

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 847*
Rules and Operations of the Senate Committee Substitute Adopted 6/27/12
Third Edition Engrossed 6/27/12

Short Title: GSC Technical Corrections/Other Changes.

(Public)

Sponsors:

Referred to:

May 22, 2012

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES,
3 INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO
4 PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH
5 THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED
6 BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER
7 AMENDMENTS.

8 The General Assembly of North Carolina enacts:

9
10 **PART I. GENERAL STATUTES COMMISSION TECHNICAL CORRECTIONS**

11 **SECTION 1.(a)** The intent of this section is to codify the permanent reductions to
12 the minimum number of magistrates in various counties and the number of full-time assistant
13 district attorneys in certain prosecutorial districts that have been made by the Administrative
14 Office of the Courts pursuant to Section 15.14 of S.L. 2010-31, as added by Section 6.4 of S.L.
15 2010-123, to the end that the General Statutes reflect the actual authorized numbers of
16 magistrates and assistant district attorneys.

17 **SECTION 1.(b)** G.S. 7A-60(a1) reads as rewritten:

18 "(a1) (**See Editor's note for staffing changes**) The counties of the State are organized
19 into prosecutorial districts, and each district has the counties and the number of full-time
20 assistant district attorneys set forth in the following table:

21			No. of Full-Time
22	Prosecutorial		Asst. District
23	District	Counties	Attorneys
24	1	Camden, Chowan, Currituck,	11
25		Dare, Gates, Pasquotank,	
26		Perquimans	
27	2	Beaufort, Hyde, Martin,	8
28		Tyrrell, Washington	
29	3A	Pitt	11
30	3B	Carteret, Craven, Pamlico	12
31	4	Duplin, Jones, Onslow,	18
32		Sampson	
33	5	New Hanover, Pender	18
34	6A	Halifax	5
35	6B	Bertie, Hertford,	65



1		Northampton	
2	7	Edgecombe, Nash, Wilson	19 <u>18</u>
3	8	Greene, Lenoir, Wayne	14
4	9	Franklin, Granville,	12 <u>10</u>
5		Vance, Warren	
6	9A	Person, Caswell	6
7	10	Wake	42 <u>41</u>
8	11A	Harnett, Lee	9
9	11B	Johnston	10
10	12	Cumberland	23
11	13	Bladen, Brunswick, Columbus	13
12	14	Durham	18
13	15A	Alamance	11
14	15B	Orange, Chatham	10
15	16A	Scotland, Hoke	7
16	16B	Robeson	13 <u>12</u>
17	17A	Rockingham	7
18	17B	Stokes, Surry	8
19	18	Guilford	32
20	19A	Cabarrus	9
21	19B	Montgomery, Randolph	10 <u>9</u>
22	19C	Rowan	8
23	19D	Moore	5
24	20A	Anson, Richmond,	12 <u>11</u>
25		Stanly	
26	20B	Union	10
27	21	Forsyth	25
28	22A	Alexander, Iredell	11
29	22B	Davidson, Davie	11
30	23	Alleghany, Ashe, Wilkes,	8
31		Yadkin	
32	24	Avery, Madison, Mitchell,	7
33		Watauga, Yancey	
34	25	Burke, Caldwell, Catawba	19 <u>18</u>
35	26	Mecklenburg	58
36	27A	Gaston	15 <u>14</u>
37	27B	Cleveland,	11
38		Lincoln	
39	28	Buncombe	14
40	29A	McDowell, Rutherford	7
41	29B	Henderson, Polk, Transylvania	8
42	30	Cherokee, Clay, Graham,	11 <u>10</u>
43		Haywood, Jackson, Macon,	
44		Swain."	

SECTION 1.(c) G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

Additional

	Magistrates	Seats of
County	Min.	Court
1		
2		
3	Camden	3
4	Chowan	3
5	Currituck	4
6	Dare	6
7	Gates	2
8	Pasquotank	<u>54</u>
9	Perquimans	3
10	Martin	4
11	Beaufort	<u>5.055</u>
12	Tyrrell	3
13	Hyde	3.5
14	Washington	<u>43</u>
15	Pitt	10.5
16		Farmville
17	Craven	Ayden
18	Pamlico	Havelock
19	Carteret	
20	Sampson	
21	Duplin	
22	Jones	
23	Onslow	
24	New Hanover	
25	Pender	
26	Halifax	<u>4.83.8</u>
27		Roanoke
28		Rapids,
29	Northampton	Scotland Neck
30	Bertie	
31	Hertford	
32	Nash	9
33	Edgecombe	7
34	Wilson	7
35	Wayne	9
36	Greene	4
37	Lenoir	7
38	Granville	<u>76.75</u>
39	Vance	6
40	Warren	3.5
41	Franklin	7
42	Person	4
43	Caswell	<u>43</u>
44	Wake	18.5
45		Apex,
46		Wendell,
47		Fuquay-
48		Varina,
49	Harnett	Wake Forest
50	Johnston	Dunn
51		<u>108</u>
		<u>110</u>
		Benson,
		Clayton,

1			Selma
2	Lee	<u>5.55</u>	
3	Cumberland	19	
4	Bladen	<u>54</u>	
5	Brunswick	9	
6	Columbus	<u>9.57.5</u>	Tabor City
7	Durham	13	
8	Alamance	12	Burlington
9	Orange	<u>97</u>	Chapel Hill
10	Chatham	<u>64</u>	Siler City
11	Scotland	5	
12	Hoke	<u>53</u>	
13	Robeson	<u>1513</u>	Fairmont,
14			Maxton,
15			Pembroke,
16			Red Springs,
17			Rowland,
18			St. Pauls
19	Rockingham	<u>97</u>	Reidsville,
20			Eden,
21			Madison
22	Stokes	5	
23	Surry	9	Mt. Airy
24	Guilford	24.4	High Point
25	Cabarrus	9	Kannapolis
26	Montgomery	<u>54</u>	
27	Randolph	<u>109</u>	Liberty
28	Rowan	9	
29	Stanly	<u>65</u>	
30	Union	7	
31	Anson	<u>54</u>	
32	Richmond	<u>65</u>	Hamlet
33	Moore	<u>6.55</u>	Southern
34			Pines
35	Forsyth	15	Kernersville
36	Alexander	4	
37	Davidson	<u>108</u>	Thomasville
38	Davie	<u>43</u>	
39	Iredell	9	Mooresville
40	Alleghany	2	
41	Ashe	<u>43</u>	
42	Wilkes	6	
43	Yadkin	<u>43</u>	
44	Avery	4	
45	Madison	4	
46	Mitchell	4	
47	Watauga	<u>54</u>	
48	Yancey	3	
49	Burke	<u>6.755.6</u>	
50	Caldwell	<u>76</u>	
51	Catawba	10	Hickory

1	Mecklenburg	26.50	
2	Gaston	17	
3	Cleveland	<u>87</u>	
4	Lincoln	6	
5	Buncombe	15	
6	Henderson	6.5	
7	McDowell	<u>4.54</u>	
8	Polk	4	
9	Rutherford	<u>76</u>	
10	Transylvania	4	
11	Cherokee	4	
12	Clay	2	
13	Graham	2	
14	Haywood	<u>6.756</u>	Canton
15	Jackson	<u>54</u>	
16	Macon	3.5	
17	Swain	<u>3.753"</u>	

18 **SECTION 1.(d)** Effective January 1, 2013, G.S. 7A-133(c), as amended by
 19 subsection (c) of this section, reads as rewritten:

20 "(c) Each county shall have the numbers of magistrates and additional seats of district
 21 court, as set forth in the following table:

22	23	24	25	26
			Magistrates	Additional
	County	Min.	Seats of	Court
27	Camden	3		
28	Chowan	3		
29	Currituck	<u>43</u>		
30	Dare	<u>64</u>		
31	Gates	2		
32	Pasquotank	4		
33	Perquimans	3		
34	Martin	<u>43</u>		
35	Beaufort	<u>54</u>		
36	Tyrrell	3		
37	Hyde	3.5		
38	Washington	3		
39	Pitt	10.5		Farmville
40				Ayden
41	Craven	8		Havelock
42	Pamlico	3		
43	Carteret	<u>76</u>		
44	Sampson	<u>65</u>		
45	Duplin	4		
46	Jones	2		
47	Onslow	11		
48	New Hanover	11		
49	Pender	3.8		
50	Halifax	7		Roanoke
51				Rapids,

1			Scotland Neck
2	Northampton	<u>5.253</u>	
3	Bertie	3	
4	Hertford	<u>53</u>	
5	Nash	9	Rocky Mount
6	Edgecombe	7	Rocky Mount
7	Wilson	7	
8	Wayne	9	Mount Olive
9	Greene	<u>43</u>	
10	Lenoir	7	La Grange
11	Granville	<u>6.755</u>	
12	Vance	6	
13	Warren	<u>3.53</u>	
14	Franklin	<u>74</u>	
15	Person	4	
16	Caswell	3	
17	Wake	18.5	Apex, Wendell, Fuquay- Varina, Wake Forest
18			Dunn
19			Benson, Clayton, Selma
20			
21			
22	Harnett	8	
23	Johnston	10	
24			
25			
26	Lee	5	
27	Cumberland	19	
28	Bladen	<u>43</u>	
29	Brunswick	<u>98</u>	
30	Columbus	<u>7.55</u>	Tabor City
31	Durham	13	
32	Alamance	12	Burlington
33	Orange	7	Chapel Hill
34	Chatham	4	Siler City
35	Scotland	5	
36	Hoke	3	
37	Robeson	13 <u>12</u>	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
38			Reidsville, Eden, Madison
39			
40			
41			
42			
43	Rockingham	7	
44			
45			
46	Stokes	<u>53</u>	
47	Surry	<u>96</u>	Mt. Airy
48	Guilford	24.4	High Point
49	Cabarrus	9	Kannapolis
50	Montgomery	<u>43</u>	
51	Randolph	9	Liberty

1	Rowan	9	
2	Stanly	5	
3	Union	7	
4	Anson	<u>43</u>	
5	Richmond	5	Hamlet
6	Moore	5	Southern
7			Pines
8	Forsyth	15	Kernersville
9	Alexander	<u>43</u>	
10	Davidson	8	Thomasville
11	Davie	3	
12	Iredell	9	Mooresville
13	Alleghany	2	
14	Ashe	3	
15	Wilkes	6	
16	Yadkin	3	
17	Avery	<u>43</u>	
18	Madison	<u>43</u>	
19	Mitchell	<u>43</u>	
20	Watauga	4	
21	Yancey	3	
22	Burke	5.6	
23	Caldwell	6	
24	Catawba	10	Hickory
25	Mecklenburg	26.50	
26	Gaston	17	
27	Cleveland	7	
28	Lincoln	<u>65</u>	
29	Buncombe	15	
30	Henderson	6.5	
31	McDowell	<u>43</u>	
32	Polk	<u>43</u>	
33	Rutherford	6	
34	Transylvania	<u>43</u>	
35	Cherokee	<u>43</u>	
36	Clay	2	
37	Graham	2	
38	Haywood	<u>65</u>	Canton
39	Jackson	<u>43</u>	
40	Macon	3.53	
41	Swain	3"	

42 **SECTION 1.(e)** Subsection (d) of this section is effective January 1, 2013. The
 43 remainder of this section is effective when it becomes law.

44 **SECTION 2.** G.S. 7B-1112 reads as rewritten:

45 "**§ 7B-1112. Effects of termination order.**

46 An order terminating the parental rights completely and permanently terminates all rights
 47 and obligations of the parent to the juvenile and of the juvenile to the parent arising from the
 48 parental relationship, except that the juvenile's right of inheritance from the juvenile's parent
 49 shall not terminate until a final order of adoption is issued. The parent is not thereafter entitled
 50 to notice of proceedings to adopt the juvenile and may not object thereto or otherwise
 51 participate therein:

- 1 (1) If the juvenile had been placed in the custody of or released for adoption by
2 one parent to a county department of social services or licensed
3 child-placing agency and is in the custody of the agency at the time of the
4 filing of the petition or motion, including a petition or motion filed pursuant
5 to ~~G.S. 7B-1103(6)~~, G.S. 7B-1103(a)(6), that agency shall, upon entry of the
6 order terminating parental rights, acquire all of the rights for placement of
7 the juvenile, except as otherwise provided in G.S. 7B-908(d), as the agency
8 would have acquired had the parent whose rights are terminated released the
9 juvenile to that agency pursuant to the provisions of Part 7 of Article 3 of
10 Chapter 48 of the General Statutes, including the right to consent to the
11 adoption of the juvenile.

12"

13 **SECTION 3.** G.S. 7B-4002 reads as rewritten:

14 **"§ 7B-4002. Implementation of the Compact.**

15 (a) The North Carolina State Council for Interstate Juvenile Supervision is hereby
16 established. The ~~Secretary of the Department of Juvenile Justice and Delinquency Prevention,~~
17 Secretary of Public Safety, or the Secretary's designee, shall serve as the Compact
18 Administrator for the State of North Carolina and as North Carolina's Commissioner to the
19 Interstate Commission. The ~~Secretary of the Department of Juvenile Justice and Delinquency~~
20 ~~Prevention,~~ Secretary of Public Safety, or the Secretary's designee, is a member of the State
21 Council and serves as chairperson of the State Council. In addition to the chairperson, the State
22 Council shall consist of 10 members as follows:

- 23 (1) One member representing the executive branch, to be appointed by the
24 Governor;
25 (2) One member from a victim's assistance group, to be appointed by the
26 Governor;
27 (3) One at-large member, to be appointed by the Governor;
28 (4) One member of the Senate, to be appointed by the President Pro Tempore of
29 the Senate;
30 (5) One member of the House of Representatives, to be appointed by the
31 Speaker of the House of Representatives;
32 (6) A district court judge, to be appointed by the Chief Justice of the Supreme
33 Court; and
34 (7) Four members representing the juvenile court counselors, to be appointed by
35 the ~~Secretary of the Department of Juvenile Justice and Delinquency~~
36 ~~Prevention,~~ Secretary of Public Safety.

37 (b) The State Council shall meet at least twice a year and may also hold special
38 meetings at the call of the chairperson. All terms are for three years.

39 (c) The State Council may advise the Compact Administrator on participation in the
40 Interstate Commission activities and administration of the Compact.

41 (d) The members of the State Council shall serve without compensation but shall be
42 reimbursed for necessary travel and subsistence expenses in accordance with the policies of the
43 Office of State Budget and Management.

44 (e) The State Council shall act in an advisory capacity to the ~~Secretary of the~~
45 ~~Department of Juvenile Justice and Delinquency Prevention~~ Secretary of Public Safety
46 concerning this State's participation in Interstate Commission activities and other duties as may
47 be determined by each member state, including recommendations for policy concerning the
48 operations and procedures of the Compact within this State.

49 (f) The Governor shall by executive order provide for any other matters necessary for
50 implementation of the Compact at the time that it becomes effective, and, except as otherwise

1 provided for in this section, the State Council may promulgate rules or regulations necessary to
2 implement and administer the Compact."

3 **SECTION 4.(a)** G.S. 14-208.6 reads as rewritten:

4 **"§ 14-208.6. Definitions.**

5 The following definitions apply in this Article:

6 ...
7 (5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree
8 rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second
9 degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex
10 offense with a child; adult offender), G.S. 14-27.5 (second degree sexual
11 offense), G.S. 14-27.5A (sexual battery), former G.S. 14-27.6 (attempted
12 rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with
13 certain victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person
14 who is 13-, 14-, or 15-years-old where the defendant is at least six years
15 older), G.S. 14-43.13 (subjecting or maintaining a person for sexual
16 servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6
17 (employing or permitting minor to assist in offenses against public morality
18 and decency), G.S. 14-190.9(a1) (felonious indecent exposure),
19 G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17
20 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third
21 degree sexual exploitation of a minor), G.S. 14-190.18 (promoting
22 prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a
23 minor), G.S. 14-202.1 (taking indecent liberties with children),
24 G.S. 14-202.3 (Solicitation of child by computer or certain other electronic
25 devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent
26 liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or
27 permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2)
28 (commission or allowing of sexual act upon a juvenile by parent or
29 guardian). The term also includes the following: a solicitation or conspiracy
30 to commit any of these offenses; aiding and abetting any of these offenses.

31"

32 **SECTION 4.(b)** G.S. 14-208.26(a) reads as rewritten:

33 "(a) When a juvenile is adjudicated delinquent for a violation of G.S. 14-27.2 (first
34 degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense),
35 G.S. 14-27.5 (second degree sexual offense), or former G.S. 14-27.6 (attempted rape or sexual
36 offense), and the juvenile was at least eleven years of age at the time of the commission of the
37 offense, the court shall consider whether the juvenile is a danger to the community. If the court
38 finds that the juvenile is a danger to the community, then the court shall consider whether the
39 juvenile should be required to register with the county sheriff in accordance with this Part. The
40 determination as to whether the juvenile is a danger to the community and whether the juvenile
41 shall be ordered to register shall be made by the presiding judge at the dispositional hearing. If
42 the judge rules that the juvenile is a danger to the community and that the juvenile shall
43 register, then an order shall be entered requiring the juvenile to register. The court's findings
44 regarding whether the juvenile is a danger to the community and whether the juvenile shall
45 register shall be entered into the court record. No juvenile may be required to register under this
46 Part unless the court first finds that the juvenile is a danger to the community."

47 **SECTION 5.(a)** G.S. 15-196.3 reads as rewritten:

48 **"§ 15-196.3. Effect of credit.**

49 Time creditable under this section shall reduce the minimum and maximum term of a
50 sentence; and, irrespective of sentence, shall reduce the time required to attain privileges made
51 available to inmates in the custody of the ~~State~~-Division of Adult Correction of the Department

1 of Public Safety which are dependent, in whole or in part, upon the passage of a specific length
2 of time in custody, including parole or post-release supervision consideration by the
3 Post-Release Supervision and Parole Commission. However, nothing in this section shall be
4 construed as requiring an automatic award of privileges by virtue of the passage of time."

5 **SECTION 5.(b)** G.S. 15A-821(a) reads as rewritten:

6 "(a) If a judge of a court of general jurisdiction in any other state, which by its laws has
7 made provision for commanding a prisoner within that state to attend and testify in this State,
8 certifies under the seal of that court that there is a criminal prosecution pending in the court or
9 that a grand jury investigation has commenced, and that a person confined in an institution
10 under the control of the ~~State~~-Division of Adult Correction of the Department of Public Safety
11 of North Carolina, other than a person confined as criminally insane, is a material witness in the
12 prosecution or investigation and that his presence is required for a specified number of days,
13 upon presentment of the certificate to a superior court judge in the superior court district or set
14 of districts as defined in G.S. 7A-41.1 where the person is confined, upon notice to the
15 Attorney General, the judge must fix a time and place for a hearing and order the person having
16 custody of the prisoner to produce him at the hearing."

17 **SECTION 5.(c)** G.S. 66-58(b) reads as rewritten:

18 "(b) The provisions of subsection (a) of this section shall not apply to:

19 ...

20 (15) The ~~State~~-Division of Adult Correction of the Department of Public Safety is
21 authorized to purchase and install automobile license tag plant equipment for
22 the purpose of manufacturing license tags for the State and local
23 governments and for such other purposes as the Division may direct.

24 The Commissioner of Motor Vehicles, or such other authority as may
25 exercise the authority to purchase automobile license tags is hereby directed
26 to purchase from, and to contract with, the ~~State~~-Division of Adult
27 Correction of the Department of Public Safety for the State automobile
28 license tag requirements from year to year.

29 The price to be paid to the ~~State~~-Division of Adult Correction of the
30 Department of Public Safety for the tags shall be fixed and agreed upon by
31 the Governor, the ~~State~~-Division of Adult Correction of the Department of
32 Public Safety, and the Motor Vehicle Commissioner, or such authority as
33 may be authorized to purchase the supplies.

34"

35 **SECTION 5.(d)** G.S. 148-6 reads as rewritten:

36 **"§ 148-6. Custody, employment and hiring out of convicts.**

37 The ~~State~~-Division of Adult Correction of the Department of Public Safety shall provide for
38 receiving, and keeping in custody until discharged by law, all such convicts as may be now
39 confined in the prison and such as may be hereafter sentenced to imprisonment therein by the
40 several courts of this State. The Division shall have full power and authority to provide for
41 employment of such convicts, either in the prison or on farms leased or owned by the State of
42 North Carolina, or elsewhere, or otherwise; and may contract for the hire or employment of any
43 able-bodied convicts upon such terms as may be just and fair, but such convicts so hired, or
44 employed, shall remain under the actual management, control and care of the Division."

45 **SECTION 5.(e)** This section is repealed if any of the following bills become law:
46 House Bill 969, 2011 Regular Session, Senate Bill 880, 2011 Regular Session, or Senate Bill
47 881, 2011 Regular Session.

48 **SECTION 6.** G.S. 15A-101.1 reads as rewritten:

49 **"§ 15A-101.1. Electronic technology in criminal process and procedure.**

1 As used in this Chapter, in Chapter 7A of the General Statutes, in Chapter 15 of the General
2 Statutes, and in all other provisions of the General Statutes that deal with criminal process or
3 procedure:

4 ...

5 (3a) "Electronic monitoring" or "electronically monitor" or "satellite-based
6 monitoring" means monitoring with an electronic monitoring device that is
7 not removed from a person's body, that is utilized by the supervising agency
8 in conjunction with a Web-based computer system that actively monitors,
9 identifies, tracks, and records a person's location at least once every minute
10 24 hours a day, that has a battery life of at least 48 hours without being
11 recharged, that timely records and reports or records the person's presence
12 near or within a crime scene or prohibited area or the person's departure
13 from a specified geographic location, and that has incorporated into the
14 software the ability to automatically compare crime scene data with
15 locations of all ~~person's~~ persons being electronically monitored so as to
16 provide any correlation daily or in real time. In areas of the State where lack
17 of cellular coverage requires the use of an alternative device, the supervising
18 agency shall use an alternative device that works in concert with the
19 software and records location and tracking data for later download and crime
20 scene comparison.

21"

22 **SECTION 7.(a)** G.S. 15A-1344(c) reads as rewritten:

23 "(c) Procedure on Altering or Revoking Probation; Returning Probationer to District
24 Where Sentenced. — When a judge reduces, terminates, extends, modifies, or revokes
25 probation outside the county where the judgment was entered, the clerk must send a copy of the
26 order and any other records to the court where probation was originally imposed. A court on its
27 own motion may return the probationer to the district court district as defined in G.S. 7A-133 or
28 superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be, where
29 probation was imposed or where the probationer resides for reduction, termination,
30 continuation, extension, modification, or revocation of probation. In cases where the probation
31 is revoked in a county other than the county of original conviction the clerk in that county must
32 issue a commitment order and must file the order revoking probation and the commitment
33 order, which will constitute sufficient permanent record of the proceeding in that court, and
34 must send a certified copy of the order revoking probation, the commitment order, and all other
35 records pertaining thereto to the county of original conviction to be filed with the original
36 records. The clerk in the county other than the county of original conviction must issue the
37 formal commitment to the ~~North Carolina~~ Division of Adult Correction of the Department of
38 Public Safety."

39 **SECTION 7.(b)** G.S. 15A-1344(d) and (e) read as rewritten:

40 "(d) Extension and Modification; Response to Violations. — At any time prior to the
41 expiration or termination of the probation period or in accordance with subsection (f) of this
42 section, the court may after notice and hearing and for good cause shown extend the period of
43 probation up to the maximum allowed under G.S. 15A-1342(a) and may modify the conditions
44 of probation. A hearing extending or modifying probation may be held in the absence of ~~the~~
45 ~~defendant, if he~~ defendant who fails to appear for the hearing after a reasonable effort to notify
46 ~~him~~ the defendant. If a probationer violates a condition of probation at any time prior to the
47 expiration or termination of the period of probation, the court, in accordance with the
48 provisions of G.S. 15A-1345, may continue ~~him~~ the defendant on probation, with or without
49 modifying the conditions, may place the defendant on special probation as provided in
50 subsection (e), or, if continuation, modification, or special probation is not appropriate, may
51 revoke the probation and activate the suspended sentence imposed at the time of initial

1 sentencing, if any, or may order that charges as to which prosecution has been deferred be
2 brought to trial; provided that probation may not be revoked solely for conviction of a Class 3
3 misdemeanor. The court, before activating a sentence to imprisonment established when the
4 defendant was placed on probation, may reduce the sentence, but the reduction shall be
5 consistent with subsection (d1) of this section. A sentence activated upon revocation of
6 probation commences on the day probation is revoked and runs concurrently with any other
7 period of probation, parole, or imprisonment to which the defendant is subject during that
8 period unless the revoking judge specifies that it is to run consecutively with the other period.

9 (e) Special Probation in Response to Violation. — When a defendant has violated a
10 condition of probation, the court may modify ~~his~~the probation to place ~~him~~the defendant on
11 special probation as provided in this subsection. In placing ~~him~~the defendant on special
12 probation, the court may continue or modify the conditions of ~~his~~ probation and in addition
13 require that ~~he~~the defendant submit to a period or periods of imprisonment, either continuous
14 or noncontinuous, at whatever time or intervals within the period of probation the court
15 determines. In addition to any other conditions of probation which the court may impose, the
16 court shall impose, when imposing a period or periods of imprisonment as a condition of
17 special probation, the condition that the defendant obey the ~~Rules and Regulations~~rules and
18 regulations of the Division of Adult Correction of the Department of Public Safety governing
19 conduct of inmates, and this condition shall apply to the defendant whether or not the court
20 imposes it as a part of the written order. If imprisonment is for continuous periods, the
21 confinement may be in either the custody of the Division of Adult Correction of the
22 Department of Public Safety or a local confinement facility. Noncontinuous periods of
23 imprisonment under special probation may only be served in a designated local confinement or
24 treatment facility. Except for probationary sentences for impaired driving under G.S. 20-138.1,
25 the total of all periods of confinement imposed as an incident of special probation, but not
26 including an activated suspended sentence, may not exceed one-fourth the maximum sentence
27 of imprisonment imposed for the offense. For probationary sentences for impaired driving
28 under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special
29 probation, but not including an activated suspended sentence, shall not exceed one-fourth the
30 maximum penalty allowed by law. No confinement other than an activated suspended sentence
31 may be required beyond the period of probation or beyond two years of the time the special
32 probation is imposed, whichever comes first."

33 **SECTION 7.(c)** Subsection (a) of this section is repealed if any of the following
34 bills become law: House Bill 969, 2011 Regular Session, Senate Bill 880, 2011 Regular
35 Session, or Senate Bill 881, 2011 Regular Session.

36 **SECTION 8.** G.S. 20-9(d) is repealed.

37 **SECTION 9.** G.S. 20-141(j2) reads as rewritten:

38 "(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than
39 the speed limit set and posted under this section shall be required to pay a penalty of two
40 hundred fifty dollars (\$250.00). This penalty shall be imposed in addition to those penalties
41 established in this Chapter. A "highway work zone" is the area between the first sign that
42 informs motorists of the existence of a work zone on a highway and the last sign that informs
43 motorists of the end of the work zone. The additional penalty imposed by this subsection
44 applies only if ~~sign~~signs are posted at the beginning and end of any segment of the highway
45 work zone stating the penalty for speeding in that segment of the work zone. The Secretary
46 shall ensure that work zones shall only be posted with penalty signs if the Secretary determines,
47 after engineering review, that the posting is necessary to ensure the safety of the traveling
48 public due to a hazardous condition.

49 A law enforcement officer issuing a citation for a violation of this section while in a
50 highway work zone shall indicate the vehicle speed and speed limit posted in the segment of
51 the work zone, and determine whether the individual committed a violation of G.S. 20-141(j1).

1 Upon an individual's conviction of a violation of this section while in a highway work zone, the
2 clerk of court shall report that the vehicle was in a work zone at the time of the violation, the
3 vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles."

4 **SECTION 10.** G.S. 20-146.2(a) reads as rewritten:

5 "(a) HOV Lanes. – The Department of Transportation may designate one or more travel
6 lanes as high occupancy vehicle (HOV) lanes on streets and highways on the State Highway
7 System and cities may designate one or more travel lanes as high occupancy vehicle (HOV)
8 lanes on streets on the Municipal Street System. HOV lanes shall be reserved for vehicles with
9 a specified number of passengers as determined by the Department of Transportation or the city
10 having jurisdiction over the street or highway. When HOV lanes have been designated, and
11 have been appropriately marked with signs or other markers, they shall be reserved for
12 privately or publicly operated buses, and automobiles or other vehicles containing the specified
13 number of persons. Where access restrictions are applied on HOV lanes through designated
14 signing and pavement markings, vehicles shall only cross into or out of an HOV lane at
15 designated openings. A motor vehicle shall not travel in a designated HOV lane if the motor
16 vehicle has more than three axles, regardless of the number of occupants. HOV lane restrictions
17 shall not apply to any of the following:

18 ...

19 (6) Fuel cell electric vehicles as defined in ~~G.S. 29-4.01(12a)~~,
20 G.S. 20-4.01(12a), regardless of the number of passengers in the vehicle.
21 These vehicles must be able to travel at the posted speed limit while
22 operating in the HOV lane."

23 **SECTION 11.** Article 11 of Chapter 25 of the General Statutes is repealed.

24 **SECTION 12.** G.S. 28A-2-4(a) reads as rewritten:

25 "(a) The clerks of superior court of this State, as ex officio judges of probate, shall have
26 original jurisdiction of estate proceedings. Except as provided in subdivision (4) of this
27 subsection, the jurisdiction of the clerk of superior court is exclusive. Estate proceedings
28 include, but are not limited to, the following:

29 ...

30 (4) Proceedings to ascertain heirs or devisees, to approve ~~family~~ settlement
31 agreements pursuant to G.S. 28A-2-10, to determine questions of
32 construction of wills, to determine priority among creditors, to determine
33 whether a person is in possession of property belonging to an estate, to order
34 the recovery of property of the estate in possession of third parties, and to
35 determine the existence or nonexistence of any immunity, power, privilege,
36 duty, or right. Any party or the clerk of superior court may file a notice of
37 transfer of a proceeding pursuant to this subdivision to the Superior Court
38 Division of the General Court of Justice as provided in G.S. 28A-2-6(h). In
39 the absence of a transfer to superior court, Article 26 of Chapter 1 of the
40 General Statutes shall apply to a trust proceeding pending before the clerk of
41 superior court to the extent consistent with this Article."

42 **SECTION 13.(a)** G.S. 28A-5-1(b) reads as rewritten:

43 "(b) Implied Renunciation by Executor. – If any person named or designated as executor
44 fails to qualify or to renounce within 30 days after the will had been admitted to probate, (i) the
45 clerk of superior court may issue a notice to that person to qualify or move for an extension of
46 time to qualify within 15 days, or (ii) any other person named or designated as executor in the
47 will or any interested person may file a petition in accordance with Article 2 of this Chapter for
48 an order finding that person named or designated as executor to be deemed to have renounced.
49 If that person does not file a response to the ~~motion-notice~~ or petition within 15 days from the
50 date of service of the ~~motion-notice~~ or petition, the clerk of superior court shall enter an order
51 adjudging that the person has renounced. If the person files a response within 15 days from the

1 date of service of the ~~motion-notice~~ or petition requesting an extension of time within which to
 2 qualify or renounce, upon hearing, the clerk of superior court may grant to that person a
 3 reasonable extension of time within which to qualify or renounce for cause shown. If that
 4 person qualifies within 15 days of the date of service of the ~~motion-notice~~ or petition, the clerk
 5 of superior court shall dismiss that ~~motion-notice~~ or petition, without prejudice, summarily and
 6 without hearing."

7 **SECTION 13.(b)** G.S. 28A-5-2(b) reads as rewritten:

8 "(b) Implied Renunciation. –

- 9 (1) If any person entitled to apply for letters of administration fails to apply
 10 therefor within 30 days from the date of death of the intestate, (i) the clerk of
 11 superior court may issue a notice to the person to qualify or move for an
 12 extension of time to qualify within 15 days, or (ii) any interested person may
 13 file a petition in accordance with Article 2 of this Chapter for an order
 14 finding that person to be deemed to have renounced. If the person does not
 15 file a response to the notice or petition within 15 days from the date of
 16 service of the ~~motion,notice or petition~~, the clerk of superior court shall enter
 17 an order adjudging that the person has renounced. If the person files a
 18 response within 15 days from the date of service of the ~~motion-notice or~~
 19 ~~petition~~ requesting an extension of time within which to qualify or renounce,
 20 upon hearing, the clerk of superior court may grant to that person a
 21 reasonable extension of time within which to qualify or renounce for cause
 22 shown. If the person qualifies within 15 days of the date of service of the
 23 ~~motion,notice or petition~~, the clerk of superior court shall dismiss the
 24 ~~motion,notice or petition~~, without prejudice, summarily and without hearing
 25 and the clerk of superior court shall issue letters to some other person as
 26 provided in G.S. 28A-4-1. No notice shall be required to be given to any
 27 interested person, but the clerk may give notice as the clerk in the clerk's
 28 discretion may determine.

29"

30 **SECTION 14.** The catch line of G.S. 30-30 reads as rewritten:

31 "~~§ 30-30. Judgment and order for commissioners.~~**Judgment.**"

32 **SECTION 15.** G.S. 44A-24.2 reads as rewritten:

33 "~~§ 44A-24.2. Definitions.~~

34 The following definitions apply in this Part:

35 ...

- 36 (3) Commercial real estate. – Any real property or interest therein, whether
 37 freehold or nonfreehold, which at the time the property or interest is made
 38 the subject of an agreement for broker services:
 39 a. Is lawfully used primarily for sales, office, research, institutional,
 40 warehouse, manufacturing, industrial, or mining purposes or for
 41 multifamily residential purposes involving five or more dwelling
 42 units;
 43 b. May lawfully be used for any of the purposes listed in ~~subdivision (3)~~
 44 ~~sub-subdivision (3)a.~~ of this section by a zoning ordinance adopted
 45 pursuant to the provisions of Article 18 of Chapter 153A or Article
 46 19 of Chapter 160A of the General Statutes or which is the subject of
 47 an official application or petition to amend the applicable zoning
 48 ordinance to permit any of the uses listed in ~~subdivision (3)~~
 49 ~~sub-subdivision (3)a.~~ of this section which is under consideration by
 50 the government agency with authority to approve the amendment; or

- 1 c. Is in good faith intended to be immediately used for any of the
2 purposes listed in ~~subdivision (3)~~ sub-subdivision (3)a. of this section
3 by the parties to any contract, lease, option, or offer to make any
4 contract, lease, or option.

5"

6 **SECTION 16.** G.S. 62-36A is recodified as G.S. 62-36.1.

7 **SECTION 17.** G.S. 63A-3(b) reads as rewritten:

8 "(b) Board of Directors. – The Authority shall be governed by a Board of Directors. The
9 Board shall consist of at least the following 20 members:

- 10 (1) Six members appointed by the Governor. One member shall be
11 representative of the economic development industry, two members shall be
12 representative of the commercial real estate development industry, two
13 members shall be representative of the banking and finance industry, and
14 one member shall be representative of environmental interests. Of the
15 Governor's six appointments, at least one member shall come from each of
16 the State's three regions: Western, Piedmont, and Eastern.

17"

18 **SECTION 18.** G.S. 63A-24 reads as rewritten:

19 **"§ 63A-24. General laws apply to Authority; exceptions.**

20 (a) Except as provided in this section, the general laws that apply to State agencies
21 apply to the Authority. The following general laws, to the extent provided below, do not apply
22 to the Authority:

23 ...

- 24 (3) Except for G.S. 146-29.1, 146-79, and 146-80, Chapter 146 of the General
25 Statutes does not apply to the Authority.

26 (b) Notwithstanding ~~this exemption from Chapter 146 of the General Statutes,~~
27 G.S. 126-5(c1)(15), the Secretary of Transportation may designate employees of the Authority
28 as subject to Chapter ~~146~~ 126 of the General Statutes."

29 **SECTION 19.** G.S. 101-5(f) reads as rewritten:

30 "(f) If the clerk finds that good and sufficient reasons exist to deny the applicant's
31 request for a name change, it is the clerk's duty not to issue an order changing the name of the
32 applicant from that person's true name to the name sought to be adopted. The order denying the
33 name change shall state the reasons for the denial. If the applicant desires to appeal the clerk's
34 decision, the applicant must petition the chief resident superior court judge within 30 days of
35 the date of the order denying the name change to request a reconsideration of the application.
36 The reconsideration decision of the chief resident superior court judge is final and not subject
37 to appeal. An unsuccessful applicant on reconsideration is subject to a waiting period of 12
38 months from the date of the adverse decision of the chief resident superior court judge before
39 the applicant may submit another name change application. A successful applicant on
40 reconsideration shall be granted the name change by the clerk in like manner as prescribed by
41 subsection (d) of this section."

42 **SECTION 20.(a)** The catch line of G.S. 105-187.70 reads as rewritten:

43 **"§ 105-187.70. (Effective July 1, 2013) Department to comply with ~~Article 4~~Article 3 of**
44 **Chapter 62A of the General Statutes."**

45 **SECTION 20.(b)** This section is effective July 1, 2013. This section is repealed if
46 Senate Bill 826, 2011 Regular Session, becomes law.

47 **SECTION 21.(a)** G.S. 115C-325(p) reads as rewritten:

48 "(p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation
49 to the contrary, this section shall apply to all persons employed in teaching and related
50 educational classes in the schools and institutions of the Departments of Health and Human
51 ~~Services, Services and Public Instruction, Correction, or Juvenile Justice and Delinquency~~

1 ~~Prevention [the Division of Juvenile Justice of the Department of Public Safety]~~ Instruction and
 2 the Divisions of Juvenile Justice and Adult Correction of the Department of Public Safety
 3 regardless of the age of the students."

4 **SECTION 21.(b)** If House Bill 969, 2011 Regular Session, becomes law and, as
 5 enacted, contains the amendment to G.S. 115C-325(p) that appears in Section 42 of the first
 6 edition of that bill, that amendment is repealed. If Senate Bill 880, 2011 Regular Session,
 7 becomes law and, as enacted, contains the amendment to G.S. 115C-325(p) that appears in
 8 Section 41 of the first edition of that bill, that amendment is repealed. If Senate Bill 881, 2011
 9 Regular Session, becomes law, Section 40 of that act is repealed.

10 **SECTION 22.(a)** G.S. 120-30.9F reads as rewritten:

11 "**§ 120-30.9F. Municipalities; municipal attorney.**

12 The municipal attorney of any municipality covered by the Voting Rights Act of 1965 shall
 13 submit to the Attorney General of the United States within 30 days:

- 14 (1) Of the time they become laws, any local acts of the General Assembly; and
 15 (2) Of adoption actions of the municipal governing body or ~~board of elections or~~
 16 any other municipal agency or county board of elections which constitutes a
 17 "change affecting voting" under Section 5 of the Voting Rights Act of 1965
 18 in that municipality; provided that, if required or allowed by regulations or
 19 practices of the United States Department of Justice, a municipal attorney
 20 may delay submission of any annexation ordinance or group of ordinances
 21 until all previously submitted annexation ordinances have been precleared or
 22 otherwise received final disposition."

23 **SECTION 22.(b)** G.S. 163-304 reads as rewritten:

24 "**§ 163-304. State Board of Elections to have jurisdiction over municipal elections and**
 25 **election officials, elections, and to advise; emergency and ongoing**
 26 **administration by county board.**

27 (a) Authority and Duty of State Board. – The State Board of Elections shall have the
 28 same authority over municipal elections ~~and election officials~~ as it has over county and State
 29 ~~elections and election officials.~~ elections. The State Board of Elections shall advise and assist
 30 cities, towns, incorporated villages and special districts, their members and legal officers on the
 31 conduct and administration of their elections and registration procedure.

32 The county boards of elections shall be governed by the same rules for settling
 33 controversies with respect to counting ballots or certification of the returns of the vote in any
 34 municipal or special district election as are in effect for settling such controversies in county
 35 and State elections.

36 (b) through (e) Repealed by Session Laws 2011-31, s. 25, effective April 7, 2011."

37 **SECTION 23.** G.S. 120-70.94(a) reads as rewritten:

38 "(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall
 39 examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems
 40 in North Carolina, in order to make ongoing recommendations to the General Assembly on
 41 ways to improve those systems and to assist those systems in realizing their objectives of
 42 protecting the public and of punishing and rehabilitating offenders. In this examination, the
 43 Committee shall:

- 44 (1) Study the budget, programs, and policies of the ~~Departments of Correction,~~
 45 ~~Crime Control and Public Safety, and Juvenile Justice and Delinquency~~
 46 ~~Prevention Department of Public Safety~~ to determine ways in which the
 47 General Assembly may improve the effectiveness of ~~those Departments the~~
 48 Department.

49 ...

- 50 (10) Study the needs of juveniles. This study may include, but is not limited to:
 51 a. Determining the adequacy and appropriateness of services:

- 1 1. To children and youth receiving child welfare services;
- 2 2. To children and youth in the juvenile court system;
- 3 3. Provided by the Division of Social Services of the
- 4 Department of Health and Human Services and the Division
- 5 of Juvenile Justice of the Department of Public Safety;
- 6 4. To children and youth served by the Mental Health,
- 7 Developmental Disabilities, and Substance Abuse Services
- 8 system.
- 9 b. Developing methods for identifying and providing services to
- 10 children and youth not receiving but in need of child welfare
- 11 services, children and youth at risk of entering the juvenile court
- 12 system, and children and youth exposed to domestic violence
- 13 situations.
- 14 c. Identifying obstacles to ensuring that children who are in secure or
- 15 nonsecure custody are placed in safe and permanent homes within a
- 16 reasonable period of time and recommending strategies for
- 17 overcoming those obstacles. The Commission shall consider what, if
- 18 anything, can be done to expedite the adjudication and appeal of
- 19 abuse and neglect charges against parents so that decisions may be
- 20 made about the safe and permanent placement of their children as
- 21 quickly as possible.

22

23 **SECTION 24.** G.S. 122A-3 reads as rewritten:

24 "**§ 122A-3. Definitions.**

25 The following definitions apply in this ~~section:~~Chapter:

- 26 (1) Agency. – The North Carolina Housing Finance Agency created by this
- 27 Chapter.
- 28 (2) Bonds or notes. – The bonds or the bond anticipation notes or construction
- 29 loan notes authorized to be issued by the Agency under this Chapter.
- 30 (3) Counseling agency. – A nonprofit counseling agency located in North
- 31 Carolina that is approved by the North Carolina Housing Finance Agency.
- 32 (4) Energy conservation loan. – A loan obtained from a mortgage lender for the
- 33 purpose of satisfying an existing obligation of a borrower who is the resident
- 34 owner of a single-family dwelling or of "residential housing." The existing
- 35 obligation of the owner in an "energy conservation loan" must have been
- 36 incurred to pay for the purchase of materials or the installation of materials,
- 37 or both, which results in a significant decrease in the amount of consumption
- 38 of nonrenewable sources of energy in order to provide or maintain a
- 39 comfortable level of room temperatures in his residence during the winter.
- 40 "Energy conservation loan" does not include a loan obtained to refinance an
- 41 existing loan agreement unless payment or collection of the original loan
- 42 was guaranteed by the Agency.
- 43 (5) Federally insured securities. – An evidence of indebtedness secured by a first
- 44 mortgage lien on residential housing for persons of lower income and
- 45 insured or guaranteed as to repayment of principal and interest by the United
- 46 States or any agency or instrumentality thereof.
- 47 (6) Governmental agency. – Any department, division, public agency, political
- 48 subdivision, or other public instrumentality of the State, the federal
- 49 government, any other State or public agency, or any two or more thereof.
- 50 (7) Mortgage or mortgage loan. – A mortgage loan for residential housing,
- 51 including, without limitation, a mortgage loan to finance, either temporarily

1 or permanently, the construction, rehabilitation, improvement, or acquisition
2 and rehabilitation or improvement of residential housing and a mortgage
3 loan insured or guaranteed by the United States or an instrumentality thereof
4 or for which there is a commitment by the United States or an
5 instrumentality thereof to insure such a mortgage. A mortgage obligation
6 may be evidenced by a security document and secured by a lien upon real
7 property, including a deed of trust and land sale agreement. Mortgage also
8 means an obligation evidenced by a security lien on real property upon
9 which an owner-occupied mobile home is located.

- 10 (8) Mortgage lenders. – Any bank or trust company, savings bank, national
11 banking association, savings and loan association, or building and loan
12 association, life insurance company, mortgage banking company, the federal
13 government, and any other financial institution authorized to transact
14 business in the State.
- 15 (9) Mortgagee. – The owner of a beneficial interest in a mortgage loan, the
16 servicer for the owner of a beneficial interest in a mortgage loan, or the
17 trustee for a securitized trust that holds title to a beneficial interest in a
18 mortgage loan.
- 19 (10) Obligations. – Any bonds or bond anticipation notes authorized to be issued
20 by the Agency under the provisions of this Chapter.
- 21 (11) Persons and families of lower income. – Persons and families deemed by the
22 Agency to require such assistance as is made available by this Chapter on
23 account of insufficient personal or family income, taking into consideration,
24 without limitation, (i) the amount of the total income of such persons and
25 families available for housing needs, (ii) the size of the family, (iii) the cost
26 and condition of housing facilities available, (iv) the eligibility of such
27 persons and families for federal housing assistance of any type predicated
28 upon a lower-income basis, and (v) the ability of such persons and families
29 to compete successfully in the normal housing market and to pay the
30 amounts at which private enterprise is providing decent, safe, and sanitary
31 housing and deemed by the Agency therefore to be eligible to occupy
32 residential housing financed wholly or in part, with mortgages, or with other
33 public or private assistance.
- 34 (12) Rehabilitation. – The renovation or improvement of residential housing by
35 the owner of said residential housing.
- 36 (13) Residential housing. – A specific work or improvement undertaken primarily
37 to provide dwelling accommodations for persons and families of lower
38 income, including the rehabilitation of buildings and improvements, and
39 such other nonhousing facilities as may be incidental or appurtenant thereto.
- 40 (14) State. – The State of North Carolina."

41 **SECTION 25.** G.S. 126-3(b) reads as rewritten:

42 "(b) The Office shall be responsible for the following activities, and such other activities
43 as specified in this Chapter:

- 44 (1) Providing policy and rule development for the Commission and
45 implementing and administering all policies, rules, and procedures
46 established by the ~~Commission~~; Commission.
- 47 (2) Providing training in personnel management to agencies, departments, and
48 institutions including train-the-trainer programs for those agencies,
49 departments, and institutions who request such training and where sufficient
50 staff and expertise exist to provide the training within their respective
51 agencies, departments, and ~~institutions~~; institutions.

- 1 (3) Providing technical assistance in the management of personnel programs and
2 activities to agencies, departments, and ~~institutions;~~institutions.
- 3 (4) Negotiating decentralization agreements with all agencies, departments, and
4 institutions where it is cost-effective to include delegation of authority for
5 certain classification and corresponding salary administration actions and
6 other personnel programs to be specified in the ~~agreements;~~agreements.
- 7 (5) Administering such centralized programs and providing services as approved
8 by the Commission which have not been transferred to agencies,
9 departments, and institutions or where this authority has been rescinded for
10 ~~noncompliance;~~noncompliance.
- 11 (6) Providing approval authority of personnel actions involving classification
12 and compensation where such approval authority has not been transferred by
13 the Commission to agencies, departments, and institutions or where such
14 authority has been rescinded for ~~noncompliance;~~noncompliance.
- 15 (7) Maintaining a computer database of all relevant and necessary information
16 on employees and positions within agencies, departments, and institutions in
17 the State's personnel ~~system;~~system.
- 18 (8) Developing criteria and standards to measure the level of compliance or
19 noncompliance with established Commission policies, rules, procedures,
20 criteria, and standards in agencies, departments, and institutions to which
21 authority has been delegated for classification, salary administration and
22 other decentralized programs, and determining through routine monitoring
23 and periodic review process, that agencies, departments, and institutions are
24 in compliance or noncompliance with established Commission policies,
25 rules, procedures, criteria, and ~~standards;~~and standards.
- 26 (9) Implementing corrective actions in cases of ~~noncompliance;~~ ~~[and]~~
27 noncompliance.
- 28 (10) Administering the State employee suggestion program (NC-Thinks)."

29 **SECTION 26.** G.S. 127A-110(f) reads as rewritten:

- 30 "(f) (1) Any amount obtained by any person by settlement with, judgment against, or
31 otherwise from the third party by reason of the injury or death shall be
32 disbursed by order of the court for the following purposes and in the
33 following order of priority:
- 34 a. First to the payment of actual court costs taxed by judgment.
35 b. Second to the payment of the fee of the attorney representing the
36 person making settlement or obtaining judgment, and this fee shall
37 not exceed one third of the amount obtained or recovered of the third
38 party.
39 c. Third to the reimbursement of the State for all benefits by way of
40 compensation or medical treatment expense paid or to be paid by the
41 State pursuant to G.S. 127A-108.
42 d. Fourth to the payment of any amount remaining to the member or
43 personal representative.
- 44 (2) The attorney fee paid under subdivision (1) of this ~~section~~subsection shall
45 be paid by the member and the State in direct proportion to the amount each
46 shall receive under sub-subdivisions (1)c. and d. of this subsection and shall
47 be deducted from the payments when distribution is made."

48 **SECTION 27.** G.S. 130A-40.1(b) reads as rewritten:

- 49 "(b) The Secretary of Health and Human Services may approve only one request under
50 subsection (a) of this section, this section being designed as a pilot program concerning
51 alternative qualifications for a local health director. The Secretary of Health and Human

1 Services shall report any approval under this section to the Joint Legislative Oversight
2 Committee on Health and Human Services."

3 **SECTION 28.** G.S. 130A-309.10(e) reads as rewritten:

4 "(e) No person shall distribute, sell, or offer for sale in this State any rigid plastic
5 container, including a plastic beverage ~~container~~ container, unless the container has a molded
6 label indicating the plastic resin used to produce the container. The code shall consist of a
7 number placed within three triangulated arrows and letters placed below the triangulated
8 arrows. The three arrows shall form an equilateral triangle with the common point of each line
9 forming each angle of the triangle at the midpoint of each arrow and rounded with a short
10 radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a
11 short gap separating the arrowhead from the base of the adjacent arrow. The triangle formed by
12 the three arrows curved at their midpoints shall depict a clockwise path around the code
13 number. The label shall appear on or near the bottom of the container and be clearly visible. A
14 container having a capacity of less than eight fluid ounces or more than five gallons is exempt
15 from the requirements of this subsection. The numbers and letters shall be as follows:

- 16 (1) For polyethylene terephthalate, the letters "PETE" and the number 1.
- 17 (2) For high density polyethylene, the letters "HDPE" and the number 2.
- 18 (3) For vinyl, the letter "V" and the number 3.
- 19 (4) For low density polyethylene, the letters "LDPE" and the number 4.
- 20 (5) For polypropylene, the letters "PP" and the number 5.
- 21 (6) For polystyrene, the letters "PS" and the number 6.
- 22 (7) For any other, the letters "OTHER" and the number 7."

23 **SECTION 29.** G.S. 131E-129(a) reads as rewritten:

24 "(a) Violation Classification and Penalties. – The Department of Health and Human
25 Services shall impose an administrative penalty in accordance with provisions of this Article on
26 any facility which is found to be in violation of the requirements of G.S. 131E-117 or
27 applicable State and federal laws and regulations. Citations for violations shall be classified and
28 penalties assessed according to the nature of the violation as follows:

- 29 ...
- 30 (1b) "Past Corrected Type A1 or Type A2 Violation" means either (i) the
31 violation was not previously identified by the Department or its authorized
32 representative or (ii) the violation was discovered by the facility and was self
33 reported, but in either case the violation has been corrected. In determining
34 whether a penalty should be assessed under this section, the Department
35 shall consider the following factors:
- 36 a. Preventive systems in place prior to the violation.
 - 37 b. Whether the violation or violations were abated immediately. ~~and~~
 - 38 c. Whether the facility implemented corrective measures to achieve and
39 maintain compliance.
 - 40 d. Whether the facility's system to ensure compliance is maintained and
41 continues to be implemented.
 - 42 e. Whether the regulatory area remains in compliance.

43"

44 **SECTION 30.** G.S. 135-48.27 reads as rewritten:

45 **"§ 135-48.27. Reports to the General Assembly; General Assembly access to information.**

46 In addition to the reports required by ~~G.S. 135-48.22(d), G.S. 135-48.23(d),~~ the State
47 Treasurer, the Executive Administrator, and Board of Trustees shall report to the General
48 Assembly at such times and in such forms as shall be designated by the President Pro Tempore
49 of the Senate and the Speaker of the House of Representatives. Employees of the Legislative
50 Services Commission designated by the Legislative Services Officer (i) shall have access to all
51 records related to the Plan of the State Treasurer, the Board of Trustees, the Executive

1 Administrator, the Claims Processor, and the Plan and (ii) shall be entitled to attend all
2 meetings, including executive sessions, of the Board of Trustees."

3 **SECTION 31.** G.S. 135-48.44 reads as rewritten:

4 **"§ 135-48.44. Cessation of coverage.**

5 (a) Coverage under this Plan of an employee and his or her surviving spouse or eligible
6 dependent children or of a retired employee and his or her surviving spouse or eligible
7 dependent children shall cease on the earliest of the following dates:

8 ...

9 (2) The last day of the month in which an employee's employment with the State
10 is terminated as provided in ~~subsection (e)~~ subsection (d) of this section.

11 ...

12 (c) Coverage under the Plan as a surviving dependent child whether covered as a
13 dependent of a surviving spouse, or as an individual member (no living parent), ceases when
14 the child ceases to be a dependent child as defined by G.S. 135-48.1, except coverage may
15 continue under the Plan on a fully contributory basis for a period of not more than 36 months
16 after loss of dependent status.

17 (d) Termination of employment shall mean termination for any reason, including layoff
18 and leave of absence, except as provided in subdivisions (a)(1) and (2) of this section, but shall
19 not, for purposes of this Plan, include retirement upon which the employee is granted an
20 immediate service or disability pension under and pursuant to a State-supported Retirement
21 System.

22 (1) In the event of termination for any reason other than death, coverage under
23 the Plan for an employee and his or her eligible spouse or dependent
24 children, provided the eligible spouse or dependent children were covered
25 under the Plan at termination of employment may be continued for a period
26 of not more than 18 months following termination of employment on a fully
27 contributory basis. Employees who were covered under the Plan at
28 termination of employment may be continued for a period of not more than
29 18 months or 29 months if determined to be disabled under the Social
30 Security Act, Title II, OASDI or Title XVI, SSI.

31 (2) In the event of approved leave of absence without pay, other than for active
32 duty in the Armed Forces of the United States, coverage under this Plan for
33 an employee and his or her dependents may be continued during the period
34 of such leave of absence by the employee's paying one hundred percent
35 (100%) of the cost.

36 (3) If employment is terminated in the second half of a calendar month and the
37 covered individual has made the required contribution for any coverage in
38 the following month, that coverage will be continued to the end of the
39 calendar month following the month in which employment was terminated.

40 (4) Employees paid for less than 12 months in a year, who are terminated at the
41 end of the work year and who have made contributions for the non-work
42 months, will continue to be covered to the end of the period for which they
43 have made contributions, with the understanding that if they are not
44 employed by another State-covered employer under this Plan at the
45 beginning of the next work year, the employee will refund to the
46 ex-employer the amount of the employer's cost paid for them during the
47 non-paycheck months.

48 (5) Any employee receiving benefits pursuant to Article 6 of this Chapter when
49 the employee has less than five years of retirement membership service, or
50 an employee on leave of absence without pay due to illness or injury for up
51 to 12 months, is entitled to continued coverage under the Plan for the

1 employee and any eligible dependents by the employee's paying one hundred
2 percent (100%) of the cost.

3"

4 **SECTION 32.** G.S. 135-48.50(1) and (5) read as rewritten:

5 **"§ 135-48.50. Coverage mandates.**

6 The Plan shall provide coverage subject to the following coverage mandates:

7 (1) Abortion coverage. – The Plan shall not provide coverage for abortions for
8 which State funds could not be used under G.S. 143C-6-5.5. The Plan shall,
9 however, provide coverage for subsequent complications or related charges
10 arising from an abortion not covered under this subdivision. ~~Reserved.~~

11 ...

12 (5) ~~Reserved.~~"

13 **SECTION 33.** G.S. 143-215.1(a6) reads as rewritten:

14 "(a6) No permit shall be required to enter into a contract for the construction, installation,
15 or alteration of any treatment works or disposal system or to construct, install, or alter any
16 treatment works or disposal system within the State when the system's or work's ~~principle~~
17 principal function is to conduct, treat, equalize, neutralize, stabilize, recycle, or dispose of
18 industrial waste or sewage from an industrial facility and the discharge of the industrial waste
19 or sewage is authorized under a permit issued for the discharge of the industrial waste or
20 sewage into the waters of the State. Notwithstanding the above, the permit issued for the
21 discharge may be modified if required by federal regulation."

22 **SECTION 34.** G.S. 143C-3-5 reads as rewritten:

23 **"§ 143C-3-5. Budget recommendations and budget message.**

24 ...

25 (b) Odd-Numbered Fiscal Years. – In odd-numbered years the budget recommendations
26 shall include the following components:

27 ...

28 (3) A Current Operations ~~Appropriation~~ Appropriations Act that makes
29 appropriations for each fiscal year of the upcoming biennium for the
30 operating expenses of all State agencies as contained in the Recommended
31 State Budget, together with a Capital Improvements Appropriations Act that
32 authorizes any capital improvements projects.

33 (4) The biennial State Information Technology Plan as outlined in
34 ~~G.S. 147-33-72B~~ G.S. 147-33.72B to be consistent in facilitating the goals
35 outlined in the Recommended State Budget.

36 ...

37 (d) Funds Included in Budget. – Consistent with requirements of the North Carolina
38 Constitution, Article 5, ~~Section 7(a),~~ Section 7(1), the Governor's Recommended State Budget,
39 together with the Budget Support Document, shall include recommended expenditures of State
40 funds from all Governmental and Proprietary Funds, as those funds are described in
41 G.S. 143C-1-3. Except where provided otherwise by federal law, funds received from the
42 federal government become State funds when deposited in the State treasury and shall be
43 classified and accounted for in the Governor's budget recommendations no differently than
44 funds from other sources.

45"

46 **SECTION 35.** G.S. 153A-155(g) reads as rewritten:

47 "(g) Applicability. – Subsection (c) of this section applies to all counties and county
48 districts that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of
49 a local act, subsection (c) supersedes that provision. The remainder of this section applies only
50 to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell,
51 Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin,

1 Durham, Forsyth, Franklin, Granville, Halifax, Haywood, Jackson, Madison, Martin,
2 McDowell, Montgomery, Moore, Nash, New Hanover, ~~New Hanover County District U,~~
3 Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham,
4 Rowan, Rutherford, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance,
5 Washington, and Wilson Counties, to New Hanover County District U, to Surry County
6 District S, to Watauga County District U, to Wilkes County District K, to Yadkin County
7 District Y, and to the Township of Averasboro in Harnett County and the Ocracoke Township
8 Taxing District."

9 **SECTION 36.** G.S. 159-175.10 reads as rewritten:

10 "**§ 159-175.10. Additional requirements for review of city financing application;**
11 **communications service.**

12 The Commission shall apply additional requirements to an application for financing by a
13 city or a joint agency under Part 1 of Article 20 of Chapter 160A of the General Statutes for the
14 construction, operation, expansion, or repair of a communications system or other infrastructure
15 for the purpose of offering communications service, as that term is defined in
16 ~~G.S. 160A-340(2), G.S. 160A-340(3),~~ that is or will be competitive with communications
17 service offered by a private communications service provider. This section does not apply to
18 the repair, rebuilding, replacement, or improvement of an existing communications network, or
19 equipment relating thereto, but does apply to the expansion of such existing network. The
20 additional requirements are the following:

- 21 (1) Prior to submitting an application to the Commission, a city or joint agency
22 shall comply with the provisions of G.S. 160A-340.3 requiring at least two
23 public hearings on the proposed communications service project and notice
24 of the hearings to private communications service providers who have
25 requested notice.
- 26 (2) At the same time the application is submitted to the Commission, the city or
27 joint agency shall serve a copy of the application on each person that
28 provides competitive communications service within the city's jurisdictional
29 boundaries or in areas adjacent to the city. No hearing on the application
30 shall be heard by the Commission until at least 60 days after the application
31 is submitted to the Commission.
- 32 (3) Upon the request of a communications service provider, the Commission
33 shall accept written and oral comments from competitive private
34 communications service providers in connection with any hearing or other
35 review of the application.
- 36 (4) In considering the probable net revenues of the proposed communications
37 service project, the Commission shall consider and make written findings on
38 the reasonableness of the city or joint agency's revenue projections in light of
39 the current and projected competitive environment for the services to be
40 provided, taking into consideration the potential impact of technological
41 innovation and change on the proposed service offerings and the level of
42 demonstrated community support for the project.
- 43 (5) The city or joint agency making the application to the Commission shall bear
44 the burden of persuasion with respect to subdivisions (1) through (4) of this
45 section."

46 **SECTION 37.** G.S. 163-258.30(a) reads as rewritten:

47 "(a) The State Board of Elections shall adopt rules and regulations to carry out the intent
48 and purpose of ~~G.S. 163-278.23 and G.S. 163-278.24~~ G.S. 163-258.28 and G.S. 163-258.29 and
49 to ensure that a proper list of persons voting under said sections shall be maintained by the
50 boards of elections, and to ensure proper registration records, and such rules and regulations
51 shall not be subject to the provisions of Article 2A of Chapter 150B of the General Statutes."

1 **SECTION 38.** Section 6(c) of S.L. 2011-96 reads as rewritten:

2 **"SECTION 6.(c)** Notwithstanding the two-year term limitation in G.S. 135-48.20(m), as
3 enacted by Senate Bill 323 of the 2011 Regular Session, the terms of initial appointees under
4 G.S. 135-48.20 shall be as follows and shall begin January 1, 2012:

5 (1) Two and one-half years. – Appointees under G.S. 135-48.20(i).

6 (2) Three and one-half years. – Appointees not under G.S. 135-48.20(i)."

7 **SECTION 39.** Section 19.1(g) of S.L. 2011-145, as amended by Section 43(c) of
8 S.L. 2011-391, reads as rewritten:

9 **"SECTION 19.1.(g)** The following statutes are amended by deleting the language "Crime
10 Control and Public Safety" wherever it appears and substituting "Public Safety":

11 G.S. 7A-343.1, 8-50.2, 14-86.1, 14-309.7, 14-309.11, 15B-3, 15B-6, 17C-3, 17C-6, 18B-101,
12 18B-110, 19-2.1, 20-17.7, 20-39.1, 20-49, 20-79.5, 20-81.12, 20-116, 20-118, 20-119, 20-125,
13 20-178.1, 20-183.9, 20-183.10, 20-184, 20-185, 20-187, 20-187.1, 20-187.3, 20-188, 20-189,
14 20-190, 20-191, 20-192, 20-195, 20-196, 20-196.3, 20-196.4, 20-377, 20-379, 20-380, 20-381,
15 20-382.2, 20-383, 20-387, 20-389, 20-390, 20-391, 20-392, 20-393, 20-396, 20-397, 58-32-1,
16 58-78-1, 66-165, 66-168, 104E-8, 105-259, 105-269.3, 105-449.44, 120-12.1, 120-70.94,
17 122C-408, 122C-409, 122C-411, 122C-414, 126-5, 127A-17.1, 127A-19, 127A-20, 127A-21,
18 127A-22, 127A-35, 127A-40, 127A-42, 127A-43, 127A-54, 127A-57, 127A-80, 127A-81,
19 127A-107, 127A-139, 127A-161, 127A-162, 127A-163, 127A-164, 127C-2, 130A-475,
20 143-166.13, 143-215.52, 143-215.56, 143-215.93A, 143-215.94GG, 143-215.94HH, 143-341,
21 143-355.1, 143-651, 143-652.1, 143-652.2, 143-654, 143-655, 143-658, 143-661, 143-664,
22 143-726, ~~143A-79.2, 143A-239, 143A-240, 143A-241, 143A-242, 143A-243, 143A-244,~~
23 ~~143A-245,~~ 143B-2, 143B-6, 143B-181, 143B-394.15, 143B-417, 143B-426.22, 143B-477,
24 143B-478, 143B-479, 143B-480, 143B-480.1, 143B-480.2, 143B-480.3, 143B-490, 143B-491,
25 143B-492, 143B-495, 143B-496, 143B-497, 143B-498, 143B-499, 143B-499.2, 143B-499.4,
26 143B-499.7, 143B-508, 143B-508.1, Parts 8 and 9 of Article 11 of Chapter 143B of the
27 General Statutes, 143B-510, 146-30, 147-12, 150B-1, 161-11.4, 166A-5, 166A-6, 166A-6.03,
28 166A-6.1, 166A-14, 166A-18, 166A-21, 166A-26, 166A-28, 166A-60, 166A-61, and 166A-62.
29 In all other instances in which the term "Crime Control and Public Safety" appears in the
30 General Statutes, the Revisor of Statutes shall replace that term with "Public Safety"."

31 **SECTION 40.** Section 25 of S.L. 2011-284 is repealed.

32 **SECTION 41.** The introductory language of Section 12(b) of S.L. 2011-326 reads
33 as rewritten:

34 **"SECTION 12.(b)** ~~G.S. 7B-1110.1(a)~~ G.S. 7B-1101.1(a) reads as rewritten:".

35 **SECTION 42.(a)** The prefatory language of Section 30 of S.L. 2011-391 reads as
36 rewritten:

37 **"SECTION 30.** Section 13.22(b) of Session Law 2011-145 ~~reads as rewritten:~~ is rewritten
38 to read:".

39 **SECTION 42.(b)** This section is retroactively effective July 1, 2011.

40 **SECTION 43.** The Revisor of Statutes may cause to be printed all explanatory
41 comments of the drafters of S.L. 2011-339 and S.L. 2011-344 as the Revisor deems
42 appropriate.

43 **SECTION 44.** The Revisor of Statutes may cause to be printed all explanatory
44 comments of the drafters of S.L. 2011-341 as the Revisor deems appropriate.

45 **PART II. OTHER AMENDMENTS**

46 **A. TECHNICAL CHANGES**

47 **SECTION 45.(a)** G.S. 15A-1331A is recodified as G.S. 15A-1331.1.

48 **SECTION 45.(b)** G.S. 20-15.1 reads as rewritten:

49 **"§ 20-15.1. Revocations when licensing privileges forfeited.**
50

1 The Division shall revoke the license of a person whose licensing privileges have been
2 forfeited under ~~G.S. 15A-1331A~~, G.S. 15A-1331.1, 50-13.12, and 110-142.2. If a revocation
3 period set by this Chapter is longer than the revocation period resulting from the forfeiture of
4 licensing privileges, the revocation period in this Chapter applies."

5 **SECTION 45.(c)** G.S. 20-179.3(b)(2) reads as rewritten:

6 "(b) Eligibility. –

7 ...

8 (2) Any person whose licensing privileges are forfeited pursuant to
9 ~~G.S. 15A-1331A~~G.S. 15A-1331.1 is eligible for a limited driving privilege
10 if the court finds that at the time of the forfeiture, the person held either a
11 valid drivers license or a drivers license that had been expired for less than
12 one year and

13 a. The person is supporting existing dependents or must have a drivers
14 license to be gainfully employed; or

15 b. The person has an existing dependent who requires serious medical
16 treatment and the defendant is the only person able to provide
17 transportation to the dependent to the health care facility where the
18 dependent can receive the needed medical treatment.

19 The limited driving privilege granted under this subdivision must restrict the
20 person to essential driving related to the purposes listed above, and any
21 driving that is not related to those purposes is unlawful even though done at
22 times and upon routes that may be authorized by the privilege."

23 **SECTION 45.(d)** G.S. 113-277(a4) reads as rewritten:

24 "(a4) The Wildlife Resources Commission shall order the surrender of any license or
25 permit issued under this Article to a person whose licensing privileges have been forfeited
26 under ~~G.S. 15A-1331A~~G.S. 15A-1331.1 for the period specified by the court."

27 **SECTION 45.(e)** If Senate Bill 707, 2011 Regular Session, becomes law,
28 G.S. 15A-1331B, as enacted by that act, is recodified as G.S. 15A-1331.2.

29 **SECTION 45.5.** G.S. 18B-1305(a1), as enacted by Section 1 of S.L. 2012-4, reads
30 as rewritten:

31 "(a1) Termination by a Small Brewery. – A brewery's authorization to distribute its own
32 malt beverage products pursuant to ~~G.S. 18B-1104(7)~~G.S. 18B-1104(8) shall revert back to the
33 brewery, in the absence of good cause, following the fifth business day after confirmed receipt
34 of written notice of such reversion by the brewery to the wholesaler. The brewery shall pay the
35 wholesaler fair market value for the distribution rights for the affected brand. For purposes of
36 this subsection, "fair market value" means the highest dollar amount at which a seller would be
37 willing to sell and a buyer willing to buy at the time the self-distribution rights revert back to
38 the brewery, after each party has been provided all information relevant to the transaction."

39 **SECTION 45.7.** G.S. 20-79.4(b)(170) reads as rewritten:

40 "(170) Purple Heart Recipient. – Issuable to a recipient of the Purple Heart award.
41 The plate shall bear the phrase "Purple Heart Veteran, Combat ~~Wounded~~"
42 ~~and the letters "PH".Wounded.~~" A person may obtain from the Division a
43 special registration plate under this subdivision for the registered owner of a
44 motor vehicle or a motorcycle. A motorcycle plate issued under this
45 subdivision shall bear a depiction of the Purple Heart Medal and the phrase
46 "Purple Heart Veteran, Combat Wounded.""

47 **SECTION 46.(a)** G.S. 66-421(a) reads as rewritten:

48 "(a) Issuance of Permits. – The sheriff of each county shall issue a nonferrous metals
49 purchase permit to an applicant if the applicant (i) has a fixed site in the sheriff's county; (ii)
50 declares on a form provided by the sheriff that the applicant is informed of and will comply
51 with the provisions of this Part; (iii) does not have a permit that has been revoked pursuant to

1 ~~G.S. 66-324(b)~~ G.S. 66-424(b) at the time of the application; and (iv) has not been convicted of
 2 more than three violations of this Part. A permit shall be valid for 12 months and shall be valid
 3 only for fixed sites in the county of issuance. A permit shall be obtained for each fixed site at
 4 which nonferrous metals are purchased."

5 **SECTION 46.(b)** This section becomes effective October 1, 2012.

6 **SECTION 47.(a)** If House Bill 614, 2011 Regular Session, becomes law,
 7 G.S. 90-21.102, as enacted by that act, reads as rewritten:

8 "**§ 90-21.102. Definitions.**

9 The following definitions apply in this Article:

10 ...

11 (3) Health care provider. – Any person who:

12 ...

13 m. Is licensed to practice as a physician, physician assistant, dentist,
 14 pharmacist, optometrist, registered nurse, licensed practical nurse,
 15 dental hygienist, or optician under provisions of law of another state
 16 of the United States comparable to the provisions referenced in
 17 sub-subdivisions a. through ~~n.l.~~ of this subdivision.

18 ...

19 (5) Voluntary provision of health care services. – The provision of health care
 20 services by a health care provider in association with a sponsoring
 21 organization in which both of the following circumstances exist:

22 a. The health care services are provided without charge to the recipient
 23 of the services or to a third party on behalf of the recipient.

24 b. The health care provider receives no compensation or other
 25 consideration in exchange for the health care services provided.

26 For the purposes of this Article, the provision of health care services in
 27 ~~non-profit-nonprofit~~ community health centers, local health department
 28 facilities, free clinic facilities, or at a ~~providers-provider's~~ place of
 29 employment when the patient is referred by a ~~non-profit-nonprofit~~
 30 community health referral service shall not be considered the voluntary
 31 provision of health care."

32 **SECTION 47.(b)** If House Bill 614, 2011 Regular Session, becomes law,
 33 G.S. 90-21.104(d)(1), as enacted by that act, reads as rewritten:

34 "(d) Each registered sponsoring organization has the duty and responsibility to do all of
 35 the following:

36 (1) Except as provided in this subdivision, by no later than 14 days before a
 37 sponsoring organization initiates voluntary health care services in this State,
 38 the sponsoring organization shall submit to the Department a list containing
 39 the following information regarding each health care provider who is to
 40 provide voluntary health care services on behalf of the sponsoring
 41 organization during any part of the time period in which the sponsoring
 42 organization is authorized to provide voluntary health care services in the
 43 State:

- 44 a. Name.
 45 b. Date of birth.
 46 c. State of licensure.
 47 d. License number.
 48 e. Area of practice.
 49 f. Practice address.

1 By no later than 3 days prior to voluntary health care services being rendered, a sponsoring
2 organization may amend the list to add health care providers defined in G.S. 90-21.102(3)a.
3 through ~~G.S. 90-21.102(3)m.~~ G.S. 90-21.102(3)l."

4 **SECTION 47.(c)** This section is effective January 1, 2013.

5 **SECTION 48.** G.S. 115C-107.7(a1) reads as rewritten:

6 "(a1) Any corporal punishment administered on students with disabilities shall be
7 consistent with the requirements of ~~G.S. 115C-391(a)(5).~~ G.S. 115C-390.4."

8 **SECTION 49.** G.S. 115C-309(a) reads as rewritten:

9 "(a) Student Teacher and Student Teaching Defined. – A "student teacher" is any student
10 enrolled in an institution of higher education approved by the State Board of Education for the
11 preparation of teachers who is jointly assigned by that institution and a local board of education
12 to student teach under the direction and supervision of a regularly employed certified teacher.

13 "Student teaching" may include those duties granted to a teacher by G.S. 115C-307 ~~and~~
14 ~~115C-390~~ and any other part of the school program for which either the supervising teacher or
15 the principal is responsible."

16 **SECTION 50.** If Senate Bill 77, 2011 Regular Session, becomes law, the title of
17 the act reads as rewritten:

18 "AN ACT PROVIDING THAT AFTER DECEMBER 31, 2012, LANDLORDS SHALL,
19 WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE
20 ALARM, INSTALL A TAMPER RESISTANT, TEN YEAR LITHIUM BATTERY SMOKE
21 ALARM EXCEPT IN CERTAIN CASES, ~~AND PROVIDING THAT LANDLORDS MAY~~
22 ~~DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM~~
23 ~~OR CARBON MONOXIDE ALARM,~~ AS RECOMMENDED BY THE NORTH CAROLINA
24 CHILD FATALITY TASK FORCE."

25 **SECTION 51.** If Senate Bill 229, 2011 Regular Session, is enacted, then Part
26 XXIV of that act reads as rewritten:

27 **"PART XXIV. USE OF TVA SETTLEMENT FUNDS**

28 **"SECTION 30.** Funds received by the State pursuant to the provisions of the Consent
29 Decree entered into by the State in State of Alabama et al. v. Tennessee Valley Authority, Civil
30 Action 3:11-cv-00170 in the United States District Court for the Eastern District of Tennessee
31 shall be used exclusively to award grants for "Environmental Mitigation Projects" of the types
32 specified in paragraph 128 of the Consent Decree in the following counties: Avery, Buncombe,
33 Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell,
34 Mitchell, Swain, Transylvania, Watauga, Yancey."

35 **SECTION 52.** If Senate Bill 724, 2011 Regular Session, becomes law, the lead-in
36 language for Section 5 of that act is rewritten to read:

37 **"SECTION 5.** Section 5 of S.L. 2008-90, as amended by Section 1 of S.L. 2010-36, reads
38 as rewritten:"

39 **SECTION 53.** Sections 49 and 50 of S.L. 2012-56 are repealed.

40 **SECTION 54.** Section 2.2 of S.L. 2012-18 reads as rewritten:

41 **"SECTION 2.2.** ~~G.S. 161-10(8a)~~ G.S. 161-10(a)(8a) is repealed."

42 **SECTION 55.** G.S. 115C-47(60)a. reads as rewritten:

43 **"§ 115C-47. Powers and duties generally.**

44 In addition to the powers and duties designated in G.S. 115C-36, local boards of education
45 shall have the power or duty:

46 ...

47 (60) To Ensure That the Unique Needs of Students With Immediate Family
48 Members in the Military Are Met. – Local boards of education shall collect
49 and annually report to the State Board of Education the following
50 information for each school in the local school administrative unit:

- 1 a. The number of students who have an immediate family member who
2 has served in the reserve or active components of the Armed Forces
3 of the United States since ~~September 1, 2011~~ September 11, 2001."

4 **SECTION 56.** If House Bill 237, 2011 Regular Session, becomes law, Section 8(f)
5 of that act reads as rewritten:

6 "**SECTION 8.(f)** Reports to Committee. – Whenever a State agency is required by law to
7 report to the General Assembly or to any of its permanent, study, or oversight committees or
8 subcommittees on matters affecting the ~~workforce development~~ workers' compensation system,
9 the Department shall transmit a copy of the report to the cochairs of the Committee."

10
11 **B. CLARIFYING/CONFORMING CHANGES**

12 **SECTION 57.** G.S. 20-79.4(b)(11) reads as rewritten:

13 "(11) American Red Cross. – Issuable to the registered owner of a motor vehicle in
14 accordance with G.S. 20-81.12. The plate shall bear the ~~phrase "American~~
15 ~~Red Cross Saving Lives" and a red cross~~ phrases "Proud Supporter,"
16 "American Red Cross," and the official American Red Cross logo."

17 **SECTION 58.1.** If House Bill 1075, 2011 Regular Session, becomes law,
18 G.S. 35A-1213(f), as enacted by Section 12(c) of that act, reads as rewritten:

19 "(f) An individual who contracts with, or is employed by ~~by~~ an entity that contracts
20 with a local management entity (LME) for the delivery of mental health, developmental
21 disabilities, and substance abuse services may not serve as a guardian for a ward for whom the
22 individual or entity is providing such services; these services, unless the individual is a parent of
23 that ward. The prohibition provided in this subsection shall not apply to a member of the ward's
24 immediate family who is under contract with a local management entity (LME) for the delivery
25 of mental health, developmental disabilities, and substance abuse services and is serving as a
26 guardian as of January 1, 2013. For the purposes of this subsection, the term "immediate
27 family" is defined as a spouse, child, sibling, parent, grandparent, or grandchild. The term also
28 includes stepparents, stepchildren, stepsiblings, and adoptive relationships."

29 **SECTION 58.2.(a)** If House Bill 1075, 2011 Regular Session, does not become
30 law, G.S. 122C-122 is repealed.

31 **SECTION 58.2.(b)** If House Bill 1075, 2011 Regular Session, does not become
32 law, G.S. 35A-1202(4) reads as rewritten:

33 **"§ 35A-1202. Definitions.**

34 When used in the Subchapter, unless a contrary intent is indicated or the context requires
35 otherwise:

36 ...

37 (4) "Disinterested public agent" ~~means;~~ means

38 a. ~~The~~ the director or assistant directors of a ~~local human services~~
39 ~~agency, or county department of social services.~~

40 b. ~~An adult officer, agent, or employee of a State human services~~
41 ~~agency. The~~ Except as provided in G.S. 35A-1213(f), the fact that a
42 disinterested public agent is employed by a State or local human
43 services agency that provides financial assistance, services, or
44 treatment to a ward does not disqualify that person from being
45 appointed as guardian.

46"

47 **SECTION 58.2.(c)** If House Bill 1075, 2011 Regular Session, does not become
48 law, G.S. 35A-1213 reads as rewritten:

49 **"§ 35A-1213. Qualifications of guardians.**

50 (a) The clerk may appoint as guardian an adult individual, a corporation, or a
51 disinterested public agent. The applicant may submit to the clerk the name or names of

1 potential guardians, and the clerk may consider the recommendations of the next of kin or other
2 persons.

3 (b) A nonresident of the State of North Carolina, to be appointed as general guardian,
4 guardian of the person, or guardian of the estate of a North Carolina resident, must indicate in
5 writing his willingness to submit to the jurisdiction of the North Carolina courts in matters
6 relating to the guardianship and must appoint a resident agent to accept service of process for
7 the guardian in all actions or proceedings with respect to the guardianship. Such appointment
8 must be approved by and filed with the clerk, and any agent so appointed must notify the clerk
9 of any change in the agent's address or legal residence. The clerk shall require a nonresident
10 guardian of the estate or a nonresident general guardian to post a bond or other security for the
11 faithful performance of the guardian's duties. The clerk may require a nonresident guardian of
12 the person to post a bond or other security for the faithful performance of the guardian's duties.

13 (c) A corporation may be appointed as guardian only if it is authorized by its charter to
14 serve as a guardian or in similar fiduciary capacities. A corporation shall meet the requirements
15 outlined in Chapters 55 and 55D of the General Statutes. A corporation will provide a written
16 copy of its charter to the clerk of superior court. A corporation contracting with a public agency
17 to serve as guardian is required to attend guardianship training and provide verification of
18 attendance to the contracting agency.

19 (d) A disinterested public agent who is appointed by the clerk to serve as guardian is
20 authorized and required to do so; provided, if at the time of the appointment or any time
21 subsequent thereto the disinterested public agent believes that his role or the role of his agency
22 in relation to the ward is such that his service as guardian would constitute a conflict of interest,
23 or if he knows of any other reason that his service as guardian may not be in the ward's best
24 interest, he shall bring such matter to the attention of the clerk and seek the appointment of a
25 different guardian. A disinterested public agent who is appointed as guardian shall serve in that
26 capacity by virtue of his office or employment, which shall be identified in the clerk's order and
27 in the letters of appointment. When the disinterested public agent's office or employment
28 terminates, his successor in office or employment, or his immediate supervisor if there is no
29 successor, shall succeed him as guardian without further proceedings unless the clerk orders
30 otherwise.

31 (e) Notwithstanding any other provision of this section, an employee of a treatment
32 facility, as defined in G.S. 35A-1101(16), may not serve as guardian for a ward who is an
33 inpatient in or resident of the facility in which the employee works; provided, this subsection
34 shall not apply to or affect the validity of any appointment of a guardian that occurred before
35 October 1, 1987.

36 (f) An individual who contracts with or is employed by an entity that contracts with a
37 local management entity (LME) for the delivery of mental health, developmental disabilities,
38 and substance abuse services may not serve as a guardian for a ward for whom the individual or
39 entity is providing these services, unless the individual is a parent of that ward. The prohibition
40 provided in this subsection shall not apply to a member of the ward's immediate family who is
41 under contract with a local management entity (LME) for the delivery of mental health,
42 developmental disabilities, and substance abuse services and is serving as a guardian as of
43 January 1, 2013. For the purposes of this subsection, the term "immediate family" is defined as
44 a spouse, child, sibling, parent, grandparent, or grandchild. The term also includes stepparents,
45 stepchildren, stepsiblings, and adoptive relationships."

46 **SECTION 58.2.(d)** If House Bill 1075, 2011 Regular Session, does not become
47 law, G.S. 35A-1292(a) reads as rewritten:

48 "**§ 35A-1292. Resignation.**

49 (a) Any guardian who wishes to resign ~~may apply in writing to the clerk,~~ shall file a
50 motion with the clerk setting forth the circumstances of the case. If a general guardian or
51 guardian of the estate, at the time of making the application, also exhibits his final account for

1 settlement, and if the clerk is satisfied that the guardian has fully accounted, the clerk may
2 accept the resignation of the guardian and discharge him and appoint a successor ~~guardian, but~~
3 ~~the guardian.~~ The guardian so discharged and his sureties are still liable in relation to all matters
4 connected with the guardianship before the ~~discharge.~~ discharge and shall continue to ensure
5 that the ward's needs are met until the clerk officially appoints a successor. The guardian shall
6 attend the hearing to modify the guardianship, if physically able."

7 **SECTION 58.2.(e)** If House Bill 1075, 2011 Regular Session, does not become
8 law, in order to achieve continuity of care and services, any successor guardian shall make
9 diligent efforts to continue existing contracts entered into under the authority of G.S. 122C-122
10 where consistent with the best interest of the ward as required by Chapter 35A of the General
11 Statutes.

12 **SECTION 59.(a)** G.S. 42-51(a)(3) reads as rewritten:

13 **"§ 42-51. Permitted uses of the deposit.**

14 (a) Security deposits for residential dwelling units shall be permitted only for the
15 following:

16 ...

17 (3) Damages as the result of the nonfulfillment of the rental period, except
18 where the tenant terminated the rental agreement under G.S. 42-45,
19 G.S. 42-45.1, or because the tenant was forced to leave the property because
20 of the landlord's violation of Article 2A of Chapter 42 of the General
21 Statutes or was constructively evicted by the landlord's violation of
22 G.S. 42-42(a)."

23 **SECTION 59.(b)** G.S. 42-51(a)(2) reads as rewritten:

24 **"§ 42-51. Permitted uses of the deposit.**

25 (a) Security deposits for residential dwelling units shall be permitted only for the
26 following:

27 ...

28 (2) Damage to the premises, including damage to or destruction of smoke
29 ~~detectors-alarms~~ or carbon monoxide ~~detectors-alarms~~."

30 **SECTION 59.(c)** Subsection (a) of this section is effective October 1, 2012.

31 Subsection (b) of this section is effective December 1, 2012.

32 **SECTION 60.** G.S. 66-58(b) is amended by adding a new subdivision to read:

33 **"§ 66-58. Sale of merchandise or services by governmental units.**

34 ...

35 (b) The provisions of subsection (a) of this section shall not apply to:

36 ...

37 (9a) The North Carolina Forest Service."

38 **SECTION 61.** If Senate Bill 521 becomes law, G.S. 93A-83(c) reads as rewritten:

39 "(c) Required Contents of a Broker Price Opinion or Comparative Market Analysis. – A
40 broker price opinion or comparative market analysis shall be in writing and conform to the
41 standards provided in this Article that ~~may~~ shall include, but are not limited to, the following:

42 (1) A statement of the intended purpose of the broker price opinion or
43 comparative market analysis.

44 (2) A brief description of the subject property and property interest to be priced.

45 (3) The basis of reasoning used to reach the conclusion of the price, including
46 the applicable market data or capitalization computation.

47 (4) Any assumptions or limiting conditions.

48 (5) A disclosure of any existing or contemplated interest of the broker issuing
49 the broker price opinion, including the possibility of representing the
50 landlord/tenant or seller/buyer.

51 (6) The effective date of the broker price opinion.

- 1 (7) The name and signature of the broker issuing the broker price opinion and
2 broker license number.
- 3 (8) The name of the real estate brokerage firm for which the broker is acting.
- 4 (9) The signature date.
- 5 (10) A disclaimer stating that "This opinion is not an appraisal of the market
6 value of the property, and may not be used in lieu of an appraisal. If an
7 appraisal is desired, the services of a licensed or certified appraiser shall be
8 obtained. This opinion may not be used by any party as the primary basis to
9 determine the value of a parcel of or interest in real property for a mortgage
10 loan origination, including first and second mortgages, refinances, or equity
11 lines of credit."
- 12 (11) A copy of the assignment request for the broker price opinion or
13 comparative market analysis."

14 **SECTION 61.5.(a)** If House Bill 462, 2011 Regular Session, becomes law,
15 G.S. 116B-8, as enacted in Section 3 of the act, reads as rewritten:

16 **"§ 116B-8. Employment of persons with specialized skills or knowledge.**

17 The Treasurer may employ the services of such independent consultants, real estate
18 managers and other persons possessing specialized skills or knowledge as the Treasurer deems
19 necessary or appropriate for the administration of this Chapter, including valuation,
20 maintenance, upkeep, management, sale and conveyance of property and determination of
21 sources of unreported abandoned property. The Treasurer may also employ the services of an
22 attorney to perform a title search or to provide an accurate legal description of real property
23 which the Treasurer has reason to believe may have escheated. Persons whose services are
24 employed by the Treasurer pursuant to this section to determine sources and amounts of
25 unreported property are subject to the same policies, including confidentiality and ethics, as
26 employees of the Department of State Treasurer assigned to determine sources and amounts of
27 unreported property. If the Treasurer contracts with any other person to conduct an audit under
28 this Chapter, the audit shall not be performed on a contingent fee basis or any other similar
29 method that may impair an auditor's independence or the perception of the auditor's
30 independence by the public. Notwithstanding the preceding sentence, the Treasurer may
31 contract with any other person on a contingent fee basis to conduct audits of life insurance
32 companies where the audit is being conducted for the purpose of identifying unclaimed death
33 benefits or to conduct audits of holders of unredeemed bond funds. Compensation of persons
34 whose services may be employed pursuant to this section on a contingent fee basis shall be
35 limited to twelve percent (12%) of the final assessment."

36 **SECTION 61.5.(b)** If House Bill 462, 2011 Regular Session, becomes law, Section
37 6 of the act reads as rewritten:

38 **"SECTION 6.** This act becomes effective ~~July~~October 1, 2012, and applies to audits,
39 determinations of liability, and assessments contracted for on or after that date. Units of local
40 government and the Treasurer shall not renew contingency fee based contracts for these
41 services after ~~July~~October 1, 2012. Beginning October 1, 2012, the Treasurer, an assessor, a
42 city, or a county shall not assign further audits on a contingency fee basis to an auditing firm
43 under a contract that meets all the following conditions: (i) the contract would have been
44 prohibited under this act had the contract been entered into before October 1, 2012, and (ii) the
45 contract allows the assignment of audits on a discretionary basis by the Treasurer, an assessor,
46 a city, or a county."

47 **SECTION 62.** If House Bill 438 becomes law, G.S. 130A-1.1(b) reads as
48 rewritten:

49 "(b) A local health department shall ensure that the following 10 essential public health
50 services are available and accessible to the population in each county served by the local health
51 department:

- 1 (1) Monitoring health status to identify community health problems.
- 2 (2) Diagnosing and investigating health hazards in the community.
- 3 (3) Informing, educating, and empowering people about health issues.
- 4 (4) Mobilizing community partnerships to identify and solve health problems.
- 5 (5) Developing policies and plans that support individual and community health
- 6 efforts.
- 7 (6) Enforcing laws and regulations that protect health and ensure safety.
- 8 (7) Linking people to needed personal health care services and ~~assuring~~ensuring
- 9 the provision of health care when otherwise unavailable.
- 10 (8) ~~Assuring~~Ensuring a competent public health workforce and personal health
- 11 care workforce.
- 12 (9) Evaluating effectiveness, accessibility, and quality of personal and
- 13 population-based health services.
- 14 (10) Conducting research."

15 **SECTION 62.5.** If House Bill 391, 2011 Regular Session, becomes law,
16 G.S. 153A-316.1(a), as enacted by that act, reads as rewritten:

17 "**§ 153A-316.1. Urban research service district (URSD).**

18 (a) Standards. – The board of commissioners of a county may establish one or more
19 urban research service districts ("URSD" as used in this Part) that meets the following
20 standards:

- 21 (1) The URSD is wholly within a county research and production service district
- 22 located partly within that county.
- 23 (2) The URSD is located wholly within that county.
- 24 (3) The URSD is not contained within another URSD.
- 25 (4) A petition requesting creation of the URSD signed by at least fifty percent
- 26 (50%) of the owners of real property in the URSD who own at least fifty
- 27 (50%) of total area of the real property in the URSD has been presented to
- 28 the board of commissioners."

29 **SECTION 63.** Section 5 of S.L. 2011-236 reads as rewritten:

30 **"SECTION 5.** This act becomes effective October 1, 2011, and applies to agreements
31 executed on or after that date. Agreements executed prior to October 1, 2011, remain subject to
32 the laws in effect at the time the parties executed the ~~agreement~~agreement; differences in
33 wording between procedures authorized to establish agreements under the laws repealed by this
34 act and under the superseding laws enacted by this act clarify the permitted procedures under
35 the repealed laws."

36
37 **C. SUBSTANTIVE CHANGES**

38 **SECTION 64.** G.S. 18C-151(c) reads as rewritten:

39 "(c) Before a contract is awarded, the Director shall conduct a thorough background
40 investigation of all of the following:

- 41 (1) The potential contractor to whom the contract is to be awarded.
- 42 (2) Any parent or subsidiary corporation of the potential contractor to whom the
- 43 contract is to be awarded.
- 44 (3) All shareholders with a five percent (5%) or more interest in the potential
- 45 contractor or parent or subsidiary corporation of the potential contractor to
- 46 whom the contract is to be awarded. For purposes of this subdivision,
- 47 "shareholders" means any natural person or those individuals with
- 48 capabilities to make operating decisions for the potential contractor or parent
- 49 or subsidiary corporation of the potential contractor to whom the contract is
- 50 to be awarded.

- 1 (4) All officers and directors of the potential contractor or parent or subsidiary
2 corporation of the potential contractor to whom the contract is to be
3 awarded."

4 **SECTION 65.** Part 9 of Article 1 of Chapter 10B of the General Statutes is
5 amended by adding a new section to read:

6 "**§ 10B-72. Certain notarial acts validated when recommissioned notary failed to again**
7 **take oath.**

8 Any acknowledgment taken and any instrument notarized by a person who after
9 recommissioning failed to again take the oath as a notary public is hereby validated. The
10 acknowledgment and instrument shall have the same legal effect as if the person qualified as a
11 notary public at the time the person performed the act. This section shall apply to notarial acts
12 performed on or after August 28, 2010, and before January 12, 2012."

13 **SECTION 66.** G.S. 93D-5(c) reads as rewritten:

14 "(c) No license shall be issued to any person until the person has served as an apprentice
15 as set forth in G.S. 93D-9 for a period of at least one year; provided, that the one-year
16 apprenticeship requirement shall ~~not be waived for persons for:~~

17 (1) ~~Persons qualified under G.S. 93D-6; persons~~ G.S. 93D-6.

18 (2) Persons holding a permanent license as an audiologist under Article 22 of
19 Chapter 90 of the General Statutes-Statutes.

20 (3) Persons holding a temporary license as an audiologist under Article 22 of
21 Chapter 90 of the General Statutes who have undergone 250 hours of
22 supervised activity fitting or selling hearing aids under the direct supervision
23 of a Registered Sponsor.

24 (4) Persons continuously licensed to fit or sell hearing aids in another state or
25 jurisdiction for the preceding three years; and persons-years.

26 (5) Persons who have worked full-time for one year in the office of and under
27 the direct supervision of an otolaryngologist fitting or selling hearing aids."

28 **SECTION 66.5.** G.S. 120-11.1 reads as rewritten:

29 "**§ 120-11.1. Time of meeting.**

30 The regular session of the Senate and House of Representatives shall be held biennially
31 beginning at 9:00 A.M. on the second Wednesday in January next after their election, and on
32 that day they shall meet solely to elect officers, adopt rules, and otherwise organize the session.
33 When they adjourn that day, they stand adjourned until 12:00 noon on the third Wednesday
34 after the second Monday in January next after their election."

35 **SECTION 67.** G.S. 146-30(c) reads as rewritten:

36 "(c) The amount or rate of such service charge shall be fixed by rules and regulations
37 adopted by the Governor and approved by the Council of State, but as to any particular sale,
38 lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount
39 received from such sale, lease, rental, or other disposition. Notwithstanding any other provision
40 of this Subchapter, the net proceeds derived from the sale of land or products of land owned by
41 or under the supervision and control of the Wildlife Resources Commission, or acquired or
42 purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund.
43 Provided, however, the net proceeds derived from the sale of land or timber from land owned
44 by or under the supervision and control of the Department of Agriculture and Consumer
45 Services shall be deposited with the State Treasurer in a capital improvement account to the
46 credit of the Department of Agriculture and Consumer Services, to be used for such specific
47 capital improvement projects or other purposes as are provided by transfer of funds from those
48 accounts in the Capital Improvement Appropriations Act. Provided further, the net proceeds
49 derived from the sale of park land owned by or under the supervision and control of the
50 Department of Environment and Natural Resources shall be deposited with the State Treasurer
51 in a capital improvement account to the credit of the Department of Administration to be used

1 for the purpose of park land acquisition as provided by transfer of funds from those accounts in
2 the Capital Improvement Appropriations Act. In the Capital Improvement Appropriations Act,
3 line items for purchase of park and agricultural lands will be established for use by the
4 Departments of Administration and Agriculture. The use of such funds for any specific capital
5 improvement project or land acquisition is subject to approval by the Director of the Budget.
6 No other use may be made of funds in these line items without approval by the General
7 Assembly except for incidental expenses related to the project or land acquisition. Additionally
8 with the approval of the Director of the Budget, either Department may request funds from the
9 Contingency and Emergency Fund when the necessity of prompt purchase of available land can
10 be demonstrated and funds in the capital improvement accounts are insufficient. Provided
11 further, the net proceeds derived from the sale of any portion of the land owned by the State in
12 or around the Butner Reservation on or after July 1, 1980, shall be deposited with the State
13 Treasurer in a capital improvement account to the credit of the Department of Health and
14 Human Services to make capital improvements on or to property owned by the State in the
15 Butner Reservation subject to approval by the Office of State Budget and Management, and
16 may be used to build industrial access roads to industries located or to be located on the Butner
17 Reservation, to construct new city streets in the Butner Reservation, extend water and sewer
18 service on the Butner Reservation, repair storm drains on the Butner Reservation, and for other
19 capital uses on the Reservation as determined by the Secretary. Provided further,
20 notwithstanding any other provision of this Subchapter, the proceeds derived from the lease
21 dispositions of land or facilities owned or under the supervision and control of East Carolina
22 University's Division of Health Sciences for the delivery of health care services shall be
23 deposited in clinical accounts at East Carolina University to be used to improve access to
24 patient care."

25 **SECTION 68.(a)** G.S. 143-553(a) reads as rewritten:

26 "(a) All persons employed by an employing entity as defined by this Part who owe
27 money to the State and whose salaries are paid in whole or in part by State funds must make
28 full restitution of the amount owed as a condition of continuing employment; provided,
29 however, that no employing entity shall terminate for failure to make full restitution the
30 employment of such an employee who owes money to the University of North Carolina Health
31 Care System or to East Carolina University's Division of Health Sciences for health care
32 services."

33 **SECTION 68.(b)** G.S. 147-86.11(e) reads as rewritten:

34 "(e) Elements of Plan. – For moneys received or to be received, the statewide cash
35 management plan shall provide at a minimum that:

- 36 (1) Except as otherwise provided by law, moneys received by employees of
37 State agencies in the normal course of their employment shall be deposited
38 as follows:
39 a. Moneys received in trust for specific beneficiaries for which the
40 employee-custodian has a duty to invest shall be deposited with the
41 State Treasurer under the provisions of G.S. 147-69.3.
42 b. All other moneys received shall be deposited with the State Treasurer
43 pursuant to G.S. 147-77 and G.S. 147-69.1.
44 (2) Moneys received shall be deposited daily in the form and amounts received,
45 except as otherwise provided by statute.
46 (3) Moneys due to a State agency by another governmental agency or by private
47 persons shall be promptly billed, collected and deposited.
48 (4) Unpaid billings due to a State agency other than amounts owed by patients
49 to the University of North Carolina Health Care System or East Carolina
50 University's Division of Health Sciences shall be turned over to the Attorney
51 General for collection no more than 90 days after the due date of the billing,

1 except that a State agency need not turn over to the Attorney General unpaid
2 billings of less than five hundred dollars (\$500.00), or (for institutions where
3 applicable) amounts owed by all patients which are less than the federally
4 established deductible applicable to Part A of the Medicare program, and
5 instead may handle these unpaid bills pursuant to agency debt collection
6 procedures.

7 (4a) The University of North Carolina Health Care System and East Carolina
8 University's Division of Health Sciences may turn over to the Attorney
9 General for collection accounts owed by patients.

10 (5) Moneys received in the form of warrants drawn on the State Treasurer shall
11 be deposited by the State agency directly with the State Treasurer and not
12 through the banking system, unless otherwise approved by the State
13 Treasurer.

14 (6) State agencies shall accept payment by electronic payment in accordance
15 with G.S. 147-86.22 to the maximum extent possible consistent with sound
16 business practices."

17 **SECTION 68.(c)** G.S. 147-86.23 reads as rewritten:

18 **"§ 147-86.23. Interest and penalties.**

19 A State agency shall charge interest at the rate established pursuant to G.S. 105-241.21 on a
20 past-due account receivable from the date the account receivable was due until it is paid. A
21 State agency shall add to a past-due account receivable a late payment penalty of no more than
22 ten percent (10%) of the account receivable. A State agency may waive a late-payment penalty
23 for good cause shown. If another statute requires the payment of interest or a penalty on a
24 past-due account receivable, this section does not apply to that past-due account receivable.
25 This section does not apply to money owed to the University of North Carolina Health Care
26 System or to East Carolina University's Division of Health Sciences for health care services."

27 **SECTION 69.** Section 9(a) of Part IV of Chapter 908 of the 1983 Session Laws, as
28 amended by Chapters 821 and 922 of the 1989 Session Laws, Section 2 of S.L. 2001-402, and
29 Section 1 of S.L. 2011-160, reads as rewritten:

30 "Sec. 9. (a) Distribution and Use of Proceeds. – The local administrative authority, acting
31 on its own behalf or as agent for each taxing entity, shall distribute the proceeds of the taxes
32 levied in this Part as provided in this subsection. The distribution shall be made by the 20th day
33 of each month following the month in which the tax is collected.

34 ...

35 (4) Distribution to Charlotte for Convention and Visitor Promotion and Other
36 Tourism-Related Purposes. –

37 ...

38 d. The Towns of Cornelius, Davidson, and Huntersville shall distribute
39 on a quarterly basis to the Lake Norman Convention and Visitors
40 Bureau from the portion of prepared food and beverage taxes
41 received from the City of Charlotte for the purpose of
42 tourism-marketing promotions an amount not less than the sum of the
43 following:

- 44 1. Twenty-eight percent (28%) of the portion of occupancy tax
45 net proceeds received from the local administrative authority.
- 46 2. Twenty-five percent (25%) of the portion of prepared food
47 and beverage taxes received from the City of Charlotte."

48 **SECTION 70.** If House Bill 950, 2012 Regular Session, becomes law, then Section
49 10.9F(c)(2) reads as rewritten:

50 "(2) The recipient (i) resides ~~either~~ in a private living arrangement, a residential
51 facility licensed by the State of North Carolina as an adult care home, or a

1 combination home as defined in ~~G.S. 131E-101(1a)~~G.S. 131E-101(1a); or
2 (ii) resides in a group home licensed under Chapter 122C of the General
3 Statutes and under 10A NCAC 27G .5601 as a supervised living facility for
4 two or more adults whose primary diagnosis is mental illness, a
5 developmental disability, or substance abuse dependency, and is eligible to
6 receive personal care services under the Medicaid State Plan."

7 **SECTION 71.** Article 13A of Chapter 90 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 90-210.25B. Persons who shall not be licensed under this Article.**

10 (a) The board shall not issue or renew any licensure, permit, or registration to any
11 person or entity who has been convicted of a sexual offense against a minor.

12 (b) For purposes of this Article, the term "sexual offense against a minor" means a
13 conviction of any of the following offenses: G.S. 14-27.4A(a) (sex offense with a child; adult
14 offender), G.S. 14-27.7A (statutory rape or sexual offense of person who is 13, 14, or 15 years
15 old where the defendant is at least six years older), G.S. 14-190.16 (first-degree sexual
16 exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor),
17 G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting
18 prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor), G.S. 14-202.1
19 (taking indecent liberties with children), G.S. 14-202.3 (solicitation of child by computer or
20 certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking
21 indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act
22 of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual
23 act upon a juvenile by parent or guardian). The term shall also include a conviction of the
24 following: any attempt, solicitation, or conspiracy to commit any of these offenses or any
25 aiding and abetting any of these offenses. The term shall also include a conviction in another
26 jurisdiction for an offense which if committed in this State has the same or substantially similar
27 elements to an offense against a minor as defined by this section.

28 (c) If a person or entity holding a license, permit, or registration in another jurisdiction
29 has the license revoked, suspended, or placed on probation because of a felony conviction other
30 than those enumerated above, the board shall impose a sanction equal to or greater than to the
31 sanction imposed by the other jurisdiction.

32 (d) If a person or entity holding a license, permit, or registration in another jurisdiction
33 has the license revoked, suspended, or placed on probation because of conduct related to fitness
34 to practice as described in G.S. 90-210.25(e), the board shall impose a sanction equal to or
35 greater than the sanction imposed by the other jurisdiction."

36 **SECTION 72.** Except where otherwise provided, this act is effective when it
37 becomes law.