

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2018-145
SENATE BILL 469**

AN ACT TO MAKE VARIOUS TECHNICAL, CLARIFYING, AND CONFORMING
CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

The General Assembly of North Carolina enacts:

**MODIFY THE REQUIREMENTS FOR APPLICATIONS FOR STUDENTS WITH
DISABILITIES SCHOLARSHIP GRANTS AND MAKE TECHNICAL CHANGES TO
THE OPPORTUNITY SCHOLARSHIP GRANT PROGRAM**

SECTION 1.(a) G.S. 115C-112.5(2) reads as rewritten:

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

...

- f. Meets at least one of the following requirements:
1. Was enrolled in a North Carolina public school or a Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina, during the ~~previous semester~~ spring semester prior to the school year for which the student is applying. The Authority shall not count actual days of attendance to determine whether a child was enrolled in a qualifying school for ~~the previous~~ that semester for the purposes of eligibility under this sub-sub-subdivision.
 2. Received special education or related services through the North Carolina public schools as a preschool child with a disability during the ~~previous semester~~ spring semester prior to the school year for which the student is applying.
 3. ~~Was approved for~~ Received a scholarship for the ~~previous semester~~ school year prior to the school year for which the student is applying.
 4. Is a child who is identified as a child with a disability prior to the end of the year of initial enrollment in kindergarten or first grade. An award by the Authority based on eligibility under this sub-sub-subdivision shall be conditional. If documentation is not provided to the Authority that the child is a child with a disability prior to the end of the year of initial enrollment, (i) no reimbursement shall be awarded and (ii) the child shall not qualify the following year as an eligible student under sub-sub-subdivision 3. of this section.
 5. Is a child whose parent or legal guardian is on full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on



- active duty orders pursuant to 10 U.S.C. § 12301, et seq., and 10 U.S.C. § 12401, et seq.
6. Is a child who has been domiciled in the State for at least six months.
 7. Is a child in foster care as defined in G.S. 131D-10.2(9).
 8. Is a child whose adoption decree was entered not more than one year prior to submission of the scholarship application.
 9. Is a child who meets both of the following:
 - I. Was enrolled in a nonpublic school that meets the requirements of Article 39 of this Chapter during the spring semester prior to the school year for which the student is applying.
 - II. Was enrolled for the entire school year immediately prior to the school year in which the student enrolled in the nonpublic school in one of the following:
 - A. A North Carolina public school.
 - B. A Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina."

SECTION 1.(b) G.S. 115C-112.6(a2) reads as rewritten:

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

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

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

- (1) Was enrolled in a North Carolina public school or a Department of Defense Elementary and Secondary School for the entire 2016-2017 school year.
- (2) Was enrolled in a nonpublic school that meets the requirements of Article 39 of this Chapter in the 2017-2018 and 2018-2019 school years.
- (3) Meets the eligibility requirements of G.S. 115C-112.5(2)a. through e.
- (4) Submits a scholarship application for the 2019-2020 school year.

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

SECTION 1.(d) G.S. 115C-562.1(3)a. reads as rewritten:

- "a. Meets one of the following criteria:
1. Was a full-time student (i) assigned to and attending a public school pursuant to G.S. 115C-366 or (ii) enrolled in a Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina, during the previous semester-spring semester prior to the school year for which the student is applying.

2. Received a scholarship grant ~~during for the previous~~ year-year prior to the school year for which the student is applying.

...."

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

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

CHANGE THE ADMINISTRATOR OF THE TRANSFORMING PRINCIPAL PREPARATION PROGRAM TO THE NC PRINCIPAL FELLOWS COMMISSION

SECTION 2.(a) Part 4 of Article 23 of Chapter 116 of the General Statutes reads as rewritten:

"Part 4. Transforming Principal Preparation Grant Program.

"§ 116-209.70. Purpose and definitions.

(a) Purpose. – The purpose of this Part is to establish the Transforming Principal Preparation Grant Program as a competitive grant program for eligible entities to elevate educators in North Carolina public schools by transforming the preparation of principals across the State. The Authority shall administer this Program ~~through a cooperative agreement with a private, nonprofit corporation~~ in collaboration with the North Carolina Principal Fellows Commission to provide funds for the preparation and support of highly effective future school principals in North Carolina.

(b) Definitions. – For the purposes of this Part, the following definitions apply:

- (1) Commission. – The North Carolina Principal Fellows Commission established pursuant to G.S. 116-74.41.

- (1a) Eligible entity. – A for-profit or nonprofit organization or an institution of higher education that has an evidence-based plan for preparing school leaders who implement school leadership practices linked to increased student achievement.

...

"§ 116-209.71. Transforming Principal Preparation Grant Program established; administration.

(a) Program Authorized. – The Authority shall award grants through the Transforming Principal Preparation Grant Program to eligible entities to support programs that develop well-prepared school leaders in accordance with the provisions of this Part. The Authority shall establish any necessary rules to administer the Program.

(b) ~~Contract with a Nonprofit~~ Collaboration with the Commission for Administration. – The Authority shall ~~contract with a private, nonprofit corporation~~ collaborate with the Commission for the administration of the Program, including the Commission making recommendations to the Authority for the award of grants, as authorized by this Part. ~~The nonprofit corporation contracting with the Authority shall meet at least the following requirements:~~

- (1) ~~The nonprofit corporation shall be a nonprofit corporation organized pursuant to Chapter 55A of the General Statutes and shall comply at all times with the provisions of section 501(c)(3) of the Internal Revenue Code.~~

- (2) ~~The nonprofit corporation shall employ sufficient staff who have demonstrated a capacity for the development and implementation of grant selection criteria and a selection process to promote innovative school leader education programs, including:~~

- a. ~~Focus on school leader talent.~~

- b. ~~Expertise supporting judgments about grant renewal based on achievement of or substantial school leader progress toward measurable results in student achievement.~~
- e. ~~Expectation of creating positive experiences working with the educational community in North Carolina to establish the foundation for successfully administering the programs set forth in this section.~~
- (3) ~~The nonprofit corporation shall comply with the limitations on lobbying set forth in section 501(c)(3) of the Internal Revenue Code.~~
- (4) ~~No State officer or employee may serve on the board of the nonprofit corporation.~~
- (5) ~~The board of the nonprofit corporation shall meet at least quarterly at the call of its chair.~~

"§ 116-209.72. Grant applications; priority.

(a) Application Requirements. – Subject to the availability of funds for this purpose, the ~~nonprofit corporation~~ entering into a contract with the Authority under ~~G.S. 116-209.71~~Commission shall issue a request for proposal with guidelines and criteria for applying for a grant. An eligible entity that seeks a grant under the Program shall submit to the ~~nonprofit corporation~~Commission an application at such time, in such manner, and accompanied by such information as the ~~nonprofit~~Commission may require. An applicant shall include at least the following information in its application for consideration by the ~~nonprofit corporation~~Commission:

...

(b) Application Priority. – The ~~nonprofit corporation~~Commission shall evaluate the applicants for grants by giving priority to an eligible entity with a record of preparing principals demonstrating the following:

- (1) Improvement in student achievement.
- (2) Placement as school leaders in eligible schools.
- (3) A proposed focus on and, if applicable, a record of serving high-need schools, high-need local school administrative units, or both.
- (4) A detailed plan and commitment to share lessons learned and to improve the capacity of other entities in reaching similar outcomes.
- (5) A service area that is underserved by existing principal preparation programs or demonstrates unmet need despite current available programs.

"§ 116-209.73. Recipient selection; use of grant funds; duration and conditions of grants; reporting requirements.

(a) Selection. – After evaluation of grant applications pursuant to G.S. 116-209.72, the ~~nonprofit corporation~~Commission shall recommend to the Authority the recipients of grants under the Program for each fiscal year.

...

(c) Duration and Conditions of Grants. – The ~~nonprofit corporation~~Commission shall also recommend to the Authority the duration and renewal of grants to eligible entities according to the following:

- (1) The duration of grants shall be as follows:
 - a. Grants shall be no more than five years in duration.
 - b. The ~~nonprofit corporation~~Commission may recommend renewal of a grant based on compliance with the grant terms and performance, including allowing the grantee to scale up or replicate the successful program as provided in subdivision (2) of this subsection.

(1a) The following conditions shall apply during the grant period:

- e.a. The ~~nonprofit~~Commission shall develop a process with the Authority for early retrieval of grant funds from grant recipients due to

noncompliance with grant terms, including participation in third-party evaluation activities.

- b. Grantees shall develop and enforce requirements to provide for program graduates to serve a minimum of four years as school-based administrators in North Carolina. The terms of forgivable loans to program participants, including requirements for forgiveness or repayment, shall be consistent with the provisions of G.S. 116-74.43. Requirements are subject to the approval of the ~~nonprofit corporation~~Commission.
- (2) In evaluating performance for purposes of grant renewal and making recommendations to the Authority, the ~~nonprofit corporation~~Commission shall consider at least the following:
- a. For all grantees, the primary consideration in renewing grants shall be the extent to which program participants improved student achievement in eligible schools.
 - b. Other criteria from data received in the annual report in subsection (d) of this section may include the following:
 - 1. The percentage of program completers who are placed as school leaders in this State within three years of receiving a grant.
 - 2. The percentage of program completers who are rated proficient or above on the North Carolina School Executive Evaluation Rubric.

(d) Reporting Requirements for Grant Recipients. – Recipients of grants under the program shall participate in all evaluation activities required by the ~~nonprofit corporation~~Commission and submit an annual report to the ~~nonprofit corporation~~Commission with any information requested by the ~~nonprofit corporation~~Commission. The recipients shall comply with additional report requests made by the ~~nonprofit corporation~~Commission. Whenever practicable and within a reasonable amount of time, grant recipients shall also make all materials developed as part of the program and with grant funds publically available to contribute to the broader sharing of promising practices. Materials shall not include personally identifiable information regarding individuals involved or associated with the program, including, without limitation, applicants, participants, supervisors, evaluators, faculty, and staff, without their prior written consent. The ~~nonprofit corporation~~Commission shall work with recipients, local school administrative units, and public schools, as needed, to enable the collection, analysis, and evaluation of at least the following relevant data, within necessary privacy constraints:

- (1) Student achievement in eligible schools.
- (2) The percentage of program completers who are placed as school leaders within three years in the State.
- (3) The percentage of program completers rated proficient or above on school leader evaluation and support systems.
- (4) The percentage of program completers that are school leaders who have remained employed in a North Carolina public school for two or more years of initial placement.

"§ 116-209.74. Reports.

The ~~nonprofit corporation administering the Program~~Commission shall provide the State Board of Education, the Authority, and the Joint Legislative Education Oversight Committee with the data collected from grant recipients in accordance with G.S. 116-209.73 on an annual basis.

"§ 116-209.75. Funds for administration.

The Authority may use up to twenty thousand dollars (\$20,000) each fiscal year from the funds appropriated for the Program for its administrative costs. The Authority shall provide for the expenses of the Commission to administer the Program pursuant to G.S. 116-74.42(a2)."

SECTION 2.(b) G.S. 116-74.42(a2) reads as rewritten:

"(a2) Use of Monies in the Trust Fund. – ~~The~~Except as otherwise provided in subdivision (5) of this subsection, the monies in the Trust Fund may be used only for scholarship loans granted under the Principal Fellows Program, administrative costs, and costs associated with program operations in accordance with this Article. The Authority may use up to eight hundred thousand dollars (\$800,000) from the Trust Fund each fiscal year for the following:

- (1) ~~(i) its~~The Authority's Principal Fellows Program administrative costs, including recovery of funds advanced under the ~~program;~~program.
- (2) ~~(ii) the~~The salary and benefits of the director of the Principal Fellows program;Program.
- (3) ~~(iii) the~~The expenses of the Commission;Commission for the Principal Fellows Program, including applicant recruitment; andrecruitment.
- (4) ~~(iv) funds~~Funds provided to the Commission for programPrincipal Fellows Program monitoring and evaluation and extracurricular enhancement activities for program recipients.
- (5) The expenses of the Commission to administer the Transforming Principal Preparation Grant Program in accordance with Part 4 of Article 23 of this Chapter."

SECTION 2.(c) Section 11.9(m) of S.L. 2015-241, as amended by Section 4.3 of S.L. 2016-123, Section 10A.5 of S.L. 2017-57, and Section 10A.4(d) of S.L. 2018-5, is repealed.

SECTION 2.(d) Section 11.9(o) of S.L. 2015-241, as enacted by Section 10A.5 of S.L. 2017-57 and amended by Section 10A.4 of S.L. 2018-5, reads as rewritten:

"SECTION 11.9.(o) ~~Beginning with~~For the 2017-20182017-2019 fiscal year, biennium, of the funds appropriated for this program, the sum of four million two hundred thousand dollars (\$4,200,000) shall be allocated each fiscal year to the State Education Assistance Authority (Authority) to award grants to selected recipients.

Beginning with the 2019-2020 fiscal year, of the funds appropriated for this program, the sum of four million five hundred sixty thousand dollars (\$4,560,000) shall be allocated each fiscal year to the Authority to award grants to selected recipients."

SECTION 2.(e) Notwithstanding G.S. 116-209.73, a grantee shall not impose the requirement for a program graduate to serve a minimum of four years as a school-based administrator in North Carolina for any program participant who entered the school leader preparation program prior to July 1, 2019.

SECTION 2.(f) Notwithstanding any provision of Part 4 of Article 23 of Chapter 116 of the General Statutes to the contrary, the nonprofit corporation contracting with the State Education Assistance Authority pursuant to G.S. 116-209.71, as of the date this act becomes law, shall not enter into or execute any new contracts, including the award of new grants, associated with the Transforming Principal Preparation Grant Program on or after the date this act becomes law.

SECTION 2.(g) As soon as practicable, but no later than June 30, 2019, the nonprofit corporation contracting with the State Education Assistance Authority pursuant to G.S. 116-209.71, as of the date this act becomes law, shall transfer to the North Carolina Principal Fellows Commission all of the data in its possession that was collected from grant recipients in accordance with G.S. 116-209.73, including any data collected during the 2018-2019 fiscal year.

SECTION 2.(h) Subsections (a) through (d) of this section become effective July 1, 2019, and apply to the administration of the Transforming Principal Preparation Grant Program and the award of grants under the Program on or after that date. The remainder of this section is effective when this act becomes law.

MODIFIED USE OF DOROTHEA DIX HOSPITAL PROPERTY FUNDS TO PURCHASE ADDITIONAL BEHAVIORAL HEALTH BEDS

SECTION 3. Section 3.9 of S.L. 2018-97 is repealed.

DELAY EFFECTIVE DATE FOR AUTOMOBILE TRANSFER OF TITLE AMENDMENTS

SECTION 4. Subsection 2(h) of S.L. 2018-42 reads as rewritten:

"**SECTION 2.(h)** Subsection 2(f) of this section is effective when it becomes law. The remainder of this section becomes effective ~~January 1, 2019~~ March 1, 2019."

CABLE SERVICE FRANCHISES/REPEAL ANNUAL SERVICE REPORT

SECTION 5.(a) G.S. 66-353 is repealed.

SECTION 5.(b) This section is effective when it becomes law and applies to annual service reports required to be filed on or after that date.

CLARIFY USE OF GRANT FUNDS

SECTION 6.(a) Notwithstanding any provision of S.L. 2018-5 or the Committee Report described in Section 39.2 of that act to the contrary, the funds provided to Dragonfly House in Fund Code 1331 shall be allocated to the Davie County Sheriff's Office to be provided to Dragonfly House Children's Advocacy Center, Inc., in Mocksville, North Carolina.

SECTION 6.(b) Notwithstanding any provision of S.L. 2018-5 or the Committee Report described in Section 39.2 of that act to the contrary, the grant-in-aid provided to Patriot's Charity in Fund Code 1100 shall be provided to Patriot Military Family Foundation.

SECTION 6.(c) Section 26.3 of S.L. 2018-5, as amended by Section 6.1 of S.L. 2018-97, reads as rewritten:

"STATE BUDGET AND MANAGEMENT SPECIAL PROVISIONS

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

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

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

...
...."

SECTION 6.(d) Section 15.9 of S.L. 2018-5, as amended by Section 4.6 of S.L. 2018-97, is amended by adding a new subsection to read:

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

- (1) Ninety thousand dollars (\$90,000) to the Town of Trenton.
- (2) Ninety thousand dollars (\$90,000) to the Town of Pollocksville.
- (3) Twenty thousand dollars (\$20,000) to the Town of Maysville.
- (4) One hundred thousand dollars (\$100,000) to the Town of Princeton.
- (5) Fifty thousand dollars (\$50,000) to the Town of Mount Olive.
- (6) One hundred thousand dollars (\$100,000) to the City of Goldsboro.

- (7) Fifty thousand dollars (\$50,000) to the City of Kinston.
- (8) Fifty thousand dollars (\$50,000) to the City of New Bern.
- (9) Twenty-five thousand dollars (\$25,000) to the Town of Pink Hill.
- (10) Twenty-five thousand dollars (\$25,000) to the Town of Lillington.
- (11) Fifty thousand dollars (\$50,000) to the Town of Tabor City.
- (12) Fifty thousand dollars (\$50,000) to Tyrell County for the purpose of disaster recovery assistance."

SECTION 6.(e) Section 5.6(b)(6) of S.L. 2018-5, as enacted by Section 9.2 of S.L. 2018-97, reads as rewritten:

- "(6) Storm debris removal. – Twenty thousand dollars (\$20,000) to the ~~Department of Environmental Quality, Division of Water Resources,~~Office of State Budget and Management, to be used to provide a grant-in-aid to Transylvania County for the purpose of storm debris cleanup in streams and rivers in the County. There shall be no non-State match required for the funds appropriated by this subdivision."

SMALL WIRELESS FACILITIES/EXEMPT FROM CERTAIN FEES IMPOSED BY CITIES

SECTION 7.(a) G.S. 160A-400.54(e) reads as rewritten:

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

SECTION 7.(b) G.S. 160A-400.54(f) reads as rewritten:

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

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

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

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

SECTION 8.(a) Section 3(c) of S.L. 2018-121 reads as rewritten:

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

SECTION 8.(b) G.S. 1-267.1 reads as rewritten:

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

...

(b) Whenever any person files in the Superior Court of Wake County any action challenging the validity of any act of the General Assembly that apportions or redistricts State legislative or congressional districts, a copy of the complaint shall be served upon the senior resident superior court judge of Wake County, who shall be the presiding judge of the three-judge panel required by subsection (a) of this section. Upon receipt of that complaint, the senior resident superior court judge of Wake County shall notify the Chief Justice, who shall appoint two additional resident superior court judges to the three-judge panel of the Superior Court of Wake County to hear and determine the action. Before making those appointments, the Chief Justice shall consult with the North Carolina Conference of Superior Court Judges, which shall provide the Chief Justice with a list of recommended appointments. To ensure that members of the three-judge panel are drawn from different regions of the State, the Chief Justice shall appoint to the three-judge panel one resident superior court judge from the First through ~~Fourth~~Third Judicial Divisions and one resident superior court judge from the ~~Fifth~~Fourth through ~~Eighth~~Fifth Judicial Divisions. In order to ensure fairness, to avoid the appearance of impropriety, and to avoid political bias, no member of the panel, including the senior resident superior court judge of Wake County, may be a former member of the General Assembly. Should the senior resident superior court judge of Wake County be disqualified or otherwise unable to serve on the three-judge panel, the Chief Justice shall appoint another resident superior court judge of Wake County as the presiding judge of the three-judge panel. Should any other member of the three-judge panel be disqualified or otherwise unable to serve on the three-judge panel, the Chief Justice shall appoint as a replacement another resident superior court judge from the same group of judicial divisions as the resident superior court judge being replaced.

...

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

...."

SECTION 8.(c) This section becomes effective January 1, 2019.

LAW ENFORCEMENT OFFICERS/TECHNICAL CORRECTION TO RETIREMENT DATES

SECTION 9.(a) G.S. 135-5(b19), as amended by S.L. 2018-22, Section 3(b), reads as rewritten:

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

...."

SECTION 9.(b) G.S. 135-5(b21), as enacted by S.L. 2018-22, Section 3(c), reads as rewritten:

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

...."

SECTION 9.(c) G.S. 128-27(b21), as amended by S.L. 2018-22, Section 3(f), reads as rewritten:

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

...."

SECTION 9.(d) G.S. 128-27 as enacted by S.L. 2018-22, Section 3(g), reads as rewritten:

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

...."

SECTION 9.(e) This section becomes effective July 1, 2019.

TECHNICAL CORRECTION/INCORRECT INTERNAL CROSS-REFERENCE

SECTION 10. G.S. 58-51-37(*l*) reads as rewritten:

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

TECHNICAL CORRECTIONS/HUMAN TRAFFICKING RESTORATIVE JUSTICE EFFECTIVE DATES

SECTION 11.(a) Section 2(b) of S.L. 2018-75 reads as rewritten:

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

SECTION 11.(b) Section 3(b) of S.L. 2018-75 reads as rewritten:

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

SECTION 11.(c) Section 4(b) of S.L. 2018-75 reads as rewritten:

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

SECTION 11.(d) Section 5 of S.L. 2018-75 is repealed.

SECTION 11.(e) Section 10 of S.L. 2018-75 reads as rewritten:

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

CLARIFY REQUIREMENTS FOR NON-STATE ENTITIES TO RECEIVE STATE FUNDS UNDER CERTAIN APPROPRIATIONS ACTS

SECTION 12.(a) Section 6.2 of S.L. 2018-5 reads as rewritten:

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

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

SECTION 12.(b) The Office of State Budget shall review its rules governing disbursement of State funds to non-State entities to determine if its rules are in compliance with the requirements set forth in G.S. 143C-6-23. By March 1, 2019, the Office of State Budget and Management shall submit the findings of the review required under this subsection to the Fiscal Research Division and the chairs of the House of Representatives Committee on Appropriations and the Senate Appropriations/Base Budget Committee.

SPECIAL EVENT ONE-TIME PERMIT

SECTION 13.(a) G.S. 18B-1002(a) is amended by adding a new subdivision to read:
"(6) A permit may be issued to a professional sports organization to allow the retail sale of malt beverages, unfortified wine, fortified wine, or mixed beverages for consumption on the premises at a professional sporting event held at a stadium (i) with a seating capacity of at least 40,000 people and (ii) that is owned or leased by a constituent institution of The University of North Carolina located in a county with a population of at least 900,000 people according to the most recent federal decennial census. The issuance of this permit also allows the issuance of a purchase-transportation permit under G.S. 18B-403 and G.S. 18B-404. For purposes of this subdivision, the term "professional sports organization" means an organization that is a member of an association or league of professional sports organizations that (i) has 6 or more members, (ii) has total combined revenues from all members that exceeds ten million dollars (\$10,000,000) per year, and (iii) governs the conduct of its members and regulates the contests and exhibitions in which its member organizations regularly engage."

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

DMV DISCLOSURE OF SOCIAL SECURITY NUMBERS

SECTION 14. G.S. 20-7(b2) reads as rewritten:

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

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

- (1) For the purpose of administering the drivers license laws.
- (2) To the Department of Health and Human Services, Child Support Enforcement Program for the purpose of establishing paternity or child support or enforcing a child support order.
- (3) To the Department of Revenue for the purpose of verifying taxpayer identity.

- (4) To the Office of Indigent Defense Services of the Judicial Department for the purpose of verifying the identity of a represented client and enforcing a court order to pay for the legal services rendered.
- (5) To each county jury commission for the purpose of verifying the identity of deceased persons whose names should be removed from jury lists.
- (6) To the State Chief Information Officer for the purposes of G.S. 143B-1385.
- (7) To the Department of Commerce, Division of Employment Security, for the purpose of verifying employer and claimant identity.
- (8) To the Judicial Department for the purpose of administering the criminal and motor vehicle laws."

LEGACY MEDICAL CARE FACILITY EXEMPTION

SECTION 15. G.S. 131E-184(h) reads as rewritten:

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

- (1) Its intention to acquire or reopen a Legacy Medical Care Facility within the same county and the same service area as the facility that ceased continuous operations. If the Legacy Medical Care Facility will become operational in a new location within the same county and the same service area as the facility that ceased continuous operations, then the person responsible for giving the written notice required by this section shall notify the Department, as soon as reasonably practicable and prior to becoming operational, of the new location of the Legacy Medical Care Facility. For purposes of this subdivision, "service area" means the service area identified in the North Carolina State Medical Facilities Plan in effect at the time the written notice required by this section is given to the Department.
- (2) That the facility will be operational within 36 months of the notice.

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

SALES UNDER POWER OF SALE/POSTPONEMENT OF SALE NOTICE TECHNICAL CORRECTION

SECTION 16. G.S. 45-21.21 reads as rewritten:

"§ 45-21.21. Postponement of sale; notice of cancellation.

...

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

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

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

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

...."

DERELICT AND ABANDONED VESSELS STUDY/REVISE DATE FOR SUBMISSION OF RECOMMENDATIONS

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

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

PUBLIC SCHOOL BUSES/TRAVEL OUTSIDE OF STATE

SECTION 18. G.S. 115C-242 reads as rewritten:

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

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

- (1) A school bus may be used for the transportation of pupils enrolled in and employees in the operation of the school to which such bus is assigned by the superintendent of the local school administrative unit. Except as otherwise ~~herein provided,~~provided in this section, such transportation shall be limited to transportation to and from such school for the regularly organized school day, and from and to the points designated by the principal of the school to which such bus is assigned, for the receiving and discharging of passengers. Transportation may be outside of the State when the superintendent determines travel outside of the State provides the most direct route to and from the school.

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

- a. ~~Provided, that children~~Children enrolled in a Headstart program or any NC Pre-K program may be transported on public school buses,

and any additional costs associated with such contractual arrangements shall be incurred by the benefitting Head Start or NC Pre-K ~~program:program.~~

- b. ~~Provided further, that children~~ Children with disabilities may be transported to and from the nearest appropriate private school having a special education program approved by the State Board of Education if the children to be transported are or have been placed in that program by a local school administrative unit as a result of the State or the unit's duty to provide such children with a free appropriate public education.

...."

CERTIFICATES OF RELIEF

SECTION 19. G.S. 15A-173.2(f) reads as rewritten:

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

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

SECTION 20.(a) G.S. 115C-218.90(a) is amended by adding a new subdivision to read:

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

SECTION 20.(b) G.S. 135-4(cc) reads as rewritten:

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

SECTION 20.(c) G.S. 135-5.3 reads as rewritten:

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

...

(b1) The board of directors of a charter school operated by a private nonprofit corporation ~~and~~ or a charter school operated by a municipality that has received State Board of Education

approval under G.S. 115C-218.5 may elect to become a participating employer in the Retirement System in accordance with this Article.

...."

SECTION 20.(d) G.S. 135-48.47(a) reads as rewritten:

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

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

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

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

...

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

...."

SECTION 20.(f) Subsection (a) of this section applies only to the Town of Cornelius, the Town of Huntersville, the Town of Matthews, and the Town of Mint Hill.

SPECIAL ANNUAL LEAVE OFFSET CLARIFICATION

SECTION 21.(a) Section 35.26 of S.L. 2018-5 reads as rewritten:

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

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

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

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

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

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

SECTION 21.(b) This section is effective when it becomes law and applies retroactively to July 1, 2018.

EXPAND PRINCIPAL ADM HOLD HARMLESS ELIGIBILITY/CERTAIN SCHOOLS AFFECTED BY HURRICANE FLORENCE

SECTION 22. Section 2.2(b) of S.L. 2018-138 reads as rewritten:

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

- (1) The school is located in a county designated under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Florence.
- (2) The school was closed for at least ~~15~~10 school days during the months of September 2018, October 2018, and November 2018 as a result of Hurricane Florence."

HUMAN TRAFFICKING VICTIM RECORDS

SECTION 23. G.S. 14-43.17 reads as rewritten:

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

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

- (1) A victim.
- (2) An alleged victim.
- (3) An immediate family member of a victim or alleged victim. For purposes of this subdivision, the term "immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, or the spouse of an immediate family member. This term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

...

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

SAMARCAND TRAINING ACADEMY POSITION CLASSIFICATIONS

SECTION 24.(a) The Office of State Human Resources shall establish two new position classifications for the Samarcand Training Academy within the Department of Public Safety as follows:

- (1) Director, Samarcand Training Academy – Salary Grade GN18.
- (2) Deputy Director, Samarcand Training Academy – Salary Grade GN17.

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

SECTION 24.(c) The Office of State Human Resources shall collaborate with the Department of Public Safety to create job descriptions for the new positions established pursuant to this section.

COUNTY BOARD OF ELECTION MEMBERSHIP

SECTION 25.(a) If House Bill 1029, 2017 Regular Session becomes law, G.S. 163-30, as re-recodified and amended by that act, reads as rewritten:

"§ 163-30. County boards of elections; appointments; terms of office; qualifications; vacancies; oath of office; instructional meetings.

(a) In every county of the State there shall be a county board of elections, to consist of five persons of good moral character who are registered voters in the county in which they are to act. Members of county boards of elections shall be appointed by the State Board of Elections on the last Tuesday in June, and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. Four members of county boards of elections shall be appointed by the State Board on the last Tuesday in June and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. One member of the county boards of elections shall be appointed by the Governor to be the chair of the county board on the last Tuesday in June and every two years thereafter, and that member's term of office shall continue for two years from the specified date of appointment and until a successor is appointed and qualified. Of the appointments to each county board of elections by the State Board, not more than two members each of the county board of elections shall belong to the same two political party-parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board.

(b) No person shall be eligible to serve as a member of a county board of elections who meets any of the following criteria:

- (1) Holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.
- (2) Holds any office in a state, congressional district, county or precinct political party or organization. Provided, however, that the position of delegate to a political party convention shall not be considered an office for the purpose of this subdivision.
- (3) Is a campaign manager or treasurer of any candidate or political party in a primary or election.
- (4) Is a candidate for nomination or election.
- (5) Is the wife, husband, son, son in law, daughter, daughter in law, mother, mother in law, father, father in law, sister, sister in law, brother, brother in law, aunt, uncle, niece, or nephew of any candidate for nomination or election. Upon any member of the board of elections becoming ineligible, that member's seat shall be declared vacant. This subdivision only applies if the county board of elections is conducting the election for which the relative is a candidate.

(c) The State chair of each political party the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board shall have the right to recommend to the State Board three registered voters in each county for appointment to the board of elections for that county. If such recommendations are received by the State Board 15 or more days before the last Tuesday in June 2019, and each two years thereafter, it shall be the duty of the State Board to appoint the county boards from the names thus recommended.

(d) Whenever a vacancy occurs in the membership of a county board of elections for any cause the State chair of the political party of the vacating member shall have the right to recommend two registered voters of the affected county for such office, and it shall be the duty of the State Board to fill the vacancy from the names thus recommended.

(e) At the meeting of the county board of elections required by G.S. 163 31 to be held on Tuesday following the third Monday in July in the year of their appointment the members shall take the following oath of office:

"I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the

constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of member of the _____ County Board of Elections to the best of my knowledge and ability, according to law; so help me God."

(f) Each member of the county board of elections shall attend each instructional meeting held pursuant to G.S. 163-46, unless excused for good cause by the chair of the board, and shall be paid the sum of twenty-five dollars (\$25.00) per day for attending each of those meetings."

SECTION 25.(b) This section is effective when House Bill 1029, 2017 Regular Session becomes law.

AMEND THE REQUIREMENTS FOR DEVELOPMENT IN VEGETATIVE BUFFERS AND FOR STORMWATER CONTROLS FOR REDEVELOPMENT

SECTION 26.(a) G.S. 143-214.7(b2) reads as rewritten:

"(b2) For purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle. The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in this subsection. For State stormwater programs and local stormwater programs approved pursuant to subsection (d) of this section, all of the following shall apply:

- (1) The volume, velocity, and discharge rates of water associated with the one-year, 24-hour storm and the difference in stormwater runoff from the predevelopment and postdevelopment conditions for the one-year, 24-hour storm shall be calculated using any acceptable engineering hydrologic and hydraulic methods.
- (2) Development may occur within the area that would otherwise be required to be placed within a vegetative buffer required by the Commission pursuant to G.S. 143-214.1 and G.S. 143-214.7 ~~to protect classified shellfish waters, outstanding resource waters, and high quality waters~~ provided the stormwater runoff from the entire impervious area of the development is collected and treated from the entire impervious area collected, treated, and discharged so that it passes through a segment of the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements.
- (3) The requirements that apply to development activities within one-half mile of and draining to Class SA waters or within one-half mile of Class SA waters and draining to unnamed freshwater tributaries shall not apply to development activities and associated stormwater discharges that do not occur within one-half mile of and draining to Class SA waters or are not within one-half mile of Class SA waters and draining to unnamed freshwater tributaries."

SECTION 26.(b) G.S. 143-214.7(b3) reads as rewritten:

"(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii)

redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. This subsection applies to all local governments regardless of the source of their regulatory authority. Local governments shall include the requirements of this subsection in their stormwater ordinances."

RESTART SCHOOL MODEL OPTION FOR WAYNE COUNTY BOARD OF EDUCATION/CONFORMING CHANGES

SECTION 27.(a) Notwithstanding G.S. 115C-75.7, the Wayne County Board of Education may apply, no later than February 1, 2019, to the State Board of Education for authorization to adopt the restart model for the operation of Carver Heights Elementary School pursuant to G.S. 115C-105.37B(a)(2). Application to the State Board for operation of Carver Heights Elementary School as a restart model school shall be in lieu of adopting a resolution by February 1, 2019, on whether the Wayne County Board of Education has determined to (i) close the elementary school or (ii) transfer the elementary school into the North Carolina Innovative School District (ISD) as a prospective innovative school selected by the State Board for the 2019-2020 school year. However, notwithstanding any provision of Article 7A of Chapter 115C of the General Statutes to the contrary, Carver Heights Elementary School may still be transferred to the ISD in accordance with the following:

- (1) If the Wayne County Board of Education applies to the State Board to operate Carver Heights Elementary School as a restart model school and one of the following occurs:
 - a. The State Board does not authorize that Carver Heights Elementary School be operated as a restart model school based on the local board of education's application. The school shall then be transferred to the ISD beginning with the 2019-2020 school year.
 - b. The State Board authorizes that Carver Heights Elementary School be operated as a restart model school beginning with the 2019-2020 school year and, at the conclusion of the 2020-2021 school year, the school still meets the definition of a qualifying school under G.S. 115C-75.5(5), notwithstanding the provision in that definition that the school had not adopted one of the models established in G.S. 115C-105.37B for the immediately prior school year. The school shall then be transferred to the ISD beginning with the 2021-2022 school year.
- (2) If the Wayne County Board of Education fails to apply to the State Board of Education for authorization to adopt the restart model for the operation of Carver Heights Elementary School pursuant to this section by February 1, 2019, and has taken no other action as required by G.S. 115C-75.7(c), the school shall then be transferred to the ISD beginning with the 2019-2020 school year.

SECTION 27.(b) Section 8 of S.L. 2016-110, as amended by Section 7.26E(f) of S.L. 2017-57, reads as rewritten:

"SECTION 8. This act is effective when it becomes law and supervision of innovative schools by the Innovative School District shall begin with the 2018-2019 school year. In the discretion of the State Board of Education (i) the ISD Superintendent may not be required during the 2017-2018 school year to recommend qualifying schools for inclusion in the ISD for the 2018-2019 school year and (ii) the time line for selection of innovative schools for the 2018-2019 school year provided in G.S. 115C-75.7 may be varied, but in no event may the local board of education's decision occur later than April 1, 2018. The State Board of Education may select up

to five qualifying schools to transfer to the ISD beginning with the 2018-2019 school year but ~~shall select at least two qualifying schools to transfer to the ISD no later than the 2019-2020 school year and~~ shall have selected five qualifying schools for transfer to the ISD no later than the 2020-2021 school year."

EFFECTIVE DATE AND SEVERABILITY

SECTION 28.(a) Except as otherwise provided, this act is effective when it becomes law.

SECTION 28.(b) If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

In the General Assembly read three times and ratified this the 13th day of December, 2018.

s/ Ralph E. Hise
Presiding Officer of the Senate

s/ Nelson Dollar
Presiding Officer of the House of Representatives

VETO Roy Cooper
Governor

Became law notwithstanding the objections of the Governor at 3:03 p.m. this 27th day of December, 2018.

s/ James White
House Principal Clerk