

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 1165\*  
PROPOSED COMMITTEE SUBSTITUTE S1165-PCS65093-TE-5

Short Title: General Statutes Comm. Technical Corrections.

(Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS  
RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 7A-809 reads as rewritten:

"§ 7A-809. **Reports.**

The Conference of Clerks of Superior Court shall, in consultation with the registers of deeds, annually study the status of the individual counties and judicial districts as to whether or not the clerks of superior court or the registers of deeds are implementing ~~Session Laws 2009-355~~ G.S. 132-1.10(f1) and report results of the study to the Joint Legislative Commission on Governmental Operations on or before March 1 of each year."

**SECTION 2.** G.S. 15-203 reads as rewritten:

"§ 15-203. **Duties of the Secretary of Correction; appointment of probation officers; reports; requests for extradition.**

The Secretary of Correction shall direct the work of the probation officers appointed under this Article. ~~He~~ The Secretary shall consult and cooperate with the courts and institutions in the development of methods and procedure in the administration of probation, and shall arrange conferences of probation officers and judges. ~~He~~ The Secretary shall make an annual written report with statistical and other information to the Department of Correction and the Governor. ~~He~~ The Secretary is authorized to present to the Governor written applications for requisitions for the return of probationers who have broken the terms of their probation, and are believed to be in another state, and ~~he~~ the Secretary shall follow the procedure outlined for requests for extradition as set forth in ~~G.S. 15-77~~ G.S. 15A-743."

**SECTION 3.** G.S. 15A-534(h) reads as rewritten:

"(h) A bail bond posted pursuant to this section is effective and binding upon the obligor throughout all stages of the proceeding in the trial division of the General Court of Justice until the entry of judgment in the district court from which no appeal is taken or the entry of judgment in the superior court. The obligation of an obligor, however, is terminated at an earlier time if:

- (1) A judge authorized to do so releases the obligor from his bond; or
- (2) The principal is surrendered by a surety in accordance with G.S. 15A-540; or
- (3) The proceeding is terminated by voluntary dismissal by the State before forfeiture is ordered under ~~G.S. 15A-544(b)~~ G.S. 15A-544.3; or
- (4) Prayer for judgment has been continued indefinitely in the district court."



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1           **SECTION 4.** G.S. 15A-1230(b) reads as rewritten:

2           "(b) Length, number, and order of arguments allotted to the parties are governed by  
3 ~~G.S. 84-14-G.S. 7A-97.~~"

4           **SECTION 5.** G.S. 15A-1342(e) reads as rewritten:

5           "(e) Out-of-State Supervision. – Supervised probationers are subject to out-of-State  
6 supervision under the provisions of ~~G.S. 148-65.1~~ Article 4B of Chapter 148 of the General  
7 Statutes."

8           **SECTION 6.** G.S. 15A-1383(d) reads as rewritten:

9           "(d) Plans prepared under this Article are not "rules" within the meaning of Chapter  
10 150B of the General Statutes or within the meaning of ~~Article 6C of Chapter 120 of the General~~  
11 ~~Statutes.~~ Statutes."

12           **SECTION 7.** G.S. 20-183.7(f)(5) reads as rewritten:

13           "(5) A statement that a vehicle that fails an inspection may be reinspected at the  
14 same station within ~~30~~ 60 days of the inspection without payment of another  
15 inspection fee."

16           **SECTION 8.** The catch line of G.S. 36C-3-302 reads as rewritten:

17 **"§ 36C-3-302. Representation by holder of power of revocation or general testamentary**  
18 **power of appointment."**

19           **SECTION 9.** G.S. 41-2(b) reads as rewritten:

20           "(b) The interests of the grantees holding property in joint tenancy with right of  
21 survivorship shall be deemed to be equal unless otherwise specified in the conveyance. Any  
22 joint tenancy interest held by a husband and wife, unless otherwise specified, shall be deemed  
23 to be held as a single tenancy by the entirety, which shall be treated as a single party when  
24 determining interests in the joint tenancy with right of survivorship. If joint tenancy interests  
25 among three or more joint tenants holding property in joint tenancy with right of survivorship  
26 are held in unequal shares, upon the death of one joint tenant, the share of the deceased joint  
27 tenant shall be divided among the surviving joint tenants according to their respective pro rata  
28 interest and not equally, unless the creating instrument provides otherwise.

29           This subsection shall apply to any conveyance of an interest in property created at any time  
30 that explicitly sought to create unequal ownership interests in a joint tenancy with right of  
31 survivorship. Distributions made prior to the enactment of this subsection that were made in  
32 equal amounts from a joint tenancy with the right of survivorship that sought to create unequal  
33 ownership shares shall remain valid and shall not be subject to modification on the basis of this  
34 ~~act.~~ subsection."

35           **SECTION 10.** G.S. 58-71-75 reads as rewritten:

36 **"§ 58-71-75. License renewal; criminal history record checks; renewal fees.**

37           (a) Annual Renewal. – A license of a bail bondsman and a license of a runner shall be  
38 renewed on July 1 of each year upon payment of the applicable annual renewal fee. In  
39 even-numbered years, in addition to paying the annual renewal fee, an applicant seeking  
40 renewal must submit an application for renewal in accordance with this section. The  
41 Commissioner is not required to print renewal licenses.

42           (b) Renewal Application. – In even-numbered years, a bail bondsman or runner seeking  
43 to renew a license shall provide the Commissioner, not less than 30 days prior to the expiration  
44 date of the bail bondsman's or runner's current license, all of the following:

45           (1) A renewal application containing all of the following:

- 46           a. Proof that the applicant is a resident of this State as required by  
47 G.S. 58-71-50(c).  
48           b. Proof that the applicant meets the qualifications set out in  
49 G.S. 58-71-50(b)(5) through G.S. 58-71-50(b)(7).  
50           c. The information required by G.S. 58-2-69.

- 1 (2) The annual renewal fee as provided in ~~subsection (e)~~ subsection (d) of this  
2 section.
- 3 (3) A complete set of fingerprints of the bail bondsman or runner and a fee to  
4 cover the cost of conducting the criminal history record check. The  
5 fingerprints shall be submitted in the manner prescribed by the  
6 Commissioner and shall be certified by an authorized law enforcement  
7 officer.

8 (c) Criminal History Record Check. – Upon receipt of a license renewal application in  
9 an even-numbered year, the Commissioner shall conduct a criminal history record check of the  
10 applicant seeking renewal in accordance with G.S. 58-71-51.

11 (d) Fee. – The renewal fee for a runner's license is sixty dollars (\$60.00). The renewal  
12 fee for a bail bondsman's license is one hundred dollars (\$100.00). A renewed license continues  
13 in effect until suspended or revoked for cause."

14 **SECTION 11.** The introductory language of G.S. 58-89A-106(a) reads as  
15 rewritten:

16 "(a) In order for a licensee to sponsor and maintain a health benefit plan that is not fully  
17 insured by one or more of the entities specified in subsection (a) of ~~G.S. 58-89A-109~~  
18 G.S. 58-89A-105 on and after October 1, 2009, as authorized by subsection (e) of that section,  
19 the licensee shall meet all of the requirements listed in this subsection. A health benefit plan  
20 developed under this section is not required to provide coverage that meets the requirements of  
21 other provisions of this Chapter that mandate either coverage or the offer of coverage by the  
22 type or level of health care services or health care provider. The licensee shall:"

23 **SECTION 12.** G.S. 113-28 is repealed.

24 **SECTION 13.** G.S. 115C-102.6B(b) reads as rewritten:

25 "(b) The Board shall submit the plan to the State Chief Information Officer for approval  
26 of the technical components of the plan set out in G.S. 115C-102.6A(1) through (4). At least  
27 one-fourth of the members of any technical committee that reviews the plan for the State Chief  
28 Information Officer shall be people actively involved in primary or secondary education.

29 ~~G.S. 115C-102.6A(e)(1) through (17)~~

30 The Board shall report annually by February 1 of each year to the Joint Legislative  
31 Education Oversight Committee on the status of the State School Technology Plan."

32 **SECTION 14.** G.S. 115D-5.1(f1) reads as rewritten:

33 "(f1) Notwithstanding any other provision of law, the State Board of Community  
34 Colleges may adopt guidelines that allow the Customized Training Program to use funds  
35 appropriated for ~~those programs that program~~ to support training projects for the various  
36 branches of the United States Armed Forces."

37 **SECTION 15.** G.S. 120-29.1 reads as rewritten:

38 "§ 120-29.1. Approval of bills.

39 (a) If the Governor approves a bill, the Governor shall write upon the same, below the  
40 signatures of the presiding officers of the two houses, the fact, date, and time of approval, as  
41 follows: "Approved \_\_\_\_\_m. this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ " and shall sign  
42 the same as follows: "\_\_\_\_\_ Governor". The Governor shall then return the approved bill to  
43 the enrolling clerk.

44 (b) If any bill becomes law because of the failure of the Governor to take any action, it  
45 shall be the duty of the Governor to return the measure to the enrolling clerk, who shall sign the  
46 following certificate on the measure and deposit it with the Secretary of State: "This bill having  
47 been presented to the Governor for his signature on the \_\_\_\_\_ day of \_\_\_\_\_,  
48 and the Governor having failed to approve it within the time prescribed by law, the same is  
49 hereby declared to have become a law.

50 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ Enrolling Clerk".

1 (c) If the Governor returns any bill to the house of origin with his objections, the  
2 Governor shall write such objections on the measure or cause the objections to be attached to  
3 the measure. When any such bill becomes law after reconsideration of the two houses, the  
4 principal clerk of the second house to act shall, below the objections of the Governor, sign the  
5 following certificate: "Became law notwithstanding the objections of the Governor,  
6 \_\_\_\_\_m. this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_". The principal clerk of the second  
7 house to act shall fill in the time. The enrolling clerk shall deposit the measure with the  
8 Secretary of State.

9 (d) In calculating the period under Section 22(7) of Article II of the North Carolina  
10 Constitution, the day on which the bill is presented to the Governor shall be excluded and the  
11 entire last day of the period is included."

12 **SECTION 16.** G.S. 143B-499.8 reads as rewritten:

13 **"§ 143B-499.8. North Carolina Silver Alert System established.**

14 (a) There is established within the North Carolina Center for Missing Persons the Silver  
15 Alert System. The purpose of the Silver Alert System is to provide a statewide system for the  
16 rapid dissemination of information regarding a missing person or missing child who is believed  
17 to be suffering from dementia or other cognitive impairment.

18 (b) If the Center receives a report that involves a missing person or missing child who is  
19 believed to be suffering from dementia or other cognitive impairment, for the protection of the  
20 missing person or missing child from potential abuse or other physical harm, neglect, or  
21 exploitation, the Center shall issue an alert providing for rapid dissemination of information  
22 statewide regarding the missing ~~person-person~~ or missing child. The Center shall make every  
23 effort to disseminate the information as quickly as possible when the person's or child's status  
24 as missing has been reported to a law enforcement agency.

25 (c) The Center shall adopt guidelines and develop procedures for issuing an alert for  
26 missing persons and missing children believed to be suffering from dementia or other cognitive  
27 impairment and shall provide education and training to encourage radio and television  
28 broadcasters to participate in the alert. The guidelines and procedures shall ensure that specific  
29 health information about the missing person or missing child is not made public through the  
30 alert or otherwise.

31 (d) The Center shall consult with the Department of Transportation and develop a  
32 procedure for the use of overhead permanent changeable message signs to provide information  
33 on the missing person or missing child meeting the criteria of this section when information is  
34 available that would enable motorists to assist in the recovery of the missing ~~person-person~~  
35 or missing child. The Center and the Department of Transportation shall develop guidelines for  
36 the content, length, and frequency of any message to be placed on an overhead permanent  
37 changeable message sign."

38 **SECTION 17.** G.S. 143C-8-6 reads as rewritten:

39 **"§ 143C-8-6. Recommendations for capital improvements set forth in the Recommended  
40 State Budget.**

41 (a) Budget Director's Recommendations. – The Director of the Budget shall  
42 recommend expenditures for repairs and renovations of existing facilities, and real property  
43 acquisition, new construction, or rehabilitation of existing facilities in the Recommended State  
44 Budget in accordance with G.S. 143C-3-5.

45 (b) Repairs and Renovations in the Recommended State Budget. – The Recommended  
46 State Budget shall contain for repairs and renovations of existing facilities: (i) the amount  
47 recommended for each State agency, (ii) a summary of the recommendations by project type,  
48 and (iii) the means of financing.

49 (c) Repairs and Renovations in the Budget Support Document. – The Budget Support  
50 Document shall contain for each repair and renovation project recommended in accordance  
51 with ~~143C-8-6(b)~~ subsection (b) of this section: (i) a project description and justification, (ii) a

1 detailed cost estimate, (iii) an estimated schedule for the completion of the project, and (iv) an  
2 explanation of the means of financing.

3 (d) Other Capital Projects in the Recommended State Budget. – The Recommended  
4 State Budget shall contain for each capital project involving real property acquisition, new  
5 construction, building area (sq. ft.) expansions, or the rehabilitation of existing facilities to  
6 accommodate new or expanded uses: (i) a project description and statement of need, (ii) an  
7 estimate of acquisition and construction or rehabilitation costs, and (iii) a means of financing  
8 the project.

9 (e) Other Capital Projects in the Budget Support Document. – The Budget Support  
10 Document shall contain for each capital project recommended in accordance with ~~143C-8-6(e)~~;  
11 subsection (d) of this section: (i) a detailed project description and justification, (ii) a detailed  
12 estimate of acquisition, planning, design, site development, construction, contingency and other  
13 related costs, (iii) an estimated schedule of cash flow requirements over the life of the project,  
14 (iv) an estimated schedule for the completion of the project, (v) an estimate of maintenance and  
15 operating costs, including personnel, for the project, covering the first five years of operation,  
16 (vi) an estimate of revenues, if any, likely to be derived from the project, covering the first five  
17 years of operation, and (vii) an explanation of the means of financing."

18 **SECTION 18.** G.S. 163-85(c) reads as rewritten:

19 "(c) Grounds for Challenge. – Such challenge may be made only for one or more of the  
20 following reasons:

- 21 (1) That a person is not a resident of the State of North Carolina, or
- 22 (2) That a person is not a resident of the county in which the person is  
23 registered, provided that no such challenge may be made if the person  
24 removed his residency and the period of removal has been less than 30 days,  
25 or
- 26 (3) That a person is not a resident of the precinct in which the person is  
27 registered, provided that no such challenge may be made if the person  
28 removed his residency and the period of removal has been less than 30 days,  
29 or
- 30 (4) That a person is not 18 years of age, or if the challenge is made within 60  
31 days before a primary, that the person will not be 18 years of age by the next  
32 general election, or
- 33 (5) That a person has been adjudged guilty of a felony and is ineligible to vote  
34 under G.S. 163-55(2), or
- 35 (6), (7) Repealed by Session Laws 1985, c. 563, ss. 11.1, 11.2.
- 36 (7a) That a person is dead, or
- 37 (8) That a person is not a citizen of the United States, or
- 38 (9) With respect to municipal registration only, that a person is not a resident of  
39 the municipality in which the person is registered, or
- 40 (10) That the person is not who he or she represents himself or herself to be."

41 **SECTION 19.** The introductory language of G.S. 163-182 reads as rewritten:

42 "**§ 163-182. Definitions.**

43 In addition to the definitions stated below, the definitions set forth in ~~Article 13A~~ Article  
44 14A of Chapter 163 of the General Statutes also apply to this Article. As used in this Article,  
45 the following definitions apply:"

46 **SECTION 20.** The introductory language of Section 1 of S. L. 2009-129 reads as  
47 rewritten:

48 "**SECTION 1.** ~~G.S. 120-29(2)~~ G.S. 120-129(2) reads as rewritten:"

49 **SECTION 21.** Due to the amendment to G.S. 143-345.18 by Section 1(b) of S.L.  
50 2009-446, designating the Department of Commerce as the lead State agency in matters  
51 pertaining to energy efficiency in place of the Department of Administration, the Revisor of

1 Statutes is authorized to recodify Part 3 of Article 36 of Chapter 143 of the General Statutes to  
2 a more suitable location.

3 **SECTION 22.** The Revisor of Statutes may cause to be printed all explanatory  
4 comments of the drafters of S.L. 2009-222, 2009-267, and 2009-318 as the Revisor deems  
5 appropriate.

6 **SECTION 23.** This act is effective when it becomes law.