

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**SESSION LAW 2012-194  
SENATE BILL 847**

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS.

The General Assembly of North Carolina enacts:

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

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

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

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

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3A	Pitt	11
3B	Carteret, Craven, Pamlico	12
4	Duplin, Jones, Onslow, Sampson	18
5	New Hanover, Pender	18
6A	Halifax	5
6B	Bertie, Hertford, Northampton	<del>6</del> <u>5</u>
7	Edgecombe, Nash, Wilson	<del>19</del> <u>18</u>
8	Greene, Lenoir, Wayne	14
9	Franklin, Granville, Vance, Warren	<del>12</del> <u>10</u>
9A	Person, Caswell	6
10	Wake	<del>42</del> <u>41</u>
11A	Harnett, Lee	9
11B	Johnston	10
12	Cumberland	23
13	Bladen, Brunswick, Columbus	13
14	Durham	18



15A	Alamance	11
15B	Orange, Chatham	10
16A	Scotland, Hoke	7
16B	Robeson	<del>13</del> <u>12</u>
17A	Rockingham	7
17B	Stokes, Surry	8
18	Guilford	32
19A	Cabarrus	9
19B	Montgomery, Randolph	<del>10</del> <u>9</u>
19C	Rowan	8
19D	Moore	5
20A	Anson, Richmond, Stanly	<del>12</del> <u>11</u>
20B	Union	10
21	Forsyth	25
22A	Alexander, Iredell	11
22B	Davidson, Davie	11
23	Alleghany, Ashe, Wilkes, Yadkin	8
24	Avery, Madison, Mitchell, Watauga, Yancey	7
25	Burke, Caldwell, Catawba	<del>19</del> <u>18</u>
26	Mecklenburg	58
27A	Gaston	<del>15</del> <u>14</u>
27B	Cleveland, Lincoln	11
28	Buncombe	14
29A	McDowell, Rutherford	7
29B	Henderson, Polk, Transylvania	8
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	<del>11</del> <u>10</u>

**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:

<u>County</u>	<u>Magistrates Min.</u>	<u>Additional Seats of Court</u>
Camden		
Chowan	3	
Currituck		4
Dare	6	
Gates	2	
Pasquotank	<del>5</del> <u>4</u>	
Perquimans	3	
Martin	4	
Beaufort	<del>5.0</del> <u>5</u>	
Tyrrell	3	
Hyde	3.5	
Washington	<del>4</del> <u>3</u>	
Pitt	10.5	Farmville Ayden Havelock
Craven	<del>10</del> <u>8</u>	
Pamlico	3	
Carteret	<del>9</del> <u>7</u>	
Sampson	<del>7</del> <u>6</u>	
Duplin	<del>8</del> <u>4</u>	

Jones	2	
Onslow	11	
New Hanover	11	
Pender	<u>4.83.8</u>	
Halifax	<u>127</u>	Roanoke Rapids, Scotland Neck
Northampton	5.25	
Bertie	<u>53</u>	
Hertford	<u>65</u>	
Nash	9	Rocky Mount
Edgecombe	7	Rocky Mount
Wilson	7	
Wayne	9	Mount Olive
Greene	4	
Lenoir	7	La Grange
Granville	<u>76.75</u>	
Vance	6	
Warren	3.5	
Franklin	7	
Person	4	
Caswell	<u>43</u>	
Wake	18.5	Apex, Wendell, Fuquay- Varina, Wake Forest
Harnett	<u>108</u>	Dunn
Johnston	<u>110</u>	Benson, Clayton, Selma
Lee	<u>5.55</u>	
Cumberland	19	
Bladen	<u>54</u>	
Brunswick	9	
Columbus	<u>9.57.5</u>	Tabor City
Durham	13	
Alamance	12	Burlington
Orange	<u>97</u>	Chapel Hill
Chatham	<u>64</u>	Siler City
Scotland	5	
Hoke	<u>53</u>	
Robeson	<u>1513</u>	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	<u>97</u>	Reidsville, Eden, Madison
Stokes	5	
Surry	9	Mt. Airy
Guilford	24.4	High Point
Cabarrus	9	Kannapolis
Montgomery	<u>54</u>	
Randolph	<u>109</u>	Liberty
Rowan	9	
Stanly	<u>65</u>	

Union	7	
Anson	<u>54</u>	
Richmond	<u>65</u>	Hamlet
Moore	<u>6.55</u>	Southern Pines
Forsyth	15	Kernersville
Alexander	4	
Davidson	<u>108</u>	Thomasville
Davie	<u>43</u>	
Iredell	9	Mooresville
Alleghany	2	
Ashe	<u>43</u>	
Wilkes	6	
Yadkin	<u>43</u>	
Avery	4	
Madison	4	
Mitchell	4	
Watauga	<u>54</u>	
Yancey	3	
Burke	<u>6.755.6</u>	
Caldwell	<u>76</u>	
Catawba	10	Hickory
Mecklenburg	26.50	
Gaston	17	
Cleveland	<u>87</u>	
Lincoln	6	
Buncombe	15	
Henderson	6.5	
McDowell	<u>4.54</u>	
Polk	4	
Rutherford	<u>76</u>	
Transylvania	4	
Cherokee	4	
Clay	2	
Graham	2	
Haywood	<u>6.756</u>	Canton
Jackson	<u>54</u>	
Macon	3.5	
Swain	<u>3.753"</u>	

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

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<u>County</u>	<u>Magistrates</u>	<u>Additional</u>
	<u>Min.</u>	<u>Seats of</u>
		<u>Court</u>
Camden	3	
Chowan	3	
Currituck	<u>43</u>	
Dare	<u>64</u>	
Gates	2	
Pasquotank	4	
Perquimans	3	
Martin	<u>43</u>	
Beaufort	<u>54</u>	
Tyrrell	3	
Hyde	3.5	

Washington	3	
Pitt	10.5	Farmville
		Ayden
Craven	8	Havelock
Pamlico	3	
Carteret	<u>76</u>	
Sampson	<u>65</u>	
Duplin	4	
Jones	2	
Onslow	11	
New Hanover	11	
Pender	3.8	
Halifax	7	Roanoke
		Rapids,
		Scotland Neck
Northampton	<del>5.253</del>	
Bertie	3	
Hertford	<u>53</u>	
Nash	9	Rocky Mount
Edgecombe	7	Rocky Mount
Wilson	7	
Wayne	9	Mount Olive
Greene	<u>43</u>	
Lenoir	7	La Grange
Granville	<del>6.755</del>	
Vance	6	
Warren	<u>3.53</u>	
Franklin	<u>74</u>	
Person	4	
Caswell	3	
Wake	18.5	Apex,
		Wendell,
		Fuquay-
		Varina,
		Wake Forest
Harnett	8	Dunn
Johnston	10	Benson,
		Clayton,
		Selma
Lee	5	
Cumberland	19	
Bladen	<u>43</u>	
Brunswick	<u>98</u>	
Columbus	<u>7.55</u>	Tabor City
Durham	13	
Alamance	12	Burlington
Orange	7	Chapel Hill
Chatham	4	Siler City
Scotland	5	
Hoke	3	
Robeson	<del>13</del> <u>12</u>	Fairmont,
		Maxton,
		Pembroke,
		Red Springs,
		Rowland,
		St. Pauls
Rockingham	7	Reidsville,
		Eden,
		Madison

Stokes	53	
Surry	96	Mt. Airy
Guilford	24.4	High Point
Cabarrus	9	Kannapolis
Montgomery	43	
Randolph	9	Liberty
Rowan	9	
Stanly	5	
Union	7	
Anson	43	
Richmond	5	Hamlet
Moore	5	Southern Pines
Forsyth	15	Kernersville
Alexander	43	
Davidson	8	Thomasville
Davie	3	
Iredell	9	Mooresville
Alleghany	2	
Ashe	3	
Wilkes	6	
Yadkin	3	
Avery	43	
Madison	43	
Mitchell	43	
Watauga	4	
Yancey	3	
Burke	5.6	
Caldwell	6	
Catawba	10	Hickory
Mecklenburg	26.50	
Gaston	17	
Cleveland	7	
Lincoln	65	
Buncombe	15	
Henderson	6.5	
McDowell	43	
Polk	43	
Rutherford	6	
Transylvania	43	
Cherokee	43	
Clay	2	
Graham	2	
Haywood	65	Canton
Jackson	43	
Macon	3.53	
Swain	3".	

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

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

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

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

- (1) If the juvenile had been placed in the custody of or released for adoption by one parent to a county department of social services or licensed

child-placing agency and is in the custody of the agency at the time of the filing of the petition or motion, including a petition or motion filed pursuant to ~~G.S. 7B-1103(6)~~, G.S. 7B-1103(a)(6), that agency shall, upon entry of the order terminating parental rights, acquire all of the rights for placement of the juvenile, except as otherwise provided in G.S. 7B-908(d), as the agency would have acquired had the parent whose rights are terminated released the juvenile to that agency pursuant to the provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes, including the right to consent to the adoption of the juvenile.

....

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

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

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

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

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

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

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

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

(f) The Governor shall by executive order provide for any other matters necessary for implementation of the Compact at the time that it becomes effective, and, except as otherwise provided for in this section, the State Council may promulgate rules or regulations necessary to implement and administer the Compact."

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

**"§ 14-208.6. Definitions.**

The following definitions apply in this Article:

...

- (5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex offense with a child; adult offender), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.5A (sexual battery), former G.S. 14-27.6 (attempted

rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is 13-, 14-, or 15-years-old where the defendant is at least six years older), G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

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

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

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

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

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

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

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



"(d) Extension and Modification; Response to Violations. — At any time prior to the expiration or termination of the probation period or in accordance with subsection (f) of this section, the court may after notice and hearing and for good cause shown extend the period of probation up to the maximum allowed under G.S. 15A-1342(a) and may modify the conditions of probation. A hearing extending or modifying probation may be held in the absence of ~~the defendant, if he~~ defendant who fails to appear for the hearing after a reasonable effort to notify ~~him~~ the defendant. If a probationer violates a condition of probation at any time prior to the expiration or termination of the period of probation, the court, in accordance with the provisions of G.S. 15A-1345, may continue ~~him~~ the defendant on probation, with or without modifying the conditions, may place the defendant on special probation as provided in subsection (e), or, if continuation, modification, or special probation is not appropriate, may revoke the probation and activate the suspended sentence imposed at the time of initial sentencing, if any, or may order that charges as to which prosecution has been deferred be brought to trial; provided that probation may not be revoked solely for conviction of a Class 3 misdemeanor. The court, before activating a sentence to imprisonment established when the defendant was placed on probation, may reduce the sentence, but the reduction shall be consistent with subsection (d1) of this section. A sentence activated upon revocation of probation commences on the day probation is revoked and runs concurrently with any other period of probation, parole, or imprisonment to which the defendant is subject during that period unless the revoking judge specifies that it is to run consecutively with the other period.

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

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

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

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

A law enforcement officer issuing a citation for a violation of this section while in a highway work zone shall indicate the vehicle speed and speed limit posted in the segment of

the work zone, and determine whether the individual committed a violation of G.S. 20-141(j1). Upon an individual's conviction of a violation of this section while in a highway work zone, the clerk of court shall report that the vehicle was in a work zone at the time of the violation, the vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles."

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

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

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

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

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

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

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

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

"(b) **Implied Renunciation by Executor.** – If any person named or designated as executor fails to qualify or to renounce within 30 days after the will had been admitted to probate, (i) the clerk of superior court may issue a notice to that person to qualify or move for an extension of time to qualify within 15 days, or (ii) any other person named or designated as executor in the will or any interested person may file a petition in accordance with Article 2 of this Chapter for an order finding that person named or designated as executor to be deemed to have renounced. If that person does not file a response to the ~~motion-notice~~ or petition within 15 days from the date of service of the ~~motion-notice~~ or petition, the clerk of superior court shall enter an order adjudging that the person has renounced. If the person files a response within 15 days from the date of service of the ~~motion-notice~~ or petition requesting an extension of time within which to qualify or renounce, upon hearing, the clerk of superior court may grant to that person a reasonable extension of time within which to qualify or renounce for cause shown. If that person qualifies within 15 days of the date of service of the ~~motion-notice~~ or petition, the clerk of superior court shall dismiss that ~~motion-notice~~ or petition, without prejudice, summarily and without hearing."

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

"(b) Implied Renunciation. –

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

...."

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

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

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

"§ 44A-24.2. **Definitions.**

The following definitions apply in this Part:

...."

- (3) Commercial real estate. – Any real property or interest therein, whether freehold or nonfreehold, which at the time the property or interest is made the subject of an agreement for broker services:
- a. Is lawfully used primarily for sales, office, research, institutional, warehouse, manufacturing, industrial, or mining purposes or for multifamily residential purposes involving five or more dwelling units;
  - b. May lawfully be used for any of the purposes listed in ~~subdivision (3)~~sub-subdivision (3)a. of this section by a zoning ordinance adopted pursuant to the provisions of Article 18 of Chapter 153A or Article 19 of Chapter 160A of the General Statutes or which is the subject of an official application or petition to amend the applicable zoning ordinance to permit any of the uses listed in ~~subdivision (3)~~sub-subdivision (3)a. of this section which is under consideration by the government agency with authority to approve the amendment; or
  - c. Is in good faith intended to be immediately used for any of the purposes listed in ~~subdivision (3)~~sub-subdivision (3)a. of this section by the parties to any contract, lease, option, or offer to make any contract, lease, or option.

...."

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

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

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

- (1) Six members appointed by the Governor. One member shall be representative of the economic development industry, two members shall be representative of the commercial real estate development industry, two members shall be representative of the banking and finance industry, and one member shall be representative of environmental interests. Of the

Governor's six appointments, at least one member shall come from each of the State's three regions: Western, Piedmont, and Eastern.

....

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

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

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

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

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

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

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

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

"(p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation to the contrary, this section shall apply to all persons employed in teaching and related educational classes in the schools and institutions of the Departments of Health and Human Services, ~~Services and Public Instruction, Correction, or Juvenile Justice and Delinquency Prevention [the Division of Juvenile Justice of the Department of Public Safety]~~ Instruction and the Divisions of Juvenile Justice and Adult Correction of the Department of Public Safety regardless of the age of the students."

**SECTION 21.(b)** Section 40 of S.L. 2012-83 is repealed. If House Bill 969, 2011 Regular Session, becomes law and, as enacted, contains the amendment to G.S. 115C-325(p) that appears in Section 42 of the first edition of that bill, that amendment is repealed. If Senate Bill 880, 2011 Regular Session, becomes law and, as enacted, contains the amendment to G.S. 115C-325(p) that appears in Section 41 of the first edition of that bill, that amendment is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

...  
(10) Study the needs of juveniles. This study may include, but is not limited to:

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

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

**"§ 122A-3. Definitions.**

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

- (1) Agency. – The North Carolina Housing Finance Agency created by this Chapter.
- (2) Bonds or notes. – The bonds or the bond anticipation notes or construction loan notes authorized to be issued by the Agency under this Chapter.
- (3) Counseling agency. – A nonprofit counseling agency located in North Carolina that is approved by the North Carolina Housing Finance Agency.
- (4) Energy conservation loan. – A loan obtained from a mortgage lender for the purpose of satisfying an existing obligation of a borrower who is the resident owner of a single-family dwelling or of "residential housing." The existing

obligation of the owner in an "energy conservation loan" must have been incurred to pay for the purchase of materials or the installation of materials, or both, which results in a significant decrease in the amount of consumption of nonrenewable sources of energy in order to provide or maintain a comfortable level of room temperatures in his residence during the winter. "Energy conservation loan" does not include a loan obtained to refinance an existing loan agreement unless payment or collection of the original loan was guaranteed by the Agency.

- (5) Federally insured securities. – An evidence of indebtedness secured by a first mortgage lien on residential housing for persons of lower income and insured or guaranteed as to repayment of principal and interest by the United States or any agency or instrumentality thereof.
- (6) Governmental agency. – Any department, division, public agency, political subdivision, or other public instrumentality of the State, the federal government, any other State or public agency, or any two or more thereof.
- (7) Mortgage or mortgage loan. – A mortgage loan for residential housing, including, without limitation, a mortgage loan to finance, either temporarily or permanently, the construction, rehabilitation, improvement, or acquisition and rehabilitation or improvement of residential housing and a mortgage loan insured or guaranteed by the United States or an instrumentality thereof or for which there is a commitment by the United States or an instrumentality thereof to insure such a mortgage. A mortgage obligation may be evidenced by a security document and secured by a lien upon real property, including a deed of trust and land sale agreement. Mortgage also means an obligation evidenced by a security lien on real property upon which an owner-occupied mobile home is located.
- (8) Mortgage lenders. – Any bank or trust company, savings bank, national banking association, savings and loan association, or building and loan association, life insurance company, mortgage banking company, the federal government, and any other financial institution authorized to transact business in the State.
- (9) Mortgagee. – The owner of a beneficial interest in a mortgage loan, the servicer for the owner of a beneficial interest in a mortgage loan, or the trustee for a securitized trust that holds title to a beneficial interest in a mortgage loan.
- (10) Obligations. – Any bonds or bond anticipation notes authorized to be issued by the Agency under the provisions of this Chapter.
- (11) Persons and families of lower income. – Persons and families deemed by the Agency to require such assistance as is made available by this Chapter on account of insufficient personal or family income, taking into consideration, without limitation, (i) the amount of the total income of such persons and families available for housing needs, (ii) the size of the family, (iii) the cost and condition of housing facilities available, (iv) the eligibility of such persons and families for federal housing assistance of any type predicated upon a lower-income basis, and (v) the ability of such persons and families to compete successfully in the normal housing market and to pay the amounts at which private enterprise is providing decent, safe, and sanitary housing and deemed by the Agency therefore to be eligible to occupy residential housing financed wholly or in part, with mortgages, or with other public or private assistance.
- (12) Rehabilitation. – The renovation or improvement of residential housing by the owner of said residential housing.
- (13) Residential housing. – A specific work or improvement undertaken primarily to provide dwelling accommodations for persons and families of lower income, including the rehabilitation of buildings and improvements, and such other nonhousing facilities as may be incidental or appurtenant thereto.
- (14) State. – The State of North Carolina."

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

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

- (1) Providing policy and rule development for the Commission and implementing and administering all policies, rules, and procedures established by the ~~Commission;~~Commission.
- (2) Providing training in personnel management to agencies, departments, and institutions including train-the-trainer programs for those agencies, departments, and institutions who request such training and where sufficient staff and expertise exist to provide the training within their respective agencies, departments, and ~~institutions;~~institutions.
- (3) Providing technical assistance in the management of personnel programs and activities to agencies, departments, and ~~institutions;~~institutions.
- (4) Negotiating decentralization agreements with all agencies, departments, and institutions where it is cost-effective to include delegation of authority for certain classification and corresponding salary administration actions and other personnel programs to be specified in the ~~agreements;~~agreements.
- (5) Administering such centralized programs and providing services as approved by the Commission which have not been transferred to agencies, departments, and institutions or where this authority has been rescinded for ~~noncompliance;~~noncompliance.
- (6) Providing approval authority of personnel actions involving classification and compensation where such approval authority has not been transferred by the Commission to agencies, departments, and institutions or where such authority has been rescinded for ~~noncompliance;~~noncompliance.
- (7) Maintaining a computer database of all relevant and necessary information on employees and positions within agencies, departments, and institutions in the State's personnel ~~system;~~system.
- (8) Developing criteria and standards to measure the level of compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards in agencies, departments, and institutions to which authority has been delegated for classification, salary administration and other decentralized programs, and determining through routine monitoring and periodic review process, that agencies, departments, and institutions are in compliance or noncompliance with established Commission policies, rules, procedures, criteria, and ~~standards;~~and standards.
- (9) Implementing corrective actions in cases of ~~noncompliance;~~and noncompliance.
- (10) Administering the State employee suggestion program (NC-Thinks)."

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

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

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

"(b) The Secretary of Health and Human Services may approve only one request under subsection (a) of this section, this section being designed as a pilot program concerning alternative qualifications for a local health director. The Secretary of Health and Human Services shall report any approval under this section to the Joint Legislative Oversight Committee on Health and Human Services."

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

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

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

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

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

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

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

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

In addition to the reports required by ~~G.S. 135-48.22(d)~~, G.S. 135-48.23(d), the State Treasurer, the Executive Administrator, and Board of Trustees shall report to the General Assembly at such times and in such forms as shall be designated by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Employees of the Legislative Services Commission designated by the Legislative Services Officer (i) shall have access to all records related to the Plan of the State Treasurer, the Board of Trustees, the Executive Administrator, the Claims Processor, and the Plan and (ii) shall be entitled to attend all meetings, including executive sessions, of the Board of Trustees."

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

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



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

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

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

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

- (1) In the event of termination for any reason other than death, coverage under the Plan for an employee and his or her eligible spouse or dependent children, provided the eligible spouse or dependent children were covered under the Plan at termination of employment may be continued for a period of not more than 18 months following termination of employment on a fully contributory basis. Employees who were covered under the Plan at termination of employment may be continued for a period of not more than 18 months or 29 months if determined to be disabled under the Social Security Act, Title II, OASDI or Title XVI, SSI.
- (2) In the event of approved leave of absence without pay, other than for active duty in the Armed Forces of the United States, coverage under this Plan for an employee and his or her dependents may be continued during the period of such leave of absence by the employee's paying one hundred percent (100%) of the cost.
- (3) If employment is terminated in the second half of a calendar month and the covered individual has made the required contribution for any coverage in the following month, that coverage will be continued to the end of the calendar month following the month in which employment was terminated.
- (4) Employees paid for less than 12 months in a year, who are terminated at the end of the work year and who have made contributions for the non-work months, will continue to be covered to the end of the period for which they have made contributions, with the understanding that if they are not employed by another State-covered employer under this Plan at the beginning of the next work year, the employee will refund to the ex-employer the amount of the employer's cost paid for them during the non-paycheck months.
- (5) Any employee receiving benefits pursuant to Article 6 of this Chapter when the employee has less than five years of retirement membership service, or an employee on leave of absence without pay due to illness or injury for up to 12 months, is entitled to continued coverage under the Plan for the employee and any eligible dependents by the employee's paying one hundred percent (100%) of the cost.

...."

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

**"§ 135-48.50. Coverage mandates.**

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

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

...  
(5) ~~Reserved.~~"

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

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

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

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

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

- ...  
(3) A Current Operations ~~Appropriation~~Appropriations Act that makes appropriations for each fiscal year of the upcoming biennium for the operating expenses of all State agencies as contained in the Recommended State Budget, together with a Capital Improvements Appropriations Act that authorizes any capital improvements projects.  
(4) The biennial State Information Technology Plan as outlined in ~~G.S. 147-33-72B~~G.S. 147-33.72B to be consistent in facilitating the goals outlined in the Recommended State Budget.

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

...."

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

"(g) **Applicability.** – Subsection (c) of this section applies to all counties and county districts that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of a local act, subsection (c) supersedes that provision. The remainder of this section applies only to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell, Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Forsyth, Franklin, Granville, Halifax, Haywood, Jackson, Madison, Martin, McDowell, Montgomery, Moore, Nash, New Hanover, ~~New Hanover County District U,~~ Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance, Washington, and Wilson Counties, to New Hanover County District U, to Surry County District S, to Watauga County District U, to Wilkes County District K, to Yadkin County District Y, and to the Township of Averagesboro in Harnett County and the Ocracoke Township Taxing District."

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

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

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

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

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

"(a) The State Board of Elections shall adopt rules and regulations to carry out the intent 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 to ensure that a proper list of persons voting under said sections shall be maintained by the boards of elections, and to ensure proper registration records, and such rules and regulations shall not be subject to the provisions of Article 2A of Chapter 150B of the General Statutes."

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

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

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

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

"**SECTION 19.1.(g)** The following statutes are amended by deleting the language "Crime Control and Public Safety" wherever it appears and substituting "Public Safety": 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, 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, 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, 20-190, 20-191, 20-192, 20-195, 20-196, 20-196.3, 20-196.4, 20-377, 20-379, 20-380, 20-381, 20-382.2, 20-383, 20-387, 20-389, 20-390, 20-391, 20-392, 20-393, 20-396, 20-397, 58-32-1, 58-78-1, 66-165, 66-168, 104E-8, 105-259, 105-269.3, 105-449.44, 120-12.1, 120-70.94, 122C-408, 122C-409, 122C-411, 122C-414, 126-5, 127A-17.1, 127A-19, 127A-20, 127A-21, 127A-22, 127A-35, 127A-40, 127A-42, 127A-43, 127A-54, 127A-57, 127A-80, 127A-81, 127A-107, 127A-139, 127A-161, 127A-162, 127A-163, 127A-164, 127C-2, 130A-475, 143-166.13, 143-215.52, 143-215.56, 143-215.93A, 143-215.94GG, 143-215.94HH, 143-341, 143-355.1, 143-651, 143-652.1, 143-652.2, 143-654, 143-655, 143-658, 143-661, 143-664, 143-726, ~~143A 79.2, 143A 239, 143A 240, 143A 241, 143A 242, 143A 243, 143A 244, 143A 245,~~ 143B-2, 143B-6, 143B-181, 143B-394.15, 143B-417, 143B-426.22, 143B-477, 143B-478, 143B-479, 143B-480, 143B-480.1, 143B-480.2, 143B-480.3, 143B-490, 143B-491, 143B-492, 143B-495, 143B-496, 143B-497, 143B-498, 143B-499, 143B-499.2, 143B-499.4, 143B-499.7, 143B-508, 143B-508.1, Parts 8 and 9 of Article 11 of Chapter 143B of the General Statutes, 143B-510, 146-30, 147-12, 150B-1, 161-11.4, 166A-5, 166A-6, 166A-6.03, 166A-6.1, 166A-14, 166A-18, 166A-21, 166A-26, 166A-28, 166A-60, 166A-61, and 166A-62.

In all other instances in which the term "Crime Control and Public Safety" appears in the General Statutes, the Revisor of Statutes shall replace that term with "Public Safety".

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

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

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

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

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

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

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

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

## PART II. OTHER AMENDMENTS

### A. TECHNICAL CHANGES

**SECTION 44.5.** Any act of the 2011 Regular Session that refers to a bill of the "2012 Regular Session" shall be deemed to be a reference to a bill of the 2011 Regular Session.

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

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

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

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

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

"(b) Eligibility. –

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

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

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

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

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

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

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

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

"(a1) Termination by a Small Brewery. – A brewery's authorization to distribute its own malt beverage products pursuant to ~~G.S. 18B-1104(7)~~G.S. 18B-1104(8) shall revert back to the brewery, in the absence of good cause, following the fifth business day after confirmed receipt of written notice of such reversion by the brewery to the wholesaler. The brewery shall pay the

wholesaler fair market value for the distribution rights for the affected brand. For purposes of this subsection, "fair market value" means the highest dollar amount at which a seller would be willing to sell and a buyer willing to buy at the time the self-distribution rights revert back to the brewery, after each party has been provided all information relevant to the transaction."

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

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

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

"(a) Issuance of Permits. – The sheriff of each county shall issue a nonferrous metals purchase permit to an applicant if the applicant (i) has a fixed site in the sheriff's county; (ii) declares on a form provided by the sheriff that the applicant is informed of and will comply with the provisions of this Part; (iii) does not have a permit that has been revoked pursuant to ~~G.S. 66-324(b)~~ G.S. 66-424(b) at the time of the application; and (iv) has not been convicted of more than three violations of this Part. A permit shall be valid for 12 months and shall be valid only for fixed sites in the county of issuance. A permit shall be obtained for each fixed site at which nonferrous metals are purchased."

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

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

"§ 90-21.102. **Definitions.**

The following definitions apply in this Article:

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

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

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

a. The health care services are provided without charge to the recipient of the services or to a third party on behalf of the recipient.  
b. The health care provider receives no compensation or other consideration in exchange for the health care services provided.

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

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

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

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

organization is authorized to provide voluntary health care services in the State:

- a. Name.
- b. Date of birth.
- c. State of licensure.
- d. License number.
- e. Area of practice.
- f. Practice address.

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

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

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

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

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

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

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

**SECTION 50.** The title of S.L. 2012-92 reads as rewritten:

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

**SECTION 51.** If Senate Bill 229, 2011 Regular Session, becomes law, then Part XXIV of that act reads as rewritten:

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

**"SECTION 30.** Funds received by the State pursuant to the provisions of the Consent Decree entered into by the State in State of Alabama et al. v. Tennessee Valley Authority, Civil Action 3:11-cv-00170 in the United States District Court for the Eastern District of Tennessee and allocated to the Department of Agriculture and Consumer Services by the Committee Report to House Bill 950 shall be used exclusively to award grants for "Environmental Mitigation Projects" of the types specified in paragraph 128 of the Consent Decree in the following counties: Avery, Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, Watauga, Yancey."

**SECTION 51.5.** If House Bill 494, 2011 Regular Session, becomes law, then G.S. 20-179(k2), as enacted in Section 9 of that act, reads as rewritten:

"(k2) Probationary Requirement for Abstinence and Use of Continuous Alcohol Monitoring. – The judge may order that as a condition of special probation for any level of offense under ~~G.S. 20-170~~G.S. 20-179 the defendant abstain from alcohol consumption, as verified by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety."

**SECTION 52.** Section 5 of S.L. 2012-77 is rewritten to read:

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

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

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

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

**SECTION 55.(a)** G.S. 115C-12(38) and G.S. 115C-47(60) are repealed.

**SECTION 55.(b)** To ensure that the unique needs of students with immediate family members in the military are met, local boards of education shall collect and report to the

State Board of Education by November 30, 2012, the following information for each school in the local school administrative unit:

- (1) The number of students who have an immediate family member who has served in the reserve or active components of the Armed Forces of the United States since September 1, 2001.
- (2) Whether during the relevant period the local school administrative unit employed at least one employee trained in the unique needs of children who have immediate family members in the military. An employee satisfies this requirement if the employee has received training on all of the following:
  - a. The number of children of members of the active or reserve components of the Armed Forces of the United States who live in the local school administrative unit.
  - b. Available curricula on military families.
  - c. The impact of deployments on the emotional and psychological well-being of the children and families.
  - d. Potential warning signs of emotional and mental health disorders, substance use disorders, suicide risks, child maltreatment, or domestic violence.
  - e. Appropriate resources to which students and their families may be referred as needed.
  - f. Scholarships for after-school and enrichment activities available through the United States Department of Defense, the National Guard, or the reserve components of the Armed Forces of the United States for the children of parents who are actively deployed.
- (3) The frequency with which the employee described in subdivision (2) of this subsection provided training to school administrators, nurses, nurses aides, counselors, social workers, and other personnel in the local school administrative unit during the relevant period, and the number of staff trained.

The State Board of Education shall report no later than December 15, 2012, to the Joint Legislative Education Oversight Committee and to the House of Representatives and Senate Appropriations Subcommittees on Education on information submitted to it pursuant to this section relating to the needs of students with immediate family members in the military.

**SECTION 55.(c)** G.S. 115C-288 is amended by adding a new subsection to read:

"(m) To Address the Unique Needs of Students With Immediate Family Members in the Military. – The principal shall develop a means for identifying and serving the unique needs of students who have immediate family members in the active or reserve components of the Armed Forces of the United States."

**SECTION 55.5.** If House Bill 950, 2011 Regular Session, becomes law, then Section 15.3A.(b) reads as rewritten:

**"SECTION 15.3A.(b)** Members. – The Commission shall consist of 12 members as follows:

- (1) The President Pro Tempore of the Senate shall appoint one representative from each of the following:
  - a. The public at large.
  - b. A county sheriff's ~~department~~office.
  - c. A city or town police department.
- (2) The Speaker of the House of Representatives shall appoint one representative from each of the following:
  - a. The public at large.
  - b. A county sheriff's ~~department~~office.
  - c. A city or town police department.
- (3) The Governor shall appoint one representative from the public at large.
- (4) The following persons, or their designees, shall serve as ex officio members of the Commission:
  - a. The Secretary of Public Safety.
  - b. The Secretary of Administration.
  - c. The Secretary of Labor.
  - d. The Secretary of Health and Human Services.

e. The Attorney General."

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

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

## B. CLARIFYING/CONFORMING CHANGES

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

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

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

### "§ 42-51. Permitted uses of the deposit.

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

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

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

### "§ 42-51. Permitted uses of the deposit.

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

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

**SECTION 59.(c)** Subsection (a) of this section becomes effective October 1, 2012. Subsection (b) of this section becomes effective December 1, 2012.

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

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

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

...

(9a) The North Carolina Forest Service."

**SECTION 60.5.** G.S. 90-113.54 reads as rewritten:

### "§ 90-113.54. Posting of signs.

(a) A retailer shall post a sign or placard in a clear and conspicuous manner in the area of the premises where the pseudoephedrine products are offered for sale substantially similar to the following: "North Carolina law strictly prohibits the purchase of more than ~~two packages (3.6 grams total)~~ 3.6 grams total of certain products containing pseudoephedrine per day, and more than ~~three packages (9 grams total)~~ 9 grams total of certain products containing pseudoephedrine within a 30-day period. This store will maintain a record of all sales of these products which may be accessible to law enforcement officers.

...."

**SECTION 61.** If Senate Bill 521, 2011 Regular Session, becomes law, G.S. 93A-83(c) reads as rewritten:

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

- (1) A statement of the intended purpose of the broker price opinion or comparative market analysis.
- (2) A brief description of the subject property and property interest to be priced.



- (3) The basis of reasoning used to reach the conclusion of the price, including the applicable market data or capitalization computation.
- (4) Any assumptions or limiting conditions.
- (5) A disclosure of any existing or contemplated interest of the broker issuing the broker price opinion, including the possibility of representing the landlord/tenant or seller/buyer.
- (6) The effective date of the broker price opinion.
- (7) The name and signature of the broker issuing the broker price opinion and broker license number.
- (8) The name of the real estate brokerage firm for which the broker is acting.
- (9) The signature date.
- (10) A disclaimer stating that "This opinion is not an appraisal of the market value of the property, and may not be used in lieu of an appraisal. If an appraisal is desired, the services of a licensed or certified appraiser shall be obtained. This opinion may not be used by any party as the primary basis to determine the value of a parcel of or interest in real property for a mortgage loan origination, including first and second mortgages, refinances, or equity lines of credit."
- (11) A copy of the assignment request for the broker price opinion or comparative market analysis."

**SECTION 61.2.** If House Bill 950, 2011 Regular Session, becomes law, then Section 24.11 of that act reads as rewritten:

**"SECTION 24.11.** Notwithstanding G.S. 105-449.80(a), for the period July 1, 2012, through June 30, 2013, the motor fuel excise tax rate may not exceed thirty-seven and one-half cents (37 1/2¢) a gallon. For the period beginning July 1, 2012, and ending August 1, 2012, a taxpayer is not liable for an over-collection or under-collection of the excise tax on motor fuel if the taxpayer made a good faith effort to comply with the law and collect the proper amount of tax and has, due to the change made under this section in the rate of tax imposed under G.S. 105-449.80(a), over-collected or under-collected the amount of excise tax that is due."

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

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

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

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

**"SECTION 6.** This act becomes effective July 1, 2012, and applies to audits, determinations of liability, and assessments contracted for on or after that date. Units of local government and the Treasurer shall not renew contingency fee based contracts for these services after July 1, 2012. Sections 1, 3, and 3.1 of this act become effective October 1, 2012. The Treasurer shall not renew any contingency fee-based contracts for these services after October 1, 2012. The Treasurer shall not assign further audits on a contingency fee basis to an

auditing firm under a contract that meets all the following conditions: (i) the contract would have been prohibited under this act had the contract been entered into after October 1, 2012, and (ii) the contract allows the assignment of audits on a discretionary basis by the Treasurer. Sections 2, 4, and 5 become effective July 1, 2013, and expire July 1, 2015. From July 1, 2013, until July 1, 2015, cities and counties shall not renew any contingency fee-based contracts for these services. From July 1, 2013, until July 1, 2015, cities and counties shall not assign further audits on a contingency fee basis to an auditing firm under a contract that meets all the following conditions: (i) the contract would have been prohibited under this act had the contract been entered into after July 1, 2013, and (ii) the contract allows the assignment of audits on a discretionary basis. The remainder of the act is effective when the act becomes law."

**SECTION 62.** If House Bill 438, 2011 Regular Session, becomes law, G.S. 130A-1.1(b) reads as rewritten:

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

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

**SECTION 62.1.** G.S. 150B-43 reads as rewritten:

**"§ 150B-43. Right to judicial review.**

Any party or person aggrieved by the final decision in a contested case, and who has exhausted all administrative remedies made available to the party or person aggrieved by statute or agency rule, is entitled to judicial review of the decision under this Article, unless adequate procedure for judicial review is provided by another statute, in which case the review shall be under such other statute. Nothing in this Chapter shall prevent any party or person aggrieved from invoking any judicial remedy available to the party or person aggrieved under the law to test the validity of any administrative action not made reviewable under this Article. Absent a specific statutory requirement, nothing in this Chapter shall require a party or person aggrieved to petition an agency for rule making or to seek or obtain a declaratory ruling before obtaining judicial review of a final decision or order made pursuant to G.S. 150B-34."

**SECTION 62.5.** G.S. 153A-316.1(a), as enacted by S.L. 2012-73, reads as rewritten:

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

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

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

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

**"SECTION 5.** This act becomes effective October 1, 2011, and applies to agreements executed on or after that date. Agreements executed prior to October 1, 2011, remain subject to the laws in effect at the time the parties executed the ~~agreement~~-agreement; differences in

wording between procedures authorized to establish agreements under the laws repealed by this act and under the superseding laws enacted by this act clarify the permitted procedures under the repealed laws."

### C. SUBSTANTIVE CHANGES

**SECTION 63.3.(a)** G.S. 7A-38.5 is amended by adding new subsections to read:

"(e) Except as provided in this subsection and subsection (f) of this section, each chief district court judge and district attorney shall refer any misdemeanor criminal action in district court that is generated by a citizen-initiated arrest warrant to the local mediation center for resolution, except for (i) any case involving domestic violence; (ii) any case in which the judge or the district attorney determine that mediation would be inappropriate; or (iii) any case being tried in a county in which mediation services are not available. The mediation center shall have 30 days to resolve each case and report back to the court with a resolution. The district attorney shall delay prosecution in order for the mediation to occur. If the case is not resolved through mediation within 30 days of referral, the court may proceed with the case as a criminal action. For purposes of this section, the term "citizen-initiated arrest warrant" means a warrant issued pursuant to G.S. 15A-304 by a magistrate or other judicial official based upon information supplied through the oath or affirmation of a private citizen.

"(f) Any prosecutorial district may opt out of the mandatory mediation under subsection (e) of this section if the district attorney files a statement with the chief district court judge declaring that subsection shall not apply within the prosecutorial district."

**SECTION 63.3.(b)** G.S. 7A-38.3D(m) reads as rewritten:

"(m) Dismissal Fee. – Where an agreement has been reached in mediation and the case will be dismissed, the defendant shall pay to the clerk the dismissal fee of court set forth in G.S. 7A-38.7. By agreement, all or any portion of the fee may be paid by a person other than the defendant. ~~The judge may in the judge's discretion waive the fee for good cause shown."~~

**SECTION 63.3.(c)** This section becomes effective December 1, 2012, and applies to offenses committed on or after that date.

**SECTION 63.5.** G.S. 7A-41.1(b) reads as rewritten:

"(b) There shall be one and only one senior resident superior court judge for each district or set of districts as defined in subsection (a) of this section, who shall be:

- (1) Where there is only one regular resident superior court judge for the district, that judge; and
- (2) Where there are two or more regular resident superior court judges for the district or set of districts, ~~the Chief Justice of the Supreme Court shall designate one of the judges as senior resident superior court judge to serve in that capacity at the pleasure of the Chief Justice. In exercising the authority to appoint senior resident superior court judges pursuant to this subdivision, the Chief Justice shall consider the seniority, experience, and management competence of the regular resident superior court judges. In addition, the Chief Justice shall consult with the regular resident superior court judges, the chief district court judges, the members of the district bar, the clerks of court, district attorneys, and public defenders within the district, the judge who, from among all the regular resident superior court judges of the district or set of districts, has the most continuous service as a regular resident superior court judge; provided if two or more judges are of equal seniority, the oldest of those judges shall be the senior regular resident superior court judge.~~
- (3) Where there is a set of districts, the Chief Justice of the Supreme Court shall designate one of the judges as senior resident superior court judge to serve in that capacity at the pleasure of the Chief Justice, if that set of districts are wholly contained in one county that is specified in law as the sole proper venue for certain actions."

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

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

- (1) The potential contractor to whom the contract is to be awarded.
- (2) Any parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.

- (3) All shareholders with a five percent (5%) or more interest in the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded. For purposes of this subdivision, "shareholders" means any natural person or those individuals with capabilities to make operating decisions for the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded.
- (4) All officers and directors of the potential contractor or parent or subsidiary corporation of the potential contractor to whom the contract is to be awarded."

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

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

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

**SECTION 65.3.(a)** If Senate Bill 42, 2011 Regular Session, becomes law, the lead-in language of Section 6.1 of Senate Bill 42 reads as rewritten:

~~"SECTION 6.1. G.S. 44A-23 is amended to read as follows:~~reads as rewritten:".

**SECTION 65.3.(b)** If both House Bill 1052, 2011 Regular Session, and Senate Bill 42, 2011 Regular Session, become law, G.S. 44A-23(c) reads as rewritten:

**"§ 44A-23. Contractor's claim of lien on real property; perfection of subrogation rights of subcontractor.**

...  
(c) A lien waiver signed by the contractor ~~prior to the commencement of an action to enforce a perfected claim of lien on real property granted under this section before the occurrence of all of the actions specified in subsection (a1) and subdivision (5) of subsection (b) of this section~~ waives the subcontractor's right to enforce the contractor's claim of lien on real property, but does not affect the subcontractor's right to a claim of lien on funds or the subcontractor's right to a claim of lien on real property allowed under G.S. 44A-20(d)."

**SECTION 65.3.(c)** Subsection (b) of this section becomes effective April 1, 2013, and applies to improvements to real property for which the first furnishing of labor or materials at the site of the improvements is on or after that date.

**SECTION 65.4.(a)** G.S. 51-1 reads as rewritten:

**"§ 51-1. Requisites of marriage; solemnization.**

A valid and sufficient marriage is created by the consent of a male and female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other, either:

- (1) a. In the presence of an ordained minister of any religious denomination, a minister authorized by a church, judge of the superior court, or a magistrate; and
- b. With the consequent declaration by the ~~minister~~ minister, judge of the superior court, or magistrate that the persons are husband and wife; or
- (2) In accordance with any mode of solemnization recognized by any religious denomination, or federally or State recognized Indian Nation or Tribe.

Marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but not ordained, are validated from their consummation."

**SECTION 65.4.(b)** This section becomes effective July 26, 2012, and expires July 30, 2012.

**SECTION 65.5.** If House Bill 237, 2011 Regular Session, becomes law, then G.S. 58-36-17, as enacted by House Bill 237, reads as rewritten:

**"§ 58-36-17. Bureau to share information with the North Carolina Industrial Commission.**

The Bureau shall provide to the North Carolina Industrial Commission information contained in the Bureau's records indicating the status of workers' compensation insurance

coverage on North Carolina employers as reported to the Bureau by the Bureau's member companies. The North Carolina Industrial Commission shall take such steps, including obtaining software or software licenses, as are necessary to be able to receive and process such information from the Bureau. The records provided to the North Carolina Industrial Commission under this section shall be confidential and shall not be public records as that term is defined in G.S. 132-1. G.S. 132-1. Notwithstanding the previous sentence and with respect to policies becoming effective on and after January 1, 2012, the North Carolina Industrial Commission may release data showing workers compensation insurance policy information that includes only policy effective dates, policy cancellation dates, and policy reinstatement dates. This data shall not be confidential data and shall be a public record as that term is defined in G.S. 132-1. The North Carolina Industrial Commission shall use the information provided pursuant to this section only to carry out its statutory duties and obligations under The North Carolina Workers' Compensation Act. The Bureau shall be immune from civil liability for releasing information pursuant to this section, even if the information is erroneous, provided the Bureau acted in good faith and without malicious or willful intent to harm in releasing the information."

**SECTION 65.8.(a)** G.S. 89G-3 is amended by adding a new subdivision to read:

"(17) Any person who can document 10 years in business as an irrigation contractor as of January 1, 2009, can document competency in the practice of irrigation construction or irrigation contracting, as determined by the North Carolina Irrigation Contractors' Licensing Board, and meets all other requirements and qualifications for licensure may be issued an irrigation contractor's license under Chapter 89G of the General Statutes, without the requirement of examination, provided that the person submits an application for licensure to the Board prior to October 1, 2012."

**SECTION 65.8.(b)** The North Carolina Irrigation Contractors' Licensing Board shall notify the North Carolina Cooperative Extension of the provision for licensure of experienced irrigation contractors without the requirement of an examination as provided in G.S. 89G-3(17) as quickly as practicable upon the effective date of this section.

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

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

- (1) Persons qualified under ~~G.S. 93D-6~~; persons G.S. 93D-6.
- (2) Persons holding a permanent license as an audiologist under Article 22 of Chapter 90 of the General ~~Statutes~~ Statutes.
- (3) Persons holding a temporary license as an audiologist under Article 22 of Chapter 90 of the General Statutes who have undergone 250 hours of supervised activity fitting or selling hearing aids under the direct supervision of a Registered Sponsor.
- (4) Persons continuously licensed to fit or sell hearing aids in another state or jurisdiction for the preceding three ~~years~~; and persons ~~years~~.
- (5) Persons who have worked full-time for one year in the office of and under the direct supervision of an otolaryngologist fitting or selling hearing aids."

**SECTION 66.5.(a)** G.S. 120-11.1 reads as rewritten:

**"§ 120-11.1. Time of meeting.**

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

**SECTION 66.5.(b)** G.S. 150B-21.3(d) reads as rewritten:

"(d) Legislative Day and Day of Adjournment. – As used in this section:

- (1) A "legislative day" is a day on which either house of the General Assembly convenes in regular session.
- (2) The "day of adjournment" of a regular session held in an odd-numbered year is the day the General Assembly adjourns by joint resolution or by operation of law for more than 10-30 days.

- (3) The "day of adjournment" of a regular session held in an even-numbered year is the day the General Assembly adjourns sine die."

**SECTION 66.7.(a)** G.S. 120-30.10 reads as rewritten:

**"§ 120-30.10. Creation; appointment of members; members ex officio.**

(a) There is hereby created a Legislative Research Commission to consist of five Senators to be appointed by the President pro tempore of the Senate and five Representatives to be appointed by the Speaker of the House. The President pro tempore of the Senate and the Speaker of the ~~House~~ House, or their designees, shall be ex officio members of the Legislative Research Commission. Provided, that when the President of the Senate has been elected by the Senate from its own membership, then the President of the Senate shall make the appointments of the Senate members of the Legislative Research Commission, shall serve ex officio as a member of the Commission and shall perform the duties otherwise vested in the President pro tempore by G.S. 120-30.13 and 120-30.14.

(b) ~~The cochairmen of the Legislative Research Commission~~ President Pro Tempore of the Senate and the Speaker of the House may appoint additional members of the General Assembly to work with the regular members of the Research Commission on study committees. The terms of the additional study committee members shall be limited by the same provisions as apply to regular commission members, and they may be further limited by the appointing authorities.

(c) ~~The cochairmen of the Legislative Research Commission~~ President Pro Tempore of the Senate and the Speaker of the House may appoint persons who are not members of the General Assembly to advisory subcommittees. The terms of advisory subcommittee members shall be limited by the same provisions as apply to regular Commission members, and they may be further limited by the appointing authorities."

**SECTION 66.7.(b)** G.S. 120-30.13 reads as rewritten:

**"§ 120-30.13. Cochairmen; rules of procedure; quorum.**

The President pro tempore of the Senate and the Speaker of the ~~House~~ House, or their designees, shall serve as cochairmen of the Legislative Research Commission. The Commission shall adopt rules of procedure governing its meetings. Eight members, including ex officio members, shall constitute a quorum of the Commission."

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

"(c) The amount or rate of such service charge shall be fixed by rules and regulations adopted by the Governor and approved by the Council of State, but as to any particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount received from such sale, lease, rental, or other disposition. Notwithstanding any other provision of this Subchapter, the net proceeds derived from the sale of land or products of land owned by or under the supervision and control of the Wildlife Resources Commission, or acquired or purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net proceeds derived from the sale of land or timber from land owned by or under the supervision and control of the Department of Agriculture and Consumer Services shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Agriculture and Consumer Services, to be used for such specific capital improvement projects or other purposes as are provided by transfer of funds from those accounts in the Capital Improvement Appropriations Act. Provided further, the net proceeds derived from the sale of park land owned by or under the supervision and control of the Department of Environment and Natural Resources shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Administration to be used for the purpose of park land acquisition as provided by transfer of funds from those accounts in the Capital Improvement Appropriations Act. In the Capital Improvement Appropriations Act, line items for purchase of park and agricultural lands will be established for use by the Departments of Administration and Agriculture. The use of such funds for any specific capital improvement project or land acquisition is subject to approval by the Director of the Budget. No other use may be made of funds in these line items without approval by the General Assembly except for incidental expenses related to the project or land acquisition. Additionally with the approval of the Director of the Budget, either Department may request funds from the Contingency and Emergency Fund when the necessity of prompt purchase of available land can be demonstrated and funds in the capital improvement accounts are insufficient. Provided further, the net proceeds derived from the sale of any portion of the land owned by the State in or around the Butner Reservation on or after July 1, 1980, shall be deposited with the State

Treasurer in a capital improvement account to the credit of the Department of Health and Human Services to make capital improvements on or to property owned by the State in the Butner Reservation subject to approval by the Office of State Budget and Management, and may be used to build industrial access roads to industries located or to be located on the Butner Reservation, to construct new city streets in the Butner Reservation, extend water and sewer service on the Butner Reservation, repair storm drains on the Butner Reservation, and for other capital uses on the Reservation as determined by the Secretary. Provided further, notwithstanding any other provision of this Subchapter, the proceeds derived from the lease dispositions of land or facilities owned or under the supervision and control of East Carolina University's Division of Health Sciences for the delivery of health care services shall be deposited in clinical accounts at East Carolina University to be used to improve access to patient care."

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

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

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

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

- (1) Except as otherwise provided by law, moneys received by employees of State agencies in the normal course of their employment shall be deposited as follows:
  - a. Moneys received in trust for specific beneficiaries for which the employee-custodian has a duty to invest shall be deposited with the State Treasurer under the provisions of G.S. 147-69.3.
  - b. All other moneys received shall be deposited with the State Treasurer pursuant to G.S. 147-77 and G.S. 147-69.1.
- (2) Moneys received shall be deposited daily in the form and amounts received, except as otherwise provided by statute.
- (3) Moneys due to a State agency by another governmental agency or by private persons shall be promptly billed, collected and deposited.
- (4) Unpaid billings due to a State agency other than amounts owed by patients to the University of North Carolina Health Care System or East Carolina University's Division of Health Sciences shall be turned over to the Attorney General for collection no more than 90 days after the due date of the billing, except that a State agency need not turn over to the Attorney General unpaid billings of less than five hundred dollars (\$500.00), or (for institutions where applicable) amounts owed by all patients which are less than the federally established deductible applicable to Part A of the Medicare program, and instead may handle these unpaid bills pursuant to agency debt collection procedures.
- (4a) The University of North Carolina Health Care System and East Carolina University's Division of Health Sciences may turn over to the Attorney General for collection accounts owed by patients.
- (5) Moneys received in the form of warrants drawn on the State Treasurer shall be deposited by the State agency directly with the State Treasurer and not through the banking system, unless otherwise approved by the State Treasurer.
- (6) State agencies shall accept payment by electronic payment in accordance with G.S. 147-86.22 to the maximum extent possible consistent with sound business practices."

**SECTION 68.(c)** G.S. 147-86.23, as amended by Section 14 of S.L. 2012-78, reads

as rewritten:

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

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

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

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

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

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

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

**SECTION 69.1.** S.L. 2012-121 is amended by rewriting Section 1.4(a1) to read:

"**SECTION 1.4.(a1)** Notwithstanding subsection (c) of this section, no person holding any elected public office may be a member of the Authority."

**SECTION 70.** If House Bill 950, 2011 Regular Session, becomes law, then Section 10.9F(c)(2) reads as rewritten:

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

**SECTION 70.5.(a)** G.S. 132-1.12 reads as rewritten:

"§ **132-1.12. Limited access to identifying information of minors participating in local government parks and recreation programs.**

(a) A public record, as defined by G.S. 132-1, does not include, as to any minor participating in a ~~park or recreation~~ program sponsored by a local government or combination of local governments, any of the following information as to that minor participant: (i) name, (ii) address, (iii) age, (iv) date of birth, (v) telephone number, (vi) the name or address of that minor participant's parent or legal guardian, ~~(vii) e-mail address, or (vii)-(viii) any other identifying information on an application to participate in such program or other records related to that program.~~ Notwithstanding this subsection, the name of a minor who has received a scholarship or other local government-funded award of a financial nature from a local government is a public record.

(b) The county, municipality, and zip code of residence of each participating minor covered by subsection (a) of this section is a public record, with the information listed in subsection (a) of this section redacted.



(c) Nothing in this section makes the information listed in subsection (a) of this section confidential information."

**SECTION 70.5.(b)** G.S. 153A-345(a) reads as rewritten:

"(a) The board of commissioners may provide for the appointment and compensation, if any, of a board of adjustment consisting of at least five members, each to be appointed for three years. In appointing the original members of the board, or in filling vacancies caused by the expiration of the terms of existing members, the board of commissioners may appoint some members for less than three years to the end that thereafter the terms of all members do not expire at the same time. The board of commissioners may provide for the appointment and compensation, if any, of alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of a regular member, has and may exercise all the powers and duties of a regular member. ~~If the board of commissioners does not zone the entire territorial jurisdiction of the county, each designated zoning area shall have at least one resident as a member of the board of adjustment.~~

A county may designate a planning board or the board of county commissioners to perform any or all of the duties of a board of adjustment in addition to its other duties."

**SECTION 70.5.(c)** This section applies to the County of Chatham only.

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

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

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

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

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

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

**SECTION 71.5.(a)** If House Bill 950, 2011 Regular Session, becomes law, Section 24.20 is repealed.

**SECTION 71.5.(b)** Section 52 of S.L. 2011-391 reads as rewritten:

**"SECTION 28.12A.** The Program Evaluation Division of the General Assembly shall conduct a comprehensive evaluation of the North Carolina Railroad Company, a North Carolina corporation of which the State is the sole shareholder and which is a discretely reported component unit of the State as defined by the Governmental Accounting Standards Board. The evaluation shall address, at a minimum, the following issues:

(1) Whether the corporation is adhering to its stated corporate mission of maximizing the value of the corporation for the people of the State.

- (2) What economic development benefits have been provided by the corporation and for what costs.
- (3) An evaluation of the use of available cash by the corporation, including the purchase of real property used for investment purposes rather than paying dividends to the State.
- (4) The approximate value of the corporation's assets, based on a market valuation rather than historic or book value of assets.
- (5) The approximate value of the entire corporation as a going concern.
- (6) The effectiveness of the provisions of Chapter 124 of the General Statutes to allow the State to exercise its shareholder rights and to provide effective shareholder oversight of the corporation.
- (7) Whether the ownership of the corporation provides the State a reasonable return on its investment, attempting to consider both the tangible and intangible value provided by the corporation.
- (8) Whether the corporation should be sold, transferred under the jurisdiction of the Department of Transportation or another State agency, or maintain its corporate structure.
- (9) Whether the General Assembly should consider the possibility of repealing the corporate charter of the corporation by a special act, as allowed under Section 1 of Article VIII of the North Carolina Constitution.

For the purposes of this evaluation, the terms "State agency" or "agency" as used under Article 7C of Chapter 120 of the General Statutes shall include the North Carolina Railroad Company.

For the purposes of this evaluation, the Program Evaluation Division is hereby granted authority to exercise the State's shareholder right to inspect the corporate books and records of the North Carolina Railroad Company on behalf of the State.

~~From funds available to the Joint Legislative Transportation Oversight Committee, the Program Evaluation Division may hire consultants to aid it in its evaluation, including experts in appraisal and valuation.~~

The Program Evaluation Division shall report the results of its study to the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Transportation Oversight Committee no later than November 1, 2012."

**SECTION 71.5.(c)** The Program Evaluation Division of the General Assembly shall study, in conjunction with the Department of Administration, the inventory of all State-owned lands and the issue of public ownership of lands submerged under navigable rivers in the State.

**SECTION 71.5.(d)** The Program Evaluation Division shall submit its findings and recommendations to the Joint Legislative Program Evaluation Oversight Committee no later than January 15, 2013.

**SECTION 71.6.** Section 13 of S.L. 2009-521, as amended by Section 24 of S.L. 2011-326, reads as rewritten:

**"SECTION 13.** Any natural hair care specialist who submits proof to the Board that the natural hair care specialist is actively engaged in the practice of a natural hair care specialist on the effective date of this act, passes an examination conducted by the Board and pays the required fee under G.S. 88B-20 shall be licensed without having to satisfy the requirements of G.S. 88B-10.1, enacted by Section 2 of this act. A cosmetic art shop that practices natural hair care only and that submits proof to the Board that the shop is actively engaged in the practice of natural hair care on the effective date of this act shall have ~~two years~~ five years from the date of this act to comply with the requirements of G.S. 88B-14. All persons who do not make application to the Board within ~~two years~~ five years of the effective date of this act shall be required to complete all training and examination requirements prescribed by the Board and to otherwise comply with the provisions of Chapter 88B of the General Statutes."

**SECTION 71.8.** If House Bill 837, 2011 Regular Session, becomes law, then Section 2 of that act reads as rewritten:

**"SECTION 2.** The State Board of Education shall work in cooperation with the American Heart Association, the American Red Cross, and other nationally recognized programs to develop a strategic plan to phase in successful completion of cardiopulmonary resuscitation instruction as a requirement for high school graduation by the 2014-2015 school year. The plan shall include costs of, and details regarding, procedures for:

...  
(3) Requiring successful completion of cardiopulmonary resuscitation instruction as a requirement for high school graduation by the ~~2013-2014~~ 2014-2015 school year.

...."

**SECTION 79.10.(a)** G.S. 105-130.47(k) reads as rewritten:

"(k) Sunset. – This section is repealed for qualifying expenses occurring on or after ~~January 1, 2014.~~ January 1, 2015."

**SECTION 79.10.(b)** G.S. 105-151.29(k) reads as rewritten:

"(k) Sunset. – This section is repealed for qualifying expenses occurring on or after ~~January 1, 2014.~~ January 1, 2015."

**SECTION 72.** Except where otherwise provided, this act is effective when it becomes law. G.S. 7A-41.1(b)(2), as amended in Section 63.5 of this act, applies to vacancies occurring on or after the date this act becomes effective.

In the General Assembly read three times and ratified this the 3<sup>rd</sup> day of July, 2012.

s/ Bill Rabon  
Presiding Officer of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 3:18 p.m. this 17<sup>th</sup> day of July, 2012