

# Vetoed Legislation

See full summary documents for additional detail

## **Guarantee 2nd Amendment Freedom and Protections.**

SL 2023-8 (S41)

S.L. 2023-8 does the following:

- Authorizes an individual who has a valid concealed handgun permit, or who is exempt from obtaining that permit, to carry a handgun in a place of religious worship that is also educational property if:
  - The property is not owned by a local board of education or county commission.
  - The property is not a public or private institution of higher education.
  - The property is not posted with a notice prohibiting carrying a concealed handgun on the premises.
  - The handgun is only possessed and carried on the property outside of school operating hours.
- Authorizes concealed carry for certain law enforcement facility employees.
- Repeals the requirement to obtain a pistol purchase permit from the sheriff prior to the purchase or transfer of a pistol.
- Creates a statewide firearm safe storage awareness initiative to educate the public about safe firearm storage, to facilitate the distribution of gun locks, and to provide local communities with a toolkit to launch local firearm safe storage initiatives.

This bill was vetoed by the Governor on March 24, 2023, and that veto was overridden by the General Assembly on March 29, 2023. This act has various effective dates. Please see the full summary for more details.

## **Care for Women, Children, and Families Act - Part I.**

SL 2023-14 (S20)

Part I of S.L. 2023-14, as amended by Part XIII-B and Part XIV of S.L. 2023-65, repeals and replaces the current abortion law in North Carolina. Under the new law, abortion is permitted through the first 12 weeks of pregnancy for any reason, through the 20th week of pregnancy if the pregnancy resulted from rape or incest, through the 24th week of pregnancy if there is a life-limiting anomaly in the unborn child, and at any time if there is a medical emergency for the pregnant woman. Part I also bifurcates the definition of abortion into surgical and medical abortions and creates new informed consent provisions for both. Finally, Part I criminalizes the provision or advertising of abortion-inducing drugs in certain circumstances, prohibits eugenic abortions, and establishes reporting requirements for abortion.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. This Part of the act became effective July 1, 2023, and the criminal provisions apply to any offenses committed on or after that date.

## **Care for Women, Children, and Families Act - Part II.**

SL 2023-14 (S20)

Part II of S.L. 2023-14, as amended by Part XIV of S.L. 2023-65, requires that all surgical abortions be performed in hospitals, ambulatory surgical centers, or licensed abortion clinics. It also authorizes the Department of Health and Human Services (DHHS) to adopt rules for the regulation of abortion clinics.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. The provisions in this Part of the act authorizing the adoption of rules became effective July 1, 2023. The remaining provisions in this Part of the act became effective October 1, 2023.

## **Care for Women, Children, and Families Act - Part III.**

SL 2023-14 (S20)

Part III of S.L. 2023-14 requires medical providers to employ the same duty of care for children born alive after attempted abortions that they would for any other child of the same gestational age. It also creates criminal penalties for the failure to exercise that duty of care.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. This Part of the act became effective July 1, 2023, and applies to offenses committed on or after that date.

## **Care for Women, Children, and Families Act - Part IV.**

SL 2023-14 (S20)

Part IV of S.L. 2023-14, as amended by Section 2 of S.L. 2023-79, appropriates funds for long-term birth control, increases the Medicaid rate for obstetrics maternal bundle payments, expands the practice authority of Certified Nurse Midwives, and appropriates funds to expand the Safe Sleep North Carolina Campaign.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. The Certified Nurse Midwife provisions in this Part of the act became effective October 1, 2023. The remainder of the Part of the act became effective July 1, 2023.

## **Care for Women, Children, and Families Act - Part V.**

SL 2023-14 (S20)

Part V of S.L. 2023-14, as amended by Part XIII-A of S.L. 2023-65, grants state employees eight weeks of paid leave after giving birth to a child and four weeks of paid leave after becoming a parent in any other manner.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. This Part of the act became effective July 1, 2023.

### **Care for Women, Children, and Families Act - Part VI.**

SL 2023-14 (S20)

Part VI of S.L. 2023-14 amends the current law for the safe surrender of an infant by identifying specific individuals to whom an infant can be surrendered and outlining the duties, immunity, confidentiality, and notice related to a safely surrendered infant. It also appropriates funds to the State Maternity Home Fund, prevents racial discrimination in adopting or placing a child for foster care, increases the kinship care and foster care rates, appropriates funds to cover a loss in federal receipts from the Family First Prevention Services Act, and appropriates funds to the NC Finish Line Grants Program.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. The safe surrender provisions of this Part of the act became effective October 1, 2023, and apply to infants surrendered on or after that date. The remaining provisions of this Part became effective July 1, 2023.

### **Care for Women, Children, and Families Act - Part VII.**

SL 2023-14 (S20)

Part VII of S.L. 2023-14 requires reimbursement rates for three-, four-, and five-star rated childcare facilities to be funded at the 75th percentile of the 2021 Child Care Market Rate Study as of October 1, 2023. Funds are appropriated for this purpose. Tuition reimbursement for low-income children at private childcare facilities is decoupled from subsidized childcare market rates.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. This Part of the act became effective July 1, 2023.

### **Care for Women, Children, and Families Act - Part VIII.**

SL 2023-14 (S20)

Part VIII of S.L. 2023-14 expands the list of crimes that make an individual subject to satellite-based monitoring and expands amount of time an individual would be subject to that monitoring. It also makes assault on a pregnant woman and domestic violence crimes.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. This Part of the act became effective December 1, 2023, and applies to offenses committed on or after that date.

## **Reimburse Late Audit Costs with Sales Tax Rev.**

SL 2023-59 (S299)

S.L. 2023-59 authorizes the Local Government Commission to withhold a county or municipality's sales tax distribution if the county or municipality fails to submit an annual audit report. The amount withheld is equivalent to 150% of the cost of the required audit.

This bill was vetoed by the Governor on June 19, 2023, and that veto was overridden by the General Assembly on June 27, 2023. Section 1 of the act becomes effective January 1, 2024, and applies to audits for fiscal years ending on or after June 30, 2023. The remainder of the act became effective June 27, 2023.

## **Retail Installment Sales Act Amendments.**

SL 2023-60 (S329)

S.L. 2023-60 modifies the maximum finance charge rates that can be applied to consumer credit installment sale contracts and increases from \$15 to \$18 the default charge for past due installment payments.

This bill was vetoed by the Governor on June 19, 2023, and that veto was overridden by the General Assembly on June 27, 2023. This act became effective October 1, 2023, and applies to contracts entered into, modified, or renewed on or after that date.

## **Consumer Finance Act Amendments.**

SL 2023-61 (S331)

S.L. 2023-61 makes various changes to the Consumer Finance Act.

This bill was vetoed by the Governor on June 19, 2023, and that veto was overridden by the General Assembly on June 27, 2023. This act became effective October 1, 2023, and applies to contracts entered into, modified, or renewed on or after that date.

## **Nondiscrimination and Dignity in State Work.**

SL 2023-62 (S364)

S.L. 2023-62 adds two new sections to the North Carolina Human Resources Act (the Act).

This bill was vetoed by the Governor on June 16, 2023, and that veto was overridden by the General Assembly on June 27, 2023. This act became effective December 1, 2023.

## **Include Income From the Sale of Honey in Gross Income for Purposes of Present Use Value Taxation – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 1

Section 1 of S.L. 2023-63 allows income from the sale of honey to be considered gross income for the purposes of present use value taxation.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective for taxes imposed for taxable years beginning on or after July 1, 2023.

## **Clarify that Turkey Brooder Litter Recycling is a Bona Fide Farm Purpose with Respect to County Zoning – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 1.1

Section 1.1 of S.L. 2023-63 clarifies that a facility that receives used turkey brooder litter from brooder farms and recycles the used litter by means of a drying process to reduce the moisture content of the litter sufficient to send the recycled litter to a turkey grow-out farm for reuse is a bona fide farm purpose that is exempt from county zoning.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

## **Correct References to North Carolina Tobacco Foundation, Inc. – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 1.2

Section 1.2 of S.L. 2023-63 changes statutory references to the North Carolina Tobacco Foundation, Inc. to refer to the North Carolina Agricultural Foundation, Inc. to reflect a merger between the North Carolina Agricultural Foundation, Inc. and the North Carolina Tobacco Foundation, Inc.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

## **Add Equine Industry Member to the Board of Agriculture – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 1.3

Section 1.3 of S.L. 2023-63 adds a twelfth member to the Board of Agriculture, who must be actively involved in the equine industry to represent the equine industry of the State.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

## **Exempt Compost from Sales Tax for Qualifying Farmers – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 1.4

Section 1.4 of S.L. 2023-63 exempts compost from sales and use tax when purchased by a qualifying farmer for use primarily in farming operations.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective October 1, 2023.

## **Amend the Definition of Agriculture – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 1.5

Section 1.5 of S.L. 2023-63 includes the following activities under the statutory definition of agriculture:

- Pine orchards planted for the purpose of harvesting pine needles for sale, or the harvesting of pine needles for sale from land with a forest management plan.
- When performed on the farm, biofuel production for commercial sale.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

## **Agritourism Advertising – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 2

Section 2 of S.L. 2023-63 allows placement of farm signs in the right-of-way of the State highway system during a farm's seasonal operation. The same placement rules that apply to political signs during the period when they are allowed to be placed in the right-of-way apply to farm signs.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

## **Amend Requirements on Agritourism Warning Signs – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 2.1

Section 2.1 of S.L. 2023-63 reduces the size requirement of the letters on the warning signage required to be posted in order for an agritourism operator to have immunity from liability for injury or death resulting exclusively from the inherent risks of such activities, such that the letters on those signs have to be a minimum of three quarters of one inch high rather than one inch high.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

## **Clarify Definition of Property-Hauling Vehicles – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 3

Section 3 of S.L. 2023-63 provides that a fifth-wheel trailer, recreational vehicle, semitrailer, or trailer used exclusively or primarily to transport vehicles in connection with motorsports competition events is not considered a property-hauling vehicle.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

## **Farm Equipment Defense for Stop Light Inductive Loops – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 3.1

Section 3.1 of S.L. 2023-63 creates a statutory defense for the operator of farm equipment or machinery who runs a red light using an inductive loop to activate the traffic signal if all the following conditions are met:

- The operator brought the farm equipment or machinery to a complete stop at the light.
- No other vehicle that was entitled to have the right-of-way was sitting at, traveling through, or approaching the intersection.
- No pedestrians were attempting to cross at or near the intersection.
- The farm equipment or machinery operator waited at least three minutes at the intersection before entering.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

## **Amend Veterinary Medical Board Inspection Process and Give Veterinary Medical Board Responsibility for Performing Inspections of Boarding Kennels Operated by Veterinarians – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 4

Section 4 of S.L. 2023-63:

- Effective October 1, 2023, requires that the Veterinary Medical Board (Board) provide written notice of an upcoming inspection of a veterinary practice facility at least one week prior to the inspection. The written notice has to be accompanied by a checklist of all standards adopted by rule for which the inspector can issue a violation and, with as much specificity as possible, conditions that violate the standards. The veterinarian is authorized to contact the Board to reschedule the inspection, but the inspection must be rescheduled no later than one week after the originally scheduled date of the inspection.
- Effective 60 days after the Board adopts implementing rules, provides that the Board is responsible for the licensing and inspection of boarding kennels owned and operated by licensed veterinarians. This section also establishes a \$75 boarding kennel permit to be added to the veterinary facility permit fee. The Board must adopt rules to establish minimum standards for boarding kennels no later than July 1, 2024. These standards may be at least as stringent as those adopted by the Board of Agriculture for the regulation of boarding kennels.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.



## **Create a Class 3 Misdemeanor for Leaving the Scene of an Animal Waste Spill – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 4.1

Section 4.1 of S.L. 2023-63 makes it a Class 3 misdemeanor for the driver of any vehicle who knows or reasonably should know that animal waste, except for excreta from live animals; dead animals or animal parts, except for feathers from live birds; or animal byproducts have been blown, scattered, spilled, thrown, or placed from the vehicle to leave the scene of the incident. There are exceptions allowing the driver to leave the scene to call for a law enforcement officer, call for assistance in removing the materials that were blown, scattered, thrown, spilled, or placed from the vehicle, or to remove oneself or others from significant risk of injury. The court can also order restitution for the cost of removing the materials that were blown, scattered, thrown, spilled, or placed from the vehicle.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective December 1, 2023, and applies to offenses committed on or after that date.

## **Encourage Public Schools to Make One Hundred Percent Muscadine Grape Juice Available to Students – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 5

Section 5 of S.L. 2023-63 sets an aspirational goal that muscadine grape juice be available in public schools, community colleges, and universities throughout the State.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

## **Conform Penalties for Assault With a Deadly Weapon on Department of Agriculture and Consumer Services Inspectors – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 5.1

Section 5.1 of S.L. 2023-63 makes the penalty for assault with a deadly weapon on an inspector from the Sleep Products Division of the Department of Agriculture and Consumer Services (Department) or a poultry inspector from the Meat and Poultry Inspection Division a Class A1 misdemeanor.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective December 1, 2023, and applies to offenses committed on or after that date.

**Department of Agriculture and Consumer Services Authority to Adopt Rules for Department-Operated Markets and Set Metrology Laboratory Fees – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 5.2

Section 5.2 of S.L. 2023-63 allows the Commissioner of Agriculture (Commissioner), with the advice and consent of the Board of Agriculture, to adopt rules related to markets operated by the Department of Agriculture and Consumer Services and retain current rules relating to markets for which the statutory authority was repealed in 2021. This section also allows the Commissioner to adopt rules to set reasonable fees for calibration services and adjustments performed by the Metrology Laboratory Section of the Standards Division.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

**Establish a Voluntary Assessment for Grade "A" Dairy Producers – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 5.4

Section 5.4 of S.L. 2023-63 authorizes the North Carolina Dairy Producers Association to conduct a referendum among dairy producers on the question of levying an assessment not to exceed five cents per hundredweight of milk. If more than half the votes cast in the assessment are in favor, the assessment would be collected by milk handlers or dairy cooperatives, or would be paid directly by dairy producers who do not use the services of a milk handler or dairy cooperative. The funds collected would be used to promote the interests of the dairy industry via research and marketing related to dairy products and the dairy industry. A dairy producer would be able to request a refund of the assessment.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

### **Establish Equine State Trail – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 6

Section 6 of S.L. 2023-63 authorizes the Department of Natural and Cultural Resources to add the Equine State Trail in Chatham, Cumberland, Harnett, Hoke, Lee, Montgomery, Moore, and Richmond Counties to the State Parks System as a State trail.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

### **Rename the Official State Fruit to the Muscadine Grape – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 7

Section 7 of S.L. 2023-63 renames the official State fruit to the Muscadine grape, which includes all varieties of Muscadine grape.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

### **Designate the Longleaf Pine as the Emblem Representing the Trees of North Carolina – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 8

Section 8 of S.L. 2023-63 designates the longleaf pine as the emblem representing the trees of North Carolina.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

### **Designate the Second Wednesday in November of Each Year as North Carolina Farmers Appreciation Day – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 8.1

Section 8.1 of S.L. 2023-63 designates the second Wednesday in November of each year as North Carolina Farmers Appreciation Day, beginning in 2024.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

### **Prescribed Burning Act Amendments – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 9

Section 9 of S.L. 2023-63 makes several changes to the Prescribed Burning Act by amending (i) definitions of "prescribed burning" and "prescription," (ii) landowner liability during a prescribed burn, and (iii) the process for conducting a prescribed burn, as described in the full summary.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

### **Prohibit Use of an Unmanned Aircraft Near a Forest Fire – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 10

Section 10 of S.L. 2023-63 prohibits the use of an unmanned aircraft system within either a horizontal distance of 3,000 feet or a vertical distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service, with exceptions for law enforcement and employees of the North Carolina Forest Service.

There is a range of penalties for violation of this section. A person who operates an unmanned aerial system in violation of this section would be fined at least \$1,000 and otherwise punished as follows:

- If the person is the proximate cause of death of another person, the person is guilty of a Class D felony.
- If the person is the proximate cause of serious bodily injury to another person, the person is guilty of a Class E felony.
- If the person is the proximate cause of serious mental or physical injury to another person, the person is guilty of a Class F felony.
- If the person interferes with emergency operations and such interference proximately causes damage to any real or personal property or any tree, wood, underwood, timber, garden, crops, vegetables, plants, lands, springs, or any other matter or thing growing or being on the land, the person is guilty of a Class G felony.
- If the person interferes with emergency operations, the person is guilty of a Class H felony.
- If the person is the proximate cause of mental or physical injury to another person, the person is guilty of a Class I felony.

- If the person does not cause any of the injuries specified in this list, the person is guilty of a Class A1 misdemeanor.

A law enforcement agency is authorized to seize an unmanned aircraft system operating in violation of this section.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective December 1, 2023, and applies to offenses committed on or after that date.

### **Amend Timber Larceny Statute – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 11

Section 11 of S.L. 2023-63 adds two acts to the offense of larceny of timber, which is a class G felony:

- Knowingly and willfully aiding, hiring, or counseling an individual to cut down, injure, or remove any timber owned by another person without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land. There is an exception for electric power suppliers who believe in good faith that either (i) consent of the owner had been obtained prior to aiding, hiring, or counseling the individual to cut down, injure, or remove the timber, or (ii) the cutting down, injuring, or removing of the timber was permitted by a utility easement or was necessary to remove a tree hazard.
- Knowingly and willfully transporting forest products that have been cut down, removed, obtained, or acquired from the property of a landowner without the consent of the owner of the land or the owner of the timber, or without a lawful easement running with the land.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective December 1, 2023, and applies to offenses committed on or after that date.

### **Limit Civil Penalties for Removal of Timber in a Riparian Buffer to the Value of the Timber – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 11.1

Section 11.1 of S.L. 2023-63 provides that a civil penalty for removal of timber in a riparian buffer in violation of rules applicable to that riparian buffer cannot exceed the value of the timber removed from the riparian buffer.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective July 1, 2023, and applies to acts committed on or after that date.

### **Establish Forestry Services and Advice Fund – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 12

Section 12 of S.L. 2023-63 establishes the Forestry Services and Advice Fund (Fund) as a special fund within the North Carolina Forest Service. Moneys paid to the Commissioner of Agriculture (Commissioner) for the provision of forestry services and advice for landowners are deposited into the Fund. The Fund will be used to develop, improve, repair, maintain, operate, and otherwise invest in providing forestry services and advice to owners and operators of forestland.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

### **Clarify Powers of Forest Rangers – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 12.1

Section 12.1 of S.L. 2023-63 clarifies that a forest ranger or deputy ranger can use all necessary means to confine and extinguish a forest fire whether or not the fire occurs during a season of drought.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

### **Well Contractor Examination Exemption – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 13

Section 13 of S.L. 2023-63 exempts a person who meets the following criteria from the examination requirements of the Well Contractors Certification Commission:

- Is 70 years of age or older.
- Has engaged in well contractor activity for more than 20 years.
- Has no record of having violated any provision of the North Carolina Well Construction Act, the North Carolina Well Contractors Certification Act, or any order issued or rule adopted pursuant to those acts in the previous 10 years.

- Meets all other requirements for certification (submission of an application, payment of the application fee).

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

### **Align Animal Waste Management System Operator Fees with Water Pollution Control System Operator Fees – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 13.1

Section 13.1 of S.L. 2023-63 increases the examination including certificate fee for Animal Waste Management System Operators from \$25.00 to \$85.00 and raises the renewal fee from \$10.00 to \$25.00.

Additionally, this section provides that a certificate that is not renewed when due is invalid. If the certificate has been invalid for less than 12 months, it can be renewed by paying the renewal fee plus a late application fee of twice the annual renewal fee. The certificate holder must pay all penalties that have been assessed since the certificate was last renewed and meet all accrued continuing education requirements. If the certificate has been invalid for more than 12 months, the operator must pass the certification examination to renew the certificate.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

### **Digester General Permit Clarification – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 14

In 2021, the General Assembly directed the Department of Environmental Quality to develop a general permit for animal operations that includes authorization for the permittee to construct and operate a farm digester system.

Section 14 of S.L. 2023-63 amends the definition of "farm digester system" to clarify that "associated equipment" refers to "animal waste management equipment" and that collected gases must be used as a renewable energy resource as quickly as feasible, but within six months of the collection of the gases, and during that period the gas must be flared rather than vented.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

## **Direct the Environmental Management Commission to Withdraw the 2021 NPDES General Permit for Aquaculture and Revise it to be Substantively Identical to the Previous General Permit – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 14.1

Section 14.1 of S.L. 2023-63 requires the Environmental Management Commission (EMC) and Department of Environmental Quality (DEQ) to reopen and modify National Pollutant Discharge Elimination System (NPDES) General Permit NCG530000 issued for discharges from seafood packing and rinsing, aquatic animal operations, and similarly designated wastewaters that took effect on December 1, 2021, to make it substantially similar to the previous general permit issued in 2018. The 2021 permit is more stringent than the 2018 permit in that it (i) requires quarterly, rather than annual monitoring, (ii) requires monitoring of nine parameters rather than four, and (iii) includes enhanced best management practices.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023, and expires when the EMC revises the permit and notifies the Revisor of Statutes that it has done so.

## **Clarify Definition of Wetlands – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 15

Section 15 of S.L. 2023-63 directs the Environmental Management Commission (EMC) to implement 15A NCAC 02B .0202 consistent with the pre-2019 definition of "wetlands" restricting those waters to only those waters of the United States as defined by 33 C.F.R. § 328.2 and 40 C.F.R. § 230.2, and readopt its rule consistent with that implementation. The rule must also specify that wetlands do not include prior converted cropland, consistent with the existing rule.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

## **Wastewater Amendments – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 16

The 18E on-site wastewater rules suite became effective January 1, 2024. 15A NCAC 18E .0905 will require that prefabricated permeable block panel systems (PPBPS) trenches must be located the greater of either a minimum of eight feet on center or three times the trench width, and that when used in sand lined trench systems, PPBPS must use an equivalent trench width of three feet to calculate minimum trench length. PPBPS can only be used in domestic strength wastewater systems.



Section 16 of S.L. 2023-63 directs the Commission for Public Health (Commission) to implement 15A NCAC 18E .0905 as follows, and readopt its rule consistent with that implementation:

- PPBPS trenches can be located a minimum of eight feet on center or three times the trench width.
- When used in a sand lined trench, PPBPS must use an equivalent trench width of six feet.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

### **Wastewater Amendments – North Carolina Farm Act of 2023.**

SL 2023-63 (S582), Sec. 17

The Commission for Public Health (Commission) and the Department of Health and Human Services (DHHS) are responsible for evaluating and approving on-site wastewater systems and designating those systems as Provisional, Innovative, or Accepted. The Commission can impose conditions on the installation and use of those systems at each designation. The Commission can designate a nonproprietary wastewater system as Accepted without having received a petition from a manufacturer.

Section 17 of S.L. 2023-63 provides that Accepted system approvals would be limited to the manufacturer who submitted the petition and received Accepted status and the Commission, DHHS, or local health department cannot condition, delay, or deny the approval based on the location of nitrification lines. The section also removes the Commission's authority to designate nonproprietary wastewater systems as Accepted without a manufacturer petition, and prohibits the Commission or DHHS from conditioning, delaying, or denying the approval of a subsurface trench dispersal product based on a non-native backfill material requirement without prior approval of the manufacturer. A technical change was made in Section 10 of S.L. 2023-90, enacted after this act became law, that corrected a mistaken reference to the "Department" instead of the "Commission."

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023, and applies retroactively to any wastewater system approvals issued by the Commission or DHHS.

### **Address ESG Factors.**

SL 2023-64 (H750)

S.L. 2023-64 does the following:

- Prohibits State entities from creating or using environmental, social, and governance criteria or economically targeted investments requirements when making employment decisions.
- Requires the State Treasurer to only consider pecuniary factors when (i) evaluating an investment or (ii) evaluating or exercising any right appurtenant to an investment.
- Allows the State Treasurer to reasonably conclude that not exercising a right appurtenant to an investment is in the best interest of the fund's beneficiaries.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023. This act became effective June 27, 2023.

### **Parents' Bill of Rights.**

SL 2023-106 (S49)

S.L. 2023-106, as amended by Section 7.81 of S.L. 2023-134, does the following:

- Establishes a Parents' Bill of Rights enumerating certain rights of parents related to the education, health, privacy, and safety of their child.
- Requires public school units to provide parents with information related to parental involvement in schools, legal rights for their child's education, and guides for student achievement.
- Requires public school units to provide notifications on student physical and mental health, require age-appropriate instruction on certain topics in kindergarten – fourth grade, and create remedies for parents to address concerns over implementation of these requirements.
- Requires health care practitioners to obtain written consent from the parent of a minor child before providing treatment.

This act has various effective dates. Please see full summary for more details.

### **Clarify Requirements of Charter Application and Renewal – Charter School Omnibus.**

SL 2023-107 (H219), Sec. 1

Section 1 of S.L. 2023-107 clarifies certain requirements for charter school applications and renewals. When approving, renewing, amending, or terminating charter schools, this section prohibits the State Board of Education (SBE) from considering any alleged impact of the charter school on the local school administrative units (LEAs). Additionally, when considering charter renewals, if a charter school provides services to certain targeted groups, this section requires the SBE to compare the charter school's results for those subgroups with the same subgroups in the LEA, rather than comparing results with all students in the LEA.

This bill was vetoed by the Governor on July 21, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This section of the act became effective August 16, 2023, and applies beginning with the 2023-2024 school year.

### **Limit Enrollment Caps to Low-Performing Schools – Charter School Omnibus.**

SL 2023-107 (H219), Sec. 2

Section 2 of S.L. 2023-107 revises the requirements related to increasing enrollment at charter schools. This section allows charter schools that are not low-performing to set their enrollment each year, rather than requiring supervision or approval by the State Board of Education (SBE). Charter schools that are low-performing can seek approval from the SBE to grow more than 20%.

This bill was vetoed by the Governor on July 21, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This section of the act became effective August 16, 2023, and applies beginning with the 2023-2024 school year.

### **Allow Charter Schools to Admit Out-of-State Students and Foreign Exchange Students – Charter School Omnibus.**

SL 2023-107 (H219), Sec. 3

Section 3 of S.L. 2023-107 allows a charter school to enroll out-of-state students who are not domiciliaries of North Carolina if the charter school has not filled its enrollment capacity. The charter school must charge the out-of-state students a tuition amount of at least 50% of the total of the per pupil allocation of the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year, but no more than 100% of the total of the per pupil allocation of the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year. The number of out-of-state students cannot exceed 10% of the total number of students enrolled in the charter school.

Additionally, this section allows charter schools to enroll foreign exchange students in grades 9-12 as follows:

- No more than 2 foreign exchange students per grade in high school (grades 9-12) can be enrolled in any given school year at the charter school.
- The charter school can charge the foreign exchange students a tuition amount of at least 50% of the total of the per pupil allocation of the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year, but no more than 100% of the total of the per pupil allocation of the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year.
- Foreign exchange students do not count towards the enrollment capacity or cap for any program, class, building or grade levels for grades 9-12 and are not subject to any lottery process used by the charter school for enrollment purposes.

This bill was vetoed by the Governor on July 21, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This section of the act became effective August 16, 2023, and applies beginning with the 2024-2025 school year.

### **Add Admissions Preferences for Graduates of Certain Pre-K Programs and for Children of Military Families – Charter School Omnibus.**

SL 2023-107 (H219), Sec. 4

Section 4 of S.L. 2023-107 allows the following students to receive priority admission to charter schools rather than being subject to an admissions lottery:

- Capped at up to 10% of total student enrollment, a preschool student enrolled at least 75 days of the prior semester in a preschool program with a written enrollment articulation agreement with the charter school.
- A student whose parent is on active military duty.

This bill was vetoed by the Governor on July 21, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This section of the act became effective August 16, 2023, and applies beginning with the 2023-2024 school year.

### **Prohibit Discrimination of Charter School Students – Charter School Omnibus.**

SL 2023-107 (H219), Sec. 5

Section 5 of S.L. 2023-107 prohibits local boards of education from discriminating against charter school students in applying for admission to any school or special program operated in the local school administrative unit.

This bill was vetoed by the Governor on July 21, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This section of the act became effective August 16, 2023, and applies beginning with the 2023-2024 school year.

### **Authorize Counties to Provide Capital Funds to Charter Schools – Charter School Omnibus.**

SL 2023-107 (H219), Sec. 6

Section 6 of S.L. 2023-107 allows counties to use property taxes to provide direct appropriations for capital funds to charter schools that can be used for real property, building construction and renovation, and furnishings and equipment. Counties receive a security interest if charters used the funds to acquire or improve property, which the county can subordinate to other liens, and release if the charter paid back the capital funds provided. Counties can also lease real property to charters. If a charter is dissolved, any assets purchased with county capital funds is deemed the property of the contributing county or counties.

This bill was vetoed by the Governor on July 21, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This section of the act became effective August 16, 2023, and applies beginning with the 2023-2024 school year.

### **Allow the Central Park School for Children in Durham County to Conduct a Weighted Admissions Lottery Pilot Program – Charter School Omnibus.**

SL 2023-107 (H219), Sec. 7

Section 7 of S.L. 2023-107 allows Central Park School for Children (CPSC) charter school to establish a pilot of up to four years to include additional lottery weighting factors related to admissions for economically disadvantaged students, including walk zones. This pilot does not change the school's charter. The CPSC charter is required to report to the Office of Charter Schools annually during the pilot on the weighted lottery procedures and number of students admitted under those procedures.

This bill was vetoed by the Governor on July 21, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This section of the act became effective August 16, 2023, and applies beginning with the 2023-2024 school year.

### **Code Council Reorganization and Various Code Amendments.**

SL 2023-108 (H488)

S.L. 2023-108, as amended by S.L. 2023-137 and S.L. 2023-151, reorganizes the Building Code Council to create a new Residential Code Council and amends various North Carolina State Building Code provisions, land development regulations, and General Contractor licensing laws.

This bill was vetoed by the Governor on July 7, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This act has various effective dates. Please see the full summary for more detail.

### **Fairness in Women's Sports Act.**

SL 2023-109 (H574)

S.L. 2023-109, as amended by section 18 of S.L. 2023-133 does the following:

- Prohibits male students from playing on middle school, high school, or collegiate athletics teams designated for females, women, or girls.
- Requires a student's sex to be recognized solely based on reproductive biology and genetics at birth for purposes of athletic participation.
- Creates a civil cause of action for students who are harmed as a result of a violation of the requirements, or who are retaliated against for reporting violations.
- Creates a civil cause of action for public school units and institutions of higher education that suffer harm as a result of following the requirements.

This bill was vetoed by the Governor on July 5, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This act became effective August 16, 2023, and applies beginning with the 2023-2024 school year.

## **Charter School Review Board.**

SL 2023-110 (H618)

S.L. 2023-110 as amended by S.L. 2023-107 and Section 7.84 of S.L. 2023-134 converts the North Carolina Charter Schools Advisory Board (Advisory Board) into the North Carolina Charter Schools Review Board (Review Board) which will approve or deny charter applications, renewals, and revocations independent of the State Board of Education (SBE). It requires the SBE to have the following duties with respect to charter schools:

- Establish all rules for the operation and approval of charter schools following the recommendations of the Review Board.
- Allocate funds to charter schools. The SBE cannot, however, withhold or reduce distribution of funds to a charter school except if one of the following applies:
- The change in funding is due to an annual adjustment based on enrollment or is a general adjustment to allocations that is not specific to the charter or the actions of that charter school.
- The Review Board notifies the SBE that the charter has materially violated a term of its charter, has violated a State statute or federal law, or has had its charter terminated or nonrenewed.
- The Superintendent of Public Instruction (Superintendent) notifies the SBE that the charter school has failed to meet generally accepted standards of fiscal management or has violated requirements for receipt of funds.
- Hear appeals from decisions of the Review Board.
- Ensure accountability for the charter school finances and student performance.

The Review Board is prohibited from considering any alleged impact on the local school administrative unit or units in the area served by a charter school when deciding whether to grant, renew, amend, or terminate a charter. Appeals from the Review Board must be heard and decided by the SBE by December 1 of the same year. Applicants, charters schools, or the Superintendent can appeal to the SBE on final decisions made by the Review Board within 10 days of the Review Board's decision. The SBE must review the appealed decision on a de novo basis and the party submitting the appeal can provide any information to the SBE that it considers relevant. The SBE has final decision-making authority on the approval of charter applications, renewals, revocations, and amendments.

The current members of the Advisory Board will serve as initial members of the Review Board. However, upon the expiration of the current term of the Review Board members, two terms expiring in 2025 must be replaced with an appointment to a two-year term of office by the General Assembly upon the recommendation of the Speaker of the House of Representatives and two terms expiring in 2025 must be replaced with an appointment to a two-year term by the President Pro Tempore of the Senate. As those terms expire in 2027 and thereafter, or as

vacancies occur prior to the expiration of those terms, the members of the Review Board will be appointed as provided by statute.

Finally, charter schools that received a decision on an application, charter amendment, renewal, or termination from the SBE after July 1, 2022, that differed from the recommendation of the Advisory Board can apply for reconsideration by the Review Board within 60 days of this act becoming effective and the Review Board must issue a decision on the reconsideration request at its first meeting after receiving the request.

This bill was vetoed by the Governor on July 7, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This act became effective August 16, 2023, and the limitations on the SBE to reduce allocation of funds to charter schools became effective July 1, 2023.

### **Gender Transition/Minors.**

SL 2023-111 (H808)

S.L. 2023-111 prohibits medical professionals from performing surgical gender transition procedures on minors and prescribing, providing, or dispensing puberty-blocking drugs or cross-sex hormones to minors, with some exceptions. Medical professionals who violate these provisions will have their licenses revoked, and minors who underwent a surgical gender transition procedure or who were prescribed or provided with puberty-blocking drugs or cross-sex hormones have a private right of action against the medical provider who performed the procedure or prescribed or provided the drugs. State funds cannot be used for surgical gender transition procedures on minors or prescribing, providing, or dispensing puberty-blocking drugs or cross-sex hormones to minors.

This act has various effective dates. Please see the full summary for more details.

### **Stormwater Permitting Modifications – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 1-4

Sections 1–4 of S.L. 2023-137:

- Make various changes to stormwater permitting regarding development in excess of the allowable density under applicable water supply watershed rules.
- Make various changes to development in the vegetative buffer for Department of Transportation (NCDOT) projects.
- Make various changes to requirements for stormwater permit submittal.
- Create prohibitions on requiring stormwater permit applicants to take action on unaffiliated adjacent property.
- Authorize the Department of Environmental Quality (DEQ) to rescind a stormwater permit in certain circumstances.
- Allow local governments to consider existing stormwater control measures when determining stormwater fees.

- Direct the Environmental Management Commission to implement a post-construction stormwater rule to allow an exemption for certain public linear transportation projects undertaken by a non-DOT entity.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. These sections became effective October 10, 2023.

### **Modify Certain Rules Related to Development Density in Water Supply Watersheds, as Applicable in Iredell County and the Town of Mooresville – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 5

Section 5 of S.L. 2023-137 directs the Environmental Management Commission to implement 15A NCAC 02B .0624 to authorize Iredell County and the Town of Mooresville to regulate development in water supply watersheds within their planning jurisdiction so that a maximum of 20% of the land area of a water supply watershed outside of the critical areas can be developed up to 70% built upon area.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. These sections became effective October 10, 2023.

### **Phased in Mandatory Commercial and Recreational Reporting of Certain Fish Harvests – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 6

Section 6 of S.L. 2023-137 creates a phased in reporting requirement for certain commercial and recreational fish harvests, to be managed by the Division of Marine Fisheries of the Department of Environmental Quality and the Wildlife Resources Commission.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section has a staggered effective date, with the first date being December 1, 2024. See the full summary for the detailed effective dates.

### **Establish Certain Requirements for Issuance of 401 Certifications by the Department of Environmental Quality for Certain Dredging Projects or for Projects Involving the Distribution or Transmission of Energy or Fuel – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 7

Section 7 of S.L. 2023-137 establishes statutory requirements for the Department of Environmental Quality's (DEQ) handling of applications for 401 certifications for maintenance dredging projects partially funded by the Shallow Draft Navigation Channel Dredging and Aquatic



Weed Fund and projects involving the distribution or transmission of energy or fuel, including natural gas, diesel, petroleum, or electricity. These requirements pertain largely to timelines and permit conditions.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective October 10, 2023, and applies to applications for 401 Certification pending or submitted on or after that date.

### **Environmental Management Commission to Study Narrative Water Quality Standards – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 8

Section 8 of S.L. 2023-137 requires the Environmental Management Commission (EMC) to review its rules to determine if the standards and methodologies for establishment of numeric water quality standards for specific pollutants included in the rule are scientifically sound, protective of human health and the environment, and result in water quality criteria that are technologically achievable without placing undue economic burdens on publicly-owned treatment works and their ratepayers.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023. The EMC's report is due to the General Assembly no later than June 1, 2024.

### **Direct Department of Environmental Quality to Prepare a Human Health Risk Assessment for 1,4-Dioxane in Drinking Water and Evaluate Commercially Available Technology to Remove 1,4-Dioxane from Wastewater Effluent – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 9

Section 9 of S.L. 2023-137 requires the Department of Environmental Quality (DEQ) to prepare a human health risk assessment of 1,4-dioxane in drinking water supported by peer-reviewed scientific studies and requires the North Carolina Collaboratory to evaluate the technologies that are commercially available to remove 1,4 dioxane from wastewater effluent at facilities at various flow volumes, including at flow volumes of greater than 1 million gallons per day.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023. The reports required by this section are due to the General Assembly no later than May 1, 2024.

## **Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund Changes – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 10

Section 10 of S.L. 2023-137 makes changes to the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund to prohibit the use of funds being used for siting and acquisition of dredged disposal easement sites, require that invoices submitted to the Secretary of Environmental Quality (Secretary) be signed by the sponsoring local government's representative, and clarifies the term "shallow draft navigation channel."

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

## **Prohibit Dredging Moratorium Periods Not Otherwise Required by Federal Law – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 10.5

Section 10.5 of S.L. 2023-137 prohibits the Department of Environmental Quality, with respect to permits issued for dredging activities under the Coastal Area Management Act, from including any condition that restricts dredging activities to a specified timeframe, except those timeframes, or moratorium periods, that are required pursuant to the federal Clean Water Act and Endangered Species Act, regulations promulgated thereunder, or other applicable federal law.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

## **Flotation Device Requirements – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 11

Section 11 of S.L. 2023-137 requires that any polystyrene flotation devices installed on a dock, buoy, or float must be encapsulated by a protective covering to prevent the polystyrene from disintegrating. This provision does not apply to polystyrene used in the construction, maintenance, or operation of boats or vessels, but requires that such polystyrene be effectively contained and lawfully disposed of. This section also prohibits the sale of polystyrene flotation devices unless encapsulated in compliance with this provision.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section becomes effective January 1, 2025, and applies to any polystyrene foam flotation sold or used in the State after that date.

## **Add New Procedural Requirements for Coastal Area Management Act Guidelines – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 12

Section 12 of S.L. 2023-137 requires the Department of Environmental Quality (DEQ) to make available to the public on DEQ's website either (i) the entirety of any State guidelines for the coastal area or (ii) a link to those guidelines in the Administrative Code on the Office of Administrative Hearings' website. The guidelines must include a citation to the law under which the rule was adopted, consistent with existing administrative law requirements.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

## **Require Statutory or Regulatory Citation for Any Conditions in a Permit Issued by the Department of Environmental Quality – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 13

Section 13 of S.L. 2023-137 requires the Department of Environmental Quality (DEQ) to include in any permit issued by DEQ the statutory or regulatory authority for any permit conditions required in the permit.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

## **Revise 2020 Farm Act TMDL Transport Factor Calculation Applicability – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 14

Section 14 of S.L. 2023-137 makes certain changes to the 2020 Farm Act (S.L. 2020-18) regarding the application of nutrient offset credits to a wastewater treatment permit by applying the total maximum daily load (TMDL) transport factor as specified in the 1999 Phase I TMDL and makes changes to a modeling requirement in the 2020 Farm Act.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

## **Clarify Certain Environmental Permitting Laws Applicable to Agricultural Activities – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 15

Section 15 of S.L. 2023-137 clarifies which State permit a person constructing an animal waste management system needs to apply for, in addition to the required federal NPDES permit, and makes additional changes to the animal waste management system permitting regarding conditions and compliance boundaries.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

## **Prohibit Sale of Nutrient Offsets from Municipal Nutrient Offset Banks to any Entity other than a Government Entity or a Unit of Local Government – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 16

Section 16 of S.L. 2023-137 prohibits nutrient offset banks approved by the Department of Environmental Quality (DEQ) and owned by a unit of local government from selling nutrient offset credits to any entity other than a government entity or unit of local government

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective October 10, 2023, and applies to nutrient offset banks owned by a unit of local government and approved by DEQ on or after that date, except that it does not apply to a unit of local government that has a nutrient offset banking instrument approved by DEQ prior to October 10, 2023.

## **Shorten Septage Management Permitting Review and Clarify Pumper Truck Fee – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 17

Section 17 of S.L. 2023-137 shortens the permit review period for septage management firm permit applications and clarifies how the septage truck fee is calculated.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

## **Wastewater Design Flow Rate Modifications – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 18-18.2

Sections 18, 18.1, and 18.2 of S.L. 2023-137 make further clarifications to statutes and rules concerning the wastewater design daily flow rate for new dwelling units, amended earlier in this session by S.L. 2023-55 to reduce the design flow rate from 120 gallons per day per dwelling to 75 gallons per day per dwelling. Section 18.1 directs the Environmental Management Commission (EMC) to implement its existing rules consistent with the clarification made by Section 18, and Section 18.2 directs the EMC to study whether it is appropriate to change the design flow rates for other buildings.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

## **Prohibit Disposal of Lithium-Ion Batteries in Landfills; Limit Disposal of Solar Panels to Lined Landfills and Other Approved Facilities – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 19

Section 19 of S.L. 2023-137 prohibits the disposal of a lithium-ion battery in a landfill or incinerator. This section also prohibits the disposal of a photovoltaic (PV) module, or components thereof, in a sanitary landfill for the disposal of construction and demolition debris waste that is unlined or in any other unlined landfill. A PV module, or components thereof, not shipped for reuse or not recyclable must properly be disposed of in an industrial landfill or a municipal solid waste landfill. Any PV modules that meet the definition of hazardous waste must comply with applicable hazardous waste requirements for disposal and recycling.

The Department of Environmental Quality (DEQ) must study proper handling of end-of-life lithium-ion batteries, and specifically whether any size-based exceptions to the disposal ban are appropriate. DEQ must report on its findings, including any recommendations for legislative action, to the Environmental Review Commission no later than May 1, 2024.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023. The bans on disposal will become effective December 1, 2026, and apply to offenses committed on or after that date.

### **Clarify Brownfield Program Construction – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 20

Section 20 of S.L. 2023-137 amends the brownfields statute to provide that the law must not be construed to limit or preclude a prospective developer from performing an investigation of a brownfields property without prior approval from the Department of Environmental Quality.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Modify the Application of Riparian Buffer Rules Regarding Airport Facilities; Modify Certain Provisions of the Floodplain Regulation Statutes to Direct the Department of Public Safety to Issue Floodplain Permits for Certain Airport Projects – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 21-22

Sections 21 and 22 of S.L. 2023-137 modify the application of riparian buffer rules and modify certain provisions of the floodplain regulation statutes to allow certain airport projects to receive necessary permits and authorizations to proceed.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. These sections became effective on October 10, 2023.

### **Utilities Commission Authority to Allow Owners' Associations to Charge for the Costs of Providing Water and Sewer Service – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 23

Section 23 of S.L. 2023-137 authorizes the Utilities Commission to adopt procedures to allow an owners' association to charge for the costs of providing water or sewer service to persons who occupy townhomes within a planned community, and a unit owners' association to charge for the costs of providing water or sewer service to persons who occupy a condominium.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Increase Minimum Bond Required Before a Franchise can be Granted to a Water or Sewer Utility Company – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 24

Section 24 of S.L. 2023-137 increases the minimum bond required to receive a water or sewer franchise from \$10,000 to \$25,000 and provides that the bond would be forfeited if the Utilities

Commission (Commission) appoints an emergency operator pursuant to the existing statutory procedure for the issuance of temporary or emergency authority by the Commission.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Commissioner of Agriculture/Supply Chain Powers – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 25

Section 25 of S.L. 2023-137, notwithstanding any other provision of law, authorizes the Commissioner of Agriculture (Commissioner) to develop and implement any emergency measures and procedures needed to mitigate an imminent threat to or a disruption of the agricultural supply chain or food supply chain with respect to poultry due to a lack of capacity at rendering facilities or landfills when the Commissioner determines that such a threat exists and convenes a meeting of the Board of Agriculture and the Board votes to concur with the Commissioner's determination. Any emergency measures implemented pursuant to this power are deemed permitted pursuant to G.S. 143-215.1(b) and G.S. 130A-294 and do not require the Department of Environmental Quality to issue individual permits. No further permitting will be required for composting, and composting conducted pursuant to this emergency authorization will be supervised by Commissioner-determined subject matter experts. The Commissioner is required to record the responses from the Board and release the response along with any emergency orders issued by the Commissioner. Emergency measures and procedures developed and implemented pursuant to this authority are exempt from the Administrative Procedure Act, and no emergency measure or procedures can last for more than 90 days, except that the Commissioner can renew any measure or procedure once for an additional 90 days.

This section also grants the Commissioner the same authority for supply chain disruptions with respect to livestock, except that the Commissioner also needs to submit any emergency measures or procedures relating to the composting of livestock to the Governor for approval before it could be implemented.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Limit Local Government Zoning Authority to Require Fire Access Roads in Excess of the Fire Code of the North Carolina Residential Codee for One- and Two-Family Dwellings – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 26

Section 26 of S.L. 2023-137 prohibits local government zoning and development regulations from requiring additional entrances into a residential subdivision that are not in compliance with the

number of entrance requirements into a residential subdivision set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective October 10, 2023, and applies to existing municipal or county ordinances. Any municipal or county ordinance inconsistent with this section is void and unenforceable.

### **Prohibit Counties and Cities from Regulating Certain Online Marketplaces – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 27

Section 27 of S.L. 2023-137 prohibits counties or cities from regulating the operation of an online marketplace; or requiring an online marketplace to provide personally identifiable information of users, unless pursuant to a subpoena or court order.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Exempt Minor League Baseball Players Employed under a Collective Bargaining Agreement from State Minimum Wage, Overtime, and Record Keeping Requirements – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 28

Section 28 of S.L. 2023-137 exempts minor league baseball players employed under a collective bargaining agreement from State minimum wage, overtime, and record keeping requirements.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on January 1, 2024.

### **Modify the Rules Related to the Inspection of Establishments that Prepare or Serve Food – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 29.1-29.3

Sections 29.1, 29.2, and 29.3 of S.L. 2023-137 direct the Commission for Public Health to implement certain food establishment rules regarding inspection and education, as provided in these sections.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.



## **Codify Existing Stroke Center Designations and Add a Thrombectomy-Capable Stroke Center Designation – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 30

Section 30 of S.L. 2023-137 codifies existing stroke center designations, creates a new designation for thrombectomy-capable stroke centers, and requires stroke-certified hospitals to report their certifications to the Department of Health and Human Services within 90 days of receiving the certification.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

## **State Ownership of Health Information Exchange Network Data – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 31

Section 31 of S.L. 2023-137 provides that patient identifiers created by the Health Information Exchange Authority must be released to the Government Data Analytics Center and the Department of Health and Human Services, and that those identifiers are State-owned data and not public records.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

## **Voluntary Connection to North Carolina Health Information Exchange Network for Chiropractors – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 32

Section 32 of S.L. 2023-137 allows chiropractors to voluntarily submit data to the Health Information Exchange Network.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

## **Expansion of the Homeschool Cooperative Exemption to the Definition of Child Care – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 33

Section 33 of S.L. 2023-137 revises the homeschool cooperative exemption to the definition of "child care" to allow cooperative arrangements to provide for the academic instruction of school age children to occur in a location outside the home of one of the cooperative participants.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Department of Information Technology Procurement Changes – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 34

Section 34 allows the Department of Information Technology's procurement activities, including but not limited to the Statewide Information technology Procurement Office, to be funded through a combination of administrative fees as part of the IT Supplemental Staffing contract, as well as fees charged to agencies using their services.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Restore 2009 Building Code Standards for Piers and Docks Constructed in Estuarine Waters – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 35

Section 35 of S.L. 2023-137 directs the North Carolina Building Code Council to implement the Building Code so that no building requirements for piers or docks built in estuarine waters are inconsistent with the requirements of the applicable "Docks, Piers, Bulkheads, and Water Structures" Chapter in the 2009 North Carolina Building Code.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Preserve Existing North Carolina Building Code Limitation on the Use of Plastic Pipe in Certain Buildings – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 36

Section 36 of S.L. 2023-137 codifies a plastic pipe limitation currently in the 2018 North Carolina Building Code.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Disapprove Certain Department Of Administration Procurement Rules – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 37

Section 37 of S.L. 2023-137 disapproves two procurement rules adopted by DOA subject to legislative review.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Delay the Effective Date of Rules Adopted by the Appraisal Board Subject to Legislative Review – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 38

Section 38 of S.L. 2023-137 delays the effective date of the six rules adopted by the North Carolina Appraisal Board subject to legislative review to December 31, 2025.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Emergency Supply Chain Declaration for Local Governments – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 39

Section 39 of S.L. 2023-137 expands the definition of "emergency" in the Emergency Management Act to allow local governments to more easily obtain certain apparatus, supplies, materials, or equipment, or construction or repair work requiring those items, when a supply chain emergency has occurred and other criteria are met.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Clarify Reservation of Water and Sewer Capacity for Proposed Charter School Facilities – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 40

Section 40 clarifies that charter schools' eligibility for reservation of sewer capacity is identical to public schools' eligibility for reservation of sewer capacity established in 2021.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

**Deadline for Notification of Codifier of Repealed Rules/Codifier Authority to Remove Repealed Rules from Administrative Code – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 41

Section 41 of S.L. 2023-137 requires agencies to notify the Codifier of Rules within 30 days of a rule being repealed, and authorizes the Codifier to remove a repealed rule from the North Carolina Administrative Code in certain circumstances.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

**Restatement of Administrative Procedure Act Requirements for Agency to Adopt Requirements as Rules – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 42

Section 42 of S.L. 2023-137 provides that, in accordance with G.S. 150B-18, no agency of this State can enforce against any person a policy, guideline, or other interpretive statement that describes the procedure or practice requirements of the agency unless those requirements have been adopted as a rule in accordance with Article 2A of Chapter 150B of the General Statutes.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

**Exempt from Public Contract Bidding Requirement Heating and Cooling System Repair Work Made Through a Competitive Bidding Group Purchasing Program – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 43

Section 43 of S.L. 2023-137 expands the competitive bidding group purchasing exemption to repair work of heating and cooling systems, including both installation labor and equipment acquisition, if the contract for the work meets certain requirements.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023, and applies to repair work procured on or after that date.

**Prohibit Counties and Cities from Adopting Certain Ordinances, Rules, and Regulations Related to Battery-Charged Security Fences and to Define and Establish Requirements for Those Battery-Charged Security Fences – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 44

Section 44 prohibits counties and cities from requiring any permit, fee, review, or approval for the installation or use of a battery-charged security fence in excess of any requirements adopted pursuant to the State law concerning the regulation of alarm system businesses.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

**Modify the Licensing Requirements for Transliterators and Interpreters – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 45

Section 45 of S.L. 2023-137 modifies the requirements to become a licensed transliterator or interpreter in the State.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023. The licensing changes made in by this section became effective December 1, 2023, and apply to licenses and provisional licenses issued or renewed by the North Carolina Interpreter and Transliterator Licensing Board after that date.

**Prohibit Discrimination or Retaliation in Employment for Absences of Members of the Civil Air Patrol Performing Authorized Duties – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 46

Section 46 of S.L. 2023-137 prevents employers from discriminating against any employee that is a member of the North Carolina Wing-Civil Air Patrol based on that membership or any absence from work required to perform duties with the Civil Air Patrol if certain conditions apply.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on December 1, 2023, and applies to absences occurring on or after that date.

### **Increase the Total Appraised Value of All Real Estate Prizes Offered During a Calendar Year by a Nonprofit Organization as a Part of a Raffle – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 47

Section 47 of S.L. 2023-137 allows a nonprofit organization to conduct up to five raffles per year, repeals the maximum real property prize value of \$500,000 per raffle, and imposes a cap on total appraised value of all real property prizes offered in a single year to \$2.25 million.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023, and applies to raffles conducted on or after that date.

### **Clarify that Inflatable Devices are not Amusement Devices – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 48

Section 48 of S.L. 2023-137 clarifies that inflatable devices, including air supported devices made of flexible fabric, inflated by one or more blowers, that relies upon air pressure to maintain its shape, are not considered amusement devices subject to Department of Labor regulation. This section also makes technical and conforming changes to the Amusement Device Safety Act.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

### **Commercial Mobile Radio Service Changes – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 49

Section 49 of S.L. 2023-137 eliminates an alternative criteria triggering a requirement that commercial mobile radio service providers receive prior approval from the 911 Board for invoices for reimbursement, and makes some technical changes.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023. The technical changes will become effective July 1, 2024.

### **Delete Conflicting Water/Sewer Provision in Session Law 2023-108 – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 50

Section 50 of S.L. 2023-108 makes a technical change to S.L. 2023-108 to delete language regarding forced water/sewer connections that conflicts with S.L. 2023-90.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

**Technical Correction to Appointment Criteria for the Residential Building Code Council Created by Session Law 2023-108 – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 51

Section 51 of S.L. 2023-137 makes technical corrections to the appointment criteria for the Residential Code Council, which was created by S.L. 2023-108.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section becomes effective on January 1, 2025.

**Increase Allowable Vehicle Height by Six Inches to Fourteen Feet – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 52

Section 52 of S.L. 2023-137 raises the maximum allowable vehicle height for vehicles that are permissible on State highways by six inches, to 14 feet.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on December 1, 2023, and applies to offenses committed on or after that date.

**Revisions Regarding the Lease or Sale of Hospital Facilities to or from For-Profit or Nonprofit Corporations or Other Business Entities by Municipalities and Hospital Authorities – Regulatory Reform Act of 2023.**

SL 2023-137 (H600), Sec. 53

Section 53 of S.L. 2023-137 exempts from sale and leasing requirements any leases in which the same tenant has continuously held possession of a hospital facility, or part of a hospital facility, since at least June 30, 1984.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on January 1, 2024.

**Clean Energy/Other Changes.**

SL 2023-138 (S678)

S.L. 2023-138 does all of the following:

- Changes the State's "Renewable Energy Portfolio Standard" to a "Clean Energy Portfolio Standard," and establishes a definition of "clean energy" to include renewable, nuclear, and fusion energy.
- Modifies a provision governing issuance of certificates of public convenience and necessity (CPCN) for electric generating facilities to:
- Eliminate a heightened Utilities Commission (Commission) analysis for coal or nuclear facilities to be constructed, including whether energy efficiency measures; demand side management; renewable energy resource generation; combined heat and power generation; or any combination thereof, would not establish or maintain a more cost effective and reliable generation system.
- Establish a requirement that a generating facility to be constructed by an electric public utility must, in addition to being in the public interest: (i) be part of the least cost path to achieve compliance with authorized carbon reduction goals enacted in 2021; and (ii) maintain or improve upon the adequacy and reliability of the existing grid.
- Extends closure deadlines for certain coal combustion residuals surface impoundments.
- Increases application fees for dam construction, repair, alteration, or removal under the Dam Safety Act.
- Requires approval by the Local Government Commission for local governments to enter into agreements to cede or transfer control over a public enterprise to a non-governmental entity.
- Prohibits local governments from entering non-disclosure agreements in order to restrict access to public records subject to disclosure under the Public Records Act.
- Establishes employee classification and compensation exemptions for the Commission and the Commission's Public Staff.

This bill was vetoed by the Governor on October 2, 2023, and the veto was overridden by the General Assembly on October 10, 2023. Except as otherwise provided, this act became effective October 10, 2023.

### **No Partisan Advantage in Elections.**

SL 2023-139 (S749)

S.L. 2023-139 does all of the following:

- Effective January 1, 2024:
  - Increases the number of members of the State Board of Elections (State Board) from five to eight, with all eight members being appointed by the General Assembly.
  - Decreases the number of members of each of the 100 county boards of elections from five to four, with all four members being appointed by the General Assembly.
  - Administratively transfers the State Board to the Secretary of State's Office; however, the Secretary of State will not direct or supervise management functions of the State Board.
- Effective October 10, 2023:



- Requires that, with respect to the conduct of elections, the emergency powers be exercised by the State Board rather than the Executive Director of the State Board of Elections (Executive Director).
- Clarifies that the Executive Director can designate an acting county director of elections if the county board of elections does not nominate an individual to serve as county director of elections.
- Makes technical and clarifying changes to photo ID for voting.
- Changes the filing date for filings of the statement of economic interest associated with a notice of candidacy.
- Clarifies the 2024 appointments to certain boards and commissions modified by S.L. 2023-136 of the 2023 Regular Session.

This bill was vetoed by the Governor on September 28, 2023, and that veto was overridden by the General Assembly on October 10, 2023. Except as otherwise provided, this act became effective October 10, 2023.

### **Elections Law Changes.**

SL 2023-140 (S747)

S.L. 2023-140 makes various changes to the elections laws of the State.

This bill was vetoed by the Governor on August 24, 2023, and that veto was overridden by the General Assembly on October 10, 2023. The section of the act adding two additional election-related Class 1 misdemeanors became effective December 1, 2023. The section of the act pertaining to removing foreign citizens from voter rolls becomes effective July 1, 2024. The remainder of the act became effective January 1, 2024, and applies to elections held on or after that date.