

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

6

SENATE BILL 469
Second Edition Engrossed 4/25/17
House Committee Substitute Favorable 6/22/17
House Committee Substitute #2 Favorable 6/27/17
House Committee Substitute #3 Favorable 12/4/18
Sixth Edition Engrossed 12/6/18

Short Title: Technical Corrections.

(Public)

Sponsors:

Referred to:

March 30, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS TECHNICAL, CLARIFYING, AND CONFORMING
3 CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

4 The General Assembly of North Carolina enacts:

5
6 **CABLE SERVICE FRANCHISES/REPEAL ANNUAL SERVICE REPORT**

7 **SECTION 1.(a)** G.S. 66-353 is repealed.

8 **SECTION 1.(b)** This section is effective when it becomes law and applies to annual
9 service reports required to be filed on or after that date.

10
11 **CLARIFY USE OF GRANT FUNDS**

12 **SECTION 2.(a)** Notwithstanding any provision of S.L. 2018-5 or the Committee
13 Report described in Section 39.2 of that act to the contrary, the funds provided to Dragonfly
14 House in Fund Code 1331 shall be allocated to the Davie County Sheriff's Office to be provided
15 to Dragonfly House Children's Advocacy Center, Inc., in Mocksville, North Carolina.

16 **SECTION 2.(b)** Notwithstanding any provision of S.L. 2018-5 or the Committee
17 Report described in Section 39.2 of that act to the contrary, the grant-in-aid provided to Patriot's
18 Charity in Fund Code 1100 shall be provided to Patriot Military Family Foundation.

19 **SECTION 2.(c)** Section 26.3 of S.L. 2018-5, as amended by Section 6.1 of S.L.
20 2018-97, reads as rewritten:

21 **"STATE BUDGET AND MANAGEMENT SPECIAL PROVISIONS**

22 **"SECTION 26.3.** Of the funds appropriated in this act to the Office of State Budget and
23 Management, Special Appropriations, the sum of three million one hundred sixty-five thousand
24 three hundred seven dollars (\$3,165,307) in nonrecurring funds for the 2018-2019 fiscal year
25 shall be allocated as follows:

26 ...

27 (3) To provide law enforcement grants-in-aid to the following local governments:

28 ...

29 b. \$15,000 to the Bryson City Police-Fire Department for a ~~K-9 transport~~
30 unit.equipment upgrades.

31 ...

32"



1 **SECTION 2.(d)** Section 15.9 of S.L. 2018-5, as amended by Section 4.6 of S.L.
2 2018-97, is amended by adding a new subsection to read:

3 "**SECTION 15.9.(f)** Notwithstanding any other provision of law or a provision of the
4 Committee Report described in Section 39.2 of this act to the contrary, the grant-in-aid in the
5 amount of seven hundred thousand dollars (\$700,000) provided to the Town of Cedar Point for
6 downtown revitalization in Section 15.8(a) of this act shall instead be provided as follows for the
7 purpose of downtown revitalization:

- 8 (1) Ninety thousand dollars (\$90,000) to the Town of Trenton.
- 9 (2) Ninety thousand dollars (\$90,000) to the Town of Pollocksville.
- 10 (3) Twenty thousand dollars (\$20,000) to the Town of Maysville.
- 11 (4) One hundred thousand dollars (\$100,000) to the Town of Princeton.
- 12 (5) Fifty thousand dollars (\$50,000) to the Town of Mount Olive.
- 13 (6) One hundred thousand dollars (\$100,000) to the City of Goldsboro.
- 14 (7) Fifty thousand dollars (\$50,000) to the City of Kinston.
- 15 (8) Fifty thousand dollars (\$50,000) to the City of New Bern.
- 16 (9) Twenty-five thousand dollars (\$25,000) to the Town of Pink Hill.
- 17 (10) Twenty-five thousand dollars (\$25,000) to the Town of Lillington.
- 18 (11) Fifty thousand dollars (\$50,000) to the Town of Tabor City.
- 19 (12) Fifty thousand dollars (\$50,000) to the Town of Cedar Point."

20
21 **EXPAND PRINCIPAL BONUS MULTIPLIER ELIGIBILITY**

22 **SECTION 3.(a)** Section 8.3(a) of S.L. 2018-5 reads as rewritten:

23 "**SECTION 8.3.(a)** The Department of Public Instruction shall administer a bonus in the
24 2018-2019 fiscal year to any principal who supervised a school as a principal for a majority of
25 the previous school year if that school was in the top fifty percent (50%) of school growth in the
26 State during the previous school year, calculated by the State Board pursuant to
27 G.S. 115C-83.15(c), as follows:

28 **2018-2019 Principal Bonus Schedule**

29 Statewide Growth Percentage	30 Bonus
31 Top 5%	\$10,000
32 Top 10%	\$7,500
33 Top 15%	\$5,000
34 Top 20%	\$2,500
35 Top 50%	\$1,000.

36 A principal who qualifies for a bonus pursuant to this subsection and supervised a
37 school with an overall school performance grade, as calculated by the State Board pursuant to
38 G.S. 115C-83.15(d), of D or F for a majority of ~~the 2017-2018 school year~~ either of the following
39 school years shall qualify for a bonus of twice the amount listed in the 2018-2019 Principal Bonus
40 Schedule.~~Schedule:~~

- 41 (1) The 2016-2017 school year, if the principal supervised the school for a
42 majority of the 2017-2018 school year.
- 43 (2) The 2017-2018 school year.

44 A principal shall receive no more than one bonus pursuant to this subsection. The
45 bonus shall be paid at the highest amount for which the principal qualifies."

46 **SECTION 3.(b)** A bonus payment provided in accordance with this section shall be
47 considered an additional payment of the bonus the principal received pursuant to Section 8.3 of
48 S.L. 2018-5 and not a new, separate, or second bonus under that section.

49 **SECTION 3.(c)** Notwithstanding Section 8.3(f) of S.L. 2018-5, bonus payments
50 provided in accordance with this section shall be paid no later than December 31, 2018, to
51 qualifying principals employed as of October 1, 2018.

SMALL WIRELESS FACILITIES/EXEMPT FROM CERTAIN FEES IMPOSED BY CITIES

SECTION 4.(a) G.S. 160A-400.54(e) reads as rewritten:

"(e) ~~A-Subject to the limitations provided in G.S. 160A-296(a)(6),~~ a city may charge an application fee that shall not exceed the lesser of (i) the actual, direct, and reasonable costs to process and review applications for collocated small wireless facilities; (ii) the amount charged by the city for permitting of any similar activity; or (iii) one hundred dollars (\$100.00) per facility for the first five small wireless facilities addressed in an application, plus fifty dollars (\$50.00) for each additional small wireless facility addressed in the application. In any dispute concerning the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements of this subsection."

SECTION 4.(b) G.S. 160A-400.54(f) reads as rewritten:

"(f) ~~A-Subject to the limitations provided in G.S. 160A-296(a)(6),~~ a city may impose a technical consulting fee for each application, not to exceed five hundred dollars (\$500.00), to offset the cost of reviewing and processing applications required by this section. The fee must be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. A city may engage an outside consultant for technical consultation and the review of an application. The fee imposed by a city for the review of the application shall not be used for either of the following:

- (1) Travel expenses incurred in the review of a collocation application by an outside consultant or other third party.
- (2) Direct payment or reimbursement for an outside consultant or other third party based on a contingent fee basis or results-based arrangement.

In any dispute concerning the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements of this subsection."

TECHNICAL CORRECTIONS/ASSISTANT DISTRICT ATTORNEY ALLOCATION AND NUMBER OF JUDICIAL DIVISIONS

SECTION 5.(a) Section 3(c) of S.L. 2018-121 reads as rewritten:

"**SECTION 3.(c)** The merging of Montgomery County into Prosecutorial District 28, as enacted by this section, becomes effective January 1, 2019. All open investigations and pending cases in Montgomery County are transferred to Prosecutorial District 28, effective January 1, 2019. The total number of ADAs in District 28 is ~~nine-six.~~"

SECTION 5.(b) G.S. 1-267.1 reads as rewritten:

"**§ 1-267.1. Three-judge panel for actions challenging plans apportioning or redistricting State legislative or congressional districts; claims challenging the facial validity of an act of the General Assembly.**

...

(b) Whenever any person files in the Superior Court of Wake County any action challenging the validity of any act of the General Assembly that apportions or redistricts State legislative or congressional districts, a copy of the complaint shall be served upon the senior resident superior court judge of Wake County, who shall be the presiding judge of the three-judge panel required by subsection (a) of this section. Upon receipt of that complaint, the senior resident superior court judge of Wake County shall notify the Chief Justice, who shall appoint two additional resident superior court judges to the three-judge panel of the Superior Court of Wake County to hear and determine the action. Before making those appointments, the Chief Justice shall consult with the North Carolina Conference of Superior Court Judges, which shall provide the Chief Justice with a list of recommended appointments. To ensure that members of the three-judge panel are drawn from different regions of the State, the Chief Justice shall appoint to the three-judge panel one resident superior court judge from the First through ~~Fourth~~ Third Judicial Divisions and one resident superior court judge from the ~~Fifth~~ Fourth through ~~Eighth~~

1 Fifth Judicial Divisions. In order to ensure fairness, to avoid the appearance of impropriety, and
 2 to avoid political bias, no member of the panel, including the senior resident superior court judge
 3 of Wake County, may be a former member of the General Assembly. Should the senior resident
 4 superior court judge of Wake County be disqualified or otherwise unable to serve on the
 5 three-judge panel, the Chief Justice shall appoint another resident superior court judge of Wake
 6 County as the presiding judge of the three-judge panel. Should any other member of the
 7 three-judge panel be disqualified or otherwise unable to serve on the three-judge panel, the Chief
 8 Justice shall appoint as a replacement another resident superior court judge from the same group
 9 of judicial divisions as the resident superior court judge being replaced.

10 ...

11 (b2) For each challenge to the validity of statutes and acts subject to subsection (a1) of this
 12 section, the Chief Justice of the Supreme Court shall appoint three resident superior court judges
 13 to a three-judge panel of the Superior Court of Wake County to hear the challenge. The Chief
 14 Justice shall appoint a presiding judge of each three-judge panel. To ensure that members of each
 15 three-judge panel are drawn from different regions of the State, the Chief Justice shall appoint to
 16 each three-judge panel one resident superior court judge from the ~~First, Second, or Fourth~~First
 17 or Second Judicial Division, one resident superior court judge from the ~~Seventh or Eighth~~Third
 18 or Fourth Judicial Division, and one resident superior court judge from the ~~Third, Fifth, or~~
 19 ~~Sixth~~Fifth Judicial Division. Should any member of a three-judge panel be disqualified or
 20 otherwise unable to serve on the three-judge panel or be removed from the panel at the discretion
 21 of the Chief Justice, the Chief Justice shall appoint as a replacement another resident superior
 22 court judge from the same group of judicial divisions as the resident superior court judge being
 23 replaced.

24"

25 **SECTION 5.(c)** This section becomes effective January 1, 2019.

26
 27 **LAW ENFORCEMENT OFFICERS/TECHNICAL CORRECTION TO RETIREMENT**
 28 **DATES**

29 **SECTION 6.(a)** G.S. 135-5(b19), as amended by S.L. 2018-22, Section 3(b), reads
 30 as rewritten:

31 "(b19) Service Retirement Allowance of Members Retiring on or After July 1, 2002, but
 32 Before July 1, ~~2018, 2019.~~ – Upon retirement from service in accordance with subsection (a) or
 33 (a1) of this section, on or after July 1, 2002, but before July 1, ~~2018, 2019,~~ a member shall receive
 34 the following service retirement allowance:

35"

36 **SECTION 6.(b)** G.S. 135-5(b21), as enacted by S.L. 2018-22, Section 3(c), reads as
 37 rewritten:

38 "(b21) Service Retirement Allowance of Members Retiring on or After July 1, ~~2018-2019.~~
 39 – Upon retirement from service on or after July 1, ~~2018, 2019,~~ in accordance with subsection (a)
 40 or (a1) of this section, a member shall receive the following service retirement allowance:

41"

42 **SECTION 6.(c)** G.S. 128-27(b21), as amended by S.L. 2018-22, Section 3(f), reads
 43 as rewritten:

44 "(b21) Service Retirement Allowance of Member Retiring on or After July 1, 2003, but
 45 Before July 1, ~~2018, 2019.~~ – Upon retirement from service in accordance with subsection (a) or
 46 (a1) above, on or after July 1, 2003, but before July 1, ~~2018, 2019,~~ a member shall receive the
 47 following service retirement allowance:

48"

49 **SECTION 6.(d)** G.S. 128-27 as enacted by S.L. 2018-22, Section 3(g), reads as
 50 rewritten:

1 "(b22) Service Retirement Allowance of Member Retiring on or After July 1, ~~2018-2019~~. –
2 Upon retirement from service in accordance with subsection (a) or (a1) of this section, on or after
3 July 1, ~~2018-2019~~, a member shall receive the following service retirement allowance:

4"

5 **SECTION 6.(e)** This section becomes effective July 1, 2019.

6
7 **TECHNICAL CORRECTION/INCORRECT INTERNAL CROSS-REFERENCE**

8 **SECTION 7.** G.S. 58-51-37(*l*) reads as rewritten:

9 "*l*) An insurer's use of a lock-in program developed pursuant ~~G.S. 58-51-37~~to
10 G.S. 58-51-37.1 is not a violation of this section."

11
12 **TECHNICAL CORRECTIONS/HUMAN TRAFFICKING RESTORATIVE JUSTICE**
13 **EFFECTIVE DATES**

14 **SECTION 8.(a)** Section 2(b) of S.L. 2018-75 reads as rewritten:

15 "**SECTION 2.(b)** This section becomes effective December 1, ~~2018-2018~~, and applies to
16 offenses committed on or after that date."

17 **SECTION 8.(b)** Section 3(b) of S.L. 2018-75 reads as rewritten:

18 "**SECTION 3.(b)** This section becomes effective December 1, ~~2018-2018~~, and applies to
19 offenses committed on or after that date."

20 **SECTION 8.(c)** Section 4(b) of S.L. 2018-75 reads as rewritten:

21 "**SECTION 4.(b)** ~~G.S. 14-43-20(b), as amended by subsection (a) of this section, becomes~~
22 ~~effective December 1, 2018, and applies to offenses committed on or after that date.~~
23 G.S. 14-43.20(f), as enacted by subsection (a) of this section, becomes effective December 1,
24 2018, and applies to orders for restitution entered on or after that date. The remainder of this
25 section becomes effective December 1, ~~2018-2018~~, and applies to offenses committed on or after
26 that date."

27 **SECTION 8.(d)** Section 5 of S.L. 2018-75 is repealed.

28 **SECTION 8.(e)** Section 10 of S.L. 2018-75 reads as rewritten:

29 "**SECTION 10.** Section 1 of this act becomes effective December 1, 2018, and applies to
30 offenses committed on or after that date. Except as otherwise provided, this act is effective when
31 it becomes law."

32
33 **CLARIFY REQUIREMENTS FOR NON-STATE ENTITIES TO RECEIVE STATE**
34 **FUNDS UNDER CERTAIN APPROPRIATIONS ACTS**

35 **SECTION 9.(a)** Section 6.2 of S.L. 2018-5 reads as rewritten:

36 "~~NON-STATE ENTITIES/REPORT AND REVERSION REQUIREMENTS FOR~~
37 RECEIVING FUNDS

38 ...

39 "**SECTION 6.2.(d)** No Certification Required. – Notwithstanding any rule or regulation to
40 the contrary, a State agency administering funds appropriated in this act or S.L. 2017-57 for a
41 non-State entity subject to the requirements of G.S. 143C-6-23 shall not require as a condition
42 for receipt of the funds submission of any documentation attesting or certifying (i) that it is an
43 organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code
44 or (ii) that it is a nonprofit organization, unless a State statute or federal law specifically requires
45 such attestation or certification."

46 **SECTION 9.(b)** The Office of State Budget shall review its rules governing
47 disbursement of State funds to non-State entities to determine if its rules are in compliance with
48 the requirements set forth in G.S. 143C-6-23. By March 1, 2019, the Office of State Budget and
49 Management shall submit the findings of the review required under this subsection to the Fiscal
50 Research Division and the chairs of the House of Representatives Committee on Appropriations
51 and the Senate Appropriations/Base Budget Committee.

GRANT-IN-AID TO VETERANS LIFE HOME/CLARIFICATION

SECTION 10. Section 19.4 of S.L. 2018-5, as enacted by Section 6.5 of S.L. 2018-97, reads as rewritten:

"PROVIDE GRANT-IN-AID TO VETERANS LIFE HOME

"SECTION 19.4. Notwithstanding ~~G.S. 143B-1293(b)~~, G.S. 143B-1294(c) or any other provision of law, the sum of five hundred thousand dollars (\$500,000) in nonrecurring funds for the 2018-2019 fiscal year is transferred from the North Carolina Veterans Home Trust Fund to the Office of State Budget and Management to provide a grant-in-aid to The Veterans Leadership Council of North Carolina-Cares to be used for the Veterans Life Center in Butner. To the extent any of the funds described in this section are deemed unappropriated, the funds are appropriated for the purpose set forth in this section. The Office of State Budget and Management and the Office of State Controller shall take all steps necessary to effectuate the transfer required by this section."

SPECIAL ANNUAL LEAVE OFFSET CLARIFICATION

SECTION 11.(a) Section 35.26 of S.L. 2018-5 reads as rewritten:

"SECTION 35.26.(a) Any person who is (i) a full-time permanent employee of the State or a community college institution on July 1, 2018, and (ii) eligible to earn annual leave shall have a one-time additional five days of annual leave credited on July 1, 2018.

"SECTION 35.26.(b) Except as provided by subsection (c) of this section, the additional leave shall be accounted for separately with the leave provided by Section 28.3A of S.L. 2002-126, by Section 30.12B(a) of S.L. 2003-284, by Section 29.14A of S.L. 2005-276, by Section 35.10A of S.L. 2014-100, and by Section 35.18A of S.L. 2017-57 and shall remain available during the length of the employee's employment, notwithstanding any other limitation on the total number of days of annual leave that may be carried forward. Part-time permanent employees shall receive a pro rata amount of the five days awarded by this section.

"SECTION 35.26.(c) The additional leave awarded under this section has no cash value and is not eligible for cash in. If not used prior to the time of separation or retirement, the bonus leave cannot be paid out and is lost.

"SECTION 35.26.(d) Notwithstanding any provision of G.S. 126-8 to the contrary, any vacation leave remaining on December 31 of each year in excess of 30 days shall be reduced by the number of days awarded in this section that were actually used by the employee during the year such that the calculation of vacation leave days that would convert to sick leave shall reflect a deduction of those days of special annual leave awarded in this section that were used by the employee during the year.

"SECTION 35.26.(e) The number of days awarded by this section that carry forward to each following year shall equal the number of days awarded in this section remaining on December 31 of each year plus the number of days awarded in this section that were deducted from vacation leave in excess of 30 days for the calculation of sick leave.

"SECTION 35.26.(f) No employee may be required to take the additional leave awarded by this section."

SECTION 11.(b) This section is effective when it becomes law and applies retroactively to July 1, 2018.

SPECIAL EVENT ONE-TIME PERMIT

SECTION 12.(a) G.S. 18B-1002(a) is amended by adding a new subdivision to read:

"(6) A permit may be issued to a professional sports organization to allow the retail sale of malt beverages, unfortified wine, fortified wine, or mixed beverages for consumption on the premises at a professional sporting event held at a stadium (i) with a seating capacity of at least 40,000 people and (ii) that is

1 owned or leased by a constituent institution of The University of North
 2 Carolina located in a county with a population of at least 900,000 people
 3 according to the most recent federal decennial census. The issuance of this
 4 permit also allows the issuance of a purchase-transportation permit under
 5 G.S. 18B-403 and G.S. 18B-404. For purposes of this subdivision, the term
 6 "professional sports organization" means an organization that is a member of
 7 an association or league of professional sports organizations that (i) has 6 or
 8 more members, (ii) has total combined revenues from all members that
 9 exceeds ten million dollars (\$10,000,000) per year, and (iii) governs the
 10 conduct of its members and regulates the contests and exhibitions in which its
 11 member organizations regularly engage."

12 **SECTION 12.(b)** G.S. 18B-1006(a) is amended by adding a new subdivision to read:
 13 "(9) Special one-time permits described in G.S. 18B-1002(a)(6)."
 14

15 **ELECTRIC STANDUP SCOOTERS**

16 **SECTION 12.5.(a)** G.S. 20-4.01 reads as rewritten:

17 "**§ 20-4.01. Definitions.**

18 Unless the context requires otherwise, the following definitions apply throughout this
 19 Chapter to the defined words and phrases and their cognates:

20 ...
 21 (7c) Electric Standup Scooter. – A device with no more than three twelve-inch or
 22 smaller diameter wheels that has handlebars, is designed to be stood upon by
 23 the user while riding, and is powered by an electric motor that is capable of
 24 propelling the device with or without human propulsion at a speed no greater
 25 than 20 miles per hour on a paved level surface.

26 ~~(7e)~~(7d) Employer. – Any person who owns or leases a commercial motor vehicle
 27 or assigns a person to drive a commercial motor vehicle and would be subject
 28 to the alcohol and controlled substance testing provisions of 49 C.F.R. § 382
 29 and also includes any consortium or third-party administrator administering
 30 the alcohol and controlled substance testing program on behalf of
 31 owner-operators subject to the provisions of 49 C.F.R. § 382.

32 ...
 33 (23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle
 34 designed to run upon the highways which is pulled by a self-propelled vehicle.
 35 Except as specifically provided otherwise, this term shall not include ~~mopeds~~
 36 ~~or mopeds,~~ electric assisted ~~bicycles-bicycles,~~ or electric standup scooters.

37 ...
 38 (27) Passenger Vehicles. –
 39 ...
 40 j. Moped. – A vehicle, other than a motor-driven ~~bicycle or bicycle,~~
 41 electric assisted bicycle, or electric standup scooter, that has two or
 42 three wheels, no external shifting device, a motor that does not exceed
 43 50 cubic centimeters piston displacement and cannot propel the
 44 vehicle at a speed greater than 30 miles per hour on a level surface.
 45 The motor may be powered by electricity, alternative fuel, motor fuel,
 46 or a combination of each.

47 ...
 48 (49) Vehicle. – Every device in, upon, or by which any person or property is or
 49 may be transported or drawn upon a highway, excepting devices moved by
 50 human power or used exclusively upon fixed rails or tracks; provided, that for
 51 the purposes of this Chapter ~~bicycles and bicycles,~~ electric assisted ~~bicycles~~

bicycles, and electric standup scooters shall be deemed vehicles and every rider of a ~~bicycle or bicycle~~, an electric assisted ~~bicycle bicycle~~, or electric standup scooter upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in subdivision (7b) of this section. Unless the context requires otherwise, and except as provided under G.S. 20-109.2, 47-20.6, or 47-20.7, a manufactured home shall be deemed a vehicle.

...."

SECTION 12.5.(b) G.S. 20-51 is amended by adding a new subdivision to read:

"(18) Electric standup scooters as defined in G.S. 20-4.01(7c)."

DMV DISCLOSURE OF SOCIAL SECURITY NUMBERS

SECTION 12.6. G.S. 20-7(b2) reads as rewritten:

"(b2) Disclosure of Social Security Number. – The social security number of an applicant is not a public record. The Division may not disclose an applicant's social security number except as allowed under federal law. A violation of the disclosure restrictions is punishable as provided in 42 U.S.C. § 408, and amendments to that law.

In accordance with 42 U.S.C. 405 and 42 U.S.C. 666, and amendments thereto, the Division may disclose a social security number obtained under subsection (b1) of this section only as follows:

- (1) For the purpose of administering the drivers license laws.
- (2) To the Department of Health and Human Services, Child Support Enforcement Program for the purpose of establishing paternity or child support or enforcing a child support order.
- (3) To the Department of Revenue for the purpose of verifying taxpayer identity.
- (4) To the Office of Indigent Defense Services of the Judicial Department for the purpose of verifying the identity of a represented client and enforcing a court order to pay for the legal services rendered.
- (5) To each county jury commission for the purpose of verifying the identity of deceased persons whose names should be removed from jury lists.
- (6) To the State Chief Information Officer for the purposes of G.S. 143B-1385.
- (7) To the Department of Commerce, Division of Employment Security, for the purpose of verifying employer and claimant identity.
- (8) To the Judicial Department for the purpose of administering the criminal and motor vehicle laws."

INDUSTRIAL COMMISSION CASE MANAGEMENT SYSTEMS FUNDS

SECTION 13. Section 15.19(b) of S.L. 2017-57 reads as rewritten:

"**SECTION 15.19.(b)** The Industrial Commission may retain the additional revenue up to one million two hundred thousand dollars (\$1,200,000) of the ~~fee charged to parties for the filing of compromise settlement agreements~~receipts collected by the Industrial Commission to be used for the purpose of replacing and maintaining the Industrial Commission's case management systems and related expenditures. To the extent the funds described in this subsection are deemed unappropriated, the funds are appropriated for the purpose set forth in this subsection."

LEGACY MEDICAL CARE FACILITY EXEMPTION**SECTION 14.** G.S. 131E-184(h) reads as rewritten:

"(h) The Department ~~shall~~must exempt from certificate of need review the acquisition or reopening of a Legacy Medical Care Facility. The person seeking to operate a Legacy Medical Care Facility ~~shall~~must give the Department written notice of all of the following:

(1) Its intention to acquire or reopen a Legacy Medical Care Facility within the same county and the same service area as the facility that ceased continuous operations. If the Legacy Medical Care Facility will become operational in a new location within the same county and the same service area as the facility that ceased continuous operations, then the person responsible for giving the written notice required by this section ~~shall~~must notify the Department, as soon as reasonably practicable and prior to becoming operational, of the new location of the Legacy Medical Care Facility. For purposes of this subdivision, "service area" means the service area identified in the North Carolina State Medical Facilities Plan in effect at the time the written notice required by this section is given to the Department.

(2) That the facility will be operational within 36 months of the notice.

The Department ~~shall~~must extend the time by which a facility must be operational in order to be exempt from certificate of need review under this subsection by one additional 36-month period if the person seeking to reopen or acquire the Legacy Medical Care Facility gives the Department written notice of extension within 36 months of the original notice of intent to acquire or reopen the Legacy Medical Care Facility. The written notice of extension must notify the Department (i) that the person has undertaken all reasonable efforts to make the facility operational within 36 months of the notice of intent, (ii) that, despite these reasonable efforts, the person does not anticipate the facility will be operational within that time, and (iii) of its intention that the facility will be operational within 36 months of the notice of extension."

OUTDOOR HERITAGE SALARY AUTHORIZATION**SECTION 15.** G.S. 143B-344.62 reads as rewritten:**"§ 143B-344.62. Outdoor Heritage Advisory Council – executive director; staff.**

The Council may, subject to appropriations or other funds that accrue to it, employ an executive director to carry out the day-to-day responsibilities and business of the Council. The executive director shall serve at the pleasure of the ~~Council~~Council, and the director's salary shall be fixed by the Council. The executive director, also subject to appropriations or other funds that accrue to the Council, may hire additional staff and consultants to assist in the discharge of the executive director's responsibilities, as determined by the Council."

**SALES UNDER POWER OF SALE/POSTPONEMENT OF SALE NOTICE
TECHNICAL CORRECTION****SECTION 16.** G.S. 45-21.21 reads as rewritten:**"§ 45-21.21. Postponement of sale; notice of cancellation.**

...

(h) If the notice required by subsection ~~(b)~~(g) of this section is not received by the Clerk prior to the scheduled time of the sale, then the person exercising the power of sale shall personally, or through his or her agent or attorney, do all of the following:

- (1) At the time and place advertised for the sale, publicly announce the cancellation thereof;
- (2) On the same day, attach to or enter on the original notice of sale or a copy thereof, posted at the courthouse door, as provided by G.S. 45-21.17, a notice of the cancellation;

- 1 (3) Give written or oral notice of cancellation to each party entitled to notice of
2 sale under G.S. 45-21.17; and
3 (4) Hand-deliver the written notice required under subdivision (2) of this
4 subsection to the Clerk's office.

5 (i) So that the ~~notices~~notice required by subsection ~~(b)~~(g) of this section may be delivered
6 in the time frame required therein, the Clerk's office shall, upon request, provide to the person
7 exercising the power of sale an e-mail address and/or fax telephone number to use for delivery
8 of said notices.

9"

10 11 **DERELICT AND ABANDONED VESSELS STUDY/REVISE DATE FOR SUBMISSION** 12 **OF RECOMMENDATIONS**

13 **SECTION 17.** Section 2.8 of S.L. 2018-138 reads as rewritten:

14 "SECTION 2.8. The Wildlife Resources Commission shall recommend legislation,
15 including appropriate funding levels, needed (i) to facilitate the identification of owners or other
16 responsible persons for abandoned or derelict vessels for the purpose of requiring those persons
17 to take responsibility for their vessels and (ii) in cases where no responsible owner may be found,
18 to provide the State with the authority to expeditiously remove or otherwise dispose of the
19 abandoned and derelict vessels. In developing its recommendations, the Commission shall
20 consult with a technical working group that includes the Division of Coastal Management of the
21 Department of Environmental Quality, the North Carolina Coastal Federation, the National
22 Oceanic and Atmospheric Administration Marine Debris program, marine salvage industry
23 experts, commercial and recreational boat owners, and other interested stakeholders. The
24 Commission shall provide its recommendations no later than ~~March 1,~~April 30, 2019, to the
25 chairs of the House Environment Committee; the House Appropriations, Agriculture and Natural
26 and Economic Resources Committee; the Senate Agriculture/Environment/Natural Resources
27 Committee; the Senate Appropriations Committee on Agriculture, Natural, and Economic
28 Resources; and the Fiscal Research Division."

29 30 **EXPAND PRINCIPAL ADM HOLD HARMLESS ELIGIBILITY/CERTAIN SCHOOLS** 31 **AFFECTED BY HURRICANE FLORENCE**

32 **SECTION 18.** Section 2.2(b) of S.L. 2018-138 reads as rewritten:

33 "SECTION 2.2.(b) This act applies only to principals supervising schools that meet both of
34 the following requirements:

- 35 (1) The school is located in a county designated under a major disaster declaration
36 by the President of the United States under the Stafford Act (P.L. 93-288) as
37 a result of Hurricane Florence.
38 (2) The school was closed for at least ~~45-10~~ school days during the months of
39 September 2018, October 2018, and November 2018 as a result of Hurricane
40 Florence."

41 42 **PUBLIC SCHOOL BUSES/TRAVEL OUTSIDE OF STATE**

43 **SECTION 19.** G.S. 115C-242 reads as rewritten:

44 "§ 115C-242. Use and operation of school buses.

45 Public school buses may be used for the following purposes only, and it shall be the duty of
46 the superintendent of the school of each local school administrative unit to supervise the use of
47 all school buses operated by such local school administrative unit so as to assure and require
48 compliance with this section:

- 49 (1) A school bus may be used for the transportation of pupils enrolled in and
50 employees in the operation of the school to which such bus is assigned by the
51 superintendent of the local school administrative unit. Except as otherwise

~~herein provided,~~ provided in this section, such transportation shall be limited to transportation to and from such school for the regularly organized school day, and from and to the points designated by the principal of the school to which such bus is assigned, for the receiving and discharging of passengers. Transportation may be outside of the State when the superintendent determines travel outside of the State provides the most direct route to and from the school.

(1a) No pupil or employee shall be so transported upon any bus other than the bus to which such pupil or employee has been assigned pursuant to the provisions of this ~~Article:~~ Article, except for the following:

- a. ~~Provided, that children~~ Children enrolled in a Headstart program or any NC Pre-K program may be transported on public school buses, and any additional costs associated with such contractual arrangements shall be incurred by the benefitting Head Start or NC Pre-K ~~program:~~ program.
- b. ~~Provided further, that children~~ Children with disabilities may be transported to and from the nearest appropriate private school having a special education program approved by the State Board of Education if the children to be transported are or have been placed in that program by a local school administrative unit as a result of the State or the unit's duty to provide such children with a free appropriate public education.

...."

INNOVATIVE SCHOOL DISTRICT REVISIONS

SECTION 20.(a) Article 7A of Chapter 115C of the General Statutes reads as rewritten:

"Article 7A.

"North Carolina Innovative School District and Innovation Zones.

"§ 115C-75.5. Definitions.

The following definitions apply in this Article:

- (1) Innovative school. – A qualifying school selected by the State Board of Education under the supervision of the North Carolina Innovative School District.
- (2) Reserved.
- (3) Innovative school operator or IS operator. – An entity selected by the State Board of Education upon the recommendation of the ISD Superintendent to operate an innovative school. Entities selected may include public or private institutions of higher education, nonprofit or for-profit corporations, partnerships, limited liability companies, or, as provided in G.S. 115C-75.7(c1), local boards of education. Except as otherwise provided in this Article, the Department of Public Instruction may not be selected as an IS operator.

...

"§ 115C-75.7. Selection of innovative schools.

...

(c1) Local Board Plan. – If a local board of education consents to transfer the selected qualifying school to the ISD as an innovative school, no later than January 1, the local board may submit to the ISD Superintendent a well-defined, credible, and specific five-year plan to dramatically improve student achievement. Any plan submitted shall include an implementation time line supported by rigorous measurable benchmarks. If recommended by the ISD Superintendent, and in accordance with G.S. 115C-75.8(b)(3), the State Board of Education may

1 approve the plan and select the local board of education as IS operator of the qualifying school.

2 The State Board may impose additional requirements as a condition of approving a plan.

3 ...

4 **"§ 115C-75.8. Selection of IS operators.**

5 (a) The State Board of Education may select an IS operator for a prospective innovative
6 school by January 15 and shall select an IS operator for a prospective school no later than
7 February 15.

8 (b) Upon the recommendation of the ISD Superintendent, the State Board of Education
9 shall only select an entity to ~~contract~~operate as an IS operator if that entity demonstrates one of
10 the following:

11 (1) The entity has a record of results in improving performance of persistently
12 low-performing schools or improving performance of a substantial number of
13 persistently low-performing students within a school or schools operated by
14 the entity in this State or other states. An entity selected under this subdivision
15 shall contract as an IS operator.

16 (2) The entity has a credible and specific plan for dramatically improving student
17 achievement in a low-performing school and provides evidence that the entity,
18 or a contractual affiliate of such an entity, is either currently operating a school
19 or schools in this State that provide students a sound, basic education or
20 demonstrating consistent and substantial growth toward providing students a
21 sound, basic education in the prior three school years. An entity selected under
22 this subdivision shall contract as an IS operator.

23 (3) The entity is the local board of education of the prospective innovative school
24 and has a well-defined, credible, and specific plan for dramatically improving
25 student performance in the school in accordance with G.S. 115C-75.7(c1).
26 The State Board may impose additional requirements as a condition of
27 approving the plan, and a local board selected as IS operator under this
28 subdivision shall be subject to the conditions and requirements of the plan as
29 approved by the State Board of Education. If a plan is not agreed to and
30 approved by January 15, the State Board shall select another entity as IS
31 operator in accordance with this Article.

32 ...

33 (c) ~~The~~When practicable, the selected IS operator is encouraged to hold public
34 informational sessions and other outreach to the community, prospective innovative school, and
35 local board of education of a prospective innovative school prior to a local board's adoption of
36 the resolution required by G.S. 115C-75.7(c).

37 (d) ~~The contract between the~~ State Board of Education ~~and IS operator~~ shall require, as a
38 minimum, that the IS operator meet the same requirements as established for charter schools in
39 the following statutes:

40 ...

41 **"§ 115C-75.9. Management of innovative schools.**

42 (a) Direct Management by IS Operator. – An innovative school shall be subject to direct
43 management by an IS operator selected by the State Board of Education, upon the
44 recommendation of the ISD Superintendent, for a five-year ~~contract~~contract, or, if the IS
45 operator is a local board of education, according to the requirements of a five-year approved plan.
46 In the event that temporary management is necessary due to contract termination, lack of a
47 qualified IS operator under G.S. 115C-75.8(b1), failure to comply with the requirements of an
48 approved plan, or other unforeseen emergency, the ISD is authorized to act as an IS operator.

49 (b) Role of IS Operator. – ~~The~~Except as otherwise provided in this Article, the IS
50 operator shall be authorized to have a direct role in making decisions about school finance, human

1 capital, and curriculum and instruction for the innovative school while developing the leadership
2 capacity in such schools.

3 (c) Assignment to Innovative Schools. – All innovative schools shall remain open to
4 enrollment in the same manner with the same attendance zone as prior to becoming an innovative
5 school. If a local board of education's reassignment of students within the local school
6 administrative unit due to student population changes or openings or closures of other schools
7 impacts the innovative school, the IS operator may appeal to the ISD Superintendent and request
8 a hearing before the State Board of Education regarding the reassignment. Notwithstanding
9 G.S. 115C-366, the State Board of Education shall, after hearing from both the local board of
10 education and IS operator, determine whether the reassignment of students impacting the
11 innovative school may proceed. If the IS operator is a local board of education, the ISD
12 Superintendent may review the potential impact of any changes regarding student enrollment at
13 an innovative school and may request a hearing before the State Board of Education regarding
14 any proposed assignments.

15 (d) Facility and Capital Expenditures. – Facility and capital expenditures shall be
16 provided as follows:

- 17 (1) In addition to the transfer of funds as provided in G.S. 115C-75.10, the local
18 board of education shall be responsible for facility and capital expenditures at
19 the qualifying school.
- 20 (2) All IS operators ~~and other than~~ local boards of education shall enter into an
21 occupancy agreement with local boards of education establishing the terms of
22 occupancy for the IS operator not otherwise addressed in statute. If the parties
23 are unable to reach agreement, either party may petition the State Board of
24 Education to resolve any issues in dispute.

25 ...

26 (f) Memorandums of Understanding for Alternate Arrangements. – Notwithstanding this
27 section, the IS operator, if other than a local board of education, in consultation with the ISD
28 Superintendent, may elect to enter into a memorandum of understanding for alternate
29 arrangements with the local board of education to address any of the following:

- 30 (1) Facility and capital expenditures.
- 31 (2) Transportation services.
- 32 (3) Services for Children with Disabilities.

33 If the IS operator elects to use a memorandum of understanding for alternate arrangements,
34 the IS operator and local board of education shall finalize the memorandum of understanding
35 within 30 days of the initial request by the IS operator. If the parties have not completed the
36 memorandum of understanding within 30 days, the State Board of Education shall resolve any
37 issues in dispute. An IS operator that is a local board of education shall provide facility and
38 capital expenditures, transportation services, and services for children with disabilities in the
39 same manner as provided for other schools in the local school administrative unit in that school
40 year.

41 (g) Student Records. – The local board of education shall make available in a timely
42 fashion all student records to the innovative school at no cost for all students of that school.

43 (h) Innovative School Employees. – The IS operator shall select and hire the school
44 principal for an innovative school. Within the limits of the school budget, the IS operator or its
45 designee shall select staff members in accordance with guidance from the ISD Superintendent.
46 Before finalizing staffing recommendations, the IS operator and the ISD Superintendent or the
47 Superintendent's designee shall interview all existing staff members at the qualifying school and
48 review student growth and performance data for those staff members for whom it is available.
49 Notwithstanding Article 21A of this Chapter, the IS operator and the ISD Superintendent shall
50 be permitted to examine personnel files of existing staff members for the qualifying school. The
51 following requirements shall apply to employees of a school that is transferring to the ISD:

- 1 (1) ~~The~~ If the IS operator is not a local board of education, the following shall
 2 apply:
 3 a. The IS operator shall have the authority to decide whether any
 4 administrator, teacher, or staff member previously assigned to a
 5 qualifying school selected to become an innovative school shall
 6 continue as an employee of the innovative school.
 7 b. Any such employees retained shall become employees of the ISD. An
 8 employee hired to work in an innovative school shall be an employee
 9 of the ISD, and the employees shall be under the exclusive control of
 10 the ISD.
 11 c. All employees of the ISD shall be eligible for enrollment in the
 12 Teachers' and State Employees' Retirement System of North Carolina,
 13 the State Health Plan, and other benefits available to State employees.
 14 d. The IS operator shall provide funds to the ISD in an amount sufficient
 15 to provide salary and benefits for employees of the ISD working in the
 16 innovative school based on the terms of employment established by
 17 the IS operator.
 18 (2) If the IS operator is a local board of education, the following shall apply:
 19 a. The ISD Superintendent shall have authority to direct the local board
 20 of education, in its capacity as IS operator, as to whether any
 21 administrator, teacher, or staff member previously assigned to a
 22 qualifying school selected to become an innovative school shall
 23 continue as an employee of the innovative school. If an employee is
 24 not given the option to continue as an employee for the innovative
 25 school, the local board may exercise its discretion pursuant to
 26 subsection (j) of this section.
 27 b. Any employees retained at the innovative school shall remain
 28 employees of the local board of education, and shall be under the
 29 control of the local board of education acting in its capacity as the IS
 30 operator under the direction of the ISD Superintendent. The ISD
 31 Superintendent shall have the authority to direct the local board of
 32 education, in its capacity as the IS operator, to remove an employee
 33 from assignment to the innovative school.

34 ...

35 **"§ 115C-75.10. Innovative schools funds.**

36 (a) Funding Allocation. – The State Board of Education shall allocate the following to
 37 the ISD for each innovative school:

- 38 (1) An amount equal to the average per pupil allocation for average daily
 39 membership from the local school administrative unit allotments in which the
 40 innovative school was located for each child attending the innovative school
 41 except for the allocations for (i) children with disabilities, (ii) children with
 42 limited English proficiency, and (iii) transportation. The State Board of
 43 Education shall provide the allocation for transportation to the local school
 44 administrative unit in which the innovative school is located.
 45 (2) An additional amount for each child attending the innovative school who is a
 46 child with disabilities.
 47 (3) An additional amount for children with limited English proficiency attending
 48 the innovative school, based on a formula adopted by the State Board of
 49 Education.

50 (a1) Student Support Services. – If the IS operator is a local board of education, funding
 51 for student support and operational services shall be provided in the same manner and degree as

1 in the prior school year. For the purposes of this subsection, student support and operational
2 services include cafeteria services, custodial services, broadband and utilities, and student
3 information services, and instructional services include alternative education, special education
4 services, test administration services, textbooks, technology, media resources, instructional
5 equipment, and other resources.

6 ~~(b) Designated Funding.—Funding shall be allocated to the ISD for the innovative school~~
7 ~~by the State Board of Education and local board of education as follows:~~

8 ~~(b) Local Funding Allocation Selection. — State and~~ For an innovative school with an IS
9 operator other than a local board of education, local funding for an innovative school shall be
10 allocated as provided in subsection (b) subdivision (1) or subsection (c) subdivision (2) of this
11 section. ~~subsection.~~ The IS operator shall select one of the allocation methods as the method to
12 be used for the innovative school.

13 (1) ~~The State Board of Education shall allocate the following to the ISD for each~~
14 ~~innovative school:~~

15 a. ~~An amount equal to the average per pupil allocation for average daily~~
16 ~~membership from the local school administrative unit allotments in~~
17 ~~which the innovative school was located for each child attending the~~
18 ~~innovative school except for the allocations for (i) children with~~
19 ~~disabilities, (ii) children with limited English proficiency, and (iii)~~
20 ~~transportation. The State Board of Education shall provide the~~
21 ~~allocation for transportation to the local school administrative unit in~~
22 ~~which the innovative school is located.~~

23 b. ~~An additional amount for each child attending the innovative school~~
24 ~~who is a child with disabilities.~~

25 e. ~~An additional amount for children with limited English proficiency~~
26 ~~attending the innovative school, based on a formula adopted by the~~
27 ~~State Board of Education.~~

28 ~~(2) Designated Funding. —~~ The local school administrative unit in which the
29 innovative school is located shall transfer to the ISD for the innovative school
30 an amount equal to the per pupil share of the local current expense fund of the
31 local school administrative unit for the fiscal year. The per pupil share of the
32 local current expense fund shall be transferred to the ISD for the innovative
33 school within 30 days of the receipt of monies into the local current expense
34 fund. The local school administrative unit and ISD may use the process for
35 mediation of differences between the State Board of Education and a charter
36 school provided in G.S. 115C-218.95(d) to resolve differences on calculation
37 and transference of the per pupil share of the local current expense fund. The
38 amount transferred under this subsection that consists of revenue derived from
39 supplemental taxes shall be transferred only to an innovative school located
40 in the tax district for which these taxes are levied and in which the student
41 resides. The local school administrative unit shall also provide the ISD with
42 all of the following information within the 30-day time period provided in this
43 subsection:

44 a. The total amount of monies the local school administrative unit has in
45 each of the funds listed in G.S. 115C-426(c).

46 b. The student membership numbers used to calculate the per pupil share
47 of the local current expense fund.

48 c. How the per pupil share of the local current expense fund was
49 calculated.

50 d. Any additional records requested by the ISD from the local school
51 administrative unit in order for the ISD to audit and verify the

1 calculation and transfer of the per pupil share of the local current
 2 expense fund.

3 ~~(e)~~(2) Funding Memorandum of Understanding. – The IS operator, in consultation
 4 with the ISD Superintendent, may enter into a funding memorandum of
 5 understanding with the local board of education of the local school
 6 administrative unit where the innovative school is located for all student
 7 support and operational services and instructional services to be provided by
 8 the local board of education in the same manner and degree as in the prior
 9 school year or funding in an amount equivalent to the amount the local board
 10 of education would have expended on those services if provided. For the
 11 purposes of this subsection, student support and operational services include
 12 cafeteria services, custodial services, broadband and utilities, and student
 13 information services, and instructional services include alternative education,
 14 special education services, test administration services, textbooks,
 15 technology, media resources, instructional equipment, and other resources.
 16 The IS operator and local board of education shall finalize the funding
 17 memorandum of understanding within 30 days of the initial request for the
 18 memorandum by the IS operator. If the parties have not completed the funding
 19 memorandum of understanding within 30 days, the State Board of Education
 20 shall resolve any issues in dispute.

21 (d) ISD Funding Management. – The ISD may seek, manage, and expend federal money
 22 and grants, State funding, and other funding with the same authority as a local school
 23 administrative unit, including decisions related to allocation of State funds among innovative
 24 schools, and shall be considered a local school administrative unit for all federal funding
 25 purposes.

26 **"§ 115C-75.11. Accountability and governance for innovative schools.**

27 ...

28 (b) The IS operator operator, if not a local board of education, shall select, approve, or
 29 remove the school principal of an innovative school that it is managing in accordance with this
 30 Article. If the IS operator is a local board of education, the ISD Superintendent shall have
 31 authority to select, approve, or remove the school principal of the innovative school.

32 ...

33 **"§ 115C-75.12. Term of supervision for an innovative school.**

34 (a) An innovative school shall remain under the supervision of the ISD for a minimum
 35 of five consecutive years through a contract with an IS operator operator, or an approved plan if
 36 the IS operator is a local board of education. The following shall apply to the term of a contract
 37 with an IS operator of an innovative school:

38 ...

39 (2) Nonrenewal of contract based on performance. – If, by the end of the five-year
 40 contract, the innovative school's average annual percentage growth during the
 41 term of the contract does not exceed the average annual percentage growth of
 42 other qualifying schools during the same term, the State Board of Education
 43 shall not renew the contract of the IS operator and shall develop a transition
 44 plan to return the school to the local school administrative unit. unit to
 45 determine whether or not school closure is appropriate consistent with the
 46 procedures set forth in G.S. 115C-72.

47 ...

48 (a1) The following shall apply to the period of an approved plan for an IS operator that is
 49 a local board of education:

50 (1) Revocation of approval of the plan based on performance. – If, during the
 51 five-year plan, the innovative school's annual percentage growth does not

1 exceed the average annual percentage growth of other qualifying schools for
2 three consecutive years, the State Board of Education, upon the
3 recommendation of the ISD Superintendent, may revoke approval of the plan
4 previously approved under G.S. 115C-75.7(c1) at the conclusion of the
5 academic year and contract with an IS operator in accordance with
6 G.S. 115C-75.8(b)(1) or G.S. 115C-75.8(b)(2) to assume the remainder of the
7 five-year period.

8 (2) Nonrenewal of the approved plan based on performance. – If, by the end of
9 the five-year period, the innovative school's average annual percentage growth
10 over the period during which the approved plan has been implemented does
11 not exceed the average annual percentage growth of other qualifying schools
12 during the same period, the State Board of Education shall not renew the
13 approved plan and shall develop a transition plan to return the school to the
14 local administrative unit to determine whether or not school closure is
15 appropriate consistent with the procedures set forth in G.S. 115C-72.

16 (3) State Board of Education optional extension of approved plan for three years.
17 – If, by the end of the five-year period, the innovative school remains a
18 qualifying school but has exceeded the average annual percentage growth of
19 other qualifying schools and has shown growth over the period during which
20 the approved plan has been implemented, the State Board of Education, upon
21 the recommendation of the ISD Superintendent in his or her discretion, may
22 continue the approved plan for an additional three-year period. The ISD
23 Superintendent and IS operator shall engage the school and the school
24 community in developing a transition plan for the school to leave the
25 supervision of the ISD at the conclusion of the three-year extension of the
26 approved plan. If the State Board of Education does not elect to continue the
27 approved plan, the State Board of Education may do any of the following:
28 a. Select another IS operator for a three-year contract.
29 b. Close the school as provided in subdivision (2) of this subsection.
30 c. Develop a transition plan to return the school to the local school
31 administrative unit for the next school year.

32 (4) IS operator option to extend approved plan for three years. – If, by the end of
33 the five-year period, the innovative school receives a grade of C or higher
34 under G.S. 115C-12(9)c1., the IS operator shall have the option to extend the
35 approved plan for another three-year period. The ISD Superintendent and IS
36 operator shall engage the school and the school community in developing a
37 transition plan for the school to leave the supervision of the ISD at the
38 conclusion of the three-year extension of the approved plan. If the IS operator
39 does not elect to continue the approved plan, the State Board of Education
40 may select another IS operator for a three-year contract or may develop a
41 transition plan to return the school to the local school administrative unit for
42 the next school year.

43 (5) Revocation of approved plan on other grounds. – The State Board of
44 Education, upon the recommendation of the ISD Superintendent, may revoke
45 an approved plan at any time during the plan period for failure to comply with
46 the requirements of the approved plan. The State Board of Education shall
47 select another IS operator in accordance with this Article for the remaining
48 period of the plan. The ISD is authorized to act as a temporary IS operator
49 during the transition period, if necessary.

1 (6) In the event that approval is revoked and another IS operator must be selected,
 2 the local board of education shall continue to be responsible for providing
 3 student services as specified in the approved plan.

4 (b) An innovative school shall remain under the supervision of the ISD for no more than
 5 eight years.

6 (c) The State Board of Education shall make all decisions related to contracts or approved
 7 plans for IS operators no later than May 1, except as provided in subdivision (5) of subsection
 8 (a) of this ~~section~~section and subdivision (5) of subsection (a1) of this section."

9 **SECTION 20.(b)** This section is effective when it becomes law and applies
 10 beginning with the 2019-2020 school year.

11 **EXTEND AGRICULTURAL DISASTER PROGRAM DEADLINE**

12 **SECTION 21.(a)** Section 5.11(e) of S.L. 2018-136 reads as rewritten:

13 **"SECTION 5.11.(e)** A person seeking financial assistance for losses of agricultural
 14 commodities shall submit to the Department a Form 578 on file with the USDA Farm Service
 15 Agency or a form provided by the Department for reporting acreage or plantings of crops not
 16 typically reported on Form 578, along with any other documentation deemed appropriate by the
 17 Department, on or before ~~December 10, 2018~~December 20, 2018. For nursery crops,
 18 fruit-bearing trees and bushes, and specialty crops where the survival level is not immediately
 19 known, the Department may extend this deadline to May 1, 2019, upon written request by the
 20 person received on or before ~~December 10, 2018~~December 20, 2018, and upon approval by the
 21 Department. A person receiving assistance under this program must provide a signed affidavit,
 22 under penalty of perjury, certifying that each fact of the loss presented by the person is accurate."

23 **SECTION 21.(b)** Section 5.11(g) of S.L. 2018-136 reads as rewritten:

24 **"SECTION 5.11.(g)** A person seeking financial assistance for losses of livestock or poultry
 25 shall submit documentation of loss and indemnity received from the USDA Livestock Indemnity
 26 Program, along with any other documentation deemed appropriate by the Department, to the
 27 Department on or before ~~December 10, 2018~~December 20, 2018. The Department may extend
 28 this deadline to March 1, 2019, upon written request by the person received on or before
 29 ~~December 10, 2018~~December 20, 2018, and upon approval by the Department. A person
 30 receiving assistance under this program must provide a signed affidavit, under penalty of perjury,
 31 certifying that each fact of the loss presented by the person is accurate."

32 **SECTION 21.(c)** Section 5.11(h) of S.L. 2018-136 reads as rewritten:

33 **"SECTION 5.11.(h)** The Department shall administer the financial assistance program
 34 authorized by this section in accordance with the following criteria:

35 ...

36 (3) The Department shall gather all claim information, except from those
 37 applicants granted a deadline extension, no later than ~~December 10,~~
 38 ~~2018~~December 20, 2018. The Department shall, as closely as possible,
 39 estimate the amount of the appropriation needed to be held in reserve for
 40 payments related to losses of livestock, poultry, nursery, bush, tree, and
 41 specialty crops for which losses will not be fully known or calculated. The
 42 Department shall set aside funds as it deems appropriate based on the
 43 estimated percentage of these losses.

44 "

45 **MODIFY DISABILITY SCHOLARSHIP APPLICATION REQUIREMENTS AND** 46 **TECHNICAL CHANGES FOR THE OPPORTUNITY SCHOLARSHIP PROGRAM**

47 **SECTION 22.(a)** G.S. 115C-112.5(2) reads as rewritten:

48 (2) Eligible student. – A child under the age of 22 who resides in North Carolina
 49 and meets all of the following criteria:
 50
 51

- 1 ...
- 2 f. Meets at least one of the following requirements:
- 3 1. Was enrolled in a North Carolina public school or a
- 4 Department of Defense Elementary and Secondary School,
- 5 established pursuant to 10 U.S.C. § 2164 and located in North
- 6 Carolina, during the ~~previous semester~~ spring semester prior to
- 7 the school year for which the student is applying. The
- 8 Authority shall not count actual days of attendance to
- 9 determine whether a child was enrolled in a qualifying school
- 10 for ~~the previous~~ that semester for the purposes of eligibility
- 11 under this sub-sub-subdivision.
- 12 2. Received special education or related services through the
- 13 North Carolina public schools as a preschool child with a
- 14 disability during the ~~previous semester~~ spring semester prior to
- 15 the school year for which the student is applying.
- 16 3. ~~Was approved for~~ Received a scholarship for the ~~previous~~
- 17 ~~semester~~ school year prior to the school year for which the
- 18 student is applying.
- 19 4. Is a child who is identified as a child with a disability prior to
- 20 the end of the year of initial enrollment in kindergarten or first
- 21 grade. An award by the Authority based on eligibility under
- 22 this sub-sub-subdivision shall be conditional. If documentation
- 23 is not provided to the Authority that the child is a child with a
- 24 disability prior to the end of the year of initial enrollment, (i)
- 25 no reimbursement shall be awarded and (ii) the child shall not
- 26 qualify the following year as an eligible student under
- 27 sub-sub-subdivision 3. of this section.
- 28 5. Is a child whose parent or legal guardian is on full-time duty
- 29 status in the active uniformed service of the United States,
- 30 including members of the National Guard and Reserve on
- 31 active duty orders pursuant to 10 U.S.C. § 12301, et seq., and
- 32 10 U.S.C. § 12401, et seq.
- 33 6. Is a child who has been domiciled in the State for at least six
- 34 months.
- 35 7. Is a child in foster care as defined in G.S. 131D-10.2(9).
- 36 8. Is a child whose adoption decree was entered not more than
- 37 one year prior to submission of the scholarship application.
- 38 9. Is a child that meets both of the following:
- 39 I. Was enrolled in a nonpublic school that meets the
- 40 requirements of Article 39 of this Chapter during the
- 41 spring semester prior to the school year for which the
- 42 student is applying.
- 43 II. Was enrolled for the entire school year immediately
- 44 prior to the school year in which the student enrolled in
- 45 the nonpublic school in one of the following:
- 46 A. A North Carolina public school.
- 47 B. A Department of Defense Elementary and
- 48 Secondary School, established pursuant to 10
- 49 U.S.C. § 2164 and located in North Carolina."

50 **SECTION 22.(b)** G.S. 115C-112.6(a2) reads as rewritten:

1 "(a2) Priority of Awards. – The Authority shall award scholarships according to the
2 following criteria for applications received by March 15 each year:

- 3 (1) First priority shall be given to eligible students who received a scholarship
4 ~~during~~for the previous school year-year prior to the school year for which
5 students are applying.
6 (2) After scholarships have been awarded under subdivision (1) of this subsection,
7 scholarships shall be awarded to students who are eligible under
8 G.S. 115C-112.5(2)f.1., 2., 4., 5., 7., ~~and 8.8., and 9.~~
9 (3) After scholarships have been awarded under subdivision (2) of this subsection,
10 scholarships shall be awarded to students who are eligible under
11 G.S. 115C-112.5(2)f.6."

12 **SECTION 22.(c)** Any student who meets the following requirements shall qualify
13 as an eligible student and shall be eligible to receive a scholarship pursuant to Part 1H of Article
14 9 of Chapter 115C of the General Statutes:

15 (a) Was enrolled in a North Carolina public school or a Department of Defense
16 Elementary and Secondary School for the entire 2016-2017 school year.

17 (b) Was enrolled in a nonpublic school that meets the requirements of Article 39 of this
18 Chapter in the 2017-2018 and 2018-2019 school years.

19 (c) Meets the eligibility requirements of G.S. 115C-112.5(2)a. through e.

20 (d) Submits a scholarship application for the 2019-2020 school year.

21 A student who becomes eligible for a scholarship in the 2019-2020 school year solely
22 due to this section shall receive priority in award of scholarships over all applicants except those
23 previously awarded scholarships.

24 **SECTION 22.(d)** G.S. 115C-562.1(3)a. reads as rewritten:

25 "a. Meets one of the following criteria:

- 26 1. Was a full-time student (i) assigned to and attending a public
27 school pursuant to G.S. 115C-366 or (ii) enrolled in a
28 Department of Defense Elementary and Secondary School,
29 established pursuant to 10 U.S.C. § 2164 and located in North
30 Carolina, during the ~~previous semester-spring semester prior to~~
31 the school year for which the student is applying.
32 2. Received a scholarship grant ~~during~~for the previous school
33 year-year prior to the school year for which the student is
34 applying.

35 "...."

36 **SECTION 22.(e)** G.S. 115C-562.2(a)(1) reads as rewritten:

37 "(1) First priority shall be given to eligible students who received a scholarship
38 grant ~~during~~for the previous school year prior to the school year for which the
39 students are applying if those students have applied by March 1."

41 "HUMAN TRAFFICKING VICTIM RECORDS

42 **SECTION 22.2.** G.S. 14-43.17 reads as rewritten:

43 **"§ 14-43.17. Victim confidentiality; penalty for unlawful disclosure.**

44 (a) Confidentiality Requirement. – Except as otherwise provided in
45 ~~subsection~~subsections (b) and (d) of this section, the name, address, or other information that
46 reasonably could be expected to lead directly to the identity of any of the following, is
47 confidential and shall not be considered a public record as that term is defined in G.S. 132-1:

48 (1) A victim.

49 (2) An alleged victim.

50 (3) An immediate family member of a victim or alleged victim. For purposes of
51 this subdivision, the term "immediate family member" means a spouse, child,

1 sibling, parent, grandparent, grandchild, or the spouse of an immediate family
2 member. This term includes stepparents, stepchildren, stepsiblings, and
3 adoptive relationships.

4 ...

5 (d) Court Records. – This section does not apply to records that have been made part of
6 a court file in the custody of the General Court of Justice."

8 CERTIFICATES OF RELIEF

9 SECTION 22.3. G.S. 15A-173.2(f) reads as rewritten:

10 "(f) A Certificate of Relief is automatically revoked pursuant to G.S. 15A-173.4(b) if the
11 individual is subsequently convicted of a felony or misdemeanor other than a traffic violation.
12 The Administrative Office of the Courts shall provide the following declaration on the forms that
13 ~~record criminal judgments:~~ Petition and Order for a Certificate of Relief: "Any Certificate of
14 Relief is automatically revoked for a subsequent conviction of a felony or misdemeanor other
15 than a traffic violation in this State."

17 SAMARCAND TRAINING ACADEMY POSITION CLASSIFICATIONS

18 SECTION 22.4.(a) The Office of State Human Resources shall establish two new
19 position classifications for the Samarcand Training Academy within the Department of Public
20 Safety as follows:

21 (1) Director, Samarcand Training Academy – Salary Grade GN18.

22 (2) Deputy Director, Samarcand Training Academy – Salary Grade GN17.

23 SECTION 22.4.(b) The Office of State Human Resources shall reclassify position
24 number 60065357 with the title "Samarcand Director."

25 SECTION 22.4.(c) The Office of State Human Resources shall collaborate with the
26 Department of Public Safety to create job descriptions for the new positions established pursuant
27 to this section.

29 TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE STATE 30 HEALTH PLAN/CHARTER SCHOOL CLARIFICATION

31 SECTION 22.5.(a) G.S. 115C-218.90(a) is amended by adding a new subdivision
32 to read:

33 "(4a) The board of directors of a municipal charter school may elect to become a
34 participating employer in the Teachers' and State Employees' Retirement
35 System and the State Health Plan for Teachers and State Employees."

36 SECTION 22.5.(b) G.S. 135-4(cc) reads as rewritten:

37 "(cc) Credit for Employment in a Charter School Operated by a Private Nonprofit
38 Corporation ~~Corporation~~ or a Charter School Operated by a Municipality. – Any member may
39 purchase creditable service for any employment as an employee of a charter school operated by
40 a private nonprofit corporation or a charter school operated by a municipality whose board of
41 directors did not elect to participate in the Retirement System under G.S. 135-5.3 upon
42 completion of five years of membership service by making a lump-sum payment into the Annuity
43 Savings Fund. The payment by the member shall be equal to the full liability of the service credits
44 calculated on the basis of the assumptions used for purposes of the actuarial valuation of the
45 Retirement System's liabilities, taking into account the additional retirement allowance arising
46 on account of the additional service credits commencing at the earliest age at which the member
47 could retire with an unreduced retirement allowance, as determined by the Board of Trustees
48 upon the advice of the actuary plus an administrative expense fee to be determined by the Board
49 of Trustees. Creditable service purchased under this subsection shall not exceed a total of five
50 years. Notwithstanding the foregoing provisions of this subsection that provide for the purchase
51 of service credits, the terms "full cost", "full liability", and "full actuarial cost" include assumed

1 annual postretirement allowance increases, as determined by the Board of Trustees, from the
2 earliest age at which a member could retire on an unreduced service allowance."

3 **SECTION 22.5.(c)** G.S. 135-5.3 reads as rewritten:

4 "**§ 135-5.3. Optional participation for charter schools operated by private nonprofit**
5 **corporations, corporations or municipalities.**

6 ...

7 (b1) The board of directors of a charter school operated by a private nonprofit corporation
8 ~~and~~ or a charter school operated by a municipality that has received State Board of Education
9 approval under G.S. 115C-218.5 may elect to become a participating employer in the Retirement
10 System in accordance with this Article.

11"

12 **SECTION 22.5.(d)** G.S. 135-48.47(a) reads as rewritten:

13 "(a) Eligibility. – The employees and dependents of employees of local government units
14 are eligible to participate in the State Health Plan, as provided in this section. This section does
15 not apply to employees of a charter school operated by a municipality.

16 Employees and dependents participating under this section are not guaranteed participation
17 in the Plan, and participation is contingent on their respective local government units (i) electing
18 to participate in the Plan and (ii) complying with the provisions of this section and this Article,
19 as well as any policies adopted by the Plan."

20 **SECTION 22.5.(e)** G.S. 135-48.54 reads as rewritten:

21 "**§ 135-48.54. Optional participation for charter schools operated by private nonprofit**
22 **corporations, corporations or municipalities.**

23 ...

24 (b) No later than two years after both parties have signed the written charter under
25 G.S. 115C-218.15, the board of directors of a charter school operated by a private nonprofit
26 corporation or a charter school operated by a municipality shall elect whether to become a
27 participating employer in the Plan in accordance with this Article. This election shall be in writing
28 and filed with the Plan and the State Board of Education. This election is effective for each charter
29 school employee as of the date of that employee's entry into eligible service.

30"

31 **SECTION 22.5.(f)** Subsection (a) of this section applies only to the Town of
32 Cornelius, the Town of Huntersville, the Town of Matthews, and the Town of Mint Hill.

33 **SECTION 22.5.(g)** This section is effective when it becomes law.

34 **AMEND IMPLEMENTATION OF VOTER ID CONSTITUTIONAL AMENDMENT**

35 **SECTION 22.10.** If Senate Bill 824, 2017 Regular Session, becomes law, then
36 G.S. 163A-1145.1(d1), as enacted by that act, reads as rewritten:

37 "(d1) Reasonable Impediment Declaration Form. – The State Board shall adopt a
38 reasonable impediment declaration form that, at a minimum, includes the following as separate
39 boxes that a registered voter may check to identify the registered voter's reasonable impediment:

40 (1) Inability to obtain photo identification due to:

- 41 a. Lack of transportation.
- 42 b. Disability or illness.
- 43 c. Lack of birth certificate or other underlying documents required.
- 44 d. Work or school schedule.
- 45 e. Family responsibilities.

46 (2) Lost or stolen photo identification.

47 (3) Photo identification applied for but not yet received by the registered voter
48 voting in person.

49 (4) Other reasonable impediment. If the registered voter checks the "other
50 reasonable impediment" box, a further brief written identification of the
51

1 reasonable impediment shall be required, including the option to indicate that
2 State or federal law prohibits listing the impediment."
3

4 **SECTION 22.15.(a)** G.S. 163A-869 reads as rewritten:

5 **"§ 163A-869. Voter registration cards.**

6 (a) Authority to Issue Card. – ~~With the approval of the board of county commissioners,~~
7 ~~the~~The county board of elections ~~may shall~~ issue to each voter in the county a voter registration
8 ~~card, or may issue cards to all voters registered after January 1, 1995.~~ card upon initial registration
9 and change of registration, and shall reissue registration cards to all registered voters no later
10 than January 1, 2020, and every four years thereafter.

11 (b) Content and Format of Card. – At a minimum, the voter registration card shall:

- 12 (1) List the voter's name, address, and voting place;
13 (2) Contain the address and telephone number of the county board of elections,
14 along with blanks to report a change of address within the county, change of
15 name, and change of party affiliation; and
16 (3) Be wallet size.

17 No voter registration card may be issued by a county board of elections unless the State Board
18 has approved the format of the card.

19 (c) Ways County Board and Registrant May Use Card. – ~~If the county board of elections~~
20 ~~issues voter registration cards, the~~The county board may use ~~that the voter registration~~ card as a
21 notice of tentative approval of the voter's application pursuant to G.S. 163A-867(c), provided
22 that the mailing contains the statements and information required in that subsection. The county
23 board may also satisfy the requirements of G.S. 163A-878(b), 163A-880(b), or 163A-881(b) by
24 sending the registrant a replacement of the voter registration card to verify change of address,
25 change of name, or change of party affiliation. A registrant may use the card to report a change
26 of address, change of name, or change of party affiliation, satisfying G.S. 163A-878, 163A-880,
27 or 163A-881.

28 (d) Card as Evidence of Registration. – A voter registration card shall be evidence of
29 registration but shall not preclude a challenge as permitted by law.

30 (e) Display of Card May Not Be Required to Vote. – No county board of elections may
31 require that a voter registration card be displayed in order to vote. A county board of elections
32 may notify a voter that the voter's registration card may be used for the required identification in
33 conjunction with a reasonable impediment declaration in accordance with G.S. 163A-1147."

34 **SECTION 22.15.(b)** This section is effective July 1, 2019.

35
36 **EFFECTIVE DATE**

37 **SECTION 23.** Except as otherwise provided, this act is effective when it becomes
38 law.