

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-484
SENATE BILL 613**

AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER TECHNICAL CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

The General Assembly of North Carolina enacts:

PART I. TECHNICAL CHANGES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION

SECTION 1. G.S. 8-58.20 reads as rewritten:

"
...
(b) A forensic analysis, to be admissible under this section, shall be performed in accordance with rules or procedures adopted by the State Bureau of Investigation, or by another laboratory ~~certified~~ accredited by the American Society of Crime Laboratory ~~Directors (ASCLD),~~ Directors/Laboratory Accreditation Board (ASCLD/LAB) for the submission, identification, analysis, and storage of forensic analyses. The analyses of DNA samples and typing results of DNA samples shall be performed in accordance with the rules or procedures of the State Bureau of Investigation or other ~~ASCLD-certified~~ ASCLD/LAB-accredited laboratory.

(c) The analyst who analyzes the forensic sample and signs the report shall complete an affidavit on a form developed by the State Bureau of Investigation. In the affidavit, the analyst shall state (i) that the person is qualified by education, training, and experience to perform the analysis, (ii) the name and location of the laboratory where the analysis was performed, and (iii) that performing the analysis is part of that person's regular duties. The analyst shall also aver in the affidavit that the tests were performed pursuant to the ~~ASCLD-~~ ASCLD/LAB standards for that discipline and that the evidence was handled in accordance with established and accepted procedures while in the custody of the laboratory. The affidavit shall be sufficient to constitute prima facie evidence regarding the person's qualifications. The analyst shall attach the affidavit to the laboratory report and shall provide the affidavit to the investigating officer and the district attorney in the prosecutorial district in which the criminal charges are pending. An affidavit by a forensic analyst sworn to and properly executed before an official authorized to administer oaths is admissible in evidence without further authentication in any criminal proceeding with respect to the forensic analysis administered and the procedures followed.

....
SECTION 2. G.S. 14-208.8A(a)(2) reads as rewritten:

"(2) Maintains a temporary ~~residence, including residence~~ in that county for more than 10 business days within a 30-day period, or for an aggregate period exceeding 30 days in a calendar year."

SECTION 3.(a) G.S. 14-298 reads as rewritten:

"§ 14-298. Seizure of illegal gaming items.

Upon a determination that probable cause exists to believe that any gaming table prohibited to be used by G.S. 14-289 through G.S. 14-300, any illegal punchboard or illegal slot machine, or any video game machine prohibited to be used by G.S. 14-306 or ~~G.S. 14-306.1,~~ G.S. 14-306.1A, is in the illegal possession or use of any person within

the limits of their jurisdiction, all sheriffs and law enforcement officers are authorized to seize the items in accordance with applicable State law. Any law enforcement agency in possession of that item shall retain the item pending a disposition order from a district or superior court judge. Upon application by the law enforcement agency, district attorney, or owner, and after notice and opportunity to be heard by all parties, if the court determines that the item is unlawful to possess, it shall enter an order releasing the item to the law enforcement agency for destruction or for training purposes. If the court determines that the item is not unlawful to possess and will not be used in violation of the law, the item shall be ordered released to its owner upon satisfactory proof of ownership. The foregoing procedures for release shall not apply, however, with respect to an item seized for use as evidence in any criminal action or proceeding until after entry of final judgment."

SECTION 3.(b) This section is effective when it becomes law and applies to offenses committed on or after that date.

SECTION 4. G.S. 15A-736.1 is recodified in Article 26 of Chapter 15A of the General Statutes as G.S. 15A-534.6. As recodified by this section, G.S. 15A-534.6 reads as rewritten:

"§ 15A-534.6. Bail in cases of manufacture of methamphetamine.

~~Notwithstanding the provisions of G.S. 15A-736, in determining bond and other conditions of release for a person arrested for~~ In all cases in which the defendant is charged with any violation of G.S. 90-95(b)(1a) or G.S. 90-95(d1)(2)b., G.S. 90-95(d1)(2)b., in determining bond and other conditions of release, the magistrate, judge, or court shall consider any evidence that the person is in any manner dependent upon methamphetamine or has a pattern of regular illegal use of methamphetamine. A rebuttable presumption that no conditions of release on bond would assure the safety of the community or any person therein shall arise if the State shows by clear and convincing evidence both:

- (1) The person was arrested for a violation of G.S. 90-95(b)(1a) or G.S. 90-95(d1)(2)b., relating to the manufacture of methamphetamine or possession of an immediate precursor chemical with knowledge or reasonable cause to know that the chemical will be used to manufacture methamphetamine.
- (2) The person is in any manner dependent upon methamphetamine or has a pattern of regular illegal use of methamphetamine, and the violation referred to in subdivision (1) of this section was committed or attempted in order to maintain or facilitate the dependence or pattern of illegal use in any manner."

SECTION 5. G.S. 20-116(c) reads as rewritten:

"(c) No vehicle, unladen or with load, shall exceed a height of 13 feet, six inches. Provided, however, that neither the State of North Carolina nor any agency or subdivision thereof, nor any person, firm or corporation, shall be required to raise, alter, construct or reconstruct any underpass, wire, pole, trestle, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of 12 feet, six inches. Provided further, that the operator or owner of any vehicle having an overall height, whether unladen or with load, in excess of 12 feet, six inches, shall be liable for damage to any structure caused by such vehicle having a height in excess of 12 feet, six inches. ~~The term "automobile transport" as used in this subsection shall mean only vehicles engaged exclusively in transporting automobiles, trucks and other commercial vehicles."~~

SECTION 6. G.S. 20-286(8c) reads as rewritten:

"(8c) Good faith. – ~~Honest~~ Honesty in fact and the observation of reasonable commercial standards of fair dealing ~~in the trade~~ as defined and interpreted in ~~G.S. 25-2-103(1)(b)~~ G.S. 25-1-201(b)(20)."

SECTION 7.(a) G.S. 20-309(g) is repealed.

SECTION 7.(b) G.S. 20-309.2 is amended by adding a new subsection to read:

"(f) Clear Proceeds of Penalties. – The clear proceeds of all civil penalties, civil forfeitures, and civil fines that are collected by the Department of Transportation pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 7.(c) G.S. 20-311 is amended by adding a new subsection to read:

"(f) Clear Proceeds of Penalties. – The clear proceeds of all civil penalties, civil forfeitures, and civil fines that are collected by the Department of Transportation pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 7.(d) G.S. 20-309(h) is recodified as G.S. 20-311(g).

SECTION 7.(e) This section is effective on the effective date of S.L. 2006-213 and applies to lapses occurring on or after that date.

SECTION 8. G.S. 50A-305(b)(2) reads as rewritten:

"(2) Direct the petitioner to serve notice upon the persons named pursuant to ~~subdivison (a)(3),~~ subdivision (a)(3) of this section, including notice of their opportunity to contest the registration in accordance with this section."

SECTION 9.(a) G.S. 53-96.1 reads as rewritten:

"§ 53-96.1. Salaries, promotions, and leave of employees of the Office of the Commissioner of Banks.

(a) ~~The Office of the Commissioner of Banks and its employees are exempt from the classification and compensation rules established by the State Personnel Commission pursuant to G.S. 126-4(1) through (4); G.S. 126-4(5) only as it applies to hours and days of work, vacation and sick leave; G.S. 126-4(6) only as it applies to promotion and transfer; G.S. 126-4(10) only as it applies to the prohibition of the establishment of incentive pay programs; and Article 2 of Chapter 126 of the General Statutes, except for G.S. 126-7.1.~~

(b) The exemptions to Chapter 126 of the General Statutes authorized by this section G.S. 126-5(c11) for the Office of the Commissioner of Banks and its employees shall be used to develop organizational classification and compensation innovations that will result in the enhanced efficiency of operations. The Office of State Personnel shall assist the Commissioner of Banks in the development and implementation of an organizational structure and human resources programs that make the most appropriate use of the exemptions, including (i) a system of job categories or descriptions tailored to the agency's needs; (ii) policies regarding paid time off for agency personnel and the voluntary sharing of such time off; and (iii) a system of uniform performance assessments for agency personnel tailored to the agency's needs. The Commissioner of Banks may, under the supervision of the Office of State Personnel, develop and implement organizational classification and compensation innovations having the potential to benefit all State agencies."

SECTION 9.(b) G.S. 143B-53.2 reads as rewritten:

"§ 143B-53.2. Salaries, promotions, and leave of employees of the North Carolina Department of Cultural Resources.

(a) ~~The employees listed in subsection (b) of this section are exempt from the classification and compensation rules established by the State Personnel Commission pursuant to G.S. 126-4(1) through (4); G.S. 126-4(5) only as it applies to hours and days of work, vacation, and sick leave; G.S. 126-4(6) only as it applies to promotion and transfer; G.S. 126-4(10) only as it applies to the prohibition of the establishment of incentive pay programs; and Article 2 of Chapter 126 of the General Statutes, except for G.S. 126-7.1.~~

(b) ~~The following employees of the Department of Cultural Resources are exempt as provided in subsection (c) of this section:~~

- ~~(1) Director and Associate Directors of the North Carolina Museum of History.~~
- ~~(2) Program Chiefs and Curators.~~
- ~~(3) Regional History Museum Administrators and Curators.~~
- ~~(4) North Carolina Symphony.~~
- ~~(5) Director, Associate Directors, and Curators of Tryon Palace.~~
- ~~(6) Director, Associate Directors, and Curators of Transportation Museum.~~
- ~~(7) Director and Associate Directors of the North Carolina Arts Council.~~
- ~~(8) Director, Assistant Directors, and Curators of the Division of State Historic Sites.~~

(c) ~~The exemptions to Chapter 126 of the General Statutes authorized by subsection (a) of this section and enumerated in subsection (b) of this section G.S. 126-5(c11) for the employees of the Department of Cultural Resources listed in that subsection shall be used to develop organizational classification and compensation innovations that will result in the enhanced efficiency of operations. The Office of State Personnel shall assist the Secretary of the Department of Cultural Resources in the development and implementation of an organizational structure and human resources programs that make the most appropriate use of the exemptions, including (i) a system of job categories or descriptions tailored to the agency's needs; (ii) policies regarding paid time off for agency personnel and the voluntary sharing of such time off; and (iii) a system of uniform performance assessments for agency personnel tailored to the agency's needs. The Secretary of the Department of Cultural Resources may, under the supervision of the Office of State Personnel, develop and implement organizational classification and compensation innovations having the potential to benefit all State agencies."~~

SECTION 9.(c) G.S. 126-5 is amended by adding a new subsection to read:

"(c11) The following are exempt from: (i) the classification and compensation rules established by the State Personnel Commission pursuant to G.S. 126-4(1) through (4); (ii) G.S. 126-4(5) only as it applies to hours and days of work, vacation, and sick leave; (iii) G.S. 126-4(6) only as it applies to promotion and transfer; (iv) G.S. 126-4(10) only as it applies to the prohibition of the establishment of incentive pay programs; and (v) Article 2 of Chapter 126 of the General Statutes, except for G.S. 126-7.1:

- (1) The Office of the Commissioner of Banks and its employees; and
- (2) The following employees of the Department of Cultural Resources:
 - a. Director and Associate Directors of the North Carolina Museum of History.
 - b. Program Chiefs and Curators.
 - c. Regional History Museum Administrators and Curators.
 - d. North Carolina Symphony.
 - e. Director, Associate Directors, and Curators of Tryon Palace.
 - f. Director, Associate Directors, and Curators of Transportation Museum.
 - g. Director and Associate Directors of the North Carolina Arts Council.
 - h. Director, Assistant Directors, and Curators of the Division of State Historic Sites."

SECTION 10.(a) G.S. 70-28(1) reads as rewritten:

"(1) ~~Chief~~ "State Archaeologist" means the Chief head of the Office of State Archaeology section of the Office of Archives and History, Department of Cultural Resources."

SECTION 10.(b) G.S. 70-29 reads as rewritten:

"§ 70-29. Discovery of remains and notification of authorities.

(a) Any person knowing or having reasonable grounds to believe that unmarked human burials or human skeletal remains are being disturbed, destroyed, defaced,

mutilated, removed, or exposed, shall notify immediately the medical examiner of the county in which the remains are encountered.

(b) If the unmarked human burials or human skeletal remains are encountered as a result of construction or agricultural activities, disturbance of the remains shall cease immediately and shall not resume without authorization from either the county medical examiner or the ~~Chief State~~ Archaeologist, under the provisions of G.S. 70-30(c) or 70-30(d).

(c) (1) If the unmarked human burials or human skeletal remains are encountered by a professional archaeologist, as a result of survey or test excavations, the remains may be excavated and other activities may resume after notification, by telephone or registered letter, is provided to the ~~Chief State~~ Archaeologist. The treatment, analysis and disposition of the remains shall come under the provisions of G.S. 70-34 and 70-35.

(2) If a professional archaeologist directing long-term (research designed to continue for one or more field seasons of four or more weeks' duration) systematic archaeological research sponsored by any accredited college or university in North Carolina, as a part of his research, recovers Native American skeletal remains, he may be exempted from the provisions of G.S. 70-30, 70-31, 70-32, 70-33, 70-34 and 70-35(c) of this Article so long as he:

- a. Notifies the Executive Director within five working days of the initial discovery of Native American skeletal remains;
- b. Reports to the Executive Director, at agreed upon intervals, the status of the project;
- c. Curates the skeletal remains prior to ultimate disposition; and
- d. Conducts no destructive skeletal analysis without the express permission of the Executive Director.

Upon completion of the project fieldwork, the professional archaeologist, in consultation with the skeletal analyst and the Executive Director, shall determine the schedule for the completion of the skeletal analysis. In the event of a disagreement, the time for completion of the skeletal analysis shall not exceed four years. The Executive Director shall have authority concerning the ultimate disposition of the Native American skeletal remains after analysis is completed in accordance with G.S. 70-35(a) and 70-36(b) and (c).

(d) The ~~Chief State~~ Archaeologist shall notify the Chief, Medical Examiner Section, Division of Health Services, Department of Health and Human Services, of any reported human skeletal remains discovered by a professional archaeologist."

SECTION 10.(c) G.S. 70-30 reads as rewritten:

"§ 70-30. Jurisdiction over remains.

(a) Subsequent to notification of the discovery of an unmarked human burial or human skeletal remains, the medical examiner of the county in which the remains were encountered shall determine as soon as possible whether the remains are subject to the provisions of G.S. 130-198.

(b) If the county medical examiner determines that the remains are subject to the provisions of G.S. 130-198, he will immediately proceed with his investigation.

(c) If the county medical examiner determines that the remains are not subject to the provisions of G.S. 130-198, he shall so notify the Chief Medical Examiner. The Chief Medical Examiner shall notify the ~~Chief State~~ Archaeologist of the discovery of the human skeletal remains and the findings of the county medical examiner. The ~~Chief State~~ Archaeologist shall immediately take charge of the remains.

(d) Subsequent to taking charge of the human skeletal remains, the ~~Chief State~~ Archaeologist shall have 48 hours to make arrangements with the landowner for the protection or removal of the unmarked human burial or human skeletal remains. The

~~Chief State~~ Archaeologist shall have no authority over the remains at the end of the 48-hour period and may not prohibit the resumption of the construction or agricultural activities without the permission of the landowner."

SECTION 10.(d) G.S. 70-31 reads as rewritten:

"§ 70-31. Archaeological investigation of human skeletal remains.

(a) If an agreement is reached with the landowner for the excavation of the human skeletal remains, the ~~Chief State~~ Archaeologist shall either designate a member of his staff or authorize another professional archaeologist to excavate or supervise the excavation.

(b) The professional archaeologist excavating human skeletal remains shall report to the ~~Chief State~~ Archaeologist, either in writing or by telephone, his opinion on the cultural and biological characteristics of the remains. This report shall be transmitted as soon as possible after the commencement of excavation, but no later than two full business days after the removal of a burial.

(c) The ~~Chief State~~ Archaeologist, in consultation with the professional archaeologist excavating the remains, shall determine where the remains shall be held subsequent to excavation, pending other arrangements according to G.S. 70-32 or 70-33.

(d) The Department of Cultural Resources may obtain administrative inspection warrants pursuant to the provisions of Chapter 15, Article 4A of the General Statutes to enforce the provisions of this Article, provided that prior to the requesting of the administrative warrant, the Department shall contact the affected landowners and request their consent for access to their land for the purpose of gathering such information. If consent is not granted, the Department shall give reasonable notice of the time, place and before whom the administrative warrant will be requested so that the owner or owners may have an opportunity to be heard."

SECTION 10.(e) G.S. 70-32 reads as rewritten:

"§ 70-32. Consultation with the Native American Community.

(a) If the professional archaeologist determines that the human skeletal remains are Native American, the ~~Chief State~~ Archaeologist shall immediately notify the Executive Director of the North Carolina Commission of Indian Affairs. The Executive Director shall notify and consult with the Eastern Band of Cherokee or other appropriate tribal group or community.

(b) Within four weeks of the notification, the Executive Director shall communicate in writing to the ~~Chief State~~ Archaeologist, the concerns of the Commission of Indian Affairs and an appropriate tribal group or community with regard to the treatment and ultimate disposition of the Native American skeletal remains.

(c) Within 90 days of receipt of the concerns of the Commission of Indian Affairs, the ~~Chief State~~ Archaeologist and the Executive Director, with the approval of the principal tribal official of an appropriate tribe, shall prepare a written agreement concerning the treatment and ultimate disposition of the Native American skeletal remains. The written agreement shall include the following:

- (1) Designation of a qualified skeletal analyst to work on the skeletal remains;
- (2) The type of analysis and the specific period of time to be provided for analysis of the skeletal remains;
- (3) The timetable for written progress reports and the final report concerning the skeletal analysis to be provided to the ~~Chief State~~ Archaeologist and the Executive Director by the skeletal analyst; and
- (4) A plan for the ultimate disposition of the Native American remains subsequent to the completion of adequate skeletal analysis.

If no agreement is reached within 90 days, the Archaeological Advisory Committee shall determine the terms of the agreement."

SECTION 10.(f) G.S. 70-33 reads as rewritten:

"§ 70-33. Consultation with other individuals.

(a) If the professional archaeologist determines that the human skeletal remains are other than Native American, the ~~Chief State~~ Archaeologist shall publish notice that excavation of the remains has occurred, at least once per week for four successive weeks in a newspaper of general circulation in the county where the burials or skeletal remains were situated, in an effort to determine the identity or next of kin or both of the deceased.

(b) If the next of kin are located, within 90 days the ~~Chief State~~ Archaeologist in consultation with the next of kin shall prepare a written agreement concerning the treatment and ultimate disposition of the skeletal remains. The written agreement shall include:

- (1) Designation of a qualified skeletal analyst to work on the skeletal remains;
- (2) The type of analysis and the specific period of time to be provided for analysis of the skeletal remains;
- (3) The timetable for written progress reports and the final report concerning the skeletal analysis to be provided to the ~~Chief State~~ Archaeologist and the next of kin by the skeletal analyst; and
- (4) A plan for the ultimate disposition of the skeletal remains subsequent to the completion of adequate skeletal analysis.

If no agreement is reached, the remains shall be handled according to the wishes of the next of kin."

SECTION 10.(g) G.S. 70-34 reads as rewritten:

"§ 70-34. Skeletal analysis.

(a) Skeletal analysis conducted under the provisions of this Article shall only be accomplished by persons having those qualifications expressed in G.S. 70-28(5).

(b) Prior to the execution of the written agreements outlined in G.S. 70-32(c) and 70-33(b), the ~~Chief State~~ Archaeologist shall consult with both the professional archaeologist and the skeletal analyst investigating the remains.

(c) The professional archaeologist and the skeletal analyst shall submit a proposal to the ~~Chief State~~ Archaeologist within the 90-day period set forth in G.S. 70-32(c) and 70-33(b), including:

- (1) Methodology and techniques to be utilized;
- (2) Research objectives;
- (3) Proposed time schedule for completion of the analysis; and
- (4) Proposed time intervals for written progress reports and the final report to be submitted.

(d) If the terms of the written agreement are not substantially met, the Executive Director or the next of kin, after consultation with the ~~Chief State~~ Archaeologist, may take possession of the skeletal remains. In such case, the ~~Chief State~~ Archaeologist may ensure that appropriate skeletal analysis is conducted by another qualified skeletal analyst prior to ultimate disposition of the skeletal remains."

SECTION 10.(h) G.S. 70-35(c) reads as rewritten:

"(c) If the ~~Chief State~~ Archaeologist has received no information or communication concerning the identity or next of kin of the deceased, the skeletal remains shall be transferred to the ~~Chief State~~ Archaeologist and permanently curated according to standard museum procedures after adequate skeletal analysis."

SECTION 10.(i) G.S. 70-48(5) reads as rewritten:

"(5) "State Archaeologist" means the head of the Office of State Archaeology section ~~Archaeology Section~~ of the Office of Archives and History, Department of Cultural Resources."

SECTION 10.(j) This section is effective on and after October 11, 2002.

SECTION 11.(a) G.S. 70-27(b) reads as rewritten:

"(b) The purpose of this Article is (i) to provide adequate protection from vandalism for unmarked human burials and human skeletal remains, (ii) to provide adequate protection for unmarked human burials and human skeletal remains not within

the jurisdiction of the medical examiner pursuant to ~~G.S. 130-198~~ G.S. 130A-383 that are encountered during archaeological excavation, construction, or other ground disturbing activities, found anywhere within the State except on federal land, and (iii) to provide for adequate skeletal analysis of remains removed or excavated from unmarked human burials if the analysis would result in valuable scientific information."

SECTION 11.(b) G.S. 70-30, as amended by Section 10(c) of this act, reads as rewritten:

"§ 70-30. Jurisdiction over remains.

(a) Subsequent to notification of the discovery of an unmarked human burial or human skeletal remains, the medical examiner of the county in which the remains were encountered shall determine as soon as possible whether the remains are subject to the provisions of ~~G.S. 130-198~~ G.S. 130A-383.

(b) If the county medical examiner determines that the remains are subject to the provisions of ~~G.S. 130-198~~, he G.S. 130A-383, the county medical examiner will immediately proceed with ~~his~~ the investigation.

(c) If the county medical examiner determines that the remains are not subject to the provisions of ~~G.S. 130-198~~, he G.S. 130A-383, the county medical examiner shall so notify the Chief Medical Examiner. The Chief Medical Examiner shall notify the State Archaeologist of the discovery of the human skeletal remains and the findings of the county medical examiner. The State Archaeologist shall immediately take charge of the remains.

(d) Subsequent to taking charge of the human skeletal remains, the State Archaeologist shall have 48 hours to make arrangements with the landowner for the protection or removal of the unmarked human burial or human skeletal remains. The State Archaeologist shall have no authority over the remains at the end of the 48-hour period and may not prohibit the resumption of the construction or agricultural activities without the permission of the landowner."

SECTION 11.(c) G.S. 70-39 reads as rewritten:

"§ 70-39. Exceptions.

(a) Human skeletal remains acquired from commercial biological supply houses or through medical means are not subject to the provisions of G.S. 70-37(a).

(b) Human skeletal remains determined to be within the jurisdiction of the medical examiner according to the provisions of ~~G.S. 130-198~~ G.S. 130A-383 are not subject to the prohibitions contained in this Article."

SECTION 11.(d) G.S. 152-7(6) reads as rewritten:

"§ 152-7. Duties of coroners with respect to inquests and preliminary hearings.

The duties of the several coroners with respect to inquests and preliminary hearings shall be as follows:

...
(6) Immediately upon information of the death of a person within his county, under such circumstances as call for an investigation as provided in ~~G.S. 130-198~~ G.S. 130A-383, the coroner shall notify the district attorney of the superior court and the medical examiner.
"

...
SECTION 12.(a) G.S. 110-142.1(i) reads as rewritten:

"(i) The designated representative shall notify the individual in writing that the individual may, by filing a motion, request any or all of the following:

- (1) Judicial review of the designated representative's decision.
- (2) A judicial determination of compliance.
- (3) A modification of the support order.

The notice shall also contain the name and address of the court in which the individual shall file the motion and inform the individual that the individual's name shall remain on the certified list unless the judicial review results in a finding by the court that the ~~the~~ individual is in compliance with this section. The notice shall also inform the individual that the individual must comply with all statutes and rules of court

regarding motions and notices of hearing and that any motion filed under this section is subject to the limitations of G.S. 50-13.10."

SECTION 12.(b) G.S. 110-142.1(l) reads as rewritten:

"(l) The Department of Health and Human Services shall prescribe forms for use by the designated representative. When the individual is no longer in arrears or negotiates an agreement with the designated representative for a payment schedule on arrears or ~~reimbursement-reimbursement~~, the designated representative shall mail to the individual and the appropriate board a notice certifying that the individual is in compliance. The receipt of certification shall serve to notify the individual and the board that, for the purposes of this section, the individual is in compliance with the order for support. When the individual has complied with or is no longer subject to a subpoena issued pursuant to a child support or paternity establishment proceeding, the designated representative shall mail to the individual and the appropriate board a notice certifying that the individual is in compliance. The receipt of certification shall serve to notify the individual and the board that the individual is in compliance with this section."

SECTION 13. G.S. 113-291.10(a) reads as rewritten:

"§ 113-291.10. Beaver Damage Control Advisory Board.

(a) There is established the Beaver Damage Control Advisory Board. The Board shall consist of nine members, as follows:

- (1) The Executive Director of the North Carolina Wildlife Resources Commission, or his designee, who shall serve as chair;
- (2) The Commissioner of Agriculture, ~~Agriculture and Consumer Services~~, or a designee;
- (3) The Director of the Division of Forest Resources of the Department of Environment and Natural Resources, or a designee;
- (4) The Director of the Division of Soil and Water Conservation of the Department of Environment and Natural Resources, or a designee;
- (5) The Director of the North Carolina Cooperative Extension Service, or a designee;
- (6) The Secretary of Transportation, or a designee;
- (7) The State Director of the Wildlife Services Division of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or a designee;
- (8) The President of the North Carolina Farm Bureau Federation, Inc., or a designee, representing private landowners; and
- (9) A representative of the North Carolina Forestry Association."

SECTION 14. G.S. 115C-295.1(f) reads as rewritten:

"(f) Members of the Commission shall receive compensation for their services and reimbursement for expenses incurred in the performance of their duties required by this Article, at the rate prescribed in ~~G.S. 90B-5~~, G.S. 93B-5."

SECTION 15. G.S. 116-143.3(a)(3) is repealed.

SECTION 16. G.S. 120-87(a) reads as rewritten:

"§ 120-87. Disclosure of confidential information.

(a) No legislator shall use or disclose in any way confidential information gained in the course of the legislator's official activities or by reason of the legislator's official position that could result in financial gain for: (i) the legislator; (ii) a business with which the legislator is associated; (iii) a nonprofit corporation or organization with which the legislator is associated; (iv) a member of the legislator's immediate household; family; or (v) any other person."

SECTION 17. G.S. 120-123(2) is repealed.

SECTION 18. G.S. 122C-115.4(d) reads as rewritten:

"(d) Except as provided in ~~G.S. 122C-142.1~~ G.S. 122C-124.1 and G.S. 122C-125, the Secretary may not remove from an LME any function enumerated under subsection (b) of this section unless all of the following applies:

- (1) The LME fails during the previous three months to achieve a satisfactory outcome on any of the critical performance measures developed by the Secretary under G.S. 122C-112.1(33).
- (2) The Secretary provides focused technical assistance to the LME in the implementation of the function. The assistance shall continue for at least six months or until the LME achieves a satisfactory outcome on the performance measure, whichever occurs first.
- (3) If, after six months of receiving technical assistance from the Secretary, the LME still fails to achieve or maintain a satisfactory outcome on the critical performance measure, the Secretary shall enter into a contract with another LME or agency to implement the function on behalf of the LME from which the function has been removed."

SECTION 19. G.S. 140-5.17 is repealed.

SECTION 20. G.S. 147-33.101(a) reads as rewritten:

"(a) When the dollar value of a contract for the procurement of information technology equipment, materials, and supplies exceeds the benchmark established by the ~~Chief State~~ Chief Information Officer, the contract shall be reviewed by the Board of Awards pursuant to G.S. 143-52.1 prior to the contract being awarded."

SECTION 21. G.S. 163-122(a) reads as rewritten:

"(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any qualified voter who seeks to have his name printed on the general election ballot as an unaffiliated candidate shall:

- (1) If the office is a statewide office, file written petitions with the State Board of Elections supporting his candidacy for a specified office. These petitions must be filed with the State Board of Elections on or before 12:00 noon on the last Friday in June preceding the general election and must be signed by qualified voters of the State equal in number to two percent (2%) of the total number of voters who voted in the most recent general election for Governor. Also, the petition must be signed by at least 200 registered voters from each of four congressional districts in North Carolina. No later than 5:00 p.m. on the fifteenth day preceding the date the petitions are due to be filed with the State Board of Elections, each petition shall be presented to the chairman of the board of elections of the county in which the signatures were obtained. Provided the petitions are timely submitted, the chairman shall examine the names on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in his county and shall attach to the petition his signed certificate. Said certificates shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers to be qualified and registered to vote in his county. The chairman shall return each petition, together with the certificate required in this section, to the person who presented it to him for checking. Verification by the chairman of the county board of elections shall be completed within two weeks from the date such petitions are presented.
- (2) If the office is a district office comprised of two or more counties, file written petitions with the State Board of Elections supporting his candidacy for a specified office. These petitions must be filed with the State Board of Elections on or before 12:00 noon on the last Friday in June preceding the general election and must be signed by qualified voters of the district equal in number to four percent (4%) of the total number of registered voters in the district as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. Each petition shall

be presented to the chairman of the board of elections of the county in which the signatures were obtained. The chairman shall examine the names on the petition and the procedure for certification and deadline for submission to the county board shall be the same as specified in (1) above.

- (3) If the office is a county office or a single county legislative district, file written petitions with the chairman or director of the county board of elections supporting his candidacy for a specified county office. These petitions must be filed with the county board of elections on or before 12:00 noon on the last Friday in June preceding the general election and must be signed by qualified voters of the county equal in number to four percent (4%) of the total number of registered voters in the county as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held, except if the office is for a district consisting of less than the entire county and only the voters in that district vote for that office, the petitions must be signed by qualified voters of the district equal in number to four percent (4%) of the total number of voters in the district according to the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. Each petition shall be presented to the chairman or director of the county board of elections. The chairman shall examine, or cause to be examined, the names on the petition and the procedure for certification shall be the same as specified in (1) above.
- (4) If the office is a partisan municipal office, file written petitions with the chairman or director of the county board of elections in the county wherein the municipality is located supporting his candidacy for a specified municipal office. These petitions must be filed with the county board of elections on or before the time and date specified in G.S. 163-296 and must be signed by the number of qualified voters specified in G.S. 163-296. The procedure for certification shall be the same as specified in (1) above.

Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the board of elections with which the petitions have been timely filed shall cause the unaffiliated candidate's name to be printed on the general election ballots in accordance with ~~G.S. 163-140~~, Article 14A of this Chapter.

An individual whose name appeared on the ballot in a primary election preliminary to the general election shall not be eligible to have his name placed on the general election ballot as an unaffiliated candidate for the same office in that year."

SECTION 22. G.S. 163-182.15(b) reads as rewritten:

"(b) Issued by State Board of Elections. – In ballot items within the jurisdiction of the State Board of Elections, the State Board of Elections shall issue a certificate of nomination or election, or a certificate of the results of the referendum, as appropriate. The certificate shall be issued by the State Board six days after the completion of the canvass pursuant to G.S. 163-182.5, unless there is an election protest pending. If there is an election protest, the certificate of nomination or election or the certificate of the result of the referendum shall be issued in one of the following ways, as appropriate:

- (1) The certificate shall be issued 10 days after the final decision of the State Board on the election protest, unless the State Board has ordered a new election or the issuance of the certificate is stayed by the Superior Court of Wake County pursuant to ~~G.S. 163-14~~, G.S. 163-182.14.
- (2) If the decision of the State Board has been appealed to the Superior Court of Wake County and the court has stayed the certification, the certificate shall be issued five days after the entry of a final order in

the case in the Superior Court of Wake County, unless that court or an appellate court orders otherwise.

- (3) The certificate shall be issued immediately upon the filing of a copy of the determination of the General Assembly with the State Board of Elections in contested elections involving any elective office established by Article III of the Constitution.
- (4) No certificate of election need be issued for any member of the General Assembly following a contest of the election pursuant to Article 3 of Chapter 120."

SECTION 23. G.S. 163-278.14 reads as rewritten:

"§ 163-278.14. No contributions in names of others; no anonymous contributions; contributions in excess of ~~one hundred dollars.~~ fifty dollars; no contribution without specific designation of contributor.

(a) No individual, political committee, or other entity shall make any contribution anonymously or in the name of another. No candidate, political committee, referendum committee, political party, or treasurer shall knowingly accept any contribution made by any individual or person in the name of another individual or person or made anonymously. If a candidate, political committee, referendum committee, political party, or treasurer receives anonymous contributions or contributions determined to have been made in the name of another, he shall pay the money over to the Board, by check, and all such moneys received by the Board shall be deposited in the Civil Penalty and Forfeiture Fund of the State of North Carolina.

(b) No entity shall make, and no candidate, committee or treasurer shall accept, any monetary contribution in excess of fifty dollars (\$50.00) unless such contribution is in the form of a check, draft, money order, credit card charge, debit, or other noncash method that can be subject to written verification. No contribution in the form of check, draft, money order, credit card charge, debits, or other noncash method may be made or accepted unless it contains a specific designation of the intended contributee chosen by the contributor. The State Board of Elections may prescribe guidelines as to the reporting and verification of any method of contribution payment allowed under this Article. For contributions by money order, the State Board shall prescribe methods to ensure an audit trail for every contribution so that the identity of the contributor can be determined. For a contribution made by credit card, the credit card account number of a contributor is not a public record.

(c) No political committee or referendum committee shall make any contribution unless in doing so it reports to the recipient the contributor's name as required in G.S. 163-278.7(b)(1)."

SECTION 24. G.S. 166A-46 reads as rewritten:

"§ 166A-46. Liability.

Officers or employees of a party state rendering aid in another state pursuant to this Compact shall be considered agents of the requesting state for tort liability and immunity purposes; and no party state or its officers or employees rendering aid in another state pursuant to this Compact shall be liable for any act or omission ~~occurring~~ occurring as a result of a good faith attempt to render aid or as a result of the use of any equipment or supplies used in connection with an attempt to render aid. For the purposes of this Article, "good faith" does not include willful misconduct, gross negligence, or recklessness."

PART II. OTHER CHANGES

SECTION 25.(a) G.S. 7A-133(a), as amended by S.L. 2007-323, reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden Chowan

		Currituck
		Dare
		Gates
		Pasquotank
2	4	Perquimans
		Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	6	Craven
		Pamlico
		Carteret
4	8	Sampson
		Duplin
		Jones
		Onslow
5	8	New Hanover
		Pender
6A	3	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	2	Warren
		(part of Vance
		see subsection (b))
10	17	Wake
11	10	Harnett
		Johnston
		Lee
12	10	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	7	Durham
15A	4	Alamance
15B	5	Orange
		Chatham
16A	3	Scotland
		Hoke
16B	5	Robeson
17A	3	Rockingham

17B	4	Stokes Surry
18	14	Guilford
19A	4	Cabarrus
19B	7	Montgomery Moore Randolph
19C	5	Rowan
20A	4	Stanly Anson Richmond
20B	1	(part of Union see subsection (b))
20C	2	(part of Union see subsection (b))
<u>20D</u>	<u>1</u>	<u>Union</u>
21	10	Forsyth
22	9	Alexander Davidson Davie Iredell
23	4	Alleghany Ashe Wilkes Yadkin
24	4	Avery Madison Mitchell Watauga Yancey
25	9	Burke Caldwell Catawba
26	19	Mecklenburg
27A	7	Gaston
27B	5	Cleveland Lincoln
28	7	Buncombe
29A	3	McDowell Rutherford
29B	4	Henderson Polk
30	6	Transylvania Cherokee Clay Graham Haywood Jackson Macon Swain."

SECTION 25.(b) The additional district court judgeship created for District Court District 20B in Section 14.4(a) of S.L. 2006-66 is reassigned to District Court District 20D, as established in subsection (a) of this section.

SECTION 25.(c) G.S. 7A-200 reads as rewritten:

"§ 7A-200. District and set of districts defined; chief district court judges and their authority.

(a) In this section:

- (1) "District" means any district court district established by G.S. 7A-133 which consists exclusively of one or more entire counties;
- (2) "Set of districts" means any set of two or more district court districts established under G.S. 7A-133, none of which consists exclusively of one or more entire counties, but both or all of which include territory from the same county or counties and together comprise all of the territory of that county or those counties; "set of districts" also means a set of three district court districts in one county, one consisting of the entire county and the other two consisting of parts of that county; and
- (3) "Chief district court judge" means in the case of a set of districts, the chief district court judge for those districts, designated by the chief justice from among the district court judges for the districts in the set of districts.

(b) Whenever by law a duty is imposed upon the chief district court judge, it means for a set of districts the chief district court judge designated under subsection (a)(3) of this section."

SECTION 25.5. G.S.7A-177(b) reads as rewritten:

"(b) ~~Training~~ In addition to the basic training course required under subsection (a) of this section, continuing education courses shall be provided at such times and locations as necessary to assure that they are conveniently available to all magistrates without extensive travel to other parts of the State. Courses shall be provided in Asheville for the magistrates from the western region of the State."

SECTION 26.(a) G.S. 7B-1111(a)(10), as enacted by Section 1 of S.L. 2007-151, reads as rewritten:

"(10) Where the juvenile has been relinquished to a county department of social services or a licensed child-placing agency for the purpose of adoption or placed with a prospective adoptive parent for adoption; the consent or relinquishment to adoption by the parent has become irrevocable except upon a showing of fraud, duress, or other circumstance as set forth in G.S. 48-3-609 or G.S. 48-3-707; termination of parental rights is a condition precedent to adoption in the jurisdiction where the adoption ~~preceding proceeding~~ is to be filed; and the parent does not contest the termination of parental rights."

SECTION 26.(b) This section becomes effective October 1, 2007, and applies to motions in the cause or petitions filed on or after that date.

SECTION 27. Article 1 of Chapter 10B of the General Statutes is amended by adding a new section to read:

"§ 10B-70. Certain notarial acts for local government agencies validated.

Any acknowledgment taken and any instrument notarized for a local government agency by a person prior to qualification as a notary public but after commissioning or recommissioning as a notary public, by a person whose notary commission has expired, or by a person who failed to qualify within 45 days of commissioning as required by G.S. 10B-10, 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 for a local government agency on or after October 31, 2006, and before June 30, 2007."

SECTION 28.(a) G.S. 84-2 reads as rewritten:

"§ 84-2. Persons disqualified.

No justice, judge, magistrate, full-time district attorney, full-time assistant district attorney, public defender, assistant public defender, clerk, deputy or assistant clerk of the General Court of Justice, register of deeds, deputy or assistant register of deeds, sheriff or deputy sheriff shall engage in the private practice of law. Persons violating

this provision shall be guilty of a Class 3 misdemeanor and only fined not less than two hundred dollars (\$200.00)."

SECTION 28.(b) This section becomes effective December 1, 2007, and applies offenses committed on or after that date.

SECTION 29.(a) G.S. 115D-5(a) reads as rewritten:

"(a) The State Board of Community Colleges may adopt and execute such policies, regulations and standards concerning the establishment, administration, and operation of institutions as the State Board may deem necessary to insure the quality of educational programs, to promote the systematic meeting of educational needs of the State, and to provide for the equitable distribution of State and federal funds to the several institutions.

The State Board of Community Colleges shall establish standards and scales for salaries and allotments paid from funds administered by the State Board, and all employees of the institutions shall be exempt from the provisions of the State Personnel Act. The State Board shall have authority with respect to individual institutions: to approve sites, ~~buildings, building plans,~~ capital improvement projects, budgets; to approve the selection of the chief administrative officer; to establish and administer standards for professional personnel, curricula, admissions, and graduation; to regulate the awarding of degrees, diplomas, and certificates; to establish and regulate student tuition and fees within policies for tuition and fees established by the General Assembly; and to establish and regulate financial accounting procedures.

The State Board of Community Colleges shall require all community colleges to meet the faculty credential requirements of the Southern Association of Colleges and Schools for all community college programs."

SECTION 29.(b) G.S. 115D-15.1 reads as rewritten:

"§ 115D-15.1. Disposition, acquisition, and construction of property by community college.

(a) Disposition. – Notwithstanding the provisions of G.S. 115D-14, 115D-15, and 160A-274, the board of trustees of a community college may, in connection with additions, improvements, renovations, or repairs to all or part of its property, lease, sell, or otherwise dispose of any of its property to the county in which the property is located for any price and on any terms negotiated between the board of trustees of the community college and the board of county commissioners.

(b) Transfer. – An agreement under subsection (a) of this section shall require the county to transfer the property back to the board of trustees of the community college when any financing agreement entered into by the county to finance the additions, improvements, renovations, and repairs has been satisfied. ~~If the county did not enter into a financing agreement, the agreement under subsection (a) of this section shall require the county to transfer the property back to the board of trustees of the community college upon the completion of the additions, improvements, renovations, and repairs.~~

Notwithstanding the transfer of property to the county, the provisions of subsection (d) of this section, G.S. 143-129, and G.S. 143-341 apply to the capital improvement project.

(c) Acquisition and Construction. – Notwithstanding the provisions of G.S. 115D-14 and G.S. 115D-20(3), the board of trustees of a community college may acquire, by any lawful method, any interest in real or personal property ~~from in the~~ county in which the community college is located or in its service delivery area for use by the board of ~~trustees and trustees.~~ The board of trustees may contract for the construction, equipping, expansion, improvement, renovation, repair, or otherwise making available for use by the board of trustees of the community college of all or part of the property upon any terms negotiated between the board of trustees of the community college and the board of county commissioners.

(d) Approval. – The actions of a board of trustees of a community college taken pursuant to this section are subject to the approval of the State Board of Community Colleges.

(e) Contract Responsibility. – A county's obligations under a financing contract entered into by the county to finance improvements to real or personal property pursuant to this section shall be the responsibility of the county and not the responsibility of the board of trustees of the community college."

SECTION 29.(c) G.S. 115D-54(a) reads as rewritten:

"(a) ~~On or before the first day of May of each year,~~ By a date determined by the State Board, trustees of each institution shall prepare for submission a budget request as provided in G.S. 115D-54(b) on forms provided by the State Board of Community Colleges. The budget shall be based on estimates of available funds if provided by the funding authorities or as estimated by the institution. The State Current Fund shall be based on available funds. All other funds shall be based on needs as determined by the board of trustees and shall include the following:

- (1) State Current Fund.
- (2) County Current Fund.
- (3) Institutional Fund.
- (4) Plant Fund."

SECTION 29.(d) G.S. 115D-55(a) reads as rewritten:

"(a) Approval of Budget by Local Tax-Levying Authority. – ~~Not later than May 15, or such later date as may be~~ By a date fixed by the local tax-levying authority, the budget shall be submitted to the local tax-levying authority for approval of that portion within its authority as stated in G.S. 115D-54(b). On or before July 1, or such later date as may be agreeable to the board of trustees, but in no instance later than September 1, the local tax-levying authority shall determine the amount of county revenue to be appropriated to an institution for the budget year. The local tax-levying authority may allocate part or all of an appropriation by purpose, function, or project as defined in the budget manual as adopted by the State Board of Community Colleges.

The local tax-levying authority shall have full authority to call for all books, records, audit reports, and other information bearing on the financial operation of the institution except records dealing with specific persons for which the persons' rights of privacy are protected by either federal or State law.

Nothing in this Article shall be construed to place a duty on the local tax-levying authority to fund a deficit incurred by an institution through failure of the institution to comply with the provisions of this Article or rules and regulations issued pursuant hereto."

SECTION 29.(e) G.S. 115D-58.15(a) reads as rewritten:

"(a) Authority. – The board of trustees of a community college may use lease purchase or installment purchase contracts to purchase or finance the purchase of equipment as provided in this section. A college shall not have more than five State-funded contracts in effect at any one time."

SECTION 29.(f) This section becomes effective October 1, 2007.

SECTION 29.5.(a) G.S. 115D-31.3(j) reads as rewritten:

"(j) Use of funds in low-wealth counties. – Funds retained by colleges or distributed to colleges pursuant to this section may be used to supplement local funding for maintenance of plant if the college does not receive maintenance of plant funds pursuant to G.S. 115D-31.2, and if the county in which the main campus of the community college is located:

- (1) Is designated as a Tier 1 ~~or Tier 2~~ county in accordance with ~~G.S. 105-129.3;~~ G.S. 143B-437.08;
- (2) Had an unemployment rate of at least two percent (2%) above the State average or greater than seven percent (7%), whichever is higher, in the prior calendar year; and

- (3) Is a county whose wealth, as calculated under the formula for distributing supplemental funding for schools in low-wealth counties, is eighty percent (80%) or less of the State average.

Funds may be used for this purpose only after all local funds appropriated for maintenance of plant have been expended."

SECTION 29.5.(b) This section is effective January 1, 2008.

SECTION 30. G.S. 116-238.5 is repealed.

SECTION 31. The second G.S. 120-36.15, enacted by Section 3 of S.L. 2007-78, is recodified as G.S. 120-36.16.

SECTION 31.7. G.S. 130A-498(c), as enacted by Section 2 of S.L. 2007-193, reads as rewritten:

"(c) As used in this Part, 'local government' means any local political subdivision of this State, any airport authority, or any authority or body created by any ~~ordinance~~ ordinance, joint resolution, or rules of any such entity."

SECTION 32.(a) G.S. 143B-434.1(c), as amended by S.L. 2007-67, reads as rewritten:

"(c) The Board shall consist of 29 members as follows:

- (1) The Secretary of Commerce, who shall not be a voting member.
- (2) The Director of the Division of Tourism, Film, and Sports Development, who shall not be a voting member.
- (3) Two members designated by the Board of Directors of the ~~North Carolina Hotel and Motel Association.~~ North Carolina Restaurant and Lodging Association, representing the lodging sector.
- (4) Two members designated by the Board of Directors of the ~~North Carolina Restaurant Association.~~ North Carolina Restaurant and Lodging Association, representing the restaurant sector.
- (5) Three Directors of Convention and Visitor Bureaus designated by the Board of Directors of the North Carolina Association of Convention and Visitor Bureaus.
- (6) The Chairperson of the Travel and Tourism Coalition.
- (7) The President of the ~~Travel Council of North Carolina.~~ North Carolina Travel Industry Association.
- (8) A member designated by the Board of Directors of the ~~Travel Council of North Carolina.~~ North Carolina Travel Industry Association.
- (9) The President of North Carolina Citizens for Business and Industry.
- (10) One member designated by the North Carolina Petroleum Marketers Association.
- (11) One person associated with tourism attractions in North Carolina, appointed by the Speaker of the House of Representatives. One person who is not a member of the General Assembly, appointed by the Speaker of the House of Representatives.
- (12) One person associated with the tourism-related transportation industry, appointed by the President Pro Tempore of the Senate. One person who is not a member of the General Assembly, appointed by the President Pro Tempore of the Senate.
- (13) Four public members each interested in matters relating to travel and tourism, two appointed by the Governor (one from a rural area and one from an urban area), one appointed by the Speaker of the House, and one appointed by the President Pro Tempore of the Senate.
- (14) One member associated with the major cultural resources and activities of the State in North Carolina, appointed by the Governor.
- (15) Two members of the House of Representatives, appointed by the Speaker of the House of Representatives.
- (16) Two members of the Senate, appointed by the President Pro Tempore of the Senate.

(17) Two members designated by the Board of Directors of North Carolina Watermen United who represent the charter boat/headboat industry."

SECTION 32.(b) G.S. 143B-434.1(d) reads as rewritten:

"(d) The members of the Board shall serve the following terms: the Secretary of Commerce, the Director of the Division of Tourism, Film, and Sports Development, the Chairperson of the Travel and Tourism Coalition, the President of the ~~Travel Council of North Carolina~~, North Carolina Travel Industry Association, and the President of North Carolina Citizens for Business and Industry shall serve on the Board while they hold their respective offices. Each member of the Board appointed by the Governor shall serve during his or her term of office. The members of the Board appointed by the General Assembly shall serve two-year terms beginning on January 1 of odd-numbered years and ending on December 31 of the following year. The first such term shall begin on January 1, 1991, or as soon thereafter as the member is appointed to the Board, and end on December 31, 1992. All other members of the Board shall serve a term which consists of the portion of calendar year 1991 that remains following their appointment or designation and, thereafter, two-year terms which shall begin on January 1 of an even-numbered year and end on December 31 of the following year. The first such two-year term shall begin on January 1, 1992, and end on December 31, 1994."

SECTION 33.(a) G.S. 143B-437.10 is recodified in Part 2 of Article 10 of Chapter 143B of the General Statutes as G.S. 143B-437.010.

SECTION 33.(b) G.S. 105-129.81(1) reads as rewritten:

"(1) Agrarian growth zone. – Defined in ~~G.S. 143B-437.10~~. G.S. 143B-437.010."

SECTION 33.(c) This section becomes effective July 1, 2007.

SECTION 34. G.S. 143C-6-6 reads as rewritten:

"(c) ~~This Subsection (a) of this section~~ does not apply to The University of North Carolina."

SECTION 34.5. G.S. 147-64.7(a) reads as rewritten:

"(a) Access to Persons and Records. –

(1) The Auditor and ~~his~~ the Auditor's authorized representatives shall have ready access to persons and may examine and copy all books, records, reports, vouchers, correspondence, files, personnel files, investments, and any other documentation of any State agency. The review of State tax returns shall be limited to matters of official business and the Auditor's report shall not violate the confidentiality provisions of tax laws. Notwithstanding confidentiality provisions of tax laws, the Auditor may use and disclose information related to overdue tax debts in support of the Auditor's statutory mission.

(2) The Auditor and ~~his~~ the Auditor's duly authorized representatives shall have such access to persons, records, papers, reports, vouchers, correspondence, books, and any other documentation which is in the possession of any individual, private corporation, institution, association, board, or other organization which pertain to:

- a. Amounts received pursuant to a grant or contract from the federal government, the State, or its political subdivisions.
- b. Amounts received, disbursed, or otherwise handled on behalf of the federal government or the State. In order to determine that payments to providers of social and medical services are legal and proper, the providers of such services will give the Auditor, or ~~his~~ the Auditor's authorized representatives, access to the records of recipients who receive such services."

SECTION 35. Section 5 of S.L. 2005-198 reads as rewritten:

"**SECTION 5.** This act is effective when it becomes law. Section 1 of this act applies to provisional teaching certificates issued on or after that date. ~~Sections 2, 3, and 4 of this act expire July 1, 2011.~~"

SECTION 35.5. Section 2.66 of S.L. 2005-421 reads as rewritten:

"SECTION 2.66. Ray West of Chatham County is appointed to the ~~State Board of Therapeutic Recreation Certification~~North Carolina Recreational Therapy Licensure Board for a term expiring on ~~June 30, 2007.~~June 30, 2008."

SECTION 36. Section 93(c) of S.L. 2006-264 is repealed.

SECTION 37. Section 98 of S.L. 2006-264 reads as rewritten:

"SECTION 98. Section 4 of ~~S.L. 2005-360~~S.L. 2005-350 is repealed."

SECTION 38. The lead-in language of Section 6 of S.L. 2007-97 reads as rewritten:

"SECTION 6. ~~G.S. 108-27.4(e)(7)~~G.S. 108A-27.4(e)(7) reads as rewritten:"

SECTION 39. The lead-in language of Section 1.2 of S.L. 2007-106 reads as rewritten:

"SECTION 1.2. G.S. 32A-14 is ~~amended by adding a new subsection to read:~~reads as rewritten:"

SECTION 40. Section 2 of S.L. 2007-112 reads as rewritten:

"SECTION 2. Occupancy Tax. – (a) Authorization and Scope. – The Carteret County Board of Commissioners may levy a room occupancy and tourism development tax of five percent (5%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, condominium, cottage, campground, rental agency, or other similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by the following:

- (1) Religious organizations.
- (2) Educational organizations.
- (3) Any business that offers to rent fewer ~~then~~than five units.
- (4) Summer camps.
- (5) Charitable, benevolent, and other nonprofit organizations."

SECTION 41. Section 1.(b) of S.L. 2007-113 reads as rewritten:

"SECTION 1.(b) To provide for the continuity of degree-granting authority and participation with the State ~~Assistance Education~~Education Assistance Authority:

- (1) Notwithstanding G.S. 116-15 and anything else to the contrary, CMC-NorthEast, Inc., or any successor, may continue to operate under this section in the same manner as private nonprofit corporations, and further may maintain in connection and as part of the hospital and education programs for nursing and health sciences, presently known as Cabarrus College of Health Sciences, which may continue to award associate degrees, baccalaureate degrees, and advanced degrees, as appropriate and as obtained by its students.
- (2) Notwithstanding G.S. 116-21, 116-21.4, 116-22(1), 116-43.5 and any and all rules promulgated thereunder, and anything else to the contrary, Cabarrus College of Health Sciences shall continue to qualify for participation as an "approved institution" and otherwise remain eligible to receive the North Carolina Legislative Tuition Grants through the North Carolina State Education Assistance Authority.
- (3) Notwithstanding G.S. 116-19, 116-20, 116-21, 116-21.1, and 116-22(1), and any and all rules promulgated thereunder, and anything else to the contrary, Cabarrus College of Health Sciences shall continue to qualify for participation as an "approved institution" and otherwise remain eligible to receive the North Carolina State Contractual Scholarship Funds Grants through the North Carolina State Education Assistance Authority."

SECTION 41.5. Section 8 of S.L. 2007-164 reads as rewritten:

"SECTION 8. Section 7 of this act becomes effective July 1, 2008.~~This~~The remainder of this act becomes effective July 1, 2007."

SECTION 42.(a) Section 12 of Session Law 2007-213 reads as rewritten:

"**SECTION 12.** G.S. 14-208.45 reads as rewritten:

"**§ 14-208.45. Fees.**

(a) ~~There shall be~~ Except as provided in this section, each person required to enroll pursuant to this Part shall pay a one-time fee of ninety dollars ~~(\$90.00) assessed to each person required to enroll pursuant to this Part.(\$90.00).~~ The fee shall be payable to the clerk of superior court, and the fees shall be remitted quarterly to the Department of Correction. This fee is intended to offset only the costs associated with the time-correlated tracking of the geographic location of subjects using the location tracking crime correlation system.

(b) ~~When a court determines a person is required to enroll pursuant to G.S. 14-208.40A or G.S. 14-208.40B, the~~ The court may exempt a person from paying the fee required by subsection (a) of this section only for good cause and upon motion of the person placed on required to enroll in satellite-based monitoring. The court may require that the fee be paid in advance or in a lump sum or sums, and a probation officer may require payment by those ~~methods.~~ methods if the officer is authorized by subsection (c) of this section to determine the payment schedule. This fee is intended to offset only the costs associated with the time correlated tracking of the geographic location of subjects using the location tracking crime correlation system.

(b) ~~The fee shall be payable to the clerk of superior court, and the fees shall be remitted quarterly to the Department of Correction.~~

(c) ~~If a person placed on supervised probation, parole, or post release supervision is required as a condition of that probation, parole, or post release supervision to pay any moneys to the clerk of superior court, the court may delegate to a probation officer the responsibility to determine the payment schedule."~~

SECTION 42.(b) Effective July 11, 2007, Section 15 of Session Law 2007-213 reads as rewritten:

"**SECTION 15.** Section 2 of this act becomes effective December 1, 2007, and applies to sentences entered on or after that date. Section 6 of this act becomes effective December 1, 2007, and applies to offenses committed on or after that date. Sections 7, 8, and 9 of this act become effective December 1, 2007, and apply to persons placed on probation, parole, or post-release supervision on or after that date. ~~Section 9A becomes~~ Sections 1, 3, 4, 5, 11, 12, and 13 of this act become effective December 1, 2007. The remainder of this act is effective when it becomes law."

SECTION 43. The lead-in language of Section 6 of S.L. 2007-224 reads as rewritten:

"**SECTION 6.** ~~G.S. 160-215(g)~~ G.S. 160A-215(g) reads as rewritten:"

SECTION 43.5. Section 10 of S.L. 2007-298 reads as rewritten:

"**SECTION 10.** Part I of this act becomes effective January 1, 2008, and applies to violations occurring on or after that date. ~~Sections~~ Section 7.4 applies to failure to submit license renewal applications on or after October 1, 2007, and 7.5 apply to renewal applications submitted ~~Section 7.5 applies to failure to submit annual verifications of status on or after October 1, 2007.~~ Section Sections 9 and 10 and Parts II, III, V, and VIII are effective when the bill becomes law. The remainder of the act becomes effective October 1, 2007, 2007, and applies to policies issued or renewed on or after that date."

SECTION 43.7.(a) If Section 1.2 of House Bill 627, 2007 Regular Session, becomes law, G.S. 112C-115.4(b)(5), as enacted by Section 1.2 of House Bill 627, is repealed.

SECTION 43.7.(b) If Section 1.2 of House Bill 627, 2007 Regular Session, becomes law, G.S. 122C-115.4(b)(5), as enacted by Section 10.49(l) of S.L. 2007-323, reads as rewritten:

"(b) The primary functions of an LME include all of the following:

...

- (5) Care coordination and quality management. This function involves individual client care decisions at critical treatment junctures to assure clients' care is coordinated, received when needed, likely to produce good outcomes, and is neither too little nor too much service to achieve the desired results. Care coordination is sometimes referred to as "care management." Care coordination shall be provided by clinically trained professionals with the authority and skills necessary to determine appropriate diagnosis and treatment, approve treatment and service plans, when necessary to link clients to higher levels of care quickly and efficiently, to facilitate the resolution of disagreements between providers and clinicians, and to consult with providers, clinicians, case managers, and utilization reviewers. Care coordination activities for high-risk/high-cost consumers or consumers at a critical treatment juncture include the following:
- a. Assisting with the development of a single care plan for individual clients, including participating in child and family teams around the development of plans for children and adolescents.
 - b. Addressing difficult situations for clients or providers.
 - c. Consulting with providers regarding difficult or unusual care situations.
 - d. Ensuring that consumers are linked to primary care providers to address the consumer's physical health needs.
 - e. Coordinating client transitions from one service to another.
 - f. ~~Customer~~ Conducting customer service interventions.
 - g. Assuring clients are given additional, fewer, or different services as client needs increase, lessen, or change.
 - h. Interfacing with utilization reviewers and case managers.
 - i. Providing leadership on the development and use of communication protocols.
 - j. Participating in the development of discharge plans for consumers being discharged from a State facility or other inpatient setting who have not been previously served in the community.

SECTION 43.7.(c) If House Bill 627, 2007 Regular Session, becomes law, Section 3 of that act reads as rewritten:

"SECTION 3. Sections 2.1 through 2.3 and Section 3 of this act become effective October 1, 2007. Sections 1.4 and 2.5 of this act apply to appointments made on and after October 1, 2007. Section 1.2 of this act becomes effective July 1, 2007. The remainder of this act is effective when it becomes law."

SECTION 43.7.(d) This section becomes effective July 1, 2007.

SECTION 43.7C. If House Bill 820, 2007 Regular Session, becomes law, Section 7.(a) of House Bill 820 reads as rewritten:

SECTION 7.(a) Except as provided in subsection (b) of this section, this act becomes effective when it becomes law and applies to any petition for a certificate for a transfer of surface water from one river basin to another river basin first made for which preparation of an environmental assessment or an environmental impact statement has begun on or after that date, the date on which this act becomes law.

SECTION 43.7E. Section 2 of House Bill 956, 2007 Regular Session, Ratified Version, is amended by deleting "G.S. 115C-325(5a)" and substituting "G.S. 115C-325(a)(5a)."

SECTION 43.7J. If House Bill 1094, 2007 Regular Session, becomes law, then G.S. 14-440.1(c), as amended by House Bill 1094, reads as rewritten:

"(c) Penalty. – A violation of subsection (b) of this section is punishable as follows:

- (1) Unless the conduct is covered under some other provision of law providing greater punishment, any person convicted of a violation of subsection (b) of this section is guilty of:
 - a. A Class I felony, if the violation is a first offense under this section, with a minimum fine of two thousand five hundred dollars (\$2,500).
 - b. A Class I felony, if the violation is a second or subsequent offense under this section, with a minimum fine of five thousand dollars (\$5,000).
- (2) If a person is convicted of ~~any a~~ violation of subsection (b) of this section, the court, in its judgment of conviction, shall order the forfeiture and destruction or other disposition of the following:
 - a. All unauthorized copies of motion pictures or other audiovisual works, or any parts thereof.
 - b. All implements, devices, and equipment used or intended to be used in connection with the offense."

SECTION 43.7T.(a) If House Bill 1499, 2007 Regular Session, becomes law, Section 1.3 reads as rewritten:

"**SECTION 1.3.** Section 1.1 of this ~~act~~ Part is effective for taxes imposed for taxable years beginning on or after July 1, 2008. The remainder of this ~~section~~ Part is effective when it becomes law."

SECTION 43.7T.(b) If House Bill 1499, 2007 Regular Session, becomes law, Section 2.6 reads as rewritten:

"**SECTION 2.6.** This ~~section~~ Part is effective for taxes imposed for taxable years beginning on or after July 1, 2008."

SECTION 43.7T.(c) If House Bill 1499, 2007 Regular Session, becomes law, Section 3.2 reads as rewritten:

"**SECTION 3.2.** This ~~section~~ Part is effective for taxes imposed for taxable years beginning on or after July 1, 2008."

SECTION 43.7T.(d) If House Bill 1499, 2007 Regular Session, becomes law, Section 4.3 reads as rewritten:

"**SECTION 4.3.** This ~~section~~ Part is effective when it becomes law."

SECTION 43.7T.(e) If House Bill 1499, 2007 Regular Session, becomes law, then that act is amended by adding a new section to read:

"**SECTION 5.** Except as otherwise provided, this act is effective when it becomes law."

SECTION 43.8.(a) If House Bill 1517, 2007 Regular Session, becomes law, then G.S. 163-278.96(17), as enacted by House Bill 1517, reads as rewritten:

"(17) Trigger for matching funds. – The dollar amount at which matching funds are released under G.S. 163-278.99B for certified candidates. In the case of a contested primary, the trigger equals the maximum qualifying contributions for the candidate. In the case of a contested general election, the trigger equals the base level of funding available under ~~G.S. 163-278.99(b)(2)~~ G.S. 163-278.99(b)(4)."

SECTION 43.8.(b) If House Bill 1517, 2007 Regular Session, becomes law, then G.S. 163-278.99B(c) as enacted by House Bill 1517, reads as rewritten:

"(c) Limit on Matching Funds in Contested General Election. – Total matching funds to a certified candidate in a contested general election shall be limited to an amount equal to two times the amount described in ~~G.S. 163-278.99(b)(2)~~ G.S. 163-278.99(b)(4)."

SECTION 43.8.(c) If House Bill 1517, 2007 Regular Session, becomes law, Section 6 of House Bill 1517 is rewritten to read:

"**SECTION 6.** Sections 1 through 3 of this act ~~become~~ are effective ~~30 days after this act is given preclearance under section 5 of the Voting Rights Act of 1965.~~ when this act becomes law. For purposes of the 2008 election, the beginning date for the voluntary funding limitation as enacted in G.S. 163-278.98(e)(1) and (2) in Section 1 of this act shall be set administratively by the State Board of Elections. This act applies to elections for Auditor, Superintendent of Public Instruction, and Commissioner of Insurance in 2008 and thereafter. Section 5 of this act becomes effective July 1, 2007. The State Board of Elections shall make the kind of report required in G.S. 163-278.97(c), as enacted in this act, as soon as feasible before the 2008 election. The State Board of Elections shall make the determination required in G.S. 163-278.99(b), as enacted in this act, as soon as feasible before the 2008 election. The remainder of this act is effective when it becomes law."

SECTION 43.8G.(a) If House Bill 1817, 2007 Regular Session, becomes law, then G.S. 53-243.10(8), as enacted by House Bill 1817, reads as rewritten:

'(8) In transactions where the broker has the ability to make credit decisions, use reasonable means to provide the borrower with prompt credit decisions on its loan applications and, where the credit is denied, to comply fully with the notification requirements of applicable state and federal law.'

SECTION 43.8G.(b) If House Bill 1817, 2007 Regular Session, becomes law, then G.S. 53-243.10(10), as enacted by House Bill 1817, is repealed.

SECTION 43.8G.(c) This section is effective January 1, 2008.

SECTION 43.8.(d) If House Bill 1517, 2007 Regular Session, becomes law, G.S. 163-278.99B, as enacted by Section 1 of that bill, is amended by adding a new subsection to read:

(e) Proportional Measuring of Multicandidate Communications. – In calculating the amount of matching funds a certified candidate is eligible to receive under this section, the Board shall include the proportion of expenditures, obligations, or payments for multicandidate communications that pertains to the candidate.

SECTION 43.9. If Senate Bill 1435, 2007 Regular Session, becomes law, then the statutory reference in Section 7 of that act is amended by deleting '**90-210.29A-1.**' and substituting '**90-210.29B.**'

SECTION 44. If Senate Bill 1482, 2007 Regular Session, becomes law, then its title is amended by deleting "G.S. 163-102.6" and substituting "G.S. 136-102.6".

SECTION 44.5. If Senate Bill 1527, 2007 Regular Session, becomes law, then G.S. 58-71-165, as enacted by Senate Bill 1527, reads as rewritten:

"~~§ 58-71-165. Monthly report~~ **Report required.**

(a) Each professional bail bondsman shall file with the Commissioner a written report in a form prescribed by the Commissioner regarding all bail bonds on which the bondsman is liable as of the first day of each month showing (i) each individual bonded, (ii) the date the bond was given, (iii) the principal sum of the bond, (iv) the State or local official to whom given, and (v) the fee charged for the bonding service in each instance.

(b) Each insurer that appoints surety bondsmen in this State shall file with the Commissioner a written report in a form adopted by the Commissioner regarding all bail bonds on which the insurer is liable as of the last day of each calendar quarter showing the total dollar amount for which the insurer is liable. The report shall be filed on or before the fifteenth day following the end of each calendar quarter.

(c) The reports required by ~~subsections (a) and (b)~~ subsection (a) of this section shall be filed on or before the fifteenth day of each month.

(d) Any person who knowingly and willfully falsifies a report required by this section is guilty of a Class I felony."

SECTION 45. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2nd day of August, 2007.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:23 p.m. this 30th day of August, 2007