~shall not apply to such textbooks fees as are determined and established by the~~
37 ~~State Board of Education.~~ Board. The local board of education shall publish a
38 schedule of fees, charges, and solicitations approved by the local board on the
39 local school administrative unit's Web site by October 15 of each school year
40 and, if the schedule is subsequently revised, within 30 days following the
41 revision."

42 **SECTION 7.11.(h)** G.S. 115C-47(33) reads as rewritten:

43 "(33) To Approve and Use Supplemental Materials. – Local boards of education
44 shall have sole authority to select and procure ~~supplementary instructional~~
45 supplemental materials, whether or not the materials contain commercial
46 advertising, pursuant to the provisions of ~~G.S. 115C-98(b).~~ Part 3C of Article
47 8 of this Chapter."

48 **SECTION 7.11.(i)** G.S. 115C-47(33a) reads as rewritten:

49 "(33a) To Approve and Use ~~Textbooks Not Adopted by State Board of Education.~~
50 Instructional Materials. – Local boards of education shall have the sole
51 authority to select, procure, and use ~~textbooks not adopted by the State Board~~

1 ~~of Education instructional materials~~ as provided in ~~G.S. 115C-98(b1)~~. Part 3C
2 ~~of Article 8 of this Chapter.~~"

3 **SECTION 7.11.(j)** G.S. 115C-81.5(b)(3) is repealed.

4 **SECTION 7.11.(k)** G.S. 115C-81.25(b)(3) is repealed.

5 **SECTION 7.11.(l)** G.S. 115C-81.25(d) reads as rewritten:

6 "(d) Parental Review. – The State Board of Education shall make available to all local
7 school administrative units for review by the parents and legal guardians of students enrolled at
8 those units any State-developed objectives for ~~instruction any approved textbooks,~~ instruction,
9 the list of reviewed materials, and any other State-developed or approved materials that pertain
10 to or are intended to impart information or promote discussion or understanding in regard to the
11 prevention of sexually transmitted diseases, including HIV/AIDS, to the avoidance of
12 out-of-wedlock pregnancy, or to the reproductive health and safety education curriculum. The
13 review period shall extend for at least 60 days before use."

14 **SECTION 7.11.(m)** G.S. 115C-242(3) reads as rewritten:

15 "(3) The board of education of any local school administrative unit may operate
16 the school buses of such unit one day prior to the opening of the regular school
17 term for the transportation of pupils and employees to and from the school to
18 which such pupils are assigned or in which they are enrolled and such
19 employees are employed, for the purposes of the registration of students, the
20 organization of classes, the distribution of ~~textbooks,~~ instructional materials,
21 and such other purposes as will, in the opinion of the superintendent of the
22 schools of such unit, promote the efficient organization and operation of such
23 public schools."

24 **SECTION 7.11.(n)** G.S. 115C-271(d)(2) reads as rewritten:

25 "(2) Local funds appropriated for teachers, ~~textbooks,~~ instructional materials, or
26 classroom materials, supplies, and equipment are not transferred or used for
27 this purpose."

28 **SECTION 7.11.(o)** G.S. 115C-384(c) reads as rewritten:

29 "(c) Rental Fees for ~~Textbooks—Instructional Materials~~ Prohibited; Damage Fees
30 Authorized. – No rental fees are permitted for the use of ~~textbooks,~~ instructional materials, but
31 damage fees may be collected pursuant to the provisions of ~~G.S. 115C-100.~~ G.S. 115C-102.45."

32 **SECTION 7.11.(p)** G.S. 115C-390.2(l)(1) reads as rewritten:

33 "(1) The opportunity to take ~~textbooks instructional materials~~ and school-furnished
34 digital devices home for the duration of the absence."

35 **SECTION 7.11.(q)** G.S. 115C-390.5(c)(1) reads as rewritten:

36 "(1) The opportunity to take ~~textbooks instructional materials~~ home for the
37 duration of the suspension."

38 **SECTION 7.11.(r)** G.S. 115C-398 reads as rewritten:

39 "**§ 115C-398. Damage to school buildings, furnishings, ~~textbooks instructional materials.~~**

40 Students and their parents or legal guardians may be liable for damage to school buildings,
41 furnishings and ~~textbooks instructional materials~~ pursuant to the provisions of G.S. 115C-523,
42 115C-100 and 14-132."

43 **SECTION 7.11.(s)** G.S. 143A-48 is repealed.

44 **SECTION 7.11.(t)** G.S. 143C-9-7(b) reads as rewritten:

45 "(b) Upon appropriation by the General Assembly, funds received in the Indian Gaming
46 Education Revenue Fund shall be allocated quarterly by the State Board of Education to local
47 school administrative units, charter schools, and regional schools on the basis of allotted average
48 daily membership. The funds allotted by the State Board of Education pursuant to this section
49 shall be nonreverting. Funds received pursuant to this section by local school administrative units
50 shall be expended for classroom teachers, teacher assistants, classroom materials or supplies, or
51 ~~textbooks instructional materials.~~"

1 **SECTION 7.11.(u)** Effective July 1, 2023, the existing Textbooks and Digital
2 Resources funding allotment in the State Public School Fund shall be designated as the
3 Instructional Materials funding allotment in the State Public School Fund. The State Board of
4 Education shall establish the purposes for which the funds within the new Instructional Materials
5 funding allotment may be used as follows: (i) to acquire instructional or supplemental materials
6 as defined in G.S. 115C-102.20, as enacted by this section, and (ii) to acquire software necessary
7 for the use of the instructional or supplemental materials.

8 **SECTION 7.11.(v)** G.S. 115C-105.25(b)(12) reads as rewritten:

9 "(12) Funds allotted for ~~textbooks and digital resources~~ instructional materials may
10 only be used ~~for the purchase of textbooks and digital resources.~~ To acquire
11 instructional and supplemental materials, as defined in G.S. 115C-102.20, and
12 to acquire software necessary for the use of the instructional or supplemental
13 materials. These funds shall not be transferred out of the allotment for any
14 other purpose."

15 **SECTION 7.11.(w)** G.S. 115C-81.30(b) and (c) are repealed.

16 **SECTION 7.11.(x)** Article 8 of Chapter 115C of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 115C-81.32. Parents' right to opt in or out of health and safety programs.**

19 Local boards of education shall adopt policies to provide opportunities either for parents to
20 consent or for parents to withhold their consent to the students' participation in any or all of the
21 health and safety programs included in subdivision (2) of G.S. 115C-102.20 provided by the local
22 school administrative unit. Local boards of education shall provide notice to parents of this
23 opportunity at least 14 days before students participate in the health and safety programs, in
24 conjunction with and combination with the notice required by G.S. 115C-102.50. The notice shall
25 inform parents of the local board's policy for participation in the health and safety programs and
26 provide a form that allows parents to exercise parental rights under that policy."

27 **SECTION 7.11.(y)** G.S. 115C-81.30(c) is repealed.

28 **SECTION 7.11.(z)** No local board of education shall be required to hold a public
29 hearing for any program, as defined in this section, in use prior to the 2023-2024 school year
30 until that program is amended, modified, or replaced. All local boards of education shall establish
31 a program repository of current programs, as defined in this section, for access to parents prior
32 to the start of the 2023-2024 school year and shall not implement any program until that program
33 is included in the repository.

34 **SECTION 7.11.(aa)** This section is effective when it becomes law and applies
35 beginning with the 2023-2024 school year.

36 37 **ABOLISH CERTAIN UNFILLED POSITIONS**

38 **SECTION 7.12.** The following positions vacant for longer than two years are
39 abolished as of July 1, 2023:

- 40 (1) 60009659.
- 41 (2) 60009654.
- 42 (3) 60009651.
- 43 (4) 60009667.

44 The Department may reestablish these or create substantially similar positions as
45 needed within funds available pursuant to G.S. 115C-546.2(e).

46 47 **CAREER EXPLORATION AND DEVELOPMENT PLANS**

48 **SECTION 7.13.(a)** Part 1 of Article 8 of Chapter 115C of the General Statutes is
49 amended by adding a new section to read:

50 **"§ 115C-81.12. Career pathways course.**

1 The State Board shall develop standards for a middle school course in which students
2 investigate and learn about career pathways. The standards shall align with the requirements for
3 career development plans under G.S. 115C-158.10(c). All students in grade seven shall complete
4 the course, and, by the conclusion of the course, students shall complete a career development
5 plan as required under G.S. 115C-158.10(a)."

6 **SECTION 7.13.(b)** Article 10 of Chapter 115C of the General Statutes is amended
7 by adding a new Part to read:

8 "Part 1A. Career Development Plans.

9 **"§ 115C-158.10. Career development plans.**

10 (a) All middle and high school students enrolled in a local school administrative unit shall
11 complete a career development plan that meets the requirements of this section. The local board
12 of education shall ensure that students are provided assistance in completion of the plan as well
13 as instruction on how to access that plan throughout the student's enrollment. A student shall not
14 be promoted from seventh grade until a career development plan is created and shall not be
15 promoted from tenth grade until the career development plan is revised. Local boards of
16 education are encouraged to require more frequent revisions as appropriate. Charter schools are
17 encouraged to require participation in career development plans for students in accordance with
18 this section.

19 (b) Local boards of education shall ensure that career development plans are easily
20 accessible to students and parents and shall provide parents written notice of the initial creation
21 of a career development plan and information on how to access the plan.

22 (c) The State Board of Education shall adopt rules establishing minimum requirements
23 for career development plans and shall require local boards of education to provide access to all
24 career development plans through a designated electronic application. Career development plans
25 shall include at least the following:

26 (1) Self-assessment of the student's aptitudes, skills, values, personality, and
27 career interests.

28 (2) Exploration and identification of pathways for careers aligned with the
29 student's self-assessment that include the following for each career:

30 a. Identification of needed education, training, and certifications.

31 b. Information on the most cost-efficient path to entry.

32 c. Opportunities within the school setting to explore and prepare for the
33 career.

34 (3) Alignment of academic courses and extracurricular activities with the
35 student's identified career interests, including the following:

36 a. Inventory of aligned courses in middle and high school in grades six
37 through 10, and development of best strategies for course selection in
38 grades 11 and 12 to achieve identified career interests.

39 b. Available record of the following:

40 1. Completed dual-enrollment courses.

41 2. Extracurricular activities.

42 3. Awards and recognitions.

43 (4) Creation of a career portfolio, which may include items such as the following:

44 a. Documentation of postsecondary plans.

45 b. Completion of the Free Application for Federal Student Aid with
46 parental consent.

47 c. Resume.

48 d. Occupational outlook for identified career interests."

49 **SECTION 7.13.(c)** G.S. 115C-218.75 is amended by adding a new subsection to
50 read:

1 "(k) Career Development Plans. – A charter school is encouraged to adopt a policy to
2 require all middle and high school students to complete a career development plan in accordance
3 with G.S. 115C-158.10."

4 **SECTION 7.13.(d)** The State Board of Education shall establish a pilot of at least
5 20 local school administrative units during the 2023-2024 school year to develop the plan
6 requirements and professional development necessary for successful statewide implementation
7 of career development plans in the 2024-2025 school year. The State Board of Education shall
8 direct the Department of Public Instruction to develop and provide a career development plan
9 electronic application to local boards of education and participating charter schools no later than
10 the 2024-2025 school year that will provide access for all students and parents to the student's
11 career development plan and will integrate with career information available through other State
12 agencies.

13 **SECTION 7.13.(e)** The Department of Public Instruction and the local boards of
14 education, as appropriate, shall provide or cause to be provided, prior to the start of the 2024-2025
15 school year, curriculum content for the course required in subsection (a) of this section and
16 professional development to ensure that the intent and provisions of this section are carried out.

17 **SECTION 7.13.(f)** Subsections (a), (b), (c), and (e) of this section become effective
18 beginning with the 2024-2025 school year. The remainder of this section becomes effective July
19 1, 2023.

20 **CTE PATHWAYS**

21 **SECTION 7.14.** The Department of Public Instruction, in consultation with the
22 Board of Governors of The University of North Carolina and the State Board of Community
23 Colleges, shall study and develop alternative graduation requirements for students following
24 certain career paths chosen in the process of creating career development plans pursuant to
25 G.S. 115C-158.10, as enacted by this act. Recommended graduation requirements shall align
26 with either the minimum undergraduate course requirements for admission to the constituent
27 institutions of The University of North Carolina or the standards and requirements for admission
28 to a certificate or diploma course established by the State Board of Community Colleges. The
29 Department shall report to the Joint Legislative Education Oversight Committee by July 15,
30 2024, on at least the following:

- 31 (1) The different alternative diplomas being recommended.
- 32 (2) The requirements to graduate with each of the alternative diplomas.
- 33 (3) How the requirements for graduation with each of the alternative diplomas
34 compares to graduation requirements from neighboring states.
- 35 (4) Any estimated costs that would be incurred by either the Department or public
36 school units in offering alternative diplomas.
- 37 (5) Any other information the Department deems necessary.

38 **REMAINING ESSER FUNDS TO FAILURE FREE READING PROGRAM AND ST** 39 **MATH**

40 **SECTION 7.15.(a)** Of the funds to be reallocated pursuant to Section 3.5(a)(37)b.
41 of S.L. 2021-25, as enacted by S.L. 2021-180, up to three hundred thousand dollars (\$300,000)
42 shall be used to continue or expand the Failure Free Reading program created by Section
43 3.5(a)(26) of S.L. 2021-25, as enacted by S.L. 2021-180, to address learning loss due to the
44 COVID-19 pandemic. Any school that received funds to participate in the Failure Free Reading
45 program shall be eligible to receive funds pursuant to this subsection.

46 **SECTION 7.15.(b)** Of the funds to be reallocated pursuant to Section 3.5(a)(37)b.
47 of S.L. 2021-25, as enacted by S.L. 2021-180, up to two million dollars (\$2,000,000) shall be
48 used to contract with International MIND Education Institute, Inc., for their ST Math program to
49 address learning loss in math due to the COVID-19 pandemic.
50
51

STANDARDS ADVISORY COMMISSION

SECTION 7.16.(a) G.S. 115C-12(9c) reads as rewritten:

"(9c) Power to Develop Content Standards. – The Board shall adopt the standard course of study as provided in Part 1 of Article 8 of this Chapter.

~~a. The Board shall develop a comprehensive plan to revise content standards and the standard course of study in the core academic areas of reading, writing, mathematics, science, history, geography, and civics. The Board shall involve and survey a representative sample of parents, teachers, and the public to help determine academic content standard priorities and usefulness of the content standards. A full review of available and relevant academic content standards that are rigorous, specific, sequenced, clear, focused, and measurable, whenever possible, shall be a part of the process of the development of content standards. The revised content standards developed in the core academic areas shall (i) reflect high expectations for students and an in-depth mastery of the content; (ii) be clearly grounded in the content of each academic area; (iii) be defined grade by grade and course by course; (iv) be understandable to parents and teachers; (v) be developed in full recognition of the time available to teach the core academic areas at each grade level; and (vi) be measurable, whenever possible, in a reliable, valid, and efficient manner for accountability purposes.~~

~~b. High school course content standards shall include the knowledge and skills necessary to pursue further postsecondary education or to attain employment in the 21st century economy. The high school course content standards also shall be aligned with the minimum undergraduate course requirements for admission to the constituent institutions of The University of North Carolina.~~

~~e. The Board also shall develop and implement an ongoing process to align State programs and support materials with the revised academic content standards for each core academic area on a regular basis. Alignment shall include revising textbook criteria, support materials, State tests, teacher and school administrator preparation, and ongoing professional development programs to be compatible with content standards. The Board shall develop and make available to teachers and parents support materials, including teacher and parent guides, for academic content standards. The State Board of Education shall work in collaboration with the Board of Governors of The University of North Carolina to ensure that teacher and school administrator degree programs, ongoing professional development, and other university activity in the State's public schools align with the State Board's priorities."~~

SECTION 7.16.(b) G.S. 115C-81.5 reads as rewritten:

"§ 115C-81.5. Standard course of study.

(a) All children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the State Board of Education shall adopt a plan of education and a standard course of study as provided in ~~G.S. 115C-12(9e)~~ this Part for the public schools of the State. It is the intent of the General Assembly that the focus of State educational funding shall be to ensure that each student receives a sound basic education.

1 It is further a goal of the General Assembly to provide supplemental funds to low-wealth counties
2 to allow those counties to enhance the instructional program and student achievement. Instruction
3 shall be offered in the areas of arts, communication skills, physical education and personal health
4 and safety, mathematics, media and computer skills, science, second languages, social studies,
5 and career and technical education. In addition, instruction shall be offered in all of the areas
6 provided in this Part.

7 (b) The standard course of study shall provide all of the following:

- 8 (1) A core curriculum for all students that takes into account the special needs of
9 children.
- 10 (2) A set of competencies, by grade level, for each curriculum area.
- 11 (3) A list of textbooks for use in providing the curriculum.
- 12 (4) Standards for student performance and promotion based on the mastery of
13 competencies, including standards for graduation, that take into account
14 children with disabilities and, in particular, include appropriate modifications.
- 15 (5) A program of remedial education.
- 16 (6) Required support programs.
- 17 (7) A definition of the instructional day.
- 18 (8) Class size recommendations and requirements.
- 19 (9) Prescribed staffing allotment ratios.
- 20 (10) Material and equipment allotment ratios.
- 21 (11) Facilities guidelines that reflect educational program appropriateness,
22 long-term cost efficiency, and safety considerations.
- 23 (12) Any other information the Board considers appropriate and necessary."

24 **SECTION 7.16.(c)** Article 8 of Chapter 115C of the General Statutes is amended by
25 adding a new section to read:

26 "**§ 115C-81.6. SCOS Commission.**

27 (a) There is established the Standard Course of Study Advisory Commission, hereinafter
28 referred to as the SCOS Commission. The purpose of the Commission is to involve stakeholders
29 in establishing the standard course of study. The Commission shall make recommendations
30 regarding all aspects of the standards and competencies of the standard course of study.

31 (b) The Commission shall be located administratively in the Department of Public
32 Instruction but shall exercise all of its powers and duties independently of the Department of
33 Public Instruction.

34 (c) The Commission shall consist of the following members:

- 35 (1) The General Assembly, upon the recommendation of the President Pro
36 Tempore of the Senate, shall appoint the following eight members:
 - 37 a. One superintendent of a public school unit with a student population
38 greater than 20,000 at the time of appointment.
 - 39 b. One principal of an elementary school.
 - 40 c. One high school teacher.
 - 41 d. One elementary school teacher.
 - 42 e. One parent of a student in middle or high school enrolled in a public
43 school unit at the time of appointment.
 - 44 f. One curriculum specialist from a public school unit with a student
45 population of 20,000 or less at the time of appointment.
 - 46 g. One member of the business community.
 - 47 h. One at-large member.
- 48 (2) The General Assembly, upon the recommendation of the Speaker of the House
49 of Representatives, shall appoint the following eight members:
 - 50 a. One superintendent of a public school unit with a student population
51 of 20,000 or less at the time of appointment.

- b. One principal of a high school.
- c. One principal of a middle school.
- d. One middle school teacher.
- e. One parent of a student in elementary school enrolled in a public school unit at the time of appointment.
- f. One curriculum specialist from a public school unit with a student population of more than 20,000 at the time of appointment.
- g. One member of the business community.
- h. One at-large member.

(3) The Superintendent of Public Instruction or his or her designee.

(4) The President of the North Carolina Community College System, or the President's designee, as a nonvoting member.

(5) The President of The University of North Carolina, or the President's designee, as a nonvoting member.

(6) The President of the North Carolina Chamber, or the President's designee, as a nonvoting member.

(d) In making appointments to the Commission, the General Assembly is encouraged to select qualified citizens who are committed to improving the standard course of study and student achievement and who represent the racial, geographic, and gender diversity of the State. Vacancies in the membership shall be filled by the General Assembly, as provided in G.S. 120-122, using the same criteria as provided in subsection (c) of this section.

(e) Members of the Commission shall serve four-year terms of office beginning on July 1. No appointed member shall serve more than eight consecutive years. Vacancy appointments shall be made for the remainder of the term of office by the General Assembly as provided in G.S. 120-122, using the same criteria as provided in subsection (c) of this section.

(f) The Commission shall elect a chair, a vice-chair, and a secretary from among its membership. In the absence of the chair, the vice-chair shall preside over the Commission's meetings. All members are voting members and a majority of the Commission constitutes a quorum. The Commission shall adopt rules to govern its proceedings.

(g) Meetings of the Commission shall be held upon the call of the chair or the vice-chair in the absence of the chair. The Superintendent shall call the initial meeting of the Commission.

(h) Members of the Commission shall receive compensation for their services and reimbursement for expenses incurred in the performance of their duties required by this Article at the rate prescribed in G.S. 138-5 and G.S. 138-6.

(i) The Superintendent of Public Instruction shall assign staff to assist the Commission's work. The Commission may contract with content area experts to assist in its deliberations from funds available.

(j) The Commission shall:

(1) Develop and recommend to the State Board of Education the standard course of study in accordance with G.S. 115C-81.7.

(2) Develop support materials, including teacher and parent guides, for academic content standards that can be made available to teachers and parents upon approval by the State Board.

(3) Provide recommendations as requested to the State Board of Education related to alignment of State programs and support materials with the revised academic content standards for each core academic area, including revising textbook criteria, support materials, State tests, teacher and school administrator preparation, and ongoing professional development programs to be compatible with content standards.

(k) The Commission shall submit its recommendations under subsection (j) of this section to the State Board. The State Board shall adopt or reject the recommended standard course of

1 study. The State Board shall not make any substantive changes to any recommended standard
2 course of study that it adopts. If the State Board rejects the recommendation, it shall state with
3 specificity its reasons for rejection; the Commission may then amend the recommendation and
4 resubmit it to the State Board. The State Board shall adopt or reject the amended
5 recommendation.

6 (l) If the State Board fails to adopt the Commission's original and amended
7 recommendations as provided in subsection (k) of this section, the State Board may develop and
8 adopt its own recommended standard course of study, subject to the requirements of
9 G.S. 115C-81.8.

10 (m) The Commission shall submit a report by December 1, 2024, and annually thereafter,
11 to the Joint Legislative Education Oversight Committee and the State Board of Education of its
12 activities during the preceding year, together with any recommendations and findings regarding
13 the process for revisions to the standard course of study."

14 **SECTION 7.16.(d)** Article 8 of Chapter 115C of the General Statutes is amended by
15 adding a new section to read:

16 **"§ 115C-81.7. Development of standard course of study.**

17 (a) The State Board shall develop a comprehensive plan to revise, on a regular basis,
18 content standards and the standard course of study in the core academic areas of reading, writing,
19 mathematics, science, history, geography, and civics that clearly designates by year the subjects
20 for review by the Commission. The State Board shall provide this plan to the Commission. The
21 Commission shall review the designated subjects and standard course of study in accordance
22 with the plan developed by the State Board.

23 (b) The Commission shall involve and survey a representative sample of parents,
24 teachers, and the public to help determine academic content standard priorities and usefulness of
25 the content standards. A full review of available and relevant academic content standards that are
26 rigorous, specific, sequenced, clear, focused, and measurable, whenever possible, shall be a part
27 of the process of the development of content standards. The revised content standards developed
28 in the core academic areas shall do all of the following:

- 29 (1) Reflect high expectations for students and an in-depth mastery of the content.
- 30 (2) Be clearly grounded in the content of each academic area.
- 31 (3) Be defined grade-by-grade and course-by-course.
- 32 (4) Be understandable to parents and teachers.
- 33 (5) Be developed in full recognition of the time available to teach the core
34 academic areas at each grade level.
- 35 (6) Be measurable, whenever possible, in a reliable, valid, and efficient manner
36 for accountability purposes.

37 (c) High school course content standards shall include the knowledge and skills necessary
38 to pursue further postsecondary education or to attain employment in the twenty-first century
39 economy. The high school course content standards also shall be aligned with the minimum
40 undergraduate course requirements for admission to the constituent institutions of The University
41 of North Carolina.

42 (d) The State Board, in consultation with the Commission, shall also develop and
43 implement an ongoing process to align State programs and support materials with the revised
44 academic content standards for each core academic area on a regular basis. Alignment shall
45 include revising textbook criteria, support materials, State tests, teacher and school administrator
46 preparation, and ongoing professional development programs to be compatible with content
47 standards.

48 (e) The State Board shall work in collaboration with the Board of Governors of The
49 University of North Carolina to ensure that teacher and school administrator degree programs,
50 ongoing professional development, and other university activity in the State's public schools align
51 with the State Board's priorities."

1 **SECTION 7.16.(e)** Article 8 of Chapter 115C of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 115C-81.8. Review of standard course of study developed by State Board.**

4 (a) Prior to implementation of a standard or competency of the standard course of study
5 adopted as provided in G.S. 115C-81.6(l), the State Board of Education shall submit a report of
6 the proposed changes to the Joint Legislative Education Oversight Committee. The report shall
7 contain the following:

8 (1) A copy of the existing standard or competency of the standard course of study
9 in a format that includes page and line numbers for the text with the material
10 struck through that is being deleted and the material underlined that is being
11 added.

12 (2) An explanation of the reasons for the changes.

13 (3) A copy of the minutes of each State Board meeting where the proposed
14 changes were discussed.

15 (b) A change to a standard, competency, or content of the standard course of study that
16 has been submitted to the Joint Legislative Education Oversight Committee may be implemented
17 as follows:

18 (1) Except as provided in subdivision (2) of this subsection, a change may be
19 implemented following the thirty-first legislative day after the date the State
20 Board submits the change to the Joint Legislative Education Oversight
21 Committee.

22 (2) If a bill that specifically disapproves the change is introduced in either house
23 of the General Assembly by the thirty-first legislative day following the
24 submission of a change to the Joint Legislative Education Oversight
25 Committee, the change becomes effective on the earlier of (i) the day an
26 unfavorable final action is taken on the bill or (ii) the day that session of the
27 General Assembly adjourns without ratifying a bill that specifically
28 disapproves the rule.

29 (3) A change that is specifically disapproved by a bill enacted into law before it
30 becomes effective shall not be implemented. A bill specifically disapproves a
31 change if it contains a provision that refers to the report submitted to the Joint
32 Legislative Education Oversight Committee by title and date and the specific
33 change by page and line number in the report that is disapproved.
34 Notwithstanding any rule of either house of the General Assembly, any
35 member of the General Assembly may introduce a bill at any time during any
36 regular session to disapprove a change that has been submitted to the Joint
37 Legislative Education Oversight Committee that has not become effective."

38 **SECTION 7.16.(f)** G.S. 150B-1(d) is amended by adding a new subdivision to read:

39 **"(33) The State Board of Education with respect to adoption of the standard course**
40 **of study as required by Part 1 of Article 8 of Chapter 115C of the General**
41 **Statutes."**

42 **SECTION 7.16.(g)** Initial appointments to the Standard Course of Study Advisory
43 Commission shall be made by the General Assembly for terms beginning July 1, 2023, and shall
44 be appointed as follows:

45 (1) Notwithstanding G.S. 115C-81.6, as enacted by this act, members appointed
46 pursuant to G.S. 115C-81.6(c)(1)a., c., e., and g. and G.S. 115C-81.6(c)(2)b.,
47 d., f., and h. shall be appointed for two-year terms.

48 (2) Members appointed pursuant to G.S. 115C-81.6(c)(1)b., d., f., and h. and
49 G.S. 115C-81.6(c)(2)a., c., e., and g. shall be appointed for four-year terms.

50 **SECTION 7.16.(h)** Notwithstanding G.S. 115C-81.7(a), the Standard Course of
51 Study Advisory Commission shall review the social studies standard course of study during the

2023-2024 school year and provide recommendations to the State Board of Education no later than January 1, 2025.

SECTION 7.16.(i) This section is effective when it becomes law and applies to all standard courses of study implemented on or after that date.

ONLINE DIGITAL INSTRUCTION

SECTION 7.17. Subsection (c) of Section 7.23K of S.L. 2017-57 is repealed.

CODIFY AND MODIFY RENEWAL SCHOOLS

SECTION 7.18.(a) Article 16 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

"Part 12. Renewal School Systems.

"§ 115C-238.90. Definitions.

The following definitions apply in this Part:

(1) Eligible local board of education. – A local board of education of a local school administrative unit that meets one of the following criteria:

a. For data applicable to the 2017-2018 school year, the local school administrative unit meets all of the following:

1. Greatest percentage of restart model schools in the State approved by the State Board of Education pursuant to G.S. 115C-105.37B(a)(2).

2. Eligible for low-wealth supplemental funding.

3. An average daily membership of more than 10,000 students.

b. For data applicable to the 2021-2022 school year, the local school administrative unit meets all of the following:

1. At least sixty percent (60%) of schools within the unit met or exceeded growth.

2. Expended less than six thousand seven hundred dollars (\$6,700) per pupil of funding received from State sources.

(2) Renewal school system. – A local school administrative unit that is operating under an approved renewal school system plan.

(3) Renewal school system plan. – A local school administrative unit renewal plan approved by the State Board of Education pursuant to G.S. 115C-238.91.

"§ 115C-238.91. Submission of renewal school system plans; purpose; approval by State Board.

(a) Submission of Renewal School System Plans; Purpose. – An eligible local board of education of a local school administrative unit may submit a renewal school system plan to the State Board of Education to permit the eligible local board of education to decide all matters related to the operation of the schools under its control within the local school administrative unit, including use of State funds, curriculum, and operating procedures, except as otherwise provided in this Part. The purpose of operating the local school administrative unit under a renewal school system plan shall be for the eligible local board of education to design and create a comprehensive, innovative strategic vision for sustainable school improvement and student achievement through the delivery of instruction and resources tailored to the needs of the students and the community.

(b) Review of the Renewal School System Plan. – An eligible local board of education shall submit an application prior to July 1 to begin operation of the renewal school system plan for the next school year. The State Board shall review, in consultation with the Superintendent of Public Instruction, a renewal school system plan that meets the requirements of this section and notify the board within 30 days of submission of the plan to the State Board. An eligible

1 local board of education shall include at least the following components in its renewal school
2 system plan:

- 3 (1) A resolution adopted by the eligible local board of education to implement the
4 plan in the local school administrative unit.
- 5 (2) A description of how the plan shall meet the purpose set forth in subsection
6 (a) of this section and an outline of strategic goals, including improving
7 student achievement and at least the following:
 - 8 a. Policies and support services that will enhance the ability of each
9 school in the local school administrative unit to achieve its own
10 strategic vision and plan within the context of the local school
11 administrative unit's vision.
 - 12 b. Strategies for attaining and retaining high quality instructional,
13 support, and administrative school personnel employed by the eligible
14 local board of education.
 - 15 c. Methods for the analysis of data to ensure the eligible local board of
16 education is meeting its strategic goals.

17 (c) State Board Approval. – The State Board may approve a renewal school system plan
18 that meets the requirements of this section upon a recommendation from the Superintendent of
19 Public Instruction. The State Board may also establish a proposed initial term of operation for
20 the plan with a schedule for extensions. In accordance with subsection (a) of this section, the
21 renewal school system shall be exempt from statutes and rules applicable to other local school
22 administrative units for the purpose of operating its schools, except as otherwise provided in this
23 Part. For the purposes of federal law and administration of State law, a renewal school system
24 shall be considered a local school administrative unit.

25 **"§ 115C-238.92. Applicability of certain statutes.**

26 A renewal school system shall be subject to the following Articles and sections of this
27 Chapter:

- 28 (1) Article 1, Definitions and Preliminary Provisions.
- 29 (2) Article 5, Local Boards of Education, except for the following subdivisions of
30 G.S. 115C-47, Powers and duties generally:
 - 31 a. (5) (To Fix Time of Opening and Closing Schools).
 - 32 b. (10) (To Assure Appropriate Class Size).
 - 33 c. (11) (To Determine School Calendar).
 - 34 d. (13) (To Elect a Superintendent).
 - 35 e. (14) (To Supply an Office, Equipment and Clerical Assistance for the
36 Superintendent).
 - 37 f. (15) (To Prescribe Duties of Superintendent).
 - 38 g. (16) (To Remove a Superintendent, When Necessary).
 - 39 h. (17) (To Employ Assistant Superintendents and Supervisors).
 - 40 i. (18a) (To Adopt Rules and Policies Limiting the Noninstructional
41 Duties of Teachers).
 - 42 j. (21) (Employee Salary Schedules).
 - 43 k. (32) (To Refer All Students Who Drop Out of the Public Schools to
44 Appropriate Services).
 - 45 l. (32a) (To Establish Alternative Learning Programs and Develop
46 Policies and Guidelines).
 - 47 m. (34a) (To Establish Work-Based Opportunities and Encourage High
48 School to Work Partnerships).
 - 49 n. (35) (To Produce School Building Improvement Reports).
 - 50 o. (38) (To Establish School Improvement Teams).
 - 51 p. (65) (To Provide Information About Child Abuse and Neglect).

- 1 (3) Article 7, Organization of Schools.
- 2 (4) G.S. 115C-81.30, Reproductive health and safety education provided by local
- 3 school administrative units.
- 4 (5) G.S. 115C-81.65, Financial literacy.
- 5 (6) Part 1A, North Carolina Read to Achieve Program, and Part 1B of Article 8,
- 6 School Performance.
- 7 (7) Article 9, Education of Children With Disabilities.
- 8 (8) Part 3, Preliminary Scholastic Aptitude Test Opportunities Encouraged, and
- 9 Part 5, Career and College Readiness, of Article 10A.
- 10 (9) Article 8C, Local Safety Plans, except G.S. 115C-105.47A, Proposals to
- 11 establish alternative learning programs or alternative schools, and
- 12 G.S. 115C-105.48, Placement of students in alternative schools/alternative
- 13 learning programs.
- 14 (10) Subsections (c) through (e) of G.S. 115C-218.105, State and local funds for a
- 15 charter school.
- 16 (11) Part 9 of Article 16, Cooperative Innovative High School Programs.
- 17 (12) Part 2 of Article 17, Food Service.
- 18 (13) Article 21A, Privacy of Employee Personnel Records.
- 19 (14) G.S. 115C-325, System of employment for public school teachers, Part 6,
- 20 Criminal History Checks, and Part 8, Sexual Harassment Policies, of Article
- 21 22.
- 22 (15) Article 23, Employment Benefits.
- 23 (16) Article 25, Admission and Assignment of Students, except G.S. 115C-372,
- 24 Assignment to school bus.
- 25 (17) Article 25A, Special Medical Needs of Students.
- 26 (18) Article 25B, Health Needs of Students.
- 27 (19) Article 26, Attendance.
- 28 (20) Article 27, Discipline.
- 29 (21) Article 28, Student Liability.
- 30 (22) Article 29, Protective Provisions and Maintenance of Student Records.
- 31 (23) Article 29A, Policy Prohibiting Use of Tobacco Products.
- 32 (24) Article 29D, Student Prayer and Religious Activity.
- 33 (25) Article 31, The School Budget and Fiscal Control Act, except G.S. 115C-438,
- 34 Provision for the disbursement of State money, and G.S. 115C-451, Reports
- 35 to State Board of Education; failure to comply with School Budget Act.
- 36 (26) Article 33, Assumption of School District Indebtedness by Counties.
- 37 (27) Article 34, Refunding and Funding Bonds of School Districts.
- 38 (28) Article 34B, Qualified Zone Academy Bonds and Qualified School
- 39 Construction Bonds.
- 40 (29) Article 35, Voluntary Endowment Fund for Public Schools.
- 41 (30) Article 36, Voted Tax Supplements for School Purposes.
- 42 (31) Article 37, School Sites and Property, except the class size requirements set
- 43 forth in G.S. 115C-521(a).

44 "**§ 115C-238.93. General operating requirements.**

45 (a) Course of Study. – The renewal school system shall provide at least the following as
46 part of the course of study:

- 47 (1) Provide instruction each year for at least 185 days or 1,025 hours over nine
- 48 calendar months.
- 49 (2) Design its programs to meet, at a minimum, the student performance standards
- 50 adopted by the State Board of Education and the student performance goals
- 51 contained in the plan.

1 (3) Conduct the student assessments required by G.S. 115C-174.11.

2 (b) Identification of Low-Performing Schools. – The State Board shall identify
3 low-performing schools located in the renewal school system on an annual basis.
4 Low-performing schools are those that earn an overall school performance grade of D or F and
5 a school growth score of "met expected growth" or "not met expected growth" as defined by
6 G.S. 115C-83.15. The State Board shall also identify continually low-performing schools in the
7 renewal school system on an annual basis. A continually low-performing school is a school that
8 has been designated by the State Board as low-performing for at least two of three consecutive
9 years.

10 (c) Transportation. – The renewal school system shall provide a system of transportation
11 to students in the local school administrative unit.

12 (d) Policy Against Bullying. – The renewal school system is encouraged to adopt a policy
13 against bullying or harassing behavior, including cyber-bullying, that is consistent with the
14 provisions of Article 29C of this Chapter. If the renewal school system adopts a policy to prohibit
15 bullying and harassing behavior, the unit shall, at the beginning of each school year, provide the
16 policy to staff, students, and parents as defined in G.S. 115C-390.1(b)(8).

17 (e) Reporting to the State Board. – The renewal school system shall comply with the
18 reporting requirements established by the State Board of Education in the Uniform Education
19 Reporting System. The renewal school system shall report at least annually to the State Board
20 any information required by the State Board.

21 (f) Driving Eligibility Certificates. – In accordance with rules adopted by the State
22 Board, the renewal school system shall direct the principal of each school in the renewal school
23 system to do all of the following regarding driving eligibility certificates:

24 (1) Sign driving eligibility certificates that meet the conditions established in
25 G.S. 20-11.

26 (2) Obtain the necessary written, irrevocable consent from parents, guardians, or
27 emancipated juveniles, as appropriate, in order to disclose information to the
28 Division of Motor Vehicles.

29 (3) Notify the Division of Motor Vehicles when a student who holds a driving
30 eligibility certificate no longer meets its conditions.

31 (g) Employees. – The renewal school system shall employ and establish the terms of any
32 new or renewed contract with necessary school administrators and teachers to perform the
33 particular service for which they are employed in the schools or in a central administrative role
34 for the renewal school system except for those teachers employed pursuant to G.S. 115C-325. At
35 least fifty percent (50%) of the teachers in a school shall hold teacher licenses. All teachers who
36 are teaching in the core subject areas of mathematics, science, social studies, and language arts
37 shall be college graduates. The renewal school system also may employ necessary employees
38 who are not required to hold teacher licenses to perform duties other than teaching and may
39 contract for other services.

40 **§ 115C-238.94. State funds.**

41 (a) Calculation of Funds. – The Department of Public Instruction shall calculate the
42 amount of State funds to be allocated to a renewal school system on the same basis as other local
43 school administrative units and shall distribute those funds to a unit. The State Board of
44 Education shall establish a policy for converting guaranteed positions to a dollar equivalent for
45 a renewal school system. The funds allocated to a renewal school system shall be subject to any
46 restrictions as to use imposed by federal law, the conditions of federal or State grants, or as
47 provided through any rules that the State Board adopts to ensure compliance with federal
48 regulations. Use of these funds shall otherwise be unrestricted except as provided in this section.

49 (b) Provision for Disbursement of State Money. – The deposit of money in the State
50 treasury to the credit of the renewal school system shall be made as necessary for the operation
51 of the local school administrative unit.

1 The State Board of Education may withhold money to be distributed to the renewal school
2 system if any report required to be filed with State school authorities is more than 30 days
3 overdue.

4 Money in the State Public School Fund and State bond moneys shall be released only on
5 warrants drawn on the State Treasurer, signed by a local official as required by the State Board.

6 (c) State Budget Act Compliance. – The State Board shall have authority to require the
7 renewal school system to make reports as it may deem advisable with respect to the financial
8 operation of the schools located in the renewal school system. If the local board of education
9 willfully or negligently fails or refuses to comply with applicable laws and regulations of the
10 School Budget and Fiscal Control Act, the State Board shall issue a warning to the local board
11 of education and direct it to take remedial action. If the local board of education, after warning,
12 persists in willfully or negligently failing or refusing to comply with these laws and regulations,
13 the State Board shall by resolution assume control of the financial affairs of the local board of
14 education and shall appoint an administrator to exercise the powers assumed. The adoption of a
15 resolution shall have the effect of divesting the local board of education of its powers as to the
16 adoption of budgets, expenditure of money, and all other financial powers conferred upon the
17 local board of education by law.

18 (d) Withholding for Retirement Contributions. – Upon notification by the Board of
19 Trustees of the Teachers' and State Employees' Retirement System to the State Treasurer and the
20 Office of State Budget and Management as to any default of the renewal school system, the State
21 Board shall withhold from any State appropriation due to the renewal school system an amount
22 equal to the sum of all delinquent contributions and payments due to the Retirement Systems
23 Division and shall transmit that amount to the Retirement Systems Division.

24 **"§ 115C-238.95. State Board of Education review; termination of plan; reporting.**

25 (a) Review of the Plan; Grounds for Termination. – The State Board shall conduct a
26 review of the operation and student performance of a renewal school system at least every three
27 years during the operation of a renewal school system plan to ensure that the renewal school
28 system is meeting the expected academic, financial, and governance strategic goals set forth in
29 the plan. The State Board may terminate a renewal school system plan after a review upon any
30 of the following grounds:

- 31 (1) Failure to meet the requirements for student performance contained in the
32 plan.
- 33 (2) The majority of schools in the renewal school system have been identified as
34 low-performing schools in the two school years immediately preceding the
35 review.

36 If the State Board determines that the renewal school system has failed to meet generally
37 accepted standards of fiscal management or violated State or federal law, the State Board may
38 terminate the renewal school system plan prior to any established term of operation in the plan.
39 In addition, if the Superintendent of Public Instruction finds that satisfactory progress is not being
40 made after reviewing the reports required to be submitted under subsection (b) of this section,
41 the Superintendent shall recommend to the State Board that the renewal school system plan be
42 terminated immediately. The State Board shall terminate the renewal school system plan if such
43 a recommendation is made by the Superintendent.

44 Upon termination of the renewal school system plan by the State Board, the State Board shall
45 develop a transition plan for the local board of education to revert to operating the local school
46 administrative unit in accordance with applicable State laws and regulations for other local school
47 administrative units.

48 (b) Reporting to Superintendent. – The renewal school system shall report to the
49 Superintendent of Public Instruction as follows:

- 50 (1) An annual report on the assessment instruments used pursuant to
51 G.S. 115C-174.11(a) and the student outcomes based on those assessments.

1 (2) An annual report on the number of classroom teacher and school administrator
2 vacancies, turnover, and use of long-term substitutes in filling vacancies for
3 both classroom teachers and school administrators. This report shall also
4 provide comparisons with the statewide data on these items. In addition, the
5 report shall also provide comparisons with the previous year's data on these
6 items both at the local school administrative unit level and statewide.

7 (3) An annual report on student absences. This data shall provide comparisons
8 with the previous year's data on these items.

9 (4) Any other reporting requirements deemed necessary by the Superintendent of
10 Public Instruction."

11 **SECTION 7.18.(b)** Section 6 of S.L. 2018-32, as amended by Section 4(d) of S.L.
12 2019-82, Section 3(f) of S.L. 2019-176, Section 1(f) of S.L. 2020-7, Section 3(g) through (h) of
13 S.L. 2021-130, Section 6(h) of S.L. 2021-132, and Section 7.10 of S.L. 2022-74, is repealed.

14 **SECTION 7.18.(c)** Beginning with the 2023-2024 school year, a local school
15 administrative unit operating under an approved renewal school system plan pursuant to Section
16 6 of S.L. 2018-32 as of the date this act becomes law shall continue to operate as a renewal school
17 system subject to Part 12 of Article 16 of Chapter 115C of the General Statutes, as enacted by
18 this act.

19 **SECTION 7.18.(d)** Subsection (b) of this section becomes effective July 1, 2023.
20 The remainder of this act is effective when it becomes law and applies beginning with the
21 2023-2024 school year.

22

23 **CTE GRANTS FOR ANCILLARY ITEMS**

24 **SECTION 7.19.(a)** Of the funds appropriated to the Department of Public
25 Instruction in this act from the General Fund for each year of the 2023-2025 fiscal biennium, the
26 Department shall use up to one million dollars (\$1,000,000) in nonrecurring funds to provide
27 grants for the 2023-2024 and 2024-2025 school years to fund ancillary items necessary for the
28 CTE program at a given school in addition to equipment considered under G.S. 115C-154.2. The
29 Department shall promulgate a full list of items that are eligible to be purchased with funds
30 received pursuant to this program. The Department may consult with the Department of
31 Agriculture and Consumer Services when evaluating a grant program for selection that includes
32 the purchase of animals. A public school unit or a regional partnership of more than one public
33 school unit may apply to receive funds. When awarding grants under this subsection, the
34 Department shall prioritize public school units (i) located, in whole or in part, in a county with
35 at least one local school administrative unit that received low-wealth supplemental funding in the
36 previous fiscal year and (ii) that have a high population of at-risk students or students with
37 disabilities. Grant recipients may make ancillary items available to any students within the public
38 school unit or partnership regardless of whether the student is identified as at-risk or a student
39 with a disability.

40 **SECTION 7.19.(b)** Of the funds appropriated to the Department of Public
41 Instruction in this act from the General Fund, the Department shall use up to two hundred
42 thousand dollars (\$200,000) in recurring funds to assist public school units with program costs
43 associated with CTE programs related to homebuilding. The Department of Public Instruction
44 shall permit high schools within public school units to use the U.S. Department of Labor
45 approved Pre-Apprenticeship Certificate Training (PACT) program, developed by the Home
46 Builders Institute as an approved curriculum for CTE programs.

47 **SECTION 7.19.(c)** The Department shall create and make available an application
48 for grants under this section no later than the beginning of each school year of the biennium.
49 Applicants shall submit their application to receive grant funds to the Department no later than
50 January 15 of each year of the biennium. The Department shall approve or deny each application
51 within 30 days of receipt.

1 **SECTION 7.19.(d)** All recipients of grants under this section for each school year
2 of the biennium shall submit a report to the Department no later than October 15 of each year of
3 the biennium on the outcomes of any programs funded by grants received under this section,
4 including data collection methods for reporting on student outcomes, impacts of the program,
5 and use of State funds. The Department shall then submit a report to the Joint Legislative
6 Education Oversight Committee and the Fiscal Research Division on the overall outcomes of the
7 grant programs no later than December 15 of each year of the 2023-2025 fiscal biennium.
8

9 **DPI FUNDING IN ARREARS**

10 **SECTION 7.20.(a)** The Department of Public Instruction shall develop a model to
11 fund public school units whose funding is based on average daily membership (ADM) to be
12 based on the actual ADM from the prior school year instead of projections for the upcoming
13 school year. The Department shall propose technical adjustments for public school funding to
14 the State Board of Education for approval before submitting the model to the Director of the
15 Budget, pursuant to G.S. 143C-3-3. The Department shall also submit the model to the Fiscal
16 Research Division no later than February 15, 2024. The technical adjustments shall include a list
17 of any laws that would need to be adjusted or repealed to allow for the new funding model to be
18 implemented as well as a comparison of funding received under the old model and the
19 recommended new model, sorted by public school unit.

20 **SECTION 7.20.(b)** Beginning with the 2024-2025 school year, the Department of
21 Public Instruction shall distribute funds to public school units whose funding is based on ADM
22 based on the actual ADM from the prior school year in accordance with the model developed
23 pursuant to subsection (a) of this section. The Department shall provide funds from the ADM
24 Contingency Reserve to fund public school units whose actual ADM for the current school year
25 is higher than the actual ADM from the prior school year.

26 **SECTION 7.20.(c)** Section 7.15(b) of S.L. 2007-323 is repealed.

27 **SECTION 7.20.(d)** Subsections (b) and (c) of this section become effective July 1,
28 2024. The remainder of this section is effective when it becomes law.
29

30 **MATH INTERVENTIONS AND FOURTH AND FIFTH GRADE CLASS SIZE** 31 **REQUIREMENTS**

32 **SECTION 7.21.(a)** Article 8 of Chapter 115C of the General Statutes is amended by
33 adding a new Part to read:

34 "Part 1C. Math That Counts.

35 "§ 115C-83.20. State goal.

36 The goal of the State is to ensure that every student has mathematics skills at or above grade
37 level by the end of fifth grade and continues to progress so that he or she can have the
38 mathematics skills needed for secondary education and career success. The State Board of
39 Education and the Department of Public Instruction shall provide technical assistance as needed
40 to aid local school administrative units in reaching this goal and implementing all provisions of
41 this Part.

42 "§ 115C-83.23. Purposes.

43 The purposes of this Part are to ensure that (i) difficulty with mathematics skill development
44 is identified before students transition to sixth grade, (ii) students receive appropriate
45 mathematics interventions to address difficulty with mathematics skill development and to
46 remediate math skill deficiencies, and (iii) each student and his or her parent or guardian be
47 informed of the student's academic needs and progress.

48 "§ 115C-83.26. High-quality mathematics instruction.

49 Local boards of education shall implement high-quality mathematics instruction that meets
50 the following criteria:

- 51 (1) Aligns with the North Carolina Standard Course of Study.

- 1 (2) Is evidence-based.
- 2 (3) Engages students and provides them with relevant challenges and pathways
- 3 to deeper understanding.
- 4 (4) Includes materials to support the teacher in facilitating and encouraging active
- 5 student questioning and discussion.
- 6 (5) Provides students at all levels of language proficiency with opportunities to
- 7 use written and oral forms of communication to learn and demonstrate
- 8 understanding of mathematics skills.

9 **"§ 115C-83.29. Mathematics diagnostic assessments.**

10 (a) Fourth and fifth grade students shall be assessed at least three times per school year

11 with formative and diagnostic mathematics assessments made available to local school

12 administrative units by the State Board of Education pursuant to G.S. 115C-174.11(a1) that meet

13 the following criteria:

- 14 (1) Are valid and reliable.
- 15 (2) Align with the North Carolina Standard Course of Study.
- 16 (3) Align with this Part.
- 17 (4) Yield data that can be used with the Education Value-Added Assessment
- 18 System (EVAAS) to analyze student data to identify root causes for difficulty
- 19 with mathematics skill development and to determine actions to address them.

20 (b) The Department of Public Instruction shall provide for EVAAS analysis all formative

21 and diagnostic assessment data collected pursuant to this section for fourth and fifth grade. The

22 Department shall use a uniform template for all data collected, and the template shall be used

23 each time data is provided. The template shall include clear designations for each data component

24 reported.

25 **"§ 115C-83.32. Interventions and Mathematics Success Plans (MSPs).**

26 (a) Local boards of education shall address difficulties with mathematics skill

27 development identified through administration of formative and diagnostic assessments with

28 instructional supports and services. Local boards of education are encouraged to partner with

29 community organizations, businesses, and other groups to provide volunteers, mentors, or tutors

30 to assist with the provision of instructional supports and services that enhance mathematics skill

31 development and proficiency.

32 (b) Students who are not grade level proficient in mathematics skills by the end of fifth

33 grade, as demonstrated by the end-of-grade assessment required by G.S. 115C-174.11(c)(1),

34 shall be provided with intervention and remediation services documented in a Mathematics

35 Success Plan (MSP) that meets the requirements of this section. Students shall continue to receive

36 an MSP through the end of eighth grade or when the student demonstrates grade level proficiency

37 on the end-of-grade assessment, whichever is earlier.

38 (c) The MSP shall be regularly adjusted based on multiple data sources, indicating that

39 the student is not progressing toward grade level standards in one or more major mathematics

40 skills. Based on the most recently collected data, an MSP shall include the following information,

41 specific to the identified student:

- 42 (1) The specific mathematics skill deficiencies identified by the assessment data.
- 43 (2) Goals and benchmarks for growth.
- 44 (3) The means by which progress will be monitored and evaluated.
- 45 (4) The specific additional mathematics interventions the student will receive.
- 46 (5) Any additional services the teacher deems appropriate to accelerate the
- 47 student's mathematics skill development.

48 (d) A student's parent or guardian shall be given notice that the student has been identified

49 as having difficulty with mathematics skill development and that an MSP has been developed.

50 The notice shall provide the parent or guardian the following:

- 1 (1) Specific strategies that can be easily understood and implemented to assist the
2 student in becoming grade level proficient in mathematics skills.
3 (2) Encouragement to select one or more strategies for use at home that build on
4 the student's interests and are most likely to engage the student and result in
5 mathematics skills improvement.
6 (3) Direction to free online or hard copy mathematics resources and tools that can
7 be accessed via a prominently displayed area on the homepage of the primary
8 website maintained by the Department of Public Instruction.
9 (e) A multitiered system of support intervention may be used to satisfy the requirements
10 of this section if all of the components of subsection (c) of this section are incorporated in the
11 intervention.
12 (f) The Department shall develop the following model documentation of compliance
13 with the requirements of this section:
14 (1) An MSP checklist.
15 (2) An alternative document for use with a multitiered system of support
16 intervention.

17 **"§ 115C-83.35. Reporting requirements.**

- 18 (a) Each local board of education shall report annually in writing to the State Board of
19 Education by September 1 the following information on the prior school year:
20 (1) The number and percentage of fourth grade students demonstrating and not
21 demonstrating grade level mathematics proficiency on the end-of-grade
22 mathematics assessment.
23 (2) The number and percentage of fifth grade students demonstrating and not
24 demonstrating grade level mathematics proficiency on the end-of-grade
25 mathematics assessment.
26 (3) For students who received a Mathematics Success Plan pursuant to
27 G.S. 115C-83.32:
28 a. A description of mathematics interventions provided to students.
29 b. The number and percentage of sixth grade students demonstrating and
30 not demonstrating grade level mathematics proficiency on the
31 end-of-grade mathematics assessment.
32 c. The number and percentage of seventh grade students demonstrating
33 and not demonstrating grade level mathematics proficiency on the
34 end-of-grade mathematics assessment.
35 d. The number and percentage of eighth grade students demonstrating
36 and not demonstrating grade level mathematics proficiency on the
37 end-of-grade mathematics assessment.
38 (b) The State Board of Education shall establish a uniform format for local boards of
39 education to report the required information listed in subsection (a) of this section and shall
40 provide the format to local boards of education no later than 90 days prior to the annual due date.
41 The State Board of Education shall compile annually this information and submit a State-level
42 summary to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of
43 Representatives, and the Joint Legislative Education Oversight Committee annually by
44 December 15. The State-level summary shall include, for each local school administrative unit,
45 every component listed in subsection (a) of this section.
46 (c) Local boards of education shall fully complete all information required by this section
47 in the uniform format provided by the State Board."

48 **SECTION 7.21.(b)** G.S. 115C-174.11 reads as rewritten:

49 **"§ 115C-174.11. Components of the testing program.**

- 50 (a) Reading Assessment Instruments for Kindergarten, First, Second, and Third Grades.
51 – The State Board of Education shall develop, adopt, and provide to the local school

1 administrative units developmentally appropriate individualized assessment instruments aligned
2 with the standard course of study and Part 1A of Article 8 of this Chapter for the kindergarten,
3 first, second, and third grades. Local school administrative units shall use these assessment
4 instruments provided to them by the State Board for kindergarten, first, second, and third grade
5 students to assess progress, diagnose difficulties, and inform instruction and remediation needs.
6 Local school administrative units shall not use standardized tests for summative assessment of
7 kindergarten, first, and second grade students except as required as a condition of receiving
8 federal grants.

9 (a1) Mathematics Assessment Instruments for Fourth and Fifth Grades. – The State Board
10 of Education shall adopt and provide to the local school administrative units at least five
11 developmentally appropriate individualized formative and diagnostic assessment instruments
12 aligned with the standard course of study and Part 1C of Article 8 of this Chapter for the fourth
13 and fifth grades. Local school administrative units shall select one of the assessment instruments
14 made available to them by the State Board to assess progress, diagnose difficulties, and inform
15 instruction and remediation needs for fourth and fifth grade students. Local school administrative
16 units shall not use these formative and diagnostic assessments for summative assessment of
17 fourth and fifth grade students except as required as a condition of receiving federal grants.

18 (b) Repealed by Session Laws 2009-451, s. 7.20(c), effective July 1, 2009.

19 (c) Annual Testing Program. –

20 (1) The State Board of Education shall adopt the tests for grades three through 12
21 that are required by federal law or as a condition of a federal grant. These tests
22 shall be designed to measure progress toward reading, communication skills,
23 and mathematics for grades three through eight, and toward competencies for
24 grades nine through 12. Students who do not pass the tests adopted for eighth
25 grade shall be provided remedial instruction in the ninth grade.

26 (2) If the State Board of Education finds that additional testing in grades three
27 through 12 is desirable to allow comparisons with national indicators of
28 student achievement, that testing shall be conducted with the smallest size
29 sample of students necessary to assure valid comparisons with other states.

30 (3) Repealed by Session Laws 2014-78, s. 3(a), effective July 1, 2014.

31 (4) To the extent funds are made available, the State Board of Education shall use
32 a competitive bid process to adopt one nationally norm-referenced college
33 admissions test to make available to local school administrative units, regional
34 schools, and charter schools to administer to all students in the eleventh grade
35 unless the student has already taken a comparable test and scored at or above
36 a level set by the State Board. The State Board of Education shall require the
37 administration of an alternate to the nationally norm-referenced college
38 admissions test or an alternate precursor test to the nationally norm-referenced
39 college admissions test to a student who (i) exhibits severe and pervasive
40 delays in all areas of conceptual, linguistic, and academic development and in
41 adaptive behaviors, including communication, daily living skills, and
42 self-care, (ii) is following the extended content standards of the Standard
43 Course of Study as provided in G.S. 115C-81.5, or is following a course of
44 study that, upon completing high school, may not lead to admission into a
45 college-level course of study resulting in a college degree, and (iii) has a
46 written parental request for an alternate assessment.

47 The State Board of Education shall ensure that parents of students enrolled
48 in all public schools, including charter and regional schools, have the
49 necessary information to make informed decisions regarding participation in
50 the nationally norm-referenced college admissions test and precursor test.

1 Alternate assessment and nationally norm-referenced college admissions
2 test assessment results of students with disabilities shall be included in school
3 accountability reports, including charter and regional schools, provided by the
4 State Board of Education.

5 (d) Except as provided in subsection (c) of this section, the State Board of Education shall
6 not require the public schools to administer any standardized tests except for those required by
7 federal law or as a condition of a federal grant.

8 The State Board of Education shall adopt and provide to local school administrative units all
9 tests required by federal law or as a condition of a federal grant."

10 **SECTION 7.21.(c)** Section 6(d)(5) of S.L. 2018-32 reads as rewritten:

11 "(5) Part 1A, North Carolina Read to Achieve Program, ~~and Part 1B of Article 8,~~
12 ~~Part 1B, School Performance Performance,~~ and Part 1C of Article 8, Math
13 That Counts."

14 **SECTION 7.21.(d)** G.S. 115C-301 reads as rewritten:

15 "**§ 115C-301. Allocation of teachers; class size.**

16 ...

17 (c) Maximum Class Size for Kindergarten Through ~~Third-Fifth~~ Grade. – The average
18 class size for kindergarten through ~~third-fifth~~ grade in a local school administrative unit shall at
19 no time exceed the funded allotment ratio of teachers to students in kindergarten through ~~third~~
20 fifth grade. At the end of the second school month and for the remainder of the school year, the
21 size of an individual class in kindergarten through ~~third-fifth~~ grade shall not exceed the allotment
22 ratio by more than three students. The funded class size allotment ratio for kindergarten through
23 ~~third-fifth~~ grade shall be as follows:

24 (1) For kindergarten, one teacher per 18 students.

25 (2) For first grade, one teacher per 16 students.

26 (3) For second grade, one teacher per 17 students.

27 (4) For third grade, one teacher per 17 students.

28 (5) For fourth grade, one teacher per 24 students.

29 (6) For fifth grade, one teacher per 24 students.

30 In grades ~~four-six~~ through 12, local school administrative units shall have the maximum
31 flexibility to use allotted teacher positions to maximize student achievement.

32 (c1) Class Size Exceptions for Kindergarten Through ~~Third-Fifth~~ Grade. – Class size
33 requirements for kindergarten through ~~third-fifth~~ grade provided in subsection (c) of this section
34 shall not apply to the following classes:

35 (1) Dual language immersion classes. For the purposes of this subsection, dual
36 language immersion classes are classes in which (i) at least one-third of the
37 students' dominant language is English and (ii) instruction involves both
38 English and a target foreign language with a minimum of fifty percent (50%)
39 of core content taught in the target foreign language in order to promote dual
40 language proficiency for all students.

41 (2) Program enhancement classes.

42 ...

43 (f) Biannual Reports. – At the end of October and end of February of each school year,
44 each local board of education, through the superintendent, shall file a report, based on
45 information provided by the principal, for each school within the local school administrative unit
46 with the Superintendent of Public Instruction. The report shall be filed in a format prescribed by
47 the Superintendent of Public Instruction and shall include the organization for each school in the
48 local school administrative unit, including the following information:

49 (1) For each class in each grade level at each school, the following:

50 a. The duties of the teacher.

51 b. The source of funds used to pay for the teacher.

1 c. The number of students assigned to the class, including all exceptions
2 to individual class size maximums in kindergarten through ~~third~~-fifth
3 grade that exist at that time.

4 (2) For each school, the following:

5 a. The number of program enhancement teachers.

6 b. The source of funds used to pay each program enhancement teacher.

7 (3) The average class size for each grade from kindergarten through ~~third~~-fifth
8 grade in the local school administrative unit.

9 (4) Any other information the Superintendent of Public Instruction may require.

10 The Superintendent of Public Instruction shall conduct periodic audits of the information
11 reported by the local superintendent under this subsection to confirm the accuracy of reporting
12 at the local school administrative unit and school level of the average and individual class size
13 for students in kindergarten through ~~third~~-fifth grade. If the Superintendent of Public Instruction
14 finds that a local board of education is exceeding class size requirements without application to
15 the State Board for an allotment adjustment or a waiver of those class size requirements, the State
16 Board may impose the penalty set forth in subsection (j) of this section until such time the local
17 board of education receives a waiver or the schools in the unit meet the class size requirements
18 for kindergarten through ~~third~~-fifth grade.

19 (g) Waivers and Allotment Adjustments. – Local boards of education shall report
20 exceptions to the class size requirements set out for kindergarten through ~~third~~-fifth grade and
21 significant increases in class size at other grade levels to the State Board and shall request
22 allotment adjustments at any grade level, waivers from the requirements for kindergarten through
23 ~~third~~-fifth grade, or both. Within 45 days of receipt of reports, the State Board of Education,
24 within funds available, may allot additional positions at any grade level. The State Board shall
25 not grant waivers for excess class size in kindergarten through ~~third~~-fifth grade, except under the
26 following circumstances:

27 (1) Emergencies or acts of God that impact the availability of classroom space or
28 facilities.

29 (2) An unanticipated increase in student population of an individual school in
30 excess of two percent (2%) of the average daily membership of that school.

31 (3) Organizational problems in geographically isolated local school
32 administrative units in which the average daily membership is less than one
33 and one-half per square mile.

34 (4) Classes organized for a solitary curricular area.

35 (5) A charter school closure.

36 The State Board shall report on all waivers to the Joint Legislative Commission on
37 Governmental Operations within 30 days of the grant of the waiver. The report shall include the
38 local school administrative unit, school, and class or classes for which the waiver was granted,
39 the statutory grounds for the waiver, and the terms of the waiver. A waiver for excess class size
40 in kindergarten through ~~third~~-fifth grade shall not become effective until the State Board submits
41 the report to the Joint Legislative Commission on Governmental Operations.

42 Upon notification from the State Board that the reported exception does not qualify for an
43 allotment adjustment or a waiver, the local board of education shall take action to correct the
44 exception within 30 days. Within 60 days of notification by the State Board, the Superintendent
45 of Public Instruction shall request an updated report from the local board of education on the size
46 of each class in kindergarten through ~~third~~-fifth grade for each school within the local school
47 administrative unit. If the Superintendent of Public Instruction finds that a local board of
48 education is continuing to exceed class size requirements, the State Board may impose the
49 penalty set forth in subsection (j) of this section until such time the schools in the unit meet the
50 class size requirements for kindergarten through ~~third~~-fifth grade.

51"

1 **SECTION 7.21.(e)** G.S. 115C-47(10) reads as rewritten:

2 "(10) To Assure Appropriate Class Size. – It shall be the responsibility of local
3 boards of education to assure that the class size requirements set forth in
4 G.S. 115C-301 for kindergarten through ~~third~~third-fifth grade are met. Any teacher
5 who believes that the requirements of G.S. 115C-301 have not been met shall
6 make a report to the principal and superintendent, and the superintendent shall
7 immediately determine whether the requirements have in fact not been met. If
8 the superintendent determines the requirements have not been met, he or she
9 shall make a report to the next local board of education meeting. The local
10 board of education shall take action to meet the requirements of the statute. If
11 the local board cannot organizationally correct the exception, it shall
12 immediately apply to the State Board of Education for additional personnel or
13 a waiver of the class size requirements, as provided in G.S. 115C-301(g).

14 Upon notification from the State Board of Education that the reported
15 exception does not qualify for an allotment adjustment or a waiver under
16 provisions of G.S. 115C-301, the local board, within 30 days, shall take action
17 necessary to correct the exception, as required in G.S. 115C-301(g).

18 At the end of October and end of February of each school year, the local board
19 of education, through the superintendent, shall file a report with the
20 Superintendent of Public Instruction, in a format prescribed by the
21 Superintendent of Public Instruction, describing the organization for each
22 school in the local school administrative unit, as required by
23 G.S. 115C-301(f).

24 In addition to assuring that the requirements of G.S. 115C-301 are met, each
25 local board of education shall also have the duty to provide an adequate
26 number of classrooms to meet the requirements of that statute."

27 **SECTION 7.21.(f)** G.S. 115C-276(k) reads as rewritten:

28 "(k) To Submit Organization Reports and Other Information to the State Board. – Each
29 year the superintendent of each local school administrative unit shall submit to the State Board
30 of Education statistical reports, certified by the chairman of the board of education, showing the
31 organization of the schools in his or her unit and any additional information the State Board may
32 require. At the end of the second month of school each year, local boards of education, through
33 the superintendent, shall report school organization, employees' duties, and class sizes to the State
34 Board. As of February 1 each year, local boards of education, through the superintendent, shall
35 report all exceptions to individual class size maximums in kindergarten through ~~third~~third-fifth grade
36 that occur at that time."

37 **SECTION 7.21.(g)** G.S. 115C-311(i) reads as rewritten:

38 "(i) Class Size Flexibility. – Notwithstanding G.S. 115C-301, with the approval of the
39 State Board of Education, Advanced Teaching Roles schools selected to participate in the
40 program may exceed the maximum class size requirements for kindergarten through ~~third~~third-fifth
41 grade during any term of up to three years in which State funds are awarded to the local school
42 administrative unit where the school is located. At the conclusion of the term, any class size
43 flexibility approved for an Advanced Teaching Roles school pursuant to this subsection shall
44 expire."

45 **SECTION 7.21.(h)** This section is effective when it becomes law. The reporting
46 requirements established in G.S. 115C-83.35 shall apply beginning with reports based on data
47 from the 2023-2024 school year. The remainder of the section applies beginning with the
48 2023-2024 school year.

49
50 **INCREASING ENGAGEMENT IN STEM**

1 **SECTION 7.22.(a)** Program; Purpose. – The Superintendent of Public Instruction
2 shall establish the Increasing Engagement in STEM Program (Program) for the 2023-2025 fiscal
3 biennium. The purpose of the Program is to provide grant funds to public school units to engage
4 in experiential science, technology, engineering, and math (STEM) education programs.

5 **SECTION 7.22.(b)** Grant Application Time Line. – The Superintendent shall
6 develop and publish an application for the Program on or before September 15 of each year of
7 the 2023-2025 fiscal biennium. Public school units may submit applications for this grant until
8 November 15 of each year of the 2023-2025 fiscal biennium. The Superintendent shall select
9 recipients of the grants by December 15 of each year of the 2023-2025 fiscal biennium.

10 **SECTION 7.22.(c)** Grant Applications. – The application created by the
11 Superintendent shall require a plan of how the public school unit would use grant funds to
12 increase STEM engagement of sixth, seventh, and eighth grade students. Applicant plans shall
13 include the following:

- 14 (1) Evidence that the plan uses high-quality instruction methods and includes
15 research-based best practices in the area of STEM education to further the
16 purpose of the Program.
- 17 (2) How grant funds will be used to further the purpose of the Program. Allowable
18 uses of funds include, but are not limited to, the following:
 - 19 a. Stipends for teachers who participate with the Program.
 - 20 b. Partnering with third-party vendors to provide services or host
21 competitions that further the purpose of the Program.
- 22 (3) How the public school unit would sustain their plan beyond the end of the
23 grant period.
- 24 (4) Any other factors or criteria the Superintendent deems appropriate to advance
25 the purpose of the Program.

26 **SECTION 7.22.(d)** Grant Recipients. – After reviewing the submitted applications,
27 the Superintendent shall select applicants to receive grants for the Program. The Superintendent
28 shall determine the size of grants awarded to each public school unit while ensuring a distribution
29 of grant funds to each of the various sizes of public school units referenced in subdivision (3) of
30 this subsection. When selecting applicants to receive grants, the Superintendent shall adhere to
31 the following criteria:

- 32 (1) The total number of recipients shall not exceed 20 public school units.
- 33 (2) Recipients shall reflect the geographic diversity of the State.
- 34 (3) Recipients shall reflect the population diversity of public school units in the
35 State by selecting recipients from the following:
 - 36 a. Up to five public school units consisting of no more than one school.
 - 37 b. Up to five units with an average daily membership from the previous
38 school year of 4,000 students or fewer.
 - 39 c. Up to five units with an average daily membership from the previous
40 school year of between 4,001 and 20,000 students.
 - 41 d. Up to five units with an average daily membership from the previous
42 school year of 20,001 students or greater.

43 If there are fewer than five applicants in any of the categories listed in subdivision (3)
44 of this subsection, the Superintendent may, in the Superintendent's discretion, award additional
45 grants to applicants from other categories.

46 **SECTION 7.22.(e)** Initial Report. – The Superintendent of Public Instruction shall
47 submit an initial report on the application process for the Program to the Joint Legislative
48 Education Oversight Committee by May 15, 2024. The initial report shall include the following:

- 49 (1) A list of public school units that applied for grants.
- 50 (2) A list of public school units that received grants.

1 (3) A summary of how the grant funds will be spent on Program activities
2 according to the plans submitted by grant recipients.

3 (4) Any other information the Superintendent deems relevant.

4 **SECTION 7.22.(f)** Continuing and Final Reports. – At the conclusion of each school
5 year grants are awarded, public school units that received grants shall report to the Superintendent
6 any information required by the Superintendent on the outcomes of their plans. The
7 Superintendent shall submit a final report to the Joint Legislative Education Oversight
8 Committee by December 15, 2025. The final report shall include the following:

9 (1) An accounting of expenditures.

10 (2) The number and percentage of students enrolled in the school who participated
11 in the Program, including demographic data for participating students.

12 (3) Student performance data in STEM-related courses.

13 (4) How public school units would continue to use grant funds in the future if the
14 Program were to continue beyond the 2024-2025 school year.

15 (5) Any recommendations by the Superintendent to modify the Program to be
16 more effective at furthering the purpose of the Program.

17 **SECTION 7.22.(g)** Appropriation. – Of the funds appropriated in this act from the
18 ARPA Temporary Savings Fund to the Department of Public Instruction, the sum of one million
19 dollars (\$1,000,000) in nonrecurring funds for each year of the 2023-2025 fiscal biennium shall
20 be used to implement the provisions of this section.

21 **SECTION 7.22.(h)** Evaluation. – As a condition of receipt of grant funds, a public
22 school unit shall designate both students who complete the grant-funded activities in the
23 Common Education Data Analysis and Reporting System and a matched set of students with
24 similar demographic characteristics who did not complete the grant-funded activities, when
25 possible, in a manner directed by the Department of Public Instruction that will allow future
26 analysis of outcomes for these students related to all of the following:

27 (1) Enrollment in STEM-related elective clusters in high school.

28 (2) Graduation from high school within four years of entry.

29 (3) Enrollment in a postsecondary STEM-related major, degree program, or
30 certificate program within three years of high school graduation.

31 (4) Completion of a postsecondary STEM-related major, degree program, or
32 certificate program within six years of high school graduation.

33 (5) Employment in a STEM-related field within eight years of high school
34 graduation.

35 The North Carolina Longitudinal Data System shall, in cooperation with all agencies
36 with relevant data, report annually to the Joint Legislative Education Oversight Committee on
37 the outcomes for both groups of students on each available data point beginning December 15,
38 2028, and ending December 15, 2039.

39 **SECTION 7.22.(i)** It is the intent of the General Assembly to reauthorize this
40 Program for the 2025-2026 school year.

41 **AFTER-SCHOOL ROBOTICS GRANT PROGRAM**

42 **SECTION 7.23.(a)** Program; Purpose. – There is established the Educational and
43 Competitive After-School Robotics Grant Program (Program). The purpose of the Program shall
44 be to (i) promote evidence-based, after-school programs for robotics education and competition
45 and (ii) motivate students to pursue education and career opportunities in science, technology,
46 engineering, and mathematics while building critical life and work-related skills.

47 **SECTION 7.23.(b)** Eligibility. – Any public school unit is eligible to apply to the
48 Department of Public Instruction for a grant to develop an educational and competitive
49 after-school robotics program with a robotics partner. As used in this subsection, the term
50 "robotics partner" shall refer to a third-party entity, such as a nonprofit organization or institution
51

1 of higher education, approved by the Department of Public Instruction that is able to provide
2 adequate support for an after-school robotics program. In order to provide adequate support, a
3 robotics partner must meet at least all of the following criteria:

- 4 (1) Have a national presence in robotics education and competition.
- 5 (2) Provide adequate instruction and programming for students and adult
6 volunteers in (i) robotics education, (ii) project-based learning, and (iii)
7 competitive robotics.
- 8 (3) Promote a safe and equitable social environment.

9 **SECTION 7.23.(c)** Applications; Criteria and Guidelines. – No later than August 1
10 of each year that funds are made available for the Program, the Department shall develop and
11 publish criteria and guidelines for the application process for the Program in the upcoming school
12 year, including any documentation required to be submitted by the applicants. The Department
13 shall accept applications until September 30 of each school year. Applications shall include, at a
14 minimum, the following information:

- 15 (1) Evidence that the applicant has or will be able to establish a relationship with
16 a robotics partner.
- 17 (2) A proposed budget for the educational and competitive after-school robotics
18 program.

19 **SECTION 7.23.(d)** Award and Use of Funds. – From funds made available for the
20 Program, the Department shall award grants to the selected applicants by October 31. Funds may
21 be used for any of the following purposes:

- 22 (1) Establish a relationship with a robotics partner.
- 23 (2) Purchase robotics kits.
- 24 (3) Provide stipends for coaches.
- 25 (4) Make payments associated with participation in a robotics league or robotics
26 competition.
- 27 (5) Pay fees incurred as part of the administration of a robotics team.

28 **SECTION 7.23.(e)** Reporting. – No later than October 15 of each year in which
29 funds are made available for the Program, the Department shall report the following information
30 from the prior school year to the Joint Legislative Education Oversight Committee and the Fiscal
31 Research Division:

- 32 (1) Number and amounts of grants awarded.
- 33 (2) Identities of the public school units receiving grants.
- 34 (3) Identities of public school units that applied for grants but did not receive one.
- 35 (4) The extent to which students participating in after-school robotics programs
36 funded by the Program experienced measurable improvement in academic
37 performance, if any.

38 **THREAT ASSESSMENT TEAMS**

39 **SECTION 7.24.(a)** G.S. 115C-105.46, 115C-105.47A, and 115C-105.48 are
40 codified into Part 1 of Article 8C of Chapter 115C of the General Statutes, Local Plans for
41 Alternative Schools/Alternative Learning Programs and Maintaining Safe and Orderly Schools.
42 Part 1 shall be entitled "Local Plans for Alternative Schools/Alternative Learning Programs."
43 The remaining sections of Article 8C of Chapter 115C of the General Statutes shall be codified
44 into Part 2, which shall be entitled "Maintaining Safe and Orderly Schools."

45 **SECTION 7.24.(b)** Article 8C of Chapter 115C of the General Statutes is amended
46 by adding a new section to read:

47 **"§ 115C-105.65. Threat assessment teams.**

48 (a) Definitions. – The following definitions apply in this section:

- 49 (1) Superintendent. – The superintendent or, if there is no superintendent, the staff
50 member with the highest decision-making authority.

1 (2) Threat assessment. – A fact-based process of identifying, assessing, and
2 managing behavior that may pose a risk of violence or other harm to self or
3 others.

4 (3) Threat assessment team. – A multidisciplinary team that includes, but is not
5 limited to, persons with expertise in counseling, instruction, school
6 administration, and law enforcement that conducts threat assessments in a
7 public school unit when threatening behavior has been communicated and
8 when a student has engaged in threatening behavior that warrants further
9 evaluation. When practicable, at least one school psychologist, one staff
10 member knowledgeable about and experienced in working with students with
11 special needs, and one staff member knowledgeable about and experienced in
12 working with students with disabilities shall be assigned to the threat
13 assessment team. If a school psychologist is not available, the school may
14 assign a licensed mental health professional instead. Members of a threat
15 assessment team who are not employees of the public school unit may review
16 student records as provided in 34 C.F.R. § 99.31(a)(1)(i)(B) pursuant to a
17 written agreement with the public school unit of the requirements and
18 responsibilities for use of student records under the federal Family
19 Educational Rights and Privacy Act.

20 (4) Threatening behavior. – Any communication or action that indicates that an
21 individual may pose a danger to the safety or well-being of school staff or
22 students through acts of violence or other behaviors that would cause harm to
23 self or others. These behaviors may be expressed or communicated orally,
24 visually, in writing, electronically, or through any other means and may be
25 considered threatening regardless of whether a direct verbal threat is
26 expressed.

27 (b) The Center for Safer Schools shall develop guidance for threat assessment teams for
28 public school units, and all public school units shall have access to the guidance. The Center shall
29 develop the guidance by (i) collecting information and best practices from schools with existing
30 threat assessment teams and (ii) consulting with the Task Force for Safer Schools, Disability
31 Rights North Carolina, the North Carolina School Psychology Association, the State Bureau of
32 Investigation, and relevant State government agencies. This guidance shall not reference or
33 reveal any information that has been excluded as a public record under G.S. 115C-47(40), Part 2
34 of Article 8C of this Chapter, or any other relevant statute. The guidance shall include, at a
35 minimum, the best practices for the following:

36 (1) Assessment of and intervention with an individual whose behavior poses a
37 risk to the safety of school staff, students, or self, including suggested
38 definitions of threat levels with examples of behavior that would be
39 considered a threat under the given definitions.

40 (2) If the individual is a student or minor, involvement of the individual's parent
41 or legal guardian throughout the threat assessment process.

42 (3) Referral to LME/MCOs, as provided in G.S. 122C-115.4(b)(9), for evaluation
43 or treatment, when appropriate.

44 (4) Compliance with the Family Educational Rights and Privacy Act (FERPA),
45 20 U.S.C. § 1232g, the Individuals with Disabilities Education Act (IDEA),
46 20 U.S.C. § 1400, et seq., and Article 9 of Chapter 115C of the General
47 Statutes.

48 (c) The governing body of a public school unit shall develop a policy for the
49 establishment of threat assessment teams. In developing these policies, the unit shall consult the
50 guidance issued by the Center for Safer Schools released pursuant to subsection (b) of this
51 section. These policies shall not reference or reveal any information that has been excluded as a

1 public record under G.S. 115C-47(40), Part 2 of Article 8C of this Chapter, or any other relevant
2 statute.

3 (d) The superintendent or the superintendent's designee shall establish a committee
4 charged with coordination and monitoring of the threat assessment teams operating within the
5 unit, which may be an existing committee established by the unit. The committee shall include
6 individuals with expertise in human resources, education, school administration, mental health,
7 and law enforcement.

8 (e) The superintendent of a public school unit shall establish a multidisciplinary threat
9 assessment team for each school within the unit. In the discretion of the superintendent, an
10 established threat assessment team may serve more than one school in the unit. Each team shall
11 have the following duties and responsibilities:

12 (1) Provide training to students, faculty, and staff regarding recognition and
13 reporting of threatening behavior that may indicate a risk of harm to the
14 community, school, or self.

15 (2) Establish a written policy defining how threats will be assessed, including any
16 scale or classification system that will be used to indicate various levels of
17 threats and the standard response to each level of threat. A copy of the policy
18 shall be sent to the Center for Safer Schools.

19 (3) Identify members of the school community to whom threatening behavior
20 should be reported.

21 (4) Implement policies adopted by the governing body of the public school unit
22 pursuant to subsection (c) of this section.

23 (5) Utilize anonymous reporting applications for students to share information
24 about school safety concerns requiring investigation.

25 (6) Upon finding a credible threat, a threat assessment team may take any of the
26 following actions:

27 a. Recommend that the individual involved be referred for mental health
28 services. If the individual is a student or minor, the parents shall be
29 notified of the recommendation and encouraged to contact the
30 student's primary care provider, insurance, or the local Medicaid
31 management entity or managed care organization.

32 b. Provide notice to individuals who are the subject of threatening
33 behavior and, if the individual is a student or a minor, provide notice
34 to the student's parent or legal guardian. All notices shall be in
35 accordance with the Family Educational Rights and Privacy Act, 20
36 U.S.C. § 1232g.

37 c. Provide notice to the appropriate local law enforcement agency.

38 (f) Any information shared among members of the threat assessment team pursuant to
39 this section shall remain confidential, shall not be a public record subject to Chapter 132 of the
40 General Statutes, and shall only be released in connection with an emergency under the standards
41 established by the Family Educational Rights and Privacy Act in 20 U.S.C. § 1232g(b)(1)(I).

42 (g) Any threat assessment team may submit a request to the Center for Safer Schools, in
43 a manner to be determined by the Center, for a training session on the implementation or
44 operation of a threat assessment team. Within 30 days of any training conducted pursuant to this
45 section, the Center shall send a brief to all assessment teams giving an overview of the training,
46 including any solutions reached or lessons learned.

47 (h) Each threat assessment team established pursuant to this section shall report
48 quantitative data on its activities to the Center for Safer Schools as required by the Center. The
49 Center is authorized to share these reports with any agency it consults with to develop policies
50 pursuant to this section. Such data shall include, at a minimum, the following:

- 1 (1) Number of threat assessments conducted annually and demographic
2 information on the individuals assessed.
- 3 (2) Total number of threat assessments that resulted in a determination that the
4 behavior being assessed posed a threat, and any information on the scale or
5 classification of the threat, as described by the written policy required by
6 subdivision (e)(2) of this section.
- 7 (3) All actions and the results of those actions taken in response to finding a threat.
- 8 (4) Number, subject, and solution or outcome of any technical assistance requests.
- 9 (i) No governing body of a public school unit, nor its members, employees, designees,
10 agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused
11 by any act or omission relating to the participation in or implementation of any component of the
12 threat assessment team policies required by this section, unless that act or omission amounts to
13 gross negligence, wanton conduct, or intentional wrongdoing. Nothing in this section shall be
14 construed to impose any specific duty of care or standard of care.
- 15 (j) Nothing in this section shall preclude public school personnel from acting
16 immediately to address threatening behavior that is an imminent risk.
- 17 (k) Any action taken pursuant to this section, or a rule or policy developed pursuant to
18 this section, shall comply with the Constitution of the United States, the North Carolina
19 Constitution, and Article 27 of this Chapter."

20 **SECTION 7.24.(c)** G.S. 115C-105.57(c)(2)c. reads as rewritten:

21 "c. ~~Threat assessment~~assessment and threat assessment teams, including
22 development of guidance pursuant to G.S. 115C-105.65(b).

23 **SECTION 7.24.(d)** G.S. 122C-115.4(b) is amended by adding a new subdivision to
24 read:

25 "(9) Each LME/MCO shall receive referrals from school superintendents or
26 designees in accordance with G.S. 115C-105.65 related to students who are
27 uninsured or are covered by Medicaid and not enrolled in a prepaid health plan
28 residing in the LME/MCO's catchment area. Within 10 calendar days after
29 receipt of a referral, the LME/MCO shall contact the student's parent or legal
30 guardian using the information provided on the referral and shall provide
31 assistance with identifying appropriate existing mental health resources
32 available to the student. The assistance shall include identifying sources of
33 funding to assist with the cost of mental health services as well as providing
34 referrals to appropriate mental health service providers and mental health
35 services."

36 **SECTION 7.24.(e)** The Center for Safer Schools shall develop guidance for threat
37 assessment teams as required by G.S. 115C-105.65(b), as enacted by this section, no later than
38 December 31, 2023. Public school units shall establish threat assessment teams as required by
39 G.S. 115C-105.65, as enacted by this section, no later than March 1, 2024.

40 **SECTION 7.24.(f)** G.S. 115C-47 is amended by adding a new subdivision to read:

41 "(68) Peer-to-Peer Student Support Programs. – Local boards of education shall
42 require peer-to-peer student support programs be established at all schools
43 with grades six and higher and are encouraged to implement peer-to-peer
44 student support programs as appropriate in other grades."

45 **SECTION 7.24.(g)** G.S. 115C-316.1(a) is amended by adding a new subdivision to
46 read:

47 "(5) Coordinating and providing training for students in peer-to-peer student
48 support programs that address areas such as conflict resolution, general health
49 and wellness, and mentoring. The Center for Safer Schools will support school
50 counselors in the administration and delivery of peer-to-peer student support
51 programs."

1 **SECTION 7.24.(h)** Subsections (f) and (g) of this section are effective when they
2 become law. Local boards of education are encouraged to establish peer-to-peer student support
3 groups, as identified in G.S. 115C-47(68) and G.S. 115C-316.1(a), as amended by this section,
4 by the 2023-2024 school year and shall establish peer-to-peer student support groups by the
5 2024-2025 school year.

6 **SECTION 7.24.(i)** G.S. 115C-105.49 reads as rewritten:

7 "**§ 115C-105.49. School safety exercises.**

8 (a) At least once annually, each ~~local school administrative public school~~ public school unit shall
9 require each school under its control to hold a full school-wide tabletop exercise and drill based
10 on the procedures documented in its School Risk Management Plan ~~(SRMP)~~ (SRMP) and shall
11 report the date and time the drill is conducted to the Center for Safer Schools. The drill shall
12 include a practice school lockdown due to an intruder on school grounds. Each school is
13 encouraged to hold a tabletop exercise and drill for multiple hazards included in its SRMP.
14 Schools are strongly encouraged to include local law enforcement agencies and emergency
15 management agencies in their tabletop exercises and drills. The purpose of the tabletop exercises
16 and drills shall be to permit participants to (i) discuss simulated emergency situations in a
17 low-stress environment, (ii) clarify their roles and responsibilities and the overall logistics of
18 dealing with an emergency, and (iii) identify areas in which the SRMP needs to be modified.

19 ...

20 (d) The Department of Public Safety, Division of Emergency Management, and the
21 Center for Safer Schools shall provide guidance and recommendations to ~~local school~~
22 administrative public school units on the types of multiple hazards to plan and respond to,
23 including intruders on school grounds."

24 **SECTION 7.24.(j)** G.S. 115C-105.49A(b) reads as rewritten:

25 (b) In constructing the SRRMS, the Division of Emergency Management in collaboration
26 with the Department of Public Instruction and the Center for Safer Schools shall leverage the
27 existing enterprise risk management database, the School Risk Management Planning tool
28 managed by the Division of Emergency Management. The Division of Emergency Management
29 shall also leverage the ~~local school administrative public school~~ unit and participating nonpublic
30 school schematic diagrams of school facilities. Where technically feasible, the SRRMS shall
31 integrate any anonymous tip lines established pursuant to G.S. 115C-105.51 and any
32 911-initiated panic alarm systems authorized as part of a SRMP pursuant to G.S. 115C-47(40).
33 The Division of Emergency Management ~~and the Center for Safer Schools~~ shall collaborate with
34 the Department of Public ~~Instruction, Division of School Operations,~~ Instruction, the Center for
35 Safer Schools, and the North Carolina 911 Board in the design, implementation, and maintenance
36 of the SRRMS."

37 **SECTION 7.24.(k)** G.S. 115C-105.52 reads as rewritten:

38 "**§ 115C-105.52. School crisis kits.**

39 (a) The ~~Department of Public Instruction and the~~ Center for Safer Schools, in
40 consultation with the Department of Public ~~Safety and the Department of Public Instruction,~~
41 ~~Division of School Operations,~~ may Safety, shall develop and adopt policies on the placement of
42 school crisis kits in schools and on the contents of those kits. The kits ~~should~~ shall include, at a
43 minimum, basic first-aid supplies and communications devices.

44 (b) The principal of each school, in coordination with the law enforcement agencies that
45 are part of the ~~local board of education's public school unit's~~ public school unit's School Risk Management Plan, may
46 place one or more crisis kits at appropriate locations in the school."

47 **SECTION 7.24.(l)** G.S. 115C-105.53 reads as rewritten:

48 "**§ 115C-105.53. Schematic diagrams and emergency access to school buildings for local**
49 **law enforcement agencies.**

50 (a) Each ~~local school administrative public school~~ public school unit shall provide the following to
51 local law enforcement agencies: (i) schematic diagrams, including digital schematic diagrams,

1 and (ii) either keys to the main entrance of all school buildings or emergency access to key storage
2 devices such as KNOX® boxes for all school buildings. ~~Local school administrative~~ Public
3 school units shall provide updates of the schematic diagrams to local law enforcement agencies
4 when substantial modifications such as new facilities or modifications to doors and windows are
5 made to school buildings. ~~Local school administrative~~ Public school units shall also be
6 responsible for providing local law enforcement agencies with updated access to school buildings
7 when changes are made to the locks and other access control devices of the main entrances or to
8 key storage devices such as KNOX® boxes.

9 (b) The Department of Public ~~Instruction~~, Instruction and the Center for Safer Schools,
10 in consultation with the Department of Public Safety, shall develop standards and guidelines for
11 the preparation and content of schematic diagrams and necessary updates. ~~Local school~~
12 administrative Public school units and participating nonpublic schools may use these standards
13 and guidelines to assist in the preparation of their schematic diagrams.

14"

15 **SECTION 7.24.(m)** G.S. 115C-105.54(a) reads as rewritten:

16 "(a) Each ~~local school administrative~~ public school unit shall provide the following to the
17 Division of Emergency Management (Division) at the Department of Public Safety: (i) schematic
18 diagrams, including digital schematic diagrams, and (ii) emergency response information
19 requested by the Division for the School Risk Management Plan (SRMP). ~~Local school~~
20 administrative Public school units shall also provide updated schematic diagrams and emergency
21 response information to the Division when such updates are made. The Division shall ensure that
22 the diagrams and emergency response information are securely stored and distributed as provided
23 in the SRMP to first responders, emergency personnel, and school personnel and approved by
24 the Department of Public Instruction."

25 **SECTION 7.24.(n)** G.S. 115C-75.9 is amended by adding a new subsection to read:

26 "(q) School Safety. – Innovative schools shall comply with the requirements for public
27 school units in Part 2 of Article 8C of Chapter 115C of the General Statutes."

28 **SECTION 7.24.(o)** Article 9C of Chapter 115C of the General Statutes is amended
29 by adding a new section to read:

30 "**§ 115C-150.16. School safety.**

31 A school governed by this Article shall comply with the requirements for public school units
32 in Part 2 of Article 8C of this Chapter."

33 **SECTION 7.24.(p)** G.S. 115C-218.75(b), (d), (e), and (e1) are repealed.

34 **SECTION 7.24.(q)** G.S. 115C-218.75 is amended by adding a new subsection to
35 read:

36 "(k) Each charter school shall comply with the requirements for public school units in Part
37 2 of Article 8C of this Chapter."

38 **SECTION 7.24.(r)** G.S. 115C-238.66(7a), (7b), (7c), (7d), and (7e) are repealed.

39 **SECTION 7.24.(s)** G.S. 115C-238.66 is amended by adding a new subdivision to
40 read:

41 "(19) Each regional school shall comply with the requirements for public school
42 units in Part 2 of Article 8C of this Chapter."

43 **SECTION 7.24.(t)** G.S. 116-239.8(b)(10), (11), (12), and (13) are repealed.

44 **SECTION 7.24.(u)** G.S. 116-239.8(b) is amended by adding a new subdivision to
45 read:

46 "(22) Laboratory schools shall comply with the requirements for public school units
47 in Part 2 of Article 8C of Chapter 115C of the General Statutes."

48 **SECTION 7.24.(v)** G.S. 115C-551 reads as rewritten:

49 "**§ 115C-551. Voluntary participation in the State programs.**

50 (a) Any ~~such~~ private church school or school of religious charter may, on a voluntary
51 basis, participate in any State operated or sponsored program which would otherwise be available

1 to such school, including but not limited to the high school competency testing and statewide
2 testing programs.

3 (b) All private church schools and all schools of religious charter are encouraged to do
4 the following:

- 5 (1) School Risk Management Plan. – In coordination with local law enforcement
6 agencies, adopt a School Risk Management Plan (SRMP) relating to incidents
7 of school violence. In constructing and maintaining these plans, the school
8 may utilize the School Risk and Response Management System (SRRMS)
9 established pursuant to G.S. 115C-105.49A. These plans are not considered a
10 public record as the term "public record" is defined under G.S. 132-1 and shall
11 not be subject to inspection and examination under G.S. 132-6.
- 12 (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and
13 keys to the main entrance of school facilities to local law enforcement
14 agencies, in addition to implementing the provisions in G.S. 115C-105.52.
- 15 (3) School safety exercises. – At least once a year, hold a full school-wide
16 lockdown exercise with local law enforcement and emergency management
17 agencies that are part of the private school's SRMP.
- 18 (4) Safety information provided to the Department of Public Safety, Division of
19 Emergency Management. – Provide the following: (i) schematic diagrams,
20 including digital schematic diagrams, and (ii) emergency response
21 information requested by the Division for the SRMP. The schematic diagrams
22 and emergency response information are not considered public records as the
23 term "public record" is defined under G.S. 132-1 and shall not be subject to
24 inspection and examination under G.S. 132-6."

25 **SECTION 7.24.(w)** G.S. 115C-559 reads as rewritten:

26 **"§ 115C-559. Voluntary participation in the State programs.**

27 (a) Any ~~such~~-qualified nonpublic school may, on a voluntary basis, participate in any
28 State operated or sponsored program which would otherwise be available to such school,
29 including but not limited to the high school competency testing and statewide testing programs.

30 (b) All qualified nonpublic schools are encouraged to do the following:

- 31 (1) School Risk Management Plan. – In coordination with local law enforcement
32 agencies, adopt a School Risk Management Plan (SRMP) relating to incidents
33 of school violence. In constructing and maintaining these plans, the school
34 may utilize the School Risk and Response Management System (SRRMS)
35 established pursuant to G.S. 115C-105.49A. These plans are not considered a
36 public record as the term "public record" is defined under G.S. 132-1 and shall
37 not be subject to inspection and examination under G.S. 132-6.
- 38 (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and
39 keys to the main entrance of school facilities to local law enforcement
40 agencies, in addition to implementing the provisions in G.S. 115C-105.52.
- 41 (3) School safety exercises. – At least once a year, hold a full school-wide
42 lockdown exercise with local law enforcement and emergency management
43 agencies that are part of the private school's SRMP.
- 44 (4) Safety information provided to the Department of Public Safety, Division of
45 Emergency Management. – Provide the following: (i) schematic diagrams,
46 including digital schematic diagrams, and (ii) emergency response
47 information requested by the Division for the SRMP. The schematic diagrams
48 and emergency response information are not considered public records as the
49 term "public record" is defined under G.S. 132-1 and shall not be subject to
50 inspection and examination under G.S. 132-6."

1 SECTION 7.24.(x) Except as otherwise provided, this section is effective when it
2 becomes law and applies beginning with the 2024-2025 school year.

3
4 **SCHOOLS FOR THE DEAF/ADMINISTRATION**

5 SECTION 7.25.(a) Article 9C of Chapter 115C of the General Statutes reads as
6 rewritten:

7 "Article 9C.

8 "Schools for ~~Students with Visual and Hearing Impairments.~~ Deaf and Blind Students.

9 **"§ 115C-150.10. Definitions.**

10 The following definitions apply in this Article:

- 11 (1) Educational program. – The placement, services, and individualized
12 instruction provided to a student to address the student's educational strengths,
13 weaknesses, and objectives as part of the day program of a school for the deaf
14 or the school for the blind.
- 15 (2) IEP. – An individualized education program, as defined in G.S. 115C-106.3.
- 16 (3) Parent. – A student's parent or legal guardian.
- 17 (4) School. – Any of the following schools:
- 18 a. The Governor Morehead School for the Blind, serving students who
19 are blind or visually impaired.
- 20 b. The Eastern North Carolina School for the Deaf, serving students who
21 are deaf or hard of hearing.
- 22 c. The North Carolina School for the Deaf, serving students who are deaf
23 or hard of hearing.
- 24 (5) School director. – The executive officer of a school for the deaf or the school
25 for the blind.
- 26 (6) School for the blind. – A school for students who are blind or visually
27 impaired located at the Governor Morehead School for the Blind.
- 28 (7) School for the deaf. – A school serving students who are deaf or hard of
29 hearing located at either the Eastern North Carolina School for the Deaf or the
30 North Carolina School for the Deaf.
- 31 (8) Schools for the deaf and blind. – All of the following schools:
- 32 a. The Governor Morehead School for the Blind, serving students who
33 are blind or visually impaired.
- 34 b. The Eastern North Carolina School for the Deaf, serving students who
35 are deaf or hard of hearing.
- 36 c. The North Carolina School for the Deaf, serving students who are deaf
37 or hard of hearing.

38 **"§ 115C-150.11. ~~State Board of Education as governing agency.~~ General supervision over**
39 **schools for the deaf and blind.**

40 (a) State Board of Education Supervision. – The State Board of Education shall be the
41 sole governing agency for the Governor Morehead School for the Blind, the Eastern North
42 Carolina School for the Deaf, and the North Carolina School for the Deaf. The Superintendent
43 of Public Instruction through the Department of Public Instruction shall be responsible for the
44 administration, including appointment of staff, and oversight of a school governed by this
45 Article, have general supervision over the schools for the deaf and blind in accordance with
46 G.S. 115C-12 and shall establish approximately equivalent service areas for each school for the
47 deaf that cover the entire State. In establishing the service area for each school for the deaf, the
48 State Board shall consider both the geographic proximity to the school for the deaf and the
49 population of the service area. The State Board shall evaluate the effectiveness of the schools for
50 the deaf and blind and shall, through the application of the accountability system developed under
51 G.S. 115C-83.15 and G.S. 115C-105.35, measure the educational performance and growth of

1 students placed in each school. If appropriate, the Board may modify this system to adapt to the
2 specific characteristics of these schools. The boards of trustees for the schools for the deaf and
3 blind shall be subject to rules adopted by the State Board of Education in accordance with Chapter
4 150B of the General Statutes.

5 (b) Independent Operation. – Except as otherwise provided for in this Article, the schools
6 for the deaf and blind shall be housed administratively within the Department of Public
7 Instruction for purposes of distribution of State funds, but each school for the deaf and blind shall
8 operate independently with a board of trustees as the governing body. The Department of Public
9 Instruction shall include employees of the schools for the deaf and blind in coverage for
10 professional liability policies purchased by the Department for its employees and shall facilitate
11 the purchase of other insurance policies for those schools. In all other matters, the Department of
12 Public Instruction shall provide services, support, and assistance to schools for the deaf and blind
13 in the same manner and degree as for a local school administrative unit.

14 ~~"§ 115C-150.12. Applicability of Chapter.~~

15 ~~Except as otherwise provided, the requirements of this Chapter shall apply to the schools~~
16 ~~governed by this Article.~~

17 **"§ 115C-150.12A. Board of trustees for schools for the deaf and blind.**

18 (a) Membership. – Each school shall be governed by a separate board of trustees.

19 (1) There shall be five voting members for each board of trustees to be appointed
20 as follows:

21 a. Two members appointed by the General Assembly upon the
22 recommendation of the Speaker of the House of Representatives.

23 b. Two members appointed by the General Assembly upon the
24 recommendation of the President Pro Tempore of the Senate.

25 c. One member appointed by the State Board of Education.

26 (2) Each board of trustees shall have two additional nonvoting members as
27 follows:

28 a. The president or the president's designee of the alumni association for
29 each school shall serve ex officio on the board of trustees for that
30 school.

31 b. For the schools for the deaf, one member for each board of trustees
32 appointed by the Secretary of the Department of Health and Human
33 Services following consultation with the Division of Services for the
34 Deaf and Hard of Hearing.

35 c. For the school for the blind, a member appointed by the Secretary of
36 the Department of Health and Human Services following consultation
37 with the Division of Services for the Blind.

38 (b) Qualifications. – Appointing entities are strongly encouraged to fill the appointments
39 to each board of trustees with persons with expertise or experience in the areas of education for
40 those who are deaf or hard of hearing or who are blind or visually impaired, administration and
41 governance, finance and budgeting, or who otherwise have demonstrated concern for quality of
42 education for those who are deaf or hard of hearing or who are blind or visually impaired.

43 (c) Terms of Members. – Members shall be appointed for four-year terms. Terms shall
44 commence July 1. Members shall serve until their successors are appointed and qualified. All
45 vacancies shall be filled by the appointing authority for the vacating member for the remainder
46 of the unexpired term. Vacancies of members appointed by the General Assembly shall be filled
47 as provided in G.S. 120-122.

48 (d) Declarations of Vacancies. – Whenever an appointed member of a board of trustees
49 shall fail to be present at three successive regular meetings of the board, for any reason other than
50 ill health or service in the interest of the State or nation, his or her place as a member of the board
51 shall be deemed vacant.

1 (e) Chair; Vice-Chair. – A board of trustees shall elect one of its members as chair and
2 one of its members as vice-chair, each for a two-year term, at the first meeting occurring after
3 July 1 in odd-numbered years.

4 (f) Meetings. – A board of trustees shall meet at least four times a year and also at such
5 other times as it may deem necessary. A majority of the board shall constitute a quorum for the
6 transaction of business. All meetings shall be subject to Article 33C of Chapter 143 of the General
7 Statutes. The members shall receive per diem compensation and necessary travel and subsistence
8 expenses while engaged in the discharge of their official duties, in accordance with the provisions
9 of G.S. 138-5.

10 (g) Procedures. – A board of trustees shall determine its own rules of procedure and may
11 delegate to committees that it creates any powers it deems appropriate.

12 (h) Code of Ethics. – A board of trustees shall adopt a resolution or policy containing a
13 code of ethics, as required by G.S. 160A-86.

14 (i) Training. – All members of a board of trustees shall receive a minimum of 12 clock
15 hours of training every two years. The 12 clock hours of training may be earned at any time
16 during the two-year period and may include the ethics education required by G.S. 138A-14. The
17 training shall include, but not be limited to, public school law, including special education law,
18 school finance, and duties and responsibilities of the board. The training may be provided by the
19 School of Government at the University of North Carolina at Chapel Hill or other qualified
20 sources at the choice of the board of trustees.

21 (j) Cooperation with Other Boards. – Each board of trustees may collaborate with other
22 boards of trustees of schools for the deaf or schools for the blind or with local boards of education
23 in development of rules, curriculum, or other matters. Each local board of trustees may also enter
24 memorandums of understanding or joint contracts with any other board of trustees of a school
25 for the deaf or school for the blind or with local boards of education to engage in joint
26 undertakings or purchases.

27 **"§ 115C-150.12B. Employees of schools for the deaf and blind.**

28 (a) Director. – Each board of trustees of a school shall appoint a director for that school,
29 who shall act as secretary to the board of trustees in accordance with G.S. 115C-150.12A and
30 shall manage day-to-day operations of the school and other duties as prescribed by the board of
31 trustees. For purposes of application to other statutes in this Chapter, the director shall be the
32 equivalent of a superintendent of schools and shall fulfill the duties of a superintendent as
33 provided in Article 18 of this Chapter.

34 (b) Director Duties. – The director shall recommend school personnel to the board of
35 trustees. The director shall supervise the administrative staff of the school, including the
36 principal, director of human resources, and director of business and finance.

37 (c) Personnel Criteria. – The board of trustees shall employ and provide salary and
38 benefits for a principal, teachers, and other employees in accordance with Article 19, Article 20,
39 Article 21, Article 21A, Article 22, and Article 23 of this Chapter. An employee hired by the
40 board of trustees shall be responsible for fulfilling the duties of that employee's position as
41 required by those Articles. All employees of schools for the deaf and blind are employees of the
42 State.

43 (d) Personnel Pay. – Schools for the deaf and blind personnel, including teachers,
44 instructional support personnel, and other employees, shall be paid, at a minimum, in accordance
45 with the appropriate State salary schedule for local school administrative unit personnel. Schools
46 for the deaf and blind personnel shall be eligible for all bonuses paid to local school
47 administrative unit personnel to the extent that the schools for the deaf and blind personnel meet
48 all qualifications other than the employer.

49 (e) Human Resources. – The board of trustees is responsible for providing human
50 resources and employment-related services for the school. The board of trustees may delegate

1 some or all of this responsibility to the director for the school or to the director of human
2 resources, in its discretion.

3 **"§ 115C-150.12C. Powers and duties.**

4 A board of trustees shall adopt rules necessary for the administration of the school to
5 implement the requirements of this Article. Each board of trustees shall have the following
6 powers and duties:

7 (1) Sound basic education. – It shall be the duty of the board of trustees to provide
8 admitted students with the opportunity to receive a sound basic education in
9 grades kindergarten through 12, as directed by law, and to make all policy
10 decisions with that objective in mind, including employment decisions,
11 budget development, and other administrative actions. The board of trustees
12 shall comply with the requirements of Part 1 of Article 8 and Article 10A of
13 this Chapter.

14 (2) Exercise judicial functions. – The board of trustees shall employ or contract
15 with private counsel to provide advice and representation for the school. The
16 board may institute all actions, suits, or proceedings against officers, persons,
17 or corporations, or their sureties, for the recovery, preservation, and
18 application of all money or property which may be due to or should be applied
19 to the support and maintenance of the school. In all actions brought in any
20 court against a board of trustees, the order or action of the board shall be
21 presumed to be correct, and the burden of proof shall be on the complaining
22 party to show the contrary. G.S. 114-2.3 and G.S. 147-17 shall not apply to
23 the schools for the deaf and blind. Upon the request of the board of trustees of
24 a school, the Attorney General shall provide representation as required by
25 G.S. 114-2.

26 (3) Academic program. – The board of trustees shall adopt rules governing class
27 size, the instructional calendar, the length of the instructional day, and the
28 number of instructional days in each term. The board of trustees shall adopt a
29 school calendar consisting of a minimum of 185 days or 1,025 hours of
30 instruction covering at least nine calendar months.

31 (4) School report cards. – A school shall ensure that the report card issued for it
32 by the State Board of Education is provided to the public. The State Board
33 shall evaluate the schools for the deaf and blind in the same manner as other
34 alternative schools as provided in G.S. 115C-12(24). Beginning with the
35 2027-2028 school year, a school shall ensure that the measures for educational
36 performance and growth for the current and previous four school years are
37 prominently displayed on the school website.

38 (5) Standards of performance and conduct. – The board of trustees shall establish
39 policies and standards for academic performance, attendance, and conduct for
40 students of the school. The policies of the board of trustees shall comply with
41 Article 27 of this Chapter.

42 (6) School attendance. – Every parent or other person in this State having charge
43 or control of a child who is enrolled in schools for the deaf and blind who is
44 less than 16 years of age shall cause such child to attend that school
45 continuously for a period equal to the time that the school shall be in session.
46 No person shall encourage, entice, or counsel any child to be unlawfully
47 absent from the school. Any person who aids or abets a student's unlawful
48 absence from the school shall, upon conviction, be guilty of a Class 1
49 misdemeanor. The principal shall be responsible for implementing such
50 additional policies concerning compulsory attendance as shall be adopted by
51 the board of trustees, including regulations concerning lawful and unlawful

- 1 absences, permissible excuses for temporary absences, maintenance of
2 attendance records, and attendance counseling.
- 3 (7) Uniform Education Reporting System. – The board of trustees shall comply
4 with the reporting requirements established by the State Board of Education
5 in the Uniform Education Reporting System.
- 6 (8) Education of children with disabilities. – The board of trustees shall require
7 compliance with federal and State laws and policies relating to the education
8 of children with disabilities for all students admitted to the school. An IEP
9 shall be developed by the school for all newly admitted students granted an
10 educational program assignment.
- 11 (9) Extracurricular activities. – The board of trustees shall make all rules
12 necessary for the conducting of extracurricular activities, including a program
13 of athletics, where desired, without assuming liability therefor; provided, that
14 all interscholastic athletic activities shall be conducted in accordance with
15 rules and regulations prescribed by the State Board of Education.
- 16 (10) Fees, charges, and solicitations. – The board of trustees shall adopt rules
17 governing solicitations of, sales to, and fundraising activities conducted by the
18 students and faculty members in the school, and no fees, charges, or costs shall
19 be collected from students and school personnel without approval of the board
20 of trustees as recorded in the minutes of said board; provided, this subdivision
21 shall not apply to such textbook fees as are determined and established by the
22 State Board of Education. The board of trustees shall publish a schedule of
23 approved fees, charges, and solicitations on the school's website by October
24 15 of each school year and, if the schedule is subsequently revised, within 30
25 days following the revision.
- 26 (11) Federal or private funds. – The board of trustees shall have power and
27 authority to accept, receive, and administer any funds or financial assistance
28 given, granted, or provided under the provisions of the Elementary and
29 Secondary Education Act of 1965 (Public Law 89-10, 89th Congress, H.R.
30 2362) and under the provisions of the Economic Opportunity Act of 1964
31 (Public Law 88-452, 88th Congress, S. 2642), or other federal acts or funds
32 from foundations or private sources, and to comply with all conditions and
33 requirements necessary for the receipt, acceptance, and use of said funds. In
34 the administration of such funds, the board of trustees shall have authority to
35 enter into contracts with and to cooperate with and to carry out projects with
36 nonpublic elementary and secondary schools, community groups, and
37 nonprofit corporations, and to enter into joint agreements for these purposes
38 with other governing bodies of public school units. The board of trustees shall
39 furnish such information as shall be requested by the State Board of
40 Education, from time to time, relating to any programs related or conducted
41 pursuant to this subdivision.
- 42 (12) Educational research. – The board of trustees is authorized to sponsor or
43 conduct educational research and special projects approved by the Department
44 of Public Instruction and the State Board of Education that may improve the
45 school. Such research or projects may be conducted during the summer
46 months, and the board may use any available funds for such purposes.
- 47 (13) Anti-nepotism policies. – The board of trustees shall adopt rules requiring that
48 before any immediate family, as defined in G.S. 115C-12.2, of any board of
49 trustees' member or administrator, including directors, supervisors,
50 specialists, staff officers, or principals, shall be employed or engaged as an
51 employee, independent contractor, or otherwise by the board of trustees in any

1 capacity, such proposed employment or engagement shall be (i) disclosed to
2 the board of trustees and (ii) approved by the board of trustees in a duly called
3 open-session meeting. The burden of disclosure of such a conflict of interest
4 shall be on the applicable board member or administrator.

5 (14) Conduct and duties of personnel. – The board of trustees, upon the
6 recommendation of the director, shall have full power to make rules governing
7 the conduct of teachers, principals, and supervisors; the kind of reports they
8 shall make; and their duties in the care of school property. Prior to the
9 beginning of each school year, the board of trustees shall identify all reports
10 that are required for the school year and shall, to the maximum extent possible,
11 eliminate any duplicate or obsolete reporting requirements and consolidate
12 remaining reporting requirements. Prior to the beginning of each school year,
13 the board of trustees shall also identify software protocols that could be used
14 to minimize repetitious data entry and shall make them available to teachers
15 and other employees.

16 (15) Health and safety. – The board of trustees shall require that the school meet
17 the same health and safety standards required of a local school administrative
18 unit. The board shall comply with the requirements of Article 25A of this
19 Chapter, including the following:

20 a. The board shall ensure that the school provides parents with
21 information about cervical cancer, cervical dysplasia, human
22 papillomavirus, and the vaccines available to prevent these diseases.
23 This information shall be provided at the beginning of the school year
24 to parents of children entering grades five through 12. This
25 information shall include the causes and symptoms of these diseases,
26 how they are transmitted, how they may be prevented by vaccination,
27 including the benefits and possible side effects of vaccination, and
28 places parents may obtain additional information and vaccinations for
29 their children.

30 b. The board shall adopt policies to ensure that students in grades nine
31 through 12 receive information annually on the manner in which a
32 parent may lawfully abandon a newborn baby with a responsible
33 person, in accordance with G.S. 7B-500.

34 (16) School-based mental health. – The board of trustees shall adopt a school-based
35 mental health plan, including a mental health training program and suicide
36 risk referral protocol, in accordance with G.S. 115C-376.5.

37 (17) School safety. – The board of trustees shall comply with the requirements of
38 Article 8C of this Chapter, including the following:

39 a. School Risk Management Plan. – The board of trustees, in
40 coordination with local law enforcement agencies, shall adopt a
41 School Risk Management Plan (SRMP) relating to incidents of school
42 violence. In constructing and maintaining these plans, the board of
43 trustees shall utilize the School Risk and Response Management
44 System established pursuant to G.S. 115C-105.49A. These plans are
45 not considered a public record as the term "public record" is defined
46 under G.S. 132-1 and shall not be subject to inspection and
47 examination under G.S. 132-6.

48 b. Schematic diagrams and school crisis kits. – The board of trustees shall
49 provide schematic diagrams and keys to the main entrance of school
50 facilities to local law enforcement agencies, in addition to
51 implementing the provisions in G.S. 115C-105.52.

- 1 c. School safety exercises. – At least once a year, a school shall hold a
2 full school-wide lockdown exercise with local law enforcement and
3 emergency management agencies that are part of the school's SRMP.
4 d. Safety information provided to the Department of Public Safety,
5 Division of Emergency Management. – The board of trustees shall
6 provide the following: (i) schematic diagrams, including digital
7 schematic diagrams, and (ii) emergency response information
8 requested by the Division for the SRMP. The schematic diagrams and
9 emergency response information are not considered public records as
10 the term "public record" is defined under G.S. 132-1 and shall not be
11 subject to inspection and examination under G.S. 132-6.
12 e. Anonymous tip line. – A school shall develop and operate an
13 anonymous tip line in accordance with G.S. 115C-105.51.
14 (18) Reporting school violence. – A board of trustees shall report all acts of school
15 violence to the State Board of Education in accordance with
16 G.S. 115C-12(21).
17 (19) Driving eligibility certificates and drivers education. – The board of trustees
18 shall apply the rules and policies established by the State Board of Education
19 for issuance of driving eligibility certificates. The board of trustees shall
20 provide drivers education in accordance with Article 14 of this Chapter.
21 (20) Instructional materials. – The board of trustees shall have the authority to
22 select, procure, and use textbooks not adopted by the State Board of Education
23 as provided in G.S. 115C-98(b1). The board shall have sole authority to select
24 and procure supplementary instructional materials, whether or not the
25 materials contain commercial advertising, pursuant to the provisions of
26 G.S. 115C-98(b).
27 (21) Policy against bullying. – The board of trustees shall adopt a policy against
28 bullying or harassing behavior, including cyber-bullying, in accordance with
29 Article 29C of this Chapter, and shall at the beginning of each school year
30 provide the policy to staff, students, and parents as defined in
31 G.S. 115C-390.1(b)(8).
32 (22) Religious activity and moment of silence. – The board of trustees shall comply
33 with the requirements of Article 29D of this Chapter. To afford students and
34 teachers a moment of quiet reflection at the beginning of each day in the public
35 schools, to create a boundary between school time and nonschool time, and to
36 set a tone of decorum in the classroom that will be conducive to discipline and
37 learning, the board of trustees may adopt a policy to authorize the observance
38 of a moment of silence at the commencement of the first class of each day in
39 all grades in the public schools. Such a policy shall provide that the teacher in
40 charge of the room in which each class is held may announce that a period of
41 silence not to exceed one minute in duration shall be observed and that during
42 that period silence shall be maintained and no one may engage in any other
43 activities. Such period of silence shall be totally and completely unstructured
44 and free of guidance or influence of any kind from any sources.
45 (23) Display of the United States and North Carolina flags and recitation of the
46 Pledge of Allegiance. – The board of trustees shall adopt policies to (i) require
47 the display of the United States and North Carolina flags in each classroom,
48 when available, (ii) require that recitation of the Pledge of Allegiance be
49 scheduled on a daily basis, and (iii) provide age-appropriate instruction on the
50 meaning and historical origins of the flag and the Pledge of Allegiance. These
51 policies shall not compel any person to stand, salute the flag, or recite the

- 1 Pledge of Allegiance. If flags are donated or are otherwise available, flags
2 shall be displayed in each classroom.
- 3 (24) Child sexual abuse and sex trafficking training program. – The board of
4 trustees shall adopt and implement a child sexual abuse and sex trafficking
5 training program in accordance with G.S. 115C-375.20.
- 6 (25) Science safety requirements. – A board of trustees shall:
- 7 a. Certify annually to the State Board of Education that the school's
8 science laboratories for high school and middle school students are
9 equipped with appropriate personal protective equipment for students
10 and teachers.
- 11 b. Ensure that the school complies with all State Board of Education
12 policies related to science laboratory safety.
- 13 (26) Graduation projects. – A board of trustees shall not require a high school
14 graduation project as a condition of graduation unless the board provides a
15 method of reimbursement of up to seventy-five dollars (\$75.00) for expenses
16 related to the high school graduation project for any student identified as an
17 economically disadvantaged student.
- 18 (27) Group accident and health insurance for students. – A board of trustees may
19 purchase group accident, group health, or group accident and health insurance
20 for students in accordance with G.S. 58-51-81.
- 21 (28) Access for youth groups. – Schools for the deaf and blind are encouraged to
22 facilitate access for students to participate in activities provided by any youth
23 group listed in Title 36 of the United States Code as a patriotic society, such
24 as the Boy Scouts of America, and its affiliated North Carolina groups and
25 councils, and the Girl Scouts of the United States of America, and its affiliated
26 North Carolina groups and councils. Student participation in any activities
27 offered by these organizations shall not interfere with instructional time
28 during the school day for the purposes of encouraging civic education.
- 29 (29) Parental notification of certain acts reported to law enforcement. – A board of
30 trustees shall adopt a rule on the notification to parents of any students alleged
31 to be victims of any act that is required to be reported to law enforcement and
32 the superintendent under G.S. 115C-288(g).
- 33 (30) Seclusion and restraint report. – A board of trustees shall maintain a record of
34 incidents reported under G.S. 115C-391.1(j)(4) and shall provide this
35 information annually to the State Board of Education.
- 36 (31) Use of pesticides. – A board of trustees shall adopt rules that address the use
37 of pesticides in schools. These policies shall:
- 38 a. Require the principal or the principal's designee to annually notify the
39 students' parents as well as school staff of the schedule of pesticide use
40 on school property and their right to request notification. Such
41 notification shall be made, to the extent possible, at least 72 hours in
42 advance of nonscheduled pesticide use on school property. The
43 notification requirements under this subdivision do not apply to the
44 application of the following types of pesticide products: antimicrobial
45 cleansers, disinfectants, self-contained baits and crack-and-crevice
46 treatments, and any pesticide products classified by the United States
47 Environmental Protection Agency as belonging to the U.S.E.P.A.
48 Toxicity Class IV, "relatively nontoxic" (no signal word required on
49 the product's label).
- 50 b. Require the use of Integrated Pest Management. As used in this
51 sub-subdivision, "Integrated Pest Management" or "IPM" means the

1 comprehensive approach to pest management that combines
2 biological, physical, chemical, and cultural tactics as well as effective,
3 economic, environmentally sound, and socially acceptable methods to
4 prevent and solve pest problems that emphasizes pest prevention and
5 provides a decision-making process for determining if, when, and
6 where pest suppression is needed and what control tactics and methods
7 are appropriate.

8 (32) Arsenic-treated wood. – A board of trustees shall prohibit the purchase or
9 acceptance of chromated copper arsenate-treated wood for future use on
10 school grounds. A board of trustees shall seal existing arsenic-treated wood in
11 playground equipment or establish a time line for removing existing
12 arsenic-treated wood on playgrounds, according to the guidelines established
13 under G.S. 115C-12(34).

14 (33) Exposure to diesel exhaust fumes. – A board of trustees shall adopt rules to
15 reduce students' exposure to diesel emissions.

16 (34) Nonprofit corporations. – A board of trustees may establish, control, and
17 operate a nonprofit corporation that is created under Chapter 55A of the
18 General Statutes and is a tax-exempt organization under the Internal Revenue
19 Code to further their authorized purposes. A nonprofit corporation established
20 as provided in this subdivision shall not have regulatory or enforcement
21 powers and shall not engage in partisan political activity or policy advocacy.
22 A board of trustees that establishes a nonprofit corporation shall make a report
23 annually to the Joint Legislative Education Oversight Committee.

24 (35) Preschool programs. – The board of trustees may, within funds available,
25 provide programs, education, and training for children under the age of 5 who
26 are (i) blind or visually impaired or (ii) deaf or hard of hearing, and for the
27 parents of those children.

28 (36) Rulemaking. – The board of trustees shall be exempt from Article 2A of
29 Chapter 150B of the General Statutes.

30 ~~§ 115C-150.13. Rule making.~~

31 ~~(a) The State Board of Education shall adopt rules necessary for the Department of Public~~
32 ~~Instruction to implement this Article, including, at a minimum, rules to address eligibility for~~
33 ~~admission criteria. In determining rules for admission criteria, the State Board of Education shall~~
34 ~~take into account the following factors:~~

35 ~~(1) State and federal laws.~~

36 ~~(2) Optimal academic and communicative outcomes for the child.~~

37 ~~(3) Parental input and choice.~~

38 ~~(4) Recommendations in a child's Individualized Education Program (IEP).~~

39 ~~(b) Rules shall be adopted in accordance with Chapter 150B of the General Statutes.~~

40 ~~§ 115C-150.13A. Admissions.~~

41 ~~(a) Rules. – Schools for the deaf and blind shall admit students in accordance with~~
42 ~~eligibility criteria, standards, and procedures established through rules by the board of trustees in~~
43 ~~accordance with the requirements of this Article.~~

44 ~~(b) Eligibility Criteria. – Eligibility criteria shall include consideration of the following:~~

45 ~~(1) For a school for the deaf, evidence of hearing loss and that the student's~~
46 ~~primary educational needs are related to the student's hearing loss and require~~
47 ~~the specialized support and programs offered by that school.~~

48 ~~(2) For the school for the blind, evidence of vision loss and that the student's~~
49 ~~primary educational needs are related to the student's vision loss and require~~
50 ~~the specialized support and programs offered by the school for the blind.~~

51 ~~(3) State and federal laws.~~

- 1 (4) Optimal academic and communicative outcomes for the student.
2 (5) Parental input and choice.
3 (6) Student's possession of the level of functioning necessary to participate in the
4 educational program, including an assessment that the student does not pose
5 a risk of harm to self or others, can function within the school environment in
6 a healthy and safe manner, and does not pose a risk of substantial disruption
7 to the learning environment at the school.
- 8 (c) Procedures. – Admission procedures shall include the following:
9 (1) An application process that may be directly made by a parent to the school or
10 upon recommendation of a local school administrative unit or charter school.
11 If a student has not been evaluated by the local school administrative unit or
12 charter school and determined to be a child with a disability, the procedure for
13 the school and local school administrative unit or charter school to enter into
14 an agreement to determine if the student is a child with a disability.
15 (2) An admissions committee to make recommendations on an admissions status
16 that includes, but is not limited to, the following members:
17 a. A chair designated by the director of the school.
18 b. The applicant's parent.
19 c. Any professionals necessary to interpret the evaluation results.
20 d. If the applicant is currently enrolled in a local school administrative
21 unit or charter school, a written invitation shall be extended to a
22 representative from that local school administrative unit or charter
23 school to attend and participate in the evaluation.
24 (3) An admissions evaluation that uses multiple sources of information in
25 determining eligibility, including assessments, teacher recommendations,
26 evidence of the applicant's physical and emotional health, indications of the
27 applicant's level of functioning, including adaptive behavior skills, and the
28 student's current or proposed individualized education plan.
29 (4) A final admissions determination made by the director of the school or the
30 director of the school's designee.
- 31 (d) Admission Status. – A student may be admitted in one of the following statuses:
32 (1) Temporary assignment. – An applicant admitted for no more than 90 school
33 days for the school staff to complete evaluations and gather additional
34 information for the admissions committee to make an eligibility
35 determination. A student admitted to a temporary assignment status is not
36 guaranteed admission to the educational program as a student who meets the
37 school's eligibility criteria.
38 (2) Educational program assignment. – An applicant determined to meet the
39 eligibility criteria and granted admission to the educational program.
- 40 (e) Disenrollment. – A student's continued enrollment in an educational program
41 assignment status shall be subject to reevaluation by the admissions committee when determined
42 necessary by the school to assess if the student continues to meet eligibility criteria. The
43 disenrollment assessment shall follow the same procedures as the admissions process, and a final
44 determination shall be made by the director or the director's designee.
- 45 (f) Free Appropriate Public Education. – The local school administrative unit or charter
46 school in which the student is enrolled shall have the initial responsibility of identifying and
47 evaluating the special education needs of the student and providing a special educational program
48 and related services in accordance with Article 9 of this Chapter. If a parent submits an
49 application to the school for enrollment of the parent's child in the school's educational program,
50 and if the child is determined to meet the eligibility criteria for admission to the school's
51 educational program, the school is responsible for the provision of a free appropriate public

1 education. However, a subsequent determination by the school that the student no longer meets
 2 eligibility criteria immediately transfers the responsibility for the provision of a special
 3 educational program and related services to ensure a free appropriate public education back to
 4 the local school administrative unit or charter school in which the student was previously
 5 enrolled.

6 (g) Mediation. – Prior to seeking a due process hearing as provided in Article 9 of this
 7 Chapter, parents are encouraged to seek mediation under Article 9 of this Chapter in resolving
 8 any dispute with regards to a student's eligibility determination or IEP.

9 (h) Due Process Hearing. – A parent may seek an impartial due process hearing following
 10 a final determination on a student's eligibility by the director. If the parent pursues a due process
 11 hearing to challenge the school's ineligibility determination, the student's "stay put" placement
 12 shall not be the school but shall be the student's local school administrative unit or charter school.

13 **"§ 115C-150.14. Tuition and room and board. Tuition, room and board for resident**
 14 **students.**

15 (a) ~~Only children~~ A student who are residents is a resident of North Carolina are is
 16 entitled to free tuition and room and board at a school governed by this Article for the educational
 17 programs provided by the schools for the deaf and blind.

18 (b) A school governed by this Article may enroll a foreign exchange student and shall
 19 charge the student the full, unsubsidized per capita cost of providing education at the school for
 20 the period of the student's attendance. A school that seeks to enroll foreign exchange students
 21 under this section shall submit a plan prior to enrolling any of those students to the State Board
 22 of Education for approval, including the proposed costs to be charged to the students for
 23 attendance and information on compliance with federal law requirements. For the purposes of
 24 this section, a foreign exchange student is a student who is domiciled in a foreign country and
 25 has come to the United States on a valid, eligible student visa.

26 (c) Notwithstanding subsection (b) of this section, foreign exchange students who have
 27 obtained the status of nonimmigrants pursuant to the Immigration and Nationality Act, 8 U.S.C.
 28 § 1101(a)(15)(F) may only be enrolled in a school governed by this Article in grades nine through
 29 12 for a maximum of 12 months at the school. A student who is a resident of North Carolina
 30 whose parent elects for the student to board at the school in order to access the educational
 31 program is entitled to free room and board.

32 **"§ 115C-150.14A. Nonresident students.**

33 (a) For the purposes of this section, the following definitions shall apply:

34 (1) Foreign exchange student. – A student who is domiciled in a foreign country
 35 and has come to the United States on a valid, eligible student visa.

36 (2) Nonresident student. – An out-of-state student or foreign exchange student.

37 (3) Out-of-state student. – A student who is domiciled in a state other than North
 38 Carolina.

39 (b) Schools for the deaf and blind may enroll nonresident students in the educational
 40 program who otherwise meet admissions criteria established for all students. A school shall
 41 charge the full, unsubsidized per capita cost of providing education at the school for the period
 42 of the nonresident student's attendance, including the cost of tuition, and the cost of room and
 43 board for any student whose parent elects for the student to board at the school in order to access
 44 the educational program.

45 (c) Schools for the deaf and blind that seek to enroll nonresident students under this
 46 section shall submit a plan prior to enrolling any of those students to the board of trustees for
 47 approval, including the proposed costs to be charged to the nonresident students for tuition and
 48 room and board and information on compliance with federal law requirements.

49 **"§ 115C-150.15. Reporting to residential schools on deaf and blind children.**

50 (a) Request for Consent. – Local superintendents shall require that the following request
 51 for written ~~consent~~ consent, along with any informational materials provided by the school for

1 the blind or the school for the deaf in the service area in which the local school administrative
 2 unit is located, be presented to ~~parents, guardians, parents~~ or custodians of any ~~hearing impaired~~
 3 ~~or visually impaired children~~ children who are deaf or hard of hearing or are blind or visually
 4 impaired no later than October 1 of each school year: "North Carolina provides three public
 5 residential schools serving visually and hearing impaired students: the Governor Morehead
 6 School for the Blind, the Eastern North Carolina School for the Deaf, and the North Carolina
 7 School for the Deaf. Do you consent to the release of your contact information and information
 8 regarding your child and his or her impairment to these schools so that you can receive more
 9 information on services offered by those campuses?"North Carolina provides two public schools
 10 for the deaf serving students who are deaf or hard of hearing: the Eastern North Carolina School
 11 for the Deaf and the North Carolina School for the Deaf. North Carolina also has a public school
 12 for the blind serving students who are blind or visually impaired: the Governor Morehead School
 13 for the Blind. Do you consent to the release of your contact information and information
 14 regarding your child and his or her hearing or vision status to these schools so that you can receive
 15 more information on services offered by those campuses?"

16 (b) Annual Report to Residential Schools. Schools for the Deaf and Blind. – Local
 17 superintendents shall report by November 30 each year the names and addresses of ~~parents,~~
 18 ~~guardians, parents~~ or custodians of any ~~hearing impaired~~ deaf or hard of hearing or blind or
 19 visually impaired children who have given written consent to the directors of the ~~Governor~~
 20 ~~Morehead School for the Blind, the Eastern North Carolina School for the Deaf, and the North~~
 21 ~~Carolina School for the Deaf.~~ schools for the deaf and blind. The report shall include the type of
 22 disability of each child, including whether the hearing and visual impairments range from partial
 23 to total disability, and if the child has multiple disabilities with the visual or hearing impairment
 24 not identified as the primary disability of the student. The report shall also be made to the
 25 Department of Public Instruction.

26 (c) Confidentiality of Records. – The directors of the ~~Governor Morehead School for the~~
 27 ~~Blind, the Eastern North Carolina School for the Deaf, and the North Carolina School for the~~
 28 ~~Deaf~~ schools for the deaf and blind shall treat any information reported to the schools by a local
 29 superintendent under subsection (b) of this section as confidential, except that a director or the
 30 director's designee may contact the ~~parents, guardians, parents~~ or custodians of any hearing
 31 impaired or visually impaired children whose information was included in the report. The
 32 information shall not be considered a public record under G.S. 132-1.

33 (d) Transfer of Information. – Upon the written request of a parent or custodian of a
 34 student who has applied to a school for the deaf or school for the blind, the local superintendent
 35 or, if there is no superintendent, the staff member with the highest decision-making authority
 36 shall share with the director of the school a copy of all current evaluation data and a copy of the
 37 current or proposed individualized education plan for any child enrolled in that public school unit
 38 who is identified as a child with a disability who is deaf, hard of hearing, blind, or visually
 39 impaired.

40 **"§ 115C-150.16. Applicability of Chapter.**

41 Except as otherwise provided in this Article, the requirements of this Chapter shall not apply
 42 to the schools for the deaf and blind. Schools for the deaf and blind shall be considered a State
 43 agency, as defined in G.S. 143C-1-1, and shall comply with all requirements for State agencies
 44 unless otherwise specified in this Article. Schools for the deaf and blind shall not be considered
 45 local school administrative units."

46 **SECTION 7.25.(b)** G.S. 115C-5 reads as rewritten:

47 **"§ 115C-5. Definitions.**

48 As used in this Chapter unless the context requires otherwise:

49 ...

50 (3a) The governing body of a public school unit is the following:

51 a. For a local school administrative unit, the local board of education.

- b. For a charter school, the nonprofit corporation board of directors.
- c. For a regional school, the regional school board of directors.
- d. For a school operated under Article 9C of this Chapter, the ~~State Board of Education~~ board of trustees.
- e. For a school operated under Article 29A of Chapter 116 of the General Statutes, the chancellor of the constituent institution.

...

(7a) Public school unit. – Any of the following:

- a. A local school administrative unit.
- b. A charter school.
- c. A regional school.
- d. A school providing elementary or secondary instruction operated by ~~one of the following:~~
 - ~~1. The State Board of Education, including schools operated under Article 9C of this Chapter.~~
 - ~~2. The University of North Carolina under Article 29A of Chapter 116 of the General Statutes.~~
- e. Schools for the deaf and blind operated under Article 9C of this Chapter.

...."

SECTION 7.25.(c) G.S. 115C-105.51(g) reads as rewritten:

"(g) For the purposes of this section, a "public secondary school" is any of the following types of public school serving grades six or higher:

- (1) A school under the control of a local school administrative unit.
- (2) A school ~~under the control of the State Board of Education, including schools for the deaf or blind~~ operated under Article 9C of this Chapter.
- (3) A school under the control of The University of North Carolina.
- (4) A charter school.
- (5) A regional school."

SECTION 7.25.(d) G.S. 126-5(c1) reads as rewritten:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(8a) Employees of a regional school established pursuant to Part 10 of Article 16 of Chapter 115C of the General Statutes.

(8b) Employees of a school for the deaf or blind governed by Article 9C of Chapter 115C of the General Statutes hired on or after July 1, 2024.

...."

SECTION 7.25.(e) G.S. 138-5(a) reads as rewritten:

"(a) Except as provided in subsections (c) and (f) of this section, members of State boards, commissions, committees and councils which operate from funds deposited with the State Treasurer shall be compensated for their services at the following rates:

- (1) Except as otherwise provided by this subdivision, compensation at the rate of fifteen dollars (\$15.00) per diem for each day of service. Members of the North Carolina Vocational Rehabilitation Council, the Statewide Independent Living Council, and the Commission for the Blind who are unemployed or who shall forfeit wages from other employment to attend Council or Commission meetings or to perform related duties, may receive compensation not to exceed fifty dollars (\$50.00) per diem for attending these meetings or performing related duties, as authorized by sections 105 and 705 of the Rehabilitation Act of 1973, P.L. 102-569, 42 U.S.C. § 701, et seq., as

1 amended. Members of the Board of Trustees of the Eastern North Carolina
2 School for the Deaf, the Board of Trustees of the North Carolina School for
3 the Deaf, and the Board of Trustees of the Governor Morehead School for the
4 Blind may receive compensation not to exceed fifty dollars (\$50.00) per diem
5 for attending trustee meetings or performing related duties.

6 (2) Reimbursement of subsistence expenses at the rates allowed to State officers
7 and employees by subdivision (3) of G.S. 138-6(a).

8 (3) Reimbursement of travel expenses at the rates allowed to State officers and
9 employees by subdivisions (1) and (2) of G.S. 138-6(a).

10 (4) For convention registration fees, the actual amount expended, as shown by
11 receipt."

12 **SECTION 7.25.(f)** G.S. 150B-1(d) is amended by adding a new subdivision to read:
13 "(33) The Eastern North Carolina School for the Deaf, the North Carolina School
14 for the Deaf, and the Governor Morehead School for the Blind."

15 **SECTION 7.25.(g)** Section 10 of S.L. 2013-247 is repealed.

16 **SECTION 7.25.(h)** Section 8.15(b) of S.L. 2013-360 is repealed.

17 **SECTION 7.25.(i)** For the 2023-2024 school year only, the State Board of Education
18 shall adopt rules by August 4, 2023, for eligibility criteria, standards, and procedures for
19 admission to the schools for the deaf and blind in accordance with subsections (j) through (p) of
20 this section following consultation with the Superintendent of Public Instruction and directors of
21 the schools for the deaf and blind. These rules shall be exempt from the requirements of Article
22 2A of Chapter 150B of the General Statutes.

23 **SECTION 7.25.(j)** The adopted eligibility criteria shall include consideration of the
24 following:

25 (a) Eligibility Criteria. – Eligibility criteria shall include consideration of the following:

26 (1) For a school for the deaf, evidence of hearing loss and that the student's
27 primary educational needs are related to the student's hearing loss and require
28 the specialized support and programs offered by that school.

29 (2) For the school for the blind, evidence of vision loss and that the student's
30 primary educational needs are related to the student's vision loss and require
31 the specialized support and programs offered by the school for the blind.

32 (3) State and federal laws.

33 (4) Optimal academic and communicative outcomes for the student.

34 (5) Parental input and choice.

35 (6) Student's possession of the level of functioning necessary to participate in the
36 educational program, including an assessment that the student does not pose
37 a risk of harm to self or others, can function within the school environment in
38 a healthy and safe manner, and does not pose a risk of substantial disruption
39 to the learning environment at the school.

40 **SECTION 7.25.(k)** The adopted admission procedures shall include the following:

41 (1) An application process that may be directly made by a parent or legal guardian
42 to the school or upon recommendation of a local school administrative unit or
43 charter school. If a student has not been evaluated by the local school
44 administrative unit or charter school and determined to be a child with a
45 disability, a process for the school and local school administrative unit or
46 charter school to enter into an agreement to determine if the student is a child
47 with a disability.

48 (2) An admissions committee to make recommendations on an admissions status
49 that includes, but is not limited to, the following members:

50 a. A chair designated by the director of the school.

51 b. The applicant's parent or legal guardian.

- 1 c. Any professionals necessary to interpret the evaluation results.
2 d. If the applicant is currently enrolled in a local school administrative
3 unit or charter school, a written invitation shall be extended to a
4 representative from that local school administrative unit or charter
5 school to attend and participate in the evaluation.

- 6 (3) An admissions evaluation that uses multiple sources of information in
7 determining eligibility, including assessments, teacher recommendations,
8 evidence of the applicant's physical and emotional health, indications of the
9 applicant's level of functioning, including adaptive behavior skills, and the
10 student's current or proposed individualized education plan.
11 (4) A final admissions determination made by the director of the school or the
12 director of the school's designee.

13 **SECTION 7.25.(l)** The standards for admission shall provide that a student may be
14 admitted in one of the following statuses:

- 15 (1) Temporary assignment. – An applicant admitted for no more than 90 school
16 days for the school staff to complete evaluations and gather additional
17 information for the admissions committee to make an eligibility
18 determination. A student admitted to a temporary assignment status is not
19 guaranteed admission to the educational program as a student who meets the
20 school's eligibility criteria.
21 (2) Educational program assignment. – An applicant determined to meet the
22 eligibility criteria and granted admission to the educational program.

23 **SECTION 7.25.(m)** The standards for admission shall provide that a student's
24 continued enrollment in an educational program assignment status shall be subject to
25 reevaluation by the admissions committee when determined necessary by the school to assess if
26 the student continues to meet eligibility criteria. The disenrollment assessment shall follow the
27 same procedures as the admissions process, and a final determination shall be made by the
28 director or the director's designee.

29 **SECTION 7.25.(n)** The standards for admission shall provide that the local school
30 administrative unit or charter school in which the child is enrolled shall have the initial
31 responsibility of identifying and evaluating the special education needs of the student and
32 providing a special educational program and related services in accordance with Article 9 of this
33 Chapter. If a parent submits an application to the school for enrollment of the parent's child in
34 the school's educational program, and if the child is determined to meet the eligibility criteria for
35 admission to the school's educational program, the school is responsible for the provision of a
36 free appropriate public education. However, a subsequent determination by the school that the
37 student no longer meets eligibility criteria immediately transfers the responsibility for the
38 provision of a special educational program and related services to ensure a free appropriate public
39 education back to the local school administrative unit or charter school in which the child was
40 previously enrolled.

41 **SECTION 7.25.(o)** The standards for admission shall provide that, prior to seeking
42 a due process hearing as provided in Article 9 of Chapter 115C of the General Statutes, parents
43 be encouraged to seek mediation under Article 9 of Chapter 115C of the General Statutes in
44 resolving any dispute with regards to a student's eligibility determination or individualized
45 education plan. A parent may seek an impartial due process hearing following a final
46 determination on a student's eligibility by the director. If the parent pursues a due process hearing
47 to challenge the school's ineligibility determination, the student's "stay put" placement shall not
48 be the school but shall be the local school administrative unit or charter school in which the child
49 is enrolled.

50 **SECTION 7.25.(p)** Notwithstanding Article 9C of Chapter 115C of the General
51 Statutes, as amended by this section, the Department of Public Instruction shall continue its

1 administrative duties and responsibilities for the North Carolina School for the Deaf, the Eastern
2 North Carolina School for the Deaf, and the Governor Morehead School for the Blind subject to
3 Article 9C of Chapter 115C of the General Statutes as of June 30, 2024, until the board of trustees
4 for each school has successfully transitioned into the administrative role required by this act, but
5 in no event later than October 1, 2024.

6 **SECTION 7.25.(q)** No later than 60 days after the date that this section becomes
7 law, the General Assembly and the State Board of Education shall appoint the initial members of
8 the boards of trustees for the North Carolina School for the Deaf, the Eastern North Carolina
9 School for the Deaf, and the Governor Morehead School for the Blind to take office 90 days after
10 the date this section becomes law. If the General Assembly has adjourned to a date certain, which
11 date is more than 20 days after the date of adjournment when this section becomes law, the initial
12 members of the boards appointed by the General Assembly shall be made in the same manner as
13 a vacancy appointment as provided in G.S. 120-122. Upon the expiration of the initial terms
14 appointed by November 1, 2023, all subsequent appointments by all appointing entities shall be
15 for a four-year term of office, as provided in G.S. 115C-150.12A, as enacted by this section.
16 Notwithstanding G.S. 115C-150.12A, as enacted by this section, terms of initial appointments to
17 each board made by November 1, 2023, shall be as follows:

- 18 (1) The General Assembly shall appoint one of the members recommended by the
19 Speaker of the House of Representatives and one of the members
20 recommended by the President Pro Tempore of the Senate to a two-year term
21 of office expiring June 30, 2026.
- 22 (2) The General Assembly shall appoint one of the members recommended by the
23 Speaker of the House of Representatives and one of the members
24 recommended by the President Pro Tempore of the Senate to a four-year term
25 of office expiring June 30, 2028.
- 26 (3) The State Board of Education shall appoint one member to a term expiring
27 June 30, 2026.
- 28 (4) The Secretary of the Department of Health and Human Services shall appoint
29 one nonvoting member to a term expiring June 30, 2028.

30 **SECTION 7.25.(r)** Notwithstanding G.S. 115C-150.12A, as enacted by this section,
31 following the appointment of a majority of members of the boards of trustees of each of the
32 schools for the deaf and blind, as provided in subsection (q) of this section, and no later than 105
33 days after this section becomes law, the director of each school shall call an initial meeting of
34 each board.

35 **SECTION 7.25.(s)** The Department of Public Instruction shall develop a transition
36 plan for the change in administration of the schools for the deaf and blind in accordance with the
37 requirements of this section to be effective July 1, 2024. The Department of Public Instruction
38 shall consult with the personnel and boards of trustees from the North Carolina School for the
39 Deaf, the Eastern North Carolina School for the Deaf, and the Governor Morehead School for
40 the Blind in developing the transition plan and shall make a copy of the interim and final
41 transition reports available to each board of trustees at least two weeks prior to submission, if the
42 board has taken office at that time. The Department of Public Instruction shall provide interim
43 reports to the State Board of Education and the Joint Legislative Education Oversight Committee
44 by May 15, 2023, and December 15, 2023, and a final report by March 15, 2024, on the plans for
45 transition in administration of the schools for the deaf and blind. The plans for transition shall
46 include the following:

- 47 (1) An estimate of the costs for administrative services provided by the
48 Department of Public Instruction to the schools for the deaf and blind, on
49 average, for the prior three school years.
- 50 (2) An assessment of the employment rights, salaries, and benefits for current
51 employees of the schools for the deaf and blind under the State Human

1 Resources Act and State salary schedules as compared to those rights, salaries,
2 and benefits of local school administrative unit employees under Chapter
3 115C of the General Statutes and identification of any areas where the
4 transition may provide lesser protections, salaries, or benefits not addressed
5 by this section.

6 (3) An assessment of the most effective administrative structure for the schools
7 for the deaf and blind.

8 (4) Any other issues identified as part of the transition process and any legislative
9 recommendations necessary to effectuate the transition.

10 **SECTION 7.25.(t)** Each board of trustees of the schools for the deaf and blind shall
11 provide interim reports to the Joint Legislative Education Oversight Committee by December 15,
12 2023, and March 15, 2024, and a final report by July 1, 2024, on the plans and progress in
13 transitioning to assumption of administration of the schools for the deaf and blind, with the
14 support of and consultation with staff of the school for that board. The Department of Public
15 Instruction shall provide information as requested to each board of trustees. The reports shall
16 include the following:

17 (1) Response to any assessments, issues, or recommendations submitted by the
18 Department of Public Instruction in reports submitted as provided in
19 subsection (s) of this section.

20 (2) An assessment of employment rights, salaries, and benefits for current
21 employees of the schools for the deaf and blind under the State Human
22 Resources Act and State salary schedules as compared to those rights, salaries,
23 and benefits of local school administrative unit employees under Chapter
24 115C of the General Statutes and identification of any areas where the
25 transition may provide lesser protections, salaries, or benefits not addressed
26 by this act.

27 (3) An assessment of the most effective administrative structure for the schools
28 for the deaf and blind.

29 (4) Any other issues identified as part of the transition process and any legislative
30 recommendations necessary to effectuate the transition.

31 **SECTION 7.25.(u)** Notwithstanding G.S. 115C-150.12B, as enacted by this section,
32 the board of trustees of each school for the deaf and blind shall honor the terms of any
33 employment contract for employees of those schools as it exists as of July 1, 2024.

34 **SECTION 7.25.(v)** Notwithstanding current employment classifications of
35 administrators for the schools for the deaf and blind and G.S. 115C-150.12B, as enacted by this
36 section, those employed as administrators of each school for the deaf and blind shall remain in
37 employment, subject to dismissal for cause as provided in Article 8 of Chapter 126 of the General
38 Statutes, until June 30, 2025. Notwithstanding Article 18 of Chapter 115C of the General
39 Statutes, the State Board of Education shall waive superintendent licensure requirements for
40 those employed as administrators of each school for the deaf and blind until June 30, 2025.

41 **SECTION 7.25.(w)** Notwithstanding G.S. 115C-150.12B, as enacted by this section,
42 Chapter 126 of the General Statutes shall apply to any employee of the schools for the deaf and
43 blind employed on June 30, 2024, for as long as that employee remains employed at that school.

44 **SECTION 7.25.(x)** Subsections (a) through (h) of this section become effective July
45 1, 2024. The remainder of this section is effective when it becomes law.

46 **REMOTE CHARTER ACADEMIES**

47 **SECTION 7.26.(a)** Article 14A of Chapter 115C of the General Statutes is amended
48 by adding a new Part to read:

49 "Part 7. Remote Charter Academies.

50 "§ 115C-218.120. Remote charter academies.
51

1 (a) As part of an application or modification of a charter, a nonprofit may apply to the
2 State Board of Education for approval to include a remote charter academy that meets the
3 requirements of this Part as part of the nonprofit's charter. A charter that includes a remote charter
4 academy may do any of the following:

5 (1) Provide only remote instruction to enrolled students served by the charter in
6 accordance with this Part.

7 (2) Provide remote instruction to students enrolled in the remote charter academy
8 and provide in-person instruction to other students served by the charter.

9 (3) Provide enrolled students both remote instruction and in-person instruction. A
10 student who receives more than half of the student's instruction through
11 remote instruction shall be classified as enrolled in the charter's remote charter
12 academy.

13 (b) As part of the application or modification of a charter, the nonprofit shall designate
14 which of the following enrollment areas the remote charter academy will use to enroll students:

15 (1) A statewide remote charter academy that admits students in accordance with
16 G.S. 115C-218.45.

17 (2) A regional remote charter academy that, notwithstanding
18 G.S. 115C-218.45(a), admits students only from the county in which the
19 charter school facility is located and the counties of the State geographically
20 contiguous to that county.

21 (c) A remote charter academy provides instruction primarily online through a
22 combination of synchronous and asynchronous instruction delivered to students in a remote
23 location outside of the charter school facility. A remote charter academy may include any
24 combination of grade levels.

25 (d) Notwithstanding G.S. 115C-84.3, an approved remote charter academy may satisfy
26 the minimum required number of instructional days or hours for the school calendar through
27 remote instruction.

28 **"§ 115C-218.121. Remote charter academy enrollment.**

29 (a) A student shall not be assigned to attend a remote charter academy without parental
30 consent. A board of directors shall require an application to secure parental consent prior to
31 enrollment of a student in a remote charter academy.

32 (b) A remote charter academy shall identify characteristics for successful remote learning
33 and establish criteria for admittance to a remote charter academy and shall make that information
34 available to parents.

35 (c) A student may not be denied admission to the remote charter academy solely on the
36 basis that the student is a child with a disability. If a student is admitted to a remote charter
37 academy, that student's IEP team, as defined in G.S. 115C-106.3, or section 504 team, 29 U.S.C.
38 § 794, must plan for a successful student entry and accommodations necessary to provide for a
39 free appropriate public education in the remote charter academy.

40 (d) A charter that provides in-person instruction may reassign a student to in-person
41 instruction during the school year if the board of directors determines that in-person instruction
42 would better ensure academic success for that student. The board of directors may delegate this
43 authority to the chief administrator.

44 **"§ 115C-218.122. Remote charter academy requirements.**

45 (a) Except as provided in this Part, a remote charter academy shall meet the same
46 requirements as for other charter schools established by this Article.

47 (b) A remote charter academy shall provide all of the following to enrolled students:

48 (1) Any hardware and software needed to participate in the remote charter
49 academy. Students may not be charged rental fees but may be charged damage
50 fees for abuse or loss of hardware or software under rules adopted by the State
51 Board of Education.

- 1 (2) Access to a learning management platform that enables monitoring of student
2 performance and school-owned devices, as well as allows video conferencing
3 and supervised text-based chat for synchronous communication.
- 4 (3) Access to the internet that is available during instructional hours, evenings,
5 and weekends.
- 6 (4) Technical support that is available during instructional hours.
- 7 (5) For children with an individualized education program (IEP), as defined in
8 G.S. 115C-106.3, or a section 504 plan, 29 U.S.C. § 794, adaptive or assistive
9 devices, transportation, and in-person services as required by that program or
10 plan.

11 (c) A remote charter academy may require students to attend in person to fulfill
12 State-mandated student assessments. A remote charter academy may conduct optional in-person
13 meetings between students and instructors or parents and instructors at a charter school facility.

14 (d) The employees of a remote charter academy shall meet the same licensure and
15 evaluation requirements as required by G.S. 115C-218.90. The remote charter academy shall
16 ensure sufficient digital teaching and learning support staff, including, at a minimum, the
17 following:

- 18 (1) An instructional technology facilitator.
- 19 (2) A school library media coordinator.
- 20 (3) A data manager.
- 21 (4) Sufficient remote technicians to ensure technical support throughout the
22 instructional day for staff and students.

23 "**§ 115C-218.123. Remote charter academy approval process.**

24 (a) A nonprofit seeking to provide a remote charter academy shall submit to the State
25 Board of Education as part of the application for approval or modification of a charter a plan that
26 provides for the following:

- 27 (1) Whether the enrollment area of the remote charter academy will be statewide
28 or regional.
- 29 (2) The range of grades for which the remote charter academy will offer courses.
- 30 (3) The method by which the remote charter academy will monitor calendar
31 compliance, enrollment, daily attendance, course credit accrual, progress
32 toward graduation, and course completion.
- 33 (4) Hardware, software, and learning management platforms that support online
34 learning.
- 35 (5) The measures used to ensure that both synchronous and asynchronous remote
36 instruction time, practice, and application components support learning
37 growth that continues toward mastery of student achievement goals for the
38 charter's educational program.
- 39 (6) The professional development that will be provided to those teaching in the
40 remote charter academy related to the pedagogy of providing remote
41 instruction.
- 42 (7) The identified characteristics for successful remote learning and criteria for
43 admission to the remote charter academy. The board of directors shall identify
44 the means by which information will be communicated to the parents and legal
45 guardians of prospective applicants and current enrollees about the remote
46 charter academy and those characteristics and criteria to allow for informed
47 decisions about enrollment.
- 48 (8) Any school nutrition services or transportation services that will be provided
49 to students.

50 (b) The State Board of Education shall review and approve a charter or charter
51 modification for the creation of a remote charter academy that meets the requirements established

1 in this Part for a term of five years. The State Board of Education shall approve a minimum of
2 two statewide remote charter academies that meet the qualifications of this Part for operation
3 beginning with the 2026-2027 school year and thereafter.

4 **"§ 115C-218.124. Operation and renewal of remote charter academies.**

5 (a) Each approved remote charter academy shall adhere to the plan submitted to and
6 approved by the State Board of Education as part of the approved charter unless the board of
7 trustees obtains a charter modification.

8 (b) Each approved remote charter academy shall receive a school code.

9 (c) A nonprofit may apply for renewal of the remote charter academy for additional terms
10 of five years. The State Board shall consider compliance with the requirements of this Part and
11 success of the remote charter academy in the prior five years in determining whether to approve
12 a request for renewal of a remote charter academy.

13 **"§ 115C-218.125. Evaluation.**

14 The State Board of Education shall evaluate the success of remote charter academies
15 approved under this Part. Success shall be measured by school performance scores and grades,
16 retention rates, attendance rates, and, for grades nine through 12, high school completion and
17 dropout rates. The Board shall report by November 15 of each year to the Joint Legislative
18 Education Oversight Committee on the evaluation of these academies and on any recommended
19 statutory changes."

20 **SECTION 7.26.(b)** G.S. 115C-84.3(c) reads as rewritten:

21 "(c) Except as provided in Part 7 of Article 14A or Part 3A of Article 16 of this Chapter
22 or subsection (b) of this section, a public school unit shall not use remote instruction to satisfy
23 the minimum required number of instructional days or hours for the school calendar."

24 **SECTION 7.26.(c)** G.S. 115C-218, 115C-218.1, 115C-218.2, 115C-218.3,
25 115C-218.5, 115C-218.6, 115C-218.7, and 115C-218.8 are codified into Part 1 of Article 14A of
26 Chapter 115C of the General Statutes, Governance and Applications for Charter Schools.
27 G.S. 115C-218.10, 115C-218.15, 115C-218.20, 115C-218.25, 115C-218.30, 115C-218.35,
28 115C-218.37, 115C-218.40, 115C-218.42, 115C-218.45, 115C-218.50, 115C-218.55,
29 115C-218.60, 115C-218.65, 115C-218.70, 115C-218.75, 115C-218.80, 115C-218.85, and
30 115C-218.90 are codified into Part 2 of Article 14A of Chapter 115C of the General Statutes,
31 Operation of Charter Schools. G.S. 115C-218.94, 115C-218.95, and 115C-218.100 are codified
32 into Part 3 of Article 14A of Chapter 115C of the General Statutes, Evaluation of Charter Schools.
33 G.S. 115C-218.105 is codified into Part 4 of Article 14A of Chapter 115C of the General Statutes,
34 Funding of Charter Schools. G.S. 115C-218.110 is codified into Part 5 of Article 14A of Chapter
35 115C of the General Statutes, Reporting on Charter Schools. G.S. 115C-218.115 is codified into
36 Part 6 of Article 14A of Chapter 115C of the General Statutes, Charter Schools Pre-K Programs.

37 **SECTION 7.26.(d)** Section 8.35 of S.L. 2014-100, as amended by Section 8.13 of
38 S.L. 2016-94, Section 7.13 of S.L. 2018-5, and Section 7.13 of S.L. 2022-74, reads as rewritten:

39 **"SECTION 8.35.(a)** Notwithstanding G.S. 115C-218.5 or any other provision of law to the
40 contrary, the State Board of Education shall establish a pilot program to authorize the operation
41 of two virtual charter schools serving students in kindergarten through twelfth grade. The State
42 Board shall establish an application process to allow student enrollment in the selected virtual
43 charter schools beginning with the 2015-2016 school year. A virtual charter school participating
44 in the pilot may serve any grade span of students in kindergarten through twelfth grade. The pilot
45 program shall continue for a period of ~~40~~11 school years and shall end with the ~~2024-2025~~
46 2025-2026 school year.

47 **"SECTION 8.35.(b)** The virtual charter schools participating in the pilot program authorized
48 by this section shall be subject to the statutes and rules applicable to charter schools pursuant to
49 Article 14A of Chapter 115C of the General Statutes, except as follows:

50 (1) The maximum student enrollment in any participating school ~~shall be no~~
51 ~~greater than 1,500 in its first year of operation and may increase by twenty~~

1 percent (20%) for each participating school up to a maximum student
2 enrollment of 2,592 in the fourth year of the pilot. The State Board of
3 Education may waive this maximum student enrollment threshold, beginning
4 in the fourth year of the school's operation, if the State Board determines that
5 doing so would be in the best interest of North Carolina students. for the
6 2023-2024 school year shall be the authorized student enrollment for that
7 participating school for the 2021-2022 school year plus enrollment growth of
8 up to twenty percent (20%) of that enrollment. For the remaining years of the
9 pilot, the participating schools may increase enrollment in accordance with
10 G.S. 115C-218.7(b).

11 ...

12 **"SECTION 8.35.(e)** The State Board of Education shall provide State funding to a virtual
13 charter school participating in the pilot program as provided in G.S. 115C-218.105(a) and
14 G.S. 115C-218.105(b). ~~The amount allocated pursuant to G.S. 115C-218.105(a)(1) shall not,~~
15 ~~however, include the allocation for low wealth counties supplemental funding and the allocation~~
16 ~~for small county supplemental funding.~~ Virtual charter schools participating in the pilot program
17 shall also be subject to the requirements in G.S. 115C-218.105(c) through G.S. 115C-218.105(e).
18 ~~The amount of local funds provided to participating schools pursuant to G.S. 115C-218.105(e)~~
19 ~~shall be the lesser of seven hundred ninety dollars (\$790.00) per pupil or the amount computed~~
20 ~~in accordance with G.S. 115C-218.105(e).~~

21"

22 **SECTION 7.26.(e)** A virtual charter school that participated in the pilot program
23 authorized by Section 8.35 of S.L. 2014-100, as amended by Section 8.13 of S.L. 2016-94,
24 Section 7.13 of S.L. 2018-5, Section 7.13 of S.L. 2022-74, and this section, shall be eligible to
25 apply to the State Board of Education for a charter renewal as a remote charter academy as
26 provided in Article 14A of Chapter 115C of the General Statutes.

27 **SECTION 7.26.(f)** This section is effective when it becomes law and applies
28 beginning with the 2023-2024 school year.

30 SCHOOL HEALTH PERSONNEL ALLOTMENT

31 **SECTION 7.27.(a)** G.S. 115C-47(67) reads as rewritten:

32 ~~"(67) To Provide at Least One School Psychologist. School Health Services. – Local~~
33 ~~boards of education shall ensure that each local school administrative unit~~
34 ~~employs at least one full-time, permanent school psychologist, provide school~~
35 ~~health support services in accordance with G.S. 115C-316.5."~~

36 **SECTION 7.27.(b)** G.S. 115C-105.25(b)(13) reads as rewritten:

37 ~~"(13) No positions shall be transferred out of the allocation for school psychologists~~
38 ~~health personnel except as provided in this subdivision. Positions allocated for~~
39 ~~school psychologists may be converted to dollar equivalents for contracted~~
40 ~~services directly related to school psychology, psychology, school counseling,~~
41 ~~school nursing, and school social work. These positions shall be converted at~~
42 ~~the minimum salary for school psychologists the position on the "A" Teachers~~
43 ~~Salary Schedule."~~

44 **SECTION 7.27.(c)** G.S. 115C-315 is amended by adding a new subsection to read:

45 ~~"(d2) School Nurses. – The State Board of Education, in accordance with subsection (d) of~~
46 ~~this section, may adopt rules to establish the qualifications and training required to be hired or~~
47 ~~contracted for as a certified school nurse except the Board may not require or impose a~~
48 ~~requirement that would require a nurse to obtain a four-year degree as a condition of~~
49 ~~employment."~~

50 **SECTION 7.27.(d)** G.S. 115C-315(d1) is repealed.

51 **SECTION 7.27.(e)** G.S. 115C-316.1 reads as rewritten:

1 **"§ 115C-316.1. Duties of school counselors.**

2 (a) School counselors shall implement a comprehensive ~~developmental~~ school
3 counseling program in their schools. ~~Counselors shall spend at least eighty percent (80%) of their~~
4 ~~work time~~ schools providing direct services to students. ~~Direct services do not include the~~
5 ~~coordination of standardized testing.~~ Direct services shall consist of:

- 6 (1) ~~Delivering~~ In coordination with the school career development coordinator, if
7 any, delivering the school guidance curriculum through large group guidance,
8 interdisciplinary curriculum development, group activities, and parent
9 workshops.
- 10 (2) ~~Guiding individual student planning through individual or small group~~
11 ~~assistance and individual or small group advisement.~~
- 12 (3) Providing responsive services through consultation with students, families,
13 and staff; individual and small group counseling; crisis counseling; referrals;
14 and peer facilitation.
- 15 (4) Performing other student services listed in the Department of Public
16 Instruction school counselor job description that has been approved by the
17 State Board of Education.

18 (b) ~~School counseling program support activities do not include the coordination of~~
19 ~~standardized testing. During the remainder of their work time, school counselors may assist other~~
20 ~~staff with the coordination of standardized testing.~~ counselors shall not spend their work time
21 coordinating standardized testing."

22 **SECTION 7.27.(f)** Article 21 of Chapter 115C of the General Statutes is amended
23 by adding a new section to read:

24 **"§ 115C-316.1A. Duties of career development coordinators.**

25 (a) Career development coordinators shall spend at least eighty percent (80%) of their
26 work time providing direct services to students. Direct services for career development
27 coordinators shall consist of:

- 28 (1) In coordination with the school counselor, if any, delivering the school
29 guidance curriculum through large group guidance, interdisciplinary
30 curriculum development, group activities, and parents workshops.
- 31 (2) Guiding individual students through navigating the academic, training, and
32 employment opportunities available to the student through individual or small
33 group advisement.
- 34 (3) Performing other student services listed in the Department of Public
35 Instruction career development coordinator job description that has been
36 approved by the State Board of Education.

37 (b) Career development coordinators may spend the remainder of their work time
38 assisting other staff with the coordination of standardized testing."

39 **SECTION 7.27.(g)** G.S. 115C-316.2 reads as rewritten:

40 **"§ 115C-316.2. School mental health support personnel reports.**

41 (a) Definition. – For purposes of this section, the term "school ~~mental health support~~
42 ~~personnel~~" refers to school psychologists, school counselors, school nurses, and school social
43 workers.

44"

45 **SECTION 7.27.(h)** G.S. 115C-316.5 reads as rewritten:

46 **"§ 115C-316.5. School psychologist health personnel allotment.**

47 (a) For the purposes of this section, the term "school health personnel" refers to the same
48 positions listed in G.S. 115C-316.2(a).

49 To the extent funds are made available, the State Board of Education shall establish a funding
50 allotment for school ~~psychologist~~ health personnel positions. The State Board is authorized to
51 adopt rules for the allocation of school ~~psychologist~~ health personnel positions pursuant to this

1 allotment. Rules adopted by the State Board pursuant to this section shall include, at a minimum,
2 the following requirements:

- 3 (1) School ~~psychologist health personnel~~ positions are allocated on the basis of
4 average daily membership.
- 5 (2) Each local school administrative unit receives sufficient funding for at least
6 one school psychologist ~~position in accordance with~~
7 G.S. 115C-47(67)-position.
- 8 (3) Local school administrative units are encouraged to fill positions under this
9 allotment with full-time, permanent employees. If the local school
10 administrative unit is unable to fill these positions by hiring a full-time,
11 permanent employee, the allocation for the position may be converted to a
12 dollar equivalent for the unit to contract with a third party to provide the
13 relevant services for an amount of hours equivalent to the hours a full-time
14 position employee would provide."

15 **SECTION 7.27.(i)** The State Board of Education has authority to adopt temporary
16 rules to enact the provisions of this section until such a time as permanent rules can be adopted.
17 The State Board shall also develop and distribute guidelines to all local school administrative
18 units to assist with the implementation of this section. Each local board of education shall develop
19 a transition plan for implementing this section within existing resources.

20 21 **COMMUNITIES IN SCHOOLS REPORTING**

22 **SECTION 7.28.** No later than August 15, 2023, Communities in Schools of North
23 Carolina, Inc., shall report to the Joint Legislative Education Oversight Committee at least the
24 following information from the prior fiscal year:

- 25 (1) A detailed accounting of how State funds were spent by the program.
- 26 (2) An accounting of any other funding received from other sources.
- 27 (3) Any planned expenditures or future uses of received funds not reflected in the
28 accounting required by subdivision (1) of this section.
- 29 (4) The number of students served by the program, including generalized data on
30 the age, grade level, and location of students served.
- 31 (5) A description of how the program evaluates the effectiveness of the program
32 or student success.
- 33 (6) Outcomes achieved by the program.
- 34 (7) Any other information the program deems relevant for the Committee to
35 know.

36 37 **ALLOW SCHOOLS IN ALL ZONING DISTRICTS**

38 **SECTION 7.29.(a)** G.S. 160D-701 reads as rewritten:

39 **"§ 160D-701. Purposes.**

40 (a) Zoning regulations shall be made in accordance with a comprehensive plan and shall
41 be designed to promote the public health, safety, and general welfare. To that end, the regulations
42 may address, among other things, the following public purposes: to provide adequate light and
43 air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen
44 congestion in the streets; to secure safety from fire, panic, and dangers; to facilitate the efficient
45 and adequate provision of transportation, water, sewerage, schools, parks, and other public
46 requirements; and to promote the health, safety, morals, or general welfare of the community.
47 The regulations shall be made with reasonable consideration, among other things, as to the
48 character of the district and its peculiar suitability for particular uses and with a view to
49 conserving the value of buildings and encouraging the most appropriate use of land throughout
50 the local government's planning and development regulation jurisdiction.

1 (b) ~~The regulations may not include, as a basis for denying a zoning or rezoning request~~
2 ~~from a school, the level of service of a road facility or facilities abutting the school or proximately~~
3 ~~located to the school.~~ Zoning regulations shall provide that schools are a permitted use in all
4 zoning districts, as provided in G.S. 160D-913.1."

5 **SECTION 7.29.(b)** Article 9 of Chapter 160D of the General Statutes is amended
6 by adding a new section to read:

7 **"§ 160D-913.1. Schools are a permitted use.**

8 (a) Local government development regulations shall provide that a school is a permitted
9 use as a matter of right in all zoning districts. The procedures of Article 6 of this Chapter shall
10 not apply to a school. No development regulation for any zoning district may require a school to
11 only be located on a site contiguous to a State-maintained road or highway.

12 (b) No school may be sited closer than within a 300 linear foot radius of an adult
13 establishment, as defined in G.S. 14-202.10.

14 (c) Prior to the commencement of any construction on a site, a school shall notify the
15 local government with development jurisdiction of the school's intent to construct. Notice under
16 this section shall be in writing at least 60 days prior to the commencement of construction. A
17 notice given under this section shall be valid for two years, excluding any time the school has a
18 building permit application pending before the local government.

19 (d) This section shall not apply to zoning districts dedicated to industrial purposes
20 inconsistent with school traffic and usage. Article 6 of this Chapter shall apply to a school
21 desiring to construct a site in a zoning district dedicated to industrial purposes inconsistent with
22 school traffic and usage.

23 (e) As used in this section, the following definitions shall apply:

24 (1) Construction. – The building, erection, renovation, or establishment of school
25 buildings, facilities, and infrastructure and shall not include routine
26 maintenance and repair.

27 (2) School. – As defined in G.S. 160A-307.1(b)(2)."

28 **SECTION 7.29.(c)** G.S. 160A-307.1 reads as rewritten:

29 **"§ 160A-307.1. Limitation on city requirements for street improvements related to schools.**

30 (a) A city may only require street improvements related to schools that are required for
31 safe ingress and egress to the municipal street system and that are physically connected to a
32 driveway on the school site. The required improvements shall not exceed those required pursuant
33 to G.S. 136-18(29). G.S. 160A-307 shall not apply to schools. A city may only require street
34 improvements related to schools as provided in ~~G.S. 160A-372.~~ G.S. 160D-804. The cost of any
35 improvements to the municipal street system pursuant to this section shall be reimbursed by the
36 city. Any agreement between a school and a city to make improvements to the municipal street
37 system shall not include a requirement for acquisition of right-of-way by the school, unless the
38 school is owned by an entity that has eminent domain power. Any right-of-way costs incurred by
39 a school for required improvements pursuant to this section shall be reimbursed by the city.
40 Notwithstanding any provision of this Chapter to the contrary, a city may not condition the
41 approval of any ~~zoning, rezoning, or permit request~~ development approval on the waiver or
42 reduction of any provision of this section.

43 (b) ~~The term~~ As used in this section, the following definitions shall apply:

44 (1) Development approval. – As defined in G.S. 160D-102.

45 (2) "school," as used in this section, means any facility engaged in the educational
46 instruction of children in any grade or combination of grades from
47 kindergarten through the twelfth grade at which attendance satisfies the
48 compulsory attendance law and includes charter schools authorized under
49 G.S. 115C-218.5. School. – Any facility, including relocatable or modular
50 units as either accessory or primary facilities, that is part of a public school
51 unit, as defined in G.S. 115C-5, or part of any nonpublic school that meets the

1 requirements of Part 1 or Part 2 of Article 39 of Chapter 115C of the General
2 Statutes."

3 **SECTION 7.29.(d)** G.S. 14-202.11(c) reads as rewritten:

4 "(c) ~~Nothing~~ Except as provided in this subsection, nothing in this section shall be deemed
5 to preempt local government regulation of the location or operation of adult establishments or
6 other sexually oriented businesses to the extent consistent with the constitutional protection
7 afforded free speech. In addition to any local regulation established under G.S. 160D-902, no
8 adult establishment may be located closer than within a 300 linear foot radius of a school, as
9 defined in G.S. 160A-307.1(b)(2)."

10 **SECTION 7.29.(e)** This section becomes effective December 1, 2023, and applies
11 to school zoning applications pending or submitted on or after that date.

12
13 **CODIFY USE OF SPECIAL STATE RESERVE FUND FOR**
14 **TRANSPORTATION/TRANSPORTATION RESERVE FUND FOR HOMELESS**
15 **AND FOSTER STUDENTS**

16 **SECTION 7.30.(a)** Part 1 of Article 17 of Chapter 115C of the General Statutes is
17 amended by adding two new sections to read:

18 **"§ 115C-250.3. Extraordinary Transportation Costs Grant.**

19 (a) There is established the Extraordinary Transportation Costs Grant Program
20 (Program). The Program shall use funds from the Special State Reserve Fund (SSRF) to cover
21 extraordinary costs associated with the transportation of high-needs students with disabilities.

22 (b) The Department of Public Instruction shall provide an application for local school
23 administrative units and charter schools to apply for extraordinary transportation funds and may
24 provide additional eligibility guidelines not inconsistent with this section. SSRF transportation
25 funds shall be awarded to qualifying local school administrative units or charter schools
26 consistent with the following:

27 (1) In determining extraordinary transportation costs, the Department shall
28 consider total prior-year transportation expenditures for high-needs children
29 with disabilities, including expenditures from local funds and all other funding
30 sources, as a proportion of total expenditures.

31 (2) Applicants with highest extraordinary transportation costs shall receive
32 highest priority in the award of grant funds.

33 (3) Funds may be awarded during the initial year of a high-needs student's
34 enrollment in the local school administrative unit or charter school or in
35 subsequent years of the student's enrollment.

36 **"§ 115C-250.5. Homeless and foster student transportation grant.**

37 (a) There is established the Transportation Reserve Fund for Homeless and Foster
38 Students to provide for a grant program to cover extraordinary school transportation costs for
39 homeless and foster students. For the purposes of this section, "homeless" is defined in
40 accordance with the definition in the federal McKinney-Vento Homeless Assistance Act.

41 (b) The Department of Public Instruction shall provide an application process for local
42 school administrative units and charter schools to apply for funds to cover extraordinary
43 transportation costs for qualifying students. The Department shall establish eligibility guidelines
44 and shall award funds consistent with the following requirements:

45 (1) In determining extraordinary transportation costs, the Department shall
46 consider total prior-year transportation expenditures for homeless and foster
47 children, including expenditures from local funds and all other funding
48 sources, as a proportion of total expenditures.

49 (2) Priority shall be given to applicants in proportion to the extent that their
50 applications and prior-year expenditures demonstrate use of available federal
51 funds to cover the cost of transporting homeless and foster children.

1 (3) Awards shall not exceed fifty percent (50%) of extraordinary transportation
2 costs as determined pursuant to this subsection.

3 (4) Awards shall not be issued on a pro rata basis to each eligible applicant."

4 **SECTION 7.30.(b)** Section 7.12(b) of S.L. 2021-180 is repealed.

6 **SCHOOL HEALTH PERSONNEL PROFESSION ENTRY REPORT**

7 **SECTION 7.31.(a)** No later than January 15, 2024, the State Superintendent shall
8 study and report the following to the Joint Legislative Education Oversight Committee and the
9 Fiscal Research Division:

10 (1) Policies, practices, standards, and curriculum adopted or implemented, as
11 appropriate, by the State Board of Education, the Department of Public
12 Instruction, educator preparation programs, and public school units for
13 persons to receive training, licensure, and employment as school health
14 support personnel in public school units.

15 (2) Barriers persons face when entering each school health support profession
16 because of the policies, practices, standards, and curriculum identified in
17 subdivision (1) of this subsection.

18 (3) Recommendations and any actions already taken to (i) reduce and eliminate
19 the barriers to entry identified in subdivision (2) of this subsection and (ii)
20 improve the number and quality of school health support personnel employed
21 in public school units.

22 **SECTION 7.31.(b)** For purposes of this section, the term "school health personnel"
23 refers to school psychologists, school counselors, school nurses, and school social workers.

25 **MEDICAID REIMBURSEMENT REQUIRED FOR RESIDENTIAL SCHOOLS**

26 **SECTION 7.32.** Section 7.16(a) of S.L. 2021-180 reads as rewritten:

27 **"SECTION 7.16.(a)** The Department of Public Instruction shall enter into a contract with a
28 third-party entity for any administrative services necessary to receive maximum reimbursement
29 for medically necessary health care services for which payment is available under the North
30 Carolina Medicaid Program provided to eligible students attending the Governor Morehead
31 School for the Blind, the Eastern North Carolina School for the Deaf, and the North Carolina
32 School for the Deaf. The provisions of the contract shall ensure that the residential schools
33 receive reimbursement for these services in a timely manner. If the Department of Public
34 Instruction has not executed the contract required by this section by January 1, 2024, then the
35 estimated amount that would have been reimbursed on a monthly basis had the contract been
36 executed shall be deducted from the Department's budget and shall be appropriated directly to
37 the residential schools until the contract is executed. Funds shall be deducted from Budget Code
38 13510, Fund Code 1000 of the Department's budget, except any funds appropriated for the Center
39 for Safer Schools shall not be reduced, deducted, or transferred under this section."

41 **DRIVER EDUCATION ADMINISTRATION FUNDS**

42 **SECTION 7.33.** G.S. 115C-215(g) reads as rewritten:

43 ~~"(g) The Department of Public Instruction shall have a full-time director and other~~
44 ~~professional, administrative, technical, and clerical personnel as may be necessary for the~~
45 ~~statewide administration of the driver education program.~~ Of the funds appropriated to the
46 Department of Public Instruction each fiscal year pursuant to subsection (f) of this section, the
47 Department may use up to ~~two percent (2%) of those funds~~ one hundred sixty-four thousand six
48 hundred ninety dollars (\$164,690), as adjusted to reflect legislative salary increments, retirement
49 rate adjustments, and health benefit adjustments, for the direct costs for the statewide
50 administration of the program, including any necessary positions."
51

CLASSROOM SAFETY AND ANTI-BULLYING

SECTION 7.34. Of the funds to be appropriated by this act from the ARPA Temporary Savings Fund to the Department of Public Instruction for the 2023-2025 fiscal biennium, the sum of ten million dollars (\$10,000,000) in nonrecurring funds shall be allocated in each year of the fiscal biennium to support contracting with third parties for technology to mitigate cyberbullying, monitor student internet activity, monitor classroom educational devices, and assist with suicide prevention services. The Department shall allocate funds in accordance with the following:

- (1) \$5,000,000 in each year of the fiscal biennium shall be allocated to the public school units on the basis of average daily membership for the schools to contract with a third party to provide the services identified in this section.
- (2) \$2,500,000 in each year of the fiscal biennium for the Department to contract with Gaggle.Net, Inc., to provide the services identified in this section.
- (3) \$2,500,000 in each year of the fiscal biennium for the Department to contract with Liminex, Inc., d/b/a GoGuardian, to provide the services identified in this section.

RESET SCHOOL MEAL DEBT

SECTION 7.35. Of the funds appropriated in this act to the Department of Public Instruction in nonrecurring funds for the 2023-2024 fiscal year, the Department shall allocate up to seven million eight hundred thousand dollars (\$7,800,000) to all school food authorities to satisfy any outstanding school meal debt. If this amount is insufficient to satisfy all outstanding school food authority debt by the end of the 2023-2024 fiscal year, the Department is authorized to draw on the State Public School Fund in an amount needed to satisfy any remaining debt.

SCHOOL SAFETY GRANTS

SECTION 7.36.(a) Definitions. – For the purposes of this section, the following definitions shall apply:

- (1) Community partner. – A public or private entity, including, but not limited to, a nonprofit corporation or a local management entity/managed care organization (LME/MCO), that partners with a public school unit to provide services or pay for the provision of services for the unit.
- (2) School health support personnel. – School psychologists, school counselors, school nurses, and school social workers.

SECTION 7.36.(b) Program; Purpose. – For the 2023-2025 fiscal biennium, the Superintendent of Public Instruction shall establish the 2023-2025 School Safety Grants Program (Program). The purpose of the Program shall be to improve safety in public school units by providing grants in each fiscal year of the 2023-2025 fiscal biennium for (i) services for students in crisis, (ii) school safety training, and (iii) safety equipment in schools.

SECTION 7.36.(c) Grant Applications. – A public school unit may submit an application to the Superintendent of Public Instruction for one or more grants pursuant to this section in each year of the 2023-2025 fiscal biennium. The application shall include an assessment, to be performed in conjunction with a local law enforcement agency, of the need for improving school safety within the public school unit that would receive the funding or services. The application shall identify current and ongoing needs and estimated costs associated with those needs.

SECTION 7.36.(d) Criteria and Guidelines. – By January 15, 2024, the Superintendent of Public Instruction shall develop criteria and guidelines for the administration and use of the grants pursuant to this section, including any documentation required to be submitted by applicants. In assessing grant applications, the Superintendent of Public Instruction shall consider at least all of the following factors:

- 1 (1) The level of resources available to the public school unit that would receive
- 2 the funding.
- 3 (2) Whether the public school unit has received other grants for school safety.
- 4 (3) The overall impact on student safety in the public school unit if the identified
- 5 needs are funded.

6 **SECTION 7.36.(e)** Grants for Students in Crisis. – Of the funds appropriated in this
7 act from the ARPA Temporary Savings Fund to the Department of Public Instruction by this act
8 for the grants provided in this section, the Superintendent of Public Instruction, in consultation
9 with the Department of Health and Human Services, shall award grants to public school units to
10 contract with community partners to provide or pay for the provision of any of the following
11 crisis services:

- 12 (1) Crisis respite services for parents or guardians of an individual student to
- 13 prevent more intensive or costly levels of care.
- 14 (2) Training and expanded services for therapeutic foster care families and
- 15 licensed child placement agencies that provide services to students who (i)
- 16 need support to manage their health, welfare, and safety and (ii) have any of
- 17 the following:
 - 18 a. Cognitive or behavioral problems.
 - 19 b. Developmental delays.
 - 20 c. Aggressive behavior.
- 21 (3) Evidence-based therapy services aligned with targeted training for students
- 22 and their parents or guardians, including any of the following:
 - 23 a. Parent-child interaction therapy.
 - 24 b. Trauma-focused cognitive behavioral therapy.
 - 25 c. Dialectical behavior therapy.
 - 26 d. Child-parent psychotherapy.
- 27 (4) Any other crisis service, including peer-to-peer mentoring, that is likely to
- 28 increase school safety. Of the funds appropriated in this act from the ARPA
- 29 Temporary Savings Fund to the Department of Public Instruction by this act
- 30 for the grants provided in this section, the Superintendent shall use no more
- 31 than three hundred fifty thousand dollars (\$350,000) in each year of the
- 32 2023-2025 fiscal biennium for the services identified in this subdivision.

33 **SECTION 7.36.(f)** Grants for Training to Increase School Safety. – Of the funds
34 appropriated in this act from the ARPA Temporary Savings Fund to the Department of Public
35 Instruction by this act for the grants provided in this section, the Superintendent of Public
36 Instruction, in consultation with the Department of Health and Human Services, shall award
37 grants to public school units to contract with community partners to address school safety by
38 providing training to help students develop healthy responses to trauma and stress. The training
39 shall be targeted and evidence-based and shall include any of the following services:

- 40 (1) Counseling on Access to Lethal Means (CALM) training for school health
- 41 support personnel, local first responders, and teachers on the topics of suicide
- 42 prevention and reducing access by students to lethal means.
- 43 (2) Training for school health support personnel on comprehensive and
- 44 evidence-based clinical treatments for students and their parents or guardians,
- 45 including any of the following:
 - 46 a. Parent-child interaction therapy.
 - 47 b. Trauma-focused cognitive behavioral therapy.
 - 48 c. Behavioral therapy.
 - 49 d. Dialectical behavior therapy.
 - 50 e. Child-parent psychotherapy.

- 1 (3) Training for students and school employees on community resilience models
2 to improve understanding and responses to trauma and significant stress.
- 3 (4) Training for school health support personnel on Modular Approach to
4 Therapy for Children with Anxiety, Depression, Trauma, or Conduct
5 problems (MATCH-ADTC), including any of the following components:
6 a. Trauma-focused cognitive behavioral therapy.
7 b. Parent and student coping skills.
8 c. Problem solving.
9 d. Safety planning.
- 10 (5) Any other training, including the training on the facilitation of peer-to-peer
11 mentoring, that is likely to increase school safety. Of the funds appropriated
12 in this act from the ARPA Temporary Savings Fund to the Department of
13 Public Instruction by this act for the grants provided in this section, the
14 Superintendent shall use no more than three hundred fifty thousand dollars
15 (\$350,000) in each year of the 2023-2025 fiscal biennium for the services
16 identified in this subdivision.

17 **SECTION 7.36.(g)** Grants for Safety Equipment. – Of the funds appropriated in this
18 act from the ARPA Temporary Savings Fund to the Department of Public Instruction by this act
19 for the grants provided in this section, the Superintendent of Public Instruction shall award grants
20 to public school units for (i) the purchase of safety equipment for school buildings and (ii)
21 training associated with the use of safety equipment purchased pursuant to this subsection.
22 Notwithstanding G.S. 115C-218.105(b), charter schools may receive grants for school safety
23 equipment pursuant to this subsection.

24 **SECTION 7.36.(h)** Supplement Not Supplant. – Grants provided to public school
25 units pursuant to the Program shall be used to supplement and not to supplant State or non-State
26 funds already provided for these services.

27 **SECTION 7.36.(i)** Administrative Costs. – Of the funds appropriated in this act from
28 the ARPA Temporary Savings Fund to the Department of Public Instruction by this act for the
29 grants provided in this section, the Superintendent of Public Instruction may retain a total of up
30 to one hundred thousand dollars (\$100,000) in each fiscal year of the 2023-2025 fiscal biennium
31 for administrative costs associated with the Program.

32 **SECTION 7.36.(j)** Report. – No later than April 1 of each fiscal year in which funds
33 are awarded pursuant to this section, the Superintendent of Public Instruction shall report on the
34 Program to the Joint Legislative Education Oversight Committee, the Joint Legislative Oversight
35 Committee on Health and Human Services, the Joint Legislative Oversight Committee on Justice
36 and Public Safety, the Joint Legislative Commission on Governmental Operations, the Senate
37 Appropriations/Base Budget Committee, the House Committee on Appropriations, and the Fiscal
38 Research Division. The report shall include at least the following information:

- 39 (1) The identity of each public school unit and community partner that received
40 grant funds through the Program.
- 41 (2) The amount of funding received by each entity identified pursuant to
42 subdivision (1) of this subsection.
- 43 (3) The services, training, and equipment purchased with grant funds by each
44 entity that received a grant.
- 45 (4) Recommendations for the implementation of additional effective school
46 safety measures.

47 **LIFE CHANGING EXPERIENCES**

48 **SECTION 7.37.(a)** Of the funds appropriated in this act to the Department of Public
49 Instruction, the Department shall use the sum of five hundred thousand dollars (\$500,000) in
50 nonrecurring funds for each year of the 2023-2025 fiscal biennium to contract with the Children
51

1 and Parent Resource Group, Inc., to design, implement, and evaluate the Life Changing
2 Experiences School Program (Project) in the 2023-2024 and 2024-2025 school years. The Project
3 shall be operated and administered for students in grades six through 11 in at least the following
4 local school administrative units: Cleveland County Schools, Greene County Schools, Lenoir
5 County Public Schools, Lincoln County Schools, McDowell County Schools, Mitchell County
6 Schools, and Pitt County Schools. The Department may select one or more additional local school
7 administrative units to participate in the Project if the funds are sufficient to support additional
8 units. These contract funds shall not be used for any purpose other than to implement the Project
9 in the local school administrative units, which consists of interactive, holistic, and
10 evidence-based multimedia education programs that are screened via in-person school
11 assemblies, internet-based and synchronized remote access, or a combination of the two. The
12 Project shall include theme-specific programs and certain additional follow-up applications that
13 address dangerous life- and community-threatening activities that negatively impact teenagers,
14 including alcohol and other drugs, dangerous driving, violence, and bullying. The goal of these
15 programs is to increase positive intentions and behavioral outcomes by teaching students the
16 techniques and skills that empower them to reach meaningful life goals, employ positive
17 behaviors, and start businesses and social enterprises.

18 **SECTION 7.37.(b)** The Children and Parent Resource Group, Inc., in consultation
19 with the Department of Public Instruction, shall submit a report on the Project authorized by
20 subsection (a) of this section by March 15, 2024, to the Joint Legislative Education Oversight
21 Committee and the Fiscal Research Division. The report shall include an accounting of
22 expenditures and student outcome data related to the operation of the Project.
23

24 **BEHAVIORAL INTERVENTION GRANTS**

25 **SECTION 7.38.(a)** Definitions. – For the purposes of this section, the following
26 definitions apply:

- 27 (1) Behavior intervention program. – A program that identifies and evaluates
28 students whose behavior has hindered or interfered with the academic success
29 of students or operation of an educational environment, then integrates a range
30 of solutions, including mental or behavioral health services, into the students'
31 academic program to support or treat the underlying causes of the behavior.
32 (2) Community partner. – A public or private entity, including, but not limited to,
33 a nonprofit corporation or a local management entity/managed care
34 organization (LME/MCO), that partners with a public school unit to provide
35 services or pay for the provision of services for the unit.

36 **SECTION 7.38.(b)** Program; Purpose. – For the 2023-2025 fiscal biennium, the
37 Superintendent of Public Instruction shall establish the 2023-2025 Behavioral Intervention
38 Grants Program (Program) to allow public school units to establish, update, or expand student
39 behavior intervention programs to facilitate a student's continued in-person attendance at school
40 and completion of the student's intended academic program.

41 **SECTION 7.38.(c)** Criteria and Guidelines. – No later than September 1, 2023, the
42 Superintendent shall do the following:

- 43 (1) Develop guidelines for administration of the grant, including the means of
44 application.
45 (2) Develop criteria for the approval of applications and determination of award
46 amount. This criteria shall prioritize grants to schools without an existing
47 behavioral intervention program and shall also consider the average daily
48 membership, suspension rate, expulsion rate, and dropout rate of the school.
49 (3) Develop guidelines for the use of grant funds.

1 **SECTION 7.38.(d)** Supplement Not Supplant. – Funds awarded to public school
2 units pursuant to this section shall supplement and not supplant funds from any other source
3 provided for the same purpose.

4 **SECTION 7.38.(e)** Report. – No later than December 15, 2024, the Superintendent
5 shall report on the Program to the Joint Legislative Education Oversight Committee and the
6 Fiscal Research Division. The report shall include at least the following information:

- 7 (1) The public school units that participated and the community partners they
8 contracted with, if any.
- 9 (2) The amount awarded to each public school unit.
- 10 (3) The services, training, or equipment purchased with grant funds.
- 11 (4) Recommendations for future behavioral intervention programs.

12 13 **CHARTER SCHOOL REVIEW BOARD**

14 **SECTION 7.39.(a)** G.S. 115C-218 reads as rewritten:

15 "**§ 115C-218. Purpose of charter schools; role of State Board of Education; establishment**
16 **of North Carolina Charter Schools ~~Advisory-Review Board~~ and North Carolina**
17 **Office of Charter Schools.**

18 ...

19 **(a1) State Board of Education.** – The State Board of Education shall have the following
20 **duties regarding charter schools:**

- 21 (1) Rulemaking. – To establish all rules for the operation and approval of charter
22 schools. Any rule adopted by the State Board must first be approved by the
23 Charter Schools Review Board.
- 24 (2) Funding. – To allocate funds to charter schools.
- 25 (3) Appeals. – To hear appeals from decisions of the Charter Schools Review
26 Board under G.S. 115C-218.9.
- 27 (4) Accountability. – To ensure accountability from charter schools for school
28 finances and student performance.

29 (b) North Carolina Charter Schools ~~Advisory-Review Board.~~ –

30 (1) ~~Advisory-Review Board.~~ – There is created the North Carolina Charter
31 ~~Schools Advisory-Review Board~~, hereinafter referred to in this Article as the
32 ~~Advisory-Review Board~~. The ~~Advisory-Review Board~~ shall be located
33 administratively within the Department of Public Instruction and shall report
34 to the State Board of Education.

35 (2) Membership. – The State Superintendent of Public Instruction, or the
36 Superintendent's designee, shall be the secretary of the ~~Advisory Board and a~~
37 ~~nonvoting member-Review Board~~. The ~~Advisory-Review Board~~ shall consist
38 of the following ~~11-12~~ voting members:

- 39 a. Repealed by Session Laws 2016-126, 4th Ex. Sess., s. 17, effective
40 January 1, 2017.
- 41 a1. The Superintendent of Public Instruction or the Superintendent's
42 designee.
- 43 b. Four members appointed by the General Assembly upon the
44 recommendation of the President Pro Tempore of the Senate, in
45 accordance with G.S. 120-121.
- 46 c. Four members appointed by the General Assembly upon the
47 recommendation of the Speaker of the House of Representatives, in
48 accordance with G.S. 120-121.
- 49 d. Two members appointed by the State Board of Education who are not
50 current members of the State Board of Education and who are charter
51 school advocates in North Carolina.

- 1 e. The Lieutenant Governor or the Lieutenant Governor's designee.
 2 (3) Covered board. – The ~~Advisory Review~~ Board shall be treated as a board for
 3 purposes of Chapter 138A of the General Statutes.
 4 (4) Qualifications of members. – Members appointed to the ~~Advisory Review~~
 5 Board shall collectively possess strong experience and expertise in public and
 6 nonprofit governance, management and finance, assessment, curriculum and
 7 instruction, public charter schools, and public education law. All appointed
 8 members of the ~~Advisory Review~~ Board shall have demonstrated an
 9 understanding of and a commitment to charter schools as a strategy for
 10 strengthening public education.
 11 ...
 12 (6) Presiding officers and quorum. – The ~~Advisory Review~~ Board shall annually
 13 elect a chair and a vice-chair from among its membership. The chair shall
 14 preside over the ~~Advisory Review~~ Board's meetings. In the absence of the
 15 chair, the vice-chair shall preside over the ~~Advisory Review~~ Board's meetings.
 16 A majority of the ~~Advisory Review~~ Board constitutes a quorum.
 17 (7) Meetings. – Meetings of the ~~Advisory Review~~ Board shall be held upon the
 18 call of the chair or the vice-chair with the approval of the chair.
 19 (8) Expenses. – Members of the ~~Advisory Review~~ Board shall be reimbursed for
 20 travel and subsistence expenses at the rates allowed to State officers and
 21 employees by G.S. 138-6(a).
 22 (9) Removal. – Any appointed member of the ~~Advisory Review~~ Board may be
 23 removed by a vote of at least two-thirds of the members of the ~~Advisory~~
 24 ~~Review~~ Board at any duly held meeting for any cause that renders the member
 25 incapable or unfit to discharge the duties of the office.
 26 (10) Powers and duties. – The ~~Advisory Review~~ Board shall have the following
 27 duties:
 28 a. To make recommendations to the State Board of Education on the
 29 adoption of rules regarding all aspects of charter school operation,
 30 including time lines, standards, and criteria for acceptance and
 31 approval of applications, monitoring of charter schools, and grounds
 32 for revocation of charters.
 33 b. To review ~~applications and make recommendations to the State Board~~
 34 ~~for final approval of charter applications, and approve or deny charter~~
 35 ~~applications, renewals, and revocations.~~
 36 c. To make recommendations to the State Board on actions ~~regarding a~~
 37 ~~charter school, including renewals of charters, nonrenewals of~~
 38 ~~charters, and revocations of charters before the State Board on appeal~~
 39 ~~under G.S. 115C-218.9.~~
 40 d. To undertake any other duties and responsibilities as assigned by the
 41 State Board.
 42 (11) Duties of the chair of the ~~Advisory Review~~ Board. – In addition to any other
 43 duties prescribed in this Article, the chair of the ~~Advisory Review~~ Board, or
 44 the chair's designee, shall advocate for the recommendations of the ~~Advisory~~
 45 ~~Review~~ Board at meetings of the State Board ~~upon the request of the State~~
 46 Board.
 47 (c) North Carolina Office of Charter Schools. –
 48 ...
 49 (2) Executive Director. – The Executive Director shall report to and serve at the
 50 pleasure of the Superintendent of Public Instruction at a salary established by
 51 the Superintendent within the funds appropriated for this purpose. The duties

1 of the Executive Director shall include presenting the recommendations and
 2 decisions of the Advisory-Review Board at meetings of the State ~~Board upon~~
 3 ~~the request of the State Board.~~

4 (3) Powers and duties. – The Office of Charter Schools shall have the following
 5 powers and duties:

6 a. Serve as staff to the Advisory-Review Board and fulfill any task and
 7 duties assigned to it by the Advisory-Review Board.

8"

9 **SECTION 7.39.(b)** G.S. 115C-218.2 reads as rewritten:

10 "**§ 115C-218.2. Opportunity to correct applications; opportunity to address Advisory**
 11 **Review Board.**

12 (a) ~~The State Board of Education and the Advisory-Review Board~~ shall provide timely
 13 notification to an applicant of any format issues or incomplete information in the initial
 14 application and provide the applicant at least five business days to correct those issues in the
 15 initial application. If the applicant submits the corrections within the five business days, equal
 16 consideration shall be given to that application.

17 (b) Before taking action regarding a charter school or charter school applicant, including
 18 ~~recommendations on~~ preliminary or final approval of charter applications, renewals of charters,
 19 nonrenewals of charters, and revocations of charters, the Advisory-Review Board or a committee
 20 of the Advisory-Review Board shall provide an opportunity for the applicant or charter board
 21 member to address the Advisory-Review Board or its committee, if present, at a meeting."

22 **SECTION 7.39.(c)** G.S. 115C-218.3 reads as rewritten:

23 "**§ 115C-218.3. Fast-track replication of high-quality charter schools.**

24 Upon recommendations by the Office of Charter Schools and the Charter Schools Advisory
 25 Review Board, the State Board of Education shall adopt a process and rules for fast-track
 26 replication of high-quality charter schools currently operating in the State. The State Board of
 27 Education shall not require a planning year for applicants selected through the fast-track
 28 replication process. In addition to the requirements for charter applicants set forth in this Article,
 29 the fast-track replication process adopted by the State Board of Education shall, at a minimum,
 30 require a board of directors of a charter school to demonstrate one of the following in order to
 31 qualify for fast-track replication:

32 (1) The board of directors operates charter schools and can demonstrate both of
 33 the following:

34 a. The majority of charter schools in this State governed by the board of
 35 directors has student academic outcomes from the three prior school
 36 years that are equal to or greater than the student academic outcomes
 37 in the local school administrative unit in which each charter school is
 38 located.

39 b. The board of directors can provide three years of financially sound
 40 audits for each school it governs.

41 (2) The board of directors agrees to contract with an education management
 42 organization or charter management organization that can demonstrate both
 43 of the following:

44 a. The majority of the charter schools in this State managed by the
 45 organization has student academic outcomes from the three prior
 46 school years that are equal to or greater than the student academic
 47 outcomes in the local school administrative unit in which each charter
 48 school is located.

49 b. The organization can provide three years of financially sound audits
 50 for each school it governs.

1 The State Board of Education shall ensure that the rules for a fast-track replication process
 2 provide that decisions by the ~~State Board of Education Review Board~~ on whether to grant a
 3 charter through the replication process are completed in less than 120 days from the application
 4 submission date. The ~~State Review Board~~ shall provide a decision no later than October 15 of
 5 the year immediately preceding the year of the proposed school ~~opening-opening~~, and any appeal
 6 of the Review Board's decision shall be heard and decided no later than December 1 of the same
 7 year."

8 **SECTION 7.39.(d)** G.S. 115C-218.5 reads as rewritten:

9 **"§ 115C-218.5. Final approval of applications for charter schools.**

10 (a) The ~~State Review Board~~ may grant final approval of an application if it finds the
 11 following:

- 12 (1) The application meets the requirements set out in this Article and such other
 13 requirements as may be adopted by the State Board of Education.
- 14 (2) The applicant has the ability to operate the school and would be likely to
 15 operate the school in an educationally and economically sound manner.
- 16 (3) Granting the application would achieve one or more of the purposes set out in
 17 G.S. 115C-218.

18 In reviewing applications for the establishment of charter schools within a local school
 19 administrative unit, the ~~State Review Board~~ is encouraged to give preference to applications that
 20 demonstrate the capability to provide comprehensive learning experiences to students identified
 21 by the applicants as at risk of academic failure.

22 (b) The ~~State Review Board~~ shall make final decisions on the approval or denial of
 23 applications by August 15 of a calendar year on all applications it receives prior to a date
 24 established by the Office of Charter Schools for receipt of applications in that application cycle.
 25 The ~~State Review Board~~ may make the final decision for approval contingent upon the successful
 26 completion of a planning period prior to enrollment of students.

27 (c) The ~~State Board of Education Review Board~~ may authorize a school before the
 28 applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the
 29 authority is necessary for it to raise working capital. The State Board shall not allocate any funds
 30 to the school until the school has obtained space.

31 (d) The ~~State Board of Education Review Board~~ may grant the initial charter for a period
 32 not to exceed 10 years.

33 (e), (f) Repealed by Session Laws 2016-79, s. 1.1, effective June 30, 2016, and applicable
 34 beginning with the 2016-2017 school year.

35 (g) A charter school shall be entitled to automatically extend any deadline to begin
 36 operations or commence the term of its charter until the next school year if it notifies the ~~State~~
 37 ~~Review Board~~ by June 30 that it is seeking land use or development approvals for its selected
 38 site or facilities or if it is challenging the denial of any requested land use or development
 39 approvals. The term of the charter issued ~~by the State Board~~ shall be tolled during the period of
 40 any extension or extensions issued under this section."

41 **SECTION 7.39.(e)** G.S. 115C-218.6 reads as rewritten:

42 **"§ 115C-218.6. Review and renewal of charters.**

43 (a) The ~~State Board of Education Review Board~~ shall review the operations of each
 44 charter school at least once prior to the expiration of its charter to ensure that the school is meeting
 45 the expected academic, financial, and governance standards.

46 (b) The ~~State Board of Education Review Board~~ shall renew a charter upon the request
 47 of the chartering entity for subsequent periods of 10 years, unless one of the following applies:

- 48 (1) The charter school has not provided financially sound audits for the
 49 immediately preceding three years.
- 50 (2) The charter school's student academic outcomes for the immediately
 51 preceding three years have not been comparable to the academic outcomes of

1 students in the local school administrative unit in which the charter school is
2 located.

3 (3) The charter school is not, at the time of the request for renewal of the charter,
4 substantially in compliance with State law, federal law, the school's own
5 bylaws, or the provisions set forth in its charter granted by the ~~State Board of~~
6 ~~Education Review Board.~~

7 If one of the conditions set forth in subdivisions (1) through (3) of this subsection applies,
8 then the ~~State Review Board~~ may renew the charter for a period of less than 10 years or not renew
9 the charter."

10 **SECTION 7.39.(f)** G.S. 115C-218.7 reads as rewritten:

11 "**§ 115C-218.7. Material revisions of charters.**

12 (a) A material revision of the provisions of a charter shall be made only upon the approval
13 of the ~~State Board of Education Review Board.~~

14 (b) Enrollment growth of greater than twenty percent (20%) shall be considered a
15 material revision of the charter if the charter is currently identified as low-performing. The ~~State~~
16 ~~Review Board~~ shall not approve a material revision for enrollment growth of greater than twenty
17 percent (20%) for a charter that is currently identified as low-performing. Enrollment growth of
18 greater than thirty percent (30%) shall be considered a material revision of the charter for any
19 charter school that is not identified as low-performing. The ~~State Review Board~~ may approve
20 such additional enrollment growth of greater than thirty percent (30%) only if it finds all of the
21 following:

22 (1) The actual enrollment of the charter school is within ten percent (10%) of its
23 maximum authorized enrollment.

24 (2) The charter school has commitments for ninety percent (90%) of the requested
25 maximum growth.

26 (3) The charter school is not currently identified as low-performing.

27 (4) The charter school meets generally accepted standards of fiscal management.

28 (5) The charter school is, at the time of the request for the enrollment increase,
29 substantially in compliance with State law, federal law, the charter school's
30 own bylaws, and the provisions set forth in its charter granted by the ~~State~~
31 ~~Review Board.~~

32 (c) For the purposes of calculating actual enrollment and maximum authorized
33 enrollment under subdivision (1) of subsection (b) of this section, if a charter school is pursuing
34 a material revision of enrollment growth based on a proposed capital expansion of the charter
35 school, but fails to meet the requirements of subdivision (1) of subsection (b) of this section, the
36 ~~State Review Board~~ shall have the discretion to investigate and determine whether subdivision
37 (1) of subsection (b) of this section may be waived to grant the school's material revision request
38 to allow the capital expansion to move forward. In making such a determination, the charter
39 school shall provide the ~~State Review Board~~ with documentation to show evidence that
40 demonstrates sufficiently in the ~~State Review Board's~~ discretion all of the following:

41 (1) The requested increase in enrollment growth is within a reasonable margin of
42 the threshold necessary to support the requested material revision.

43 (2) The charter school has secured financing for its proposed capital expansion
44 conditioned on its obtaining the requested material revision of enrollment
45 growth.

46 (d) If a charter school presents evidence of a proposed capital expansion as part of a
47 request for a material revision of enrollment growth under this section that is granted by the ~~State~~
48 ~~Review Board~~, and the charter school is not able to realize that capital expansion within two
49 years of the grant of the material revision, the charter shall reflect the maximum authorized
50 enrollment immediately preceding that material revision."

51 **SECTION 7.39.(g)** G.S. 115C-218.8 reads as rewritten:

1 **"§ 115C-218.8. Nonmaterial revisions of charters.**

2 It shall not be considered a material revision of a charter and shall not require prior approval
3 of the ~~State-Review~~ Board for a charter school to do any of the following:

- 4 (1) Increase its enrollment during the charter school's second year of operation
5 and annually thereafter in accordance with G.S. 115C-218.7(b).
6 (2) Increase its enrollment during the charter school's second year of operation
7 and annually thereafter in accordance with planned growth as authorized in its
8 charter.
9 (3) Expand to offer one grade higher or lower than the charter school currently
10 offers if the charter school has (i) operated for at least three years, (ii) has not
11 been identified as continually low-performing as provided in
12 G.S. 115C-218.94, and (iii) has been in financial compliance as required by
13 the rules adopted by the State Board."

14 **SECTION 7.39.(h)** Article 14A of the General Statutes is amended by adding a new
15 section to read:

16 **"§ 115C-218.9. Appeals to the State Board of Education.**

17 (a) An applicant, charter school, or the State Superintendent may appeal a final decision
18 of the Review Board to grant, renew, revoke, or amend a charter by submitting notice to the Chair
19 of the State Board of Education within 10 days of the Review Board's decision. Copies of the
20 notice shall be sent to the Executive Director of the Office of Charter Schools, the State
21 Superintendent, the Chair of the Review Board, and the applicant or charter school affected.

22 (b) The State Board shall review appealed decisions de novo. The party submitting the
23 appeal, and the applicant or charter school affected, may provide any information to the State
24 Board the party believes the Board should consider in reviewing the Review Board's decision.

25 (c) The State Board shall issue a written decision in any matter appealed under this
26 section within 60 days of the date the notice of appeal was submitted. The State Board of
27 Education has the final decision-making authority on the approval of charter application,
28 renewals, revocations, and amendments."

29 **SECTION 7.39.(i)** G.S. 115C-218.15 reads as rewritten:

30 **"§ 115C-218.15. Charter school operation.**

31 (a) A charter school that is approved by the ~~State-Review~~ Board shall be a public school
32 within the local school administrative unit in which it is located. All charter schools shall be
33 accountable to the ~~State-Review~~ Board for ensuring compliance with applicable laws and the
34 provisions of their charters.

35 ...

36 (c) A charter school shall operate under the written charter signed by the ~~State Board and~~
37 ~~the applicant.~~ State Superintendent and the applicant. A charter school is not required to enter
38 into any other contract. The charter shall incorporate the information provided in the application,
39 as modified during the charter approval process, and any terms and conditions imposed on the
40 charter school by the ~~State Board of Education.~~ Review Board, or if the approval is granted
41 through an appeal pursuant to G.S. 115C-218.9, any conditions imposed by the State Board of
42 Education. No other terms may be imposed on the charter school as a condition for receipt of
43 local funds.

44 (d) The board of directors of the charter school shall decide matters related to the
45 operation of the school, including budgeting, curriculum, and operating procedures.

46 (e) The board of directors of the private nonprofit corporation operating the charter
47 school may have members who reside outside of the State. However, the State Board of
48 Education may require by ~~policy~~ rule that a majority of the board of directors and all officers of
49 the board of directors reside within the State.

50"

51 **SECTION 7.39.(j)** G.S. 115C-218.20(b) reads as rewritten:

1 "(b) No civil liability shall attach to the State Board of Education, the Charter Schools
2 Review Board, the Superintendent of Public Instruction, or to any of their members or employees,
3 individually or collectively, for any acts or omissions of the charter school."

4 **SECTION 7.39.(k)** G.S. 115C-218.30 reads as rewritten:

5 "**§ 115C-218.30. Accountability; reporting requirements to State Board of Education.**

6 ...

7 (c) The school shall report at least annually to the Review Board and the State Board of
8 Education the information required by rules adopted by the State Board."

9 **SECTION 7.39.(l)** G.S. 115C-218.35(c) reads as rewritten:

10 "(c) The local board of education shall make a decision on the charter's request to lease a
11 building or land within 90 days of the request. If the local board of education does not make a
12 decision within 90 days of the request of the charter school, the local board of education shall
13 provide a written explanation of its reasons for not acting on the request within the 90-day time
14 period to the North Carolina Charter Schools Advisory Review Board and the Joint Legislative
15 Education Oversight Committee."

16 **SECTION 7.39.(m)** G.S. 115C-218.45 reads as rewritten:

17 "**§ 115C-218.45. Admission requirements.**

18 ...

19 (f) The charter school may give enrollment priority to any of the following:

20 ...

21 (3) Limited to no more than fifteen percent (15%) of the school's total enrollment,
22 unless granted a waiver by the ~~State Board of Education~~, Review Board the
23 following:

24 a. Children or grandchildren of persons (i) employed full time by the
25 charter school or (ii) working full time in the daily operation of the
26 charter school, including children of persons employed by an
27 education management organization or charter management
28 organization for the charter school.

29 b. Children or grandchildren of the charter school's board of directors.

30 ...

31 (g1) If a procedure for a weighted lottery reflecting the mission of the school has been
32 approved by the ~~State Review Board~~ as part of the charter, and a lottery is needed under
33 subsection (h) of this section, the lottery shall be conducted according to the procedure in the
34 charter.

35 "

36 **SECTION 7.39.(n)** G.S. 115C-218.90 reads as rewritten:

37 "**§ 115C-218.90. Employment requirements.**

38 (a) Employees. –

39 ...

40 (4) The employees of the charter school shall be deemed employees of the local
41 school administrative unit for purposes of providing certain State-funded
42 employee benefits, including membership in the Teachers' and State
43 Employees' Retirement System and the State Health Plan for Teachers and
44 State Employees. The State Board of Education provides funds to charter
45 schools, ~~approves the original members of the boards of directors of the~~
46 ~~charter schools, has the authority to grant, supervise, and revoke charters,~~
47 schools and demands full accountability from charter schools for school
48 finances and student performance. Accordingly, it is the determination of the
49 General Assembly that charter schools are public schools and that the
50 employees of charter schools are public school employees. Employees of a
51 charter school whose board of directors elects to become a participating

1 employer under G.S. 135-5.3 are "teachers" for the purpose of membership in
 2 the North Carolina Teachers' and State Employees' Retirement System. In no
 3 event shall anything contained in this Article require the North Carolina
 4 Teachers' and State Employees' Retirement System to accept employees of a
 5 private employer as members or participants of the System.

6 ...
 7 (b) Criminal History Checks. –

8 ...
 9 (2) There shall be no liability for negligence on the part of the State Board of
 10 ~~Education~~ Education, the State Superintendent, the Review Board, or the
 11 board of directors of the charter school, or their employees, arising from any
 12 act taken or omission by any of them in carrying out the provisions of this
 13 subsection. The immunity established by this subsection shall not extend to
 14 gross negligence, wanton conduct, or intentional wrongdoing that would
 15 otherwise be actionable. The immunity established by this subsection shall be
 16 deemed to have been waived to the extent of indemnification by insurance,
 17 indemnification under Articles 31A and 31B of Chapter 143 of the General
 18 Statutes, and to the extent sovereign immunity is waived under the Tort
 19 Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

20 **SECTION 7.39.(o)** G.S. 115C-218.95 reads as rewritten:

21 **"§ 115C-218.95. Causes for nonrenewal or termination; disputes.**

22 (a) The ~~State Board of Education~~ Review Board may terminate, not renew, or seek
 23 applicants to assume the charter through a competitive bid process established by the ~~State~~
 24 Review Board upon any of the following grounds:

- 25 (1) Failure to meet the requirements for student performance contained in the
 26 charter;
- 27 (2) Failure to meet generally accepted standards of fiscal management;
- 28 (3) Violations of law;
- 29 (4) Material violation of any of the conditions, standards, or procedures set forth
 30 in the charter;
- 31 (5) Two-thirds of the faculty and instructional support personnel at the school
 32 request that the charter be terminated or not renewed; or
- 33 (6) Other good cause identified.

34 (b) Repealed by Session Laws 2016-79, s. 1.7(b), effective June 30, 2016, and applicable
 35 beginning with the 2016-2017 school year.

36 (b1) If a charter school is continually low-performing, the ~~State~~ Review Board is
 37 authorized to terminate, not renew, or seek applicants to assume the charter through a competitive
 38 bid process established by the ~~State~~ Review Board. However, the ~~State~~ Review Board shall not
 39 terminate or not renew the charter of a continually low-performing charter school solely for its
 40 continually low-performing status if the charter school has met growth in each of the immediately
 41 preceding three school years or if the charter school has implemented a strategic improvement
 42 plan approved by the ~~State~~ Review Board and is making measurable progress toward student
 43 performance goals. The State Board shall develop rules on the assumption of a charter by a new
 44 entity that includes all aspects of the operations of the charter school, including the status of the
 45 employees. Public assets shall transfer to the new entity and shall not revert to the local school
 46 administrative unit in which the charter school is located pursuant to G.S. 115C-218.100(b).

47 (c) The ~~State~~ Review Board of Education shall develop and implement a process to
 48 address contractual and other grievances between a charter school and the local board of
 49 education during the time of its charter.

50 (d) The ~~State~~ Review Board and the charter school are encouraged to make a good-faith
 51 attempt to resolve the differences that may arise between them. They may agree to jointly select

1 a mediator. The mediator shall act as a neutral facilitator of disclosures of factual information,
2 statements of positions and contentions, and efforts to negotiate an agreement settling the
3 differences. The mediator shall, at the request of either the State-Review Board or a charter
4 school, commence a mediation immediately or within a reasonable period of time. The mediation
5 shall be held in accordance with rules and standards of conduct adopted under Chapter 7A of the
6 General Statutes governing mediated settlement conferences but modified as appropriate and
7 suitable to the resolution of the particular issues in disagreement.

8 Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation
9 proceedings shall be conducted in private. Evidence of statements made and conduct occurring
10 in a mediation are not subject to discovery and are inadmissible in any court action. However, no
11 evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a
12 mediation. The mediator shall not be compelled to testify or produce evidence concerning
13 statements made and conduct occurring in a mediation in any civil proceeding for any purpose,
14 except disciplinary hearings before the State Bar or any agency established to enforce standards
15 of conduct for mediators. The mediator may determine that an impasse exists and discontinue the
16 mediation at any time. The mediator shall not make any recommendations or public statement of
17 findings or conclusions. The State-Review Board and the charter school shall share equally the
18 mediator's compensation and expenses. The mediator's compensation shall be determined
19 according to rules adopted under Chapter 7A of the General Statutes."

20 **SECTION 7.39.(p)** G.S. 115C-218.105 reads as rewritten:

21 "**§ 115C-218.105. State and local funds for a charter school.**

22 ...

23 (c4) The local school administrative unit and charter school may use the process for
24 mediation of differences between the State-Review Board and a charter school provided in
25 G.S. 115C-218.95(d) to resolve differences on calculation and transference of the per pupil share
26 of the local current expense fund. In the event the local school administrative unit and the charter
27 school disagree on the amount owed to the charter school, the local school administrative unit
28 may delay transfer of the disputed amount but shall not delay the transfer of the undisputed
29 amount. The amount transferred under this subsection that consists of revenue derived from
30 supplemental taxes shall be transferred only to a charter school located in the tax district for
31 which these taxes are levied and in which the student resides.

32 (d) The local school administrative unit shall also provide each charter school to which
33 it transfers a per pupil share of its local current expense fund with all of the following information
34 within the 30-day time period provided in subsection (c) of this section:

- 35 (1) The total amount of monies the local school administrative unit has in each of
36 the funds listed in G.S. 115C-426(c).
- 37 (2) The student membership numbers used to calculate the per pupil share of the
38 local current expense fund.
- 39 (3) How the per pupil share of the local current expense fund was calculated.
- 40 (4) Any additional records requested by a charter school from the local school
41 administrative unit in order for the charter school to audit and verify the
42 calculation and transfer of the per pupil share of the local current expense
43 fund.

44 In addition, the local school administrative unit shall provide to the State Board of Education
45 and the Review Board all of the information required by this subsection for each charter school
46 to which it transfers a per pupil share of its local current expense fund. This information shall be
47 provided to the State Board of Education by November 1 of each year. The State Board shall
48 adopt a ~~policy rules~~, as approved by the Review Board, to govern the collection of this
49 information. The State Board shall issue a letter of noncompliance to a local school
50 administrative unit that does not provide the State Board and Review Board with the information
51 required by this subsection.

1"

2 **SECTION 7.39.(q)** G.S. 115C-218.110(a) reads as rewritten:

3 "(a) ~~The State Board of Education Charter Schools Review Board~~ shall distribute
4 information announcing the availability of the charter school process described in this Article to
5 each local school administrative unit and public postsecondary educational institution and,
6 through press releases, to each major newspaper in the State."

7 **SECTION 7.39.(r)** G.S. 115C-296.2(b)(1) reads as rewritten:

8 "(1) A "North Carolina public school" is a school operated by a local board of
9 education, the Department of Health and Human Services, the Division of
10 Juvenile Justice of the Department of Public Safety, or The University of
11 North Carolina; a school affiliated with The University of North Carolina; or
12 a charter school approved by the ~~State Board of Education~~Charter Schools
13 Review Board."

14 **SECTION 7.39.(s)** G.S. 135-5.3(b1) read as rewritten:

15 "(b1) The board of directors of a charter school operated by a private nonprofit corporation
16 or a charter school operated by a municipality that has received ~~State Board of Education Charter~~
17 Schools Review Board approval under G.S. 115C-218.5 may elect to become a participating
18 employer in the Retirement System in accordance with this Article."

19 **SECTION 7.39.(t)** G.S. 135-48.54(b) reads as rewritten:

20 "(b) No later than two years after both parties have signed the written charter under
21 G.S. 115C-218.15, the board of directors of a charter school operated by a private nonprofit
22 corporation or a charter school operated by a municipality shall elect whether to become a
23 participating employer in the Plan in accordance with this Article. This election shall be in writing
24 and filed with the ~~Plan~~Plan, the Charter Schools Review Board, and the State Board of
25 Education. This election is effective for each charter school employee as of the date of that
26 employee's entry into eligible service."

27 **SECTION 7.39.(u)** The current members of the Charter Schools Advisory Board
28 shall serve as initial members of the Charter Schools Review Board. Notwithstanding
29 G.S. 115C-218(b), as amended by this act, upon the expiration of the current term of the Charter
30 Schools Review Board Members, (i) one term expiring in 2023 shall be replaced with an
31 appointment by the General Assembly upon the recommendation of the Speaker of the House of
32 Representatives, in accordance with G.S. 120-121, and (ii) two terms expiring in 2023 shall be
33 replaced with an appointment by the General Assembly upon the recommendation of the
34 President Pro Tempore of the Senate, in accordance with G.S. 120-121. Those members shall be
35 appointed for two-year terms. As those terms expire in 2025 and thereafter, or as vacancies occur
36 prior to the expiration of those terms, those members on the North Carolina Charter Schools
37 Review Board shall be appointed in accordance with G.S. 115C-218.

38 **NBPTS PARTICIPATION FEE GRANT PROGRAM**

39 **SECTION 7.40.** Article 20 of Chapter 115C of the General Statutes is amended by
40 adding a new section to read:

41 **"§ 115C-296.2A. National Board for Professional Teaching Standards certification**
42 **participation fee grant program.**

43 (a) Notwithstanding G.S. 115C-296.2, to the extent the General Assembly provides funds
44 for this purpose, the Department of Public Instruction shall establish a grant program for
45 qualifying public schools to improve teacher quality and mitigate learning loss by reimbursing
46 teachers for the cost of the participation fee for National Board for Professional Teaching
47 Standards (NBPTS) certification.

48 (b) Definitions. – The following definitions shall apply in this section:

49 (1) Public school. – Any of the following:

50 a. A school in a public school unit.

- 1 b. A school providing elementary or secondary instruction operated by
 2 The University of North Carolina under Article 4 or Article 29 of
 3 Chapter 116 of the General Statutes.
- 4 (2) Qualifying public school. – A public school that meets any of the following
 5 criteria:
- 6 a. Is identified as a low-performing school pursuant to G.S. 115C-105.37
 7 or G.S. 115C-218.94.
- 8 b. Enrolled a student body in the school year prior to the application for
 9 reimbursement consisting of at least ten percent (10%) of students
 10 identified by the Department as at-risk students.
- 11 (c) Grant Applications and Approval. – The governing board of a qualifying public
 12 school may apply to the Department of Public Instruction for grant funds to reimburse teachers
 13 employed in the qualifying public school for the cost of the participation fee for NBPTS
 14 certification. The Department shall develop criteria and guidelines for governing bodies of public
 15 schools that receive grant funds to follow when administering the reimbursements. The criteria
 16 shall include at least the following:
- 17 (1) Governing bodies of public schools receiving grant funds shall prioritize
 18 reimbursements for teachers based on the need of the school where the teacher
 19 is employed at the time of the reimbursement, including at least the following
 20 criteria:
- 21 a. A teacher employed in a qualifying public school with more qualifying
 22 factors, as identified in sub-subdivisions a. and b. of subdivision (2) of
 23 subsection (b) of this section, shall receive priority over a teacher
 24 employed in a qualifying public school with fewer qualifying factors.
- 25 b. For teachers employed in qualifying schools pursuant to
 26 sub-subdivision b. of subdivision (2) of subsection (b) of this section,
 27 teachers employed in schools with a higher percentage of at-risk
 28 students shall receive priority over teachers employed in schools with
 29 a lower percentage of at-risk students.
- 30 (2) Governing bodies of public schools receiving grant funds shall not require a
 31 teacher to complete the NBPTS certification process in order to receive a
 32 reimbursement.
- 33 (d) Report. – No later than January 15 of each year in which funds are awarded, the
 34 Department shall report to the Joint Legislative Education Oversight Committee and the Fiscal
 35 Research Division on the impact of the program, including at least the following information:
- 36 (1) Governing bodies of public schools applying for and receiving grants.
- 37 (2) Number of teachers receiving reimbursements.
- 38 (3) Demographic information of teachers receiving reimbursements.
- 39 (4) Employment status of teachers receiving reimbursements, including the
 40 public school where the teacher is employed and whether the teacher remains
 41 employed with his or her original qualifying public school.
- 42 (5) Licensure areas of teachers receiving reimbursements.
- 43 (6) Effect of the program on the performance and growth of students taught by
 44 teachers receiving reimbursements."

46 **REQUIRE ETHICS TRAINING FOR CERTAIN SCHOOL EMPLOYEES AND REVISE**
 47 **TERMS AND CONDITIONS OF SCHOOL FINANCE OFFICER EMPLOYMENT**

48 **SECTION 7.41.(a)** Article 22 of Chapter 115C of the General Statutes is amended
 49 by adding a new Part to read:

50 "Part 10. Employee Ethics Training.
 51 "**§ 115C-335.15. Ethics training for certain public school employees.**"

1 All employees of a local school administrative unit involved in the making or administering
2 of contracts, as described in G.S. 14-234, shall receive a minimum of two hours of ethics training,
3 as follows:

- 4 (1) The training shall be required once in every odd-numbered year.
5 (2) Upon assuming the responsibility of making or administering contracts, a
6 school employee shall receive an initial training within 90 days and
7 subsequent trainings in every odd-numbered year thereafter.
8 (3) The training shall include position-specific education on conflicts of interest
9 and ethical standards of conduct.
10 (4) The training may be provided by the School of Government at the University
11 of North Carolina at Chapel Hill or another qualified source at the choice of
12 the local board of education."

13 **SECTION 7.41.(b)** All employees of a local school administrative unit involved in
14 the making or administering of contracts as of the effective date of this act shall receive an initial
15 training to comply with G.S. 115C-335.15, as enacted by subsection (a) of this section, within
16 six months of the effective date of this act.

17 **SECTION 7.41.(c)** G.S. 115C-435 reads as rewritten:

18 **"§ 115C-435. School finance officer.**

19 (a) Each local school administrative unit shall have a school finance officer who shall be
20 appointed or designated by the superintendent of schools and approved by the board of education,
21 ~~with the school finance officer serving at the pleasure of the superintendent.~~ education. The duties
22 of school finance officer may be conferred on any officer or employee of the local school
23 administrative unit or, upon request of the superintendent, with approval by the board of
24 education and the board of county commissioners, on the county finance officer. In counties
25 where there is more than one local school administrative unit, the duties of finance officer may
26 be conferred on any one officer or employee of the several local school administrative units by
27 agreement between the affected superintendents with the concurrence of the affected board of
28 education and the board of county commissioners. The position of school finance officer is
29 hereby declared to be an office that may be held concurrently with other appointive, but not
30 elective, offices pursuant to Article VI, Sec. 9, of the Constitution.

31 (b) Local boards of education may, upon the recommendation of the superintendent, elect
32 school finance officers for a term of from one to four years. The term may not, however, exceed
33 the expiration date of the superintendent's contract, unless the remaining time of the
34 superintendent's contract is less than one year. If there is less than one year remaining on the
35 superintendent's contract, the school finance officer shall be given a contract through the next
36 school year.

37 (c) The term of employment shall be stated in a written contract which shall be entered
38 into between the board of education and the school finance officer, a copy of which shall be filed
39 with the Superintendent of Public Instruction as a matter of information. The school finance
40 officer may not be dismissed during the term to which he or she is elected except for misconduct
41 of such a nature as to indicate he or she is unfit to continue in the school finance officer's position,
42 incompetence, neglect of duty, or failure or refusal to carry out validly assigned duties."

43 **SECTION 7.41.(d)** Subsection (c) of this section applies to contracts entered into
44 between school finance officers and local boards of education on or after the date this act becomes
45 law.

46
47 **CAREER AND COLLEGE READY GRADUATE PROGRAM**
48 **CHANGES/CODIFICATION**

49 **SECTION 7.42.(a)** Article 8 of Chapter 115C of the General Statutes is amended by
50 adding a new section to read:

51 **"§ 115C-81.90. Career and College Ready Graduate Program.**

1 (a) Program Established. – The State Board of Education and the State Board of
2 Community Colleges shall establish a program that introduces college developmental
3 mathematics and developmental reading and English content during high school and provides
4 opportunities in all high schools statewide for college remediation for students prior to high
5 school graduation through cooperation with community college partners. Students who are
6 enrolled in the Occupational Course of Study to receive their high school diplomas shall not be
7 required to participate in the program or be required to take mandatory remedial courses as
8 provided for in this section, unless a parent specifically requests through the individualized
9 education program (IEP) process that the student participates. The program shall require at least
10 the following:

11 (1) Establishment by the State Board of Community Colleges of measures for
12 determining student readiness and preparation for college coursework by
13 using ACT scores, student grade point averages, or other measures used by
14 the State Board of Community Colleges to determine college readiness for
15 entering students. Exemptions based on student achievement and
16 postsecondary plans may be jointly recommended by the Department of
17 Public Instruction and the Community Colleges System Office to the State
18 Board of Community Colleges for their approval.

19 (2) Changes in curriculum, policy, and rules as needed by the State Board of
20 Community Colleges and the State Board of Education to make remedial
21 content mandatory for students who do not meet readiness indicators by the
22 beginning of their senior year or who do not qualify for an exemption prior to
23 high school graduation.

24 (3) High schools to use content approved by the State Board of Community
25 Colleges, in consultation with the State Board of Education.

26 (4) To ensure students shall not require remediation upon placement at a North
27 Carolina community college, the State Board of Community Colleges shall
28 establish the following for the program:

29 a. Appropriate measures of successful completion of the remedial
30 content to ensure students are prepared for coursework at a North
31 Carolina community college without need for further remediation in
32 mathematics or reading and English.

33 b. The length of time following high school graduation in which a student
34 who successfully completed high school remedial content will not be
35 required to enroll in developmental courses at a North Carolina
36 community college.

37 (5) Delivery of remedial content by high school faculty consistent with policies
38 adopted by the State Board of Community Colleges and the State Board of
39 Education. The policies shall include, at a minimum, the following
40 requirements:

41 a. High school faculty teaching the approved remedial content shall
42 successfully complete training requirements as determined by the
43 State Board of Community Colleges, in consultation with the State
44 Board of Education.

45 b. The North Carolina Community College System shall periodically
46 review the remedial content and professional development
47 requirements to ensure appropriate instructional delivery.

48 (b) Report. – Beginning December 15, 2023, and annually thereafter, the State Board of
49 Community Colleges and the State Board of Education shall jointly report to the Fiscal Research
50 Division and the Joint Legislative Education Oversight Committee on program outcomes,

1 including impact on remediation rates by public school units in both mathematics and reading
2 and English for recent high school graduates entering a North Carolina community college."

3 **SECTION 7.42.(b)** G.S. 115C-12(9d)a. reads as rewritten:

4 "a. The Board may develop exit standards that shall be required for high
5 school graduation. The Board shall require the following for high
6 school graduation:

- 7 1. Successful completion of instruction in cardiopulmonary
8 resuscitation as provided in G.S. 115C-81.25(c)(10).
- 9 2. A passing grade in the semester course on the Founding
10 Principles of the United States of America and the State of
11 North Carolina described in G.S. 115C-81.45(d)(1).
- 12 3. Participation in the Career and College Ready Graduate
13 Program for students who do not meet readiness indicators by
14 the beginning of their senior year unless qualifying for an
15 exemption prior to high school graduation pursuant to
16 G.S. 115C-81.90."

17 **SECTION 7.42.(c)** G.S. 115D-5 is amended by adding a new subsection to read:

18 "(z) The State Board of Community Colleges shall establish the Career and College Ready
19 Graduate Program with the State Board of Education for the purpose of introducing college
20 developmental mathematics and developmental reading and English content during high school
21 and providing opportunities in all high schools statewide for college remediation for students
22 prior to high school graduation through cooperation with community college partners in
23 accordance with G.S. 115C-81.90. Beginning December 15, 2023, and annually thereafter, the
24 State Board of Community Colleges and the State Board of Education shall jointly report to the
25 Joint Legislative Education Oversight Committee on program outcomes, including impact on
26 remediation rates by public school units in both mathematics and reading and English for recent
27 high school graduates entering a North Carolina community college."

28 **SECTION 7.42.(d)** Section 10.13 of S.L. 2015-241, as amended by Section 10.5 of
29 S.L. 2016-94 and Section 9.4 of S.L. 2018-5, is repealed.

30 **SECTION 7.42.(e)** This section applies beginning with the 2023-2024 school year.

31 32 **COMBINING OF THE EDUCATION AND WORKFORCE INNOVATION** 33 **COMMISSION GRANT PROGRAMS**

34 **SECTION 7.43.** Article 6C of Chapter 115C of the General Statutes reads as
35 rewritten:

36 "Article 6C.

37 "Education and Workforce Innovation and CTE Grade Expansion Program.

38 "**§ 115C-64.15. North Carolina Education and Workforce Innovation Commission.**

39 (a) There is created the North Carolina Education and Workforce Innovation
40 Commission (Commission). The Commission shall be located administratively in the
41 Department of Public Instruction but shall exercise all its prescribed powers independently of the
42 Department of Public Instruction. Of the funds appropriated for the Education and Workforce
43 Innovation and CTE Grade Expansion Program established under G.S. 115C-64.16, up to ten
44 percent (10%) of those funds each fiscal year may be used by the Department of Public
45 Instruction to provide technical assistance and administrative assistance, including staff, to the
46 Commission and for reimbursements and expenses for the Commission for the Education and
47 ~~Workforce Innovation Program and the Career and Technical Education Grade Expansion and~~
48 ~~CTE Grade Expansion Program.~~

49 (b) The Commission shall consist of the following 14 members:

- 50 (1) The Secretary of Commerce or his or her designee.
- 51 (2) The State Superintendent of Public Instruction or his or her designee.

- 1 (3) The Chair of the State Board of Education or his or her designee.
 2 (4) The President of The University of North Carolina or his or her designee.
 3 (5) The President of the North Carolina Community College System or his or her
 4 designee.
 5 (6) Three members appointed by the Governor who have experience in education.
 6 (7) Three members appointed by the General Assembly upon recommendation of
 7 the Speaker of the House of Representatives, as provided in G.S. 120-121,
 8 who have experience in businesses operating in North Carolina.
 9 (8) Three members appointed by the General Assembly upon the
 10 recommendation of the President Pro Tempore of the Senate, as provided in
 11 G.S. 120-121, who have experience in businesses operating in North Carolina.

12 (b1) Members appointed by the Governor or the General Assembly shall serve for
 13 three-year terms commencing July 1 of the year of appointment and may serve successive terms.

14 (c) The Commission members shall elect a chair from the membership of the
 15 Commission. The Commission shall meet at least three times annually on the call of the Chair or
 16 as additionally provided by the Commission. A quorum is six members of the Commission.
 17 Members may not ~~send designees to Commission meetings nor may they~~ vote by proxy.

18 (d) The Commission shall develop and administer the Education and Workforce
 19 Innovation and CTE Grade Expansion Program, as established under G.S. 115C-64.16, in
 20 collaboration with the North Carolina Career and Technical Education Foundation, Inc., and
 21 make awards of grants under the Program.

22 ~~(d1) The Commission shall develop and administer, in coordination with the State Board
 23 of Education and the Superintendent of Public Instruction, and in collaboration with the North
 24 Carolina Career and Technical Education Foundation, Inc., the Career and Technical Education
 25 Grade Expansion Program, as established under G.S. 115C 64.17, and shall make awards of
 26 grants under the Program.~~

27 ~~(d2) The North Carolina Career and Technical Education Foundation, Inc., shall serve as
 28 a grant administrator by providing provide~~ assistance and support to grantees for initiating,
 29 expanding, improving, and promoting career and technical education initiatives.

30 (e) ~~The Commission, in consultation with the North Carolina Career and Technical
 31 Education Foundation, Inc., Commission~~ shall publish a report on the Education and Workforce
 32 Innovation and CTE Grade Expansion Program ~~and the Career and Technical Education Grade
 33 Expansion Program~~ on or before April 30 of each year. The report shall be submitted to the
 34 Senate Appropriations Committee on Education/Higher Education, the House Appropriations
 35 Committee on Education, the Fiscal Research Division, the Joint Legislative Education Oversight
 36 Committee, the State Board of Education, the State Board of Community Colleges, and the Board
 37 of Governors of The University of North Carolina. The report shall include at least all of the
 38 following information:

- 39 (1) An accounting of how funds and personnel resources were utilized for ~~each~~
 40 the program and their impact on student achievement, retention, and
 41 employability.
 42 (2) Recommended statutory and policy changes.
 43 (3) Recommendations for improvement of ~~each the~~ program.
 44 (4) For the Career and Technical Education Grade Expansion Program, Grants,
 45 recommendations on increasing availability of grants after the first two years
 46 ~~of the program~~ to include additional local school administrative ~~units~~ units,
 47 charter schools, or providing additional grants to prior recipients.

48 "**§ 115C-64.16. The Education and Workforce Innovation Program and CTE Grade**
 49 **Expansion Program; innovation grants.**

50 (a) Program Establishment. – There is established the Education and Workforce
 51 Innovation and CTE Grade Expansion Program (Program) to foster innovation in education that

1 will lead to more students graduating career and college ~~ready~~ and to prioritize the inclusion of
2 students in sixth and seventh grades through grant awards provided to selected local school
3 administrative units and charter schools.

4 (a1) Types of Grant Awards. – Funds appropriated to the Program shall be used to award
5 competitive grants depending on the needs of the State, as determined by the Commission, by
6 dividing the grants between each type as innovation grants pursuant to the provisions of this
7 section or as grants for grade expansion for career and technical education pursuant to the
8 provisions of G.S. 115C-64.17.

9 (a2) Innovation Grants. – Competitive grants shall be awarded to ~~an~~ a charter school, an
10 individual school, school in a local school administrative unit, a local school administrative unit,
11 or a regional partnership of more than one local school administrative unit to advance
12 comprehensive, high-quality education that equips teachers and other hired personnel with the
13 knowledge and skill required to succeed with all students. Before receiving ~~a~~ an innovation grant,
14 applicants must meet all of the following conditions:

- 15 (1) Form a partnership, for the purposes of the grant, with either a public or private
16 university or a community college.
- 17 (2) Form a partnership, for the purposes of the grant, with regional businesses and
18 business leaders.
- 19 (3) Demonstrate the ability to sustain innovation once grant funding ends.

20 (b) Applicant Categories and Specific Requirements.—Requirements for Innovation
21 Grants. –

- 22 (1) Individual schools. – ~~Individual public schools~~ Charter schools and individual
23 public schools in local school administrative units must demonstrate all of the
24 following in their applications:
 - 25 a. Partnerships with business and industry to determine the skills and
26 competencies needed for students' transition into growth sectors of the
27 regional economy.
 - 28 b. Aligned pathways to employment, including students' acquisition of
29 college credit or industry recognized credentials.
 - 30 c. Development of systems, infrastructure, capacity, and culture to
31 enable teachers and school leaders to continuously focus on improving
32 individual student achievement.
- 33 (2) Local school administrative units. – Local school administrative units must
34 demonstrate all of the following in their applications:
 - 35 a. Implementation of comprehensive reform and innovation.
 - 36 b. Appointment of a senior leader to manage and sustain the change
37 process with a specific focus on providing parents with a portfolio of
38 meaningful options among schools.
- 39 (3) Regional partnerships of two or more local school administrative units. –
40 Partnerships of two or more local school administrative units must
41 demonstrate all of the following in their applications:
 - 42 a. Implementation of resources of partnered local school administrative
43 units in creating a tailored workforce development system for the
44 regional economy and fostering innovation in each of the partnered
45 local school administrative units.
 - 46 b. Promotion of the development of knowledge and skills in career
47 clusters of critical importance to the region.
 - 48 c. Benefits of the shared strengths of local businesses and higher
49 education.
 - 50 d. Usage of technology to deliver instruction over large geographic
51 regions and build networks with industry.

- 1 e. Implementation of comprehensive reform and innovation that can be
2 replicated in other local school administrative units.
- 3 (c) Consideration of Factors in Awarding of Innovation Grants. – All applications must
4 include information on at least the following in order to be considered for ~~a~~an innovation grant:
5 (1) Describe the aligned pathways from school to high-growth careers in regional
6 economies.
7 (2) Leverage technology to efficiently and effectively drive teacher and principal
8 development, connect students and teachers to online courses and resources,
9 and foster virtual learning communities among faculty, higher education
10 partners, and business partners.
11 (3) Establish a comprehensive approach to enhancing the knowledge and skills of
12 teachers and administrators to successfully implement the proposed
13 innovative program and to graduate all students ready for work and college.
14 (4) Link to a proven provider of professional development services for teachers
15 and administrators capable of providing evidence-based training and tools
16 aligned with the goals of the proposed innovative program.
17 (5) Form explicit partnerships with businesses and industry, which may include
18 business advisory councils, internship programs, and other customized
19 projects aligned with relevant workforce skills.
20 (6) Partner with community colleges or public or private universities to enable
21 communities to challenge every student to graduate with workplace
22 credentials or college credit.
23 (7) Align K-12 and postsecondary instruction and performance expectations to
24 reduce the need for college remediation courses.
25 (8) Secure input from parents to foster broad ownership for school choice options
26 and to foster greater understanding of the need for continued education beyond
27 high school.
28 (9) Provide a description of the funds that will be used and a proposed budget for
29 ~~five years each of the grant years~~.
30 (10) Describe the source of matching funds required in subsection (d) of this
31 section.
32 (11) Establish a strategy to achieve meaningful analysis of program outcomes due
33 to the receipt of grant funds under this section.
- 34 (d) ~~Matching Private and Local Funds~~. Funds for Innovation Grants. – All innovation
35 grant applicants must match fifty percent (50%) of all State dollars. Matching funds shall not
36 include other State funds. Matching funds may include in-kind contributions.
- 37 (e) Awards for Innovation Grants. – Any innovation grants awarded by the Commission
38 may be spent over a five-year period from the initial award. Grants may be awarded for new or
39 existing projects. Grant funds shall not revert but shall be available until expended.
- 40 (f) Innovation Grant Recipient Reporting Requirements. – No later than September 1 of
41 each year, ~~a~~an innovation grant recipient shall submit to the Commission an annual report for
42 the preceding grant year that describes the academic progress made by the students and the
43 implementation of program initiatives.
- 44 **"§ 115C-64.17. ~~The Career and Technical Education Grade Expansion Program Grants.~~**
45 (a) ~~Program Establishment. CTE Grade Expansion Grants. – There is established the~~
46 ~~Career and Technical Education Grade Expansion Program (Program) to expand Career and~~
47 ~~Technical Education Grade Expansion grants shall be awarded under the Program for the purpose~~
48 ~~of expanding career and technical education (CTE) programs by prioritizing the inclusion of~~
49 ~~students in sixth and seventh grade through grant awards provided to selected local school~~
50 ~~administrative units and charter schools for up to seven years. Funds appropriated for the~~
51 ~~Program Grant funds shall be allocated to selected local school administrative units and charter~~

1 ~~schools as competitive grants of (i) up to seven hundred thousand dollars (\$700,000) for the~~
2 ~~2017-2018 fiscal year and (ii) grants, to the extent funds are available, of up to one million dollars~~
3 ~~(\$1,000,000) for the 2018-2019 fiscal year and subsequent fiscal years. Grant funds shall be used~~
4 ~~only for employing additional licensed personnel in career and technical education areas, career~~
5 ~~development coordination areas, and support service areas necessary for expanding the CTE~~
6 ~~program to sixth and seventh grade students. The funds may be used for CTE programs at one or~~
7 ~~more schools in the local school administrative unit. For a local school administrative unit, the~~
8 ~~funds may be used for CTE programs at one or more schools in the unit. Grant funds allocated~~
9 ~~to the local school administrative unit or charter school each fiscal year under the Program shall~~
10 ~~not revert but shall be available for the purpose of the grant program until expended.~~

11 (b) Consideration of Factors in Awarding of CTE Grade Expansion Grants. – Local
12 school administrative units and charter schools applying for ~~the Program~~ CTE grade expansion
13 grants shall submit an application that includes at least the following information:

- 14 (1) A plan for expansion of the CTE program to sixth and seventh grade students,
15 including the specific programs that will be expanded, the significance of CTE
16 in the local school administrative ~~unit, unit or charter school~~, and how a grade
17 expansion would enhance the education program and the community.
- 18 (2) A request for the amount of funds, a description of how the funds will be used,
19 and any other sources of funds available to accomplish the purposes of this
20 program.
- 21 (3) A proposed budget for seven years that provides detail on the use of the
22 amount of funds to add personnel, increase career development efforts, and
23 provide support services.
- 24 (4) A strategy to achieve meaningful analysis of program outcomes due to the
25 receipt of grant funds under this section.

26 (c) Selection of CTE Grade Expansion Grant Recipients. – For the 2017-2018 fiscal year,
27 the Commission shall accept applications for a grant until November 30, 2017. For subsequent
28 fiscal years that funds are made available for the ~~Program, CTE grade expansion grants,~~ the
29 Commission shall accept applications for a grant until August 1 of each year. The Commission
30 shall consult with the North Carolina Career and Technical Education Foundation, Inc., to select
31 recipients in a manner that considers diversity among the pool of applicants, including geographic
32 location, location of industries in the area in which a local school administrative unit or charter
33 school is located, and the size of the student population served by the unit, or charter school, in
34 order to award funds to the extent possible to grant recipients that represent different regions and
35 characteristics of the State. The Commission shall recommend recipients of the grants to the State
36 Board of Education. The State Board, upon consultation with the Superintendent of Public
37 Instruction, shall approve the recipients of grant awards.

38 (d) Allocation of Funds. – Of the funds available for the Program in each fiscal year, the
39 Commission shall first allocate funds to applicants who received CTE grade expansion grant
40 funds for the prior fiscal year for up to seven years. After funds are allocated to prior fiscal year
41 grant recipients, any remaining funds may be used by the Commission to select new grant
42 ~~recipients. recipients, as provided in G.S. 115C-64.16(a1).~~ ~~The Commission, in consultation with~~
43 ~~the Superintendent of Public Instruction, Commission~~ shall establish rules regarding any
44 requirements for grant recipients to continue eligibility to receive funds each fiscal year,
45 including timely and accurate reporting as required under subsection (e) of this section.

46 (e) Reporting Requirements. – No later than August 1 of each year, for up to seven years
47 after the initial grant award, a grant recipient shall submit to the Department of Public Instruction,
48 Local Planning Systems Regional Services staff within the Division of Career and Technical
49 Education, an annual report for the preceding year in which CTE grade expansion grant funds
50 were expended that provides at least the following information on the program for sixth and
51 seventh grade students:

- 1 (1) The use of grant funds, including the CTE programs and courses that have
2 been expanded in the local school administrative unit or charter school to
3 include sixth and seventh grade students.
- 4 (2) The number of students enrolled in CTE courses as part of the expansion.
- 5 (3) The number of students who subsequently enrolled in CTE courses in high
6 school.
- 7 (4) The number of students who subsequently participated in internships,
8 cooperative education, or apprenticeship programs.
- 9 (5) The number of students who subsequently earned (i) college credit and (ii)
10 approved industry certification and credentials.
- 11 (6) Any other information the Division of Career and Technical Education deems
12 necessary.

13 The Superintendent of Public Instruction shall provide a report to the Commission by October
14 15 of each year based on the information reported to the Local Planning Systems Regional
15 Services staff under this subsection, including how the grant recipients compare to CTE programs
16 statewide and whether the programs are aligned with the Master Plan for Career and Technical
17 Education adopted by the State Board."

18 **TEACHER ASSISTANT TUITION REIMBURSEMENT PROGRAM**

19 **SECTION 7.44.(a)** Article 17D of Chapter 115C of the General Statutes is amended
20 by adding a new section to read:

21 **"§ 115C-269.31. Teacher Assistant Tuition Reimbursement Grant Program.**

22 (a) Purpose. – The Department of Public Instruction shall establish the Teacher Assistant
23 Tuition Reimbursement Grant Program (Program). The purpose of the Program is to provide
24 tuition assistance to part-time or full-time teacher assistants working in local school
25 administrative units to pursue a college degree that will result in teacher licensure.

26 (b) Applications; Grant Priority. – Local school administrative units may apply to
27 participate in the Program pursuant to a process to be established by the Department of Public
28 Instruction. The application shall identify current and ongoing needs for licensed teachers and
29 the expected number of eligible teacher assistants that would participate in the Program. In
30 evaluating applications, the Department shall prioritize local school administrative units
31 according to the following order:

- 32 (1) Local school administrative units that received funds under the Teacher
33 Assistant Tuition Reimbursement Pilot Program established in Section 8.29
34 of S.L. 2016-94, as amended by Section 7.20 of S.L. 2017-57, Section 6(m)
35 of S.L. 2017-189, and Section 7.21 of S.L. 2018-5.
- 36 (2) Local school administrative units located, in whole or in part, in a county with
37 at least one local school administrative unit that received low-wealth
38 supplemental funding in the previous fiscal year.
- 39 (3) All other local school administrative units.

40 (c) Award of Funds. – To the extent funds are made available for the Program, a local
41 school administrative unit receiving funds under the Program shall provide a teacher assistant
42 participating in the program an award of up to four thousand six hundred dollars (\$4,600) per
43 academic year per teacher assistant, up to four academic years to defray the costs of tuition and
44 fees at an educator preparation program at an institution of higher education while employed in
45 the local school administrative unit as a teacher assistant.

46 (d) Additional Criteria. – The following additional criteria shall apply under the Program:

- 47 (1) Tuition assistance awards granted under the Program may be provided for
48 part-time or full-time coursework.
- 49 (2) A local board of education may grant a teacher assistant academic leave to
50 pursue coursework that may only be taken during working hours.

1 (3) A teacher assistant shall fulfill the student teaching requirements of an
2 educator preparation program by working as a teacher assistant at his or her
3 employing local school administrative unit.

4 (4) A teacher assistant shall continue to receive salary and benefits while student
5 teaching in the local school administrative unit as provided for teacher
6 assistants in G.S. 115C-269.30(c).

7 (e) Selection of Teacher Assistants. – The Department shall establish criteria for initial
8 and continuing eligibility to participate in the Program. The Department shall adopt standards to
9 ensure that only qualified, potential recipients receive an award of funds for tuition and fees under
10 the Program. The standards shall include satisfactory academic progress toward achieving
11 teacher licensure. Local school administrative units receiving grants pursuant to the Program
12 shall select teacher assistants to receive funds under the Program and prioritize teacher assistants
13 who received an award in the prior academic year and who are making satisfactory academic
14 progress towards achieving teacher licensure. The Department of Public Instruction shall set
15 criteria for the application and selection of teacher assistants to receive tuition assistance awards
16 that includes at least the following:

17 (1) The teacher assistant shall be employed by the local board of education in the
18 local school administrative unit.

19 (2) The teacher assistant shall be enrolled or provide a statement of intent to enroll
20 in an accredited institution of higher education in North Carolina with an
21 educator preparation program approved by the State Board of Education to
22 pursue teacher licensure.

23 (3) The teacher assistant qualifies as a resident for tuition purposes under the
24 criteria set forth in G.S. 116-143.1 and in accordance with the coordinated and
25 centralized residency determination process administered by the Authority.

26 (f) Endorsement of Tuition Assistance Awards for Recipients. – Each local board of
27 education participating in the Program shall enter into a memorandum of understanding with the
28 institution of higher education in which an award recipient under the Program is enrolled that
29 includes procedures for at least the following:

30 (1) Remittance of the award from the local board of education to the institution
31 of higher education.

32 (2) Endorsement of the funds awarded to the recipient to the institution of higher
33 education for deposit into the account of the institution.

34 (3) Return of a pro rata share of funds to the local board of education in the event
35 a recipient (i) withdraws from the institution of higher education prior to the
36 end of a term or (ii) the recipient's employment with the local board of
37 education is terminated. The return of funds shall be consistent with
38 procedures used by the institution under federal Title IV programs.

39 (g) Local Report. – No later than September 1 of each year funds are awarded pursuant
40 to the Program, local boards of education participating in the Program shall report at least the
41 following information to the Department of Public Instruction:

42 (1) The number and amount of funds in tuition assistance awards provided to
43 teacher assistants.

44 (2) The number of teacher assistant recipients who achieved teacher licensure,
45 including the period of time from the issue of an initial tuition assistance
46 award to the time of achieving licensure.

47 (3) The number of recipients who remained employed in the local school
48 administrative unit after achieving teacher licensure.

49 (h) State Report. – No later than December 1 of each year funds are awarded pursuant to
50 the Program, the Department of Public Instruction shall aggregate the information provided

1 pursuant to subsection (d) of this section and report that information to the Joint Legislative
2 Education Oversight Committee."

3 **SECTION 7.44.(b)** Section 8.29 of S.L. 2016-94, as amended by Section 7.20 of
4 S.L. 2017-57, Section 6(m) of S.L. 2017-189, and Section 7.21 of S.L. 2018-5, is repealed.

5 **SECTION 7.44.(c)** This section applies beginning with the 2023-2024 school year.
6

7 **ECONOMICALLY DISADVANTAGED PUBLIC SCHOOL SUPPORT FUNDS**

8 **SECTION 7.45.** Part 2 of Article 8B of Chapter 115C of the General Statutes is
9 amended by adding a new section to read:

10 **"§ 115C-105.34. Economically disadvantaged public school support funds.**

11 (a) For purposes of this section, the following definitions shall apply:

12 (1) Curriculum. – Materials or programs related to courses offered by an
13 economically disadvantaged public school.

14 (2) Economically disadvantaged public school. – A school in a local school
15 administrative unit or a charter school with a student population that is
16 composed of at least eighty percent (80%) of students identified by the
17 Department of Public Instruction as economically disadvantaged students.

18 (3) Eligible employee. – Any full-time or part-time employee of a qualifying
19 economically disadvantaged public school.

20 (4) Qualifying economically disadvantaged public school. – An economically
21 disadvantaged public school that exceeded expected growth in the prior school
22 year, as determined by the State Board of Education pursuant to
23 G.S. 115C-83.15(c).

24 (b) The Department of Public Instruction shall establish the Economically Disadvantaged
25 Public Schools Support Program (Program) to provide funds to support the efforts of qualifying
26 economically disadvantaged public schools to continue to exceed growth in subsequent school
27 years. To the extent funds are provided to the Department for this purpose, the Department shall
28 allocate these funds annually to each governing body of an economically disadvantaged public
29 school based on the relative proportion of students in each qualifying economically
30 disadvantaged public school governed by that body. The governing body shall allocate those
31 funds to each qualifying economically disadvantaged public school based on the relative
32 proportion of students in each school. The funds shall be used for curriculum, activities necessary
33 to support students and instructional support personnel, and bonuses and retention programs for
34 eligible employees, in the discretion of the governing body of the charter school or the school in
35 the local school administrative unit, as appropriate.

36 (c) It is the intent of the General Assembly that funds provided pursuant to this section
37 will supplement and not supplant local funds."
38

39 **TEACHER ASSISTANT COMPLETION GRANTS PROGRAM**

40 **SECTION 7.46.(a)** Definition. – For purposes of this section, the term "qualifying
41 teacher assistant" shall refer to a person employed as a teacher assistant in a public school unit
42 who has successfully completed an educator preparation program after the effective date of this
43 act.

44 **SECTION 7.46.(b)** Program; Purpose. – Of the funds appropriated in this act from
45 the ARPA Temporary Savings Fund to the Department of Public Instruction for the 2023-2025
46 fiscal biennium, the Department of Public Instruction shall establish the Teacher Assistant
47 Completion Grant Program (Program) for the 2023-2025 fiscal biennium. The purpose of the
48 Program is to provide grants to public school units to be allocated to qualifying teacher assistants
49 in each year of the 2023-2025 fiscal biennium.

50 **SECTION 7.46.(c)** Applications and Awards. – Public school units with qualifying
51 teacher assistants may apply to the Department of Public Instruction to receive funds for grants

1 for qualifying teacher assistants employed in the unit. The Department shall prorate the award of
 2 funds to public school units based on the number of qualifying teacher assistants in the unit.
 3 Public school units shall award grants in each fiscal year in equal amounts to each qualifying
 4 teacher assistant employed in the unit. A qualifying teacher assistant who receives a grant
 5 pursuant to the Program in the 2023-2024 fiscal year shall not be eligible for an additional grant
 6 in the 2024-2025 fiscal year.

7 **SECTION 7.46.(d)** Report. – No later than December 15 of each year that funds are
 8 awarded under the Program, the Department shall report to the Joint Legislative Education
 9 Oversight Committee on the impact of the Program, including at least the following:

- 10 (1) The identity of public school units receiving grants and the amounts allocated
 11 to each unit under the Program.
- 12 (2) Grant amounts awarded to qualifying teacher assistants in the State and in
 13 each public school unit.
- 14 (3) The impact of the Program on the performance and retention of qualifying
 15 teacher assistants.

17 **REVISE SCHOOL TRANSPORTATION FUNDS REQUIREMENTS**

18 **SECTION 7.47.** G.S. 115C-240(e) reads as rewritten:

19 "(e) The State Board of Education shall allocate to the respective local boards of education
 20 funds appropriated from time to time by the General Assembly for the purpose of providing
 21 transportation to the pupils enrolled in the public schools within this State. Such funds shall be
 22 allocated by the State Board of Education ~~in accordance with~~ based on the efficiency of the local
 23 school administrative units in transporting pupils. The efficiency of the units shall be calculated
 24 using the number of pupils to be transported, the length of bus routes, road conditions and all
 25 other circumstances affecting the cost of the transportation of pupils by school bus to the end that
 26 the funds so appropriated may be allocated on a fair and equitable basis, according to the needs
 27 of the respective local school administrative units and so as to provide the most efficient use of
 28 such funds. ~~units. Such allocation shall be made by the State Board of Education at the beginning~~
 29 ~~of each fiscal year, except that the year, based on the most recently available data from a prior~~
 30 ~~school year. The State Board may reserve for future allocation from time to time within such~~
 31 ~~fiscal year as the need therefor shall be found to exist, a reasonable amount not to exceed ten~~
 32 ~~percent (10%)~~ five percent (5%) of the total funds available for transportation in such fiscal year
 33 from such appropriation. Prior to May 1 of the fiscal year in which the funds are reserved, the
 34 reserved funds shall be allocated only in the event of an emergency need of a local school
 35 administrative unit. In the event reserved funds remain by May 1 of that fiscal year, the State
 36 Board shall allocate the remaining funds to all local school administrative units based on the
 37 efficiency of the units in transporting pupils. If there is evidence of inequitable or inefficient use
 38 of funds, the State Board of Education shall be empowered to review school bus routes
 39 established by local boards pursuant to G.S. 115C-246 as well as other factors affecting the cost
 40 of the transportation of pupils by school bus."

42 **TWELFTH GRADE TRANSITION PROGRAM/SCHOLARPATH**

43 **SECTION 7.48.** Of funds appropriated in this act from the ARPA Temporary
 44 Savings Fund to the Department of Public Instruction, the Department shall use up to two million
 45 five hundred thousand dollars (\$2,500,000) in nonrecurring funds for each year of the 2023-2025
 46 fiscal biennium to contract with MyScholar, LLC, to use the ScholarPath platform to create the
 47 Twelfth Grade Transition Program for all high school students. The Program shall consist of an
 48 education planning and communication platform that helps students and parents prepare for
 49 transition to twelfth grade, regardless of public school unit participation. The platform shall
 50 utilize O*NET data and additional student surveys to connect and match students to pathways
 51 that meet the interests of the students, current workforce initiatives, and opportunities in

1 high-demand careers. The platform shall give students the ability to be connected to colleges, the
 2 workforce, and the military, while protecting student data through de-individualized and
 3 encrypted methods. The platform shall be accessible by single sign-on through any North
 4 Carolina school-provided email. The data collected shall be able to be housed in the State and
 5 shall be used to help identify the workforce needs in the State. MyScholar, LLC, shall provide
 6 requested information to the Economic Development Partnership of North Carolina, Department
 7 of Labor, and the Department of Public Instruction.

8
 9 **PART VII-A. COMPENSATION OF PUBLIC SCHOOL EMPLOYEES**

10
 11 **TEACHER SALARY SCHEDULE**

12 **SECTION 7A.1.(a)** The following monthly teacher salary schedule shall apply for
 13 the 2023-2024 fiscal year to licensed personnel of the public schools who are classified as
 14 teachers. The salary schedule is based on years of teaching experience.

15 **2023-2024 Teacher Monthly Salary Schedule**

16 Years of Experience	17 "A" Teachers
18 0	\$3,857
19 1	\$3,962
20 2	\$4,066
21 3	\$4,170
22 4	\$4,274
23 5	\$4,379
24 6	\$4,483
25 7	\$4,587
26 8	\$4,691
27 9	\$4,796
28 10	\$4,900
29 11	\$5,004
30 12	\$5,108
31 13	\$5,213
32 14	\$5,317
33 15-24	\$5,421
34 25+	\$5,630

35 **SECTION 7A.1.(b)** Salary Supplements for Teachers Paid on This Salary Schedule.

- 36 (1) Licensed teachers who have NBPTS certification shall receive a salary
 37 supplement each month of twelve percent (12%) of their monthly salary on
 38 the "A" salary schedule.
- 39 (2) Licensed teachers who are classified as "M" teachers shall receive a salary
 40 supplement each month of ten percent (10%) of their monthly salary on the
 41 "A" salary schedule.
- 42 (3) Licensed teachers with licensure based on academic preparation at the
 43 six-year degree level shall receive a salary supplement of one hundred
 44 twenty-six dollars (\$126.00) per month in addition to the supplement provided
 45 to them as "M" teachers.
- 46 (4) Licensed teachers with licensure based on academic preparation at the
 47 doctoral degree level shall receive a salary supplement of two hundred
 48 fifty-three dollars (\$253.00) per month in addition to the supplement provided
 49 to them as "M" teachers.
- 50 (5) Certified school nurses shall receive a salary supplement each month of ten
 51 percent (10%) of their monthly salary on the "A" salary schedule.

- 1 (6) School counselors who are licensed as counselors at the master's degree level
2 or higher shall receive a salary supplement each month of one hundred dollars
3 (\$100.00).

4 **SECTION 7A.1.(c)** For school psychologists, school speech pathologists who are
5 licensed as speech pathologists at the master's degree level or higher, and school audiologists
6 who are licensed as audiologists at the master's degree level or higher, the following shall apply:

- 7 (1) The first step of the salary schedule shall be equivalent to the sixth step of the
8 "A" salary schedule.
9 (2) These employees shall receive the following salary supplements each month:
10 a. Ten percent (10%) of their monthly salary, excluding the supplement
11 provided pursuant to sub-subdivision b. of this subdivision.
12 b. Three hundred fifty dollars (\$350.00).
13 (3) These employees are eligible to receive salary supplements equivalent to those
14 of teachers for academic preparation at the six-year degree level or the
15 doctoral degree level.
16 (4) The twenty-sixth step of the salary schedule shall be seven and one-half
17 percent (7.5%) higher than the salary received by these same employees on
18 the twenty-fifth step of the salary schedule.

19 **SECTION 7A.1.(d)** Beginning with the 2014-2015 fiscal year, in lieu of providing
20 annual longevity payments to teachers paid on the teacher salary schedule, the amounts of those
21 longevity payments are included in the monthly amounts under the teacher salary schedule.

22 **SECTION 7A.1.(e)** A teacher compensated in accordance with this salary schedule
23 for the 2023-2024 school year shall receive an amount equal to the greater of the following:

- 24 (1) The applicable amount on the salary schedule for the applicable school year.
25 (2) For teachers who were eligible for longevity for the 2013-2014 school year,
26 the sum of the following:
27 a. The salary the teacher received in the 2013-2014 school year pursuant
28 to Section 35.11 of S.L. 2013-360.
29 b. The longevity that the teacher would have received under the longevity
30 system in effect for the 2013-2014 school year provided in Section
31 35.11 of S.L. 2013-360 based on the teacher's current years of service.
32 c. The annual bonus provided in Section 9.1(e) of S.L. 2014-100.
33 (3) For teachers who were not eligible for longevity for the 2013-2014 school
34 year, the sum of the salary and annual bonus the teacher received in the
35 2014-2015 school year pursuant to Section 9.1 of S.L. 2014-100.

36 **SECTION 7A.1.(f)** As used in this section, the term "teacher" shall also include
37 instructional support personnel.
38

39 **REINSTATE EDUCATION-BASED SALARY SUPPLEMENTS FOR TEACHERS AND** 40 **INSTRUCTIONAL SUPPORT PERSONNEL**

41 **SECTION 7A.2.(a)** G.S. 115C-302.10 is repealed.

42 **SECTION 7A.2.(b)** Notwithstanding any other provision of law, for the 2023-2024
43 fiscal year, State Board of Education policy TCP-A-006, as it was in effect on June 30, 2013,
44 shall be used to determine (i) whether teachers and instructional support personnel are paid on
45 the "M" salary schedule and (ii) whether they receive a salary supplement for academic
46 preparation at the six-year or doctoral degree level.
47

48 **CONSOLIDATED TEACHER BONUS PROGRAM**

49 **SECTION 7A.3.(a)** Establish Consolidated Bonus Program. – The State Board of
50 Education shall establish a consolidated teacher bonus program for the 2023-2025 fiscal
51 biennium to reward teacher performance and encourage student learning and improvement. To

1 attain this goal, the Department of Public Instruction shall administer bonus pay to qualifying
2 teachers whose salaries are supported from State funds in January of 2024 and 2025, based on
3 data from the 2022-2023 and 2023-2024 school years, respectively, in accordance with this
4 section.

5 **SECTION 7A.3.(b)** Definitions. – For purposes of this section, the following
6 definitions shall apply:

7 (1) Eligible advanced course teacher. – A teacher of Advanced Placement
8 courses, International Baccalaureate Diploma Programme courses, or the
9 Cambridge Advanced International Certificate of Education (AICE) program
10 who meets the following criteria:

11 a. Is employed by, or retired having last held a position at, one or more
12 of the following:

- 13 1. A qualifying public school unit.
- 14 2. The North Carolina Virtual Public School program.

15 b. Taught one or more students who received a score listed in subsection
16 (c) of this section.

17 (2) Eligible career and technical education (CTE) teacher. – A teacher who meets
18 the following criteria:

19 a. Is employed by, or retired having last held a position at, a qualifying
20 public school unit.

21 b. Taught one or more students who attained approved industry
22 certifications or credentials consistent with G.S. 115C-156.2.

23 (3) Eligible growth teacher. – A teacher who meets at least one of the following
24 criteria:

25 a. Is employed by, or retired having last held a position at, a qualifying
26 public school unit and meets one of the following criteria:

- 27 1. Is in the top twenty-five percent (25%) of teachers in the State
28 according to the EVAAS student growth index score for third
29 grade reading from the previous school year.
- 30 2. Is in the top twenty-five percent (25%) of teachers in the State
31 according to the EVAAS student growth index score for fourth
32 or fifth grade reading from the previous school year.
- 33 3. Is in the top twenty-five percent (25%) of teachers in the State
34 according to the EVAAS student growth index score for fourth,
35 fifth, sixth, seventh, or eighth grade mathematics from the
36 previous school year.

37 b. Is employed by, or retired having last held a position at, a local school
38 administrative unit and meets one of the following criteria:

- 39 1. Is in the top twenty-five percent (25%) of teachers in the
40 teacher's respective local school administrative unit according
41 to the EVAAS student growth index score for third grade
42 reading from the previous school year.
- 43 2. Is in the top twenty-five percent (25%) of teachers in the
44 teacher's respective local school administrative unit according
45 to the EVAAS student growth index score for fourth or fifth
46 grade reading from the previous school year.
- 47 3. Is in the top twenty-five percent (25%) of teachers in the
48 teacher's respective local school administrative unit according
49 to the EVAAS student growth index score for fourth, fifth,
50 sixth, seventh, or eighth grade mathematics from the previous
51 school year.

- 1 c. Was employed by a local school administrative unit that employed in
 2 the previous school year three or fewer total teachers in that teacher's
 3 grade level as long as the teacher has an EVAAS student growth index
 4 score from the previous school year of exceeded expected growth in
 5 one of the following subject areas:
 6 1. Third grade reading.
 7 2. Fourth or fifth grade reading.
 8 3. Fourth, fifth, sixth, seventh, or eighth grade mathematics.
- 9 (4) EVAAS. – The Education Value-Added Assessment System.
- 10 (5) Qualifying public school unit. – Any of the following:
 11 a. A local school administrative unit.
 12 b. A charter school.
 13 c. A regional school.
 14 d. A school providing elementary or secondary instruction operated by
 15 The University of North Carolina under Article 29A of Chapter 116 of
 16 the General Statutes.
- 17 (6) Qualifying teacher. – An eligible teacher who meets one of the following
 18 criteria:
 19 a. Remains employed teaching in the same qualifying public school unit,
 20 or, if an eligible advanced course teacher is only employed by the
 21 North Carolina Virtual Public School program, remains employed
 22 teaching in that program, at least from the school year the data is
 23 collected until January 1 of the corresponding school year that the
 24 bonus is paid.
 25 b. Retired, between the last day of the school year in which the data is
 26 collected and January 1 of the corresponding school year in which the
 27 bonus is paid, after attaining one of the following:
 28 1. The age of at least 65 with five years of creditable service.
 29 2. The age of at least 60 with 25 years of creditable service.
 30 3. Thirty years of creditable service.

31 **SECTION 7A.3.(c) Advanced Course Bonuses.** – A bonus in the amount of fifty
 32 dollars (\$50.00) shall be provided to qualifying advanced course teachers for each student taught
 33 in each advanced course who receives the following score:

- 34 (1) For Advanced Placement courses, a score of three or higher on the College
 35 Board Advanced Placement Examination.
 36 (2) For International Baccalaureate Diploma Programme courses, a score of four
 37 or higher on the International Baccalaureate course examination.
 38 (3) For the Cambridge AICE program, a score of "C" or higher on the Cambridge
 39 AICE program examinations.

40 **SECTION 7A.3.(d) CTE Bonuses.** – For qualifying career and technical education
 41 teachers, bonuses shall be provided in the following amounts:

- 42 (1) A bonus in the amount of twenty-five dollars (\$25.00) for each student taught
 43 by a teacher who provided instruction in a course that led to the attainment of
 44 an industry certification or credential with a twenty-five dollar (\$25.00) value
 45 ranking as determined under subsection (e) of this section.
 46 (2) A bonus in the amount of fifty dollars (\$50.00) for each student taught by a
 47 teacher who provided instruction in a course that led to the attainment of an
 48 industry certification or credential with a fifty dollar (\$50.00) value ranking
 49 as determined under subsection (e) of this section.

50 **SECTION 7A.3.(e) CTE Course Value Ranking.** – The Department of Commerce,
 51 in consultation with the State Board, shall assign a value ranking for each industry certification

1 and credential based on academic rigor and employment value in accordance with this subsection.
2 Fifty percent (50%) of the ranking shall be based on academic rigor and the remaining fifty
3 percent (50%) on employment value. Academic rigor and employment value shall be based on
4 the following elements:

- 5 (1) Academic rigor shall be based on the number of instructional hours, including
6 work experience or internship hours, required to earn the industry certification
7 or credential, with extra weight given for coursework that also provides
8 community college credit.
- 9 (2) Employment value shall be based on the entry wage, growth rate in
10 employment for each occupational category, and average annual openings for
11 the primary occupation linked with the industry certification or credential.

12 **SECTION 7A.3.(f) Statewide Growth Bonuses.** – Of the funds appropriated in this
13 act for the program, bonuses shall be provided to qualifying teachers who are eligible teachers
14 under sub-subdivision a. of subdivision (3) of subsection (b) of this section, as follows:

- 15 (1) The sum of five million dollars (\$5,000,000) shall be allocated for bonuses to
16 eligible teachers under sub-sub-subdivision a.1. of subdivision (3) of
17 subsection (b) of this section. These funds shall be distributed equally among
18 qualifying teachers.
- 19 (2) A bonus in the amount of two thousand dollars (\$2,000) shall be awarded to
20 each qualifying teacher who is an eligible teacher under sub-sub-subdivision
21 a.2. of subdivision (3) of subsection (b) of this section.
- 22 (3) A bonus in the amount of two thousand dollars (\$2,000) shall be awarded to
23 each qualifying teacher who is an eligible teacher under sub-sub-subdivision
24 a.3. of subdivision (3) of subsection (b) of this section.

25 **SECTION 7A.3.(g) Local Growth Bonuses.** – Of the funds appropriated in this act
26 for the program, bonuses shall be provided to eligible teachers under sub-subdivisions b. and c.
27 of subdivision (3) of subsection (b) of this section, as follows:

- 28 (1) The sum of five million dollars (\$5,000,000) shall be allocated for bonuses to
29 eligible EVAAS teachers under sub-sub-subdivisions b.1. and c.1. of
30 subdivision (3) of subsection (b) of this section. These funds shall be divided
31 proportionally based on average daily membership in third grade for each
32 local school administrative unit and then distributed equally among qualifying
33 third grade reading teachers in each local school administrative unit.
- 34 (2) A bonus in the amount of two thousand dollars (\$2,000) shall be awarded to
35 each qualifying teacher who is an eligible teacher under sub-sub-subdivision
36 b.2. or c.2. of subdivision (3) of subsection (b) of this section.
- 37 (3) A bonus in the amount of two thousand dollars (\$2,000) shall be awarded to
38 each qualifying teacher who is an eligible teacher under sub-sub-subdivision
39 b.3. or c.3. of subdivision (3) of subsection (b) of this section.

40 **SECTION 7A.3.(h) Limitations and Other Criteria.** – The following additional
41 limitations and other criteria shall apply to the program:

- 42 (1) Bonus funds awarded to a teacher pursuant to subsection (c), subsection (d),
43 subdivision (1) of subsection (f), and subdivision (1) of subsection (g) of this
44 section shall not exceed three thousand five hundred dollars (\$3,500) per
45 subsection or subdivision in any given school year.
- 46 (2) A qualifying teacher who is an eligible teacher under sub-sub-subdivision a.1.,
47 b.1., or c.1. of subdivision (3) of subsection (b) of this section may receive a
48 bonus under both subdivision (1) of subsection (f) and subdivision (1) of
49 subsection (g) of this section but shall not receive more than seven thousand
50 dollars (\$7,000) pursuant to subdivision (1) of subsection (f) and subdivision
51 (1) of subsection (g) of this section in any given school year.

1 (3) A qualifying teacher who is an eligible teacher under sub-sub-subdivision a.2.,
2 b.2., or c.2. of subdivision (3) of subsection (b) of this section may receive a
3 bonus under both subdivision (2) of subsection (f) and subdivision (2) of
4 subsection (g) of this section but shall not receive more than two bonuses
5 pursuant to subdivision (2) of subsection (f) and subdivision (2) of subsection
6 (g) of this section in any given school year.

7 (4) A qualifying teacher who is an eligible teacher under sub-sub-subdivision a.3.,
8 b.3., or c.3. of subdivision (3) of subsection (b) of this section may receive a
9 bonus under both subdivision (3) of subsection (f) and subdivision (3) of
10 subsection (g) of this section but shall not receive more than two bonuses
11 pursuant to subdivision (3) of subsection (f) and subdivision (3) of subsection
12 (g) of this section in any given school year.

13 **SECTION 7A.3.(i) Bonuses Not Compensation.** – Bonuses awarded to a teacher
14 pursuant to this section shall be in addition to any regular wage or other bonus the teacher receives
15 or is scheduled to receive. Notwithstanding G.S. 135-1(7a), the bonuses awarded under this
16 section are not compensation under Article 1 of Chapter 135 of the General Statutes, Retirement
17 System for Teachers and State Employees.

18 **SECTION 7A.3.(j) Study and Report.** – The State Board of Education shall study
19 the effect of the program on teacher performance and retention. The State Board shall report the
20 results of its findings and the amount of bonuses awarded to the President Pro Tempore of the
21 Senate, the Speaker of the House of Representatives, the Joint Legislative Education Oversight
22 Committee, and the Fiscal Research Division by March 15 of each year of the 2023-2025 fiscal
23 biennium. The report shall include, at a minimum, the following information:

- 24 (1) Number of students enrolled and taking examinations in each of the following
25 categories of courses:
26 a. Advanced Placement.
27 b. International Baccalaureate Diploma Programme.
28 c. Cambridge AICE program.
29 d. Courses needed for the attainment of an industry certification or
30 credential.
- 31 (2) Number of students receiving outcomes on examinations resulting in the
32 award of a bonus for a teacher in each category of courses identified in
33 sub-subdivision a. of subdivision (1) of this subsection.
- 34 (3) Number of teachers receiving a bonus in each category of courses identified
35 in sub-subdivision a. of subdivision (1) of this subsection.
- 36 (4) The amounts awarded to teachers for each category of courses identified in
37 sub-subdivision a. of subdivision (1) of this subsection.
- 38 (5) The type of industry certifications and credentials earned by the students, the
39 value ranking for each certification and credential, the number of bonuses
40 earned for each certification or credential, and the total bonus amount awarded
41 for each certification or credential.
- 42 (6) Average bonus amount awarded to each qualifying teacher who is an eligible
43 teacher under sub-sub-subdivision a.1., b.1., or c.1. of subdivision (3) of
44 subsection (b) of this section.
- 45 (7) The percentage of teachers who received a bonus pursuant to this section and
46 were eligible to receive a bonus for teaching in the same grade level or course
47 in January 2022 or January 2023, or both, where applicable, pursuant to one
48 of the following programs:
49 a. The Advanced Course and CTE Bonus Program provided in Section
50 7A.4 of S.L. 2021-180.

- 1 b. The Growth-Based Teacher Bonus Program provided in Section 7A.2
2 of S.L. of 2022-74.
- 3 (8) The percentage of teachers who received a bonus pursuant to this section and
4 received a bonus for teaching in the same grade level or course in either
5 January 2022 or January 2023 pursuant to one of the programs listed in
6 subdivision (7) of this subsection.
- 7 (9) The percentage of teachers who received a bonus pursuant to this section and
8 received a bonus for teaching in the same grade level or course in January
9 2022 or January 2023, or both, where applicable, pursuant to one of the
10 programs listed subdivision (7) of this subsection.
- 11 (10) The statistical relationship between a teacher receiving a bonus in January
12 2024 or 2025 pursuant to this section and receiving a bonus pursuant to a
13 predecessor bonus program. For purposes of this subdivision, the following
14 are predecessor programs:
- 15 a. Bonuses awarded pursuant to Section 7A.4(c) of S.L. 2021-180 are
16 predecessors to bonuses awarded pursuant to subsection (c) of this
17 section.
- 18 b. Bonuses awarded pursuant to Section 7A.4(d) of S.L. 2021-180 are
19 predecessors to bonuses awarded pursuant to subsection (d) of this
20 section.
- 21 c. Bonuses awarded pursuant to subdivision (1) of subsection (c) and
22 subdivision (1) of subsection (d) of Section 7A.2 of S.L. 2022-74 are
23 predecessors to bonuses awarded pursuant to subdivision (1) of
24 subsection (f) and subdivision (1) of subsection (g) of this section.
- 25 d. Bonuses awarded pursuant to subdivision (2) of subsection (c) and
26 subdivision (2) of subsection (d) of Section 7A.2 of S.L. 2022-74 are
27 predecessors to bonuses awarded pursuant to subdivision (2) of
28 subsection (f) and subdivision (2) of subsection (g) of this section.
- 29 e. Bonuses awarded pursuant to subdivision (c)(3) and subdivision (d)(3)
30 of Section 7A.2 of S.L. 2022-74 are predecessors to bonuses awarded
31 pursuant to subdivision (3) of subsection (f) and subdivision (3) of
32 subsection (g) of this section.
- 33 (11) The distribution of statewide and local growth bonuses awarded pursuant to
34 this section as among qualifying public school units and, where applicable,
35 schools within those units.

37 SUPPLEMENTAL FUNDS FOR TEACHER COMPENSATION

38 **SECTION 7A.4.(a)** Use of Funds. – For each year of the 2023-2025 fiscal biennium,
39 except as provided in subsection (f) of this section, the State Board of Education shall allocate
40 funds pursuant to this section to eligible local school administrative units to provide salary
41 supplements to teachers and qualifying school administrators in those units. Allocation of salary
42 supplements among teachers and qualifying school administrators within each eligible local
43 school administrative unit, including whether a teacher or qualifying school administrator
44 receives a salary supplement and the amount of the supplement provided to that person, shall be
45 determined in the discretion of the local board of education of the eligible unit, except that no
46 individual salary supplement shall exceed the per-teacher funding amount awarded to that unit
47 pursuant to subdivision (4) of subsection (c) of this section.

48 **SECTION 7A.4.(b)** Definitions. – As used in this section, the following definitions
49 shall apply:

- 50 (1) Adjusted market value of taxable real property. – A county's assessed taxable
51 real property value, using the latest available data published by the

1 Department of Revenue, divided by the county's sales assessment ratio
2 determined under G.S. 105-289(h).

- 3 (2) County allocation factor. – For each eligible county, the supplement factor for
4 that county divided by the sum of all supplement factors for the State.
- 5 (3) Eligible county. – A county that has an adjusted market value of taxable real
6 property of less than forty-three billion seven hundred million dollars
7 (\$43,700,000,000).
- 8 (4) Eligible local school administrative unit. – A local school administrative unit
9 located in whole or in part in an eligible county.
- 10 (5) Eligible school. – A public school that is located in an eligible county and
11 governed by a local school administrative unit.
- 12 (6) Qualifying school administrator. – Any of the following:
13 a. Assistant principals paid pursuant to G.S. 115C-285(a)(8).
14 b. Principals paid pursuant to G.S. 115C-285(a)(8a).
- 15 (7) Supplement factor. – For each eligible county, the taxable real property factor
16 multiplied by the number of State-funded teachers employed in a school in the
17 county that is governed by a local school administrative unit.
- 18 (8) Taxable real property factor. – For each eligible county, the median adjusted
19 market value of taxable real property in the State divided by the adjusted
20 market value of taxable real property for that county.
- 21 (9) Teacher. – Teachers and instructional support personnel.

22 **SECTION 7A.4.(c)** Allocation of Funds. – The State Board of Education shall
23 allocate funds for salary supplements to eligible local school administrative units according to
24 the following procedure:

- 25 (1) County allocation. – For each eligible county, the State Board shall determine
26 a county allocation by multiplying the county allocation factor for that county
27 by the funding amount appropriated pursuant to this section for the applicable
28 fiscal year.
- 29 (2) Per-teacher funding amount. – For each eligible county, the State Board shall
30 determine a per-teacher funding amount by dividing the county allocation
31 amounts determined pursuant to subdivision (1) of this subsection by the total
32 number of State-funded teachers employed in all eligible schools in that
33 county.
- 34 (3) Unit funding amount. – For each eligible local school administrative unit, the
35 State Board shall determine the funding amount for that unit based on the
36 per-teacher funding amount or amounts for the eligible county or counties
37 where the unit is located. For each county with an eligible school governed by
38 the unit, the State Board shall multiply the applicable per-teacher funding
39 amount for that county determined pursuant to subdivision (2) of this
40 subsection by the number of State-funded teachers employed in the eligible
41 school in that county. If the unit is located in multiple eligible counties, the
42 State Board shall aggregate those amounts.
- 43 (4) Allocation and funding cap. – The State Board shall allocate the amount
44 determined pursuant to subdivision (3) of this subsection to each eligible local
45 school administrative unit for each applicable fiscal year, up to a maximum of
46 five thousand dollars (\$5,000) per State-funded teacher.

47 **SECTION 7A.4.(d)** Charter Schools. – Funds appropriated to the Department of
48 Public Instruction pursuant to this section shall be subject to the allocation of funds for charter
49 schools described in G.S. 115C-218.105. The General Assembly encourages charter schools
50 receiving funds pursuant to this section to provide salary supplements to teachers and qualifying
51 school administrators in the charter school in accordance with the requirements of this section.

1 **SECTION 7A.4.(e)** Formula for Distribution of Supplemental Funding Pursuant to
2 This Section Only. – The formula in this section is solely a basis for distribution of supplemental
3 funding to eligible local school administrative units and is not intended to reflect any measure of
4 the adequacy of the educational program or funding for public schools. The formula is also not
5 intended to reflect any commitment by the General Assembly to appropriate any additional
6 supplemental funds for eligible local school administrative units.

7 **SECTION 7A.4.(f)** Nonsupplant Requirement. – A local school administrative unit
8 that receives funds under this section shall use the funds to supplement and not supplant non-State
9 funds provided for salary supplements for teachers and qualifying school administrators. The
10 State Board of Education shall not allocate any funds under this section to a local school
11 administrative unit if the State Board finds that the unit has reduced the average salary
12 supplement the unit provided to teachers or qualifying school administrators from non-State
13 funds in the prior school year, or the year for which the most recent data are available, as a result
14 of funding provided pursuant to this section or Section 7A.12 of S.L. 2021-180, as follows:

- 15 (1) For the 2023-2024 fiscal year, if all of the following criteria apply:
16 a. The amount of non-State funds expended for salary supplements from
17 the total State and non-State funds expended for salaries for the
18 2021-2022 fiscal year was less than ninety-five percent (95%) of the
19 amount of non-State funds expended for salary supplements from total
20 State and non-State funds in the prior fiscal year.
21 b. The local school administrative unit cannot show (i) that it has
22 remedied the deficiency in funding or (ii) that extraordinary
23 circumstances caused the unit to supplant non-State funds with funds
24 allocated under Section 7A.12 of S.L. 2021-180.
25 (2) For the 2024-2025 fiscal year, if the amount of non-State funds expended for
26 salary supplements from the total State and non-State funds expended for
27 salaries for the 2022-2023 fiscal year was less than ninety-five percent (95%)
28 of the amount of non-State funds expended for salary supplements from total
29 State and non-State funds in the prior fiscal year.

30 **SECTION 7A.4.(g)** Hold Harmless. – For each year of the 2023-2025 fiscal
31 biennium, a local school administrative unit that is eligible to receive funds under this section
32 shall receive an amount equal to the greater of the following:

- 33 (1) The applicable amount under this section for the applicable fiscal year.
34 (2) The amount the local school administrative unit received in the 2022-2023
35 fiscal year pursuant to Section 7A.12 of S.L. 2021-180, as amended by Section
36 7A.9 of S.L. 2022-74.

37 **SECTION 7A.4.(h)** Reports. – No later than April 15 of each year of the 2023-2025
38 fiscal biennium, the State Board of Education shall report the following information for the
39 applicable fiscal year to the Joint Legislative Education Oversight Committee, the Senate
40 Appropriations Committee on Education/Higher Education, the House Appropriations
41 Committee on Education, and the Fiscal Research Division:

- 42 (1) A list of all eligible counties and eligible local school administrative units.
43 (2) Funds allocated to each eligible local school administrative unit.
44 (3) The percentage and amount of teachers and qualifying school administrators
45 in each eligible local school administrative unit receiving salary supplements.
46 (4) The average salary supplement amount in each eligible local school
47 administrative unit.
48 (5) The range of salary supplement amounts in each eligible local school
49 administrative unit.
50 (6) The effect of the salary supplements on the retention of teachers and
51 qualifying school administrators in eligible local school administrative units.

(7) The identity of any local school administrative unit that the State Board determines has supplanted funds.

SMALL COUNTY AND LOW-WEALTH SIGNING BONUS FOR TEACHERS

SECTION 7A.5.(a) Article 20 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-302.8. Small county and low-wealth signing bonus.

(a) Definitions. – For purposes of this section, the following definitions shall apply:

(1) Eligible employee. – A person who meets all of the following criteria:

- a. Accepts employment as a teacher with an eligible employer.
- b. Was not employed by the eligible employer identified in sub-subdivision a. of this subdivision in the prior fiscal year.
- c. Is employed by the eligible employer identified in sub-subdivision a. of this subdivision as of October 1 of the school year for which the teacher accepts employment.

(2) Eligible employer. – The governing board of a local school administrative unit that receives at least one of the following in the year in which the teacher accepts employment pursuant to sub-subdivision c. of subdivision (1) of this subsection:

- a. Small county school system supplemental funding.
- b. Supplemental funding for local school administrative units in low-wealth counties.

(3) Local funds. – Matching funds provided by an eligible employer to enable an eligible employee to qualify for the signing bonus program established by this section.

(4) Teacher. – Teachers and instructional support personnel.

(b) Signing Bonus Program. – To the extent funds are provided for this purpose, the Department of Public Instruction shall establish and administer a signing bonus program for teachers. Signing bonuses shall be provided each school year to all eligible employees who are employed by an eligible employer as long as they are matched on the basis of one dollar (\$1.00) in State funds for every one dollar (\$1.00) in local funds, up to one thousand dollars (\$1,000) in State funds.

(c) Limited Exclusion from Future Signing Bonuses. – A teacher who receives a signing bonus pursuant to this section is ineligible to receive another signing bonus pursuant to this section or a similar enactment of the General Assembly for at least two full school years. This section shall not apply to any legislatively mandated bonuses received by teachers that are not signing bonuses.

(d) Bonuses as Additions. – The bonuses awarded pursuant to this section shall be in addition to any regular wage or other bonus a teacher receives or is scheduled to receive.

(e) Not for Retirement. – Notwithstanding G.S. 135-1(7a), the bonuses awarded pursuant to this section are not compensation under Article 1 of Chapter 135 of the General Statutes, Retirement System for Teachers and State Employees."

SECTION 7A.5.(b) This section applies beginning with eligible employees who accept employment as a teacher with an eligible employer for the 2023-2024 school year.

PRINCIPAL SALARY SCHEDULE

SECTION 7A.6.(a) The following annual salary schedule for principals shall apply for the 2023-2024 fiscal year, beginning July 1, 2023:

2023-2024 Principal Annual Salary Schedule

Avg. Daily Membership	Base	Met Growth	Exceeded Growth
0-200	\$75,707	\$83,278	\$90,849

1	201-400	\$79,493	\$87,442	\$95,391
2	401-700	\$83,278	\$91,606	\$99,934
3	701-1,000	\$87,063	\$95,769	\$104,476
4	1,001-1,600	\$90,849	\$99,934	\$109,018
5	1,601+	\$94,634	\$104,098	\$113,561

6 A principal's placement on the salary schedule shall be determined according to the
7 average daily membership of the school supervised by the principal, as described in subsection
8 (b) of this section, and the school growth scores, calculated pursuant to G.S. 115C-83.15(c), for
9 each school the principal supervised in one or more prior school years, as described in subsection
10 (c) of this section, regardless of a break in service, and provided the principal supervised each
11 school as a principal for at least a majority of the school year, as follows:

12 (1) A principal shall be paid according to the Exceeded Growth column of the
13 schedule as follows:

- 14 a. Between July 1, 2023, and December 31, 2023, if the school growth
15 score shows the school exceeded expected growth.
- 16 b. Between January 1, 2024, and June 30, 2024, if the higher school
17 growth score in one of the two prior school years shows that the school
18 exceeded expected growth.

19 (2) A principal shall be paid according to the Met Growth column of the schedule
20 as follows:

- 21 a. Between July 1, 2023, and December 31, 2023, if the school growth
22 score shows the school met expected growth or the principal
23 supervised a school in the prior school year that was not eligible to
24 receive a school growth score.
- 25 b. Between January 1, 2024, and June 30, 2024, if any of the following
26 apply:
27 1. The higher school growth score in one of the two prior school
28 years shows that the school met expected growth.
29 2. The principal supervised a school in the two prior school years
30 that was not eligible to receive a school growth score.

31 (3) A principal shall be paid according to the Base column, as follows:

- 32 a. Between July 1, 2023, and December 31, 2023, if the school growth
33 score shows the school did not meet expected growth or the principal
34 has not supervised any school as a principal for a majority of the prior
35 school year.
- 36 b. Between January 1, 2024, and June 30, 2024, if any of the following
37 apply:
38 1. The school growth scores from the two prior school years show
39 that the school did not meet expected growth in both years.
40 2. The principal has not supervised any school as a principal for
41 a majority of the two prior school years.

42 **SECTION 7A.6.(b)** For purposes of determining the average daily membership of a
43 principal's school, the following amounts shall be used during the following time periods:

- 44 (1) Between July 1, 2023, and December 31, 2023, the average daily membership
45 for the school from the 2022-2023 school year. If the school did not have an
46 average daily membership in the 2022-2023 school year, the projected average
47 daily membership for the school for the 2023-2024 school year.
- 48 (2) Between January 1, 2023, and June 30, 2023, the average daily membership
49 for the school for the 2023-2024 school year.

1 **SECTION 7A.6.(c)** For purposes of determining the school growth scores for each
 2 school the principal supervised in one or more prior school years, the following school growth
 3 scores shall be used during the following time periods:

- 4 (1) Between July 1, 2023, and December 31, 2023, the school growth score from
 5 the 2021-2022 school year.
- 6 (2) Between January 1, 2023, and June 30, 2023, the school growth scores from
 7 the 2021-2022 and 2022-2023 school years.

8 **SECTION 7A.6.(d)** Beginning with the 2017-2018 fiscal year, in lieu of providing
 9 annual longevity payments to principals paid on the principal salary schedule, the amounts of
 10 those longevity payments are included in the annual amounts under the principal salary schedule.

11 **SECTION 7A.6.(e)** A principal compensated in accordance with this section for the
 12 2023-2024 fiscal year shall receive an amount equal to the greater of the following:

- 13 (1) The applicable amount on the salary schedule for the applicable year.
- 14 (2) For principals who were eligible for longevity in the 2016-2017 fiscal year,
 15 the sum of the following:
 - 16 a. The salary the principal received in the 2016-2017 fiscal year pursuant
 17 to Section 9.1 or Section 9.2 of S.L. 2016-94.
 - 18 b. The longevity that the principal would have received as provided for
 19 State employees under the North Carolina Human Resources Act for
 20 the 2016-2017 fiscal year based on the principal's current years of
 21 service.
- 22 (3) For principals who were not eligible for longevity in the 2016-2017 fiscal
 23 year, the salary the principal received in the 2016-2017 fiscal year pursuant to
 24 Section 9.1 or Section 9.2 of S.L. 2016-94.

25
 26 **BONUSES FOR PRINCIPALS**

27 **SECTION 7A.7.(a)** The Department of Public Instruction shall administer a bonus
 28 in the 2023-2024 fiscal year to any principal who supervised a school as a principal for a majority
 29 of the previous school year if that school was in the top fifty percent (50%) of school growth in
 30 the State during the previous school year, calculated by the State Board pursuant to
 31 G.S. 115C-83.15(c), as follows:

32 **2023-2024 Principal Bonus Schedule**

33 Statewide Growth Percentage	34 Bonus
35 Top 5%	\$15,000
36 Top 10%	\$10,000
37 Top 15%	\$5,000
38 Top 20%	\$2,500
39 Top 50%	\$1,000

40 A principal shall receive no more than one bonus pursuant to this subsection. The
 41 bonus shall be paid at the highest amount for which the principal qualifies.

42 **SECTION 7A.7.(b)** The bonus awarded pursuant to this section shall be in addition
 43 to any regular wage or other bonus the principal receives or is scheduled to receive.

44 **SECTION 7A.7.(c)** Notwithstanding G.S. 135-1(7a), the bonuses awarded pursuant
 45 to this section are not compensation under Article 1 of Chapter 135 of the General Statutes,
 46 Retirement System for Teachers and State Employees.

47 **SECTION 7A.7.(d)** It is the intent of the General Assembly that funds provided
 48 pursuant to this section will supplement principal compensation and not supplant local funds.

49 **SECTION 7A.7.(e)** The bonus provided pursuant to this section shall be paid no
 50 later than October 31, 2023, to qualifying principals employed as of October 1, 2023.

51 **ASSISTANT PRINCIPAL SALARIES**

1 **SECTION 7A.8.(a)** For the 2023-2024 fiscal year, beginning July 1, 2023, assistant
 2 principals shall receive a monthly salary based on the salary schedule for teachers who are
 3 classified as "A" teachers plus nineteen percent (19%). An assistant principal shall be placed on
 4 the step on the salary schedule that reflects the total number of years of experience as a certified
 5 employee of the public schools. For purposes of this section, an administrator with a one-year
 6 provisional assistant principal's certificate shall be considered equivalent to an assistant principal.

7 **SECTION 7A.8.(b)** Assistant principals with certification based on academic
 8 preparation at the six-year degree level shall be paid a salary supplement of one hundred
 9 twenty-six dollars (\$126.00) per month and at the doctoral degree level shall be paid a salary
 10 supplement of two hundred fifty-three dollars (\$253.00) per month.

11 **SECTION 7A.8.(c)** Participants in an approved full-time master's in school
 12 administration program shall receive up to a 10-month stipend during the internship period of the
 13 master's program. The stipend shall be at the beginning salary of an assistant principal or, for a
 14 teacher who becomes an intern, at least as much as that person would earn as a teacher on the
 15 teacher salary schedule. The North Carolina Principal Fellows Program or the school of education
 16 where the intern participates in a full-time master's in school administration program shall supply
 17 the Department of Public Instruction with certification of eligible full-time interns.

18 **SECTION 7A.8.(d)** Beginning with the 2017-2018 fiscal year, in lieu of providing
 19 annual longevity payments to assistant principals on the assistant principal salary schedule, the
 20 amounts of those longevity payments are included in the monthly amounts provided to assistant
 21 principals pursuant to subsection (a) of this section.

22 **SECTION 7A.8.(e)** An assistant principal compensated in accordance with this
 23 section for the 2023-2024 fiscal year shall receive an amount equal to the greater of the following:

- 24 (1) The applicable amount on the salary schedule for the applicable year.
- 25 (2) For assistant principals who were eligible for longevity in the 2016-2017 fiscal
 26 year, the sum of the following:
 - 27 a. The salary the assistant principal received in the 2016-2017 fiscal year
 28 pursuant to Section 9.1 or Section 9.2 of S.L. 2016-94.
 - 29 b. The longevity that the assistant principal would have received as
 30 provided for State employees under the North Carolina Human
 31 Resources Act for the 2016-2017 fiscal year based on the assistant
 32 principal's current years of service.
- 33 (3) For assistant principals who were not eligible for longevity in the 2016-2017
 34 fiscal year, the salary the assistant principal received in the 2016-2017 fiscal
 35 year pursuant to Section 9.1 or Section 9.2 of S.L. 2016-94.

36
 37 **CENTRAL OFFICE SALARIES**

38 **SECTION 7A.9.(a)** For the 2023-2024 fiscal year, beginning July 1, 2023, the
 39 annual salary for superintendents, assistant superintendents, associate superintendents,
 40 directors/coordinators, supervisors, and finance officers, whose salaries are supported from State
 41 funds, shall be increased by four and one-fourth percent (4.25%).

42 **SECTION 7A.9.(b)** The monthly salary maximums that follow apply to assistant
 43 superintendents, associate superintendents, directors/coordinators, supervisors, and finance
 44 officers for the 2023-2024 fiscal year, beginning July 1, 2023:

	2023-2024 Fiscal Year
	Maximum
47 School Administrator I	\$7,369
48 School Administrator II	\$7,808
49 School Administrator III	\$8,274
50 School Administrator IV	\$8,597
51 School Administrator V	\$8,940

1	School Administrator VI	\$9,471
2	School Administrator VII	\$9,848

3 The local board of education shall determine the appropriate category and placement
 4 for each assistant superintendent, associate superintendent, director/coordinator, supervisor, or
 5 finance officer within the maximums and within funds appropriated by the General Assembly
 6 for central office administrators and superintendents. The category in which an employee is
 7 placed shall be included in the contract of any employee.

8 **SECTION 7A.9.(c)** The monthly salary maximums that follow apply to
 9 superintendents for the 2023-2024 fiscal year, beginning July 1, 2023:

**2023-2024 Fiscal Year
 Maximum**

10		
11		
12	Superintendent I	\$10,440
13	Superintendent II	\$11,062
14	Superintendent III	\$11,726
15	Superintendent IV	\$12,431
16	Superintendent V	\$13,178

17 The local board of education shall determine the appropriate category and placement
 18 for the superintendent based on the average daily membership of the local school administrative
 19 unit and within funds appropriated by the General Assembly for central office administrators and
 20 superintendents.

21 **SECTION 7A.9.(d)** Longevity pay for superintendents, assistant superintendents,
 22 associate superintendents, directors/coordinators, supervisors, and finance officers shall be as
 23 provided for State employees under the North Carolina Human Resources Act.

24 **SECTION 7A.9.(e)** Superintendents, assistant superintendents, associate
 25 superintendents, directors/coordinators, supervisors, and finance officers with certification based
 26 on academic preparation at the six-year degree level shall receive a salary supplement of one
 27 hundred twenty-six dollars (\$126.00) per month in addition to the compensation provided
 28 pursuant to this section. Superintendents, assistant superintendents, associate superintendents,
 29 directors/coordinators, supervisors, and finance officers with certification based on academic
 30 preparation at the doctoral degree level shall receive a salary supplement of two hundred
 31 fifty-three dollars (\$253.00) per month in addition to the compensation provided for under this
 32 section.

33 **SECTION 7A.9.(f)** The State Board of Education shall not permit local school
 34 administrative units to transfer State funds from other funding categories for salaries for public
 35 school central office administrators.

36
 37 **NONCERTIFIED PERSONNEL SALARIES**

38 **SECTION 7A.10.(a)** For the 2023-2024 fiscal year, beginning July 1, 2023, the
 39 annual salary for noncertified public school employees whose salaries are supported from State
 40 funds shall be increased as follows:

- 41 (1) For permanent, full-time employees on a 12-month contract, by four and
 42 one-fourth percent (4.25%).
- 43 (2) For the following employees, by an equitable amount based on the amount
 44 specified in subdivision (1) of this subsection:
 - 45 a. Permanent, full-time employees on a contract for fewer than 12
 46 months.
 - 47 b. Permanent, part-time employees.
 - 48 c. Temporary and permanent hourly employees.

49 **SECTION 7A.10.(b)** Of the funds appropriated in this act to the Department of
 50 Public Instruction for the 2023-2024 fiscal year, the sum of four million seven hundred sixteen
 51 thousand nine hundred thirty-two dollars (\$4,716,932) in recurring funds shall be allocated to

1 local boards of education to increase the average rates of pay for school bus drivers. These funds
2 shall be allocated on an equitable basis among all school bus drivers in the local school
3 administrative unit. Compensation increases received by school bus drivers pursuant to this
4 subsection shall be in addition to the increases provided for noncertified personnel pursuant to
5 subsection (a) of this section.

6 7 **DPI STUDY NONCERTIFIED CLASSIFICATIONS**

8 **SECTION 7A.11.** No later than January 15, 2025, the Department of Public
9 Instruction shall study and report to the Joint Legislative Education Oversight Committee on
10 recommendations to differentiate salary for all noncertified personnel based on years of
11 experience. The report shall include a recommended number of years of experience for each
12 noncertified personnel position to receive a higher position classification, salary grade, or both.

13 14 **PAID PARENTAL LEAVE FOR LOCAL SCHOOL ADMINISTRATIVE UNITS**

15 **SECTION 7A.12.(a)** Article 23 of Chapter 115C of the General Statutes is amended
16 by adding a new section to read:

17 **"§ 115C-336.2. Paid parental leave for eligible public school employees.**

18 (a) Definitions. – The following definitions apply in this section:

- 19 (1) Child. – A newborn biological child or a newly placed adopted, foster, or
20 otherwise legally placed child under the age of 18 whose parent is a public
21 school employee eligible for leave under subsection (c) of this section.
22 (2) Parent. – A parent by childbirth, adoption, foster care, or another legal
23 placement.
24 (3) Public safety concern. – A significant impairment of a local school
25 administrative unit's ability to conduct its operations in a manner that protects
26 the health and safety of the school community.
27 (4) Public school employee. – Any employee of a local school administrative unit.
28 (5) Qualifying event. – When a public school employee becomes a parent to a
29 child.

30 (b) Paid Parental Leave. – The State Board of Education shall adopt rules permitting an
31 eligible public school employee to be granted one of the following types of fully paid parental
32 leave, in accordance with this section:

- 33 (1) Eight weeks or 320 hours of leave when the public school employee gives
34 birth to a child.
35 (2) Four weeks or 160 hours of leave for any other qualifying event.

36 (c) Eligibility. – To be eligible for the leave provided in subsection (b) of this section, a
37 public school employee shall meet all of the following requirements:

- 38 (1) Have been continuously employed by the local school administrative unit for
39 at least 12 months immediately preceding the first request for paid parental
40 leave.
41 (2) Meet one of the following requirements:
42 a. Be employed full time in a permanent, probationary, or time-limited
43 position.
44 b. Be employed on a part-time basis and work at least halftime. A public
45 school employee that is an eligible employee pursuant to this
46 sub-subdivision shall receive parental leave that is prorated based on
47 the amounts provided in subsection (b) of this section.

48 (d) Requirements. – The paid parental leave authorized by this section shall be adopted
49 and implemented by local school administrative units in accordance with the following
50 requirements:

- 51 (1) Parental leave shall be:

- 1 a. Granted upon verification of a qualifying event, if the eligible public
 2 school employee provides at least 10 weeks' advance notice of the
 3 employee's intention to use parental leave, unless there is good cause
 4 for not giving timely advance notice.
 5 b. Used by the eligible public school employee within 12 months of the
 6 qualifying event.
 7 c. In addition to, and not in lieu of, shared leave under G.S. 115C-12.2
 8 and other leave authorized by federal or State law.
 9 d. Available without exhaustion of the employee's sick and vacation
 10 leave.
 11 (2) Parental leave may be granted subject to public safety concerns, which shall
 12 be addressed by the local school administrative unit in the discretion of the
 13 unit in a manner that is appropriate and equitable.
 14 (3) Parental leave may not be used for retirement purposes.
 15 (4) Parental leave shall have no cash value upon termination from State
 16 employment.

17 (e) Statutory Construction. – This section is consistent with and does not abridge federal
 18 or State law. Nothing in this section shall be construed to provide a private right of action."

19 **SECTION 7A.12.(b)** G.S. 115C-12 is amended by adding a new subdivision to read:

20 "(49) Duty to Adopt Paid Parental Leave Rules. – The State Board of Education, in
 21 consultation with the State Human Resources Commission, shall adopt rules
 22 providing for paid parental leave in accordance with G.S. 115C-336.2."

23 **SECTION 7A.12.(c)** G.S. 115C-336.1 reads as rewritten:

24 "**§ 115C-336.1. Parental-Additional parental leave.**

25 A-In addition to paid parental leave provided pursuant to G.S. 115C-336.2, a school employee
 26 may use annual leave or leave without pay to care for a newborn child or for a child placed with
 27 the employee for adoption or foster care. A school employee may also use up to 30 days of sick
 28 leave to care for a child placed with the employee for adoption. The leave may be for consecutive
 29 workdays during the first 12 months after the date of birth or placement of the child, unless the
 30 school employee and the local board of education agree otherwise."

31 **SECTION 7A.12.(d)** G.S. 115C-302.1(j) reads as rewritten:

32 "(j) Additional Parental Leave. – A-In addition to paid parental leave provided pursuant
 33 to G.S. 115C-336.2, a teacher may use annual leave, personal leave, or leave without pay to care
 34 for a newborn child or for a child placed with the teacher for adoption or foster care. A teacher
 35 may also use up to 30 days of sick leave to care for a child placed with the teacher for adoption.
 36 The leave may be for consecutive workdays during the first 12 months after the date of birth or
 37 placement of the child, unless the teacher and local board of education agree otherwise."

38 **SECTION 7A.12.(e)** This section is effective when this act becomes law and applies
 39 beginning with the 2023-2024 school year.

40 **PART VIII. THE UNIVERSITY OF NORTH CAROLINA SYSTEM**

41 **UNC/ESCHEAT FUND FOR STUDENT FINANCIAL AID PROGRAMS**

42 **SECTION 8.1.(a)** The funds appropriated by this act from the Escheat Fund for the
 43 2023-2025 fiscal biennium for student financial aid shall be allocated in accordance with
 44 G.S. 116B-7. Notwithstanding any other provision of Chapter 116B of the General Statutes, if
 45 the interest income generated from the Escheat Fund is less than the amounts referenced in this
 46 act, the difference may be taken from the Escheat Fund principal to reach the appropriations
 47 referenced in this act; however, under no circumstances shall the Escheat Fund principal be
 48 reduced below the sum required in G.S. 116B-6(f). If any funds appropriated from the Escheat
 49 Fund by this act for student financial aid remain uncommitted aid as of the end of a fiscal year,
 50 51

1 the funds shall be returned to the Escheat Fund, but only to the extent the funds exceed the amount
2 of the Escheat Fund income for that fiscal year.

3 **SECTION 8.1.(b)** The State Education Assistance Authority (Authority) shall
4 conduct periodic evaluations of expenditures of the student financial aid programs administered
5 by the Authority to determine if allocations are utilized to ensure access to institutions of higher
6 education and to meet the goals of the respective programs. The Authority may make
7 recommendations for redistribution of funds to the President of The University of North Carolina
8 and the President of the Community College System regarding their respective student financial
9 aid programs, who then may authorize redistribution of unutilized funds for a particular fiscal
10 year.

11 **UNC BUILDING RESERVE STUDY**

12 **SECTION 8.2.(a)** For purposes of this section, the following definitions shall apply:

- 13 (1) Building. – A building that is operated or maintained by The University of
14 North Carolina or a constituent institution of The University of North
15 Carolina.
16 (2) Building reserve model. – The formula used by The University of North
17 Carolina System Office to determine the operating and maintenance costs for
18 buildings once construction of those buildings is complete.
19

20 **SECTION 8.2.(b)** No later than April 1, 2024, the Board of Governors of The
21 University of North Carolina shall study and report to the Joint Legislative Education Oversight
22 Committee and the Fiscal Research Division on the building reserve model. At a minimum, the
23 report shall include the following information:

- 24 (1) For all buildings, disaggregated by constituent institution and fund source, the
25 following:
26 a. Expenditures related to operation and maintenance costs for the
27 2022-2023 fiscal year, including expenditures disaggregated on the
28 basis of at least the following building reserve model outputs and
29 expenses:
30 1. Personnel and fringe benefits.
31 2. Utilities and insurance.
32 3. Custodial and supplies.
33 4. Facilities and maintenance.
34 5. Information technology.
35 b. The number of full-time equivalent positions for building operation
36 and maintenance used in the 2022-2023 fiscal year, including at least
37 positions that align with the following building reserve model outputs
38 and expenses:
39 1. Building environmental service technician and supervisor.
40 2. Building environmental service supervisor.
41 3. Facilities maintenance technician mechanical.
42 4. Public safety officer.
43 5. Environmental health and safety professional.
44 6. Information technology networking analyst.
45 7. Information technology networking technician.
46 8. Facilities maintenance technician trades.
47 c. Recurring expenditures generated by the current building reserve
48 model, taking into account all gross square feet and building types, for
49 at least the outputs and expenses identified in sub-subdivision a. of this
50 subdivision.

- 1 d. The number of full-time positions generated by the current building
2 reserve model, taking into account all gross square feet and building
3 types, for at least the outputs and expenses identified in
4 sub-subdivision b. of this subdivision.
- 5 (2) An analysis of the findings in subdivision (1) of this subsection, including at
6 least the following information:
- 7 a. Any instances where the current building reserve model aligns or
8 misaligns with full-time equivalent positions and actual expenditures
9 of the constituent institutions.
- 10 b. Any substantial differences among constituent institutions in actual
11 operating and maintenance expenditures compared to projected
12 expenditures under the building reserve model.
- 13 c. Recommendations to improve the process of providing operation and
14 maintenance funds for buildings.
- 15

16 **COMPLETION ASSISTANCE PROGRAMS**

17 **SECTION 8.3.(a)** For purposes of this section, the term "eligible constituent
18 institutions" refers to the following constituent institutions of The University of North Carolina:

- 19 (1) Elizabeth City State University.
20 (2) Fayetteville State University.
21 (3) North Carolina Agricultural and Technical State University.
22 (4) North Carolina Central University.
23 (5) The University of North Carolina at Asheville.
24 (6) The University of North Carolina at Pembroke.
25 (7) Winston-Salem State University.

26 **SECTION 8.3.(b)** For the 2023-2025 fiscal biennium, the Board of Governors of
27 The University of North Carolina shall establish a Completion Assistance Program (Program) at
28 each eligible constituent institution. At a minimum, each Program shall meet the following
29 criteria:

- 30 (1) A student enrolled in a Program established by this section may receive up to
31 five thousand dollars (\$5,000) per academic year under that Program to pay
32 for the costs of continuing attendance and earning necessary credit hours at
33 the eligible constituent institution.
- 34 (2) A student shall be eligible to receive funds under a Program if the student
35 meets at least the following requirements:
- 36 a. Needs financial assistance to remain enrolled at the eligible constituent
37 institution and earn credits necessary to graduate on time.
- 38 b. Is a resident for tuition purposes, as provided in G.S. 116-143.1.
- 39 c. Meets satisfactory academic progress, as determined by the Board.
- 40 d. Has completed or is on track to complete at least 60 academic credit
41 hours by the end of the semester in which the funds are provided.
- 42 e. Has completed the Free Application for Federal Student Aid (FAFSA)
43 for the academic year in which the funds are provided.
- 44 f. Has an unpaid balance with the eligible constituent institution. This
45 may include an unpaid balance for tuition, fees, room, board, or other
46 expenses of attendance.

47 **SECTION 8.3.(c)** The Board of Governors of The University of North Carolina shall
48 report on each Completion Assistance Program established pursuant to this section to the Joint
49 Legislative Education Oversight Committee no later than March 15, 2025. The report shall
50 include, at a minimum, an analysis of the impact of each Program on the following:

- 51 (1) On-time graduation rates.

1 (2) Student debt at graduation.

2 **SECTION 8.3.(d)** Of the funds appropriated in this act from the ARPA Temporary
3 Savings Fund to the Board of Governors of The University of North Carolina for each year of
4 the 2023-2025 fiscal biennium for Completion Assistance Programs, the Board shall allocate
5 funds to each eligible constituent institution of The University of North Carolina proportional to
6 the number of undergraduate students enrolled at each eligible constituent institution who are
7 residents of North Carolina and recipients of a federal Pell Grant.

8
9 **NC AHEC TO ESTABLISH TEAM-BASED CARE CLINICAL TEACHING HUBS AND**
10 **STUDY IMPEDIMENTS TO THE AVAILABILITY OF COMMUNITY-BASED**
11 **PRECEPTORS**

12 **SECTION 8.4.(a)** Of the recurring funds appropriated in this act to the Board of
13 Governors of The University of North Carolina to be allocated to the University of North
14 Carolina at Chapel Hill for the North Carolina Area Health Education Centers Program (NC
15 AHEC) to create team-based teaching sites, NC AHEC shall contract with up to five rural
16 community-based medical teaching practices for at least one hundred fifty thousand dollars
17 (\$150,000) per teaching practice per year to establish and maintain up to five outpatient, clinical,
18 team-based healthcare teaching sites across the rural areas of the State. At least one site shall be
19 located in each of the three regions of the State. For purposes of this subsection, the regions of
20 the State are the Western region, the Piedmont region, and the Eastern region. The teaching sites
21 shall serve as team-based locations for medical students to learn alongside nurse practitioners or
22 physician assistants in rural clinical primary care rotations. Community-based medical teaching
23 practices receiving funds pursuant to this subsection shall contract with clinical preceptors to
24 provide instruction, including significant time devoted to clinical instruction, to medical students
25 and student nurse practitioners or student physician assistants. In establishing and maintaining
26 these teaching sites, NC AHEC shall provide technical assistance to the teaching sites and
27 consult, as appropriate, with schools within institutions of higher education that provide
28 instruction for medical students, nurse practitioner students, and physician assistant students. No
29 later than March 15 of each year funds are provided under this subsection, NC AHEC shall study
30 the impact of the teaching sites and report at least the following information to the Joint
31 Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on
32 Health and Human Services:

- 33 (1) The identity of the community-based medical teaching practices receiving
34 funds.
35 (2) An analysis of the financial impact of providing these services on a
36 community-based medical teaching practice.
37 (3) The impact of the teaching sites on (i) the learning and success of students and
38 (ii) the health and well-being of the respective service areas for each site.

39 **SECTION 8.4.(b)** Of the funds appropriated in this act to the Board of Governors of
40 The University of North Carolina to be allocated to the University of North Carolina at Chapel
41 Hill for the North Carolina Area Health Education Centers Program (NC AHEC), NC AHEC
42 may use up to two hundred fifty thousand dollars (\$250,000) in each year of the 2023-2025 fiscal
43 biennium to study (i) the availability of community preceptors in North Carolina and nearby
44 states and (ii) the demand for those preceptors, including factors that influence the supply and
45 barriers that community-based outpatient clinicians face in teaching healthcare professional
46 students. NC AHEC shall provide an interim report with its findings to the Joint Legislative
47 Education Oversight Committee and the Joint Legislative Oversight Committee on Health and
48 Human Services no later than April 1, 2024, and a final report no later than September 1, 2024.
49 NC AHEC shall consult with other healthcare professional organizations and boards, including,
50 but not limited to, the North Carolina Nurses Association, the North Carolina Academy of Family
51 Physicians, the North Carolina Academy of Physician Assistants, the North Carolina Healthcare

1 Association, the North Carolina Independent Colleges and Universities, the North Carolina
2 Medical Society, the North Carolina Pediatric Society, The University of North Carolina, the
3 North Carolina Board of Nursing, and the North Carolina Medical Board. As part of its study,
4 NC AHEC shall do at least the following:

- 5 (1) Survey other states to identify the best innovative and effective approaches to
6 address preceptor shortages for medical students, nurse practitioner students,
7 physician assistant students, and prelicensure nursing students.
- 8 (2) Research and report on the current approaches to identifying, engaging,
9 financing, and evaluating clinical training sites and how schools use tuition
10 funding to cover their students' costs related to clinical placements and
11 training. As part of this component of the study, NC AHEC shall consult with
12 the Board of Governors of The University of North Carolina, the State Board
13 of Community Colleges, and the North Carolina Independent Colleges and
14 Universities.
- 15 (3) Assess the capacity of North Carolina and nearby states for clinical training
16 sites, in consultation with the North Carolina Healthcare Association
17 (NCHA), the North Carolina Community Health Center Association, and
18 clinically integrated networks, including the following information:
 - 19 a. The number and percentage of independent and health system
20 practices that are currently clinical training sites in this State.
 - 21 b. The number and percentage of independent and health system
22 practices that could become clinical training sites in this State.
 - 23 c. The impacts on the efficiency of clinical practices when or if they
24 become clinical training sites.
 - 25 d. The financial impact on an independent or health system practice if it
26 precepts students in clinical rotations.

27
28 **ESTABLISH THE SCHOOL OF CIVIC LIFE AND LEADERSHIP AT THE**
29 **UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL**

30 **SECTION 8.5.(a)** The Board of Trustees of the University of North Carolina at
31 Chapel Hill, in consultation with the Board of Governors of The University of North Carolina,
32 the Chancellor of the University of North Carolina at Chapel Hill, and faculty and administration
33 officials at the University of North Carolina at Chapel Hill, shall establish the School of Civic
34 Life and Leadership at the University of North Carolina at Chapel Hill (the "School"). The School
35 shall provide course opportunities for students and house the Program on Public Discourse.
36 Courses may focus on the development of democratic competencies informed by American
37 history and the American political tradition, with the purpose of fostering public discourse and
38 civil engagement necessary to promote democracy and benefit society. The School may also
39 develop programming addressing these topics and provide resources to students, faculty, and the
40 general public, as needed.

41 **SECTION 8.5.(b)** If the nonrecurring funds appropriated in this act to the Board of
42 Governors of The University of North Carolina for the 2023-2025 fiscal biennium to be allocated
43 to the University of North Carolina at Chapel Hill for the School of Civic Life and Leadership
44 are insufficient to establish the School pursuant to subsection (a) of this section, the University
45 of North Carolina at Chapel Hill shall expend sufficient additional funds to achieve that purpose.

46 **SECTION 8.5.(c)** No later than March 15, 2024, the Board of Trustees of the
47 University of North Carolina at Chapel Hill shall report to the Joint Legislative Education
48 Oversight Committee and the Fiscal Research Division on progress made toward establishing the
49 School of Civic Life and Leadership and factors affecting the long-term sustainability of the
50 School.
51

1 **REDUCE NUMBER OF REQUIRED UNC LABORATORY SCHOOLS FROM NINE TO**
2 **EIGHT**

3 **SECTION 8.6.(a)** G.S. 116-239.5(a) reads as rewritten:

4 "(a) The Board of Governors, upon recommendation by the President, shall designate
5 constituent institutions to submit proposals to establish at least ~~nine~~eight laboratory schools in
6 total to serve public school students in accordance with the provisions of this Article. The Board
7 of Governors shall select constituent institutions with high-quality educator preparation programs
8 as demonstrated by the annual performance measures reported by the constituent institutions in
9 accordance with G.S. 115C-296.35. The Board of Governors' Subcommittee on Laboratory
10 Schools established under G.S. 116-239.7 shall review the proposals and approve at least ~~nine~~
11 eight of the proposals to establish laboratory schools. The Subcommittee may select a constituent
12 institution to operate more than one laboratory school. The Subcommittee shall oversee the
13 operations of those laboratory schools to meet the purposes set forth in this Article."

14 **SECTION 8.6.(b)** G.S. 116-239.7(a1) reads as rewritten:

15 "(a1) Approval of Laboratory Schools. – The Board of Governors, upon the
16 recommendation of the President, shall designate constituent institutions to establish and operate
17 a total of at least ~~nine~~eight laboratory schools. The chancellor of each constituent institution
18 shall adopt and submit to the Subcommittee a proposal to operate one or more laboratory schools
19 in one or more local school administrative units that meet the minimum threshold for the number
20 of low-performing schools located in a unit under G.S. 116-239.6(4). The proposal shall include
21 the governance structure of the laboratory school. The Subcommittee shall evaluate the proposals
22 for approval or disapproval by considering the design components and the strategic focus of the
23 laboratory school and any other standards developed by the Subcommittee to be applicable to all
24 laboratory schools. The Subcommittee shall also consider the location of each laboratory school
25 so that, to the extent possible, there is a geographically diverse distribution of the laboratory
26 schools throughout the State. From the proposals submitted to the Subcommittee, the
27 Subcommittee shall approve the establishment of at least ~~nine~~eight laboratory schools."

28
29 **FUNDS FOR ATHLETIC DEPARTMENTS WITH APPROVED PLANS TO PROVIDE**
30 **ECONOMIC BENEFITS**

31 **SECTION 8.7.(a)** For each fiscal year funds are provided pursuant to subsection (b)
32 of this section, the athletic department for each of the following constituent institutions shall
33 develop and submit to the President of The University of North Carolina a plan to provide an
34 economic benefit to the constituent institution and the service region of the constituent institution
35 in that fiscal year:

- 36 (1) Elizabeth City State University.
- 37 (2) Fayetteville State University.
- 38 (3) North Carolina Agricultural and Technical State University.
- 39 (4) North Carolina Central University.
- 40 (5) The University of North Carolina at Asheville.
- 41 (6) The University of North Carolina at Greensboro.
- 42 (7) The University of North Carolina at Pembroke.
- 43 (8) The University of North Carolina at Wilmington.
- 44 (9) Western Carolina University.
- 45 (10) Winston-Salem State University.

46 **SECTION 8.7.(b)** Of the recurring funds appropriated in this act to the Board of
47 Governors of The University of North Carolina for athletic department operating support, if the
48 President of The University of North Carolina approves a plan submitted under subsection (a) of
49 this section, the Board of Governors shall allocate one million dollars (\$1,000,000) in the fiscal
50 year in which the plan is approved to that constituent institution to support its athletic department.

51

NCSU COLLEGE OF EDUCATIONAL OPPORTUNITIES PILOT PROGRAM

SECTION 8.8.(a) Program; Purpose. – The Board of Trustees of North Carolina State University shall establish a College of Educational Opportunities Pilot Program (Program) for the 2023-2025 fiscal biennium within the College of Education at North Carolina State University for eligible students with intellectual and developmental disabilities. The purpose of the Program is to provide postsecondary opportunities for eligible students, including the following:

- (1) A person-centered planning process.
- (2) The opportunity to pursue educational credentials, including degrees, certificates, and other nondegree credentials.
- (3) Inclusive academic enrichment, socialization, independent living skills, and integrated work experiences to develop career skills that can lead to gainful employment.
- (4) Individual supports and services for academic and social inclusion in academic courses, extracurricular activities, and other aspects of campus life.

SECTION 8.8.(b) Definition. – For purposes of this section, the term "eligible student" refers to a person who meets all of the following:

- (1) Is 22 years of age or older.
- (2) Is an adult with intellectual and developmental disabilities.

SECTION 8.8.(c) Use of Funds. – Funds appropriated to the Board of Governors of The University of North Carolina in this act from the ARPA Temporary Savings Fund for the 2023-2025 fiscal biennium to be allocated to North Carolina State University for the Program shall be used for any of the following purposes:

- (1) Administrative staff, including a director of the Program, and programmatic staff, including instructors and peer mentors.
- (2) Training for university faculty.
- (3) Improvements to existing assistive technologies and other academic support services offered by the university.
- (4) Scholarships for tuition and fees for economically disadvantaged students.
- (5) Additional supports, including counseling, mentoring, and transportation.
- (6) Outreach, including website design and recruitment.

SECTION 8.8.(d) Report. – No later than May 15, 2024, the Board of Trustees of North Carolina State University shall report to the Joint Legislative Education Oversight Committee on the impact of the program, including the impact of the Program on the performance of eligible students.

CTE GRANTS FOR AGRICULTURE

SECTION 8.9.(a) Of the funds appropriated in this act from the ARPA Temporary Savings Fund to the Board of Governors of The University of North Carolina for each year of the 2023-2025 fiscal biennium to be allocated to North Carolina State University, the Agriculture Extension shall use up to two million dollars (\$2,000,000) in nonrecurring funds for the North Carolina Future Farmers of America (FFA) to provide and administer grants for the 2023-2024 and 2024-2025 academic years to fund items necessary for the agriculture education program operated as a part of the Career and Technical Education (CTE) program at a given middle or high school within a public school unit. For purposes of these grants, items necessary to the agriculture education program of a CTE program include greenhouses, animals and livestock, and power tools. FFA shall provide a full list of items that are eligible to be purchased with funds received pursuant to this program and make the list publicly available on its website. FFA may consult with the Department of Agriculture and Consumer Services when evaluating a grant for selection that includes the purchase of animals. A public school unit or a regional partnership of more than one public school unit may apply to receive funds. When awarding grants under this

1 subsection, FFA shall prioritize public school units (i) located, in whole or in part, in a county
2 with at least one local school administrative unit that received low-wealth supplemental funding
3 in the previous fiscal year and (ii) that have a high population of at-risk students or students with
4 disabilities. Grant recipients may make items purchased with grant funds available to any
5 students within the public school unit or partnership regardless of whether the student is identified
6 as at-risk or a student with a disability.

7 **SECTION 8.9.(b)** FFA shall create and make available an application for grants
8 under this section no later than the beginning of each academic year during the 2023-2025 fiscal
9 biennium. Applicants shall submit their application to receive grant funds to FFA no later than
10 January 15 of each year of the 2023-2025 biennium. FFA shall approve or deny each application
11 within 30 days of receipt.

12 **SECTION 8.9.(c)** All recipients of grants under this section for each school year
13 shall submit a report to FFA no later than October 15 of each year of the 2023-2025 fiscal
14 biennium on the outcomes of any programs funded by grants received under this section,
15 including data collection methods for reporting on student outcomes, impacts of the program,
16 and use of State funds. FFA shall then submit a report to the Joint Legislative Education
17 Oversight Committee and the Fiscal Research Division on the overall outcomes of the grant
18 program no later than December 15 of each year of the 2023-2025 fiscal biennium.
19

20 **PART VIII-A. UNIVERSITY/STATE EDUCATION ASSISTANCE AUTHORITY**

21 **WASHINGTON CENTER INTERNSHIP SCHOLARSHIP PROGRAM**

22 **SECTION 8A.1.(a)** Article 23 of Chapter 116 of the General Statutes is amended by
23 adding a new section to read:

24 **"§ 116-209.32. Washington Center internship scholarship program.**

25 (a) Scholarship Program Established. – To the extent funds are made available for this
26 purpose, the State Education Assistance Authority (Authority) shall award scholarship grants to
27 students who are residents of North Carolina and are enrolled in their second year or higher in a
28 constituent institution of The University of North Carolina to attend a semester or summer term
29 internship program or a shortened one- to four-week public policy and career readiness seminar
30 program at The Washington Center for Internships and Academic Seminars (Washington Center)
31 located in Washington, D.C. The Authority shall administer the scholarship program pursuant to
32 guidelines and procedures established by the Authority consistent with its practices for
33 administering State-funded financial aid. The guidelines and procedures shall include an
34 application process and schedule, notification and disbursement procedures, standards for
35 reporting, and standards for return of funds when a student withdraws from the program. A
36 student who meets the eligibility criteria of the Washington Center to attend a semester or
37 summer term internship program or a shortened one- to four-week public policy and career
38 readiness seminar program may apply to the Authority for a grant to cover costs related to the
39 program. The Authority shall award grants to students in its discretion based on student demand.
40 Grants awarded pursuant to the program shall be for the following amounts:

41 (1) For semester term internships, up to ten thousand dollars (\$10,000).

42 (2) For summer term internships, up to eight thousand dollars (\$8,000).

43 (3) For shortened seminar programs, up to four thousand dollars (\$4,000).

44 (b) Limitations on Grant Amount. – If a student who is eligible for a grant pursuant to
45 this section also receives a scholarship or other grant covering the cost of attendance for the
46 program, then the amount of the State grant shall be reduced by an appropriate amount
47 determined by the Authority. The Authority shall reduce the amount of the grant so that the sum
48 of all grants and scholarship aid covering the cost of attendance shall not exceed the cost of
49 attendance for the program, including program fees, housing, and incidental costs. The cost of
50

attendance shall be established by the Authority in accordance with information provided to the Authority by the Washington Center.

(c) Internship Activities. – A student participating in the Washington Center's program shall (i) intern four days a week with a nonprofit corporation, private company, federal agency, or a member of the United States Congress, (ii) take an academic class taught by the Washington Center's faculty, (iii) participate in career readiness training programs, and (iv) be responsible for a final portfolio project outlining work completed during the program. Students from all academic majors can participate and benefit from the program.

(d) Academic Credit. – The Board of Governors of The University of North Carolina shall develop and promulgate guidance to constituent institutions on a process for awarding up to three academic credit hours for participation in an internship in accordance with the scholarship program.

(e) Funds for the Program. – Any funds that are unencumbered for the program at the end of each fiscal year shall not revert to the General Fund but shall remain available for the purposes of this section. The Authority may use up to one percent (1%) of the funds appropriated each fiscal year for the program for administrative costs.

(f) Reporting. – By March 1 of each year in which grants are received under the program, the Authority, in consultation with the Washington Center, shall report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division on the implementation of the scholarship program, including the number of participating students and the amount of awards for each semester or summer term or shortened seminar program by constituent institution."

SECTION 8A.1.(b) Section 8A.8(d) of S.L. 2021-180 reads as rewritten:

"SECTION 8A.8.(d) Funds for the Program. – Any funds that are unencumbered for the program at the end of each fiscal year shall not revert to the General Fund but shall remain available for the purposes of this section. ~~section until the end of the 2023-2024 fiscal year.~~ The Authority may use up to one percent (1%) of the funds appropriated each fiscal year for the program for administrative costs."

SECTION 8A.1.(c) Effective June 30, 2024, Section 8A.8 of S.L. 2021-180, as amended by Section 8A.7 of S.L. 2022-74 and subsection (b) of this section, is repealed.

SECTION 8A.1.(d) Subsection (a) of this section applies beginning with the award of scholarship grants for the 2024 spring academic semester.

STATE EDUCATION ASSISTANCE AUTHORITY DISBURSE STATE'S SCHOLARSHIPS FOR CHILDREN OF WARTIME VETERANS

SECTION 8A.2.(a) G.S. 116-204 reads as rewritten:

"§ 116-204. Powers of Authority.

The Authority is hereby authorized and empowered:

...

(11a) To be responsible for the disbursement and accounting of funds for the State's Scholarships for Children of Wartime Veterans established by Part 2 of Article 14 of Chapter 143B of the General Statutes.

...."

SECTION 8A.2.(b) G.S. 116B-7 reads as rewritten:

"§ 116B-7. Distribution of fund.

...

(b) An amount specified in the Current Operations Appropriations Act shall be transferred annually from the Escheat Fund to the ~~Department of Military and Veterans Affairs~~ Board of Governors of The University of North Carolina to be allocated to the State Education Assistance Authority to partially fund the program of Scholarships for Children of War Veterans established by Part 2 of Article 14 of Chapter 143B of the General Statutes. Those funds may be used only for residents of this State who (i) are worthy and needy as determined by the

1 Department of Military and Veterans Affairs and (ii) are enrolled in public institutions of higher
2 education of this State."

3 **SECTION 8A.2.(c)** G.S. 143B-1211 reads as rewritten:

4 "**§ 143B-1211. Powers and duties of the Department of Military and Veterans Affairs.**

5 It shall be the duty of the Department of Military and Veterans Affairs to do all of the
6 following:

7 ...

8 (11) Manage and maintain the State's Scholarships for Children of Wartime
9 Veterans in accordance with Part 2 of Article 14 of Chapter 143B of the
10 General Statutes and in support of the Veterans' Affairs
11 ~~Commission~~Commission; provided, however, the disbursement of
12 scholarships to the children of wartime veterans shall be performed by the
13 State Education Assistance Authority established pursuant to Article 23 of
14 Chapter 116 of the General Statutes.

15"

16 **SECTION 8A.2.(d)** G.S. 143B-1220 reads as rewritten:

17 "**§ 143B-1220. Veterans' Affairs Commission – creation, powers and duties.**

18 There is hereby created the Veterans' Affairs Commission of the Department of Military and
19 Veterans Affairs. The Veterans' Affairs Commission shall have the following functions and
20 duties, as delegated by the Secretary of Military and Veterans Affairs:

21 ...

22 (3) To promulgate rules and regulations concerning the awarding of scholarships
23 for children of North Carolina veterans as provided by this Article. The
24 Commission shall make rules and regulations consistent with the provisions
25 of this Article. All rules and regulations not inconsistent with the provisions
26 of this Chapter heretofore adopted by the State Board of Veterans' Affairs
27 shall remain in full force and effect unless and until repealed or superseded by
28 action of the Veterans' Affairs Commission. All rules and regulations adopted
29 by the Commission shall be enforced by the Department of Military and
30 Veterans ~~Affairs~~Affairs and, in the disbursement of scholarships, the
31 Authority, as directed by the Department on behalf of the Commission; and

32"

33 **SECTION 8A.2.(e)** G.S. 143B-1224 reads as rewritten:

34 "**§ 143B-1224. Definitions.**

35 As used in this Part the terms defined in this section shall have the following meaning:

36 ...

37 (2a) "Authority" means the State Education Assistance Authority established
38 pursuant to Article 23 of Chapter 116 of the General Statutes.

39"

40 **SECTION 8A.2.(f)** G.S. 143B-1225 reads as rewritten:

41 "**§ 143B-1225. Scholarship.**

42 ...

43 (b) The Veterans' Affairs Commission shall select recipients for scholarships and notify
44 the Authority of the recipients for the disbursement of scholarships in accordance with the
45 provisions of G.S. 143B-1227. When notifying the Authority of the recipients, the Veterans'
46 Affairs Commission shall indicate the recipients that qualify for scholarships funded with monies
47 from the Escheat Fund. If a child is awarded a scholarship under this Part, the Commission shall
48 notify the recipient by May 1st of the year in which the recipient enrolls in college."

49 **SECTION 8A.2.(g)** G.S. 143B-1227 reads as rewritten:

50 "**§ 143B-1227. Administration and funding.**

1 (a) The administration of the scholarship program shall be vested in the Department of
2 Military and Veterans Affairs, and the disbursing and accounting activities required shall be a
3 ~~the responsibility of the Department of Military and Veterans Affairs Authority.~~ The Veterans'
4 Affairs Commission shall determine the eligibility of applicants, select the scholarship recipients,
5 establish the effective date of scholarships, and may notify the Authority of the need to suspend
6 or revoke scholarships if the Veterans' Affairs Commission finds that the recipient does not
7 comply with the registration requirements of the Selective Service System or does not maintain
8 an adequate academic status, or if the recipient engages in riots, unlawful demonstrations, the
9 seizure of educational buildings, or otherwise engages in disorderly conduct, breaches of the
10 peace or unlawful assemblies. The Department of Military and Veterans Affairs shall maintain
11 the primary and necessary records, and the Veterans' Affairs Commission shall promulgate such
12 rules and regulations not inconsistent with the other provisions of this Part as it deems necessary
13 for the orderly administration of the program. It may require of State or private educational
14 institutions, as defined in this Part, such reports and other information as it may need to carry out
15 the provisions of this Part. ~~The Department of Military and Veterans Affairs Authority shall~~
16 disburse scholarship payments for recipients certified eligible by the Department of Military and
17 Veterans Affairs upon certification of enrollment by the enrolling institution.

18 (b) Funds for the support of this program shall be appropriated to the ~~Department of~~
19 ~~Military and Veterans Affairs Board of Governors of The University of North Carolina to be~~
20 allocated to the Authority as a reserve for payment of the allocable costs for room, board, tuition,
21 and other charges, and shall be placed in a separate budget code from which disbursements shall
22 be made. Funds to support the program shall be supported by receipts from the Escheat Fund, as
23 provided by G.S. 116B-7, but those funds may be used only for worthy and needy residents of
24 this State who are enrolled in public institutions of higher education of this State. ~~In the event the~~
25 ~~said appropriation for any year is insufficient to pay the full amounts allocable under the~~
26 ~~provisions of this Part, such supplemental sums as may be necessary shall be allocated from the~~
27 ~~Contingency and Emergency Fund.~~ The method of disbursing and accounting for funds allocated
28 for payments under the provisions of this section shall be in accordance with those standards and
29 procedures prescribed by the Director of the Budget, pursuant to the State Budget Act.

30 (c) Allowances for room and board in State educational institutions shall be at such rate
31 as established by the Secretary of the Department of Military and Veterans Affairs.

32 (d) Scholarship recipients electing to attend a private educational institution shall be
33 granted a monetary allowance for each term or other academic period attended under their
34 respective scholarship awards. All recipients under Class I-B scholarship shall receive an
35 allowance at one rate, irrespective of course or institution; all recipients under Classes I-A, II, III
36 and IV shall receive a uniform allowance at a rate higher than for Class I-B, irrespective of course
37 or institution. The amount of ~~said~~ the allowances shall be determined by the Director of the
38 Budget and made known prior to the beginning of each fall quarter or semester; provided that the
39 Director of the Budget may change the allowances at intermediate periods when in his or her
40 judgment such changes are necessary. Disbursements by the State shall be to the private
41 institution concerned, for credit to the account of each recipient attending ~~said~~ the institution.
42 The manner of payment to any private institution shall be as prescribed by the ~~Department of~~
43 ~~Military and Veterans Affairs Authority.~~ The participation by any private institution in the
44 program shall be subject to the applicable provisions of this Part and to examination by State
45 auditors of the accounts of scholarship recipients attending or having attended private
46 institutions. ~~The Veterans' Affairs Commission Authority~~ may defer making an award or may
47 suspend an award in any private institution which does not comply with the provisions of this
48 Part relating to ~~said~~ the institutions.

49 (e) Irrespective of other provisions of this Part, the ~~Veterans' Affairs Commission~~
50 Authority may prescribe special procedures for adjusting the accounts of scholarship recipients
51 who for reasons of illness, physical inability to attend class or for other valid reason satisfactory

1 to the ~~Veterans' Affairs Commission Authority~~ may withdraw from State or private educational
 2 institutions prior to the completion of the term, semester, quarter or other academic period being
 3 attended at the time of withdrawal. Such procedures may include, but shall not be limited to,
 4 paying the recipient the dollar value of his or her unused entitlements scholarship for the
 5 academic period being attended, with a corresponding deduction of this period from his or her
 6 remaining scholarship eligibility time.

7 (f) From the funds appropriated from the General Fund each fiscal year to support the
 8 program, the Authority may use up to one hundred fifty thousand dollars (\$150,000) each fiscal
 9 year for administrative costs for the disbursement and accounting activities for the program."

10 **SECTION 8A.2.(h)** This section applies beginning with scholarships awarded for
 11 the 2023-2024 academic year.

12
 13 **EXPAND SCHOLARSHIPS FOR HIGH SCHOOL GRADUATES OF NCSSM AND**
 14 **UNCSA TO ATTEND PRIVATE POSTSECONDARY INSTITUTIONS LOCATED**
 15 **IN NORTH CAROLINA**

16 **SECTION 8A.3.(a)** Part 6 of Article 23 of Chapter 116 of the General Statutes reads
 17 as rewritten:

18 "Part 6. Tuition Grant for High School Graduates of the North Carolina School of Science and
 19 Mathematics and the University of North Carolina School of the Arts.

20 "**§ 116-209.89. Definitions.**

21 For purposes of this Part, the following definitions shall apply:

- 22 (1) Eligible graduate. – A high school graduate of the North Carolina School of
 23 Science and Mathematics (NCSSM) or the University of North Carolina
 24 School of the Arts (UNCSA).
 25 (2) Eligible institution of higher education. – A constituent institution of The
 26 University of North Carolina or a private postsecondary institution located in
 27 North Carolina, as defined in G.S. 116-280(3).

28 "**§ 116-209.90. Tuition grants for eligible graduates to attend a constituent institution an**
 29 **eligible institution of higher education.**

30 (a) ~~Within the funds available, a high school graduate from the North Carolina School of~~
 31 ~~Science and Mathematics (NCSSM) or the University of North Carolina School of the Arts~~
 32 ~~(UNCSA) an eligible graduate~~ in each school year who meets the following conditions shall be
 33 eligible qualify for a tuition grant awarded under this Part:

- 34 (1) Is a resident for tuition purposes under the criteria set forth in G.S. 116-143.1
 35 and in accordance with the coordinated and centralized residency
 36 determination process administered by the Authority.
 37 (2) ~~Enrolls as a full-time student in a constituent institution of The University of~~
 38 ~~North Carolina~~ an eligible institution of higher education in the next academic
 39 year after graduation.

40 (b) Students who receive initial tuition grants as a cohort of a high school graduating class
 41 of NCSSM or UNCSA shall also ~~be eligible qualify~~ to apply for tuition grants for subsequent
 42 academic years for up to a total of four academic years, provided that tuition grants are only used
 43 for undergraduate tuition.

44 (b1) A student must be continuously enrolled in an undergraduate program at ~~a constituent~~
 45 ~~institution of The University of North Carolina~~ an eligible institution of higher education after
 46 the award of the initial tuition grant to ~~be eligible qualify~~ for tuition grants in subsequent
 47 academic years. The Authority shall have the discretion to waive this requirement if the student
 48 is able to demonstrate that any of the following have substantially disrupted or interrupted the
 49 student's pursuit of a degree: (i) a military service obligation, (ii) serious medical debilitation,
 50 (iii) a short-term or long-term disability, or (iv) other extraordinary hardship.

1 (c) The amount of the tuition grant to each graduate shall be determined and distributed
2 as provided in G.S. 116-209.91.

3 **"§ 116-209.91. Administration of tuition grants.**

4 (a) The Authority shall administer the tuition grants provided for in this Part pursuant to
5 guidelines and procedures established by the Authority consistent with its practices for
6 administering State-funded financial aid. The guidelines and procedures shall include an
7 application process and schedule, notification and disbursement procedures, standards for
8 reporting, and standards for return of tuition grants when a student withdraws. The Authority
9 shall not approve any grant until it receives proper certification from the appropriate ~~constituent~~
10 ~~institution-eligible institution of higher education~~ that the student applying for the grant is an
11 ~~eligible student-continuously enrolled as a full-time student in accordance with this Part.~~ Upon
12 ~~receipt of the certification, determining that the student qualifies for a grant,~~ the Authority shall
13 remit, at the times it prescribes, the tuition grant to the ~~constituent institution-eligible institution~~
14 ~~of higher education~~ on behalf, and to the credit, of the student. In the event a student on whose
15 behalf a tuition grant has been paid is not enrolled in an undergraduate program and carrying a
16 minimum academic load as of the tenth classroom day following the beginning of the school
17 term for which the tuition grant was paid, the ~~constituent institution-eligible institution of higher~~
18 ~~education~~ shall refund the full amount of the tuition grant to the Authority.

19 (b) Except as otherwise provided in this section, the amount of the grant awarded to a
20 student shall cover the following:

21 (1) To attend a constituent institution, the tuition cost at the constituent institution
22 in which the student is enrolled.

23 (2) To attend a private postsecondary institution located in North Carolina, the
24 tuition cost, in whole or in part, at the private postsecondary institution in an
25 amount up to the highest amount of undergraduate resident tuition charged at
26 a constituent institution of The University of North Carolina for that academic
27 year.

28 (b1) No tuition grant awarded to a student under this section shall exceed the cost of
29 attendance at a ~~constituent institution-an eligible institution of higher education~~ for which the
30 student is enrolled.

31 (c) If a student, who is eligible for a tuition grant under this section, also receives a
32 scholarship or other grant covering the cost of attendance at ~~the constituent institution-an eligible~~
33 institution of higher education for which the tuition grant is awarded, then the amount of the
34 tuition grant shall be reduced by an appropriate amount determined by the Authority so that the
35 total amount of scholarships and grants received by the student does not exceed the cost of
36 attendance for the institution. The cost of attendance shall be determined by the Authority for
37 each ~~constituent institution-eligible institution of higher education.~~

38 (d) In the event there are not sufficient funds to provide each ~~eligible-qualifying~~ student
39 who has applied in accordance with the application process and the schedule established by the
40 Authority with a full tuition grant as provided by this Part, each ~~eligible-qualifying~~ student shall
41 receive a pro rata share of funds available for the academic year covered by the appropriation in
42 the preceding fiscal year.

43"

44 **SECTION 8A.3.(b)** G.S. 116-209.90(a), as amended by subsection (a) of this
45 section, reads as rewritten:

46 "(a) Within the funds available, an eligible graduate in each school year who meets the
47 following conditions shall qualify for a tuition grant awarded under this Part:

48 (1) Is a resident for tuition purposes under the criteria set forth in G.S. 116-143.1
49 and in accordance with the coordinated and centralized residency
50 determination process administered by the Authority.

- 1 (2) Enrolls as a full-time student in an eligible institution of higher education in
2 the next academic year after graduation.
- 3 (3) Submits a completed Free Application for Federal Student Aid (FAFSA)
4 form."

5 **SECTION 8A.3.(c)** Subsection (a) of this section applies beginning with graduates
6 of the North Carolina School of Science and Mathematics and the University of North Carolina
7 School of the Arts from the 2022-2023 school year, and subsection (b) of this section applies
8 beginning with graduates from the 2023-2024 school year.

9

10 **REVISE TEACHING FELLOWS PROGRAM**

11 **SECTION 8A.4.(a)** Part 3 of Article 23 of Chapter 116 of the General Statutes reads
12 as rewritten:

13 "Part 3. North Carolina Teaching Fellows Program.

14 **"§ 116-209.60. Definitions.**

15 The following definitions apply in this Part:

- 16 (1) Commission. – The North Carolina Teaching Fellows Commission.
- 17 (2) Director. – The Director of the North Carolina Teaching Fellows Program.
- 18 (3) Forgivable loan. – A forgivable loan made under the Program.
- 19 (4) Program. – The North Carolina Teaching Fellows Program.
- 20 (5) Public school. – An elementary or secondary school located in North Carolina
21 that is governed by a local board of education, charter school board of
22 directors, regional school board of directors, or University of North Carolina
23 laboratory school board of trustees.
- 24 ~~(6) STEM. – Science, technology, engineering, and mathematics.~~
- 25 (7) Trust Fund. – The North Carolina Teaching Fellows Program Trust Fund.

26 ...

27 **"§ 116-209.62. North Carolina Teaching Fellows Program established; administration.**

28 (a) Program. – There is established the North Carolina Teaching Fellows Program to be
29 administered by the System Office of The University of North Carolina, in conjunction with the
30 Authority and the Commission. The purpose of the Program is to recruit, prepare, and support
31 students residing in or attending institutions of higher education located in North Carolina for
32 preparation as highly effective ~~STEM or special education~~ teachers in the State's public schools.
33 The Program shall be used to provide a forgivable loan to individuals interested in preparing to
34 teach in the public schools of the ~~State in STEM or special education licensure areas.~~ State.

35 (b) Trust Fund. – There is established the North Carolina Teaching Fellows Program
36 Trust Fund to be administered by the Authority, in conjunction with the System Office of The
37 University of North Carolina. All funds (i) appropriated to, or otherwise received by, the Program
38 for forgivable loans and other Program purposes, (ii) received as repayment of forgivable loans,
39 and (iii) earned as interest on these funds shall be placed in the Trust Fund. The purpose of the
40 Trust Fund is to provide financial assistance to qualified students for completion of teacher
41 education and licensure programs to fill ~~STEM or special education licensure areas positions~~
42 in the public schools of the State.

43 (c) Uses of Monies in the Trust Fund. – The monies in the Trust Fund may be used only
44 for (i) forgivable loans granted under the Program, (ii) administrative costs associated with the
45 Program, including recruitment and recovery of funds advanced under the Program, (iii)
46 mentoring and coaching support to forgivable loan recipients, and (iv) extracurricular
47 enhancement activities of the Program in accordance with the following:

- 48 (1) The Authority shall transfer the greater of six hundred thousand dollars
49 (\$600,000) or ten percent (10%) of the available funds from the Trust Fund to
50 the General Administration of The ~~University of North Carolina~~ University of
51 North Carolina System Office at the beginning of each fiscal year for the

1 Program's administrative costs, the salary of the Director of the Program and
2 other Program staff, expenses of the Commission, and to provide the
3 Commission with funds to use for the extracurricular enhancement activities
4 of the Program.

5 ...

6 (d) Director of the Program. – The Board of Governors of The University of North
7 Carolina shall appoint a Director of the Program. The Director shall appoint staff to the
8 Commission and shall be responsible for recruitment and coordination of the Program, including
9 proactive, aggressive, and strategic recruitment of potential recipients. Recruitment activities
10 shall include (i) targeting regions of the State with the highest teacher attrition rates and teacher
11 recruitment challenges, (ii) actively engaging with educators, business leaders, experts in human
12 resources, elected officials, and other community leaders throughout the State, and (iii) attracting
13 candidates ~~in STEM and special education licensure areas~~ to the Program. The Director shall
14 report to the President of The University of North Carolina. The Authority shall provide office
15 space and clerical support staff, as necessary, to the Director for the Program.

16 (e) Student Selection Criteria for Forgivable Loans. – The Commission shall adopt
17 stringent standards for awarding forgivable loans based on multiple measures to ensure that only
18 the strongest applicants receive them, including the following:

- 19 (1) Grade point averages.
- 20 (2) Performance on relevant career and college readiness assessments.
- 21 (3) Experience, accomplishments, and other criteria demonstrating qualities
22 positively correlated with highly effective teachers, including excellent verbal
23 and communication skills.
- 24 (4) Demonstrated commitment to serve ~~in a STEM or special education licensure~~
25 ~~area~~ in North Carolina public schools.

26 (f) Program Selection Criteria. – The Authority shall administer the Program in
27 cooperation with each constituent institution of The University of North Carolina and up to eight
28 four institutions of higher education with approved educator preparation programs selected by
29 the Commission that represent a diverse selection of ~~both postsecondary constituent institutions~~
30 ~~of The University of North Carolina and~~ private postsecondary institutions operating in the State.
31 The Commission shall adopt stringent standards for selection of the most effective educator
32 preparation programs, including the following:

- 33 (1) Demonstrates high rates of educator effectiveness on value-added models and
34 teacher evaluations, including using performance-based, subject-specific
35 assessment and support systems, such as edTPA or other metrics of evaluating
36 candidate effectiveness that have predictive validity.
- 37 (2) Demonstrates measurable impact of prior graduates on student ~~learning,~~
38 ~~including impact of graduates teaching in STEM or special education~~
39 ~~licensure areas.~~ learning.
- 40 (3) Demonstrates high rates of graduates passing exams required for teacher
41 licensure.
- 42 (4) Provides curricular and co-curricular enhancements in leadership, facilitates
43 learning for diverse learners, and promotes community engagement,
44 classroom management, and reflection and assessment.
- 45 (5) Requires at least a minor concentration of study in the subject area that the
46 candidate may teach.
- 47 (6) Provides early and frequent internship or practical experiences, including the
48 opportunity for participants to perform practicums in diverse school
49 environments.
- 50 (7) Is approved by the State Board of Education as an educator preparation
51 program.

1 (g) Awards of Forgivable Loans. – The Program shall provide forgivable loans to selected
 2 students to be used at each constituent institution of The University of North Carolina and up to
 3 ~~eight-four~~ selected private institutions for completion of a program leading to initial teacher
 4 licensure as follows:

- 5 (1) North Carolina high school seniors. – Forgivable loans of up to four thousand
 6 one hundred twenty-five dollars (\$4,125) per semester for up to eight
 7 semesters.
- 8 (2) Students applying for transfer to a selected educator preparation program at
 9 an institution of higher education. – Forgivable loans of up to four thousand
 10 one hundred twenty-five dollars (\$4,125) per semester for up to six semesters.
- 11 (3) Individuals currently holding a bachelor's degree seeking preparation for
 12 teacher licensure. – Forgivable loans of up to four thousand one hundred
 13 twenty-five dollars (\$4,125) per semester for up to four semesters.
- 14 (4) Students matriculating at institutions of higher education who are changing to
 15 an approved program of study at a selected educator preparation program. –
 16 Forgivable loans of up to four thousand one hundred twenty-five dollars
 17 (\$4,125) per semester for up to four semesters.

18 Forgivable loans may be used for tuition, fees, the cost of books, and expenses related to
 19 obtaining licensure.

20 ~~(h) Identification of STEM and Special Education Licensure Areas. – The Superintendent
 21 of Public Instruction shall identify and provide to the Commission and the Authority a list of
 22 STEM and special education licensure areas and shall annually provide to the Commission the
 23 number of available positions in each licensure area relative to the number of current and
 24 anticipated teachers in that area of licensure. The Commission shall make the list of STEM and
 25 special education licensure areas readily available to applicants.~~

26 ...

27 (j) Annual Report. – The Commission, in coordination with the Authority, the
 28 Department of Public Instruction, each constituent institution of The University of North
 29 Carolina, and the selected private educator education programs participating in the Program shall
 30 report no later than January 1, 2019, and annually thereafter, to the Joint Legislative Education
 31 Oversight Committee regarding the following:

- 32 (1) Forgivable loans awarded from the Trust Fund, including the following:
 33 a. Demographic information regarding recipients.
 34 b. Number of recipients by institution of higher education and program.
 35 c. Information on number of recipients by ~~anticipated STEM and special~~
 36 ~~education~~ licensure area.
- 37 (2) Placement and repayment rates, including the following:
 38 a. Number of graduates who have been employed ~~in a STEM or special~~
 39 ~~education licensure area~~ as a public school teacher in North Carolina
 40 within two years of program completion.
 41 b. Number of graduates who accepted employment at a low-performing
 42 school identified under G.S. 115C-105.37 as part of their years of
 43 service.
 44 c. Number of graduates who have elected to do loan repayment and their
 45 years of service, if any, prior to beginning loan repayment.
 46 d. Number of graduates employed in a ~~STEM or special education~~
 47 ~~licensure area~~ North Carolina public school who have received an
 48 overall rating of at least accomplished and have met expected growth
 49 on applicable standards of the teacher evaluation instrument.
 50 e. Aggregate information on student growth and proficiency in courses
 51 taught by graduates who have fulfilled service requirements through

1 employment in a ~~STEM or special education licensure area~~ North
2 Carolina public school.

3 ...

4 **"§ 116-209.63. Terms of forgivable loans; receipt and disbursement of funds.**

5 (a) Notes. – All forgivable loans shall be evidenced by notes made payable to the
6 Authority that bear interest at a rate not to exceed ten percent (10%) per year as set by the
7 Authority and beginning on the first day of September after the completion of the program
8 leading to teacher licensure or 90 days after graduation, whichever is later. If a forgivable loan is
9 terminated, the note shall be made payable to the Authority 90 days after termination of the
10 forgivable loan. The forgivable loan may be terminated upon the recipient's withdrawal from the
11 Program or by the recipient's failure to meet the standards set by the Commission.

12 (b) Forgiveness. – The Authority shall forgive the loan and any interest accrued on the
13 loan if, within 10 years after graduation from a program leading to teacher licensure, exclusive
14 of any authorized deferment for extenuating circumstances, the recipient serves as a teacher in a
15 ~~STEM or special education licensure area, as provided in G.S. 116-209.62(h),~~ North Carolina
16 public school for every year the teacher was awarded the forgivable loan, in any combination of
17 the following:

- 18 (1) ~~One year~~ Six months at a North Carolina public school identified as
19 low-performing under G.S. 115C-105.37 at the time the teacher accepts
20 employment at the school or, if the teacher changes employment during this
21 period, at another school identified as low-performing.
22 (2) ~~Two years~~ One year at a North Carolina public school not identified as
23 low-performing under G.S. 115C-105.37.

24 The Authority shall also forgive the loan if it finds that it is impossible for the recipient to
25 work for up to ~~eight~~ four years, within 10 years after completion of the program leading to teacher
26 licensure, at a North Carolina public school because of the death or permanent disability of the
27 recipient. If the recipient repays the forgivable loan by cash payments, all indebtedness shall be
28 repaid within 10 years after completion of the program leading to teacher licensure supported by
29 the forgivable loan. If the recipient completes a program leading to teacher licensure, payment
30 of principal and interest shall begin no later than the first day of September after the completion
31 of the program. Should a recipient present extenuating circumstances, the Authority may extend
32 the period to repay the loan in cash to no more than a total of 12 years."

33 **SECTION 8A.4.(b)** This section applies to applications for the award of funds
34 beginning in the 2024-2025 academic year.

35
36 **REVISE SELECTION CRITERIA FOR PRINCIPAL FELLOWS PROGRAM**

37 **SECTION 8A.5.(a)** G.S. 116-74.46(a) reads as rewritten:

38 "(a) Selection. – After evaluation of grant applications pursuant to G.S. 116-74.45, the
39 Commission shall notify the Authority of its selection of the recipients of grants for each fiscal
40 year. The Commission shall select up to ~~eight~~ 10 grant recipients to be operating a school leader
41 preparation program with grant funds in any fiscal year. At least two of the 10 grant recipients
42 shall be private postsecondary institutions operating directly or through a consortium."

43 **SECTION 8A.5.(b)** This section applies beginning with grants awarded in the
44 2026-2027 academic year.

45
46 **EXPAND ELIGIBILITY AND REVISE ADMINISTRATION FOR OPPORTUNITY**
47 **SCHOLARSHIPS**

48 **SECTION 8A.6.(a)** G.S. 115C-562.1(3) reads as rewritten:

- 49 "(3) Eligible students. – A student residing in North Carolina who has not yet
50 received a high school diploma and who meets all of the following
51 requirements:

- 1 a. Meets one of the following criteria:
- 2 1. Was a student (i) assigned to and attending a public school full
- 3 time pursuant to G.S. 115C-366 or (ii) enrolled full time in a
- 4 Department of Defense Elementary and Secondary School,
- 5 established pursuant to 10 U.S.C. § 2164 and located in North
- 6 Carolina, during the spring semester prior to the school year
- 7 for which the student is applying.
- 8 2. Received a scholarship grant for the school year prior to the
- 9 school year for which the student is applying.
- 10 3. Is eligible to enter ~~kindergarten, first grade, or second grade~~
- 11 any grade between kindergarten and grade eight pursuant to
- 12 Article 25 of this Chapter. A child who is the age of four on or
- 13 before April 16 is eligible to attend the following school year
- 14 if the principal, or equivalent, of the school in which the child
- 15 seeks to enroll finds that the student meets the requirements
- 16 established by the Authority pursuant to G.S. 115C-562.2(d)
- 17 and those findings are submitted to the Authority with the
- 18 child's application.
- 19 4. Is a child in foster care as defined in G.S. 131D-10.2(9).
- 20 5. Is a child whose adoption decree was entered not more than
- 21 one year prior to submission of the scholarship grant
- 22 application.
- 23 6. Is a child whose parent or legal guardian (i) is on full-time duty
- 24 status in the active uniformed service of the United States,
- 25 including members of the National Guard and Reserve on
- 26 active duty orders pursuant to 10 U.S.C. § 12301, et seq., and
- 27 10 U.S.C. § 12401, et seq., or (ii) receives an honorable
- 28 discharge as an active duty member from the uniformed service
- 29 of the United States within 12 months prior to application.
- 30 7. Is a child who meets both of the following:
- 31 I. Was enrolled in a nonpublic school that meets the
- 32 requirements of Part 1 and Part 2 of this Article during
- 33 the spring semester prior to the school year for which
- 34 the student is applying.
- 35 II. Was enrolled for the entire school year immediately
- 36 prior to the school year in which the student enrolled in
- 37 the nonpublic school in one of the following:
- 38 A. A North Carolina public school.
- 39 B. A Department of Defense Elementary and
- 40 Secondary School established pursuant to 10
- 41 U.S.C. § 2164 and located in North Carolina.
- 42 a1. Has not enrolled in a postsecondary institution in a matriculated status
- 43 eligible for enrollment for 12 hours of academic credit.
- 44 a2. Resides with a parent who has been domiciled in the State for a
- 45 minimum of six months prior to award of the scholarship grant.
- 46 b. Meets one of the following criteria:
- 47 1. Resides in a household with an income level not in excess of
- 48 two hundred percent (200%) of the amount required for the
- 49 student to qualify for the federal free or reduced-price lunch
- 50 program. The Authority shall not count any distribution from
- 51 the estate of a decedent in calculating the income level of the

- 1 applicant's household for the purposes of determining
2 eligibility for a scholarship under this sub-sub-subdivision.
3 2. Is a child in foster care as defined in G.S. 131D-10.2. The
4 Authority shall not consider the household income of the foster
5 parent, as defined in G.S. 131D-10.2, in determining the
6 eligibility of a foster care child."

7 **SECTION 8A.6.(b)** G.S. 115C-562.3 reads as rewritten:

8 "**§ 115C-562.3. Verification of eligibility; information from other State agencies.**

9 (a) To verify that the student's parent has been a resident of the State for a minimum of
10 six months prior to award of the scholarship grant, the Authority shall establish a domicile
11 determination system and shall establish rules for determination of domicile. Each of the Division
12 of Motor Vehicles of the Department of Transportation, the Department of Public Instruction,
13 the Department of Commerce, the Department of Health and Human Services, the Department
14 of Revenue, the State Board of Elections, and the State Chief Information Officer shall
15 expeditiously cooperate with the Authority in verifying electronically, or by other similarly
16 effective and efficient means, evidence submitted to the Authority for the purposes of
17 establishing the domicile required by G.S. 115C-366 for State residency. The Authority shall
18 accept any of the following as evidence of domicile within the State:

- 19 (1) Verified State drivers license and State identification card.
20 (2) Verified State voter registration.
21 (3) Verified receipt of public benefits from a State agency.
22 (4) Verified filing of State income taxes for the year prior to application.
23 (5) Verified enrollment in a North Carolina public school for the year prior to the
24 year in which the scholarship grant would be awarded.
25 (6) An electronically submitted copy of one of the following current documents
26 that show the name of the parent and an address within the State:
27 a. A utility bill.
28 b. A bank statement.
29 c. A government check.
30 d. A paycheck.
31 e. Any other government document.

32 (a1) ~~The~~ In addition to the requirements of subsection (a) of this section, the Authority
33 may seek verification of information on any application for scholarship grants from eligible
34 students. The Authority shall select and verify six percent (6%) of applications annually,
35 including those with apparent errors on the face of the application. The Authority shall establish
36 rules for the verification process and may use the federal verification requirements process for
37 free and reduced-price lunch applications as guidance for those rules. If a household fails to
38 cooperate with verification efforts, the Authority shall revoke the award of the scholarship grant
39 to the eligible student.

40 (b) Household members of applicants for scholarship grants shall authorize the Authority
41 to access information needed for verification efforts conducted under subsection (a1) of this
42 section held by other State agencies, including the Department of Revenue, the Department of
43 Health and Human Services, and the Department of Public Instruction. ~~The Department of Public~~
44 ~~Instruction shall provide the Authority with public school enrollment information to establish~~
45 ~~eligibility pursuant to G.S. 115C-562.1(3)a., as needed.~~

46 (c) By December 1 of each year, the Department of Public Instruction shall provide the
47 Authority the average State per pupil allocation for that fiscal year to determine the maximum
48 scholarship amount for eligible students to be awarded in the following fiscal year in accordance
49 with G.S. 115C-562.2(b)."

50 **SECTION 8A.6.(c)** G.S. 115C-562.8 reads as rewritten:

51 "**§ 115C-562.8. The Opportunity Scholarship Grant Fund Reserve.**

1 ...
 2 (b) The General Assembly finds that, due to the critical need in this State to provide
 3 opportunity for school choice for North Carolina students, it is imperative that the State provide
 4 an increase of funds for 15 years to the Opportunity Scholarship Grant Fund Reserve. Therefore,
 5 there is appropriated from the General Fund to the Reserve the following amounts for each fiscal
 6 year to be used for the purposes set forth in this section:

7	Fiscal Year	Appropriation
8	2017-2018	\$44,840,000
9	2018-2019	\$54,840,000
10	2019-2020	\$64,840,000
11	2020-2021	\$74,840,000
12	2021-2022	\$84,840,000
13	2022-2023	\$94,840,000
14	2023-2024	\$176,540,000
15	2024-2025	\$191,540,000
16	2025-2026	\$206,540,000 \$262,540,000
17	2026-2027	\$221,540,000 \$277,540,000
18	2027-2028	\$236,540,000 \$292,540,000
19	2028-2029	\$251,540,000 \$307,540,000
20	2029-2030	\$266,540,000 \$322,540,000
21	2030-2031	\$281,540,000 \$337,540,000
22	2031-2032	\$296,540,000 \$352,540,000

23 For the 2032-2033 fiscal year and each fiscal year thereafter, there is appropriated from the
 24 General Fund to the Reserve the sum of ~~three hundred eleven million five hundred forty thousand~~
 25 ~~dollars (\$311,540,000)~~ three hundred sixty-seven million five hundred forty thousand dollars
 26 (\$367,540,000) to be used for the purposes set forth in this section. When developing the base
 27 budget, as defined by G.S. 143C-1-1, for each fiscal year specified in this subsection, the Director
 28 of the Budget shall include the appropriated amount specified in this subsection for that fiscal
 29 year.

30 ...
 31 (d) Any unexpended funds at the end of a fiscal year from the funds appropriated in a
 32 particular fiscal year to be used for the award of scholarships in the following fiscal year shall be
 33 used as follows:

- 34 (1) Up to ~~five hundred thousand dollars (\$500,000)~~ one million dollars
 35 (\$1,000,000) may be used by the Authority to contract with a nonprofit
 36 corporation representing parents and families for outreach and scholarship
 37 education and application assistance for parents and students pursuant to Part
 38 4A of this Article. If sufficient funds are available, the Authority may renew
 39 any contract made with a particular nonprofit corporation under this
 40 subdivision upon the expiration of that contract.
- 41 (2) Any remaining funds shall be carried forward for one fiscal year pursuant to
 42 subsection (a) of this section."

43 **SECTION 8A.6.(d)** Notwithstanding G.S. 115C-562.3(a), as enacted by this act, as
 44 part of a student's application for a scholarship grant pursuant to Part 2A of Article 39 of Chapter
 45 115C of the General Statutes for the 2024-2025 school year, a parent shall certify to the State
 46 Education Assistance Authority that the parent meets the requirements of G.S. 115C-562.1(3)a.2,
 47 as enacted by this act, for eligibility purposes in lieu of submitting evidence electronically to the
 48 State Education Assistance Authority through a domicile determination system. The State
 49 Education Assistance Authority shall select six percent (6%) of the applications for the
 50 2024-2025 school year to verify a parent meets domicile requirements for the award of a
 51 scholarship grant to an eligible student. As evidence of domicile, the State Education Assistance

1 Authority may accept the submission of any of the documents set forth under
2 G.S. 115C-562.3(a). If a parent fails to cooperate with verification efforts under this section, the
3 State Education Assistance Authority shall revoke the award of the scholarship grant to the
4 eligible student. In addition, if the State Education Assistance Authority determines that the
5 certification of the parent contains falsified information, the parent may be subject to
6 administrative, civil, or criminal penalties. The State Education Assistance Authority shall
7 include a notice of the potential for the imposition of penalties when requesting certification as
8 part of the application process.

9 **SECTION 8A.6.(e)** Subsection (c) of this section becomes effective July 1, 2023.
10 The remainder of this section becomes effective January 1, 2024, and applies to applications for
11 scholarship grants beginning with the 2024-2025 school year.

12 **LONGLEAF COMMITMENT COMMUNITY COLLEGE GRANT PROGRAM**

13 **SECTION 8A.7.(a)** Part 1 of Article 23 of Chapter 116 of the General Statutes is
14 amended by adding a new section to read:

15 **"§ 116-209.32. Longleaf Commitment Community College Grant Program.**

16 (a) Program Established; Purpose. – There is established the Longleaf Commitment
17 Community College Grant Program (Program) to be administered by the State Education
18 Assistance Authority (Authority). The purpose of the Program is to award grants to eligible
19 students who are high school graduates for tuition and fees at a community college for up to two
20 years.

21 (b) Eligible Students. – A student shall be considered an eligible student to receive a grant
22 under the Program if the student meets all of the following requirements:

- 23 (1) Graduates from high school or receives a high school equivalency diploma.
- 24 (2) Qualifies as a resident for tuition purposes under the criteria set forth in
25 G.S. 116-143.1 and in accordance with the coordinated and centralized
26 residency determination process administered by the Authority.
- 27 (3) Completes the Free Application for Federal Student Aid (FAFSA) for the
28 academic year in which funds are awarded and, if applicable, renews the
29 FAFSA in subsequent academic years.
- 30 (4) Is a student in need of additional financial aid in light of any financial aid
31 already received, as determined by the Authority.
- 32 (5) Is enrolled in a community college and maintains enrollment in at least six
33 credit hours per semester in curriculum courses.

34 (c) Award Amounts. – To the extent funds are made available for this purpose, the
35 Authority shall award grants under the Program to eligible students in an amount to be
36 determined by the Authority each year for up to two years. Grants may include funds for the cost
37 of tuition and a fee allowance. These amounts shall supplement additional scholarships made
38 available to eligible students, including scholarship amounts provided under the consolidated
39 payment schedule for the North Carolina Need-Based Scholarship for Public Colleges and
40 Universities Program under Part 5 of this Article, with the goal of providing the full cost of tuition
41 to as many eligible students as possible.

42 (d) Administration. – The Authority may adopt rules for the administration of the
43 Program. The Authority may use up to one percent (1%) of the funds appropriated for the
44 Program for administrative costs.

45 (e) Report. – By September 1, 2024, and annually thereafter, the Authority shall submit
46 a report, in consultation with the Community Colleges System Office, to the Joint Legislative
47 Education Oversight Committee on the implementation of the Program. The report shall contain,
48 for each academic year, at least the following information:

- 49 (1) The amount of grant funds disbursed.
 - 50 (2) The number of eligible students receiving funds.
- 51

1 (3) The number of students who attended community college without having to
2 pay tuition under the Program or a combination of the Program and other
3 scholarship programs, including the North Carolina Need-Based Scholarship
4 for Public Colleges and Universities Program and federal Pell grants."

5 **SECTION 8A.7.(b)** This section applies beginning with high school students
6 graduating in the 2023-2024 school year.

7
8 **REMOVE REQUIREMENT FOR OPPORTUNITY SCHOLARSHIP PROGRAMS**
9 **EVALUATIONS**

10 **SECTION 8A.8.(a)** G.S. 115C-562.5(a)(4) reads as rewritten:

11 "(4) Administer, at least once in each school year, a nationally standardized test or
12 other nationally standardized equivalent measurement selected by the chief
13 administrative officer of the nonpublic school to all eligible students whose
14 tuition and fees are paid in whole or in part with a scholarship grant enrolled
15 in grades three and higher. For grades three through eight, the nationally
16 standardized test or other equivalent measurement selected must measure
17 achievement in the areas of English grammar, reading, spelling, and
18 mathematics. For grades nine through 12, the nationally standardized test or
19 other equivalent measurement selected must measure either (i) achievement
20 in the areas of English grammar, reading, spelling, and mathematics or (ii)
21 competencies in the verbal and quantitative areas. ~~Test performance data shall~~
22 ~~be submitted to the Authority by July 15 of each year. Test performance data~~
23 ~~reported to the Authority under this subdivision is not a public record under~~
24 ~~Chapter 132 of the General Statutes."~~

25 **SECTION 8A.8.(b)** G.S. 115C-562.5(c) is repealed.

26 **SECTION 8A.8.(c)** G.S. 115C-562.7(c) is repealed.

27 **SECTION 8A.8.(d)** This section is effective when it becomes law.

28
29 **CONFORM SEAA REQUIREMENTS WITH FEDERAL CHANGES TO FAFSA**
30 **SIMPLIFICATION ACT**

31 **SECTION 8A.9.(a)** G.S. 116-143.3(c) reads as rewritten:

32 "(c) Any dependent relative of a member of the Armed Forces who is abiding in this State
33 incident to active military duty, as defined by the Board of Governors of The University of North
34 Carolina and by the State Board of Community Colleges while sharing the abode of that member
35 shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for
36 admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). ~~The dependent~~
37 ~~relatives shall comply with the requirements of the Selective Service System, if applicable, in~~
38 ~~order to be accorded this benefit.~~ In the event the member of the Armed Forces is reassigned
39 outside of North Carolina or retires, the dependent relative shall continue to be eligible for the
40 in-State tuition rate and applicable mandatory fees so long as the dependent relative is
41 continuously enrolled in the degree or other program in which the dependent relative was enrolled
42 at the time the member is reassigned or retires. In the event the member of the Armed Forces
43 receives an Honorable Discharge from military service, the dependent relative shall continue to
44 be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent
45 relative establishes residency within North Carolina within 30 days after the discharge and is
46 continuously enrolled in the degree or other program in which the dependent relative was enrolled
47 at the time the member is discharged."

48 **SECTION 8A.9.(b)** G.S. 143B-421.1 reads as rewritten:

49 "**§ 143B-421.1. Selective Service registration, registration, State employment.**

50 (a) ~~A Any person who is required under~~ subject to 50 United States Code Appx. § 453
51 (Military Selective Service Act) ~~to present himself for and submit to registration and fails shall~~

1 register as required by that act. Any person who fails to do so in accordance with any
2 proclamation or any rule or regulation issued under this section, shall be ineligible for:

3 (1) ~~Employment for employment~~ by or service for the State, or a political
4 subdivision of the State, including all boards and commissions, departments,
5 agencies, institutions, and instrumentalities.

6 (2) ~~State-supported scholarships, programs for financial assistance for~~
7 ~~postsecondary education, or loans insured by any State agency, including~~
8 ~~educational assistance authorized under Article 23 of Chapter 116 of the~~
9 ~~General Statutes.~~

10 (b) It shall be the duty of all persons or officials having charge of and authority over either
11 the hiring of ~~employees or granting of educational assistance, employees,~~ as described in this
12 section, to adopt rules and regulations which shall require applicants to indicate on a form
13 whether they are in compliance with the registration requirements described in subsection (a).
14 Rules and regulations issued under the authority of this section shall provide that an applicant be
15 given not less than 30 days after notification of a proposed finding of ineligibility for employment
16 ~~or benefits~~ to provide the issuing official with information that he is in compliance with the
17 registration requirements described in subsection (a). The issuing official may afford such person
18 an opportunity for a hearing to establish his compliance or for any other purpose.

19 (c) A person may not be denied a right, privilege, or benefit under State law by reason of
20 failure to present himself for and submit to registration under 50 U.S.C.S. Appx. § 453 ~~if~~ if all of
21 the following apply:

22 (1) The requirement for the person to so register has terminated or become
23 inapplicable to the ~~person; and~~ person.

24 (2) The person shows by a preponderance of the evidence that the failure of the
25 person to register was not a knowing and willful failure to register."

26 **SECTION 8A.9.(c)** This section is effective when it becomes law and applies
27 beginning with the 2023-2024 academic year.

28 29 **CONFORM IN-STATE TUITION FOR MILITARY-RELATED INDIVIDUALS TO** 30 **FEDERAL LAW**

31 **SECTION 8A.10.(a)** G.S. 115D-39(a) reads as rewritten:

32 "(a) The State Board of Community Colleges shall fix and regulate all tuition and fees
33 charged to students for applying to or attending any institution pursuant to this Chapter.

34 The receipts from all student tuition and fees, other than student activity fees, shall be State
35 funds and shall be deposited as provided by regulations of the State Board of Community
36 Colleges.

37 The legal resident limitation with respect to tuition, set forth in G.S. 116-143.1 and
38 G.S. 116-143.3, shall apply to students attending institutions operating pursuant to this ~~Chapter;~~
39 ~~provided, however, that when~~ Chapter, except as follows:

40 (1) When an employer other than the ~~Armed Forces,~~ employer of a qualifying
41 federal services member, as that term is defined in G.S. 116-143.3, pays
42 tuition for an employee to attend an institution operating pursuant to this
43 Chapter and when the employee works at a North Carolina business location,
44 the employer shall be charged the in-State tuition ~~rate; provided further,~~
45 ~~however, a rate.~~

46 (2) A community college may charge in-State tuition to up to one percent (1%)
47 of its out-of-state students, rounded up to the next whole number, to
48 accommodate the families transferred by business, the families transferred by
49 industry, or the civilian families ~~transferred by the Armed Forces,~~ of
50 qualifying federal services member transferred to a permanent duty station,
51 consistent with the provisions of G.S. 116-143.3, into the State.

(3) ~~Notwithstanding these requirements, a~~ A refugee who lawfully entered the United States and who is living in this State shall be deemed to qualify as a domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident for community college tuition purposes as defined in G.S. 116-143.1(a)(2).

(4) ~~Also, a~~ A nonresident of the United States who has resided in North Carolina for a 12-month qualifying period and has filed an immigrant petition with the United States Immigration and Naturalization Service shall be considered a State resident for community college tuition purposes."

SECTION 8A.10.(b) G.S. 116-143.3 reads as rewritten:

"§ 116-143.3. Tuition of ~~Armed Forces personnel~~ qualifying federal services members and their spouses and dependents.

(a) Definitions. – The following definitions apply in this section:

(1) ~~The term "abode" shall mean the~~ Abode. – The place where a person actually lives, whether temporarily or permanently; the term "abide" shall mean to live in a given place.

(2) ~~The term "Armed Forces" shall mean the~~ Armed Forces. – The United States Air Force, Army, Coast Guard, Marine Corps, and Navy; the North Carolina National Guard; and any reserve component of the foregoing.

(2a) Dependent. – A spouse or dependent child.

(3) Repealed by Session Laws 2007-484, s. 15, effective August 30, 2007.

(4) Qualifying federal services member. – Any of the following:

a. A member of the Armed Forces who is on active duty for a period of more than 30 days, as defined in 10 U.S.C. § 101.

b. A member of the Foreign Service, as defined in 22 U.S.C. § 3903, who is on active duty for a period of more than 30 days.

(b) ~~Any active duty member of the Armed Forces qualifying for admission~~ qualifying federal services member admitted to an institution of higher education, as defined in ~~G.S. 116-143.1(a)(3)~~ G.S. 116-143.1(a)(3), but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the in-State tuition rate and applicable mandatory fees for enrollments while the ~~member of the Armed Forces is abiding in this State incident to active military duty~~ qualifying federal services member's permanent duty station is in this State. In the event the ~~active duty member of the Armed Forces~~ qualifying federal services member is reassigned outside of North Carolina or retires, the member shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the member is continuously enrolled in the degree or other program in which the member was enrolled at the time the member is reassigned. In the event the qualifying federal services member is an active duty member of the Armed Forces and receives an Honorable Discharge from military service, the member shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the member establishes residency in North Carolina within 30 days after the discharge and is continuously enrolled in the degree or other program in which the member was enrolled at the time the member is discharged.

(b1), (b2) Repealed by Session Laws 2004-130, s. 1, effective August 1, 2004.

(c) ~~Any dependent relative of a member of the Armed Forces who is abiding in this State incident to active military duty, as defined by the Board of Governors of The University of North Carolina and by the State Board of Community Colleges while sharing the abode of that member~~ dependent of a qualifying federal services member with a permanent duty station in this State shall be eligible to be charged the in-State tuition rate, if the dependent ~~relative~~ qualifies for admission to an institution of higher education, as defined in G.S. 116-143.1(a)(3). The dependent ~~relatives~~ shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. In the event the ~~member of the Armed Forces~~ qualifying federal services member is reassigned outside of North Carolina or retires, the

1 dependent ~~relative~~ shall continue to be eligible for the in-State tuition rate and applicable
2 mandatory fees so long as the dependent ~~relative~~ is continuously enrolled in the degree or other
3 program in which the dependent ~~relative~~ was enrolled at the time the member is reassigned or
4 retires. In the event the qualifying federal services member is an active duty member of the
5 Armed Forces and receives an Honorable Discharge from military service, the dependent ~~relative~~
6 shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as
7 the dependent ~~relative~~ establishes residency within North Carolina within 30 days after the
8 discharge and is continuously enrolled in the degree or other program in which the dependent
9 ~~relative~~ was enrolled at the time the member is discharged.

10 (c1) A dependent ~~relative~~ child who resides with a member of the Armed Forces who is
11 reassigned outside of the State incident to active military duty shall remain eligible to be charged
12 the in-State tuition rate if all of the following are met:

13 (1) At the time the dependent ~~relative~~ child applies for admission to the institution
14 of higher education, as defined in G.S. 116-143.1(a)(3), the dependent ~~relative~~
15 child both:

16 a. Is enrolled in a North Carolina high school.

17 b. Meets the requirements of subsection (c) of this section.

18 (2) Upon admission, the dependent ~~relative~~ child enrolls in the institution of
19 higher education no later than the fall academic semester immediately
20 following notice of admission and remains continuously enrolled.

21 (d) The person applying for the benefit of this section has the burden of proving
22 entitlement to the benefit.

23 (e) A person charged less than the out-of-state tuition rate solely by reason of this section
24 shall not, during the period of receiving that benefit, qualify for or be the basis of conferring the
25 benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or (l)."

26 **SECTION 8A.10.(c)** G.S. 116-235(b)(1) reads as rewritten:

27 "(1) Admission of Students. – The School shall admit students in accordance with
28 criteria, standards, and procedures established by the Board of Trustees. To be
29 eligible to be considered for admission, an applicant must be either a legal
30 resident of the State, as defined by G.S. 116-143.1(a)(1), or a ~~student whose~~
31 ~~parent is an active duty member of the Armed Forces, as defined by~~
32 ~~G.S. 116-143.3(2), who is abiding in this State incident to active military duty~~
33 ~~at the time the application is submitted, dependent of a qualifying federal~~
34 ~~services member eligible under G.S. 116-143.3, provided the student shares~~
35 the abode of that parent; eligibility to remain enrolled in the School shall
36 terminate at the end of any school year during which a student becomes a
37 nonresident of the State. The Board of Trustees shall ensure, insofar as
38 possible without jeopardizing admission standards, that an equal number of
39 qualified applicants is admitted to the program and to the residential summer
40 institutes in science and mathematics from each of North Carolina's
41 congressional districts. In no event shall the differences in the number of
42 qualified applicants offered admission to the program from each of North
43 Carolina's congressional districts be more than two and one-half percentage
44 points from the average number per district who are offered admission."

45 **SECTION 8A.10.(d)** This section is effective when it becomes law. Qualifying
46 federal services members and their spouses and dependent children shall be eligible to be charged
47 the in-State tuition rate beginning with the 2024-2025 academic year.

49 **ALLOW PREAPPROVAL OF PESA EXPENSES IN LIEU OF EXPENSE REPORTS, AS**
50 **RECOMMENDED BY THE INTERNAL AUDITOR**

51 **SECTION 8A.11.(a)** G.S. 115C-592(b2) reads as rewritten:

"(b2) Disbursement and Deposit of Awards. – Scholarship funds shall be used only for tuition and qualifying education expenses as provided in G.S. 115C-595. Recipients shall receive the scholarship funds in two equal amounts, one-half in each semester of the school year. The first deposit of funds to a PESA shall be subject to the execution of the parental agreement required by G.S. 115C-595. The parent shall then receive an electronic account with the prepaid funds loaded in the electronic account at the beginning of the school year. ~~After the initial disbursement of funds, each subsequent, semester disbursement of funds shall be subject to the submission by the parent of an expense report. The expense report shall be submitted electronically and shall include documentation that the student received an education, as described in G.S. 115C-595(a)(1), for no less than 70 days of the applicable semester. Requests for qualifying educational expenses are subject to a preapproval process established by the Authority prior to the disbursement of funds from the electronic account. An expense report shall not be required for any expenses that have been preapproved by the Authority.~~ The electronic account shall be renewed upon the receipt of the parental agreement under G.S. 115C-595 for recipients awarded scholarship funds in subsequent school years."

SECTION 8A.11.(b) G.S. 115C-595(a)(1) reads as rewritten:

"(1) Use at least a portion of the scholarship funds to provide an ~~education~~ education, for no less than 70 days of each semester, to the eligible student in, at a minimum, the subjects of English language arts, mathematics, social studies, and science."

SECTION 8A.11.(c) This section is effective when it becomes law.

ALLOW CASH BASIS ACCOUNTING FOR SCHOOLS PARTICIPATING IN THE OPPORTUNITY SCHOLARSHIP PROGRAM

SECTION 8A.12.(a) G.S. 115C-562.5(a)(6) reads as rewritten:

"(6) Contract with a certified public accountant to perform a financial review, consistent with generally accepted methods of accounting principles, or any other comprehensive basis of accounting recognized by the American Institute of Certified Public Accountants (AICPA) for each school year in which the school enrolls 70 or more students receiving scholarship grants or scholarship funds awarded by the Authority."

SECTION 8A.12.(b) This section is effective when it becomes law.

PART IX. HEALTH AND HUMAN SERVICES

PART IX-A. AGING AND ADULT SERVICES

CONFORMING PARITY CHANGES PERTAINING TO MONTHLY PAYMENTS FOR STATE-COUNTY SPECIAL ASSISTANCE RECIPIENTS RESIDING IN IN-HOME LIVING ARRANGEMENTS

SECTION 9A.1. G.S. 108A-47.1, as amended by Section 9A.3 of S.L. 2021-180, reads as rewritten:

"§ **108A-47.1. Special Assistance in-home payments.**

(a) The Department of Health and Human Services ~~may~~ shall use funds from the existing State-County Special Assistance budget to provide Special Assistance payments to eligible individuals 18 years of age or older in in-home living arrangements. The standard monthly payment to individuals enrolled in the Special Assistance in-home program shall be one hundred percent (100%) of the monthly payment the individual would receive if the individual resided in an adult care home and qualified for Special Assistance, ~~except if a lesser payment amount is appropriate for the individual as determined by the local case manager.~~ Assistance. The Department shall implement Special Assistance in-home eligibility policies and procedures to

1 assure that in-home program participants are those individuals who need and, but for the in-home
2 program, would seek placement in an adult care home facility. The Department's policies and
3 procedures shall include the use of a ~~functional-an~~ assessment.

4 (b) All county departments of social services shall participate in the State-County Special
5 Assistance in-home program by making Special Assistance in-home slots available to individuals
6 who meet the eligibility requirements established by the Department pursuant to subsection (a)
7 of this section. ~~By February 15, 2013, the Department shall establish a formula to determine the~~
8 ~~need for additional State-County Special Assistance in-home slots for each county. Beginning~~
9 ~~July 1, 2014, and each July 1 thereafter, the Department shall review and revise the formula as~~
10 ~~necessary."~~

11 **PART IX-B. CENTRAL MANAGEMENT AND SUPPORT**

12 **REPORTS BY NON-STATE ENTITIES ON THE USE OF DIRECTED GRANT FUNDS**

13
14 **SECTION 9B.1.** Any non-State entity, as defined in G.S. 143C-1-1, that is a
15 recipient of nonrecurring funds allocated in Part IX of this act as a directed grant shall report to
16 the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal
17 Research Division as follows:

- 18 (1) By July 1, 2024, on the use of directed grant funds received under Part IX of
19 this act for the 2023-2024 fiscal year.
- 20 (2) By July 1, 2025, on the use of directed grant funds received under Part IX of
21 this act for the 2024-2025 fiscal year.

22 **COMMUNITY HEALTH GRANT PROGRAM**

23
24 **SECTION 9B.2.(a)** Funds appropriated in this act to the Department of Health and
25 Human Services, Division of Central Management, Office of Rural Health, for each year of the
26 2023-2025 fiscal biennium for the Community Health Grant Program shall be used to continue
27 to administer the Community Health Grant Program as modified by Section 11A.8 of S.L.
28 2017-57.

29
30 **SECTION 9B.2.(b)** The Office of Rural Health shall make the final decision about
31 awarding grants under this Program, but no single grant award shall exceed one hundred fifty
32 thousand dollars (\$150,000) during the fiscal year. In awarding grants, the Office of Rural Health
33 shall consider the availability of other funds for the applicant; the incidence of poverty in the area
34 served by the applicant or the number of indigent clients served by the applicant; the availability
35 of, or arrangements for, after-hours care; and collaboration between the applicant and a
36 community hospital or other safety net organizations.

37 **SECTION 9B.2.(c)** Grant recipients shall not use these funds to do any of the
38 following:

- 39 (1) Enhance or increase compensation or other benefits of personnel,
40 administrators, directors, consultants, or any other persons receiving funds for
41 program administration; provided, however, funds may be used to hire or
42 retain health care providers. The use of grant funds for this purpose does not
43 obligate the Department of Health and Human Services to continue to fund
44 compensation beyond the grant period.
- 45 (2) Supplant existing funds, including federal funds traditionally received by
46 federally qualified community health centers. However, grant funds may be
47 used to supplement existing programs that serve the purposes described in
48 subsection (a) of this section.
- 49 (3) Finance or satisfy any existing debt.

1 **SECTION 9B.2.(d)** The Office of Rural Health may use up to two hundred thousand
2 dollars (\$200,000) in recurring funds for each fiscal year of the 2023-2025 fiscal biennium for
3 administrative purposes.

4 **SECTION 9B.2.(e)** By September 1 of each year, the Office of Rural Health shall
5 submit a report to the Joint Legislative Oversight Committee on Health and Human Services on
6 community health grants that includes at least all of the following information:

- 7 (1) The identity and a brief description of each grantee and each program or
8 service offered by the grantee.
- 9 (2) The amount of funding awarded to each grantee.
- 10 (3) The number of individuals served by each grantee and, for the individuals
11 served, the types of services provided to each.
- 12 (4) Any other information requested by the Office of Rural Health as necessary
13 for evaluating the success of the Community Health Grant Program.

14 **SECTION 9B.2.(f)** By February 1, 2024, the Office of Rural Health shall report to
15 the Joint Legislative Oversight Committee on Health and Human Services on the implementation
16 status of the following Community Health Grant Program requirements enacted by Section 11A.8
17 of S.L. 2017-57:

- 18 (1) Establishment of a Primary Care Advisory Committee and that Committee's
19 development of an objective and equitable process for grading applications
20 for grants funded under the Community Health Grant Program.
- 21 (2) Development of a standardized method for grant recipients to report objective,
22 measurable quality health outcomes.

23 24 **FUNDS FOR NC DENTAL SOCIETY FOUNDATION'S MISSIONS OF MERCY** 25 **DENTAL CLINICS**

26 **SECTION 9B.3.** Funds appropriated in this act to the Department of Health and
27 Human Services, Division of Central Management and Support, Office of Rural Health, for
28 allocation to the NC Dental Society Foundation for its Missions of Mercy dental clinics shall not
29 be spent for any purpose other than to provide direct services to patients and to purchase
30 necessary dental supplies. None of these funds may be spent for administrative purposes.

31 32 **EXPANSION OF THE NC LOAN REPAYMENT PROGRAM/INCENTIVES FOR** 33 **HEALTH PROVIDERS IN RURAL AND UNDERSERVED AREAS**

34 **SECTION 9B.4.(a)** Of the funds appropriated in this act from the ARPA Temporary
35 Savings Fund to the Department of Health and Human Services, Division of Central Management
36 and Support, Office of Rural Health (ORH), for the North Carolina Loan Repayment Program
37 (Program), the following sums shall be allocated for use as provided in this section:

- 38 (1) The sum of twenty-two million dollars (\$22,000,000) in nonrecurring funds
39 for the 2023-2024 fiscal year and the sum of twenty-two million dollars
40 (\$22,000,000) in nonrecurring funds for the 2024-2025 fiscal year shall be
41 allocated to support the current Program.
- 42 (2) The sum of two million dollars (\$2,000,000) in nonrecurring funds for the
43 2023-2024 fiscal year and the sum of two million dollars (\$2,000,000) in
44 nonrecurring funds for the 2024-2025 fiscal year shall be allocated to establish
45 within the Program a new physician initiative targeting the recruitment and
46 retention of additional licensed pediatricians, psychiatrists, and family
47 medicine physicians in rural and medically underserved areas of the State.
48 Under this new physician initiative:
 - 49 a. The ORH shall allocate funding for at least an additional 15 providers
50 who are licensed pediatricians, psychiatrists, or family medicine
51 physicians to receive either of the following:

1 1. For eligible providers with educational loan debt, loan
2 repayment incentives not to exceed twenty-five thousand
3 dollars (\$25,000) for each year the provider works at an
4 eligible practice site, up to a maximum of one hundred
5 thousand dollars (\$100,000) per provider over a period of four
6 consecutive years.

7 2. For eligible providers without educational loan debt, bonus
8 payment incentives not to exceed twenty-five thousand dollars
9 (\$25,000) for each year the provider works at an eligible
10 practice site, up to a maximum of one hundred thousand dollars
11 (\$100,000) per provider over a period of four consecutive
12 years.

13 b. Private practice settings located in rural and medically underserved
14 areas of the State are deemed automatically eligible practice sites
15 under the new physician initiative authorized by this section.

16 c. The ORH shall collect and maintain data on the length of time each
17 program participant remains employed at the practice site selected for
18 his or her service commitment.

19 (3) The sum of one million dollars (\$1,000,000) in nonrecurring funds for the
20 2023-2024 fiscal year and the sum of one million dollars (\$1,000,000) in
21 nonrecurring funds for the 2024-2025 fiscal year shall be allocated for
22 expansion of the Program to include registered nurses and clinical nurse
23 specialists practicing in rural and medically underserved areas of the State.

24 **SECTION 9B.4.(b)** For each year of the 2023-2025 fiscal biennium, the ORH may
25 use up to five percent (5%) of the total amount of funds allocated by this section for the following
26 purposes:

27 (1) For administrative costs related to the Program, including costs related to
28 establishing and administering the new physician initiative authorized by
29 subdivision (a)(2) of this section and expanding the Program to include
30 registered nurses and clinical nurse specialists pursuant to subdivision (a)(3)
31 of this section.

32 (2) To enter into a contract with the North Carolina Area Health Education Center
33 (AHEC) Program for the development and implementation of a plan to (i)
34 target, recruit, and enroll licensed pediatricians, psychiatrists, family medicine
35 physicians, registered nurses, and clinical nurse specialists in the Program, as
36 specified in subsections (a) and (b) of this section, respectively, and (ii) retain
37 these providers in rural and medically underserved areas of the State following
38 completion of their service commitments.

39 **SECTION 9B.4.(c)** Notwithstanding any provision of law to the contrary, funds
40 allocated under this section that remain unexpended at the end of each fiscal year shall not revert
41 and shall remain available for expenditure for the purpose for which the funds were appropriated
42 until the funds are expended.

43 **SECTION 9B.4.(d)** By January 15, 2025, and January 15, 2026, the ORH shall
44 report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal
45 Research Division on the use of funds allocated by subsection (a) of this section. The report shall
46 include at least all of the following:

47 (1) A list of expenditures funded by State appropriations.

48 (2) The total number of licensed physicians enrolled in the initiative authorized
49 by subdivision (a)(1) of this section, broken down by physician type, practice
50 site, and the type and amount of incentive provided to each program
51 participant.

- 1 (3) The total number of nurses enrolled in the Program following implementation
2 of the expansion authorized by subdivision (a)(2) of this section, broken down
3 by nursing credential, practice site, and the type and amount of incentive
4 provided to each program participant.
- 5 (4) The length of time each program participant remains employed at a practice
6 site in a rural and medically underserved area.
- 7 (5) Recommendations for improving recruitment and retention efforts under the
8 Program.
9

10 **EXPANSION OF THE MEDICAL ASSISTANT APPRENTICESHIP INITIATIVE** 11 **PILOT PROGRAM**

12 **SECTION 9B.5.(a)** Of the funds appropriated in this act to the Department of Health
13 and Human Services, Division of Central Management and Support, Office of Rural Health, the
14 sum of eight hundred fifty thousand dollars (\$850,000) in nonrecurring funds for the 2023-2024
15 fiscal year is allocated as a directed grant to the North Carolina Community Health Center
16 Association (NCCHCA), a nonprofit organization, to fund expansion of its Medical Assistant
17 Apprenticeship Initiative (MAAI) pilot program as follows:

- 18 (1) The addition of a combined total of at least 25 new apprentice placements at
19 the following two participating community health centers:
 - 20 a. Rural Health Group, Inc., a nonprofit corporation with existing MAAI
21 pilot program sites located in Edgecombe, Granville, Halifax,
22 Northampton, Vance, and Warren Counties.
 - 23 b. OIC Family Medical Center, a federally qualified health center that is
24 a division of the nonprofit organization known as Opportunities
25 Industrialization Center (OIC), Inc., which has existing MAAI pilot
26 program sites located in Edgecombe and Nash Counties.
- 27 (2) The addition of at least one new MAAI pilot program site at each of the
28 following community health centers:
 - 29 a. Cabarrus Rowan Community Health Centers, Inc., located in Cabarrus
30 County and Rowan County.
 - 31 b. Kintegra Health located in Davidson County.
 - 32 c. United Health Centers located in Forsyth County.

33 **SECTION 9B.5.(b)** The NCCHCA shall include the following information in the
34 two reports required under Section 9B.1 of this act:

- 35 (1) An itemized list of program expenditures funded by the grant, including the
36 number and location of all apprentice placements and the number and location
37 of all new pilot program sites.
- 38 (2) The number of medical assistant apprentices who successfully complete the
39 program and attain certification.
- 40 (3) A description of any benefits derived by community health centers as a result
41 of their participation in the MAAI pilot program.
- 42 (4) Any other information the NCCHCA deems relevant to evaluating the success
43 of the MAAI pilot program.
44

45 **TRANSFER OF POSITIONS TO THE DEPARTMENT OF PUBLIC INSTRUCTION** 46 **FOR THE CARE AND MAINTENANCE OF GOVERNOR MOREHEAD SCHOOL** 47 **FOR THE BLIND**

48 **SECTION 9B.6.** As part of the certification of the budget for the 2023-2025 fiscal
49 biennium, the Department of Health and Human Services shall transfer to the Department of
50 Public Instruction for the care and maintenance of the Governor Morehead School for the Blind

1 the following full-time equivalent positions, and associated salaries and benefits, from Budget
2 Code 14410 – Fund Code 1126 – Org. Unit Central Regional Maintenance, or their equivalent:

- | | | | |
|----|------|----------|---|
| 3 | (1) | 60038385 | Grounds Supervisor I |
| 4 | (2) | 60038381 | General Utility Worker |
| 5 | (3) | 60038441 | Maintenance Mechanic V |
| 6 | (4) | 60038395 | Maintenance Mechanic IV |
| 7 | (5) | 60038388 | Maintenance Construction Technician III |
| 8 | (6) | 60038389 | Painter |
| 9 | (7) | 60038396 | Painter |
| 10 | (8) | 60038442 | Maintenance Mechanic V |
| 11 | (9) | 60038486 | Facility Maintenance Manager |
| 12 | (10) | 60038458 | Maintenance Mechanic I |
| 13 | (11) | 60038386 | Maintenance Mechanic II |
| 14 | (12) | 60038437 | Maintenance Mechanic IV |
| 15 | (13) | 60038374 | Maintenance Mechanic III |
| 16 | (14) | 60038434 | Maintenance Mechanic III |
| 17 | (15) | 60038383 | Boiler Operator |
| 18 | (16) | 60038459 | Maintenance Mechanic I |

19

20 **RURAL HOSPITAL STABILIZATION GRANTS**

21 **SECTION 9B.7.(a)** Of the funds appropriated in this act from the ARPA Temporary
22 Savings Fund to the Department of Health and Human Services, Division of Central Management
23 and Support, Office of Rural Health (ORH), the sum of twelve million five hundred thousand
24 dollars (\$12,500,000) in nonrecurring funds for the 2023-2024 fiscal year and the sum of twelve
25 million five hundred thousand dollars (\$12,500,000) in nonrecurring funds for the 2024-2025
26 fiscal year shall be allocated to the Grant Program created by subsection (b) of this section.

27 **SECTION 9B.7.(b)** There is established a Rural Hospital Stabilization Grant
28 Program (Grant Program) within the ORH to provide temporary assistance in the form of grants
29 to licensed hospitals that serve a rural community in the State and are in financial crisis or at risk
30 of closing. The ORH shall establish eligibility criteria and an application process for the Grant
31 Program, subject to the following requirements and limitations:

- 32 (1) The ORH shall require applicants to provide the following information:
- 33 a. A statement as to how the grant funds will be used, if awarded.
- 34 b. Any other information the ORH determines to have a bearing on
35 whether grant funds should be awarded, including the hospital's
36 current and historical financial information.
- 37 (2) The ORH shall not award grant funds in an amount beyond what is adequate
38 for the uses stated in the grant application submitted by the hospital.

39 **SECTION 9B.7.(c)** Notwithstanding any provision of G.S. 143C-1-2(b) to the
40 contrary, nonrecurring funds appropriated to the ORH for the Grant Program shall not revert at
41 the end of each fiscal year and shall remain available for use as authorized by this section until
42 expended.

43 **SECTION 9B.7.(d)** By December 1, 2023, and by December 1, 2024, the ORH shall
44 report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal
45 Research Division on the grants awarded under the Grant Program. The report shall include at
46 least all of the following information:

- 47 (1) The total amount of grants awarded.
- 48 (2) For each grant awarded, the grant recipient, the amount of the grant, and the
49 recipient's stated purpose for seeking the grant.

50

51 **COMPETITIVE GRANT/NONPROFIT ORGANIZATIONS**

1 **SECTION 9B.8.(a)** Of the funds appropriated in this act to the Department of Health
2 and Human Services, Division of Central Management and Support, for each year of the
3 2023-2025 fiscal biennium, the following amounts shall be used to allocate funds for nonprofit
4 organizations:

- 5 (1) The sum of ten million six hundred fifty-three thousand nine hundred eleven
6 dollars (\$10,653,911) in recurring funds for each year of the 2023-2025 fiscal
7 biennium.
- 8 (2) The sum of four million seven hundred seventy-four thousand five hundred
9 twenty-five dollars (\$4,774,525) for each year of the 2023-2025 fiscal
10 biennium appropriated in Section 9M.1 of this act in Social Services Block
11 Grant funds.

12 **SECTION 9B.8.(b)** The Department shall continue administering a competitive
13 grants process for nonprofit funding. The Department shall administer a plan that, at a minimum,
14 includes each of the following:

- 15 (1) A request for application (RFA) process to allow nonprofits to apply for and
16 receive State funds on a competitive basis. The Department shall require
17 nonprofits to include in the application a plan to evaluate the effectiveness,
18 including measurable impact or outcomes, of the activities, services, and
19 programs for which the funds are being requested.
- 20 (2) A requirement that nonprofits match a minimum of fifteen percent (15%) of
21 the total amount of the grant award.
- 22 (3) A requirement that the Secretary prioritize grant awards to those nonprofits
23 that are able to leverage non-State funds in addition to the grant award.
- 24 (4) A process that awards grants to nonprofits that have the capacity to provide
25 services on a statewide basis and that support any of the following State health
26 and wellness initiatives:
 - 27 a. A program targeting advocacy, support, education, or residential
28 services for persons diagnosed with autism.
 - 29 b. A system of residential supports for those afflicted with substance
30 abuse addiction.
 - 31 c. A program of advocacy and supports for individuals with intellectual
32 and developmental disabilities or severe and persistent mental illness,
33 substance abusers, or the elderly.
 - 34 d. Supports and services to children and adults with developmental
35 disabilities or mental health diagnoses.
 - 36 e. A food distribution system for needy individuals.
 - 37 f. The provision and coordination of services for the homeless.
 - 38 g. The provision of services for individuals aging out of foster care.
 - 39 h. Programs promoting wellness, physical activity, and health education
40 programming for North Carolinians.
 - 41 i. The provision of services and screening for blindness.
 - 42 j. A provision for the delivery of after-school services for
43 apprenticeships or mentoring at-risk youth.
 - 44 k. The provision of direct services for amyotrophic lateral sclerosis
45 (ALS) and those diagnosed with the disease.
 - 46 l. A comprehensive smoking prevention and cessation program that
47 screens and treats tobacco use in pregnant women and postpartum
48 mothers.
 - 49 m. A program providing short-term or long-term residential substance
50 abuse services. For purposes of this sub-subdivision, "long-term"
51 means a minimum of 12 months.

n. A program that provides year-round sports training and athletic competition for children and adults with disabilities.

It is the intent of the General Assembly that annually the Secretary evaluate and prioritize the categories of health and wellness initiatives described under this subdivision to determine the best use of these funds in making grant awards, exclusive of direct allocations made by the General Assembly.

(5) A process that ensures that funds received by the Department to implement the plan supplement and do not supplant existing funds for health and wellness programs and initiatives.

(6) A process that allows grants to be awarded to nonprofits for up to two years.

(7) A requirement that initial disbursement of the grants be awarded no later than 30 days after certification of the State budget for the respective fiscal year.

(8) A requirement that nonprofits awarded grants use no more than fifteen percent (15%) of their total proposed expenditures for administrative costs, unless otherwise required by law.

SECTION 9B.8.(c) No later than July 1 of each year, as applicable, the Secretary shall announce the recipients of the competitive grant awards and allocate funds to the grant recipients for the respective grant period pursuant to the amounts designated under subsection (a) of this section. After awards have been granted, by September 1 of each year, the Secretary shall submit a report to the Joint Legislative Oversight Committee on Health and Human Services on the grant awards that includes at least all of the following:

(1) The identity and a brief description of each grantee and each program or initiative offered by the grantee.

(2) The amount of funding awarded to each grantee.

(3) The number of persons served by each grantee, broken down by program or initiative.

SECTION 9B.8.(d) No later than December 1 of each fiscal year, each nonprofit organization receiving funding pursuant to this section in the respective fiscal year shall submit to the Division of Central Management and Support a written report of all activities funded by State appropriations. The report shall include the following information about the fiscal year preceding the year in which the report is due:

(1) The entity's mission, purpose, and governance structure.

(2) A description of the types of programs, services, and activities funded by State appropriations.

(3) Statistical and demographical information on the number of persons served by these programs, services, and activities, including the counties in which services are provided.

(4) Outcome measures that demonstrate the impact and effectiveness of the programs, services, and activities.

(5) A detailed program budget and list of expenditures, including all positions funded, matching expenditures, and funding sources.

PART IX-C. CHILD AND FAMILY WELL-BEING

FUNDS FOR EVIDENCE-BASED SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SERIOUS MENTAL ILLNESS, INTELLECTUAL DISABILITIES, OR DEVELOPMENTAL DISABILITIES

SECTION 9C.1. Of the funds appropriated in this act to the Department of Health and Human Services, Division of Child and Family Well-Being, the sum of seventy-five thousand dollars (\$75,000) in recurring funds for the 2023-2024 fiscal year and the sum of seventy-five thousand dollars (\$75,000) in recurring funds for the 2024-2025 fiscal year shall be

1 allocated as a grant to North Carolina Association of People Supporting Employment, Inc. (NC
2 APSE), a nonprofit corporation. NC APSE shall use these funds to develop and implement
3 training programs for the Department, including online training modules, on the provision of
4 evidence-based supported employment services for individuals in targeted populations, in order
5 to assist these individuals with preparation for, identification of, and maintenance of integrated,
6 paid, competitive employment. The Department shall make these training programs available
7 throughout the State to (i) employers that have hired or are willing to hire individuals in targeted
8 populations, (ii) service providers of local management entities/managed care organizations, and
9 (iii) any other entity the Department determines will benefit from receiving this training in order
10 to achieve improved employment outcomes for individuals in targeted populations. As used in
11 this section, "individuals in targeted populations" means individuals with serious mental illness
12 who are in or at risk of entry to an adult care home and individuals with intellectual disabilities,
13 developmental disabilities, or both.

14 **PART IX-D. CHILD DEVELOPMENT AND EARLY EDUCATION**

15 **NC PRE-K PROGRAMS/STANDARDS FOR FOUR- AND FIVE-STAR RATED** 16 **FACILITIES**

17 **SECTION 9D.1.(a)** Eligibility. – The Department of Health and Human Services,
18 Division of Child Development and Early Education, shall continue implementing the
19 prekindergarten program (NC Pre-K). The NC Pre-K program shall serve children who are 4
20 years of age on or before August 31 of the program year. In determining eligibility, the Division
21 shall establish income eligibility requirements for the program not to exceed seventy-five percent
22 (75%) of the State median income. Up to twenty percent (20%) of children enrolled may have
23 family incomes in excess of seventy-five percent (75%) of median income if those children have
24 other designated risk factors. Furthermore, any age-eligible child who is a child of either of the
25 following shall be eligible for the program: (i) an active duty member of the Armed Forces of the
26 United States, including the North Carolina National Guard, State military forces, or a reserve
27 component of the Armed Forces who was ordered to active duty by the proper authority within
28 the last 18 months or is expected to be ordered within the next 18 months, or (ii) a member of the
29 Armed Forces of the United States, including the North Carolina National Guard, State military
30 forces, or a reserve component of the Armed Forces who was injured or killed while serving on
31 active duty. Eligibility determinations for NC Pre-K participants may continue through local
32 education agencies and local North Carolina Partnership for Children, Inc., partnerships.

33 Other than developmental disabilities or other chronic health issues, the Division shall
34 not consider the health of a child as a factor in determining eligibility for participation in the NC
35 Pre-K program.

36 **SECTION 9D.1.(b)** Multiyear Contracts. – The Division of Child Development and
37 Early Education shall require the NC Pre-K contractor to issue multiyear contracts for licensed
38 private child care centers providing NC Pre-K classrooms.

39 **SECTION 9D.1.(c)** Building Standards. – Notwithstanding G.S. 110-91(4), private
40 child care facilities and public schools operating NC Pre-K classrooms shall meet the building
41 standards for preschool students as provided in G.S. 115C-521.1.

42 **SECTION 9D.1.(d)** Programmatic Standards. – Except as provided in subsection (c)
43 of this section, entities operating NC Pre-K classrooms shall adhere to all of the policies
44 prescribed by the Division of Child Development and Early Education regarding programmatic
45 standards and classroom requirements.

46 **SECTION 9D.1.(e)** NC Pre-K Committees. – Local NC Pre-K committees shall use
47 the standard decision-making process developed by the Division of Child Development and Early
48 Education in awarding NC Pre-K classroom slots and student selection.
49
50

1 **SECTION 9D.1.(f)** Reporting. – The Division of Child Development and Early
2 Education shall submit an annual report no later than March 15 of each year to the Joint
3 Legislative Oversight Committee on Health and Human Services, the Office of State Budget and
4 Management, and the Fiscal Research Division. The report shall include the following:

- 5 (1) The number of children participating in the NC Pre-K program by county.
6 (2) The number of children participating in the NC Pre-K program who have
7 never been served in other early education programs such as child care, public
8 or private preschool, Head Start, Early Head Start, or early intervention
9 programs.
10 (3) The expected NC Pre-K expenditures for the programs and the source of the
11 local contributions.
12 (4) The results of an annual evaluation of the NC Pre-K program.

13 **SECTION 9D.1.(g)** Audits. – The administration of the NC Pre-K program by local
14 partnerships shall be subject to the financial and compliance audits authorized under
15 G.S. 143B-168.14(b).
16

17 INCREASE CHILD CARE SUBSIDY REIMBURSEMENT RATES

18 **SECTION 9D.2.(a)** Beginning October 1, 2023, the Department of Health and
19 Human Services, Division of Child Development and Early Education, shall increase the child
20 care subsidy market rates to the seventy-fifth percentile as recommended by the 2021 Child Care
21 Market Rate Study for children in three-, four-, and five-star-rated child care centers and homes.
22

23 **SECTION 9D.2.(b)** Section 9L.2(b)(1)a. of S.L. 2021-180, as amended by Section
24 9L.2(a) of S.L. 2022-74, reads as rewritten:

- 25 "a. A minimum of two hundred six million dollars (\$206,000,000) but no
26 more than two hundred fifteen million dollars (\$215,000,000) to (i)
27 reduce the waitlist for children eligible for subsidized child care who
28 are in foster care and (ii) after addressing the waitlist under item (i) of
29 this sub-subdivision, work toward reducing the waitlist for children
30 eligible for subsidized child care. Additionally, the Division shall use
31 a portion of these funds to temporarily increase the child care subsidy
32 reimbursement rates to those recommended in the ~~2018-2021~~ Child
33 Care Market Rate Study ~~until the funds expire on September 30,~~
34 ~~2024.~~until funds are exhausted."

35 CHILD CARE SUBSIDY RATES

36 **SECTION 9D.3.(a)** The maximum gross annual income for initial eligibility,
37 adjusted annually, for subsidized child care services shall be determined based on a percentage
38 of the federal poverty level as follows:

39 AGE	INCOME PERCENTAGE LEVEL
40 0 – 5	200%
41 6 – 12	133%

42 The eligibility for any child with special needs, including a child who is 13 years of
43 age or older, shall be two hundred percent (200%) of the federal poverty level.

44 **SECTION 9D.3.(b)** Fees for families who are required to share in the cost of care
45 are established based on ten percent (10%) of gross family income. When care is received at the
46 blended rate, the copayment shall be eighty-three percent (83%) of the full-time copayment.
47 Copayments for part-time care shall be seventy-five percent (75%) of the full-time copayment.

48 **SECTION 9D.3.(c)** Payments for the purchase of child care services for low-income
49 children shall be in accordance with the following requirements:

- 50 (1) Religious sponsored child care facilities operating pursuant to G.S. 110-106
51 and licensed child care centers and homes that meet the minimum licensing

- 1 standards that are participating in the subsidized child care program shall be
2 paid the one-star county market rate or the rate they charge privately paying
3 parents, whichever is lower, unless prohibited by subsection (f) of this section.
4 (2) Licensed child care centers and homes with two or more stars shall receive the
5 market rate for that rated license level for that age group or the rate they charge
6 privately paying parents, whichever is lower, unless prohibited by subsection
7 (g) of this section.
8 (3) No payments shall be made for transportation services charged by child care
9 facilities.
10 (4) Payments for subsidized child care services for postsecondary education shall
11 be limited to a maximum of 20 months of enrollment. This shall not be
12 determined before a family's annual recertification period.
13 (5) The Department of Health and Human Services shall implement necessary
14 rule changes to restructure services, including, but not limited to, targeting
15 benefits to employment.

16 **SECTION 9D.3.(d)** Provisions of payment rates for child care providers in counties
17 that do not have at least 50 children in each age group for center-based and home-based care are
18 as follows:

- 19 (1) Except as applicable in subdivision (2) of this subsection, payment rates shall
20 be set at the statewide or regional market rate for licensed child care centers
21 and homes.
22 (2) If it can be demonstrated that the application of the statewide or regional
23 market rate to a county with fewer than 50 children in each age group is lower
24 than the county market rate and would inhibit the ability of the county to
25 purchase child care for low-income children, then the county market rate may
26 be applied.

27 **SECTION 9D.3.(e)** A market rate shall be calculated for child care centers and
28 homes at each rated license level for each county and for each age group or age category of
29 enrollees and shall be representative of fees charged to parents for each age group of enrollees
30 within the county. The Division of Child Development and Early Education shall also calculate
31 a statewide rate and regional market rate for each rated license level for each age category.

32 **SECTION 9D.3.(f)** The Division of Child Development and Early Education shall
33 continue implementing policies that improve the quality of child care for subsidized children,
34 including a policy in which child care subsidies are paid, to the extent possible, for child care in
35 the higher quality centers and homes only. The Division shall define higher quality, and subsidy
36 funds shall not be paid for one- or two-star-rated facilities. For those counties with an inadequate
37 number of four- and five-star-rated facilities, the Division shall continue a transition period that
38 allows the facilities to continue to receive subsidy funds while the facilities work on the increased
39 star ratings. The Division may allow exemptions in counties where there is an inadequate number
40 of four- and five-star-rated facilities for non-star-rated programs, such as religious programs.

41 **SECTION 9D.3.(g)** Facilities licensed pursuant to Article 7 of Chapter 110 of the
42 General Statutes and facilities operated pursuant to G.S. 110-106 may participate in the program
43 that provides for the purchase of care in child care facilities for minor children of needy families.
44 Except as authorized by subsection (f) of this section, no separate licensing requirements shall
45 be used to select facilities to participate. In addition, child care facilities shall be required to meet
46 any additional applicable requirements of federal law or regulations. Child care arrangements
47 exempt from State regulation pursuant to Article 7 of Chapter 110 of the General Statutes shall
48 meet the requirements established by other State law and by the Social Services Commission.

49 County departments of social services or other local contracting agencies shall not
50 use a provider's failure to comply with requirements in addition to those specified in this
51 subsection as a condition for reducing the provider's subsidized child care rate.

1 **SECTION 9D.3.(h)** Payment for subsidized child care services provided with
2 Temporary Assistance for Needy Families Block Grant funds shall comply with all regulations
3 and policies issued by the Division of Child Development and Early Education for the subsidized
4 child care program.

5 **SECTION 9D.3.(i)** Noncitizen families who reside in this State legally shall be
6 eligible for child care subsidies if all other conditions of eligibility are met. If all other conditions
7 of eligibility are met, noncitizen families who reside in this State illegally shall be eligible for
8 child care subsidies only if at least one of the following conditions is met:

- 9 (1) The child for whom a child care subsidy is sought is receiving child protective
10 services or foster care services.
- 11 (2) The child for whom a child care subsidy is sought is developmentally delayed
12 or at risk of being developmentally delayed.
- 13 (3) The child for whom a child care subsidy is sought is a citizen of the United
14 States.

15 **SECTION 9D.3.(j)** The Department of Health and Human Services, Division of
16 Child Development and Early Education, shall require all county departments of social services
17 to include on any forms used to determine eligibility for child care subsidy whether the family
18 waiting for subsidy is receiving assistance through the NC Pre-K Program or Head Start.

19 **SECTION 9D.3.(k)** Department of Defense-certified child care facilities licensed
20 pursuant to G.S. 110-106.2 may participate in the State-subsidized child care program that
21 provides for the purchase of care in child care facilities for minor children in needy families,
22 provided that funds allocated from the State-subsidized child care program to Department of
23 Defense-certified child care facilities shall supplement and not supplant funds allocated in
24 accordance with G.S. 143B-168.15(g). Payment rates and fees for military families who choose
25 Department of Defense-certified child care facilities and who are eligible to receive subsidized
26 child care shall be as set forth in this section.

27 **CHILD CARE ALLOCATION FORMULA**

28 **SECTION 9D.4.(a)** The Department of Health and Human Services, Division of
29 Child Development and Early Education (Division), shall allocate child care subsidy voucher
30 funds to pay the costs of necessary child care for minor children of needy families. The
31 mandatory thirty percent (30%) North Carolina Partnership for Children, Inc., subsidy allocation
32 under G.S. 143B-168.15(g) shall constitute the base amount for each county's child care subsidy
33 allocation. The Department of Health and Human Services shall use the following method when
34 allocating federal and State child care funds, not including the aggregate mandatory thirty percent
35 (30%) North Carolina Partnership for Children, Inc., subsidy allocation:

- 36 (1) Funds shall be allocated to a county based upon the projected cost of serving
37 children under age 11 in families with all parents working who earn less than
38 the applicable federal poverty level percentage set forth in Section 9D.3(a) of
39 this act.
- 40 (2) The Division may withhold up to two percent (2%) of available funds from
41 the allocation formula for (i) preventing termination of services throughout
42 the fiscal year and (ii) repayment of any federal funds identified by counties
43 as overpayments, including overpayments due to fraud. The Division shall
44 allocate to counties any funds withheld before the end of the fiscal year when
45 the Division determines the funds are not needed for the purposes described
46 in this subdivision. The Division shall submit a report to the Joint Legislative
47 Oversight Committee on Health and Human Services and the Fiscal Research
48 Division, which report shall include each of the following:
 - 49 a. The amount of funds used for preventing termination of services and
50 the repayment of any federal funds.
 - 51

- 1 b. The date the remaining funds were distributed to counties.
2 c. As a result of funds withheld under this subdivision and after funds
3 have been distributed, any counties that did not receive at least the
4 amount the counties received the previous year and the amount by
5 which funds were decreased.

6 The Division shall submit a report in each year of the 2023-2025 fiscal
7 biennium 30 days after the funds withheld pursuant to this subdivision are
8 distributed but no later than April 1 of each respective year.

- 9 (3) The Division shall set aside four percent (4%) of child care subsidy allocations
10 for vulnerable populations, which include a child identified as having special
11 needs and a child whose application for assistance indicates that the child and
12 the child's family is experiencing homelessness or is in a temporary living
13 situation. A child identified by this subdivision shall be given priority for
14 receiving services until such time as set-aside allocations for vulnerable
15 populations are exhausted.

16 **SECTION 9D.4.(b)** The Division may reallocate unused child care subsidy voucher
17 funds in order to meet the child care needs of low-income families. Any reallocation of funds
18 shall be based upon the expenditures of all child care subsidy voucher funding, including North
19 Carolina Partnership for Children, Inc., funds within a county. Counties shall manage service
20 levels within the funds allocated to the counties. A county with a spending coefficient over one
21 hundred percent (100%) shall submit a plan to the Division for managing the county's allocation
22 before receiving any reallocated funds.

23 **SECTION 9D.4.(c)** When implementing the formula under subsection (a) of this
24 section, the Division shall include the market rate increase in the formula process rather than
25 calculate the increases outside of the formula process. Additionally, the Department shall do the
26 following:

- 27 (1) Deem a county's initial allocation as the county's expenditure in the previous
28 fiscal year or a prorated share of the county's previous fiscal year expenditures
29 if sufficient funds are not available.
30 (2) Effective immediately following the next new decennial census data release,
31 implement (i) one-third of the change in a county's allocation in the year
32 following the data release, (ii) an additional one-third of the change in a
33 county's allocation beginning two years after the initial change under this
34 subdivision, and (iii) the final one-third change in a county's allocation
35 beginning the following two years thereafter.

36 37 **SMART START INITIATIVES**

38 **SECTION 9D.5.(a)** Policies. – The North Carolina Partnership for Children, Inc.,
39 and its Board shall ensure policies focus on the North Carolina Partnership for Children, Inc.'s
40 mission of improving child care quality in North Carolina for children from birth to 5 years of
41 age. North Carolina Partnership for Children, Inc., funded activities shall include assisting child
42 care facilities with (i) improving quality, including helping one-, two-, and three-star-rated
43 facilities increase their star ratings, and (ii) implementing prekindergarten programs. State
44 funding for local partnerships shall also be used for evidence-based or evidence-informed
45 programs for children from birth to 5 years of age that do the following:

- 46 (1) Increase children's literacy.
47 (2) Increase the parents' ability to raise healthy, successful children.
48 (3) Improve children's health.
49 (4) Assist four- and five-star-rated facilities in improving and maintaining quality.

50 **SECTION 9D.5.(b)** Administration. – Administrative costs shall be equivalent to,
51 on an average statewide basis for all local partnerships, not more than nine percent (9%) of the

1 total statewide allocation to all local partnerships. For purposes of this subsection, administrative
2 costs shall include costs associated with partnership oversight, business and financial
3 management, general accounting, human resources, budgeting, purchasing, contracting, and
4 information systems management. The North Carolina Partnership for Children, Inc., shall
5 continue using a single statewide contract management system that incorporates features of the
6 required standard fiscal accountability plan described in G.S. 143B-168.12(a)(4). All local
7 partnerships are required to participate in the contract management system and, directed by the
8 North Carolina Partnership for Children, Inc., to collaborate, to the fullest extent possible, with
9 other local partnerships to increase efficiency and effectiveness.

10 **SECTION 9D.5.(c) Salaries.** – The salary schedule developed and implemented by
11 the North Carolina Partnership for Children, Inc., shall set the maximum amount of State funds
12 that may be used for the salary of the Executive Director of the North Carolina Partnership for
13 Children, Inc., and the directors of the local partnerships. The North Carolina Partnership for
14 Children, Inc., shall base the schedule on the following criteria:

- 15 (1) The population of the area serviced by a local partnership.
- 16 (2) The amount of State funds administered.
- 17 (3) The amount of total funds administered.
- 18 (4) The professional experience of the individual to be compensated.
- 19 (5) Any other relevant factors pertaining to salary, as determined by the North
20 Carolina Partnership for Children, Inc.

21 The salary schedule shall be used only to determine the maximum amount of State
22 funds that may be used for compensation. Nothing in this subsection shall be construed to prohibit
23 a local partnership from using non-State funds to supplement an individual's salary in excess of
24 the amount set by the salary schedule established under this subsection.

25 **SECTION 9D.5.(d) Match Requirements.** – The North Carolina Partnership for
26 Children, Inc., and all local partnerships shall, in the aggregate, be required to match one hundred
27 percent (100%) of the total amount budgeted for the program in each fiscal year of the 2023-2025
28 biennium. Of the funds that the North Carolina Partnership for Children, Inc., and the local
29 partnerships are required to match, contributions of cash shall be equal to at least thirteen percent
30 (13%) and in-kind donated resources shall be equal to no more than six percent (6%) for a total
31 match requirement of nineteen percent (19%) for each year of the 2023-2025 fiscal biennium.
32 The North Carolina Partnership for Children, Inc., may carry forward any amount in excess of
33 the required match for a fiscal year in order to meet the match requirement of the succeeding
34 fiscal year. Only in-kind contributions that are quantifiable shall be applied to the in-kind match
35 requirement. Volunteer services may be treated as an in-kind contribution for the purpose of the
36 match requirement of this subsection. Volunteer services that qualify as professional services
37 shall be valued at the fair market value of those services. All other volunteer service hours shall
38 be valued at the statewide average wage rate as calculated from data compiled by the Division of
39 Employment Security of the Department of Commerce in the Employment and Wages in North
40 Carolina Annual Report for the most recent period for which data are available. Expenses,
41 including both those paid by cash and in-kind contributions, incurred by other participating
42 non-State entities contracting with the North Carolina Partnership for Children, Inc., or the local
43 partnerships also may be considered resources available to meet the required private match. In
44 order to qualify to meet the required private match, the expenses shall:

- 45 (1) Be verifiable from the contractor's records.
- 46 (2) If in-kind, other than volunteer services, be quantifiable in accordance with
47 generally accepted accounting principles for nonprofit organizations.
- 48 (3) Not include expenses funded by State funds.
- 49 (4) Be supplemental to and not supplant preexisting resources for related program
50 activities.

- 1 (5) Be incurred as a direct result of the Early Childhood Initiatives Program and
2 be necessary and reasonable for the proper and efficient accomplishment of
3 the Program's objectives.
- 4 (6) Be otherwise allowable under federal or State law.
- 5 (7) Be required and described in the contractual agreements approved by the
6 North Carolina Partnership for Children, Inc., or the local partnership.
- 7 (8) Be reported to the North Carolina Partnership for Children, Inc., or the local
8 partnership by the contractor in the same manner as reimbursable expenses.

9 Failure to obtain a nineteen-percent (19%) match by June 30 of each year of the
10 2023-2025 fiscal biennium shall result in a dollar-for-dollar reduction in the appropriation for the
11 Program for a subsequent fiscal year. The North Carolina Partnership for Children, Inc., shall be
12 responsible for compiling information on the private cash and in-kind contributions into a report,
13 to be included in its annual report as required under G.S. 143B-168.12(d), in a format that allows
14 verification by the Department of Revenue. The same match requirements shall apply to any
15 expansion funds appropriated by the General Assembly.

16 **SECTION 9D.5.(e)** Bidding. – The North Carolina Partnership for Children, Inc.,
17 and all local partnerships shall use competitive bidding practices in contracting for goods and
18 services on contract amounts as follows:

- 19 (1) For amounts of five thousand dollars (\$5,000) or less, the procedures specified
20 by a written policy as developed by the Board of Directors of the North
21 Carolina Partnership for Children, Inc.
- 22 (2) For amounts greater than five thousand dollars (\$5,000) but less than fifteen
23 thousand dollars (\$15,000), three written quotes.
- 24 (3) For amounts of fifteen thousand dollars (\$15,000) or more but less than forty
25 thousand dollars (\$40,000), a request for proposal process.
- 26 (4) For amounts of forty thousand dollars (\$40,000) or more, a request for
27 proposal process and advertising in a major newspaper.

28 **SECTION 9D.5.(f)** Allocations. – The North Carolina Partnership for Children, Inc.,
29 shall not reduce the allocation for counties with less than 35,000 in population below the
30 2012-2013 funding level.

31 **SECTION 9D.5.(g)** Performance-Based Evaluation. – The Department of Health
32 and Human Services shall continue to implement the performance-based evaluation system.

33 **SECTION 9D.5.(h)** Expenditure Restrictions. – Except as provided in subsection (i)
34 of this section, the Department of Health and Human Services and the North Carolina Partnership
35 for Children, Inc., shall ensure that the allocation of funds for Early Childhood Education and
36 Development Initiatives for the 2023-2025 fiscal biennium shall be administered and distributed
37 in the following manner:

- 38 (1) Capital expenditures are prohibited for the 2023-2025 fiscal biennium. For the
39 purposes of this section, "capital expenditures" means expenditures for capital
40 improvements as defined in G.S. 143C-1-1(d)(5).
- 41 (2) Expenditures of State funds for advertising and promotional activities are
42 prohibited for the 2023-2025 fiscal biennium.

43 For the 2023-2025 fiscal biennium, local partnerships shall not spend any State funds
44 on marketing campaigns, advertising, or any associated materials. Local partnerships may spend
45 any private funds the local partnerships receive on those activities.

46 **SECTION 9D.5.(i)** Notwithstanding subsection (h) of this section, the North
47 Carolina Partnership for Children, Inc., and local partnerships may use up to one percent (1%) of
48 State funds for fundraising activities. The North Carolina Partnership for Children, Inc., shall
49 include in its annual report required under G.S. 143B-168.12(d) a report on the use of State funds
50 for fundraising. The report shall include the following:

- 51 (1) The amount of funds expended on fundraising.

- 1 (2) Any return on fundraising investments.
2 (3) Any other information deemed relevant.
3

4 **SMART START LITERACY INITIATIVE/DOLLY PARTON'S IMAGINATION** 5 **LIBRARY**

6 **SECTION 9D.6.(a)** A portion of the funds allocated in this act to the North Carolina
7 Partnership for Children, Inc., from the Department of Health and Human Services, shall
8 continue to be used to increase access to Dolly Parton's Imagination Library, an early literacy
9 program that mails age-appropriate books on a monthly basis to children registered for the
10 program.

11 **SECTION 9D.6.(b)** The North Carolina Partnership for Children, Inc., may use up
12 to one percent (1%) of the funds for statewide program management and up to one percent (1%)
13 of the funds for program evaluation. Funds allocated under this section shall not be subject to
14 administrative costs requirements under Section 9D.5(b) of this act, nor shall these funds be
15 subject to the child care services funding requirements under G.S. 143B-168.15(b), child care
16 subsidy expansion requirements under G.S. 143B-168.15(g), or the match requirements under
17 Section 9D.5(d) of this act.
18

19 **FLEXIBILITY IN USE OF ADDITIONAL SMART START FUNDS/EXEMPTION** 20 **FROM CERTAIN REQUIREMENTS**

21 **SECTION 9D.7.** Additional recurring funds allocated in this act to the North
22 Carolina Partnership for Children, Inc. (Smart Start), from the Department of Health and Human
23 Services, Division of Child Development and Early Education, for each year of the 2023-2025
24 fiscal biennium may be used for any of Smart Start's programs and are not subject to the
25 administrative cost requirements under Section 9D.5(b) of this act, child care services funding
26 requirements under G.S. 143B-168.15(b), child care subsidy expansion requirements under
27 G.S. 143B-168.15(g), or match requirements under Section 9D.5(d) of this act.
28

29 **PART IX-E. HEALTH BENEFITS**

30 **CONTINUE MEDICAID ANNUAL REPORT**

31 **SECTION 9E.1.** The Department of Health and Human Services, Division of Health
32 Benefits (DHB), shall continue the publication of the Medicaid Annual Report and
33 accompanying tables. DHB shall publish the report and tables on its website no later than
34 December 31 following each State fiscal year.
35
36

37 **VOLUME PURCHASE PLANS AND SINGLE SOURCE PROCUREMENT**

38 **SECTION 9E.2.** The Department of Health and Human Services, Division of Health
39 Benefits, may, subject to the approval of a change in the State Medicaid Plan, contract for
40 services, medical equipment, supplies, and appliances by implementation of volume purchase
41 plans, single source procurement, or other contracting processes in order to improve cost
42 containment.
43

44 **DURATION OF MEDICAID PROGRAM MODIFICATIONS**

45 **SECTION 9E.3.** Except for statutory changes or where otherwise specified, the
46 Department of Health and Human Services shall not be required to maintain, after June 30, 2025,
47 any modifications to the Medicaid program required by this Subpart.
48

49 **ADMINISTRATIVE HEARINGS FUNDING**

50 **SECTION 9E.4.** Of the funds appropriated in this act to the Department of Health
51 and Human Services, Division of Health Benefits, for administrative contracts and interagency

1 transfers, the Department of Health and Human Services (DHHS) shall transfer the sum of one
 2 million dollars (\$1,000,000) for the 2023-2024 fiscal year and the sum of one million dollars
 3 (\$1,000,000) for the 2024-2025 fiscal year to the Office of Administrative Hearings (OAH).
 4 These funds shall be allocated by OAH for mediation services provided for Medicaid applicant
 5 and recipient appeals and to contract for other services necessary to conduct the appeals process.
 6 OAH shall continue the Memorandum of Agreement (MOA) with DHHS for mediation services
 7 provided for Medicaid recipient appeals and contracted services necessary to conduct the appeals
 8 process. Upon receipt of invoices from OAH for covered services rendered in accordance with
 9 the MOA, DHHS shall transfer the federal share of Medicaid funds drawn down for this purpose.

10
 11 **ACCOUNTING FOR MEDICAID RECEIVABLES AS NONTAX REVENUE**

12 **SECTION 9E.5.(a)** The Department of Health and Human Services, Division of
 13 Health Benefits (DHB), receivables reserved at the end of the 2023-2024 and 2024-2025 fiscal
 14 years shall, when received, be accounted for as nontax revenue for each of those fiscal years. The
 15 treatment under this section of any revenue derived from federal programs shall be in accordance
 16 with the requirements specified in the Code of Federal Regulations, Title 2, Part 225.

17 **SECTION 9E.5.(b)** For the 2023-2024 fiscal year, the Department of Health and
 18 Human Services shall deposit from its revenues one hundred sixty-four million five hundred
 19 thousand dollars (\$164,500,000) with the Department of State Treasurer to be accounted for as
 20 nontax revenue. For the 2024-2025 fiscal year, the Department of Health and Human Services
 21 shall deposit from its revenues eighty-eight million four hundred thousand dollars (\$88,400,000)
 22 with the Department of State Treasurer to be accounted for as nontax revenue. These deposits
 23 shall represent the return of advanced General Fund appropriations, nonfederal revenue, fund
 24 balances, or other resources from State-owned and State-operated hospitals that are used to
 25 provide indigent and nonindigent care services. The return from State-owned and State-operated
 26 hospitals to the Department of Health and Human Services shall be made from nonfederal
 27 resources in the following manner:

- 28 (1) The University of North Carolina Hospitals at Chapel Hill shall make the
 29 following deposits:
 30 a. For the 2023-2024 fiscal year, the amount of thirty-one million three
 31 hundred sixty-five thousand three hundred five dollars (\$31,365,305).
 32 b. For the 2024-2025 fiscal year, the amount of thirty-one million three
 33 hundred sixty-five thousand three hundred five dollars (\$31,365,305).
- 34 (2) All State-owned and State-operated hospitals, other than the University of
 35 North Carolina Hospitals at Chapel Hill, that specialize in psychiatric care
 36 shall annually deposit an amount equal to the amount of the payments from
 37 DHB for uncompensated care.

38
 39 **LME/MCO INTERGOVERNMENTAL TRANSFERS**

40 **SECTION 9E.6.(a)** The local management entities/managed care organizations
 41 (LME/MCOs) shall make intergovernmental transfers to the Department of Health and Human
 42 Services, Division of Health Benefits (DHB), in an aggregate amount of eighteen million
 43 twenty-eight thousand two hundred seventeen dollars (\$18,028,217) in the 2023-2024 fiscal year
 44 and in an aggregate amount of eighteen million twenty-eight thousand two hundred seventeen
 45 dollars (\$18,028,217) for the 2024-2025 fiscal year. The due date and frequency of the
 46 intergovernmental transfer required by this section shall be determined by DHB. The amount of
 47 the intergovernmental transfer that each individual LME/MCO is required to make in each fiscal
 48 year shall be as follows:

	2023-2024	2024-2025
49 Alliance Behavioral Healthcare	\$4,907,800	\$4,907,800
50 Eastpointe	\$1,631,348	\$1,631,348

1	Partners Health Management	\$3,362,071	\$3,362,071
2	Sandhills Center	\$2,673,494	\$2,673,494
3	Trillium Health Resources	\$2,594,140	\$2,594,140
4	Vaya Health	\$2,859,364	\$2,859,364

5 **SECTION 9E.6.(b)** In the event that a county disengages from an LME/MCO and
6 realigns with another LME/MCO during the 2023-2025 fiscal biennium, DHB shall have the
7 authority to reallocate the amount of the intergovernmental transfer that each affected
8 LME/MCO is required to make under subsection (a) of this section, taking into consideration the
9 change in catchment area and covered population, provided that the aggregate amount of the
10 transfers received from all LME/MCOs in each year of the fiscal biennium is achieved.

11
12 **DSH RECEIPTS FOR USE BY THE MEDICAID PROGRAM**

13 **SECTION 9E.7.(a)** Of the federal disproportionate share adjustment receipts arising
14 from certified public expenditures for the 2023-2024 fiscal year and the 2024-2025 fiscal year,
15 forty-three million dollars (\$43,000,000) in each fiscal year shall not be deposited into the
16 Hospital Uncompensated Care Fund under G.S. 143C-9-9 but rather shall be available to the
17 Department of Health and Human Services, Division of Health Benefits, to be used for the
18 Medicaid program.

19 **SECTION 9E.7.(b)** If House Bill 76, 2023 Regular Session, becomes law, then this
20 section shall expire on the date on which G.S. 108A-54.3A(24), as enacted under Section 1(b) of
21 that act, is effective.

22
23 **MEDICAID REBASE TRACKING, TRANSPARENCY, AND PREDICTABILITY**

24 **SECTION 9E.8.(a)** The Department of Health and Human Services, Division of
25 Health Benefits (DHB), shall, on the schedule outlined in subsection (b) of this section, report to
26 the Office of State Budget Management, the Joint Legislative Oversight Committee on Medicaid,
27 and the Fiscal Research Division on the following information:

- 28 (1) For the initial report, Medicaid enrollment projections for the 2023-2025 fiscal
29 biennium. For each subsequent report, the actual enrollment relative to those
30 projections.
- 31 (2) The year-to-date General Fund expenditures for Medicaid through the month
32 prior to the month in which the report is due.
- 33 (3) Projections on Medicaid General Fund expenditures needed for the remaining
34 months in the 2023-2025 fiscal biennium.
- 35 (4) Any Medicaid-related budget challenges identified by DHB for the 2023-2025
36 fiscal biennium and the 2025-2027 fiscal biennium, and the estimated cost
37 related to those challenges. Challenges that have been identified in a
38 previously submitted report for which there are no updates need not be
39 identified in subsequent reports.
- 40 (5) Changes to the Medicaid program that are planned to be implemented at any
41 time in the future under the authority granted under G.S. 108A-54(e)(1), the
42 predicted impact of those changes to the Medicaid budget for the 2023-2025
43 fiscal biennium and the 2025-2027 fiscal biennium, and the anticipated
44 implementation time line for those changes. Planned changes that have been
45 identified in a previously submitted report for which there are no updates need
46 not be identified in subsequent reports.
- 47 (6) Changes to the Medicaid program required under federal or State law that will
48 be implemented, the predicted impact of those changes to the Medicaid budget
49 for the 2023-2025 fiscal biennium and the 2025-2027 fiscal biennium, and the
50 anticipated implementation time line for those changes. Changes that have

1 been identified in a previously submitted report for which there are no updates
2 need not be identified in subsequent reports.

3 (7) Any unanticipated costs to the Medicaid program that were not accounted for
4 in either the model used to create the Governor Cooper's Recommended
5 Budget for the 2023-2025 fiscal biennium, or the projection contained in any
6 prior report submitted under this section. Any unanticipated costs that have
7 been identified in a previously submitted report for which there are no updates
8 need not be identified in subsequent reports.

9 (8) The amount, if any, of funds DHB is requesting to be transferred out of the
10 Medicaid Contingency Reserve, as established under G.S. 143C-4-11, and as
11 much information as possible that meets the requirements under
12 G.S. 143C-4-11(b)(3).

13 **SECTION 9E.8.(b)** The reports required under subsection (a) of this section shall
14 be due on the following schedule:

15 (1) October 15, 2023.

16 (2) January 15, 2024.

17 (3) March 15, 2024, and monthly thereafter through June 15, 2024.

18 (4) October 15, 2024.

19 (5) January 15, 2025.

20 (6) March 15, 2025, and monthly thereafter through June 15, 2025.

21 22 **USE OF THE MEDICAID TRANSFORMATION FUND FOR MEDICAID** 23 **TRANSFORMATION NEEDS**

24 **SECTION 9E.9.(a)** Claims Run Out. – Funds from the Medicaid Transformation
25 Fund may be transferred to the Department of Health and Human Services, Division of Health
26 Benefits (DHB), for the 2023-2025 fiscal biennium, as needed, for the purpose of paying claims
27 related to services billed under the fee-for-service payment model for recipients who are being,
28 or have been, transitioned to managed care, otherwise known as "claims run out." Funds may be
29 transferred to DHB as the need to pay claims run out arises and need not be transferred in one
30 lump sum. To the extent that any funds are transferred under this subsection, the funds are
31 appropriated for the purpose set forth in this subsection.

32 **SECTION 9E.9.(b)** Non-Claims Run Out Medicaid Transformation Needs. –
33 Subject to the fulfillment of conditions specified in subsection (c) of this section, the sum of one
34 hundred fifty million dollars (\$150,000,000) in nonrecurring funds for the 2023-2024 fiscal year
35 and the sum of one hundred twenty-five million dollars (\$125,000,000) in nonrecurring funds for
36 the 2024-2025 fiscal year from the Medicaid Transformation Fund may be transferred to DHB
37 for the sole purpose of providing the State share for qualifying needs directly related to Medicaid
38 transformation, as required by S.L. 2015-245, as amended. Funds may be transferred to DHB as
39 qualifying needs arise during the 2023-2025 fiscal biennium and need not be transferred in one
40 lump sum. Any amount of funds from the one hundred fifty million dollars (\$150,000,000) made
41 available under this subsection for transfer to DHB in the 2023-2024 fiscal year that has not been
42 transferred to DHB for qualifying needs as of June 30, 2024, shall continue to be available for
43 transfer to DHB as qualifying needs arise during the 2024-2025 fiscal year.

44 For the purposes of this section, the term "qualifying need" shall be limited to the
45 following Medicaid transformation needs and may include contracts and temporary staffing:

46 (1) Program design.

47 (2) Beneficiary and provider experience.

48 (3) Information technology upgrades, operations, and maintenance.

49 (4) Data management tools.

50 (5) Program integrity.

51 (6) Quality review.

- 1 (7) Actuarial rate setting functions.
- 2 (8) Technical and operational integration.
- 3 (9) BH IDD tailored plan health homes.
- 4 (10) Legal fees.
- 5 (11) Expenses related to the Enhanced Case Management and Other Services Pilot
- 6 Program, commonly referred to as the "Healthy Opportunities Pilots."

7 **SECTION 9E.9.(c)** Requests for Transfer of Funds for Qualifying Need. – A request
8 by DHB for the transfer of funds pursuant to subsection (b) of this section shall be made to OSBM
9 and shall include the amount requested and the specific qualifying need for which the funds are
10 to be used. None of the funds identified in subsection (b) of this section shall be transferred to
11 DHB until OSBM verifies the following information:

- 12 (1) The amount requested is to be used for a qualifying need in the 2023-2025
13 fiscal biennium.
- 14 (2) The amount requested provides a State share that will not result in total
15 requirements that exceed one billion dollars (\$1,000,000,000) in nonrecurring
16 funds for the 2023-2025 fiscal biennium.

17 **SECTION 9E.9.(d)** Federal Fund Receipts. – Any federal funds received in any
18 fiscal year by DHB that represent a return of State share already expended on a qualifying need
19 related to the funds received by DHB under this section shall be deposited into the Medicaid
20 Transformation Fund.

21 **SECTION 9E.9.(e)** Reporting. – No later than January 15, 2024, and every six
22 months thereafter until the final report due July 15, 2025, DHB shall report to the Joint
23 Legislative Oversight Committee on Medicaid and the Fiscal Research Division on each
24 expenditure that has been funded from the Medicaid Transformation fund in the preceding six
25 months and whether that expenditure is expected to continue into the 2025-2027 fiscal biennium.

26 **EXPAND NORTH CAROLINA INNOVATIONS WAIVER SLOTS**

27 **SECTION 9E.10.** The Department of Health and Human Services, Division of
28 Health Benefits, shall amend the North Carolina Innovations waiver to increase the number of
29 slots available under the waiver by 250 slots. These additional slots shall be made available on
30 July 1, 2023, or upon approval by the Centers for Medicare and Medicaid Services, whichever is
31 later.
32

33 **MEDICAID SKILLED NURSING FACILITY RATES**

34 **SECTION 9E.11.** The Department of Health and Human Services, Division of
35 Health Benefits, shall, at a minimum, continue the Medicaid rates for skilled nursing facilities
36 that were in place as of March 15, 2023.
37

38 **MEDICAID PERSONAL CARE SERVICES RATES**

39 **SECTION 9E.12.** Beginning July 1, 2023, the Department of Health and Human
40 Services, Division of Health Benefits, shall provide a rate of six dollars and twenty-five cents
41 (\$6.25) per 15-minute increment for personal care services provided to Medicaid beneficiaries
42 through Medicaid Direct, Community Alternatives Program for Children (CAP/C) Services,
43 Community Alternatives Program for Disabled Adults (CAP/DA), and Community Alternatives
44 Program Choice (CAP/CO).
45

46 **IMPLEMENT COMPREHENSIVE REIMBURSEMENT STRUCTURE FOR** 47 **FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS**

48 **SECTION 9E.13.** No earlier than July 1, 2023, DHHS shall implement the new
49 reimbursement approach detailed in the report submitted to the Joint Legislative Oversight
50

1 Committee on Medicaid and NC Health Choice titled "Proposed Comprehensive Reimbursement
2 Structure for Federally Qualified Health Centers and Rural Health Clinics," dated March 8, 2023.

3
4 **STANDARD BENEFIT PLANS/PERMANENT DME RATE REQUIREMENTS**

5 **SECTION 9E.14.** Section 11 of S.L. 2020-88, as amended by Section 3.6(a) of S.L.
6 2021-62, reads as rewritten:

7 **"DURABLE MEDICAL EQUIPMENT RATE**

8 **"SECTION 11.** For the ~~first five years of the initial~~ standard benefit plan prepaid health plan
9 capitated contracts required under Article 4 of Chapter 108D of the General Statutes, the
10 reimbursement for durable medical equipment and supplies, orthotics, and prosthetics under
11 managed care shall be set at one hundred percent (100%) of the lesser of the supplier's usual and
12 customary rate or the maximum allowable Medicaid fee-for-service rates for durable medical
13 equipment and supplies, orthotics, and prosthetics."
14

15 **ESTABLISH MEDICAID DIRECTED PAYMENT PROGRAM TO INCREASE WAGES**
16 **OF DIRECT CARE WORKERS/INNOVATIONS WAIVER**

17 **SECTION 9E.15.(a)** It is the intent of the General Assembly to assist in increasing
18 the hourly wages of direct care workers who provide services to Medicaid beneficiaries receiving
19 services through the North Carolina Innovations waiver program, to be termed "Innovations
20 direct care workers" for the purpose of this act, by an industry average rate of six dollars and fifty
21 cents (\$6.50) per hour above the North Carolina industry average hourly wage rate cited in the
22 most recent report submitted to the Joint Legislative Oversight Committee on Medicaid and NC
23 Health Choice in accordance with Section 9D.15C of S.L. 2021-180.

24 To that end, the Department of Health and Human Services, Division of Health
25 Benefits (DHB), shall provide a rate increase to providers who provide services to Medicaid
26 beneficiaries receiving services through the North Carolina Innovations waiver program who are
27 either (i) enrolled in the Medicaid program or (ii) approved financial managers or financial
28 support agencies billing for waiver service hours provided by direct care workers that are hired
29 by employers of record or managing employers under a self-directed option in accordance with
30 Medicaid Clinical Coverage Policy 8-P: North Carolina Innovations.

31 **SECTION 9E.15.(b)** The wage increase described in subsection (a) of this section
32 shall be effectuated through a directed payment in accordance with 42 C.F.R. § 438.6(c). All
33 LME/MCOs shall be required to implement the wage increase. This shall continue to apply when
34 the BH IDD tailored plans become fully operational and are implemented. DHB shall determine
35 the amount of the directed payment under this section in consultation with relevant stakeholders.
36 The definition of an Innovations direct care worker under this section includes all workers
37 required for compliance with, or delivery of, the relevant Innovations waiver service definitions
38 and the delivery of a unit of Innovations services to individuals in the definition of direct care
39 worker to be applied and shall include only caregivers who are contracted for the provision of
40 services in a legally appropriate manner. The directed payment under this section shall be
41 effective on the effective date of the directed payment preprint approved by the Centers for
42 Medicare and Medicaid Services.

43 **SECTION 9E.15.(c)** Prior to receiving any funding passed through the directed
44 payment under this section, providers who employ Innovations direct care workers shall attest
45 and provide verification to the relevant LME/MCO that at least eighty-five percent (85%) of the
46 funding that results is being used to increase the rate of pay paid to its Innovations direct care
47 workers. DHB shall set the standards for documentation that shall be required for verification
48 that the provider used the rate increase in the manner required by this section, and LME/MCOs
49 shall use these same standards. DHB and LME/MCOs shall require verifiable methods of
50 accounting, such as payroll-based journals. Providers receiving a rate increase under this section

1 shall keep documentation of the use of that rate increase and make the documentation available
2 upon request by DHB or by the relevant LME/MCO.

3 **SECTION 9E.15.(d)** In addition to other allowable reasons for recoupment of funds,
4 DHB shall recoup part or all of the funds related to the directed payment or the associated rate
5 increase received by a provider pursuant to this section if DHB determines that the provider did
6 not use at least eighty-five percent (85%) of the resulting funding to increase the rate of pay paid
7 to Innovations direct care worker employees.

9 **ACCOUNT FOR DELAY OF BH IDD TAILORED PLANS**

10 **SECTION 9E.16.(a)** Section 9D.7(a) of S.L. 2022-74 is repealed.

11 **SECTION 9E.16.(b)** The Division of Health Benefits, Department of Health and
12 Human Services (DHHS), shall implement BH IDD tailored plans, as defined under
13 G.S. 108D-1, no later than October 1, 2023. The initial term of the BH IDD tailored plan shall
14 end December 1, 2026, in alignment with the ending of the initial term of the standard benefit
15 plan prepaid health plan capitated contracts. If DHHS extends the standard benefit plan contracts,
16 as authorized by Section 7(b) of S.L. 2020-88, then DHHS shall offer to extend the initial term
17 of the BH IDD tailored plan contracts an equivalent amount of time.

19 **EXPEDITED MEDICAID PREFERRED DRUG LIST REVIEW FOR DRUGS 20 TREATING SERIOUS MENTAL ILLNESS**

21 **SECTION 9E.17.(a)** G.S. 108A-54.2 reads as rewritten:

22 "**§ 108A-54.2. Procedures for changing medical policy.**Medicaid coverage changes.

23 (a) The Department shall adopt rules to develop, amend, and adopt medical coverage
24 policy for Medicaid in accordance with this section.

25 ...

26 (e) Within 90 days of the date a new prescription medication approved by the Food and
27 Drug Administration becomes available to the public, the Department shall, in consultation with
28 the Physician's Advisory Group, review and submit a proposed policy to the Preferred Drug List
29 (PDL) Policy Review Panel regarding the inclusion of the new prescription medication on the
30 Medicaid PDL if the new prescription medication is approved for treatment of any of the
31 following conditions, as defined by the most recent edition of the Diagnostic and Statistical
32 Manual of Mental Disorders:

33 (1) Bipolar disorders, hypomanic, manic, depressive, and mixed.

34 (2) Childhood and adolescent depression.

35 (3) Major depressive disorders, single episode or recurrent.

36 (4) Obsessive-compulsive disorders.

37 (5) Paranoid personality disorder and other psychotic disorders.

38 (6) Schizo-affective disorders, bipolar or depressive.

39 (7) Schizophrenia."

40 **SECTION 9E.17.(b)** In accordance with the requirements set out in Section 10.33(c)
41 of S.L. 2010-31, within 30 days of the receipt of a proposed policy under G.S. 108A-54.2(e), as
42 enacted by subsection (a) of this section, the Preferred Drug List (PDL) Policy Review Panel
43 shall hold an open meeting to review the recommended policy. After the conclusion of the open
44 meeting, the PDL Policy Review Panel shall submit policy recommendations about the proposed
45 policy to the Department of Health and Human Services.

46 **SECTION 9E.17.(c)** This section is effective when it becomes law.

48 **RELATIVES PROVIDING CARE TO MINORS ON THE INNOVATIONS WAIVER**

49 **SECTION 9E.18.(a)** The Department of Health and Human Services, Division of
50 Health Benefits (DHB), shall seek approval from the Centers for Medicare and Medicaid Services
51 (CMS) to amend NC Medicaid Clinical Coverage Policy 8-P "North Carolina Innovations" to

1 allow Community Living and Support services to be provided by a relative of a Medicaid
2 beneficiary residing in the same home as the beneficiary when that beneficiary is under the age
3 of 18 and when no other provider is available to provide these services, similar to what is
4 currently allowed for beneficiaries age 18 and older.

5 **SECTION 9E.18.(b)** DHB shall implement the changes outlined in subsection (a)
6 of this section on the effective date approved by CMS.

7
8 **FURTHER ADJUST IMPLEMENTATION DATE FOR REQUIRING LME/MCOS TO**
9 **PAY FOR BEHAVIORAL HEALTH SERVICES PROVIDED TO BENEFICIARIES**
10 **AWAITING HOSPITAL DISCHARGE**

11 **SECTION 9E.19.(a)** Section 9D.22(f) of S.L. 2021-180, as amended by Section
12 9D.9 of S.L. 2022-74, reads as rewritten:

13 "**SECTION 9D.22.(f)** CMS Approval. – The Department of Health and Human Services,
14 Division of Health Benefits, shall submit to the Centers for Medicare and Medicaid Services
15 (CMS) any State Plan amendments necessary to establish the new Medicaid coverage required
16 by this ~~section~~ section with a proposed start date of March 1, 2023. The new Medicaid covered
17 services and rates shall be implemented ~~December 31, 2022~~. ~~If approval from CMS is not granted~~
18 ~~by December 31, 2022, then as soon as operationally feasible after the approval by CMS~~. DHB
19 shall retroactively implement services and rates ~~upon approval from CMS to December 31, 2022~~
20 to the date approved by CMS. The new Medicaid covered services and rates shall only be
21 implemented to the extent allowable by CMS."

22 **SECTION 9E.19.(b)** This section is effective retroactively to December 31, 2022.

23
24 **PREPAID HEALTH PLANS PERFORMANCE METRICS**

25 **SECTION 9E.20.** The Department of Health and Human Services, Division of
26 Health Benefits (DHB), shall develop performance standards, including claims payment metrics
27 requiring claims to be paid within a set number of days, applicable to prepaid health plans
28 operating standard benefits plans in accordance with Chapter 108D of the General Statutes.
29 Beginning December 1, 2023, and annually until the expiration of the initial prepaid health plan
30 contract, DHB shall report to the Joint Legislative Oversight Committee on Medicaid and to the
31 Fiscal Research Division on these performance standards as they apply to each individual prepaid
32 health plan.

33
34 **PART IX-F. HEALTH SERVICE REGULATION**

35
36 **EXTENSION OF TEMPORARY CERTIFICATE OF NEED EXEMPTION**

37 **SECTION 9F.1.** Section 9E.4A(c) of S.L. 2021-180 reads as rewritten:

38 "**SECTION 9E.4A.(c)** This section is effective 30 days after this act becomes law, and
39 expires ~~December 31, 2024~~ December 31, 2027."

40
41 **PART IX-G. MENTAL HEALTH/DEVELOPMENTAL DISABILITIES/SUBSTANCE**
42 **ABUSE SERVICES**

43
44 **SINGLE-STREAM FUNDING FOR DMH/DD/SAS COMMUNITY SERVICES**

45 **SECTION 9G.1.(a)** For the purpose of mitigating cash flow problems that many
46 local management entities/managed care organizations (LME/MCOs) experience at the
47 beginning of each fiscal year relative to single-stream funding, the Department of Health and
48 Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse
49 Services (DMH/DD/SAS), shall distribute not less than one-twelfth of each LME/MCO's base
50 budget allocation at the beginning of the fiscal year and subtract the amount of that distribution
51 from the LME/MCO's total reimbursements for the fiscal year. For each month of the fiscal year

1 after July, DMH/DD/SAS shall distribute, on the third working day of the month, one-eleventh
2 of the amount of each LME/MCO's single-stream allocation that remains after subtracting the
3 amount of the distribution that was made to the LME/MCO in July of the fiscal year.

4 **SECTION 9G.1.(b)** During each year of the 2023-2025 fiscal biennium,
5 DMH/DD/SAS shall ensure that LME/MCOs fund, in total, at least ninety percent (90%) of the
6 level of single-stream services provided across the State during the 2014-2015 fiscal year. No
7 LME/MCO shall reduce funding for (i) home and community-based services or (ii) services paid
8 for with single-stream funding that support the 2012 settlement agreement entered into between
9 the United States Department of Justice and the State of North Carolina to ensure that the State
10 will willingly meet the requirements of the Americans with Disabilities Act of 1990, section 504
11 of the Rehabilitation Act of 1973, and the United States Supreme Court decision in *Olmstead v.*
12 *L.C.*, 527 U.S. 581 (1999). This subsection shall not be construed to require an LME/MCO to
13 authorize or maintain the same level of services for any specific individual whose services were
14 paid for with single-stream funding. This subsection shall not be construed to create a private
15 right of action for any person or entity against the State of North Carolina or the Department of
16 Health and Human Services or any of its divisions, agents, or contractors and shall not be used
17 as authority in any contested case brought pursuant to Chapter 108C of the General Statutes or
18 Chapter 108D of the General Statutes.

19 **LOCAL INPATIENT PSYCHIATRIC BEDS OR BED DAYS**

20 **SECTION 9G.2.(a)** Use of Funds. – Funds appropriated in this act to the Department
21 of Health and Human Services, Division of Mental Health, Developmental Disabilities, and
22 Substance Abuse Services, shall continue to be used for the purchase of local inpatient psychiatric
23 beds or bed days. The Department of Health and Human Services (DHHS) shall continue to
24 implement a two-tiered system of payment for purchasing these local inpatient psychiatric beds
25 or bed days based on acuity level with an enhanced rate of payment for inpatient psychiatric beds
26 or bed days for individuals with higher acuity levels, as defined by DHHS. The enhanced rate of
27 payment for inpatient psychiatric beds or bed days for individuals with higher acuity levels shall
28 not exceed the lowest average cost per patient bed day among the State psychiatric hospitals. In
29 addition, at the discretion of the Secretary of Health and Human Services, existing funds allocated
30 to LME/MCOs for community-based mental health, developmental disabilities, and substance
31 abuse services may be used to purchase additional local inpatient psychiatric beds or bed days.

32 **SECTION 9G.2.(b)** Distribution and Management of Beds or Bed Days. – DHHS
33 shall work to ensure that any local inpatient psychiatric beds or bed days purchased in accordance
34 with this section are utilized solely for individuals who are medically indigent, except that DHHS
35 may use up to ten percent (10%) of the funds appropriated in this act to the Department of Health
36 and Human Services, Division of Mental Health, Developmental Disabilities, and Substance
37 Abuse Services, for the purchase of local inpatient psychiatric beds or bed days to pay for
38 facility-based crisis services and nonhospital detoxification services for individuals in need of
39 these services, regardless of whether the individuals are medically indigent. For the purposes of
40 this subsection, "medically indigent" shall mean uninsured persons who (i) are financially unable
41 to obtain private insurance coverage, as determined by DHHS and (ii) are not eligible for
42 government-funded health coverage such as Medicare or Medicaid.

43 In addition, DHHS shall work to ensure that any local inpatient psychiatric beds or
44 bed days purchased in accordance with this section are distributed across the State and according
45 to need, as determined by DHHS. DHHS shall ensure that beds or bed days for individuals with
46 higher acuity levels are distributed across the State and according to greatest need based on
47 hospital bed utilization data. DHHS shall enter into contracts with LME/MCOs and local
48 hospitals for the management of these beds or bed days. DHHS shall work to ensure that these
49 contracts are awarded equitably around all regions of the State. LME/MCOs shall manage and
50 control these local inpatient psychiatric beds or bed days, including the determination of the
51

1 specific local hospital or State psychiatric hospital to which an individual should be admitted
2 pursuant to an involuntary commitment order.

3 **SECTION 9G.2.(c)** Funds to be Held in Statewide Reserve. – Funds appropriated in
4 this act to DHHS for the purchase of local inpatient psychiatric beds or bed days shall not be
5 allocated to LME/MCOs but shall be held in a statewide reserve at the Division of Mental Health,
6 Developmental Disabilities, and Substance Abuse Services to pay for services authorized by the
7 LME/MCOs and billed by the hospitals through the LME/MCOs. LME/MCOs shall remit claims
8 for payment to DHHS within 15 working days after receipt of a clean claim from the hospital
9 and shall pay the hospital within 30 working days after receipt of payment from DHHS.

10 **SECTION 9G.2.(d)** Ineffective LME/MCO Management of Beds or Bed Days. – If
11 DHHS determines that (i) an LME/MCO is not effectively managing the beds or bed days for
12 which it has responsibility, as evidenced by beds or bed days in the local hospital not being
13 utilized while demand for services at the State psychiatric hospitals has not decreased, or (ii) the
14 LME/MCO has failed to comply with the prompt payment provisions of this section, DHHS may
15 contract with another LME/MCO to manage the beds or bed days or, notwithstanding any other
16 provision of law to the contrary, may pay the hospital directly.

17 **SECTION 9G.2.(e)** Reporting by LME/MCOs. – LME/MCOs shall be required to
18 report to DHHS regarding the utilization of these beds or bed days.

19 **SECTION 9G.2.(f)** Reporting by DHHS. – By no later than December 1, 2024, and
20 by no later than December 1, 2025, DHHS shall report to the Joint Legislative Oversight
21 Committee on Health and Human Services and the Fiscal Research Division on all of the
22 following:

- 23 (1) A uniform system for beds or bed days purchased during the preceding fiscal
24 year from (i) existing State appropriations and (ii) local funds.
- 25 (2) An explanation of the process used by DHHS to ensure that, except as
26 otherwise provided in subsection (a) of this section, local inpatient psychiatric
27 beds or bed days purchased in accordance with this section are utilized solely
28 for individuals who are medically indigent, along with the number of
29 medically indigent individuals served by the purchase of these beds or bed
30 days.
- 31 (3) The amount of funds used to pay for facility-based crisis services, along with
32 the number of individuals who received these services and the outcomes for
33 each individual.
- 34 (4) The amount of funds used to pay for nonhospital detoxification services, along
35 with the number of individuals who received these services and the outcomes
36 for each individual.
- 37 (5) Other DHHS initiatives funded by State appropriations to reduce State
38 psychiatric hospital use.

40 **FUNDS FOR HYPERBARIC OXYGEN THERAPY FOR VETERANS PROGRAM**

41 **SECTION 9G.3.** Of the funds appropriated in this act to the Department of Health
42 and Human Services, Division of Mental Health, Developmental Disabilities, and Substance
43 Abuse Services, one million dollars (\$1,000,000) in nonrecurring funds for the 2023-2024 fiscal
44 year shall be allocated to the Community Foundation of NC East, Inc., a nonprofit in Pitt County,
45 to be used to support its HBOT for Veterans Program.

47 **OPIOID ANTAGONISTS FOR LOCAL GOVERNMENTS GRANT PROGRAM**

48 **SECTION 9G.4.(a)** Notwithstanding the use of the Mental Health and Substance
49 Use Task Force Reserve Fund (Fund) under Section 12F.3(b) of S.L. 2016-94, the Department
50 of Health and Human Services, Division of Mental Health, Developmental Disabilities, and
51 Substance Abuse Services (DMH/DD/SAS), shall use the sum of three million dollars

1 (\$3,000,000) in recurring funds for the 2023-2024 fiscal year and the sum of seven million dollars
2 (\$7,000,000) in recurring funds for the 2024-2025 fiscal year from the Fund to provide funding
3 to local governments for the purchase of opioid antagonists. DMH/DD/SAS shall administer a
4 grant program that allows units of local government to apply for funds to be used for the purchase
5 of any opioid antagonist approved by the federal Food and Drug Administration. For the
6 2023-2025 fiscal biennium, funds shall first be made available to those units of local government
7 that do not have an opioid antagonist program already established as of March 1, 2023.

8 **SECTION 9G.4.(b)** Notwithstanding the use of the Fund under Section 12F.3(b) of
9 S.L. 2016-94, the Department of Health and Human Services, Division of Mental Health,
10 Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS), shall allocate the
11 sum of four million dollars (\$4,000,000) in nonrecurring funds for the 2023-2024 fiscal year from
12 the Fund to be distributed to NC Harm Reduction Coalition to be used to support their current
13 programs and to provide opioid antagonists for use by emergency medical services and reentry
14 programs.

15 16 **START-UP FUNDS FOR WILKES RECOVERY REVOLUTION, INC.**

17 **SECTION 9G.5.** Of the funds appropriated in this act to the Department of Health
18 and Human Services, Division of Mental Health, Developmental Disabilities, and Substance
19 Abuse Services, two million seven hundred twenty thousand dollars (\$2,720,000) in nonrecurring
20 funds for the 2023-2024 fiscal year shall be allocated to Wilkes Recovery Revolution, Inc., a
21 nonprofit corporation, to be used to build or purchase a new building, or to remodel or renovate
22 a building, for the provision of services for individuals with substance use disorder. These
23 nonrecurring funds may also be used for one-time start-up costs associated with the programs
24 that will be run out of the building. Notwithstanding the State Medical Facilities Plan, Article 9
25 of Chapter 131E of the General Statutes, or any other provision of law to the contrary, Wilkes
26 Recovery Revolution, Inc., shall be exempt from certificate of need review for the construction,
27 remodel, or renovation of any behavioral health-related facilities or beds for which funds are
28 allocated in this section, provided those facilities and beds shall be subject to existing licensure
29 laws and requirements.

30 31 **WORKFORCE DEVELOPMENT FUNDS FOR ADULTS WITH IDD**

32 **SECTION 9G.6.** Of the funds appropriated in this act from the ARPA Temporary
33 Savings Fund to the Department of Health and Human Services, Division of Mental Health,
34 Developmental Disabilities, and Substance Abuse Services, seven hundred fifty thousand dollars
35 (\$750,000) in nonrecurring funds for the 2023-2024 fiscal year shall be allocated to UMAR
36 Services, Inc., a nonprofit corporation, to provide services for adults with intellectual and
37 developmental disabilities (IDD). At least three hundred seventy-five thousand dollars
38 (\$375,000) of those funds shall be utilized by UMAR Services, Inc., to provide workforce
39 development opportunities and vocational services for adults with IDD.

40 41 **FUNDS FOR NEW ADOLESCENT BEHAVIORAL HEALTHCARE FACILITY**

42 **SECTION 9G.7.** Of the funds appropriated in this act from the ARPA Temporary
43 Savings Fund to the Department of Health and Human Services, Division of Mental Health,
44 Developmental Disabilities, and Substance Abuse Services, fifteen million dollars (\$15,000,000)
45 in nonrecurring funds for the 2023-2024 fiscal year shall be allocated to the Katie Blessing
46 Foundation, a nonprofit corporation, to be used to build a new facility for the provision of
47 adolescent behavioral healthcare. Notwithstanding the State Medical Facilities Plan, Article 9 of
48 Chapter 131E of the General Statutes, or any other provision of law to the contrary, the Katie
49 Blessing Foundation shall be exempt from certificate of need review for the construction of any
50 behavioral health-related facilities or beds for which funds are allocated in this section, provided
51 those facilities and beds shall be subject to existing licensure laws and requirements.

USE OF OPIOID SETTLEMENT FUNDS

SECTION 9G.8.(a) The following definitions apply in this section:

- (1) Department. – The Department of Health and Human Services.
- (2) Opioid Abatement Fund. – The Fund created by Section 9F.1 of S.L. 2021-180, as amended by Section 9F.1 of S.L. 2022-74.
- (3) Opioid Abatement Reserve. – The Reserve created by Section 9F.1 of S.L. 2021-180, as amended by Section 9F.1 of S.L. 2022-74.

SECTION 9G.8.(b) The State Controller shall transfer from the Opioid Abatement Reserve to the Opioid Abatement Fund the sum of nine million one hundred ninety-two thousand four hundred sixty-one dollars (\$9,192,461) in nonrecurring funds for the 2023-2024 fiscal year and the sum of nine million nine hundred seventy-eight thousand four hundred sixty-two dollars (\$9,978,462) in nonrecurring funds for the 2024-2025 fiscal year. These funds are appropriated to the Department of Health and Human Services to be used and allocated as follows:

- (1) The Department shall transfer the sum of three hundred thousand dollars (\$300,000) in nonrecurring funds for the 2023-2024 fiscal year to the North Carolina Administrative Office of the Courts to fund the study on judicially managed accountability and recovery courts authorized by Section 16.13 of this act.
- (2) The Department shall use the remainder of the funds appropriated by this section to competitively award grants, based on a process prescribed by the Department, to nonprofit organizations that have the capacity to respond to the negative impacts of the opioid epidemic within the State of North Carolina, in one or more of the ways delineated in Section 9F.1(b) of S.L. 2021-180, as amended by Section 9F.1 of S.L. 2022-74.

REPORT ON IMPLEMENTATION STATUS OF NEW ELECTRONIC HEALTH RECORDS SYSTEM AT STATE PSYCHIATRIC HOSPITALS

SECTION 9G.9. By December 1, 2023, and by December 1, 2024, the Department of Health and Human Services, Division of State-Operated Healthcare Facilities, shall submit a report to the Joint Legislative Oversight Committee on Health and Human Services on the status of the following:

- (1) Execution of a contract that provides for full implementation of a new electronic health records system within each of the State psychiatric hospitals under the jurisdiction of the Secretary of Health and Human Services pursuant to G.S. 122C-181.
- (2) Full implementation of a new electronic health records system within each of the State psychiatric hospitals under the jurisdiction of the Secretary of Health and Human Services pursuant to G.S. 122C-181.
- (3) Training of the State's psychiatric hospitals' staff on the use of the newly implemented electronic health records system.

PART IX-H. PUBLIC HEALTH**LOCAL HEALTH DEPARTMENTS/COMPETITIVE GRANT PROCESS TO IMPROVE MATERNAL AND CHILD HEALTH**

SECTION 9H.1.(a) Funds appropriated in this act to the Department of Health and Human Services, Division of Public Health, for each year of the 2023-2025 fiscal biennium to award competitive grants to local health departments for the improvement of maternal and child health shall be used to continue administering a competitive grant process for local health

1 departments based on maternal and infant health indicators and the county's detailed proposal to
2 invest in evidence-based programs to achieve the following goals:

- 3 (1) Improve North Carolina's birth outcomes.
- 4 (2) Improve the overall health status of children in this State from birth to age 5.
- 5 (3) Lower the State's infant mortality rate.

6 **SECTION 9H.1.(b)** The plan for administering the competitive grant process shall
7 include at least all of the following components:

- 8 (1) A request for application (RFA) process to allow local health departments to
9 apply for and receive State funds on a competitive basis. The Department shall
10 require local health departments to include in the application a plan to evaluate
11 the effectiveness, including measurable impact or outcomes, of the activities,
12 services, and programs for which the funds are being requested.
- 13 (2) A requirement that the Secretary prioritize grant awards to those local health
14 departments that are able to leverage non-State funds in addition to the grant
15 award.
- 16 (3) Ensures that funds received by the Department to implement the plan
17 supplement and do not supplant existing funds for maternal and child health
18 initiatives.
- 19 (4) Allows grants to be awarded to local health departments for up to two years.

20 **SECTION 9H.1.(c)** No later than July 1 of each year, as applicable, the Secretary
21 shall announce the recipients of the competitive grant awards and allocate funds to the grant
22 recipients for the respective grant period pursuant to the amounts designated under subsection
23 (a) of this section. After awards have been granted, the Secretary shall submit a report to the Joint
24 Legislative Oversight Committee on Health and Human Services on the grant awards that
25 includes at least all of the following:

- 26 (1) The identity and a brief description of each grantee and each program or
27 initiative offered by the grantee.
- 28 (2) The amount of funding awarded to each grantee.
- 29 (3) The number of persons served by each grantee, broken down by program or
30 initiative.

31 **SECTION 9H.1.(d)** No later than February 1 of each fiscal year, each local health
32 department receiving funding pursuant to this section in the respective fiscal year shall submit to
33 the Division of Public Health a written report of all activities funded by State appropriations. The
34 report shall include the following information about the fiscal year preceding the year in which
35 the report is due:

- 36 (1) A description of the types of programs, services, and activities funded by State
37 appropriations.
- 38 (2) Statistical and demographical information on the number of persons served by
39 these programs, services, and activities, including the counties in which
40 services are provided.
- 41 (3) Outcome measures that demonstrate the impact and effectiveness of the
42 programs, services, and activities based on the evaluation protocols developed
43 by the Division, in collaboration with the University of North Carolina
44 Gillings School of Global Public Health, pursuant to Section 12E.11(e) of S.L.
45 2015-241, and reported to the Joint Legislative Oversight Committee on
46 Health and Human Services on April 1, 2016.
- 47 (4) A detailed program budget and list of expenditures, including all positions
48 funded, matching expenditures, and funding sources.

49
50 **REPORT ON PREMIUM ASSISTANCE PROGRAM WITHIN AIDS DRUG**
51 **ASSISTANCE PROGRAM**

1 **SECTION 9H.2.** Upon a determination by the Department of Health and Human
2 Services, Division of Public Health, that, in six months or less, it will no longer be feasible to
3 operate the health insurance premium assistance program implemented within the North Carolina
4 AIDS Drug Assistance Program (ADAP) on a cost-neutral basis or in a manner that achieves
5 savings to the State, the Department shall submit a report to the Joint Legislative Oversight
6 Committee on Health and Human Services notifying the Committee of this determination along
7 with supporting documentation and a proposed course of action with respect to health insurance
8 premium assistance program participants.
9

10 **LIMITATION ON USE OF STATE FUNDS**

11 **SECTION 9H.3.** G.S. 143C-6-5.5 reads as rewritten:

12 **"§ 143C-6-5.5. Limitation on use of State funds for abortions.**

13 (a) No State funds may be used for the performance of abortions or to support the
14 administration of any governmental health plan or government-offered insurance policy offering
15 abortion, except that this prohibition shall not apply where (i) the life of the mother would be
16 endangered if the unborn child were carried to term or (ii) the pregnancy is the result of a rape or
17 incest. Nothing in this section shall be construed to limit medical care provided after a
18 spontaneous miscarriage.

19 (b) No State funds may be used by a State agency to renew or extend existing contracts
20 or enter into new contracts for the provision of family planning services, pregnancy prevention
21 activities, or adolescent parenting programs with any provider that performs abortions. Nothing
22 in this subsection shall be construed to prevent a State agency from paying any healthcare
23 provider for services authorized under the State Health Plan for Teachers and State Employees
24 or the Medicaid program."
25

26 **USE OF JUUL SETTLEMENT FUNDS**

27 **SECTION 9H.4.(a)** There is appropriated from the Youth Electronic Nicotine
28 Dependence Abatement Fund created in Section 9G.10(a) of S.L. 2021-180 to the Department of
29 Health and Human Services, Division of Public Health, the sum of eleven million two hundred
30 fifty thousand dollars (\$11,250,000) in nonrecurring funds for the 2023-2024 fiscal year and the
31 sum of eleven million two hundred fifty thousand dollars (\$11,250,000) in nonrecurring funds
32 for the 2024-2025 fiscal year to be used and allocated as follows:

- 33 (1) Seven million dollars (\$7,000,000) in nonrecurring funds for each year of the
34 2023-2025 fiscal biennium shall be allocated for electronic cigarette and
35 nicotine dependence prevention and cessation activities targeting students in
36 grades four through eight.
- 37 (2) Two hundred fifty thousand dollars (\$250,000) in nonrecurring funds for each
38 year of the 2023-2025 fiscal biennium shall be allocated to conduct lung
39 cancer screenings and surveillance on adults who were exposed to electronic
40 cigarettes as youth to support research on health outcomes related to the use
41 of electronic cigarettes by individuals who are under the legal age to purchase
42 these products in North Carolina.
- 43 (3) Four million dollars (\$4,000,000) in nonrecurring funds for each year of the
44 2023-2025 fiscal biennium shall be allocated to continue the tobacco and
45 nicotine dependence and prevention activities targeting youth and young
46 adults that were authorized in Section 9G.10 of S.L. 2021-180, as amended by
47 Section 9G.3 of S.L. 2022-74. The Department of Health and Human
48 Services, Division of Public Health, may exercise discretion in how to allocate
49 these funds among the purposes set forth in Section 9G.10 of S.L. 2021-180,
50 as amended by Section 9G.3 of S.L. 2022-74; provided, however, that all such
51 allocated funds shall be used to target youth and young adults.

1 **SECTION 9H.4.(b)** Funds allocated under subsection (a) of this section shall remain
2 available for expenditure in the amounts and for the purposes specified in each subdivision of
3 subsection (a) of this section until expended.

4 **SECTION 9H.4.(c)** Annually on September 1, the Department of Health and Human
5 Services shall report to the Joint Legislative Oversight Committee on Health and Human Services
6 and the Fiscal Research Division on the expenditures made from the Youth Electronic Nicotine
7 Dependence Abatement Fund during the preceding fiscal year. The report shall identify each
8 expenditure and shall indicate the authority under this section for the expenditure.
9

10 **FUNDS FOR LOCAL COMMUNICABLE DISEASE PROGRAMS**

11 **SECTION 9H.5.(a)** Of the funds appropriated in this act to the Department of Health
12 and Human Services, Division of Public Health, the sum of fifteen million dollars (\$15,000,000)
13 in recurring funds for the 2023-2024 fiscal year and the sum of fifteen million dollars
14 (\$15,000,000) in recurring funds for the 2024-2025 fiscal year shall be allocated to local health
15 departments to be used as follows:

- 16 (1) To continue to address the ongoing challenges of the COVID-19 public health
17 emergency and other communicable disease challenges.
- 18 (2) To better prepare the State for emerging and re-emerging public health threats.
- 19 (3) To retain and hire additional communicable disease staff, including public
20 health nurses and other public health professionals, who are vital not only to
21 maintaining North Carolina's communicable disease response but also to
22 ensuring that the essential public health services described in G.S. 130A-1.1
23 are available and accessible to the population served by the local health
24 department.

25 **SECTION 9H.5.(b)** In the distribution of these funds to local health departments,
26 for each year of the 2023-2025 fiscal biennium, the Division of Public Health shall do all of the
27 following:

- 28 (1) Divide seven million five hundred thousand dollars (\$7,500,000) equally
29 among the local health departments.
- 30 (2) Distribute the remaining seven million five hundred thousand dollars
31 (\$7,500,000) to local health departments based upon the percentage of the
32 State population served by each of the local health departments.
- 33 (3) Begin distributing the funds allocated under this section no later than (i) 60
34 days after the date the Office of State Budget and Management and the Office
35 of the State Controller establish the certified budget for the Department of
36 Health and Human Services for the 2023-2024 fiscal year and (ii) 60 days after
37 the date the Office of State Budget and Management and the Office of the
38 State Controller establish the certified budget for the Department of Health
39 and Human Services for the 2024-2025 fiscal year.

40 **SECTION 9H.5.(c)** By October 1, 2024, and annually thereafter, the Department of
41 Health and Human Services, Division of Public Health, shall report to the Joint Legislative
42 Oversight Committee on Health and Human Services on the funding appropriated by this section.
43 The report shall include all of the following:

- 44 (1) The amount of funding that each county received pursuant to this section for
45 surveillance, detection, control, and prevention of communicable diseases.
- 46 (2) An explanation if the sum of the funding received in the previous fiscal year
47 by all counties under this section is not equivalent to the total funds
48 appropriated each year.
- 49 (3) Information on how the local health departments plan to use and subsequently
50 did use these funds to address surveillance, detection, control, and prevention
51 of communicable diseases.

- 1 (4) Consistent with the supplement and not supplant intent of this section, the
2 report shall delineate funds other than those distributed in accordance with
3 this section that were received by each county to address surveillance,
4 detection, control, and prevention of communicable diseases.
- 5 (5) Additional information as may be requested by the Joint Legislative Oversight
6 Committee on Health and Human Services.
7

8 **INFECTION PREVENTION PILOT PROGRAM**

9 **SECTION 9H.6.(a)** Of the funds appropriated in this act to the Department of Health
10 and Human Services, Division of Public Health (DPH), the sum of two million dollars
11 (\$2,000,000) in nonrecurring funds for the 2023-2024 fiscal year to establish and oversee a
12 two-year healthcare-associated infection prevention pilot program. The purpose of the pilot
13 program is to evaluate the effectiveness of a solution to (i) increase hand hygiene compliance
14 among healthcare workers before and after patient contact and (ii) reduce the number of
15 healthcare-associated infections, with the intent to establish best practices that can be modeled
16 statewide. The DPH shall select at least two general acute hospitals licensed to operate more than
17 200 beds as pilot program sites. Each pilot program site shall include the following components:

- 18 (1) Hand hygiene dispensers in patient rooms that are installed with
19 communication devices to track usage and detect when the dispensers need
20 service.
- 21 (2) In-hand hygiene dispensers for patient-facing healthcare workers.
- 22 (3) The use of real-time data analytics and dashboards to monitor hand hygiene
23 compliance among healthcare workers.
- 24 (4) Compliance training and education on hand hygiene for healthcare workers at
25 each pilot program site.

26 **SECTION 9H.6.(b)** Funds allocated under this section shall not revert at the end of
27 the 2023-2024 fiscal year but shall remain available until expended or until the pilot program
28 concludes, whichever is earlier.

29 **SECTION 9H.6.(c)** By December 31, 2023, and every six months thereafter until
30 June 30, 2025, the DPH shall submit a progress report on the status and operation of the pilot
31 program authorized by this section to the Joint Legislative Oversight Committee on Health and
32 Human Services and the Fiscal Research Division. By December 31, 2025, the Division shall
33 submit a final report to the Joint Legislative Oversight Committee on Health and Human Services
34 and the Fiscal Research Division that includes recommendations on best practices for (i) hand
35 hygiene among healthcare workers and (ii) reducing the number of healthcare-associated
36 infections.
37

38 **FUNDS FOR THE OFFICE OF THE CHIEF MEDICAL EXAMINER TO CONDUCT** 39 **TOXICOLOGY SCREENING IN ALL CHILD DEATH CASES**

40 **SECTION 9H.7.(a)** G.S. 130A-385 is amended by adding a new subsection to read:

41 "(a1) The Office of the Chief Medical Examiner shall conduct comprehensive toxicology
42 screening in all child death cases that fall under the jurisdiction of the medical examiner pursuant
43 to G.S. 130A-383 or G.S. 130A-384."

44 **SECTION 9H.7.(b)** Of the funds appropriated in this act to the Department of Health
45 and Human Services, Division of Public Health, Office of the Chief Medical Examiner, the
46 following sums shall be allocated and used as follows to fulfill the toxicology screening
47 requirements of G.S. 130A-385(a1), as enacted by this act:

- 48 (1) The sum of ninety-three thousand five hundred thirteen dollars (\$93,513) in
49 recurring funds for each year of the 2023-2025 fiscal biennium shall be used
50 to establish within the Office of the Chief Medical Examiner a full-time

1 Chemist I position dedicated to conducting comprehensive toxicology
 2 screening in child death cases.

3 (2) The sum of sixty-five thousand six hundred eighty-three dollars (\$65,683) in
 4 recurring funds for each year of the 2023-2025 fiscal biennium shall be used
 5 to establish within the Office of the Chief Medical Examiner a full-time
 6 Chemistry Technician I position dedicated to conducting comprehensive
 7 toxicology screening in child death cases.

8 (3) The sum of five thousand five hundred dollars (\$5,500) in recurring funds for
 9 each year of the 2023-2025 fiscal biennium shall be used to purchase supplies
 10 to conduct comprehensive toxicology screening.

11 (4) The sum of five hundred fifty thousand dollars (\$550,000) in nonrecurring
 12 funds for the 2023-2024 fiscal year shall be used to cover the cost of
 13 equipment, training, and any other necessary start-up costs for conducting
 14 comprehensive toxicology screening in all child death cases.

15 **SECTION 9H.7.(c)** Subsection (a) of this section becomes effective October 1,
 16 2023, and applies to child death cases pending or initiated on or after that date. The remainder of
 17 this section becomes effective on July 1, 2023.

18
 19 **REQUIREMENT FOR AUTOPSIES OR OTHER REPORTS IN SUSPECTED DEATH**
 20 **BY DISTRIBUTION CASES**

21 **SECTION 9H.8.(a)** G.S. 130A-389 reads as rewritten:

22 "**§ 130A-389. Autopsies.**

23 (a) ~~If~~ The Chief Medical Examiner or a competent pathologist designated by the Chief
 24 Medical Examiner shall perform an autopsy or other study in each of the following cases:

25 (1) If, in the opinion of the medical examiner investigating the case or of the Chief
 26 Medical Examiner, it is advisable and in the public interest that an autopsy or
 27 other study be made; or, if made.

28 (2) If an autopsy or other study is requested by the district attorney of the county
 29 or by any superior court judge, an autopsy or other study shall be made by the
 30 Chief Medical Examiner or by a competent pathologist designated by the
 31 Chief Medical Examiner, judge.

32 (3) In any case in which the district attorney of the county or the investigating law
 33 enforcement agency asserts to the Chief Medical Examiner or the medical
 34 examiner of the county in which the body was located that there is probable
 35 cause to believe that a violation of G.S. 14-18.4 has occurred.

36 A complete autopsy report of findings and interpretations, prepared on forms designated for
 37 the purpose, shall be submitted promptly to the Chief Medical Examiner. Subject to the
 38 limitations of G.S. 130A-389.1 relating to photographs and video or audio recordings of an
 39 autopsy, a copy of the report shall be furnished to any person upon request.

40 (a1) The fee for the an autopsy or other study performed pursuant to subsection (a) of this
 41 section shall be two thousand eight hundred dollars (\$2,800) to be paid as follows:

42 (1) Except as provided in subdivision (2) of this subsection, the county in which
 43 the deceased resided shall pay a fee of one thousand seven hundred fifty
 44 dollars (\$1,750) and the State shall pay the remaining balance of one thousand
 45 fifty dollars (\$1,050).

46 (2) If the death or fatal injury occurred outside the county in which the deceased
 47 resided, the State shall pay the entire fee in the amount of two thousand eight
 48 hundred dollars (\$2,800).

49"

1 **SECTION 9H.8.(b)** G.S. 130A-389(a), as amended by this section, becomes
2 effective December 1, 2023, and applies to autopsies conducted on or after that date. The
3 remainder of this section becomes effective July 1, 2023.

4
5 **INCREASE IN AUTOPSY FEES**

6 **SECTION 9H.9.(a)** Effective January 1, 2025, G.S. 130A-389(a1), as amended by
7 Section 9H.8 of this act, reads as rewritten:

8 "(a1) The fee for an autopsy or other study performed pursuant to subsection (a) of this
9 section shall be ~~two~~five thousand eight hundred dollars ~~(\$2,800)-(\$5,800)~~ to be paid as follows:

- 10 (1) Except as provided in subdivision (2) of this subsection, the county in which
11 the deceased resided shall pay a fee of one thousand seven hundred fifty
12 dollars (\$1,750) and the State shall pay the remaining balance of ~~one~~four
13 thousand fifty dollars ~~(\$1,050)-(\$4,050)~~.
14 (2) If the death or fatal injury occurred outside the county in which the deceased
15 resided, the State shall pay the entire fee in the amount of ~~two~~five thousand
16 eight hundred dollars ~~(\$2,800)-(\$5,800)~~."

17 **SECTION 9H.9.(b)** By October 1, 2025, and biennially thereafter, the Department
18 of Health and Human Services, Division of Public Health, shall analyze the autopsy fee
19 established by subsection (a1) of G.S. 130A-389, as amended by this act, and report to the Joint
20 Legislative Oversight Committee on Health and Human Services and the Fiscal Research
21 Division on the following:

- 22 (1) The results of the analysis and any recommended changes to the fee or how
23 the fee is apportioned between the State and counties.
24 (2) For the preceding biennium, the number of autopsies performed by each
25 autopsy center within the North Carolina medical examiner system and the
26 total amount of fees paid to each autopsy center.

27
28 **SOUTH PIEDMONT REGIONAL AUTOPSY CENTER FUNDS**

29 **SECTION 9H.10.(a)** Of the funds appropriated in this act to the Department of
30 Health and Human Services, Division of Public Health, Office of the Chief Medical Examiner
31 (OCME), the sum of two million dollars (\$2,000,000) in recurring funds for the 2023-2024 fiscal
32 year and the sum of two million dollars (\$2,000,000) in recurring funds for the 2024-2025 fiscal
33 year shall be allocated to Union County for operational costs and equipment associated with the
34 establishment of a county-operated regional autopsy center serving the following areas:

- 35 (1) Anson County
36 (2) Cabarrus County
37 (3) Montgomery County
38 (4) Richmond County
39 (5) Stanly County
40 (6) Union County

41 **SECTION 9H.10.(b)** Union County shall notify the Department of Health and
42 Human Services, the Joint Legislative Oversight Committee on Health and Human Services, and
43 the Fiscal Research Division when the regional autopsy center funded by this section becomes
44 operational. Upon receiving this notification, the OCME shall enter into a contract with Union
45 County pursuant to which (i) the regional autopsy center funded by this section agrees to provide
46 independent forensic pathology services in the counties specified by subsection (a) of this section
47 and (ii) the OCME agrees to reimburse Union County for each autopsy performed by the regional
48 autopsy center in an amount equivalent to the fee authorized by G.S. 130A-389(a1), as amended
49 by this act.

50 **SECTION 9H.10.(c)** By December 1, 2023, and December 1, 2024, Union County
51 shall submit a progress report to the Department of Health and Human Services, the Joint

1 Legislative Oversight Committee on Health and Human Services, and the Fiscal Research
2 Division on the status and operation of the regional autopsy center funded by this section.
3

4 **CAROLINA PREGNANCY CARE FELLOWSHIP**

5 **SECTION 9H.11.(a)** Of the funds appropriated in this act to the Department of
6 Health and Human Services, Division of Public Health, the sum of six million two hundred fifty
7 thousand dollars (\$6,250,000) in recurring funds for the 2023-2024 fiscal year and the sum of six
8 million two hundred fifty thousand dollars (\$6,250,000) in recurring funds for the 2024-2025
9 fiscal year shall be allocated to Carolina Pregnancy Care Fellowship (CPCF), a nonprofit
10 corporation, to be used as follows:

- 11 (1) The sum of two million nine hundred thousand dollars (\$2,900,000) in
12 recurring funds for the 2023-2024 fiscal year and the sum of two million nine
13 hundred thousand dollars (\$2,900,000) in recurring funds for the 2024-2025
14 fiscal year shall be used to provide grants for services to pregnancy centers
15 located in this State.
- 16 (2) The sum of one million dollars (\$1,000,000) in recurring funds for the
17 2023-2024 fiscal year and the sum of one million dollars (\$1,000,000) in
18 recurring funds for the 2024-2025 fiscal year shall be used to provide the
19 following grants to pregnancy centers located in this State:
 - 20 a. Grants to purchase durable medical equipment.
 - 21 b. Grants to pay for pregnancy care training and training on the use of
22 durable medical equipment.
- 23 (3) The sum of two hundred fifty thousand dollars (\$250,000) in recurring funds
24 for the 2023-2024 fiscal year and the sum of two hundred fifty thousand
25 dollars (\$250,000) in recurring funds for the 2024-2025 fiscal year shall be
26 used to provide grants to pregnancy centers located in this State to cover the
27 cost of nonreligious, nonsectarian educational training and resources
28 regarding pregnancy.
- 29 (4) The sum of two million one hundred thousand dollars (\$2,100,000) in
30 recurring funds for the 2023-2024 fiscal year and the sum of two million one
31 hundred thousand dollars (\$2,100,000) in recurring funds for the 2024-2025
32 fiscal year shall be allocated to fund operation of the CPCF Circle of Care
33 Program.

34 **SECTION 9H.11.(b)** The CPCF shall establish an application process for the grants
35 authorized by subdivisions (a)(1) through (a)(3) of this section, and any pregnancy center located
36 in this State that applies for these grant funds through the established application process is
37 eligible to receive these grant funds.

38 **SECTION 9H.11.(c)** The CPCF may not use more than ten percent (10%) of the
39 total amount of funds allocated by this section for each year of the 2023-2025 fiscal biennium
40 for administrative purposes.

41 **SECTION 9H.11.(d)** Funds allocated under this section shall be used for
42 nonsectarian, nonreligious purposes only.

43 **SECTION 9H.11.(e)** By July 1, 2025, and July 1 of each odd-numbered year
44 thereafter, the CPCF shall report to the Joint Legislative Oversight Committee on Health and
45 Human Services and the Fiscal Research Division on the use of funds allocated under this section.
46 The report shall include at least the following:

- 47 (1) The identity and a brief description of each grantee and the amount of funding
48 awarded to each grantee.
 - 49 (2) The number of persons served by each grantee.
 - 50 (3) The number of persons served by the Circle of Care Program.
- 51

STATEWIDE CONTINUUM OF CARE PROGRAM

SECTION 9H.12.(a) Of the funds appropriated in this act to the Department of Health and Human Services, Division of Public Health, the sum of five million dollars (\$5,000,000) in recurring funds for the 2023-2024 fiscal year and the sum of five million dollars (\$5,000,000) in recurring funds for the 2024-2025 fiscal year shall be allocated to the Human Coalition, a nonprofit organization, to fund operation of the Human Coalition's statewide Continuum of Care Program, as expanded pursuant to Section 9G.6 of S.L. 2021-180. These funds shall be used for nonreligious, nonsectarian purposes only.

SECTION 9H.12.(b) The Human Coalition may use up to ten percent (10%) of the funds allocated for the statewide Continuum of Care Program for each year of the 2023-2025 fiscal biennium for administrative purposes.

SECTION 9H.12.(c) By December 1, 2023, and every six months thereafter, the Human Coalition shall report to the Department of Health and Human Services on the status and operation of the statewide Continuum of Care Program authorized by Section 9G.6 of S.L. 2021-180. The report shall include at least all of the following:

- (1) A detailed breakdown of expenditures for the program.
- (2) The number of individuals served by the program, and, for the individuals served, the types of services provided to each.
- (3) Any other information requested by the Department of Health and Human Services as necessary for evaluating the success of the program.

SECTION 9H.12.(d) By February 1 of each odd-numbered year, the Department of Health and Human Services shall report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division on the status and operation of the statewide Continuum of Care Program. The report shall include at least all of the information specified in subdivisions (c)(1) through (c)(3) of this section.

TIMELY AMENDMENT OF BIRTH AND DEATH CERTIFICATES

SECTION 9H.13.(a) G.S. 130A-118 is amended by adding a new subsection to read:

"(a1) The Office of Vital Records and each local register of deeds office must process each request for amendment of a certificate of birth or death within 10 business days after the office receives the appropriate completed application, any required proof, and payment of any applicable fee for such amendment."

SECTION 9H.13.(b) By December 31, 2023, the Office of Vital Records and each local register of deeds office shall process all birth or death certificate amendment requests received on or before June 30, 2023. As used in this section, the term "birth or death certificate amendment requests" means completed applications for birth or death certificate amendments accompanied by any required proof and payment of any applicable fee.

SECTION 9H.13.(c) For the 2023-2025 fiscal biennium, the Office of Vital Records may not use available lapsed salary funds for any purposes other than the following:

- (1) To hire temporary staff to process birth or death certificate amendment requests.
- (2) To hire temporary staff to operate a help line to provide technical support on use of the North Carolina Database Application for Vital Events known as NC DAVE.
- (3) To pay salary supplements or provide performance bonuses to Office of Vital Records staff responsible for processing birth or death certificate amendment requests.

SECTION 9H.13.(d) Subsection (a) of this section becomes effective July 31, 2023. The remainder of this section becomes effective July 1, 2023.

PART IX-I. SERVICES FOR THE BLIND/DEAF/HARD OF HEARING [RESERVED]

1
2 **PART IX-J. SOCIAL SERVICES**

3
4 **TANF BENEFIT IMPLEMENTATION**

5 **SECTION 9J.1.(a)** The General Assembly approves the plan titled "North Carolina
6 Temporary Assistance for Needy Families State Plan FY 2022-2025," prepared by the
7 Department of Health and Human Services and presented to the General Assembly. The North
8 Carolina Temporary Assistance for Needy Families State Plan covers the period of October 1,
9 2022, through September 30, 2025. The Department shall submit the State Plan, as revised in
10 accordance with subsection (b) of this section, to the United States Department of Health and
11 Human Services.

12 **SECTION 9J.1.(b)** The counties approved as Electing Counties in the North
13 Carolina Temporary Assistance for Needy Families State Plan FY 2022-2025, as approved by
14 this section, are Beaufort, Caldwell, Catawba, Lenoir, Lincoln, Macon, and Wilson.

15 **SECTION 9J.1.(c)** Counties that submitted the letter of intent to remain as an
16 Electing County or to be redesignated as an Electing County and the accompanying county plan
17 for years 2022 through 2025, pursuant to G.S. 108A-27(e), shall operate under the Electing
18 County budget requirements effective July 1, 2022. For programmatic purposes, all counties
19 referred to in this subsection shall remain under their current county designation through
20 September 30, 2025.

21 **SECTION 9J.1.(d)** For each year of the 2023-2025 fiscal biennium, Electing
22 Counties shall be held harmless to their Work First Family Assistance allocations for the
23 2022-2023 fiscal year, provided that remaining funds allocated for Work First Family Assistance
24 and Work First Diversion Assistance are sufficient for payments made by the Department on
25 behalf of Standard Counties pursuant to G.S. 108A-27.11(b).

26 **SECTION 9J.1.(e)** In the event that departmental projections of Work First Family
27 Assistance and Work First Diversion Assistance for the 2023-2024 fiscal year or the 2024-2025
28 fiscal year indicate that remaining funds are insufficient for Work First Family Assistance and
29 Work First Diversion Assistance payments to be made on behalf of Standard Counties, the
30 Department is authorized to deallocate funds, of those allocated to Electing Counties for Work
31 First Family Assistance in excess of the sums set forth in G.S. 108A-27.11, up to the requisite
32 amount for payments in Standard Counties. Prior to deallocation, the Department shall obtain
33 approval by the Office of State Budget and Management. If the Department adjusts the allocation
34 set forth in subsection (d) of this section, then a report shall be made to the Joint Legislative
35 Oversight Committee on Health and Human Services and the Fiscal Research Division.

36
37 **INTENSIVE FAMILY PRESERVATION SERVICES FUNDING, PERFORMANCE**
38 **ENHANCEMENTS, AND REPORT**

39 **SECTION 9J.2.(a)** Notwithstanding the provisions of G.S. 143B-150.6, the
40 Intensive Family Preservation Services (IFPS) Program shall provide intensive services to
41 children and families in cases of abuse, neglect, and dependency where a child is at imminent
42 risk of removal from the home and to children and families in cases of abuse where a child is not
43 at imminent risk of removal. The Program shall be implemented statewide on a regional basis.
44 The IFPS shall ensure the application of standardized assessment criteria for determining
45 imminent risk and clear criteria for determining out-of-home placement.

46 **SECTION 9J.2.(b)** The Department of Health and Human Services shall require that
47 any program or entity that receives State, federal, or other funding for the purpose of IFPS shall
48 provide information and data that allows for the following:

- 49 (1) An established follow-up system with a minimum of six months of follow-up
50 services.

- 1 (2) Detailed information on the specific interventions applied, including
2 utilization indicators and performance measurement.
3 (3) Cost-benefit data.
4 (4) Data on long-term benefits associated with IFPS. This data shall be obtained
5 by tracking families through the intervention process.
6 (5) The number of families remaining intact and the associated interventions
7 while in IFPS and 12 months thereafter.
8 (6) The number and percentage, by race, of children who received IFPS compared
9 to the ratio of their distribution in the general population involved with Child
10 Protective Services.

11 **SECTION 9J.2.(c)** The Department shall continue implementing a
12 performance-based funding protocol and shall only provide funding to those programs and
13 entities providing the required information specified in subsection (b) of this section. The amount
14 of funding shall be based on the individual performance of each program.

15 **SECTION 9J.2.(d)** The Department shall submit an annual report to the Joint
16 Legislative Oversight Committee on Health and Human Services and the Fiscal Research
17 Division by December 1 of each year that provides the information and data collected pursuant
18 to subsection (b) of this section.
19

20 **CHILD CARING INSTITUTIONS**

21 **SECTION 9J.3.** Until the Social Services Commission adopts rules setting
22 standardized rates for child caring institutions as authorized under G.S. 143B-153(8), the
23 maximum reimbursement for child caring institutions shall not exceed the rate established for the
24 specific child caring institution by the Department of Health and Human Services, Office of the
25 Controller. In determining the maximum reimbursement, the State shall include county and IV-E
26 reimbursements.
27

28 **USE FOSTER CARE BUDGET FOR GUARDIANSHIP ASSISTANCE PROGRAM**

29 **SECTION 9J.4.** Of the funds available for the provision of foster care services, the
30 Department of Health and Human Services, Division of Social Services, may continue to provide
31 for the financial support of children who are deemed to be (i) in a permanent family placement
32 setting, (ii) eligible for legal guardianship, and (iii) otherwise unlikely to receive permanency.
33 No additional expenses shall be incurred beyond the funds budgeted for foster care for the
34 Guardianship Assistance Program (GAP). The Guardianship Assistance Program shall include
35 provisions for extending guardianship services for individuals and youth who exited foster care
36 through the Guardianship Assistance Program after 14 years of age or who have attained the age
37 of 18 years and opt to continue to receive guardianship services until reaching 21 years of age if
38 the individual is (i) completing secondary education or a program leading to an equivalent
39 credential, (ii) enrolled in an institution that provides postsecondary or vocational education, (iii)
40 participating in a program or activity designed to promote, or remove barriers to, employment,
41 (iv) employed for at least 80 hours per month, or (v) incapable of completing the educational or
42 employment requirements of this section due to a medical condition or disability. The
43 Guardianship Assistance Program rates shall reimburse the legal guardian for room and board
44 and be set at the same rate as the foster care room and board rates in accordance with rates
45 established under G.S. 108A-49.1.
46

47 **CHILD WELFARE POSTSECONDARY SUPPORT PROGRAM (NC REACH)**

48 **SECTION 9J.5.(a)** Funds appropriated in this act from the General Fund to the
49 Department of Health and Human Services for the child welfare postsecondary support program
50 shall be used to continue providing assistance with the "cost of attendance" as that term is defined
51 in 20 U.S.C. § 108711 for the educational needs of foster youth aging out of the foster care system,

1 youth who exit foster care to a permanent home through the Guardianship Assistance Program
2 (GAP), or special needs children adopted from foster care after age 12. These funds shall be
3 allocated by the State Education Assistance Authority.

4 **SECTION 9J.5.(b)** Of the funds appropriated in this act from the General Fund to
5 the Department of Health and Human Services, the sum of fifty thousand dollars (\$50,000) for
6 each year of the 2023-2025 fiscal biennium shall be allocated to the North Carolina State
7 Education Assistance Authority (SEAA). The SEAA shall use these funds only to perform
8 administrative functions necessary to manage and distribute scholarship funds under the child
9 welfare postsecondary support program.

10 **SECTION 9J.5.(c)** Of the funds appropriated in this act from the General Fund to
11 the Department of Health and Human Services, the sum of three hundred thirty-nine thousand
12 four hundred ninety-three dollars (\$339,493) for each year of the 2023-2025 fiscal biennium shall
13 be used to contract with an entity to administer the child welfare postsecondary support program
14 described under subsection (a) of this section, which administration shall include the performance
15 of case management services.

16 **SECTION 9J.5.(d)** Funds appropriated in this act to the Department of Health and
17 Human Services for the child welfare postsecondary support program shall be used only for
18 students attending public institutions of higher education in this State.

19 **FEDERAL CHILD SUPPORT INCENTIVE PAYMENTS**

20 **SECTION 9J.6.(a)** Centralized Services. – The North Carolina Child Support
21 Services Section (NCCSS) of the Department of Health and Human Services, Division of Social
22 Services, shall retain up to fifteen percent (15%) of the annual federal incentive payments it
23 receives from the federal government to enhance centralized child support services. To
24 accomplish this requirement, NCCSS shall do the following:

- 25 (1) In consultation with representatives from county child support services
26 programs, identify how federal incentive funding could improve centralized
27 services.
- 28 (2) Use federal incentive funds to improve the effectiveness of the State's
29 centralized child support services by supplementing and not supplanting State
30 expenditures for those services.
- 31 (3) Continue to develop and implement rules that explain the State process for
32 calculating and distributing federal incentive funding to county child support
33 services programs.

34 **SECTION 9J.6.(b)** County Child Support Services Programs. – NCCSS shall
35 allocate no less than eighty-five percent (85%) of the annual federal incentive payments it
36 receives from the federal government to county child support services programs to improve
37 effectiveness and efficiency using the federal performance measures. To that end, NCCSS shall
38 do the following:

- 39 (1) In consultation with representatives from county child support services
40 programs, examine the current methodology for distributing federal incentive
41 funding to the county programs and determine whether an alternative formula
42 would be appropriate. NCCSS shall use its current formula for distributing
43 federal incentive funding until an alternative formula is adopted.
- 44 (2) Upon adopting an alternative formula, develop a process to phase in the
45 alternative formula for distributing federal incentive funding over a four-year
46 period.

47 **SECTION 9J.6.(c)** Reporting by County Child Support Services Programs. –
48 NCCSS shall continue implementing guidelines that identify appropriate uses for federal
49 incentive funding. To ensure those guidelines are properly followed, NCCSS shall require county
50 child support services programs to comply with each of the following:
51

- 1 (1) Submit an annual plan describing how federal incentive funding would
2 improve program effectiveness and efficiency as a condition of receiving
3 federal incentive funding.
- 4 (2) Report annually on the following: (i) how federal incentive funding has
5 improved program effectiveness and efficiency and been reinvested into their
6 programs, (ii) provide documentation that the funds were spent according to
7 their annual plans, and (iii) explain any deviations from their plans.

8 **SECTION 9J.6.(d)** Reporting by NCCSS. – NCCSS shall submit a report on federal
9 child support incentive funding to the Joint Legislative Oversight Committee on Health and
10 Human Services and the Fiscal Research Division by November 1 of each year. The report shall
11 describe how federal incentive funds enhanced centralized child support services to benefit
12 county child support services programs and improved the effectiveness and efficiency of county
13 child support services programs. The report shall further include any changes to the State process
14 that NCCSS used in calculating and distributing federal incentive funding to county child support
15 services programs and any recommendations for further changes.

16 17 **SUCCESSFUL TRANSITION/FOSTER CARE YOUTH**

18 **SECTION 9J.7.** The Foster Care Transitional Living Initiative Fund shall continue
19 to fund and support transitional living services that demonstrate positive outcomes for youth,
20 attract significant private sector funding, and lead to the development of evidence-based
21 programs to serve the at-risk population described in this section. The Fund shall continue to
22 support a demonstration project with services provided by Youth Villages to (i) improve
23 outcomes for youth ages 17-21 years who transition from foster care through implementation of
24 outcome-based Transitional Living Services, (ii) identify cost-savings in social services and
25 juvenile and adult correction services associated with the provision of Transitional Living
26 Services to youth aging out of foster care, and (iii) take necessary steps to establish an
27 evidence-based transitional living program available to all youth aging out of foster care. In
28 continuing to implement these goals, the Foster Care Transitional Living Initiative Fund shall
29 support the following strategies:

- 30 (1) Transitional Living Services, which is an outcome-based program that follows
31 the Youth Villages Transitional Living Model. Outcomes on more than 7,000
32 participants have been tracked since the program's inception. The program has
33 been evaluated through an independent randomized controlled trial. Results
34 indicate that the Youth Villages Transitional Living Model had positive
35 impacts in a variety of areas, including housing stability, earnings, economic
36 hardship, mental health, and intimate partner violence in comparison to the
37 control population.
- 38 (2) Public-Private Partnership, which is a commitment by private-sector funding
39 partners to match at least twenty-five percent (25%) of the funds appropriated
40 to the Foster Care Transitional Living Initiative Fund for the 2023-2025 fiscal
41 biennium for the purposes of providing Transitional Living Services through
42 the Youth Villages Transitional Living Model to youth aging out of foster
43 care.
- 44 (3) Impact Measurement and Evaluation, which are services funded through
45 private partners to provide independent measurement and evaluation of the
46 impact the Youth Villages Transitional Living Model has on the youth served,
47 the foster care system, and on other programs and services provided by the
48 State which are utilized by former foster care youth.
- 49 (4) Advancement of Evidence-Based Process, which is the implementation and
50 ongoing evaluation of the Youth Villages Transitional Living Model for the
51 purposes of establishing the first evidence-based transitional living program

1 in the nation. To establish the evidence-based program, additional randomized
2 controlled trials may be conducted to advance the model.

4 **PERMANENCY INNOVATION INITIATIVE/SUPPLEMENT FEDERAL FUNDS**

5 **SECTION 9J.8.** Funds appropriated in this act to the Department of Health and
6 Human Services, Division of Social Services, for each year of the 2023-2025 fiscal biennium for
7 the Permanency Innovation Initiative Fund shall be supplemented, not supplanted, by all
8 available federal matching funds.

10 **REPORT ON CERTAIN SNAP AND TANF EXPENDITURES**

11 **SECTION 9J.9.(a)** Funds appropriated in this act to the Department of Health and
12 Human Services, Division of Social Services (Division), for each year of the 2023-2025 fiscal
13 biennium for a report on certain Supplemental Nutrition Assistance Program (SNAP) and
14 Temporary Assistance for Needy Families (TANF) expenditures shall be allocated for vendor
15 costs to generate the data regarding expenditures of those programs. The vendor shall generate
16 data to be submitted to the Division that includes, at a minimum, each of the following:

- 17 (1) The dollar amount and number of transactions accessed or expended
18 out-of-state, by state, for both SNAP benefits and TANF benefits.
- 19 (2) The amount of benefits expended out-of-state, by state, from active cases for
20 both SNAP and TANF.
- 21 (3) The dollar amount and number of transactions of benefits accessed or
22 expended in this State, by types of retailers or institutions, for both SNAP and
23 TANF.

24 **SECTION 9J.9.(b)** Upon receiving the expenditures data for SNAP and TANF from
25 the vendor, the Division shall evaluate the data. After evaluating the expenditures data, the
26 Division shall submit a report on its analysis of the data by June 30 and December 31 of each
27 year to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal
28 Research Division. The Division shall post its report required by this subsection on its website
29 and otherwise make the data available by June 30 and December 31 of each year. In the first
30 report required by this section, the Division shall report how this data is used to investigate fraud
31 and abuse in both SNAP and TANF. The Division shall also report on other types of data and
32 how that data is utilized in the detection of fraud and abuse.

33 **SECTION 9J.9.(c)** The Division shall maintain the confidentiality of information
34 not public under Chapter 132 of the General Statutes. The Division shall properly redact any
35 information subject to reporting under this section to prevent identification of individual
36 recipients of SNAP or TANF benefits.

38 **KINSHIP CARE/RULES REVIEW**

39 **SECTION 9J.10.(a)** Process Authorized. – Notwithstanding any provision of law to
40 the contrary and except as otherwise required by federal law, the Department of Health and
41 Human Services, Division of Social Services (Division), shall implement a process that allows
42 an individual who is not a licensed foster care parent and is providing kinship care to a child in
43 foster care to receive, for up to 12 months, assistance payments based on the rates set forth in
44 subsection (d) of this section. In implementing the process, the Division shall ensure training is
45 available for the individual providing kinship care and encourage the individual to seek licensure
46 as a foster care parent. For purposes of this section, "kinship care" encompasses a variety of
47 situations in which a child whose parents are unable to care for the child is raised by other family
48 members, relative caregivers, or close "non-relative kin," as referenced in the Information
49 Memorandum prepared by the federal Administration for Children and Families dated December
50 29, 2020. Non-relative kin shall have the same meaning as in G.S. 7B-101(15a).

1 **SECTION 9J.10.(b)** Training. – The Division of Social Services shall ensure
2 training in accordance with this section is available no later than January 1, 2024. The Division
3 shall consult with county child welfare agencies and licensed child placing agencies in selecting
4 the training curriculum for individuals seeking foster care licensure and shall ensure training is
5 available to counties and child placing agencies regarding the process established by this section.
6 The Division shall train county staff on the various funding sources available to pay for foster
7 and kinship care maintenance payments. The training shall be produced in a format that allows
8 access both virtually and on-demand to all counties at no cost.

9 Training shall be made available to the individual providing kinship care within the
10 first 90 days from the date the child is placed with the individual. The curriculum shall include
11 training that, at a minimum, is:

- 12 (1) Related to safety, rules, laws, and agency structure.
- 13 (2) Designed to address family trauma that includes managing the unique
14 challenges of kinship care, such as hope and denial, loss, and ambivalence.
- 15 (3) Implemented in accordance with the family's needs for maximum flexibility,
16 including the ability to train virtually and on-demand as fidelity models allow.
- 17 (4) Directed to consider the specific training needs of the family as it relates to
18 the family's relations to the child and the family's trauma experience.

19 **SECTION 9J.10.(c)** Appropriation. – Effective January 1, 2024, of the funds
20 appropriated in this act to the Department of Health and Human Services, Division of Social
21 Services (Division), the sum of five million one hundred thousand dollars (\$5,100,000) in
22 recurring funds for the 2023-2024 fiscal year and the sum of ten million two hundred thousand
23 dollars (\$10,200,000) in recurring funds for the 2024-2025 fiscal year shall be used to implement
24 the kinship care reimbursement rates set forth in subsection (d) of this section and the one-time
25 mitigation payments and normalcy payments in subsections (e) and (f) of this section,
26 respectively. From funds provided under this section, the Division may use the sum of up to two
27 hundred thousand dollars (\$200,000) in recurring funds for the 2023-2024 fiscal year and the
28 sum of up to four hundred thousand dollars (\$400,000) in recurring funds for the 2024-2025
29 fiscal year for administration of the kinship care program.

30 **SECTION 9J.10.(d)** Rates. – The maximum rates for State participation in
31 reimbursement for kinship foster care pursuant to this section are established on a graduated scale
32 as follows:

- 33 (1) \$257.00 per child per month for children from birth through 5 years of age.
- 34 (2) \$327.00 per child per month for children 6 through 12 years of age.
- 35 (3) \$349.00 per child per month for children at least 13 but less than 18 years of
36 age.

37 **SECTION 9J.10.(e)** One-Time Mitigation Payments. – The Division of Social
38 Services may grant a one-time payment not to exceed three thousand dollars (\$3,000) to mitigate
39 a documented safety barrier that prevents a foster care license from being issued. The one-time
40 payment must resolve the safety barrier and result in the successful issuance of the foster care
41 license and placement of the relative child. The Division may provide a waiver to counties to
42 exceed the three thousand dollar (\$3,000) maximum payment amount under policies adopted and
43 approved by a committee comprised of county child welfare agency staff and Division staff.
44 Payments made and waivers granted under this subsection shall be considered on a case-by-case
45 basis and align directly with the safety and permanency goals of the child.

46 **SECTION 9J.10.(f)** Normalcy Payments. – A portion of the funds provided under
47 this section may also be used by counties to ensure normalcy for children in kinship care.
48 Normalcy payments shall not exceed five hundred dollars (\$500.00) annually per child and shall
49 align with the safety and permanency goals for the child. The Division of Social Services shall
50 form a workgroup comprised of county child welfare directors to adopt a fair and reasonable
51 quarterly allocation process for distributing these funds to counties. For purposes of this

1 subsection, "normalcy payments" are payments that allow a child to participate in normal
2 childhood activities as described in G.S. 131D-10.2A(e).

3 **SECTION 9J.10.(g) Extensions.** – The Division of Social Services may grant an
4 individual providing kinship care in accordance with this section up to two three-month
5 extensions to continue receiving kinship care assistance payments under this section if (i) a foster
6 care license has not been granted at the end of the 12-month period and (ii) it is determined that
7 the individual has made progress toward obtaining the foster care license.

8 **SECTION 9J.10.(h) Waivers.** – The Division of Social Services is authorized to
9 waive any non-safety licensing rule that impedes the placement of a child in kinship care in
10 accordance with this section. County child welfare agencies and licensed child placing agencies
11 shall pursue any non-safety waivers that may impede the licensure process. The Division shall
12 offer annual training to county child welfare agencies and private child placing agencies
13 regarding how waivers may be requested and what waivers may be granted.

14 **SECTION 9J.10.(i) Publication of Kinship Care Process.** – The Division of Social
15 Services shall develop and make available for distribution public materials for families
16 promoting kinship care, including information about the foster care licensure process and waiver
17 options for licensure. The Division shall ensure information about the program is available on its
18 website.

19 **SECTION 9J.10.(j) Rules Review.** – The Division of Social Services shall conduct
20 an extensive review of the foster care licensure rules, including rules regarding the licensing of
21 family foster homes, child placing agencies and residential maternity homes, minimum standards
22 for residential child care, minimum standards for specialized residential child care programs,
23 waiver procedures, denials, suspensions, revocations, and appeal procedures. At a minimum, the
24 review shall seek to streamline the foster care licensing process by shortening the length of time
25 to become licensed and eliminate any barriers to obtaining a license, including abolishing
26 outdated rules and eliminating non-safety rules. The Division shall form a workgroup comprised
27 of the following to complete the review:

- 28 (1) County child welfare agency staff.
- 29 (2) Tribal child welfare agency staff.
- 30 (3) Staff from the Divisions of Social Services, Health Benefits, Mental Health,
31 Developmental Disabilities, and Substance Abuse Services.
- 32 (4) Provider stakeholders.

33 The review shall be completed no later than 12 months from the date this act becomes
34 law. The workgroup shall make a final report to the Joint Legislative Oversight Committee on
35 Health and Human Services and the Fiscal Research Division no later than 18 months from the
36 date this act becomes law. The report shall include a list and justification of the need for all foster
37 care licensing rules remaining in effect that are non-safety related rules. The Social Services
38 Commission shall adopt new rules consistent with the changes recommended pursuant to the
39 rules review.

40 **CHILD ADVOCACY CENTER FUNDS**

41 **SECTION 9J.11.** Of the funds appropriated in this act to the Department of Health
42 and Human Services, Division of Social Services, the sum of three million dollars (\$3,000,000)
43 in recurring funds for each year of the 2023-2025 fiscal biennium shall be allocated to the
44 Children's Advocacy Centers of North Carolina, Inc. (CACNC), a nonprofit organization. At
45 least seventy-five percent (75%) of these funds shall be distributed to child advocacy centers in
46 this State that are in good standing with CACNC.

47 **PART IX-K. VOCATIONAL REHABILITATION SERVICES [RESERVED]**

48 **PART IX-L. HHS MISCELLANEOUS**

CONFORM PRIVILEGE EXEMPTIONS FOR PSYCHIATRISTS, LICENSED MARRIAGE AND FAMILY THERAPISTS, SOCIAL WORKERS, CLINICAL MENTAL HEALTH COUNSELORS, AND PSYCHOLOGISTS

SECTION 9L.1.(a) G.S. 14-318.6(h) reads as rewritten:

"(h) Nothing in this section shall be construed as to require a person with (i) a privilege under G.S. 8-53.3, 8-53.7, 8-53.8, or ~~8-53.12~~ or with 8-53.12, (ii) attorney-client ~~privilege~~ privilege, or (iii) psychiatrist-client or patient ~~privilege~~ privilege to report pursuant to this section if that privilege would prevent them from doing so. Nothing in this section shall be construed as requiring a licensed marriage and family therapist with a privilege under G.S. 8-53.5 to report pursuant to this section if that privilege would prevent that person from doing so, but the privilege only applies to the primary client and not to any other family members. For purposes of this subsection, the term "primary client" means a person who contracts with a licensed marriage and family therapist for professional services for the purpose of diagnosis or treatment."

SECTION 9.1.(b) This section is effective when it becomes law.

PART IX-M. DHHS BLOCK GRANTS

DHHS BLOCK GRANTS

SECTION 9M.1.(a) Except as otherwise provided, appropriations from federal Block Grant funds are made for each year of the fiscal biennium ending June 30, 2025, according to the following schedule:

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) FUNDS	FY 2023-2024	FY 2024-2025
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Local Program Expenditures

Division of Social Services

01. Work First Family Assistance	\$31,328,255	\$31,259,794
02. Work First County Block Grants	80,093,566	80,093,566
03. Work First Electing Counties	2,378,213	2,378,213
04. Adoption Services – Special Children Adoption Fund	4,001,676	4,001,676
05. Child Protective Services – Child Welfare Workers for Local DSS	11,387,190	11,387,190
06. Child Welfare Program Improvement Plan	775,176	775,176
07. Child Welfare Collaborative	400,000	400,000
08. Child Welfare Initiatives	1,400,000	1,400,000

Division of Child Development and Early Education

09. Subsidized Child Care Program	45,813,694	45,813,694
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1			
2	10. Swap-Child Care Subsidy	12,600,000	12,600,000
3			
4	11. NC Pre-K Services	68,300,000	68,300,000
5			
6	Division of Public Health		
7			
8	12. Teen Pregnancy Prevention Initiatives	3,538,541	3,538,541
9			
10	DHHS Administration		
11			
12	13. Division of Social Services	2,478,284	2,478,284
13			
14	14. Division of Child and Family Well-Being	3,976	3,976
15			
16	15. Office of the Secretary	34,042	34,042
17			
18	16. Eligibility Systems – Operations and		
19	Maintenance	431,733	431,733
20			
21	17. NC FAST Implementation	428,239	428,239
22			
23	18. Division of Social Services – Workforce		
24	Innovation & Opportunity Act (WIOA)	93,216	93,216
25			
26	19. Division of Social Services TANF Modernization	1,667,571	1,667,571
27			
28	Transfers to Other Block Grants		
29			
30	Division of Child Development and Early Education		
31			
32	20. Transfer to the Child Care and		
33	Development Fund	21,773,001	21,773,001
34			
35	Division of Social Services		
36			
37	21. Transfer to Social Services Block		
38	Grant for Child Protective Services –		
39	Training	285,612	285,612
40			
41	22. Transfer to Social Services Block		
42	Grant for Child Protective Services	5,040,000	5,040,000
43			
44	23. Transfer to Social Services Block		
45	Grant for County Departments of		
46	Social Services for Children's Services	13,097,783	13,166,244
47			
48	24. Transfer to Social Services Block		
49	Grant – Foster Care Services	3,422,219	3,422,219
50			
51	25. Transfer to Social Services Block	1,582,000	1,582,000

1	Grant – Child Advocacy Centers		
2			
3	TOTAL TEMPORARY ASSISTANCE FOR		
4	NEEDY FAMILIES (TANF) FUNDS	\$312,353,987	\$312,353,987
5			
6	TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)		
7	EMERGENCY CONTINGENCY FUNDS		
8			
9	Local Program Expenditures		
10			
11	Division of Child Development and Early Education		
12			
13	01. Subsidized Child Care	\$34,440,000	\$35,440,000
14			
15	TOTAL TEMPORARY ASSISTANCE FOR		
16	NEEDY FAMILIES (TANF) EMERGENCY		
17	CONTINGENCY FUNDS	\$34,440,000	\$35,440,000
18			
19	SOCIAL SERVICES BLOCK GRANT		
20			
21	Local Program Expenditures		
22			
23	Divisions of Social Services and Aging and Adult Services		
24			
25	01. County Departments of Social Services	\$19,905,849	\$19,837,388
26			
27	02. County Departments of Social Services		
28	(Transfer From TANF)	\$13,097,783	\$13,166,244
29			
30	03. EBCI Tribal Public Health and Human Services	244,740	244,740
31			
32	04. Child Protective Services		
33	(Transfer From TANF)	5,040,000	5,040,000
34			
35	05. State In-Home Services Fund	1,943,950	1,943,950
36			
37	06. Adult Protective Services	2,138,404	2,138,404
38			
39	07. State Adult Day Care Fund	1,994,084	1,994,084
40			
41	08. Child Protective Services/CPS		
42	Investigative Services – Child Medical		
43	Evaluation Program	901,868	901,868
44			
45	09. Special Children Adoption Incentive Fund	462,600	462,600
46			
47	10. Child Protective Services – Child		
48	Welfare Training for Counties		
49	(Transfer From TANF)	285,612	285,612
50			
51	11. Home and Community Care Block		

1	Grant (HCCBG)	2,696,888	2,696,888
2			
3	12. Child Advocacy Centers		
4	(Transfer from TANF \$1,582,000)	1,582,000	1,582,000
5			
6	13. Guardianship – Division of Social Services	1,802,671	1,802,671
7			
8	14. Foster Care Services		
9	(Transfer From TANF)	3,422,219	3,422,219
10			
11	Division of Central Management and Support		
12			
13	15. DHHS Competitive Block Grants		
14	for Nonprofits	4,774,525	4,774,525
15			
16	Division of Mental Health, Developmental Disabilities, and Substance Abuse Services		
17			
18	16. Mental Health Services – Adult and		
19	Child/Developmental Disabilities Program/		
20	Substance Abuse Services – Adult	4,149,595	4,149,595
21			
22	DHHS Program Expenditures		
23			
24	Division of Services for the Blind		
25			
26	17. Independent Living Program & Program		
27	Oversight	3,880,429	3,880,429
28			
29	Division of Health Service Regulation		
30			
31	18. Adult Care Licensure Program	557,598	557,598
32			
33	19. Mental Health Licensure and		
34	Certification Program	266,158	266,158
35			
36	Division of Aging and Adult Services		
37			
38	20. Guardianship	3,825,443	3,825,443
39			
40	DHHS Administration		
41			
42	21. Division of Aging and Adult Services	743,284	743,284
43			
44	22. Division of Social Services	1,042,894	1,042,894
45			
46	23. Office of the Secretary/Controller's Office	639,167	639,167
47			
48	24. Legislative Increases/Fringe Benefits	293,655	587,310
49			
50	25. Division of Child Development and		
51	Early Education	13,878	13,878

1			
2	26. Division of Mental Health, Developmental		
3	Disabilities, and Substance Abuse Services	28,325	28,325
4			
5	27. Division of Health Service Regulation	258,960	258,960
6			
7	TOTAL SOCIAL SERVICES BLOCK GRANT	\$75,992,579	\$76,286,234
8			
9	LOW-INCOME ENERGY ASSISTANCE BLOCK GRANT		
10			
11	Local Program Expenditures		
12			
13	Division of Social Services		
14			
15	01. Low-Income Energy Assistance		
16	Program (LIEAP)	\$67,836,069	\$67,836,069
17			
18	02. Crisis Intervention Program (CIP)	45,214,330	45,214,330
19			
20	Local Administration		
21			
22	Division of Social Services		
23			
24	03. County DSS Administration	8,789,246	8,789,246
25			
26	DHHS Administration		
27			
28	Division of Central Management and Support		
29			
30	04. Division of Social Services	10,000	10,000
31			
32	05. Division of Social Services – Energy Portal		
33	(FIS Transaction Fees)	25,000	25,000
34			
35	06. Office of the Secretary/DIRM (Accountable Results for		
36	Community Action (AR4CA) Replacement System)	166,750	166,750
37			
38	07. Office of the Secretary/DIRM	278,954	278,954
39			
40	08. Office of the Secretary/Controller's Office	18,378	18,378
41			
42	09. NC FAST Development	627,869	627,869
43			
44	10. NC FAST Operations and Maintenance	1,330,323	1,330,323
45			
46	Transfers to Other State Agencies		
47			
48	Department of Environmental Quality		
49			
50	11. Weatherization Program	13,220,309	13,220,309
51			

1	12. Heating Air Repair and Replacement		
2	Program (HARRP)	8,075,029	8,075,029
3			
4	13. Local Residential Energy Efficiency Service		
5	Providers – Weatherization	787,097	787,097
6			
7	14. Local Residential Energy Efficiency Service		
8	Providers – HARRP	437,276	437,276
9			
10	15. DEQ – Weatherization Administration	859,976	859,976
11			
12	16. DEQ – HARRP Administration	539,307	539,307
13			
14	Department of Administration		
15			
16	17. N.C. Commission on Indian Affairs	87,736	87,736
17			
18	TOTAL LOW-INCOME ENERGY		
19	ASSISTANCE BLOCK GRANT	\$148,303,649	\$148,303,649
20			
21	CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT		
22			
23	Local Program Expenditures		
24			
25	Division of Child Development and Early Education		
26			
27	01. Child Care Services	\$289,070,072	\$289,070,072
28			
29	02. Smart Start Subsidy	7,392,654	7,392,654
30			
31	03. Transfer from TANF Block Grant		
32	for Child Care Subsidies	21,773,001	21,773,001
33			
34	04. Quality and Availability Initiatives		
35	(TEACH Program \$3,800,000)	61,980,526	61,980,526
36			
37	DHHS Administration		
38			
39	Division of Child Development and Early Education		
40			
41	05. DCDEE Administrative Expenses	9,710,886	9,710,886
42			
43	06. Indirect Cost	7,346	7,346
44			
45	Division of Social Services		
46			
47	07. Direct Deposit for Child Care Payments	5,000	5,000
48			
49	08. Local Subsidized Child Care		
50	Services Support	18,780,355	18,780,355
51			

1	Division of Central Management and Support		
2			
3	09. NC FAST Operations and Maintenance	1,450,316	1,450,316
4			
5	10. DHHS Central Administration – DIRM		
6	Technical Services	979,762	979,762
7			
8	11. DHHS Central Administration	68,000	68,000
9			
10	Division of Public Health		
11			
12	12. Child Care Health Consultation Contracts	62,205	62,205
13			
14	TOTAL CHILD CARE AND DEVELOPMENT		
15	FUND BLOCK GRANT	\$411,280,123	\$411,280,123
16			
17	COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT		
18			
19	Local Program Expenditures		
20			
21	01. Mental Health Services – Child	\$2,477,666	\$2,477,666
22			
23	02. Mental Health Services – Adult/Child	19,690,452	19,690,452
24			
25	03. Mental Health Services – First		
26	Psychotic Symptom Treatment	5,416,756	5,416,756
27			
28	04. Child Behavioral Health (Division of Child		
29	and Family Well-Being)	5,246,350	5,246,350
30			
31	DHHS Administration		
32			
33	Division of Child and Family Well-Being		
34			
35	05. Administration	140,000	140,000
36			
37	Division of Mental Health, Developmental Disabilities, and Substance Abuse Services		
38			
39	06. Crisis Services	2,877,047	2,877,047
40			
41	07. Administration	332,351	332,351
42			
43	08. Adult/Child Mental Health Services	350,150	350,150
44			
45	Division of Public Health		
46			
47	09. NC Detect – Behavioral Health ER	35,000	35,000
48			
49	TOTAL COMMUNITY MENTAL HEALTH SERVICES		
50	BLOCK GRANT	\$36,565,772	\$36,565,772
51			

1 **SUBSTANCE USE PREVENTION, TREATMENT, AND RECOVERY SERVICES**
 2 **BLOCK GRANT**

3
 4 **Local Program Expenditures**

5
 6 **Division of Mental Health, Developmental Disabilities, and Substance Abuse Services**

7			
8	01. Substance Abuse – IV Drug	\$2,000,000	\$2,000,000
9			
10	02. Substance Abuse Prevention	20,245,927	20,245,927
11			
12	03. Substance Abuse Services – Treatment for		
13	Children/Adults	45,176,849	45,176,848
14			

15 **DHHS Program Expenditures**

16
 17 **Division of Mental Health, Developmental Disabilities, and Substance Abuse Services**

18			
19	04. Crisis Solutions Initiatives – Collegiate		
20	Wellness/Addiction Recovery	1,545,205	1,545,205
21			
22	05. Veterans Initiatives	250,000	250,000
23			

24 **DHHS Administration**

25
 26 **Division of Mental Health, Developmental Disabilities, and Substance Abuse Services**

27			
28	06. Administration	2,297,852	2,297,852
29			
30	07. Controlled Substance Reporting System	675,000	675,000
31			

32 **TOTAL SUBSTANCE USE PREVENTION, TREATMENT, AND RECOVERY**
 33 **SERVICES BLOCK GRANT**

34 **\$72,190,833** **\$72,190,832**

35 **MATERNAL AND CHILD HEALTH BLOCK GRANT**

36
 37 **Local Program Expenditures**

38
 39 **Division of Child and Family Well-Being**

40			
41	01. Children's Health Services		
42	(Prevent Blindness \$650,000;		
43	Nurse-Family Partnership \$1,029,000)	\$12,500,559	\$12,500,559
44			

45 **Division of Public Health**

46			
47	02. Women's and Children's Health Services		
48	(Safe Sleep Campaign \$120,000; Sickle Cell		
49	Centers \$100,000; March of Dimes \$350,000;		
50	Teen Pregnancy Prevention Initiatives \$725,000;		
51	Perinatal & Neonatal Outreach		

1	Coordinator Contracts \$440,000;		
2	Mountain Area Pregnancy Services \$50,000)	2,583,029	2,583,029
3			
4	03. Oral Health	51,119	51,119
5			
6	04. Evidence-Based Programs in Counties		
7	With Highest Infant Mortality Rates	1,575,000	1,575,000
8			
9	DHHS Program Expenditures		
10			
11	05. Children's Health Services	1,344,492	1,344,492
12			
13	06. Women's Health – Maternal Health	252,695	252,695
14			
15	07. Women's and Children's Health – Perinatal		
16	Strategic Plan Support Position	80,669	80,669
17			
18	08. State Center for Health Statistics	158,583	158,583
19			
20	09. Health Promotion – Injury and		
21	Violence Prevention	87,271	87,271
22			
23	DHHS Administration		
24			
25	10. Division of Public Health Administration	340,646	340,646
26			
27	11. Division of Child and Family Well-Being		
28	Administration	211,925	211,925
29			
30	TOTAL MATERNAL AND CHILD		
31	HEALTH BLOCK GRANT	\$19,185,988	\$19,185,988
32			
33	PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT		
34			
35	Local Program Expenditures		
36			
37	01. Physical Activity and Prevention	\$3,081,442	\$3,081,442
38			
39	DHHS Program Expenditures		
40			
41	Division of Public Health		
42			
43	02. HIV/STD Prevention and		
44	Community Planning	135,063	135,063
45			
46	03. Oral Health Preventive Services	150,000	150,000
47			
48	04. Injury and Violence Prevention		
49	(Services to Rape Victims – Set-Aside)	217,935	217,935
50			
51	05. Performance Improvement and		

1	Accountability	560,182	560,182
2			
3	06. State Center for Health Statistics	48,000	48,000
4			
5	DHHS Administration		
6			
7	Division of Public Health		
8			
9	07. Division of Public Health	65,000	65,000
10			
11	TOTAL PREVENTIVE HEALTH AND HEALTH		
12	SERVICES BLOCK GRANT	\$4,257,622	\$4,257,622
13			
14	COMMUNITY SERVICES BLOCK GRANT		
15			
16	01. Community Action Agencies	\$21,695,970	\$20,244,923
17			
18	02. Limited Purpose Agencies/Discretionary Funding	457,553	504,718
19			
20	03. Office of Economic Opportunity	1,077,552	1,124,718
21			
22	04. Office of the Secretary/DIRM (Accountable Results for		
23	Community Action (AR4CA) Replacement System)	560,000	560,000
24			
25	05. Office of Economic Opportunity – Workforce		
26	Investment Opportunities Act (WIOA)	60,000	60,000
27			
28	TOTAL COMMUNITY SERVICES		
29	BLOCK GRANT	\$23,851,075	\$22,494,359
30			

GENERAL PROVISIONS

SECTION 9M.1.(b) Information to be Included in Block Grant Plans. – The Department of Health and Human Services shall submit a separate plan for each Block Grant received and administered by the Department, and each plan shall include the following:

- (1) A delineation of the proposed allocations by program or activity, including State and federal match requirements.
- (2) A delineation of the proposed State and local administrative expenditures.
- (3) An identification of all new positions to be established through the Block Grant, including permanent, temporary, and time-limited positions.
- (4) A comparison of the proposed allocations by program or activity with two prior years' program and activity budgets and two prior years' actual program or activity expenditures.
- (5) A projection of current year expenditures by program or activity.
- (6) A projection of federal Block Grant funds available, including unspent federal funds from the current and prior fiscal years.
- (7) The required amount of maintenance of effort and the amount of funds qualifying for maintenance of effort in the previous year delineated by program or activity.

SECTION 9M.1.(c) Changes in Federal Fund Availability. – If the Congress of the United States increases the federal fund availability for any of the Block Grants or contingency funds and other grants related to existing Block Grants administered by the Department of Health

1 and Human Services from the amounts appropriated in this act, the Department shall allocate the
2 increase proportionally across the program and activity appropriations identified for that Block
3 Grant in this section. In allocating an increase in federal fund availability, the Office of State
4 Budget and Management shall not approve funding for new programs or activities not
5 appropriated in this act.

6 If the Congress of the United States decreases the federal fund availability for any of
7 the Block Grants or contingency funds and other grants related to existing Block Grants
8 administered by the Department of Health and Human Services from the amounts appropriated
9 in this act, the Department shall develop a plan to adjust the Block Grants based on reduced
10 federal funding.

11 Notwithstanding the provisions of this subsection, for fiscal years 2023-2024 and
12 2024-2025, increases in the federal fund availability for the Temporary Assistance to Needy
13 Families (TANF) Block Grant shall be used only for the North Carolina Child Care Subsidy
14 program to pay for child care in four- or five-star rated facilities for 4-year-old children and shall
15 not be used to supplant State funds.

16 Prior to allocating the change in federal fund availability, the proposed allocation
17 must be approved by the Office of State Budget and Management. If the Department adjusts the
18 allocation of any Block Grant due to changes in federal fund availability, then a report shall be
19 made to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal
20 Research Division.

21 **SECTION 9M.1.(d)** Except as otherwise provided, appropriations from federal
22 Block Grant funds are made for each year of the fiscal biennium ending June 30, 2025, according
23 to the schedule enacted for State fiscal years 2023-2024 and 2024-2025 or until a new schedule
24 is enacted by the General Assembly.

25 **SECTION 9M.1.(e)** All changes to the budgeted allocations to the Block Grants or
26 contingency funds and other grants related to existing Block Grants administered by the
27 Department of Health and Human Services that are not specifically addressed in this section shall
28 be approved by the Office of State Budget and Management. The Office of State Budget and
29 Management shall not approve funding for new programs or activities not appropriated in this
30 section. However, the Office of State Budget and Management shall have the authority to realign
31 appropriated funds in the Maternal and Child Health Block Grant between the categories to
32 maintain federal compliance and programmatic alignment, so long as the realignment does not
33 result in a reduction of funds designated for subrecipients under subsection (a) of this section.
34 Additionally, if budgeted allocations are decreased, the Office of State Budget and Management
35 shall not approve any reduction of funds designated for subrecipients in subsection (a) of this
36 section under Item 01 or 02 of the Maternal and Child Health Block Grant. The Office of State
37 Budget and Management shall consult with the Joint Legislative Oversight Committee on Health
38 and Human Services for review prior to implementing any changes. In consulting, the report shall
39 include an itemized listing of affected programs, including associated changes in budgeted
40 allocations. All changes to the budgeted allocations to the Block Grants shall be reported
41 immediately to the Joint Legislative Oversight Committee on Health and Human Services and
42 the Fiscal Research Division. This subsection does not apply to Block Grant changes caused by
43 legislative salary increases and benefit adjustments.

44 **SECTION 9M.1.(f)** Except as otherwise provided, the Department of Health and
45 Human Services shall have flexibility to transfer funding between the Temporary Assistance for
46 Needy Families (TANF) Block Grant and the TANF Emergency Contingency Funds Block Grant
47 so long as the total allocation for the line items within those Block Grants remains the same.
48

49 **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) FUNDS**

50 **SECTION 9M.1.(g)** The sum of eighty million ninety-three thousand five hundred
51 sixty-six dollars (\$80,093,566) for each year of the 2023-2025 fiscal biennium appropriated in

1 this act in TANF funds to the Department of Health and Human Services, Division of Social
2 Services, shall be used for Work First County Block Grants. The Division shall certify these
3 funds in the appropriate State-level services based on prior year actual expenditures. The Division
4 has the authority to realign the authorized budget for these funds among the State-level services
5 based on current year actual expenditures. The Division shall also have the authority to realign
6 appropriated funds from Work First Family Assistance for electing counties to the Work First
7 County Block Grant for electing counties based on current year expenditures so long as the
8 electing counties meet Maintenance of Effort requirements.

9 **SECTION 9M.1.(h)** The sum of eleven million three hundred eighty-seven thousand
10 one hundred ninety dollars (\$11,387,190) for each year of the 2023-2025 fiscal biennium
11 appropriated in this act to the Department of Health and Human Services, Division of Social
12 Services, in TANF funds for child welfare improvements shall be allocated to the county
13 departments of social services for hiring or contracting staff to investigate and provide services
14 in Child Protective Services cases; to provide foster care and support services; to recruit, train,
15 license, and support prospective foster and adoptive families; and to provide interstate and
16 post-adoption services for eligible families.

17 Counties shall maintain their level of expenditures in local funds for Child Protective
18 Services workers. Of the Block Grant funds appropriated for Child Protective Services workers,
19 the total expenditures from State and local funds for fiscal years 2023-2024 and 2024-2025 shall
20 not be less than the total expended from State and local funds for the 2012-2013 fiscal year.

21 **SECTION 9M.1.(i)** The sum of four million one thousand six hundred seventy-six
22 dollars (\$4,001,676) for each year of the 2023-2025 fiscal biennium appropriated in this act in
23 TANF funds to the Department of Health and Human Services, Special Children Adoption Fund,
24 shall be used in accordance with G.S. 108A-50.2. The Division of Social Services, in consultation
25 with the North Carolina Association of County Directors of Social Services and representatives
26 of licensed private adoption agencies, shall develop guidelines for the awarding of funds to
27 licensed public and private adoption agencies upon the adoption of children described in
28 G.S. 108A-50 and in foster care. Payments received from the Special Children Adoption Fund
29 by participating agencies shall be used exclusively to enhance the adoption services program. No
30 local match shall be required as a condition for receipt of these funds.

31 **SECTION 9M.1.(j)** The sum of one million four hundred thousand dollars
32 (\$1,400,000) appropriated in this act in TANF funds to the Department of Health and Human
33 Services, Division of Social Services, for each fiscal year of the 2023-2025 fiscal biennium shall
34 be used for child welfare initiatives to (i) enhance the skills of social workers to improve the
35 outcomes for families and children involved in child welfare and (ii) enhance the provision of
36 services to families in their homes in the least restrictive setting.

37 **SECTION 9M.1.(k)** Of the three million five hundred thirty-eight thousand five
38 hundred forty-one dollars (\$3,538,541) allocated in this section in TANF funds to the Department
39 of Health and Human Services, Division of Public Health, for each year of the 2023-2025 fiscal
40 biennium for teen pregnancy prevention initiatives, the sum of five hundred thousand dollars
41 (\$500,000) in each year of the 2023-2025 fiscal biennium shall be used to provide services for
42 youth in foster care or the juvenile justice system.

43 44 **SOCIAL SERVICES BLOCK GRANT**

45 **SECTION 9M.1.(l)** The sum of nineteen million nine hundred five thousand eight
46 hundred forty-nine dollars (\$19,905,849) for the 2023-2024 fiscal year and the sum of nineteen
47 million eight hundred thirty-seven thousand three hundred eighty-eight dollars (\$19,837,388) for
48 the 2024-2025 fiscal year appropriated in this act in the Social Services Block Grant to the
49 Department of Health and Human Services, Division of Social Services, and the sum of thirteen
50 million ninety-seven thousand seven hundred eighty-three dollars (\$13,097,783) for the
51 2023-2024 fiscal year and the sum of thirteen million one hundred sixty-six thousand two

1 hundred forty-four dollars (\$13,166,244) for the 2024-2025 fiscal year transferred from funds
2 appropriated in the TANF Block Grant shall be used for county Block Grants. The Division shall
3 certify these funds in the appropriate State-level services based on prior year actual expenditures.
4 The Division has the authority to realign the authorized budget for these funds, as well as State
5 Social Services Block Grant funds, among the State-level services based on current year actual
6 expenditures.

7 **SECTION 9M.1.(m)** The sum of two hundred eighty-five thousand six hundred
8 twelve dollars (\$285,612) appropriated in this act in the Social Services Block Grant to the
9 Department of Health and Human Services, Division of Social Services, for each fiscal year of
10 the 2023-2025 fiscal biennium shall be used to support various child welfare training projects as
11 follows:

- 12 (1) Provide a regional training center in southeastern North Carolina.
- 13 (2) Provide training for residential child caring facilities.
- 14 (3) Provide for various other child welfare training initiatives.

15 **SECTION 9M.1.(n)** The Department of Health and Human Services is authorized,
16 subject to the approval of the Office of State Budget and Management, to transfer Social Services
17 Block Grant funding allocated for departmental administration between divisions that have
18 received administrative allocations from the Social Services Block Grant.

19 **SECTION 9M.1.(o)** Social Services Block Grant funds appropriated for the Special
20 Children Adoption Incentive Fund shall require a fifty percent (50%) local match.

21 **SECTION 9M.1.(p)** The sum of five million forty thousand dollars (\$5,040,000)
22 appropriated in this act in the Social Services Block Grant for each fiscal year of the 2023-2025
23 fiscal biennium transferred from funds appropriated in the TANF Block Grant shall be allocated
24 to the Department of Health and Human Services, Division of Social Services. The Division shall
25 allocate these funds to local departments of social services to replace the loss of Child Protective
26 Services State funds that are currently used by county governments to pay for Child Protective
27 Services staff at the local level. These funds shall be used to maintain the number of Child
28 Protective Services workers throughout the State. These Social Services Block Grant funds shall
29 be used to pay for salaries and related expenses only and are exempt from 10A NCAC 71R
30 .0201(3) requiring a local match of twenty-five percent (25%).

31 **SECTION 9M.1.(q)** The sum of four million seven hundred seventy-four thousand
32 five hundred twenty-five dollars (\$4,774,525) for each year of the 2023-2025 fiscal biennium
33 appropriated in this act in the Social Services Block Grant to the Department of Health and
34 Human Services (DHHS), Division of Central Management and Support, shall be used for DHHS
35 competitive Block Grants pursuant to Section 9B.8 of this act. These funds are exempt from the
36 provisions of 10A NCAC 71R .0201(3).

37 **SECTION 9M.1.(r)** The sum of one million five hundred eighty-two thousand
38 dollars (\$1,582,000) appropriated in this act in the Social Services Block Grant for each fiscal
39 year of the 2023-2025 fiscal biennium to the Department of Health and Human Services, Division
40 of Social Services, shall be used to continue support for the Child Advocacy Centers. These funds
41 are exempt from the provisions of 10A NCAC 71R .0201(3).

42 **SECTION 9M.1.(s)** The sum of three million eight hundred twenty-five thousand
43 four hundred forty-three dollars (\$3,825,443) for each fiscal year of the 2023-2025 fiscal
44 biennium appropriated in this act in the Social Services Block Grant to the Department of Health
45 and Human Services, Divisions of Social Services and Aging and Adult Services, shall be used
46 for guardianship services pursuant to Chapter 35A of the General Statutes. The Department may
47 expend funds allocated in this section to support existing corporate guardianship contracts during
48 the 2023-2024 and 2024-2025 fiscal years.

49 **SECTION 9M.1.(t)** Of the funds appropriated in this act in the Social Services Block
50 Grant to the Division of Aging and Adult Services for Adult Protective Services, the sum of eight
51 hundred ninety-three thousand forty-one dollars (\$893,041) for each year of the 2023-2025 fiscal

1 biennium shall be used to increase the number of Adult Protective Services workers where these
2 funds can be the most effective. These funds shall be used to pay for salaries and related expenses
3 and shall not be used to supplant any other source of funding for staff. These funds are also
4 exempt from 10A NCAC 71R .0201(3) requiring a local match of twenty-five percent (25%).
5

6 **LOW-INCOME ENERGY ASSISTANCE BLOCK GRANT**

7 **SECTION 9M.1.(u)** The Division of Social Services shall have the authority to
8 realign appropriated funds between the State-level services Low-Income Energy Assistance
9 Payments and Crisis Assistance Payments without prior consultation with the Joint Legislative
10 Oversight Committee on Health and Human Services to ensure needs are effectively met without
11 exceeding the total amount appropriated for these State-level service items. Additional
12 emergency contingency funds received may be allocated for Energy Assistance Payments or
13 Crisis Intervention Payments without prior consultation with the Joint Legislative Oversight
14 Committee on Health and Human Services. Additional funds received shall be reported to the
15 Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research
16 Division upon notification of the award. The Department of Health and Human Services shall
17 not allocate funds for any activities, including increasing administration, other than assistance
18 payments, without prior consultation with the Joint Legislative Oversight Committee on Health
19 and Human Services.

20 **SECTION 9M.1.(v)** The sum of sixty-seven million eight hundred thirty-six
21 thousand sixty-nine dollars (\$67,836,069) for each year of the 2023-2025 fiscal biennium
22 appropriated in this act in the Low-Income Energy Assistance Block Grant to the Department of
23 Health and Human Services, Division of Social Services, shall be used for Energy Assistance
24 Payments for the households of (i) elderly persons age 60 and above with income up to one
25 hundred fifty percent (150%) of the federal poverty level and (ii) disabled persons eligible for
26 services funded through the Division of Aging and Adult Services.

27 County departments of social services shall submit to the Division of Social Services
28 an outreach plan for targeting households with 60-year-old household members no later than
29 August 1 of each year. The outreach plan shall comply with the following:

- 30 (1) Ensure that eligible households are made aware of the available assistance,
31 with particular attention paid to the elderly population age 60 and above and
32 disabled persons receiving services through the Division of Aging and Adult
33 Services.
- 34 (2) Include efforts by the county department of social services to contact other
35 State and local governmental entities and community-based organizations to
36 (i) offer the opportunity to provide outreach and (ii) receive applications for
37 energy assistance.
- 38 (3) Be approved by the local board of social services or human services board
39 prior to submission.
40

41 **CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT**

42 **SECTION 9M.1.(w)** Payment for subsidized child care services provided with
43 federal TANF funds shall comply with all regulations and policies issued by the Division of Child
44 Development and Early Education for the subsidized child care program.

45 **SECTION 9M.1.(x)** If funds appropriated through the Child Care and Development
46 Fund Block Grant for any program cannot be obligated or spent in that program within the
47 obligation or liquidation periods allowed by the federal grants, the Department may move funds
48 to child care subsidies, unless otherwise prohibited by federal requirements of the grant, in order
49 to use the federal funds fully.

50 **SECTION 9M.1.(y)** Of the sixty-three million three hundred twenty-nine thousand
51 two hundred fifty-two dollars (\$63,329,252) appropriated in this act in the Child Care and

1 Development Block Grant for the 2024-2025 fiscal year to the Department of Health and Human
2 Services, Division of Child Development and Early Education, the sum of one million three
3 hundred fifty thousand dollars (\$1,350,000) shall be used to establish 18 new positions.
4

5 **COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT**

6 **SECTION 9M.1.(z)** The sum of five million four hundred sixteen thousand seven
7 hundred fifty-six dollars (\$5,416,756) for each year of the 2023-2025 fiscal biennium
8 appropriated in this act in the Community Mental Health Services Block Grant to the Department
9 of Health and Human Services, Division of Mental Health, Developmental Disabilities, and
10 Substance Abuse Services, is to be used for Mental Health Services – First Psychotic Symptom
11 Treatment.

12 **SECTION 9M.1.(aa)** Of the funds appropriated in this act in the Community Mental
13 Health Services Block Grant to the Department of Health and Humans Services, Division of
14 Mental Health, Developmental Disabilities, and Substance Abuse Services, for each fiscal year
15 of the 2023-2025 fiscal biennium, the sum of three hundred fifty thousand one hundred fifty
16 dollars (\$350,150) shall be used for three positions and cover operating costs focused on
17 developing pilot programs and implementing policy to improve services to transition-aged youth
18 and adults with serious mental illness or serious emotional disturbance.
19

20 **SUBSTANCE USE PREVENTION, TREATMENT, AND RECOVERY SERVICES** 21 **BLOCK GRANT**

22 **SECTION 9M.1.(bb)** Of the two million two hundred ninety-seven thousand eight
23 hundred fifty-two dollars (\$2,297,852) allocated in this section in the Substance Use Prevention,
24 Treatment, and Recovery Services Block Grant for each year of the 2023-2025 fiscal biennium
25 to the Department of Health and Human Services, Division of Mental Health, Developmental
26 Disabilities, and Substance Abuse Services, for administration, the sum of nine hundred
27 fifty-nine thousand four hundred dollars (\$959,400) shall be used to support nine new positions.

28 **SECTION 9M.1.(cc)** Notwithstanding any other provision of law or provision of the
29 Committee Report described in Section 43.2 of S.L. 2022-74 to the contrary, the sum of one
30 million five hundred thousand dollars (\$1,500,000) in nonrecurring funds provided to Haywood
31 County and the sum of one million five hundred thousand dollars (\$1,500,000) in nonrecurring
32 funds provided to Madison County under the federal Substance Abuse Prevention and Treatment
33 Block Grant in Item 3 of Section 9L.1(a) and Section 9L.1(z2)(1) of S.L. 2021-180, as amended
34 in Section 9L.1 of S.L. 2022-74, for the 2022-2023 fiscal year for substance use treatment shall
35 remain available for expenditure in the 2023-2024 fiscal year.
36

37 **MATERNAL AND CHILD HEALTH BLOCK GRANT**

38 **SECTION 9M.1.(dd)** If federal funds are received under the Maternal and Child
39 Health Block Grant for abstinence education, pursuant to section 912 of Public Law 104-193 (42
40 U.S.C. § 710), for the 2023-2024 fiscal year or the 2024-2025 fiscal year, then those funds shall
41 be transferred to the State Board of Education to be administered by the Department of Public
42 Instruction. The Department of Public Instruction shall use the funds to establish an abstinence
43 until marriage education program consistent with G.S. 115C-81.30. The Department of Public
44 Instruction shall carefully and strictly follow federal guidelines in implementing and
45 administering the abstinence education grant funds.

46 **SECTION 9M.1.(ee)** The sum of one million five hundred seventy-five thousand
47 dollars (\$1,575,000) appropriated in this act in the Maternal and Child Health Block Grant to the
48 Department of Health and Human Services, Division of Public Health, for each year of the
49 2023-2025 fiscal biennium shall be used for evidence-based programs in counties with the
50 highest infant mortality rates. The Division shall report on (i) the counties selected to receive the
51 allocation, (ii) the specific evidence-based services provided, (iii) the number of women served,

1 and (iv) any impact on the counties' infant mortality rate. The Division shall report its findings
2 to the House of Representatives Appropriations Committee on Health and Human Services, the
3 Senate Appropriations Committee on Health and Human Services, and the Fiscal Research
4 Division no later than December 31 of each year.

5 **SECTION 9M.1.(ff)** The sum of eighty thousand six hundred sixty-nine dollars
6 (\$80,669) allocated in this section in the Maternal and Child Health Block Grant to the
7 Department of Health and Human Services, Division of Public Health, Women and Children's
8 Health Section, for each fiscal year of the 2023-2025 fiscal biennium shall not be used to supplant
9 existing State or federal funds. This allocation shall be used for a Public Health Program
10 Consultant position assigned full-time to manage the North Carolina Perinatal Health Strategic
11 Plan and provide staff support for the stakeholder work group.

12 **SECTION 9M.1.(gg)** The sum of one hundred thousand dollars (\$100,000) allocated
13 in this section in the Maternal and Child Health Block Grant to the Department of Health and
14 Human Services, Division of Public Health, for each year of the 2023-2025 fiscal biennium for
15 community-based sickle cell centers shall not be used to supplant existing State or federal funds.

16 **SECTION 9M.1.(hh)** No more than fifteen percent (15%) of the funds allocated for
17 the designated subrecipients in subsection (a) of this section under Item 01 of the Maternal and
18 Child Health Block Grant shall be used for administrative costs, unless otherwise required by
19 federal law.

20 **SECTION 9M.1.(ii)** Notwithstanding any provision of law to the contrary, the
21 Department of Health and Human Services, Division of Public Health, shall have the authority
22 to realign appropriated funds between the Maternal and Child Health Block Grant categories to
23 maintain federal compliance and programmatic alignment without exceeding the total amount
24 appropriated for the Maternal and Child Health Block Grant.

25 **PART X. AGRICULTURE AND CONSUMER SERVICES**

26 **LARGE ANIMAL HEALTH ENHANCEMENT FUND**

27 **SECTION 10.1.(a)** Funds appropriated in this act to the Department of Agriculture
28 and Consumer Services for the enhancement of large animal veterinary services in the State shall
29 be allocated to the Large Animal Healthcare Enhancement Fund created in Article 88 of Chapter
30 106 of the General Statutes, as enacted by subsection (b) of this section, for the purposes set forth
31 therein.
32

33 **SECTION 10.1.(b)** Chapter 106 of the General Statutes is amended by adding a new
34 Article to read:
35

36 "Article 88.

37 "Large Animal Healthcare Enhancement Act.

38 "§ 106-1071. Title.

39 This Article shall be known and may be cited as the "Large Animal Healthcare Enhancement
40 Act of 2023."

41 "§ 106-1072. Definitions.

42 The following definitions apply in this Article:

- 43 (1) Advisory Committee. – The Large Animal Healthcare Enhancement Advisory
44 Committee, as established by G.S. 106-1073.
- 45 (2) Authority. – The North Carolina Agricultural Finance Authority, as created
46 by G.S. 122D-4.
- 47 (3) Board. – The North Carolina Board of Agriculture, as created by G.S. 106-2.
- 48 (4) Commissioner. – The Commissioner of Agriculture.
- 49 (5) Department. – The Department of Agriculture and Consumer Services.
- 50 (6) Designated county. – A county in this State with a population of less than
51 100,000 people according to the latest decennial census.

1 (7) Fund. – The Large Animal Healthcare Enhancement Fund, as created by
2 G.S. 106-1074.

3 (8) Large animal veterinarian. – A person who is actively engaged in and is
4 licensed to practice veterinary medicine pursuant to Article 11 of Chapter 90
5 of the General Statutes and whose specialties include livestock, poultry, or
6 equine animals.

7 (9) Large animal veterinary medicine. – The practice of veterinary medicine, as
8 defined in G.S. 90-181, for livestock, poultry, or equine animals.

9 **"§ 106-1073. Advisory Committee.**

10 (a) Committee Established. – The Large Animal Healthcare Enhancement Advisory
11 Committee is established within the North Carolina Agricultural Finance Authority and shall
12 consist of membership as follows:

13 (1) The Commissioner of Agriculture or an employee of the Department
14 designated by the Commissioner, who shall serve as chair.

15 (2) The State Veterinarian or the State Veterinarian's designee.

16 (3) A member of the Food Animal Scholars Program steering and mentoring
17 committee.

18 (4) Two practicing large animal veterinarians, to be appointed by the
19 Commissioner. The veterinarians shall have different specialties in their
20 practice.

21 (5) Two representatives of the livestock industry, to be appointed by the
22 Commissioner. The representatives shall represent different segments of the
23 livestock industry.

24 (6) The Executive Director of the Authority or the Executive Director's designee,
25 who shall not be a voting member.

26 The Commissioner and the State Veterinarian may each designate one additional at-large
27 member of the Advisory Committee.

28 (b) Terms of Members. – Members of the Advisory Committee shall serve terms of four
29 years, beginning effective July 1 of the year of appointment.

30 (c) Vacancies. – Any appointment to fill a vacancy on the Commission created by the
31 resignation, dismissal, death, or disability of a member shall be made by the original appointing
32 authority and shall be for the balance of the unexpired term.

33 (d) Removal. – The appointing authority shall have the power to remove any member of
34 the Commission appointed by that authority from office for misfeasance, malfeasance, or
35 nonfeasance.

36 (e) Reimbursement. – The members of the Commission shall receive per diem and
37 necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

38 (f) Meetings. – The Advisory Committee shall meet at least once every six months and
39 may meet more often upon the call of the chair. A majority of the members of the Commission
40 shall constitute a quorum for the transaction of business.

41 (g) Ethics. – Members of the Advisory Committee are public servants as defined by
42 G.S. 138A-3(70).

43 (h) Staff. – The staff of the Authority shall serve as staff to assist the Advisory Committee
44 in carrying out administrative functions in the discharge of its duties and responsibilities.

45 **"§ 106-1074. Large Animal Healthcare Enhancement Fund.**

46 (a) Fund Created. – The Large Animal Healthcare Enhancement Fund is created as a
47 special fund within the Department of Agriculture and Consumer Services. The Fund shall be
48 administered by the Authority. The purpose of the fund is to make grants to encourage veterinary
49 students to enter and stay in large animal veterinarian practice and to support large animal
50 veterinarian practices to enable them to better serve their designated counties.

1 **(b) Fund Sources.** – The Fund shall consist of any money appropriated to it by the General
2 Assembly and any money received from public or private sources. Unexpended, unencumbered
3 money in the Fund from sources other than appropriations from the General Assembly shall not
4 revert and shall remain available for expenditure in accordance with this section. The Authority
5 may use up to five percent (5%) of General Fund appropriations in each fiscal year for
6 administrative support.

7 **(c) Grant Eligibility.** – A large animal veterinarian who practices or plans to practice in
8 one or more designated counties may be eligible for a grant of up to twenty-five thousand dollars
9 (\$25,000) per fiscal year. Applicants shall apply in a format to be determined by the Advisory
10 Commission, but the application shall require the applicant to state the designated counties in
11 which the large animal veterinarian is practicing or plans to practice, the amount of funding
12 requested, and the approved use for which the applicant intends to use the funds. When
13 determining which applicants shall be awarded grant funds, the Advisory Committee shall
14 consider all of the following criteria:

15 **(1)** The geographic area of the State that an applicant serves or would serve and
16 the need for large animal veterinary services in that area of the State.

17 **(2)** The number of designated counties that an applicant serves or would serve.

18 **(3)** The number of different large animal veterinarian specialties in which the
19 applicant practices.

20 **(4)** The percentage of time the applicant devotes to large animal veterinary
21 services.

22 **(5)** Any additional criteria the Advisory Committee determines to be appropriate.

23 **(d) Uses of Grant Funds.** – The grant recipient may use the funds to support the recipient's
24 large animal veterinary practice, including any of the following:

25 **(1)** The repayment of educational loans related to the recipient's veterinary
26 degree.

27 **(2)** The purchase of equipment or technology for use in the recipient's large
28 animal veterinary practice.

29 **(3)** Any additional uses the Advisory Committee determines is appropriate to
30 promote and develop large animal veterinarians to practice in designated
31 counties.

32 **(e) Limitations.** – The Advisory Committee shall review applicants on an annual basis to
33 determine eligibility under the criteria developed under subsection (c) of this section. The
34 Advisory Committee shall also review each recipient of grant funds at the end of each fiscal year.
35 A recipient whose veterinary license expires, is revoked, or is suspended during the fiscal year
36 in which the grant is awarded, or who fails to practice large animal veterinary medicine in the
37 designated counties named in the recipient's application, shall repay the amount received from
38 the Fund.

39 **(f) Report.** – The Agricultural Finance Authority shall report no later than October 1 each
40 year to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic
41 Resources and the Fiscal Research Division of the General Assembly regarding the
42 implementation of this section during the previous fiscal year. The report shall include a list of
43 the recipients of grants from the Fund for the previous fiscal year, the amount of the grants
44 received, how recipients used awarded grant funds, and whether any awarded funds were
45 required to be repaid by recipients."

46 **SECTION 10.1.(c)** The Agricultural Finance Authority, in consultation with the
47 Large Animal Healthcare Enhancement Advisory Committee established by G.S. 106-1073, as
48 enacted by subsection (b) of this section, shall adopt temporary rules to implement this section
49 as soon as practicable and shall concurrently begin adopting permanent rules to replace the
50 temporary rules.

51 **SECTION 10.1.(d)** This section is effective when it becomes law.

1
2 **NORTH CAROLINA AGRICULTURE MANUFACTURING AND PROCESSING**
3 **INITIATIVE**

4 **SECTION 10.2.(a)** Findings and Purpose. – The General Assembly finds that the
5 lack of capacity for value-added processing of agricultural commodities near the farms where
6 those commodities are produced in the State creates competitive disadvantages to North Carolina
7 farmers by imposing increased transportation costs to remote commodity processing facilities
8 and presenting economic barriers to farmers who wish to participate in the market for higher
9 profit margin processed food products. The General Assembly further finds that grants to increase
10 agricultural processing opportunities in the State will create jobs and increase local property tax
11 bases in this State; will benefit agricultural and farming operations in the State with decreased
12 costs and increased profit options; and is consistent with promoting agricultural operations, a
13 vital sector of the State's economy. The purpose of this section is to create seed capital to fund
14 and promote the establishment of value-adding agricultural manufacturing and food processing
15 facilities across the State to fill existing gaps in the processing of agricultural products and to
16 create a diverse and economically competitive array of high value-added goods and products
17 manufactured in this State from agricultural products grown or produced in this State.

18 **SECTION 10.2.(b)** Establishment. – There is created within the Department of
19 Agriculture and Consumer Services (Department), the North Carolina Agricultural
20 Manufacturing and Processing Initiative (NCAMPI). Funds allocated to NCAMPI by this section
21 will be used for the following activities:

- 22 (1) Up to \$200,000 of funds in the first year of the program for the Department to
23 assess the State's agricultural economy with the assistance of independent
24 industry-recognized experts to identify and assess opportunities to increase
25 access to value-added processing of commodities produced in the State and
26 address categorical or geographical gaps in agricultural manufacturing and
27 processing.
- 28 (2) Up to \$250,000 of the funds provided in each year of the program for the
29 Department to market and recruit agricultural manufacturing and processing
30 facilities to fill identified gaps in access to such facilities by North Carolina
31 farmers based on the assessment described in subdivision (1) of this
32 subsection.
- 33 (3) Remaining NCAMPI funds to provide grants to agricultural manufacturing
34 facilities for site development, infrastructure costs (including water,
35 wastewater, or transportation improvements), building construction or
36 rehabilitation costs, or equipment. New facilities and expansions of existing
37 facilities will be eligible for grants under this subdivision. Before entering into
38 a grant agreement, the Department must find that the total benefits of the
39 project to the State outweigh its costs and render the grant appropriate for the
40 project.

41 **SECTION 10.2.(c)** Administration of Initiative. – In consultation with the nonprofit
42 corporation with which the Department of Commerce contracts pursuant to G.S. 143B-431.01(b),
43 the Department shall develop guidelines related to the administration of NCAMPI. The
44 guidelines shall require a finding that a grant under this section is necessary for the construction
45 or expansion of a facility engaged in agricultural manufacturing and processing in this State. At
46 least 20 days before the effective date of any guidelines or nontechnical amendments to the
47 guidelines, the Department shall publish the proposed guidelines on its website and provide
48 notice to persons who have requested notice of proposed guidelines. In addition, the Department
49 shall accept oral and written comments on the proposed guidelines and shall, in its discretion,
50 consider those comments before finalizing the guidelines. Guidelines adopted under this section

shall not be subject to the requirements of Article 2A of Chapter 150B of the General Statutes, and shall include all of the following:

- (1) Criteria for evaluating grant applicants, including job creation, concentration of production of the agricultural product the facility will process in proximity to the proposed location, and reductions in transportation costs and estimated damage rates for agricultural products due to greater proximity to the manufacturing or processing facility.
(2) A system for determining grant eligibility, the amounts of awards, not to exceed \$5,000,000 per facility, and the required cost-share for grant recipients. The Department may consider the economic development tier of the county of a grant recipient under G.S. 143B-437.08 in setting cost-share amounts.

SECTION 10.2.(d) Report. - Until all funds allocated by this section have been expended, the Department shall annually report no later than October 1 on NCAMPI activities during the prior fiscal year to the chairs of the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division. The report shall include, at a minimum, all of the following:

- (1) Total amount of grants awarded.
(2) A list of award recipients and the amount awarded to each recipient.
(3) Matching funds required.
(4) Activities to ready sites and associated costs.
(5) Any major employers located at an improved or acquired site.
(6) Any unallocated amount for grants remaining in the NCAMPI Fund.
(7) Assessment of additional remaining needs for agricultural manufacturing and processing facilities in the State.

SECTION 10.2.(e) Funding. - Of the funds appropriated from the State Fiscal Recovery Fund to the Department of Agriculture and Consumer Services, the sum of twenty-five million dollars (\$25,000,000) in nonrecurring funds for each year of the 2023-2025 biennium shall be used for NCAMPI. Notwithstanding any provision of G.S. 143C-1-2(b) to the contrary, these funds shall not revert at the end of the fiscal year in which they are appropriated, but shall remain available for the purposes set forth in this section. The Department may use up to one percent (1%) of the funds allocated by this section for administrative costs of program administration.

PART XI. COMMERCE

COMMUNITY DEVELOPMENT BLOCK GRANTS

SECTION 11.1.(a) Allocations. - Of the funds appropriated in this act for federal block grant funds, the following allocations are made for the fiscal years ending June 30, 2024, and June 30, 2025, according to the following schedule:

COMMUNITY DEVELOPMENT BLOCK GRANT

Table with 2 columns: Allocation Category and Amount. Rows include: 1. State Administration (\$1,560,286), 2. Neighborhood Revitalization (7,521,789), 3. Economic Development (13,482,687), 4. Infrastructure (18,994,905).

1	5. Rural Community Development	4,748,726
2		
3	TOTAL COMMUNITY DEVELOPMENT	
4	BLOCK GRANT – 2024 Program Year	\$46,308,393
5	2025 Program Year	\$46,308,393.
6		

7 **SECTION 11.1.(b)** Availability Reduction. – If federal funds are reduced below the
 8 amounts specified in this section after the effective date of this act, then every program in each
 9 of these federal block grants shall be reduced by the same percentage as the reduction in federal
 10 funds.

11 **SECTION 11.1.(c)** Availability Increase. – Any block grant funds appropriated by
 12 the Congress of the United States in addition to the funds specified in this section shall be
 13 expended as follows: each program category under the Community Development Block Grant
 14 shall be increased by the same percentage as the increase in federal funds.

15 **SECTION 11.1.(d)** Reallocation. – The Department of Commerce shall consult with
 16 the Joint Legislative Commission on Governmental Operations prior to reallocating Community
 17 Development Block Grant Funds. Notwithstanding the provisions of this subsection, whenever
 18 the Director of the Budget finds either of the following conditions exist:

- 19 (1) If a reallocation is required because of an emergency that poses an imminent
 20 threat to public health or public safety, then the Director of the Budget may
 21 authorize the reallocation without consulting the Commission. The
 22 Department of Commerce shall report to the Commission on the reallocation
 23 no later than 30 days after it was authorized and shall identify in the report the
 24 emergency, the type of action taken, and how it was related to the emergency.
- 25 (2) If the State will lose federal block grant funds or receive less federal block
 26 grant funds in the next fiscal year unless a reallocation is made, then the
 27 Department of Commerce shall provide a written report to the Commission
 28 on the proposed reallocation and shall identify the reason that failure to take
 29 action will result in the loss of federal funds. If the Commission does not hear
 30 the issue within 30 days of receipt of the report, the Department may take the
 31 action without consulting the Commission.

32 **SECTION 11.1.(e)** Report. – By September 1, 2023, and September 1, 2024, the
 33 Department of Commerce shall report to the chairs of the House of Representatives
 34 Appropriations Committee on Agriculture and Natural and Economic Resources; the chairs of
 35 the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources; the
 36 chairs of the Joint Legislative Economic Development and Global Engagement Oversight
 37 Committee; and the Fiscal Research Division on the use of Community Development Block
 38 Grant Funds appropriated in the prior fiscal year. The report shall include the following:

- 39 (1) A discussion of each of the categories of funding, including information on
 40 the statewide need in each category.
- 41 (2) Information on the number of applications that were received in each category
 42 and the total dollar amount requested in each category.
- 43 (3) A list of grantees, including the grantee's name, county, category under which
 44 the grant was funded, the amount awarded, and a narrative description of the
 45 project.

46 **SECTION 11.1.(f)** Neighborhood Revitalization. – Funds allocated to the
 47 Neighborhood Revitalization Category in subsection (a) of this section shall be made available
 48 as grants for eligible activities listed in this subsection. The funds available for grants under this
 49 category may be used for all of the following, subject to the national objectives and eligible
 50 activities allowed under guidance issued by the United States Department of Housing and Urban
 51 Development (HUD):

- 1 (1) Essential repairs to prevent abandonment and deterioration of housing in
- 2 low- and moderate-income neighborhoods.
- 3 (2) Demolition and rehabilitation of buildings and improvements.
- 4 (3) Public improvements, including parks, streets, sidewalks, and water and sewer
- 5 lines.

6 **SECTION 11.1.(g)** Economic Development. – Funds allocated to the Economic
7 Development Category in subsection (a) of this section shall be made available as grants for
8 eligible activities listed in this subsection. The funds available for grants under this category may
9 be used for all of the following, subject to the national objectives and eligible activities allowed
10 under guidance issued by HUD:

- 11 (1) Acquisition of real property.
- 12 (2) Demolition and rehabilitation of buildings and improvements.
- 13 (3) Removal of material and architectural barriers.
- 14 (4) Public improvements, including parks, streets, sidewalks, and water and sewer
- 15 lines.
- 16 (5) Loans and grants to public or private nonprofit entities for construction and
- 17 rehabilitation activities.
- 18 (6) Assistance to private, for-profit entities for economic development.
- 19 (7) Technical assistance to public or nonprofit entities for neighborhood
- 20 revitalization or economic development activities.
- 21 (8) Assistance to for-profit and nonprofit entities to facilitate economic
- 22 development activities.

23 **SECTION 11.1.(h)** Infrastructure. – For purposes of this section, eligible activities
24 under the Infrastructure Category in subsection (a) of this section shall be defined as provided in
25 the HUD State Administered Community Development Block Grant definition of the term
26 "infrastructure." Notwithstanding the provisions of subsection (d) of this section, funds allocated
27 to the Infrastructure Category in subsection (a) of this section shall not be reallocated to any other
28 category.

29 **SECTION 11.1.(i)** Rural Community Development. – Funds allocated for the Rural
30 Community Development Category in subsection (a) of this section shall be made available as
31 grants for eligible activities listed in this subsection. These funds shall provide grants that support
32 community development and comprehensive growth projects to be awarded by the Department
33 of Commerce. The Rural Community Development Category will provide grants to units of local
34 government in development tier one and development tier two areas, as defined in
35 G.S. 143B-437.08, and in rural census tracts, as defined in G.S. 143B-472.127(a)(2), in any other
36 area to support projects that promote broad-based community development activities, increased
37 local investment and economic growth, and stronger and more viable rural neighborhoods. In
38 awarding grants under this section, preference shall be given to projects in development tier one
39 areas, as defined in G.S. 143B-437.08. The funds available for grants under this category may be
40 used for all of the following, subject to the national objectives and eligible activities allowed
41 under guidance issued by HUD:

- 42 (1) Essential repairs to prevent abandonment and deterioration of housing in
- 43 low- and moderate-income neighborhoods.
- 44 (2) Public improvements, including parks, streets, sidewalks, and water and sewer
- 45 lines.
- 46 (3) Public facilities, including neighborhood and community facilities and
- 47 facilities for individuals with special needs.
- 48 (4) Public services, including employment, crime prevention, and energy
- 49 conservation.
- 50 (5) Assistance to private, for-profit entities for economic development.

- 1 (6) Technical assistance to public or nonprofit entities for neighborhood
2 revitalization or economic development activities.
3 (7) Assistance to for-profit and nonprofit entities to facilitate economic
4 development activities.

5 **SECTION 11.1.(j)** Deobligated Funds. – Throughout each year, deobligated funds
6 arise in the various funding categories and program years of the Community Development Block
7 Grant (CDBG) program as a result of (i) projects coming in under budget, (ii) projects being
8 cancelled, or (iii) projects being required to repay funds. Surplus federal administrative funds in
9 the CDBG program may vary from year to year based upon the amount of State-appropriated
10 funds allocated and the amount of eligible in-kind funds identified. To allow the Department of
11 Commerce and the Department of Environmental Quality to quickly deploy deobligated and
12 surplus federal administrative funds as they are identified throughout the program year, the
13 following shall apply to the use of deobligated CDBG funds and surplus federal administrative
14 funds:

- 15 (1) All surplus federal administrative funds shall be divided proportionally
16 between the Departments of Commerce and Environmental Quality and shall
17 be used as provided in subdivisions (2) and (3) of this subsection.
18 (2) All deobligated funds allocated to the Department of Commerce and any
19 surplus federal administrative funds, as provided for in subdivision (1) of this
20 subsection, may be used by the Department for all of the following:
21 a. To issue grants in the CDBG Economic Development or
22 Neighborhood Revitalization Program Category.
23 b. For providing training and guidance to local governments relative to
24 the CDBG program, its management, and administrative requirements.
25 c. For any other purpose consistent with the Department's administration
26 of the CDBG program if an equal amount of State matching funds is
27 available.
28 (3) All deobligated funds allocated to the Department of Environmental Quality
29 and any surplus federal administrative funds, as provided for in subdivision
30 (1) of this subsection, may be used by the Department for all of the following:
31 a. To issue grants in the CDBG Infrastructure Category.
32 b. For any other purpose consistent with the Department's administration
33 of the CDBG program if an equal amount of State matching funds is
34 available.
35

36 **COMMERCE NONPROFITS/REPORTING REQUIREMENTS**

37 **SECTION 11.2.(a)** The entities listed in subsection (b) of this section shall do the
38 following for each year that State funds are expended:

- 39 (1) By September 1 of each year, and more frequently as requested, report to the
40 chairs of the Joint Legislative Oversight Committee on Agriculture and
41 Natural and Economic Resources; the chairs of the House of Representatives
42 Appropriations Committee on Agriculture and Natural and Economic
43 Resources; the chairs of the Senate Appropriations Committee on Agriculture,
44 Natural, and Economic Resources; and the Fiscal Research Division on prior
45 State fiscal year program activities, objectives, and accomplishments and prior
46 State fiscal year itemized expenditures and fund sources. If State funds are
47 used to provide matching funds for competitive grants from the federal
48 government or a nongovernmental entity, the report should include a list and
49 description of the grants that are awarded.
50 (2) Provide to the chairs of the Joint Legislative Oversight Committee on
51 Agriculture and Natural and Economic Resources; the chairs of the House of

1 Representatives Appropriations Committee on Agriculture and Natural and
2 Economic Resources; the chairs of the Senate Appropriations Committee on
3 Agriculture, Natural, and Economic Resources; and the Fiscal Research
4 Division a copy of the entity's annual audited financial statement within 30
5 days of issuance of the statement.

6 **SECTION 11.2.(b)** The following entities shall comply with the requirements of
7 subsection (a) of this section:

- 8 (1) North Carolina Biotechnology Center.
- 9 (2) High Point Market Authority.
- 10 (3) RTI International.
- 11 (4) National Institute of Minority Economic Development.

12 13 **NC BIOTECHNOLOGY CENTER**

14 **SECTION 11.3.(a)** Except for the funds appropriated in subsection (b) of this
15 section, funds appropriated in this act to the Department of Commerce for the North Carolina
16 Biotechnology Center (Center) for each fiscal year in the 2023-2025 biennium shall be allocated
17 for the following purposes in the following proportions:

- 18 (1) Twenty-one percent (21%) for job creation, including funding for the
19 AgBiotech Initiative, economic and industrial development, and related
20 activities.
- 21 (2) Sixty-five percent (65%) for science and commercialization, including
22 science and technology development, Centers of Innovation, business and
23 technology development, education and training, and related activities.
- 24 (3) Fourteen percent (14%) for Center operations, including administration,
25 professional and technical assistance and oversight, corporate
26 communications, human resource management, financial and grant
27 administration, legal, and accounting.

28 **SECTION 11.3.(b)** Of the funds appropriated in this act to the Department of
29 Commerce for the Center, five hundred thousand dollars (\$500,000) of recurring funds in each
30 fiscal year of the biennium shall be used to support funding for early stage loans to North Carolina
31 agricultural technology companies.

32 **SECTION 11.3.(c)** The Center shall not use any of the recurring funds allocated in
33 subsection (b) of this section for administrative costs and shall report on the expenditure of those
34 funds each year pursuant to Section 11.2 of this act.

35 **SECTION 11.3.(d)** The Center shall prioritize funding and distribution of loans over
36 funding and distribution of grants.

37 **SECTION 11.3.(e)** Up to ten percent (10%) of the sum of each of the allocations in
38 subsection (a) of this section may be reallocated to subdivision (a)(1) or subdivision (a)(2) of this
39 section if, in the judgment of Center management, the reallocation will advance the mission of
40 the Center.

41 42 **NC BIOTECHNOLOGY CENTER PROFIT SHARING MODIFICATION**

43 **SECTION 11.4.** Prior to receiving any General Fund disbursements for the
44 2023-2025 biennium, the North Carolina Biotechnology Center (the "Center") shall renegotiate
45 the memorandum of understanding entered into pursuant to Section 20.8 of S.L. 2001-424, and
46 its amendments, with the Attorney General's Office to provide that the Center is required to pay
47 to the State fifty percent (50%) of only those net profits that exceed one million dollars
48 (\$1,000,000).

49 50 **MODIFICATION FOR GOLDEN LEAF**

51 **SECTION 11.5.** G.S. 143-712 reads as rewritten:

1 **"§ 143-712. Articles of incorporation; reporting.**

2 The Attorney General shall draft articles of incorporation for the Golden LEAF Foundation
3 to enable the Golden LEAF Foundation to carry out its mission as set out in the Consent Decree.
4 The articles of incorporation shall provide for the following:

- 5 (1) ~~Consultation; reporting.~~ ~~The Golden LEAF Foundation shall consult with~~
6 ~~the Joint Legislative Commission on Governmental Operations prior to the~~
7 ~~board of directors (i) adopting bylaws and (ii) adopting the annual operating~~
8 ~~budget.~~ **Reporting.** ~~—~~ The Golden LEAF Foundation shall also report on its
9 programs and activities to the Joint Legislative Oversight Committee on
10 Agriculture and Natural and Economic Resources, and the Joint Legislative
11 Economic Development and Global Engagement Oversight Committee on or
12 before September 15 of each fiscal year and more frequently as requested by
13 any of these entities. The report shall include all of the following information:
14 a. Grants made in the prior fiscal year, including the amount, term, and
15 purpose of the grant.
16 b. Outcome data collected by the Golden LEAF Foundation, including
17 the number of jobs created.
18 c. Cumulative grant data by program and by county.
19 d. Unaudited actual administrative expenses and grants made in the prior
20 fiscal year.
21 e. Current fiscal year budget, planned activities, and goals for the current
22 fiscal year.

23 The Golden LEAF Foundation shall also provide to the Joint Legislative
24 Oversight Committee on Agriculture and Natural and Economic Resources
25 and the Joint Legislative Economic Development and Global Engagement
26 Oversight Committee an itemized report of its administrative expenses for the
27 previous fiscal year by September 15 of each year, a copy of its annual audited
28 financial statement for the previous fiscal year within 30 days of having
29 received an audit report from an independent auditor, and a copy of its annual
30 federal income tax return for the previous fiscal year within 30 days of filing.

31"

32
33 **VOCATIONAL TRAINING WORKFORCE GRANTS**

34 **SECTION 11.6.** Of the funds appropriated in this act from the General Fund to the
35 Department of Commerce, the sum of twelve million five hundred thousand dollars
36 (\$12,500,000) for the 2023-2024 fiscal year and the sum of twelve million five hundred thousand
37 dollars (\$12,500,000) for the 2024-2025 fiscal year shall be allocated to Golden LEAF
38 (Long-Term Economic Advancement Foundation), Inc. (Golden LEAF), a nonprofit corporation,
39 to be used to provide grants to (i) community colleges, or other institutions offering vocational
40 training, for the purchase of equipment and instructional materials, and (ii) students attending
41 community colleges, or other institutions offering vocational training, for tuition assistance and
42 educational supplies.
43

44 **GOLDEN LEAF SHELL BUILDING PILOT PROGRAM**

45 **SECTION 11.7.(a)** Of the funds appropriated in this act to the Department of
46 Commerce for the 2023-2024 fiscal year, the nonrecurring sum of ten million dollars
47 (\$10,000,000) shall be allocated to Golden LEAF (Long-Term Economic Advancement
48 Foundation), Inc., (Golden LEAF), a nonprofit corporation, for a pilot program to provide grants
49 for the construction of shell buildings suitable for new or expanding businesses, other than retail,
50 entertainment, or sports projects. Funds shall be divided into equal grants to Bladen, Cabarrus,
51 and Franklin Counties. Funds allocated in this section must be expended by December 31, 2025.

1 Golden LEAF may use up to one percent (1%) of the funds allocated in this section for
2 administration of the program and shall establish guidelines providing for administration of the
3 program. Those rules shall include the following provisions, which shall apply to each grant
4 under the program:

- 5 (1) Funds for shell buildings can only be used for (i) identifying potential
6 industrial sites, prioritized based on the number of appropriate sites in the
7 community and the number of available shell buildings, (ii) completing
8 environmental assessments and analysis of needed infrastructure
9 improvements, (iii) grading, clearing, and other site preparation activities, and
10 (iv) planning, design, and other pre-construction and construction activities
11 for shell buildings.
- 12 (2) Grants awarded shall require a match from the local government in the amount
13 of one dollar (\$1.00) for every three State dollars (\$3.00).
- 14 (3) Grant awards may not exceed two million five hundred thousand dollars
15 (\$2,500,000).
- 16 (4) Grants may only be awarded for shell building projects reasonably anticipated
17 to result in the creation of new jobs.
- 18 (5) A wage standard, if any, deemed appropriate or beneficial for the purpose of
19 the program, as determined in the sole discretion of Golden LEAF.

20 **SECTION 11.7.(b)** Golden LEAF shall include the pilot program in the report
21 required pursuant to G.S. 143-712 until the year following the year in which all funds have been
22 expended.

23 24 **NASCAR ECONOMIC IMPACT STUDY**

25 **SECTION 11.8.(a)** Of the funds appropriated in this act to the Department of
26 Commerce (the "Department"), the sum of forty thousand dollars (\$40,000) for the 2023-2024
27 fiscal year shall be used to pay the relevant expenses involved in conducting a survey at the
28 National Association of Stock Car Auto Racing (NASCAR) All-Star Race in North Wilkesboro
29 to measure the economic activities of attendees at the race.

30 **SECTION 11.8.(b)** No later than September 1, 2023, the Department shall report on
31 the use of such funds to the chairs of the Joint Legislative Oversight Committee on Agriculture
32 and Natural and Economic Resources and the Joint Legislative Economic Development and
33 Global Engagement Oversight Committee, and to the Fiscal Research Division.

34 35 **NCINNOVATION**

36 **SECTION 11.9.** Of the funds appropriated in this act to the Department of
37 Commerce for the 2024-2025 fiscal year, the nonrecurring sum of fifty million dollars
38 (\$50,000,000) shall be allocated by the Department to NCInnovation, Inc., a nonprofit
39 corporation, for the purposes set out in a plan to be developed and submitted to the Governor;
40 the Joint Legislative Commission on Governmental Operations; the chairs of the House of
41 Representatives Appropriations Committee on Agriculture and Natural and Economic
42 Resources; the chairs of the Senate Appropriations Committee on Agriculture, Natural, and
43 Economic Resources; the chairs of the Joint Legislative Economic Development and Global
44 Engagement Oversight Committee; and the Fiscal Research Division no later than January 1,
45 2024; provided, however, the release of the funds authorized in this section shall not be before
46 the later of July 1, 2024, and the date the Governor has both reviewed the submitted plan and
47 submitted a written determination to the General Assembly that the plan adequately addresses
48 the concerns listed in this section and achieves the goals of (i) improving technology transfer and
49 patentable research activity at North Carolina universities, (ii) increasing venture capital
50 availability, (iii) achieving greater parity in geographic access to funding for innovations with
51 commercial activity, (iv) promoting regional cooperation in innovation and research, (v)

1 identifying and developing strategic industry sectors in the State, (vi) synergizing university
2 research efforts with private sector investment, (vii) augmenting the transition of information
3 from pure research into applied research, (viii) creating jobs, (ix) positioning the State for
4 increased capture of federal funding for commercialization of intellectual property, and (x)
5 protecting the State's investment and interest in funds awarded by the entity through cost and
6 benefit analyses, minimum performance metrics achieved and maintained, clawbacks, and other
7 requirements needed to adequately safeguard the State. At a minimum, the plan shall address and
8 include the following:

- 9 (1) A clear and concise statement of the purpose and anticipated benefits.
- 10 (2) A list of authorized activities.
- 11 (3) A list of any specific and express related activities that are not authorized.
- 12 (4) Appropriate and effective means of oversight, including whether to create a
13 separate committee on accountability and standards that will, among other
14 things, (i) monitor performance of the entity, (ii) receive and investigate
15 complaints about the entity, (iii) audit the entity, including the minimum cycle
16 for auditing, and (iv) records access.
- 17 (5) The process by which the duties, functions, obligations, and protections may
18 be modified.
- 19 (6) The governance structure of the entity, including whether members of the
20 governing body are appointed by the State and the appointing entity and
21 whether the governing body should have geographic- and subject
22 matter-specific provisions ensuring diversity of expertise and award
23 distribution.
- 24 (7) Whether State employees can be a part of the governance structure of the
25 entity.
- 26 (8) Means of ensuring the handling of State funds are not affected by fundraising
27 activities or other potential issues or malfeasance that can result from
28 simultaneous authority to award State funds and to engage in private
29 fundraising.
- 30 (9) Gift ban and conflict of interest policies.
- 31 (10) The extent and frequency of governmental reporting of activities and sharing
32 of records.
- 33 (11) The method of accounting for State funds and other funds available to or
34 donated to the entity.
- 35 (12) Term of authorized activity and length of renewals for authority.
- 36 (13) Salary and compensation structure for members of the governing body of the
37 entity and for employees of the entity.
- 38 (14) Authority to incur financial obligations.
- 39 (15) Applicability of public records and open meetings, including for the award of
40 State funds.
- 41 (16) An analysis of identifying, and mitigating or solving, potential negative
42 effects on State equity ownership in recipients, including (i) impacts on
43 recruiting other businesses reasonably anticipated to compete with the
44 recipient and (ii) impacts to existing businesses in the State with respect to
45 ongoing operations in light of increased competition.
- 46 (17) Risks to the State of having equity stakes in private, for-profit entities and
47 means of mitigating or eliminating those risks.
- 48 (18) A survey and executive summary of other States' efforts with respect to
49 commercialization of intellectual property resulting from university research
50 and increasing venture capital funds, both from stimulating private sector

1 funding availability and allocating State funds. The survey should include
2 advantages and disadvantages of each approach.

3 (19) An analysis of impact, including the degree to which commercialized
4 university-researched intellectual property is being lost by this State for lack
5 of regional cooperation or venture capital funds or other identified reasons and
6 including a comparison between the plan under this section and the methods
7 used by the states to which those lost opportunities are accruing.

8 (20) A comparison of costs and benefits between the plan proposed under this
9 section and the degree and cost of providing collaborative and professional
10 patent portfolio development and commercialization personnel to research
11 universities in the State and incentivizing the private sector to provide venture
12 capital funds through tax benefits or otherwise.

13 (21) A breakdown showing that all State funds will go to a constitutionally
14 permissible public purpose, including the methodology or modelling that the
15 entity will use to ensure that the benefits to the State outweigh the costs to the
16 State of those uses.

17 18 **EDPNC MARKETING FUNDING EXTENSION**

19 **SECTION 11.10.** Section 11.4(b) of S.L. 2022-74 reads as rewritten:

20 "**SECTION 11.4.(b)** There is appropriated from the Economic Development Project
21 Reserve established in Section 2.2 of S.L. 2021-180 to the Department of Commerce for the
22 nonprofit corporation with which the Department contracts pursuant to G.S. 143B-431.01(b) the
23 sum of sixty million dollars (\$60,000,000) to be used for the following purposes in the following
24 amounts:

25 (1) Thirty million dollars (\$30,000,000) for travel and tourism marketing of the
26 State.

27 (2) Thirty million dollars (\$30,000,000) for business marketing of the State.

28 Of the funds allocated in subdivisions (1) and (2) of this subsection, the nonprofit corporation
29 shall use no more than twenty million dollars (\$20,000,000) for each purpose by June 30, 2023,
30 and the remainder of the funds allocated by this section by ~~December 31, 2024.~~ June 30, 2025.
31 The nonprofit corporation may use up to three percent (3%) of the total funds allocated in this
32 section for administrative costs."

33 34 **MODIFICATIONS TO MEGASITES PROGRAM**

35 **SECTION 11.11.(a)** Of the funds appropriated in this act to the Department of
36 Commerce for the 2023-2025 fiscal biennium, the nonrecurring sum of one hundred fifty million
37 dollars (\$150,000,000) shall be allocated in each year of the biennium to the North Carolina
38 Megasite Fund established in Section 11.11(b) of S.L. 2022-74 for purposes consistent with that
39 section.

40 **SECTION 11.11.(b)** Section 11.11 of S.L. 2022-74 reads as rewritten:

41 **"MEGASITES READINESS PROGRAM**

42 "**SECTION 11.11.(a)** Purpose. – It is in the best economic and developmental interests of
43 the State to support the development of megasites to ensure the State's ongoing competitiveness
44 for major manufacturing opportunities, including but not limited to the aerospace, automotive,
45 clean energy, food processing, semiconductor, and life science industries. The purpose of this
46 section is to establish a competitive grant program serving to do the following:

47 (1) Identify and evaluate up to ~~five~~ seven megasites for preferred development
48 and marketing.

49 (2) ~~Enable~~ Assist local governments or a partnership of local governments to
50 ~~acquire~~ in the acquisition of a newly identified or existing megasite.

- 1 (3) Support local governments or a partnership of local governments to analyze,
- 2 plan, install or upgrade public infrastructure, including publicly owned water,
- 3 gas, and sewer systems, transportation infrastructure, and the electrical utility
- 4 lines necessary to meet the needs of prospective employers for megasites.
- 5 (4) Support local governments or a partnership of local governments to fund
- 6 on-site preparation, including clearing, grading, or other related expenses for
- 7 megasites.
- 8 (4a) Support local governments or a partnership of local governments in
- 9 conducting due diligence, including, but not limited to, the following: site
- 10 characteristics, preliminary engineering reports for water and wastewater
- 11 provision to the site, assessments related to road and highway infrastructure
- 12 to serve the site, and other assessments as needed.
- 13 (5) Facilitate coordination between the economic development ~~entities~~ and
- 14 entities, the North Carolina Department of Environmental ~~Quality~~ Quality,
- 15 and the North Carolina Department of Transportation to expedite ~~any~~
- 16 ~~environmental~~ needs related to timely site development.

17 ...
 18 **"SECTION 11.11.(d)** Allocation. – EDPNC shall allocate monies in the Fund on the
 19 following basis:

- 20 (1) The first one million dollars (\$1,000,000) appropriated to the Fund shall be
- 21 allocated for engaging a national site selection firm through a competitive bid
- 22 process to produce a report evaluating sites in the State and determining the
- 23 ~~five~~ seven megasites best positioned for advanced manufacturing site
- 24 selection searches conducted by major employers. Amounts allocated under
- 25 this subdivision in excess of what is required after the competitive bid process
- 26 shall be transferred to the North Carolina Selectsite Fund.
- 27 (2) All other funds appropriated to the Fund for local government grants shall be
- 28 allocated for the ~~acquisition of~~ activities outlined in subdivisions (a)(2)
- 29 through (a)(5) of this section for megasites determined pursuant to subdivision
- 30 (1) of this subsection. ~~A grant for a megasite is limited to eighty five percent~~
- 31 ~~(85%) of the lesser of the property's purchase price or tax value. The~~
- 32 ~~percentage actually provided in the grant shall be determined by EDPNC~~
- 33 ~~based~~ EDPNC shall prioritize local government grants that have the greatest
- 34 potential to reduce the time for site readiness and reduce the risk of unforeseen
- 35 conditions that could affect the site viability for advanced manufacturing
- 36 projects. EDPNC shall base the grant amount on total development needs for
- 37 the megasite, prior investment in the megasite by one or more local
- 38 governments, the ability of one or more local governments to invest in the
- 39 megasite, and the ability and level of participation promised by the local
- 40 government in exchange for a grant from the Fund. Monies may only be
- 41 granted for, and used to acquire, a megasite for which (i) one or more local
- 42 governments have a binding option or offer to purchase and (ii) all basic due
- 43 diligence ~~must be complete,~~ has been completed, including, but not limited to,
- 44 boundary surveys, title searches, State Historic Preservation Office reviews,
- 45 and wetlands delineation.

46 **"SECTION 11.11.(e)** Matching Funds. – ~~The~~ If a grant is awarded that includes site
 47 acquisition assistance, the local governments to which a grant is awarded shall provide the
 48 remainder of the cost of purchasing the megasite not provided by the grant.

49"

50
 51 **SELECTSITE READINESS PROGRAM**

1 **SECTION 11.12.(a)** Of the funds appropriated in this act to the Department of
2 Commerce (Department) for the 2023-2025 fiscal biennium, the nonrecurring sum of fifty
3 million dollars (\$50,000,000) shall be allocated in each year of the biennium to the North
4 Carolina Selectsite Fund established in subsection (c) of this section for purposes consistent with
5 that subsection.

6 **SECTION 11.12.(b)** Purpose. – It is in the best economic and developmental
7 interests of the State to support the development of sites to ensure the State's ongoing
8 competitiveness for major manufacturing opportunities, including, but not limited to, the
9 aerospace, automotive, clean energy, food processing, semiconductor, and life science industries.
10 The purpose of this section is to establish a competitive grant program serving to do the
11 following:

- 12 (1) Identify and evaluate up to 10 sites of less than 1,000 acres for preferred
13 development and marketing.
- 14 (2) Assist local governments or a partnership of local governments in the
15 acquisition of a newly identified or existing site.
- 16 (3) Support local governments or a partnership of local governments to analyze,
17 plan, install, or upgrade public infrastructure, including publicly owned water,
18 gas, and sewer systems, transportation infrastructure, and the electrical utility
19 lines necessary to meet the needs of prospective employers for sites.
- 20 (4) Support local governments or a partnership of local governments to fund
21 on-site preparation, including clearing, grading, or other related expenses for
22 sites.
- 23 (5) Support local governments or a partnership of local governments in
24 conducting due diligence, including, but not limited to: site characteristics,
25 preliminary engineering reports for water and wastewater provision to the site,
26 assessments related to road and highway infrastructure to serve the site, and
27 other assessments as needed.
- 28 (6) Facilitate coordination between the economic development entities and the
29 North Carolina Department of Environmental Quality and the North Carolina
30 Department of Transportation to expedite needs related to timely site
31 development.

32 **SECTION 11.12.(c)** Fund Established. – There is created in the Department a special
33 fund to be known as the North Carolina Selectsite Fund for grants awarded by the Economic
34 Development Partnership of North Carolina (EDPNC) for purposes consistent with this section.
35 EDPNC shall be responsible for administering the program. The provisions prohibiting EDPNC
36 from awarding of grants contained in G.S. 143B-431.01 do not apply to the Fund.

37 **SECTION 11.12.(d)** Definitions. – The definitions in Section 11.11(c) of S.L.
38 2022-74 apply in this section. For purposes of this section, a "selectsite" is a parcel of contiguous
39 property consisting of less than 1,000 acres that is viable for industrial development and listed in
40 the report pursuant to subsection (h) of this section. For purposes of this section, a "Fund" is the
41 North Carolina Selectsite Fund.

42 **SECTION 11.12.(e)** Allocation. – EDPNC shall allocate monies in the Fund on the
43 following basis:

- 44 (1) Funds transferred from the North Carolina Megasite Fund shall be allocated
45 for an analysis of sites that are less than 1,000 acres that are of sufficient size
46 to successfully attract advanced manufacturing projects of more than 1,000
47 employees.
- 48 (2) Funds appropriated to the Fund for local government grants shall be allocated
49 for the purposes outlined in subdivisions (b)(2), (b)(3), (b)(4), and (b)(5) of
50 this section for selectsites determined pursuant to subdivision (1) of this
51 subsection. EDPNC shall prioritize local government grants that have the

1 greatest potential to reduce the time for site readiness and reduce the risk of
2 unforeseen conditions that could affect the site viability for advanced
3 manufacturing projects. EDPNC shall base the grant amount on total
4 development needs for the selectsite, prior investment in the selectsite by one
5 or more local governments, the ability of one or more local governments to
6 invest in the selectsite, and the ability and level of participation promised by
7 the local government in exchange for a grant from the Fund. Monies may only
8 be granted for, and used to acquire, a selectsite for which (i) one or more local
9 governments have a binding option or offer to purchase and (ii) all basic due
10 diligence has been completed, including, but not limited to, boundary surveys,
11 title searches, State Historic Preservation Office reviews, and wetlands
12 delineation.

13 **SECTION 11.12.(f) Matching Funds.** – If a grant is awarded that includes site
14 acquisition assistance, the local governments to which a grant is awarded shall provide the
15 remainder of the cost of purchasing the selectsite not provided by the grant.

16 **SECTION 11.12.(g) Agreements Required.** – Monies may be disbursed from the
17 Fund only in accordance with agreements entered into between EDPNC and a local government
18 or a government partnership. The agreement must include all of the performance criteria,
19 remedies, and other safeguards required to secure the assistance provided to ready the selectsite
20 for a major employer and must require EDPNC to recapture a proportionate amount of assistance
21 provided under this section for failure by a local government or government partnership to meet
22 and maintain the selectsite for availability for the purposes for which the assistance was provided.

23 **SECTION 11.12.(h) Reporting.** – EDPNC shall file an annual report to the
24 Department on or before April 1 of each year. The annual report prepared will document total
25 amount of grants awarded, matching funds required, activities to ready selectsites and associated
26 costs, any major employers locating at an improved or acquired selectsite, and the unallocated
27 amount for grants remaining in the Fund. The Department shall prepare and file on or before
28 May 1 of each year with the Senate Appropriations Committee on Agriculture, Natural, and
29 Economic Resources; the House of Representatives Appropriations Committee on Agriculture
30 and Natural and Economic Resources; the Joint Legislative Economic Development and Global
31 Engagement Oversight Committee; the Office of State Budget and Management; and the Fiscal
32 Research Division a consolidated report for the preceding fiscal year concerning the information
33 required by this section.

34 **SECTION 11.12.(i) Program Guidelines.** – EDPNC shall develop guidelines related
35 to the administration of this program. At least 20 days before the effective date of any guidelines
36 or nontechnical amendments to the guidelines, EDPNC shall publish the proposed guidelines on
37 its website and provide notice to persons who have requested notice of proposed guidelines. In
38 addition, EDPNC must accept oral and written comments on the proposed guidelines and shall
39 in its discretion consider such comments before finalizing the guidelines, during the 15 business
40 days beginning on the first day that EDPNC has completed these notifications. Guidelines
41 adopted under this section shall not be subject to the requirements of Article 2A of Chapter 150B
42 of the General Statutes.

43 **PART XII. ENVIRONMENTAL QUALITY**

44 **SHALLOW DRAFT FUND DIRECTED GRANTS**

45 **SECTION 12.1.(a)** Funds appropriated in this act from the Shallow Draft Navigation
46 Channel and Aquatic Weed Fund to the Office of State Budget and Management shall be used
47 for directed grants to the following entities:
48

- 49 (1) The Lake Gaston Weed Control Council, to be used for a multiyear project to
50 treat *lyngbya* spp., a cyanobacteria, in Lake Gaston.
51

1 (2) The Town of Tabor City, to be used for aquatic weed control in Lake Tabor.
2 **SECTION 12.1.(b)** Funds allocated by this section (i) shall not have a cost-share
3 requirement under G.S. 143-215.73F(c) and (ii) shall not apply towards the aquatic weed control
4 project limitation set forth in G.S. 143-215.73F(b)(2). These funds shall remain available until
5 expended.
6

7 **WATER AND SEWER INFRASTRUCTURE FUNDS**

8 **SECTION 12.2.(a)** Allocation. – Funds appropriated in this act for each year of the
9 2023-2025 fiscal biennium from the Clean Water and Drinking Water Reserve to the Department
10 of Environmental Quality (Department) for the Water Infrastructure Fund are allocated as
11 follows:

- 12 (1) Three hundred million dollars (\$300,000,000) in each year of the 2023-2025
13 fiscal biennium for the Viable Utility Reserve to be used for the purposes set
14 forth in subdivisions (1) through (5) of G.S. 159G-32(d).
- 15 (2) Six hundred million dollars (\$600,000,000) in each year of the 2023-2025
16 fiscal biennium for the Drinking Water Reserve and the Wastewater Reserve
17 to provide project construction grants for public water systems and wastewater
18 systems.

19 **SECTION 12.2.(b)** Limitation Not Applicable. – The limits set forth in
20 G.S. 159G-36(c)(3) shall not apply to grants awarded from funds allocated by this section.

21 **SECTION 12.2.(c)** Choice of Funding. – The Department may exchange projects
22 funded from the State Fiscal Recovery Fund in S.L. 2021-180 and S.L. 2022-74 with other
23 projects subsequently awarded by the State Water Infrastructure Authority from other funding
24 sources to meet the deadline for expenditure of State Fiscal Recovery Funds set forth in
25 applicable federal law and guidance.

26 **SECTION 12.2.(d)** Administrative Costs. – The Department may use three percent
27 (3%) of the funds allocated to the Drinking Water Reserve and the Wastewater Reserve by this
28 section for administrative costs. The Department shall not charge the grant fee authorized by
29 G.S. 159G-24 for grants made from funds subject to the set aside of administrative costs
30 authorized by this subsection.

31 **SECTION 12.2.(e)** Report. – The Department shall include in the report required by
32 G.S. 159G-26 the status of projects funded under this section. This report may be provided in
33 tabular or summary form and need not include information beyond that described in
34 G.S. 159G-26(b)(4).
35

36 **VIALE UTILITY RESERVE GRANT CRITERIA**

37 **SECTION 12.3.** G.S. 159G-35(c) reads as rewritten:

38 "(c) Viable Utility Reserve. – The Local Government Commission and the Authority shall
39 jointly develop evaluation criteria for grants from the Viable Utility Reserve. Criteria shall also
40 be developed concerning distressed units for which the Local Government Commission has
41 exercised its authority under Article 11 of Chapter 159 of the General Statutes to assume control,
42 in whole or in part, of the financial affairs of an applicant. These evaluation criteria shall be used
43 to review applications and award grants as provided in G.S. 159G-39."
44

45 **STORMWATER INFRASTRUCTURE FUNDING**

46 **SECTION 12.4.(a)** Allocation. – Funds appropriated in this act for the 2023-2024 and
47 2024-2025 fiscal years from the Clean Water and Drinking Water Reserve to the Department of
48 Environmental Quality (Department) for the Local Assistance for Stormwater Infrastructure
49 Investments Fund established in Section 12.14(a) of S.L. 2021-180 shall be used to provide grants
50 to eligible entities as defined in this section for projects that will improve or create infrastructure
51 for controlling stormwater quantity and quality.

1 **SECTION 12.4.(b)** Allocation of Funds. – The Department shall use eighty-five
2 percent (85%) of the funds allocated in this section for construction grants as specified in
3 subdivision (1) of subsection (e) of this section and fifteen percent (15%) of the funds allocated
4 in this section for planning grants as specified in subdivision (2) of subsection (e) of this section.

5 **SECTION 12.4.(c)** Eligible Entity. – An eligible entity for a grant under this section
6 shall be a city or county that (i) documents in a form and manner as the Department may specify
7 a stormwater quality or quantity issue and (ii) demonstrates that it would experience a significant
8 hardship raising the revenue necessary to finance stormwater management activities within its
9 jurisdiction based on income and unemployment data, population trends, and any other data
10 determined relevant by the Department. A regional council of government created pursuant to
11 Part 2 of Article 20 of Chapter 160A of the General Statutes or a nonprofit entity is also an
12 eligible entity under this section if the regional council of government or nonprofit entity partners
13 with a city or county.

14 **SECTION 12.4.(d)** Grant Types. – The Department shall make the following types
15 of grants from the Fund:

16 (1) Construction grants. – A construction grant is available for the development
17 and implementation of a new stormwater utility or stormwater control
18 measure (SCM), the rehabilitation of existing SCMs, the retrofitting of
19 existing stormwater conveyances to provide SCMs for quantity and quality
20 control purposes, or the installation of innovative technologies or nature-based
21 solutions. The Department shall allow nature-based solutions where feasible
22 and possible.

23 (2) Planning grants. – A planning grant is available for research or investigative
24 studies, alternatives analyses, the preparation of engineering concept plans or
25 engineering designs, and similar activities intended to help an eligible entity
26 determine the best solutions for the entity's stormwater quality or quantity
27 issue and to engineer and permit the solutions. The Department shall allow
28 nature-based solutions where feasible and possible.

29 **SECTION 12.4.(e)** Limitation. – The following limits apply to grants from the Fund:

30 (1) Construction grants may not exceed fifteen million dollars (\$15,000,000).

31 (2) Planning grants may not exceed five hundred thousand dollars (\$500,000).

32 **SECTION 12.4.(f)** Administration. – The Department may use up to three percent
33 (3%) of the funds allocated by this section for administrative expenses. The Department may
34 adopt any policies or procedures regarding the application process, applicant record keeping and
35 reporting, and any other administrative details not inconsistent with this section.

36 **SECTION 12.4.(g)** Definition. – For purposes of this section, "nature-based
37 solutions" are sustainable planning, design, environmental management, and engineering
38 practices that weave natural features or processes into the built environment to store, infiltrate,
39 and treat water by enlisting natural features and processes in efforts to promote resilience, reduce
40 flood risks, improve water quality, protect coastal property, restore and protect wetlands, stabilize
41 shorelines, and add recreational space.

42 43 **PROHIBIT CAP AND TRADE REQUIREMENTS FOR CO2 EMISSIONS.**

44 **SECTION 12.5.(a)** Article 21B of Chapter 143 of the General Statutes is amended
45 by adding a new section to read:

46 **"§ 143-215.107E. Prohibit cap and trade requirements for carbon dioxide (CO2) emissions.**

47 **Neither the Governor, nor any of the agencies of the State, including the Utilities**
48 **Commission, the Department of Environmental Quality, and the Environmental Management**
49 **Commission, may require an electric public utility, as defined in G.S. 62-126.3(7), or persons**
50 **who operate an electric generating facility the primary purpose of which is for the person's own**
51 **use and not for the primary purpose of producing electricity for sale to or for the public for**

1 compensation, to participate in a program that requires such utilities to obtain allowances to offset
2 their CO2 emissions, commonly characterized as emissions cap-and-trade programs, CO2 budget
3 trading programs, or cap-and-invest initiatives. In addition, the Governor and the Department are
4 expressly prohibited from entering into any agreement with other states obligating North
5 Carolina's participation in any program requiring acquisition of allowances to offset CO2
6 emissions by such utilities."

7 **SECTION 12.5.(b)** This section is effective when it becomes law.

9 **PROHIBITION ON STATE OR REGIONAL EMISSIONS STANDARDS FOR NEW** 10 **MOTOR VEHICLES**

11 **SECTION 12.6.(a)** Article 21B of Chapter 143 of the General Statutes is amended
12 by adding a new section to read:

13 **"§ 143-215.107F. Prohibit requirements for control of emissions from new motor vehicles.**

14 Notwithstanding any authorization granted under 42 U.S.C. § 7507, no agency of the State,
15 including the Department of Environmental Quality, the Environmental Management
16 Commission, the Department of Transportation, or the Department of Administration, may adopt
17 and enforce standards relating to control of emissions from new motor vehicles or new motor
18 vehicle engines, including requirements that mandate the sale or purchase of "zero-emission
19 vehicles," or electric vehicles as defined in G.S. 20-4.01. The prohibitions of this section shall
20 not be construed to effect requirements for the vehicle emissions testing and maintenance
21 program established pursuant to G.S. 143-215.107A."

22 **SECTION 12.6.(b)** This section is effective when it becomes law.

24 **REDUCE NUMBER OF COUNTIES SUBJECT TO EMISSIONS INSPECTIONS**

25 **SECTION 12.7.(a)** G.S. 143-215.107A(c) reads as rewritten:

26 "(c) Counties Covered. – Motor vehicle emissions inspections shall be performed in ~~the~~
27 ~~following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth,~~
28 ~~Franklin, Gaston, Guilford, Iredell, Johnston, Lincoln, Mecklenburg, New Hanover, Randolph,~~
29 ~~Rowan, Union, and Wake.~~ Mecklenburg County."

30 **SECTION 12.7.(b)** No later than December 31, 2023, the Department of
31 Environmental Quality shall prepare and submit to the United States Environmental Protection
32 Agency for approval by that agency a proposed North Carolina State Implementation Plan
33 amendment based on the change to the motor vehicle emissions testing program provided in this
34 section.

35 **SECTION 12.7.(c)** Subsection (a) of this section becomes effective on the later of
36 the following dates and applies to motor vehicles inspected, or due to be inspected, on or after
37 that effective date:

38 (1) July 1, 2024.

39 (2) The first day of a month that is 60 days after the Secretary of the Department
40 of Environmental Quality certifies to the Revisor of Statutes that the United
41 States Environmental Protection Agency has approved an amendment to the
42 North Carolina State Implementation Plan submitted as required by
43 subsection (b) of this section. The Secretary shall provide this notice along
44 with the effective date of this section on its website and by written or
45 electronic notice to emissions inspection mechanic license holders, emissions
46 inspection station licensees, and self-inspector licensees in the county where
47 motor vehicle emissions inspection requirements are removed by this section.

48 **SECTION 12.7.(d)** Except as otherwise provided, this section is effective when it
49 becomes law.

51 **PART XIII. LABOR [RESERVED]**

1
2 **PART XIV. NATURAL AND CULTURAL RESOURCES**

3
4 **NC SYMPHONY CHALLENGE GRANT**

5 **SECTION 14.1.(a)** Of the funds appropriated in this act to the Department of Natural
6 and Cultural Resources, the sum of two million dollars (\$2,000,000) in recurring funds for each
7 year of the 2023-2025 fiscal biennium shall be allocated to the North Carolina Symphony as
8 provided in this section. It is the intent of the General Assembly that the North Carolina
9 Symphony raise at least six million dollars (\$6,000,000) in non-State funds for the 2023-2024
10 fiscal year and seven million dollars (\$7,000,000) in non-State funds for the 2024-2025 fiscal
11 year. The North Carolina Symphony cannot use funds transferred from the organization's
12 endowment to its operating budget to achieve the fundraising targets set out in subsections (b)
13 and (c) of this section.

14 **SECTION 14.1.(b)** For the 2023-2024 fiscal year, the North Carolina Symphony
15 shall receive allocations from the Department of Natural and Cultural Resources as follows:

- 16 (1) Upon raising the initial sum of two million dollars (\$2,000,000) in non-State
17 funding, the North Carolina Symphony shall receive the sum of six hundred
18 thousand dollars (\$600,000).
19 (2) Upon raising an additional sum of two million dollars (\$2,000,000) in
20 non-State funding for a total amount of four million dollars (\$4,000,000) in
21 non-State funds, the North Carolina Symphony shall receive the sum of seven
22 hundred thousand dollars (\$700,000).
23 (3) Upon raising an additional sum of two million dollars (\$2,000,000) in
24 non-State funding for a total amount of six million dollars (\$6,000,000) in
25 non-State funds, the North Carolina Symphony shall receive the final sum of
26 seven hundred thousand dollars (\$700,000) in the 2023-2024 fiscal year.

27 **SECTION 14.1.(c)** For the 2024-2025 fiscal year, the North Carolina Symphony
28 shall receive allocations from the Department of Natural and Cultural Resources as follows:

- 29 (1) Upon raising the initial sum of two million dollars (\$2,000,000) in non-State
30 funding, the North Carolina Symphony shall receive the sum of six hundred
31 thousand dollars (\$600,000).
32 (2) Upon raising an additional sum of two million dollars (\$2,000,000) in
33 non-State funding for a total amount of four million dollars (\$4,000,000) in
34 non-State funds, the North Carolina Symphony shall receive the sum of seven
35 hundred thousand dollars (\$700,000).
36 (3) Upon raising an additional sum of three million dollars (\$3,000,000) in
37 non-State funding for a total amount of seven million dollars (\$7,000,000) in
38 non-State funds, the North Carolina Symphony shall receive the final sum of
39 seven hundred thousand dollars (\$700,000) in the 2024-2025 fiscal year.

40
41 **RENAME SECCA**

42 **SECTION 14.2.** The Department of Natural and Cultural Resources shall rename
43 the Southeastern Center for Contemporary Art as the North Carolina Museum of Art–
44 Winston-Salem.

45
46 **TOBACCO FARM LIFE MUSEUM SPECIAL FUND**

47 **SECTION 14.3.(a)** As set forth in G.S. 143-431 and G.S. 121-4(8), the Department
48 of Natural and Cultural Resources shall assume from the Tobacco Farm Life Museum, Inc., the
49 ownership and administration of the Tobacco Farm Life Museum in Johnston County.

50 **SECTION 14.3.(b)** Of the funds appropriated from the General Fund to the
51 Department of Natural and Cultural Resources, the sum of three hundred seventy-five thousand

1 dollars (\$375,000) in the 2023-2024 fiscal year and the sum of three hundred fifty thousand
 2 dollars (\$350,000) in the 2024-2025 fiscal year to be used for the operation, administration, and
 3 new positions to staff the Tobacco Farm Life Museum.

4 **SECTION 14.3.(c)** Article 1 of Chapter 121 of the General Statutes is amended by
 5 adding a new section to read:

6 "**§ 121-7.8. Tobacco Farm Life Museum Fund.**

7 (a) Fund. – The Tobacco Farm Life Museum Fund is created as a special, interest-bearing
 8 revenue fund in the Department of Natural and Cultural Resources. The Fund consists of all
 9 receipts derived from the lease or rental of property or facilities, disposition of structures or
 10 products of the land, donations, gifts, devises, and admissions and fees collected at the Tobacco
 11 Farm Life Museum. The Fund shall be treated as a special trust fund and may be used to pay
 12 costs associated with the operation, interpretation, development, expansion, preservation, and
 13 maintenance of the Tobacco Farm Life Museum.

14 (b) Fund Sources. – Notwithstanding Chapter 146 of the General Statutes, the Fund
 15 consists of (i) all revenue derived from donations, gifts, devises, grants, admissions, and fees
 16 collected by or for the benefit of the Tobacco Farm Life Museum Fund, (ii) the net proceeds
 17 derived from the sale of real property pursuant to G.S. 146-30(d)(15), and (iii) interest on funds
 18 in the Fund credited by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.

19 (c) Reports. – The Department of Natural and Cultural Resources must submit to the Joint
 20 Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the chair
 21 of the House of Representatives Appropriations Committee on Agriculture and Natural and
 22 Economic Resources, the chair of the Senate Appropriations Committee on Natural and
 23 Economic Resources, and the Fiscal Research Division by September 30 of each year a report on
 24 the Fund that includes the source and amounts of all funds credited to the Fund and the purpose
 25 and amount of all expenditures from the Fund during the prior fiscal year."

26 **SECTION 14.3.(d)** G.S. 121-7.7 reads as rewritten:

27 "**§ 121-7.7. State Historic Sites and Museums special fund.**

28 ...

29 (b) Application. – This section applies to the individual State Historic Sites and State
 30 History and Maritime Museums owned by or under the control of the Division of State Historic
 31 Sites and the Division of State History Museums, with the exception of the Bentonville
 32 Battlefield State Historic Site, the Tobacco Farm Life Museum, and the North Carolina
 33 Transportation Museum. The Bentonville Battlefield State Historic Site is subject to
 34 G.S. 121-7.5. The North Carolina Transportation Museum is subject to G.S. 121-7.6. The
 35 Tobacco Farm Life Museum Fund is subject to G.S. 121-7.8.

36"

37 **SECTION 14.3.(e)** G.S. 146-30 reads as rewritten:

38 "**§ 146-30. Application of net proceeds.**

39 ...

40 (d) Notwithstanding any other provision of this Subchapter, the following exceptions
 41 apply:

42 ...

43 (15) The net proceeds derived from the sale of real property from the Tobacco
 44 Farm Life Museum donated to the State and allocated to the Department of
 45 Natural and Cultural Resources shall be deposited in the Tobacco Farm Life
 46 Museum Fund, created in G.S. 121-7.8, and shall be used in accordance with
 47 that section."

48 **SECTION 14.3.(f)** This section becomes effective only if the Tobacco Farm Life
 49 Museum transfers and conveys all of its assets to the State. The Department of Natural and
 50 Cultural Resources shall notify the Revisor of Statutes when those assets are transferred and the
 51 conveyance is complete.

ACCESSIBLE PARKS GRANTS

SECTION 14.4.(a) Grant Purposes. – Funds allocated in this act from the State Capital and Infrastructure Fund to the Parks and Recreation Trust Fund to provide matching grants to local parks facilities for persons with disabilities shall be used exclusively for grants to local government units or public authorities, as defined in G.S. 159-7, for construction of special facilities or adaptation of existing facilities that meet the unique needs of persons with disabilities or that enable them to participate in recreational and sporting activities, regardless of their abilities.

SECTION 14.4.(b) Match. – Notwithstanding any provision of G.S. 143B-135.56 to the contrary, a local government unit or public authority receiving a grant under this section shall provide matching funds in the amount of one dollar (\$1.00) of local funds for every five dollars (\$5.00) of State funds.

SECTION 14.4.(c) Limitation. – Grants made under this section shall not exceed five hundred thousand dollars (\$500,000) per project.

SALUDA GRADE RAIL CORRIDOR

SECTION 14.5.(a) Findings and Purpose. – The General Assembly finds that the Saluda Grade Railroad was constructed in the 1870s to link Spartanburg, South Carolina, to Asheville, North Carolina, and holds a special place in American rail history as the steepest standard-gauge mainline railroad in the United States, located where the line crosses the dramatic Blue Ridge Escarpment. The General Assembly further finds that the 31-mile portion of the Railroad proposed for acquisition stretches from Inman, SC, to Zirconia, NC, with 16 miles in South Carolina and 15 miles in North Carolina, and would pass through downtown Inman, Gramling, Campobello, Landrum, Tryon, and Saluda, as well as the picturesque Piedmont countryside, the Pacolet River valley with its plunging waterfalls, and the spectacular scenery around the Green River and Lake Summit. The purpose of this section is to take advantage of an unprecedented opportunity for the citizens of North Carolina to celebrate 2023 as the Year of the Trail and enhance the reputation of North Carolina as the Great Trails State by acquiring the Saluda Grade rail corridor for conversion into the Saluda Grade Trail.

SECTION 14.5.(b) Definition. – For purposes of this section, the Saluda Grade rail corridor means the portion of the Norfolk Southern W-Line railroad between milepost 26 in the unincorporated community of Zirconia in Henderson County and the boundary between North Carolina and South Carolina.

SECTION 14.5.(c) Funding. – Funds appropriated in this act to the Department of Natural and Cultural Resources to provide a grant to Conserving Carolina, a nonprofit corporation, shall be allocated in the following amounts and for the following purposes:

- (1) \$16,250,000 in each year of the 2023-2025 fiscal biennium for the purchase of the Saluda Grade rail corridor in Henderson and Polk Counties and related transaction costs.
- (2) \$750,000 in the 2023-2025 fiscal biennium for initial improvements needed to open the trail for public use, including signage and amenities such as parking areas, drinking water fountains, and restroom facilities. These funds may also be used to provide matches for other private, federal, or local grant programs.

SECTION 14.5.(d) Memorandum of Understanding. — No later than September 1, 2023, the Department of Natural and Cultural Resources shall enter into a Memorandum of Understanding with Conserving Carolina regarding the long-term ownership structure, management, and improvement of the rail corridor. The Memorandum shall provide, at a minimum, the following:

- 1 (1) That not later than July 1, 2027, the corridor will be conveyed to the State to
2 be added to the State Trail system.
- 3 (2) That the conveyance and other provisions of the Memorandum are structured
4 to ensure that the acquisition of the rail corridor and the conversion to an
5 interim use as a State trail is consistent with the requirements of federal law
6 necessary to preserve established railroad rights-of-way for future activation
7 of rail service as set forth in the railbanking provisions of the National Trails
8 System Act Amendments of 1983.

9 **SECTION 14.5.(e)** Report. – Conserving Carolina shall provide an interim report no
10 later than March 1, 2024, and a final report no later than October 1, 2025, to the Department of
11 Natural and Cultural Resources, the Joint Legislative Oversight Committee on Agriculture and
12 Natural and Economic Resources, and the Fiscal Research Division regarding the acquisition of
13 and improvements to the Saluda Grade rail corridor funded by this act. The Department shall
14 include a summary of its actions to promote and support the establishment of the Saluda Grade
15 Trail as a part of the report required by G.S. 143B-135.102.

16 **SECTION 14.5.(f)** Authorization. – Upon completion of the acquisition of the
17 Saluda Grade rail corridor funded by this act, the General Assembly authorizes the Department
18 of Natural and Cultural Resources to add the trail established on the Saluda Grade rail corridor
19 to the State Parks System as a State trail, as provided in G.S. 143B-135.54(b). The Department
20 shall support, promote, encourage, and facilitate the establishment of trail segments and
21 connecting trails on State parklands and on lands of other federal, State, local, and private
22 landowners. On segments of the trail that cross property controlled by agencies or owners other
23 than the Department's Division of Parks and Recreation, the laws, rules, and policies of those
24 agencies or owners shall govern the use of the property. The requirement of G.S. 143B-135.54(b)
25 that additions be accompanied by adequate appropriations for land acquisition, development, and
26 operations shall not apply to the authorization set forth in this section; provided, however, that
27 the State may receive donations of appropriate land and may purchase other needed lands or
28 finance improvements and amenities for the trail with existing funds in the Clean Water
29 Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water
30 Conservation Fund, and other available sources of funding.

31 32 **THE GREAT TRAILS FUND**

33 **SECTION 14.6.(a)** Of the funds transferred from the State Fiscal Recovery Reserve
34 to the Department of Natural and Cultural Resources for the 2023-2024 fiscal year for trails,
35 twenty-five million dollars (\$25,000,000) shall be allocated and is appropriated to the Great
36 Trails Fund established in subsection (c) of this section for new trail development and extension
37 of existing trails as described in that subsection.

38 **SECTION 14.6.(b)** Definitions. – The following definitions apply in this section:

- 39 (1) Department. – The Department of Natural and Cultural Resources.
- 40 (2) Eligible entity. – Any of the following:
- 41 a. A municipality or county.
- 42 b. A regional council of government created pursuant to Part 2 of Article
43 20 of Chapter 160A of the General Statutes.
- 44 c. A public authority, as defined in G.S. 159-7.
- 45 d. A nonprofit entity, provided the entity demonstrates in a manner
46 acceptable to the Department that the unit or units of local government
47 where the eligible trail project will be conducted have been notified of
48 and support the trail project.
- 49 (3) Eligible trail project. – Any of the following:
- 50 a. Planning, design, and related environmental assessment or permitting
51 activities for trails.

- 1 b. Land and easement acquisition for trails.
- 2 c. Construction of trails and trail structures.
- 3 d. Trail amenities.
- 4 e. Maintenance activities, which includes rehabilitation of trails and trail
- 5 structures, the installation of water bars, the relocation of eroded trail
- 6 segments, and other activities that will mitigate erosion or
- 7 deterioration of trails or prevent future erosion or deterioration of
- 8 trails.
- 9 f. Matching funds for grants awarded by the federal government or any
- 10 other non-State source or entity to an eligible entity for any of the
- 11 purposes set forth in this subdivision.
- 12 (4) Secretary. – The Secretary of the Department of Natural and Cultural
- 13 Resources.
- 14 (5) Trail. – Includes paved trails or greenways, natural surface trails, biking trails,
- 15 equestrian trails, and any other type of trail recognized by the Department.
- 16 The term does not include a series of tourism attractions related to a particular
- 17 theme that are jointly marketed based on that theme and are interconnected
- 18 only by vehicular roadways.
- 19 (6) Trail amenities. – Markers, signage, benches, water fountains, restroom
- 20 facilities, bathhouses, campsites, docks, boat ramps, parking facilities, picnic
- 21 facilities, equipment rental facilities, and other improvements or structures
- 22 intended to enhance visitor experience for trail users.
- 23 (7) Trail structures. – Bridges, boardwalks, retaining walls and other structures
- 24 that are necessary for visitors to use the trail to travel from one location to
- 25 another. For paddle trails, trail structures includes waterway access points and
- 26 watercraft launch structures.

27 **SECTION 14.6.(c)** Fund Created. – The Great Trails Fund is established as a special
 28 fund within the Department of Natural and Cultural Resources. These funds shall be used by the
 29 Department to provide grants to an eligible entity for eligible trail projects, with priority given to
 30 projects for the purposes set forth in sub-subdivisions a., b., and c. of subdivision (3) of
 31 subsection (b) of this section. The following requirements and limitations apply to these grants:

- 32 (1) The Department is authorized to accept applications for grants authorized by
- 33 this section and evaluate them based on criteria that includes the amount of
- 34 additional funding being provided from other sources for the proposed project,
- 35 current access to trails and other outdoor recreational facilities in the area of
- 36 the proposed project, and the size and demographics of the population served
- 37 by the proposed project. Notwithstanding G.S. 143B-135.56, an eligible entity
- 38 receiving a grant from the Department shall provide a match as set forth in
- 39 this subsection.
- 40 (2) Match. – Grants shall be matched by an eligible entity receiving a grant as
- 41 follows:
- 42 a. The Department may determine the amount of match based on the
- 43 wealth of the county where the trail project is located. In the case of
- 44 trail projects in more than one county, the match shall be based on the
- 45 lowest wealth county.
- 46 b. The match shall be no greater than one non-State dollar (\$1.00) for
- 47 every one dollar (\$1.00) from the Fund, and no less than one non-State
- 48 dollar (\$1.00) for every four dollars (\$4.00) from the Fund.
- 49 c. The match may include cash, fee waivers, in-kind services, the
- 50 donation of assets, the provision of infrastructure, or a combination of

1 these. Non-cash matches must be quantifiable and documented in a
2 manner as the Department may specify.

- 3 (3) Limitation. – Grants made under this subsection shall not exceed five hundred
4 thousand dollars (\$500,000) per project.

5 **SECTION 14.6.(d) Reports.** – The Department shall provide an initial report no later
6 than October 1, 2023, to the Joint Legislative Oversight Committee on Agriculture and Natural
7 and Economic Resources and the Fiscal Research Division regarding the process for awarding
8 grants and the metrics the Department intends to use in evaluating grant applications for the Great
9 Trails Fund pursuant to this section. Thereafter, the Department shall report annually no later
10 than October 11 regarding the use of funds allocated by this section. The annual report will
11 include a list of grant recipients and amounts, a description of trail projects funded, and a
12 summary of non-State funds leveraged with grant funding. The Department may discontinue
13 annual reporting upon providing a final summary report after it awards all funds allocated by this
14 section. These reports may be included as a part of the report required by G.S. 143B-135.102.

15 **SECTION 14.6.(e) Administrative Expenses.** – The Department may use up to one
16 percent (1%) of the funds appropriated by this section for operating and administrative expenses.
17

18 **COMPLETE THE TRAILS FUND**

19 **SECTION 14.7.(a)** Of the funds transferred from the State Fiscal Recovery Reserve
20 to the Department of Natural and Cultural Resources for the 2023-2024 fiscal year for trails, eight
21 million dollars (\$8,000,000) shall be allocated and is appropriated to the Complete the Trails
22 Fund to be used as set forth in subsection (c) of this section.

23 **SECTION 14.7.(b) Definitions.** – The following definitions apply in this section:

- 24 (1) Complete the Trails Fund. – The Complete the Trails Fund established in
25 Section 14.7 of S.L. 2021-180.
- 26 (2) Department. – The Department of Natural and Cultural Resources.
- 27 (3) Eligible entity. – Any of the following:
- 28 a. A municipality or county.
- 29 b. A regional council of government created pursuant to Part 2 of Article
30 20 of Chapter 160A of the General Statutes.
- 31 c. A public authority, as defined in G.S. 159-7.
- 32 d. A nonprofit entity, provided the entity demonstrates in a manner
33 acceptable to the Department that the unit or units of local government
34 where the eligible trail project will be conducted have been notified of
35 and support the trail project.
- 36 (4) Eligible trail project. – Any of the following:
- 37 a. Planning, design, and related environmental assessment or permitting
38 activities for trails.
- 39 b. Land and easement acquisition for trails.
- 40 c. Construction of trails and trail structures.
- 41 d. Trail amenities.
- 42 e. Maintenance activities, which includes rehabilitation of trails and trail
43 structures, the installation of water bars, the relocation of eroded trail
44 segments, and other activities that will mitigate erosion or
45 deterioration of trails or prevent future erosion or deterioration of
46 trails.
- 47 f. Matching funds for grants awarded by the federal government or any
48 other non-State source or entity to an eligible entity for any of the
49 purposes set forth in this subdivision.
- 50 (5) Secretary. – The Secretary of the Department of Natural and Cultural
51 Resources.

- 1 (6) Trail. – Includes paved trails or greenways, natural surface trails, biking trails,
2 equestrian trails, and any other type of trail recognized by the Department.
3 The term does not include a series of tourism attractions related to a particular
4 theme that are jointly marketed based on that theme and are interconnected
5 only by vehicular roadways.
- 6 (7) Trail amenities. – Markers, signage, benches, water fountains, restroom
7 facilities, bathhouses, campsites, docks, boat ramps, parking facilities, picnic
8 facilities, equipment rental facilities, and other improvements or structures
9 intended to enhance visitor experience for trail users.
- 10 (8) Trail structures. – Bridges, boardwalks, retaining walls, and other structures
11 that are necessary for visitors to use the trail to travel from one location to
12 another. For paddle trails, trail structures include waterway access points and
13 watercraft launch structures.

14 **SECTION 14.7.(c)** Complete the Trails Fund. – Funds allocated to the Complete the
15 Trails Fund by subsection (a) of this section shall be used as follows:

- 16 (1) Capacity building funds. – Seven hundred thousand dollars (\$700,000) to
17 provide capacity building grants to the partner organizations for each
18 component of the State Trail System with which the Department has signed a
19 Memorandum of Understanding (MOU) pursuant to Section 14.7(d) of S.L.
20 2021-180 as well as the partner organization for the trail established on the
21 Saluda Grade rail corridor as set forth in Section 14.5 of this act. The
22 Department shall distribute fifty thousand dollars (\$50,000) to the local
23 partner for each System component. Where there is more than one partner
24 organization for a System, the Department shall apportion the funds under this
25 subdivision based on relative scope of activity for which each partner
26 organization assumes responsibility in the MOU.
- 27 (2) Directed allocations. – Two million eight hundred thousand dollars
28 (\$2,800,000) to provide grants in the following amounts to the following
29 entities for an eligible trail project except as otherwise specified:
- 30 a. Two hundred thousand dollars (\$200,000) to Roanoke River Partners
31 for the Roanoke River State Trail for the purposes set forth in
32 sub-subdivisions d. and e. of subdivision (b)(4) of this section.
- 33 b. Two hundred thousand dollars (\$200,000) to the Friends of the
34 Mountain-to-Sea Trail for the Mountains-to-Sea Trail. These funds
35 shall be used for eligible trail projects in Bladen Lakes State Forest
36 and eligible trail projects to extend the Mountains-to-Sea Trail east
37 from Bladen Lakes State Forest.
- 38 c. Eight hundred thousand dollars (\$800,000) to be split evenly between
39 the Town of Brevard and Henderson County for the Ecusta Trail in
40 Henderson and Transylvania Counties to be used for the purposes set
41 forth in sub-subdivisions a., c., d., and f. of subdivision (b)(4) of this
42 section.
- 43 d. Two hundred thousand dollars (\$200,000) to the East Coast Greenway
44 Alliance for the East Coast Greenway Trail for any eligible trail project
45 in Bertie, Chowan, Perquimans, Pasquotank, or Camden Counties.
- 46 e. Two hundred thousand dollars (\$200,000) to the Friends of Fonta
47 Flora State Trail for the Fonta Flora State Trail for any eligible trail
48 project.
- 49 f. Two hundred thousand dollars (\$200,000) to Conserving Carolina for
50 the Hickory Nut Gorge State Trail for any eligible trail project.

- 1 g. Two hundred thousand dollars (\$200,000) to the Foothills
- 2 Conservancy of N.C. for the Wilderness Gateway Trail for any eligible
- 3 trail project.
- 4 h. Two hundred thousand dollars (\$200,000) to OVNCST-Friends for the
- 5 Overmountain Victory State Trail for any eligible trail project.
- 6 i. Two hundred thousand dollars (\$200,000) to Blue Ridge Conservancy
- 7 for the Northern Peaks State Trail for any eligible trail project.
- 8 j. One hundred thousand dollars (\$100,000) each to the partner
- 9 organizations for the Dan River, French Broad River, Yadkin River,
- 10 and Deep River components of the State Trails System for any eligible
- 11 trail project.
- 12 (3) Land and easement acquisition funds. – Two million dollars (\$2,000,000) for
- 13 grants for the purpose set forth in sub-subdivision b. of subdivision (b)(4) of
- 14 this section, limited to acquisition of land or easements in North Carolina.
- 15 Eligible entities for funds allocated under this subdivision are the partner
- 16 organizations for each component of the State Trail System that is land-based
- 17 or has significant land-based components. Grants under this subdivision shall
- 18 not exceed two hundred thousand dollars (\$200,000) and shall be matched
- 19 dollar-for-dollar with non-State funds.
- 20 (4) Connecting trails. – Two million five hundred thousand dollars (\$2,500,000)
- 21 to provide grants for planning and development of connecting trails to eligible
- 22 local governments. For purposes of this subdivision, an "eligible local
- 23 government" is a municipality that is (i) less than 25,000 in population and (ii)
- 24 is located within 6 miles of an existing or planned segment of a component of
- 25 the State Trails System. Two-thirds of the funds allocated by this subdivision
- 26 shall be reserved for municipalities with a population less than 5,000 with no
- 27 match required. The remaining funds allocated by this subdivision shall be
- 28 reserved for other eligible local governments and shall be matched
- 29 dollar-for-dollar with non-State funds. Grants under this subdivision shall not
- 30 exceed one hundred thousand dollars (\$100,000).

31 **SECTION 14.7.(d) Reports.** – The Department shall provide an initial report no later
 32 than October 1, 2023, to the Joint Legislative Oversight Committee on Agriculture and Natural
 33 and Economic Resources and the Fiscal Research Division regarding the process for awarding
 34 grants and the metrics the Department intends to use in evaluating grant applications for the
 35 Complete the Trails Fund pursuant to this section. Thereafter, the Department shall report
 36 annually no later than October 11 regarding the use of funds allocated by this section. The annual
 37 report will include a list of grant recipients and amounts, a description of trail projects funded,
 38 and a summary of non-State funds leveraged with grant funding. The Department may
 39 discontinue annual reporting upon providing a final summary report after it awards all funds
 40 allocated by this section. These reports may be included as a part of the report required by
 41 G.S. 143B-135.102.

42 **SECTION 14.7.(e) Administrative Expenses.** – The Department may use up one
 43 percent (1%) of the funds appropriated by this section for operating and administrative expenses
 44 associated with the implementation of subdivisions (2), (3), and (4) of subsection (c) of this
 45 section.

46
 47 **PART XV. WILDLIFE RESOURCES COMMISSION**

48
 49 **COMMISSION BASE BUDGET CORRECTION**

50 **SECTION 15.1.** During the budget certification process for the 2023-2024 fiscal
 51 year, the Wildlife Resources Commission, in conjunction with the Office of State Budget and

1 Management (OSBM), shall redistribute two million two hundred forty-nine thousand nine
2 dollars (\$2,249,009) from the over-realized receipts departmentwide reserve to the appropriate
3 fund codes in the General Fund used to support Commission operations. In the redistribution of
4 receipts directed by this section, the Commission and OSBM shall neither increase or decrease
5 the Commission's net General Fund appropriation, nor create a negative General Fund
6 appropriation at the fund code level.

7 8 **RENAME OUTDOOR HERITAGE ADVISORY COUNCIL**

9 **SECTION 15.2.(a)** Part 36 of Article 7 of Chapter 143B of the General Statutes
10 reads as rewritten:

11 "Part 36. ~~Outdoor Heritage Advisory Council~~ North Carolina Youth Outdoor Engagement
12 Commission.

13 "**§ 143B-344.60. ~~Outdoor heritage advisory council~~ North Carolina Youth Outdoor**
14 **Engagement Commission.**

15 (a) The ~~Outdoor Heritage Advisory Council~~ North Carolina Youth Outdoor Engagement
16 Commission (hereinafter "Commission") is established within the North Carolina Wildlife
17 Resources Commission for organizational and budgetary purposes only. The ~~Council~~
18 Commission shall exercise all of its statutory powers independent of control by the Executive
19 Director of the Wildlife Resources Commission. The ~~Council~~ Commission shall (i) advise State
20 agencies and the General Assembly on the promotion of outdoor recreational activities,
21 including, but not limited to, hiking, horseback riding, boating, sport shooting and archery, bird
22 watching and wildlife watching, camping, swimming, hunting, trapping, and fishing in order to
23 preserve North Carolina's outdoor heritage for future ~~generations~~ generations and (ii) use grants
24 and programming to promote the outdoor recreational activities described in this subsection.

25 (b) The ~~Council~~ Commission shall consist of 13 members, appointed as follows:

- 26 (1) Four members appointed by the General Assembly, upon the recommendation
27 of the President Pro Tempore of the Senate.
- 28 (2) Four members appointed by the General Assembly, upon the recommendation
29 of the Speaker of the House of Representatives.
- 30 (3) Three members appointed by the Governor.
- 31 (4) One member appointed by the Commissioner of Agriculture.
- 32 (5) One member appointed by the chair of the Wildlife Resources Commission.

33 All members of the ~~Council~~ Commission shall have knowledge and experience in outdoor
34 recreational activities and have a demonstrated interest in promoting outdoor heritage.

35 (c) The terms of the initial members of the ~~Council~~ Commission shall commence October
36 1, 2015. Of the Governor's initial appointments, one member shall be designated to serve a term
37 of three years, one member shall be designated to serve a term of two years, and one member
38 shall be designated to serve a term of one year. Of the initial appointments by the President Pro
39 Tempore of the Senate, one member shall be designated to serve a term of three years, one
40 member shall be designated to serve a term of two years, and one member shall be designated to
41 serve a term of one year. Of the initial appointments by the Speaker of the House of
42 Representatives, one member shall be designated to serve a term of three years, one member shall
43 be designated to serve a term of two years, and one member shall be designated to serve a term
44 of one year. The members appointed by the Commissioner of Agriculture and the chair of the
45 Wildlife Resources Commission shall each serve an initial term of four years. After the initial
46 appointees' terms have expired, all members shall be appointed for a term of four years.

47 Any appointment to fill a vacancy on the ~~Council~~ Commission created by the resignation,
48 dismissal, death, or disability of a member shall be for the balance of the unexpired term.

49 (d) The initial chair of the ~~Council~~ Commission shall be designated by the Governor from
50 the ~~Council~~ Commission members. Subsequent chairs shall be elected by the ~~Council~~
51 Commission for terms of two years.

1 (e) The ~~Council-Commission~~ shall meet quarterly and at other times at the call of the
2 chair. A majority of members of the ~~Council-Commission~~ shall constitute a quorum.

3 (f) ~~Council-Commission~~ members shall be reimbursed for expenses incurred in the
4 performance of their duties in accordance with G.S. 138-5 and G.S. 138-6, as applicable. The
5 reimbursements authorized by this subsection may be provided from the North Carolina ~~Outdoor~~
6 ~~Heritage Trust Fund for Youth Outdoor Heritage Promotion~~. Youth Outdoor Engagement Fund.

7 (g) The Executive Director of the Wildlife Resources Commission shall provide clerical
8 and other assistance as needed, including, but not limited to, office space, transportation support,
9 and support for equipment and information technology needs of the ~~Council-Commission~~.

10 (h) The ~~Council-Commission~~ shall be exempt from Article 3 of Chapter 143 of the
11 General Statutes but may use the services of the Department of Administration in procuring
12 goods and services for the ~~Council-Commission~~.

13 **"§ 143B-344.62. ~~Outdoor Heritage Advisory Council-North Carolina Youth Outdoor~~**
14 **Engagement Commission – executive director; staff.**

15 The ~~Council-Commission~~ may, subject to appropriations or other funds that accrue to it,
16 employ an executive director to carry out the day-to-day responsibilities and business of the
17 ~~Council-Commission~~. The executive director shall serve at the pleasure of the ~~Council-~~
18 ~~Commission~~. The executive director, also subject to appropriations or other funds that accrue to
19 the ~~Council-Commission~~, may hire additional staff and consultants to assist in the discharge of
20 the executive director's responsibilities, as determined by the ~~Council-Commission~~.

21 **"§ 143B-344.64. ~~Outdoor Heritage Advisory Council-North Carolina Youth Outdoor~~**
22 **Engagement Commission – report.**

23 On or before December 1, 2019, and at least annually thereafter, the ~~Council-Commission~~
24 shall submit a report to the chairs of the Joint Legislative Oversight Committee on Agriculture
25 and Natural and Economic Resources and the Fiscal Research Division regarding its activities,
26 initiatives, partnerships, and use of donated and appropriated funds."

27 **SECTION 15.2.(b)** G.S. 126-5(c1)(36) reads as rewritten:

28 "(36) Employees of the ~~Outdoor Heritage Advisory Council-North Carolina Youth~~
29 ~~Outdoor Engagement Commission~~."

30 **SECTION 15.2.(c)** This section is effective when it becomes law.

31
32 **PART XVI. ADMINISTRATIVE OFFICE OF THE COURTS**

33
34 **COLLECTION OF WORTHLESS CHECKS**

35 **SECTION 16.1.** Notwithstanding the provisions of G.S. 7A-308(c), the Judicial
36 Department may use any balance remaining in the Collection of Worthless Checks Fund on June
37 30, 2023, for the purchase or repair of office or information technology equipment during the
38 2023-2024 fiscal year and may use any balance remaining in the Collection of Worthless Checks
39 Fund on June 30, 2024, for the purchase or repair of office or information technology equipment
40 during the 2024-2025 fiscal year. Prior to using any funds under this section, the Judicial
41 Department shall report to the chairs of the House of Representatives and Senate Appropriations
42 Committees on Justice and Public Safety and the Office of State Budget and Management on the
43 equipment to be purchased or repaired and the reasons for the purchases.

44
45 **MAGISTRATE/CLERK STAFFING PILOT PROJECT**

46 **SECTION 16.2.(a)** Notwithstanding the minimum staffing number in
47 G.S. 7A-133(c), the clerk of superior court in a county, with the written or emailed consent of
48 the chief district court judge, may hire one deputy or assistant clerk in lieu of one of the magistrate
49 positions allocated to that county. To provide accessibility for law enforcement and citizens, the
50 clerk of superior court's office shall provide some of the services traditionally provided by the
51 magistrates' office during some or all of the regular courthouse hours.

1 **SECTION 16.2.(b)** The Administrative Office of the Courts shall report by March
 2 1, 2024, to the chairs of the House of Representatives Appropriations Committee on Justice and
 3 Public Safety and the Senate Appropriations Committee on Justice and Public Safety regarding
 4 all hires made pursuant to subsection (a) of this section.

5
 6 **CLARIFY TRIAL COURT ADMINISTRATOR NUMBERS, LOCATIONS**

7 **SECTION 16.3.(a)** G.S. 7A-355 reads as rewritten:

8 "**§ 7A-355. Trial court administrators.**

9 The following districts or sets of districts as defined in G.S. 7A-41.1(a) shall have trial court
 10 administrators: ~~Set of districts 10A, 10B, 10C, 10D; District 22, District 27B, and District 28,~~
 11 ~~and such~~ administrators, including other districts or sets of districts as may be designated by the
 12 Administrative Office of the ~~Courts~~ Courts:

13

14 <u>District</u>	<u>9</u>
15 <u>Set of districts</u>	<u>10A, 10B, 10C, 10D, 10E, 10F</u>
16 <u>Set of districts</u>	<u>12A, 12B, 12C</u>
17 <u>Set of districts</u>	<u>14A, 14B</u>
18 <u>Set of districts</u>	<u>18A, 18B, 18C, 18D, 18E</u>
19 <u>Set of districts</u>	<u>21A, 21B, 21C, 21D</u>
20 <u>Set of districts</u>	<u>26A, 26B, 26C, 26D, 26E, 26F, 26G, 26H</u>
21 <u>District</u>	<u>27B"</u>

22 **SECTION 16.3.(b)** This section is effective when it becomes law.

23
 24 **TECHNICAL CHANGES TO ASSISTANT DISTRICT ATTORNEY ALLOCATIONS**
 25 **AND ADDITIONAL POSITION ADDED**

26 **SECTION 16.4.(a)** G.S. 7A-60(a1) reads as rewritten:

27 "(a1) The counties of the State are organized into prosecutorial districts, and each district
 28 has the counties and the number of full-time assistant district attorneys set forth in the following
 29 table:

30

31 Prosecutorial	32 No. of Full-Time Asst. District	
33 District	Counties	Attorneys
34 ...		
35 10	Wake	<u>4445</u>
36 ...		
37 14	Cumberland	<u>2526</u>
38 ...		
39 26	Mecklenburg	<u>5862</u>
40 ...		
41 31	Forsyth	<u>2728</u>
42 ...		
43 37	Randolph	<u>1011</u>
44 ...		
45 43	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	<u>1516</u>

46
 47 **SECTION 16.4.(b)** G.S. 7A-60(a1), as amended by subsection (a) of this section,
 48 reads as rewritten:

49 "(a1) The counties of the State are organized into prosecutorial districts, and each district
 50 has the counties and the number of full-time assistant district attorneys set forth in the following
 51 table:

	Prosecutorial District	No. of Full-Time Asst. District Counties	Attorneys
1			
2			
3			
4	1	Camden, Chowan, Currituck,	12
5		Dare, Gates, Pasquotank,	
6		Perquimans	
7	2	Beaufort, Hyde, Martin,	8
8		Tyrrell, Washington	
9	3	Pitt	15
10	4	Carteret, Craven, Pamlico	14
11	5	Duplin, Jones, Onslow,	20
12		Sampson	
13	6	New Hanover, Pender	20
14	7	Bertie, Halifax, Hertford,	11
15		Northampton	
16	8	Edgecombe, Nash, Wilson	22
17	9	Greene, Lenoir, Wayne	16
18	10	Wake	45
19	11	Franklin, Granville, Person	18
20		Vance, Warren	
21	12	Harnett, Lee	12
22	13	Johnston	13
23	14	Cumberland	26
24	15	Bladen, Brunswick, Columbus	16
25	16	Durham	18
26	17	Alamance	12
27	18	Orange, Chatham	10
28	20	Robeson	13
29	21	Anson, Richmond, Scotland	11
30	22	Caswell, Rockingham	9
31	23	Stokes, Surry	9
32	24	Guilford	40
33	25	Cabarrus	40 <u>11</u>
34	26	Mecklenburg	62
35	27	Rowan	9
36	28	Montgomery, Stanly	6
37	29	Hoke, Moore	10
38	30	Union	11
39	31	Forsyth	28
40	32	Alexander, Iredell	15
41	33	Davidson, Davie	13
42	34	Alleghany, Ashe, Wilkes,	9
43		Yadkin	
44	35	Avery, Madison, Mitchell,	8
45		Watauga, Yancey	
46	36	Burke, Caldwell, Catawba	21
47	37	Randolph	11
48	38	Gaston	19
49	39	Cleveland,	13
50		Lincoln	
51	40	Buncombe	14

1	41	McDowell, Rutherford	8
2	42	Henderson, Polk, Transylvania	10
3	43	Cherokee, Clay, Graham,	16
4		Haywood, Jackson, Macon,	
5		Swain."	

6 **SECTION 16.4.(c)** G.S. 7A-60(a1), as amended by subsections (a) and (b) of this
 7 section, reads as rewritten:

8 "(a1) The counties of the State are organized into prosecutorial districts, and each district
 9 has the counties and the number of full-time assistant district attorneys set forth in the following
 10 table:

12	Prosecutorial	No. of Full-Time Asst. District	
13	District	Counties	Attorneys
14	...		
15	36	Burke, Caldwell	40 <u>11</u>
16"		

17 **SECTION 16.4.(d)** Subsection (c) of this section becomes effective January 1, 2027.
 18 The remainder of this section becomes effective July 1, 2023.

19
 20 **TECHNICAL CORRECTION FOR MAGISTRATE ALLOCATION NUMBERS AND**
 21 **ADDITION OF ONE MAGISTRATE TO STANLY COUNTY**

22 **SECTION 16.5.(a)** G.S. 7A-133(c) reads as rewritten:

23 "(c) Each county shall have the numbers of magistrates and additional seats of district
 24 court, as set forth in the following table:

26		Magistrates	Additional
27	County	Min.	Seats of Court
28	...		
29	Gates	23	
30	...		
31	Martin	34	
32	...		
33	Pitt	41.5 <u>13</u>	Farmville
34			Ayden
35	...		
36	Jones	23	
37	...		
38	New Hanover	42 <u>14</u>	
39	Pender	4.8 <u>5</u>	
40	...		
41	Hertford	34	
42	...		
43	Wake	23.5 <u>32</u>	Apex, Wendell,
44			Fuquay-Varina,
45			Wake Forest
46	Harnett	87	Dunn
47	...		
48	Cumberland	19 <u>20</u>	
49	Bladen	34	
50	...		
51	Durham	43 <u>18</u>	

1	...		
2	Hoke	<u>34</u>	
3	...		
4	Stokes	<u>34</u>	
5	Surry	<u>65</u>	Mt. Airy
6	Guilford	25 <u>432</u>	High Point
7	Cabarrus	<u>910</u>	Kannapolis
8	Montgomery	<u>34</u>	
9	...		
10	Anson	<u>34</u>	
11	...		
12	Forsyth	1620	Kernersville
13	Alexander	<u>34</u>	
14	...		
15	Davie	<u>34</u>	
16	...		
17	Alleghany	<u>23</u>	
18	...		
19	Yadkin	<u>34</u>	
20	...		
21	Mecklenburg	31 <u>538.5</u>	
22	...		
23	Henderson	6 <u>57</u>	
24	McDowell	<u>34</u>	
25	...		
26	Transylvania	<u>34</u>	
27	Cherokee	<u>34</u>	
28	Clay	<u>23</u>	
29	Graham	<u>23</u>	
30	...		
31	Jackson	<u>34</u>	
32	Macon	<u>34</u>	
33"		

34 **SECTION 16.5.(b)** G.S. 7A-133(c), as amended by subsection (a) of this section,
 35 reads as rewritten:

36 "(c) Each county shall have the numbers of magistrates and additional seats of district
 37 court, as set forth in the following table:

38			
39		Magistrates	Additional
40	County	Min.	Seats of Court
41	...		
42	Stanly	<u>56</u>	
43"		

44 **SECTION 16.5.(c)** This section becomes effective July 1, 2023.

45
 46 **MODIFY LOCAL JUDICIALLY MANAGED ACCOUNTABILITY AND RECOVERY**
 47 **COURT REPORTING AND MAKE TECHNICAL CORRECTION**

48 **SECTION 16.6.(a)** G.S. 7A-801 reads as rewritten:

49 **"§ 7A-801. Monitoring and annual report.**

50 The Administrative Office of the Courts shall monitor all ~~State-recognized and funded~~ local
 51 judicially managed accountability and recovery courts, prepare an annual report on the

1 implementation, operation, and effectiveness of the ~~statewide~~ State judicially managed
 2 accountability and recovery court program, and submit the report to the ~~General Assembly chairs~~
 3 of the House and Senate Appropriations Committees on Justice and Public Safety by March 1 of
 4 each year. Each judicially managed accountability and recovery court and any court authorized
 5 to remain a drug treatment court under G.S. 7A-802, shall submit evaluation reports to the
 6 Administrative Office of the Courts as requested."

7 **SECTION 16.6.(b)** G.S. 7A-796 reads as rewritten:

8 "**§ 7A-796. Local judicially managed accountability and recovery court committees.**

9 Each judicial district choosing to establish a local judicially managed accountability and
 10 recovery court shall form a local judicially managed accountability and recovery court
 11 committee, which shall be comprised to assure representation appropriate to the type or types of
 12 local judicially managed accountability and recovery court operations to be conducted in the
 13 district and shall consist of persons appointed by the senior resident superior court judge with the
 14 concurrence of the chief district court judge and the district attorney for that district, chosen from
 15 the following list:

16 ...

17 (20) Any other persons selected by the local ~~management~~ judicially managed
 18 accountability and recovery court committee.

19 The local ~~drug treatment~~ judicially managed accountability and recovery court management
 20 committee shall develop local guidelines and procedures, not inconsistent with the State
 21 guidelines, that are necessary for the operation and evaluation of the local ~~drug treatment~~
 22 judicially managed accountability and recovery court."

23 **SECTION 16.6.(c)** This section is effective when it becomes law.

24
 25 **ADD SUPERIOR COURT JUDGE TO SUPERIOR COURT DISTRICT 27A**

26 **SECTION 16.7.(a)** G.S. 7A-41(a) reads as rewritten:

27 "(a) The counties of the State are organized into judicial divisions and superior court
 28 districts, and each superior court district has the counties, and the number of regular resident
 29 superior court judges set forth in the following table, and for districts of less than a whole county,
 30 as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
...			
Fifth	27A	Gaston	<u>23</u>
...."			

38 **SECTION 16.7.(b)** This section becomes effective January 1, 2025, and elections
 39 conducted in 2024 shall be held accordingly.

40
 41 **ADD VETERANS TREATMENT COURT PILOT PROGRAM IN GASTON COUNTY**

42 **SECTION 16.8.(a)** Pilot Program. – The Administrative Office of the Courts, in
 43 coordination with the Gaston County District Attorney's Office, shall establish a pilot program
 44 in Gaston County that creates a judicially managed accountability and recovery court, as
 45 governed by Article 62 of Chapter 7A of the General Statutes. The goals of the accountability
 46 and recovery court shall be to reduce alcoholism and other substance abuse and dependencies
 47 among offenders; to reduce recidivism; to reduce the drug-related court workload; to reduce the
 48 mental, behavioral, or medical health-related court workload; to increase the personal, familial,
 49 and societal accountability of offenders; and to promote effective interaction, collaboration,
 50 coordination, and use of resources among criminal justice personnel. The judicially managed

1 accountability and recovery court shall prioritize participation of offenders that are veterans of
2 the Armed Forces of the United States.

3 **SECTION 16.8.(b)** Report. – The Administrative Office of the Courts shall report
4 to the Joint Legislative Oversight Committee on Justice and Public Safety and its chairs on the
5 results of the Gaston County pilot program, including the number of individuals who participated
6 in the program in the prior year, no later than February 1 of each year following a year in which
7 the pilot program receives funding from the State.

8 **SECTION 16.8.(c)** Policy. – It is the intent of the General Assembly that
9 appropriations made to aid Gaston County in the original creation and operation of the county's
10 judicially managed accountability and recovery court will not continue beyond the 2024-2025
11 fiscal year but will instead be replaced by local expenditures, grants, and other available funding
12 sources.

13 **SECTION 16.8.(d)** This section becomes effective July 1, 2023.

14 15 **REPORTING REQUIREMENT FOR THE NC LEGAL EDUCATION ASSISTANCE** 16 **FOUNDATION (NC LEAF)**

17 **SECTION 16.9.(a)** No later than February 1 of each year, the NC Legal Education
18 Assistance Foundation (NC LEAF) shall report to the Joint Legislative Oversight Committee on
19 Justice and Public Safety, at a minimum, all of the following:

- 20 (1) An accounting of all loan repayment assistance funds distributed during the
21 prior year.
- 22 (2) The number of individuals that received funds from the Foundation during the
23 prior year.
- 24 (3) The job titles and salaries of the individuals that received funds from the
25 Foundation during the prior year.

26 **SECTION 16.9.(b)** This section is effective when it becomes law.

27 28 **REPORTING REQUIREMENT FOR PISGAH LEGAL SERVICES**

29 **SECTION 16.10.(a)** No later than February 1 of each year, Pisgah Legal Services
30 (Pisgah) shall report to the Joint Legislative Oversight Committee on Justice and Public Safety,
31 at a minimum, all of the following:

- 32 (1) An accounting of all State funds utilized by Pisgah for its Veterans Law
33 Project during the prior year.
- 34 (2) The number of individuals that received services from Pisgah as a part of its
35 Veterans Law Project during the prior year.
- 36 (3) The types of services performed by Pisgah during the prior year as a part of
37 its Veterans Law Project and the counties in which those services were
38 performed.

39 **SECTION 16.10.(b)** This section is effective when it becomes law.

40 41 **INCLUDE PUBLIC DEFENDER SERVICE IN SUPERIOR COURT JUDGE** 42 **LONGEVITY CALCULATION**

43 **SECTION 16.11.(a)** G.S. 7A-44(b) reads as rewritten:

44 "(b) In lieu of merit and other increment raises paid to regular State employees, a judge of
45 the superior court, regular or special, shall receive as longevity pay an annual amount equal to
46 four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations
47 Appropriations Act payable monthly after five years of service, nine and six-tenths percent
48 (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of
49 service, nineteen and two-tenths percent (19.2%) after 20 years of service, and twenty-four
50 percent (24%) after 25 years of service. "Service" means service as ~~a~~any of the following:

- 51 (1) A justice or judge of the General Court of Justice, as a Justice.

1 (2) A member of the Utilities Commission, as an Commission.

2 (3) An administrative law judge, or as judge.

3 (4) The director or assistant director of the Administrative Office of the Courts.
4 Service shall also mean service as a

5 (5) A district attorney or as a attorney.

6 (6) A public defender.

7 (7) A clerk of superior court."

8 **SECTION 16.11.(b)** This section becomes effective July 1, 2023, and applies to time
9 served before, on, or after that date.

10 11 **REQUIRE REPORTING ON REMOTE WORK POLICIES AND PARTICIPATION**

12 **SECTION 16.12.(a)** The Administrative Office of the Courts shall maintain and
13 shall furnish upon request a remote work policy.

14 **SECTION 16.12.(b)** The remote work policies required by subsection (a) of this
15 section shall, at a minimum, require that all employees utilizing the remote work policy shall
16 sign an agreement to be retained in the employee's file that records the employee's assent to
17 adhere to the remote work policy.

18 **SECTION 16.12.(c)** The Administrative Office of the Courts shall report all of the
19 following to the Joint Legislative Oversight Committee on Justice and Public Safety no later than
20 March 1 of each year:

21 (1) The remote work policy currently in place for its employees.

22 (2) Any remote work policy previously in place for its employees that was not a
23 part of the most recent report required by this subsection.

24 (3) The total number of employees utilizing its remote work policy.

25 (4) The total number of employees utilizing its remote work policy, delineated by
26 division, section, and any other organizational category.

27 **SECTION 16.12.(d)** This section becomes effective October 1, 2023.

28 29 **REQUIRE REPORT ON RECOVERY COURT STUDY RESULTS**

30 **SECTION 16.13.(a)** The Administrative Office of the Courts shall study existing
31 judicially managed accountability and recovery courts (JMARC)s, including those drug
32 treatment courts and JMARC)s partially or fully exempted from Article 62 of Chapter 7A of the
33 General Statutes under G.S. 7A-802.

34 **SECTION 16.13.(b)** No later than April 1, 2024, the Administrative Office of the
35 Courts shall report on the results of the study required by subsection (a) of this section to the
36 following entities:

37 (1) The Joint Legislative Oversight Committee on Health and Human Services.

38 (2) The Joint Legislative Oversight Committee on Justice and Public Safety.

39 (3) The chairs of the House and Senate Appropriations Committees on Health and
40 Human Services.

41 (4) The chairs of the House and Senate Appropriations Committees on Justice and
42 Public Safety.

43 **SECTION 16.13.(c)** The report required by subsection (b) of this section shall
44 include, at a minimum, each of the following:

45 (1) Executive summary of the study and its findings.

46 (2) Summary of each JMARC's operating model.

47 (3) Summary of each JMARC's funding sources.

48 (4) Analysis of demand and capacity for each JMARC.

49 (5) Summary of need and local interest for additional JMARC)s.

50 (6) Feasibility of JMARC)s operating across counties and across judicial districts.

51 (7) Proposed JMARC expansion plan.

- (8) List of funding sources to support the expansion plan outlined in subdivision (7) of this subsection.

SECTION 16.13.(d) This section is effective when it becomes law.

RAISE MANDATORY RETIREMENT AGE FOR APPELLATE JUDGES

SECTION 16.14.(a) Article 1B of Chapter 7A of the General Statutes is repealed.

SECTION 16.14.(b) G.S. 7A-5 reads as rewritten:

"§ 7A-5. ~~Organization.~~ Organization and age limit for service as justice or judge.

(a) The appellate division of the General Court of Justice consists of the Supreme Court and the Court of Appeals.

(b) No justice or judge of the appellate division of the General Court of Justice may continue in office beyond the last day of the month in which the justice or judge attains 76 years of age, but justices and judges so retired may be recalled for periods of temporary service as provided in this Subchapter."

SECTION 16.14.(c) G.S. 7A-39.3(a) reads as rewritten:

"(a) Justices of the Supreme Court and judges of the Court of Appeals who have not reached the mandatory retirement age specified in ~~G.S. 7A-4.20, G.S. 7A-5(b)~~, but who have retired under the provisions of G.S. 7A-39.2, or under the Uniform Judicial Retirement Act after having completed 12 years of creditable service, may apply as provided in G.S. 7A-39.6 to become emergency justices or judges and upon being commissioned as an emergency justice or emergency judge shall be subject to temporary recall to active service in place of a justice or judge who is temporarily incapacitated as provided in G.S. 7A-39.5."

SECTION 16.14.(d) G.S. 7A-39.6 reads as rewritten:

"§ 7A-39.6. Application to the Governor; commission as emergency justice or emergency judge.

No retired justice of the Supreme Court or retired judge of the Court of Appeals may become an emergency justice or emergency judge except upon his written application to the Governor certifying his desire and ability to serve as an emergency justice or emergency judge. If the Governor is satisfied that the applicant qualifies under G.S. 7A-39.3(a) to become an emergency justice or emergency judge and that he is physically and mentally able to perform the official duties of an emergency justice or emergency judge, he shall issue to such applicant a commission as an emergency justice or emergency judge of the court from which he retired. The commission shall be effective upon the date of its issue and shall terminate when the judge to whom it is issued reaches the maximum age for judicial service under ~~G.S. 7A-4.20(a)~~-G.S. 7A-5(b)."

SECTION 16.14.(e) G.S. 7A-39.15(a) reads as rewritten:

"(a) A retired justice or judge of the Appellate Division of the General Court of Justice is eligible to be appointed as an emergency recall judge of the Court of Appeals ~~under~~ if the justice or judge meets each of the following circumstances: requirements:

- (1) The justice or judge has retired under the provisions of the Consolidated Judicial Retirement Act, Article 4 of Chapter 135 of the General Statutes, or is eligible to receive a retirement allowance under that ~~act~~act.
- (2) The justice or judge has not reached the mandatory retirement age specified in ~~G.S. 7A-4.20; G.S. 7A-5(b)~~.
- (3) The justice or judge has served a total of at least five years as a judge or justice of the General Court of Justice, provided that at least six months was served in the Appellate Division, whether or not otherwise eligible to serve as an emergency justice or judge of the Appellate Division of the General Court of ~~Justice~~Justice.
- (4) The judicial service of the justice or judge ended within the preceding 15 ~~years; and~~years.

(5) The justice or judge has applied to the Governor for appointment as an emergency recall judge of the Court of Appeals in the same manner as is provided for application in G.S. 7A-53. If the Governor is satisfied that the applicant meets the requirements of this section and is physically and mentally able to perform the duties of a judge of the Court of Appeals, the Governor shall issue a commission appointing the applicant as an emergency recall judge of the Court of Appeals until the applicant reaches the mandatory retirement age for judges of the Court of Appeals specified in ~~G.S. 7A-4.20;G.S. 7A-5(b).~~

Any former justice or judge of the Appellate Division of the General Court of Justice who otherwise meets the requirements of this section to be appointed an emergency recall judge of the Court of Appeals, but who has already reached the mandatory retirement age for judges of the Court of Appeals set forth in ~~G.S. 7A-4.20, G.S. 7A-5(b),~~ may apply to the Governor to be appointed as an emergency recall judge of the Court of Appeals as provided in this section. If the Governor issues a commission to the applicant, the retired justice or judge is subject to recall as an emergency recall judge of the Court of Appeals as provided in this section."

SECTION 16.14.(f) Article 7 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-40.1. Age limit for service as superior court judge; exception.

No superior court judge may continue in office beyond the last day of the month in which the superior court judge attains 72 years of age, but superior court judges so retired may be recalled for periods of temporary service as provided in this Subchapter."

SECTION 16.14.(g) G.S. 7A-45.2 reads as rewritten:

"§ 7A-45.2. Emergency special judges of the superior court; qualifications, appointment, removal, and authority.

(a) Any justice or judge of the appellate division of the General Court of Justice ~~who; that~~ meets each of the following requirements may apply to the Governor for appointment as an emergency special superior court judge in the same manner as is provided for application as an emergency superior court judge in G.S. 7A-53:

- (1) Retires under the provisions of the Consolidated Judicial Retirement Act, Article 4 of Chapter 135 of the General Statutes, or who is eligible to receive a retirement allowance under that ~~act;~~act.
- (2) Has not reached the mandatory retirement age specified in ~~G.S. 7A-4.20;G.S. 7A-5(b).~~
- (3) Has served at least five years as a superior court judge or five years as a justice or judge of the appellate division of the General Court of Justice, or any combination thereof, whether or not eligible to serve as an emergency justice or judge of the appellate division of the General Court of ~~Justice; and~~Justice.
- (4) Whose judicial service ended within the preceding 10 ~~years;~~years.

~~may apply to the Governor for appointment as an emergency special superior court judge in the same manner as is provided for application as an emergency superior court judge in G.S. 7A-53.~~ If the Governor is satisfied that the applicant meets the requirements of this section and is physically and mentally able to perform the duties of a superior court judge, the Governor shall issue a commission appointing the applicant as an emergency special superior court judge until the applicant reaches the mandatory retirement age for superior court judges specified in ~~G.S. 7A-4.20;G.S. 7A-40.1.~~

(b) Any emergency special superior court judge appointed as provided in this section shall:

- (1) Have the same powers and duties, when duly assigned to hold court, as provided for an emergency superior court judge by ~~G.S. 7A-48;G.S. 7A-48.~~

- 1 (2) Be subject to assignment in the same manner as provided for an emergency
 2 superior court judge by G.S. 7A-46 and ~~G.S. 7A-52(a)~~; G.S. 7A-52(a).
 3 (3) Receive the same compensation, expenses, and allowances, when assigned to
 4 hold court, as an emergency superior court judge as provided by
 5 ~~G.S. 7A-52(b)~~; G.S. 7A-52(b).
 6 (4) Be subject to the provisions and requirements of the Canons of Judicial
 7 ~~Conduct~~; and Conduct.

8 ...

9 (c) Upon reaching mandatory retirement age for superior court judges as set forth in
 10 ~~G.S. 7A-4.20~~, G.S. 7A-40.1, any emergency special superior court judge appointed pursuant to
 11 this section, whose commission has expired, may be recalled as a recalled emergency special
 12 superior court judge to preside over any regular or special session of the superior court ~~under if~~
 13 each of the following circumstances; requirements is satisfied:

- 14 (1) The judge shall consent to the ~~recall~~; recall.
 15 (2) The Chief Justice may order the ~~recall~~; recall.
 16 (3) Prior to ordering recall, the Chief Justice shall be satisfied that the recalled
 17 judge is capable of efficiently and promptly discharging the duties of the
 18 office to which ~~recalled~~; recalled.
 19 (4) Jurisdiction of a recalled emergency special superior court judge is as set forth
 20 in ~~G.S. 7A-48~~; G.S. 7A-48.
 21 (5) Orders of recall and assignment shall be in writing and entered upon the
 22 minutes of the court to which ~~assigned~~; and the judge is assigned.

23 ...

24 (d) Any former justice or judge of the appellate division of the General Court of Justice
 25 who otherwise meets the requirements of subsection (a) of this section to be appointed an
 26 emergency special superior court judge but has already reached the mandatory retirement age for
 27 superior court judges set forth in ~~G.S. 7A-4.20~~ G.S. 7A-40.1 on retirement may, in lieu of serving
 28 as an emergency judge of the court from which he retired, apply to the Governor to be appointed
 29 as an emergency special superior court judge as provided in this section. If the Governor issues
 30 a commission to the applicant, the retired justice or judge is subject to recall as an emergency
 31 special superior court judge as provided in subsection (c) of this section.

32"

33 **SECTION 16.14.(h)** G.S. 7A-52(a) reads as rewritten:

34 "(a) Judges of the district court and judges of the superior court who have not reached the
 35 mandatory retirement age specified in ~~G.S. 7A-4.20~~, G.S. 7A-40.1 and G.S. 7A-140.1,
 36 respectively, but who have retired under the provisions of G.S. 7A-51, or under the Uniform
 37 Judicial Retirement Act after having completed five years of creditable service, may apply as
 38 provided in G.S. 7A-53 to become emergency judges of the court from which they retired. From
 39 the commissioned emergency district, superior, and special superior court judges, the Chief
 40 Justice of the Supreme Court shall create two lists of active emergency judges and two lists of
 41 inactive emergency judges. For emergency superior and special superior court judges, the active
 42 list shall be limited to a combined total of 10 emergency judges; all other emergency superior
 43 and special superior court judges shall be on an inactive list. For emergency district court judges,
 44 the active list shall be limited to 25 emergency judges; all other emergency district court judges
 45 shall be on an inactive list. There is no limit to the number of emergency judges on either inactive
 46 list. In the Chief Justice's discretion, emergency judges may be added or removed from their
 47 respective active and inactive lists, as long as the respective numerical limits on the active lists
 48 are observed. The Chief Justice is requested to consider geographical distribution in assigning
 49 emergency judges to an active list but may utilize any factor in determining which emergency
 50 judges are assigned to an active list. The Chief Justice of the Supreme Court may order any
 51 emergency district, superior, or special superior court judge on an active list who, in ~~his~~ the Chief

Justice's opinion, is competent to perform the duties of a ~~judge, judge and~~ to hold regular or special sessions of the court from which the judge retired, as needed. Order of assignment shall be in writing and entered upon the minutes of the court to which ~~such the~~ emergency judge is assigned. An emergency judge shall only be assigned in the event of a:

...."

SECTION 16.14.(i) G.S. 7A-53 reads as rewritten:

"§ 7A-53. Application to the Governor; commission as emergency judge.

No retired judge of the district or superior court may become an emergency judge except upon ~~his the judge's~~ written application to the Governor certifying ~~his the judge's~~ desire and ability to serve as an emergency judge. If the Governor is satisfied that the applicant qualifies under G.S. 7A-52(a) to become an emergency judge and ~~that he the applicant~~ is physically and mentally able to perform the official duties of an emergency judge, ~~he the Governor~~ shall issue to ~~such the~~ applicant a commission as an emergency judge of the court from which ~~he the applicant~~ retired. The commission shall be effective upon the date of its issue and shall terminate when the judge to whom it is issued reaches the maximum age for judicial service under ~~G.S. 7A-4.20(a)-G.S. 7A-40.1 or G.S. 7A-140.1, whichever is applicable.~~"

SECTION 16.14.(j) Article 14 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-140.1. Age limit for service as district judge; exception.

No district judge may continue in office beyond the last day of the month in which the district judge attains 72 years of age, but district judges so retired may be recalled for periods of temporary service as provided in this Subchapter."

SECTION 16.14.(k) G.S. 7A-170(b) reads as rewritten:

"(b) No magistrate may continue in office beyond the last day of the month in which the magistrate reaches the mandatory retirement age for ~~justices and district judges of the General Court of Justice~~ specified in ~~G.S. 7A-4.20, G.S. 7A-140.1.~~"

SECTION 16.14.(l) G.S. 135-57(b) reads as rewritten:

"(b) Any member who is a justice or judge of the General Court of Justice shall be automatically retired as of the ~~first last~~ day of the calendar month ~~coinciding with or next following the later of January 1, 1974, or his attainment of his seventy second birthday; provided, however, that no judge who is a member on January 1, 1974, shall be forced to retire under the provisions of this subsection at an earlier date than the last day that he is permitted to remain in office under the provisions of G.S. 7A-4.20 in which the justice or judge reaches the maximum age for judicial service under G.S. 7A-5(b), 7A-40.1, or 7A-140.1, whichever is applicable.~~"

SECTION 16.14.(m) This section is effective when it becomes law and applies to justices, judges, and magistrates serving on or after that date, provided that nothing in this section shall be construed to automatically halt the retirement process of a justice, judge, or magistrate that has already initiated that process.

ADD EXECUTIVE DIRECTOR OF NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO JUDICIAL RETIREMENT SYSTEM

SECTION 16.15. Article 4 of Chapter 135 of the General Statutes reads as rewritten:

"Article 4.

"Consolidated Judicial Retirement Act.

"§ 135-50. Short title and purpose.

...

(b) The purpose of this Article is to improve the administration of justice by attracting and retaining the most highly qualified talent available within the State to the positions of justice and judge, district attorney and solicitor, Executive Director of the North Carolina Conference of District Attorneys, public defender, the Director of Indigent Defense Services, and clerk of superior court, within the General Court of Justice.

1 **"§ 135-51. Scope.**

2 (a) This Article provides consolidated retirement benefits for all justices and judges,
3 district attorneys, and solicitors who are serving on January 1, 1974, and who become such
4 thereafter; and for all clerks of superior court who are so serving on January 1, 1975, and who
5 become such after that date; and for all public defenders who are serving on July 1, 2007, and
6 who become public defenders after that date; and for the Director of Indigent Defense Services
7 who is serving on July 1, 2008, and those who become Director of Indigent Defense Services
8 after that ~~date~~.date; and for the Executive Director of the North Carolina Conference of District
9 Attorneys who is serving on July 1, 2023, and those who become Executive Director of the North
10 Carolina Conference of District Attorneys after that date.

11 ...

12 (c) The retirement benefits of any person who becomes a justice or judge, district
13 attorney, or solicitor on and after January 1, 1974, or clerk of superior court on and after January
14 1, 1975, or public defender on or after July 1, 2007, or the Director of Indigent Defense Services
15 on or after July 1, 2008, or the Executive Director of the North Carolina Conference of District
16 Attorneys on or after July 1, 2023, shall be determined solely in accordance with the provisions
17 of this Article.

18 ...

19 **"§ 135-53. Definitions.**

20 The following words and phrases as used in this Article, unless a different meaning is plainly
21 required by the context, shall have the following meanings:

22 ...

23 (5) "Compensation" shall mean all salaries and wages derived from public funds
24 which are earned by a member of the Retirement System for his service as a
25 justice or judge, or district attorney, or clerk of superior court, or public
26 defender, or the Director of Indigent Defense ~~Services~~.Services, or the
27 Executive Director of the North Carolina Conference of District Attorneys.
28 Effective July 1, 2009, "compensation" also means payment of military
29 differential wages. "Compensation" shall not include local supplementation as
30 authorized under G.S. 7A-300.1 for Judicial Department employees.

31 ...

32 (6c) "Executive Director of the North Carolina Conference of District Attorneys"
33 shall mean the Executive Director of the North Carolina Conference of
34 District Attorneys established under G.S. 7A-411.

35 ...

36 (12) "Membership service" shall mean service as a judge, district attorney, clerk of
37 superior court, public defender, ~~or~~the Director of Indigent Defense ~~Services~~
38 Services, or the Executive Director of the North Carolina Conference of
39 District Attorneys, rendered while a member of the Retirement System.

40 (13) "Previous system" shall mean, with respect to any member, the retirement
41 benefit provisions of Article 6 and Article 8 of Chapter 7A of the General
42 Statutes, to the extent that such Article or Articles were formerly applicable
43 to the member, and in the case of judges of the district court division, district
44 attorney, public defender, the Director of Indigent Defense Services, the
45 Executive Director of the North Carolina Conference of District Attorneys,
46 and ~~and~~ clerk of superior court of the General Court of Justice, the Teachers'
47 and State Employees' Retirement System.

48 ...

49 **"§ 135-54. Name and date of establishment.**

50 A Retirement System is hereby established and placed under the management of the Board
51 of Trustees for the purpose of providing retirement allowances and other benefits under the

1 provisions of this Article for justices and judges, district attorneys, the Executive Director of the
 2 North Carolina Conference of District Attorneys, public defenders, the Director of Indigent
 3 Defense Services, and clerks of superior court of the General Court of Justice of North Carolina,
 4 and their survivors. This Retirement System is a governmental plan, within the meaning of
 5 Section 414(d) of the Internal Revenue Code. Therefore, the nondiscrimination rules of Sections
 6 401(a)(5) and 401(a)(26) of the Code do not apply. The Retirement System so created shall be
 7 established as of January 1, 1974.

8 The Retirement System shall have the power and privileges of a corporation and shall be
 9 known as the "Consolidated Judicial Retirement System of North Carolina," and by such name
 10 all of its business shall be transacted.

11 Consistent with Section 401(a)(1) of the Internal Revenue Code, all contributions from
 12 participating employers and participating employees to this Retirement System shall be made to
 13 funds held in trust through trust instruments that have the purposes of distributing trust principal
 14 and income to retired members and their beneficiaries and of paying other definitely determinable
 15 benefits under this Chapter, after meeting the necessary expenses of administering this
 16 Retirement System. Neither the trust corpus nor income from this trust can be used for purposes
 17 other than the exclusive benefit of members or their beneficiaries, except that employer
 18 contributions made to the trust under a good faith mistake of fact may be returned to an employer,
 19 where the refund can occur within less than one year after the mistaken contribution was made,
 20 consistent with the rule adopted by the Board of Trustees. The Retirement System shall have a
 21 consolidated Plan document, consisting of relevant statutory provisions in this Chapter,
 22 associated regulations in the North Carolina Administrative Code, substantive and procedural
 23 information on the official forms used by the Retirement System, and policies and minutes of the
 24 Board of Trustees.

25 **"§ 135-55. Membership.**

26 (a) The membership of the Retirement System shall consist ~~of~~ of all of the following:

- 27 (1) All judges and district attorneys in office on January 1, ~~1974;~~ 1974.
- 28 (2) All persons who become judges and district attorneys or reenter service as
 29 judges and district attorneys after January 1, ~~1974;~~ 1974.
- 30 (3) All clerks of superior court in office on January 1, ~~1975;~~ 1975.
- 31 (4) All persons who become clerks of superior court or reenter service as clerks
 32 of superior court after January 1, ~~1975;~~ 1975.
- 33 (5) All public defenders in office on July 1, ~~2007;~~ 2007.
- 34 (6) All persons who become public defenders or reenter service as public
 35 defenders after July 1, ~~2007;~~ 2007.
- 36 (7) The Director of Indigent Defense Services on July 1, ~~2008; and~~ 2008.
- 37 (8) All persons who become the Director of Indigent Defense Services or reenter
 38 service as the Director of Indigent Defense Services after July 1, 2008.
- 39 (9) The Executive Director of the North Carolina Conference of District
 40 Attorneys on July 1, 2023.
- 41 (10) All persons who become the Executive Director of the North Carolina
 42 Conference of District Attorneys or reenter services as the Executive Director
 43 of the North Carolina Conference of District Attorneys after July 1, 2023.

44 (b) The membership of any person in the Retirement System shall cease ~~upon~~ upon any
 45 of the following:

- 46 (1) The withdrawal of ~~his~~ a member's accumulated contributions after ~~he~~ the
 47 member is no longer a judge, district attorney, public defender, the Director
 48 of Indigent Defense Services, the Executive Director of the North Carolina
 49 Conference of District Attorneys, or clerk of superior ~~court,~~ court.
- 50 (2) ~~His~~ A member's retirement under the provisions of the Retirement ~~System,~~
 51 System.

1 ...
2 **"§ 135-56. Creditable service.**
3 ...
4 (i1) On and after July 1, 2023, the creditable service of a member who is the Executive
5 Director of the North Carolina Conference of District Attorneys and a member of the Teachers'
6 and State Employees' Retirement System at the time of transfer of membership from the previous
7 system to this System shall include service as the Executive Director of the North Carolina
8 Conference of District Attorneys beginning August 1, 2021, that was creditable in the previous
9 system immediately prior to July 1, 2023. The accumulated contributions, creditable service, and
10 reserves, if any, of a member as the Executive Director of the North Carolina Conference of
11 District Attorneys beginning August 1, 2021, shall be transferred from the previous system to
12 this System in the same manner as prescribed under G.S. 135-28.1 as it pertained to judges of the
13 district court division of the General Court of Justice.

14 ...
15 **"§ 135-58. Service retirement benefits.**
16 ...
17 (a6) Any member who retires under the provisions of G.S. 135-57(a) or G.S. 135-57(c) on
18 or after July 1, 2008, after the member has either attained the member's 65th birthday or has
19 completed 24 years or more of creditable service, shall receive an annual retirement allowance,
20 payable monthly, which shall commence on the effective date of the member's retirement and
21 shall be continued on the first day of each month thereafter during the member's lifetime, the
22 amount of which shall be computed as the sum of the amounts in subdivisions (1), (2), (3), (4),
23 and (5) of this subsection, provided that in no event shall the annual allowance payable to any
24 member be greater than an amount which, when added to the allowance, if any, to which the
25 member is entitled under the Teachers' and State Employees' Retirement System, the Legislative
26 Retirement System, or the Local Governmental Employees' Retirement System (prior in any case
27 to any reduction for early retirement or for an optional mode of payment), would total
28 three-fourths of the member's final compensation:

29 ...
30 (3) Three and two hundredths percent (3.02%) of the member's final
31 compensation, multiplied by the number of years of creditable service
32 rendered as a judge of the district court, district attorney, clerk of superior
33 court, public defender, ~~or the Director of Indigent Defense Services; Services,~~
34 or the Executive Director of the North Carolina Conference of District
35 Attorneys.

36 ...
37 **"§ 135-74. Internal Revenue Code compliance.**
38 ...
39 (c1) A member who has contributions in this System and is not eligible for a retirement
40 benefit as set forth in G.S. 135-57 shall be paid his or her contributions in a lump sum as provided
41 in G.S. 135-62 by April 1 of the calendar year following the later of the calendar year in which
42 the member (i) attains 72 years of age or (ii) has ceased to be a judge, district attorney, public
43 defender, the Director of Indigent Defense Services, the Executive Director of the North Carolina
44 Conference of District Attorneys, or clerk of superior court as provided in G.S. 135-53, except
45 by death. If the member fails, following reasonable notification, to complete a refund application
46 by the required date, then the requirement that a refund application be completed shall be waived
47 and the refund shall be paid without a refund application as a single lump-sum payment with
48 applicable required North Carolina and federal income taxes withheld.

49 A member who has contributions in this System and is eligible for a retirement benefit as set
50 forth in G.S. 135-57 shall begin to receive a monthly benefit no later than April 1 of the calendar
51 year following the later of the calendar year in which the member (i) attains 72 years of age or

(ii) has ceased to be a judge, district attorney, public defender, the Director of Indigent Defense Services, the Executive Director of the North Carolina Conference of District Attorneys, or clerk of superior court as provided in G.S. 135-53, except by death. If the member fails, following reasonable notification, to complete the retirement process as set forth under Chapter 135 of the General Statutes by such required beginning date, then the requirement that a retirement application and an election of payment plan form be completed shall be waived and the retirement allowance shall be paid as a single life annuity. The single life annuity shall be calculated and processed in accordance with G.S. 135-58.

For purposes of this subsection, a member shall not be considered to have ceased to be a judge, district attorney, public defender, the Director of Indigent Defense Services, the Executive Director of the North Carolina Conference of District Attorneys, or clerk of superior court as provided in G.S. 135-53 if the member is actively contributing to the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, or Consolidated Judicial Retirement System. A retirement benefit or lump-sum refund shall not be paid under this subsection if the member is actively contributing to the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, or Legislative Retirement System.

...."

PART XVII. INDIGENT DEFENSE SERVICES

NEW PUBLIC DEFENDER DISTRICTS

SECTION 17.1.(a) G.S. 7A-498.7(a) reads as rewritten:

"(a) The following counties of the State are organized into the defender districts listed below, and in each of those defender districts an office of public defender is established:

Defender District	Counties
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans
2	Beaufort, Hyde, Martin, Tyrell, Washington
3A	Pitt
3B	Craven, Pamlico, Carteret
5	New Hanover, Pender
<u>6</u>	<u>Bertie, Halifax, Hertford, Northampton</u>
10	Wake
12	Cumberland
<u>13B</u>	<u>Brunswick</u>
14	Durham
15B	Orange, Chatham
16A	Scotland, Hoke
16B	Robeson
18	Guilford
21	Forsyth
<u>22A</u>	<u>Alexander, Iredell</u>
26	Mecklenburg
27A	Gaston
27B	Cleveland, Lincoln
28	Buncombe

1 29A McDowell, Rutherford
 2 29B Henderson, Polk, Transylvania
 3

4 After notice to, and consultation with, the affected district bar, senior resident superior court
 5 judge, and chief district court judge, the Commission on Indigent Defense Services may
 6 recommend to the General Assembly that a district or regional public defender office be
 7 established. A legislative act is required in order to establish a new office or to abolish an existing
 8 office."

9 **SECTION 17.1.(b)** G.S. 7A-498.7(a), as amended by subsection (a) of this section,
 10 reads as rewritten:

11 "(a) The following counties of the State are organized into the defender districts listed
 12 below, and in each of those defender districts an office of public defender is established:
 13

Defender District	Counties
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans
2	Beaufort, Hyde, Martin, Tyrell, Washington
3A	Pitt
3B	Craven, Pamlico, Carteret
5	New Hanover, Pender
6	Bertie, Halifax, Hertford, Northampton
10	Wake
<u>11B</u>	<u>Johnston</u>
12	Cumberland
13B	Brunswick
14	Durham
15B	Orange, Chatham
16A	Scotland, Hoke
16B	Robeson
18	Guilford
21	Forsyth
22A	Alexander, Iredell
26	Mecklenburg
27A	Gaston
27B	Cleveland, Lincoln
28	Buncombe
29A	McDowell, Rutherford
29B	Henderson, Polk, Transylvania

42
 43 After notice to, and consultation with, the affected district bar, senior resident superior court
 44 judge, and chief district court judge, the Commission on Indigent Defense Services may
 45 recommend to the General Assembly that a district or regional public defender office be
 46 established. A legislative act is required in order to establish a new office or to abolish an existing
 47 office."

48 **SECTION 17.1.(c)** The Office of Indigent Defense Services may use up to the sum
 49 of one million three hundred sixteen thousand three hundred twenty-five dollars (\$1,316,325) of
 50 funds appropriated in this act under Budget Code 12001, Fund Code 1310, to create 18 new
 51 positions for Public Defender District 6 created in subsection (a) of this section. These positions

1 shall include the public defender, up to 11 assistant public defenders, and up to six support
2 positions.

3 **SECTION 17.1.(d)** The Office of Indigent Defense Services may use up to the sum
4 of eight hundred forty-four thousand dollars (\$844,000) of funds appropriated in this act under
5 Budget Code 12001, Fund Code 1310, to create 12 new positions for Public Defender District
6 11B created in subsection (b) of this section. These positions shall include the public defender,
7 up to seven assistant public defenders, and up to four support positions.

8 **SECTION 17.1.(e)** The Office of Indigent Defense Services may use up to the sum
9 of nine hundred ten thousand dollars (\$910,000) of funds appropriated in this act under Budget
10 Code 12001, Fund Code 1310, to create 14 new positions for Public Defender District 13B
11 created in subsection (a) of this section. These positions shall include the public defender, up to
12 eight assistant public defenders, and up to five support positions.

13 **SECTION 17.1.(f)** The Office of Indigent Defense Services may use up to the sum
14 of one million four hundred ninety-three thousand dollars (\$1,493,000) of funds appropriated in
15 this act under Budget Code 12001, Fund Code 1310, to create 20 new positions for Public
16 Defender District 22A created in subsection (a) of this section. These positions shall include the
17 public defender, up to 12 assistant public defenders, and up to seven support positions.

18 **SECTION 17.1.(g)** Subsections (b) and (d) of this section become effective July 1,
19 2024. The remainder of this section becomes effective July 1, 2023.

20 **REQUIRE REPORTING ON REMOTE WORK POLICIES AND PARTICIPATION**

21 **SECTION 17.2.(a)** The Office of Indigent Defense Services shall maintain and shall
22 furnish upon request a remote work policy.

23 **SECTION 17.2.(b)** The remote work policies required by subsection (a) of this
24 section shall, at a minimum, require that all employees utilizing the remote work policy shall
25 sign an agreement to be retained in the employee's file that records the employee's assent to
26 adhere to the remote work policy.

27 **SECTION 17.2.(c)** The Office of Indigent Defense Services shall report all of the
28 following to the Joint Legislative Oversight Committee on Justice and Public Safety no later than
29 March 1 of each year:

- 30 (1) The remote work policy currently in place for its employees.
- 31 (2) Any remote work policy previously in place for its employees that was not a
32 part of the most recent report required by this subsection.
- 33 (3) The total number of employees utilizing its remote work policy.
- 34 (4) The total number of employees utilizing its remote work policy, delineated by
35 division, section, and any other organizational category.

36 **SECTION 17.2.(d)** This section becomes effective October 1, 2023.

37 **ALLOW THE ADMINISTRATIVE OFFICE OF THE COURTS TO SHARE CERTAIN** 38 **INFORMATION WITH THE OFFICE OF INDIGENT DEFENSE SERVICES**

39 **SECTION 17.3.(a)** G.S. 132-1.4(k) reads as rewritten:

40 "(k) The following court records are public records and may be withheld only when sealed
41 by court order: ~~arrest~~

- 42 (1) Arrest and search warrants that have been returned by law enforcement
43 ~~agencies, agencies.~~
- 44 (2) indictments, Indictments.
- 45 (3) eriminal summons, Criminal summonses.
- 46 (4) and nontestimonial Nontestimonial identification orders.

47 Nothing in this subsection shall preclude the Administrative Office of the Courts from
48 entering into a sharing agreement with the Office of Indigent Defense Services for the purpose
49 of generating reliable statistical information to evaluate services provided."
50
51

1 SECTION 17.3.(b) This section is effective when it becomes law.

2
3 PART XVIII. JUSTICE

4
5 TRANSFER STATE CRIME LAB TO INDEPENDENT STATE BUREAU OF
6 INVESTIGATION

7 SECTION 18.1.(a) All functions, powers, duties, and obligations vested in the North
8 Carolina State Crime Laboratory are transferred to, vested in, and consolidated within the State
9 Bureau of Investigation in the manner of a Type I transfer, as defined in G.S. 143A-6.

10 SECTION 18.1.(b) Article 13A of Chapter 143B of the General Statutes, as enacted
11 by Section 19F.4 of this act, is amended by adding a new Part to read:

12 "Part 2. North Carolina State Crime Laboratory."

13 SECTION 18.1.(c) Article 9 of Chapter 114 of the General Statutes is recodified as
14 Part 2 of Article 13A of Chapter 143B of the General Statutes, as enacted by subsection (b) of
15 this section, as follows:

<u>Former Citation</u>	<u>Recodified Citation</u>
16 114-60	143B-1209.1
17 114-61	143B-1209.2
18 114-62	143B-1209.3
19 114-63	143B-1209.4
20 114-63.1	143B-1209.5
21 114-64	143B-1209.6
22 114-65	143B-1209.7

23
24 SECTION 18.1.(d) Part 2 of Article 13A of Chapter 143B of the General Statutes,
25 as enacted by subsections (b) and (c) of this section, reads as rewritten:

26 "Part 2. North Carolina State Crime Laboratory.

27 **"§ 143B-1209.1. Laboratory and clinical facilities; employment of criminologists; services
28 of scientists, etc., employed by State; radio system.**

29 In the ~~Department of Justice~~ State Bureau of Investigation there shall be provided laboratory
30 facilities for the analysis of evidences of crime, including the determination of presence, quantity
31 and character of poisons, the character of bloodstains, microscopic and other examination
32 material associated with the commission of crime, examination and analysis of projectiles of
33 ballistic imprints and records which might lead to the determination or identification of criminals,
34 the examination and identification of fingerprints, and other evidence leading to the
35 identification, apprehension, or conviction of criminals. A sufficient number of persons skilled
36 in such matters shall be employed to render a reasonable service to the public through the criminal
37 justice system and to the criminal justice system in the discharge of their duties.

38 The laboratory and clinical facilities of the institutions of the State, both educational and
39 departmental, shall be made available to the Laboratory, and scientists and doctors now working
40 for the State through its institutions and departments may be called upon by the Governor to aid
41 the Laboratory in the evaluation, preparation, and preservation of evidence in which scientific
42 methods are employed, and a reasonable fee may be allowed by the Governor for such service.

43 **"§ 143B-1209.2. Forensic Science Advisory Board.**

44 (a) Creation and Membership. – The North Carolina Forensic Science Advisory Board
45 (Board) is hereby established as an advisory board within the ~~Department of Justice~~ State Bureau
46 of Investigation. The Board shall consist of 15 members, consisting of the State Crime Laboratory
47 Director, and 14 members appointed by the ~~Attorney General~~ Director of the State Bureau of
48 Investigation as follows:

- 49 (1) A forensic scientist or any other person with an advanced degree who has
50 received substantial education, training, or experience in the subject of
51 laboratory standards or quality assurance regulation and monitoring.

- 1 (2) The Chief Medical Examiner of the State.
- 2 (3) A forensic scientist with an advanced degree who has education, training, or
- 3 experience in the discipline of molecular biology.
- 4 (4) A forensic scientist with an advanced degree who has experience in the
- 5 discipline of population genetics.
- 6 (5) A scientist with an advanced degree who has experience in the discipline of
- 7 forensic chemistry.
- 8 (6) A scientist with an advanced degree who has experience in the discipline of
- 9 forensic biology.
- 10 (7) A forensic scientist or any other person with an advanced degree who has
- 11 education, training, or experience in the discipline of trace evidence.
- 12 (8) A scientist with an advanced degree who has experience in the discipline of
- 13 forensic toxicology.
- 14 (9) A member of the International Association for Identification.
- 15 (10) A member of the Association of Firearms and Tool Mark Examiners.
- 16 (11) A member of the International Association for Chemical Testing.
- 17 (12) Repealed by Session Laws 2014-115, s. 46, effective August 11, 2014.
- 18 (13) A member of the American Society of Crime Laboratory Directors.
- 19 (14) A member of the Academy of Forensic Sciences.
- 20 (15) A member of the American Statistical Association.

21 A chairman shall be elected from among the members appointed, and staff shall be provided
22 by the ~~Department of Justice~~ State Bureau of Investigation.

23 (b) Meetings. – The Board shall meet biannually and at such other times and places as it
24 determines. Members of the Board cannot designate a proxy to vote in their absence.

25 (c) Terms. – Members of the Board initially appointed shall serve the following terms:
26 five members shall serve a term of two years; five members shall serve a term of three years; and
27 five members shall serve a term of four years. Thereafter, all appointments shall be for a term of
28 four years. A vacancy other than by expiration of term shall be filled by the ~~Attorney General~~
29 Director of the State Bureau of Investigation for the unexpired term. Members of the Board
30 cannot designate a proxy to vote in their absence.

31 (d) Terms. – Expenses. – Members of the Board shall be paid reasonable and necessary
32 expenses incurred in the performance of their duties. Members of the Board who are State officers
33 or employees shall receive no compensation for serving on the Board but may be reimbursed for
34 their expenses in accordance with G.S. 138-6. Members of the Board who are full-time salaried
35 public officers or employees other than State officers or employees shall receive no compensation
36 for serving on the Board but may be reimbursed for their expenses in accordance with
37 G.S. 138-5(b). All other members of the Board may receive compensation and reimbursement
38 for expenses in accordance with G.S. 138-5.

39 (e) Functions. – The Board may review State Crime Laboratory operations and make
40 recommendations concerning the services furnished to user agencies. The Board shall review and
41 make recommendations as necessary to the Laboratory Director concerning any of the following:

- 42 (1) New scientific programs, protocols, and methods of testing.
- 43 (2) Plans for the implementation of new programs; sustaining existing programs
- 44 and improving upon them where possible; and the elimination of programs
- 45 which are no longer needed.
- 46 (3) Protocols for testing and examination methods and guidelines for the
- 47 presentation of results in court.
- 48 (4) Qualification standards for the various forensic scientists of the Laboratory.

49 (f) Review Process. – Upon request of the Laboratory Director, the Board shall review
50 analytical work, reports, and conclusions of scientists employed by the Laboratory. Records
51 reviewed by this Board retain their confidential status and continue to be considered records of a

1 criminal investigation as defined in G.S. 132-1.4. These records shall be reviewed only in a
2 closed session meeting pursuant to G.S. 143-318.11 of the Board, and each member of the Board
3 shall, prior to receiving any documents to review, sign a confidentiality agreement agreeing to
4 maintain the confidentiality of and not to disclose the documents nor the contents of the
5 documents reviewed. The Board shall recommend to the Laboratory a review process to use when
6 there is a request that the Laboratory retest or reexamine evidence that has been previously
7 examined by the Laboratory.

8 **"§ 143B-1209.3. North Carolina State Crime Laboratory Ombudsman.**

9 The position of ombudsman is created in the North Carolina State Crime Laboratory within
10 the ~~North Carolina Department of Justice, State Bureau of Investigation.~~ The primary purpose of
11 this position shall be to work with defense counsel, prosecutorial agencies, criminal justice
12 system stakeholders, law enforcement officials, and the general public to ensure all processes,
13 procedures, practices, and protocols at the State Crime Laboratory are consistent with State and
14 federal law, best forensic law practices, and in the best interests of justice in this State. The
15 ombudsman shall mediate complaints brought to the attention of the ombudsman between the
16 Crime Laboratory and defense counsel, prosecutorial agencies, law enforcement agencies, and
17 the general public. The ombudsman shall ensure all criminal justice stakeholders and the general
18 public are aware of the availability, responsibilities, and role of the ombudsman and shall
19 regularly attend meetings of the Conferences of the District Attorneys, District and Superior
20 Court Judges, Public Defenders, the Advocates for Justice, and Bar Criminal Law Sections. The
21 ombudsman shall make recommendations on a regular basis to the Director of the State Crime
22 Laboratory and the ~~Attorney General of North Carolina~~ Director of the State Bureau of
23 Investigation as to policies, procedures, practices, and training of employees needed at the
24 Laboratory to ensure compliance with State and federal law, best forensic law practices, and to
25 resolve any meritorious systemic complaints received by the ombudsman.

26 ...

27 **"§ 143B-1209.5. No hiring of sworn personnel to fill vacant positions.**

28 The ~~Department of Justice State Bureau of Investigation~~ shall not hire sworn personnel to fill
29 vacant positions in the North Carolina State Crime Laboratory. Nothing in this section shall be
30 construed to require the termination of sworn personnel or to affect North Carolina State Crime
31 Laboratory personnel who are sworn and employed by the Laboratory as of July 1, 2021 and who
32 continue to meet the sworn status retention standards mandated by the North Carolina Criminal
33 Justice Education and Standards Commission.

34"

35 **SECTION 18.1.(e)** G.S. 143B-1201(d) reads as rewritten:

36 "(d) The Secretary, in consultation with the Director of the State Crime Laboratory, shall
37 require that all sexual assault evidence collection kits purchased or distributed on or after October
38 1, 2018, are compatible with the Statewide Sexual Assault Evidence Collection Kit Tracking
39 System established under ~~G.S. 114-65~~ G.S. 143B-1209.7."

40 **SECTION 18.1.(f)** Notwithstanding G.S. 143B-1209.2, as recodified and amended
41 by this act, the current members serving on the North Carolina Forensic Science Advisory Board
42 as of the effective date of this section shall serve the remainder of their terms. Thereafter, as
43 terms expire, or when a vacancy occurs prior to the expiration of a term, the members shall be
44 appointed in accordance with G.S. 143B-1209.2, as amended by this act.

45 **SECTION 18.1.(g)** This section becomes effective July 1, 2023.

46
47 **REQUIRE REPORTING ON REMOTE WORK POLICIES AND PARTICIPATION**

48 **SECTION 18.2.(a)** The Department of Justice shall maintain and shall furnish upon
49 request a remote work policy.

50 **SECTION 18.2.(b)** The remote work policies required by subsection (a) of this
51 section shall, at a minimum, require that all employees utilizing the remote work policy shall

1 sign an agreement to be retained in the employee's file that records the employee's assent to
2 adhere to the remote work policy.

3 **SECTION 18.2.(c)** The Department of Justice shall report all of the following to the
4 Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1 of each
5 year:

- 6 (1) The remote work policy currently in place for its employees.
- 7 (2) Any remote work policy previously in place for its employees that was not a
8 part of the most recent report required by this subsection.
- 9 (3) The total number of employees utilizing its remote work policy.
- 10 (4) The total number of employees utilizing its remote work policy, delineated by
11 division, section, and any other organizational category.

12 **SECTION 18.2.(d)** This section becomes effective October 1, 2023.

13 14 **PART XIX. ADULT CORRECTION [RESERVED]**

15 16 **PART XIX-A. DEPARTMENT OF ADULT CORRECTION ADMINISTRATION**

17 18 **NO TRANSFER OF POSITIONS TO OTHER STATE AGENCIES**

19 **SECTION 19A.1.(a)** Notwithstanding any other provision of law, and except as
20 otherwise provided in subsection (b) of this section, the Office of State Budget and Management
21 shall not transfer any positions, personnel, or funds from the Department of Adult Correction to
22 any other State agency during the 2023-2025 fiscal biennium unless the transfer was included in
23 the base budget for one or both fiscal years of the biennium.

24 **SECTION 19A.1.(b)** This section shall not apply to consolidation of information
25 technology positions into the Department of Information Technology pursuant to
26 G.S. 143B-1325.

27 28 **STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM FUNDING TRANSFER**

29 **SECTION 19A.2.** Of the funds appropriated in this act for the Statewide
30 Misdemeanant Confinement Program:

- 31 (1) The sum of one million dollars (\$1,000,000) shall be transferred each fiscal
32 year to the North Carolina Sheriffs' Association, Inc., a nonprofit corporation,
33 to support the Program and for administrative and operating expenses of the
34 Association and its staff.
- 35 (2) The sum of two hundred twenty-five thousand dollars (\$225,000) shall be
36 allocated each fiscal year to the Department of Adult Correction for its
37 administrative and operating expenses for the Program.
- 38 (3) Up to the sum of two hundred fifty thousand dollars (\$250,000) may be used
39 in each fiscal year of the 2023-2025 fiscal biennium to reimburse sheriffs
40 utilizing inmate labor pursuant to the provisions of Section 19C.10 of S.L.
41 2021-180.

42 **REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL** 43 **EXPENSES**

44 **SECTION 19A.3.** Notwithstanding G.S. 143C-6-9, the Department of Adult
45 Correction may use funds available to the Department for the 2023-2025 fiscal biennium to
46 reimburse counties for the cost of housing convicted inmates, parolees, and post-release
47 supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The
48 reimbursement may not exceed forty dollars (\$40.00) per day per prisoner awaiting transfer.
49 Beginning October 1, 2023, the Department shall report quarterly to the chairs of the Joint
50 Legislative Oversight Committee on Justice and Public Safety and the chairs of the House of
51 Representatives Appropriations Committee on Justice and Public Safety and the Senate

1 Appropriations Committee on Justice and Public Safety on the expenditure of funds to reimburse
2 counties for prisoners awaiting transfer.

4 **REQUIRE REPORTING ON REMOTE WORK POLICIES AND PARTICIPATION**

5 **SECTION 19A.4.(a)** The Department of Adult Correction shall maintain and shall
6 furnish upon request a remote work policy.

7 **SECTION 19A.4.(b)** The remote work policies required by subsection (a) of this
8 section shall, at a minimum, require that all employees utilizing the remote work policy shall
9 sign an agreement to be retained in the employee's file that records the employee's assent to
10 adhere to the remote work policy.

11 **SECTION 19A.4.(c)** The Department of Adult Correction shall report all of the
12 following to the Joint Legislative Oversight Committee on Justice and Public Safety no later than
13 March 1 of each year:

- 14 (1) The remote work policy currently in place for its employees.
- 15 (2) Any remote work policy previously in place for its employees that was not a
16 part of the most recent report required by this subsection.
- 17 (3) The total number of employees utilizing its remote work policy.
- 18 (4) The total number of employees utilizing its remote work policy, delineated by
19 division, section, and any other organizational category.

20 **SECTION 19A.4.(d)** This section becomes effective October 1, 2023.

22 **PART XIX-B. PRISONS**

24 **CENTER FOR COMMUNITY TRANSITIONS/CONTRACT AND REPORT**

25 **SECTION 19B.1.** The Department of Adult Correction may continue to contract
26 with The Center for Community Transitions, Inc., a nonprofit corporation, for the purchase of
27 prison beds for minimum security female inmates during the 2023-2025 fiscal biennium. The
28 Center for Community Transitions, Inc., shall report by February 1 of each year to the chairs of
29 the House of Representatives Appropriations Committee on Justice and Public Safety and the
30 Senate Appropriations Committee on Justice and Public Safety on the annual cost per inmate and
31 the average daily inmate population compared to bed capacity using the same methodology as
32 that used by the Department of Adult Correction.

34 **NURSE STAFFING AT STATE PRISONS REPORT**

35 **SECTION 19B.2.(a)** The Department of Adult Correction shall report the following
36 information to the Joint Legislative Oversight Committee on Justice and Public Safety by
37 February 1, 2024, and by February 1, 2025:

- 38 (1) The total number of permanent nursing positions allocated to the Department,
39 the number of filled positions, the number of positions that have been vacant
40 for more than six months, and information regarding the location of both filled
41 and vacant positions.
- 42 (2) The extent to which temporary contract services are being used to staff vacant
43 nursing positions, the method for funding the contract services, and any cost
44 differences between the use of permanent employees versus contract
45 employees.
- 46 (3) A progress report on the implementation of its plan to (i) reduce the use of
47 contract services to provide nursing in State prisons and (ii) attract and retain
48 qualified nurses for employment in permanent positions in State prisons.

49 **SECTION 19B.2.(b)** Notwithstanding any other provision of law, the Department
50 of Adult Correction may, in its discretion and subject to the approval of the Office of State Budget
51 and Management, convert funds appropriated for contractual nursing services to permanent

1 nursing positions when it is determined to promote security, generate cost savings, and improve
2 health care quality. The Department shall report on any such conversions to the Fiscal Research
3 Division.
4

5 DEPARTMENT REPORT ON PRISON PERSONNEL MATTERS

6 SECTION 19B.3. The Department of Adult Correction shall report the following
7 information to the Joint Legislative Oversight Committee on Justice and Public Safety by
8 February 1, 2024, and by February 1, 2025:

- 9 (1) The number of Department employees charged with the commission of a
10 criminal offense committed in a State prison and during the employee's work
11 hours. The information shall be provided by State facility and shall specify the
12 offense charged and the outcome of the charge.
- 13 (2) The number of employees disciplined, demoted, or separated from service due
14 to personal misconduct. To the extent it does not disclose confidential
15 personnel records, the information shall be organized by type of misconduct,
16 nature of corrective action taken, and outcome of the corrective action.
- 17 (3) The hiring and screening process, including any required credentials or skills,
18 criminal background checks, and personality assessments. The information
19 shall also include the process the Department uses to verify the information
20 provided by an applicant.
21

22 DOT CONTRACT OF INMATE LITTER CREW

23 SECTION 19B.4.(a) After the issuance of a request for information (RFI) and
24 receipt of bids by the Department of Transportation for litter pickup on State highways and roads,
25 the Department of Transportation shall first offer the contract to the Department of Adult
26 Correction upon the same terms and conditions as the most favorable bid received by the
27 Department of Transportation from a suitable contractor. The Department of Adult Correction
28 shall have 30 days to accept or decline the offered contract.

29 SECTION 19B.4.(b) It is the policy of the General Assembly that the Department
30 of Transportation shall utilize inmate litter crews for litter pickup on State highways and roads
31 as often as is necessary and practicable.
32

33 REQUEST FOR PROPOSALS FOR PRISON TECHNOLOGY

34 SECTION 19B.5.(a) Section 19C.11(b) of S.L. 2021-180 reads as rewritten:

35 "SECTION 19C.11.(b) The Department of ~~Public Safety~~ Adult Correction shall, in
36 consultation with the vendor, report on the expenditure of the funds awarded pursuant to
37 subsection (a) of this section to the Joint Legislative Oversight Committee on Justice and Public
38 Safety no later than October 1, 2022, in an interim report and no later than October 1, 2023, in a
39 final report.¹ of each year in which the funds are expended, provided that if the funds are
40 exhausted after a report has already been submitted for that year, a final report shall be submitted
41 no later than May 1 of the following year."
42

43 SECTION 19B.5.(b) This section is effective when it becomes law.
44

45 TECHNICAL CORRECTION FOR INMATE WELFARE FUND

46 SECTION 19B.6.(a) G.S. 148-2(c) reads as rewritten:

47 "(c) Notwithstanding G.S. 147-77, Article 6A of Chapter 147 of the General Statutes, or
48 any other provision of law, the Division of Prisons of the Department of Adult Correction may
49 deposit revenue from prison canteens in local banks. The profits from prison canteens shall be
50 deposited with the State Treasurer on a monthly basis in a fund denominated as the ~~Correction~~
51 Inmate Welfare Fund. Once the operating budget for the ~~Correction~~-Inmate Welfare Fund has
been met, an amount equal to the funds allocated to each prison unit on a per inmate per year

1 basis shall be credited to the Crime Victims Compensation Fund established in G.S. 15B-23G as
2 soon as practicable after the total amount paid to each unit per inmate per year has been
3 determined."

4 **SECTION 19B.6.(b)** This section is effective when it becomes law.

5
6 **TECHNICAL CORRECTION RELATED TO NEW DEPARTMENT OF ADULT**
7 **CORRECTION**

8 **SECTION 19B.7.(a)** G.S. 148-32.1(b2) reads as rewritten:

9 "(b2) The Statewide Misdemeanant Confinement Program is established. The Program
10 shall provide for the housing of misdemeanants from all counties serving sentences imposed for
11 a period of more than 90 days and for all sentences imposed for impaired driving under
12 G.S. 20-138.1, regardless of length. Those misdemeanants shall be confined in local confinement
13 facilities except as provided in subsections (b3) and (b4) of this section. The Program shall
14 address methods for the placement and transportation of inmates and reimbursement to counties
15 for the housing of those inmates. Any county that voluntarily agrees to house misdemeanants
16 from that county or from other counties pursuant to the Program may enter into a written
17 agreement with the Division of ~~Adult Correction and Juvenile Justice~~ Prisons to do so.

18 The North Carolina Sheriffs' Association shall:

19"

20 **SECTION 19B.7.(b)** This section is effective when it becomes law.

21
22 **PART XIX-C. COMMUNITY SUPERVISION**

23
24 **INTERSTATE COMPACT FEES TO SUPPORT TRAINING PROGRAMS AND**
25 **EQUIPMENT PURCHASES SECTIONS**

26 **SECTION 19C.1.(a)** Notwithstanding the provisions of G.S. 148-65.7, fees
27 collected for the Interstate Compact Fund during the 2023-2025 fiscal biennium may be used by
28 the Department of Adult Correction during the 2023-2025 fiscal biennium to provide training
29 programs and equipment purchases for the Division of Community Supervision and Reentry, but
30 only to the extent sufficient funds remain available in the Fund to support the mission of the
31 Interstate Compact Program.

32 **SECTION 19C.1.(b)** No later than October 1 of each fiscal year, the Department of
33 Adult Correction shall report to the Joint Legislative Oversight Committee on Justice and Public
34 Safety on the amount of funds used pursuant to this section and for what purposes the funds were
35 used.

36
37 **MAKE DRUG AND ALCOHOL SCREENING A REGULAR CONDITION OF**
38 **PROBATION**

39 **SECTION 19C.2.(a)** G.S. 15A-1343(b) reads as rewritten:

40 "(b) Regular Conditions. – As regular conditions of probation, a defendant must:

41 ...

42 (16) ~~Supply a breath, urine, or blood specimen~~ Submit to drug and alcohol
43 screening for analysis of the possible presence of prohibited drugs or alcohol
44 when instructed by the defendant's probation officer for purposes directly
45 related to the probation supervision. If the results of the analysis are positive,
46 the probationer may be required to reimburse the Division of Community
47 Supervision and Reentry of the Department of Adult Correction for the actual
48 costs of drug or alcohol screening and testing.

49 ...

50 In addition to these regular conditions of probation, a defendant required to serve an active
51 term of imprisonment as a condition of special probation pursuant to G.S. 15A-1344(e) or

1 G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey the rules and
2 regulations of the Division of Prisons of the Department of Adult Correction and, if applicable,
3 the Division of Juvenile Justice of the Department of Public Safety, governing the conduct of
4 inmates while imprisoned and report to a probation officer in the State of North Carolina within
5 72 hours of his discharge from the active term of imprisonment.

6 Regular conditions of probation apply to each defendant placed on supervised probation
7 unless the presiding judge specifically exempts the defendant from one or more of the conditions
8 in open court and in the judgment of the court. It is not necessary for the presiding judge to state
9 each regular condition of probation in open court, but the conditions must be set forth in the
10 judgment of the court.

11 Defendants placed on unsupervised probation are subject to the provisions of this subsection,
12 except that defendants placed on unsupervised probation are not subject to the regular conditions
13 contained in subdivisions (2), (3), (6), (8), (13), (14), (15), (16) and (17) of this subsection."

14 **SECTION 19C.2.(b)** This section becomes effective August 1, 2023, and applies to
15 drug and alcohol screening performed on or after that date.

16
17 **PART XIX-D. REHABILITATION AND REENTRY [RESERVED]**

18
19 **PART XIX-E. PUBLIC SAFETY [RESERVED]**

20
21 **PART XIX-F. DEPARTMENT OF PUBLIC SAFETY ADMINISTRATION**

22
23 **NO TRANSFER OF POSITIONS TO OTHER STATE AGENCIES**

24 **SECTION 19F.1.(a)** Notwithstanding any other provision of law, and except as
25 otherwise provided in subsection (b) of this section, the Office of State Budget and Management
26 shall not transfer any positions, personnel, or funds from the Department of Public Safety to any
27 other State agency during the 2023-2025 fiscal biennium unless the transfer was included in the
28 base budget for one or both fiscal years of the biennium.

29 **SECTION 19F.1.(b)** This section shall not apply to consolidation of information
30 technology positions into the Department of Information Technology pursuant to
31 G.S. 143B-1325.

32
33 **ALLOCATION OF GRANT FUNDS TO VARIOUS SHERIFFS' OFFICES AND**
34 **POLICE DEPARTMENTS**

35 **SECTION 19F.2.(a)** Of the funds appropriated in this act to the Department of
36 Public Safety in each year of the 2023-2025 fiscal biennium to be used to provide direct grant
37 funds to local law enforcement agencies, ten million dollars (\$10,000,000) of the funds shall be
38 allocated in equal amounts to sheriffs' offices located in counties with a population of fewer than
39 230,000, based upon the 2021 Certified County Population Estimates from the State
40 Demographer in the Office of State Budget and Management as of July 1, 2021.

41 **SECTION 19F.2.(b)** Of the funds appropriated in this act to the Department of
42 Public Safety in each year of the 2023-2025 fiscal biennium to be used to provide direct grant
43 funds to local law enforcement agencies, ten million dollars (\$10,000,000) of the funds shall be
44 allocated in equal amounts to municipal police departments employing at least one, but fewer
45 than 80, full-time sworn law enforcement officers, based upon the data provided by the Criminal
46 Justice Standards Division as of March 10, 2023.

47 **SECTION 19F.2.(c)** Funds provided to local law enforcement agencies pursuant to
48 this section shall be used for one or more of the following:

- 49 (1) Workforce development.
50 (2) Officer health.
51 (3) Officer safety.

1	143B-917	143B-1208.3
2	143B-918	143B-1208.4
3	143B-919	143B-1208.5
4	143B-920	143B-1208.6
5	143B-921	143B-1208.7
6	143B-922	143B-1208.8
7	143B-923	143B-1208.9
8	143B-924	143B-1208.10
9	143B-925	143B-1208.11
10	143B-926	143B-1208.12
11	143B-927	143B-1208.13
12	143B-929	143B-1208.14

13 **SECTION 19F.4.(g)** Part 1 of Article 13A of Chapter 143B of the General Statutes,
 14 as enacted by subsections (d) and (e) of this section, reads as rewritten:

15 "Article 13A.

16 "State Bureau of Investigation.

17 "Part 1. General Provisions.

18 **"§ 143B-1208.1. Bureau of Investigation created; powers and duties.**

19 In order to secure a more effective administration of the criminal laws of the State, to prevent
 20 crime, and to procure the speedy apprehension of criminals, there is established the State Bureau
 21 of Investigation, ~~which shall be administratively located in the Department of Public Safety. The~~
 22 ~~Bureau shall be an independent agency under the direction and supervision of Investigation. The~~
 23 head of the Bureau is the Director, who shall serve as chief executive officer of the Bureau and
 24 shall be solely responsible for all management functions. Notwithstanding any provisions to the
 25 contrary, the Director shall have such authority as is necessary to direct and oversee the Bureau,
 26 and may delegate any duties and responsibilities necessary to ensure the proper management of
 27 the Bureau. The Department of Public Safety shall provide administrative support to the Bureau.
 28 The State Bureau of Investigation shall have charge of and administer the agencies and activities
 29 herein set up for the identification of criminals, for their apprehension, and investigation and
 30 preparation of evidence to be used in criminal courts; and the said Bureau shall have charge of
 31 investigation of criminal matters herein especially mentioned, and of such other crimes and
 32 criminal procedure as the Governor may direct.

33 In the personnel of the Bureau shall be included a sufficient number of persons of training
 34 and skill in the investigation of crime and in the preparation of evidence as to be of service to
 35 local enforcement officers, under the direction of the Governor, in criminal matters of major
 36 importance.

37 ...

38 **"§ 143B-1208.4. Transfer of personnel.**

39 The Director of the State Bureau of Investigation shall have authority to transfer members of
 40 the Bureau from one locality in the State to another as ~~he~~ the Director may deem necessary. When
 41 any member of the State Bureau of Investigation is transferred from one point to another for the
 42 convenience of the State, or otherwise than upon the request of the employee, the Bureau shall
 43 be responsible for transporting the household goods, furniture, and personal effects of the
 44 employee and members of his household.

45 **"§ 143B-1208.5. Investigations of lynchings, election frauds, etc.; services subject to call of**
 46 **Governor; witness fees and mileage for employees.**

47 (a) The Bureau shall, upon request of the Governor, investigate and prepare evidence in
 48 the event of any lynching or mob violence in the State; shall investigate all cases arising from
 49 frauds in connection with elections when requested to do so by the Board of Elections, and when
 50 so directed by the Governor. Such investigation, however, shall in nowise interfere with the
 51 power of the Attorney General to make such investigation as the Attorney General is authorized

1 to make under the laws of the State. The Bureau is authorized further, at the request of the
2 Governor, to investigate cases of frauds arising under the Social Security Laws of the State, of
3 violations of the gaming laws, and lottery laws, and matters of similar kind when called upon by
4 the Governor so to do. In all such cases it shall be the duty of the ~~Department~~ Bureau to keep
5 such records as may be necessary and to prepare evidence in the cases investigated, for the use
6 of enforcement officers and for the trial of causes. The services of employees of the Bureau may
7 be required by the Governor in connection with the investigation of any crime committed
8 anywhere in the State when called upon by the enforcement officers of the State, and when, in
9 the judgment of the Governor, such services may be rendered with advantage to the enforcement
10 of the criminal law. The State Bureau of Investigation is hereby authorized to investigate without
11 request the attempted arson of, or arson of, damage of, theft from, or theft of, or misuse of, any
12 State-owned personal property, buildings, or other real property or any assault upon or threats
13 against any legislative officer named in G.S. 147-2(1), (2), or (3), any executive officer named
14 in G.S. 147-3(c), or any court officer as defined in G.S. 14-16.10(1).

15 ...

16 **"§ 143B-1208.12. Appointment and term of the Director of the State Bureau of**
17 **Investigation.**

18 ...

19 (b) The Director may be removed from office ~~only~~ by the Governor ~~Governor~~, or upon a
20 three-fifths vote of the membership of the Senate and House of Representatives present and
21 voting, and solely for the grounds set forth in G.S. 143B-13(b), (c), and (d). In case of a vacancy
22 in the office of the Director of the State Bureau of Investigation for any reason prior to the
23 expiration of the Director's term of office, the name of the Director's successor shall be submitted
24 by the Governor to the General Assembly not later than 60 days after the vacancy arises. If a
25 vacancy arises in the office when the General Assembly is not in session, an acting Director shall
26 be appointed by the Governor to serve pending confirmation by the General Assembly. However,
27 in no event shall an acting Director serve (i) for more than 12 months without General Assembly
28 confirmation or (ii) after a bill that would confirm the appointment of the person as Director fails
29 a reading in either chamber of the General Assembly.

30 **"§ 143B-1208.13. Personnel of the State Bureau of Investigation.**

31 The Director of the State Bureau of Investigation may appoint a sufficient number of
32 assistants who shall be competent and qualified to do the work of the Bureau. The Director shall
33 be responsible for making all hiring and personnel decisions of the Bureau. ~~Notwithstanding the~~
34 ~~provisions of this Chapter or Chapter 143A of the General Statutes, the Director may hire or fire~~
35 ~~personnel and transfer personnel within the Bureau.~~

36 **"§ 143B-1208.14. Operation and management of Information Sharing and Analysis Center.**

37 The State Bureau of Investigation shall operate and manage the Information Sharing and
38 Analysis Center, and its operation and management shall be under the sole direction and control
39 of the Director of the State Bureau of Investigation. The Information Sharing and Analysis Center
40 is authorized to analyze information related to any threat of violence to the safety of any
41 individual associated with (i) an educational property as defined in G.S. 14-269.2 or (ii) a place
42 of worship as defined in G.S. 14-54.1. The Information Sharing and Analysis Center shall
43 promptly notify the sheriff and local law enforcement agency with jurisdiction if (i) a threat is
44 determined to be credible and (ii) the location of the educational property or place of worship
45 associated with the threat, or the location of any individual suspected of creating the threat, is
46 ascertained. The Director of the State Bureau of Investigation and other sworn law enforcement
47 officers of the State Bureau of Investigation may give assistance to sheriffs and police officers
48 when called upon by them and so directed, as provided in ~~G.S. 143B-917~~ G.S. 143B-1208.3."

49 **SECTION 19F.4.(h)** Article 13A of Chapter 143B of the General Statutes, as
50 enacted by subsection (d) of this section, is amended by adding a new Part to read:

51 "Part 3. Criminal History Record Checks."

1 **SECTION 19F.4.(i)** Subpart D of Part 4 of Article 13 of Chapter 143B of the General
2 Statutes is recodified as Part 3 of Article 13A of Chapter 143B of the General Statutes, as enacted
3 by subsection (e) of this section, as follows:

	<u>Former Citation</u>	<u>Recodified Citation</u>
4		
5	143B-930	143B-1209.10
6	143B-931	143B-1209.11
7	143B-932	143B-1209.12
8	143B-933	143B-1209.13
9	143B-934	143B-1209.14
10	143B-935	143B-1209.15
11	143B-935.1	143B-1209.16
12	143B-936	143B-1209.17
13	143B-937	143B-1209.18
14	143B-938	143B-1209.19
15	143B-939	143B-1209.20
16	143B-940	143B-1209.21
17	143B-941	143B-1209.22
18	143B-942	143B-1209.23
19	143B-943	143B-1209.24
20	143B-944	143B-1209.25
21	143B-945	143B-1209.26
22	143B-946	143B-1209.27
23	143B-947	143B-1209.28
24	143B-948	143B-1209.29
25	143B-949	143B-1209.30
26	143B-950	143B-1209.31
27	143B-951	143B-1209.32
28	143B-952	143B-1209.33
29	143B-953	143B-1209.34
30	143B-954	143B-1209.35
31	143B-955	143B-1209.36
32	143B-956	143B-1209.37
33	143B-957	143B-1209.38
34	143B-958	143B-1209.39
35	143B-959	143B-1209.40
36	143B-960	143B-1209.41
37	143B-961	143B-1209.42
38	143B-962	143B-1209.43
39	143B-963	143B-1209.44
40	143B-964	143B-1209.45
41	143B-965	143B-1209.46
42	143B-966	143B-1209.47
43	143B-967	143B-1209.48
44	143B-968	143B-1209.49
45	143B-969	143B-1209.50
46	143B-970	143B-1209.51
47	143B-971	143B-1209.52
48	143B-972	143B-1209.53
49	143B-972.1	143B-1209.54
50	143B-973	143B-1209.55
51	143B-974	143B-1209.56

1 143B-976

143B-1209.57

2 143B-981

143B-1209.58

3 **SECTION 19F.4.(j)** Part 3 of Article 13A of Chapter 143B of the General Statutes,
4 as enacted by subsections (d) and (h) of this section, reads as rewritten:

5 "Part 3. Criminal History Record Checks.

6 "**§ 143B-1209.09. Definition.**

7 For purposes of this Part, the term "Bureau" means the State Bureau of Investigation.

8 "**§ 143B-1209.10. Criminal history background investigations; fees.**

9 (a) When the ~~Department of Public Safety~~ State Bureau of Investigation determines that
10 any person is entitled by law to receive information, including criminal records, from the ~~State~~
11 ~~Bureau of Investigation, Bureau,~~ for any purpose other than the administration of criminal justice,
12 the ~~State Bureau of Investigation~~ shall charge the recipient of such information a reasonable fee
13 for retrieving such information. The fee authorized by this section shall not exceed the actual cost
14 of storing, maintaining, locating, editing, researching and retrieving the information, and ~~may~~
15 shall be budgeted for the support of the ~~State Bureau of Investigation, Bureau.~~

16 ...

17 (c) In providing criminal history record checks, the ~~Department of Public Safety~~ Bureau
18 shall process requests in the following priority order:

- 19 (1) Administration of criminal justice record checks,
- 20 (2) Mandatory noncriminal justice criminal history record checks,
- 21 (3) Voluntary noncriminal justice criminal history record checks.

22 (d) Nothing in this section shall be construed as enlarging any right to receive any record
23 of the ~~State Bureau of Investigation, Bureau.~~ Such rights are and shall be controlled by
24 ~~G.S. 143B-919, 143B-906, G.S. 143B-906, 143B-1208.5, 120-19.4A,~~ and other applicable
25 statutes.

26 "**§ 143B-1209.11. Criminal record checks of school personnel.**

27 (a) The ~~Department of Public Safety~~ State Bureau of Investigation may provide a
28 criminal record check to the local board of education of a person who is employed in a public
29 school in that local school district or of a person who has applied for employment in a public
30 school in that local school district, if the employee or applicant consents to the record check. The
31 ~~Department~~ Bureau may also provide a criminal record check of school personnel as defined in
32 G.S. 115C-332 by fingerprint card to the local board of education from National Repositories of
33 Criminal Histories, in accordance with G.S. 115C-332. The information shall be kept
34 confidential by the local board of education as provided in Article 21A of Chapter 115C of the
35 General Statutes.

36 (b) The ~~Department of Public Safety~~ Bureau may provide a criminal history record check
37 to the board of directors of a regional school of a person who is employed at a regional school or
38 of a person who has applied for employment at a regional school if the employee or applicant
39 consents to the record check. The ~~Department~~ Bureau may also provide a criminal history record
40 check of school personnel as defined in G.S. 115C-238.73 by fingerprint card to the board of
41 directors of the regional school from the National Repositories of Criminal Histories, in
42 accordance with G.S. 115C-238.73. The information shall be kept confidential by the board of
43 directors of the regional school as provided in G.S. 115C-238.73.

44 (b1) The ~~Department of Public Safety~~ Bureau may provide a criminal history record check
45 to the chancellor operating a University of North Carolina laboratory school of a person who is
46 employed at a laboratory school or of a person who has applied for employment at a laboratory
47 school if the employee or applicant consents to the record check. The ~~Department~~ Bureau may
48 also provide a criminal history record check of school personnel, as defined in G.S. 116-239.12,
49 by fingerprint card to the chancellor operating the laboratory school from the National
50 Repositories of Criminal Histories, in accordance with G.S. 116-239.12. The information shall

1 be kept confidential by the chancellor operating the laboratory school as provided in
2 G.S. 116-239.12.

3 (c) The ~~Department of Public Safety Bureau~~ may provide a criminal record check to the
4 employer of a person who is employed in a nonpublic school or of a person who has applied for
5 employment in a nonpublic school, if the employee or applicant consents to the record check.
6 For purposes of this subsection, the term nonpublic school is one that is subject to the provisions
7 of Article 39 of Chapter 115C of the General Statutes, but does not include a home school as
8 defined in that Article.

9 (d) The ~~Department of Public Safety Bureau~~ shall charge a reasonable fee for conducting
10 a criminal record check under this section. The fee shall not exceed the actual cost of locating,
11 editing, researching, and retrieving the information.

12 (e) The ~~Department of Public Safety Bureau~~ may provide a criminal record check to the
13 schools within the Department of Health and Human Services of a person who is employed,
14 applies for employment, or applies to be selected as a volunteer, if the employee or applicant
15 consents to the record check. The Department of Health and Human Services shall keep all
16 information pursuant to this subsection confidential, as provided in Article 7 of Chapter 126 of
17 the General Statutes.

18 (f) The ~~Department of Public Safety Bureau~~ shall adopt rules to implement this section.
19 **"§ 143B-1209.12. Criminal record checks of providers of treatment for or services to**
20 **children, the elderly, mental health patients, the sick, and the disabled.**

21 (a) Authority. – The ~~Department of Public Safety State Bureau of Investigation~~ may
22 provide to any of the following entities a criminal record check of an individual who is employed
23 by that entity, has applied for employment with that entity, or has volunteered to provide direct
24 care on behalf of that entity:

- 25 (1) Hospitals licensed under Chapter 131E of the General Statutes.
- 26 (2) Hospices licensed under Chapter 131E of the General Statutes.
- 27 (3) Child placing agencies licensed under Chapter 131D of the General Statutes.
- 28 (4) Residential child care facilities licensed under Chapter 131D of the General
29 Statutes.
- 30 (5) Hospitals licensed under Chapter 122C of the General Statutes.
- 31 (6) Licensed child care facilities and nonlicensed child care homes regulated by
32 the State.
- 33 (7) Any other organization or corporation, whether for profit or nonprofit, that
34 provides direct care or services to children, the sick, the disabled, or the
35 elderly.

36 (b) Procedure. – A criminal record check may be conducted by using an individual's
37 fingerprint or any information required by the ~~Department of Public Safety Bureau~~ to identify
38 that individual. A criminal record check shall be provided only if the individual whose record is
39 checked consents to the record check. The information shall be kept confidential by the entity
40 that receives the information. Upon the disclosure of confidential information under this section
41 by the entity, the ~~Department Bureau~~ may refuse to provide further criminal record checks to that
42 entity.

43 (c) Foster or Adoptive Parent. – The ~~Department of Public Safety Bureau~~, at the request
44 of a child placing agency licensed under Chapter 131D of the General Statutes or a local
45 department of social services, may provide a criminal record check of a prospective foster care
46 or adoptive parent if the prospective parent consents to the record check. The information shall
47 be kept confidential and upon the disclosure of confidential information under this section by the
48 agency or department, the ~~Department Bureau~~ may refuse to provide further criminal record
49 checks to that agency or department.

1 (d) Fee. – The ~~Department-Bureau~~ may charge a fee to offset the cost incurred by it to
2 conduct a criminal record check under this section. The fee may not exceed fourteen dollars
3 (\$14.00).

4 **"§ 143B-1209.13. Criminal record checks for foster care.**

5 The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to the Division
6 of Social Services, Department of Health and Human Services, the criminal history from the
7 State and National Repositories of Criminal Histories as defined in G.S. 131D-10.2(6a). The
8 Division shall provide to the ~~Department of Public Safety, Bureau,~~ along with the request, the
9 fingerprints of the individual to be checked, any additional information required by the
10 ~~Department of Public Safety, Bureau,~~ and a form consenting to the check of the criminal record
11 and to the use of fingerprints and other identifying information required by the State or National
12 Repositories signed by the individual to be checked. The fingerprints of the individual shall be
13 ~~forwarded to the State Bureau of Investigation used~~ for a search of the State's criminal history
14 record file, and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal
15 Bureau of Investigation for a national criminal history record check. The Division shall keep all
16 information pursuant to this section privileged, as provided in G.S. 131D-10.3A(g). The
17 ~~Department of Public Safety-Bureau~~ shall charge a reasonable fee only for conducting the checks
18 of the national criminal history records authorized by this section.

19 **"§ 143B-1209.14. Criminal record checks of child care providers.**

20 The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to the Division
21 of Child Development, Department of Health and Human Services, the criminal history from the
22 State and National Repositories of Criminal Histories in accordance with G.S. 110-90.2, of any
23 child care provider, as defined in G.S. 110-90.2. The Division shall provide to the ~~Department~~
24 ~~Bureau of Public Safety,~~ along with the request, the fingerprints of the provider to be checked,
25 any additional information required by the ~~Department of Public Safety, Bureau,~~ and a form
26 consenting to the check of the criminal record and to the use of fingerprints and other identifying
27 information required by the State or National Repositories signed by the child care provider to
28 be checked. The Division shall keep all information pursuant to this section privileged, as
29 provided in G.S. 110-90.2(e). The ~~Department of Public Safety-Bureau~~ shall charge a reasonable
30 fee only for conducting the checks of the national criminal history records authorized by this
31 section.

32 **"§ 143B-1209.15. Criminal history record checks of employees of and applicants for
33 employment with the Department of Health and Human Services, and the
34 Division of Juvenile Justice of the Department of Public Safety.**

35 (a) Definitions. – As used in this section, the term:

36 (1) "Covered person" means any of the following:

- 37 a. An applicant for employment or a current employee in a position in
38 the Division of Juvenile Justice of the Department of Public Safety
39 who provides direct care for a client, patient, student, resident or ward
40 of the Division.
- 41 b. A person who supervises positions in the Division of Juvenile Justice
42 of the Department of Public Safety providing direct care for a client,
43 patient, student, resident or ward of the Division.
- 44 c. An applicant for employment or a current employee in a position in
45 the Department of Health and Human Services.
- 46 d. An independent contractor or an employee of an independent
47 contractor that has contracted to provide services to the Department of
48 Health and Human Services.
- 49 e. A person who has been approved to perform volunteer services for the
50 Department of Health and Human Services.

- 1 f. An independent contractor or an employee of an independent
2 contractor who has contracted with the Division of Juvenile Justice of
3 the Department of Public Safety to provide direct care for a client,
4 patient, student, resident, or ward of the Division.
- 5 g. A person who has been approved to perform volunteer services in or
6 for the Division of Juvenile Justice of the Department of Public Safety
7 to provide direct care for a client, patient, student, resident, or ward of
8 the Division.

9 (2) "Criminal history" means a State or federal history of conviction of a crime,
10 whether a misdemeanor or felony, that bears upon a covered person's fitness
11 for employment in the Department of Health and Human Services or the
12 Division of Juvenile Justice of the Department of Public Safety. The crimes
13 include, but are not limited to, criminal offenses as set forth in any of the
14 following Articles of Chapter 14 of the General Statutes: Article 5,
15 Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering
16 Executive and Legislative Officers; Article 6, Homicide; Article 7B, Rape and
17 Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and
18 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or
19 Incendiary Device or Material; Article 14, Burglary and Other
20 Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny;
21 Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses
22 and Cheats; Article 19A, Obtaining Property or Services by False or
23 Fraudulent Use of Credit Device or Other Means; Article 19B, Financial
24 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article
25 26, Offenses Against Public Morality and Decency; Article 26A, Adult
26 Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,
27 Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against
28 the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies;
29 Article 39, Protection of Minors; Article 40, Protection of the Family; Article
30 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes
31 also include possession or sale of drugs in violation of the North Carolina
32 Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes,
33 and alcohol-related offenses such as sale to underage persons in violation of
34 G.S. 18B-302, or driving while impaired in violation of G.S. 20-138.1 through
35 G.S. 20-138.5.

36 (b) When requested by the Department of Health and Human Services or the Division of
37 Juvenile Justice of the Department of Public Safety, the ~~North Carolina Department of Public
38 Safety-State Bureau of Investigation~~ may provide to the requesting department or division a
39 covered person's criminal history from the State Repository of Criminal Histories. Such requests
40 shall not be due to a person's age, sex, race, color, national origin, religion, creed, political
41 affiliation, or handicapping condition as defined by G.S. 168A-3. For requests for a State
42 criminal history record check only, the requesting department or division shall provide to the
43 ~~Department of Public Safety-Bureau~~ a form consenting to the check signed by the covered person
44 to be checked and any additional information required by the ~~Department of Public Safety-
45 Bureau~~ National criminal record checks are authorized for covered applicants who have not
46 resided in the State of North Carolina during the past five years. For national checks the
47 Department of Health and Human Services or the Division of Juvenile Justice of the Department
48 of Public Safety shall provide to the ~~North Carolina Department of Public Safety-Bureau~~ the
49 fingerprints of the covered person to be checked, any additional information required by the
50 ~~Department of Public Safety, Bureau,~~ and a form signed by the covered person to be checked
51 consenting to the check of the criminal record and to the use of fingerprints and other identifying

1 information required by the State or National Repositories. The fingerprints of the individual
2 shall be ~~forwarded to the State Bureau of Investigation~~ used for a search of the State criminal
3 history record file and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the
4 Federal Bureau of Investigation for a national criminal history record check. The Department of
5 Health and Human Services and the Division of Juvenile Justice of the Department of Public
6 Safety shall keep all information pursuant to this section confidential. The ~~Department of Public~~
7 ~~Safety Bureau~~ shall charge a reasonable fee for conducting the checks of the criminal history
8 records authorized by this section.

9 (c) All releases of criminal history information to the Department of Health and Human
10 Services or the Division of Juvenile Justice of the Department of Public Safety shall be subject
11 to, and in compliance with, rules governing the dissemination of criminal history record checks
12 as adopted by the ~~North Carolina Department of Public Safety Bureau~~. All of the information
13 either department receives through the checking of the criminal history is privileged information
14 and for the exclusive use of that department.

15 ...

16 **"§ 143B-1209.16. Criminal record checks of applicants and current employees who access**
17 **federal tax information.**

18 (a) The ~~Department of Public Safety State Bureau of Investigation~~ may, upon request,
19 provide to the Division of Social Services or Division of Health Benefits within the Department
20 of Health and Human Services or a county agency the criminal history from the State and
21 National Repositories of Criminal Histories of the following individuals if the individual is
22 permitted, or will be permitted, to access federal tax information:

- 23 (1) An applicant for employment.
- 24 (2) A current employee.
- 25 (3) A contractual employee or applicant.
- 26 (4) An employee of a contractor.

27 (b) Along with the request, the requesting agency shall provide the following to the
28 ~~Department of Public Safety Bureau~~:

- 29 (1) The fingerprints of the person who is the subject of the record check.
- 30 (2) A form signed by the person who is the subject of the record check consenting
31 to:
 - 32 a. The criminal record check.
 - 33 b. The use of fingerprints.
 - 34 c. Any other identifying information required by the State and National
35 Repositories.
 - 36 d. Any additional information required by the Department of Public
37 Safety.

38 (c) The fingerprints shall be ~~forwarded to the State Bureau of Investigation~~ used for a
39 search of the State's criminal history record file, and the ~~State Bureau of Investigation~~ shall
40 forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history
41 record check.

42 (d) The requesting agency shall keep all information obtained pursuant to this section
43 confidential.

44 (e) The ~~Department of Public Safety Bureau~~ may charge a fee to offset the cost incurred
45 by it to conduct a criminal record check under this section. The fee shall not exceed the actual
46 cost of locating, editing, researching, and retrieving the information.

47 **"§ 143B-1209.17. Criminal record checks required prior to placement for adoption of a**
48 **minor who is in the custody or placement responsibility of a county department**
49 **of social services.**

50 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the Division
51 of Social Services, Department of Health and Human Services, the criminal history from the

1 State and National Repositories of Criminal Histories as defined in G.S. 48-1-101(5a). The
2 Division shall provide to the ~~Department of Public Safety, Bureau,~~ along with the request, the
3 fingerprints of any individual to be checked, any additional information required by the
4 ~~Department of Public Safety, Bureau,~~ and a form consenting to the check of the criminal record
5 and to the use of fingerprints and other identifying information required by the State or National
6 Repositories signed by the individual to be checked. The fingerprints of the individual shall be
7 ~~forwarded to the State Bureau of Investigation used~~ for a search of the State's criminal history
8 record file, and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal
9 Bureau of Investigation for a national criminal history record check. The Division shall keep all
10 information pursuant to this section privileged, as provided in G.S. 48-3-309(f). The ~~Department~~
11 ~~of Public Safety Bureau~~ shall charge a reasonable fee only for conducting the checks of the
12 national criminal history records authorized by this section.

13 **"§ 143B-1209.18. Criminal record checks of applicants for auctioneer, apprentice**
14 **auctioneer, or auction firm license.**

15 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the North
16 Carolina Auctioneers Commission from the State and National Repositories of Criminal
17 Histories the criminal history of any applicant for an auctioneer's license under Chapter 85B of
18 the General Statutes. Along with the request, the Commission shall provide to the ~~Department of~~
19 ~~Public Safety Bureau~~ the fingerprints of the applicant, a form signed by the applicant consenting
20 to the criminal record check and the use of fingerprints and other identifying information required
21 by the State or National Repositories, and any additional information required by the ~~Department~~
22 ~~of Public Safety Bureau.~~ The applicant's fingerprints shall be ~~forwarded to the State Bureau of~~
23 ~~Investigation used~~ for a check of the State's criminal history record file, and the ~~State Bureau of~~
24 ~~Investigation~~ shall forward a set of fingerprints to the Federal Bureau of Investigation for a
25 national criminal history record check. The Commission shall keep all information obtained
26 pursuant to this section confidential. ~~Department of Public Safety The Bureau~~ may charge a fee
27 to offset the cost incurred by it to conduct a criminal record check under this section. The fee
28 shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

29 **"§ 143B-1209.19. Criminal record checks of McGruff House Program volunteers.**

30 (a) Authority. – The ~~Department of Public Safety State Bureau of Investigation~~ and the
31 Federal Bureau of Investigation may provide to any local law enforcement agency a criminal
32 record check of any individual who applies as a volunteer for the McGruff House Program in
33 that community and a criminal record check of all persons 18 years of age or older who live in
34 the applying household. The North Carolina criminal record check may also be done by a
35 certified DCI operator within the local law enforcement agency.

36 (b) Procedure. – A criminal record check must be conducted by using an individual's
37 fingerprints and all identification information required by the ~~Department of Public Safety State~~
38 ~~Bureau of Investigation~~ to identify that individual. A criminal record check shall be provided
39 only if: (i) the individual whose record is checked consents to the record check, and (ii) every
40 individual who is 18 years of age or older who lives in the household also consents to the record
41 check. Refusal to give consent is considered withdrawal of the application. The information shall
42 be kept confidential by the local law enforcement agency that receives the information. If the
43 confidential information is disclosed under this section, the ~~Department State Bureau of~~
44 ~~Investigation~~ may refuse to provide further criminal record checks to that local law enforcement
45 agency.

46 **"§ 143B-1209.20. Criminal record checks for adult care homes, nursing homes, home care**
47 **agencies, and providers of mental health, developmental disabilities, and**
48 **substance abuse services.**

49 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the following
50 entities the criminal history from the State and National Repositories of Criminal Histories:

- 1 (1) Nursing homes or combination homes licensed under Chapter 131E of the
2 General Statutes.
- 3 (2) Adult care homes licensed under Chapter 131D of the General Statutes.
- 4 (3) Home care agencies licensed under Chapter 131E of the General Statutes.
- 5 (4) Providers licensed under Chapter 122C of the General Statutes, including a
6 contract agency of a provider that is subject to the provisions of Article 4 of
7 that Chapter.

8 The criminal history shall be provided to nursing homes and home care agencies in
9 accordance with G.S. 131E-265, to adult care homes in accordance with G.S. 131D-40, and to a
10 provider in accordance with G.S. 122C-80. The requesting entity shall provide to the ~~Department~~
11 ~~of Public Safety, Bureau,~~ along with the request, the fingerprints of the individual to be checked
12 if a national criminal history record check is required, any additional information required by the
13 ~~Department of Public Safety, Bureau,~~ and a form signed by the individual to be checked
14 consenting to the check of the criminal record and to the use of fingerprints and other identifying
15 information required by the State or National Repositories of Criminal Histories. If a national
16 criminal history record check is required, the fingerprints of the individual shall be ~~forwarded to~~
17 ~~the State Bureau of Investigation used~~ for a search of the State's criminal history record file, and
18 the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal Bureau of
19 Investigation for a national criminal history record check. All information received by the entity
20 shall be kept confidential in accordance with G.S. 131E-265, 131D-40, and 122C-80, as
21 applicable. The ~~Department of Public Safety Bureau~~ shall charge a reasonable fee for conducting
22 the checks authorized by this section. The fee for the State check may not exceed fourteen dollars
23 (\$14.00).

24 **"§ 143B-1209.21. Criminal record checks of applicants for licensure as registered nurses**
25 **or licensed practical nurses.**

26 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the North
27 Carolina Board of Nursing from the State and National Repositories of Criminal Histories the
28 criminal history of any applicant for licensure as a registered nurse or licensed practical nurse
29 under Article 9A of Chapter 90 of the General Statutes. Along with the request, the Board shall
30 provide to the ~~Department of Public Safety Bureau~~ the fingerprints of the applicant, a form signed
31 by the applicant consenting to the criminal record check and use of fingerprints and other
32 identifying information required by the State and National Repositories, and any additional
33 information required by the ~~Department of Public Safety, Bureau.~~ The applicant's fingerprints
34 shall be ~~forwarded to the State Bureau of Investigation used~~ for a search of the State's criminal
35 history record file and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the
36 Federal Bureau of Investigation for a national criminal history record check. The Board shall
37 keep all information obtained pursuant to this section confidential. The ~~Department of Public~~
38 ~~Safety Bureau~~ may charge a fee to offset the cost incurred by it to conduct a criminal record
39 check under this section. The fee shall not exceed the actual cost of locating, editing, researching,
40 and retrieving the information.

41 **"§ 143B-1209.22. Criminal record checks of applicants for registration, certification, or**
42 **licensure as a substance abuse professional.**

43 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the North
44 Carolina Substance Abuse Professional Practice Board from the State and National Repositories
45 of Criminal Histories the criminal history of any applicant for registration, certification, or
46 licensure pursuant to Article 5C of Chapter 90 of the General Statutes. Along with the request,
47 the Board shall provide to the ~~Department of Public Safety Bureau~~ the fingerprints of the
48 applicant, a form signed by the applicant consenting to the criminal record check and use of
49 fingerprints and other identifying information required by the State and National Repositories,
50 and any additional information required by the ~~Department of Public Safety, Bureau.~~ The
51 applicant's fingerprints shall be ~~forwarded to the State Bureau of Investigation used~~ for a search

1 of the State's criminal history record file, and the ~~State Bureau of Investigation~~ shall forward a
2 set of fingerprints to the Federal Bureau of Investigation for a national criminal history record
3 check. The Board shall keep all information obtained pursuant to this section confidential. The
4 ~~Department of Public Safety Bureau~~ may charge a fee to offset the cost incurred by it to conduct
5 a criminal record check under this section. The fee shall not exceed the actual cost of locating,
6 editing, researching, and retrieving the information.

7 **"§ 143B-1209.23. Criminal record checks of applicants for licensure as massage and**
8 **bodywork therapists.**

9 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the North
10 Carolina Board of Massage and Bodywork Therapy from the State and National Repositories of
11 Criminal Histories the criminal history of any applicant for licensure pursuant to Article 36 of
12 Chapter 90 of the General Statutes. Along with the request, the Board shall provide to the
13 ~~Department of Public Safety Bureau~~ the fingerprints of the applicant, a form signed by the
14 applicant consenting to the criminal record check and use of fingerprints and other identifying
15 information required by the State and National Repositories, and any additional information
16 required by the ~~Department of Public Safety Bureau~~. The applicant's fingerprints shall be
17 ~~forwarded to the State Bureau of Investigation used~~ for a search of the State's criminal history
18 record file, and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal
19 Bureau of Investigation for a national criminal history record check. The Board shall keep all
20 information obtained pursuant to this section confidential. ~~Department of Public Safety The~~
21 ~~Bureau~~ may charge a fee to offset the cost incurred by it to conduct a criminal record check under
22 this section. The fee shall not exceed the actual cost of locating, editing, researching, and
23 retrieving the information.

24 **"§ 143B-1209.24. Criminal history record checks of applicants to and current members of**
25 **fire departments and emergency medical services.**

26 (a) Definitions. – The following definitions apply in this section:

- 27 (1) Applicant. – A person who applies for a paid or volunteer position with a fire
28 department or an emergency medical service.
- 29 (2) Criminal history. – A State or federal history of conviction of a crime, whether
30 a misdemeanor or felony, that bears upon a covered person's fitness for
31 holding a paid or volunteer position with a fire department. The crimes
32 include, but are not limited to, criminal offenses as set forth in any of the
33 following Articles of Chapter 14 of the General Statutes: Article 5,
34 Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering
35 Executive, Legislative, and Court Officers; Article 6, Homicide; Article 7B,
36 Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and
37 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or
38 Incendiary Device or Material; Article 14, Burglary and Other
39 Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny;
40 Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses
41 and Cheats; Article 19A, Obtaining Property or Services by False or
42 Fraudulent Use of Credit Device or Other Means; Article 19B, Financial
43 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article
44 22, Damages and Other Offenses to Land and Fixtures; Article 26, Offenses
45 Against Public Morality and Decency; Article 26A, Adult Establishments;
46 Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31,
47 Misconduct in Public Office; Article 35, Offenses Against the Public Peace;
48 Article 36A, Riots, Civil Disorders, and Emergencies; Article 39, Protection
49 of Minors; Article 40, Protection of the Family; Article 59, Public
50 Intoxication; and Article 60, Computer-Related Crime. The crimes also
51 include possession or sale of drugs in violation of the North Carolina

1 Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes,
2 and alcohol-related offenses such as sale to underage persons in violation of
3 G.S. 18B-302, or driving while impaired in violation of G.S. 20-138.1 through
4 G.S. 20-138.5.

5 (3) Current member. – A person who serves in a paid or volunteer position with
6 a fire department or an emergency medical service.

7 (b) When requested by a designated local Homeland Security director, a local fire chief
8 of a rated fire department, a county fire marshal, an emergency services director, or if there is no
9 designated local Homeland Security director, local fire chief of a rated fire department, county
10 fire marshal, or emergency services director, when requested by a local law enforcement agency,
11 ~~the North Carolina Department of Public Safety State Bureau of Investigation~~ may provide to the
12 requesting director, chief, marshal, or agency an applicant's or current member's criminal history
13 from the State and National Repositories of Criminal Histories. The local Homeland Security
14 director, local fire chief, marshal, director, or local law enforcement agency shall provide to the
15 ~~North Carolina Department of Public Safety Bureau~~ the fingerprints of the applicant to be
16 checked, any additional information required by the ~~Department of Public Safety, Bureau~~, and a
17 form signed by the applicant to be checked consenting to the (i) check of the criminal record and
18 (ii) use of fingerprints and other identifying information required by the State or National
19 Repositories. The fingerprints of the individual shall be ~~forwarded to the State Bureau of~~
20 ~~Investigation used~~ for a search of the State criminal history record file, and the ~~State Bureau of~~
21 ~~Investigation~~ shall forward a set of fingerprints to the Federal Bureau of Investigation for a
22 national criminal history record check. The local Homeland Security director, local fire chief,
23 county fire marshal, emergency services director, or local law enforcement agency shall keep all
24 information pursuant to this section confidential. The ~~Department of Public Safety Bureau~~ shall
25 charge a reasonable fee for conducting the checks of the criminal history records authorized by
26 this section. The requesting local Homeland Security director, local fire chief, county fire
27 marshal, or local law enforcement agency may charge an applicant or current member the fee
28 amount charged by the ~~Department of Public Safety Bureau~~ for the criminal history record check
29 of the applicant or current member.

30 (c) All releases of criminal history information to the local Homeland Security director,
31 local fire chief, county fire marshal, emergency services director, or local law enforcement
32 agency shall be subject to, and in compliance with, rules governing the dissemination of criminal
33 history record checks as adopted by the ~~North Carolina Department of Public Safety Bureau~~. All
34 of the information the local Homeland Security director, local fire chief, county fire marshal,
35 emergency services director, or local law enforcement agency receives through the checking of
36 the criminal history is privileged information and for the exclusive use of that director, chief,
37 marshal, or agency.

38 ...

39 **"§ 143B-1209.25. Criminal record checks of applicants for manufactured home**
40 **manufacturer, dealer, salesperson, or set-up contractor licensure.**

41 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the North
42 Carolina Manufactured Housing Board from the State and National Repositories of Criminal
43 Histories the criminal history of any applicant for licensure as a manufactured home
44 manufacturer, dealer, salesperson, or set-up contractor under Article 9A of Chapter 143 of the
45 General Statutes. Along with the request, the Board shall provide to the ~~Department of Public~~
46 ~~Safety Bureau~~ the fingerprints of the applicant, a form signed by the applicant consenting to the
47 criminal record check, and use of fingerprints and other identifying information required by the
48 State and National Repositories, and any additional information required by the ~~Department of~~
49 ~~Public Safety Bureau~~. The applicant's fingerprints shall be ~~forwarded to the State Bureau of~~
50 ~~Investigation used~~ for a search of the State's criminal history record file, and the ~~State Bureau of~~
51 ~~Investigation~~ shall forward a set of fingerprints to the Federal Bureau of Investigation for a

1 national criminal history record check. The Board shall keep all information obtained pursuant
2 to this section confidential. The ~~Department of Public Safety Bureau~~ may charge a fee to offset
3 the cost incurred by it to conduct a criminal record check under this section. The fee shall not
4 exceed the actual cost of locating, editing, researching, and retrieving the information.

5 **"§ 143B-1209.26. Criminal record checks for municipalities and county governments.**

6 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to a city or
7 county from the State and National Repositories of Criminal Histories the criminal history of any
8 person who applies for employment with the city or county. The city or county shall provide to
9 the ~~Department of Public Safety Bureau~~, along with the request, the fingerprints of the applicant,
10 a form signed by the applicant consenting to the criminal record check and use of fingerprints
11 and other identifying information required by the State and National Repositories, and any
12 additional information required by the ~~Department of Public Safety Bureau~~. The applicant's
13 fingerprints shall be ~~forwarded to the State Bureau of Investigation used~~ for a search of the State's
14 criminal history record file, and the ~~State Bureau of Investigation~~ shall forward a set of
15 fingerprints to the Federal Bureau of Investigation for a national criminal history record check.
16 The city or county shall keep all information obtained pursuant to this section confidential. The
17 ~~Department of Public Safety Bureau~~ may charge a fee to offset the cost incurred by it to conduct
18 a criminal record check under this section. The fee shall not exceed the actual cost of locating,
19 editing, researching, and retrieving the information.

20 **"§ 143B-1209.27. Criminal record checks of applicants for locksmith licensure or
21 apprentice designation.**

22 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the North
23 Carolina Locksmith Licensing Board from the State and National Repositories of Criminal
24 Histories the criminal history of any applicant for licensure as a locksmith or an apprentice under
25 Chapter 74F of the General Statutes. Along with the request, the Board shall provide to the
26 ~~Department of Public Safety Bureau~~ the fingerprints of the applicant, a form signed by the
27 applicant consenting to the criminal record check and use of fingerprints and other identifying
28 information required by the State and National Repositories, and any additional information
29 required by the ~~Department of Public Safety Bureau~~. The applicant's fingerprints shall be
30 ~~forwarded to the State Bureau of Investigation used~~ for a search of the State's criminal history
31 record file, and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal
32 Bureau of Investigation for a national criminal history record check. The Board shall keep all
33 information obtained pursuant to this section confidential. The ~~Department of Public Safety
34 Bureau~~ may charge a fee to offset the cost incurred by it to conduct a criminal record check under
35 this section. The fee shall not exceed the actual cost of locating, editing, researching, and
36 retrieving the information.

37 **"§ 143B-1209.28. Criminal record checks for the North Carolina State Lottery Commission
38 and its Director.**

39 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the North
40 Carolina State Lottery Commission and to its Director from the State and National Repositories
41 of Criminal Histories the criminal history of any prospective employee of the Commission and
42 any potential contractor. The North Carolina State Lottery Commission or its Director shall
43 provide to the ~~Department of Public Safety Bureau~~, along with the request, the fingerprints of
44 the prospective employee of the Commission, or of the potential contractor, a form signed by the
45 prospective employee of the Commission, or of the potential contractor consenting to the criminal
46 record check and use of fingerprints and other identifying information required by the State and
47 National Repositories, and any additional information required by the ~~Department of Public
48 Safety Bureau~~. The fingerprints of the prospective employee of the Commission, or potential
49 contractor, shall be ~~forwarded to the State Bureau of Investigation used~~ for a search of the State's
50 criminal history record file, and the ~~State Bureau of Investigation~~ shall forward a set of
51 fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

1 The North Carolina State Lottery Commission and its Director shall remit any fingerprint
2 information retained by the Commission to alcohol law enforcement agents appointed under
3 Article 5 of Chapter 18B of the General Statutes and shall keep all information obtained pursuant
4 to this section confidential. The ~~Department of Public Safety Bureau~~ shall charge a reasonable
5 fee only for conducting the checks of the criminal history records authorized by this section.

6 **"§ 143B-1209.29. Criminal record checks of applicants for permit or license to conduct
7 exploration, recovery, or salvage operations and archaeological investigations.**

8 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the
9 Department of Natural and Cultural Resources from the State and National Repositories of
10 Criminal Histories the criminal history of any applicant for a permit or license under Article 3 of
11 Chapter 121 of the General Statutes or Article 2 of Chapter 70 of the General Statutes. Along
12 with the request, the Department of Natural and Cultural Resources shall provide to the
13 ~~Department of Public Safety Bureau~~ the fingerprints of the applicant, a form signed by the
14 applicant consenting to the criminal history record check and use of fingerprints and other
15 identifying information required by the State and National Repositories, and any additional
16 information required by the ~~Department of Public Safety Bureau~~. The applicant's fingerprints
17 shall be ~~forwarded to the State Bureau of Investigation used~~ for a search of the State's criminal
18 history record file, and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the
19 Federal Bureau of Investigation for a national criminal history record check. The Department of
20 Natural and Cultural Resources shall keep all information obtained under this section
21 confidential. The ~~Department of Public Safety Bureau~~ may charge a fee to offset the cost incurred
22 by it to conduct a criminal record check under this section. The fee shall not exceed the actual
23 cost of locating, editing, researching, and retrieving the information.

24 **"§ 143B-1209.30. Criminal record checks of applicants for licensure and licensees.**

25 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the North
26 Carolina Psychology Board from the State and National Repositories of Criminal Histories the
27 criminal history of any applicant for licensure or reinstatement of a license to practice psychology
28 or a licensed psychologist or psychological associate under Article 18A of Chapter 90 of the
29 General Statutes. Along with the request, the Board shall provide to the ~~Department of Public
30 Safety Bureau~~ the fingerprints of the applicant or licensee, a form signed by the applicant or
31 licensee consenting to the criminal record check and use of fingerprints and other identifying
32 information required by the State and National Repositories, and any additional information
33 required by the ~~Department of Public Safety Bureau~~. The applicant's or licensee's fingerprints
34 shall be ~~forwarded to the State Bureau of Investigation used~~ for a search of the State's criminal
35 history record file, and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the
36 Federal Bureau of Investigation for a national criminal history record check. The Board shall
37 keep all information obtained pursuant to this section confidential. The ~~Department of Public
38 Safety Bureau~~ may charge each applicant or licensee a fee to offset the cost incurred by it to
39 conduct a criminal record check under this section. The fee shall not exceed the actual cost of
40 locating, editing, researching, and retrieving the information.

41 **"§ 143B-1209.31. Criminal record checks for the Judicial Department.**

42 (a) The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the
43 Judicial Department from the State and National Repositories of Criminal Histories the criminal
44 history of any current or prospective employee, volunteer, or contractor of the Judicial
45 Department. The Judicial Department shall provide to the ~~Department of Public Safety Bureau~~,
46 along with the request, the fingerprints of the current or prospective employee, volunteer, or
47 contractor, a form signed by the current or prospective employee, volunteer, or contractor
48 consenting to the criminal record check and use of fingerprints and other identifying information
49 required by the State and National Repositories, and any additional information required by the
50 ~~Department of Public Safety Bureau~~. The fingerprints of the current or prospective employee,
51 volunteer, or contractor shall be ~~forwarded to the State Bureau of Investigation used~~ for a search

1 of the State's criminal history record file, and the ~~State Bureau of Investigation~~ shall forward a
2 set of fingerprints to the Federal Bureau of Investigation for a national criminal history record
3 check. The Judicial Department shall keep all information obtained pursuant to this section
4 confidential.

5 (b) The ~~Department of Public Safety-Bureau~~ may charge a fee to offset the cost incurred
6 by it to conduct a criminal record check under this section. The fee shall not exceed the actual
7 cost of locating, editing, researching, and retrieving the information.

8 **"§ 143B-1209.32. Criminal record checks for the Department of Information Technology.**

9 (a) The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to the
10 Department of Information Technology from the State and National Repositories of Criminal
11 Histories the criminal history of any current or prospective employee, volunteer, or contractor of
12 the Department of Information Technology. The Department of Information Technology shall
13 provide to the ~~Department of Public Safety-Bureau~~, along with the request, the fingerprints of
14 the current or prospective employee, volunteer, or contractor, a form signed by the current or
15 prospective employee, volunteer, or contractor consenting to the criminal record check and use
16 of fingerprints and other identifying information required by the State and National Repositories,
17 and any additional information required by the ~~Department of Public Safety-Bureau~~. The
18 fingerprints of the current or prospective employee, volunteer, or contractor shall be forwarded
19 ~~to the State Bureau of Investigation~~ used for a search of the State's criminal history record file,
20 and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal Bureau of
21 Investigation for a national criminal history record check. The Department of Information
22 Technology shall keep all information obtained pursuant to this section confidential.

23 (b) The ~~Department of Public Safety-Bureau~~ may charge a fee to offset the cost incurred
24 by it to conduct a criminal record check under this section. The fee shall not exceed the actual
25 cost of locating, editing, researching, and retrieving the information.

26 **"§ 143B-1209.33. Criminal record checks of EMS personnel.**

27 The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to the
28 Department of Health and Human Services the criminal history from the State and National
29 Repositories of Criminal Histories of an individual who applies for EMS credentials, seeks to
30 renew EMS credentials, or holds EMS credentials, when the criminal history is requested by the
31 Department. The Department of Health and Human Services shall provide to the ~~Department of~~
32 ~~Public Safety-Bureau~~ the request for the criminal history, the fingerprints of the individual to be
33 checked, any additional information required by the ~~Department of Public Safety-Bureau~~, and a
34 form consenting to the check of the criminal record and to the use of fingerprints and other
35 identifying information required by the State or National Repositories signed by the individual
36 to be checked. The Department of Health and Human Services and Emergency Medical Services
37 Disciplinary Committee, established by G.S. 143-519, shall keep all information obtained
38 pursuant to this section confidential. The ~~Department of Public Safety-Bureau~~ shall charge a
39 reasonable fee to offset the costs incurred by it to conduct the checks of criminal history records
40 authorized by this section.

41 **"§ 143B-1209.34. Criminal record checks of applicants for licensure as chiropractic**
42 **physicians.**

43 The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to the State
44 Board of Chiropractic Examiners from the State and National Repositories of Criminal Histories
45 the criminal history of any applicant for licensure pursuant to Article 8 of Chapter 90 of the
46 General Statutes. Along with the request, the Board shall provide to the ~~Department of Public~~
47 ~~Safety-Bureau~~ the fingerprints of the applicant, a form signed by the applicant consenting to the
48 criminal record check and use of fingerprints and other identifying information required by the
49 State and National Repositories, and any additional information required by the ~~Department of~~
50 ~~Public Safety-Bureau~~. The applicant's fingerprints shall be forwarded to the ~~State Bureau of~~
51 ~~Investigation~~ used for a search of the State's criminal history record file, and the ~~State Bureau of~~

1 ~~Investigation~~ shall forward a set of fingerprints to the Federal Bureau of Investigation for a
2 national criminal history record check. The Board shall keep all information obtained pursuant
3 to this section confidential. The ~~Department of Public Safety Bureau~~ may charge a fee to offset
4 the cost incurred by it to conduct a criminal record check under this section. The fee shall not
5 exceed the actual cost of locating, editing, researching, and retrieving the information.

6 **"§ 143B-1209.35. Criminal history record checks of employees of and applicants for**
7 **employment with the Department of Public Instruction.**

8 (a) Definitions. – As used in this section, the term:

9 (1) "Covered person" means any of the following:

10 a. An applicant for employment or a current employee in a position in
11 the Department of Public Instruction.

12 b. An independent contractor or an employee of an independent
13 contractor that has contracted to provide services to the Department of
14 Public Instruction.

15 (2) "Criminal history" means a State or federal history of conviction of a crime,
16 whether a misdemeanor or felony, that bears upon a covered person's fitness
17 for employment in the Department of Public Instruction. The crimes include,
18 but are not limited to, criminal offenses as set forth in any of the following
19 Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and
20 Issuing Monetary Substitutes; Article 5A, Endangering Executive and
21 Legislative Officers; Article 6, Homicide; Article 7B, Rape and Other Sex
22 Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article
23 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or
24 Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson
25 and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,
26 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,
27 Obtaining Property or Services by False or Fraudulent Use of Credit Device
28 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article
29 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality
30 and Decency; Article 26A, Adult Establishments; Article 27, Prostitution;
31 Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public
32 Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots,
33 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article
34 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,
35 Computer-Related Crime. The crimes also include possession or sale of drugs
36 in violation of the North Carolina Controlled Substances Act, Article 5 of
37 Chapter 90 of the General Statutes, and alcohol-related offenses such as sale
38 to underage persons in violation of G.S. 18B-302, or driving while impaired
39 violation of G.S. 20-138.1 through G.S. 20-138.5.

40 (b) When requested by the Department of Public Instruction, the ~~North Carolina~~
41 ~~Department of Public Safety State Bureau of Investigation~~ may provide to the requesting
42 department a covered person's criminal history from the State Repository of Criminal Histories.
43 Such request shall not be due to a person's age, sex, race, color, national origin, religion, creed,
44 political affiliation, or handicapping condition as defined by G.S. 168A-3. For requests for a State
45 criminal history record check only, the requesting department shall provide to the ~~Department of~~
46 ~~Public Safety Bureau~~ a form consenting to the check, signed by the covered person to be checked
47 and any additional information required by the ~~Department of Public Safety Bureau~~. National
48 criminal record checks are authorized for covered applicants who have not resided in the State
49 of North Carolina during the past five years. For national checks the Department of Public
50 Instruction shall provide to the ~~North Carolina Department of Public Safety Bureau~~ the
51 fingerprints of the covered person to be checked, any additional information required by the

1 ~~Department of Public Safety, Bureau,~~ and a form signed by the covered person to be checked,
2 consenting to the check of the criminal record and to the use of fingerprints and other identifying
3 information required by the State or National Repositories. The fingerprints of the individual
4 shall be ~~forwarded to the State Bureau of Investigation~~ used for a search of the State criminal
5 history record file and forwarded to the Federal Bureau of Investigation for a national criminal
6 history record check. The Department of Public Instruction shall keep all information pursuant
7 to this section confidential. The ~~Department of Public Safety Bureau~~ shall charge a reasonable
8 fee for conducting the checks of the criminal history records authorized by this section.

9 (c) All releases of criminal history information to the Department of Public Instruction
10 shall be subject to, and in compliance with, rules governing the dissemination of criminal history
11 record checks as adopted by the ~~North Carolina Department of Public Safety Bureau~~. All of the
12 information the department receives through the checking of the criminal history is privileged
13 information and for the exclusive use of the department.

14 ...

15 **"§ 143B-1209.36. Criminal record checks of applicants and of current employees who are**
16 **involved in the manufacture or production of drivers licenses and identification**
17 **cards.**

18 (a) The ~~Department of Public Safety State Bureau of Investigation~~ may, upon request,
19 provide to the Department of Transportation, Division of Motor Vehicles, the criminal history
20 from the State and National Repositories of Criminal Histories of the following individuals if the
21 individual (i) is or will be involved in the manufacture or production of drivers licenses and
22 identification cards, or (ii) has or will have the ability to affect the identity information that
23 appears on drivers licenses or identification cards:

- 24 (1) An applicant for employment.
- 25 (2) A current employee.
- 26 (3) A contractual employee or applicant.
- 27 (4) An employee of a contractor.

28 (b) Along with the request, the Division of Motor Vehicles shall provide the following to
29 the ~~Department of Public Safety Bureau~~:

- 30 (1) The fingerprints of the person who is the subject of the record check.
- 31 (2) A form signed by the person who is the subject of the record check consenting
32 to:
 - 33 a. The criminal record check.
 - 34 b. The use of fingerprints.
 - 35 c. Any other identifying information required by the State and National
36 Repositories.
 - 37 d. Any additional information required by the Department of Public
38 Safety.

39 (c) The fingerprints shall be ~~forwarded to the State Bureau of Investigation~~ used for a
40 search of the State's criminal history record file, and the ~~State Bureau of Investigation~~ shall
41 forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history
42 record check.

43 (d) The Division of Motor Vehicles shall keep all information obtained pursuant to this
44 section confidential.

45 (e) The ~~Department of Public Safety Bureau~~ may charge a fee to offset the cost incurred
46 by it to conduct a criminal record check under this section. The fee shall not exceed the actual
47 cost of locating, editing, researching, and retrieving the information.

48 **"§ 143B-1209.37. Criminal history record checks of applicants for licensure as nursing**
49 **home administrators.**

50 (a) The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the
51 North Carolina State Board of Examiners for Nursing Home Administrators from the State and

1 National Repositories of Criminal Histories the criminal history of any applicant for licensure as
2 a nursing home administrator under Article 20 of Chapter 90 of the General Statutes. Along with
3 the request, the Board shall provide to the ~~Department of Public Safety-Bureau~~ the fingerprints
4 of the applicant, a form signed by the applicant consenting to the criminal history record check
5 and use of fingerprints and other identifying information required by the State and National
6 Repositories, and any additional information required by the ~~Department of Public Safety-~~
7 ~~Bureau~~. The applicant's fingerprints shall be ~~forwarded to the State Bureau of Investigation used~~
8 for a search of the State's criminal history record file, and the ~~State Bureau of Investigation~~ shall
9 forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history
10 record check. The Board shall keep all information obtained pursuant to this section confidential.

11 (b) The ~~Department of Public Safety-Bureau~~ may charge a fee to offset the cost incurred
12 by it to conduct a criminal history record check under this section. The fee shall not exceed the
13 actual cost of locating, editing, researching, and retrieving the information.

14 **"§ 143B-1209.38. Criminal record checks of applicants for licensure as clinical mental**
15 **health counselors.**

16 The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to the North
17 Carolina Board of Licensed Clinical Mental Health Counselors from the State and National
18 Repositories of Criminal Histories the criminal history of any applicant for licensure or
19 reinstatement of a license or licensee under Article 24 of Chapter 90 of the General Statutes.
20 Along with the request, the Board shall provide to the ~~Department of Public Safety-Bureau~~ the
21 fingerprints of the applicant or licensee, a form signed by the applicant or licensee consenting to
22 the criminal record check and use of fingerprints and other identifying information required by
23 the State and National Repositories, and any additional information required by the ~~Department~~
24 ~~of Public Safety-Bureau~~. The applicant or licensee's fingerprints shall be ~~forwarded to the State~~
25 ~~Bureau of Investigation used~~ for a search of the State's criminal history record file, and the ~~State~~
26 ~~Bureau of Investigation~~ shall forward a set of fingerprints to the Federal Bureau of Investigation
27 for a national criminal history record check. The Board shall keep all information obtained
28 pursuant to this section confidential. The ~~Department of Public Safety-Bureau~~ may charge a fee
29 to offset the cost incurred by it to conduct a criminal record check under this section. The fee
30 shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

31 **"§ 143B-1209.39. Criminal history record checks of applicants for licensure as marriage**
32 **and family therapists and marriage and family therapy associates.**

33 The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to the North
34 Carolina Marriage and Family Therapy Licensure Board from the State and National
35 Repositories of Criminal Histories the criminal history of any applicant for licensure or
36 reinstatement of a license or licensee under Article 18C of Chapter 90 of the General Statutes.
37 Along with the request, the Board shall provide to the ~~Department of Public Safety-Bureau~~ the
38 fingerprints of the applicant or licensee, a form signed by the applicant or licensee consenting to
39 the criminal history record check and use of fingerprints and other identifying information
40 required by the State and National Repositories, and any additional information required by the
41 ~~Department of Public Safety-Bureau~~. The applicant's or licensee's fingerprints shall be ~~forwarded~~
42 ~~to the State Bureau of Investigation used~~ for a search of the State's criminal history record file,
43 and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal Bureau of
44 Investigation for a national criminal history record check. The Board shall keep all information
45 obtained pursuant to this section confidential. The ~~Department of Public Safety-Bureau~~ may
46 charge a fee to offset the cost incurred by the Department to conduct a criminal history record
47 check under this section. The fee shall not exceed the actual cost of locating, editing, researching,
48 and retrieving the information.

49 **"§ 143B-1209.40. Criminal record checks of petitioners for restoration of firearms rights.**

50 (a) A person who petitions the court to have the person's firearms rights restored shall
51 submit a full set of the petitioner's fingerprints, to be administered by the sheriff. The petitioner

1 shall also submit to the sheriff a form signed by the petitioner consenting to the criminal record
2 check and use of fingerprints and other identifying information required by the State and National
3 Repositories, and any additional information required by the State Bureau of Investigation or the
4 Federal Bureau of Investigation. The sheriff shall forward the set of fingerprints and the signed
5 consent form to the State Bureau of Investigation for a records check of State and national
6 databases.

7 (b) Upon receipt of the fingerprints and consent form forwarded by the sheriff pursuant
8 to subsection (a) of this section, the State Bureau of Investigation shall conduct a search of the
9 State criminal history record file and shall forward a set of the fingerprints and a copy of the
10 signed consent form to the Federal Bureau of Investigation for a national criminal history record
11 check.

12 (c) The State Bureau of Investigation shall provide a copy of the information obtained
13 pursuant to this section to the clerk of superior court, which shall be kept confidential in the court
14 file for the petition for restoration of firearms rights.

15 (d) The ~~Department of Public Safety-Bureau~~ may charge a fee to offset the cost incurred
16 by it to conduct a criminal record check under this section. The fee shall not exceed the actual
17 cost of locating, editing, researching, and retrieving the information.

18 **"§ 143B-1209.41. Criminal record checks of applicants for certification by the Department**
19 **of Agriculture and Consumer Services as euthanasia technicians.**

20 The ~~Department of Public Safety-State Bureau of Investigation~~ may provide a criminal record
21 check to the Department of Agriculture and Consumer Services for a person who has applied for
22 a new or renewal certification as a euthanasia technician. The Department of Agriculture and
23 Consumer Services shall provide the ~~Department of Public Safety-Bureau~~ a request for the
24 criminal record check, the fingerprints of the individual to be checked, any additional information
25 required by the ~~Department of Public Safety-Bureau~~, and a form signed by the person seeking
26 certification consenting to the check of the criminal record. The fingerprints shall be forwarded
27 ~~to the State Bureau of Investigation-used~~ for a search of the State's criminal history record file,
28 and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal Bureau of
29 Investigation for a national criminal history record check. The Department of Agriculture and
30 Consumer Services shall keep all information pursuant to this section privileged, in accordance
31 with applicable State law and federal guidelines, and the information shall be confidential and
32 shall not be a public record under Chapter 132 of the General Statutes. The ~~Department of Public~~
33 ~~Safety-Bureau~~ may charge each applicant a fee for conducting the checks of criminal history
34 records authorized by this section.

35 **"§ 143B-1209.42. Criminal history record checks of applicants for trainee registration,**
36 **appraiser licensure, appraiser certification, or registrants for registration as real**
37 **estate appraisal management companies.**

38 The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to the North
39 Carolina Appraisal Board from the State and National Repositories of Criminal Histories the
40 criminal history of any applicant or registrant for registration under Article 1 and Article 2 of
41 Chapter 93E of the General Statutes. Along with the request, the Board shall provide to the
42 ~~Department of Public Safety-Bureau~~ the fingerprints of the applicant or registrant, a form signed
43 by the applicant or registrant consenting to the criminal history record check and use of
44 fingerprints and other identifying information required by the State and National Repositories,
45 and any additional information required by the ~~Department of Public Safety-Bureau~~. The
46 applicant's or registrant's fingerprints shall be forwarded to the ~~State Bureau of Investigation-used~~
47 for a search of the State's criminal history record file, and the ~~State Bureau of Investigation~~ shall
48 forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history
49 record check. The Board shall keep all information obtained pursuant to this section confidential.
50 The ~~Department of Public Safety-Bureau~~ may charge a fee to offset the cost incurred by the

1 ~~Department Bureau~~ to conduct a criminal history record check under this section. The fee shall
2 not exceed the actual cost of locating, editing, researching, and retrieving the information.

3 **"§ 143B-1209.43. Criminal history record checks of applicants for a restoration of a**
4 **revoked drivers license.**

5 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the Division
6 of Motor Vehicles, from the State and National Repositories of Criminal Histories, the criminal
7 history record of any applicant for a restoration of a revoked drivers license. Along with the
8 request, the Division shall provide to the ~~Department of Public Safety Bureau~~ the fingerprints of
9 the applicant, a form signed by the applicant consenting to the criminal history record check and
10 use of fingerprints, other identifying information required by the State and National Repositories,
11 and any additional information required by the ~~Department of Public Safety Bureau~~. The
12 applicant's fingerprints shall be ~~forwarded to the State Bureau of Investigation used~~ for a search
13 of the State's criminal history record file, and the ~~State Bureau of Investigation~~ shall forward a
14 set of fingerprints to the Federal Bureau of Investigation for a national criminal history record
15 check. The Division shall keep all information obtained pursuant to this section confidential. The
16 ~~Department of Public Safety Bureau~~ may charge a fee to offset the cost incurred by it to conduct
17 a criminal history record check under this section. The fee shall not exceed the actual cost of
18 locating, editing, researching, and retrieving the information. Fees and other costs incurred by
19 the Division under this statute may be charged to the applicant.

20 **"§ 143B-1209.44. Criminal history record checks of applicants for and current holders of**
21 **certificate to transport household goods.**

22 (a) The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the
23 Utilities Commission from the State and National Repositories of Criminal Histories the criminal
24 history of any applicant for or current holder of a certificate to transport household goods. Along
25 with the request, the Commission shall provide to the ~~Department of Public Safety Bureau~~ the
26 fingerprints of the applicant or current holder, a form signed by the applicant or current holder
27 consenting to the criminal history record check and use of fingerprints and other identifying
28 information required by the State and National Repositories of Criminal Histories, and any
29 additional information required by the ~~Department of Public Safety Bureau~~. The applicant's or
30 current holder's fingerprints shall be ~~forwarded to the State Bureau of Investigation used~~ for a
31 search of the State's criminal history record file, and the ~~State Bureau of Investigation~~ shall
32 forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history
33 record check. The Utilities Commission shall keep all information obtained pursuant to this
34 section confidential. The ~~Department of Public Safety Bureau~~ may charge a fee to offset the cost
35 incurred by it to conduct a criminal history record check under this section. The fee shall not
36 exceed the actual cost of locating, editing, researching, and retrieving the information. The
37 ~~Department of Public Safety Bureau~~ shall send a copy of the results of the criminal history record
38 checks directly to the Utilities Commission Chief Clerk.

39 ...
40 **"§ 143B-1209.45. Criminal history record checks of applicants for licensure as physical**
41 **therapists or physical therapist assistants.**

42 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the North
43 Carolina Board of Physical Therapy Examiners a criminal history record from the State and
44 National Repositories of Criminal Histories for applicants for licensure by the Board. Along with
45 a request for criminal history records, the Board shall provide to the ~~Department of Public Safety~~
46 ~~Bureau~~ the fingerprints of the applicant or subject, a form signed by the applicant consenting to
47 the criminal history record check and use of the fingerprints and other identifying information
48 required by the Repositories, and any additional information required by the ~~Department Bureau~~.
49 The fingerprints shall be ~~forwarded to the State Bureau of Investigation used~~ for a search of the
50 State's criminal history record file, and the ~~State Bureau of Investigation~~ shall forward a set of
51 fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

1 The Board shall keep all information obtained pursuant to this section confidential. The
2 ~~Department of Public Safety Bureau~~ may charge a fee to offset the cost incurred by the
3 ~~Department of Public Safety Bureau~~ to conduct a criminal history record check under this section,
4 but the fee shall not exceed the actual cost of locating, editing, researching, and retrieving the
5 information.

6 **"§ 143B-1209.46. Criminal record checks of applicants and recipients of programs of public**
7 **assistance.**

8 (a) Upon receipt of a request from a county department of social services pursuant to
9 G.S. 108A-26.1, the ~~Department of Public Safety State Bureau of Investigation~~ shall, to the
10 extent allowed by federal law, provide to the county department of social services the criminal
11 history from the State or National Repositories of Criminal Histories of an applicant for, or
12 recipient of, program assistance under Part 2 or Part 5 of Article 2 of Chapter 108A of the General
13 Statutes.

14 (b) The county department of social services shall provide to the ~~Department of Public~~
15 ~~Safety Bureau~~, along with the request, any information required by the ~~Department of Public~~
16 ~~Safety Bureau~~ and a form signed by the individual to be checked consenting to the check of the
17 criminal record and to the use of any necessary identifying information required by the State or
18 National Repositories. The county department of social services shall keep all information
19 pursuant to this section confidential and privileged, except as provided in G.S. 108A-26.1.

20 (c) The ~~Department of Public Safety Bureau~~ may charge a reasonable fee only for
21 conducting the checks of the criminal history records authorized by this section.

22 **"§ 143B-1209.47. Criminal record checks for the Office of State Controller.**

23 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the Office of
24 State Controller from the State and National Repositories of Criminal Histories the criminal
25 history of any current or prospective employee, volunteer, or contractor of the Office of State
26 Controller. The Office of State Controller shall provide to the ~~Department of Public Safety,~~
27 ~~Bureau~~, along with the request, the fingerprints of the current or prospective employee, volunteer,
28 or contractor, a form signed by the current or prospective employee, volunteer, or contractor
29 consenting to the criminal record check and use of fingerprints and other identifying information
30 required by the State and National Repositories, and any additional information required by the
31 ~~Department of Public Safety Bureau~~. The fingerprints of the current or prospective employee,
32 volunteer, or contractor shall be ~~forwarded to the State Bureau of Investigation used~~ for a search
33 of the State's criminal history record file, and the ~~State Bureau of Investigation~~ shall forward a
34 set of fingerprints to the Federal Bureau of Investigation for a national criminal history record
35 check. The Office of State Controller shall keep all information obtained pursuant to this section
36 confidential. The ~~Department of Public Safety Bureau~~ may charge a fee to offset the cost incurred
37 by it to conduct a criminal record check under this section. The fee shall not exceed the actual
38 cost of locating, editing, researching, and retrieving the information.

39 **"§ 143B-1209.48. Criminal record checks for the Department of Revenue.**

40 (a) The ~~Department of Public Safety State Bureau of Investigation~~ shall, upon request,
41 provide to the Department of Revenue from the State and National Repositories of Criminal
42 Histories the criminal history of any of the following individuals:

- 43 (1) A current or prospective permanent or temporary employee.
- 44 (2) A contractor with the Department.
- 45 (3) An employee or agent of a contractor with the Department.
- 46 (4) Any other individual otherwise engaged by the Department who will have
47 access to federal tax information.

48 (b) Along with the request, the Department of Revenue shall provide to the ~~Department~~
49 ~~of Public Safety Bureau~~ the fingerprints of the individual whose record is being sought, a form
50 signed by the individual consenting to the criminal record check and use of fingerprints and other
51 identifying information required by the State and National Repositories, and any additional

1 information required by the ~~Department of Public Safety-Bureau~~. The individual's fingerprints
2 shall be ~~forwarded to the State Bureau of Investigation used~~ for a search of the State's criminal
3 history record file, and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the
4 Federal Bureau of Investigation for a national criminal history record check. The Department of
5 Revenue shall keep all information obtained pursuant to this section confidential.

6 (c) The ~~Department of Public Safety-Bureau~~ may charge a fee to offset the cost incurred
7 by it to conduct a criminal record check under this section. The fee shall not exceed the actual
8 cost of locating, editing, researching, and retrieving the information.

9 **"§ 143B-1209.49. Criminal record checks for the Office of State Human Resources.**

10 (a) The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to the
11 Office of State Human Resources from the State and National Repositories of Criminal Histories
12 the criminal history of any prospective temporary employee of a State agency or department if a
13 criminal record check is a requirement for employment by the agency or department with which
14 the individual would be temporarily assigned. The Office of State Human Resources shall
15 provide to the ~~Department of Public Safety-Bureau~~, along with the request, the fingerprints of
16 the prospective temporary employee, a form signed by the prospective temporary employee
17 consenting to the criminal record check and use of fingerprints and other identifying information
18 required by the State and National Repositories, and any additional information required by the
19 ~~Department of Public Safety-Bureau~~. The fingerprints of the prospective employee shall be
20 ~~forwarded to the State Bureau of Investigation used~~ for a search of the State's criminal history
21 record file, and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal
22 Bureau of Investigation for a national criminal history record check. The Office of State Human
23 Resources shall keep all information obtained pursuant to this section confidential.

24 (b) The ~~Department of Public Safety-Bureau~~ may charge a fee to offset the cost incurred
25 by it to conduct a criminal record check under this section. The fee shall not exceed the actual
26 cost of locating, editing, researching, and retrieving the information. If the ~~Department of Public~~
27 ~~Safety-Bureau~~ charges the Office of State Human Resources a fee for conducting the criminal
28 record check, the agency or department with which the individual would be temporarily assigned
29 shall reimburse the Office of State Human Resources for the fee charged.

30 **"§ 143B-1209.50. Criminal record checks for employees and contractors of the State Board
31 of Elections and county directors of elections.**

32 (a) As used in this section, the term:

33 (1) "Current or prospective employee" means any of the following:

- 34 a. A current or prospective permanent or temporary employee of the
35 State Board or a current or prospective county director of elections.
- 36 b. A current or prospective contractor with the State Board.
- 37 c. An employee or agent of a current or prospective contractor with the
38 State Board.
- 39 d. Any other individual otherwise engaged by the State Board who has
40 or will have the capability to update, modify, or change elections
41 systems or confidential elections or ethics data.

42 (2) "State Board" means the State Board of Elections.

43 (b) The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to the
44 Executive Director of the State Board a current or prospective employee's criminal history from
45 the State and National Repositories of Criminal Histories. The Executive Director shall provide
46 to the ~~Department of Public Safety-Bureau~~, along with the request, the fingerprints of the current
47 or prospective employee, a form signed by the current or prospective employee consenting to the
48 criminal record check and use of fingerprints and other identifying information required by the
49 State and National Repositories, and any additional information required by the ~~Department of~~
50 ~~Public Safety-Bureau~~. The fingerprints of the current or prospective employee shall be ~~forwarded~~
51 ~~to the State Bureau of Investigation used~~ for a search of the State's criminal history record file,

1 and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal Bureau of
2 Investigation for a national criminal history record check.

3 (c) The ~~Department of Public Safety-Bureau~~ may charge a fee to offset the cost incurred
4 by it to conduct a criminal record check under this section. The fee shall not exceed the actual
5 cost of locating, editing, researching, and retrieving the information.

6 ...

7 **"§ 143B-1209.51. Criminal record checks for employees of county boards of elections.**

8 (a) As used in this section, the term:

9 (1) "Current or prospective employee" means a current or prospective permanent
10 or temporary employee of a county board of elections.

11 (2) "State Board" means the State Board of Elections.

12 (b) The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to a
13 county board of elections a current or prospective employee's criminal history from the State and
14 National Repositories of Criminal Histories. The county board of elections shall provide to the
15 ~~Department of Public Safety-Bureau~~, along with the request, the fingerprints of the current or
16 prospective employee, a form signed by the current or prospective employee consenting to the
17 criminal record check and use of fingerprints and other identifying information required by the
18 State and National Repositories, and any additional information required by the ~~Department of~~
19 ~~Public Safety-Bureau~~. The fingerprints of the current or prospective employee shall be forwarded
20 to the ~~State Bureau of Investigation~~ used for a search of the State's criminal history record file,
21 and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal Bureau of
22 Investigation for a national criminal history record check.

23 (c) The ~~Department of Public Safety-Bureau~~ may charge a fee to offset the cost incurred
24 by it to conduct a criminal record check under this section. The fee shall not exceed the actual
25 cost of locating, editing, researching, and retrieving the information.

26 ...

27 **"§ 143B-1209.52. Criminal record checks of applicants for licensure as
28 dietitian/nutritionists or nutritionists.**

29 The ~~Department of Public Safety-State Bureau of Investigation~~ may provide to the North
30 Carolina Board of Dietetics/Nutrition a criminal history record from the State and National
31 Repositories of Criminal Histories for applicants for licensure by the Board. Along with a request
32 for criminal history records, the Board shall provide to the ~~Department of Public Safety-Bureau~~
33 the fingerprints of the applicant or subject, a form signed by the applicant consenting to the
34 criminal history record check and use of the fingerprints and other identifying information
35 required by the Repositories, and any additional information required by the ~~Department-Bureau~~.
36 The fingerprints shall be forwarded to the ~~State Bureau of Investigation~~ used for a search of the
37 State's criminal history record file, and the ~~State Bureau of Investigation~~ shall forward a set of
38 fingerprints to the Federal Bureau of Investigation for a national criminal history record check.
39 The Board shall keep all information obtained pursuant to this section confidential. The
40 ~~Department of Public Safety-Bureau~~ may charge a fee to offset the cost incurred by the
41 ~~Department of Public Safety-Bureau~~ to conduct a criminal history record check under this section,
42 but the fee shall not exceed the actual cost of locating, editing, researching, and retrieving the
43 information.

44 **"§ 143B-1209.53. National criminal record checks for child care institutions.**

45 The ~~Department of Public Safety-State Bureau of Investigation~~ shall provide to the
46 Department of Health and Human Services, Criminal Records Check Unit, in accordance with
47 G.S. 108A-150, the criminal history of any current or prospective employee or volunteer in a
48 child care institution as defined by Title IV-E of the Social Security Act, including individuals
49 working with a contract agency in a child care institution. The Department of Health and Human
50 Services, Criminal Records Check Unit, shall provide to the ~~Department of Public Safety-~~
51 ~~Bureau~~, along with the request, the fingerprints of the individual to be checked, any additional

1 information required by the ~~Department of Public Safety, Bureau,~~ and a form signed by the
2 individual to be checked consenting to the check of the criminal record and to the use of
3 fingerprints and other identifying information required by the State or National Repositories of
4 Criminal Histories. The fingerprints of the individual shall be ~~forwarded to the State Bureau of~~
5 ~~Investigation~~ used for a search of the State's criminal history record file, and the ~~State Bureau of~~
6 ~~Investigation~~ shall forward a set of fingerprints to the Federal Bureau of Investigation for a
7 national criminal history record check. All information received by the Department of Health and
8 Human Services, Criminal Records Check Unit, shall be kept confidential in accordance with
9 G.S. 108A-150. The ~~Department of Public Safety Bureau~~ may charge a reasonable fee to conduct
10 a criminal record check under this section.

11 ...

12 **"§ 143B-1209.55. Criminal record checks for the Legislative Services Commission.**

13 The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the Legislative
14 Services Officer from the State and National Repositories of Criminal Histories the criminal
15 history of any prospective employee, volunteer, or contractor of the General Assembly. The
16 Legislative Services Officer shall provide to the ~~Department of Public Safety, Bureau,~~ along with
17 the request, the fingerprints of the prospective employee, volunteer, or contractor, a form signed
18 by the prospective employee, volunteer, or contractor consenting to the criminal record check
19 and use of fingerprints and other identifying information required by the State and National
20 Repositories and any additional information required by the ~~Department of Public Safety,~~
21 ~~Bureau.~~ The fingerprints of the prospective employee, volunteer, or contractor shall be ~~forwarded~~
22 ~~to the State Bureau of Investigation~~ used for a search of the State's criminal history record file,
23 and the ~~State Bureau of Investigation~~ shall forward a set of fingerprints to the Federal Bureau of
24 Investigation for a national criminal history record check. The Legislative Services Officer shall
25 keep all information obtained pursuant to this section confidential. The ~~Department of Public~~
26 ~~Safety Bureau~~ may charge a fee to offset the cost incurred by it to conduct a criminal record
27 check under this section. The fee shall not exceed the actual cost of locating, editing, researching,
28 and retrieving the information.

29 **"§ 143B-1209.56. Criminal record checks for sheriffs.**

30 (a) The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the
31 North Carolina Sheriffs' Education and Training Standards Commission a criminal history from
32 the State and National Repositories of Criminal Histories for any person filing a notice of
33 candidacy, or any potential appointee to fill a vacancy, to the office of sheriff. The North Carolina
34 Sheriffs' Education and Training Standards Commission shall provide to the ~~Department of~~
35 ~~Public Safety, Bureau,~~ along with the request, the fingerprints of the person filing a notice of
36 candidacy, or any potential appointee to fill a vacancy, to the office of sheriff; a form signed by
37 the individual consenting to the criminal record check and use of fingerprints and other
38 identifying information required by the State and National Repositories; and any additional
39 information required by the ~~Department of Public Safety, Bureau.~~ The fingerprints of the
40 individual shall be ~~forwarded to the State Bureau of Investigation~~ used for a search of the State's
41 criminal history record file, and the ~~State Bureau of Investigation~~ shall forward a set of
42 fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

43 ...

44 **"§ 143B-1209.57. Criminal record check for platform licensees.**

45 (a) The ~~Department of Public Safety State Bureau of Investigation~~ may provide to the
46 Secretary of State a criminal history from the State and National Repositories of Criminal
47 Histories for any applicant seeking a platform license. The Secretary shall provide to the
48 ~~Department of Public Safety, Bureau,~~ along with the request, the fingerprints of the applicant and
49 its key persons; a form signed by the individual consenting to the criminal record check and use
50 of fingerprints and other identifying information required by the State and National Repositories;
51 and any additional information required by the ~~Department of Public Safety, Bureau.~~ The

1 fingerprints of the individual shall be forwarded to the State Bureau of Investigation used for a
 2 search of the State's criminal history record file, and the State Bureau of Investigation shall
 3 forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history
 4 record check.

5 ...

6 **"§ 143B-1209.58. The National Crime Prevention and Privacy Compact.**

7 The National Crime Prevention and Privacy Compact is enacted into law and entered into
 8 with all jurisdictions legally joining in the compact in the form substantially as set forth in this
 9 section, as follows:

10 Preamble.

11 Whereas, it is in the interest of the State to facilitate the dissemination of criminal
 12 history records from other states for use in North Carolina as authorized by State law; and

13 Whereas, the National Crime Prevention and Privacy Compact creates a legal
 14 framework for the cooperative exchange of criminal history records for noncriminal justice
 15 purposes; and

16 Whereas, the compact provides for the organization of an electronic
 17 information-sharing system among the federal government and the states to exchange criminal
 18 history records for noncriminal justice purposes authorized by federal or state law, such as
 19 background checks for governmental licensing and employment; and

20 Whereas, under the compact, the FBI and the party states agree to maintain detailed
 21 databases of their respective criminal history records, including arrests and dispositions, and to
 22 make them available to the federal government and party states for authorized purposes; and

23 Whereas, the FBI shall manage the federal data facilities that provide a significant
 24 part of the infrastructure for the system; and

25 Whereas, entering into the compact would facilitate the interstate and federal-state
 26 exchange of criminal history information to streamline the processing of background checks for
 27 noncriminal justice purposes; and

28 Whereas, release and use of information obtained through the system for noncriminal
 29 justice purposes would be governed by the laws of the receiving state; and

30 Whereas, entering into the compact will provide a mechanism for establishing and
 31 enforcing uniform standards for record accuracy and for the confidentiality and privacy interests
 32 of record subjects.

33 Article I.

34 Definitions.

35 As used in this compact, the following definitions apply:

36 ...

37 (4) "Criminal history record repository" means the ~~Department of Public~~
 38 ~~Safety~~ State Bureau of Investigation.

39"

40 **SECTION 19F.4.(k)** G.S. 143B-600(b)(2) is repealed.

41 **SECTION 19F.4.(l)** G.S. 14-16.9 reads as rewritten:

42 **"§ 14-16.9. Officers-elect to be covered.**

43 Any person who has been elected to any office covered by this Article but has not yet taken
 44 the oath of office shall be considered to hold the office for the purpose of this Article and
 45 ~~G.S. 143B-919.~~ G.S. 143B-1208.5."

46 **SECTION 19F.4.(m)** G.S. 113-172(a) reads as rewritten:

47 "(a) The Secretary shall designate license agents for the Department. The Division and
 48 license agents designated by the Secretary under this section shall issue licenses authorized under
 49 this Article in accordance with this Article and the rules of the Commission. The Secretary may
 50 require license agents to enter into a contract that provides for their duties and compensation,
 51 post a bond, and submit to reasonable inspections and audits. If a license agent violates any

1 provision of this Article, the rules of the Commission, or the terms of the contract, the Secretary
2 may initiate proceedings for the forfeiture of the license agent's bond and may summarily
3 suspend, revoke, or refuse to renew a designation as a license agent and may impound or require
4 the return of all licenses, moneys, record books, reports, license forms and other documents,
5 ledgers, and materials pertinent or apparently pertinent to the license agency. The Secretary shall
6 report evidence or misuse of State property, including license fees, by a license agent to the State
7 Bureau of Investigation as provided by ~~G.S. 143B-920~~G.S. 143B-1208.6."

8 **SECTION 19F.4.(n)** G.S. 164-44(a) reads as rewritten:

9 "(a) The Commission shall have the secondary duty of collecting, developing, and
10 maintaining statistical data relating to sentencing, corrections, and juvenile justice so that the
11 primary duties of the Commission will be formulated using data that is valid, accurate, and
12 relevant to this State. All State agencies shall provide data as it is requested by the Commission.
13 For the purposes of ~~G.S. 143B-930~~G.S. 143B-1209.10, the Commission shall be considered to
14 be engaged in the administration of criminal justice. All meetings of the Commission shall be
15 open to the public and the information presented to the Commission shall be available to any
16 State agency or member of the General Assembly."

17 **SECTION 19F.4.(o)** G.S. 110-90.2(g) reads as rewritten:

18 "(g) The child care provider shall pay the cost of the fingerprinting and the federal criminal
19 history record check in accordance with ~~G.S. 143B-934~~G.S. 143B-1209.14. ~~The Department of~~
20 ~~Public Safety~~State Bureau of Investigation shall perform the State criminal history record check.
21 The Department of Health and Human Services shall pay for and conduct the county criminal
22 history record check. Child care providers who reside outside the State bear the cost of the county
23 criminal history record check and shall provide the county criminal history record check to the
24 Division of Child Development as required by this section."

25 **SECTION 19F.4.(p)** G.S. 18C-151(a)(3) reads as rewritten:

26 "(3) All proposals shall be accompanied by a bond or letter of credit in an amount
27 equal to not less than five percent (5%) of the proposal and the fee to cover
28 the cost of the criminal record check conducted under
29 ~~G.S. 143B-935~~G.S. 143B-1209.15."

30 **SECTION 19F.4.(q)** G.S. 122C-80 reads as rewritten:

31 **"§ 122C-80. Criminal history record check required for certain applicants for employment.**

32 ...

33 (b) Requirement. – An offer of employment by a provider licensed under this Chapter to
34 an applicant to fill a position that does not require the applicant to have an occupational license
35 is conditioned on consent to a State and national criminal history record check of the applicant.
36 If the applicant has been a resident of this State for less than five years, then the offer of
37 employment is conditioned on consent to a State and national criminal history record check of
38 the applicant. The national criminal history record check shall include a check of the applicant's
39 fingerprints. If the applicant has been a resident of this State for five years or more, then the offer
40 is conditioned on consent to a State criminal history record check of the applicant. A provider
41 shall not employ an applicant who refuses to consent to a criminal history record check required
42 by this section. Except as otherwise provided in this subsection, within five business days of
43 making the conditional offer of employment, a provider shall submit a request to the ~~Department~~
44 ~~of Public Safety~~State Bureau of Investigation under ~~G.S. 143B-939~~G.S. 143B-1209.20 to
45 conduct a criminal history record check required by this section or shall submit a request to a
46 private entity to conduct a State criminal history record check required by this section.
47 Notwithstanding ~~G.S. 143B-939~~G.S. 143B-1209.20, the ~~Department of Public Safety~~State
48 Bureau of Investigation shall return the results of national criminal history record checks for
49 employment positions not covered by Public Law 105-277 to the Department of Health and
50 Human Services, Criminal Records Check Unit. Within five business days of receipt of the
51 national criminal history of the person, the Department of Health and Human Services, Criminal

1 Records Check Unit, shall notify the provider as to whether the information received may affect
2 the employability of the applicant. In no case shall the results of the national criminal history
3 record check be shared with the provider. Providers shall make available upon request
4 verification that a criminal history check has been completed on any staff covered by this section.
5 A county that has adopted an appropriate local ordinance and has access to the ~~Department of~~
6 ~~Public Safety State Bureau of Investigation~~ data bank may conduct on behalf of a provider a State
7 criminal history record check required by this section without the provider having to submit a
8 request to the ~~Department of Justice State Bureau of Investigation~~. In such a case, the county
9 shall commence with the State criminal history record check required by this section within five
10 business days of the conditional offer of employment by the provider. All criminal history
11 information received by the provider is confidential and may not be disclosed, except to the
12 applicant as provided in subsection (c) of this section. For purposes of this subsection, the term
13 "private entity" means a business regularly engaged in conducting criminal history record checks
14 utilizing public records obtained from a State agency.

15 ...

16 (g) Conditional Employment. – A provider may employ an applicant conditionally prior
17 to obtaining the results of a criminal history record check regarding the applicant if both of the
18 following requirements are met:

19 (1) The provider shall not employ an applicant prior to obtaining the applicant's
20 consent for criminal history record check as required in subsection (b) of this
21 section or the completed fingerprint cards as required in
22 ~~G.S. 143B-939~~G.S. 143B-1209.20.

23 (2) The provider shall submit the request for a criminal history record check not
24 later than five business days after the individual begins conditional
25 employment."

26 **SECTION 19F.4.(r)** G.S. 131D-40 reads as rewritten:

27 **"§ 131D-40. Criminal history record checks required for certain applicants for**
28 **employment.**

29 (a) Requirement; Adult Care Home. – An offer of employment by an adult care home
30 licensed under this Chapter to an applicant to fill a position that does not require the applicant to
31 have an occupational license is conditioned on consent to a criminal history record check of the
32 applicant. If the applicant has been a resident of this State for less than five years, then the offer
33 of employment is conditioned on consent to a State and national criminal history record check of
34 the applicant. The national criminal history record check shall include a check of the applicant's
35 fingerprints. If the applicant has been a resident of this State for five years or more, then the offer
36 is conditioned on consent to a State criminal history record check of the applicant. An adult care
37 home shall not employ an applicant who refuses to consent to a criminal history record check
38 required by this section. Within five business days of making the conditional offer of
39 employment, an adult care home shall submit a request to the ~~Department of Public Safety State~~
40 ~~Bureau of Investigation~~ under ~~G.S. 143B-939~~G.S. 143B-1209.20 to conduct a State or national
41 criminal history record check required by this section, or shall submit a request to a private entity
42 to conduct a State criminal history record check required by this section. Notwithstanding
43 ~~G.S. 143B-939~~, ~~G.S. 143B-1209.20~~, ~~the Department of Public Safety State Bureau of~~
44 ~~Investigation~~ shall return the results of national criminal history record checks for employment
45 positions not covered by Public Law 105-277 to the Department of Health and Human Services,
46 Criminal Records Check Unit. Within five business days of receipt of the national criminal
47 history of the person, the Department of Health and Human Services, Criminal Records Check
48 Unit, shall notify the adult care home as to whether the information received may affect the
49 employability of the applicant. In no case shall the results of the national criminal history record
50 check be shared with the adult care home. Adult care homes shall make available upon request
51 verification that a criminal history check has been completed on any staff covered by this section.

1 All criminal history information received by the home is confidential and may not be disclosed,
2 except to the applicant as provided in subsection (b) of this section.

3 (a1) Requirement; Contract Agency of Adult Care Home. – An offer of employment by a
4 contract agency of an adult care home licensed under this Chapter to an applicant to fill a position
5 that does not require the applicant to have an occupational license is conditioned upon consent
6 to a criminal history record check of the applicant. If the applicant has been a resident of this
7 State for less than five years, then the offer of employment is conditioned on consent to a State
8 and national criminal history record check of the applicant. The national criminal history record
9 check shall include a check of the applicant's fingerprints. If the applicant has been a resident of
10 this State for five years or more, then the offer is conditioned on consent to a State criminal
11 history record check of the applicant. A contract agency of an adult care home shall not employ
12 an applicant who refuses to consent to a criminal history record check required by this section.
13 Within five business days of making the conditional offer of employment, a contract agency of
14 an adult care home shall submit a request to the ~~Department of Public Safety~~ State Bureau of
15 Investigation under ~~G.S. 143B-939~~ G.S. 143B-1209.20 to conduct a State or national criminal
16 history record check required by this section, or shall submit a request to a private entity to
17 conduct a State criminal history record check required by this section. Notwithstanding
18 ~~G.S. 143B-939~~, G.S. 143B-1209.20, the ~~Department of Public Safety~~ State Bureau of
19 Investigation shall return the results of national criminal history record checks for employment
20 positions not covered by Public Law 105-277 to the Department of Health and Human Services,
21 Criminal Records Check Unit. Within five business days of receipt of the national criminal
22 history of the person, the Department of Health and Human Services, Criminal Records Check
23 Unit, shall notify the contract agency of the adult care home as to whether the information
24 received may affect the employability of the applicant. In no case shall the results of the national
25 criminal history record check be shared with the contract agency of the adult care home. Contract
26 agencies of adult care homes shall make available upon request verification that a criminal history
27 check has been completed on any staff covered by this section. All criminal history information
28 received by the contract agency is confidential and may not be disclosed, except to the applicant
29 as provided by subsection (b) of this section.

30 ...

31 (f) Conditional Employment. – An adult care home may employ an applicant
32 conditionally prior to obtaining the results of a criminal history record check regarding the
33 applicant if both of the following requirements are met:

- 34 (1) The adult care home shall not employ an applicant prior to obtaining the
35 applicant's consent for a criminal history record check as required in
36 subsection (a) of this section or the completed fingerprint cards as required in
37 ~~G.S. 143B-939~~ G.S. 143B-1209.20.
- 38 (2) The adult care home shall submit the request for a criminal history record
39 check not later than five business days after the individual begins conditional
40 employment.

41"

42 **SECTION 19F.4.(s)** G.S. 131E-265 reads as rewritten:

43 **"§ 131E-265. Criminal history record checks required for certain applicants for**
44 **employment.**

45 (a) Requirement; Nursing Home or Home Care Agency. – An offer of employment by a
46 nursing home licensed under this Chapter to an applicant to fill a position that does not require
47 the applicant to have an occupational license is conditioned on consent to a criminal history
48 record check of the applicant. If the applicant has been a resident of this State for less than five
49 years, then the offer of employment is conditioned on consent to a State and national criminal
50 history record check of the applicant. The national criminal history record check shall include a
51 check of the applicant's fingerprints. If the applicant has been a resident of this State for five

1 years or more, then the offer is conditioned on consent to a State criminal history record check
2 of the applicant. An offer of employment by a home care agency licensed under this Chapter to
3 an applicant to fill a position that requires entering the patient's home is conditioned on consent
4 to a criminal history record check of the applicant. In addition, employment status change of a
5 current employee of a home care agency licensed under this Chapter from a position that does
6 not require entering the patient's home to a position that requires entering the patient's home shall
7 be conditioned on consent to a criminal history record check of that current employee. If the
8 applicant for employment or if the current employee who is changing employment status has
9 been a resident of this State for less than five years, then the offer of employment or change in
10 employment status is conditioned on consent to a State and national criminal history record
11 check. The national criminal history record check shall include a check of the applicant's or
12 current employee's fingerprints. If the applicant or current employee has been a resident of this
13 State for five years or more, then the offer is conditioned on consent to a State criminal history
14 record check of the applicant or current employee applying for a change in employment status.
15 A nursing home or a home care agency shall not employ an applicant who refuses to consent to
16 a criminal history record check required by this section. In addition, a home care agency shall
17 not change a current employee's employment status from a position that does not require entering
18 the patient's home to a position that requires entering the patient's home who refuses to consent
19 to a criminal history record check required by this section. Within five business days of making
20 the conditional offer of employment, a nursing home or home care agency shall submit a request
21 to the ~~Department of Public Safety State Bureau of Investigation~~ under ~~G.S. 143B-939~~
22 G.S. 143B-1209.20 to conduct a State or national criminal history record check required by this
23 section, or shall submit a request to a private entity to conduct a State criminal history record
24 check required by this section. Notwithstanding ~~G.S. 143B-939~~, G.S. 143B-1209.20, the
25 ~~Department of Public Safety State Bureau of Investigation~~ shall return the results of national
26 criminal history record checks for employment positions not covered by Public Law 105-277 to
27 the Department of Health and Human Services, Criminal Records Check Unit. Within five
28 business days of receipt of the national criminal history of the person, the Department of Health
29 and Human Services, Criminal Records Check Unit, shall notify the nursing home or home care
30 agency as to whether the information received may affect the employability of the applicant. In
31 no case shall the results of the national criminal history record check be shared with the nursing
32 home or home care agency. Nursing homes and home care agencies shall make available upon
33 request verification that a criminal history check has been completed on any staff covered by this
34 section. All criminal history information received by the home or agency is confidential and may
35 not be disclosed, except to the applicant as provided in subsection (b) of this section.

36 (a1) Requirement; Contract Agency of Nursing Home or Home Care Agency. – An offer
37 of employment by a contract agency of a nursing home or home care agency licensed under this
38 Chapter to an applicant to fill a position that does not require the applicant to have an occupational
39 license is conditioned upon consent to a criminal history record check of the applicant. If the
40 applicant has been a resident of this State for less than five years, then the offer of employment
41 is conditioned on consent to a State and national criminal history record check of the applicant.
42 The national criminal history record check shall include a check of the applicant's fingerprints.
43 If the applicant has been a resident of this State for five years or more, then the offer is
44 conditioned on consent to a State criminal history record check of the applicant. A contract
45 agency of a nursing home or home care agency shall not employ an applicant who refuses to
46 consent to a criminal history record check required by this section. Within five business days of
47 making the conditional offer of employment, a contract agency of a nursing home or home care
48 agency shall submit a request to the ~~Department of Public Safety State Bureau of Investigation~~
49 under ~~G.S. 143B-939~~ G.S. 143B-1209.20 to conduct a State or national criminal history record
50 check required by this section, or shall submit a request to a private entity to conduct a State
51 criminal history record check required by this section. Notwithstanding ~~G.S. 143B-939~~,

1 G.S. 143B-1209.20, the ~~Department of Public Safety State Bureau of Investigation~~ shall return
 2 the results of national criminal history record checks for employment positions not covered by
 3 Public Law 105-277 to the Department of Health and Human Services, Criminal Records Check
 4 Unit. Within five business days of receipt of the national criminal history of the person, the
 5 Department of Health and Human Services, Criminal Records Check Unit, shall notify the
 6 contract agency of the nursing home or home care agency as to whether the information received
 7 may affect the employability of the applicant. In no case shall the results of the national criminal
 8 history record check be shared with the contract agency of the nursing home or home care agency.
 9 Contract agencies of nursing homes and home care agencies shall make available upon request
 10 verification that a criminal history check has been completed on any staff covered by this section.
 11 All criminal history information received by the contract agency is confidential and may not be
 12 disclosed, except to the applicant as provided by subsection (b) of this section.

13 ...

14 (f) Conditional Employment. – A nursing home or home care agency may employ an
 15 applicant conditionally prior to obtaining the results of a criminal history record check regarding
 16 the applicant if both of the following requirements are met:

- 17 (1) The nursing home or home care agency shall not employ an applicant prior to
 18 obtaining the applicant's consent for a criminal history record check as
 19 required in subsection (a) of this section or the completed fingerprint cards as
 20 required in ~~G.S. 143B-939~~.G.S. 143B-1209.20.
 21 (2) The nursing home or home care agency shall submit the request for a criminal
 22 history record check not later than five business days after the individual
 23 begins conditional employment.

24"

25 **SECTION 19F.4.(t)** G.S. 90-171.23(b)(19) reads as rewritten:

26 "(19) Request that the Department of Public Safety conduct criminal history record
 27 checks of applicants for licensure pursuant to
 28 ~~G.S. 143B-940~~.G.S. 143B-1209.21."

29 **SECTION 19F.4.(u)** G.S. 90-113.33(10) reads as rewritten:

30 "(10) Request that the Department of Public Safety conduct criminal history record
 31 checks of applicants for registration, certification, or licensure pursuant to
 32 ~~G.S. 143B-941~~.G.S. 143B-1209.22."

33 **SECTION 19F.4.(v)** The following statutes are amended by deleting the language
 34 "G.S. 143B-943" wherever it appears and substituting "G.S. 143B-1209.23": G.S. 153A-233,
 35 153A-234, and 160A-292.

36 **SECTION 19F.4.(w)** G.S. 143-143.10(b)(6) reads as rewritten:

37 "(6) To request that the ~~Department of Public Safety State Bureau of Investigation~~
 38 conduct criminal history checks of applicants for licensure pursuant to
 39 ~~G.S. 143B-944~~.G.S. 143B-1209.24."

40 **SECTION 19F.4.(x)** G.S. 153A-94.2 reads as rewritten:

41 "**§ 153A-94.2. Criminal history record checks of employees permitted.**

42 The board of commissioners may adopt or provide for rules and regulations or ordinances
 43 concerning a requirement that any applicant for employment be subject to a criminal history
 44 record check of State and National Repositories of Criminal Histories conducted by the
 45 ~~Department of Public Safety State Bureau of Investigation~~ in accordance with ~~G.S. 143B-945~~.
 46 G.S. 143B-1209.25. The local or regional public employer may consider the results of these
 47 criminal history record checks in its hiring decisions."

48 **SECTION 19F.4.(y)** G.S. 160A-164.2 reads as rewritten:

49 "**§ 160A-164.2. Criminal history record check of employees permitted.**

50 The council may adopt or provide for rules and regulations or ordinances concerning a
 51 requirement that any applicant for employment be subject to a criminal history record check of

1 State and National Repositories of Criminal Histories conducted by the ~~Department of Public~~
2 ~~Safety State Bureau of Investigation~~ in accordance with ~~G.S. 143B-945~~. G.S. 143B-1209.25. The
3 city may consider the results of these criminal history record checks in its hiring decisions."

4 **SECTION 19F.4.(z)** G.S. 74F-6(16) reads as rewritten:

5 "(16) Request that the ~~Department of Public Safety State Bureau of Investigation~~
6 conduct criminal history record checks of applicants for licensure and
7 apprenticeships pursuant to ~~G.S. 143B-946~~. G.S. 143B-1209.26."

8 **SECTION 19F.4.(aa)** G.S. 7A-349 reads as rewritten:

9 **"§ 7A-349. Criminal history record check; denial of employment, contract, or volunteer**
10 **opportunity.**

11 The Judicial Department may deny employment, a contract, or a volunteer opportunity to any
12 person who refuses to consent to a criminal history check authorized under ~~G.S. 143B-950~~
13 G.S. 143B-1209.31 and may dismiss a current employee, terminate a contractor, or terminate a
14 volunteer relationship if that employee, contractor, or volunteer refuses to consent to a criminal
15 history record check authorized under ~~G.S. 143B-950~~. G.S. 143B-1209.31."

16 **SECTION 19F.4.(bb)** G.S. 131E-159(g) reads as rewritten:

17 "(g) An individual who applies for EMS credentials, seeks to renew EMS credentials, or
18 holds EMS credentials is subject to a criminal background review by the Department. At the
19 request of the Department, the Emergency Medical Services Disciplinary Committee, established
20 by G.S. 143-519, shall review criminal background information and make a recommendation
21 regarding the eligibility of an individual to obtain initial EMS credentials, renew EMS
22 credentials, or maintain EMS credentials. The Department and the Emergency Medical Services
23 Disciplinary Committee shall keep all information obtained pursuant to this subsection
24 confidential. The Medical Care Commission shall adopt rules to implement the provisions of this
25 subsection, including rules to establish a reasonable fee to offset the actual costs of criminal
26 history information obtained pursuant to ~~G.S. 143B-952~~. G.S. 143B-1209.33."

27 **SECTION 19F.4.(cc)** G.S. 90-345(b) reads as rewritten:

28 "(b) The Board may request that an applicant for licensure, an applicant seeking
29 reinstatement of a license, or a licensee under investigation by the Board for alleged criminal
30 offenses in violation of this Article consent to a criminal history record check. Refusal to consent
31 to a criminal history record check may constitute grounds for the Board to deny licensure to an
32 applicant, deny reinstatement of a license to an applicant, or revoke the license of a licensee. The
33 Board shall ensure that the State and national criminal history of an applicant is checked. The
34 Board shall be responsible for providing to the ~~North Carolina Department of Public Safety State~~
35 Bureau of Investigation the fingerprints of the applicant or licensee to be checked, a form signed
36 by the applicant or licensee consenting to the criminal record check and the use of fingerprints
37 and other identifying information required by the State or National Repositories of Criminal
38 Histories, and any additional information required by the ~~Department of Public Safety State~~
39 Bureau of Investigation in accordance with ~~G.S. 143B-957~~. G.S. 143B-1209.38. The Board shall
40 keep all information obtained pursuant to this section confidential. The Board shall collect any
41 fees required by the ~~Department of Public Safety State Bureau of Investigation~~ and shall remit
42 the fees to the ~~Department of Public Safety State Bureau of Investigation~~ for expenses associated
43 with conducting the criminal history record check."

44 **SECTION 19F.4.(dd)** G.S. 90-270.63(b) reads as rewritten:

45 "(b) The Board may request that an applicant for licensure, an applicant seeking
46 reinstatement of a license, or a licensee under investigation by the Board for alleged criminal
47 offenses in violation of this Article consent to a criminal history record check. Refusal to consent
48 to a criminal history record check may constitute grounds for the Board to deny licensure to an
49 applicant, deny reinstatement of a license to an applicant, or revoke the license of a licensee. The
50 Board shall ensure that the State and national criminal history of an applicant is checked. The
51 Board shall be responsible for providing to the ~~North Carolina Department of Public Safety State~~

1 Bureau of Investigation the fingerprints of the applicant or licensee to be checked, a form signed
2 by the applicant or licensee consenting to the criminal history record check and the use of
3 fingerprints and other identifying information required by the State or National Repositories of
4 Criminal Histories, and any additional information required by the ~~Department of Public Safety~~
5 State Bureau of Investigation in accordance with ~~G.S. 143B-958~~. G.S. 143B-1209.39. The Board
6 shall keep all information obtained pursuant to this section confidential. The Board shall collect
7 any fees required by the ~~Department of Public Safety~~ State Bureau of Investigation and shall
8 remit the fees to the ~~Department of Public Safety~~ State Bureau of Investigation for expenses
9 associated with conducting the criminal history record check."

10 **SECTION 19F.4.(ee)** G.S. 14-415.4(d)(5) reads as rewritten:

11 (5) The petitioner submits his or her fingerprints to the sheriff of the county in
12 which the petitioner resides for a criminal background check pursuant to
13 ~~G.S. 143B-959~~. G.S. 143B-1209.40."

14 **SECTION 19F.4.(ff)** G.S. 93E-1-6(c1) reads as rewritten:

15 "(c1) The Board shall also make an investigation as it deems necessary into the background
16 of the applicant to determine the applicant's qualifications with due regard to the paramount
17 interest of the public as to the applicant's competency, honesty, truthfulness, and integrity. All
18 applicants shall consent to a criminal history record check. Refusal to consent to a criminal
19 history record check may constitute grounds for the Board to deny an application. The Board
20 shall ensure that the State and national criminal history of an applicant is checked. The Board
21 shall be responsible for providing to the ~~North Carolina Department of Public Safety~~ State Bureau
22 of Investigation the fingerprints of the applicant to be checked, a form signed by the applicant
23 consenting to the criminal history record check, and the use of fingerprints and other identifying
24 information required by the State or National Repositories of Criminal Histories and any
25 additional information required by the ~~Department of Public Safety~~ State Bureau of Investigation
26 in accordance with ~~G.S. 143B-961~~. G.S. 143B-1209.42. The Board shall keep all information
27 obtained pursuant to this section confidential. The Board shall collect any fees required by the
28 ~~Department of Public Safety~~ State Bureau of Investigation and shall remit the fees to the
29 ~~Department of Public Safety~~ State Bureau of Investigation for expenses associated with
30 conducting the criminal history record check."

31 **SECTION 19F.4.(gg)** G.S. 93E-2-11(b) reads as rewritten:

32 "(b) The Board may require that an applicant for registration as an appraisal management
33 company or a registrant consent to a criminal history record check. Refusal to consent to a
34 criminal history record check may constitute grounds for the Board to deny registration to an
35 applicant or registrant. The Board shall ensure that the State and national criminal history of an
36 applicant or registrant is checked. The Board shall be responsible for providing to the ~~North~~
37 ~~Carolina~~ ~~Department of Public Safety~~ State Bureau of Investigation the fingerprints of the
38 applicant or registrant to be checked, a form signed by the applicant or registrant consenting to
39 the criminal record check and the use of fingerprints and other identifying information required
40 by the State or National Repositories of Criminal Histories, and any additional information
41 required by the ~~Department of Public Safety~~ State Bureau of Investigation in accordance with
42 ~~G.S. 143B-961~~. G.S. 143B-1209.42. The Board shall keep all information obtained pursuant to
43 this section confidential. The Board shall collect any fees required by the ~~Department of Public~~
44 ~~Safety~~ State Bureau of Investigation and shall remit the fees to the ~~Department of Public Safety~~
45 State Bureau of Investigation for expenses associated with conducting the criminal history record
46 check."

47 **SECTION 19F.4.(hh)** G.S. 90-356(15) reads as rewritten:

48 "(15) Request that the ~~Department of Public Safety~~ State Bureau of Investigation
49 conduct criminal history record checks of applicants for licensure pursuant to
50 ~~G.S. 143B-966~~. G.S. 143B-1209.47."

51 **SECTION 19F.4.(ii)** G.S. 143B-426.39(18) reads as rewritten:

1 "(18) Require a criminal history record check of any current or prospective
2 employee, volunteer, or contractor, which shall be conducted by the State
3 Bureau of Investigation as provided in ~~G.S. 143B-966~~. G.S. 143B-1209.47.
4 The criminal history report shall be provided to the State Controller and is not
5 a public record under Chapter 132 of the General Statutes."

6 **SECTION 19F.4.(jj)** G.S. 163-27.2(b) reads as rewritten:

7 "(b) A criminal history record check shall be required of all current or prospective
8 permanent or temporary employees of the State Board and all current or prospective county
9 directors of elections, which shall be conducted by the ~~Department of Public Safety~~ State Bureau
10 of Investigation as provided in ~~G.S. 143B-968~~. G.S. 143B-1209.49. The criminal history report
11 shall be provided to the Executive Director, who shall keep all information obtained pursuant to
12 this section confidential to the State Board, as provided in ~~G.S. 143B-968(d)~~.
13 G.S. 143B-1209.49(d). A criminal history report provided under this subsection is not a public
14 record under Chapter 132 of the General Statutes."

15 **SECTION 19F.4.(kk)** G.S. 163-35(b) reads as rewritten:

16 "(b) Appointment, Duties; Termination. – Upon receipt of a nomination from the county
17 board of elections stating that the nominee for director of elections is submitted for appointment
18 upon majority selection by the county board of elections the Executive Director shall issue a
19 letter of appointment of such nominee to the chairman of the county board of elections within 10
20 days after receipt of the nomination, unless good cause exists to decline the appointment. The
21 Executive Director may delay the issuance of appointment for a reasonable time if necessary to
22 obtain a criminal history records check sought under ~~G.S. 143B-968~~. G.S. 143B-1209.49. The
23 Executive Director shall apply the standards provided in G.S. 163-27.2 in determining whether
24 a nominee with a criminal history shall be selected. If the Executive Director determines a
25 nominee shall not be selected and does not issue a letter of appointment, the decision of the
26 Executive Director of the State Board shall be final unless the decision is, within 10 days from
27 the official date on which it was made, deferred by the State Board. If the State Board defers the
28 decision, then the State Board shall make a final decision on appointment of the director of
29 elections and may direct the Executive Director to issue a letter of appointment. If an Executive
30 Director issues a letter of appointment, the county board of elections shall enter in its official
31 minutes the specified duties, responsibilities and designated authority assigned to the director by
32 the county board of elections. The specified duties and responsibilities shall include adherence
33 to the duties delegated to the county board of elections pursuant to G.S. 163-33. A copy of the
34 specified duties, responsibilities and designated authority assigned to the director shall be filed
35 with the State Board of Elections. In the event the Executive Director is recused due to an actual
36 or apparent conflict of interest from rendering a decision under this section, the chair and
37 vice-chair of the State Board shall designate a member of staff to fulfill those duties."

38 **SECTION 19F.4.(ll)** G.S. 163-37.1(b) reads as rewritten:

39 "(b) The county board of elections shall require a criminal history record check of all
40 current or prospective employees, which shall be conducted by the ~~Department of Public Safety~~
41 State Bureau of Investigation as provided in ~~G.S. 143B-969~~. G.S. 143B-1209.50. The criminal
42 history report shall be provided to the county board of elections. A county board of elections
43 shall provide the criminal history record of all current or prospective employees required by
44 G.S. 163-27.2 to the Executive Director and the State Board. The criminal history report shall be
45 kept confidential as provided in ~~G.S. 143B-969(d)~~. G.S. 143B-1209.50(d) and is not a public
46 record under Chapter 132 of the General Statutes."

47 **SECTION 19F.4.(mm)** G.S. 108A-150 reads as rewritten:

48 "**§ 108A-150. Criminal history record checks required for child care institutions.**

49 ...

50 (c) Process. – Within five business days of making the conditional offer of employment,
51 or formally discussing a volunteer opportunity, a child care institution, or a contract agency of a

1 child care institution, shall submit a request to the ~~Department of Public Safety~~ State Bureau of
2 Investigation under ~~G.S. 143B-972~~ G.S. 143B-1209.53 to conduct a State and national criminal
3 history record check as required by this section. The ~~Department of Public Safety~~ State Bureau
4 of Investigation shall return the results of the national criminal history record check to the
5 Department of Health and Human Services, Criminal Records Check Unit.

6 ...

7 (g) Conditional Employment. – A child care institution may employ an applicant
8 conditionally prior to obtaining the results of a criminal history record check regarding the
9 applicant if both of the following requirements are met:

- 10 (1) The child care institution shall not employ an applicant prior to obtaining the
11 applicant's consent for a criminal history record check as required in
12 subsection (b) of this section or the completed fingerprint cards as required in
13 ~~G.S. 143B-972~~ G.S. 143B-1209.53.
- 14 (2) The child care institution shall submit the request for a criminal history record
15 check not later than five business days after the individual begins conditional
16 employment.

17"

18 **SECTION 19F.4.(nn)** G.S. 120-32(2a) reads as rewritten:

19 "(2a) Obtain a criminal history record check of a prospective employee, volunteer,
20 or contractor of the General Assembly. The criminal history record check shall
21 be conducted by the State Bureau of Investigation as provided in
22 ~~G.S. 143B-972~~ G.S. 143B-1209.55. The criminal history report shall be
23 provided to the Legislative Services Officer and is not a public record under
24 Chapter 132 of the General Statutes."

25 **SECTION 19F.4.(oo)** G.S. 15A-145.4(c)(4) reads as rewritten:

26 "(4) An application on a form approved by the Administrative Office of the Courts
27 requesting and authorizing (i) a State and national criminal history record
28 check by the ~~Department of Public Safety~~ State Bureau of Investigation using
29 any information required by the Administrative Office of the Courts to
30 identify the individual; (ii) a search by the ~~Department of Public Safety~~ State
31 Bureau of Investigation for any outstanding warrants or pending criminal
32 cases; and (iii) a search of the confidential record of expunctions maintained
33 by the Administrative Office of the Courts. The application shall be filed with
34 the clerk of superior court. The clerk of superior court shall forward the
35 application to the ~~Department of Public Safety~~ State Bureau of Investigation
36 and to the Administrative Office of the Courts, which shall conduct the
37 searches and report their findings to the court."

38 **SECTION 19F.4.(pp)** G.S. 15A-145.5(c1)(4) reads as rewritten:

39 "(4) An application on a form approved by the Administrative Office of the Courts
40 requesting and authorizing a name-based State and national criminal history
41 record check by the ~~Department of Public Safety~~ State Bureau of Investigation
42 using any information required by the Administrative Office of the Courts to
43 identify the individual, a search by the ~~Department of Public Safety~~ State
44 Bureau of Investigation for any outstanding warrants on pending criminal
45 cases, and a search of the confidential record of expunctions maintained by
46 the Administrative Office of the Courts. The application shall be filed with the
47 clerk of superior court. The clerk of superior court shall forward the
48 application to the ~~Department of Public Safety~~ State Bureau of Investigation
49 and to the Administrative Office of the Courts, which shall conduct the
50 searches and report their findings to the court."

51 **SECTION 19F.4.(qq)** G.S. 15A-145.6(c)(4) reads as rewritten:

"(4) An application on a form approved by the Administrative Office of the Courts requesting and authorizing (i) a State and national criminal history record check by the ~~Department of Public Safety~~ State Bureau of Investigation using any information required by the Administrative Office of the Courts to identify the individual; (ii) a search by the ~~Department of Public Safety~~ State Bureau of Investigation for any outstanding warrants or pending criminal cases; and (iii) a search of the confidential record of expunctions maintained by the Administrative Office of the Courts. The application shall be filed with the clerk of superior court. The clerk of superior court shall forward the application to the ~~Department of Public Safety~~ State Bureau of Investigation and to the Administrative Office of the Courts, which shall conduct the searches and report their findings to the court."

SECTION 19F.4.(rr) G.S. 48-3-309 reads as rewritten:

"§ 48-3-309. Mandatory preplacement criminal checks of prospective adoptive parents seeking to adopt a minor who is in the custody or placement responsibility of a county department of social services and mandatory preplacement criminal checks of all individuals 18 years of age or older who reside in the prospective adoptive home.

...

(c) The ~~Department of Public Safety~~ State Bureau of Investigation shall provide to the Department of Health and Human Services the criminal history of any individual required to be checked under subsection (a) of this section as requested by the Department and obtained from the State and National Repositories of Criminal Histories. The Department shall provide to the ~~Department of Public Safety~~, State Bureau of Investigation, along with the request, the fingerprints of any individual to be checked, any additional information required by the ~~Department of Public Safety~~, State Bureau of Investigation, and a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the State or National Repositories signed by the individual to be checked. The fingerprints of any individual to be checked shall be ~~forwarded to used by~~ the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

...

(h) The ~~Department of Public Safety~~ State Bureau of Investigation shall perform the State and national criminal history checks on prospective adoptive parents seeking to adopt a minor in the custody or placement responsibility of a county department of social services and all individuals 18 years of age or older who reside in the prospective adoptive home and shall charge the Department of Health and Human Services a reasonable fee only for conducting the checks of the national criminal history records authorized by this section. The Division of Social Services, Department of Health and Human Services, shall bear the costs of implementing this section."

SECTION 19F.4.(ss) G.S. 53-244.050 reads as rewritten:

"§ 53-244.050. License and registration application; claim of exemption.

...

(d) For the purposes of this section and in order to reduce the points of contact that the Federal Bureau of Investigation may have to maintain for purposes of the criminal information required by this section, the Commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting information from and distributing information to the ~~Department of Public Safety~~ State Bureau of Investigation or any governmental agency.

...

1 (f) For purposes of this section, the Commissioner may request and the ~~North Carolina~~
2 ~~Department of Public Safety State Bureau of Investigation~~ may provide a criminal record check
3 to the Commissioner for any person who (i) has applied for or holds a mortgage lender, mortgage
4 broker, mortgage servicer, mortgage loan originator, or transitional mortgage loan originator
5 license as provided by this section or (ii) has applied for or holds a registration as a registrant
6 under this section. The Commissioner shall provide the ~~Department of Public Safety, State~~
7 ~~Bureau of Investigation,~~ along with the request, the fingerprints of the person, any additional
8 information required by the ~~Department of Public Safety, State Bureau of Investigation,~~ and a
9 form signed by the person consenting to the check of the criminal record and to the use of the
10 fingerprints and other identifying information required by the State or national repositories. The
11 person's fingerprints shall be ~~forwarded to used by~~ the State Bureau of Investigation for a search
12 of the State's criminal history record file, and the State Bureau of Investigation shall forward a
13 set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check.
14 The ~~Department of Public Safety State Bureau of Investigation~~ may charge a fee for each person
15 for conducting the checks of criminal history records authorized by this section.

16"

17 **SECTION 19F.4.(tt)** G.S. 58-71-51(a) reads as rewritten:

18 "(a) Authorization. – The ~~Department of Public Safety State Bureau of Investigation~~ may
19 provide a criminal history record check to the Commissioner for a person who has applied to the
20 Commissioner for a new or renewal license as a bail bondsman or runner. The Commissioner
21 shall provide to the ~~Department of Public Safety, State Bureau of Investigation,~~ along with the
22 request, the fingerprints of the new or renewal applicant. The applicant shall furnish the
23 Commissioner with a complete set of the applicant's fingerprints in a manner prescribed by the
24 Commissioner. The ~~Department of Public Safety State Bureau of Investigation~~ shall provide a
25 criminal history record check based upon the new or renewal applicant's fingerprints. The
26 Commissioner shall provide any additional information required by the ~~Department of Public~~
27 ~~Safety State Bureau of Investigation~~ and a form signed by the applicant consenting to the check
28 of the criminal record and to the use of the fingerprints and other identifying information required
29 by the State or national repositories. The new or renewal applicant's fingerprints shall be
30 ~~forwarded to used by~~ the State Bureau of Investigation for a search of the State's criminal history
31 record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the
32 Federal Bureau of Investigation for a national criminal history check. The ~~Department of Public~~
33 ~~Safety State Bureau of Investigation~~ may charge each new or renewal applicant a fee for
34 conducting the checks of criminal history records authorized by this subsection."

35 **SECTION 19F.4.(uu)** G.S. 58-89A-60(d) reads as rewritten:

36 "(d) Every applicant shall furnish the Commissioner a complete set of fingerprints of each
37 officer, director, and controlling person in a form prescribed by the Commissioner. Each set of
38 fingerprints shall be certified by an authorized law enforcement officer.

39 Upon request by the Department, the ~~Department of Public Safety State Bureau of~~
40 ~~Investigation~~ shall provide to the Department from the State and National Repositories of
41 Criminal Histories the criminal history of any applicant and the officer, director, and controlling
42 person of any applicant. Along with the request, the Department shall provide to the ~~Department~~
43 ~~of Public Safety State Bureau of Investigation~~ the fingerprints of the person that is the subject of
44 the request, a form signed by the person that is the subject of the request consenting to the
45 criminal record check and use of fingerprints and other identifying information required by the
46 State and National Repositories, and any additional information required by the ~~Department of~~
47 ~~Public Safety State Bureau of Investigation.~~ The person's fingerprints shall be ~~forwarded to used~~
48 ~~by~~ the State Bureau of Investigation for a search of the State's criminal history record file, and
49 the State Bureau of Investigation may forward a set of fingerprints to the Federal Bureau of
50 Investigation for a national criminal history record check. The Department shall keep all
51 information obtained pursuant to this subsection confidential. The ~~Department of Public Safety~~

1 State Bureau of Investigation may charge a fee to offset the cost incurred by it to conduct a
2 criminal record check under this section. The fee shall not exceed the actual cost of locating,
3 editing, researching, and retrieving the information.

4 In the event that an applicant has secured a professional employer organization license in
5 another state in which the professional employer organization's controlling persons have
6 completed a criminal background investigation within 12 months of this application, a certified
7 copy of the report from the appropriate authority of that state may satisfy the requirement of this
8 subsection. This subsection also applies to a change in a controlling party of a professional
9 employer organization. For purposes of investigation under this subsection, the Commissioner
10 shall have all the power conferred by G.S. 58-2-50 and other applicable provisions of this
11 Chapter."

12 **SECTION 19F.4.(vv)** G.S. 66-407 reads as rewritten:

13 **"§ 66-407. Permits.**

14 (a) Dealer Permit. – Except as provided in subsection (c) of this section, it is unlawful
15 for any person to engage as a dealer in the business of purchasing precious metals either as a
16 separate business or in connection with other business operations without first obtaining a permit
17 for the business from the local law enforcement agency. The Department of Public Safety shall
18 approve the forms for both the application and the permit. The application shall be given under
19 oath and shall be notarized. A 30-day waiting period from the date of filing of the application is
20 required prior to initial issuance of a permit. A separate permit shall be issued for each location,
21 place, or premises within the jurisdiction of the local law enforcement agency which is used for
22 conducting a precious metals business, and each permit shall designate the location, place or
23 premises to which it applies. No business shall be conducted in a place other than that designated
24 in the permit, or in a mobile home, trailer, camper, or other vehicle, or structure not permanently
25 affixed to the ground or in any room customarily used for lodging in any hotel, motel, tourist
26 court, or tourist home. The permit shall be posted in a prominent place on the designated
27 premises. Permits shall be valid for a period of 12 months from the date issued and may be
28 renewed without a waiting period upon filing of an application and payment of the annual fee.
29 The annual fee for a permit within each jurisdiction is one hundred eighty dollars (\$180.00) to
30 provide for the administrative costs of the local law enforcement agency, including the purchase
31 of required forms and the cost of conducting the criminal history record check of the applicant.
32 The fee is not refundable even if the permits are denied or later suspended or revoked. A permit
33 issued under this section is in addition to and not in lieu of other business licenses and is not
34 transferable. No person other than the dealer named on the permit and that dealer's employees
35 may engage in the business of purchasing precious metals under the authority of the permit.

36 Any dealer applying to the local law enforcement agency for a permit shall furnish the local
37 law enforcement agency with the following information:

- 38 (1) The applicant's full name, and any other names used by the applicant during
39 the preceding five years. In the case of a partnership, association, or
40 corporation, the applicant shall list any partnership, association, or corporate
41 names used during the preceding five years.
- 42 (2) Current address, and all addresses used by the applicant during the preceding
43 five years.
- 44 (3) Physical description.
- 45 (4) Age.
- 46 (5) Driver's license number, if any, and state of issuance.
- 47 (6) Recent photograph.
- 48 (7) Record of felony convictions.
- 49 (8) Record of other convictions during the preceding five years.
- 50 (9) A full set of fingerprints of the applicant.

1 If the applicant for a dealer's permit is a partnership or association, all persons owning a ten
2 percent (10%) or more interest in the partnership or association shall comply with the provisions
3 of this subsection. These permits shall be issued in the name of the partnership or association.

4 If the applicant for a dealer's permit is a corporation, each officer, director and stockholder
5 owning ten percent (10%) or more of the corporation's stock, of any class, shall comply with the
6 provisions of this subsection. These permits shall be issued in the name of the corporation.

7 No permit shall be issued to an applicant who has been convicted of a felony involving a
8 crime of moral turpitude, or larceny, or receiving stolen goods or of similar charges in any federal
9 court or a court of this or any other state, unless the applicant has had his or her rights of
10 citizenship restored pursuant to Chapter 13 of the General Statutes for five years or longer
11 immediately preceding the date of application. In the case of a partnership, association, or
12 corporation, no permit shall be issued to any applicant with an officer, partner, or director who
13 has been convicted of a felony involving a crime of moral turpitude, or larceny, or receiving
14 stolen goods or of similar charges in any federal court or a court of this or any other state, unless
15 that person has had his or her rights of citizenship restored pursuant to Chapter 13 of the General
16 Statutes for five years or longer immediately preceding the date of application.

17 The ~~Department of Public Safety~~ State Bureau of Investigation may provide a criminal
18 history record check to the local law enforcement agency for a person who has applied for a
19 permit through the agency. The agency shall provide to the ~~Department of Public Safety, State~~
20 Bureau of Investigation, along with the request, the fingerprints of the applicant, any additional
21 information required by the ~~Department of Public Safety, State Bureau of Investigation~~, and a
22 form signed by the applicant consenting to the check of the criminal record and to the use of the
23 fingerprints and other identifying information required by the State or national repositories. The
24 applicant's fingerprints shall be ~~forwarded to~~ used by the State Bureau of Investigation for a
25 search of the State's criminal history record file, and the State Bureau of Investigation shall
26 forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal
27 history record check. The agency shall keep all information pursuant to this subsection
28 privileged, in accordance with applicable State law and federal guidelines, and the information
29 shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

30 The ~~Department of Public Safety~~ State Bureau of Investigation may charge each applicant a
31 fee for conducting the checks of criminal history records authorized by this subsection.

32 (b) Employee Requirements. – Every employee engaged in the precious metals
33 purchasing business shall, within two business days of being so engaged, register his or her name
34 and address with the local law enforcement agency and have his or her photograph taken by the
35 agency. The employee also shall consent to a criminal history record check, which shall be
36 performed by the local law enforcement agency. A person who refuses to consent to a criminal
37 history record check shall not be employed by a dealer required to be licensed under this section.
38 A person who has been convicted of a felony involving a crime of moral turpitude, larceny,
39 receiving stolen goods, or of similar charges shall not be employed by a dealer required to be
40 licensed under this section, unless the person has had his or her rights of citizenship restored
41 pursuant to Chapter 13 of the General Statutes for five years or longer immediately preceding the
42 date of registration. The agency shall issue to the employee a certificate of compliance with this
43 section upon the applicant's payment of the sum of ten dollars (\$10.00) to the agency. The
44 certificate shall be renewed annually for a three-dollar (\$3.00) fee and shall be posted in the work
45 area of the registered employee. An employee is not subject to the requirements of this subsection
46 if the employee is engaged in the precious metals purchasing business only incidentally to his or
47 her main job responsibilities, and each precious metals transaction with which the employee is
48 involved is overseen by a licensed dealer or registered employee. All records of transactions must
49 be signed by the licensed dealer or registered employee at the time of the transaction, as required
50 under G.S. 66-410(a).

1 The ~~Department of Public Safety~~ State Bureau of Investigation may provide a criminal
2 history record check to the local law enforcement agency for an employee engaged in the
3 precious metals business. The agency shall provide to the ~~Department of Public Safety, State~~
4 Bureau of Investigation, along with the request, the fingerprints of the employee, any additional
5 information required by the ~~Department of Public Safety, State Bureau of Investigation~~, and a
6 form signed by the employee consenting to the check of the criminal record and to the use of the
7 fingerprints and other identifying information required by the State or national repositories. The
8 employee's fingerprints shall be ~~forwarded to~~ used by the State Bureau of Investigation for a
9 search of the State's criminal history record file, and the State Bureau of Investigation shall
10 forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal
11 history record check. The agency shall keep all information pursuant to this subsection
12 privileged, in accordance with applicable State law and federal guidelines, and the information
13 shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

14 The ~~Department of Public Safety~~ State Bureau of Investigation may charge each employee a
15 fee for conducting the checks of criminal history records authorized by this subsection.

16 (c) Special Occasion Permit. – A special occasion permit authorizes the permittee to
17 purchase precious metals as a dealer participating in any trade shows, antique shows, and crafts
18 shows conducted within the State. A special occasion permit shall be issued by any local law
19 enforcement agency; provided, however, that a permittee under subsection (a) of this section
20 shall apply for a special occasion permit with the local law enforcement agency that issued the
21 dealer's permit. The Department of Public Safety shall approve the forms for both the application
22 and the permit. The application shall be given under oath and notarized. A 30-day waiting period
23 from the date of filing of the application is required prior to initial issuance of a permit.

24 Any dealer applying to a local law enforcement agency for a special occasion permit shall
25 furnish the local law enforcement agency with the information required in an application for a
26 dealer's permit as set forth in subsection (a) of this section. In addition, the applicant shall provide
27 a physical address where any item included in a dealer purchase will be held for the period
28 required under G.S. 66-411. The physical address shall be the location where the purchase was
29 made, unless another physical address within the law enforcement jurisdiction where the
30 purchase was made is approved by the law enforcement agency that issues the permit. The items
31 shall be available at all reasonable times for inspection on the premises by law enforcement
32 agencies.

33 If the applicant for a special occasion permit is a partnership or association, all persons
34 owning a ten percent (10%) or more interest in the partnership or association shall comply with
35 the provisions of this subsection. Any such permits shall be issued in the name of the partnership
36 or association.

37 If the applicant for a special occasion permit is a corporation, each officer, director and
38 stockholder owning ten percent (10%) or more of the corporation's stock, of any class, shall
39 comply with the provisions of this subsection. Any such permits shall be issued in the name of
40 the corporation.

41 No permit shall be issued to an applicant who has been convicted of a felony involving a
42 crime of moral turpitude, or larceny, or receiving stolen goods or of similar charges in any federal
43 court or a court of this or any other state, unless the applicant has had his or her rights of
44 citizenship restored pursuant to Chapter 13 of the General Statutes for five years or longer
45 immediately preceding the date of application. In the case of a partnership, association, or
46 corporation, no permit shall be issued to any applicant with an officer, partner, or director who
47 has been convicted of a felony involving a crime of moral turpitude, or larceny, or receiving
48 stolen goods or of similar charges in any federal court or a court of this or any other state, unless
49 that person has had his or her rights of citizenship restored pursuant to Chapter 13 of the General
50 Statutes for five years or longer immediately preceding the date of application.

1 The ~~Department of Public Safety~~ State Bureau of Investigation may provide a criminal
2 history record check to the local law enforcement agency for a person who has applied for a
3 permit through the agency. The agency shall provide to the ~~Department of Public Safety, State~~
4 Bureau of Investigation, along with the request, the fingerprints of the applicant, any additional
5 information required by the ~~Department of Public Safety, State Bureau of Investigation~~, and a
6 form signed by the applicant consenting to the check of the criminal record and to the use of the
7 fingerprints and other identifying information required by the State or national repositories. The
8 applicant's fingerprints shall be ~~forwarded to used by~~ the State Bureau of Investigation for a
9 search of the State's criminal history record file, and the State Bureau of Investigation shall
10 forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal
11 history record check. The agency shall keep all information pursuant to this subsection
12 privileged, in accordance with applicable State law and federal guidelines, and the information
13 shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

14 The ~~Department of Public Safety~~ State Bureau of Investigation may charge each applicant a
15 fee for conducting the checks of criminal history records authorized by this subsection.

16 The filing fee for a special occasion permit application is one hundred eighty dollars
17 (\$180.00) to provide for the administrative cost of the local law enforcement agency including
18 purchase of required forms and the cost of conducting the criminal history record check of the
19 applicant. The fee is not refundable even if the permit is denied or is later suspended or revoked.
20 A special occasion permit is in addition to and not in lieu of other business licenses and is not
21 transferable. No person other than the dealer named on the permit and that dealer's employees
22 may engage in the business of purchasing precious metals under the authority of the permit.

23 A special occasion permit is valid for 12 months from the date issued, unless earlier
24 surrendered, suspended, or revoked. Application for renewal of a permit for an additional 12
25 months shall be on a form approved by the Department of Public Safety and shall be accompanied
26 by a nonrefundable renewal fee of one hundred eighty dollars (\$180.00).

27 Each special occasion permit shall be posted in a prominent place on the premises of any
28 show at which the permittee purchases precious metals."

29 **SECTION 19F.4.(ww)** G.S. 70-13.1(b) reads as rewritten:

30 "(b) All applicants shall consent to a criminal history record check. Refusal to consent to
31 a criminal history record check or to the use of fingerprints or other identifying information may
32 constitute grounds for the Department of Natural and Cultural Resources to deny a permit or a
33 license to an applicant. The Department of Natural and Cultural Resources shall be responsible
34 for providing to the ~~North Carolina Department of Public Safety~~ State Bureau of Investigation
35 the fingerprints of the applicant to be checked, a form signed by the applicant consenting to the
36 criminal record check and the use of fingerprints and other identifying information required by
37 the State or National Repositories of Criminal Histories, and any additional information required
38 by the ~~Department of Public Safety, State Bureau of Investigation~~. If the applicant is not an
39 individual, the applicant shall provide fingerprints for the principals, officers, directors, and
40 controlling persons of the applicant. Each set of fingerprints shall be certified by an authorized
41 law enforcement officer. The Department of Natural and Cultural Resources shall keep all
42 information obtained under this section confidential."

43 **SECTION 19F.4.(xx)** G.S. 74F-18(b) reads as rewritten:

44 "(b) All applicants for licensure or apprentice designation shall consent to a criminal
45 history record check. Refusal to consent to a criminal history record check may constitute
46 grounds for the Board to deny licensure or apprentice designation to an applicant. The Board
47 shall ensure that the State and national criminal history of an applicant is checked. The Board
48 shall be responsible for providing to the ~~North Carolina Department of Public Safety~~ State Bureau
49 of Investigation the fingerprints of the applicant to be checked, a form signed by the applicant
50 consenting to the criminal record check and the use of fingerprints and other identifying
51 information required by the State or National Repositories of Criminal Histories, and any

1 additional information required by the ~~Department of Public Safety~~. State Bureau of
2 Investigation. The Board shall keep all information obtained pursuant to this section confidential.
3 The Board shall collect any fees required by the ~~Department of Public Safety~~ State Bureau of
4 Investigation and shall remit the fees to the ~~Department of Public Safety~~ State Bureau of
5 Investigation for expenses associated with conducting the criminal history record check."

6 **SECTION 19F.4.(yy)** G.S. 85B-3.2 reads as rewritten:

7 "**§ 85B-3.2. Criminal history record checks of applicants for licensure.**

8 ...

9 (b) The Commission shall ensure that the State criminal history of an applicant is
10 checked. National criminal history checks are authorized for an applicant who has not resided in
11 the State of North Carolina during the past five years. The Commission shall provide to the ~~North~~
12 ~~Carolina Department of Public Safety~~ State Bureau of Investigation the fingerprints of the
13 applicant to be checked, a form signed by the applicant to be checked consenting to the check of
14 the criminal history and to the use of fingerprints and other identifying information required by
15 the State or National Repositories, and any additional information required by the ~~Department of~~
16 ~~Public Safety~~ State Bureau of Investigation.

17 (c) All releases of criminal history information to the Commission are subject to, and
18 shall comply with, rules governing the dissemination of criminal history record checks as adopted
19 by the ~~North Carolina Department of Public Safety~~ State Bureau of Investigation. All of the
20 information the Commission receives through the checking of the criminal history is for the
21 exclusive use of the Commission and shall be kept confidential.

22 ...

23 (g) The Commission shall collect any fees required by the ~~Department of Public Safety~~
24 State Bureau of Investigation and shall remit the fees to the ~~Department of Public Safety~~ State
25 Bureau of Investigation for expenses associated with conducting the criminal history record
26 check."

27 **SECTION 19F.4.(zz)** G.S. 90-113.46A(a) reads as rewritten:

28 "(a) All applicants for registration, certification, or licensure shall consent to a criminal
29 history record check. Refusal to consent to a criminal history record check may constitute
30 grounds for the Board to deny registration, certification, or licensure to an applicant. The Board
31 shall ensure that the State and national criminal history of an applicant is checked. The Board
32 shall be responsible for providing to the ~~North Carolina Department of Public Safety~~ State Bureau
33 of Investigation the fingerprints of the applicant to be checked, a form signed by the applicant
34 consenting to the criminal history record check and the use of fingerprints and other identifying
35 information required by the State or National Repositories, the fee required by the ~~Department~~
36 ~~of Public Safety~~ State Bureau of Investigation for providing this service, and any additional
37 information required by the ~~Department of Public Safety~~ State Bureau of Investigation. The
38 Board shall keep all information obtained pursuant to this section confidential."

39 **SECTION 19F.4.(aaa)** G.S. 90-171.48 reads as rewritten:

40 "**§ 90-171.48. Criminal history record checks of applicants for licensure.**

41 ...

42 (b) All applicants for licensure shall consent to a criminal history record check. Refusal
43 to consent to a criminal history record check may constitute grounds for the Board to deny
44 licensure to an applicant. The Board shall ensure that the State and national criminal history of
45 an applicant applying for initial licensure as a registered nurse or licensed practical nurse either
46 by examination pursuant to G.S. 90-171.29 or G.S. 90-171.30 or without examination pursuant
47 to G.S. 90-171.32 is checked. The Board may request a criminal history record check for
48 applicants applying for reinstatement of licensure pursuant to G.S.90-171.35 or returning to
49 active status pursuant to G.S. 90-171.36 as a registered nurse or licensed practical nurse.

50 The Board shall be responsible for providing to the ~~North Carolina Department of Public~~
51 ~~Safety~~ State Bureau of Investigation the fingerprints of the applicant to be checked, a form signed

1 by the applicant consenting to the criminal record check and the use of fingerprints and other
2 identifying information required by the State or National Repositories, and any additional
3 information required by the ~~Department of Public Safety- State Bureau of Investigation~~. The
4 Board shall keep all information obtained pursuant to this section confidential.

5 (c) If an applicant's criminal history record check reveals one or more convictions listed
6 under ~~subsection-subdivision~~ (a)(2) of this section, the conviction shall not automatically bar
7 licensure. The Board shall consider all of the following factors regarding the conviction:

- 8 (1) The level of seriousness of the crime.
- 9 (2) The date of the crime.
- 10 (3) The age of the person at the time of the conviction.
- 11 (4) The circumstances surrounding the commission of the crime, if known.
- 12 (5) The nexus between the criminal conduct of the person and the job duties of
13 the position to be filled.
- 14 (6) The person's prison, jail, probation, parole, rehabilitation, and employment
15 records since the date the crime was committed.
- 16 (7) The subsequent commission by the person of a crime listed in subsection (a)
17 of this section.

18 If, after reviewing the factors, the Board determines that the grounds set forth in G.S. 90-171.37
19 exist, the Board may deny licensure of the applicant. The Board may disclose to the applicant
20 information contained in the criminal history record check that is relevant to the denial. The
21 Board shall not provide a copy of the criminal history record check to the applicant. The applicant
22 shall have the right to appear before the Board to appeal the Board's decision. However, an
23 appearance before the full Board shall constitute an exhaustion of administrative remedies in
24 accordance with Chapter 150B of the General Statutes.

25"

26 **SECTION 19F.4.(bbb)** G.S. 90-270.155(a) reads as rewritten:

27 "(a) The Board may request that an applicant for licensure or reinstatement of a license or
28 that a licensed psychologist or psychological associate currently under investigation by the Board
29 for allegedly violating this Article consent to a criminal history record check. Refusal to consent
30 to a criminal history record check may constitute grounds for the Board to deny licensure or
31 reinstatement of a license to an applicant or take disciplinary action against a licensee, including
32 revocation of a license. The Board shall be responsible for providing to the ~~North Carolina~~
33 ~~Department of Public Safety- State Bureau of Investigation~~ the fingerprints of the applicant or
34 licensee to be checked, a form signed by the applicant or licensee consenting to the criminal
35 record check and the use of fingerprints and other identifying information required by the State
36 or National Repositories, and any additional information required by the ~~Department of Public~~
37 ~~Safety- State Bureau of Investigation~~. The Board shall keep all information obtained pursuant to
38 this section confidential.

39 The Board shall collect any fees required by the ~~Department of Public Safety- State Bureau~~
40 ~~of Investigation~~ and shall remit the fees to the ~~Department of Public Safety- State Bureau of~~
41 ~~Investigation~~ for the cost of conducting the criminal history record check."

42 **SECTION 19F.4.(ccc)** G.S. 90-270.96 reads as rewritten:

43 **"§ 90-270.96. Criminal history record checks of applicants for licensure.**

44 (a) All applicants for licensure shall consent to a criminal history record check. Refusal
45 to consent to a criminal history record check may constitute grounds for the Board to deny
46 licensure to an applicant. The Board shall be responsible for providing to the ~~North Carolina~~
47 ~~Department of Public Safety- State Bureau of Investigation~~ the fingerprints of the applicant to be
48 checked, a form signed by the applicant consenting to the criminal history record check and the
49 use of fingerprints and other identifying information required by the State or National
50 Repositories, and any additional information required by the ~~Department of Public Safety- State~~

1 Bureau of Investigation. The Board shall keep all information obtained pursuant to this section
2 confidential.

3 (b) The cost of the criminal history record check and the fingerprinting shall be borne by
4 the applicant. The Board shall collect any fees required by the ~~Department of Public Safety~~ State
5 Bureau of Investigation and shall remit the fees to the ~~Department of Public Safety~~ State Bureau
6 of Investigation for expenses associated with conducting the criminal history record check.

7"

8 **SECTION 19F.4.(ddd)** G.S. 90-288.01(b) reads as rewritten:

9 "(b) Criminal History Record Check. – The Board shall require a criminal history record
10 check of all applicants for initial licensure and temporary licensure. The Board, in its discretion,
11 may require a criminal history record check of an applicant for license renewal. Refusal to
12 consent to a criminal history record check may constitute grounds for the Board to deny licensure
13 to an applicant. The Board shall provide to the ~~North Carolina Department of Public Safety~~ State
14 Bureau of Investigation the fingerprints of the applicant to be checked, a form signed by the
15 applicant consenting to the criminal history record check and the use of fingerprints and other
16 identifying information required by the State or National Repositories, and any additional
17 information required by the ~~Department of Public Safety~~ State Bureau of Investigation. The
18 Board shall keep all information obtained pursuant to this section confidential. The Board shall
19 collect any fees required by the ~~Department of Public Safety~~ State Bureau of Investigation and
20 shall remit the fees to the ~~Department of Public Safety~~ State Bureau of Investigation for expenses
21 associated with conducting the criminal history record check."

22 **SECTION 19F.4.(eee)** G.S. 90-357.6 reads as rewritten:

23 "**§ 90-357.6. Criminal history record checks of applicants for licensure.**

24 (a) All applicants for licensure shall consent to a criminal history record check. The
25 Board may request a criminal history record check of applicants returning to active status as a
26 licensed dietitian/nutritionist or a licensed nutritionist. Refusal to consent to a criminal history
27 record check may constitute grounds for the Board to deny licensure to an applicant. The Board
28 shall ensure that the State and national criminal history of each applicant is checked. The Board
29 shall be responsible for providing to the ~~North Carolina Department of Public Safety~~ State Bureau
30 of Investigation the fingerprints of the applicant to be checked, a form signed by the applicant
31 consenting to the criminal history record check and the use of fingerprints and other identifying
32 information required by the State or National Repositories, the fee required by the ~~Department~~
33 ~~of Public Safety~~ State Bureau of Investigation for providing this service, and any additional
34 information required by the ~~Department of Public Safety~~ State Bureau of Investigation. The
35 Board shall keep all information obtained pursuant to this section confidential.

36 (b) The cost of the criminal history record check and the fingerprinting shall be borne by
37 the applicant. The Board shall collect any fees required by the ~~Department of Public Safety~~ State
38 Bureau of Investigation and shall remit the fees to the ~~Department of Public Safety~~ State Bureau
39 of Investigation for expenses associated with conducting the criminal history record check.

40"

41 **SECTION 19F.4.(fff)** G.S. 90-622(2b) reads as rewritten:

42 "(2b) Criminal history record check. – A report resulting from a request made by
43 the Board to the ~~North Carolina Department of Public Safety~~ State Bureau of
44 Investigation for a history of conviction of a crime, whether a misdemeanor
45 or felony, that bears on an applicant's fitness for licensure to practice massage
46 and bodywork therapy."

47 **SECTION 19F.4.(ggg)** G.S. 90-629(6) reads as rewritten:

48 "(6) Has submitted fingerprint cards in a form acceptable to the Board at the time
49 the license application is filed and consented to a criminal history record check
50 by the ~~North Carolina Department of Public Safety~~ State Bureau of
51 Investigation."

1 **SECTION 19F.4.(hhh)** G.S. 90-629.1(a) reads as rewritten:

2 "(a) All applicants for licensure to practice massage and bodywork therapy or to operate
3 a massage and bodywork therapy establishment shall consent to a criminal history record check.
4 Refusal to consent to a criminal history record check may constitute grounds for the Board to
5 deny licensure to an applicant. The Board shall ensure that the State and national criminal history
6 of an applicant is checked. The Board shall be responsible for providing to the ~~North Carolina~~
7 ~~Department of Public Safety-State Bureau of Investigation~~ the fingerprints of the applicant to be
8 checked, a form signed by the applicant consenting to the criminal record check and the use of
9 fingerprints and other identifying information required by the State or National Repositories, and
10 any additional information required by the ~~Department of Public Safety-State Bureau of~~
11 ~~Investigation.~~ The Board shall keep all information obtained pursuant to this section
12 confidential."

13 **SECTION 19F.4.(iii)** G.S. 90-632.11(a)(4) reads as rewritten:

14 "(4) Fingerprint cards submitted in accordance with G.S. 90-629.1 at the time the
15 license application is filed and consented to a criminal history record check
16 by the ~~Department of Public Safety-State Bureau of Investigation.~~"

17 **SECTION 19F.4.(jjj)** G.S. 90-652(1) reads as rewritten:

18 "(1) Determine the qualifications and fitness of applicants for licensure, renewal
19 of licensure, and reciprocal licensure. The Board shall, in its discretion,
20 investigate the background of an applicant to determine the applicant's
21 qualifications with due regard given to the applicant's competency, honesty,
22 truthfulness, and integrity. The ~~Department of Public Safety-State Bureau of~~
23 ~~Investigation~~ may provide a criminal record check to the Board for a person
24 who has applied for a license through the Board. The Board shall provide to
25 the ~~Department of Public Safety, State Bureau of Investigation,~~ along with the
26 request, the fingerprints of the applicant, any additional information required
27 by the ~~Department of Public Safety, State Bureau of Investigation,~~ and a form
28 signed by the applicant consenting to the check of the criminal record and to
29 the use of the fingerprints and other identifying information required by the
30 State or national repositories. The applicant's fingerprints shall be ~~forwarded~~
31 ~~to~~ used by the State Bureau of Investigation for a search of the State's criminal
32 history record file, and the State Bureau of Investigation shall forward a set of
33 the fingerprints to the Federal Bureau of Investigation for a national criminal
34 history check. The Board shall keep all information pursuant to this
35 subdivision privileged, in accordance with applicable State law and federal
36 guidelines, and the information shall be confidential and shall not be a public
37 record under Chapter 132 of the General Statutes. The Board shall collect any
38 fees required by the ~~Department of Public Safety State Bureau of Investigation~~
39 and shall remit the fees to the ~~Department of Public Safety State Bureau of~~
40 ~~Investigation~~ for expenses associated with conducting the criminal history
41 record check."

42 **SECTION 19F.4.(kkk)** G.S. 115C-238.73(c) reads as rewritten:

43 "(c) The board of directors shall require the person to be checked by the ~~Department of~~
44 ~~Public Safety-State Bureau of Investigation~~ (i) to be fingerprinted and to provide any additional
45 information required by the ~~Department of Public Safety-State Bureau of Investigation~~ to a person
46 designated by the board of directors or to the local sheriff or the municipal police, whichever is
47 more convenient for the person, and (ii) to sign a form consenting to the check of the criminal
48 record and to the use of fingerprints and other identifying information required by the
49 repositories. The board of directors shall consider refusal to consent when making employment
50 decisions and decisions with regard to independent contractors. The fingerprints of the individual
51 shall be ~~forwarded to~~ used by the State Bureau of Investigation for a search of the State criminal

1 history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the
2 Federal Bureau of Investigation for a national criminal history record check. The ~~Department of~~
3 ~~Public Safety~~ State Bureau of Investigation shall provide to the board of directors the criminal
4 history from the State and National Repositories of Criminal Histories of any school personnel
5 for which the board of directors requires a criminal history record check.

6 The board of directors shall not require school personnel to pay for the fingerprints authorized
7 under this section."

8 **SECTION 19F.4.(III)** G.S. 115C-332(c) reads as rewritten:

9 "(c) The ~~Department of Public Safety~~ State Bureau of Investigation shall provide to the
10 local board of education the criminal history from the State and National Repositories of Criminal
11 Histories of any applicant for a school personnel position in the local school administrative unit
12 for which a local board of education requires a criminal history check. The local board of
13 education shall require the person to be checked by the ~~Department of Public Safety~~ State Bureau
14 of Investigation to (i) be fingerprinted and to provide any additional information required by the
15 ~~Department of Public Safety~~ State Bureau of Investigation to a person designated by the local
16 board, or to the local sheriff or the municipal police, whichever is more convenient for the person,
17 and (ii) sign a form consenting to the check of the criminal record and to the use of fingerprints
18 and other identifying information required by the repositories. The local board of education shall
19 consider refusal to consent when making employment decisions and decisions with regard to
20 independent contractors.

21 The local board of education shall not require an applicant to pay for being fingerprinted."

22 **SECTION 19F.4.(mmm)** G.S. 116-239.12(c) reads as rewritten:

23 "(c) The chancellor shall require the person to be checked by the ~~Department of Public~~
24 ~~Safety~~ State Bureau of Investigation (i) to be fingerprinted and to provide any additional
25 information required by the ~~Department of Public Safety~~ State Bureau of Investigation to a person
26 designated by the chancellor or to the local sheriff, the campus police department of the
27 constituent institution, or the municipal police, whichever is more convenient for the person and
28 (ii) to sign a form consenting to the check of the criminal record and to the use of fingerprints
29 and other identifying information required by the repositories. The chancellor shall consider
30 refusal to consent when making employment decisions and decisions with regard to independent
31 contractors. The fingerprints of the individual shall be ~~forwarded to~~ used by the State Bureau of
32 Investigation for a search of the State criminal history record file, and the State Bureau of
33 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a
34 national criminal history record check. The ~~Department of Public Safety~~ State Bureau of
35 Investigation shall provide to the chancellor the criminal history from the State and National
36 Repositories of Criminal Histories of any school personnel for which the chancellor requires a
37 criminal history record check.

38 The chancellor shall not require school personnel to pay for fingerprints authorized under this
39 section."

40 **SECTION 19F.4.(nnn)** G.S. 121-25.1(b) reads as rewritten:

41 "(b) All applicants shall consent to a criminal history record check. Refusal to consent to
42 a criminal history record check or to the use of fingerprints or other identifying information may
43 constitute grounds for the Department of Natural and Cultural Resources to deny a permit or a
44 license to an applicant. The Department of Natural and Cultural Resources shall be responsible
45 for providing to the ~~North Carolina Department of Public Safety~~ State Bureau of Investigation
46 the fingerprints of the applicant to be checked, a form signed by the applicant consenting to the
47 criminal record check and the use of fingerprints and other identifying information required by
48 the State or National Repositories of Criminal Histories, and any additional information required
49 by the ~~Department of Public Safety~~ State Bureau of Investigation. If the applicant is not an
50 individual, the applicant shall provide fingerprints for the principals, officers, directors, and
51 controlling persons of the applicant. Each set of fingerprints shall be certified by an authorized

1 law enforcement officer. The Department of Natural and Cultural Resources shall keep all
2 information obtained under this section confidential."

3 **SECTION 19F.4.(ooo)** G.S. 131D-10.3A reads as rewritten:

4 **"§ 131D-10.3A. Mandatory criminal checks.**

5 ...

6 (d) ~~The Department of Public Safety State Bureau of Investigation~~ shall provide to the
7 Department the criminal history of the individuals specified in subsection (a) of this section
8 obtained from the State and National Repositories of Criminal Histories as requested by the
9 Department. The Department shall provide to the ~~Department of Public Safety, State Bureau of~~
10 Investigation, along with the request, the fingerprints of the individual to be checked, any
11 additional information required by the ~~Department of Public Safety, State Bureau of~~
12 Investigation, and a form consenting to the check of the criminal record and to the use of
13 fingerprints and other identifying information required by the State or National Repositories
14 signed by the individual to be checked. The fingerprints of the individual to be checked shall be
15 ~~forwarded to used by~~ the State Bureau of Investigation for a search of the State's criminal history
16 record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal
17 Bureau of Investigation for a national criminal history record check.

18 (e) At the time of application, the individual whose criminal history is to be checked shall
19 be furnished with a statement substantially similar to the following:

20 "NOTICE

21 MANDATORY CRIMINAL HISTORY CHECK

22 NORTH CAROLINA LAW REQUIRES THAT A CRIMINAL HISTORY
23 CHECK BE CONDUCTED ON ALL PERSONS 18 YEARS OF AGE OR
24 OLDER WHO RESIDE IN A LICENSED FAMILY FOSTER HOME.

25 "Criminal history" includes any county, State, and federal conviction of a
26 felony by a court of competent jurisdiction or pending felony indictment of a crime
27 for child abuse or neglect, spousal abuse, a crime against a child, including child
28 pornography, or for a crime involving violence, including rape, sexual assault, or
29 homicide, other than physical assault or battery; a county, State, or federal
30 conviction of a felony by a court of competent jurisdiction or a pending felony
31 indictment for physical assault, battery, or a drug related offense, if the offense
32 was committed within the past five years; or similar crimes under federal law or
33 under the laws of other states. Your fingerprints will be used to check the criminal
34 history records of the State Bureau of Investigation (SBI) and the Federal Bureau
35 of Investigation (FBI).

36 If it is determined, based on your criminal history, that you are unfit to have a
37 foster child reside with you, you shall have the opportunity to complete or
38 challenge the accuracy of the information contained in the SBI or FBI
39 identification records.

40 If licensure is denied or the foster home license is revoked by the Department
41 of Health and Human Services as a result of the criminal history check, if you are
42 a foster parent, or are applying to become a foster parent, you may request a
43 hearing pursuant to Article 3 of Chapter 150B of the General Statutes, the
44 Administrative Procedure Act.

45 Any person who intentionally falsifies any information required to be furnished
46 to conduct the criminal history is guilty of a Class 2 misdemeanor.

47 Refusal to consent to a criminal history check is grounds for the Department to deny or revoke
48 a license to provide foster care. Any person who intentionally falsifies any information required
49 to be furnished to conduct the criminal history is guilty of a Class 2 misdemeanor.

50 ...

1 (i) ~~The Department of Public Safety State Bureau of Investigation~~ shall perform the State
2 and national criminal history checks on individuals required by this section and shall charge the
3 Department a reasonable fee only for conducting the checks of the national criminal history
4 records authorized by this section. The Division of Social Services, Department of Health and
5 Human Services, shall bear the costs of implementing this section."

6 **SECTION 19F.4.(ppp)** G.S. 143-143.10A(b) reads as rewritten:

7 "(b) All applicants for initial licensure shall consent to a criminal history record check.
8 Refusal to consent to a criminal history record check may constitute grounds for the Board to
9 deny licensure to an applicant. The Board shall ensure that the State and national criminal history
10 of an applicant is checked. Applicants shall obtain criminal record reports from one or more
11 reporting services designated by the Board to provide criminal record reports. Each applicant is
12 required to pay the designated service for the cost of the criminal record report. In the alternative,
13 the Board may provide to the ~~North Carolina Department of Public Safety State Bureau of~~
14 Investigation the fingerprints of the applicant to be checked, a form signed by the applicant
15 consenting to the criminal record check and the use of fingerprints and other identifying
16 information required by the State or National Repositories of Criminal Histories, and any
17 additional information required by the ~~Department of Public Safety State Bureau of~~
18 Investigation. The Board shall keep all information obtained pursuant to this section
19 confidential."

20 **SECTION 19F.4.(qqq)** The State Bureau of Investigation shall adopt rules, or
21 amend its rules, consistent with the provisions of this section. The Bureau may use the procedure
22 set forth in G.S. 150B-21.1 to adopt or amend any rules as required under this subsection.

23 **SECTION 19F.4.(rrr)** This section becomes effective July 1, 2023.

24 **REQUIRE REPORTING ON REMOTE WORK POLICIES AND PARTICIPATION**

25 **SECTION 19F.5.(a)** The Department of Public Safety shall maintain and shall
26 furnish upon request a remote work policy.

27 **SECTION 19F.5.(b)** The remote work policies required by subsection (a) of this
28 section shall, at a minimum, require that all employees utilizing the remote work policy shall
29 sign an agreement to be retained in the employee's file that records the employee's assent to
30 adhere to the remote work policy.

31 **SECTION 19F.5.(c)** The Department of Public Safety shall report all of the
32 following to the Joint Legislative Oversight Committee on Justice and Public Safety no later than
33 March 1 of each year:

- 34 (1) The remote work policy currently in place for its employees.
- 35 (2) Any remote work policy previously in place for its employees that was not a
36 part of the most recent report required by this subsection.
- 37 (3) The total number of employees utilizing its remote work policy.
- 38 (4) The total number of employees utilizing its remote work policy, delineated by
39 division, section, and any other organizational category.

40 **SECTION 19F.5.(d)** This section becomes effective October 1, 2023.

41 **PART XIX-G. LAW ENFORCEMENT**

42 **STATE CAPITOL POLICE/CREATION OF RECEIPT-SUPPORTED POSITIONS**

43 **SECTION 19G.1.(a)** Creation of Receipt-Supported Positions Authorized. – The
44 State Capitol Police may contract with State agencies for the creation of receipt-supported
45 positions to provide security services to the buildings occupied by those agencies.

46 **SECTION 19G.1.(b)** Annual Report Required. – No later than September 1 of each
47 fiscal year, the State Capitol Police shall report to the Joint Legislative Oversight Committee on
48 Justice and Public Safety the following information for the fiscal year in which the report is due:
49
50
51

- 1 (1) A list of all positions in the State Capitol Police. For each position listed, the
2 report shall include at least the following information:
3 a. The position type.
4 b. The agency to which the position is assigned.
5 c. The source of funding for the position.
6 (2) For each receipt-supported position listed, the contract and any other terms of
7 the contract.

8 **SECTION 19G.1.(c)** Additional Reporting Required Upon Creation of
9 Receipt-Supported Positions. – In addition to the report required by subsection (b) of this section,
10 the State Capitol Police shall report the creation of any position pursuant to subsection (a) of this
11 section to the chairs of the House of Representatives Appropriations Committee on Justice and
12 Public Safety and the Senate Appropriations Committee on Justice and Public Safety and to the
13 Fiscal Research Division within 30 days of the position's creation. A report submitted pursuant
14 to this section shall include at least all of the following information:

- 15 (1) The position type.
16 (2) The agency to which the position is being assigned.
17 (3) The position salary.
18 (4) The total amount of the contract.
19 (5) The terms of the contract.

20 **SECTION 19G.1.(d)** Format of Reports. – Reports submitted pursuant to this section
21 shall be submitted electronically and in accordance with any applicable General Assembly
22 standards.

23 24 **USE OF SEIZED AND FORFEITED PROPERTY**

25 **SECTION 19G.2.(a)** Seized and forfeited assets transferred to the Department of
26 Justice, Department of Public Safety, and Department of Adult Correction during the 2023-2025
27 fiscal biennium pursuant to applicable federal law shall be credited to the budget of the recipient
28 department and shall result in an increase of law enforcement resources for that department. The
29 Department of Justice, Department of Public Safety, and Department of Adult Correction shall
30 each make the following reports to the chairs of the House of Representatives Appropriations
31 Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and
32 Public Safety:

- 33 (1) A report upon receipt of any assets.
34 (2) A report that shall be made prior to use of the assets on their intended use and
35 the departmental priorities on which the assets may be expended.
36 (3) A report on receipts, expenditures, encumbrances, and availability of these
37 assets for the previous fiscal year, which shall be made no later than
38 September 1 of each year.

39 **SECTION 19G.2.(b)** The General Assembly finds that the use of seized and
40 forfeited assets transferred pursuant to federal law for new personnel positions, new projects,
41 acquisition of real property, repair of buildings where the repair includes structural change, and
42 construction of or additions to buildings may result in additional expenses for the State in future
43 fiscal periods. Therefore, the Department of Justice, Department of Public Safety, and
44 Department of Adult Correction are prohibited from using these assets for such purposes without
45 the prior approval of the General Assembly.

46 **SECTION 19G.2.(c)** Nothing in this section prohibits State law enforcement
47 agencies from receiving funds from the United States Department of Justice, the United States
48 Department of the Treasury, and the United States Department of Health and Human Services.

49 **SECTION 19G.2.(d)** The Joint Legislative Oversight Committee on Justice and
50 Public Safety shall study the impact on State and local law enforcement efforts of the receipt of

1 seized and forfeited assets. The Committee shall report its findings and recommendations prior
2 to the convening of the 2024 Regular Session of the 2023 General Assembly.

4 **CREATE MISDEMEANOR CRIME OF DOMESTIC VIOLENCE**

5 **SECTION 19G.3.(a)** Article 8 of Chapter 14 of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 14-32.5. Misdemeanor crime of domestic violence.**

8 A person is guilty of a Class A1 misdemeanor if that person uses or attempts to use physical
9 force, or threatens the use of a deadly weapon, against another person and the person who
10 commits the offense is:

11 (1) A current or former spouse, parent, or guardian of the victim.

12 (2) A person with whom the victim shares a child in common.

13 (3) A person who is cohabitating with or has cohabitated with the victim as a
14 spouse, parent, or guardian.

15 (4) A person similarly situated to a spouse, parent, or guardian of the victim."

16 **SECTION 19G.3.(b)** This section becomes effective December 1, 2023, and applies
17 to offenses committed on or after that date.

19 **CREATE SEX OFFENSE REGISTRY ANNUAL FEE**

20 **SECTION 19G.4.** G.S. 14-208.7 is amended by adding new subsections to read:

21 "(e) Each person required to register under this section shall pay an annual fee of one
22 hundred fifty dollars (\$150.00) to pay the costs of fulfilling the local and statewide
23 responsibilities required by this Article, including the regular verification of registrants and the
24 retention, maintenance, and dissemination of registrant records. This fee shall be collected each
25 year by the sheriff to whom the registrant returns the registrant's verification following the
26 anniversary of the registrant's initial registration date. Failure to pay this fee shall not affect in
27 any way the registrant's ability to register, verify information, or otherwise comply with the
28 requirements of this Part. For the purposes referenced in this subsection, one hundred dollars
29 (\$100.00) of this fee shall be retained by the sheriff and fifty dollars (\$50.00) shall be remitted
30 to the State Bureau of Investigation on a quarterly basis. No registrant shall be required to pay
31 the fee required by this subsection more than once in a calendar year.

32 (f) If the sheriff required to collect the annual fee under subsection (e) of this section
33 declares a registrant to be indigent, the sheriff may waive the annual fee and shall make written
34 findings as to that determination that shall be kept in the registrant's records. A determination of
35 indigency under this subsection shall be revisited each year and shall require written findings in
36 each instance that a sheriff waives the annual fee pursuant to this subsection.

37 (g) Notwithstanding subsection (f) of this section, a registrant (i) incarcerated or (ii) under
38 the supervision of the Department of Adult Correction, Division of Community Supervision and
39 Reentry, at the time that the fee required by subsection (e) of this section would otherwise be
40 collected shall be deemed indigent and shall not be assessed the fee required by subsection (e) of
41 this section. This determination shall be revisited each year."

43 **PAT XIX-H. JUVENILE JUSTICE**

45 **LIMIT USE OF COMMUNITY PROGRAM FUNDS**

46 **SECTION 19H.1.(a)** Funds appropriated in this act to the Department of Public
47 Safety for the 2023-2025 fiscal biennium for community program contracts, that are not required
48 for or used for community program contracts, may be used only for the following:

49 (1) Other statewide residential programs that provide Level 2 intermediate
50 dispositional alternatives for juveniles.

- 1 (2) Statewide community programs that provide Level 2 intermediate
2 dispositional alternatives for juveniles.
- 3 (3) Regional programs that are collaboratives of two or more Juvenile Crime
4 Prevention Councils which provide Level 2 intermediate dispositional
5 alternatives for juveniles.
- 6 (4) The Juvenile Crime Prevention Council funds to be used for the Level 2
7 intermediate dispositional alternatives for juveniles listed in
8 G.S. 7B-2506(13) through (23).

9 **SECTION 19H.1.(b)** Funds appropriated by this act to the Department of Public
10 Safety for the 2023-2025 fiscal biennium for community programs may not be used for staffing,
11 operations, maintenance, or any other expenses of youth development centers or detention
12 facilities.

13 **SECTION 19H.1.(c)** The Department of Public Safety shall submit an electronic
14 report by October 1 of each year of the 2023-2025 fiscal biennium on all expenditures made in
15 the preceding fiscal year from the miscellaneous contract line in Fund Code 1230 to the chairs of
16 the House of Representatives Appropriations Committee on Justice and Public Safety and the
17 Senate Appropriations Committee on Justice and Public Safety and the Fiscal Research Division.
18 The report shall include all of the following: an itemized list of the contracts that have been
19 executed, the amount of each contract, the date the contract was executed, the purpose of the
20 contract, the number of juveniles that will be served and the manner in which they will be served,
21 the amount of money transferred to the Juvenile Crime Prevention Council fund, and an itemized
22 list of grants allocated from the funds transferred to the Juvenile Crime Prevention Council fund.

23 24 **EXTEND SUNSET DATE FOR USE OF SECURITY GUARDS AT STATE PRISONS**

25 **SECTION 19H.2.(a)** Section 4.15(c) of S.L. 2020-3, as amended by Section 2 of
26 S.L. 2020-15, Section 19D.2 of S.L. 2021-180, and Section 19D.1 of S.L. 2022-74, reads as
27 rewritten:

28 "**SECTION 4.15.(c)** This section is effective when it becomes law and expires upon the
29 earlier of August 1, ~~2023~~, 2024, or the date of completion of the Youth Development Center in
30 Rockingham County."

31 **SECTION 19H.2.(b)** This section is effective when it becomes law.

32 33 **PART XIX-I. EMERGENCY MANAGEMENT AND NATIONAL GUARD [RESERVED]**

34 35 **PART XX. ADMINISTRATION**

36 37 **DOA/E-PROCUREMENT TRANSACTION FEES**

38 **SECTION 20.1.** Article 3 of Chapter 143 of the General Statutes is amended by
39 adding a new section to read:

40 **"§ 143-48.3A. Electronic procurement fees.**

41 The Department of Administration shall impose a transaction fee of one and seventy-five
42 hundredths percent (1.75%) on purchase orders for material goods. The Department shall not
43 increase or decrease the transaction fee on purchase orders for material goods or impose a
44 transaction fee on purchase orders for services without the express authorization of the General
45 Assembly."

46 47 **PART XXI. ADMINISTRATIVE HEARINGS**

48 49 **INCREASE COMPENSATION FOR RULES REVIEW COMMISSION MEMBERS**

50 **SECTION 21.1.** G.S. 143B-30.1(d) reads as rewritten:

1 "(d) Members of the Commission who are not officers or employees of the State shall
2 receive compensation of ~~two~~three hundred dollars (~~\$200.00~~)-(~~\$300.00~~) for each day or part of a
3 day of service plus reimbursement for travel and subsistence expenses at the rates specified in
4 G.S. 138-5. Members of the Commission who are officers or employees of the State shall receive
5 reimbursement for travel and subsistence at the rate set out in G.S. 138-6."
6

7 **PART XXII. OFFICE OF STATE AUDITOR [RESERVED]**

8 **PART XXIII. BUDGET AND MANAGEMENT**

9 **NCPRO/EXTENSION OF OPERATIONS**

10 **SECTION 23.1.** Section 4.3(a) of S.L. 2020-4, as amended by Section 3.5 of S.L.
11 2021-1, Section 23.2 of S.L. 2021-180, and Section 6.1 of S.L. 2021-189, reads as rewritten:
12

13 "**SECTION 4.3.(a)** OSBM shall establish a temporary North Carolina Pandemic Recovery
14 Office (Office) to oversee and coordinate funds made available under COVID-19 Recovery
15 Legislation, as defined in Section 1.2 of S.L. 2020-4, and the American Rescue Plan Act, as
16 defined in Section 1.1 of S.L. 2021-25 and Section 4.9(b) of S.L. 2021-180. This Office shall
17 also provide technical assistance and ensure coordination of federal funds received by State
18 agencies and local governments and ensure proper reporting and accounting of all funds. The
19 authorization set forth in this section expires on ~~June 30, 2023~~, June 30, 2027, and the Office
20 shall cease to operate upon expiration of the authorization."
21

22 **PART XXIV. BUDGET AND MANAGEMENT – SPECIAL APPROPRIATIONS**

23 **NC FUTURE CITY COMPETITION**

24 **SECTION 24.1.** Of the funds appropriated in this act to the Office of State Budget
25 and Management, the sum of two hundred thousand dollars (\$200,000) in recurring funds for
26 each year of the 2023-2025 fiscal biennium shall be used to provide a grant to the Professional
27 Engineers of North Carolina Educational Foundation, a nonprofit organization. These funds may
28 be used by the NC Future City program to hire up to one position to support the program.
29

30 **FUNDS FOR PARKING FACILITY EQUIPPED WITH ELECTRIC VEHICLE 31 CHARGING STATIONS**

32 **SECTION 24.2.(a)** Of the funds appropriated in this act to the Office of State Budget
33 and Management, Special Appropriations, the sum of thirty million dollars (\$30,000,000) in
34 nonrecurring funds for the 2023-2024 fiscal year shall be used to provide a directed grant to
35 North Carolina SAVES Green Community Program, Inc. (hereinafter "NC Saves"), a nonprofit
36 corporation established to further sustainability initiatives in the State, for the purpose of
37 developing a new parking facility equipped with fully automated charging stations for electric
38 and/or electric autonomous vehicles. NC Saves shall, through a grant or forgivable loan, provide
39 the funds appropriated as provided in this section to a private partner selected by NC Saves who
40 shall develop the parking facility and automated charging stations as provided in subsection (b)
41 of this section. NC Saves and the private partner shall work together to determine which type of
42 funds, either a grant or forgivable loan, will result in the most efficient and effective use of the
43 grant funds to develop the parking facility and charging stations. The grant or forgivable loan
44 shall be used to pay all costs associated with developing the parking facility and charging stations,
45 including, but not limited to, design, construction, permitting, and land purchase. The private
46 partner may loan the grant funds to affiliated entities to provide maximum leverage for the
47 parking facility development project. NC Saves may use no more than three percent (3%) of the
48 grant funds for administrating the grant or forgivable loan.
49

50 **SECTION 24.2.(b)** The parking facility, which shall be completed not later than
51 December 31, 2026, shall be used for public parking and, for each parking space therein, shall

1 be equipped to charge electric vehicles and/or electric autonomous vehicles. The parking facility
2 shall be located on a site that meets all of the following criteria:

- 3 (1) Is a designated qualified opportunity zone under sections 1400Z-1 and
4 1400Z-2 of the Internal Revenue Code, as defined in G.S. 105-228.90(b)(7).
- 5 (2) Is in a city having a population of more than 200,000 according to the
6 population estimates of the United States Census Bureau as of January 1,
7 2023.
- 8 (3) Is zoned for uses that allow a multistory parking deck.

9 **SECTION 24.2.(c)** Not later than February 15 of each year until the design and
10 construction of the facility has been completed, NC Saves shall submit a written report to the
11 Joint Legislative Oversight Committee on General Government, the House of Representatives
12 Appropriations Committee on General Government, and the Senate Appropriations Committee
13 on General Government and Information Technology on the private partner's progress in
14 designing and constructing the facility and the amount of grant funds expended for those
15 purposes. Beginning February 15, 2027, and not later than February 15 of the next four years
16 thereafter, NC Saves shall submit a written report to the committees named in this subsection
17 detailing the number of electric and/or electric autonomous vehicles that used the facility each
18 year and the energy savings realized each year.

19 **BALLPARK FACILITIES/MATCHING GRANT PROGRAM TO MEET NEW MLB** 20 **FACILITY REQUIREMENTS**

21 **SECTION 24.3.(a)** Of the funds appropriated in this act to the Office of State Budget
22 and Management, Special Appropriations, (OSBM) the sum of twenty-five million dollars
23 (\$25,000,000) in nonrecurring funds for the 2023-2024 fiscal year shall be used to establish a
24 matching grant program to support ballpark facilities that serve as the home stadium for minor
25 league baseball teams that have been granted a Professional Development League license with
26 Major League Baseball (MLB). Grant funds shall be used to make necessary upgrades and
27 improvements to ballpark facilities to meet the new facility requirements imposed by MLB on
28 all Professional Development League license holders.

29 **SECTION 24.3.(b)** Grant funds provided pursuant to subsection (a) of this section
30 shall be matched on the basis of one dollar (\$1.00) of non-State funds for every two dollars
31 (\$2.00) of State funds. In awarding grants, OSBM shall give priority to applicants who have (i)
32 made higher investment levels with non-State funds to meet the new facility standards and (ii) to
33 applicants with low gross annual revenues compared to other eligible applicants over the
34 preceding five years. An individual grant may not be more than twenty percent (20%) of the total
35 funds appropriated in subsection (a) of this section.

36 **SECTION 24.3.(c)** All of the following shall apply to the grant program under this
37 section:

- 38 (1) The applicant must be the majority owner of a facility, as that term is described
39 in subsection (a) of this section, that is located in the State of North Carolina.
- 40 (2) Each person applying for a grant shall complete an application, which shall be
41 prepared and made available by OSBM. The grant application shall be
42 received by OSBM not later than October 1, 2023.
- 43 (3) As part of the application required by subdivision (2) of this subsection, the
44 applicant shall:
 - 45 a. Provide proof that the applicant has raised non-State funds from
46 private entities or local governments for the purpose of making
47 necessary upgrades and improvements to the ballpark facility to meet
48 the new facility requirements.
 - 49 b. Submit written documentation that shows the applicant has allocated
50 funds, obligated to commit funds, or entered into a binding financial
51

1 arrangement for the purpose of making necessary upgrades and
2 improvements to the ballpark facility to meet the new facility
3 requirements.

4 (4) Grants shall be awarded in a lump sum.

5 **SECTION 24.3.(d)** Not later than October 1, 2023, OSBM shall submit an interim
6 report to the Joint Legislative Oversight Committee on General Government, the House of
7 Representatives Appropriations Committee on General Government, and the Senate
8 Appropriations Committee on General Government and Information Technology on the
9 implementation of the grant program authorized under this section. Not later than May 1, 2024,
10 OSBM shall submit a final report to the committees described in this subsection which shall
11 include the amount of State funds awarded to each grantee and a description of the types of
12 improvements and/or updates that were made to each ballpark facility using grant funds.

13 **OSBM/FUNDS FOR CAROLINAS AGC PROGRAMS**

14 **SECTION 24.4.(a)** Of the funds appropriated in this act to the Office of State Budget
15 and Management, Special Appropriations, the sum of four million dollars (\$4,000,000) in
16 nonrecurring funds for the 2023-2024 fiscal year shall be provided to Carolinas AGC, Inc.
17 (CAGC), a nonprofit organization, to be used as follows:

- 18 (1) \$3,000,000 to establish heavy equipment operator training and certification
19 programs at six community colleges to be selected jointly by the North
20 Carolina Community Colleges System and CAGC, who shall, in making the
21 selections, take into account market demands and the needs of the construction
22 industry.
23 (2) \$500,000 to establish a pilot program to recruit and compensate trained heavy
24 equipment operators from the construction industry to serve as adjunct
25 instructors in the heavy equipment operator training programs at the six
26 community colleges selected as provided in subdivision (1) of this subsection.
27 (3) \$500,000 to establish a program in conjunction with the Department of Public
28 Instruction to recruit students in middle school and high school to pursue
29 careers in technical education.
30

31 **SECTION 24.4.(b)** Of the funds appropriated in this act to the Office of State Budget
32 and Management, Special Appropriations, the sum of one million three hundred fifty thousand
33 dollars (\$1,350,000) in nonrecurring funds for the 2024-2025 fiscal year shall be provided to
34 CAGC to be used as follows:

- 35 (1) \$600,000 for the heavy equipment operator training and certification
36 programs described in subdivision (1) of subsection (a) of this section.
37 (2) \$750,000 to continue and expand the construction bootcamp programs offered
38 by CAGC.

39 **SECTION 24.4.(c)** Of the funds appropriated in this act to the Office of State Budget
40 and Management, Special Appropriations, the sum of one million dollars (\$1,000,000) in
41 nonrecurring funds for each year of the 2023-2025 fiscal biennium shall be provided to CAGC
42 to expand the building inspection training and certification programs at those community
43 colleges offering the programs to allow for the enrollment of additional trainees identified and
44 recruited by CAGC.

45 **PART XXV. OFFICE OF STATE CONTROLLER**

46 **AUTHORIZE STATE CONTROLLER TO RETAIN PRIVATE COUNSEL,** 47 **DESIGNATE EXEMPT POSITIONS, AND SET SALARY OF EXEMPT POSITIONS**

48 **SECTION 25.1.(a)** G.S. 143B-426.38 reads as rewritten:

49 "§ 143B-426.38. Organization and operation of office.
50
51

1 ...
 2 (d) The State Controller may, subject to the provisions of G.S. 147-64.7(b)(2), obtain the
 3 services of independent public accountants, attorneys, qualified management consultants, and
 4 other professional persons or experts to carry out his powers and duties. Notwithstanding
 5 G.S. 147-17 and G.S. 114-2.3, the State Controller may retain private counsel to represent his or
 6 her interests in litigation related to his or her financial management of State appropriations by
 7 the General Assembly. Notwithstanding the provisions of G.S. 143C-6-9(b), the State Controller
 8 may use lapsed salary savings to retain private counsel to provide litigation services.

9 (e) The State Controller shall have legal custody of all books, papers, documents, email
 10 files, organizational internet domain names, digital files, online website content, and other
 11 records of the office.

12"

13 **SECTION 25.1.(b)** G.S. 126-5 reads as rewritten:

14 "**§ 126-5. Employees subject to Chapter; exemptions.**

15 ...
 16 (c14) Notwithstanding any provision of this Chapter to the contrary, each Council of State
 17 agency and the Office of the State Controller has the sole authority to set the salary of its exempt
 18 policymaking and exempt managerial positions within the minimum rates, and the maximum
 19 rates plus ten percent (10%), established by the State Human Resources Commission under
 20 G.S. 126-4(2).

21 ...
 22 (d) (1) Exempt Positions in Cabinet Department. – Subject to this Chapter, which is
 23 known as the North Carolina Human Resources Act, the Governor may
 24 designate a total of 425 exempt positions throughout the following
 25 departments and offices:

26 ...
 27 (2) Exempt Positions in Council of State Departments and ~~Offices.~~Offices and
 28 the Office of the State Controller. – The Secretary of State, the Auditor, the
 29 Treasurer, the Attorney General, the Superintendent of Public Instruction, the
 30 Commissioner of Agriculture, the Commissioner of Insurance, ~~and the Labor~~
 31 ~~Commissioner~~Commissioner, and the State Controller may designate exempt
 32 positions. The number of exempt policymaking positions in each department
 33 headed by an elected department head listed in this subdivision is limited to
 34 25 exempt policymaking positions or two percent (2%) of the total number of
 35 full-time positions in the department, whichever is greater. The number of
 36 exempt managerial positions is limited to 25 positions or two percent (2%) of
 37 the total number of full-time positions in the department, whichever is greater.
 38 The number of exempt policymaking positions designated by the
 39 Superintendent of Public Instruction is limited to 70 exempt policymaking
 40 positions or two percent (2%) of the total number of full-time positions in the
 41 department, whichever is greater. The number of exempt managerial positions
 42 designated by the Superintendent of Public Instruction is limited to 70 exempt
 43 managerial positions or two percent (2%) of the total number of full-time
 44 positions in the department, whichever is greater. The total number of exempt
 45 positions, policymaking and managerial, designated by the Office of the State
 46 Controller is limited to 10.

47 ...
 48 (4) Vacancies. – In the event of a vacancy in the Office of ~~Governor or in~~
 49 Governor, the office of a member of the Council of State, or the Office of the
 50 State Controller, the person who succeeds to or is appointed or elected to fill
 51 the unexpired term shall make designations in a letter to the Director of the

1 Office of State Human Resources, the Speaker of the House of
2 Representatives, and the President of the Senate within 180 days after the oath
3 of office is administered to that person.

4"

5 6 **OVERPAYMENTS AUDIT**

7 **SECTION 25.2.(a)** During the 2023-2025 fiscal biennium, receipts generated by the
8 collection of inadvertent overpayments by State agencies to vendors as a result of pricing errors,
9 neglected rebates and discounts, miscalculated freight charges, unclaimed refunds, erroneously
10 paid excise taxes, and related errors shall be deposited in Special Reserve Account 24172 as
11 required by G.S. 147-86.22(c).

12 **SECTION 25.2.(b)** Of the funds appropriated in this act from Special Reserve
13 Account 24172, and for each fiscal year of the 2023-2025 fiscal biennium, two hundred fifty
14 thousand dollars (\$250,000) of the funds shall be used by the Office of the State Controller for
15 data processing, debt collection, or e-commerce costs.

16 **SECTION 25.2.(c)** The State Controller shall report annually to the Joint Legislative
17 Commission on Governmental Operations and the Fiscal Research Division on the revenue
18 deposited into Special Reserve Account 24172 and the disbursement of that revenue.

19 20 **PART XXVI. ELECTIONS**

21 22 **SBE/USE OF HELP AMERICA VOTE ACT (HAVA) FUNDS**

23 **SECTION 26.1.** The State Board of Elections shall use federal Help America Vote
24 Act (HAVA) funds appropriated in this act for the 2023-2025 fiscal biennium for the following
25 purposes:

- 26 (1) Maintaining and updating voter lists in coordination with county boards of
27 election.
- 28 (2) Retaining and preserving State election records and papers consistent with the
29 requirements for federal elections as prescribed by Title 52 U.S.C. § 20701.
- 30 (3) Continuing the 10 FTE positions authorized in the 2022-2023 fiscal year
31 budget and adding up to five additional FTE time-limited positions.

32 33 **SBE/POST-ELECTION AUDIT REPORT**

34 **SECTION 26.2.** G.S. 163-182.12A reads as rewritten:

35 **"§ 163-182.12A. Post-election audits.**

36 (a) After conducting a post-election audit, audit for each election as required by this
37 Chapter, except for a general election, the State Board shall produce a report which summarizes
38 the audit, including the rationale for and the findings of the audit. The ~~After conducting a~~
39 post-election audit for a general election, the State Board shall produce a report which shall
40 include all of the following:

- 41 (1) A summary of the types of post-election audits required by law and the
42 requirements for conducting each of the audits.
- 43 (2) A summary of the results of each of the post-election audits described in
44 subdivision (1) of this subsection.
- 45 (3) A detailed description of each of the post-election audits described in
46 subdivision (1) of this subsection, including any issues that could have
47 affected the outcome of the election and the manner in which those issues
48 were resolved.
- 49 (4) A description of any systemic issues that were identified during the
50 post-election audits and any recommendations on the manner in which those
51 issues should be addressed to ensure election security and integrity.

1 (5) The ways in which the public were allowed to observe and comment on the
2 conduct of the post-election audits, as authorized by law.
3 (6) Any other matters deemed appropriate by the State Board.
4 (b) Each report required by subsection (a) of this section shall be submitted to the Joint
5 Legislative Elections Oversight Committee and the Joint Legislative Oversight Committee on
6 General Government within 10 business days of the date the audit is completed."
7

8 **SBE/PROHIBIT ERIC MEMBERSHIP**

9 **SECTION 26.3.** Section 26.3 of S.L. 2022-74 is repealed.

10 **SECTION 26.3.** The State may not become a member of the Electronic Registration
11 Information Center, Inc. (ERIC).
12

13 **SBE/FUNDS FOR VOTER ID**

14 **SECTION 26.4.(a)** The State Board of Elections shall use the sum of three million
15 five hundred thousand dollars (\$3,500,000) in nonrecurring funds for the 2023-2024 fiscal year
16 to implement the voter ID requirements as provided in S.L. 2018-144, as amended by S.L.
17 2019-22. The State Board of Elections shall use these funds only for the implementation of the
18 voter ID requirements. If the funds are unused or unencumbered on June 30, 2024, the funds shall
19 revert to the General Fund.

20 **SECTION 26.4.(b)** On February 1, 2024, and May 1, 2024, the State Board of
21 Elections shall report to the House Appropriations Committee on General Government, the
22 Senate Appropriations Committee on General Government and Information Technology, the
23 Joint Legislative Oversight Committee on General Government, and the Fiscal Research
24 Division on the use of the funds described in subsection (a) of this section.
25

26 **PROHIBIT PRIVATE MONETARY DONATIONS IN ELECTIONS**

27 **SECTION 26.5.(a)** G.S. 163-22 is amended by adding a new subsection to read:

28 "(s) Nothing in this Chapter shall grant authority to the State Board of Elections to accept
29 private monetary donations, directly or indirectly, for conducting elections, including employing
30 individuals on a temporary basis."

31 **SECTION 26.5.(b)** G.S. 163-33 is amended by adding a new subdivision to read:

32 "(17) Nothing in this Chapter shall grant authority to county boards of elections to
33 accept private monetary donations, directly or indirectly, for conducting
34 elections, including employing individuals on a temporary basis."

35 **SECTION 26.5.(c)** G.S. 163-37 reads as rewritten:

36 "**§ 163-37. Duty of county board of commissioners.**

37 (a) The respective boards of county commissioners shall appropriate reasonable and
38 adequate funds necessary for the legal functions of the county board of elections, including
39 reasonable and just compensation of the director of elections.

40 (b) Nothing in this Chapter shall grant authority to county boards of commissioners to
41 accept private monetary donations, directly or indirectly, for conducting elections, including
42 employing individuals under this Chapter on a temporary basis."

43 **SECTION 26.5.(d)** This section becomes effective July 1, 2023, and applies to
44 private monetary donations for conducting elections received on or after that date.
45

46 **PART XXVII. GENERAL ASSEMBLY**

47 **CONTINUING LEGAL EDUCATION EXEMPTION FOR FULL-TIME ATTORNEYS** 48 **FOR GENERAL ASSEMBLY**

49 **SECTION 27.1.(a)** Finding. – The General Assembly finds that licensed attorneys
50 who are full-time employees of the North Carolina General Assembly draft the general and local
51

1 laws of this State, which requires extensive writing skills and researching capabilities similar to
2 those required of full-time judicial law clerks employed by the judicial branch and full-time law
3 professors. These full-time law clerks and full-time law professors have been granted exemptions
4 from the continuing legal education requirements established by the North Carolina State Bar for
5 any calendar year in which they serve some portion thereof in their capacity as a law clerk or law
6 professor. Further, licensed attorneys who are members of the General Assembly have also been
7 granted an exemption from continuing legal education requirements for any calendar year in
8 which they serve some portion thereof as a member of the General Assembly. The General
9 Assembly finds that given the similarities of the professional skills and abilities required by
10 licensed attorneys who are full-time judicial law clerks, full-time law professors, and full-time
11 employees of the General Assembly to perform their duties, there is ample justification for
12 providing that licensed attorneys who are full-time employees of the General Assembly should
13 be granted an exemption from the continuing legal education requirements established by the
14 North Carolina State Bar for any calendar year in which they serve some portion thereof in their
15 capacity as full-time employees of the General Assembly.

16 **SECTION 27.1.(b)** Full-Time Attorneys for General Assembly. – Notwithstanding
17 any other provision of law or rule, the North Carolina State Bar Council shall adopt rules in
18 accordance with Article 4 of Chapter 84 of the General Statutes to provide that full-time
19 employees of the North Carolina General Assembly are exempt from the continuing legal
20 education requirements established by the North Carolina State Bar for any calendar year in
21 which they serve some portion thereof in their capacity as full-time employees of the North
22 Carolina General Assembly. Rules adopted pursuant to this section are not subject to Part 3 of
23 Article 2A of Chapter 150B of the General Statutes. Until such time that the Bar Council adopts
24 rules as required by this section, full-time employees of the North Carolina General Assembly
25 shall be exempt from the continuing legal education requirements established by the North
26 Carolina State Bar for any calendar year in which they serve some portion thereof in their
27 capacity as full-time employees of the North Carolina General Assembly.

28 **SECTION 27.1.(c)** This section is effective when it becomes law.
29

30 **PART XXVIII. GOVERNOR [RESERVED]**

31 **PART XXIX. HOUSING FINANCE AGENCY**

32 **REPORTING REQUIREMENTS**

33 **SECTION 29.1.(a)** Sub-subdivision e. of subdivision (7) of Section 3 of S.L.
34 2017-119 is repealed.

35 **SECTION 29.1.(b)** G.S. 122A-16 reads as rewritten:

36 **"§ 122A-16. Oversight by committees of General Assembly; annual reports; report; audit;**
37 **construction of Chapter.**

38 **(a) Oversight.** – The Finance Committee of the House of Representatives and
39 Representatives, the Finance Committee of the Senate, and the Joint Legislative Oversight
40 Committee on General Government shall exercise continuing oversight of the Agency in order
41 to assure that the Agency is effectively fulfilling its statutory purpose; provided, however, that
42 nothing in this Chapter shall be construed as required by the Agency to receive legislative
43 approval for the exercise of any of the powers granted by this Chapter.
44 **(b) Comprehensive Report.** – The Agency shall, promptly following the close of each
45 fiscal year, on or before February 15 of each year, submit an annual comprehensive report of its
46 activities for the preceding year to the Governor, the Office of State Budget and Management,
47 State Auditor, the aforementioned committees of the General Assembly and the Local
48 Government Commission. Each such Commission, the Joint Legislative Oversight Committee
49 on General Government, and the Fiscal Research Division. The comprehensive report required
50
51

1 ~~under this subsection shall set forth a complete operating and financial statement of the Agency~~
2 ~~during such year.~~ include at least all of the following:

- 3 (1) The goals and objectives of each program administered by the Agency.
- 4 (2) The number and types of activities funded by the Agency.
- 5 (3) The number of individuals or families served for each program administered
6 by the Agency.
- 7 (4) The information required under G.S. 45-104, 122A-5.15, and Section 20.1 of
8 S.L. 2005-276.

9 (c) Audit. – The Agency shall cause an audit of its books and accounts to be made at least
10 once in each year by an independent certified public accountant and the cost thereof may be paid
11 from any available moneys of the Agency. ~~The Agency shall on January 1 and July 1 of each~~
12 ~~year submit a written report of its activities to the Joint Legislative Commission on Governmental~~
13 ~~Operations. The Agency shall also at the end of each fiscal year submit a written report of its~~
14 ~~budget expenditures by line item to the Joint Legislative Commission on Governmental~~
15 ~~Operations.~~

16 (d) Construction. – Nothing in this Chapter shall be construed as requiring the Agency to
17 receive legislative approval for the exercise of any of the powers granted by this Chapter."

18 **SECTION 29.1.(c)** Section 20.1(a) of S.L. 2005-276 reads as rewritten:

19 "SECTION 20.1.(a) Funds appropriated in this act to the Housing Finance Agency for the
20 federal HOME Program shall be used to match federal funds appropriated for the HOME
21 Program. In allocating State funds appropriated to match federal HOME Program funds, the
22 Agency shall give priority to HOME Program projects, as follows:

- 23 (1) First priority to projects that are located in counties designated as Tier One,
24 Tier Two, or Tier Three Enterprise Counties under G.S. 105-129.3; and
- 25 (2) Second priority to projects that benefit persons and families whose incomes
26 are fifty percent (50%) or less of the median family income for the local area,
27 with adjustments for family size, according to the latest figures available from
28 the United States Department of Housing and Urban Development.

29 ~~The As part of the report required under G.S. 122A-16, the Housing Finance Agency shall~~
30 ~~report to the Joint Legislative Commission on Governmental Operations by April 1 of each year~~
31 ~~concerning on the status of the HOME Program and shall include in the report information on~~
32 ~~priorities met, types of activities funded, and types of activities not funded."~~

33 **SECTION 29.1.(d)** G.S. 45-104(f) reads as rewritten:

34 "(f) The As part of the report required under G.S. 122A-16, the Housing Finance Agency
35 shall report to the General Assembly describing on the operation of the program established by
36 this act not later than May 1 of each year until the funds are completely disbursed from the State
37 Home Foreclosure Prevention Trust Fund. Information in the report shall be presented in
38 aggregate form and may include the number of clients helped, the effectiveness of the funds in
39 preventing home foreclosure, recommendations for further efforts needed to reduce foreclosures,
40 and provide any other aggregated information the Housing Finance Agency determines is
41 pertinent or that the General Assembly requests."

42 **SECTION 29.1.(e)** G.S. 122A-5.14(d) is repealed.

43 **SECTION 29.1.(f)** G.S. 122A-5.15(d) reads as rewritten:

44 "(d) By February 1 of each year, the As part of the report required under G.S. 122A-16,
45 the Agency shall report to the Joint Legislative Commission on Governmental Operations and
46 the Fiscal Research Division on the number of loans made under this section, the amount of each
47 loan, and whether the low-income housing development is located in a low-, moderate-, or
48 high-income county, as designated by the Agency."

49 **SECTION 29.1.(g)** Subsections (b) and (c) of G.S. 122A-16, as amended by
50 subsection (b) of this section, and subsections (c), (d), and (f) of this section become effective

1 July 1, 2023, and apply to reports due on or after that date. The remainder of this section becomes
2 effective July 1, 2023.

3
4 **PART XXIX-A. OFFICE OF STATE HUMAN RESOURCES [RESERVED]**

5
6 **PART XXX. INSURANCE**

7
8 **REGULATORY FEE & INSURANCE REGULATORY FUND**

9 **SECTION 30.1.(a)** Notwithstanding the provisions of G.S. 58-6-25(b), the
10 percentage rate to be used in calculating the insurance regulatory charge under G.S. 58-6-25(b)
11 is four percent (4%) for the 2024 calendar year and the 2025 calendar year.

12 **SECTION 30.1.(b)** G.S. 58-6-25 reads as rewritten:

13 **"§ 58-6-25. Insurance regulatory charge.**

14 ...

15 (b) Rates. – The rate of the charge for each taxable year shall be six and one-half percent
16 (6.5%). When the Department prepares its budget request for each upcoming fiscal year, the
17 Department shall propose a percentage rate of the charge levied in this section. The Governor
18 shall submit that proposed rate to the General Assembly each fiscal year. It is the intent of the
19 General Assembly ~~(i)~~ that the percentage rate not exceed the rate necessary to generate funds
20 sufficient to defray the estimated cost of the operations of the Department for each upcoming
21 fiscal year, including a reasonable margin for a reserve fund, ~~and (ii) that the amount of the~~
22 ~~reserve not exceed one-third of the estimated cost of operating the Department for each upcoming~~
23 ~~fiscal year that shall be used to provide for unanticipated expenditures requiring a budget~~
24 ~~adjustment as authorized by G.S. 143C-6-4.~~ In calculating the amount of the reserve, the General
25 Assembly shall consider all relevant factors that may affect the cost of operating the Department
26 or a possible unanticipated increase or decrease in North Carolina premiums or other charge
27 revenue.

28 ...

29 (d) Use of Proceeds. – The Insurance Regulatory Fund is created ~~in the State treasury,~~
30 ~~under the control of the Office of State Budget and Management. The~~ as an interest-bearing
31 special fund to which the proceeds of the charge levied in this section and all fees collected under
32 Articles 69 through 71 of this Chapter and under Articles 9 and 9C of Chapter 143 of the General
33 Statutes shall be credited to the Fund. The Fund shall be placed in an interest-bearing account
34 and any interest or other income derived from the Fund shall be credited to the Fund. credited.
35 Moneys in the Fund may be spent only pursuant to appropriation by the General Assembly
36 Assembly, and in accordance with the line item budget enacted by the General Assembly. The
37 the Fund is subject to the provisions of the State Budget Act, except that no unexpended surplus
38 of the Fund shall revert to the General Fund. Act. All money credited to the Fund shall be used
39 to reimburse the General Fund for the following:

40"

41
42 **DOI/VOLUNTEER FIRE DEPARTMENT FUND**

43 **SECTION 30.2.(a)** G.S. 58-87-1 reads as rewritten:

44 **"§ 58-87-1. Volunteer Fire Department Fund.**

45 ...

46 (a1) Grant Program. – An eligible fire department may apply to the Commissioner for a
47 grant under this section. In awarding grants under this section, the Commissioner must, to the
48 extent possible, select applicants from all parts of the State based upon need. The Commissioner
49 must award the grants on May 15, or on the first business day after May 15 if May 15 falls on a
50 weekend or a holiday, of each year subject to the following limitations:

(1) The size of a grant may not exceed ~~thirty~~forty thousand dollars
 (\$30,000)~~(\$40,000)~~.

...."

SECTION 30.2.(b) Subsection (a) of this section expires June 30, 2024.

SECTION 30.2.(c) For the 2023-2024 fiscal year only, the Commissioner of Insurance shall reserve one million dollars (\$1,000,000) of the funds in the Volunteer Fire Department Fund to provide grants to eligible fire departments in the event of an emergency. For purposes of this subsection, the term "emergency" has the same meaning as in G.S. 166A-19.3(6). Emergency reserve grants shall not exceed fifty thousand dollars (\$50,000) and shall be used for purposes consistent with G.S. 58-87-1(a1)(3). Any unspent funds remaining in the emergency reserve on June 30 of each fiscal year of the 2023-2025 fiscal biennium shall revert to the Volunteer Fire Department Fund. If an eligible fire department is awarded an emergency reserve grant and thereafter receives a monetary settlement from its insurance carrier for the same loss or damages for which the grant was awarded, the fire department shall reimburse the State for the amount of the grant.

SECTION 30.2.(d) Within 60 days after all grants have been awarded under this section, the Commissioner shall submit a written report to the Senate Appropriations Committee on General Government and Information Technology, the House of Representatives Appropriations Committee on General Government, the Joint Legislative Oversight Committee on General Government, and the Fiscal Research Division which shall be posted on the Department of Insurance's website and shall contain all of the following:

- (1) For grants under subsection (a) of this section:
 - a. The total number of grants awarded.
 - b. A list of the eligible fire departments that were awarded grants and the county in which each eligible fire department is located.
 - c. The amount of the grant award to each eligible fire department.
- (2) For emergency reserve grants under subsection (b) of this section:
 - a. The total number of grants awarded.
 - b. A list of the eligible fire departments that were awarded grants and the county in which each eligible fire department is located.
 - c. The amount of the grant award to each eligible fire department.
 - d. A description of the emergency for which grant funds were awarded.

DOI/ADMINISTRATION OF WORKERS' COMPENSATION FUND FOR CERTAIN SAFETY WORKERS

SECTION 30.3.(a) G.S. 58-87-10 reads as rewritten:

"§ 58-87-10. Workers' Compensation Fund for the benefit of certain safety workers.

...

(d) Administration. – ~~The State Fire and Rescue Commission, established under G.S. 58-78-1, Department of Insurance shall administer the Workers' Compensation Fund and shall perform this duty by contracting with a third-party administrator. The contracting procedure is not subject to Article 3C of Chapter 143 of the General Statutes. The reasonable and necessary expenses incurred by the ~~Commission Department~~ in administering the Fund shall be paid out of the Fund by the State Treasurer. The ~~Commission Department~~ may adopt rules to implement this section. The ~~State Fire and Rescue Commission Department~~ shall include the provisions of Section 2(d) of S.L. 2014-64 in all future contracts with its workers' compensation third party administrators.~~

(e) Revenue Source. – Revenue is credited to the Workers' Compensation Fund from a portion of the proceeds of the tax levied under G.S. 105-228.5(d)(3). In addition, every eligible unit and eligible entity that elects to participate shall pay into the Fund an amount set annually by the ~~State Fire and Rescue Commission~~Commissioner of Insurance, in consultation with the

1 State Fire and Rescue Commission, to ensure that the Fund will be able to meet its payment
2 obligations under this section. The amount shall be set as an amount for each member of the
3 roster of the eligible unit or for each employee or volunteer of an eligible entity, and the amount
4 may vary based on whether an individual is a volunteer, a part-time employee, or a full-time
5 employee. The payment shall be made to the State Fire and Rescue Commission Department on
6 or before July 1 of each year. The Commission Department shall remit the payments it receives
7 to the State Treasurer, who shall credit the payments to the Fund.

8 ...

9 (g) Allocation of Taxes. – ~~The study conducted under subsection (f) of this section shall~~
10 ~~be reviewed by the Office of State Budget and Management.~~ On or before March 1 of each year,
11 ~~the Office of State Budget and Management, in consultation with the Department of Insurance,~~
12 Insurance must notify the Secretary of Revenue of the amount required to meet the needs of the
13 Fund, as determined by the ~~study,~~ study conducted under subsection (f) of this section, for the
14 upcoming fiscal year. The Secretary of Revenue shall remit that amount, subject to the twenty
15 percent (20%) limitation in G.S. 105-228.5(d)(3), to the Fund.

16 (h) Reports. – The Department of Insurance shall, on a quarterly basis, report to the State
17 Fire and Rescue Commission on its activities conducted pursuant to this section."

18 **SECTION 30.3.(b)** G.S. 58-78-5 reads as rewritten:

19 "**§ 58-78-5. State Fire and Rescue Commission – Powers and duties.**

20 (a) The Commission shall have the following powers and duties:

21 ...

22 (16) To provide oversight for the workers' compensation benefits administered by
23 the Department of Insurance under G.S. 58-87-10, to create a Volunteer
24 Safety Workers' Compensation Board to assist it in performing this duty, and
25 to reimburse the members of the Commission's Volunteer Safety Workers'
26 Compensation Board in accordance with G.S. 138-5 for travel and subsistence
27 expenses incurred by them.

28"

30 **DOI/CONTINUE FIREFIGHTERS' HEALTH BENEFITS PILOT PROGRAM**

31 **SECTION 30.4.(a)** Notwithstanding the provisions of G.S. 58-87-10(e), for the
32 2023-2025 fiscal biennium only, revenue from a portion of the proceeds of the tax levied under
33 G.S. 105-228.5(d)(3) shall not be credited to the Workers' Compensation Fund administered by
34 the Department of Insurance as provided in G.S. 58-87-10, but shall instead be credited to the
35 Firefighters' Health Benefits Pilot Program established in Section 30.4A of S.L. 2021-180.

36 **SECTION 30.4.(b)** Section 30.4A of S.L. 2021-180 reads as rewritten:

37 "**SECTION 30.4A.(a)** Firefighters' Health Benefits Pilot Program. – Of the funds
38 appropriated in this act to the Department of Insurance, the sum of seven million five hundred
39 thousand dollars (\$7,500,000) in nonrecurring funds for each fiscal year of the ~~2021-2023~~
40 2023-2025 fiscal biennium shall be used to ~~establish~~ continue and administer a pilot program to
41 provide health benefits as authorized by this section to eligible firefighters with a new diagnosis
42 of cancer on or after January 1, 2022. The health benefits provided under the pilot program shall
43 be supplemental to any other health benefits authorized by law for firefighters. The pilot program
44 shall end on ~~June 30, 2023,~~ June 30, 2025, but claims for health benefits filed by that date shall
45 be paid as long as funds appropriated for the pilot program are available.

46 ...

47 "**SECTION 30.4A.(c)** Eligibility. – To be eligible to receive benefits under the pilot
48 program, a firefighter:

49 (1) Must have served in a North Carolina fire department for a minimum of five
50 continuous years.

(2) Must have received a new diagnosis of cancer on or after January 1, 2022. A firefighter with a diagnosis of cancer prior to January 1, 2022, is not eligible for benefits in the pilot program for that previously diagnosed cancer type but remains eligible for benefits in the pilot program upon diagnosis of any other cancer type. A firefighter is not eligible to receive benefits under the pilot program if the firefighter is receiving benefits related to cancer under Article 1 of Chapter 97 of the General Statutes, the North Carolina Workers' Compensation Act.

(3) Must have filed a claim with the Department seeking benefits under this section no later than ~~June 30, 2023~~June 30, 2025.

...

"SECTION 30.4A.(f) Reporting Requirements. – On ~~January 1, 2023, and~~ July 1, 2023, July 1, 2024, and July 1, 2025, the Department shall submit a report to the General Assembly and to the Governor that includes the following information:

(1) The number, type, and primary work location of all firefighters participating in the pilot program. For purposes of this subsection, the term "type" means a volunteer, employee, contractor, or member of a rated and certified fire department, or employee of a County Fire Marshal's Office whose sole duty is to act as fire marshal, deputy fire marshal, assistant fire marshal, or firefighter of the county.

(2) The number of benefit claims ~~filed~~filed, by type.

(3) The types of cancer for which benefit claims were ~~filed~~filed, by type.

(4) All benefits paid out under this ~~section~~section, by type.

...."

DOI/WORKERS' COMPENSATION FUND FOR FIREFIGHTERS AND EMS/RESCUE WORKERS

SECTION 30.5. Notwithstanding the provisions of G.S. 58-87-10, for the 2023-2024 fiscal year and the 2024-2025 fiscal year, the Commissioner of Insurance shall not set an amount to be paid by every eligible unit and eligible entity, as those terms are defined in G.S. 58-87-10(a), that elects to participate in the Workers' Compensation Fund created pursuant to G.S. 58-87-10(b). For the 2023-2024 fiscal year and the 2024-2025 fiscal year, no eligible unit or eligible entity shall be required to submit to the Commissioner of Insurance any payment to participate in the Fund.

PART XXXI. INSURANCE – INDUSTRIAL COMMISSION

LIMIT TORT LIABILITY FOR STATE EMPLOYEES

SECTION 31.1.(a) G.S. 143-291 reads as rewritten:

"§ 143-291. Industrial Commission constituted a court to hear and determine claims; damages; liability insurance in lieu of obligation under Article.

...

(e) Liability in tort of any claim arising as a result of the negligence of any officer, employee, involuntary servant, or agent of the State while acting within the scope of his or her office, employment, service, agency, or authority shall be only under this Article. Any other civil action or proceeding for money damages arising out of or relating to the same subject matter against the officer, employee, involuntary servant, or agent of the State is precluded."

SECTION 31.1.(b) This section is effective when it becomes law and applies to all claims, civil actions, and proceedings filed or pending on or after that date.

PART XXXII. LIEUTENANT GOVERNOR [RESERVED]

1
2 **PART XXXIII. MILITARY AND VETERANS AFFAIRS**

3
4 **VETERANS HOME TRUST FUND/TRANSFER TO VETERANS CEMETERY TRUST**
5 **FUND**

6 **SECTION 33.1.** G.S. 143B-1293 reads as rewritten:

7 "**§ 143B-1293. North Carolina Veterans Home Trust Fund.**

8 ...

9 (d) Miscellaneous. – The following provisions apply to the trust fund created in
10 subsection (a) of this section:

11 ...

12 (1a) ~~The~~ Of the funds deposited in the trust fund each fiscal year, the Department
13 of Military and Veterans Affairs shall transfer ten percent (10%) of the
14 unspent receipts collected in each those funds that are unspent on June 30 of
15 each fiscal year from the trust fund to the North Carolina Veterans Cemeteries
16 Trust Fund on or before June 30 of each fiscal year.

17"

18
19 **VETERANS HOME TRUST FUND/ROUTINE REPAIRS TO STATE VETERANS**
20 **HOMES**

21 **SECTION 33.2.** Of the funds appropriated in this act to the Department of Military
22 and Veterans Affairs for the 2023-2024 fiscal year, the Department shall reserve the sum of one
23 million five hundred thousand dollars (\$1,500,000) to be used to make routine repairs and
24 renovations to buildings and facilities at State veteran homes. Funds held in reserve as required
25 by this section shall not be used for "unforeseen circumstances," as that term is defined in
26 G.S. 143C-6-4(b)(3). Funds for unforeseen circumstances shall be spent only as authorized by
27 G.S. 143C-6-4.

28
29 **VETERANS LIFE CENTER CHALLENGE GRANT**

30 **SECTION 33.3.** Part 1 of Article 14 of Chapter 143B of the General Statutes is
31 amended by adding a new section to read:

32 "**§ 143B-1218. Veterans Life Center; challenge grant to provide rehabilitation and**
33 **reintegration services to veterans.**

34 (a) There is hereby established in the Department of Military and Veterans Affairs a
35 challenge grant program for the Veterans Life Center (hereinafter "Center"), a nonprofit
36 corporation, which shall be administered by the Department as provided in this section. Funds
37 appropriated by the General Assembly for the challenge grant program shall be used to allocate
38 funds to the Center for the purpose of providing rehabilitation and reintegration services and
39 support to veterans across the State, and those funds shall not be used for any other purpose
40 without the express authorization of the General Assembly.

41 (b) To receive State funds under this section, the Center shall raise at least seven hundred
42 fifty thousand dollars (\$750,000) in non-State funds in each fiscal year. The Center shall
43 demonstrate, to the satisfaction of the Department, that it has raised the funds required by this
44 subsection prior to the allocation of State funds. The Department shall disburse State funds on a
45 dollar-for-dollar basis each quarter so that the Center will receive a State dollar for each non-State
46 dollar raised by the Center, but in no case shall the Department disburse State funds to the Center
47 if it has not raised the required non-State funds. The Center shall not supplant, shift, or reallocate
48 Center funds for the purpose of achieving the non-State dollar amount of seven hundred fifty
49 thousand dollars (\$750,000) required by this subsection.

50 (c) Not later than July 1 of each year, the Department shall submit a written report to the
51 Joint Legislative Oversight Committee on General Government and the Fiscal Research Division

1 on all of the following information, and the Center shall provide the information to the
2 Department in the manner and time period requested by the Department for purposes of preparing
3 the report:

- 4 (1) The total number of veterans served.
- 5 (2) The types of services provided to veterans, and the number of veterans who
6 received each type of service.
- 7 (3) Demographics of the veterans served, including each veteran's county of
8 residence.
- 9 (4) Average length of stay for veterans, and the average number of veterans in the
10 Center facility on a daily basis.
- 11 (5) The total number of veterans who completed the care program, and the
12 number who received postgraduate mentoring from the Center."

14 DMVA/CHILDREN OF VETERANS' SCHOLARSHIPS

15 SECTION 33.4.(a) G.S. 143B-1225 reads as rewritten:

16 "§ 143B-1225. Scholarship.

17 (a) A scholarship granted pursuant to this Part shall consist of the following benefits in
18 either a State or private educational institution:

- 19 ...
- 20 (6) A student who has been awarded a scholarship under this section shall
21 maintain a cumulative grade point average of 2.0 throughout the four
22 academic years for which the student is eligible for a scholarship under this
23 section.

24"

25 SECTION 33.4.(b) G.S. 143B-1227 reads as rewritten:

26 "§ 143B-1227. Administration and funding.

27 (a) The administration of the scholarship program shall be vested in the Department of
28 Military and Veterans Affairs, and the disbursing and accounting activities required shall be a
29 responsibility of the Department of Military and Veterans Affairs. The Veterans' Affairs
30 Commission shall determine the eligibility of applicants, select the scholarship recipients,
31 establish the effective date of scholarships, and may suspend or revoke scholarships if the
32 Veterans' Affairs Commission finds that the recipient does not comply with the registration
33 requirements of the Selective Service System or does not maintain an adequate academic status,
34 or if the recipient engages in riots, unlawful demonstrations, the seizure of educational buildings,
35 or otherwise engages in disorderly conduct, breaches of the peace or unlawful assemblies. The
36 Department of Military and Veterans Affairs shall maintain the primary and necessary records,
37 and the Veterans' Affairs Commission shall promulgate such rules and regulations not
38 inconsistent with the other provisions of this Part as it deems necessary for the orderly
39 administration of the program. It may require of State or private educational institutions, as
40 defined in this Part, such reports and other information as it may need to carry out the provisions
41 of this ~~Part.~~ Part; provided, however, the Veterans' Affairs Commission shall require State and
42 private educational institutions to report no later than December 15 of each year the number of
43 scholarship recipients who maintained a cumulative grade point average of 2.0 and the number
44 of scholarship recipients who completed the degree requirements for graduation. The Department
45 of Military and Veterans Affairs shall disburse scholarship payments for recipients certified
46 eligible by the Department of Military and Veterans Affairs upon certification of enrollment by
47 the enrolling institution.

48"

49 SECTION 33.4.(c) G.S. 143B-1228 reads as rewritten:

50 "§ 143B-1228. Report on scholarships.

1 By January 1 of each year, the Department of Military and Veterans Affairs shall report to
 2 the Joint Legislative Oversight Committee on General Government, the Senate Appropriations
 3 Committee on General Government and Information Technology, the House of Representatives
 4 Appropriations Committee on General Government, and the Fiscal Research Division the
 5 following data on the Scholarships for Children of Wartime Veterans program:

- 6 ...
 7 (2) Number of scholarships awarded in each of the past five fiscal years and sorted
 8 by:
 9 ...
 10 j. Number of scholarship recipients who maintained a cumulative grade
 11 point average of 2.0."

12
 13 **MILITARY AFFAIRS COMMISSION/IN-PERSON MEETINGS REQUIRED**

14 **SECTION 33.5.** G.S. 143B-1310 reads as rewritten:

15 "**§ 143B-1310. Commission established; purpose; transaction of business.**

16 ...
 17 (c) Transaction of Business. – The Commission shall ~~meet, at a minimum,~~ meet in person
 18 at least once during each ~~quarter~~ quarter, ~~at a minimum,~~ and shall provide a report on military
 19 affairs to the Secretary of Military and Veterans Affairs and the Joint Legislative Oversight
 20 Committee on General Government at least every six months. Prior to the start of a Regular
 21 Session of the General Assembly, the Commission shall report to the Joint Legislative Oversight
 22 Committee on General Government with recommendations, if any, for legislation. Priority
 23 actions or issues may be submitted at any time. Subcommittees of the Commission shall also
 24 meet in person.

25"

26
 27 **SANDHILLS STATE VETERANS CEMETERY**

28 **SECTION 33.6.** Of the funds appropriated in this act to the Department of Military
 29 and Veterans Affairs for the 2023-2024 fiscal year, the sum of two hundred thousand dollars
 30 (\$200,000) in nonrecurring funds shall be used to contract with one or more persons or businesses
 31 to improve the appearance of Sandhills State Veterans Cemetery and to perform all the services
 32 and activities, including, but not limited to, grounds maintenance, equipment maintenance, and
 33 headstone marker operations, required to bring Sandhills State Veterans Cemetery into
 34 compliance with the operational standards promulgated by the National Cemetery
 35 Administration in the U.S. Department of Veterans Affairs. Not later than November 30, 2023,
 36 the Department shall report to the Joint Legislative Oversight Committee on General
 37 Government, the House of Representatives Appropriations Committee on General Government,
 38 and the Senate Appropriations Committee on General Government and Information Technology
 39 on the following:

- 40 (1) The names of the persons or businesses with whom the Department contracted
 41 to provide the services and activities required by this section.
 42 (2) The services and activities performed by each person or business and the
 43 amount paid to each person or business pursuant to the contract.
 44

45 **DMVA UPDATE AND PUBLISH RESOURCE GUIDE**

46 **SECTION 33.7.** Notwithstanding any provision of S.L. 2021-180 or the Committee
 47 Report described in Section 43.2 of that act to the contrary, the sum of fifty thousand dollars
 48 (\$50,000) in nonrecurring funds for each year of the 2021-2023 fiscal biennium appropriated to
 49 the Department of Military and Veterans Affairs shall be used to publish a new Department of
 50 Military and Veterans Affairs Resource Guide (for veterans, active military, and their families)
 51 no later than June 30, 2023.

DMVA FILL VETERAN SERVICES OFFICER POSITIONS

SECTION 33.8. The Department of Military and Veterans Affairs shall fill all Veteran Services Officer (VSO) positions that are vacant on the date this act becomes law. The Department shall not, in the 2023-2024 fiscal year or the 2024-2025 fiscal year, use lapsed salaries resulting from vacant VSO positions to hire temporary employees. If the Department does not fill the vacant VSO positions in the 2023-2025 fiscal biennium, the funds appropriated for the position or positions shall revert to the General Fund on June 30 of each fiscal year.

DMVA FILL INTERNAL AUDITOR AND PROGRAM ANALYST POSITIONS

SECTION 33.9. In collaboration with the Office of State Budget and Management, the Department of Military and Veterans Affairs shall make every effort to fill the Program Analyst and Internal Auditor positions authorized by Section 23.5 and Section 23.6 of S.L. 2021-180. If the Department does not fill either or both positions in the 2023-2025 fiscal biennium, the Department shall not use the lapsed salaries resulting from the vacant position or positions to hire temporary employees and the funds appropriated for the position or positions shall revert to the General Fund on June 30 of each fiscal year.

PART XXXIV. REVENUE**DEPARTMENT OF REVENUE SYSTEMS PROJECTS UPDATE REPORT
CLARIFICATION**

SECTION 34.1.(a) Section 8.1(b) of S.L. 2019-246, as enacted by Section 34.4 of S.L. 2021-180 and amended by Section 5.6(d) of S.L. 2022-13, reads as rewritten:

"SECTION 8.1.(b) By January 1, 2022, and ~~monthly~~ quarterly thereafter, the Department of Revenue shall submit a written report to the chairs of the House Appropriations Committee on General Government and the Senate Appropriations Committee on General Government and Information Technology and the Fiscal Research Division. The ~~monthly~~ quarterly report shall include an update on the following:

- (1) The status of the power of attorney registration project required by subsection (a) of this section.
- (2) The status of the Collections Case Management system implementation and the IBM 4100 replacement project currently underway in the Department.
- (3) The status of the Department's ability to make the programmatic changes necessary to implement the graduated penalty for failure to pay tax when due that will apply to tax assessed on or after July 1, 2024."

SECTION 34.1.(b) Section 34.1 of S.L. 2022-74 is repealed.

ASSIGNMENT OF DEPARTMENT OF REVENUE LAW ENFORCEMENT AGENTS

SECTION 34.2. G.S. 105-236.1 reads as rewritten:

"§ 105-236.1. Enforcement of revenue laws by revenue law enforcement agents.

(a) General. – The Secretary may appoint employees of the ~~Unauthorized Substances Tax Section of the Tax Enforcement Division Department~~ to serve as revenue law enforcement officers having the responsibility and subject-matter jurisdiction to enforce the excise tax on unauthorized substances imposed by Article 2D of this Chapter.

(a1) The Secretary may appoint up to 11 employees of the ~~Motor Fuels Investigations Section of the Tax Enforcement Division Department~~ to serve as revenue law enforcement officers having the responsibility and subject-matter jurisdiction to enforce the taxes on motor fuels imposed by Articles 36B, 36C, and 36D of this Chapter and by Chapter 119 of the General Statutes.

1 (a2) The Secretary may appoint employees of the ~~Criminal Investigations Section of the~~
2 ~~Tax Enforcement Division-Department~~ to serve as revenue law enforcement officers having the
3 responsibility and subject-matter jurisdiction to enforce the following tax violations and criminal
4 offenses:

5 "

6
7 **DOR ADMINISTRATIVE COSTS FOR COLLECTING PREPAID WIRELESS**
8 **TELECOMMUNICATIONS SERVICE CHARGES**

9 **SECTION 34.3.** G.S. 143B-1414 reads as rewritten:

10 **"§ 143B-1414. Service charge for prepaid wireless telecommunications service; seller**
11 **collects 911 service charge on each retail transaction occurring in this State;**
12 **remittances to Department of Revenue and transfer to 911 Fund.**

13 ...

14 (c) Administration. – Administration, auditing, requests for review, making returns,
15 collection of tax debts, promulgation of rules and regulations by the Secretary of Revenue,
16 additional taxes and liens, assessments, refunds, and penalty provisions of Article 9 of Chapter
17 105 of the General Statutes apply to the collection of the 911 service charge for prepaid wireless
18 telecommunications service. An audit of the collection of the 911 service charge for prepaid
19 wireless telecommunications service shall only be conducted in connection with an audit of the
20 taxes imposed by Article 5 of Chapter 105 of the General Statutes. Underpayments shall be
21 subject to the same interest rate as imposed for taxes under G.S. 105-241.21. Overpayments shall
22 be subject to the same interest rate as imposed for taxes under G.S. 105-241.21(c)(2). Excessive
23 and erroneous collections of the service charge will be subject to G.S. 105-164.11. The
24 Department of Revenue shall establish procedures for a seller of prepaid wireless
25 telecommunications service to document that a sale is not a retail transaction, and the procedures
26 established shall substantially coincide with the procedures for documenting a sale for resale
27 transaction under G.S. 105-164.28. The Secretary of Revenue may retain the costs of collection
28 from the remittances received under subsection (b) of this section, not to exceed ~~five~~six hundred
29 thousand dollars ~~(\$500,000)–(\$600,000)~~ a year of the total 911 service charges for prepaid
30 wireless telecommunications service remitted to the Department. Within 45 days of the end of
31 each month in which 911 service charges for prepaid wireless telecommunications service are
32 remitted to the Department, the Secretary of Revenue shall transfer the total 911 service charges
33 remitted to the Department less the costs of collection to the 911 Fund established under
34 G.S. 143B-1404.

35 "

36
37 **TAX FRAUD ANALYTICS**

38 **SECTION 34.4.** Of the funds appropriated in this act to the Department of Revenue,
39 the sum of four million four hundred thousand dollars (\$4,400,000) in recurring funds for each
40 fiscal year of the 2023-2025 fiscal biennium shall be used to continue and expand the
41 Department's tax fraud analysis contract through the Government Data Analytics Center
42 (GDAC). These funds shall be used in each fiscal year to fund detection analytics, information
43 reporting, collections case management, collections optimization, managed services, and
44 technical infrastructure. The Department of Revenue shall continue to coordinate with the GDAC
45 and utilize the subject matter expertise and technical infrastructure available through existing
46 GDAC public-private partnerships for fraud detection and analytics infrastructure.

47
48 **PART XXXV. SECRETARY OF STATE [RESERVED]**

49
50 **PART XXXVI. TREASURER [RESERVED]**
51

PART XXXVII. [RESERVED]**PART XXXVIII. INFORMATION TECHNOLOGY****INFORMATION TECHNOLOGY INTERNAL SERVICE FUND**

SECTION 38.1. The estimated agency impact across all agencies from the final subscription and service rates for the 2023-2024 fiscal year and the 2024-2025 fiscal year shall not exceed one percent (1%) of the estimated Internal Service Fund revenue from subscription and service rates during the 2022-2023 fiscal year.

INFORMATION TECHNOLOGY PROCUREMENT/STATE CIO TRANSFER

SECTION 38.2.(a) The Statewide IT Procurement Office within the Department of Information Technology, authorized under Part 4 of Article 15 of Chapter 143B of the General Statutes, is transferred to the Department of Administration. This transfer has all of the elements of a Type II transfer, as described in G.S. 143A-6, except that the management functions of the Commission shall not be performed under the direction and supervision of the Secretary of Administration but shall be performed by the State Chief Information Officer.

SECTION 38.2.(b) Part 4 of Article 15 of Chapter 143B of the General Statutes is recodified into Part 28D of Article 9 of Chapter 143B of the General Statutes, renumbered as G.S. 143B-426.40K through G.S. 143B-426.40W, respectively, and reads as rewritten:

"Part 28D. Information Technology Procurement.

"§ 143B-426.40K. Procurement of information technology.

(a) The State CIO is responsible for establishing policies and procedures for information technology procurement for State agencies.

Notwithstanding any other provision of law, the Department shall procure all information technology goods and services for participating agencies and shall approve information technology procurements for separate agencies. The State CIO may cancel or suspend any agency information technology procurement that occurs without State CIO approval.

(b) The ~~Department~~ Statewide IT Procurement Office shall review all procurements to ensure they meet current technology standards, are not duplicative, meet business objectives, are cost-effective, and are adequately funded. G.S. 143-135.9 shall apply to information technology procurements.

(c) The ~~Department~~ Statewide IT Procurement Office shall, subject to the provisions of this Part, do all of the following with respect to State information technology procurement:

- (1) Purchase or contract for all information technology for participating State agencies.
- (2) Approve all technology purchases for separate agencies.
- (3) Establish standardized, consistent processes, specifications, and standards that shall apply to all information technology to be purchased, licensed, or leased by State agencies and relating to information technology personal services contract requirements for State agencies.
- (4) Establish procedures to permit State agencies and local government entities to use the General Services Administration (GSA) Cooperative Purchasing Program to purchase information technology (i) awarded under GSA Supply Schedule 70 Information Technology and (ii) from contracts under the GSA's Consolidated Schedule containing information technology special item numbers.
- (5) Establish procedures to permit State agencies and local government entities to use multiple award schedule contracts and other cooperative purchasing agreements.

- 1 (6) Comply with the State government-wide technical architecture, as required by
2 the State CIO.
- 3 (7) Utilize the purchasing benchmarks established by the Secretary of
4 Administration pursuant to G.S. 143-53.1.
- 5 (8) Provide strategic sourcing resources and detailed, documented planning to
6 compile and consolidate all estimates of information technology goods and
7 services needed and required by State agencies.
- 8 (9) Develop a process to provide a question and answer period for vendors prior
9 to procurements.
- 10 (d) Each State agency shall furnish to the State CIO when requested, and on forms as
11 prescribed, estimates of and budgets for all information technology goods and services needed
12 and required by such department, institution, or agency for such periods in advance as may be
13 designated by the State CIO. When requested, all State agencies shall provide to the State CIO
14 on forms as prescribed, actual expenditures for all goods and services needed and required by the
15 department, institution, or agency for such periods after the expenditures have been made as may
16 be designated by the State CIO.
- 17 (e) Confidentiality. – Contract information compiled by the ~~Department~~ Statewide IT
18 Procurement Office shall be made a matter of public record after the award of contract. Trade
19 secrets, test data, similar proprietary information, and security information protected under
20 G.S. 132-6.1(c) or other law shall remain confidential.
- 21 (f) Electronic Procurement. – The State CIO may authorize the use of the electronic
22 procurement system established by G.S. 143-48.3, or other systems, to conduct reverse auctions
23 and electronic bidding. For purposes of this Part, "reverse auction" means a real-time purchasing
24 process in which vendors compete to provide goods or services at the lowest selling price in an
25 open and interactive electronic environment. The vendor's price may be revealed during the
26 reverse auction. The ~~Department~~ Statewide IT Procurement Office may contract with a
27 third-party vendor to conduct the reverse auction. "Electronic bidding" means the electronic
28 solicitation and receipt of offers to contract. Offers may be accepted and contracts may be entered
29 by use of electronic bidding. All requirements relating to formal and competitive bids, including
30 advertisement, seal, and signature, are satisfied when a procurement is conducted or a contract is
31 entered in compliance with the reverse auction or electronic bidding requirements established by
32 the ~~Department~~ Statewide IT Procurement Office.
- 33 (f1) Multiple-Award Schedule Contracts. – The procurement of information technology
34 may be conducted using multiple award schedule contracts. Contracts awarded under this
35 subsection shall be periodically updated as directed by the State CIO to include the addition or
36 deletion of particular vendors, goods, services, or pricing.
- 37 (g) The State CIO shall establish efficient, responsive procedures for the procurement of
38 information technology. The procedures may include aggregation of hardware purchases, the use
39 of formal bid procedures, restrictions on supplemental staffing, enterprise software licensing,
40 hosting, and multiyear maintenance agreements. The State CIO may require agencies to submit
41 information technology procurement requests on a regularly occurring schedule each fiscal year
42 in order to allow for bulk purchasing.
- 43 (h) All offers to contract, whether through competitive bidding or other procurement
44 method, shall be subject to evaluation and selection by acceptance of the most advantageous offer
45 to the State. Evaluation shall include best value, as the term is defined in G.S. 143-135.9(a)(1),
46 compliance with information technology project management policies, compliance with
47 information technology security standards and policies, substantial conformity with the
48 specifications, and other conditions set forth in the solicitation.
- 49 (h1) All contracts subject to the provisions of this Part shall include a limitation on the
50 contractor's liability to the State for damages. Except as otherwise provided in this subsection,
51 the limitation of liability shall be for damages arising from any cause whatsoever, regardless of

1 the form of action. The amount of liability shall be determined based on the nature of the goods
2 or services covered by the contract; however, there shall be a presumptive limitation of no more
3 than two times the value of the contract. Limitation of liability pursuant to this subsection shall
4 specifically include, but not be limited to, the contractor's liability for damages and any other
5 losses relating to the loss of, unauthorized access to, or unauthorized disclosure of data.

6 The amount of liability for damages and any other losses relating to the loss of, unauthorized
7 access to, or unauthorized disclosure of data may be raised to no more than three times the value
8 of the contract if all of the following apply:

- 9 (1) The State CIO completes a risk assessment prior to the bid solicitation or
10 request for proposal.
- 11 (2) The risk assessment determines that an increase in the liability amount is
12 necessary to protect the State's best interests.
- 13 (3) The bid solicitation or request for proposal indicates that increased liability
14 will be required for the resulting contract.

15 The State CIO shall report annually to the Joint Legislative Commission on Governmental
16 Operations and the Joint Legislative Oversight Committee on Information Technology no later
17 than March 1 regarding the contracts containing liability amounts of more than two times the
18 value of the contract.

19 Prior to entering into any contract subject to the provisions of this Part, the ~~Department~~
20 Statewide IT Procurement Office or the separate agency, as applicable, shall reasonably
21 determine that the contractor possesses sufficient financial resources, either independently or
22 through third-party sources, such as insurance, to satisfy the agreed upon limitation of liability.
23 The limitation of liability required by this subsection shall not apply to liability of the contractor
24 for intentional or willful misconduct, damage to tangible personal property, physical injuries to
25 persons, or any notification costs resulting from compliance with G.S. 132-1.10(c1). Nothing in
26 this subsection (i) limits the contractor's liability directly to third parties or (ii) affects the rights
27 and obligations related to contribution among joint tortfeasors established by Chapter 1B of the
28 General Statutes and other applicable law.

29 (i) Exceptions. – In addition to permitted waivers of competition, the requirements of
30 competitive bidding shall not apply to information technology contracts and procurements:

- 31 (1) In cases of pressing need or emergency arising from a security incident.
- 32 (2) In the use of master licensing or purchasing agreements governing the
33 ~~Department's~~ Statewide IT Procurement Office's acquisition of proprietary
34 intellectual property.
- 35 (3) In the procurement of cybersecurity and infrastructure security products,
36 consistent with Best Value procurement principles as provided in
37 G.S. 143-135.9.

38 Any exceptions shall immediately be reported to the Joint Legislative Oversight Committee
39 on Information Technology and the Fiscal Research Division.

40 (j) Information Technology Innovation Center. – The ~~Department~~ Statewide IT
41 Procurement Office may operate a State Information Technology Innovation Center (iCenter) to
42 develop and demonstrate technology solutions with potential benefit to the State and its citizens.
43 The iCenter may facilitate the piloting of potential solutions to State technology requirements. In
44 operating the iCenter, the State CIO shall ensure that all State laws, rules, and policies are
45 followed.

46 Vendor participation in the iCenter shall not be construed to (i) create any type of preferred
47 status for vendors or (ii) abrogate the requirement that agency and statewide requirements for
48 information technology support, including those of the ~~Department~~ Statewide IT Procurement
49 Office, are awarded based on a competitive process that follows information technology
50 procurement guidelines.

1 (k) No contract subject to the provisions of this Part may be entered into unless the
2 contractor and the contractor's subcontractors comply with the requirements of Article 2 of
3 Chapter 64 of the General Statutes.

4 (l) For the purposes of this Part, the definitions in G.S. 143B-1320 apply.

5 **"§ 143B-426.40L. Restriction on State agency contractual authority with regard to**
6 **information technology.**

7 (a) All State agencies covered by ~~this Article 15 of this Chapter~~ shall use contracts for
8 information technology to include enterprise licensing agreements and convenience contracts
9 established by the ~~Department, Statewide IT Procurement Office.~~ The State CIO shall consult
10 the agency heads prior to the initiation of any enterprise project or contract. Notwithstanding any
11 other statute, the authority of State agencies to procure or obtain information technology shall be
12 subject to compliance with the provisions of this Part.

13 (b) Notwithstanding any other provision of law, local governmental entities may use the
14 information technology programs, services, or contracts offered by the ~~Department, Statewide IT~~
15 Procurement Office, including information technology procurement, in accordance with the
16 statutes, policies, and rules of the ~~Department, Statewide IT Procurement Office.~~ Local
17 governmental entities are not required to comply with otherwise applicable competitive bidding
18 requirements when using contracts established by the ~~Department, Statewide IT Procurement~~
19 Office.

20 (c) Any other State entities exempt from Part 3 or Part 5 of ~~this Article 15 of this Chapter~~
21 may also use the information technology programs, services, or contracts offered by the
22 ~~Department, Statewide IT Procurement Office,~~ including information technology procurement,
23 in accordance with the statutes, policies, and rules of the ~~Department, Statewide IT Procurement~~
24 Office.

25 **"§ 143B-426.40M. Unauthorized use of public purchase or contract procedures for private**
26 **benefit prohibited.**

27 (a) It is unlawful for any person, by the use of the powers, policies, or procedures
28 described in this Part or established hereunder, to purchase, attempt to purchase, procure, or
29 attempt to procure any property or services for private use or benefit.

30 (b) This prohibition shall not apply if:

31 (1) The State agency through which the property or services are procured had
32 theretofore established policies and procedures permitting such purchases or
33 procurement by a class or classes of persons in order to provide for the mutual
34 benefit of such persons and the department, institution, or agency involved or
35 the public benefit or convenience; and

36 (2) Such policies and procedures, including any reimbursement policies, are
37 complied with by the person permitted thereunder to use the purchasing or
38 procurement procedures described in this Part or established thereunder.

39 (c) Any violation of this section is a Class 1 misdemeanor.

40 (d) Any employee or official of the State who violates this Part shall be liable to the State
41 to repay any amount expended in violation of this Part, together with any court costs.

42 **"§ 143B-426.40N. Financial interest of officers in sources of supply; acceptance of bribes;**
43 **gifts and favors regulated.**

44 (a) Neither the State CIO, any deputy State CIO, or any other policy-making or
45 managerially exempt personnel shall be financially interested, or have any personal beneficial
46 interest, either directly or indirectly, in the purchase of, or contract for, any information
47 technology, nor in any firm, corporation, partnership, or association furnishing any information
48 technology to the State government or any of its departments, institutions, or agencies. Violation
49 of this section is a Class F felony, and any person found guilty of a violation of this section shall,
50 upon conviction, be removed from State office or employment.

1 (b) The provisions of G.S. 133-32 shall apply to all ~~Department~~ Statewide IT
2 Procurement Office employees.

3 **"§ 143B-426.40O. Certification that information technology bid submitted without**
4 **collusion.**

5 The State CIO shall require bidders to certify that each bid on information technology
6 contracts overseen by the ~~Department~~ Statewide IT Procurement Office is submitted
7 competitively and without collusion. False certification is a Class I felony.

8 **"§ 143B-426.40P. Award review.**

9 (a) When the dollar value of a contract for the procurement of information technology
10 equipment, materials, and supplies exceeds the benchmark established by subdivision (1) of
11 subsection (c) of this section, an award recommendation shall be submitted to the State CIO for
12 approval or other action. The State CIO shall promptly notify the agency or institution making
13 the recommendation, or for which the purchase is to be made, of the action taken.

14 (b) Prior to submission for review pursuant to this section for any contract for information
15 technology being acquired for the benefit of an agency authorized to deviate from ~~this Article 15~~
16 of this Chapter pursuant to G.S. 143B-1320(c), the State CIO shall review and approve the
17 procurement to ensure compliance with the established processes, specifications, and standards
18 applicable to all information technology purchased, licensed, or leased in State government,
19 including established procurement processes, and compliance with the State government-wide
20 technical architecture and standards established by the State CIO.

21 (c) The State CIO shall provide a report of all contract awards approved through the
22 Statewide IT Procurement Office as indicated below. The report shall include the amount of the
23 award, the contract term, the award recipient, the using agency, and a short description of the
24 nature of the award, as follows:

- 25 (1) For contract awards greater than twenty-five thousand dollars (\$25,000), to
26 the cochairs of the Joint Legislative Oversight Committee on Information
27 Technology and the Fiscal Research Division as requested.
- 28 (2) For all contract awards outside the established purchasing system, to the
29 Department of Administration, Joint Legislative Oversight Committee on
30 Information Technology, and the Fiscal Research Division on March 1 and
31 September 1 of each year.

32 **"§ 143B-426.40Q. Multiyear contracts; Attorney General assistance.**

33 (a) Notwithstanding the cash management provisions of G.S. 147-86.11, the ~~Department~~
34 Statewide IT Procurement Office may procure information technology goods and services for
35 periods up to a total of three years where the terms of the procurement contracts require payment
36 of all or a portion of the contract price at the beginning of the contract agreement. All of the
37 following conditions shall be met before payment for these agreements may be disbursed:

- 38 (1) Any advance payment can be accomplished within the IT Internal Service
39 Fund budget.
- 40 (2) The State Controller receives conclusive evidence that the proposed
41 agreement would be more cost-effective than a multiyear agreement that
42 complies with G.S. 147-86.11.
- 43 (3) The procurement complies in all other aspects with applicable statutes and
44 rules.
- 45 (4) The proposed agreement contains contract terms that protect the financial
46 interest of the State against contractor nonperformance or insolvency through
47 the creation of escrow accounts for funds, source codes, or both, or by any
48 other reasonable means that have legally binding effect.

49 The Office of State Budget and Management shall ensure the savings from any authorized
50 agreement shall be included in the IT Internal Service Fund rate calculations before approving

1 annual proposed rates. Any savings resulting from the agreements shall be returned to agencies
2 included in the contract in the form of reduced rates.

3 (b) At the request of the State CIO, the Attorney General shall provide legal advice and
4 services necessary to implement this ~~Article~~Part.

5 **"§ 143B-426.40R. Purchase of certain computer equipment and televisions by State**
6 **agencies and governmental entities prohibited.**

7 (a) No State agency, local political subdivision of the State, or other public body shall
8 purchase computer equipment or televisions, as defined in G.S. 130A-309.131, or enter into a
9 contract with any manufacturer that the State CIO determines is not in compliance with the
10 requirements of G.S. 130A-309.134 or G.S. 130A-309.135 as determined from the list provided
11 by the Department of Environmental Quality pursuant to G.S. 130A-309.138. The State CIO
12 shall issue written findings upon a determination of noncompliance. A determination of
13 noncompliance by the State CIO is reviewable under Article 3 of Chapter 150B of the General
14 Statutes.

15 (b) ~~The Department Statewide IT Procurement Office~~ shall make the list available to
16 local political subdivisions of the State and other public bodies. A manufacturer that is not in
17 compliance with the requirements of G.S. 130A-309.134 or G.S. 130A-309.135 shall not sell or
18 offer for sale computer equipment or televisions to the State, a local political subdivision of the
19 State, or other public body.

20 **"§ 143B-426.40S. Refurbished computer equipment purchasing program.**

21 (a) ~~The Department of Information Technology Statewide IT Procurement Office~~ and the
22 Department of Administration, with the administrative support of the Information Technology
23 Strategic Sourcing Office, shall offer State and local governmental entities the option of
24 purchasing refurbished computer equipment from registered computer equipment refurbishers
25 whenever most appropriate to meet the needs of State and local governmental entities.

26 (b) State and local governmental entities shall document savings resulting from the
27 purchase of the refurbished computer equipment, including, but not limited to, the initial
28 acquisition cost as well as operations and maintenance costs. These savings shall be reported
29 quarterly to the ~~Department of Information Technology Statewide IT Procurement Office~~.

30 (c) The Information Technology Strategic Sourcing Office shall administer the
31 refurbished computer equipment program by establishing a competitive purchasing process to
32 support this initiative that meets all State information technology procurement laws and
33 procedures and ensures that agencies receive the best value.

34 (d) Participating computer equipment refurbishers must meet all procurement
35 requirements established by the ~~Department of Information Technology Statewide IT~~
36 ~~Procurement Office~~ and the Department of Administration.

37 **"§ 143B-426.40T. Configuration and specification requirements same as for new**
38 **computers.**

39 Refurbished computer equipment purchased under this act must conform to the same
40 standards as the State may establish as to the configuration and specification requirements for
41 the purchase of new computers.

42 **"§ 143B-426.40U. Data on reliability and other issues; report.**

43 ~~The Department of Information Technology Statewide IT Procurement Office~~ shall maintain
44 data on equipment reliability, potential cost savings, and any issues associated with the
45 refurbished computer equipment initiative and shall report the results of the initiative to the Joint
46 Legislative Oversight Committee on Information Technology and the Fiscal Research Division
47 by March 1, 2016, and then annually thereafter.

48 **"§ 143B-426.40V. Information technology procurement policy; reporting requirements.**

49 (a) Policy. – In order to further the policy of the State to encourage and promote the use
50 of small, minority, physically handicapped, and women contractors in State purchasing of goods
51 and services, all State agencies shall cooperate with the ~~Department Statewide IT Procurement~~

1 Office in efforts to encourage the use of small, minority, physically handicapped, and women
2 contractors in achieving the purposes of this ~~Article, Part~~, which is to provide for the effective
3 and economical acquisition, management, and disposition of information technology.

4 (b) Bids. – A vendor submitting a bid shall disclose in a statement, provided
5 contemporaneously with the bid, where services will be performed under the contract sought,
6 including any subcontracts and whether any services under that contract, including any
7 subcontracts, are anticipated to be performed outside the United States. Nothing in this section is
8 intended to contravene any existing treaty, law, agreement, or regulation of the United States.
9 The State CIO shall retain the statements required by this subsection regardless of the State entity
10 that awards the contract and shall report annually to the Secretary of Administration on the
11 number of contracts which are anticipated to be performed outside the United States.

12 (c) Reporting. – Every State agency that makes a direct purchase of information
13 technology using the services of the ~~Department~~ Statewide IT Procurement Office shall report
14 directly to the Department of Administration all information required by G.S. 143-48(b).

15 (d) Data from Department of Administration. – The Department of Administration shall
16 collect and compile the data described in this section and report it annually to the ~~Department of~~
17 ~~Information Technology, Statewide IT Procurement Office~~, the Joint Legislative Oversight
18 Committee on Information Technology, and the Fiscal Research Division.

19 **"§ 143B-426.40W. Personal services contracts subject to ~~Article, Part~~.**

20 (a) Requirement. – Notwithstanding any other provision of law, information technology
21 personal services contracts for executive branch agencies shall be subject to the same
22 requirements and procedures as information technology service contracts, except as provided in
23 this section.

24 (b) Certain Approvals Required. – Notwithstanding any provision of law to the contrary,
25 no information technology personal services contract, nor any contract that provides personnel
26 to perform information technology functions regardless of the cost of the contract, may be
27 established or renewed without written approval from the ~~Department of Information~~
28 ~~Technology, Statewide IT Procurement Office~~. To facilitate compliance with this requirement,
29 the ~~Department of Information Technology, Statewide IT Procurement Office~~ shall develop and
30 document a process to monitor all State agency information technology personal services
31 contracts, as well as any other State contracts providing personnel to perform information
32 technology functions and a process for obtaining approval of contractor positions.

33 (c), (d) Repealed by Session Laws 2019-200, s. 2, effective August 21, 2019.

34 (e) Reporting Required. – The ~~Department of Information Technology, Statewide IT~~
35 Procurement Office shall report biennially to the Joint Legislative Oversight Committee on
36 Information Technology and the Fiscal Research Division on the number of information
37 technology service contractors in each State agency, the cost for each, and the comparable cost,
38 including benefits, of a State employee serving in that capacity rather than a contractor.

39 (f) Information Technology Personal Services Contract Defined. – For purposes of this
40 section, the term "personal services contract" means a contract for services provided by a
41 professional individual as an independent contractor on a temporary or occasional basis.

42 (g) Repealed by Session Laws 2019-200, s. 2, effective August 21, 2019.

43 **"§ 143B-426.40X. Statewide IT Procurement Office; creation.**

44 There is created the Statewide IT Procurement Office. The office shall be located
45 administratively within the Department of Administration but shall exercise all of its prescribed
46 statutory powers independently of the Secretary of Administration.

47 **"§ 143B-426.40Y. State Chief Information Officer; organization of office.**

48 (a) The Statewide IT Procurement Office shall be headed by the State Chief Information
49 Officer, who shall also be known as the State CIO, and who shall maintain and administer the
50 State information technology procurement system under this Part.

1 **(b)** The State Chief Information Officer shall be a person qualified by education and
2 experience for the office and shall be appointed by the Governor subject to confirmation by the
3 General Assembly. The term of office of the State Chief Information Officer shall be for seven
4 years; the first full term shall begin October 1, 2023.

5 The Governor shall submit the name of the person to be appointed, for confirmation by the
6 General Assembly, to the President of the Senate and the Speaker of the House of Representatives
7 by July 1 of the year in which the State Chief Information Officer is to be appointed. If the
8 Governor does not submit the name by that date, the President of the Senate and the Speaker of
9 the House of Representatives shall submit a name to the General Assembly for confirmation.

10 In case of death, incapacity, resignation, removal by the Governor for cause, or vacancy for
11 any other reason prior to the expiration of the term of office while the General Assembly is in
12 session, the Governor shall submit the name of a successor State Chief Information Officer to
13 the President of the Senate and the Speaker of the House of Representatives within four weeks
14 after the vacancy occurs. If the Governor does not do so, the President of the Senate and the
15 Speaker of the House of Representatives shall submit a name to the General Assembly for
16 confirmation.

17 In case of death, incapacity, resignation, removal by the Governor for cause, or vacancy for
18 any other reason prior to the expiration of the term of office while the General Assembly is not
19 in session, the Governor shall appoint a State Chief Information Officer to serve on an interim
20 basis pending confirmation by the General Assembly. The salary of the State Chief Information
21 Officer shall be set by the General Assembly in the Current Operations Appropriations Act.

22 **(c)** The State Chief Information Officer may appoint one or more Deputy State Chief
23 Information Officers. The salary of the Deputy State Chief Information Officers shall be set by
24 the State Chief Information Officer.

25 **(d)** The State Chief Information Officer may appoint all employees necessary to carry out
26 the powers and duties of the office. These employees shall be subject to the North Carolina
27 Human Resources Act. All employees of the office shall be under the supervision, direction, and
28 control of the State Chief Information Officer. Except as otherwise provided by this Part, the
29 State Chief Information Officer may assign any function vested in the State Chief Information
30 Officer or the Statewide IT Procurement Office to any subordinate officer or employee of the
31 office.

32 **(e)** The State Chief Information Officer may, subject to the provisions of
33 G.S. 147-64.7(b)(2), obtain the services of professional persons or experts to carry out the powers
34 and duties of the office. The State Chief Information Officer shall have legal custody of all books,
35 papers, documents, and other records of the office. The State Chief Information Officer shall be
36 responsible for the preparation of and the presentation of the office budget request, including all
37 funds requested and all receipts expected for all elements of the budget.

38 **(f)** The State Chief Information Officer may adopt regulations for the administration of
39 the office, the conduct of employees of the office, the distribution and performance of business,
40 the performance of the functions assigned to the State Chief Information Officer, the office, and
41 the Statewide IT Procurement Office, as well as the custody, use, and preservation of the records,
42 documents, and property pertaining to the business of the office and the Statewide IT
43 Procurement Office. All employees of the Statewide IT Procurement Office shall be subject to
44 the applicable provisions of the State Government Ethics Act under Chapter 138A of the General
45 Statutes.

46 **"§ 143B-426.40Z. Duties of the State Chief Information Officer.**

47 The State CIO shall have the following powers and duty to do all of the following:

- 48 **(1)** Ensure that executive branch agencies receive all required information
49 technology procurement support in an efficient and timely manner.
- 50 **(2)** Ensure that such information technology procurement support is provided to
51 local government entities and others, as appropriate.

- (3) As required, plan and coordinate information technology procurement efforts with State agencies, nonprofits, and private organizations.
- (4) Set technical standards for information technology procurement, review and approve information technology procurement projects and budgets, establish information technology security standards, provide for the procurement of information technology resources, and develop a schedule for the replacement or modification of information technology systems.
- (5) Require reports by State departments, institutions, or agencies of information technology assets, systems, and projects; prescribe the form of such reports; and verify the information when the State CIO determines verification is necessary.
- (6) Prescribe the manner in which information technology assets and systems shall be provided and distributed among agencies."

SECTION 38.2.(c) Article 15 of Chapter 143B of the General Statutes reads as rewritten:

"Article 15.

"Department of Information Technology.

"Part 1. General Provisions.

"§ 143B-1320. Definitions; scope; exemptions.

(a) Definitions. – The following definitions apply in this Article:

- ...
- (18) ~~State Chief Information Officer or State CIO. Secretary of the Department of Information Technology or Secretary.~~ – The head of the Department, who is a Governor's cabinet level officer.
- ...

"§ 143B-1321. Powers and duties of the Department; cost-sharing with exempt entities.

(a) The Department shall have the following powers and duties:

- ...
- (6) Establish a consistent process for ~~planning, maintaining, and acquiring~~ planning and maintaining the State's information technology resources. This includes responsibility for developing and administering a comprehensive long-range plan to ensure the proper management of the State's information technology resources.
- ...
- (8) Set technical standards for information technology, review and approve information technology projects and budgets, establish and enforce information technology security standards, ~~establish and enforce standards for the procurement of information technology resources,~~ and develop a schedule for the replacement or modification of information technology systems.
- (9) ~~Implement enterprise procurement processes and develop metrics to support this process.~~
- ...
- (27) Adopt plans, policies, and procedures for the ~~acquisition, management,~~ management and use of information technology resources in State agencies to facilitate more efficient and economic use of information technology in the agencies.
- ...

"§ 143B-1322. State CIO duties; Departmental personnel and administration.

(a) ~~State CIO. Secretary.~~ – The State Chief Information Officer (State CIO) Secretary of the Department of Information Technology is the head of the Department, Department and a member of the Governor's cabinet, and may also be referred to as the Secretary of the Department

1 of ~~Information Technology~~ cabinet. The ~~State CIO Secretary~~ is appointed by and serves at the
 2 pleasure of the Governor. The ~~State CIO Secretary~~ shall be qualified by education and experience
 3 for the office. The salary of the ~~State CIO Secretary~~ shall be set by the Governor. The ~~State CIO~~
 4 ~~Secretary~~ shall receive longevity pay on the same basis as is provided to employees of the State
 5 who are subject to the North Carolina Human Resources Act.

6 (b) Departmental Personnel. – The ~~State CIO Secretary~~ may appoint one or more ~~deputy~~
 7 ~~State CIOs, deputies,~~ each of whom shall be under the direct supervision of the ~~State CIO~~
 8 ~~Secretary~~. The salaries of the ~~deputy State CIOs~~ ~~deputies~~ shall be set by the ~~State CIO~~ ~~Secretary~~.
 9 The ~~State CIO Secretary~~ and the ~~Deputy State CIOs~~ ~~deputies~~ are exempt from the North Carolina
 10 Human Resources Act. Subject to the approval of the Governor and limitations of the G.S. 126-5,
 11 the ~~State CIO Secretary~~ may appoint or designate additional managerial and policy making
 12 positions, including, but not limited to, the Department's chief financial officer and general
 13 counsel, each of whom shall be exempt from the North Carolina Human Resources Act.

14 (c) Administration. – The Department shall be managed under the administration of the
 15 ~~State CIO Secretary~~. The ~~State CIO Secretary~~ shall have the following powers and duty to do all
 16 of the following:

17 ...

- 18 (14) Set technical standards for information technology, review and approve
 19 information technology projects and budgets, establish information
 20 technology security standards, ~~provide for the procurement of information~~
 21 ~~technology resources,~~ and develop a schedule for the replacement or
 22 modification of information technology systems.

23 ...

24 **"§ 143B-1325. State information technology consolidated under Department of**
 25 **Information Technology.**

26 (a) Consolidation Completed. – Effective July 1, 2018, the consolidation of enterprise
 27 information technology functions within the executive branch is completed with the Secretary
 28 heading all of the information technology functions under the Department's purview, including
 29 all of the following:

30 ...

- 31 ~~(6) Information technology procurement.~~

32 ...

33 **"§ 143B-1332. Information Technology Fund.**

34 There is established a special revenue fund to be known as the Information Technology Fund,
 35 which may receive transfers or other credits as authorized by the General Assembly. Money may
 36 be appropriated from the Information Technology Fund to support the operation and
 37 administration that meet statewide requirements, including planning, project management,
 38 security, electronic mail, State portal operations, and early adoption of enterprise efforts, ~~and the~~
 39 ~~administration of systemwide procurement procedures.~~ efforts. Funding for participating agency
 40 information technology projects shall be appropriated to the Information Technology Fund and
 41 may be reallocated by the State CIO, if appropriate, following coordination with the impacted
 42 agencies and written approval by the Office of State Budget and Management. Any redirection
 43 of agency funds shall immediately be reported to the Joint Legislative Oversight Committee on
 44 Information Technology and the Fiscal Research Division with a detailed explanation of the
 45 reasons for the redirection. Expenditures involving funds appropriated to the Department from
 46 the Information Technology Fund shall be made by the State CIO. Interest earnings on the
 47 Information Technology Fund balance shall be credited to the Information Technology Fund.

48 ...

49 **"§ 143B-1336. Information technology human resources.**

50 ...

1 (d) The State CIO shall establish standard information technology career paths for both
2 management and technical tracks, including defined qualifications, career progression, training
3 requirements, and appropriate compensation. ~~For information technology procurement~~
4 ~~professionals, the State CIO shall establish a career path that includes defined qualifications,~~
5 ~~career progression, training requirements, and appropriate compensation.~~ These career paths
6 shall be documented by February 1, 2016, and shall be provided to the Joint Legislative Oversight
7 Committee on Information Technology and the Fiscal Research Division by February 1, 2016,
8 but may be submitted incrementally to meet Department requirements. The career paths shall be
9 updated on an annual basis.

10 ...
11 **"§ 143B-1341. Project management standards.**

12 ...
13 (d) State CIO Responsibilities. – The State CIO shall provide a project management
14 assistant from the Department for any approved separate agency project, whether the project is
15 undertaken in single or multiple phases or components. The State CIO may designate a project
16 management assistant for any other information technology project.

17 The project management assistant shall advise the agency with the initial planning of a
18 project, the content and design of any request for proposals, contract development, ~~procurement,~~
19 and architectural and other technical reviews. The project management assistant shall also
20 monitor progress in the development and implementation of the project and shall provide status
21 reports to the agency and the State CIO, including recommendations regarding continued
22 approval of the project.

23 The State CIO shall establish a clearly defined, standardized process for project management
24 that includes time lines for completion of process requirements for both the Department and
25 agencies. The State CIO shall also establish reporting requirements for information technology
26 projects, both during the planning, development, and implementation process and following
27 completion of the project. The State CIO shall continue to monitor system performance and
28 financial aspects of each project after implementation. The State CIO shall also monitor any
29 certification process required for State information technology projects and shall immediately
30 report any issues associated with certification processes to the Joint Legislative Oversight
31 Committee on Information Technology and the Fiscal Research Division.

32 ...
33 ~~**"§ 143B-1343. Standardization.**~~

34 ~~The State CIO shall establish consistent standards for the purchase of agency hardware and~~
35 ~~software that reflect identified, documented agency needs.~~

36"

37 **SECTION 38.2.(d)** The Revisor of Statutes shall delete the phrase "State CIO"
38 wherever it appears in Article 15 of Chapter 143B of the General Statutes and substitute it with
39 the phrase "Secretary."

40 **SECTION 38.2.(e)** The State Chief Information Officer shall retain three
41 procurement specialists, who shall be exempt from the North Carolina Human Resources Act, in
42 connection with the duties established in this section.

43
44 **DMV SERVICE MODERNIZATION STUDY**

45 **SECTION 38.3.** The Department of Information Technology, in collaboration with
46 the Department of Transportation, shall study the feasibility of modernizing the customer service
47 experience at Division of Motor Vehicles (DMV) locations by expanding the availability and use
48 of customer self-service kiosks at DMV locations. The study shall consider the following:

- 49 (1) Hardware and software needs, including printers, scanning technology, and
50 broadband access.

- 1 (2) Potential impact on staffing, including staff time, staff duties and
2 responsibilities, and staffing needs.
- 3 (3) Potential cost-savings.
- 4 (4) Potential reductions in wait times for DMV customers.
- 5 (5) Assessment of available technology and an analysis of procurement options
6 and partnerships with third-party vendors.
- 7 (6) Assessment of best practices from other states that have implemented similar
8 systems.
- 9 (7) Recommendations on funding needs and potential legislation from the
10 General Assembly.

11 The Department of Information Technology and the Department of Transportation
12 shall submit a report containing the findings of the study described in this section on or before
13 March 1, 2024, to the Joint Legislative Oversight Committee on Information Technology, the
14 Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division.

15 16 **DPS DIVISIONS TREATED AS SEPARATE AGENCIES**

17 **SECTION 38.4.** In accordance with G.S. 143B-1325(c)(13), and notwithstanding
18 any other provision of Article 15 of Chapter 143B of the General Statutes to the contrary, the
19 State Highway Patrol, the State Bureau of Investigation, and the Division of Emergency
20 Management within the Department of Public Safety shall continue to be entirely exempt from
21 any and all information technology oversight by the Department of Public Safety and the
22 Department of Information Technology. The State Highway Patrol, the State Bureau of
23 Investigation, and the Division of Emergency Management shall be deemed as separate,
24 standalone entities within the Department of Public Safety in all matters related to information
25 technology, and each shall autonomously manage their own respective information technology
26 infrastructure and all associated services without oversight from the Department of Information
27 Technology or the Department of Public Safety. Exemption from information technology
28 oversight includes, but is not limited to, the following:

- 29 (1) Information technology architecture and planning.
- 30 (2) Information technology personnel management.
- 31 (3) Information technology project management.
- 32 (4) Information technology purchasing and procurement decisions and
33 methodologies.
- 34 (5) Hardware acquisition, configuration, implementation, and management.
- 35 (6) Software acquisition, configuration, implementation, and management.
- 36 (7) Data center locations, operations, and management.
- 37 (8) Network topology, operations, and management.
- 38 (9) System and data security, including disaster recovery planning.
- 39 (10) Reporting requirements.
- 40 (11) Any future transfers of information technology personnel, operations,
41 projects, assets, and information technology budgets to the Department of
42 Information Technology.

43 44 **PART XXXIX. SALARIES AND BENEFITS**

45 46 **ELIGIBLE STATE-FUNDED EMPLOYEES AWARDED LEGISLATIVE SALARY** 47 **INCREASES/EFFECTIVE JULY 1, 2023, AND JULY 1, 2024**

48 **SECTION 39.1.(a)** Effective July 1, 2023, except as provided by subsection (b) of
49 this section, a person (i) whose salary is set by this Part, pursuant to the North Carolina Human
50 Resources Act, or as otherwise authorized in this act and (ii) who is employed in a State-funded
51 position on June 30, 2023, is awarded:

1 (1) A legislative salary increase in the amount of four and twenty-five hundredths
2 percent (4.25%) of annual salary in the 2023-2024 fiscal year.

3 (2) Any salary adjustment otherwise allowed or provided by law.

4 **SECTION 39.1.(a1)** Effective July 1, 2024, except as provided by subsection (b) of
5 this section, a person (i) whose salary is set by this Part, pursuant to the North Carolina Human
6 Resources Act, or as otherwise authorized in this act and (ii) who is employed in a State-funded
7 position on June 30, 2024, is awarded:

8 (1) A legislative salary increase in the amount of three and twenty-five hundredths
9 percent (3.25%) of annual salary in the 2024-2025 fiscal year.

10 (2) Any salary adjustment otherwise allowed or provided by law.

11 **SECTION 39.1.(b)** For the 2023-2025 fiscal biennium, the following persons are
12 not eligible to receive the legislative salary increases provided by subsections (a) and (a1) of this
13 section:

14 (1) Employees of local boards of education.

15 (2) Local community college employees.

16 (3) Employees of The University of North Carolina.

17 (4) Clerks of superior court compensated under G.S. 7A-101.

18 (5) Correctional employees to which Section 39.15 of this Part applies.

19 (6) Law enforcement officers to which Section 39.16 of this Part applies.

20 (7) State Highway Patrol employees to which Section 39.17 of this Part applies.

21 (8) Probation and parole officers to which Section 39.18 of this Part applies.

22 (9) Employees of schools operated by the Department of Health and Human
23 Services, the Department of Public Safety, and the State Board of Education
24 who are paid based on the Teacher Salary Schedule.

25 **SECTION 39.1.(c)** Part-time employees shall receive the increases authorized by
26 this section on a prorated and equitable basis.

27 **SECTION 39.1.(d)** No eligible State-funded employee shall be prohibited from
28 receiving the full salary increases provided in this section solely because the employee's salary
29 after applying the legislative increase is above the maximum of the salary range prescribed by
30 the State Human Resources Commission.

31 **LABOR MARKET ADJUSTMENT RESERVE**

32 **SECTION 39.2.(a)** Of the Labor Market Adjustment Salary Reserve funds
33 appropriated in this act, agencies shall award salary adjustments to identified employees pursuant
34 to the following requirements:

35 (1) Any increase provided to an employee shall not exceed the greater of fifteen
36 thousand dollars (\$15,000) or fifteen percent (15%) of their current base
37 salary.

38 (2) Any increase provided to an employee may not result in the employee's salary
39 exceeding the maximum salary of the salary range associated with the
40 position.

41 (3) No more than twenty-five percent (25%) of the agency's permanent employees
42 may receive a salary increase from the funds appropriated for this purpose.

43 (4) Funds may not be awarded to employees in positions with salaries set in law
44 or paid based on an experience-based salary schedule that is eligible to receive
45 funding from the Pay Plan Reserve.

46 (5) Funds must be used to increase salaries paid to employees and shall not be
47 used to supplant other funding sources or for any other purpose.

48 **SECTION 39.2.(b)** The provisions of subsection (a) of this section do not apply to
49 the State Highway Patrol or the State Bureau of Investigation, and no allocations shall be made
50 to those agencies for labor market adjustments.
51

1 **SECTION 39.2.(c)** The Director of the Budget may adjust a State agency's budgeted
 2 receipts to provide an equivalent one percent (1%) Labor Market Adjustment Salary Reserve for
 3 the 2023-2025 fiscal biennium subject to the requirements in subsection (a) of this section,
 4 provided that sufficient receipts are available. Agency receipts needed to implement this section
 5 are appropriated for the 2023-2024 fiscal year and the 2024-2025 fiscal year.

6 **SECTION 39.2.(d)** The Office of State Human Resources (OSHR) shall compile a
 7 single report detailing how these funds were distributed by each agency. The OSHR shall develop
 8 a uniform reporting mechanism for agencies that display the salary increases made for each
 9 position classification, the average increase provided to employees in each position classification,
 10 and the market-based justification for the awarded salary increases. Agencies receiving Labor
 11 Market Adjustment Salary Reserve appropriations shall report to the OSHR by September 30,
 12 2024. By October 31, 2024, the OSHR shall submit the report containing the agency responses
 13 to the Fiscal Research Division.

14
 15 **STATE AGENCY HIRING, PAY AND CLASSIFICATION FLEXIBILITY**

16 **SECTION 39.3.(a)** Effective July 1, 2023, G.S. 126-5 is amended by adding a new
 17 subsection to read:

18 "(c19) Notwithstanding any provision of this Chapter to the contrary, the Council of State,
 19 the executive branch agencies, the Community College System Office, and The University of
 20 North Carolina are each authorized to do the following:

21 (1) Classify or reclassify their positions according to the classification system
 22 established by the State Human Resources Commission (SHRC) as long as
 23 the employee meets the minimum requirements of the classification.

24 (2) Set salaries for their employees within the salary ranges for the respective
 25 position classification established by the SHRC."

26 **SECTION 39.3.(b)** G.S. 126-14.3 reads as rewritten:

27 **"§ 126-14.3. Open and fair competition.**

28 The State Human Resources Commission shall adopt rules or policies to:

29 ...
 30 (9) Authorize agencies to make job offers as soon as possible after the completion
 31 of the interviews for a position. These rules or policies shall include, without
 32 limitation, authorizing agencies to make job offers that are contingent upon
 33 satisfactory reference checks and, if required, satisfactory background
 34 checks."

35
 36 **GOVERNOR AND COUNCIL OF STATE**

37 **SECTION 39.4.(a)** Effective July 1, 2023, G.S. 147-11(a) reads as rewritten:

38 "(a) The salary of the Governor shall be ~~one hundred sixty-five thousand seven hundred~~
 39 ~~fifty dollars (\$165,750)~~ one hundred seventy-two thousand seven hundred ninety-four dollars
 40 (\$172,794) annually, payable monthly."

41 **SECTION 39.4.(a1)** Effective July 1, 2024, G.S. 147-11(a), as amended by
 42 subsection (a) of this section, reads as rewritten:

43 "(a) The salary of the Governor shall be ~~one hundred seventy-two thousand seven hundred~~
 44 ~~ninety four dollars (\$172,794)~~ one hundred seventy-eight thousand four hundred ten dollars
 45 (\$178,410) annually, payable monthly."

46 **SECTION 39.4.(b)** Effective July 1, 2023, the annual salaries for members of the
 47 Council of State, payable monthly, are set as follows:

Council of State	Annual Salary
Lieutenant Governor	\$152,644
Attorney General	152,644
Secretary of State	152,644

1	State Treasurer	152,644
2	State Auditor	152,644
3	Superintendent of Public Instruction	152,644
4	Agriculture Commissioner	152,644
5	Insurance Commissioner	152,644
6	Labor Commissioner	152,644

7 **SECTION 39.4.(b1)** Effective July 1, 2024, the annual salaries for members of the
8 Council of State, payable monthly, are set as follows:

9	Council of State	Annual Salary
10	Lieutenant Governor	\$157,605
11	Attorney General	157,605
12	Secretary of State	157,605
13	State Treasurer	157,605
14	State Auditor	157,605
15	Superintendent of Public Instruction	157,605
16	Agriculture Commissioner	157,605
17	Insurance Commissioner	157,605
18	Labor Commissioner	157,605

19
20 **CERTAIN EXECUTIVE BRANCH OFFICIALS**

21 **SECTION 39.5.(a)** Effective July 1, 2023, the annual salaries, payable monthly, for
22 the following executive branch officials for the 2023-2024 fiscal year are as follows:

23	Executive Branch Officials	Annual Salary
24	Chairman, Alcoholic Beverage	
25	Control Commission	\$137,071
26	State Controller	190,865
27	Commissioner of Banks	153,841
28	Chair, Board of Review, Division	
29	of Employment Security	150,901
30	Members, Board of Review, Division	
31	of Employment Security	149,057
32	Chairman, Parole Commission	150,901
33	Full-time Members of the Parole Commission	139,523
34	Chairman, Utilities Commission	171,057
35	Members of the Utilities Commission	153,841
36	Executive Director, North Carolina	
37	Agricultural Finance Authority	133,486

38 **SECTION 35.9.(b)** Effective July 1, 2024, the annual salaries, payable monthly, for
39 the following executive branch officials for the 2024-2025 fiscal year are as follows:

40	Executive Branch Officials	Annual Salary
41	Chairman, Alcoholic Beverage	
42	Control Commission	\$141,526
43	State Controller	197,068
44	Commissioner of Banks	158,841
45	Chair, Board of Review, Division	
46	of Employment Security	155,805
47	Members, Board of Review, Division	
48	of Employment Security	153,901
49	Chairman, Parole Commission	155,805
50	Full-time Members of the Parole Commission	144,057
51	Chairman, Utilities Commission	176,616

1	Members of the Utilities Commission	158,841
2	Executive Director, North Carolina	
3	Agricultural Finance Authority	137,824
4		

JUDICIAL BRANCH

SECTION 39.6.(a) Effective July 1, 2023, the annual salaries, payable monthly, for the following judicial branch officials for the 2023-2024 fiscal year are as follows:

	Annual Salary	
8	Judicial Branch Officials	
9	Chief Justice, Supreme Court	\$179,600
10	Associate Justice, Supreme Court	174,939
11	Chief Judge, Court of Appeals	172,172
12	Judge, Court of Appeals	167,703
13	Judge, Senior Regular Resident Superior Court	163,177
14	Judge, Superior Court	158,656
15	Chief Judge, District Court	144,184
16	Judge, District Court	139,661
17	Chief Administrative Law Judge	140,857
18	District Attorney	153,427
19	Assistant Administrative Officer of the Courts	147,747
20	Public Defender	153,427
21	Director of Indigent Defense Services	158,131

SECTION 39.6.(a1) Effective July 1, 2024, the annual salaries, payable monthly, for the following judicial branch officials for the 2024-2025 fiscal year are as follows:

	Annual Salary	
24	Judicial Branch Officials	
25	Chief Justice, Supreme Court	\$185,437
26	Associate Justice, Supreme Court	180,625
27	Chief Judge, Court of Appeals	177,768
28	Judge, Court of Appeals	173,153
29	Judge, Senior Regular Resident Superior Court	168,480
30	Judge, Superior Court	163,812
31	Chief Judge, District Court	148,870
32	Judge, District Court	144,200
33	Chief Administrative Law Judge	145,435
34	District Attorney	158,413
35	Assistant Administrative Officer of the Courts	152,549
36	Public Defender	158,413
37	Director of Indigent Defense Services	163,270

SECTION 39.6.(b) The district attorney of a judicial district, with the approval of the Administrative Officer of the Courts, shall set the salaries of assistant district attorneys in that district such that the average salary of assistant district attorneys in that district, for the 2023-2024 fiscal year, does not exceed ninety-six thousand two hundred ninety-seven dollars (\$96,297) and the minimum salary of any assistant district attorney defender is at least fifty-one thousand six hundred eighty-four dollars (\$51,684), effective July 1, 2023.

SECTION 39.6.(b1) The district attorney of a judicial district, with the approval of the Administrative Officer of the Courts, shall set the salaries of assistant district attorneys in that district such that the average salary of assistant district attorneys in that district, for the 2024-2025 fiscal year, does not exceed one hundred thousand three hundred ninety dollars (\$100,390) and the minimum salary of any assistant district attorney is at least fifty-three thousand eight hundred eighty-one dollars (\$53,881), effective July 1, 2024.

SECTION 39.6.(c) The public defender of a judicial district, with the approval of the Commission on Indigent Defense Services, shall set the salaries of assistant public defenders

1 in that district such that the average salary of assistant public defenders in that district, for the
 2 2023-2024 fiscal year, does not exceed ninety-two thousand two hundred twenty-eight dollars
 3 (\$92,228) and the minimum salary of any assistant public defender is at least forty-nine thousand
 4 five hundred dollars (\$49,500), effective July 1, 2023.

5 **SECTION 39.6.(c1)** The public defender of a judicial district, with the approval of
 6 the Commission on Indigent Defense Services, shall set the salaries of assistant public defenders
 7 in that district such that the average salary of assistant public defenders in that district, for the
 8 2024-2025 fiscal year, does not exceed ninety-five thousand two hundred twenty-five dollars
 9 (\$95,225) and the minimum salary of any assistant public defender is at least fifty-one thousand
 10 one hundred nine dollars (\$51,109), effective July 1, 2024.

11
 12 **CLERKS OF SUPERIOR COURT**

13 **SECTION 39.7.(a)** Effective July 1, 2023, G.S. 7A-101(a) reads as rewritten:

14 "(a) The clerk of superior court is a full-time employee of the State and shall receive an
 15 annual salary, payable in equal monthly installments, based on the number of State-funded
 16 assistant and deputy clerks of court as determined by the Administrative Office of Court's
 17 workload formula, according to the following schedule:

Assistants and Deputies	Annual Salary
18 0-19	\$104,300\$108,733
19 20-29	115,280120,179
20 30-49	126,259131,625
21 50-99	137,238143,071
22 100 and above	139,983145,932

23
 24 If the number of State-funded assistant and deputy clerks of court as determined by the
 25 Administrative Office of Court's workload formula changes, the salary of the clerk shall be
 26 changed, on July 1 of the fiscal year for which the change is reported, to the salary appropriate
 27 for that new number, except that the salary of an incumbent clerk shall not be decreased by any
 28 change in that number during the clerk's continuance in office."

29 **SECTION 39.7.(a1)** Effective July 1, 2024, G.S. 7A-101(a), as amended by
 30 subsection (a) of this section, reads as rewritten:

31 "(a) The clerk of superior court is a full-time employee of the State and shall receive an
 32 annual salary, payable in equal monthly installments, based on the number of State-funded
 33 assistant and deputy clerks of court as determined by the Administrative Office of Court's
 34 workload formula, according to the following schedule:

Assistants and Deputies	Annual Salary
35 0-19	\$108,733\$112,267
36 20-29	120,179124,085
37 30-49	131,625135,903
38 50-99	143,071147,721
39 100 and above	145,932150,675

40
 41 If the number of State-funded assistant and deputy clerks of court as determined by the
 42 Administrative Office of Court's workload formula changes, the salary of the clerk shall be
 43 changed, on July 1 of the fiscal year for which the change is reported, to the salary appropriate
 44 for that new number, except that the salary of an incumbent clerk shall not be decreased by any
 45 change in that number during the clerk's continuance in office."
 46

47 **ASSISTANT AND DEPUTY CLERKS OF COURT**

48 **SECTION 39.8.(a)** Effective July 1, 2023, G.S. 7A-102(c1) reads as rewritten:

49 "(c1) A full-time assistant clerk or a full-time deputy clerk, and up to one full-time deputy
 50 clerk serving as head bookkeeper per county, shall be paid an annual salary subject to the
 51 following minimum and maximum rates:

Assistant Clerks and Head Bookkeeper	Annual Salary
Minimum	\$37,254 <u>\$38,837</u>
Maximum	68,828 <u>71,753</u>

Deputy Clerks	Annual Salary
Minimum	\$33,419 <u>\$34,839</u>
Maximum	54,056 <u>56,353</u> "

SECTION 39.8.(a1) Effective July 1, 2024, G.S. 7A-102(c1), as amended by subsection (a) of this section, reads as rewritten:

"(c1) A full-time assistant clerk or a full-time deputy clerk, and up to one full-time deputy clerk serving as head bookkeeper per county, shall be paid an annual salary subject to the following minimum and maximum rates:

Assistant Clerks and Head Bookkeeper	Annual Salary
Minimum	\$38,837 <u>\$40,099</u>
Maximum	71,753 <u>74,085</u>

Deputy Clerks	Annual Salary
Minimum	\$34,839 <u>\$35,971</u>
Maximum	56,353 <u>58,184</u> "

MAGISTRATES

SECTION 39.9.(a) Effective July 1, 2023, G.S. 7A-171.1(a)(1) reads as rewritten:

"(a) The Administrative Officer of the Courts, after consultation with the chief district judge and pursuant to the following provisions, shall set an annual salary for each magistrate:

- (1) A full-time magistrate shall be paid the annual salary indicated in the table set out in this subdivision. A full-time magistrate is a magistrate who is assigned to work an average of not less than 40 hours a week during the term of office. The Administrative Officer of the Courts shall designate whether a magistrate is full-time. Initial appointment shall be at the entry rate. A magistrate's salary shall increase to the next step every two years on the anniversary of the date the magistrate was originally appointed for increases to Steps 1 through 3, and every four years on the anniversary of the date the magistrate was originally appointed for increases to Steps 4 through 6:

Table of Salaries of Full-Time Magistrates

Step Level	Annual Salary
Entry Rate	\$43,462 <u>\$45,309</u>
Step 1	\$46,670 <u>\$48,653</u>
Step 2	\$50,131 <u>\$52,262</u>
Step 3	\$53,795 <u>\$56,081</u>
Step 4	\$58,186 <u>\$60,659</u>
Step 5	\$63,473 <u>\$66,171</u>
Step 6	\$69,401 <u>\$72,351.</u> "

SECTION 39.9.(a1) Effective July 1, 2024, G.S. 7A-171.1(a)(1), as amended by subsection (a) of this section, reads as rewritten:

"(a) The Administrative Officer of the Courts, after consultation with the chief district judge and pursuant to the following provisions, shall set an annual salary for each magistrate:

(1) A full-time magistrate shall be paid the annual salary indicated in the table set out in this subdivision. A full-time magistrate is a magistrate who is assigned to work an average of not less than 40 hours a week during the term of office. The Administrative Officer of the Courts shall designate whether a magistrate is full-time. Initial appointment shall be at the entry rate. A magistrate's salary shall increase to the next step every two years on the anniversary of the date the magistrate was originally appointed for increases to Steps 1 through 3, and every four years on the anniversary of the date the magistrate was originally appointed for increases to Steps 4 through 6:

Table of Salaries of Full-Time Magistrates

Step Level	Annual Salary
Entry Rate	\$45,309 \$46,782
Step 1	\$48,653 \$50,234
Step 2	\$52,262 \$53,961
Step 3	\$56,081 \$57,904
Step 4	\$60,659 \$62,630
Step 5	\$66,171 \$68,322
Step 6	\$72,351 .\$74,702.

LEGISLATIVE EMPLOYEES

SECTION 39.10.(a) Effective July 1, 2023, the annual salaries of the Legislative Services Officer and of nonelected employees of the General Assembly in effect on June 30, 2023, shall be legislatively increased by four and twenty-five hundredths percent (4.25%).

SECTION 39.10.(a1) Effective July 1, 2024, the annual salaries of the Legislative Services Officer and of nonelected employees of the General Assembly in effect on June 30, 2024, shall be legislatively increased by three and twenty-five hundredths percent (3.25%).

SECTION 39.10.(b) Nothing in this act limits any of the provisions of G.S. 120-32.

GENERAL ASSEMBLY PRINCIPAL CLERKS

SECTION 39.11.(a) Effective July 1, 2023, G.S. 120-37(c) reads as rewritten:

"(c) The principal clerks shall be full-time officers. Each principal clerk shall be entitled to other benefits available to permanent legislative employees and shall be paid an annual salary of ~~one hundred twenty five thousand thirty four dollars (\$125,034)~~, one hundred thirty thousand three hundred forty-eight dollars (\$130,348), payable monthly. Each principal clerk shall also receive such additional compensation as approved by the Speaker of the House of Representatives or the President Pro Tempore of the Senate, respectively, for additional employment duties beyond those provided by the rules of their House. The Legislative Services Commission shall review the salary of the principal clerks prior to submission of the proposed operating budget of the General Assembly to the Governor and shall make appropriate recommendations for changes in those salaries. Any changes enacted by the General Assembly shall be by amendment to this paragraph."

SECTION 39.11.(b) Effective July 1, 2024, G.S. 120-37(c), as amended by subsection (a) of this section, reads as rewritten:

"(c) The principal clerks shall be full-time officers. Each principal clerk shall be entitled to other benefits available to permanent legislative employees and shall be paid an annual salary of ~~one hundred thirty thousand three hundred forty eight dollars (\$130,348)~~, one hundred thirty-four thousand five hundred eighty-four dollars (\$134,584), payable monthly. Each principal clerk shall also receive such additional compensation as approved by the Speaker of the House of Representatives or the President Pro Tempore of the Senate, respectively, for additional employment duties beyond those provided by the rules of their House. The Legislative Services Commission shall review the salary of the principal clerks prior to submission of the proposed

operating budget of the General Assembly to the Governor and shall make appropriate recommendations for changes in those salaries. Any changes enacted by the General Assembly shall be by amendment to this paragraph."

SERGEANTS-AT-ARMS/READING CLERKS

SECTION 39.12.(a) Effective July 1, 2023, G.S. 120-37(b) reads as rewritten:

"(b) The sergeant at arms and the reading clerk in each house shall be paid a salary of ~~four hundred ninety-three dollars (\$493.00)~~ five hundred fourteen dollars (\$514.00) per week plus subsistence at the same daily rate provided for members of the General Assembly, plus mileage at the rate provided for members of the General Assembly for one round trip only from their homes to Raleigh and return. The sergeants at arms shall serve during sessions of the General Assembly and at such time prior to the convening of, and subsequent to adjournment or recess of, sessions as may be authorized by the Legislative Services Commission. The reading clerks shall serve during sessions only."

SECTION 39.12.(b) Effective July 1, 2024, G.S. 120-37(b), as amended by subsection (a) of this section, reads as rewritten:

"(b) The sergeant at arms and the reading clerk in each house shall be paid a salary of ~~five hundred fourteen dollars (\$514.00)~~ five hundred thirty-one dollars (\$531.00) per week plus subsistence at the same daily rate provided for members of the General Assembly, plus mileage at the rate provided for members of the General Assembly for one round trip only from their homes to Raleigh and return. The sergeants at arms shall serve during sessions of the General Assembly and at such time prior to the convening of, and subsequent to adjournment or recess of, sessions as may be authorized by the Legislative Services Commission. The reading clerks shall serve during sessions only."

COMMUNITY COLLEGES

SECTION 39.13.(a) Community college personnel shall receive the following legislative salary increases:

- (1) Effective July 1, 2023, the State Board of Community Colleges shall provide community college faculty and non-faculty personnel with an across-the-board salary increase in the amount of four and twenty-five hundredths percent (4.25%).
- (2) Effective July 1, 2024, the State Board of Community Colleges shall provide community college faculty and non-faculty personnel with an across-the-board salary increase in the amount of three and twenty-five hundredths percent (3.25%).

SECTION 39.13.(b) Effective July 1, 2023, the minimum salaries for nine-month, full-time curriculum community college faculty for the 2023-2024 fiscal year are as follows:

Education Level	Minimum Salary 2023-2024
Vocational Diploma/Certificate or Less	41,965
Associate Degree or Equivalent	42,549
Bachelor's Degree	45,080
Master's Degree or Education Specialist	47,326
Doctoral Degree	50,564

SECTION 39.13.(b1) Effective July 1, 2024, the minimum salaries for nine-month, full-time curriculum community college faculty for the 2024-2025 fiscal year are as follows:

Education Level	Minimum Salary 2024-2025
Vocational Diploma/Certificate or Less	43,329
Associate Degree or Equivalent	43,932

1	Bachelor's Degree	46,545
2	Master's Degree or Education Specialist	48,864
3	Doctoral Degree	52,207

4 **SECTION 39.13.(c)** No full-time faculty member shall earn less than the minimum
 5 salary for the faculty member's education level. The pro rata hourly rate of the minimum salary
 6 for each education level shall be used to determine the minimum salary for part-time faculty
 7 members.

8
 9 **THE UNIVERSITY OF NORTH CAROLINA**

10 **SECTION 39.14.** The University of North Carolina shall receive the following
 11 legislative salary increases:

- 12 (1) Effective July 1, 2023, the Board of Governors of The University of North
 13 Carolina shall provide SHRA employees, EHRA employees, and teachers
 14 employed by the North Carolina School of Science and Mathematics with an
 15 across the board salary increase in the amount of four and twenty-five
 16 hundredths percent (4.25%).
- 17 (2) Effective July 1, 2024, the Board of Governors of The University of North
 18 Carolina shall provide SHRA employees, EHRA employees, and teachers
 19 employed by the North Carolina School of Science and Mathematics with an
 20 across the board salary increase in the amount of three and twenty-five
 21 hundredths percent (3.25%).

22
 23 **CORRECTIONAL OFFICER SALARY SCHEDULE**

24 **SECTION 39.15.(a)** State employees serving as correctional officers in the
 25 Department of Public Safety, Division of Adult Correction, shall be compensated at a specific
 26 pay rate on the basis of a salary schedule determined according to the duration of the employee's
 27 correctional officer work experience.

28 **SECTION 39.15.(b)** The following annual salary schedule applies under subsection
 29 (a) of this section for the 2023-2025 fiscal biennium, effective for each year on July 1, 2023, and
 30 July 1, 2024, respectively:

	FY 2023-24			FY 2024-25		
Experience	COI	COII	COIII	COI	COII	COIII
34 0	\$36,439	\$37,637	\$40,253	\$37,623	\$38,860	\$41,561
35 1	\$38,989	\$40,272	\$43,070	\$40,256	\$41,581	\$44,470
36 2	\$41,329	\$42,688	\$45,655	\$42,672	\$44,075	\$47,139
37 3	\$43,395	\$44,823	\$47,938	\$44,805	\$46,280	\$49,496
38 4	\$45,130	\$46,615	\$49,856	\$46,597	\$48,130	\$51,476
39 5	\$46,485	\$48,013	\$51,351	\$47,996	\$49,573	\$53,020
40 6+	\$47,414	\$48,974	\$52,379	\$48,955	\$50,566	\$54,081

41
 42 **STATE LAW ENFORCEMENT OFFICER SALARY SCHEDULE**

43 **SECTION 39.16.(a)** Law enforcement officers of the State Bureau of Investigation
 44 and Alcohol Law Enforcement shall be compensated pursuant to an experience-based salary
 45 schedule and shall be compensated based on the officer's respective work experience pursuant to
 46 the salary schedule in subsection (b) of this section.

47 **SECTION 39.16.(b)** The following annual salary schedule applies under subsection
 48 (a) of this section for the 2023-2025 fiscal biennium, effective July 1, 2023, and July 1, 2024, for
 49 each respective fiscal year:

Years of Experience	FY 2023-24	FY 2024-25
50 0	51,620	53,298

1	1	54,976	56,763
2	2	58,550	60,453
3	3	62,356	64,383
4	4	66,409	68,567
5	5	70,726	73,025
6	6+	75,324	77,772

STATE HIGHWAY PATROL/SALARY SCHEDULE/INCREASE

SECTION 39.17.(a) Law enforcement officers of the State Highway Patrol compensated pursuant to an experience-based salary schedule shall be compensated based on the officer's respective work experience pursuant to the salary schedule in subsection (b) of this section.

SECTION 39.17.(b) The following annual salary schedule applies under subsection (a) of this section for the 2023-2025 fiscal biennium, effective July 1, 2023, and July 1, 2024, for each respective fiscal year:

Years of Experience	Biennium 2023-2025
0	55,000
1	58,575
2	62,382
3	66,437
4	70,755
5	75,354
6+	80,252

SECTION 39.17.(c) For the 2023-2025 biennium, employees of the State Highway Patrol to whom subsections (a) and (b) of this section do not apply shall receive annual salary increases for the 2023-2024 fiscal year in the amount of eleven and seven hundredths percent (11.07%), effective July 1, 2023.

PROBATION AND PAROLE OFFICER SALARY SCHEDULE

SECTION 39.18.(a) Probation and parole officers shall be compensated pursuant to the experience-based salary schedule based on the officer's respective work experience, as established in subsection (b) of this section.

SECTION 39.18.(b) The following annual salary schedule applies under subsection (a) of this section for the 2023-2025 fiscal biennium, effective July 1, 2023, and July 1, 2024, for each respective fiscal year:

Years of Experience	FY 2023-24	FY 2024-25
0	43,577	44,993
1	46,409	47,917
2	49,426	51,032
3	52,639	54,350
4	56,060	57,882
5	59,704	61,644
6+	63,585	65,652

SECTION 39.18.(c) If an officer will not receive a salary increase during a fiscal year because the officer's salary exceeds the scheduled salary level, then the officer shall receive an annual salary increase equal to the amount of the across-the-board legislative salary increase authorized in this Part for that fiscal year.

PAY PLAN RESERVE

1 **SECTION 39.19.** G.S. 143C-4-9(a) reads as rewritten:
2 "(a) Creation. – The Pay Plan Reserve is established within the General Fund. The General
3 Assembly shall appropriate in the Current Operations Appropriations Act (Act) or other
4 appropriations act a specific amount to this reserve for allocation, on an as-needed basis only, to
5 fund statutory and scheduled pay expenses authorized by:

- 6 (1) G.S. 20-187.3, and the Act, for troopers of the State Highway Patrol
7 compensated pursuant to an experience-based salary schedule.
- 8 (2) G.S. 7A-102.
- 9 (3) G.S. 7A-171.1.
- 10 (4) Teacher Salary Schedule, as enacted by the General Assembly.
- 11 (5) Pay Plans for Principals and Assistant Principals, as enacted by the General
12 Assembly.
- 13 (6) The Act, for law enforcement officers of the State Bureau of Investigation and
14 Alcohol Law Enforcement.
- 15 (7) The Act, for correctional officers compensated pursuant to the Correctional
16 Officer Salary Schedule.
- 17 (8) The Act, for probation and parole officers compensated pursuant to the
18 Probation and Parole Officer Salary Schedule."
- 19

20 **STATE AGENCY TEACHERS**

21 **SECTION 39.20.** Employees of schools operated by the Department of Health and
22 Human Services, the Department of Public Safety, and the State Board of Education who are
23 paid on the Teacher Salary Schedule shall be paid as authorized under this act.
24

25 **MOST STATE EMPLOYEES**

26 **SECTION 39.21.** Unless otherwise expressly provided by this Part, the annual
27 salaries in effect for the following persons on June 30, 2023, and June 30, 2024, shall be
28 legislatively increased as provided by this act:

- 29 (1) Permanent, full-time State officials and persons whose salaries are set in
30 accordance with the State Human Resources Act.
- 31 (2) Permanent, full-time State officials and persons in positions exempt from the
32 State Human Resources Act.
- 33 (3) Permanent, part-time State employees.
- 34 (4) Temporary and permanent hourly State employees.
- 35

36 **ALL STATE SUPPORTED PERSONNEL**

37 **SECTION 39.22.(a)** The legislative salary increases authorized by this act:

- 38 (1) For the 2023-2024 fiscal year, shall be paid effective on July 1, 2023, and do
39 not apply to persons separated from service due to resignation, dismissal,
40 reduction in force, death, or retirement or whose last workday is prior to June
41 30, 2023.
- 42 (2) For the 2024-2025 fiscal year, shall be paid effective on July 1, 2024, and do
43 not apply to persons separated from service due to resignation, dismissal,
44 reduction in force, death, or retirement or whose last workday is prior to June
45 30, 2024.

46 **SECTION 39.22.(b)** The Director of the Budget is granted flexibility to administer
47 the compensation increases enacted by this act. The State employer contribution rates enacted by
48 this act for retirement and related benefits may be deemed by the Director of the Budget for
49 administrative purposes to become effective after July 1 of the applicable fiscal year to provide
50 flexibility in the collection and reconciliation of salary-related contributions as required by law,
51 provided the estimated amount contributed to any affected employee benefit trust equals the

1 amount that would have been contributed to the employee benefit trust if the enacted employer
2 contribution rates had been effective on July 1 of the applicable fiscal year.

3 **SECTION 39.22.(c)** This section applies to all employees paid from State funds,
4 whether or not subject to or exempt from the North Carolina Human Resources Act, including
5 employees of public schools, community colleges, and The University of North Carolina.

6 7 **OTHER SALARY ADJUSTMENTS**

8 **SECTION 39.23.(a)** Of the five hundred thousand dollars (\$500,000) appropriated
9 in this act for certain salary adjustments for law enforcement officers in the State Bureau of
10 Investigation, the funds shall only be awarded to Assistant Special Agents in Charge, Special
11 Agents in Charge, and Assistant Directors.

12 **SECTION 39.23.(b)** The district attorney of a judicial district may determine the
13 distribution of funds appropriated in this act for certain salary adjustments of assistant district
14 attorneys in addition to the legislatively mandated annual salary increases authorized in this Part.

15 **SECTION 39.23.(c)** The annual salary for the Director of the State Bureau of
16 Investigation shall be one hundred eighty thousand dollars (\$180,000), effective July 1, 2023.

17 18 **MITIGATE BONUS LEAVE**

19 **SECTION 39.24.** During the 2023-2024 fiscal year, State agencies, departments,
20 institutions, the North Carolina Community College System, and The University of North
21 Carolina may offer State employees the opportunity to use or to cash in special bonus leave
22 benefits that have accrued pursuant to Section 28.3A of S.L. 2002-126, Section 30.12B(a) of S.L.
23 2003-284, Section 29.14A of S.L. 2005-276, and Section 35.10A of S.L. 2014-100, but only if
24 all of the following requirements are met:

- 25 (1) Employee participation in the program must be voluntary.
- 26 (2) Special leave that is liquidated for cash payment to an employee must be
27 valued at the amount based on the employee's current annual salary rate.
- 28 (3) By September 1, 2024, a report on the position characteristics of employees
29 participating in the program shall be submitted to the respective agency head
30 or employing agency and to the Fiscal Research Division.

31 32 **USE OF FUNDS APPROPRIATED FOR LEGISLATIVELY MANDATED INCREASES**

33 **SECTION 39.25.(a)** The Office of State Budget and Management shall ensure that
34 the appropriations made by this act for legislatively mandated salary increases and employee
35 benefits are used only for those purposes.

36 **SECTION 39.25.(b)** If the Director of the Budget determines that funds appropriated
37 to a State agency for legislatively mandated salary increases and employee benefits exceed the
38 amount required by that agency for those purposes, the Director may reallocate those funds to
39 other State agencies that received insufficient funds for legislatively mandated salary increases
40 and employee benefits.

41 **SECTION 39.25.(c)** Funds appropriated for legislatively mandated salary and
42 employee benefit increases may not be used to adjust the budgeted salaries of vacant positions,
43 to provide salary increases in excess of those required by the General Assembly, or to increase
44 the budgeted salary of filled positions to the minimum of the position's respective salary range.

45 **SECTION 39.25.(d)** Any funds appropriated for legislatively mandated salary and
46 employee benefit increases in excess of the amounts required to implement the increases shall be
47 credited to the Pay Plan Reserve.

48 **SECTION 39.25.(e)** No later than May 1, 2024, for the 2023-2024 fiscal year, and
49 subsequently May 1, 2025, for the 2024-2025 fiscal year, the Office of State Budget and
50 Management shall report to the Joint Legislative Commission on Governmental Operations and
51 the Fiscal Research Division on the expenditure of funds for legislatively mandated salary

1 increases and employee benefits. This report shall include at least the following information for
 2 each State agency for each year of the 2023-2025 fiscal biennium:

- 3 (1) The total amount of funds that the agency received for legislatively mandated
 4 salary increases and employee benefits.
- 5 (2) The total amount of funds transferred from the agency to other State agencies
 6 pursuant to subsection (b) of this section. This section of the report shall
 7 identify the amounts transferred to each recipient State agency.
- 8 (3) The total amount of funds used by the agency for legislatively mandated salary
 9 increases and employee benefits.
- 10 (4) The amount of funds credited to the Pay Plan Reserve.

11
 12 **SALARY-RELATED CONTRIBUTIONS**

13 **SECTION 39.26.(a)** Effective for the 2023-2025 fiscal biennium, required employer
 14 salary-related contributions for employees whose salaries are paid from department, office,
 15 institution, or agency receipts shall be paid from the same source as the source of the employee's
 16 salary. If an employee's salary is paid in part from the General Fund or Highway Fund and in
 17 part from department, office, institution, or agency receipts, required employer salary-related
 18 contributions may be paid from the General Fund or Highway Fund only to the extent of the
 19 proportionate part paid from the General Fund or Highway Fund in support of the salary of the
 20 employee, and the remainder of the employer's requirements shall be paid from the source that
 21 supplies the remainder of the employee's salary. The requirements of this section as to source of
 22 payment are also applicable to payments on behalf of the employee for hospital medical benefits,
 23 longevity pay, unemployment compensation, accumulated leave, workers' compensation,
 24 severance pay, separation allowances, and applicable disability income benefits.

25 **SECTION 39.26.(b)** Effective July 1, 2023, the State's employer contribution rates
 26 budgeted for retirement and related benefits as a percentage of covered salaries for the 2023-2024
 27 fiscal year for teachers and State employees, State law enforcement officers (LEOs), the
 28 University and Community Colleges Optional Retirement Programs (ORPs), the Consolidated
 29 Judicial Retirement System (CJRS), and the Legislative Retirement System (LRS) are as set forth
 30 below:

	Teachers and State Employees	State LEOs	ORPs	CJRS	LRS
34 Retirement	16.44%	16.44%	6.84%	32.88%	18.61%
35 Disability	0.11%	0.11%	0.11%	0.00%	0.00%
36 Death	0.13%	0.13%	0.00%	0.00%	0.00%
37 Retiree Health	7.26%	7.26%	7.26%	7.26%	7.26%
38 NC 401(k)	0.00%	5.00%	0.00%	0.00%	0.00%
39					
40 Total Contribution					
41 Rate	23.94%	28.94%	14.21%	40.14%	25.87%

42 The rate for teachers and State employees and State law enforcement officers includes
 43 one one-hundredth percent (0.01%) for the Qualified Excess Benefit Arrangement.

44 **SECTION 39.26.(c)** Effective July 1, 2024, the State's employer contribution rates
 45 budgeted for retirement and related benefits as a percentage of covered salaries for the 2024-2025
 46 fiscal year for teachers and State employees, State law enforcement officers (LEOs), the
 47 University and Community Colleges Optional Retirement Programs (ORPs), the Consolidated
 48 Judicial Retirement System (CJRS), and the Legislative Retirement System (LRS) are as set forth
 49 below:

	Teachers and State	State LEOs	ORPs	CJRS	LRS
--	-------------------------------	-----------------------	-------------	-------------	------------

	Employees					
1 Retirement	16.79%	16.79%	6.84%	37.00%	22.00%	
2 Disability	0.13%	0.13%	0.13%	0.00%	0.00%	0.00%
3 Death	0.13%	0.13%	0.00%	0.00%	0.00%	0.00%
4 Retiree Health	7.41%	7.41%	7.41%	7.41%	7.41%	7.41%
5 NC 401(k)	0.00%	5.00%	0.00%	0.00%	0.00%	0.00%
6						
7						
8 Total Contribution						
9 Rate	24.46%	29.46%	14.38%	44.41%	29.41%	

10 The rate for teachers and State employees and State law enforcement officers includes
 11 one one-hundredth percent (0.01%) for the Qualified Excess Benefit Arrangement.

12 **SECTION 39.26.(d)** Effective July 1, 2023, the maximum annual employer
 13 contributions for the 2023-2024 fiscal year, payable monthly, by the State to the North Carolina
 14 State Health Plan for Teachers and State Employees for each covered employee and retiree are
 15 as follows:

- 16 (1) For employees, seven thousand six hundred fifty-four dollars (\$7,654).
- 17 (2) For retirees, five thousand six hundred sixteen dollars (\$5,616).

18 **SECTION 39.26.(e)** Effective July 1, 2024, the maximum annual employer
 19 contributions for the 2024-2025 fiscal year, payable monthly, by the State to the North Carolina
 20 State Health Plan for Teachers and State Employees for each covered employee and retiree are
 21 as follows:

- 22 (1) For employees, eight thousand four hundred ninety-three dollars (\$8,493).
- 23 (2) For retirees, five thousand seven hundred twenty-eight dollars (\$5,728).

24
 25 **1% COST-OF-LIVING ADJUSTMENT FOR RETIREES OF THE TEACHERS' AND**
 26 **STATE EMPLOYEES' RETIREMENT SYSTEM, THE JUDICIAL RETIREMENT**
 27 **SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM**

28 **SECTION 39.27.(a)** G.S. 135-5 is amended by adding two new subsections to read:
 29 "(zzz) From and after July 1, 2023, the retirement allowance to or on account of beneficiaries
 30 whose retirement commenced on or before July 1, 2022, shall be increased by one percent (1%)
 31 of the allowance payable on June 1, 2023, in accordance with G.S. 135-5(o). Furthermore, from
 32 and after July 1, 2023, the retirement allowance to or on account of beneficiaries whose
 33 retirement commenced after July 1, 2022, but before June 30, 2023, shall be increased by a
 34 prorated amount of one percent (1%) of the allowance payable as determined by the Board of
 35 Trustees based upon the number of months that a retirement allowance was paid between July 1,
 36 2022, and June 30, 2023.

37 (aaaa) From and after July 1, 2024, the retirement allowance to or on account of beneficiaries
 38 whose retirement commenced on or before July 1, 2023, shall be increased by one percent (1%)
 39 of the allowance payable on June 1, 2024, in accordance with G.S. 135-5(o). Furthermore, from
 40 and after July 1, 2024, the retirement allowance to or on account of beneficiaries whose
 41 retirement commenced after July 1, 2023, but before June 30, 2024, shall be increased by a
 42 prorated amount of one percent (1%) of the allowance payable as determined by the Board of
 43 Trustees based upon the number of months that a retirement allowance was paid between July 1,
 44 2023, and June 30, 2024."

45 **SECTION 39.27.(b)** G.S. 135-65 is amended by adding two new subsections to read:
 46 "(kk) From and after July 1, 2023, the retirement allowance to or on account of beneficiaries
 47 whose retirement commenced on or before July 1, 2022, shall be increased by one percent (1%)
 48 of the allowance payable on June 1, 2023. Furthermore, from and after July 1, 2023, the
 49 retirement allowance to or on account of beneficiaries whose retirement commenced after July
 50 1, 2022, but before June 30, 2023, shall be increased by a prorated amount of one percent (1%)

1 of the allowance payable as determined by the Board of Trustees based upon the number of
2 months that a retirement allowance was paid between July 1, 2022, and June 30, 2023.

3 (ll) From and after July 1, 2024, the retirement allowance to or on account of beneficiaries
4 whose retirement commenced on or before July 1, 2023, shall be increased by one percent (1%)
5 of the allowance payable on June 1, 2024. Furthermore, from and after July 1, 2024, the
6 retirement allowance to or on account of beneficiaries whose retirement commenced after July
7 1, 2023, but before June 30, 2024, shall be increased by a prorated amount of one percent (1%)
8 of the allowance payable as determined by the Board of Trustees based upon the number of
9 months that a retirement allowance was paid between July 1, 2023, and June 30, 2024."

10 **SECTION 39.27.(c)** G.S. 120-4.22A is amended by adding two new subsections to
11 read:

12 "(ee) In accordance with subsection (a) of this section, from and after July 1, 2023, the
13 retirement allowance to or on account of beneficiaries whose retirement commenced on or before
14 January 1, 2023, shall be increased by one percent (1%) of the allowance payable on June 1,
15 2023. Furthermore, from and after July 1, 2023, the retirement allowance to or on account of
16 beneficiaries whose retirement commenced after January 1, 2023, but before June 30, 2023, shall
17 be increased by a prorated amount of one percent (1%) of the allowance payable as determined
18 by the Board of Trustees based upon the number of months that a retirement allowance was paid
19 between January 1, 2023, and June 30, 2023.

20 (ff) In accordance with subsection (a) of this section, from and after July 1, 2024, the
21 retirement allowance to or on account of beneficiaries whose retirement commenced on or before
22 January 1, 2024, shall be increased by one percent (1%) of the allowance payable on June 1,
23 2024. Furthermore, from and after July 1, 2024, the retirement allowance to or on account of
24 beneficiaries whose retirement commenced after January 1, 2024, but before June 30, 2024, shall
25 be increased by a prorated amount of one percent (1%) of the allowance payable as determined
26 by the Board of Trustees based upon the number of months that a retirement allowance was paid
27 between January 1, 2024, and June 30, 2024."

28 **UNFUNDED LIABILITY SOLVENCY RESERVE**

29 **SECTION 39.28.(a)** G.S. 143C-4-10 reads as rewritten:

30 **"§ 143C-4-10. Unfunded Liability Solvency Reserve.**

31 ...

32 ~~(e) Use of Funds Appropriated by the General Assembly or Transferred From the General~~
33 ~~Fund Based on Estimated State Tax Revenue Growth.— On the first day of each fiscal year, the~~
34 ~~total amount of funds (i) appropriated by the General Assembly to the Reserve as specified in~~
35 ~~subdivision (e)(1) of this section and (ii) transferred into the Reserve under G.S. 143C-4-2(i) or~~
36 ~~(j) as specified in subdivision (e)(1a) of this section, as of the last day of the preceding fiscal year~~
37 ~~shall be used to appropriate an additional employer contribution to the Health Benefit Trust and~~
38 ~~the Retirement System.~~

39 ~~(e1) Use of Funds Transferred From Savings Achieved by State Debt Refinancing into~~
40 ~~the Reserve. — As soon as practicable after funds are transferred into the Reserve under~~
41 ~~G.S. 142-15.4 and G.S. 142-96, as specified in subdivision (e)(2) of this section, Reserve, the~~
42 ~~State Controller, in conjunction with the State Treasurer, shall transfer the total amount of these~~
43 ~~funds to the Health Benefit Fund and the Retirement System. These funds shall be divided~~
44 ~~between the Health Benefit Fund and the Retirement System according to each program's~~
45 ~~proportion of the State's total unfunded liability of both programs as reported in the most recent~~
46 ~~Annual Comprehensive Financial Report issued by the State Controller Fund.~~

47 ~~(e2) Use of Funds Transferred From Insurance Rebates.— As soon as practicable after~~
48 ~~funds are transferred into the Reserve as specified in subdivision (e)(3) of this section, the State~~
49 ~~Controller, in conjunction with the State Treasurer, shall transfer the total amount of these funds~~
50 ~~to the Health Benefit Fund and the Retirement System. These funds shall be divided between the~~
51 ~~Health Benefit Fund and the Retirement System according to each program's proportion of the~~

1 ~~State's total unfunded liability of both programs as reported in the most recent Annual~~
 2 ~~Comprehensive Financial Report issued by the State Controller.~~

3"

4 **SECTION 39.28.(b)** This section is effective when it becomes law and applies to
 5 fiscal years beginning on or after July 1, 2023.

6
 7 **AUTHORIZE STATE TREASURER TO PAY PREMIUMS TO PURCHASE**
 8 **ALTERNATIVE COVERAGE IN LIEU OF STATE HEALTH PLAN**

9 **SECTION 39.29.(a)** G.S. 135-48.30(a) is amended by adding a new subdivision to
 10 read:

11 "(19) Optionally offer to pay premiums to purchase alternative coverage in lieu of
 12 coverage under the Plan under G.S. 135-48.39A."

13 **SECTION 39.29.(b)** Part 3 of Article 3B of Chapter 135 of the General Statutes is
 14 amended by adding a new section to read:

15 **"§ 135-48.39A. Premiums to purchase alternative coverage for retirees in lieu of coverage**
 16 **under the Plan.**

17 (a) The State Treasurer may offer to pay or reimburse premiums for alternative health
 18 benefit plan coverage in lieu of coverage under the State Health Plan. If the State Treasurer elects
 19 to offer premium payments in lieu of coverage, then the State Treasurer shall adopt rules for and
 20 limitations on doing so.

21 (b) Premium payments in lieu of coverage shall be limited to persons eligible for
 22 coverage under the following, and the State Treasurer may vary the amounts of premium
 23 payments depending on the category of eligibility:

24 (1) G.S. 135-48.40(a)(1).

25 (2) G.S. 135-48.40(a)(2).

26 (3) G.S. 135-48.40(b)(3).

27 (4) G.S. 135-48.40(b)(4).

28 (5) G.S. 135-48.40(c)(2).

29 (c) Notwithstanding the eligibility for coverage provided in Part 4 of this Article,
 30 coverage outside of the Plan shall be in lieu of coverage under the Plan during the period for
 31 which the Plan member chooses premium payments in lieu of coverage."

32 **SECTION 39.29.(c)** This section becomes effective January 1, 2024.

33
 34 **PART XL. CAPITAL**

35
 36 **CAPITAL IMPROVEMENT & REPAIRS AND RENOVATIONS APPROPRIATIONS**

37 **SECTION 40.1.(a)** The following agency capital improvement projects have been
 38 assigned a project code for reference to allocations in this Part, past allocations, and for intended
 39 project support by the General Assembly for future fiscal years:

Agency Capital Improvement Project	Project Code
Department of Agriculture and Consumer Services	
Tidewater Research Station–Swine Unit Replacements	DACs21-2
NCFS–Region 1 Headquarters	DACs21-4
Troxler Science Building–Overflow Parking	DACs23-1
Western NC Farmers Market	DACs23-2
Raleigh State Farmers Market–Improvements	DACs23-3
Pesticide Storage, Loading, & Cleaning Facilities	DACs23-4
Cherry Research Station–Administrative Office	DACs23-5
Griffith Forest Center–Central Warehouse & Office	DACs23-6
D-6 HQ (Cumberland Co.)–Maintenance Shop Replacement	DACs23-7
Research Stations–New Maintenance Shop Facilities	DACs23-8

1	Piedmont Research Station–Bridge	DACS23-9
2	Research Stations–Multipurpose Facilities	DACS23-10
3	NCFS–New County Offices, Region 3	DACS23-11
4	Tuttle Educational State Forest–Office & Education Center	DACS23-12
5	D-12–New Headquarters & Shop	DACS23-13
6		
7	Department of Environmental Quality	
8	Reedy Creek Laboratory	DEQ21-1
9		
10	Department of Natural and Cultural Resources	
11	Fort Fisher Aquarium–Aquarium Expansion	DNCR21-5
12	NC Museum of History–Expansion	DNCR21-13
13	Zoo–New Aviary	DNCR23-1
14	NC Museum of Art at Winston-Salem/SECCA	DNCR23-2
15	Hanging Rock State Park–Vade Mecum	DNCR23-3
16	Stone Mountain State Park–Parking Lot	DNCR23-4
17		
18	Department of Administration	
19	State Government Executive Headquarters	DOA22-1
20	Department of Instruction Building Renovation	DOA22-3
21	Service Campus	DOA23-1
22	State Agency Lease	DOA23-2
23		
24	Department of Insurance	
25	Office of State Fire Marshal	
26	Training Facility	DOI23-1
27	Albemarle Building Facility Improvements	DOI23-2
28		
29	Department of Public Safety	
30	New Youth Detention Center	DPS23-1
31	State Highway Patrol–	
32	Viper Building	DPS21-6
33	Training Center Cadet Dorm & Training Bldg.	DPS23-2
34	Auditorium	DPS23-3
35	Training Academy Facilities Enhancement–Phases 3-6	DPS23-4
36	State Bureau of Investigation–	
37	Headquarters & Building 12 Renovation	DPS21-9
38	National Guard	
39	NCNG Matching Fund	NG23-1
40	Ballentine Building/NCNG Museum	NG23-2
41	Constable Building	NG23-3
42	Rocky Mount Complex/MILCON	NG23-4
43	Special Forces Complex	NG23-5
44	Winston Salem Storage Buildings	NG23-6
45		
46	General Assembly	
47	Education Campus Project	NCGA21-3
48	Education Campus Parking Deck	NCGA23-1
49	Education Campus Site Demolition	NCGA23-2
50		
51	The University of North Carolina	

1	Appalachian State University–	
2	Hickory Campus	UNC/ASU22-1
3	Walker Hall–Interior Renovation	UNC/ASU23-1
4	University of North Carolina at Chapel Hill–	
5	Nursing School Renovation	UNC/CH20-2
6	School of Law	UNC/CH22-1
7	Gardner Hall–Comprehensive Renovation	UNC/CH23-1
8	University of North Carolina at Charlotte–	
9	Smith Hall–Comprehensive Renovation	UNC/CLT23-1
10	Colvard Hall–Comprehensive Renovation	UNC/CLT23-2
11	Esports	UNC/CLT23-3
12	University of North Carolina at Greensboro–	
13	Moore Building–Renovation	UNC/GBO23-1
14	Elizabeth City State University–	
15	Sky Bridge	UNC/ECS21-2
16	Flight School	UNC/ECS21-4
17	Infrastructure Repairs–Phase 3	UNC/ECS23-1
18	Jenkins Hall/Dixon Hall–Labs/Classroom/Bldg. Renovation	UNC/ECS23-2
19	East Carolina University–	
20	Brody School of Medicine	UNC/ECU21-1
21	Howell Science Building North–Comprehensive Renovation	UNC/ECU23-1
22	Leo Jenkins Building/Health Sciences–Comprehensive Renovation	UNC/ECU23-2
23	Medical Examiner	UNC/ECU23-3
24	Fayetteville State University–	
25	College of Education	UNC/FSU21-2
26	Parking Deck	UNC/FSU21-3
27	Butler Targeted Renovation	UNC/FSU23-1
28	H.L. Cook Building–Renovation & Addition	UNC/FSU23-2
29	North Carolina Agricultural & Technical State University–	
30	Marteen Hall–Renovation, Phase 2	UNC/A&T23-1
31	Health and Human Sciences Bldg.	UNC/A&T23-2
32	North Carolina Central University–	
33	Dent Building–Comprehensive Renovation	UNC/NCC23-1
34	Edmonds Classroom Building–Comprehensive Renovation	UNC/NCC23-2
35	University Theater Renovation	UNC/NCC23-3
36	North Carolina State University–	
37	S.T.E.M. Building	UNC/NCS20-1
38	Mann Hall–Renovation, Phase 2	UNC/NCS23-1
39	Dabney Hall–Renovation, Phase 2	UNC/NCS23-2
40	Polk Hall–Renovation, Phase 2	UNC/NCS23-3
41	Veterinary School–Large Animal Hospital	UNC/NCS23-4
42	Engineering Classroom Building	UNC/NCS23-5
43	North Carolina School of Science and Math–	
44	Morganton Campus	
45	Wellness Center	UNC/SSM23-1
46	Durham Campus	
47	Residence Hall/Hill/Reynolds/Royal–Renovation, Phase 1	UNC/SSM23-2
48	Residence Hall/Beall/Bryan–Renovation, Phase 1	UNC/SSM23-3
49	Academic Commons Addition	UNC/SSM23-4
50	University of North Carolina at Asheville–	
51	Lipinsky Hall–Comp. Modernization/Addition	UNC/AVL23-1

1	University of North Carolina at Pembroke–	
2	Health Sciences Center	UNC/PEM21-1
3	Givens Performing Arts Center–Renovation	UNC/PEM23-1
4	University of North Carolina at Wilmington–	
5	Cameron Hall–Comprehensive Renovation/Expansion	UNC/WIL23-1
6	Kenan Auditorium–Comprehensive Renovation/Expansion	UNC/WIL23-2
7	DeLoach Hall–Modernization	UNC/WIL23-3
8	University of North Carolina School of the Arts–	
9	Stevens Center–Renovation, Phase 2	UNC/SA23-1
10	New High School Residence Hall	UNC/SA23-2
11	Western Carolina University–	
12	Replacement Engineering Building	UNC/WCU23-1
13	Winston-Salem State University–	
14	K.R. Williams Auditorium	UNC/WSS21-1
15	Eller Hall–Renovation & Elevator Addition	UNC/WSS23-1
16	Pegram Hall–Renovation & Elevator Addition	UNC/WSS23-2
17	UNC Board of Governors–	
18	UNC Lease Funds	UNC/BOG21-1
19	Athletic Grant Program	UNC/BOG23-1

20		
21	Repairs and Renovations-The University of North Carolina	UNC/R&R21
22	Repairs and Renovations-State Agencies (non-UNC)	R&R21
23	SCIF-Related Personnel	PERS21
24	OSBM Flexibility Funds	FLEX21
25	Community College Capital Allocations	CC21
26	Debt Payoff	DST23-1
27	Wildlife Resources Commission–Hatchery/State Match	WRC23-1

28 **SECTION 40.1.(b)** This subsection authorizes the following capital projects in the
 29 2023-2025 fiscal biennium based upon projected cash flow needs for the authorized projects. The
 30 authorizations provided in this subsection represent the maximum amount of funding from the
 31 State Capital and Infrastructure Fund that may be expended on each project. An additional action
 32 by the General Assembly is required to increase the maximum authorization for any of the
 33 projects listed:

34 **Capital Improvements–**

35 State Capital and	Previous	New/Updated
36 Infrastructure Fund	Project Authorization	Project Authorization
37 DACS21-2	\$3,518,000	\$7,018,000
38 DACS21-4	4,000,000	8,850,000
39 DACS23-1	N/A	2,500,000
40 DACS23-2	N/A	200,000
41 DACS23-3	N/A	5,000,000
42 DACS23-4	N/A	1,750,000
43 DACS23-5	N/A	749,000
44 DACS23-6	N/A	750,000
45 DACS23-7	N/A	4,000,000
46 DACS23-8	N/A	5,000,000
47 DACS23-9	N/A	750,000
48 DACS23-10	N/A	6,200,000
49 DACS23-11	N/A	3,000,000
50 DACS23-12	N/A	4,000,000
51 DACS23-13	N/A	5,000,000

1	DEQ21-1	55,000,000	68,300,000
2	DNCR21-5	15,000,000	45,000,000
3	DNCR21-13	60,000,000	240,000,000
4	DNCR23-1	N/A	60,000,000
5	DNCR23-2	N/A	15,000,000
6	DNCR23-3	N/A	5,000,000
7	DNCR23-4	N/A	620,000
8	DOA22-1	88,000,000	220,000,000
9	DOA22-3	15,000,000	60,000,000
10	DOA23-1	N/A	33,744,000
11	DOI23-1	N/A	55,000,000
12	DOI23-2	N/A	5,000,000
13	DPS21-6	7,139,374	10,634,998
14	DPS23-1	N/A	10,600,000
15	DPS23-2	N/A	43,336,785
16	DPS23-3	N/A	34,000,000
17	DPS23-4	N/A	194,517,803
18	NG23-2	N/A	12,500,000
19	NG23-3	N/A	17,000,000
20	NG23-4	N/A	8,500,000
21	NG23-5	N/A	8,000,000
22	NG23-6	N/A	550,000
23	NCGA21-3	269,000,000	320,000,000
24	NCGA23-1	N/A	65,000,000
25	NCGA23-2	N/A	10,000,000
26	UNC/ASU22-1	9,000,000	50,000,000
27	UNC/ASU23-1	N/A	18,000,000
28	UNC/CH20-2	65,200,000	87,900,000
29	UNC/CH22-1	2,000,000	160,000,000
30	UNC/CLT23-1	N/A	36,000,000
31	UNC/CLT23-2	N/A	45,000,000
32	UNC/CLT23-3	N/A	1,500,000
33	UNC/ECS21-4	34,000,000	54,000,000
34	UNC/ECS23-1	N/A	20,000,000
35	UNC/ECS23-2	N/A	12,500,000
36	UNC/ECU23-1	N/A	46,000,000
37	UNC/ECU23-2	N/A	18,900,000
38	UNC/ECU23-3	N/A	35,000,000
39	UNC/FSU23-1	N/A	20,750,000
40	UNC/FSU23-2	N/A	10,000,000
41	UNC/GBO23-1	N/A	24,200,000
42	UNC/A&T23-1	N/A	9,700,000
43	UNC/A&T23-2	N/A	125,000,000
44	UNC/NCC23-1	N/A	12,073,798
45	UNC/NCC23-2	N/A	12,999,424
46	UNC/NCC23-3	N/A	8,500,000
47	UNC/NCS23-1	N/A	30,000,000
48	UNC/NCS23-2	N/A	80,000,000
49	UNC/NCS23-3	N/A	63,000,000
50	UNC/NCS23-4	N/A	70,000,000
51	UNC/NCS23-5	N/A	200,000,000

1	UNC/SSM23-1	N/A	12,000,000
2	UNC/SSM23-2	N/A	9,250,000
3	UNC/SSM23-3	N/A	7,000,000
4	UNC/SSM23-4	N/A	10,000,000
5	UNC/AVL23-1	N/A	26,150,000
6	UNC/PEM23-1	N/A	61,000,000
7	UNC/SA23-1	N/A	51,000,000
8	UNC/SA23-2	N/A	24,500,000
9	UNC/WIL23-1	N/A	44,500,000
10	UNC/WIL23-2	N/A	24,000,000
11	UNC/WIL23-3	N/A	12,150,000
12	UNC/WCU23-1	N/A	95,300,000
13	UNC/WSS23-1	N/A	10,800,000
14	UNC/WSS23-2	N/A	16,000,000
15	UNC/BOG23-1	N/A	10,000,000
16	CC21	400,000,000	600,000,000
17	FLEX21	100,000,000	175,000,000
18	WRC/23-1	N/A	39,700,000

19 **SECTION 40.1.(c)** The Board of Governors of The University of North Carolina
20 shall prioritize funds allocated for project code UNC/R&R21 for repairs and renovations
21 pursuant to G.S. 143C-8-13 and, notwithstanding G.S. 143C-8-13(a), for projects listed in
22 Section 40.1(d) of S.L. 2021-180. The cost for any single repair and renovation project other than
23 those specifically listed in Section 40.1(d) of S.L. 2021-180 shall not exceed fifteen million
24 dollars (\$15,000,000). The Board of Governors may reallocate funds in accordance with
25 G.S. 143C-8-13(b) or to projects listed in Section 40.1(d) of S.L. 2021-180; provided, however,
26 reallocation of funds intended for a project located at a particular constituent institution may only
27 be reallocated for repairs and renovations projects at that particular constituent institution. The
28 provisions of G.S. 143C-8-13(b)(4) shall not apply to the projects listed in Section 40.1(d) of
29 S.L. 2021-180. The Board of Governors shall report to the Joint Legislative Commission on
30 Governmental Operations in accordance with G.S. 143C-8-13(b).

31 **SECTION 40.1.(d)** For project code R&R21, the provisions of Section 40.1(c) of
32 S.L. 2021-180 shall apply to funds allocated for the project code during the 2023-2025 fiscal
33 biennium.

34 **SECTION 40.1.(e)** For project code UNC/NCS23-4, notwithstanding
35 G.S. 143C-4-5, North Carolina State University is authorized to spend up to one hundred twenty
36 million dollars (\$120,000,000) on the project, but shall commit to providing funding of at least
37 fifty million dollars (\$50,000,000) from non-State sources on or before December 31, 2024, as a
38 match for the intended State allocations totaling seventy million dollars (\$70,000,000) for the
39 project. Upon verification by the Office of State Budget and Management that North Carolina
40 State University has deposited at least twenty-five million dollars (\$25,000,000) into an account
41 dedicated for the project, the University may begin the letting of construction and design
42 contracts and begin construction. It is the intent of the General Assembly to appropriate funds
43 from the State Capital and Infrastructure Fund for this project beginning in the 2025-2026 fiscal
44 year.

45 **SECTION 40.1.(g)** For project code UNC/WIL23-1, notwithstanding
46 G.S. 143C-4-5, the University of North Carolina at Wilmington is authorized to spend up to
47 forty-four million five hundred thousand dollars (\$44,500,000) on the project, but shall commit
48 to providing funding of at least four million four hundred fifty thousand dollars (\$4,450,000)
49 from non-State sources on or before December 31, 2025, as a match for the intended State
50 allocations totaling forty million fifty thousand dollars (\$40,050,000) for the project.

1 **SECTION 40.1.(h)** For project code UNC/WIL23-2, notwithstanding
 2 G.S. 143C-4-5, the University of North Carolina at Wilmington is authorized to spend up to
 3 twenty-four million dollars (\$24,000,000) on the project, but shall commit to providing funding
 4 of at least two million four hundred thousand dollars (\$2,400,000) from non-State sources on or
 5 before December 31, 2025, as a match for the intended State allocations totaling twenty-one
 6 million six hundred thousand dollars (\$21,600,000) for the project.

7 **SECTION 40.1.(i)** There is established in the General Fund an Additional Project
 8 Reserve that shall make funds available for capital improvement project expenditures only upon
 9 an act of appropriation by the General Assembly. The State Controller shall reserve to the
 10 Additional Project Reserve from funds available in the State Capital and Infrastructure Fund the
 11 sum of five hundred million dollars (\$500,000,000) in nonrecurring funds for the 2023-2024
 12 fiscal year. Funds reserved in the Additional Project Reserve pursuant to this subsection do not
 13 constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article V of
 14 the North Carolina Constitution.

15 **SECTION 40.1.(j)** For project code DST23-1, the Department of State Treasurer
 16 may use funds allocated for the project code to redeem bonds that have debt service paid from
 17 the State Capital and Infrastructure Fund if the cost of redeeming those bonds is less than the
 18 estimated market value the bonds would have if not redeemed.

19 **SECTION 40.1.(k)** For project code BOG23-1, the Board of Governors of The
 20 University of North Carolina shall allocate funds, in an amount to be determined by the Board of
 21 Governors, to the athletic department for each of the following constituent institutions upon
 22 submission of a plan to utilize the funds for capital improvements to intercollegiate athletic
 23 facilities:

- 24 (1) Elizabeth City State University.
- 25 (2) Fayetteville State University.
- 26 (3) North Carolina Agricultural and Technical State University.
- 27 (4) North Carolina Central University.
- 28 (5) The University of North Carolina at Asheville.
- 29 (6) The University of North Carolina at Greensboro.
- 30 (7) The University of North Carolina at Pembroke.
- 31 (8) The University of North Carolina at Wilmington.
- 32 (9) Western Carolina University.
- 33 (10) Winston-Salem State University.

34 **SECTION 40.1.(l)** For project code WRC23-1, the Wildlife Resources Commission
 35 is authorized to spend up to thirty-nine million seven hundred thousand dollars (\$39,700,000) on
 36 the project, but shall commit to providing funding of at least nineteen million seven hundred
 37 thousand dollars (\$19,700,000) in non-State funds from the Commission's endowment as a match
 38 to the intended State allocations totaling twenty million dollars (\$20,000,000) for the project.
 39 The Commission shall use the endowment funds described in this subsection on the project prior
 40 to expending any State funds.

41
 42 **SIX-YEAR INTENDED PROJECT ALLOCATION SCHEDULE**

43 **SECTION 40.2.** It is the intent of the General Assembly to fund capital improvement
 44 projects on a cash flow basis and to plan for future project funding based upon projected
 45 availability in the State Capital and Infrastructure Fund. Nothing in this section shall be construed
 46 (i) to appropriate funds or (ii) as an obligation by the General Assembly to appropriate funds for
 47 the projects listed in future years. The following schedule lists capital improvement projects that
 48 will begin or be completed in fiscal years outside of the 2023-2025 fiscal biennium and estimated
 49 amounts (in thousands) needed for completion of those projects:

50
 51 **Project Code FY23-24 FY24-25 FY25-26 FY26-27 FY27-28 FY28-29**

1							
2	PERS21	3,000	3,000	3,000	3,000	3,000	3,000
3	UNC/R&R21	280,503	250,000	175,000	175,000	175,000	175,000
4	R&R21	200,000	200,000	200,000	200,000	200,000	200,000
5	CC21	150,000	150,000	50,000	50,000	N/A	N/A
6	WRC23-1	8,000	6,000	6,000	N/A	N/A	N/A
7	DACS21-2	N/A	2,000	1,500	N/A	N/A	N/A
8	DACS21-4	1,500	1,850	1,500	N/A	N/A	N/A
9	DACS23-7	N/A	N/A	4,000	N/A	N/A	N/A
10	DACS23-8	N/A	N/A	2,000	1,000	1,000	1,000
11	DACS23-9	N/A	N/A	750	N/A	N/A	N/A
12	DACS23-10	N/A	N/A	2,000	2,000	2,200	N/A
13	DACS23-11	N/A	N/A	N/A	1,500	1,500	N/A
14	DACS23-12	N/A	N/A	N/A	4,000	N/A	N/A
15	DACS23-13	N/A	N/A	N/A	5,000	N/A	N/A
16	DEQ21-1	3,325	28,650	17,075	N/A	N/A	N/A
17	DNCR21-5	3,000	7,500	12,000	7,500	N/A	N/A
18	DNCR21-13	45,000	54,250	86,800	30,950	N/A	N/A
19	DNCR23-1	N/A	N/A	3,000	3,000	30,000	24,000
20	DOA22-1	N/A	N/A	N/A	N/A	77,000	55,000
21	DOA22-3	N/A	21,000	N/A	24,000	N/A	N/A
22	DOA23-1	N/A	N/A	N/A	1,500	20,244	12,000
23	DOA23-2	3,750	3,750	3,750	3,750	N/A	N/A
24	DOI23-1	5,500	13,750	22,000	13,750	N/A	N/A
25	DPS21-6	N/A	836.88	2,658.75	N/A	N/A	N/A
26	DPS21-9	3,268	30,000	19,793.24	N/A	N/A	N/A
27	DPS23-1	N/A	N/A	N/A	600	10,000	N/A
28	DPS23-2	2,000	4,333.68	10,834.2	17,334.7	8,834.2	N/A
29	DPS23-3	N/A	3,400	8,500	13,600	8,500	N/A
30	DPS23-4	N/A	N/A	N/A	N/A	N/A	19,451.78
31	NG23-1	4,000	6,000	6,000	3,500	5,000	5,000
32	NG23-2	1,500	6,000	5,000	N/A	N/A	N/A
33	NG23-3	850	850	7,650	7,650	N/A	N/A
34	NG23-4	N/A	2,000	6,500	N/A	N/A	N/A
35	NG23-5	N/A	N/A	800	4,000	3,200	N/A
36	NCGA21-3	N/A	N/A	65,250	74,750	N/A	N/A
37	NCGA23-1	6,500	16,250	26,000	16,250	N/A	N/A
38	UNC/BOG21-1	3,750	3,750	3,750	N/A	N/A	N/A
39	UNC/ASU22-1	N/A	4,100	12,300	14,350	10,250	N/A
40	UNC/ASU23-1	N/A	N/A	N/A	N/A	1,800	6,300
41	UNC/CH20-2	N/A	15,756.95	17,693.05	N/A	N/A	N/A
42	UNC/CH22-1	N/A	15,800	39,500	42,450	47,800	12,450
43	UNC/CH23-1	N/A	N/A	N/A	N/A	2,500	10,000
44	UNC/CLT23-1	N/A	3,600	N/A	12,600	19,800	N/A
45	UNC/CLT23-2	N/A	N/A	N/A	N/A	4,500	N/A
46	UNC/ECU21-1	N/A	N/A	79,007.28	60,742.7	N/A	N/A
47	UNC/ECU23-1	N/A	N/A	N/A	4,600	13,800	16,100
48	UNC/ECU23-2	N/A	N/A	N/A	N/A	1,890	N/A
49	UNC/ECU23-3	8,750	17,500	8,750	N/A	N/A	N/A
50	UNC/NCS20-1	N/A	6,025.2	22,224.8	N/A	N/A	N/A
51	UNC/NCS23-1	N/A	3,000	27,000	N/A	N/A	N/A

1	UNC/NCS23-2	N/A	8,000	24,000	28,000	20,000	N/A
2	UNC/NCS23-3	N/A	6,300	18,900	22,050	15,750	N/A
3	UNC/NCS23-4	N/A	N/A	35,000	35,000	N/A	N/A
4	UNC/NCS23-5	N/A	N/A	N/A	20,000	60,000	60,000
5	UNC/PEM21-1	N/A	N/A	N/A	N/A	36,400	22,750
6	UNC/PEM23-1	N/A	6,100	24,400	30,500	N/A	N/A
7	UNC/ECS21-2	N/A	N/A	2,500	N/A	N/A	N/A
8	UNC/ECS21-4	N/A	30,827.27	9,172.7	N/A	N/A	N/A
9	UNC/ECS23-1	N/A	2,000	8,000	10,000	N/A	N/A
10	UNC/ECS23-2	N/A	N/A	N/A	N/A	1,250	N/A
11	UNC/FSU21-2	N/A	36,376.1	6,573.9	N/A	N/A	N/A
12	UNC/FSU23-1	N/A	N/A	N/A	N/A	2,075	N/A
13	UNC/FSU23-2	1,000	3,500	5,500	N/A	N/A	N/A
14	UNC/A&T23-1	970	3,395	5,335	N/A	N/A	N/A
15	UNC/A&T23-2	N/A	N/A	N/A	N/A	2,000	18,825
16	UNC/NCC23-1	1,207.4	N/A	4,829.5	6,036.9	N/A	N/A
17	UNC/NCC23-2	N/A	1,299.9	N/A	4,549.8	7,149.7	N/A
18	UNC/NCC23-3	N/A	N/A	N/A	N/A	850	N/A
19	UNC/SSM23-3	N/A	3,500	3,500	N/A	N/A	N/A
20	UNC/SSM23-4	N/A	N/A	N/A	N/A	1,000	N/A
21	UNC/AVL23-1	2,615	6,537.5	11,767.5	5,230	N/A	N/A
22	UNC/WSS21-1	N/A	N/A	N/A	N/A	22,800	14,250
23	UNC/WSS23-1	N/A	800	1,080	N/A	3,780	5,140
24	UNC/WSS23-2	N/A	800	1,600	N/A	5,600	8,000
25	UNC/GBO23-1	N/A	2,420	N/A	8,470	13,310	N/A
26	UNC/SA23-1	5,100	12,750	22,950	10,200	N/A	N/A
27	UNC/SA23-2	N/A	N/A	N/A	N/A	2,450	8,575
28	UNC/WIL23-1	N/A	N/A	N/A	N/A	4,005	10,012.5
29	UNC/WIL23-2	N/A	2,160	5,400	8,640	5,400	N/A
30	UNC/WIL23-3	N/A	1,215	4,860	6,075	N/A	N/A
31	UNC/WCU23-1	N/A	2,000	N/A	9,530	33,355	50,415

32

33 **NATIONAL GUARD PROJECTS**

34 **SECTION 40.3.(a)** From the funds allocated in this Part for Project Code NG23-1,
35 the Office of State Budget and Management may disburse to the Department of Public Safety
36 funds needed to provide a State match for federal funds for projects included in the latest Armory
37 and Facilities Development Plan developed pursuant to G.S. 127A-210 and designated by the
38 Adjutant General of the North Carolina National Guard in an amount not exceeding four million
39 dollars (\$4,000,000) during the 2023-2024 fiscal year and not exceeding six million dollars
40 (\$6,000,000) during the 2024-2025 fiscal year.

41 **SECTION 40.3.(b)** No later than June 1, 2025, and every two years thereafter until
42 project completion, the Department shall report on the use of these funds to the Joint Legislative
43 Commission on Governmental Operations, the Fiscal Research Division of the General
44 Assembly, and the Office of State Budget and Management. Each report shall include all of the
45 following:

- 46 (1) The status of all projects undertaken pursuant to this section.
- 47 (2) The estimated total cost of each project.
- 48 (3) The date that work on each project began or is expected to begin.
- 49 (4) The date that work on each project was completed or is expected to be
50 completed.
- 51 (5) The actual cost of each project, including federal matching funds.

- 1 (6) Facilities planned for closure or reversion.
- 2 (7) A list of projects advanced in schedule, those projects delayed in schedule,
- 3 and an estimate of the amount of funds expected to revert to the General Fund.
- 4

NON-GENERAL FUND/NON-SCIF CAPITAL PROJECT AUTHORIZATIONS

SECTION 40.4.(a) The General Assembly authorizes the following capital projects to be funded with receipts or from other non-General Fund and non-State Capital and Infrastructure Fund sources available to the appropriate department:

9	Amount of Non-General Fund/Non-SCIF	
10 Name of Project	Funding Authorized	
11	FY 2023-2024	FY 2024-2025
12		
13 Department of Natural and Cultural Resources		
14 Brunswick Town State Historic Site–		
15 Historical Restorations	\$150,000	\$0
16 Department of Agriculture and Consumer Services		
17 Arena and Barn Replacement	1,900,000	0
18 State Fair Lunch Facility Renovation	25,500,000	0
19 State Fair Gate 8 Restroom Renovation	1,500,000	0
20 Equipment Shelters Replacement	0	300,000
21 Department of Public Safety		
22 Alcoholic Beverage Control–		
23 Warehouse Precast Repair	275,000	0
24 ABC New Campus–Advanced Planning	4,700,000	0
25 Department of Adult Correction		
26 Old Craggy Laundry Wastewater/Stormwater Repl.	742,000	0
27 Wildlife Resources Commission		
28 Land Acquisition	5,000,000	5,000,000
29 Game Land Improvements	2,000,000	0
30 Caswell Depot Expansion	2,460,000	0
31 Mills River Equipment Storage	355,000	0
32 Morganton Depot Equipment Storage	340,000	0
33 Rhems Depot Equipment Storage	415,000	0
34 Troy Depot Office/Shop & Storage	1,900,000	0
35 Shooting Range Office & Classroom Constr.	3,100,000	0
36 Mount Holly Depot	0	2,400,000
37 Marion Aquaculture Building	0	600,000
38		
39 TOTAL AMOUNT OF NON-GENERAL		
40 FUND/NON-SCIF CAPITAL PROJECTS		
41 AUTHORIZED	\$50,337,000	\$8,300,000
42		

SECTION 40.4.(b) From funds deposited with the State Treasurer in a capital improvement account to the credit of the Department of Agriculture and Consumer Services pursuant to G.S. 146-30, the sum of seventy-five thousand dollars (\$75,000) for the 2023-2024 fiscal year and the sum of seventy-five thousand dollars (\$75,000) for the 2024-2025 fiscal year shall be transferred to the Department of Agriculture and Consumer Services to be used, notwithstanding G.S. 146-30, by the Department for its plant conservation program under Article 19B of Chapter 106 of the General Statutes for costs incidental to the acquisition of land, such as land appraisals, land surveys, title searches, and environmental studies, and for the management of the plant conservation program preserves owned by the Department.

1
2 **VARIOUS CAPITAL CHANGES**

3 **SECTION 40.5.(a)** G.S. 143C-8-10 is repealed.

4 **SECTION 40.5.(b)** G.S. 143C-8-11 reads as rewritten:

5 "**§ 143C-8-11. Reversion of appropriation; lapse of project authorization; transfer of funds**
6 **remaining after project completion.**

7 (a) Reversion of Appropriation. – A State agency shall begin the planning of or the
8 construction of an authorized capital improvement project during the fiscal year in which the
9 funds are appropriated. If it does not, the Director may credit the appropriation to the ~~Project~~
10 ~~Reserve Account, State Capital and Infrastructure Fund,~~ unless otherwise required by law. ~~If the~~
11 ~~Director does not credit the appropriation to the Project Reserve Account, the appropriation shall~~
12 ~~revert to the principal fund from which it was appropriated.~~ The Director may, for good cause,
13 allow a State agency to take up to an additional 12 months to take the actions required by this
14 subsection.

15 (b) Lapse of Project Authorization. – Authorizations for capital improvement projects
16 shall lapse if any of the following occur: (i) the appropriation for a capital improvement project
17 reverts, (ii) the construction of a project does not begin during the first two fiscal years in which
18 funds are appropriated, or (iii) the Director redirects funds appropriated for a capital improvement
19 project in accordance with G.S. 143C-6-2. The Director may, for good cause, allow a State
20 agency to take up to an additional 12 months to begin construction of a project; however, if the
21 Director approves an extension of time under this subsection and construction of the project has
22 not begun by the end of the extension, the authorization for the project shall lapse.

23 (c) Funds Remaining After Project Completion. – The State Controller shall transfer any
24 balance of State funds appropriated for a capital project that remains unspent and unencumbered
25 two years after completion of the project in accordance with this section. If applicable law
26 requires a particular disposition of the funds, then the transfer shall be made in accordance with
27 that requirement. ~~Otherwise, the transfer shall be made in accordance with the following~~
28 ~~requirements:~~

29 (1) ~~If the funds were initially allocated from the Reserve for Repairs and~~
30 ~~Renovations, then the funds shall be transferred to that Reserve.~~

31 (2) ~~All other funds balance shall be transferred to the Project Reserve Account~~
32 ~~State Capital and Infrastructure Fund created by G.S.~~
33 ~~143C-8-10.G.S. 143C-4-3.1."~~

34 **SECTION 40.5.(c)** G.S. 143C-4-3.1 reads as rewritten:

35 "**§ 143C-4-3.1. State Capital and Infrastructure Fund.**

36 ...

37 (g) Unexpended Funds. – Funds appropriated for a project that are unspent and
38 unencumbered upon completion of the project shall revert to the Fund. For the purposes of this
39 subsection, a project includes any allocation from the Fund to a State agency or The University
40 of North Carolina.

41"

42 **SECTION 40.5.(d)** Section 40.6(g)(3) of S.L. 2022-74 reads as rewritten:

43 "(3) Third, to be deposited into the ~~Downtown Government Complex Reserve,~~
44 ~~established in Section 2.2 of this act.~~State Capital and Infrastructure Fund."

45 **SECTION 40.5.(e)** Section 40.3(f) of S.L. 2021-180, as enacted by Section 18.2 of
46 S.L. 2022-6, reads as rewritten:

47 "**SECTION 40.3.(f)** Notwithstanding any other provision of law to the contrary, there shall
48 be no local match required for the North Topsail Beach Shoreline Protection – Phases 1–4 project
49 referenced in ~~subsection (b)~~subsection (c) of this section."

50 **SECTION 40.5.(f)** If House Bill 2, 2023 Regular Session, becomes law, then Section
51 9.3 of that act reads as rewritten:

1 **"SECTION 9.3.(a)** Subdivision (65) of Section 40.17(a) of S.L. 2021-180, as enacted by
2 Section 40.2(a) of S.L. 2022-74, reads as rewritten:

3 "(65) The funds for Ball's Creek Camp Ground in the sum of three hundred thousand
4 dollars (\$300,000) for the 2021-2022 fiscal year shall instead be provided to
5 Ball's Creek Campground History & Learning Center, Inc., a nonprofit
6 corporation, to be used for repairs and renovations to Ball's Creek Camp
7 Ground."

8 **"SECTION 9.3.(b)** Section 40.2 of S.L. 2022-74 is amended by adding a new subsection to
9 read:

10 **"SECTION 40.2.(h)** Notwithstanding any provision of law or the Committee Report
11 referenced in Section 43.2 of this act to the contrary, the allocation of two hundred thousand
12 dollars (\$200,000) from the State Capital and Infrastructure Fund to Ball's Creek Campground
13 for capital improvements or equipment shall instead be provided to Ball's Creek Campground
14 History & Learning Center, Inc., a nonprofit corporation, for capital improvements or
15 equipment."

16 **SECTION 40.5.(g)** Part 24 of S.L. 2022-74 is amended by adding a new section to
17 read:

18 **REPEAL GRANT ALLOCATION**

19 **"SECTION 24.5.** Notwithstanding any provision of law or the Committee Report referenced
20 in Section 43.2 of this act to the contrary, the directed grant in the amount of fifty thousand
21 dollars (\$50,000) in nonrecurring funds for the 2022-2023 fiscal year shall not be provided to
22 Ace Speedway Racing, Ltd., and the funds shall revert."

23 **SECTION 40.6.(h)** The State Controller shall transfer all funds remaining in the
24 Government Complex Reserve established in Section 2.2(r) of S.L. 2022-74 to the State Capital
25 and Infrastructure Fund.

26 **SECTION 40.6.(i)** Section 2.2(r) of S.L. 2022-74 is repealed.

27
28 **PART XLI. TRANSPORTATION**

29
30 **CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND**

31 **SECTION 41.1.(a)** Subsections (b) and (c) of Section 41.1 of S.L. 2022-74 are
32 repealed.

33 **SECTION 41.1.(b)** The General Assembly authorizes and certifies anticipated
34 revenues for the Highway Fund as follows:

35	For Fiscal Year 2025-2026	\$3,170.2 million
36	For Fiscal Year 2026-2027	\$3,216.9 million
37	For Fiscal Year 2027-2028	\$3,265.1 million
38	For Fiscal Year 2028-2029	\$3,382.0 million
39	For Fiscal Year 2029-2030	\$3,436.4 million

40 **SECTION 41.1.(c)** The General Assembly authorizes and certifies anticipated
41 revenues for the Highway Trust Fund as follows:

42	For Fiscal Year 2025-2026	\$2,487.2 million
43	For Fiscal Year 2026-2027	\$2,514.8 million
44	For Fiscal Year 2027-2028	\$2,652.8 million
45	For Fiscal Year 2028-2029	\$2,728.1 million
46	For Fiscal Year 2029-2030	\$2,771.7 million

47 **SECTION 41.1.(d)** The Department of Transportation, in collaboration with the
48 Office of State Budget and Management, shall develop a five-year revenue forecast. The
49 five-year revenue forecast developed under this subsection shall be used (i) to develop the
50 five-year cash flow estimates included in the biennial budgets, (ii) to develop the Strategic

1 Transportation Improvement Program, and (iii) by the Department of the State Treasurer to
 2 compute transportation debt capacity.

3
 4 **CONTINGENCY FUNDS**

5 **SECTION 41.2.(a)** The funds appropriated in this act to the Department of
 6 Transportation, Construction – Contingency Fund Code for the 2023-2024 fiscal year shall be
 7 allocated statewide for rural or small urban highway improvements and related transportation
 8 enhancements to public roads and public facilities, industrial access roads, railroad infrastructure,
 9 and spot safety projects, including pedestrian walkways that enhance highway safety. Projects
 10 funded pursuant to this subsection require prior approval by the Secretary of Transportation.
 11 Funds allocated under this subsection shall not revert at the end of the applicable fiscal year but
 12 shall remain available until expended. The use of funds that do not revert under this subsection
 13 is not restricted to the fiscal year in which the funds were allocated.

14 **SECTION 41.2.(b)** The Department of Transportation shall report to the members
 15 of the General Assembly on projects funded pursuant to subsection (a) of this section in each
 16 member's district prior to construction. The Department shall make a quarterly comprehensive
 17 report on the use of these funds to the Joint Legislative Transportation Oversight Committee and
 18 the Fiscal Research Division.

19
 20 **CAPITAL, REPAIRS, AND RENOVATIONS**

21 **SECTION 41.3.** For the 2023-2025 fiscal biennium, the funds appropriated in this
 22 act from the Highway Fund to the Department of Transportation for capital, repairs, and
 23 renovations shall be used as follows:

25 Item	FY 2023-24	FY 2024-25
26 Avery Maintenance Engineer Office	2,628,000	
27 Cherry Branch Shore Power	2,104,000	
28 Clay Maintenance Engineer Office 29 and Equipment Shop	261,354	
30 Columbus DMV Office/Troop B District 31 V Headquarters	3,500,000	
32 Hyde Maintenance Office and Equipment Shop	2,485,045	
33 Iredell Maintenance Engineer 34 and Bridge Maintenance Office	1,628,865	
35 New Hanover DMV Office/Troop 36 B District VI Headquarters	4,100,000	
37 Replace Rooftop HVAC Units – Century Center	449,500	200,000
38 Rowan District Engineer Office	627,426	
39 Statewide Americans with Disabilities 40 Act Compliance	1,000,000	1,000,000
41 Statewide Asbestos Abatement	462,000	504,000
42 Statewide Roof Repair	7,027,638	7,623,363
43 Statewide Office Repairs and Renovations	1,244,500	1,244,500
44 Surry District Engineer Office	1,231,450	
45 Watauga District Engineer Office	1,070,041	
46		
47 Total	\$29,819,819	\$10,571,863

48
 49 **STRATEGIC CORRIDORS**

1 **SECTION 41.4.(a)** The Department of Transportation shall study and develop a
2 schedule for implementing a strategic corridor plan through the State Transportation
3 Improvement Program. The study shall include all of the following corridors:

- 4 (1) Future I-87 Corridor from Williamston to the Virginia state line.
- 5 (2) Future I-74 Corridor from Richmond County to the South Carolina state line
6 in Brunswick County, including the Carolina Bays Parkway Extension.
- 7 (3) Proposed Future Interstate/US 74 from I-26 in Polk County to I-85 in Gaston
8 County.
- 9 (4) Future I-785/US 29 from I-85 in Greensboro to Virginia state line.
- 10 (5) Proposed Future Interstate/US 74 from Wingate to Rockingham.
- 11 (6) Future I-685 from I-85 in Guilford to I-95.
- 12 (7) Future I-42/US 70 from Wake County to Port of Morehead City.

13 **SECTION 41.4.(b)** On or before March 1, 2024, the Department shall submit a
14 written report with its findings, including a comprehensive schedule for the corridors, current
15 phase of each project, types of facilities for the project, proposed schedule and completion time
16 line, estimated cost, total amount spent to date, and any recommendations for legislation, to the
17 Joint Legislative Transportation Oversight Committee (JLTOC) and the Fiscal Research
18 Division.

19 **SECTION 41.4.(c)** The North Carolina Department of Transportation is directed to
20 work with the State's federal elected representatives, the U.S. Department of Transportation, the
21 Federal Highway Administration (FHWA), and all relevant federal agencies to expedite an
22 interstate designation of the US 74 Corridor from exit 10 in Gaston County through Cleveland
23 County and Rutherford County to exit 67 in Polk County at I-26.

24 25 **POWELL BILL FUNDS**

26 **SECTION 41.5.** For the 2023-2025 fiscal biennium:

- 27 (1) The Department of Transportation shall not reduce the funds appropriated
28 under this act to the State Aid – Powell Bill Fund for allocation under the
29 Powell Bill (G.S. 136-41.1 through G.S. 136-41.4).
- 30 (2) Notwithstanding G.S. 136-41.1(a), eligible municipalities with a population
31 of 400,000 or more shall receive the same amount of Powell Bill Program
32 funds allocated for the 2020-2021 fiscal year. The remaining Powell Bill
33 Program funds shall be allocated to municipalities with a population of less
34 than 400,000 in accordance with the requirements of G.S. 136-41.1(a).

35 36 **FACILITIES MAINTENANCE DIVISION POSITIONS**

37 **SECTION 41.6.(a)** Of the funds appropriated in this act to the Department of
38 Transportation, Facilities Maintenance Division (FMD), the Department shall create 14 full-time
39 equivalent (FTE) Maintenance and Construction Tech III positions (FMD positions). The FMD
40 positions shall be assigned to the 14 local highway division offices and integrated into the current
41 FMD organizational structure set up for regional maintenance of the Division of Motor Vehicles
42 offices. The FMD positions shall be responsible for building inspections, maintenance, repairs
43 and support for State-owned buildings, and management of contracts necessary to complete
44 tasks. Operational funds based on needs shall be allotted by the FMD main office for support of
45 the local highway divisions and district. The FMD shall submit a report on the implementation
46 status of this section by October 1, 2023, and May 1, 2024, to the House of Representatives
47 Appropriations Committee on Transportation, Senate Appropriations Committee on the
48 Department of Transportation, Joint Legislative Transportation Oversight Committee (JLTOC),
49 and the Fiscal Research Division. The report shall include the status of creating and filling
50 positions, lease of trucks, purchase of rolling stock and other supplies, and methodology for
51 allocation of operational funds for the local highway divisions and amount of funds spent. The

1 FMD shall include a needs assessment for additional staffing and funding for routine building
2 maintenance activities.

3 **SECTION 41.6.(b)** By August 1 of each year, the Facilities Maintenance Division
4 shall submit a report to the Joint Legislative Transportation Oversight Committee (JLTOC) and
5 the Fiscal Research Division. The report shall include the following information:

- 6 (1) Capital projects status to include each project undertaken, amount of funds
7 expended, and planned completion and, if additional appropriations are
8 required, include amount needed for completion of the project.
9 (2) Information on the contract, including whether the Department of
10 Administration administered the contract and whether the contract was
11 managed by DOT.
12 (3) Update of building replacement schedules for upcoming budget planning.
13

14 ROAD AND BRIDGE NAMING

15 **SECTION 41.7.** Notwithstanding any provision of law to the contrary, the
16 Department of Transportation shall designate as follows:

- 17 (1) A section of Interstate 40 in Catawba County named in honor of Cherie Killian
18 Berry, the first female Commissioner of Labor in North Carolina.
19 (2) A pedestrian bridge to be constructed in Concord at the Charlotte Motor
20 Speedway named in honor of Linda P. Johnson.
21 (3) The bridge on U.S. Highway 74 that crosses over the Catawba River at the
22 Mecklenburg County and Gaston County line and is numbered 350091 by the
23 Department as the "Dana Bumgardner Bridge."
24

25 ROADSIDE ENVIRONMENTAL

26 **SECTION 41.8.** Of the funds appropriated to the Department of Transportation from
27 the Highway Fund for the 2023-2025 fiscal biennium, the Department shall spend the following
28 amounts for Roadside Environmental:

29	FY 2023-2024	\$144,000,000
30	FY 2024-2025	\$144,000,000

32 RIGHT-OF-WAY CONDEMNATION JUST COMPENSATION INTEREST RATE

33 **SECTION 41.9.(a)** G.S. 136-113 reads as rewritten:

34 "§ 136-113. Interest as a part of just compensation.

35 To said amount awarded as damages by the commissioners or a jury or judge, the judge shall,
36 as a part of just compensation, add interest at the legal rate as provided in G.S. 24-1 on said
37 amount from the date of taking to the date of satisfaction of the judgment; but interest shall not
38 be allowed from the date of deposit on so much thereof as shall have been paid into court as
39 provided in this Article. ~~For purposes of this section, the term "legal rate" means the prime~~
40 ~~lending rate, as published by the Board of Governors of the Federal Reserve System on the first~~
41 ~~business day of the calendar month immediately preceding the date of taking. The legal rate~~
42 ~~established under this section shall not exceed the legal rate set in G.S. 24-1. An amount awarded~~
43 ~~as damages shall bear simple, not compounding, interest."~~

44 **SECTION 41.9.(b)** G.S. 24-1 reads as rewritten:

45 "§ 24-1. Legal rate is eight percent.

46 ~~Except as otherwise provided in G.S. 136-113, the~~ The legal rate of interest shall be eight
47 percent (8%) per annum for such time as interest may accrue, and no more."

48 **SECTION 41.9.(c)** This section is effective when it becomes law and applies to
49 causes of action filed on or after that date.
50

51 CONTRACT TO MANAGE FERRY CONSTRUCTION

1 **SECTION 41.10.(a)** For the 2023-2025 fiscal biennium, and notwithstanding any
2 other provision of law, the Department of Transportation shall contract with a qualified vendor
3 to manage ferry vessel construction.

4 **SECTION 41.10.(b)** Beginning January 1, 2024, and quarterly thereafter until the
5 end of the biennium, the Department shall report to the Joint Legislative Transportation Oversight
6 Committee and the Fiscal Research Division on ferry construction progress.

7 8 **CLARIFY FERRY OPERATING BUDGET REQUIREMENTS**

9 **SECTION 41.11.** Section 41.15A of S.L. 2021-180 is amended by adding the
10 following new subsections to read:

11 "SECTION 41.15A.(c) Notwithstanding subsections (a) and (b) of this section, the
12 Committee Report described in Section 43.2 of this act, and any other provision of law, the
13 Department of Transportation may maintain field, program, administrative, or any other fund
14 codes it determines to be necessary within its internal SAP accounting system to implement this
15 section. The Department shall combine these internal fund codes to show only Fund Code 7825
16 for Ferry Operations in the North Carolina Accounting System and North Carolina Financial
17 System and any successor accounting systems. To the extent practicable, the Department shall
18 combine these internal fund codes to show only Fund Code 7825 in reports required by the
19 General Assembly and any other public reports.

20 "SECTION 41.15A.(d) Notwithstanding any other provision of law, the Office of State
21 Budget and Management may make changes to the Integrated Budget Information System, North
22 Carolina Accounting System, North Carolina Financial System, or any successor systems to
23 those listed to comply with this section."

24 25 **S-LINE ANNUAL REPORT**

26 **SECTION 41.12.** Beginning October 1, 2023, the Department of Transportation,
27 Rail Division, shall report annually on the status of the S-Line rail corridor reconstruction project
28 between Raleigh and Ridgeway to the Joint Legislative Transportation Oversight Committee and
29 the Fiscal Research Division. This report shall include the status of the acquisition of the project;
30 the total allocations of any funds to the project and their source, including Highway Fund,
31 Highway Trust Fund, and federal funds; and the amount of funds disbursed, including the
32 recipients of those funds. The report shall include any details of lease agreements made with any
33 property owners along the corridor after acquisition is completed. The report shall include an
34 estimated time line, or dates of work completed, of the major project phases, including
35 acquisition, preconstruction, construction, and project closeout. The report shall show the amount
36 of federal funds associated with each State appropriation for the project and detail the award or
37 awards associated with that appropriation.

38 39 **PASSENGER RAIL FLEET PLAN AND COST ESTIMATES**

40 **SECTION 41.13.** The Department of Transportation, Rail Division, shall submit a
41 report on its passenger rail fleet plan to the Joint Legislative Transportation Oversight Committee
42 (JLTOC) and the Fiscal Research Division by December 31, 2023. The report shall include all
43 of the following information regarding new passenger rail rolling stock:

- 44 (1) The source of funds for purchasing the new passenger rail rolling stock.
- 45 (2) The cost to purchase the new passenger rail rolling stock.
- 46 (3) The delivery time line for the new passenger rail rolling stock.
- 47 (4) The expected annual cost for maintenance and contractor services for the new
48 passenger rail rolling stock.
- 49 (5) The annual total cost for the existing passenger rail fleet.
- 50 (6) A comparison of the annual total cost for the existing passenger rail fleet to
51 the expected annual total cost for the new passenger rail rolling stock.

1
2 **EXTEND DURATION OF LICENSES AND ALLOW UNLIMITED REMOTE LICENSE**
3 **RENEWALS**

4 **SECTION 41.14.(a)** G.S. 20-7 reads as rewritten:

5 **"§ 20-7. Issuance and renewal of drivers licenses.**

6 ...
7 (f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
8 pursuant to the provisions of this subsection:

9 ...
10 (2) Duration of original license for persons at least 18 years of age or older. – A
11 drivers license issued to a person at least 18 years old but less than 66 years
12 old expires on the birthday of the licensee in the ~~eight~~sixteenth year after
13 issuance. A drivers license issued to a person at least 66 years old expires on
14 the birthday of the licensee in the fifth year after issuance. A commercial
15 drivers license expires on the birthday of the licensee in the fifth year after
16 issuance. A commercial drivers license that has a vehicles carrying passengers
17 (P) and school bus (S) endorsement issued pursuant to G.S. 20-37.16 expires
18 on the birthday of the licensee in the third year after issuance, if the licensee
19 is certified to drive a school bus in North Carolina.

20 (2a) Duration of renewed licenses. – A renewed drivers license that was issued by
21 the Division to a person at least 18 years old but less than 66 years old expires
22 ~~eight~~16 years after the expiration date of the license that is renewed. A
23 renewed drivers license that was issued by the Division to a person at least 66
24 years old expires five years after the expiration date of the license that is
25 renewed. A renewed commercial drivers license expires five years after the
26 expiration date of the license that is renewed.

27 ...
28 (6) Remote renewal or conversion. – Subject to the following requirements and
29 limitations, the Division ~~may~~shall offer remote renewal of a drivers license
30 or remote conversion of a full provisional license issued by the Division:

- 31 a. Requirements. – To be eligible for remote renewal or conversion under
32 this subdivision, a person must meet all of the following requirements:
- 33 1. The license holder possesses either (i) a valid Class C drivers
34 license or (ii) a valid full provisional license and is at least 18
35 years old at the time of the remote conversion.
 - 36 2. The license holder's current license includes no restrictions
37 other than a restriction for corrective lenses.
 - 38 3. The license holder attests, in a manner designated by the
39 Division, that (i) the license holder is a resident of the State and
40 currently resides at the address on the license to be renewed or
41 converted, (ii) the license holder's name as it appears on the
42 license to be renewed or converted has not changed, and (iii)
43 all other information required by the Division for an in-person
44 renewal under this Article has been provided completely and
45 truthfully. If the license holder does not currently reside at the
46 address on the license to be renewed or converted, the license
47 holder may comply with the address requirement of this
48 sub-sub-subdivision by providing the address at which the
49 license holder resides at the time of the remote renewal or
50 conversion request.

- 4. ~~For a remote renewal, the most recent renewal was an in-person renewal and not a remote renewal under this subdivision.~~
- 5. The license holder is otherwise eligible for renewal or conversion under this subsection.

...."

INCREASE COMPENSATION TO COMMISSION CONTRACT AGENTS AND INCREASE PORTION OF TITLE & REGISTRATION FEES CREDITED TO HIGHWAY FUND

SECTION 41.15.(a) G.S. 20-63(h1) reads as rewritten:

"(h1) Commission contracts entered into by the Division under this subsection shall also provide for the payment of an additional ~~one dollar (\$1.00)~~ two dollars (\$2.00) of compensation to commission contract agents for any transaction assessed a fee under subdivision (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), or (a)(9) of G.S. 20-85."

SECTION 41.15.(b) G.S. 20-85(a1) reads as rewritten:

"(a1) ~~One dollar (\$1.00)~~ Two dollars (\$2.00) of the fee imposed for any transaction assessed a fee under subdivision (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), or (a)(9) of this section shall be credited to the North Carolina Highway Fund. The Division shall use the fees derived from transactions with commission contract agents for the payment of compensation to commission contract agents. An additional twenty cents (20¢) of the fee imposed for any transaction assessed a fee under subdivision (a)(1) of this section shall be credited to the Mercury Pollution Prevention Fund in the Department of Environmental Quality."

SECTION 41.15.(c) This section becomes effective October 1, 2023, and applies to certificates of title issued or renewed on or after that date.

PART XLII. FINANCE

ACCELERATE REDUCTION OF PERSONAL INCOME TAX RATE TO 4.5%

SECTION 42.1.(a) G.S. 105-153.7(a) reads as rewritten:

"(a) Tax. – A tax is imposed for each taxable year on the North Carolina taxable income of every individual. The tax shall be levied, collected, and paid annually. The tax is a percentage of the taxpayer's North Carolina taxable income computed as follows:

Taxable Years Beginning	Tax
In 2022	4.99%
In 2023	4.75%
In 2024 <u>and 2025</u>	4.6% <u>4.5%</u>
In 2025	4.5%
In 2026	4.25%
After 2026	3.99%."

SECTION 42.1.(b) This section is effective when it becomes law.

INCREASE STANDARD DEDUCTION

SECTION 42.2.(a) G.S. 105-153.5(a)(1) reads as rewritten:

"(1) Standard deduction amount. – The standard deduction amount is zero for a person who is not eligible for a standard deduction under section 63 of the Code. For all other taxpayers, the standard deduction amount is equal to the amount listed in the table below based on the taxpayer's filing status:

Filing Status	Standard Deduction
Married, filing jointly/surviving spouse	\$25,500 <u>\$26,000</u>
Head of Household	19,125 <u>19,500</u>

1 Single 12,75013,000
 2 Married, filing separately 12,75013,000."

3 **SECTION 42.2.(b)** This section is effective for taxable years beginning on or after
 4 January 1, 2024.

5
 6 **INCREASE CHILD DEDUCTION**

7 **SECTION 42.3.(a)** G.S. 105-153.5(a1) reads as rewritten:

8 "(a1) Child Deduction Amount. – A taxpayer who is allowed a federal child tax credit under
 9 section 24 of the Code for the taxable year is allowed a deduction under this subsection for each
 10 qualifying child for whom the taxpayer is allowed the federal tax credit. The amount of the
 11 deduction is equal to the amount listed in the table below based on the taxpayer's adjusted gross
 12 income, as calculated under the Code:

Filing Status	AGI	Deduction Amount
Married, filing jointly/ surviving spouse	Up to \$40,000	\$3,000 <u>\$3,600</u>
	Over \$40,000	
	Up to \$60,000	2,500 <u>3,000</u>
	Over \$60,000	
	Up to \$80,000	2,000 <u>2,400</u>
	Over \$80,000	
	Up to \$100,000	1,500 <u>1,800</u>
	Over \$100,000	
	Up to \$120,000	1,000 <u>1,200</u>
	Over \$120,000	
Head of Household	Up to \$140,000	500.00 <u>600.00</u>
	Over \$140,000	0
	Up to \$30,000	\$3,000 <u>\$3,600</u>
	Over \$30,000	
	Up to \$45,000	2,500 <u>3,000</u>
	Over \$45,000	
	Up to \$60,000	2,000 <u>2,400</u>
	Over \$60,000	
	Up to \$75,000	1,500 <u>1,800</u>
	Over \$75,000	
Single	Up to \$90,000	1,000 <u>1,200</u>
	Over \$90,000	
	Up to \$105,000	500.00 <u>600.00</u>
	Over \$105,000	0
	Up to \$20,000	\$3,000 <u>\$3,600</u>
	Over \$20,000	
	Up to \$30,000	2,500 <u>3,000</u>
	Over \$30,000	
	Up to \$40,000	2,000 <u>2,400</u>
	Over \$40,000	
Up to \$50,000	1,500 <u>1,800</u>	
Over \$50,000		
Up to \$60,000	1,000 <u>1,200</u>	
Over \$60,000		
Up to \$70,000	500.00 <u>600.00</u>	
Over \$70,000	0	

1			
2	Married, filing separately	Up to \$20,000	\$3,000 <u>\$3,600</u>
3		Over \$20,000	
4		Up to \$30,000	2,500 <u>3,000</u>
5		Over \$30,000	
6		Up to \$40,000	2,000 <u>2,400</u>
7		Over \$40,000	
8		Up to \$50,000	1,500 <u>1,800</u>
9		Over \$50,000	
10		Up to \$60,000	1,000 <u>1,200</u>
11		Over \$60,000	
12		Up to \$70,000	500.00 <u>600.00</u>
13		Over \$70,000	0."

14 **SECTION 42.3.(b)** This section is effective for taxable years beginning on or after
 15 January 1, 2024.

16
 17 **ESTABLISH REFUNDABLE ADOPTION TAX CREDIT**

18 **SECTION 42.4.(a)** G.S. 105-151.32 is reenacted as it existed immediately before its
 19 repeal, is recodified as G.S. 105-153.11, and is rewritten to read:

20 "**§ 105-153.11. Credit for adoption expenses.**

21 (a) Credit. – An individual who is allowed a federal adoption tax credit under section 23
 22 of the Code for the taxable year is allowed a credit against the tax imposed by this Part. The credit
 23 is equal to two thousand dollars (\$2,000) for each eligible child for the taxable year in which the
 24 lawful adoption becomes final.

25 (b) Limitations. – The following limitations apply to a credit under this section:

- 26 (1) A nonresident or part-year resident who claims the credit allowed by this
 27 section shall reduce the amount of the credit by multiplying it by the fraction
 28 calculated under G.S. 105-153.4(b) or (c), as appropriate.
- 29 (2) For spouses who file separate returns for a taxable year in which they could
 30 have filed a joint return, each may claim only one-half of the credit provided
 31 in this section that would have been allowed on a joint return.

32 (c) Credit Refundable. – If the credit allowed by this section exceeds the amount of the
 33 tax imposed by this Part for the taxable year reduced by the sum of all credits allowable, the
 34 Secretary must refund the excess to the taxpayer. The refundable excess is governed by the
 35 provisions governing a refund of an overpayment by the taxpayer of the tax imposed in this Part.
 36 In computing the amount of tax against which multiple credits are allowed, nonrefundable credits
 37 are subtracted before refundable credits."

38 **SECTION 42.4.(b)** This section is effective for taxable years beginning on or after
 39 January 1, 2024.

40
 41 **ESTABLISH INCOME TAX CREDIT FOR LIVE ORGAN DONATION EXPENSES**

42 **SECTION 42.5.(a)** Part 2 of Article 4 of Subchapter I of Chapter 105 of the General
 43 Statutes is amended by adding a new section to read:

44 "**§ 105-153.11. Credit for live organ donation.**

45 (a) Definitions. – The following definitions apply in this section:

- 46 (1) Human organ. – Human bone marrow or any organ of a human, including the
 47 intestine, kidney, liver, lung, or pancreas.
- 48 (2) Live organ donation. – A donation by a living individual of one or more of the
 49 individual's human organs to another human to be transplanted using a
 50 medical procedure to the body of another individual.

(3) Live organ donation expenses. – The total amount of the expenses listed in this subdivision that are incurred by the taxpayer, that are directly related to a live organ donation, and that are not reimbursed to the taxpayer by any person. An expense is "directly related" if it is incurred due to a live organ donation procedure or due to evaluation, recovery, follow-up visits, or rehospitalization associated with a live organ donation procedure. The expenses are:

- a. Lost wages.
- b. Transportation, lodging, and meals.

(b) Credit. – A taxpayer who makes a live organ donation or who is allowed to claim as a dependent a person who makes a live organ donation is allowed a credit against the tax imposed by this Part equal to the lesser of the live organ donation expenses or five thousand dollars (\$5,000). For the purposes of this section, "dependent" means a qualifying child or qualifying relative as defined in section 152 of the Code.

(c) Limitation. – The credit allowed under this section may not exceed the amount of tax imposed by this Part for the taxable year reduced by the sum of all other credits allowable, except tax payment made by or on behalf of the taxpayer.

(d) Carryforward. – Any unused portion of a credit allowed in this section may be carried forward for the succeeding five years."

SECTION 42.5.(b) G.S. 105-153.5(a) reads as rewritten:

"(a) Deduction Amount. – In calculating North Carolina taxable income, a taxpayer may deduct from adjusted gross income either the standard deduction amount provided in subdivision (1) of this subsection or the itemized deduction amount provided in subdivision (2) of this subsection. The deduction amounts are as follows:

- ...
- (2) Itemized deduction amount. – An amount equal to the sum of the items listed in this subdivision. The amounts allowed under this subdivision are not subject to the overall limitation on itemized deductions under section 68 of the Code:

- ...
- c. Medical and Dental Expense. – The amount allowed as a deduction for medical and dental expenses under section 213 of the Code for that taxable year. No deduction is allowed for live organ donation expenses for which a credit was taken under G.S. 105-153.11.

...."

SECTION 42.5.(c) This section is effective for taxable years beginning on or after January 1, 2023.

REDUCE FRANCHISE TAX RATE

SECTION 42.6.(a) G.S. 105-120.2(b) reads as rewritten:

"(b) Tax Rate. – Every corporation taxed under this section shall annually pay to the Secretary of Revenue, at the time the return is due, a franchise or privilege tax at the rate of ~~one dollar and fifty cents (\$1.50)~~ listed below per one thousand dollars (\$1,000) of the amount determined under subsection (a) of this section, but in no case shall the tax be more than one hundred fifty thousand dollars (\$150,000) nor less than two hundred dollars (\$200.00). The tax rates are as follows:

<u>Taxable Years Beginning</u>	<u>Tax Rate Per \$1,000</u>
<u>In 2025</u>	<u>\$1.40</u>
<u>In 2026</u>	<u>\$1.30</u>
<u>In 2027</u>	<u>\$1.20</u>
<u>In 2028</u>	<u>\$1.10</u>
<u>After 2028</u>	<u>\$1.00."</u>

SECTION 42.6.(b) G.S. 105-122(d2) reads as rewritten:

"(d2) Tax Rate. – For a C Corporation, as defined in G.S. 105-130.2, ~~the tax rate is one dollar and fifty cents (\$1.50) as listed below~~ per one thousand dollars (\$1,000) of the corporation's tax base as determined under subsection (d) of this section. For an S Corporation, as defined in G.S. 105-130.2, the tax rate is two hundred dollars (\$200.00) for the first one million dollars (\$1,000,000) of the corporation's tax base as determined under subsection (d) of this section and ~~one dollar and fifty cents (\$1.50) the rate listed below~~ per one thousand dollars (\$1,000) of its tax base that exceeds one million dollars (\$1,000,000). In no event may the tax imposed by this section be less than two hundred dollars (\$200.00). The tax rates are as follows:

<u>Taxable Years Beginning</u>	<u>Tax Rate Per \$1,000</u>
<u>In 2025</u>	<u>\$1.40</u>
<u>In 2026</u>	<u>\$1.30</u>
<u>In 2027</u>	<u>\$1.20</u>
<u>In 2028</u>	<u>\$1.10</u>
<u>After 2028</u>	<u>\$1.00."</u>

SECTION 42.6.(c) This section is effective for taxable years beginning on or after January 1, 2025, and is applicable to the calculation of franchise tax reported on the 2024 and later corporate income tax return.

REPEAL STATE PRIVILEGE TAX ON PROFESSIONALS

SECTION 42.7.(a) G.S. 105-41 and G.S. 93-12(12) are repealed.

SECTION 42.7.(b) G.S. 53-191 reads as rewritten:

"§ 53-191. Businesses exempted.

Nothing in this Article shall be construed to apply to any person, firm or corporation doing business under the authority of any law of this State or of the United States relating to banks, trust companies, savings and loan associations, cooperative credit unions, agricultural credit corporations or associations organized under the laws of North Carolina, production credit associations organized under the act of Congress known as the Farm Credit Act of 1933, pawnbrokers lending or advancing money on specific articles of personal property, industrial banks, the business of negotiating loans on real ~~estate as defined in G.S. 105-41, estate,~~ nor to installment paper dealers as defined in G.S. 105-83 other than persons, firms and corporations engaged in the business of accepting fees for endorsing or otherwise securing loans or contracts for repayment of loans."

SECTION 42.7.(c) G.S. 105-88(b) reads as rewritten:

"(b) This section does not apply to banks, industrial banks, trust companies, savings and loan associations, cooperative credit unions, the business of negotiating loans on real ~~estate as described in G.S. 105-41, estate,~~ or insurance premium finance companies licensed under Article 35 of Chapter 58 of the General Statutes. This section applies to those persons or concerns operating what are commonly known as loan companies or finance companies and whose business is as hereinbefore described, and those persons, firms, or corporations pursuing the business of lending money and taking as security for the payment of the loan and interest an assignment of wages or an assignment of wages with power of attorney to collect the amount due, or other order or chattel mortgage or bill of sale upon household or kitchen furniture. No real estate mortgage broker is required to obtain a privilege license under this section merely because the broker advances the broker's own funds and takes a security interest in real estate to secure the advances and when, at the time of the advance, the broker has already made arrangements with others for the sale or discount of the obligation at a later date and does so sell or discount the obligation within the period specified in the arrangement or extensions thereof; or when, at the time of the advance the broker intends to sell the obligation to others at a later date and does, within 12 months from date of initial advance, make arrangements with others for the sale of the obligation and does sell the obligation within the period specified in the

1 arrangement or extensions thereof; or because the broker advances the broker's own funds in
2 temporary financing directly involved in the production of permanent-type loans for sale to
3 others; and no real estate mortgage broker whose mortgage lending operations are essentially as
4 described above is required to obtain a privilege license under this section."

5 **SECTION 42.7.(d)** This section is effective for taxes imposed for taxable years
6 beginning on or after July 1, 2023.

7
8 **INCREASE CREDITS FOR INCOME-PRODUCING REHABILITATED MILL**
9 **PROPERTY**

10 **SECTION 42.8.(a)** G.S. 105-129.71 reads as rewritten:

11 "**§ 105-129.71. Credit for income-producing rehabilitated mill property.**

12 (a) Credit. – A taxpayer who is allowed a credit under section 47 of the Code for making
13 qualified rehabilitation expenditures of at least three million dollars (\$3,000,000) with respect to
14 a certified rehabilitation of an eligible site is allowed a credit equal to a percentage of the
15 expenditures that qualify for the federal credit. The credit may be claimed in the year in which
16 the eligible site is placed into service. When the eligible site is placed into service in two or more
17 phases in different years, the amount of credit that may be claimed in a year is the amount based
18 on the qualified rehabilitation expenditures associated with the phase placed into service during
19 that year. In order to be eligible for a credit allowed by this Article, the taxpayer must provide to
20 the Secretary a copy of the eligibility certification and the cost certification. The amount of the
21 credit is as follows:

- 22 (1) For an eligible site located in a development tier one or two area, determined
23 as of the date of the eligibility certification, the amount of the credit is equal
24 to ~~forty percent (40%)~~ forty-five percent (45%) of the qualified rehabilitation
25 expenditures.
26 (2) For an eligible site located in a development tier three area, determined as of
27 the date of the eligibility certification, the amount of the credit is equal to ~~thirty~~
28 ~~percent (30%)~~ thirty-five percent (35%) of the qualified rehabilitation
29 expenditures.

30"

31 **SECTION 42.8.(b)** This section is effective for qualified rehabilitation expenditures
32 occurring on or after January 1, 2024.

33
34 **MAKE HISTORIC REHABILITATION AND HISTORIC MILL CREDITS**
35 **PERMANENT**

36 **SECTION 42.9.(a)** G.S. 105-129.75 and G.S. 105-129.110 are repealed.

37 **SECTION 42.9.(b)** This section is effective when it becomes law.

38
39 **SALES TAX EXEMPTION, FORGIVENESS, AND REFUNDS FOR CONTINUING**
40 **CARE RETIREMENT COMMUNITIES**

41 **SECTION 42.10.(a)** Article 9 of Subchapter I of Chapter 105 of the General Statutes
42 is amended by adding a new section to read:

43 "**§ 105-244.4B. Forgiveness of certain sales tax assessments of continuing care retirement**
44 **communities.**

45 (a) Reduction. – The Secretary must reduce by one hundred percent (100%) a sales and
46 use tax assessment against a taxpayer who requests relief for State and local sales and use taxes
47 and waive any penalties imposed as part of the assessment when the assessment is the result of
48 an audit of the taxpayer by the Department, and all of the following apply:

- 49 (1) The taxpayer is a provider of continuing care. The terms "continuing care"
50 and "provider" have the same meanings as defined in G.S. 58-64-1.

meanings as defined in G.S. 58-64-1. The term "alcoholic beverage" has the same meaning as defined in G.S. 18B-101."

SECTION 42.10.(c) Refund. – A provider of continuing care is allowed a refund of all North Carolina State and local sales and use taxes paid by the provider of continuing care for purchases of items eligible for exemption under G.S. 105-164.13(74), as amended by this section, if the sale was made on or after October 1, 2020, but before October 1, 2023. The amount of the refund must be reduced by the amount of sales and use tax due from the provider of continuing care on the purchase price of the item under G.S. 105-164.13(74), as amended by this section, if the sale was made on or after October 1, 2020. If a provider of continuing care collected the tax from the purchaser, the Secretary may allow the refund only if the provider of continuing care gives the purchaser credit for or a refund of the tax collected from the purchaser. A request for a refund under this section must be in writing and must include any information and documentation required by the Secretary. A request for a refund under this section must be made on or after October 1, 2023, and is due before December 1, 2023. A refund allowed under this section is not an overpayment of tax and does not accrue interest as provided in G.S. 105-241.21.

SECTION 42.10.(d) Subsection (b) of this section becomes effective October 1, 2023. The remainder of this section is effective when it becomes law.

EXTEND SUNSET ON EXEMPTIONS AND REFUNDS FOR PROFESSIONAL MOTORSPORTS

SECTION 42.11.(a) G.S. 105-164.13 reads as rewritten:

"§ 105-164.13. Retail sales and use tax.

The sale at retail and the use, storage, or consumption in this State of the following items are specifically exempted from the tax imposed by this Article:

(65) This subdivision expires January 1, ~~2024~~2028. Sales of the following to a professional motorsports racing team or a related member of a team for use in competition in a sanctioned race series:

- a. The sale, lease, or rental of an engine.
- b. The sales price of or gross receipts derived from a service contract on, or repair, maintenance, and installation services for, a transmission, an engine, rear-end gears, and any tangible personal property that is purchased, leased, or rented and that is exempt from tax under this subdivision or that is allowed a sales tax refund under G.S. 105-164.14A(a)(5).
- c. The gross receipts derived from an agreement to provide an engine to a professional motorsports racing team or related member of a team for use in competition in a sanctioned race series, where such agreement does not meet the definition of a "service contract" as defined in G.S. 105-164.3 but may meet the definition of the term "lease or rental" as defined in G.S. 105-164.3.

(65a) An engine or a part to build or rebuild an engine for the purpose of providing an engine under an agreement to a professional motorsports racing team or a related member of a team for use in competition in a sanctioned race series. This subdivision expires January 1, ~~2024~~2028.

...."

SECTION 42.11.(b) G.S. 105-164.14A(a) reads as rewritten:

"§ 105-164.14A. Economic incentive refunds.

(a) Refund. – The following taxpayers are allowed an annual refund of sales and use taxes paid under this Article:

...

- (4) Motorsports team or sanctioning body. – A professional motorsports racing team, a motorsports sanctioning body, or a related member of such a team or body is allowed a refund of the sales and use tax paid by it in this State on aviation gasoline or jet fuel that is used to travel to or from a motorsports event in this State, to travel to a motorsports event in another state from a location in this State, or to travel to this State from a motorsports event in another state. For purposes of this subdivision, a "motorsports event" includes a motorsports race, a motorsports sponsor event, and motorsports testing. This subdivision is repealed for purchases made on or after January 1, ~~2024~~2028.
- (5) Professional motorsports team. – A professional motorsports racing team or a related member of a team is allowed a refund of fifty percent (50%) of the sales and use tax paid by it in this State on tangible personal property, other than tires or accessories, that comprises any part of a professional motorsports vehicle. For purposes of this subdivision, "motorsports accessories" includes instrumentation, telemetry, consumables, and paint. This subdivision is repealed for purchases made on or after January 1, ~~2024~~2028.

...."

SECTION 42.11.(c) This section is effective when it becomes law.

EXPAND AVIATION SALES TAX EXEMPTION SO THAT PARTS AND ACCESSORIES EXEMPTION ALIGNS WITH LABOR EXEMPTION FOR SAME TYPES OF AIRCRAFT

SECTION 42.12.(a) G.S. 105-164.3(197) reads as rewritten:

"(197) Qualified aircraft. – An aircraft with a maximum take-off weight of ~~more than 9,000 pounds but not in excess of 15,000 pounds~~2,000 pounds and above."

SECTION 42.12.(b) G.S. 105-164.13(61a)m. reads as rewritten:

"m. Any of the following:

1. A qualified aircraft.
2. A qualified jet engine.
- ~~3. An aircraft with a gross take off weight of more than 2,000 pounds."~~

SECTION 42.12.(c) This section becomes effective July 1, 2023, and applies to sales occurring on or after that date.

EXTEND SUNSET FOR AVIATION GASOLINE AND JET FUEL FOR USE IN COMMERCIAL AIRCRAFT

SECTION 42.13.(a) G.S. 105-164.13 reads as rewritten:

"§ 105-164.13. Retail sales and use tax.

The sale at retail and the use, storage, or consumption in this State of the following items are specifically exempted from the tax imposed by this Article:

...

- (11b) Sales of aviation gasoline and jet fuel to an interstate air business for use in a commercial aircraft. For purposes of this subdivision, the term "commercial aircraft" has the same meaning as defined in subdivision (45a) of this section. This exemption also applies to aviation gasoline and jet fuel purchased for use in a commercial aircraft in interstate or foreign commerce by a person whose primary business is scheduled passenger air transportation. This subdivision expires January 1, ~~2024~~2028.

...."

SECTION 42.13.(b) This section is effective when it becomes law.

EXPAND SALES TAX EXEMPTION FOR FUEL & CONSUMABLES USED BY BOATS TRANSPORTING FREIGHT ON INLAND AND INTRACOASTAL WATERWAYS

SECTION 42.14.(a) G.S. 105-164.13 reads as rewritten:

"§ 105-164.13. Retail sales and use tax.

The sale at retail and the use, storage, or consumption in this State of the following items are specifically exempted from the tax imposed by this Article:

- ...
- (24) Sales of fuel and other tangible personal property for use or consumption by or on ~~ocean going vessels which ply the high seas interstate or foreign commerce in the~~ a watergoing vessel when delivered to an officer or agent of the vessel for the use of the vessel engaged in either of the activities listed in this subdivision. Sales of fuel and other tangible personal property made to officers, agents, members of the crew, or passengers of these vessels for their personal use are not exempt from payment of the sales tax. The activities are:
 - a. The transport of freight—freight in intrastate, interstate, or foreign commerce, whether on the high seas, intracoastal waterways, sounds, or rivers.
 - b. and/or—The transport of passengers for hire exclusively, when delivered to an officer or agent of such vessel for the use of such vessel; provided, however, that sales of fuel and other tangible personal property made to officers, agents, members of the crew or passengers of such vessels for their personal use shall not be exempted from payment of the sales tax exclusively on the high seas.

...."

SECTION 42.14.(b) This section becomes effective October 1, 2023, and applies to sales occurring on or after that date.

REENACT MODIFIED CONSERVATION TAX CREDIT

SECTION 42.15.(a) G.S. 105-130.34 is reenacted as it existed immediately before its expiration and reads as rewritten:

"§ 105-130.34. Credit for certain real property donations.

(a) Credit. – Any C Corporation that makes a qualified donation of an interest in real property located in North Carolina during the taxable year that is useful for (i) public beach access or use, (ii) public access to public waters or trails, (iii) fish and wildlife conservation, (iv) forestland or farmland conservation, (v) watershed protection, (vi) conservation of natural areas as that term is defined in G.S. 113A-164.3(3), (vii) conservation of natural or scenic river areas as those terms are used in G.S. 113A-34, (viii) conservation of predominantly natural parkland, or (ix) historic landscape conservation (i) for forestland or farmland preservation, (ii) for fish and wildlife conservation, (iii) as a buffer to limit land use activities that would restrict, impede, or interfere with military training, testing, or operations on a military installation or training area or otherwise be incompatible with the mission of the installation, (iv) for floodplain protection in a county that, in the five years preceding the donation, was the subject of a Type II or Type III gubernatorial disaster declaration, as provided in G.S. 166A-19.21, as a result of a natural disaster, (v) for historic landscape conservation, or (vi) for public trails or access to public trails is allowed a credit against the tax imposed by this Part equal to twenty-five percent (25%) of the fair market value of the donated property interest. To be eligible for this credit, the interest in real property must be donated in perpetuity for one of the qualifying uses listed in this subsection and accepted in perpetuity for the qualifying use for which the property is donated. The person to whom the property is donated must be the State, a local government, or a body that is both organized to receive and administer lands for conservation purposes and qualified to receive charitable contributions pursuant to G.S. 105-130.9. Lands required to be dedicated pursuant to

1 local governmental regulation or ordinance and dedications made to increase building density
2 levels permitted under a regulation or ordinance are not eligible for this credit.

3 The credit allowed under this section for one or more qualified donations made in a taxable
4 year may not exceed five hundred thousand dollars (\$500,000). To support the credit allowed by
5 this section, the taxpayer must file with the income tax return for the taxable year in which the
6 credit is claimed the following:

7 (1) A certification by the Department of ~~Environment and Natural~~ and Cultural
8 Resources that the property donated is suitable for one or more of the valid
9 public benefits set forth in this subsection.

10 (2) A self-contained appraisal report or summary appraisal report as defined in
11 Standards Rule 2-2 in the latest edition of the Uniform Standards of
12 Professional Appraisal Practice as promulgated by the Appraisal Foundation
13 for the property. For fee simple absolute donations of real property, a taxpayer
14 may submit documentation of the county's appraised value of the donated
15 property, as adjusted by the sales assessment ratio, in lieu of an appraisal
16 report.

17 (b) Limitation. – The credit allowed by this section may not exceed the amount of tax
18 imposed by this Part for the taxable year reduced by the sum of all credits allowed, except
19 payments of tax made by or on behalf of the taxpayer.

20 (c) Carryforward. – Any unused portion of this credit may be carried forward for the next
21 succeeding five years.

22 (d) No Double Benefit. – That portion of a qualifying donation that is the basis for a credit
23 allowed under this section is not eligible for deduction as a charitable contribution under
24 G.S. 105-130.9."

25 **SECTION 42.15.(b)** G.S. 105-151.12 is reenacted as it existed immediately before
26 its expiration, is recodified as G.S. 105-153.11, and reads as rewritten:

27 **"§ 105-153.11. Credit for certain real property donations.**

28 (a) Credit. – An individual or pass-through entity that makes a qualified donation of an
29 interest in real property located in North Carolina during the taxable year that is useful ~~for (i)~~
30 ~~public beach access or use, (ii) public access to public waters or trails, (iii) fish and wildlife~~
31 ~~conservation, (iv) forestland or farmland conservation, (v) watershed protection, (vi)~~
32 ~~conservation of natural areas as that term is defined in G.S. 113A-164.3(3), (vii) conservation of~~
33 ~~natural or scenic river areas as those terms are used in G.S. 113A-34, (viii) conservation of~~
34 ~~predominantly natural parkland, or (ix) historic landscape conservation (i) for forestland or~~
35 ~~farmland preservation, (ii) for fish and wildlife conservation, (iii) as a buffer to limit land use~~
36 ~~activities that would restrict, impede, or interfere with military training, testing, or operations on~~
37 ~~a military installation or training area or otherwise be incompatible with the mission of the~~
38 ~~installation, (iv) for floodplain protection in a county that, in the five years preceding the~~
39 ~~donation, was the subject of a Type II or Type III gubernatorial disaster declaration, as provided~~
40 ~~in G.S. 166A-19.21, as a result of a natural disaster, (v) for historic landscape conservation, or~~
41 ~~(vi) for public trails or access to public trails is allowed a credit against the tax imposed by this~~
42 Part equal to twenty-five percent (25%) of the fair market value of the donated property interest.
43 To be eligible for this credit, the interest in property must be donated in perpetuity for one of the
44 qualifying uses listed in this subsection and accepted in perpetuity for the qualifying use for
45 which the property is donated. The person to whom the property is donated must be the State, a
46 local government, or a body that is both organized to receive and administer lands for
47 conservation purposes and qualified to receive charitable contributions under the Code. Lands
48 required to be dedicated pursuant to local governmental regulation or ordinance and dedications
49 made to increase building density levels permitted under a regulation or ordinance are not eligible
50 for this credit.

1 To support the credit allowed by this section, the taxpayer must file with the income tax return
2 for the taxable year in which the credit is claimed the following:

3 (1) A certification by the Department of ~~Environment and Natural~~ and Cultural
4 Resources that the property donated is suitable for one or more of the valid
5 public benefits set forth in this subsection. The certification for a qualified
6 donation made by a pass-through entity must be filed by the pass-through
7 entity.

8 (2) A self-contained or summary appraisal report as defined in Standards Rule
9 2-2 in the latest edition of the Uniform Standards of Professional Appraisal
10 Practice as promulgated by the Appraisal Foundation for the property. For fee
11 simple absolute donations of real property, a taxpayer may submit
12 documentation of the county's appraised value of the donated property, as
13 adjusted by the sales assessment ratio, in lieu of an appraisal report.

14 (a1) Individuals. – The aggregate amount of credit allowed to an individual in a taxable
15 year under this section for one or more qualified donations made during the taxable year, whether
16 made directly or indirectly as owner of a pass-through entity, may not exceed two hundred fifty
17 thousand dollars (\$250,000). In the case of property owned by a married couple, if both spouses
18 are required to file North Carolina income tax returns, the credit allowed by this section may be
19 claimed only if the spouses file a joint return. The aggregate amount of credit allowed to a
20 husband and wife filing a joint tax return may not exceed five hundred thousand dollars
21 (\$500,000). If only one spouse is required to file a North Carolina income tax return, that spouse
22 may claim the credit allowed by this section on a separate return.

23 (a2) Pass-Through Entities. – The aggregate amount of credit allowed to a pass-through
24 entity in a taxable year under this section for one or more qualified donations made during the
25 taxable year, whether made directly or indirectly as owner of another pass-through entity, may
26 not exceed five hundred thousand dollars (\$500,000). Each individual who is an owner of a
27 pass-through entity is allowed as a credit an amount equal to the owner's allocated share of the
28 credit to which the pass-through entity is eligible under this subsection, not to exceed two
29 hundred fifty thousand dollars (\$250,000). Each corporation that is an owner of a pass-through
30 entity is allowed as a credit an amount equal to the owner's allocated share of the credit to which
31 the pass-through entity is eligible under this subsection, not to exceed five hundred thousand
32 dollars (\$500,000). If an owner's share of the pass-through entity's credit is limited due to the
33 maximum allowable credit under this section for a taxable year, the pass-through entity and its
34 owners may not reallocate the unused credit among the other owners.

35 (b) Limitation. – The credit allowed by this section may not exceed the amount of tax
36 imposed by this Part for the taxable year reduced by the sum of all credits allowed, except
37 payments of tax made by or on behalf of the taxpayer.

38 (c) Carryforward. – Any unused portion of this credit may be carried forward for the next
39 succeeding five years.

40 (d) No Double Benefit. – That portion of a qualifying donation that is the basis for a credit
41 allowed under this section is not eligible for deduction as a charitable contribution under
42 G.S. 105-130.9.

43 ~~(e) In the case of marshland for which a claim has been filed pursuant to G.S. 113-205,~~
44 ~~the offer of donation must be made before December 31, 2003 to qualify for the credit allowed~~
45 ~~by this section.~~

46 (f) Repealed by Session Laws 2007-309, s. 2, effective for taxable years beginning on or
47 after January 1, 2007."

48 **SECTION 42.15.(c)** This section is effective for taxable years beginning on or after
49 January 1, 2023.

50
51 **PART XLIII. MISCELLANEOUS**

STATE BUDGET ACT APPLIES

SECTION 43.1. The provisions of the State Budget Act, Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

COMMITTEE REPORT

SECTION 43.2.(a) The North Carolina House Appropriations Committee Report on the Current Operations Appropriations Act of 2023, Proposed Committee Substitute for H259, as amended, which was distributed in the House and used to explain this act, shall indicate action by the General Assembly on this act and shall, therefore, be used to construe this act, as provided in the State Budget Act, Chapter 143C of the General Statutes, as appropriate, and for these purposes shall be considered a part of this act and, as such, shall be printed as a part of the Session Laws.

SECTION 43.2.(b) The budget enacted by the General Assembly is for the maintenance of the various departments, institutions, and other spending agencies of the State for the 2023-2025 biennial budget as provided in G.S. 143C-3-5. This budget includes the appropriations of State funds as defined in G.S. 143C-1-1(d)(25).

The Director of the Budget submitted a recommended base budget to the General Assembly in the Governor's Recommended Budget for the 2023-2025 fiscal biennium, dated March 2023, and in the Budget Support Document for the various departments, institutions, and other spending agencies of the State. The adjustments to the recommended base budget made by the General Assembly are set out in the Committee Report.

SECTION 43.2.(c) The budget enacted by the General Assembly shall also be interpreted in accordance with G.S. 143C-5-5, the special provisions in this act, and other appropriate legislation. In the event that there is a conflict between the line-item budget certified by the Director of the Budget and the budget enacted by the General Assembly, the budget enacted by the General Assembly shall prevail.

SECTION 43.2.(d) Notwithstanding subsection (a) of this section, the following portions of the Committee Report are for reference, and do not expand, limit, or define the text of the Committee Report:

- (1) Summary pages setting forth the enacted budget, the legislative changes, the revised budget, and the related FTE information for a particular budget code and containing no other substantive information.
- (2) Summary pages setting forth the enacted budget, the legislative changes, the revised budget, and the related FTE information for multiple fund codes within a single budget code and containing no other substantive information.

REPORT BY FISCAL RESEARCH DIVISION

SECTION 43.3. The Fiscal Research Division shall issue a report on budget actions taken by the 2023 Regular Session of the General Assembly. The report shall be in the form of a revision of the Committee Report described in Section 43.2 of this act pursuant to G.S. 143C-5-5. The Director of the Fiscal Research Division shall send a copy of the report issued pursuant to this section to the Director of the Budget. The report shall be published on the General Assembly's internet website for public access.

APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

SECTION 43.4. Except where expressly repealed or amended by this act, the provisions of any legislation enacted during the 2023 Regular Session of the General Assembly affecting the State budget shall remain in effect.

MOST TEXT APPLIES ONLY TO THE 2023-2025 FISCAL BIENNIUM

SECTION 43.5. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 2023-2025 fiscal biennium, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 2023-2025 fiscal biennium.

EFFECT OF HEADINGS

SECTION 43.6. The headings to the Parts, Subparts, and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act, except for effective dates referring to a Part or Subpart.

SEVERABILITY CLAUSE

SECTION 43.7. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE

SECTION 43.8. Except as otherwise provided, this act becomes effective July 1, 2023.