

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1217
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Short Title: 2002 Technical Corrections.

(Public)

Sponsors:

Referred to:

June 6, 2002

A BILL TO BE ENTITLED

1 AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING
2 CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE
3 GENERAL STATUTES COMMISSION; TO RESTORE THE DEFINITION OF
4 FAMILY CARE HOME TO ITS ORIGINAL LANGUAGE AS RECOMMENDED
5 BY THE GENERAL STATUTES COMMISSION; AND TO MAKE VARIOUS
6 OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.
7

8 The General Assembly of North Carolina enacts:

9
10 **PART I. TECHNICAL CORRECTIONS RECOMMENDED BY THE GENERAL**
11 **STATUTES COMMISSION**

12
13 **SECTION 1.** G.S. 7A-273(2) reads as rewritten:

14 "**§ 7A-273. Powers of magistrates in infractions or criminal actions.**

15 In criminal actions or infractions, any magistrate has power:

16 ...

17 (2) In misdemeanor or infraction cases involving alcohol offenses under
18 Chapter 18B of the General Statutes, traffic offenses, hunting, fishing,
19 State park and recreation area rule offenses under Chapter 113 of the
20 General Statutes, boating offenses under Chapter 75A of the General
21 Statutes, and littering offenses under ~~G.S. 14-399(e)~~, G.S. 14-399(c)
22 and G.S. 14-399(c1), to accept written appearances, waivers of trial or
23 hearing and pleas of guilty or admissions of responsibility, in
24 accordance with the schedule of offenses and fines or penalties
25 promulgated by the Conference of Chief District Judges pursuant to
26 G.S. 7A-148, and in such cases, to enter judgment and collect the fines
27 or penalties and costs;

28"

1 **SECTION 2.(a)** G.S. 14-27.1(1) reads as rewritten:

2 "**§ 14-27.1. Definitions.**

3 As used in this Article, unless the context requires otherwise:

- 4 (1) "~~Mentally defective~~—disabled" means (i) a victim who suffers from
5 mental retardation, or (ii) a victim who suffers from a mental disorder,
6 either of which temporarily or permanently renders the victim
7 substantially incapable of appraising the nature of his or her conduct,
8 or of resisting the act of vaginal intercourse or a sexual act, or of
9 communicating unwillingness to submit to the act of vaginal
10 intercourse or a sexual act.

11 "

12 **SECTION 2.(b)** G.S. 14-27.3(a)(2) reads as rewritten:

13 "**§ 14-27.3. Second-degree rape.**

14 (a) A person is guilty of rape in the second degree if the person engages in
15 vaginal intercourse with another person:

16 ...

- 17 (2) Who is mentally ~~defective~~—disabled, mentally incapacitated, or
18 physically helpless, and the person performing the act knows or should
19 reasonably know the other person is mentally ~~defective~~—disabled,
20 mentally incapacitated, or physically helpless."

21 **SECTION 2.(c)** G.S. 14-27.5(a)(2) reads as rewritten:

22 "**§ 14-27.5. Second-degree sexual offense.**

23 (a) A person is guilty of a sexual offense in the second degree if the person
24 engages in a sexual act with another person:

25 ...

- 26 (2) Who is mentally ~~defective~~—disabled, mentally incapacitated, or
27 physically helpless, and the person performing the act knows or should
28 reasonably know that the other person is mentally ~~defective~~—disabled,
29 mentally incapacitated, or physically helpless."

30 **SECTION 2.(d)** G.S. 15-144.1(c) reads as rewritten:

31 "(c) If the victim is a person who is mentally ~~defective~~—disabled, mentally
32 incapacitated, or physically helpless it is sufficient to allege that the defendant
33 unlawfully, willfully, and feloniously did carnally know and abuse a person who was
34 mentally ~~defective~~—disabled, mentally incapacitated or physically helpless, naming such
35 victim, and concluding as aforesaid. Any bill of indictment containing the averments
36 and allegations herein named shall be good and sufficient in law for the rape of a
37 mentally ~~defective~~—disabled, mentally incapacitated or physically helpless person and all
38 lesser included offenses."

39 **SECTION 2.(e)** G.S. 15-144.2(c) reads as rewritten:

40 "(c) If the victim is a person who is mentally ~~defective~~—disabled, mentally
41 incapacitated, or physically helpless it is sufficient to allege that the defendant
42 unlawfully, willfully, and feloniously did engage in a sex offense with a person who
43 was mentally ~~defective~~—disabled, mentally incapacitated or physically helpless, naming
44 such victim, and concluding as aforesaid. Any bill of indictment containing the

1 averments and allegations herein named shall be good and sufficient in law for a sex
2 offense against a mentally ~~defective, disabled,~~ mentally incapacitated or physically
3 helpless person and all lesser included offenses."

4 **SECTION 2.(f)** This section becomes effective December 1, 2002, and
5 applies to offenses committed on or after that date.

6 **SECTION 3.(a)** G.S. 14-309.7(a) reads as rewritten:

7 "(a) An exempt organization may not operate a bingo game at a location without a
8 license. Application for a bingo license shall be made to the Department of ~~Health and~~
9 ~~Human Services~~Crime Control and Public Safety on a form prescribed by the
10 Department. The Department shall charge an annual application fee of one hundred
11 dollars (\$100.00) to defray the cost of issuing bingo licenses and handling bingo audit
12 reports. The fees collected shall be deposited in the General Fund of the State. This
13 license shall expire one year after the granting of the license. This license may be
14 renewed yearly, if the applicant pays the application fee and files an audit with the
15 Department pursuant to G.S. 14-309.11. A copy of the application and license shall be
16 furnished to the local law-enforcement agency in the county or municipality in which
17 the licensee intends to operate before bingo is conducted by the licensee."

18 **SECTION 3.(b)** G.S. 14-309.7(e) reads as rewritten:

19 "(e) An exempt organization that wants to conduct only an annual or semiannual
20 bingo game may apply to the Department of ~~Health and Human Services~~Crime Control
21 and Public Safety for a limited occasion permit. The Department of ~~Health and Human~~
22 ~~Services~~Crime Control and Public Safety may require such information as is reasonable
23 and necessary to determine that the bingo game is conducted in accordance with the
24 provisions of this Part but may not require more information than previously specified
25 in this section for application of a regular license. The application shall be made to the
26 Department on prescribed forms at least 30 days prior to the scheduled date of the bingo
27 game. In lieu of the reporting requirements of G.S. 14-309.11(b) the exempt
28 organization shall file with the licensing agency and local law-enforcement a report on
29 prescribed forms no later than 30 days following the conduct of the bingo game for
30 which the permit was obtained. Such report may require such information as is
31 reasonable and necessary to determine that the bingo game was conducted in
32 accordance with the provisions of this Part but may not require more information than
33 specified in G.S. 14-309.11(b). Any licensed exempt organization may donate or loan
34 its equipment or use of its premises to an exempt organization which has secured a
35 limited occasion permit provided such arrangement is disclosed in the limited occasion
36 permit application and is approved by the Department of ~~Health and Human~~
37 ~~Services~~Crime Control and Public Safety. Except as stated above, all provisions of this
38 Part shall apply to any exempt organization operating a bingo game under this
39 provision."

40 **SECTION 4.(a)** G.S. 14-309.11(b) reads as rewritten:

41 "(b) An audit of the account required by subsection (a) of this section shall be
42 prepared annually for the period of January 1 through December 31 or otherwise as
43 directed by the Department of ~~Health and Human Services~~Crime Control and Public
44 Safety and shall be filed with the Department of ~~Health and Human Services~~Crime

1 Control and Public Safety and the local law-enforcement agency at a time directed by
2 the Department of ~~Health and Human Services~~Crime Control and Public Safety. The
3 audit shall be prepared on a form approved by the Department of ~~Health and Human~~
4 ~~Services~~Crime Control and Public Safety and shall include the following information:

- 5 (1) The number of bingo games conducted or sponsored by the exempt
6 organization;
- 7 (2) The location and date at which each bingo game was conducted and
8 the prize awarded;
- 9 (3) The gross receipts of each bingo game;
- 10 (4) The cost or amount of any prize given at each bingo game;
- 11 (5) The amount paid in prizes at each session;
- 12 (6) The net return to the exempt organization; and
- 13 (7) The disbursements from the separate account and the purpose of those
14 disbursements, including the date of each transaction and the name and
15 address of each payee."

16 **SECTION 4.(b)** G.S. 14-309.11(d) reads as rewritten:

17 "(d) All books, papers, records and documents relevant to determining whether an
18 organization has acted or is acting in compliance with this section shall be open to
19 inspection by the law-enforcement agency or its designee, or the district attorney or his
20 designee, or the Department of ~~Health and Human Services~~Crime Control and Public
21 Safety at reasonable times and during reasonable hours."

22 **SECTION 5.** G.S. 14-313(b) reads as rewritten:

23 "(b) Sale or distribution to persons under the age of 18 years. – If any person shall
24 distribute, or aid, assist, or abet any other person in distributing tobacco products or
25 cigarette wrapping papers to any person under the age of 18 years, or if any person shall
26 purchase tobacco products or cigarette wrapping papers on behalf of ~~to~~a person, less
27 than 18 years, the person shall be guilty of a Class 2 misdemeanor; provided, however,
28 that it shall not be unlawful to distribute tobacco products or cigarette wrapping papers
29 to an employee when required in the performance of the employee's duties. Retail
30 distributors of tobacco products shall prominently display near the point of sale a sign in
31 letters at least five-eighths of an inch high which states the following:

32
33 **N.C. LAW STRICTLY PROHIBITS**

34
35 **THE PURCHASE OF TOBACCO PRODUCTS**

36
37 **BY PERSONS UNDER THE AGE OF 18.**

38
39 **PROOF OF AGE REQUIRED.**

40
41 Failure to post the required sign shall be an infraction punishable by a fine of
42 twenty-five dollars (\$25.00) for the first offense and seventy-five dollars (\$75.00) for
43 each succeeding offense.

1 A person engaged in the sale of tobacco products shall demand proof of age from a
2 prospective purchaser if the person has reasonable grounds to believe that the
3 prospective purchaser is under 18 years of age. Failure to demand proof of age as
4 required by this subsection is a Class 2 misdemeanor if in fact the prospective purchaser
5 is under 18 years of age. Proof that the defendant demanded, was shown, and
6 reasonably relied upon proof of age in the case of a retailer, or any other documentary
7 or written evidence of age in the case of a nonretailer, or that the defendant relied on the
8 electronic system established and operated by the Division of Motor Vehicles pursuant
9 to G.S. 20-37.02, shall be a defense to any action brought under this subsection. Retail
10 distributors of tobacco products shall train their sales employees in the requirements of
11 this law."

12 **SECTION 6.** G.S. 20-28(a1) reads as rewritten:

13 "(a1) Driving Without Reclaiming License. – A person convicted under subsection
14 (a) shall be punished as if the person had been convicted of driving without a license
15 under G.S. 20-35 if the person demonstrates to the court that either subdivisions (1) and
16 (2), or subdivision (3) of this subsection is true:

- 17 (1) At the time of the offense, the person's license was revoked solely
18 under G.S. 20-16.5; and
19 (2) a. The offense occurred more than ~~30~~45 days after the effective
20 date of a revocation order issued under G.S. 20-16.5(f) and the
21 period of revocation was ~~30~~45 days as provided under
22 subdivision (3) of that subsection; or
23 b. The offense occurred more than ~~40~~30 days after the effective
24 date of the revocation order issued under any other provision of
25 G.S. 20-16.5; or
26 (3) At the time of the offense the person had met the requirements of G.S.
27 50-13.12, or G.S. 110-142.2 and was eligible for reinstatement of the
28 person's drivers license privilege as provided therein.

29 In addition, a person punished under this subsection shall be treated for drivers
30 license and insurance rating purposes as if the person had been convicted of driving
31 without a license under G.S. 20-35, and the conviction report sent to the Division must
32 indicate that the person is to be so treated."

33 **SECTION 7.** G.S. 25-3-118(h) reads as rewritten:

34 "(h) A ~~seal~~sealed instrument otherwise subject to this Article is governed by the
35 time limits of G.S. 1-47(2)."

36 **SECTION 8.** G.S. 28A-13-3(c) reads as rewritten:

37 "(c) Prior to the personal representative exercising possession, custody or control
38 over real property of the estate he shall petition the clerk of court to obtain an order
39 authorizing such possession, custody or control. The petition shall include:

- 40 (1) A description of the real property which is the subject of the petition;
41 (2) The names, ages, and addresses, if known, of the devisees and heirs of
42 the decedent;

- 1 (3) A statement by the personal representative that he has determined that
2 such possession, custody or control is in the best interest of the
3 administration of the estate.

4 The devisees and heirs will be made parties to the proceeding by service of summons in
5 the manner prescribed by law. If the clerk of court determines that it is in the best
6 interest of the administration of the estate to authorize the personal representative to
7 take possession, custody or control he shall grant an order authorizing that power. If a
8 special proceeding has been instituted by the personal representative pursuant to G.S.
9 28A-15-1(c), the personal representative may petition for ~~sale, lease or~~
10 ~~mortgage~~ possession, custody, or control of any real property as a part of that proceeding
11 and is not required to institute a separate special proceeding."

12 **SECTION 9.** G.S. 28A-15-1(c) reads as rewritten:

13 "(c) If it shall be determined by the personal representative that it is in the best
14 interest of the administration of the estate to sell, lease, or mortgage any real estate or
15 interest therein to obtain money for the payment of debts and other claims against the
16 decedent's estate, the personal representative shall institute a special proceeding before
17 the clerk of superior court for such purpose pursuant to Article 17 of this Chapter,
18 except that no such proceeding shall be required for a sale made pursuant to authority
19 given by will. A general provision granting authority to the personal representative to
20 sell the testator's real property, or incorporation by reference of the provisions of G.S.
21 32-27(2) shall be sufficient to eliminate the necessity for a proceeding under Article 17.
22 If a special proceeding has been instituted by the personal representative pursuant to
23 G.S. 28A-13-3(c), the personal representative may petition for ~~possession, custody or~~
24 ~~control~~ sale, lease, or mortgage of any real property as a part of that proceeding and is
25 not required to institute a separate special proceeding."

26 **SECTION 10.** G.S. 47A-17 reads as rewritten:

27 "**§ 47A-17. Termination of unit ownership; no bar to reestablishment.**

28 The removal provided for in ~~the preceding section~~ G.S. 47A-16 shall in no way bar
29 the subsequent resubmission of the property to the provisions of this Article."

30 **SECTION 11.** G.S. 48-2-206(h) reads as rewritten:

31 "(h) Transfer under ~~G.S. 1-272~~ G.S. 1-301.2 and appeal under G.S. 1-279.1 shall
32 be as for an adoption proceeding."

33 **SECTION 12.** G.S. 48-2-601 reads as rewritten:

34 "**§ 48-2-601. Hearing on, or disposition of, adoption petition; transfer of adoption**
35 **proceeding; timing.**

36 (a) If it appears to the court that a petition to adopt a minor is not contested, the
37 court may dispose of the petition without a formal hearing.

38 (a1) If an issue of fact, an equitable defense, or a request for equitable relief is
39 raised before the clerk, the clerk shall transfer the proceeding to the district court under
40 G.S. 1-301.2.

41 (b) No later than 90 days after a petition for adoption has been filed, the court
42 shall set a date and time for hearing or disposing of the petition.

1 (c) The hearing or disposition must take place no later than six months after the
2 petition is filed, but the court for cause may extend the time for the hearing or
3 disposition."

4 **SECTION 13.(a)** G.S. 51-1(1)b. reads as rewritten:

5 "b. With the consequent declaration by the minister or magistrate
6 that the persons are husband and wife; or".

7 **SECTION 13.(b)** Any marriage solemnized on or after October 1, 2001, and
8 before the effective date of this act and otherwise valid is not invalid because the
9 minister or magistrate failed to declare the persons husband and wife.

10 **SECTION 14.** G.S. 51-8 reads as rewritten:

11 "**§ 51-8. License issued by register of deeds.**

12 Every register of deeds shall, upon proper application, issue a license for the
13 marriage of any two persons who are able to answer the questions regarding age, marital
14 status, and intention to marry, and, based on the answers, the register of deeds
15 determines the persons are authorized to be married in accordance with the laws of this
16 State. In making a determination as to whether or not the parties are authorized to be
17 married under the laws of this State, the register of deeds may require the applicants for
18 the license to marry to present certified copies of birth certificates ~~or birth registration~~
19 ~~cards provided for in G.S. 130-73~~, or such other evidence as the register of deeds deems
20 necessary to ~~such the~~ determination. The register of deeds may administer an oath to
21 any person presenting evidence relating to whether or not parties applying for a
22 marriage license are eligible to be married pursuant to the laws of this State. Each
23 applicant for a marriage license shall provide on the application the applicant's social
24 security number. If an applicant does not have a social security number and is ineligible
25 to obtain one, the applicant shall present a statement to that effect, sworn to or affirmed
26 before an officer authorized to administer oaths. Upon presentation of a sworn or
27 affirmed statement, the register of deeds shall issue the license, provided all other
28 requirements are met, and retain the statement with the register's copy of the license.
29 The register of deeds shall not issue a marriage license unless all of the requirements of
30 this section have been met."

31 **SECTION 15.** G.S. 55-1-20(j) is repealed.

32 **SECTION 16.** The catch line of G.S. 78C-20 reads as rewritten:

33 "**§ 78C-20. ~~Alternative methods~~ Methods of registration.**"

34 **SECTION 17.** G.S. 59-73.33(b)(2) reads as rewritten:

35 "(2) To have appointed the Secretary of State as its registered agent for
36 service of process in any such proceeding. Service on the Secretary of
37 State of any such process shall be made by delivering to and leaving
38 with the Secretary of State, or with any clerk authorized by the
39 Secretary of State to accept service of process, duplicate copies of such
40 process and the fee required by G.S. ~~59-35.2.59-35.1(e)~~. Upon receipt
41 of service of process on behalf of a surviving business entity in the
42 manner provided for in this section, the Secretary of State shall
43 immediately mail a copy of the process by registered or certified mail,
44 return receipt requested, to the surviving business entity. If the

1 surviving business entity is authorized to transact business or conduct
 2 affairs in this State, the address for mailing shall be its principal office
 3 designated in the latest document filed with the Secretary of State that
 4 is authorized by law to designate the principal office or, if there is no
 5 principal office on file, its registered office. If the surviving business
 6 entity is not authorized to transact business or conduct affairs in this
 7 State, the address for mailing shall be the mailing address designated
 8 pursuant to G.S. 59-73.32(a)(3)."

9 **SECTION 18.(a)** G.S. 114-10(2a) is recodified as G.S. 114-10.01.

10 **SECTION 18.(b)** G.S. 114-10.01, as recodified by Section 18(a) of this act,
 11 reads as rewritten:

12 **"§ 114-10.01. Collection of traffic law enforcement statistics.**

13 ~~(2a)~~(a) In addition to the duties set forth in G.S. 114-10, the Division of Criminal
 14 Statistics shall ~~To~~ collect, correlate, and maintain the following information regarding
 15 traffic law enforcement by law enforcement officers:

- 16 a.(1) The number of drivers stopped for routine traffic enforcement by law
 17 enforcement officers, the officer making each stop, the date each stop
 18 was made, the agency of the officer making each stop, and whether or
 19 not a citation or warning was ~~issued~~;issued.
- 20 b.(2) Identifying characteristics of the drivers stopped, including the race or
 21 ethnicity, approximate age, and ~~gender~~;gender.
- 22 e.(3) The alleged traffic violation that led to the ~~stop~~;stop.
- 23 ~~d.~~(4) Whether a search was instituted as a result of the ~~stop~~;stop.
- 24 e.(5) Whether the vehicle, personal effects, driver, or passenger or
 25 passengers were searched, and the race or ethnicity, approximate age,
 26 and gender of each person ~~searched~~;searched.
- 27 ~~f.~~(6) Whether the search was conducted pursuant to consent, probable
 28 cause, or reasonable suspicion to suspect a crime, including the basis
 29 for the request for consent, or the circumstances establishing probable
 30 cause or reasonable ~~suspicion~~;suspicion.
- 31 ~~g.~~(7) Whether any contraband was found and the type and amount of any
 32 such ~~contraband~~;contraband.
- 33 ~~h.~~(8) Whether any written citation or any oral or written warning was issued
 34 as a result of the ~~stop~~;stop.
- 35 ~~i.~~(9) Whether an arrest was made as a result of either the stop or the
 36 ~~search~~;search.
- 37 ~~j.~~(10) Whether any property was seized, with a description of that
 38 ~~property~~;property.
- 39 ~~k.~~(11) Whether the officers making the stop encountered any physical
 40 resistance from the driver or passenger or ~~passengers~~;passengers.
- 41 ~~l.~~(12) Whether the officers making the stop engaged in the use of force
 42 against the driver, passenger, or passengers for any ~~reason~~;reason.
- 43 ~~m.~~(13) Whether any injuries resulted from the ~~stop~~;stop.

1 ~~n.~~(14) Whether the circumstances surrounding the stop were the subject of
2 any investigation, and the results of that ~~investigation; and~~
3 investigation.

4 ~~o.~~(15) The geographic location of the stop; if the officer making the stop is a
5 member of the State Highway Patrol, the location shall be the
6 Highway Patrol District in which the stop was made; for all other law
7 enforcement officers, the location shall be the city or county in which
8 the stop was made.

9 (b) For purposes of this ~~subdivision,section,~~ "law enforcement officer"
10 ~~means;means any of the following:~~

11 ~~1.~~(1) All State law enforcement ~~officers;officers.~~

12 ~~2.~~(2) Law enforcement officers employed by county sheriffs or county
13 police ~~departments;departments.~~

14 ~~3.~~(3) Law enforcement officers employed by police departments in
15 municipalities with a population of 10,000 or more ~~and persons; and~~
16 persons.

17 ~~4.~~(4) Law enforcement officers employed by police departments in
18 municipalities employing five or more full-time sworn officers for
19 every 1,000 in population, as calculated by the Division for the
20 calendar year in which the stop was made.

21 (c) The information required by this ~~subdivision-section~~ need not be collected in
22 connection with impaired driving checks under G.S. 20-16.3A or other types of
23 roadblocks, vehicle checks, or checkpoints that are consistent with the laws of this State
24 and with the State and federal constitutions, except when those stops result in a warning,
25 search, seizure, arrest, or any of the other activity described in ~~sub-subdivisions d.~~
26 ~~through n. of this subdivision.~~ subdivisions (4) through (14) of subsection (a) of this
27 section.

28 (d) The identity of the law enforcement officer making the stop required by ~~sub-~~
29 ~~subdivision a. of this subdivision-~~ subdivision (1) of subsection (a) of this section may be
30 accomplished by assigning anonymous identification numbers to each officer in an
31 agency. The correlation between the identification numbers and the names of the
32 officers shall not be a public record, and shall not be disclosed by the agency except
33 when required by order of a court of competent jurisdiction to resolve a claim or
34 defense properly before the court.

35 (e) The Division shall publish and distribute by December 1 of each year a list
36 indicating the law enforcement officers that will be subject to the provisions of this
37 ~~subdivision-section~~ during the calendar year commencing on the following January 1."

38 **SECTION 19.** G.S. 116-209.25(c1)(2) reads as rewritten:

39 "(2) The investment manager is subject to the jurisdiction and regulation of
40 the United States ~~Security~~-Securities and Exchange Commission."

41 **SECTION 20.** The introductory language of G.S. 143-640(c) reads as
42 rewritten:

43 "(c) Membership. – The Commission shall consist of ~~28~~-29 members, as
44 follows:".

1 **SECTION 21.(a)** G.S. 163-119 reads as rewritten:

2 "**§ 163-119. Voting by unaffiliated voter in party primary.**

3 If a political party has, by action of its State Executive Committee reported to the
4 State Board of Elections by resolution delivered no later than the first day of December
5 preceding a primary, provided that unaffiliated voters may vote in the primary of that
6 party, an unaffiliated voter may vote in the primary of that party by announcing that
7 intention under ~~G.S. 163-150(a)~~.G.S. 163-166.7(a). For a party to withdraw its
8 permission, it must do so by action of its State Executive Committee, similarly reported
9 to the State Board of Elections no later than the first day of December preceding the
10 primary where the withdrawal is to become effective."

11 **SECTION 21.(b)** G.S. 163-122(b) reads as rewritten:

12 "(b) Form of Petition. – Petitions requesting an unaffiliated candidate to be placed
13 on the general election ballot shall contain on the heading of each page of the petition in
14 bold print or in all capital letters the words: "THE UNDERSIGNED REGISTERED
15 VOTERS IN _____ COUNTY HEREBY PETITION ON BEHALF OF
16 _____ AS AN UNAFFILIATED CANDIDATE FOR THE OFFICE OF
17 _____ IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED
18 HEREBY PETITION THAT SUBJECT CANDIDATE BE PLACED ON THE
19 APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS
20 CONTAINED IN G.S. 163-122."

21 **SECTION 21.(c)** G.S. 163-276 reads as rewritten:

22 "**§ 163-276. Convicted officials; removal from office.**

23 Any public official who shall be convicted of violating any provision of Article ~~13~~
24 14A or 22 of this Chapter, in addition to the punishment provided by law, shall be
25 removed from office by the judge presiding, and, if the conviction is for a felony, shall
26 be disqualified from voting until his citizenship is restored as provided by law."

27 **SECTION 21.(d)** G.S. 163-278.9(4a) reads as rewritten:

28 "(4a) 48-Hour Report. – A political committee or political party that receives
29 a contribution or transfer of funds from any political committee shall
30 disclose within 48 hours of receipt a contribution or transfer of one
31 thousand dollars (\$1,000) or more received before an election but after
32 the period covered by the last ~~preelection~~ report but due before ~~an~~ that
33 election. The disclosure shall be by report to the State Board of
34 Elections identifying the source and amount of the funds. The State
35 Board of Elections shall specify the form and manner of making the
36 report."

37 **SECTION 21.(e)** G.S. 163-278.9A(a)(2a) reads as rewritten:

38 "(2a) 48-Hour Report. – A referendum committee that receives a
39 contribution or transfer of funds from any political committee shall
40 disclose within 48 hours of receipt a contribution or transfer of one
41 thousand dollars (\$1,000) or more received before a referendum but
42 after the period covered by the last ~~preelection~~ report but due before ~~an~~
43 election that referendum. The disclosure shall be by report to the State
44 Board of Elections identifying the source and amount of such funds.

1 The State Board of Elections shall specify the form and manner of
2 making the report."

3 **SECTION 21.(f)** G.S. 163-278.33 reads as rewritten:

4 "**§ 163-278.33. Applicability of Article 22.**

5 Sections 163-271 through 163-278 shall be applicable to the offices covered by this
6 Article and ~~G.S. 163-269~~ G.S. 163-271 through 163-278 shall be applicable to all
7 elective offices not covered by this Article."

8 **SECTION 21.(g)** G.S. 163-323(d) reads as rewritten:

9 "(d) Certificate That Candidate Is Registered Voter. – Candidates shall file along
10 with their notice a certificate signed by the chairman of the board of elections or the
11 ~~supervisor~~ director of elections of the county in which they are registered to vote,
12 stating that the person is registered to vote in that county, and if the candidacy is for
13 superior court judge and the county contains more than one superior court district,
14 stating the superior court district of which the person is a resident. In issuing such
15 certificate, the chairman or ~~supervisor~~ director shall check the registration records of the
16 county to verify such information. During the period commencing 36 hours immediately
17 preceding the filing deadline, the State Board of Elections shall accept, on a conditional
18 basis, the notice of candidacy of a candidate who has failed to secure the verification
19 ordered herein subject to receipt of verification no later than three days following the
20 filing deadline. The State Board of Elections shall prescribe the form for such
21 certificate, and distribute it to each county board of elections no later than the last
22 Monday in December of each odd-numbered year."

23 **SECTION 21.(h)** Article 13A of Chapter 163 of the General Statutes is
24 recodified as Article 14A of Chapter 163 of the General Statutes.

25 **SECTION 22.(a)** Section 1.2 of Chapter 282 of the 1967 Session Laws is
26 codified as the last sentence of G.S. 20-126(a).

27 **SECTION 22.(b)** G.S. 20-126(a), as amended by Section 22(a) of this act,
28 reads as rewritten:

29 "(a) No person shall drive a motor vehicle on the streets or highways of this State
30 unless equipped with an inside rearview mirror of a type approved by the
31 Commissioner, which provides the driver with a clear, undistorted, and reasonably
32 unobstructed view of the highway to the rear of such vehicle; provided, a vehicle so
33 constructed or loaded as to make such inside rearview mirror ineffective may be
34 operated if equipped with a mirror of a type to be approved by the Commissioner
35 located so as to reflect to the driver a view of the highway to the rear of such vehicle. A
36 violation of this subsection shall not constitute negligence per se in civil actions. Farm
37 tractors, self-propelled implements of husbandry and construction equipment and all
38 self-propelled vehicles not subject to registration under this Chapter are exempt from
39 the provisions of this section. Provided that pickup trucks equipped with an outside
40 rearview mirror approved by the Commissioner shall be exempt from the inside
41 rearview mirror provision of this section. Any inside mirror installed in any motor
42 vehicle by its manufacturer shall be deemed to comply with the provisions of this
43 ~~Act~~ subsection."

1 **SECTION 23.** Effective January 1, 2002, Section 8 of S.L. 2001-390 is
2 repealed.

3
4 **PART II. FAMILY CARE HOME DEFINITION**

5
6 **SECTION 24.** G.S. 168-21(1) reads as rewritten:

7 "(1) "Family care home" means ~~an adult care~~ a home with support and
8 supervisory personnel that provides room and board, personal care and
9 habilitation services in a family environment for not more than six
10 resident handicapped persons."

11
12 **PART III. OTHER CHANGES**

13
14 **SECTION 25.** G.S. 7A-39.3(b) reads as rewritten:

15 "(b) In addition to the compensation or retirement allowance he would otherwise
16 be entitled to receive by law, each emergency justice or emergency judge recalled for
17 temporary active service shall be paid by the State his actual expenses, plus ~~one hundred~~
18 ~~fifty dollars (\$150.00)~~ three hundred dollars (\$300.00) for each day of active service
19 rendered upon recall. No recalled retired or emergency justice or judge shall receive
20 from the State total annual compensation for judicial services in excess of that received
21 by an active justice or judge of the bench to which the justice or judge is being
22 recalled."

23 **SECTION 26.** G.S. 7B-3000(g) reads as rewritten:

24 "(g) Except as provided in subsection (d) of this section, a juvenile's record shall
25 be destroyed only as authorized by G.S. 7B-3200 or by rules adopted by the ~~Department~~
26 ~~of Juvenile Justice and Delinquency Prevention.~~ Administrative Office of the Courts."

27 **SECTION 27.** G.S. 10A-16 reads as rewritten:

28 **"§ 10A-16. Acts of notaries public in certain instances validated.**

29 (a) Any acknowledgment taken and any instrument notarized by a person prior to
30 qualification as a notary public but after commissioning or recommissioning as a notary
31 public, or by a person whose notary commission has expired, is hereby validated. The
32 acknowledgment and instrument shall have the same legal effect as if the person
33 qualified as a notary public at the time the person performed the act.

34 (b) All documents bearing a notarial seal and which contain any of the following
35 errors are validated and given the same legal effect as if the errors had not occurred:

36 (1) ~~in which the~~ The date of the expiration of the notary's commission is
37 stated, whether correctly or ~~erroneously, or having a~~ erroneously.

38 (2) The notarial seal ~~that~~ does not contain a readable impression of the
39 notary's name, ~~or~~ contains an incorrect spelling of the notary's name,
40 or ~~that~~ does not bear the name of the notary exactly as it appears on the
41 commission, as required by ~~G.S. 10A-11, or where the~~ G.S. 10A-11.

42 (3) The notary's signature does not comport exactly with the name on the
43 notary commission or on the notary seal, as required by ~~G.S. 10A-9, or~~
44 G.S. 10A-9.

1 (4) The notarial seal contains typed, printed, drawn, or handwritten
2 material added to the seal, fails to contain the words "North Carolina"
3 or the abbreviation "N. C.", or contains correct information except that
4 instead of the abbreviation for North Carolina contains the
5 abbreviation for another state ~~are validated and given the same legal~~
6 effect as if the errors had not occurred.state.

7 (c) All deeds of trust in which the notary was named in the document as a trustee
8 only are validated.

9 (d) This section applies to notarial acts performed on or before ~~April 15,~~
10 ~~2001.~~July 1, 2002."

11 **SECTION 28.** G.S. 14-234(d4) reads as rewritten:

12 "(d4) Subsection (a) of this section does not apply to an application for, or the
13 receipt of a grant or other financial assistance from, the Tobacco Trust Fund created
14 under Article 75 of Chapter 143 of the General Statutes by a member of the Tobacco
15 Trust Fund Commission or an entity in which a member of the Commission has an
16 interest provided that the requirements of ~~G.S. 143-717(g)~~G.S. 143-717(h) are met."

17 **SECTION 29.** G.S. 17C-6(a) reads as rewritten:

18 "(a) In addition to powers conferred upon the Commission elsewhere in this
19 Chapter, the Commission shall have the following powers, which shall be enforceable
20 through its rules and regulations, certification procedures, or the provisions of G.S.
21 17C-10:

- 22 (1) Promulgate rules and regulations for the administration of this
23 Chapter, which rules may require (i) the submission by any criminal
24 justice agency of information with respect to the employment,
25 education, retention, and training of its criminal justice officers, and
26 (ii) the submission by any criminal justice training school of
27 information with respect to its criminal justice training programs that
28 are required by this ~~Chapter;~~Chapter.
- 29 (2) Establish minimum educational and training standards that must be
30 met in order to qualify for entry level employment and retention as a
31 criminal justice officer in temporary or probationary status or in a
32 permanent ~~position;~~position.
- 33 (3) Certify and recertify, pursuant to the standards that it has established
34 for the purpose, persons as qualified under the provisions of this
35 Chapter to be employed at entry level and retained as criminal justice
36 ~~officers;~~officers.
- 37 (4) Establish minimum standards for the certification of criminal justice
38 training schools and programs or courses of instruction that are
39 required by this ~~Chapter;~~Chapter.
- 40 (5) Certify and recertify, pursuant to the standards that it has established
41 for the purpose, criminal justice training schools and programs or
42 courses of instruction that are required by this ~~Chapter;~~Chapter.
- 43 (6) Establish minimum standards and levels of education and experience
44 for all criminal justice instructors and school directors who participate

1 in programs or courses of instruction that are required by this
2 ~~Chapter;Chapter.~~

3 (7) Certify and recertify, pursuant to the standards that it has established
4 for the purpose, criminal justice instructors and school directors who
5 participate in programs or courses of instruction that are required by
6 this ~~Chapter;Chapter.~~

7 (8) Investigate and make such evaluations as may be necessary to
8 determine if criminal justice agencies, schools, and individuals are
9 complying with the provisions of this ~~Chapter;Chapter.~~

10 (9) Adopt and amend bylaws, consistent with law, for its internal
11 management and ~~control;control.~~

12 (10) Enter into contracts incident to the administration of its authority
13 pursuant to this ~~Chapter;Chapter.~~

14 (11) Establish minimum standards and levels of training for certification
15 and periodic recertification of operators of and instructors for training
16 programs in radio microwave, laser, and other electronic
17 speed-measuring ~~instruments;instruments.~~

18 (12) Certify and recertify, pursuant to the standards that it has established,
19 operators and instructors for training programs for each approved type
20 of radio microwave, laser, and other electronic speed-measuring
21 ~~instruments;instruments.~~

22 (13) In conjunction with the Secretary of Crime Control and Public Safety,
23 approve use of specific models and types of radio microwave, laser,
24 and other speed-measuring instruments and establish the procedures
25 for operation of each approved instrument and standards for calibration
26 and testing for accuracy of each approved instrument.

27 (14) Establish minimum standards for in-service training for criminal
28 justice officers."

29 **SECTION 30.** G.S. 20-11(j) reads as rewritten:

30 "(j) Duration and Fee. – A limited learner's permit expires on the eighteenth
31 birthday of the permit holder. A limited provisional license expires on the eighteenth
32 birthday of the license holder. A limited learner's permit or limited provisional license
33 issued under this section that expires on a weekend or State holiday shall remain valid
34 through the fifth regular State business day following the date of expiration. A full
35 provisional license expires on the date set under G.S. 20-7(f). The fee for a limited
36 learner's permit or a limited provisional license is ten dollars (\$10.00). The fee for a full
37 provisional license is the amount set under G.S. 20-7(i)."

38 **SECTION 31.** G.S. 20-37.20(b) reads as rewritten:

39 "(b) Foreign Diplomat. – The Division must notify the United States Department
40 of State within 15 days after it receives one ~~of~~ or more of the following reports for a
41 holder of a ~~driver's~~ drivers license issued by the United States Department of State:

42 (1) A report of a conviction for a violation of State law or local ordinance
43 relating to motor vehicle traffic control, other than parking violations.

44 (2) A report of a civil revocation order."

1 **SECTION 31.1.** If House Bill 1745, 2001 Session, becomes law, G.S.
2 20-63(b) reads as rewritten:

3 "(b) Every license plate shall have displayed upon it the registration number
4 assigned to the vehicle for which it is issued, the name of the State of North Carolina,
5 which may be abbreviated, and the year number for which it is issued or the date of
6 expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and
7 weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is
8 a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a
9 trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for
10 7,000 pounds through 26,000 pounds must bear the word "weighted".

11 A registration plate issued by the Division for a private passenger vehicle or for a
12 private hauler vehicle licensed for 6,000 pounds or less, other than a Friends of the
13 Great Smoky Mountains National Park special registration ~~plate, plate or a Rocky~~
14 Mountain Elk Foundation special registration plate shall be a "First in Flight" plate. A
15 "First in Flight" plate shall have the words "First in Flight" printed at the top of the plate
16 above all other letters and numerals. The background of the plate shall depict the Wright
17 Brothers biplane flying over Kitty Hawk Beach, with the plane flying slightly upward
18 and to the right."

19 **SECTION 32.** G.S. 20-354.6(2) reads as rewritten:

20 "(2) An itemized description of all labor, parts, and merchandise supplied
21 and the costs of all labor, parts, and merchandise supplied. No
22 itemized description is required to be provided to the ~~consumer~~
23 customer for labor, parts, and merchandise supplied when a third party
24 has indicated to the motor vehicle repair shop that the repairs will be
25 paid for under a service contract, under a mechanical breakdown
26 contract, or under a manufacturer's warranty, without charge to the
27 ~~consumer-customer.~~"

28 **SECTION 33.** Article 9A of Chapter 25 of the General Statutes (G.S.
29 25-9A-101 through G.S. 25-9A-102), as enacted by Section 1 of S.L. 2002-88, is
30 recodified as Article 25 of Chapter 53 of the General Statutes (G.S. 53-425 through G.S.
31 53-426).

32 **SECTION 34.(a)** G.S. 59-73.12(a) reads as rewritten:

33 "(a) After a plan of conversion has been approved by the converting business
34 entity as provided in G.S. 59-73.11, the converting business entity shall deliver articles
35 of conversion to the Secretary of State for filing. The articles of conversion shall state:

- 36 (1) That the domestic partnership is being formed pursuant to a conversion
37 of another business entity;
- 38 (2) The name of the resulting domestic partnership, a designation of its
39 mailing address, and a commitment to file with the Secretary of State a
40 statement of any subsequent change in its mailing address;
- 41 (3) The name of the converting business entity, its type of business entity,
42 and the state or country whose laws govern its organization and
43 internal affairs; and

- 1 (4) That a plan of conversion has been approved by the converting
2 business entity as required by law.

3 If the resulting domestic partnership is to be a registered limited liability partnership
4 when the conversion takes effect, then instead of ~~separately filing the converting~~
5 ~~business entity delivering the articles of conversion,~~ conversion to the Secretary of State
6 ~~for filing,~~ the articles of conversion shall be included as part of the application for
7 registration filed pursuant to G.S. 59-84.2 in addition to the matters otherwise required
8 or permitted by law.

9 If the plan of conversion is abandoned after the articles of conversion have been
10 filed with the Secretary of State but before the articles of conversion become effective,
11 ~~the converting business entity an amendment to the articles of conversion withdrawing~~
12 ~~the articles of conversion shall deliver be delivered~~ to the Secretary of State for filing
13 prior to the time the articles of conversion become ~~effective an amendment to the~~
14 ~~articles of conversion withdrawing the articles of conversion effective."~~

15 **SECTION 34.(b)** G.S. 59-1052 reads as rewritten:

16 "**§ 59-1052. Filing of certificate of limited partnership by converting business**
17 **entity-partnership.**

18 (a) After a plan of conversion has been approved by the converting business
19 entity as provided in G.S. 59-1051, ~~the converting business entity shall deliver a~~
20 certificate of limited partnership ~~shall be delivered~~ to the Secretary of State for filing. In
21 addition to the matters required or permitted by G.S. 59-201, the certificate of limited
22 partnership shall contain articles of conversion stating:

- 23 (1) That the domestic limited partnership is being formed pursuant to a
24 conversion of another business entity;
25 (2) The name of the converting business entity, its type of business entity,
26 and the state or country whose laws govern its organization and
27 internal affairs; and
28 (3) That a plan of conversion has been approved by the converting
29 business entity in the manner required by law.

30 If the plan of conversion is abandoned after the certificate of limited partnership has
31 been filed with the Secretary of State but before the certificate of limited partnership
32 becomes effective, ~~the converting business entity an amendment withdrawing the~~
33 ~~certificate of limited partnership shall deliver be delivered~~ to the Secretary of State for
34 filing prior to the time the articles of organization become ~~effective an amendment to~~
35 ~~the certificate of limited partnership withdrawing the certificate of limited~~
36 ~~partnership effective.~~

37 (b) The conversion takes effect when the certificate of limited partnership
38 becomes effective.

39 (c) Repealed by Session Laws 2001-387, s. 141.

40 (d) Certificates of conversion shall also be registered as provided in G.S.
41 47-18.1."

42 **SECTION 35.(a)** G.S. 70-28(1) reads as rewritten:

43 "(1) "Chief Archaeologist" means the Chief ~~Archaeologist, Archaeology~~
44 ~~Branch, Archaeology and Historic Preservation Section, Division of~~

1 the Office of Archives and History, Department of Cultural
2 Resources."

3 **SECTION 35.(b)** G.S. 70-48(5) reads as rewritten:

4 "(5) "State Archaeologist" means the head of the Archaeology ~~Branch,~~
5 ~~Archaeology and Historic Preservation Section, Division~~ Section of
6 the Office of Archives and History, Department of Cultural
7 Resources."

8 **SECTION 35.(c)** G.S. 70-49(a) reads as rewritten:

9 "(a) The Department of Cultural Resources, ~~Division~~ Office of Archives and
10 History shall establish the North Carolina Archaeological Record Program. The purpose
11 of the Program shall be to assist private owners of archaeological resources in the
12 preservation and protection of those resources. Participation in the Program shall be
13 voluntary."

14 **SECTION 35.(d)** G.S. 74-50(b3)(7) reads as rewritten:

15 "(7) ~~Division~~ Office of Archives and History, Department of Cultural
16 Resources."

17 **SECTION 35.(e)** G.S. 105-129.36(b)(4) reads as rewritten:

18 "(4) State Historic Preservation Officer. – The ~~Director of the Division of~~
19 ~~Archives and History or the Director's Deputy Secretary of Archives~~
20 and History or the Deputy Secretary's designee who acts to administer
21 the historic preservation programs within the State."

22 **SECTION 35.(f)** G.S. 120-37(f) reads as rewritten:

23 "(f) Following adjournment sine die of each session of the General Assembly,
24 each principal clerk shall retain in his office for a period of two years every bill and
25 resolution considered by but not enacted or adopted by his house, together with the
26 calendar books and other records deemed worthy of retention. At the end of two years,
27 these materials shall be turned over to the ~~Division~~ Office of Archives and History of
28 the Department of Cultural Resources for ultimate retention or disposition."

29 **SECTION 35.(g)** G.S. 121-7 reads as rewritten:

30 "§ 121-7. **Historical museums.**

31 (a) The Department of Cultural Resources shall maintain and administer State
32 historic attractions under the management of the ~~Division~~ Office of Archives and
33 History ~~and the North Carolina Museum of History Division~~ for the collection,
34 preservation, study, and exhibition of authentic artifacts and other historical materials
35 relating to the history and heritage of North Carolina. The Department, with the
36 approval of the Historical Commission, may acquire, either by purchase, gift, or loan
37 such artifacts and materials, and, having acquired them, shall according to accepted
38 museum practices classify, accession, preserve, and where feasible exhibit such
39 materials and make them available for study. Within available funds, one or more
40 branch museums of history or specialized regional history museums may be established
41 and administered by the Department. The Department of Cultural Resources, subject to
42 the availability of staff and funds, may give financial, technical, and professional
43 assistance to nonstate historical museums sponsored by governmental agencies and

1 nonprofit organizations according to regulations adopted by the North Carolina
2 Historical Commission.

3 The Department of Cultural Resources may, with the explicit approval of the North
4 Carolina Historical Commission sell, trade, or place on permanent loan any artifact
5 owned by the State of North Carolina and in the custody of and curated by the ~~Museum~~
6 ~~of History Division or Division~~ Office of Archives and History, unless the sale, trade, or
7 loan would be contrary to the terms of acquisition. The net proceeds of any sale, after
8 deduction of the expenses attributable to that sale, shall be deposited to the State
9 treasury to the credit of ~~either the Division Office of Archives and History Artifact Fund~~
10 ~~or the Museum of History Artifact Fund, as appropriate,~~ and shall be used only for the
11 purchase of other artifacts. No artifact curated by any agency of the Department of
12 Cultural Resources may be pledged or mortgaged.

13 (b) Insofar as practicable, the ~~Division Office~~ Office of Archives and History shall
14 accession and maintain records showing provenance, value, location, and other pertinent
15 information on such furniture, furnishings, decorative items, and other objects as have
16 historical or cultural importance and which are owned by or to be acquired by the State
17 for use in the State Capitol and the Executive Mansion, and, upon request of the
18 Department of Administration, any other state-owned building. When any such item or
19 object has been entered in the accession records of the ~~Division Office~~ Office of Archives and
20 History, the custodian of such item or object shall, upon its removal from the premises
21 upon which it was located or when it is otherwise disposed of, submit to the ~~Division~~
22 Office of Archives and History sufficient details concerning its removal or disposition
23 to permit an adequate entry in the accession records to the end that its location or
24 disposition, and authority for such change, shall be shown therein.

25 (c) Title to an artifact whose ownership is unknown or whose owner cannot be
26 located passes to the Department of Cultural Resources if:

- 27 (1) The artifact was placed on loan with the ~~Division Office~~ Office of Archives
28 and History ~~or the North Carolina Museum of History Division~~ for a
29 period of time exceeding five years or for an indefinite period of time
30 or the artifact's status with the ~~Division Office~~ Office of Archives and History
31 ~~or the North Carolina Museum of History Division~~ as a loan, gift,
32 purchase, or other arrangement is unknown; and
- 33 (2) The artifact has been a part of the inventory of the ~~Division Office~~ Office of
34 Archives and History ~~or the North Carolina Museum of History~~
35 ~~Division~~ for more than five years; and
- 36 (3) The Department of Cultural Resources makes a reasonable effort,
37 including a diligent search of its own ~~records~~ records, to locate and
38 inform the owner, his heirs or successors, that ~~either the Division~~
39 Office of Archives and History ~~or the North Carolina Museum of~~
40 ~~History Division~~ is holding the artifact and to clarify the artifact's
41 status with that ~~Division Office~~ Office.

42 To initiate the procedure to clarify title to an artifact, the Department of Cultural
43 Resources shall mail, first class postage prepaid, a notice to the last known address of
44 the owner of the artifact or the last known address of the owner's heirs or successors.

1 The Department need not mail a notice, if after exercising due diligence to find a record
2 within the Department of Cultural Resources indicating the owner of the artifact and his
3 latest address, that information is not available. If no claim is made within 90 days from
4 the date that notice is mailed, the Department of Cultural Resources shall publish a
5 notice in three papers of general circulation once a week for four consecutive weeks. If,
6 at the end of 30 days, no claim of ownership is submitted to the Department of Cultural
7 Resources, the Department may determine that legal title to the artifact is vested in the
8 ~~Division-Office of Archives and History or the North Carolina Museum of History~~
9 ~~Division-History.~~

10 (d) Any person claiming legal title to an artifact to which the North Carolina
11 ~~Division-Office of Archives and History or the North Carolina Museum of History~~
12 ~~Division~~ also claims title as provided by subsection (c) may file a claim with the
13 Department of Cultural Resources on a form prescribed by the Department. If the
14 claimant is not the owner from whom the Department originally obtained the artifact,
15 the claimant shall state in addition to any other information required by the Department,
16 the facts surrounding the unavailability of the person who originally loaned or bestowed
17 the property to the ~~Division-Office of Archives and History or the North Carolina~~
18 ~~Museum of History Division~~ and the basis for the claim to title of the artifact. If the
19 Department of Cultural Resources is satisfied that the claim is valid and that the
20 claimant is the legal owner of the artifact, the Department shall return the artifact to the
21 owner. If the Department determines that the claim is not valid and rejects the claim to
22 the artifact, the claimant may appeal the determination as provided by Chapter 150B."

23 **SECTION 35.(h)** G.S. 121-8(b) reads as rewritten:

24 "(b) Surveys of Historic Properties. – The Department of Cultural Resources shall
25 conduct a continuing statewide survey to identify, document, and record properties
26 having historical, architectural, archaeological, or other cultural significance to the
27 State, its communities, and the nation. Upon approval of the North Carolina Historical
28 Commission, the ~~Director of the Division-Deputy Secretary~~ of Archives and History or
29 his designee as the State Historic Preservation Officer, may nominate appropriate
30 properties for entry in the National Register of Historic Places as established by the
31 National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. section 470.
32 The Department of Cultural Resources shall maintain a permanent file containing
33 research reports, descriptions, photographs, and other appropriate documentation
34 relating to properties deemed worthy of inclusion in the statewide survey."

35 **SECTION 35.(i)** G.S. 132-6.1(b) reads as rewritten:

36 "(b) Every public agency shall create an index of computer databases compiled or
37 created by a public agency on the following schedule:

38 State agencies by July 1, 1996;

39 Municipalities with populations of 10,000 or more, counties with populations
40 of 25,000 or more, as determined by the 1990 U.S. Census, and public
41 hospitals in those counties, by July 1, 1997;

42 Municipalities with populations of less than 10,000, counties with
43 populations of less than 25,000, as determined by the 1990 U.S. Census, and
44 public hospitals in those counties, by July 1, 1998;

1 Political subdivisions and their agencies that are not otherwise covered by
2 this schedule, after June 30, 1998.

3 The index shall be a public record and shall include, at a minimum, the following
4 information with respect to each database listed therein: a list of the data fields; a
5 description of the format or record layout; information as to the frequency with which
6 the database is updated; a list of any data fields to which public access is restricted; a
7 description of each form in which the database can be copied or reproduced using the
8 agency's computer facilities; and a schedule of fees for the production of copies in each
9 available form. Electronic databases compiled or created prior to the date by which the
10 index must be created in accordance with this subsection may be indexed at the public
11 agency's option. The form, content, language, and guidelines for the index and the
12 databases to be indexed shall be developed by the ~~Division~~Office of Archives and
13 History in consultation with officials at other public agencies."

14 **SECTION 35.(j)** G.S. 143B-127 reads as rewritten:

15 "**§ 143B-127. Contracts with registered groups.**

16 The Department of Cultural Resources, ~~Division~~Office of Archives and History
17 shall sign contracts for the performance of military historical dramas on State-owned
18 property only with historical military reenactment groups properly registered pursuant
19 to this Part."

20 **SECTION 35.(k)** G.S. 143B-62 reads as rewritten:

21 "**§ 143B-62. North Carolina Historical Commission – creation, powers and duties.**

22 There is hereby created the North Carolina Historical Commission of the
23 Department of Cultural Resources to give advice and assistance to the Secretary of
24 Cultural Resources and to promulgate rules and regulations to be followed in the
25 acquisition, disposition, preservation, and use of records, artifacts, real and personal
26 property, and other materials and properties of historical, archaeological, architectural,
27 or other cultural value, and in the extension of State aid to other agencies, counties,
28 municipalities, organizations, and individuals in the interest of historic preservation.

29 (1) The Historical Commission shall have the following powers and
30 duties:

- 31 a. To advise the Secretary of Cultural Resources on the scholarly
32 editing, writing, and publication of historical materials to be
33 issued under the name of the ~~Department~~Department.
- 34 b. To evaluate and approve proposed nominations of historic,
35 archaeological, architectural, or cultural properties for entry on
36 the National Register of Historic ~~Places~~Places.
- 37 c. To evaluate and approve the State plan for historic preservation
38 as provided for in Chapter ~~121~~121.
- 39 d. To evaluate and approve historic, archaeological, architectural,
40 or cultural properties proposed to be acquired and administered
41 by the ~~State~~State.
- 42 e. To evaluate and prepare a report on its findings and
43 recommendations concerning any property not owned by the
44 State for which State aid or appropriations are requested from

- 1 the Department of Cultural Resources, and to submit its
2 findings and recommendations in accordance with Chapter
3 ~~121;~~121.
- 4 f. To serve as an advisory and coordinative mechanism in and by
5 which State undertakings of every kind that are potentially
6 harmful to the cause of historic preservation within the State
7 may be discussed, and where possible, resolved, particularly by
8 evaluating and making recommendations concerning any State
9 undertaking which may affect a property that has been entered
10 on the National Register of Historic Places as provided for in
11 Chapter 121 of the General Statutes of North ~~Carolina;~~Carolina.
- 12 g. To exercise any other powers granted to the Commission by
13 provisions of Chapter 121 of the General Statutes of North
14 ~~Carolina;~~Carolina.
- 15 h. To give its professional advice and assistance to the Secretary
16 of Cultural Resources on any matter which the Secretary may
17 refer to it in the performance of the Department's duties and
18 responsibilities provided for in Chapter 121 of the General
19 Statutes of North ~~Carolina;~~Carolina.
- 20 i. To serve as a search committee to seek out, interview, and
21 recommend to the Secretary of Cultural Resources one or more
22 experienced and professionally trained historian(s) for either the
23 position of ~~Director of the Division~~ Deputy Secretary of
24 Archives and History ~~or the position of the Director of the~~
25 ~~North Carolina Museum of History Division~~ when a vacancy
26 occurs, and to assist and cooperate with the Secretary in
27 periodic reviews of the performance of the ~~Directors and the~~
28 ~~Divisions;~~ and Deputy Secretary.
- 29 j. To assist and advise the Secretary of Cultural Resources and the
30 ~~Director of the Division~~ Deputy Secretary of Archives and
31 ~~History, and the Director of the North Carolina Museum of~~
32 ~~History Division~~ History in the development and
33 implementation of plans and priorities for the State's historical
34 programs.
- 35 (2) The Historical Commission shall have the power and duty to establish
36 standards and provide rules and regulations as follows:
- 37 a. For the acquisition and use of historical materials suitable for
38 acceptance in the North Carolina ~~Division~~ Office of Archives
39 and ~~History or the North Carolina Museum of History~~
40 ~~Division;~~ History.
- 41 b. For the disposition of public records under provisions of
42 Chapter 121 of the General Statutes of North ~~Carolina;~~
43 ~~and~~ Carolina.

- 1 c. For the certification of records in the North Carolina State
2 Archives as provided in Chapter 121 of the General Statutes of
3 North ~~Carolina~~; Carolina.
- 4 d. For the use by the public of historic, architectural,
5 archaeological, or cultural properties as provided in Chapter
6 121 of the General Statutes of North ~~Carolina~~; Carolina.
- 7 e. For the acquisition of historic, archaeological, architectural, or
8 cultural properties by the ~~State~~; State.
- 9 f. For the extension of State aid or appropriations through the
10 Department of Cultural Resources to counties, municipalities,
11 organizations, or individuals for the purpose of historic
12 preservation or ~~restoration~~; and restoration.
- 13 fl. For the extension of State aid or appropriations through the
14 Department of Cultural Resources to nonstate-owned nonprofit
15 history ~~museums~~; museums.
- 16 g. For qualification for grants-in-aid or other assistance from the
17 federal government for historic preservation or restoration as
18 provided in Chapter 121 of the General Statutes of North
19 Carolina. This section shall be construed liberally in order that
20 the State and its citizens may benefit from such grants-in-aid.
- 21 (3) The Commission shall adopt rules and regulations consistent with the
22 provisions of this section. All current rules and regulations heretofore
23 adopted by the Executive Board of the State Department of Archives
24 and History, the Historic Sites Advisory Committee, the North
25 Carolina Advisory Council on Historical Preservation, the Executive
26 Mansion Fine Arts Commission, and the Memorials Commission shall
27 remain in full force and effect unless and until repealed or superseded
28 by action of the Historical Commission. All rules and regulations
29 adopted by the Commission shall be enforced by the Department of
30 Cultural Resources."

31 **SECTION 35.(I)** G.S. 143B-132 reads as rewritten:

32 "**§ 143B-132. Andrew Jackson Historic Memorial Committee.**

33 (a) The State of North Carolina and its citizens have long noted and recognized
34 the origins and early life of Andrew Jackson, the nation's seventh president, in the
35 Waxhaw region along the North Carolina-South Carolina border. It is important that this
36 State recognize the origins and early life of this outstanding national leader in Western
37 North Carolina. It is necessary to plan an appropriate memorial in Union County, North
38 Carolina, to commemorate and display for all Americans the origins and early life of
39 Andrew Jackson.

40 (b) There is created an Andrew Jackson Historic Memorial Committee to consist
41 of 12 members, six appointed by the Speaker of the House of Representatives and six
42 appointed by the President Pro Tempore of the Senate. Members shall serve four-year
43 terms. Vacancies shall be filled by the appointing officer for the unexpired term.

44 (c) The primary duties and responsibilities of the Committee are:

- 1 (1) To assist the ~~Division~~Office of Archives and History, Department of
2 Cultural Resources in determining the need for a permanent memorial
3 to honor Andrew Jackson and to commemorate and display the origins
4 and early life of Jackson in the Waxhaw ~~region~~region.
- 5 (2) To assist the ~~Division~~Office of Archives and History, Department of
6 Cultural Resources in determining the location, design, content, and
7 form of a memorial, if the Committee determines that one is needed, at
8 one of the sites associated with the early life of Andrew
9 ~~Jackson~~Jackson.
- 10 (3) To assist the ~~Division~~Office of Archives and History, Department of
11 Cultural Resources in determining the most appropriate methods for
12 proceeding with the establishment and operation of the memorial,
13 including methods for obtaining the necessary financial resources for
14 property acquisition, capital expenditures, and operational ~~expenses~~
15 and expenses.
- 16 (4) To select appropriate qualified researchers and research institutions to
17 assist the Committee in undertaking any required studies to complete
18 the Committee's duties and responsibilities.
- 19 (d) Members of this Committee may not receive per diem, travel reimbursement,
20 or subsistence allowances.
- 21 (e) Administrative and staff services for the Committee shall be provided by the
22 ~~Division~~Office of Archives and History, Department of Cultural Resources, which shall
23 also provide the Committee with information in its possession relating to past research
24 concerning the origins and early life of Andrew Jackson. In addition, the ~~Division~~
25 Office of Archives and History, Department of Cultural Resources shall assist the
26 Committee in preparing a report for submission to the General Assembly.
- 27 (f) Funds for the operation of the Committee shall be provided by the
28 Department of Cultural Resources."

29 **SECTION 35.(m)** G.S. 160A-400.6 reads as rewritten:

30 **"§ 160A-400.6. Required landmark designation procedures.**

31 As a guide for the identification and evaluation of landmarks, the commission shall
32 undertake, at the earliest possible time and consistent with the resources available to it,
33 an inventory of properties of historical, architectural, prehistorical, and cultural
34 significance within its jurisdiction. Such inventories and any additions or revisions
35 thereof shall be submitted as expeditiously as possible to the ~~Division~~Office of
36 Archives and History. No ordinance designating a historic building, structure, site, area
37 or object as a landmark nor any amendment thereto may be adopted, nor may any
38 property be accepted or acquired by a preservation commission or the governing board
39 of a municipality, until all of the following procedural steps have been taken:

- 40 (1) The preservation commission shall (i) prepare and adopt rules of
41 procedure, and (ii) prepare and adopt principles and guidelines, not
42 inconsistent with this Part, for altering, restoring, moving, or
43 demolishing properties designated as landmarks.

- 1 (2) The preservation commission shall make or cause to be made an
2 investigation and report on the historic, architectural, prehistorical,
3 educational or cultural significance of each building, structure, site,
4 area or object proposed for designation or acquisition. Such
5 investigation or report shall be forwarded to the ~~Division~~ Office of
6 Archives and History, North Carolina Department of Cultural
7 Resources.
- 8 (3) The Department of Cultural Resources, acting through the State
9 Historic Preservation Officer shall either upon request of the
10 department or at the initiative of the preservation commission be given
11 an opportunity to review and comment upon the substance and effect
12 of the designation of any landmark pursuant to this Part. Any
13 comments shall be provided in writing. If the Department does not
14 submit its comments or recommendation in connection with any
15 designation within 30 days following receipt by the Department of the
16 investigation and report of the commission, the commission and any
17 city or county governing board shall be relieved of any responsibility
18 to consider such comments.
- 19 (4) The preservation commission and the governing board shall hold a
20 joint public hearing or separate public hearings on the proposed
21 ordinance. Reasonable notice of the time and place thereof shall be
22 given. All meetings of the commission shall be open to the public, in
23 accordance with the North Carolina Open Meetings Law, Chapter 143,
24 Article 33C.
- 25 (5) Following the joint public hearing or separate public hearings, the
26 governing board may adopt the ordinance as proposed, adopt the
27 ordinance with any amendments it deems necessary, or reject the
28 proposed ordinance.
- 29 (6) Upon adoption of the ordinance, the owners and occupants of each
30 designated landmark shall be given written notification of such
31 designation insofar as reasonable diligence permits. One copy of the
32 ordinance and all amendments thereto shall be filed by the
33 preservation commission in the office of the register of deeds of the
34 county in which the landmark or landmarks are located. Each
35 designated landmark shall be indexed according to the name of the
36 owner of the property in the grantee and grantor indexes in the register
37 of deeds office, and the preservation commission shall pay a
38 reasonable fee for filing and indexing. In the case of any landmark
39 property lying within the zoning jurisdiction of a city, a second copy of
40 the ordinance and all amendments thereto shall be kept on file in the
41 office of the city or town clerk and be made available for public
42 inspection at any reasonable time. A third copy of the ordinance and
43 all amendments thereto shall be given to the city or county building
44 inspector. The fact that a building, structure, site, area or object has

1 been designated a landmark shall be clearly indicated on all tax maps
2 maintained by the county or city for such period as the designation
3 remains in effect.

- 4 (7) Upon the adoption of the landmarks ordinance or any amendment
5 thereto, it shall be the duty of the preservation commission to give
6 notice thereof to the tax supervisor of the county in which the property
7 is located. The designation and any recorded restrictions upon the
8 property limiting its use for preservation purposes shall be considered
9 by the tax supervisor in appraising it for tax purposes."

10 **SECTION 35.(n)** G.S. 163-278.22 reads as rewritten:

11 "**§ 163-278.22. Duties of State Board.**

12 It shall be the duty and power of the State Board:

- 13 (1) To prescribe forms of statements and other information required to be
14 filed by this Article, to furnish such forms to the county boards of
15 elections and individuals, media or others required to file such
16 statements and information, and to prepare, publish and distribute or
17 cause to be distributed to all candidates at the time they file notices of
18 candidacy a manual setting forth the provisions of this Article and a
19 prescribed uniform system for accounts required to file statements by
20 this ~~Article;~~Article.
- 21 (2) To accept and file any information voluntarily supplied that exceeds
22 the requirements of this ~~Article;~~Article.
- 23 (3) To develop a filing, coding, and cross-indexing system consonant with
24 the purposes of this ~~Article;~~Article.
- 25 (4) To make statements and other information filed with it available to the
26 public at a charge not to exceed actual cost of ~~copying;~~copying.
- 27 (5) To preserve reports and statements filed under this Article. Such
28 reports and statements, after a period of two years following the
29 election year, may be transferred to the Department of Cultural
30 Resources, ~~Division~~Office of Archives and History, and shall be
31 preserved for a period of 10 years.
- 32 (6) To prepare and publish such reports as it may deem
33 ~~appropriate;~~appropriate.
- 34 (7) To make investigations to the extent the Board deems necessary with
35 respect to statements filed under the provisions of this Article and with
36 respect to alleged failures to file any statement required under the
37 provisions of this Article, and, upon complaint under oath by any
38 registered voter, with respect to alleged violations of any part of this
39 ~~Article; and~~ Article.
- 40 (8) After investigation, to report apparent violations by candidates,
41 political committees, referendum committees, individuals or persons to
42 the proper district attorney as provided in G.S. 163-278.27.

- 1 (9) To prescribe and furnish forms of statements and other material to the
2 county boards of elections for distribution to candidates and
3 committees required to be filed with the county boards.
- 4 (10) To instruct the chairman and director of elections of each county board
5 as to their respective duties and responsibilities relative to the
6 administration of this Article.
- 7 (11) To require appropriate certification of delinquent or late filings from
8 the county boards of elections and to execute the same responsibilities
9 relative to such reports as provided in G.S. 163-278.27.
- 10 (12) To assist county boards of elections in resolving questions arising from
11 the administration of this Article.
- 12 (13) To require county boards of elections to hold such hearings, make such
13 investigations, and make reports to the State Board as the State Board
14 deems necessary in the administration of this Article.
- 15 (14) To calculate, assess, and collect civil penalties pursuant to this
16 Article."

17 **SECTION 36.** G.S. 87-21 is amended by adding a new subsection to read:

18 "(i) The provisions of this Article shall not apply to a transaction between a seller
19 and buyer in which the seller of a good and the services necessary for the installation of
20 the good, in the ordinary course of business, contracts with a person licensed under this
21 Article to provide the installation services if the transaction is approved by the buyer."

22 **SECTION 37.** G.S. 90-85.3(b1) and (r) read as rewritten:

23 **"§ 90-85.3. Definitions.**

24 ...

25 (b1) "Clinical pharmacist practitioner" means a licensed pharmacist who meets the
26 guidelines and criteria for such title established by the joint subcommittee of the North
27 Carolina Medical Board and the North Carolina Board of Pharmacy and is authorized to
28 enter into drug therapy management agreements with physicians in accordance with the
29 provisions of ~~G.S. 90-18.3~~ G.S. 90-18.4.

30 ...

31 (r) "Practice of pharmacy" means the responsibility for: interpreting and
32 evaluating drug orders, including prescription orders; compounding, dispensing and
33 labeling prescription drugs and devices; properly and safely storing drugs and devices;
34 maintaining proper records; and controlling pharmacy goods and services. A pharmacist
35 may advise and educate patients and health care providers concerning therapeutic
36 values, content, uses and significant problems of drugs and devices; assess, record and
37 report adverse drug and device reactions; take and record patient histories relating to
38 drug and device therapy; monitor, record and report drug therapy and device usage;
39 perform drug utilization reviews; and participate in drug and drug source selection and
40 device and device source selection as provided in G.S. 90-85.27 through G.S. 90-85.31.
41 A pharmacist who has received special training may be authorized and permitted to
42 administer drugs pursuant to a specific prescription order in accordance with rules
43 adopted by each of the Boards of Pharmacy, the Board of Nursing, and the North
44 Carolina Medical Board. The rules shall be designed to ensure the safety and health of

1 the patients for whom such drugs are administered. An approved clinical pharmacist
2 practitioner may collaborate with physicians in determining the appropriate health care
3 for a patient, subject to the provisions of ~~G.S. 90-18.3~~G.S. 90-18.4.

4"

5 **SECTION 37.5.(a)** G.S. 115C-238.29H(b) reads as rewritten:

6 "(b) If a student attends a charter school, the local school administrative unit in
7 which the child resides shall transfer to the charter school an amount equal to the per
8 pupil local current expense appropriation to the local school administrative unit for the
9 fiscal year. The county's local current expense appropriation is defined as the amount of
10 county revenue appropriated in the county budget ordinance to the local school
11 administrative unit's local current expense fund from general county revenues and from
12 revenue accruing to the local school administrative unit by virtue of Article IX, Sec. 7
13 of the Constitution. The local current expense appropriation may, but is not required to,
14 include revenue from local supplemental taxes, tuition, fees, grants, or other sources
15 made available or accruing to the local school administrative unit for current operating
16 expenses."

17 **SECTION 37.5.(b)** The General Assembly finds that neither charter schools
18 nor local school administrative units are required to raise revenue or to reduce current
19 educational spending in order to pay back funds that have already been expended in
20 good faith prior to the effective date of this section. Therefore, no local school
21 administrative unit shall be required to reimburse a charter school for funds that were
22 not transferred to that charter school prior to the effective date of this section and no
23 charter school shall be required to reimburse a local school administrative unit for funds
24 transferred by the local school administrative unit to the charter school prior to the
25 effective date of this section.

26 **SECTION 37.5.(c)** This section is effective when it becomes law and
27 applies to the 2002-2003 school fiscal year and all subsequent fiscal years.

28 **SECTION 38.** G.S. 116-22(2), as amended by Section 9.11(a) of S.L.
29 2002-126, reads as rewritten:

30 "(2) "Student" shall mean a person enrolled in and attending an ~~institution's~~
31 ~~main permanent campus institution~~ located in the State who qualifies
32 as a resident of North Carolina in accordance with definitions of
33 residency that may from time to time be adopted by the Board of
34 Governors of the University of North Carolina and published in the
35 residency manual of said Board; and a person who has not received a
36 bachelor's degree, or qualified therefor, and who is otherwise classified
37 as an undergraduate under such regulations as the Board of Governors
38 of the University of North Carolina may promulgate. The enrollment
39 figures required by G.S. 116-19 through 116-22 shall be the number of
40 full-time equivalent students as computed under regulations prescribed
41 by the Board of Governors of the University of North Carolina.
42 Qualification for in-State tuition under G.S. 116-143.3 makes a person
43 a "student" as defined in this subdivision."

44 **SECTION 39.** G.S. 120-3(a) reads as rewritten:

1 "(a) The Speaker of the House shall be paid an annual salary of thirty-eight
2 thousand one hundred fifty-one dollars (\$38,151) payable monthly, and an expense
3 allowance of one thousand four hundred thirteen dollars (\$1,413) per month. The
4 President Pro Tempore of the Senate shall be paid an annual salary of thirty-eight
5 thousand one hundred fifty-one dollars (\$38,151) payable monthly, and an expense
6 allowance of one thousand four hundred thirteen dollars ~~(1,413)~~ (\$1,413) per month.
7 The Speaker Pro Tempore of the House shall be paid an annual salary of twenty-one
8 thousand seven hundred thirty-nine dollars (\$21,739) payable monthly, and an expense
9 allowance of eight hundred thirty-six dollars ~~(836.00)~~ (\$836.00) per month. The Deputy
10 President Pro Tempore of the Senate shall be paid an annual salary of twenty-one
11 thousand seven hundred thirty-nine dollars (\$21,739) payable monthly, and an expense
12 allowance of eight hundred thirty-six dollars ~~(836.00)~~ (\$836.00) per month. The majority and
13 minority leaders in the House and the majority and minority leaders in the Senate shall
14 be paid an annual salary of seventeen thousand forty-eight dollars (\$17,048) payable
15 monthly, and an expense allowance of six hundred sixty-six dollars (\$666.00) per
16 month."

17 **SECTION 40.(a)** G.S. 122C-118.1(a) reads as rewritten:

18 "(a) An area board shall have no fewer than 11 and no more than 25 members. In
19 a single-county area authority, the members shall be appointed by the board of county
20 commissioners. Except as otherwise provided, in areas consisting of more than one
21 county, each board of county commissioners within the area shall appoint one
22 commissioner as a member of the area board. These members shall appoint the other
23 members. The boards of county commissioners within the multicounty area shall have
24 the option to appoint the members of the area board in a manner other than as required
25 under this section by adopting a resolution to that effect. The boards of county
26 commissioners in a multicounty area authority shall indicate in the business plan each
27 board's method of appointment of the area board members in accordance with ~~G.S.~~
28 ~~122C-155.2(b)~~ G.S. 122C-115.2(b). These appointments shall take into account
29 sufficient citizen participation, equitable representation of the disability groups, and
30 equitable representation of participating counties. Individuals appointed to the board
31 shall include an individual with financial expertise or a county finance officer, an
32 individual with expertise in management or business, and an individual representing the
33 interests of children. A member of the board may be removed with or without cause by
34 the initial appointing authority. Vacancies on the board shall be filled by the initial
35 appointing authority before the end of the term of the vacated seat or within 90 days of
36 the vacancy, whichever occurs first, and the appointments shall be for the remainder of
37 the unexpired term."

38 **SECTION 40.(b)** G.S. 122C-143.2(c) reads as rewritten:

39 "(c) The Memorandum of Agreement shall include the area authority activities
40 that will be supported by grants allocated in accordance with ~~G.S. 147.1(e)(2)~~ G.S.
41 122C-147.1(d)(2)."

42 **SECTION 41.** G.S. 131E-184(d) reads as rewritten:

43 "(d) ~~The~~ In accordance with, and subject to the limitations of G.S. 148-19.1, the
44 Department shall exempt from certificate of need review persons contracting to provide

1 the construction and operation of a new chemical dependency or substance abuse
2 facility for the purpose of providing inpatient chemical dependency or substance abuse
3 services solely to inmates of the Department of Correction, as described in G.S.
4 148-19.1-Correction. If an inpatient chemical dependency or substance abuse facility
5 provides services both to inmates of the Department of Correction and to members of
6 the general public, only the portion of the facility that serves inmates shall be exempt
7 from certificate of need review."

8 **SECTION 42.** G.S. 135-39.5B reads as rewritten:

9 **"§ 135-39.5B. Prepaid plans.**

10 (a) The Executive Administrator and Board of Trustees may, after consultation
11 with the Committee on Employee Hospital and Medical Benefits, provide for optional
12 prepaid hospital and medical benefits plans on a fully insured basis. Benefits offered
13 under such optional plans shall be comparable to those offered under the Plan. The
14 amounts of State funds contributed for such optional plans shall not be more than the
15 amounts contributed for each person eligible under G.S. 135-40.2 on a noncontributory
16 Employee Only basis, with the person selecting an optional plan paying any excess, if
17 necessary. The amount of State funds contributed to such optional plans shall also not
18 exceed the amount of an optional plan's cost for Employee Only coverage. The
19 Executive Administrator and Board of Trustees are authorized to assess and collect fees
20 from participating optional plans provided by this section for administrative purposes
21 and for risk management purposes. Such fees may be based upon the enrollees' risk
22 factors and the number and types of contracts enrolled by each participating optional
23 plan, and may be collected by the Plan in a manner prescribed by the Executive
24 Administrator and Board of Trustees. In no instance shall benefits be paid under Part 3
25 of this Article for persons enrolled in an optional prepaid hospital and medical benefit
26 plan authorized under this section on and after the effective date of enrollment in the
27 optional prepaid plan, except in cases of continuous hospital confinement approved by
28 the Executive Administrator.

29 (b) The Executive Administrator and Board of Trustees may, after consulting
30 with the Committee on Employee Hospital and Medical Benefits, adopt arrangements
31 for optional hospital and medical benefits programs, including one or more underwritten
32 by the State and including programs that operate in rural areas of the State, other than
33 the one specified in subsection (a) of this section. The amounts of State funds
34 contributed for such optional plans shall not be more than the amounts contributed for
35 each person eligible under G.S. 135-40.2 on a noncontributory Employee Only basis,
36 with the person selecting an optional plan paying any excess, if necessary. The amount
37 of State funds contributed to such optional plans shall also not exceed the amount of an
38 optional plan's cost for Employee Only coverage. In no instance shall benefits be paid
39 under Part 3 of this Article for persons enrolled in an optional prepaid hospital and
40 medical benefit plan authorized under this section on and after the effective date of
41 enrollment in the optional prepaid plan, except in cases of continuous hospital
42 confinement approved by the Executive Administrator."

43 **SECTION 43.(a)** Article 7 of Chapter 136 of the General Statutes is
44 amended by adding a new section to read:

1 **"§ 136-102.7. Noise and visual pollution abatement near public elementary**
2 **schools.**

3 When the Department of Transportation is widening a federal interstate highway
4 from four to eight lanes of travel and the right-of-way of the highway is within 500 feet
5 of a public elementary school, the Department shall take all reasonable steps to reduce
6 the impact of sound and visual pollution on the adjacent public elementary school
7 property. These steps shall include the construction of a noise abatement wall unless
8 the local school administrative unit requests that no wall be constructed."

9 **SECTION 43.(b)** This section expires December 31, 2003.

10 **SECTION 44.** G.S. 136-176(a1)(1) reads as rewritten:

11 "(a1) The Department may use two hundred twenty million dollars (\$220,000,000)
12 in fiscal year 2001-2002, two hundred five million dollars (\$205,000,000) in fiscal year
13 2002-2003, and two hundred fifty-five million dollars (\$255,000,000) in fiscal year
14 2003-2004 of the cash balance of the Highway Trust Fund for the following purposes:

- 15 (1) For primary route pavement preservation. – One hundred seventy
16 million dollars (\$170,000,000) in fiscal year 2001-2002, and one
17 hundred fifty million dollars (\$150,000,000) in each of the fiscal years
18 2002-2003 and 2003-2004. Up to ten percent (10%) of the amount for
19 each of the fiscal years 2001-2002, 2002-2003, and 2003-2004 is
20 available in that fiscal year, at the discretion of the Secretary of
21 Transportation, for highway improvement projects that further
22 economic growth and development in small urban and rural areas, that
23 are in the Transportation Improvement ~~Program~~, Program or other
24 economic development projects, and that are individually approved by
25 the Board of Transportation.

26"

27 **SECTION 45.** G.S. 143-128(b) and (f1) read as rewritten:

28 **"§ 143-128. Requirements for certain building contracts.**

29 ...

30 (b) Separate-prime contracts. – When the State, county, municipality, or other
31 public body uses the separate-prime contract system, it shall accept bids for each
32 subdivision of work for which specifications are required to be prepared under
33 subsection (a) of this section and shall award the respective work specified separately to
34 responsible and reliable persons, firms or corporations regularly engaged in their
35 respective lines of work. When the estimated cost of work to be performed in any single
36 subdivision or branch for which separate bids are required by this subsection is less than
37 twenty-five thousand dollars (\$25,000), the same may be included in the contract for
38 one of the other subdivisions or branches of the work, irrespective of total project cost.
39 The contracts shall be awarded to the lowest responsible, responsive bidders, taking into
40 consideration quality, performance, the time specified in the bids for performance of the
41 contract, and compliance with G.S. 143-128.2. Bids may also be accepted from and
42 awards made to separate contractors for other categories of work.

43 Each separate contractor shall be directly liable to the State of North Carolina, or to
44 the county, municipality, or other public body and to the other separate contractors for

1 the full performance of all duties and obligations due respectively under the terms of the
2 separate contracts and in accordance with the plans and specifications, which shall
3 specifically set forth the duties and obligations of each separate contractor. For the
4 purpose of this section, "separate contractor" means any person, firm or corporation
5 who shall enter into a contract with the State, or with any county, municipality, or other
6 public entity to erect, construct, alter or repair any building or buildings, or parts of any
7 building or buildings.

8 ...

9 (f1) Dispute resolution. – A public entity shall use the dispute resolution process
10 adopted by the State Building Commission pursuant to ~~G.S. 143-135.26(12)~~, G.S.
11 143-135.26(11), or shall adopt another dispute resolution process, which shall include
12 mediation, to be used as an alternative to the dispute resolution process adopted by the
13 State Building Commission. This dispute resolution process will be available to all the
14 parties involved in the public entity's construction project including the public entity,
15 the architect, the construction manager, the contractors, and the first-tier and lower-tier
16 subcontractors and shall be available for any issues arising out of the contract or
17 construction process. The public entity may set a reasonable threshold, not to exceed
18 fifteen thousand dollars (\$15,000), concerning the amount in controversy that must be at
19 issue before a party may require other parties to participate in the dispute resolution
20 process. The public entity may require that the costs of the process be divided between
21 the parties to the dispute with at least one-third of the cost to be paid by the public
22 entity, if the public entity is a party to the dispute. The public entity may require in its
23 contracts that a party participate in mediation concerning a dispute as a precondition to
24 initiating litigation concerning the dispute.

25"

26 **SECTION 46.** G.S. 143-730 is amended by adding a new subsection to read:

27 "(e) All health information in the possession of the Managed Care Patient
28 Assistance Program is confidential and is not a public record pursuant to G.S. 132-1 or
29 any other applicable statute.

30 For purposes of this section, "health information" means any of the following:

- 31 (1) Information relating to the past, present, or future physical or mental
32 health or condition of an individual.
- 33 (2) Information relating to the provision of health care to an individual.
- 34 (3) Information relating to the past, present, or future payment for the
35 provision of health care to an individual.
- 36 (4) Information, in any form, that identifies or may be used to identify an
37 individual, that is created by, provided by, or received from any of the
38 following:
 - 39 a. An individual or an individual's spouse, parent, legal guardian,
40 or designated representative.
 - 41 b. A health care provider, health plan, employer, health care
42 clearinghouse, or an entity doing business with these entities."

43 **SECTION 47.** G.S. 143B-289.44(c) reads as rewritten:

1 "(c) Disposition of Fees. – All entrance fee receipts shall be credited to the North
2 Carolina Aquariums Fund. ~~The Secretary of Environment and Natural Resources may~~
3 ~~expend monies from the North Carolina Aquariums Fund only upon the authorization of~~
4 ~~the General Assembly. These receipts shall only be used for expansion and operation of~~
5 ~~the North Carolina Aquariums.~~"

6 **SECTION 47.5.** G.S. 143B-480.2(a), as amended by Section 18.6(a) of S.L.
7 2002-126, reads as rewritten:

8 "(a) Eligibility for Assistance. – Sexual assault victims or victims of attempted
9 sexual assault are eligible for assistance under this Program if the sexual assault or the
10 attempted sexual assault is reported to a law enforcement officer within five days of the
11 occurrence of the assault or the attempted sexual assault ~~or~~ and if a forensic medical
12 examination is performed within five days of the sexual assault or the attempted sexual
13 assault. The Secretary may waive either five-day requirement for good cause. The term
14 "sexual assault" as used in this section refers to the following crimes: first-degree rape
15 as defined in G.S. 14-27.2, second-degree rape as defined in G.S. 14-27.3, first-degree
16 sexual offense as defined in G.S. 14-27.4, second-degree sexual offense as defined in
17 G.S. 14-27.5, or statutory rape as defined in G.S. 14-27.7A."

18 **SECTION 48.** G.S. 147-64.6(c)(18), as amended by Section 27.2(b) of S.L.
19 2002-126, reads as rewritten:

20 "(18) The Auditor shall, after consultation and in coordination with the State
21 Chief Information Officer, assess, confirm, and report on the security
22 practices of information technology systems. If an agency has adopted
23 standards pursuant to G.S. 147-33.82(d)(1) or (2), the audit shall be in
24 accordance with those standards. The Auditor's assessment of
25 information security practices shall include an assessment of network
26 vulnerability. The Auditor may conduct network penetration or any
27 similar procedure as the Auditor may deem necessary. The Auditor
28 may enter into a contract with a State agency under G.S.
29 147-33.82(d)(3) for an assessment of network vulnerability, including
30 network penetration or any similar procedure. Any contract with the
31 Auditor for the assessment and testing shall be on a
32 cost-reimbursement basis. The Auditor may investigate reported
33 information technology security breaches, cyber attacks, and cyber
34 fraud in State government. The Auditor shall issue public reports on
35 the general results of the reviews undertaken pursuant to this
36 subdivision but may provide agencies with detailed reports of the
37 security issues identified pursuant to this subdivision which shall not
38 be disclosed as provided in G.S. 132-6.1(c). The Auditor shall provide
39 the State Chief Information Officer with detailed reports of the
40 security issues identified pursuant to this subdivision. For the purposes
41 of this subdivision only, the Auditor is exempt from the provisions of
42 Article 3 of Chapter 143 of the General Statutes in retaining
43 contractors."

44 **SECTION 49.** G.S. 150B-1(d)(7) reads as rewritten:

1 "(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to
2 the following:

3 ...

4 (7) The North Carolina Teachers' and State Employees' Comprehensive
5 Major Medical Plan in administering the provisions of Parts ~~2 and 3~~2,
6 3, 4, and 5 of Article 3 of Chapter 135 of the General Statutes.

7 "

8 **SECTION 50.(a)** G.S. 153A-149(c)(10b) reads as rewritten:

9 "(c) Each county may levy property taxes for one or more of the purposes listed in
10 this subsection up to a combined rate of one dollar and fifty cents (\$1.50) on the one
11 hundred dollars (\$100.00) appraised value of property subject to taxation. Authorized
12 purposes subject to the rate limitation are:

13 ...

14 (10b) Economic Development. – To provide for economic development as
15 authorized by G.S. 158-7.1 and G.S. 158-12.

16 "

17 **SECTION 50.(b)** G.S. 160A-209(c)(10b) reads as rewritten:

18 "(c) Each city may levy property taxes for one or more of the following purposes
19 subject to the rate limitation set out in subsection (d):

20 ...

21 (10b) Economic Development. – To provide for economic development as
22 authorized by G.S. 158-7.1 and G.S. 158-12.

23 "

24 **SECTION 51.** Effective January 1, 2002, G.S. 153A-250 reads as rewritten:

25 "**§ 153A-250. Ambulance services.**

26 (a) A county may by ordinance franchise ambulance services provided in the
27 county to the public at large, whether the service is based inside or outside the county.
28 The ordinance may:

29 (1) Grant franchises to ambulance operators on terms set by the board of
30 commissioners;

31 (2) Make it unlawful to provide ambulance services or to operate an
32 ambulance in the county without such a franchise;

33 (3) Limit the number of ambulances that may be operated within the
34 county;

35 (4) Limit the number of ambulances that may be operated by each
36 franchised operator;

37 (5) Determine the areas of the county that may be served by each
38 franchised operator;

39 (6) Establish and from time to time revise a schedule of rates, fees, and
40 charges that may be charged by franchised operators;

41 (7) Set minimum limits of liability insurance for each franchised operator;

42 (8) Establish other necessary regulations consistent with and
43 supplementary to any statute or any Department of Health and Human
44 Services regulation relating to ambulance services.

1 Before it may adopt an ordinance pursuant to this subsection, the board of
2 commissioners must first hold a public hearing on the need for ambulance services. The
3 board shall cause notice of the hearing to be published once a week for two successive
4 weeks before the hearing. After the hearing the board may adopt an ordinance if it finds
5 that to do so is necessary to assure the provision of adequate and continuing ambulance
6 service and to preserve, protect, and promote the public health, safety, and welfare.

7 If a person, firm, or corporation is providing ambulance services in a county or any
8 portion thereof on the effective date of an ordinance adopted pursuant to this subsection,
9 the person, firm, or corporation is entitled to a franchise to continue to serve that part of
10 the county in which the service is being provided. The board of commissioners shall
11 determine whether the person, firm, or corporation so entitled to a franchise is in
12 compliance with ~~Chapter 130, Article 26;~~Chapter 131E, Article 7; and if that is the case,
13 the board shall grant the franchise.

14 (b) In lieu of or in addition to adopting an ordinance pursuant to subsection (a) of
15 this section, a county may operate or contract for ambulance services in all or a portion
16 of the county. A county may appropriate for ambulance services any revenues not
17 otherwise limited as to use by law, and may establish and from time to time revise
18 schedules of rates, fees, charges, and penalties for the ambulance services. A county
19 may operate its ambulance services as a line department or may create an ambulance
20 commission and vest in it authority to operate the ambulance services.

21 (c) A city may adopt an ordinance pursuant to and under the procedures of
22 subsection (a) of this section and may operate or contract for ambulance services
23 pursuant to subsection (b) of this section if (i) the county in which the city is located has
24 adopted a resolution authorizing the city to do so or (ii) the county has not, within 180
25 days after being requested by the city to do so, provided for ambulance services within
26 the city pursuant to this section. Any action taken by a city pursuant to this subsection
27 shall apply only within the corporate limits of the city.

28 If a city is exercising a power granted by this subsection, the county in which the
29 city is located may thereafter take action to provide for ambulance service within the
30 city, either under subsection (a) or subsection (b) of this section, only after having given
31 to the city 180 days' notice of the county's intention to take action. At the end of the 180
32 days, the city's authority under this subsection is preempted by the county.

33 (d) A county or a city may contract with a franchised ambulance operator or with
34 another county or city for ambulance service to be provided upon the call of a
35 department or agency of the county or city. A county may contract with a franchised
36 ambulance operator for transportation of indigents or persons certified by the county
37 department of social services to be public assistance recipients.

38 (e) Each county or city operating ambulance services is subject to the provisions
39 of ~~Chapter 130, Article 26 ("Regulation of Ambulance Services");~~Chapter 131E, Article
40 7 ("Regulation of Emergency Medical Services")."

41 **SECTION 52.** G.S. 160A-23.1(d) reads as rewritten:

42 "(d) If the council adopts the resolution provided for in subsection (a) of this
43 section and does not adopt the changes, or does adopt the changes, but approval under
44 the Voting Rights Act of 1965, as amended, is required, and notice of such approval is

1 not received, by the end of the third day before the opening of the filing period, the
2 municipal election shall be rescheduled as provided in this subsection and current
3 officeholders shall hold over until their successors are elected and qualified. For cities
4 using the:

- 5 (1) Partisan primary and election method under G.S. 163-291, the primary
6 shall be held on the primary election date for county officers in 2002,
7 the second primary, if necessary, shall be held on the second primary
8 election date for county officers in 2002, and the general election shall
9 be held on the general election date for county officers in 2002;
- 10 (2) Nonpartisan primary and election method under G.S. 163-294, the
11 primary shall be held on the primary election date for county officers
12 in 2002 and the election shall be held on the date for the second
13 primary for county officers in 2002;
- 14 (3) Nonpartisan plurality election method under G.S. 163-292, the election
15 shall be held on the primary election date for county officers in 2002;
- 16 (4) Election and runoff method under G.S. 163-293, the election shall be
17 held on the primary election date for county officers in 2002 and the
18 runoffs, if necessary, shall be held on the date for the second primary
19 for county officers in 2002.

20 The organizational meeting of the new council may be held at any time after the
21 results of the election have been officially determined and published, but not later than
22 the time and date of the first regular meeting of the council in ~~July~~ November 2002,
23 except in the case of partisan municipal elections, when the organizational meeting shall
24 be held not later than the time and date of the first regular meeting of the council in
25 December of 2002."

26 **SECTION 53.** Effective July 1, 2002, G.S. 161-14(b) reads as rewritten:

27 "(b) All ~~instruments~~ instruments, except instruments conforming to the provisions
28 of G.S. 25-9-521, presented for registration on paper shall meet all of the following
29 requirements:

- 30 (1) Be eight and one-half inches by eleven inches or eight and one-half
31 inches by fourteen inches.
- 32 (2) Have a blank margin of three inches at the top of the first page and
33 blank margins of one-half inches on the remaining sides of the first
34 page and on all sides of subsequent pages.
- 35 (3) Be typed or printed in black on white paper in a legible font. A font
36 size no smaller than 10 points shall be considered legible. Blanks in an
37 instrument may be completed in pen and corrections to an instrument
38 may be made in pen.
- 39 (4) Have text typed or printed on one side of a page only.
- 40 (5) State the type of instrument at the top of the first page.

41 If an instrument does not meet these requirements, the register of deeds shall register
42 the instrument after collecting the fee for nonstandard documents as required by G.S.
43 161-10(a)(19) in addition to all other applicable recording fees. However, if an
44 instrument fails to meet the requirements because it contains print in a font size smaller

1 than 10 points, the register of deeds may register the instrument without collecting the
2 fee for nonstandard documents if, in the discretion of the register of deeds, the
3 instrument is legible."

4 SECTION 54. G.S. 162-58 reads as rewritten:

5 "§ 162-58. Counties may work prisoners.

6 The board of commissioners of the several counties may enact by resolution all
7 necessary rules and regulations for work on projects to benefit units of State or local
8 government by persons convicted of ~~crimes~~ misdemeanors or felonies and imprisoned
9 in the local confinement facilities or satellite jail/work release units of their respective
10 counties. The sheriff shall approve rules and regulations enacted by the board. Prisoners
11 working under this section shall be supervised by county employees or by the sheriff.
12 The rules enacted by the board of county commissioners and approved by the sheriff
13 shall specify a procedure for ensuring that county employees supervising prisoners
14 pursuant to this section be provided with notice that the persons placed under their
15 supervision are inmates from a local confinement facility or a satellite jail/work release
16 unit."

17 SECTION 55.(a) G.S. 163-106(a) reads as rewritten:

18 "(a) Notice and Pledge. – No one shall be voted for in a primary election ~~unless he~~
19 ~~shall have without having~~ filed a notice of candidacy with the appropriate board of
20 elections, State or county, as required by this section. To this end every candidate for
21 selection as the nominee of a political party shall file with and place in the possession of
22 the board of elections specified in subsection (c) of this section, a notice and pledge in
23 the following form:

24
25 "Date _____

26
27 I hereby file notice as a candidate for nomination as _____ in the
28 _____ party primary election to be held on _____, _____. I
29 affiliate with the _____ party, (and I certify that I am now registered on
30 the registration records of the precinct in which I reside as an affiliate of the
31 _____ party.)

32 I pledge that if I am defeated in the primary, I will not run for any office as a
33 write-in candidate in the next general election.

34
35 Signed _____
36 Name of candidate

37 Witness:
38 _____
39 _____
40 (Title of witness)"

41
42 Each candidate shall sign ~~his~~ the notice of candidacy in the presence of the chairman or
43 secretary of the board of elections, State or county, with which ~~he~~ the candidate files. In
44 the alternative, a candidate may have ~~his~~ the candidate's signature on the notice of

1 candidacy acknowledged and certified to by an officer authorized to take
2 acknowledgments and administer oaths, in which case the candidate may mail ~~his~~ or
3 deliver by commercial courier service the candidate's notice of candidacy to the
4 appropriate board of elections.

5 In signing ~~his~~ the notice of candidacy the candidate shall use only ~~his~~ that
6 candidate's legal name and, in his discretion, and may use any nickname by which he is
7 commonly known. A candidate may also, in lieu of ~~his~~ that candidate's legal first name
8 and legal middle initial or middle name (if any) sign ~~his~~ a nickname, provided that ~~he~~
9 the candidate appends to the notice of candidacy an affidavit that ~~he~~ the candidate has
10 been commonly known by that nickname for at least five years prior to the date of
11 making the affidavit. The candidate shall also include with the affidavit the way ~~his~~ that
12 candidate's name (as permitted by law) should be listed on the ballot if another
13 candidate with the same last name files a notice of candidacy for that office.

14 A notice of candidacy signed by an agent or any person other than the candidate
15 ~~himself~~ shall be invalid.

16 Prior to the date on which candidates may commence filing, the State Board of
17 Elections shall print and furnish, at State expense, to each county board of elections a
18 sufficient number of the notice of candidacy forms prescribed by this subsection for use
19 by candidates required to file with county boards of elections."

20 **SECTION 55.(b)** G.S. 163-98 reads as rewritten:

21 **"§ 163-98. General election participation by new political party.**

22 In the first general election following the date on which a new political party
23 qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its
24 candidates for national, State, congressional, and national and local offices printed on
25 the official ballots, ~~but it shall not be entitled to have the names of candidates for other~~
26 ~~offices printed on State, district, or county ballots at that election.~~ ballots.

27 For the first general election following the date on which it qualifies under G.S.
28 163-96, a new political party shall select its candidates by party convention. Following
29 adjournment of the nominating convention, but not later than the first day of July prior
30 to the general election, the president of the convention shall certify to the State Board of
31 Elections the names of persons chosen in the convention as the new party's candidates
32 for State, congressional, and national offices in the ensuing general election. The State
33 Board of Elections shall print names thus certified on the appropriate ballots as the
34 nominees of the new party. The State Board of Elections shall send to each county
35 board of elections the list of any new party candidates so that the county board can add
36 those names to the appropriate ballot."

37 **SECTION 55.(c)** G.S. 120-93 reads as rewritten:

38 **"§ 120-93. County boards of elections to notify candidates of**
39 **economic-interest-statement requirements.**

40 Each county board of elections shall provide for notification of the
41 economic-interest-statement requirements of G.S. 120-89, 120-96, and 120-98 to be
42 given to any candidate filing for nomination or election to the General Assembly at the
43 time of his or her filing in the particular county. Each county board of elections shall
44 also provide notification of those requirements to each candidate nominated by a new

1 party under G.S. 163-98 for the General Assembly, if the candidate will be on the ballot
2 in that county. The county board shall notify the new-party candidate immediately upon
3 that county board's being notified by the State Board of Elections that the party has
4 certified that candidate's nomination."

5 **SECTION 55.(d)** G.S. 120-98(a) reads as rewritten:

6 "(a) If a candidate does not file the statement of economic interest within the time
7 required by this Article, the county board of elections shall immediately notify the
8 candidate by registered mail, restricted delivery to addressee only, that, if the statement
9 is not received within 15 days, the candidate shall not be certified as the ~~nominee of his~~
10 party- party nominee, or in the case of a candidate nominated by a new party under G.S.
11 163-98 that the candidate shall be decertified by the State Board of Elections. If the
12 statement is not received within 15 days of notification, the board of elections
13 authorized to certify a candidate as nominee to the office shall not certify the candidate
14 as nominee under any circumstances, regardless of the number of candidates for the
15 nomination and regardless of the number of votes the candidate receives in the primary.
16 If the delinquent candidate was nominated by a new party under G.S. 163-98, the State
17 Board of Elections shall decertify the candidate and no county board of elections shall
18 place the candidate's name on the general election ballot as nominee of the party. A
19 vacancy thus created on a party's ticket shall be considered a vacancy for the purposes
20 of G.S. 163-114, and shall be filled according to the procedures set out in G.S.
21 163-114."

22 **SECTION 55.(e)** G.S. 163-213.5 reads as rewritten:

23 **"§ 163-213.5. Nomination by petition.**

24 Any person seeking the endorsement by the national political party for the office of
25 President of the United States, or any group organized in this State on behalf of, and
26 with the consent of, such person, may file with the State Board of Elections petitions
27 signed by 10,000 persons who, at the time they signed are registered and qualified
28 voters in this State and are affiliated, by such registration, with the same political party
29 as the candidate for whom the petitions are filed. Such petitions shall be presented to the
30 county board of elections 10 days before the filing deadline and shall be certified
31 promptly by the chairman of the board of elections of the county in which the signatures
32 were obtained and shall be filed by the petitioners with the State Board of Elections no
33 later than 5:00 P.M. on the date the State Board of Elections is required to meet as
34 directed by G.S. 163-213.4.

35 The petitions must state the name of the candidate for nomination, along with a
36 letter of approval signed by such candidate. Said petitions must also state the name and
37 address of the chairman of any such group organized to circulate petitions authorized
38 under this section. The requirement for signers of such petitions shall be the same as
39 now required under provisions of G.S. 163-96(b)(1) and (2). The requirement of the
40 respective chairmen of county boards of elections shall be the same as now required
41 under the provisions of G.S. 163-96(b)(1) and (2) as they relate to the chairman of the
42 county board of elections.

1 ~~The group of petitioners shall pay to the chairman of the county board of elections a~~
2 ~~fee of ten cents (10¢) for each signature he is required to examine under the provisions~~
3 ~~of this section.~~

4 The State Board of Elections shall forthwith determine the sufficiency of petitions
5 filed with it and shall immediately communicate its determination to the chairman of
6 such group organized to circulate petitions. The form and style of petition shall be as
7 prescribed by the State Board of Elections."

8 **SECTION 55.(f)** G.S. 130A-48 reads as rewritten:

9 **"§ 130A-48. Procedure for incorporating district.**

10 A sanitary district shall be incorporated as follows. Either fifty-one percent (51%) or
11 more of the resident freeholders within a proposed sanitary district or fifty-one percent
12 (51%) or more of the freeholders within a proposed sanitary district, whether or not the
13 freeholders are residents of the proposed sanitary district, may petition the county board
14 of commissioners of the county in which all or the largest portion of the land of the
15 proposed district is located. This petition shall set forth the boundaries of the proposed
16 sanitary district and the objectives of the proposed district. For the purposes of this Part,
17 the term "freeholder" shall mean a person holding a deed to a tract of land within the
18 district or proposed district, and also shall mean a person who has entered into a
19 contract to purchase a tract of land within the district or proposed district, is making
20 payments pursuant to a contract and will receive a deed upon completion of the
21 contractual payments. The contracting purchaser, rather than the contracting seller, shall
22 be deemed to be the freeholder. The county tax office shall be responsible for checking
23 the freeholder status of those persons signing the petition. That office shall also be
24 responsible for confirming the location of the property owned by those persons. Upon
25 receipt of the petition, the county board of commissioners, through its chairperson, shall
26 notify the Department and the chairperson of the county board of commissioners of any
27 other county or counties in which any portion of the proposed district lies of the receipt
28 of the petition. The chairperson shall request that the Department hold a joint public
29 hearing with the county commissioners of all the counties in which a portion of the
30 district lies concerning the creation of the proposed sanitary district. The Secretary and
31 the chairperson of the county board of commissioners shall name a time and place
32 within the proposed district to hold the public hearing. The chairperson of the county
33 board of commissioners shall give prior notice of the hearing by posting a notice at the
34 courthouse door of the county and also by publication at least once a week for four
35 successive weeks in a newspaper published in the county. In the event the hearing is to
36 be before a joint meeting of the county boards of commissioners of more than one
37 county, or in the event the land to be affected lies in more than one county, publication
38 and notice shall be made in each of the affected counties. In the event that all matters
39 pertaining to the creation of this sanitary district cannot be concluded at the hearing, the
40 hearing may be continued at a time and place within the proposed district named by the
41 Department."

42 **SECTION 55.(g)** G.S. 69-25.1 reads as rewritten:

43 **"§ 69-25.1. Election to be held upon petition of voters.**

1 Upon the petition of thirty-five percent (35%) of the resident freeholders living in an
2 area lying outside the corporate limits of any city or town, which area is described in the
3 petition and designated as " _____

4 (Here insert name)

5 Fire District," the board of county commissioners of the county shall call an election in
6 said district for the purpose of submitting to the qualified voters therein the question of
7 levying and collecting a special tax on all taxable property in said district, of not
8 exceeding fifteen cents (15¢) on the one hundred dollars (\$100.00) valuation of
9 property, for the purpose of providing fire protection in said district. The county tax
10 office shall be responsible for checking the freeholder status of those individuals signing
11 the petition and confirming the location of the property owned by those individuals.
12 Unless specifically excluded by other law, the provisions of Chapter 163 of the General
13 Statutes concerning petitions for referenda and elections shall apply. If the voters reject
14 the special tax under the first paragraph of this section, then no new election may be
15 held under the first paragraph of this section within two years on the question of levying
16 and collecting a special tax under the first paragraph of this section in that district, or in
17 any proposed district which includes a majority of the land within the district in which
18 the tax was rejected.

19 Upon the petition of thirty-five percent (35%) of the resident freeholders living in an
20 area which has previously been established as a fire protection district and in which
21 there has been authorized by a vote of the people a special tax not exceeding ten cents
22 (10¢) on the one hundred dollars (\$100.00) valuation of property within the area, the
23 board of county commissioners shall call an election in said area for the purpose of
24 submitting to the qualified voters therein the question of increasing the allowable
25 special tax for fire protection within said district from ten cents (10¢) on the one
26 hundred dollars (\$100.00) valuation to fifteen cents (15¢) on the one hundred dollars
27 (\$100.00) valuation on all taxable property within such district. Elections on the
28 question of increasing the allowable tax rate for fire protection shall not be held within
29 the same district at intervals less than two years."

30 **SECTION 55.(h)** G.S. 139-6 reads as rewritten:

31 **"§ 139-6. District board of supervisors – elective members; certain duties.**

32 After the issuance of the certificate of organization of the soil and water
33 conservation district by the Secretary of State, an election shall be held in each county
34 of the district to elect the members of the soil and water conservation district board of
35 supervisors as herein provided.

36 The district board of supervisors shall consist of three elective members to be
37 elected in each county of the district, and that number of appointive members as
38 provided in G.S. 139-7. Upon the creation of a district, the first election of the members
39 shall be held at the next succeeding election for county officers.

40 All elections for members of the district board of supervisors shall be held at the
41 same time as the regular election for county officers beginning in November 1974. The
42 election shall be nonpartisan and no primary election shall be held. The election shall be
43 held and conducted by the county board of elections.

1 Candidates shall file their notice of candidacy on forms prescribed by the county
2 board of elections. The notice of candidacy must be filed no earlier than noon on the
3 second Monday in June and no later than 12:00–noon on the first Friday in July
4 preceding the election. The candidate shall pay a filing fee of five dollars (\$5.00) at the
5 time ~~he files of filing~~ the notice of candidacy.

6 Beginning with the election to be held in November 1974, the two candidates
7 receiving the highest number of votes shall be elected for a term of four years, and the
8 candidate receiving the next highest number of votes shall be elected for a term of two
9 years; thereafter, as their terms expire, their successors shall be elected for terms of four
10 years. If the position of district supervisor is not filled by failure to elect, then the office
11 shall be deemed vacant upon the expiration of the term of the incumbent, and the office
12 shall be filled as provided in G.S. 139-7.

13 The persons elected in 1974 and thereafter shall take office on the first Monday in
14 December following their election.

15 The terms of the present members of the soil and water conservation districts, both
16 elective and appointive members, are hereby extended to or terminated on the first
17 Monday in December 1974.

18 All qualified voters of the district shall be eligible to vote in the election. Except as
19 provided in this Chapter, the election shall be held in accordance with the applicable
20 provisions of Articles 23 and 24 of Chapter 163 of the General Statutes.

21 The district board of supervisors, after the appointment of the appointive members
22 has been made, shall select from its members a chairman, a vice-chairman and a
23 secretary. It shall be the duty of the district board of supervisors to perform those
24 powers, duties, and authority conferred upon supervisors under this Chapter; to develop
25 annual county and district goals and plans for soil conservation work therein; to request
26 agencies, whose duties are such as to render assistance in soil and water conservation, to
27 set forth in writing what assistance they may have available in the county and district."

28 **SECTION 55.(i)** G.S. 163-227.3 reads as rewritten:

29 **"§ 163-227.3. Date by which absentee ballots must be available for voting.**

30 (a) ~~The State Board of Elections~~ A board of elections shall provide absentee
31 ballots of the kinds to be furnished by the State Board, to the county boards of elections
32 needed 50 days prior to the date on which the election shall be conducted unless 45 days
33 is authorized by the State Board of Elections under G.S. 163-22(k) or there shall exist
34 an appeal before the State Board or the courts not concluded, in which case the State
35 ~~Board board~~ shall provide the ballots as quickly as possible upon the conclusion of such
36 an appeal. However, in the case of municipal elections, absentee ballots shall be made
37 available no later than 30 days before an election. In every instance the State Board
38 board of elections shall exert every effort to provide absentee ballots, of the kinds to be
39 ~~furnished by the State Board, to each county needed~~ by the date on which absentee
40 voting is authorized to commence. In any case where absentee ballots are printed by the
41 ~~county board of elections, that county board shall follow the direction of the State Board~~
42 ~~in delaying absentee ballots while an appeal is pending and in providing them as soon as~~
43 ~~possible thereafter.~~

1 (b) ~~Second Primary. – The State Board of Elections~~ board of elections shall
2 provide absentee ballots, of the kinds ~~to be furnished by the State Board,~~ needed, as
3 quickly as possible after the ballot information for a second primary has been
4 determined."

5 **SECTION 55.(j)** G.S. 163-109 is repealed.

6 **SECTION 55.(k)** G.S. 163-278.8(c) reads as rewritten:

7 "(c) A treasurer may not accept a contribution of more than one hundred dollars
8 (\$100.00) from a nonresident of this State unless the contribution is accompanied by a
9 written statement setting forth the ~~name~~ name, daytime phone number, and address of
10 each contributor."

11 **SECTION 55.(l)** G.S. 163-278.14(b) reads as rewritten:

12 "(b) No individual or person shall give, and no candidate, committee or treasurer
13 shall accept, any monetary contribution in excess of one hundred dollars (\$100.00)
14 unless such contribution be in the form of a check, draft, ~~or credit card charge, debit,~~
15 ~~money order, or~~ other noncash method that can be subject to written verification. The
16 State Board of Elections may prescribe guidelines as to the reporting and verification of
17 any method of contribution payment allowed under this Article. For a contribution made
18 by credit card, the credit card account number of a contributor is not a public record."

19 **SECTION 55.(m)** G.S. 163-278.30 reads as rewritten:

20 "**§ 163-278.30. Candidates for federal offices to file information reports.**

21 Candidates for nomination in a party primary or for election in a general or special
22 election to the offices of United States Senator, member of the United States House of
23 Representatives, President or Vice-President of the United States shall file with the
24 Board all reports they or political committee treasurers or other agents acting for them
25 are required to file under the Federal Election Campaign Act of 1971, P.L. 92-225, as
26 amended (T. 2, U.S.C. section 439). Those reports shall be filed with the Board at the
27 times required by that act. The Board shall, with respect to those reports, have the
28 following duties only:

- 29 (1) To receive and maintain in an orderly manner all reports and
30 statements required to be filed with it;
- 31 (2) To preserve reports and statements filed under the Federal Election
32 Campaign Act. Such reports and statements, after a period of two years
33 following the election year, may be transferred to the Department of
34 Cultural Resources, Division of Archives and History, and shall be
35 preserved for a period of 10 years or for such period as may be
36 required by federal law.
- 37 (3) To make the reports and statements filed with it available for public
38 inspection and copying during regular office hours, commencing as
39 soon as practicable but not later than the end of the day during which
40 they were received, and to permit copying of any such report or
41 statement by hand or by duplicating machine, requested by any
42 individual, at the expense of such individual; and
- 43 (4) To compile and maintain a current list of all statements or parts of
44 statements pertaining to each candidate.

1 Any duty of a candidate to file and the State Board to receive and make available
2 under this section may be met by an agreement between the State Board and the Federal
3 Election Commission, the effect of which is for the Federal Election Commission to
4 provide promptly to the State Board the information required by this section."

5 **SECTION 55.(n)** G.S. 163-230.1(a) reads as rewritten:

6 "(a) A qualified voter who is eligible to vote by absentee ballot under G.S.
7 163-226(a) or that voter's near relative or verifiable legal guardian, shall request in
8 writing an application for absentee ballots, so that the county board of elections receives
9 the request not later than 5:00 P.M. on the Tuesday before the election. That written
10 request shall be signed by the voter, the voter's near relative, or the voter's verifiable
11 legal guardian. The county board of elections shall enter in the register of absentee
12 requests, applications, and ballots issued the information required in G.S. 163-228 as
13 soon as each item of that information becomes available. Upon receiving the
14 application, the county board of elections shall cause to be mailed to that voter in a
15 single package:

- 16 (1) The official ballots the voter is entitled to vote;
- 17 (2) A container-return envelope for the ballots, printed in accordance with
18 G.S. 163-229; and
- 19 (3) Repealed by Session Laws 1999-455, s. 10.
- 20 (4) An instruction sheet.

21 The ballots, envelope, and instructions shall be mailed to the voter by the county
22 board's chairman, member, officer, or employee as determined by the board and entered
23 in the register as provided by this Article."

24 **SECTION 55.(o)** G.S. 163-278.6(1) reads as rewritten:

25 "(1) The term "board" means the State Board of Elections with respect to
26 all candidates for ~~State and multi-county district~~ State, legislative, and
27 judicial offices and the county or municipal board of elections with
28 respect to all candidates for ~~single county district, county and~~
29 municipal offices. The term means the State Board of Elections with
30 respect to all statewide referenda and the county or municipal board of
31 elections conducting all local referenda."

32 **SECTION 55.(p)** G.S. 163-165.1 is amended by adding a new subsection to
33 read:

34 "(e) Voted ballots shall be treated as confidential and no person other than
35 elections officials performing their duties may have access to voted ballots except by
36 court order or order of the appropriate board of elections as part of the resolution of an
37 election protest or investigation of an alleged election irregularity or violation. Voted
38 ballots shall not be disclosed to members of the public in such a way as to disclose how
39 a particular voter voted, unless a court orders otherwise."

40 **SECTION 55.(q)** Subsections 55(a) through 55(o) of this section become
41 effective January 1, 2003, and apply to all primaries and elections held on and after that
42 date. Subsection 55(p) is effective when this act becomes law.

43 **SECTION 56.** G.S. 163-132.3 is amended by adding a new subsection to
44 read:

1 "(e) During the period beginning October 1, 2002, and ending December 31,
2 2003, no county board of elections may change any precinct boundary. However, a
3 county that has a precinct line that does not follow a 2000 Census Block Boundary may
4 change that precinct line to conform to the way that precinct is shown on the General
5 Assembly's redistricting database, provided the total population of the area moved from
6 one precinct to another is not greater than ten percent (10%) of the total population of
7 either precinct. A county board of elections proposing a change to a precinct during this
8 period shall submit that change to the Legislative Services Office, which shall examine
9 the proposed change and give its opinion of its compliance with this subsection to the
10 Executive Director of the State Board of Elections. If the proposed change is in
11 compliance with this subsection, the Executive Director shall approve it."

12 **SECTION 57.(a)** Article 20 of Chapter 163 of the General Statutes is
13 amended by adding a new section to read:

14 **"§ 163-230.2. Method of requesting absentee ballots.**

15 (a) Valid Types of Written Requests. – A written request for an absentee ballot as
16 required by G.S. 163-230.1 is valid only if it is written entirely by the requester
17 personally, or is on a form generated by the county board of elections and signed by the
18 requester. The county board of elections shall issue a request form only to the voter
19 seeking to vote by absentee ballot or to a person authorized by G.S. 163-230.1 to make
20 a request for the voter. If a requester, due to disability or illiteracy, is unable to complete
21 a written request, that requester may receive assistance in writing that request from an
22 individual of that requester's choice.

23 (b) Invalid Types of Written Requests. – A request is not valid if it does not
24 comply with subsection (a) of this section. If a county board of elections receives a
25 request for an absentee ballot that does not comply with subsection (a) of this section,
26 the board shall not issue an application and ballot under G.S. 163-230.1.

27 (c) Rules by State Board. – The State Board of Elections shall adopt rules for the
28 enforcement of this section."

29 **SECTION 57.(b)** This section becomes effective January 1, 2003, and
30 applies to all primaries and elections held on or after that date.

31 **SECTION 57.1.(a)** G.S. 163-278.7(b) reads as rewritten:

32 "(b) Each appointed treasurer shall file with the Board at the time required by G.S.
33 163-278.9(a)(1) a statement of organization that includes:

34 (1) The Name, Address and Purpose of the Candidate, Political
35 Committee, or Referendum Committee. – When the political
36 committee or referendum committee is created pursuant to G.S.
37 163-278.19(b), the name shall be or include the name of the
38 corporation, insurance company, business entity, labor union or
39 professional association whose officials, employees, or members
40 established the committee. When the political committee or
41 referendum committee is not created pursuant to G.S. 163-278.19(b),
42 the name shall be or include the economic interest, if identifiable,
43 principally represented by the committee's organizers or intended to be
44 advanced by use of the committee's receipts.

- 1 (2) The names, addresses, and relationships of affiliated or connected
2 candidates, political committees, referendum committees, political
3 parties, or similar organizations;
- 4 (3) The territorial area, scope, or jurisdiction of the candidate, political
5 committee, or referendum committee;
- 6 (4) The name, address, and position with the candidate or political
7 committee of the custodian of books and accounts;
- 8 (5) The name and party affiliation of the candidate(s) whom the
9 committee is supporting or opposing, and the office(s) involved;
- 10 (5a) The name of the referendum(s) which the referendum committee is
11 supporting or opposing, and whether the committee is supporting or
12 opposing the referendum;
- 13 (6) The name of the political committee or political party being supported
14 or opposed if the committee is supporting the ticket of a particular
15 political or political party;
- 16 (7) A listing of all banks, safety deposit boxes, or other depositories used,
17 including the names and numbers of all accounts maintained and the
18 numbers of all such safety deposit boxes ~~used~~;used, provided that the
19 Board shall keep any account number included in any report required
20 by this Article confidential except as necessary to conduct an audit or
21 investigation, except as required by a court of competent jurisdiction,
22 or unless confidentiality is waived by the treasurer. Disclosure of an
23 account number in violation of this subdivision shall not give rise to a
24 civil cause of action. This limitation of liability does not apply to the
25 disclosure of account numbers in violation of this subdivision as a
26 result of gross negligence, wanton conduct, or intentional wrongdoing
27 that would otherwise be actionable.
- 28 (8) The name or names and address or addresses of any assistant treasurers
29 appointed by the treasurer. Such assistant treasurers shall be authorized
30 to act in the name of the treasurer, who shall be fully responsible for
31 any act or acts committed by an assistant treasurer, and the treasurer
32 shall be fully liable for any violation of this Article committed by any
33 assistant treasurer; and
- 34 (9) Any other information which might be requested by the Board that
35 deals with the campaign organization of the candidate or referendum
36 committee."

37 **SECTION 57.1.(b)** This section becomes effective January 1, 2003, and
38 applies to any report filed on or after that date. The State Board of Elections may redact,
39 and may authorize county boards of elections to redact, account numbers from public
40 copies of reports filed prior to January 1, 2003.

41 **SECTION 58.** Section 2(b) of S.L. 2001-403 is repealed.

42 **SECTION 59.** Section 21.19(y) of S.L. 2001-424, as amended by Section
43 10.11(a) of S.L. 2002-126, reads as rewritten:

1 **"SECTION 21.19.(y)** The Department of Health and Human Services may apply
2 federal transfer of assets policies, as described in Title XIX, Section 1917(c) of the
3 Social Security Act, including the attachment of liens, to real property excluded as
4 "income producing", tenancy-in-common, or as nonhomesite property made "income
5 producing" under Title XIX, Section 1902(r)(2) of the Social Security Act. The transfer
6 of assets policy shall apply ~~only~~ to an institutionalized individual or the individual's
7 spouse as defined in Title XIX, Section 1917(c) of the Social Security Act. The transfer
8 of assets policy shall also apply to any noninstitutionalized individuals or spouse of
9 such individuals as defined in Title XIX, Section 1917(c) and as described in an
10 approved Title XIX State Plan. This subsection becomes effective no earlier than
11 October 1, 2001. Federal transfer of asset policies and attachment of liens to properties
12 excluded as tenancy-in-common or as nonhomesite property made "income producing"
13 in accordance with this subsection shall become effective not earlier than November 1,
14 2002."

15 **SECTION 60.** Section 3 of S.L. 2001-505 reads as rewritten:

16 **"SECTION 3.** The Public Officers and Employees Liability Insurance Commission
17 in the Department of Insurance shall effect and place professional liability insurance
18 coverage under G.S. 58-32-15 for local health department sanitarians defended by the
19 State under ~~G.S. 143-300.8~~ under G.S. 58-32-15.G.S. 143-300.8. For insurance
20 purposes only under G.S. 58-32-15, local health department sanitarians are considered
21 to be employees of the Department of Environment and Natural Resources."

22 **SECTION 61.** The introductory language of Section 12 of S.L. 2002-16
23 reads as rewritten:

24 **"SECTION 12.** ~~G.S. 405-467(b)(6)~~ 105-467(a)(6) reads as rewritten:".

25 **SECTION 62.** Section 4 of S.L. 2002-94 is repealed.

26 **SECTION 63.** The introductory language of Section 1 of S.L. 2002-103
27 reads as rewritten:

28 **"SECTION 1.** ~~G.S. 115C-47~~ G.S. 115C-12 is amended by adding a new
29 subdivision to read:".

30 **SECTION 64.** Section 6 of S.L. 2002-107 reads as rewritten:

31 **"SECTION 6.** This act is effective when it becomes ~~law-law~~, and Sections 1, 4, and
32 5 are applicable to bidding opportunities advertised on or after that date."

33 **SECTION 65.** It is the intent of the General Assembly that Sections 1
34 through 7 of S.L. 2002-120 shall be effective prospectively only and shall not be
35 construed as a waiver of the sovereign immunity of the State or any other defenses as to
36 any claim for damages or other recovery of funds, including attorneys' fees, or
37 injunctive relief, from the State by any unit of local government or political subdivision
38 of the State.

39 **SECTION 66.** S.L. 2002-126 is amended by adding a new section to read:

40 **"TRANSFER OF COMMUNITY SERVICE CONSULTANT POSITION**

41 **SECTION 19.8.** Effective August 1, 2002, personnel position #
42 4101-0000-0000-067, Community Service Consultant, is transferred from the
43 Department of Administration to the Office of State Personnel."

1 **SECTION 67.** If House Bill 1245, 2001 Session, becomes law, Section 2 of
2 that act reads as rewritten:

3 **"SECTION 2.** The Division of Motor Vehicles shall implement the requirements of
4 Section 1 of this act at the earliest practical date, but no later than April 1, 2003."

5 **SECTION 68.** If House Bill 1745, 2001 Session, becomes law, the
6 introductory language of Section 4 of that act reads as rewritten:

7 **"SECTION 4.** G.S. 20-79.4(b) is amended by adding ~~two~~three new subdivisions to
8 read:".

9 **SECTION 69.** Section 2.2(h) of S.L. 2002-126 reads as rewritten:

10 **"SECTION 2.2.(h)** The General Assembly finds that over the last two fiscal years,
11 the cost of the Medicaid program has increased over one billion dollars
12 (\$1,000,000,000). The downturn in the economy has caused an unforeseeable increase
13 in the number of persons eligible for the program. Even with the significant expansion
14 funds appropriated for the increased costs, transfers of funds to meet obligations for the
15 2001-2002 fiscal year, and significant cost-savings measures imposed by the General
16 Assembly and the Department of Health and Human Services, Medicaid will still need
17 additional State funds next year to cover increased costs.

18 The General Assembly further finds that due to the downturn in the economy and the
19 loss of jobs in various sectors of the economy, the State must undertake various
20 economic initiatives.

21 Funds transferred pursuant to this section shall be used only for Medicaid and for
22 economic initiatives.

23 Notwithstanding G.S. 143-16.4(a2), of the funds ~~credited~~added to the Tobacco
24 Trust Account from the Master Settlement Agreement settlement payments pursuant to
25 Section 6(2) of S.L. 1999-2 during the 2002-2003 fiscal year, the sum of thirty-eight
26 million dollars (\$38,000,000) shall be transferred from the Department of Agriculture
27 and Consumer Services, Budget Code 23703 (Tobacco Trust Fund) to the State
28 Controller to be deposited in Nontax Budget Code 19978 (Intra State Transfers) to
29 support General Fund appropriations for the 2002-2003 fiscal year.

30 Notwithstanding G.S. 143-16.4(a1), of the funds ~~credited~~added to the Health Trust
31 Account from the Master Settlement Agreement settlement payments pursuant to
32 Section 6(2) of S.L. 1999-2 during the 2002-2003 fiscal year, the sum of forty million
33 dollars (\$40,000,000) shall be transferred from the Department of State Treasurer,
34 Budget Code 23460 (Health and Wellness Trust Fund) to the State Controller to be
35 deposited in Nontax Budget Code 19978 (Intra State Transfers) to support General Fund
36 appropriations for the 2002-2003 fiscal year.

37 Notwithstanding G.S. 147-86.30(c), the Health and Wellness Trust Fund
38 Commission may transfer up to eighteen million dollars (\$18,000,000) from the Fund
39 Reserve created in G.S. 147-86.30 to the Health and Wellness Trust Fund nonreserved
40 funds to be expended in accordance with G.S. 147-86.30(d) during the 2002-2003 fiscal
41 year."

42 **SECTION 70.** The introductory language of Section 7.30 of S.L. 2002-126
43 reads as rewritten:

44 **"SECTION 7.30.** Effective January 1, 2003, G.S. 115C-174.12 reads as rewritten:".

1 **SECTION 70.5.** Section 7.44 of S.L. 2002-126 reads as rewritten:

2 **"SECTION 7.44.** Notwithstanding G.S. 115C-174.11(a), the Department of Public
3 Instruction may administer a standardized reading test measure for a ~~one time, one year~~
4 ~~only~~, pilot study of the comparative predictive validity of the reading assessment used in
5 kindergarten through second grade. This standardized measure may be administered to
6 ~~a sample of~~ students in ~~a maximum of five percent (5%) of the~~ eligible public schools,
7 including ~~eligible~~ charter schools, and is limited to the extent necessary to receive funds
8 as part of the federal Reading First Grant. The results of this standardized measure shall
9 not be used to evaluate, promote, or retain any student."

10 **SECTION 71.** S.L. 2002-126 is amended by adding a new section to read:

11 **"TRANSFER OF COMMUNITY COLLEGE POSITION**

12 **SECTION 8.9.** Personnel position # 6800-1500-0075-052, High School
13 Apprenticeship Consultant, is transferred from the North Carolina Community College
14 System to the Department of Public Instruction."

15 **SECTION 72.** Section 9.7 of S.L. 2002-126 reads as rewritten:

16 **"SECTION 9.7.** The Chancellor of each constituent institution shall report to the
17 Board of Governors of The University of North Carolina on the reductions made to the
18 General Fund budget codes in order to meet the reduction reserve amounts for that
19 institution. The President of The University of North Carolina shall report to the Board
20 of Governors of The University of North Carolina on the reductions made to the
21 General Fund budget codes controlled by the Board in order to meet the reduction
22 reserve amounts for those entities. The Board of Governors shall make a summary
23 report to the Fiscal Research Division by ~~October 31, 2002~~, November 30, 2002, on all
24 reductions made by these entities and constituent institutions in order to reduce the
25 budgets by the targeted amounts."

26 **SECTION 73.** Section 10.3(b) of S.L. 2002-126 reads as rewritten:

27 **"SECTION 10.3.(b)** The Department shall report the results of its review to the
28 Senate Appropriations Committee on Health and Human Services, the House of
29 Representatives Appropriations Subcommittee on Health and Human Services, and the
30 Fiscal Research Division not later than ~~December 1, 2002~~, February 15, 2003. The
31 report shall include staffing requirements for adult day care and adult day health
32 programs as compared to adult care homes, assisted living facilities, and nursing homes
33 in the State. The report shall also compare staffing ratios in North Carolina to those of
34 other states, including those states that border North Carolina. The report shall be
35 conducted by the Department, Office of Long-Term Care, or by an independent
36 contractor and shall contain all of the following specific information:

- 37 (1) Number of staff required per resident.
38 (2) Education/work experience required and preferred as a basis for hire.
39 (3) Specific job duties outlined in job descriptions.
40 (4) Rationale and justification for establishing the existing staff ratios in
41 the Division of Aging's policy for adult day care and adult day health
42 care.

- 1 (5) An analysis of the variance in staffing requirements among adult day
2 care and adult day health programs, adult care homes, assisted living
3 facilities, and nursing homes.
- 4 (6) Identification of the entities responsible for licensing and monitoring
5 quality for all providers of long-term care in the State.
- 6 (7) Recommendations for changes to existing policies based on findings of
7 the Department's review."

8 **SECTION 74.** Section 10.11(c) of S.L. 2002-126 reads as rewritten:

9 **"SECTION 10.11.(c)** When implementing the Supplemental Security Income (SSI)
10 method for considering equity value of income producing property, the Department
11 shall, to the maximum extent possible, employ procedures to mitigate the hardship to
12 Medicaid enrollees occurring from application of the Supplemental Security Income
13 (SSI) method. The Department shall continue to exclude the equity value of life estate
14 and tenancy-in-common property when determining resource eligibility for Medicaid,
15 even if the property is also income producing."

16 **SECTION 75.** Section 10.19(b) of S.L. 2002-126 reads as rewritten:

17 **"SECTION 10.19.(b)** The Secretary of Health and Human Services shall not request
18 or require supplemental rebates from pharmaceutical manufacturers."

19 **SECTION 76.** Section 11.1(a) of S.L. 2002-126 is repealed.

20 **SECTION 77.** Section 13.9 of S.L. 2002-126 reads as rewritten:

21 **"SECTION 13.9.** The Kenan-Flagler Business School ("Business School") of the
22 University of North Carolina at Chapel Hill shall study the effectiveness of the
23 economic development activities of the North Carolina Department of Commerce
24 ("Commerce") and the Regional Economic Development Commissions
25 ("Commissions"). In conducting its study the Business School shall work with
26 Commerce and the Commissions to do the following:

- 27 (1) Identify how Commerce and the Commissions can improve
28 communication, implement a more coordinated and efficient
29 recruitment and retention effort throughout the State, and avoid
30 duplication of effort,
- 31 (2) Establish specific performance measures and outcomes relevant to the
32 mission, goals, and objectives of Commerce and the Commissions,
- 33 (3) Develop a "scorecard" that can be used to measure the extent to which
34 Commerce and the Commissions have achieved their goals, objectives,
35 and outcomes, and
- 36 (4) Recommend a performance-based funding mechanism that will inform
37 the General Assembly's decisions regarding appropriations to
38 Commerce and the Commissions.

39 The Business School also may include in its study and recommendations any other
40 information it deems relevant to the study and its intent.

41 The Business School shall report its findings and recommendations to the Senate
42 Appropriations Subcommittee on Natural and Economic Resources, the House and
43 Senate Full Appropriations Chairs, the Joint Legislative Commission on Governmental
44 Operations, and the Fiscal Research Division by March 15, 2003."

1 **SECTION 78.** Section 18.6(c) of S.L. 2002-126 reads as rewritten:

2 **"SECTION 18.6.(c)** This section becomes effective ~~December 1,~~October 15,
3 2002."

4 **SECTION 79.** Section 28.3A of S.L. 2002-126 reads as rewritten:

5 **"SECTION 28.3A.** Any person who is a full-time permanent employee on
6 September 30, 2002, of (i) a local board of education, ~~except for an employee who~~
7 ~~receives a salary increment pursuant to Section 7.1, 7.2, or 7.45 of this act,~~ or (ii) the
8 State, who is eligible for annual leave shall have a one-time additional 10 days of annual
9 leave credited on that date. Local board of education employees paid on salary
10 schedules in Section 7.1 or 7.2 of this act are not eligible to receive this additional
11 annual leave unless they are at the top of their respective salary schedules and do not
12 receive a salary increment for the 2002-03 fiscal year. Employees paid under Section
13 7.45 of this act shall not be eligible for this additional annual leave unless they are at the
14 top of their respective salary schedules and do not receive a salary increment for the
15 2002-2003 fiscal year. That leave shall be accounted for separately, and shall remain
16 available until used, notwithstanding any other limitation on the total number of days of
17 annual leave that may be carried forward. Part-time permanent employees and 9- or
18 10-month employees shall receive a pro rata amount of the 10 days.

19 The General Assembly encourages the State Board of Community Colleges to adopt
20 rules authorizing the colleges to provide special annual leave bonuses, compensation
21 bonuses, or other employee benefits to their employees. Included within this may be
22 salary increases within available funds to employees not receiving special annual leave
23 bonuses."

24 **SECTION 80.** If Senate Bill 1238, 2001 Session, becomes law, Section 4.1
25 of that act reads as rewritten:

26 **"SECTION 4.1.** ~~The appropriation to the Department of State Treasurer,~~
27 ~~Retirement Systems Division, is increased~~ Treasurer is authorized to increase the
28 requirements and receipts for the operating budget of the Retirement Systems Division
29 in the amount of two hundred forty-seven thousand seven hundred thirteen dollars
30 (\$247,713) for the fiscal year 2002-2003 and the fiscal year 2003-2004 to fund eight
31 two-year time-limited positions to implement the provisions of this act."

32 **SECTION 81.** The Asheboro Municipal Airport is designated as the official
33 location of the North Carolina Aviation Hall of Fame and the North Carolina Aviation
34 Museum. The Airborne Operation Museum of Fayetteville is designated as the official
35 location of the Airborne Military Museum of North Carolina.

36 **SECTION 82.** Notwithstanding the provisions of S.L. 2002-126, the
37 provisions of Section 4 of Chapter 589 of the 1995 Session Laws remain in effect and
38 the Judicial Department shall use the sum of thirty-eight thousand one hundred thirty-
39 two dollars (\$38,132) in funds available to the Department to continue a superior court
40 judicial assistant position in Superior Court District 19B. That position is currently
41 assigned to a regular superior court judge, but in the event that the position becomes
42 vacant, it shall be reassigned to the senior resident superior court judge.

43 **SECTION 83.** The following budget reductions in the Department of Health
44 and Human Services, as provided in the Joint Conference Committee Report on the

1 Continuation, Expansion and Capital Budgets, dated September 18, 2002, are modified
2 as follows:

- 3 (1) The reduction in funding in the Division of Facility Services under the
4 heading "17 Legal Services" is for the elimination of the contract with
5 the Department of Justice for one paralegal position. This reduction
6 does not require the elimination of a personnel position in the division.
- 7 (2) The reduction in funding for the Division of Mental Health,
8 Developmental Disabilities, and Substance Abuse Services under the
9 heading "40 Mental Retardation Centers" is modified by deleting "1.0
10 Outreach Specialist II" and substituting "2.0 Outreach Specialist II";
11 and by deleting "1.0 Patient Review Coordinator".
- 12 (3) The reduction in funding for the Division of Mental Health,
13 Developmental Disabilities, and Substance Abuse Services under the
14 heading "State Psychiatric Hospitals" is modified by deleting "1.0
15 Patient Relations Representative III" and substituting "1.0 Patient
16 Relations Representative IV".
- 17 (4) The reduction in funding in the Division of Vocation Rehabilitation
18 under the heading "111 Position Eliminations" is modified by deleting
19 "Eliminates 24.0 vacant and 2.0 filled positions:" and substituting
20 "Eliminates 23.0 vacant and 2.0 filled positions:"; by deleting "8.0
21 Office Assistant III's" and substituting "7.5 Office Assistant III's"; and
22 by deleting "1.0 Processing Assistant III" and substituting ".5
23 Processing Assistant III". Twenty-five personnel positions are
24 eliminated by this reduction.
- 25 (5) The reduction in funding for Office of Education Services under the
26 heading "122 Central Preschool Program" is modified by deleting
27 "Eliminates 7.0 vacant and 2.0 filled preschool staff positions" and
28 substituting "Eliminates 6.75 vacant and 2.0 filled preschool staff
29 positions"; and by deleting "1.0 EDA II" and substituting ".75 EDA
30 II". Eight and three-fourths personnel positions are eliminated by this
31 reduction.
- 32 (6) The reduction in funding for Office of Education Services under the
33 heading "131 Positions at WNCSD" is modified by deleting
34 "Abolishes 14.75 vacant and 1.0 filled positions" and substituting
35 "Abolishes 11.75 vacant and 1.0 filled positions"; by deleting "1.0
36 Computer Support Tech II"; and by deleting "5.0 Teachers" and
37 substituting "3.0 Teachers". Twelve and three-fourths positions are
38 eliminated by this reduction.

39 **SECTION 84.** Unless otherwise provided, this act is effective when it
40 becomes law.