

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 1133  
PROPOSED COMMITTEE SUBSTITUTE H1133-PCS40292-MN-13

Short Title: Technical and Other Corrections.

(Public)

Sponsors:

Referred to:

May 21, 2014

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND  
3 THE SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES  
4 COMMISSION, AND TO MAKE ADDITIONAL TECHNICAL AND OTHER  
5 CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

6 The General Assembly of North Carolina enacts:

7 **PART I. TECHNICAL CORRECTIONS RECOMMENDED BY THE GENERAL**  
8 **STATUTES COMMISSION.**

9 **SECTION 1.** Subsection (c) of G.S. 1A-1, Rule 59, is rewritten to read:

10 "(c) Time for serving affidavits. – When a motion for new trial is based upon affidavits  
11 they shall be served with the motion. The opposing party has 10 days after such service within  
12 which to serve opposing affidavits, which period may be extended for an additional period not  
13 exceeding 30 days either by the court for good cause shown or by the parties by written  
14 stipulation. The court may permit reply affidavits."

15 **SECTION 2.** G.S. 15-11.2 reads as rewritten:

16 **"§ 15-11.2. Disposition of unclaimed firearms not confiscated or seized as trial evidence.**

17 (a) Definition. – For purposes of this section, the term "unclaimed firearm" means a  
18 firearm that is found or received by a law enforcement agency and that remains unclaimed by  
19 the person who may be entitled to it for a period of 30 days after the publication of the notice  
20 required by subsection (b) of this section. The term does not include a firearm that is seized and  
21 disposed of pursuant to G.S. 15-11.1 or a firearm that is confiscated and disposed of pursuant to  
22 G.S. 14-269.1.

23 (b) Published Notice of Unclaimed Firearm. – When a law enforcement agency finds or  
24 receives a firearm and the firearm remains unclaimed for a period of 180 days, the agency shall  
25 publish at least one notice in a newspaper published in the county in which the agency is  
26 located. The notice shall include all of the following:

- 27 (1) A statement that the firearm is unclaimed and is in the custody of the law  
28 enforcement agency.  
29 (2) A statement that the firearm may be sold or otherwise disposed of unless the  
30 firearm is claimed within 30 days of the date of the publication of the notice.  
31 (3) A brief description of the firearm and any other information that the chief or  
32 head of the law enforcement agency may consider necessary or advisable to  
33 reasonably inform the public about the firearm.

34 (c) Repealed by Session Laws 2013-158, s. 2, effective September 1, 2013, and  
35 applicable to any firearm found or received by a local law enforcement agency on or after that  
36 date and to any judicial order for the disposition of any firearm on or after that date.



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1 (d) Disposition of Unclaimed Firearm. – If the firearm remains unclaimed for a period  
2 of 30 days after the publication of the notice, then the head or chief of the law enforcement  
3 agency shall order the disposition of the firearm in one of the following ways:

4 (1) By having the firearm destroyed if the firearm does not have a legible,  
5 unique identification number or is unsafe for use because of wear, damage,  
6 age, or modification and will not be disposed of pursuant to subdivision (3)  
7 of this subsection. The head or chief of the law enforcement agency shall  
8 maintain a record of the destruction of the firearm.

9 (2) By sale, trade, or exchange by the agency to a federally licensed firearm  
10 dealer in accordance with all applicable State and federal firearm laws or by  
11 sale of the firearm at a public auction to persons licensed as firearms  
12 collectors, dealers, importers, or manufacturers. The head or chief of the law  
13 enforcement agency shall dispose of the firearm pursuant to this subdivision  
14 only if the firearm has a legible, unique identification number.

15 (3) By maintaining the firearm for training or experimental purposes or  
16 transferring the firearm to a museum or historical society.

17 (e) Repealed by Session Laws 2013-158, s. 2, effective September 1, 2013, and  
18 applicable to any firearm found or received by a local law enforcement agency on or after that  
19 date and to any judicial order for the disposition of any firearm on or after that date.

20 (f) Disbursement of Proceeds of Sale. – If the law enforcement agency sells the firearm  
21 pursuant to subdivision (2) of subsection (d) of this section, then the proceeds of the sale shall  
22 be retained by the law enforcement agency and used for law enforcement purposes. The  
23 receiving law enforcement agency shall maintain a record and inventory of all firearms  
24 received pursuant to this section, as well as the disposition of the firearm, including any funds  
25 received from a sale of a firearm or any firearms or other property received in exchange or  
26 trade of a firearm."

27 **SECTION 2.1.(a)** G.S. 15A-830 reads as rewritten:

28 "**§ 15A-830. Definitions.**

29 (a) The following definitions apply in this Article:

30 (1) Accused. – A person who has been arrested and charged with committing a  
31 crime covered by this Article.

32 (2) Arresting law enforcement agency. – The law enforcement agency that  
33 makes the arrest of an accused.

34 (3) Custodial agency. – The agency that has legal custody of an accused or  
35 defendant arising from a charge or conviction of a crime covered by this  
36 Article including, but not limited to, local jails or detention facilities,  
37 regional jails or detention facilities, facilities designated under  
38 G.S. 122C-252 for the custody and treatment of involuntary clients, or the  
39 Division of Adult Correction of the Department of Public Safety.

40 (4) Investigating law enforcement agency. – The law enforcement agency with  
41 primary responsibility for investigating the crime committed against the  
42 victim.

43 (5) Law enforcement agency. – An arresting law enforcement agency, a  
44 custodial agency, or an investigating law enforcement agency.

45 (6) Next of kin. – The victim's spouse, children, parents, siblings, or  
46 grandparents. The term does not include the accused unless the charges are  
47 dismissed or the person is found not guilty.

48 (7) Victim. – A person against whom there is probable cause to believe one of  
49 the following crimes was committed:

50 a. A Class A, B1, B2, C, D, or E felony.

- 1                   b.     A Class F felony if it is a violation of one of the following:  
2                             G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3);  
3                             14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.3; 14-43.11;  
4                             ~~14-190.17; 14-190.19; 14-202.1; 14-277.3A; 14-288.9; 20-138.5;~~  
5                             former G.S. 14-190.19 or former G.S. 14-277.3.
- 6                   c.     A Class G felony if it is a violation of one of the following:  
7                             G.S. 14-32.3(b); 14-51; 14-58; ~~14-87.1; or 20-141.4~~ or 14-87.1.
- 8                   d.     A Class H felony if it is a violation of one of the following:  
9                             G.S. 14-32.3(a); ~~14-32.3(e); 14-33.2; 14-34.6(b); 14-190.17A;~~  
10                            14-277.3A; former G.S. 14-32.3(c) or former G.S. 14-277.3.
- 11                   e.     A Class I felony if it is a violation of ~~one of the following:~~  
12                            ~~G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.~~ G.S. 14-32.3(b).
- 13                   f.     An attempt of any of the felonies listed in this subdivision if the  
14                            attempted felony is punishable as a felony.
- 15                   g.     Any of the following misdemeanor offenses when the offense is  
16                            committed between persons who have a personal relationship as  
17                            defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2); 14-33(a);  
18                            14-34; 14-134.3; 14-277.3A; or former G.S. 14-277.3.
- 19                   h.     Any violation of a valid protective order under G.S. 50B-4.1.

20           (b)     If the victim is deceased, then the next of kin, in the order set forth in the definition  
21                    contained in this section, is entitled to the victim's rights under this Article. However, the right  
22                    contained in G.S. 15A-834 may only be exercised by the personal representative of the victim's  
23                    estate. An individual entitled to exercise the victim's rights as a member of the class of next of  
24                    kin may designate anyone in the class to act on behalf of the class."

25           **SECTION 2.1.(b)** This section does not affect the rights granted by Article 46 of  
26                    Chapter 15A of the General Statutes to any person who was a victim as defined in  
27                    G.S. 15A-830 before the effective date of this section.

28           **SECTION 2.2.** The title of G.S. 20-28.9 reads as rewritten:

29           "**§ 20-28.9. Authority for the Department of Public Instruction to administer a statewide**  
30                    **or regional towing, storage, and sales program for ~~driving while impaired~~**  
31                    **vehicles forfeited."**

32           **SECTION 2.3.** G.S. 28A-22-7(c) is repealed.

33           **SECTION 2.4.** G.S. 31-33 reads as rewritten:

34           "**§ 31-33. Cause transferred to trial docket.**

35           ~~The caveator's~~

36           (a)     Upon the filing of a caveat, the clerk shall transfer the cause to the superior court for  
37                    trial by jury. The caveat shall be served upon all interested parties in accordance with  
38                    G.S. 1A-1, Rule 4 of the Rules of Civil Procedure.

39           (b)     After service under subsection (a) of this section, the caveator shall cause notice of a  
40                    hearing to align the parties to be served upon all parties in accordance with G.S. 1A-1, Rule 5  
41                    of the Rules of Civil Procedure. At the alignment hearing, all of the interested parties who wish  
42                    to be aligned as parties shall appear and be aligned by the court as parties with the caveators or  
43                    parties with the propounders of the will. If an interested party does not appear to be aligned or  
44                    chooses not to be aligned, the judge shall dismiss that interested party from the proceeding, but  
45                    that party shall be bound by the proceeding.

46           (c)     Within 30 days following the entry of an order aligning the parties, any interested  
47                    party who was aligned may file a responsive pleading to the caveat, provided, however, that  
48                    failure to respond to any averment or claim of the caveat shall not be deemed an admission of  
49                    that averment or claim. An extension of time to file a responsive pleading to the caveat may be  
50                    granted as provided by G.S. 1A-1, Rule 6 of the Rules of Civil Procedure.

1 (d) Upon motion of an aligned party, the court may require a caveator to provide  
2 security in such sum as the court deems proper for the payment of such costs and damages as  
3 may be incurred or suffered by the estate if the estate is found to have been wrongfully  
4 enjoined or restrained. The court may consider relevant facts related to whether a bond should  
5 be required and the amount of any such bond, including, but not limited to, (i) whether the  
6 estate may suffer irreparable injury, loss, or damage as a result of the caveat and (ii) whether  
7 the caveat has substantial merit. Provisions for bringing suit in forma pauperis apply to the  
8 provisions of this subsection."

9 **SECTION 3.** G.S. 42A-15 reads as rewritten:

10 **"§ 42A-15. Trust account uses.**

11 A landlord or real estate broker may require a tenant to pay all or part of any required rent,  
12 security deposit, or other fees permitted by law in advance of the commencement of a tenancy  
13 under this Chapter if these payments are expressly authorized in the vacation rental agreement.  
14 If the tenant is required to make any advance payments, other than a security deposit, whether  
15 the payment is denominated as rent or otherwise, the landlord or real estate broker shall deposit  
16 these payments in a trust account in an insured bank or savings and loan association in North  
17 Carolina no later than three banking days after the receipt of ~~the~~ these payments. These  
18 payments deposited in a trust account shall not earn interest unless the landlord and tenant  
19 agree in the vacation rental agreement that the payments may be deposited in an  
20 interest-bearing account. The landlord and tenant shall also provide in the agreement to whom  
21 the accrued interest shall be disbursed."

22 **SECTION 4.** G.S. 53-244.111 reads as rewritten:

23 **"§ 53-244.111. Prohibited acts.**

24 In addition to the activities prohibited under other provisions of this Article, it shall be  
25 unlawful for any person in the course of any residential mortgage loan transaction:

- 26 ...
- 27 (22) For a person acting as a mortgage servicer to fail to mail, at least 45 days  
28 before foreclosure is initiated, a notice addressed to the borrower at the  
29 borrower's last known address with the following information:
- 30 a. An itemization of all past due amounts causing the loan to be in  
31 default.
  - 32 b. An itemization of any other charges that must be paid in order to  
33 bring the loan current.
  - 34 c. A statement that the borrower may have options available other than  
35 foreclosure and that the borrower may discuss the options with the  
36 mortgage lender, the mortgage servicer, or a counselor approved by  
37 the U.S. Department of Housing and Urban Development (HUD).
  - 38 d. The address, telephone number, and other contact information for the  
39 mortgage lender, the mortgage servicer, or the agent for either of  
40 them who is authorized to attempt to work with the borrower to avoid  
41 foreclosure.
  - 42 e. The name, address, telephone number, and other contact information  
43 for one or more HUD-approved counseling agencies operating to  
44 assist borrowers in North Carolina to avoid foreclosure.
  - 45 f. The address, telephone number, and other contact information for the  
46 ~~consumer complaint section of the Office of the Commissioner of~~  
47 ~~Banks.~~ State Home Foreclosure Prevention Project of the Housing  
48 Finance Agency.

49 ...."

50 **SECTION 4.1.** G.S. 58-50-75(b) reads as rewritten:

1       "(b) This Part applies to all insurers that offer a health benefit plan and that provide or  
2 perform utilization review pursuant to G.S. 58-50-61, the State Health Plan for Teachers and  
3 State Employees, and any optional plans or programs operating under Part 2 of Article 3A of  
4 Chapter 135 of the General Statutes, the North Carolina Health Insurance Risk Pool, and the  
5 Health Insurance Program for Children. Statutes. With respect to second-level grievance review  
6 decisions, this Part applies only to second-level grievance review decisions involving  
7 noncertification decisions."

8               **SECTION 5.** G.S. 95-111.4 reads as rewritten:

9       "**§ 95-111.4. Powers and duties of Commissioner.**

10       The Commissioner of Labor is hereby ~~empowered~~empowered to do all of the following:

- 11       (1) To delegate to the Director of the Elevator and Amusement Device Division  
12 such powers, duties and responsibilities as the Commissioner determines  
13 will best serve the public interest in the safe operation of amusement  
14 ~~devices~~devices.
- 15       (2) To supervise the Director of the Elevator and Amusement Device  
16 ~~Division~~Division.
- 17       (3) To adopt, modify, or revoke such rules and regulations as are necessary for  
18 the purpose of carrying out the provisions of this Article including, but not  
19 limited to, those governing the design, construction, installation, plans  
20 review, testing, inspection, certification, operation, use, maintenance,  
21 alteration and relocation of devices subject to the provisions of this Article.  
22 The rules and regulations promulgated pursuant to this rulemaking authority  
23 shall conform with good engineering and safety standards, formulas and  
24 ~~practices~~practices.
- 25       (4) To enforce rules and regulations adopted under authority of this  
26 ~~Article~~Article.
- 27       (5) To inspect and have tested for acceptance all new and relocated devices  
28 subject to the provisions of this Article. Relocated amusement devices shall  
29 be inspected upon reassembly at each new location within this State;  
30 provided that the Commissioner may provide for less frequent inspections  
31 when he determines that the device is of such a type and its use is of such a  
32 nature that inspection less often than upon each reassembly would not  
33 expose the public to an unsafe condition likely to result in serious personal  
34 injury or property ~~damage~~damage.
- 35       (6) To inspect amusement devices which have been substantially rebuilt or  
36 substantially modified so as to change the original action, structure or  
37 capacity of the ~~device~~device.
- 38       (7) To make maintenance and periodic inspections and tests of all devices  
39 subject to the provisions of this Article. Devices located in amusement parks  
40 shall be inspected at least once ~~annually~~annually.
- 41       (8) To issue certificates of operation which certify for use such devices as are  
42 found to be in compliance with this Article and the rules and regulations  
43 promulgated ~~thereunder~~thereunder.
- 44       (9) To have reasonable access, with or without notice, to the devices subject to  
45 the provisions of this Article during reasonable hours, for purposes of  
46 inspection or ~~testing~~testing.
- 47       (10) To obtain an Administrative Search and Inspection Warrant in accordance  
48 with the provisions of Article 4A of Chapter 15 of the General  
49 ~~Statutes~~Statutes.
- 50       (11) To investigate accidents involving devices subject to the provisions of this  
51 Article to determine the cause of ~~such~~the accident, and ~~he~~the

1 Commissioner shall have full subpoena powers in conducting ~~such~~  
2 ~~investigation;~~the investigation.

3 (12) To institute proceedings in the civil courts of this State, when a provision of  
4 this Article or the rules and regulations promulgated thereunder has been  
5 ~~violated;~~violated.

6 (13) To adopt, modify or revoke rules and regulations governing the  
7 qualifications of ~~inspectors;~~inspectors.

8 (14) To grant exceptions from the requirements of the rules and regulations  
9 promulgated under authority of this Article and to permit the use of other  
10 devices when ~~such these~~ exceptions and uses will not expose the public to an  
11 unsafe condition likely to result in serious personal injury or property  
12 ~~damage;~~damage.

13 (15) To require that before any device subject to the provisions of this Article is  
14 erected in this State, or before any additions or alterations which  
15 substantially change ~~such the~~ device are made, or before the physical  
16 spacing between ~~such the~~ devices is changed, the owner or ~~his the owner's~~  
17 authorized agent shall file with the Commissioner a written notice of ~~his the~~  
18 owner's intention to do so and the type of device involved. Should  
19 circumstances necessitate, the Commissioner may require that ~~such the~~  
20 owner or ~~his the owner's~~ authorized agent furnish a copy of the plans,  
21 diagrams, specifications or stress analyses of ~~such the~~ device before the  
22 inspection of ~~same the device.~~ When ~~such~~ plans, diagrams, specifications or  
23 stress analyses are requested by the Commissioner, ~~he the Commissioner~~  
24 shall review them within 10 days of receipt, and upon approval, ~~he~~ shall  
25 authorize the device for use by the ~~public;~~public.

26 (16) To prohibit the use of any device subject to the provisions of this Article  
27 which is found upon inspection to expose the public to an unsafe condition  
28 likely to cause personal injury or property damage. Such a device shall be  
29 made operational only upon the Commissioner's determination that ~~such~~  
30 ~~device it~~ has been made ~~safe;~~safe.

31 (17) To order the payment of all civil penalties provided by this Article. The clear  
32 proceeds of funds collected pursuant to a civil penalty order shall be remitted  
33 to the Civil Penalty and Forfeiture Fund in accordance with  
34 ~~G.S. 115C-457.2; and~~G.S. 115C-457.2.

35 (18) To coordinate enforcement and inspection activity relative to equipment,  
36 devices and operations covered by this Article in order to minimize  
37 duplication of liability or regulatory responsibility on the part of the  
38 employer or owner.

39 (19) To establish fees not to exceed two hundred fifty dollars (\$250.00) for the  
40 inspection and issuance of certificates of operation for devices subject to this  
41 Article that are in use."

42 **SECTION 6.** G.S. 95-148 reads as rewritten:

43 **"§ 95-148. Safety and health programs of State agencies and local governments.**

44 It shall be the responsibility of each administrative department, commission, board, division  
45 or other agency of the State and of counties, cities, towns and subdivisions of government to  
46 establish and maintain an effective and comprehensive occupational safety and health program  
47 which is consistent with the standards and regulations promulgated under this Article. The head  
48 of each agency shall:

49 (1) Provide safe and healthful places and conditions of employment, consistent  
50 with the standards and regulations promulgated by this ~~Article;~~Article.

- 1 (2) Acquire, maintain, and require the use of safety equipment, personal  
2 protective equipment, and devices reasonably necessary to protect  
3 ~~employees;employees.~~  
4 (3) Consult with and encourage employees to cooperate in achieving safe and  
5 healthful working ~~conditions;conditions.~~  
6 (4) Keep adequate records of all occupational accidents and illnesses for proper  
7 evaluation and corrective ~~action;action.~~  
8 (5) Consult with the Commissioner as to the adequacy as to form and content of  
9 records kept pursuant to this ~~section;section.~~  
10 (6) Make an annual report to the Commissioner with respect to occupational  
11 accidents and injuries and the agency's program under this section.

12 The Commissioner shall transmit annually to the Governor and the General Assembly a  
13 report of the activities of the State agency and instrumentalities under this section. If the  
14 Commissioner has reason to believe that any local government program or program of any  
15 agency of the State is ineffective, ~~he~~ the Commissioner shall, after unsuccessfully seeking by  
16 negotiations to abate ~~such~~ this failure, include this in ~~his~~ the Commissioner's annual report to  
17 the Governor and the General Assembly, together with the reasons therefor, and may  
18 recommend legislation intended to correct ~~such~~ the condition.

19 The Commissioner shall have access to the records and reports kept and filed by State  
20 agencies and instrumentalities pursuant to this section unless such records and reports are  
21 required to be kept secret in the interest of national defense, in which case the Commissioner  
22 shall have access to such information as will not jeopardize national defense.

23 Employees of any agency or department covered under this section are afforded the same  
24 rights and protections as granted employees in the private sector.

25 This section shall not apply to volunteer fire departments not a part of any municipality.

26 Any municipality with a population of 10,000 or less may exclude its fire department from  
27 the operation of this section by a resolution of the governing body of the municipality, except  
28 that the resolution may not exclude those firefighters who are employees of the municipality.

29 The North Carolina Fire and Rescue Commission shall recommend regulations and  
30 standards for fire departments."

31 **SECTION 7.(a)** G.S. 111-47.1 reads as rewritten:

32 **"§ 111-47.1. Food service at North Carolina aquariums.**

33 (a) Notwithstanding ~~Article 3 of Chapter 111 of the General Statutes,~~ this Article, the  
34 North Carolina Aquariums may operate or contract for the operation of food or vending  
35 services at the North Carolina Aquariums. Notwithstanding G.S. 111-43, the net proceeds of  
36 revenue generated by food and vending services that are provided at the North Carolina  
37 Aquariums and are operated by or whose operation is contracted for by the Division of North  
38 Carolina Aquariums shall be credited to the North Carolina Aquariums Fund.

39 (b) This section shall not be construed to alter any contract for food or vending services  
40 at the North Carolina Aquariums that is in force ~~at the time this section becomes law.~~ on July 1,  
41 1999."

42 **SECTION 7.(b)** G.S. 111-47.2 reads as rewritten:

43 **"§ 111-47.2. Food service at museums and historic sites operated by the Department of  
44 Cultural Resources.**

45 Notwithstanding ~~Article 3 of Chapter 111 of the General Statutes,~~ this Article, the North  
46 Carolina Department of Cultural Resources may operate or contract for the operation of food or  
47 vending services at museums and historic sites operated by the Department. Notwithstanding  
48 G.S. 111-43, the net proceeds of revenue generated by food and vending services provided at  
49 museums and historic sites operated by the Department or a vendor with whom the Department  
50 has contracted shall be credited to the appropriate fund of the museum or historic site where the  
51 funds were generated and shall be used for the operation of that museum or historic site."

1           **SECTION 8.** G.S. 113-133.1(e) reads as rewritten:  
2           "(e) Because of strong community interest expressed in their retention, the local acts or  
3 portions of local acts listed in this section are not repealed. The following local acts are retained  
4 to the extent they apply to the county for which listed:  
5           Alleghany: Session Laws 1951, Chapter 665; Session Laws 1977, Chapter 526; Session  
6 Laws 1979, Chapter 556.  
7           Anson: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 286.  
8           Ashe: Former G.S. 113-111; Session Laws 1951, Chapter 665.  
9           Avery: Former G.S. 113-122.  
10          Beaufort: Session Laws 1947, Chapter 466, as amended by Session Laws 1979, Chapter  
11 219; Session Laws 1957, Chapter 1364; Session Laws 1971, Chapter 173.  
12          Bertie: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 287.  
13          Bladen: Public-Local Laws 1933, Chapter 550, Section 2 (as it pertains to fox season);  
14 Session Laws 1961, Chapter 348 (as it applies to Bladen residents fishing in Robeson County);  
15 Session Laws 1961, Chapter 1023; Session Laws 1971, Chapter 384.  
16          Brunswick: Session Laws 1975, Chapter 218.  
17          Buncombe: Public-Local Laws 1933, Chapter 308.  
18          Burke: Public-Local Laws 1921, Chapter 454; Public-Local Laws 1921 (Extra Session),  
19 Chapter 213, Section 3 (with respect to fox seasons); Public-Local Laws 1933, Chapter 422,  
20 Section 3; Session Laws 1977, Chapter 636.  
21          Caldwell: Former G.S. 113-122; Session Laws 1977, Chapter 636; Session Laws 1979,  
22 Chapter 507.  
23          Camden: Session Laws 1955, Chapter 362 (to the extent it applies to inland fishing waters);  
24 Session Laws 1967, Chapter 441.  
25          Carteret: Session Laws 1955, Chapter 1036; Session Laws 1977, Chapter 695.  
26          Caswell: Public-Local Laws 1933, Chapter 311; Public-Local Laws 1937, Chapter 411.  
27          Catawba: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 1037.  
28          Chatham: Public-Local Laws 1937 Chapter 236; Session Laws 1963, Chapter 271.  
29          Chowan: Session Laws 1979, Chapter 184; Session Laws 1979, Chapter 582.  
30          Cleveland: Public Laws 1907, Chapter 388; Session Laws 1951, Chapter 1101; Session  
31 Laws 1979, Chapter 587.  
32          Columbus: Session Laws 1951, Chapter 492, as amended by Session Laws 1955, Chapter  
33 506.  
34          Craven: Session Laws 1971, Chapter 273, as amended by Session Laws 1971, Chapter 629.  
35          Cumberland: Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 471.  
36          Dare: Session Laws 1973, Chapter 259.  
37          Davie: Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.  
38          Duplin: Session Laws 1965, Chapter 774; Session Laws 1973 (Second Session 1974),  
39 Chapter 1266; Session Laws 1979, Chapter 466.  
40          Edgecombe: Session Laws 1961, Chapter 408.  
41          Gates: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws  
42 1975, Chapter 748.  
43          Granville: Session Laws 1963, Chapter 670.  
44          Greene: Session Laws 1975, Chapter 219; Session Laws 1979, Chapter 360.  
45          Halifax: Public-Local Laws 1925, Chapter 571, Section 3 (with respect to fox-hunting  
46 seasons); Session Laws 1947, Chapter 954; Session Laws 1955, Chapter 1376.  
47          Haywood: Former G.S. 113-111, as modified by Session Laws 1963, Chapter 322.  
48          Henderson: Former G.S. 113-111.  
49          Hertford: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws  
50 1975, Chapter 748; Session Laws 1977, Chapter 67.  
51          Hoke: Session Laws 1963, Chapter 267.



- 1 Hyde: Public-Local Laws 1929, Chapter 354, Section 1 (as it relates to foxes); Session  
2 Laws 1951, Chapter 932.
- 3 Iredell: Session Laws 1979, Chapter 577.
- 4 Jackson: Session Laws 1965, Chapter 765.
- 5 Johnston: Session Laws 1975, Chapter 342.
- 6 Jones: Session Laws 1979, Chapter 441.
- 7 Lee: Session Laws 1963, Chapter 271; Session Laws 1977, Chapter 636.
- 8 Lenoir: Session Laws 1979, Chapter 441.
- 9 Lincoln: Public-Local Laws 1925, Chapter 449, Sections 1 and 2; Session Laws 1955,  
10 Chapter 878.
- 11 Madison: Public-Local Laws 1925, Chapter 418, Section 4; Session Laws 1951, Chapter  
12 1040.
- 13 Martin: Session Laws 1955, Chapter 1376; Session Laws 1977, Chapter 636.
- 14 Montgomery: Session Laws 1977 (Second Session 1978), Chapter 1142.
- 15 Nash: Session Laws 1961, Chapter 408.
- 16 New Hanover: Session Laws 1971, Chapter 559; Session Laws 1975, Chapter 95.
- 17 Northampton: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 269; Session  
18 Laws 1975, Chapter 748; Session Laws 1977, Chapter 67; Session Laws 1979, Chapter 548.
- 19 Orange: Public-Local Laws 1913, Chapter 547.
- 20 Pamlico: Session Laws 1977, Chapter 636.
- 21 Pender: Session Laws 1961, Chapter 333; Session Laws 1967, Chapter 229; Session Laws  
22 1969, Chapter 258, as amended by Session Laws 1973, Chapter 420; Session Laws 1977,  
23 Chapter 585, as amended by Session Laws 1985, Chapter 421; Session Laws 1977, Chapter  
24 805; Session Laws 1979, Chapter 546.
- 25 Perquimans: Former G.S. 113-111; Session Laws 1973, Chapter 160; Session Laws 1973,  
26 Chapter 264.
- 27 Polk: ~~Session Laws 1975, Chapter 397;~~ Session Laws 1975, Chapter 269, as amended by  
28 Session Laws 1977, Chapter 167.
- 29 Randolph: Public-Local Laws 1941, Chapter 246; Session Laws 1947, Chapter 920.
- 30 Robeson: Public-Local Laws 1924 (Extra Session), Chapter 92; Session Laws 1961,  
31 Chapter 348.
- 32 Rockingham: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310.
- 33 Rowan: Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 106,  
34 and Session Laws 1977, Chapter 500; Session Laws 1979, Chapter 556.
- 35 Rutherford: Session Laws 1973, ~~Chapter 114; Session Laws 1975, Chapter 397.~~ Chapter  
36 114.
- 37 Sampson: Session Laws 1979, Chapter 373.
- 38 Scotland: Session Laws 1959, Chapter 1143; Session Laws 1977, Chapter 436.
- 39 Stokes: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310; Session Laws 1979,  
40 Chapter 556.
- 41 Surry: Public-Local Laws 1925, Chapter 474, Section 6 (as it pertains to fox seasons);  
42 Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 167.
- 43 Swain: Public-Local Laws 1935, Chapter 52; Session Laws 1953, Chapter 270; Session  
44 Laws 1965, Chapter 765.
- 45 Transylvania: Public Laws 1935, Chapter 107, Section 2, as amended by Public Laws 1935,  
46 Chapter 238.
- 47 Tyrrell: Former G.S. 113-111; Session Laws 1953, Chapter 685.
- 48 Wake: Session Laws 1973 (Second Session 1974), Chapter 1382.
- 49 Washington: Session Laws 1947, Chapter 620.

1 Wayne: Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 342, as amended by  
2 Session Laws 1977, Chapter 43; Session Laws 1975, Chapter 343, as amended by Session  
3 Laws 1977, Chapter 45; Session Laws 1977, Chapter 695.

4 Wilkes: Former G.S. 113-111, as amended by Session Laws 1971, Chapter 385; Session  
5 Laws 1951, Chapter 665; Session Laws 1973, Chapter 106; Session Laws 1979, Chapter 507.

6 Yadkin: Former G.S. 113-111, as amended by Session Laws 1953, Chapter 199; Session  
7 Laws 1979, Chapter 507.

8 Yancey: Session Laws 1965, Chapter 522."

9 **SECTION 9.** G.S. 115C-325(h)(7) reads as rewritten:

10 "(7) Within five days of being notified of the request for a hearing before a  
11 hearing officer, the Superintendent of Public Instruction shall submit to both  
12 parties a list of hearing officers trained and approved by the State Board of  
13 Education. Within five days of receiving the list, the parties may jointly  
14 select a hearing officer from that list, or, if the parties cannot agree to a  
15 hearing officer, each party may strike up to one-third of the names on the list  
16 and submit its strikeout list to the Superintendent of Public Instruction. The  
17 Superintendent of Public Instruction shall then appoint a hearing officer  
18 from those individuals remaining on the list. Further, the parties may jointly  
19 agree on another hearing officer not on the State Board of ~~Education's~~  
20 Education's list, provided that individual is available to proceed in a timely  
21 manner and is willing to accept the terms of appointment required by the  
22 State Board of Education. No person eliminated by the career employee or  
23 superintendent shall be designated as the hearing officer for that case."

24 **SECTION 10.** G.S. 130A-294.1(b) reads as rewritten:

25 "(b) Funds collected pursuant to this section shall be used for personnel and other  
26 resources necessary to:

- 27 (1) Provide a high level of technical assistance and waste minimization effort  
28 for the hazardous waste management ~~program; program.~~
- 29 (2) Provide timely review of permit ~~applications; applications.~~
- 30 (3) Insure that permit decisions are made on a sound technical basis and that  
31 permit decisions incorporate all conditions necessary to accomplish the  
32 purposes of this ~~Part; Part.~~
- 33 (4) Improve monitoring and compliance of the hazardous waste management  
34 ~~program; program.~~
- 35 (5) Increase the frequency of ~~inspections; inspections.~~
- 36 (6) Provide chemical, biological, toxicological, and analytical support for the  
37 hazardous waste management ~~program; and program.~~
- 38 (7) Provide resources for emergency response to imminent hazards associated  
39 with the hazardous waste management ~~program; program.~~
- 40 (8) Implement and provide oversight of necessary response activities involving  
41 inactive hazardous substance or waste disposal ~~sites; sites.~~
- 42 (9) Provide compliance and prevention activities within the solid waste program  
43 to ensure that hazardous waste is not disposed in solid waste management  
44 facilities."

45 **SECTION 10.1.** G.S. 130A-335(f1) reads as rewritten:

46 "(f1) A preconstruction conference with the owner or developer, or an agent of the owner  
47 or developer, and a representative of the local health department shall be required for any  
48 authorization for wastewater system construction issued with an improvement permit under  
49 ~~G.S. 130-336~~ G.S. 130A-336 when the authorization is greater than five years old. Following  
50 the conference, the local health department shall issue a revised authorization for wastewater

1 system construction that includes current technology that can reasonably be expected to  
 2 improve the performance of the system."

3 **SECTION 11.** G.S. 136-93(b) reads as rewritten:

4 "(b) Except as provided in G.S. 136-133.1(g), no vegetation, including any tree, shrub,  
 5 or underbrush, in or on any right-of-way of a State road or State highway shall be planted, cut,  
 6 trimmed, pruned, or removed without a written selective vegetation removal permit issued  
 7 pursuant to G.S. 136-133.2 and in accordance with the rules of the Department. Requests for a  
 8 permit for selective vegetation cutting, thinning, pruning, or removal shall be made by the  
 9 owner of an outdoor advertising sign or the owner of a business facility to the appropriate  
 10 person in the Division of Highways office on a form prescribed by the Department. For  
 11 purposes of this section, G.S. 136-133.1, 136-133.2, and 136-133.4, the phrase "outdoor  
 12 advertising" shall mean the outdoor advertising expressly permitted under ~~G.S. 136-129(a)(4)~~  
 13 G.S. 136-129(4) or ~~G.S. 136-129(a)(5)~~ G.S. 136-129(5). These provisions shall not be used to  
 14 provide visibility to on-premises signs."

15 **SECTION 11.1.** G.S. 143-52.2 is repealed.

16 **SECTION 12.** G.S. 143-151.57 reads as rewritten:

17 **"§ 143-151.57. Fees.**

18 (a) Maximum Fees. – The Board may adopt fees that do not exceed the amounts set in  
 19 the following table for administering this Article:

<u>Item</u>	<u>Maximum Fee</u>
21 Application for home inspector license	\$35.00
22 Home inspector examination	80.00
23 Issuance or renewal of home inspector license	160.00
24 Late renewal of home inspector license	30.00
25 Application for course approval	150.00
26 Renewal of course approval	75.00
27 Course fee, per credit hour per licensee	5.00
28 Credit for unapproved continuing education course	50.00
29 Copies of Board rules or licensure standards	Cost of printing and mailing.

30 ~~Or renewal 20.00 110.00 20.00~~

31 (b) Subsequent Application. – An individual who applied for a license as a home  
 32 inspector and who failed the home inspector examination is not required to pay an additional  
 33 application fee if the individual submits another application for a license as a home inspector.  
 34 The individual must pay the examination fee, however, to be eligible to take the examination  
 35 again. An individual may take the examination only once every 180 days."

36 **SECTION 13.** G.S. 143-151.77 reads as rewritten:

37 **"§ 143-151.77. Enforcement and penalties.**

38 (a) In addition to injunctive relief, the Commissioner may assess and collect a civil  
 39 penalty against any person who violates any of the provisions of this Article or rules adopted  
 40 pursuant to this Article, as provided in this ~~subsection~~ section. The maximum civil penalty for  
 41 a violation is five thousand dollars (\$5,000). A civil penalty may be assessed from the date of  
 42 the violation. Each day of a continuing violation may constitute a separate violation.

43 (b) The Commissioner shall determine the amount of the civil penalty and shall notify  
 44 the person who is assessed the civil penalty of the amount of the penalty and the reason for  
 45 assessing the penalty. The notice of assessment shall be served by any means authorized under  
 46 Rule 4 of G.S. 1A-1 and shall direct the violator to either pay the assessment or contest the  
 47 assessment within 30 calendar days by filing a petition for a contested case under Article 3 of  
 48 Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the  
 49 Commissioner within 30 calendar days after it is due, the Commissioner shall request that the  
 50 Attorney General institute a civil action to recover the amount of the assessment. The civil  
 51

1 action may be brought in the superior court of any county where the violation occurred. A civil  
2 action must be filed within one year of the date the assessment was due. An assessment that is  
3 not contested is due when the violator is served with a notice of assessment. An assessment that  
4 is contested is due at the conclusion of the administrative and judicial review of the assessment.

5 (c) In determining the amount of the penalty, the Commissioner shall consider the  
6 degree and extent of harm caused by the violation, the cost of rectifying the damage, the  
7 amount of money the violator saved by noncompliance, whether the violation was committed  
8 willfully, the prior record of the violator in complying or failing to comply with this Article,  
9 and the action of the person to remedy the violation.

10 (d) The clear proceeds of civil penalties collected by the Commissioner under this  
11 subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with  
12 G.S. 115C-457.2."

13 **SECTION 14.** G.S. 150B-41 reads as rewritten:

14 **"§ 150B-41. Evidence; stipulations; official notice.**

15 (a) In all contested cases, irrelevant, immaterial, and unduly repetitious evidence shall  
16 be excluded. Except as otherwise provided, the rules of evidence as applied in the trial division  
17 of the General Court of Justice shall be followed; but, when evidence is not reasonably  
18 available under such rules to show relevant facts, they may be shown by the most reliable and  
19 substantial evidence available. It shall not be necessary for a party or his attorney to object to  
20 evidence at the hearing in order to preserve the right to object to its consideration by the agency  
21 in reaching its decision, or by the court of judicial review.

22 (b) Evidence in a contested case, including records and documents shall be offered and  
23 made a part of the record. Other factual information or evidence shall not be considered in  
24 determination of the case, except as permitted under ~~G.S. 150B-30.~~ subsection (d) of this  
25 section. Documentary evidence may be received in the form of a copy or excerpt or may be  
26 incorporated by reference, if the materials so incorporated are available for examination by the  
27 parties. Upon timely request, a party shall be given an opportunity to compare the copy with the  
28 original if available.

29 (c) The parties in a contested case under this Article by a stipulation in writing filed  
30 with the agency may agree upon any fact involved in the controversy, which stipulation shall be  
31 used as evidence at the hearing and be binding on the parties thereto. Parties should agree upon  
32 facts when practicable. Except as otherwise provided by law, disposition may be made of a  
33 contested case by stipulation, agreed settlement, consent order, waiver, default, or other method  
34 agreed upon by the parties.

35 (d) Official notice may be taken of all facts of which judicial notice may be taken and  
36 of other facts within the specialized knowledge of the agency. The noticed fact and its source  
37 shall be stated and made known to affected parties at the earliest practicable time, and any party  
38 shall on timely request be afforded an opportunity to dispute the noticed fact through  
39 submission of evidence and argument. An agency may use its experience, technical  
40 competence, and specialized knowledge in the evaluation of evidence presented to it."

41 **SECTION 15.(a)** G.S. 153A-357(d) is repealed.

42 **SECTION 15.(b)** G.S. 160A-417(c) is repealed.

43 **SECTION 15.1.** G.S. 160A-58.64 reads as rewritten:

44 **"§ 160A-58.64. Referendum prior to involuntary annexation ordinance.**

45 (a) After the adoption of the resolution of intent under this Part, the municipality shall  
46 place the question of annexation on the ballot. The municipal governing board shall notify the  
47 appropriate county board or boards of elections of the adoption of the resolution of intent and  
48 provide a legible map and clear written description of the proposed annexation area.

49 (b) In accordance with ~~G.S. 163-58.55,~~ G.S. 160A-58.55, the municipal governing  
50 board shall adopt a resolution setting the date for the referendum and so notify the appropriate  
51 county board or boards of elections.

1 (c) The county board or boards of elections shall cause legal notice of the election to be  
2 published. That notice shall include the general statement of the referendum. The referendum  
3 shall be conducted, returned, and the results declared as in other municipal elections in the  
4 municipality. Only registered voters of the proposed annexation area shall be allowed to vote  
5 on the referendum.

6 (d) The referendum of any number of proposed involuntary annexations may be  
7 submitted at the same election; but as to each proposed involuntary annexation, there shall be  
8 an entirely separate ballot question.

9 (e) The ballots used in a referendum shall submit the following proposition:

10 "[ ] FOR [ ] AGAINST

11 The annexation of (clear description of the proposed annexation area)."

12 (f) If less than a majority of the votes cast on the referendum are for annexation, the  
13 municipal governing body may not proceed with the adoption of the annexation ordinance or  
14 begin a separate involuntary annexation process with respect to that proposed annexation area  
15 for at least 36 months from the date of the referendum. If a majority of the votes cast on the  
16 referendum are for annexation, the municipal governing body may proceed with the adoption of  
17 the annexation ordinance under G.S. 160A-58.55."

18 **SECTION 16.(a)** On March 13, 1895, the General Assembly enacted "An act to  
19 incorporate the town of Columbus." The act was published in the 1895 "Private Laws of North  
20 Carolina," appearing on pages 404 through 406. The session law designation that appears at the  
21 beginning of the act is "Chapter 354," although (i) the act is physically located between  
22 Chapters 253 and 255, and (ii) pages 404 through 406 have a running header showing Chapter  
23 254 as the session law contained on those pages. There is otherwise no Chapter 254 in the 1895  
24 "Private Laws of North Carolina," and the last session law in that volume is Chapter 353. It  
25 therefore appears that the intended session law designation for the act was Chapter 254 and that  
26 the published session law number contains a typographical error. The act has been cited at least  
27 once in a subsequent session law as "Chapter 354 of the Private Laws of 1895" and was  
28 repealed in Chapter 46 of the 1985 Session Laws ("An act to revise and consolidate the charter  
29 of the town of Columbus").

30 **SECTION 16.(b)** To remove any ambiguity, any reference to "Chapter 354" of the  
31 1895 Private Laws of this State or to "Chapter 254" of the 1895 Private Laws of this State shall  
32 be construed as a reference to the act enacted by the General Assembly on March 13, 1895,  
33 entitled "An act to incorporate the town of Columbus."

34 **SECTION 16.1.** Section 5 of S.L. 2011-84 reads as rewritten:

35 "SECTION 5. Sections 2, 3, and 4 of this act do not apply to a city or joint agency  
36 providing communications service as of January 1, 2011, provided the city or joint agency  
37 limits the provision of communications service as provided in G.S. 160A-340.2(c). In the event  
38 a city subject to the exemption set forth in this section provides communications service to a  
39 customer outside the limits set forth in ~~G.S. 160A-340(e)~~, G.S. 160A-340.2(c), the city shall  
40 have 30 days from the date of notice or discovery to cease providing service to the customer  
41 without loss of the exemption."

42 **SECTION 17.** Section 60(c) of S.L. 2013-413 reads as rewritten:

43 "**SECTION 60.(c)** This ~~act~~ Part becomes effective July 1, 2015."

1 **PART II. ADDITIONAL TECHNICAL CORRECTIONS AND OTHER**  
2 **AMENDMENTS.**

3  
4 **SECTION 18.** G.S. 1-72.2 reads as rewritten:

5 **"§ 1-72.2. Standing of legislative officers.**

6 The Speaker of the House of Representatives and the President Pro Tempore of the Senate,  
7 as agents of the State, shall jointly have standing to intervene on behalf of the General  
8 Assembly as a party in any judicial proceeding challenging a North Carolina statute or  
9 provision of the North Carolina Constitution. The procedure for interventions at the trial level  
10 in State court shall be that set forth in ~~Rule 29~~ Rule 24 of the Rules of Civil Procedure. The  
11 procedure for interventions at the appellate level in State court shall be by motion in the  
12 appropriate appellate court or by any other relevant procedure set forth in the Rules of  
13 Appellate Procedure."  
14

15 **SECTION 18.5.** G.S. 1A-1, Rule 8(a), reads as rewritten:

16 "(a) Claims for relief. – A pleading which sets forth a claim for relief, whether an  
17 original claim, counterclaim, crossclaim, or third-party claim shall contain

- 18 (1) A short and plain statement of the claim sufficiently particular to give the  
19 court and the parties notice of the transactions, occurrences, or series of  
20 transactions or occurrences, intended to be proved showing that the pleader  
21 is entitled to relief, and  
22 (2) A demand for judgment for the relief to which he deems himself entitled.  
23 Relief in the alternative or of several different types may be demanded. In all  
24 negligence actions, and in all claims for punitive damages in any civil action,  
25 wherein the matter in controversy exceeds the sum or value of ~~ten thousand~~  
26 ~~dollars (\$10,000);~~ twenty-five thousand dollars (\$25,000), the pleading shall  
27 not state the demand for monetary relief, but shall state that the relief  
28 demanded is for damages incurred or to be incurred in excess of ~~ten~~  
29 ~~thousand—dollars—(\$10,000);~~ twenty-five thousand dollars (\$25,000).  
30 However, at any time after service of the claim for relief, any party may  
31 request of the claimant a written statement of the monetary relief sought, and  
32 the claimant shall, within 30 days after such service, provide such statement,  
33 which shall not be filed with the clerk until the action has been called for  
34 trial or entry of default entered. Such statement may be amended in the  
35 manner and at times as provided by Rule 15."  
36

37 **SECTION 19.(a)** G.S. 7A-228 reads as rewritten:

38 **"§ 7A-228. New trial before magistrate; appeal for trial de novo; how appeal perfected;**  
39 **oral notice; dismissal.**

40 . . . .

41 (d) When a defendant in a summary ejectment action has given notice of appeal and  
42 perfected the appeal in accordance with G.S. 7A-228(b), the plaintiff may serve upon the  
43 defendant a motion to dismiss the appeal if the defendant:

- 44 (1) Failed to raise a defense orally or in writing in the small claims court;  
45 (2) Failed to file a motion, answer, or counterclaim in the district court; and  
46 (3) Failed to ~~make any payment due under any applicable bond to stay execution~~  
47 of the judgment for possession comply with any obligation set forth in the  
48 Bond to Stay Execution on Appeal of Summary Ejectment Judgment entered  
49 by the court.

50 The motion to dismiss the appeal shall list all of the deficiencies committed by the defendant,  
51 as described in subdivisions (1), (2), and (3) of this subsection, and shall state that the court will

1 decide the motion to dismiss without a hearing if the defendant fails to respond within 10 days  
2 of receipt of the motion. The defendant may defeat the motion to dismiss by responding within  
3 10 days of receipt of the motion by doing any of the following acts: (i) filing a responsive  
4 motion, answer, or counterclaim and serving the plaintiff with a copy thereof or (ii) paying the  
5 amount due under the bond to stay ~~execution~~-execution, if any amount is owed by the  
6 defendant. If the defendant is not required by law to make any payment under the bond to stay  
7 execution, the court shall not use the failure to make a payment as a basis to dismiss the appeal.  
8 The court shall review the file, determine whether the motion satisfies the requirements of this  
9 subsection, determine whether the defendant has made a sufficient response to defeat the  
10 motion, and shall enter an order resolving the matter without a hearing."

11 **SECTION 19.(b)** This section becomes effective October 1, 2014, and applies to  
12 all actions for summary ejection filed on or after that date.

13  
14 **SECTION 20.** G.S. 7A-273(2) reads as rewritten:

15 "(2) In misdemeanor or infraction cases involving alcohol offenses under Chapter  
16 18B of the General Statutes, traffic offenses, hunting, fishing, State park and  
17 recreation area rule offenses under Chapter 113 of the General Statutes,  
18 boating offenses under Chapter 75A of the General Statutes, open burning  
19 offenses under Article 78 of Chapter 106 of the General Statutes, and  
20 littering offenses under G.S. 14-399(c) and G.S. 14-399(c1), to accept  
21 written appearances, waivers of trial or hearing and pleas of guilty or  
22 admissions of responsibility, in accordance with the schedule of offenses and  
23 finances or penalties promulgated by the Conference of Chief District Judges  
24 pursuant to G.S. 7A-148, and in such cases, to enter judgment and collect the  
25 finances or penalties and costs;".

26  
27 **SECTION 21.** G.S. 7B-603(b) reads as rewritten:

28 "(b) An attorney or guardian ad litem appointed pursuant to G.S. 7B-602 or pursuant to  
29 any other provision of the Juvenile Code for which the Office of Indigent Defense Services is  
30 responsible for providing counsel shall be paid a reasonable fee in accordance with rules  
31 adopted by the Office of Indigent Defense Services."

32  
33 **SECTION 22.(a)** G.S. 7B-1401(4), 7B-1402, 7B-1403, and 7B-1412 are repealed.

34 **SECTION 22.(b)** G.S. 7B-1404(b) reads as rewritten:

35 "(b) The State Team shall be composed of the following ~~11~~10 members of whom nine  
36 members are ex officio and ~~two are~~one is appointed:

- 37 (1) The Chief Medical Examiner, who shall chair the State Team;
- 38 (2) The Attorney General;
- 39 (3) The Director of the Division of Social Services, Department of Health and  
40 Human Services;
- 41 (4) The Director of the State Bureau of Investigation;
- 42 (5) The Director of the Division of Maternal and Child Health of the  
43 Department of Health and Human Services;
- 44 (6) The Superintendent of Public Instruction;
- 45 (7) The Director of the Division of Mental Health, Developmental Disabilities,  
46 and Substance Abuse Services, Department of Health and Human Services;
- 47 (8) The Director of the Administrative Office of the Courts;
- 48 ~~(9) The pediatrician appointed pursuant to G.S. 7B-1402(b) to the Task Force;~~
- 49 (10) A public member, appointed by the Governor; and
- 50 (11) The Team Coordinator.

1 The ex officio members other than the Chief Medical Examiner may designate a  
2 representative from their departments, divisions, or offices to represent them on the State  
3 Team."

4 **SECTION 22.(c)** G.S. 7B-1405 reads as rewritten:

5 "**§ 7B-1405. State Team – duties.**

6 (a) The State Team shall:

- 7 (1) Review current deaths of children when those deaths are attributed to child  
8 abuse or neglect or when the decedent was reported as an abused or  
9 neglected juvenile pursuant to G.S. 7B-301 at any time before death;
- 10 (2) ~~Report to the Task Force during the existence of the Task Force, in the~~  
11 ~~format and at the time required by the Task Force, on the State Team's~~  
12 ~~activities and its recommendations for changes to any law, rule, and policy~~  
13 ~~that would promote the safety and well-being of children;~~
- 14 (3) Upon request of a Local Team, provide technical assistance to the Team;
- 15 (4) Periodically assess the operations of the multidisciplinary child fatality  
16 prevention system and make recommendations for changes as needed;
- 17 (5) Work with the Team Coordinator to develop guidelines for selecting child  
18 deaths to receive detailed, multidisciplinary death reviews by Local Teams  
19 that review cases of additional child fatalities; and
- 20 (6) Receive reports of findings and recommendations from Local Teams that  
21 review cases of additional child fatalities and work with the Team  
22 Coordinator to implement recommendations.

23 (b) In addition to the duties prescribed in subsection (a) of this section, the State Team may  
24 report to the General Assembly, within the first week of the convening or reconvening of the  
25 General Assembly, on the State Team's activities and its recommendations for changes to any  
26 law, rule, or policy that would promote the safety and well-being of children. Any  
27 recommendations of changes to law, rule, or policy shall be accompanied by specific legislative  
28 or policy proposals and detailed fiscal notes setting forth the costs to the State."

29 **SECTION 22.(d)** G.S. 7B-1413 reads as rewritten:

30 "**§ 7B-1413. Access to records.**

31 ~~(a) The State Team, the Local Teams, and the Task Force during its existence, Team~~  
32 ~~and the Local Teams shall have access to all medical records, hospital records, and records~~  
33 ~~maintained by this State, any county, or any local agency as necessary to carry out the purposes~~  
34 ~~of this Article, including police investigations data, medical examiner investigative data, health~~  
35 ~~records, mental health records, and social services records. The State Team, the Task Force,~~  
36 ~~Team and the Local Teams shall not, as part of the reviews authorized under this Article,~~  
37 ~~contact, question, or interview the child, the parent of the child, or any other family member of~~  
38 ~~the child whose record is being reviewed. Any member of a Local Team may share, only in an~~  
39 ~~official meeting of that Local Team, any information available to that member that the Local~~  
40 ~~Team needs to carry out its duties.~~

41 (b) Meetings of the State Team and the Local Teams are not subject to the provisions of  
42 Article 33C of Chapter 143 of the General Statutes. However, the Local Teams may hold  
43 periodic public meetings to discuss, in a general manner not revealing confidential information  
44 about children and families, the findings of their reviews and their recommendations for  
45 preventive actions. Minutes of all public meetings, excluding those of executive sessions, shall  
46 be kept in compliance with Article 33C of Chapter 143 of the General Statutes. Any minutes or  
47 any other information generated during any closed session shall be sealed from public  
48 inspection.

49 (c) All otherwise confidential information and records acquired by the State Team, ~~the~~  
50 ~~Local Teams, and the Task Force during its existence, Team and the Local Teams~~ in the  
51 exercise of their duties are confidential; are not subject to discovery or introduction into



1 evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes  
2 of the State Team, ~~the Local Teams, and the Task Force.~~ Team and the Local Teams. In  
3 addition, all otherwise confidential information and records created by a Local Team in the  
4 exercise of its duties are confidential; are not subject to discovery or introduction into evidence  
5 in any proceedings; and may only be disclosed as necessary to carry out the purposes of the  
6 Local Team. No member of the State Team, a Local Team, nor any person who attends a  
7 meeting of the State Team or a Local Team, may testify in any proceeding about what  
8 transpired at the meeting, about information presented at the meeting, or about opinions formed  
9 by the person as a result of the meetings. This subsection shall not, however, prohibit a person  
10 from testifying in a civil or criminal action about matters within that person's independent  
11 knowledge.

12 ...."

13 **SECTION 22.(e)** G.S. 7B-1414 reads as rewritten:

14 **"§ 7B-1414. Administration; funding.**

15 (a) To the extent of funds available, the ~~chairs of the Task Force and~~ State Team may  
16 hire staff or consultants to assist ~~the Task Force and~~ the State Team in completing ~~their~~ its  
17 duties.

18 (b) Members, staff, and consultants of the ~~Task Force or~~ State Team shall receive travel  
19 and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as the  
20 case may be, paid from funds appropriated to implement this Article and within the limits of  
21 those funds.

22 (c) ~~With the approval of the Legislative Services Commission, legislative staff and~~  
23 ~~space in the Legislative Building and the Legislative Office Building may be made available to~~  
24 ~~the Task Force."~~

25 **SECTION 22.(f)** G.S. 7B-2902 reads as rewritten:

26 **"§ 7B-2902. Disclosure in child fatality or near fatality cases.**

27 (a) The following definitions apply in this section:

- 28 (1) Child fatality. – The death of a child from suspected abuse, neglect, or  
29 maltreatment.
- 30 (2) Findings and information. – A written summary, as allowed by subsections  
31 (c) through (f) of this section, of actions taken or services rendered by a  
32 public agency following receipt of information that a child might be in need  
33 of protection. The written summary shall include any of the following  
34 information the agency is able to provide:
- 35 a. The dates, outcomes, and results of any actions taken or services  
36 rendered.
- 37 b. The results of any review by the State Child Fatality Prevention  
38 Team, a local child fatality prevention team, a local community child  
39 protection team, ~~the Child Fatality Task Force,~~ or any public agency.
- 40 c. Confirmation of the receipt of all reports, accepted or not accepted by  
41 the county department of social services, for investigation of  
42 suspected child abuse, neglect, or maltreatment, including  
43 confirmation that investigations were conducted, the results of the  
44 investigations, a description of the conduct of the most recent  
45 investigation and the services rendered, and a statement of basis for  
46 the department's decision.
- 47 (3) Near fatality. – A case in which a physician determines that a child is in  
48 serious or critical condition as the result of sickness or injury caused by  
49 suspected abuse, neglect, or maltreatment.
- 50 (4) Public agency. – Any agency of State government or its subdivisions as  
51 defined in G.S. 132-1(a).

1           ....  
2           (f) Access to criminal investigative reports and criminal intelligence information of  
3 public law enforcement agencies and confidential information in the possession of the State  
4 Child Fatality Prevention ~~Team, the local teams, and the Child Fatality Task Force, Team and~~  
5 the local teams shall be governed by G.S. 132-1.4 and G.S. 7B-1413 respectively. Nothing  
6 herein shall be deemed to require the disclosure or release of any information in the possession  
7 of a district attorney."

8           **SECTION 22.(g)** This section becomes effective June 30, 2015.

9  
10           **SECTION 23.(a)** G.S. 14-258.1, as amended by S.L. 2014-3, reads as rewritten:

11       "**§ 14-258.1. Furnishing poison, controlled substances, deadly weapons, cartridges,**  
12       **ammunition or alcoholic beverages to inmates of charitable, mental or penal**  
13       **institutions or local confinement facilities; furnishing tobacco products**  
14       **including vapor products; or furnishing mobile phones to inmates.**

15       ...  
16       (c) Any person who knowingly gives or sells any tobacco products, including vapor  
17 products, as defined in G.S. 148-23.1, to an inmate in the custody of the Division of Adult  
18 Correction of the Department of Public Safety and on the premises of a correctional facility or  
19 to an inmate in the custody of a local confinement facility, or any person who knowingly gives  
20 or sells any tobacco products, including vapor products, to a person who is not an inmate for  
21 delivery to an inmate in the custody of the Division of Adult Correction of the Department of  
22 Public Safety and on the premises of a correctional facility or to an inmate in the custody of a  
23 local confinement facility, other than for authorized religious purposes, is guilty of a Class 1  
24 misdemeanor.

25       ...  
26       (e) Any inmate of a local confinement facility who possesses any tobacco products,  
27 including vapor products, as defined in G.S. 148-23.1, other than for authorized religious  
28 ~~purposes, purposes, or for inmates involved in an authorized smoking cessation program,~~ or  
29 who possesses a mobile telephone or other wireless communications device or a component of  
30 one of those devices, is guilty of a Class 1 misdemeanor.

31       (f) Notwithstanding subsection (c) of this section, local confinement facilities may give  
32 or sell a vapor product as defined in G.S. 148-23.1 to inmates involved in an authorized  
33 smoking cessation program while in the custody of the local confinement facility."

34           **SECTION 23.(b)** This section becomes effective December 1, 2014, and applies to  
35 offenses committed on or after that date. If Senate Bill 594, 2013 Regular Session, becomes  
36 law, and if it amends G.S. 14-258.1 to add a new subsection (f), the subsection (f) enacted in  
37 subsection (a) of this section is redesignated as subsection (g).

38  
39           **SECTION 23.5.(a)** G.S. 14-404(c1) is repealed.

40           **SECTION 23.5.(b)** The Administrative Office of the Courts shall review the  
41 feasibility of requiring the clerks of court to make a record of the judicial determinations and  
42 findings, court orders, and other factual matters, relevant to the disqualifying conditions for  
43 obtaining a pistol permit that are set out in G.S. 14-404(c) and to transmit those records to the  
44 National Instant Background Check System (NICS). In its study the Administrative Office of  
45 the Courts shall identify the information required under G.S. 14-404 that is provided to NICS  
46 by other agencies or through other procedures. The Administrative Office of the Courts shall  
47 also consider what remaining information required under G.S. 14-404(c) is requested by NICS,  
48 if any, and whether any of that information is readily available to the clerks of court. The  
49 Administrative Office of the Courts shall report its findings and recommendations to the Joint  
50 Legislative Committee on Justice and Public Safety by December 1, 2014.

1           **SECTION 24.(a)** G.S. 14-415.14(a) reads as rewritten:

2           "(a) The sheriff shall make permit applications readily available at the office of the  
3 sheriff or at other public offices in the sheriff's jurisdiction. The permit application shall be in  
4 triplicate, in a form to be prescribed by the ~~Administrative Office of the Courts,~~State Bureau of  
5 Investigation, and shall include the following information with regard to the applicant: name,  
6 address, physical description, signature, date of birth, social security number, military status,  
7 law enforcement status, and the drivers license number or State identification card number of  
8 the applicant if used for identification in applying for the permit."

9           **SECTION 24.(b)** G.S. 14-415.17 reads as rewritten:

10       "**§ 14-415.17. Permit; sheriff to retain a list of permittees; confidentiality of list and**  
11       **permit application information; availability to law enforcement agencies.**

12       (a) The permit shall be in a certificate form, as prescribed by the ~~Administrative Office~~  
13 ~~of the Courts,~~State Bureau of Investigation, that is approximately the size of a North Carolina  
14 drivers license. It shall bear the signature, name, address, date of birth, and the drivers license  
15 identification number used in applying for the permit.

16       (b) The sheriff shall maintain a listing, including the identifying information, of those  
17 persons who are issued a permit. Within five days of the date a permit is issued, the sheriff shall  
18 send a copy of the permit to the State Bureau of Investigation.

19       (c) Except as provided otherwise by this subsection, the list of permit holders and the  
20 information collected by the sheriff to process an application for a permit are confidential and  
21 are not a public record under G.S. 132-1. The sheriff shall make the list of permit holders and  
22 the permit information available upon request to all State and local law enforcement agencies.  
23 The State Bureau of Investigation shall make the list of permit holders and the information  
24 collected by the sheriff to process an application for a permit available to law enforcement  
25 officers and clerks of court on a statewide system."

26  
27       **SECTION 24.5.** G.S. 15-11.1(b1)(4) reads as rewritten:

28       "(4) By ordering the firearm turned over to a law enforcement agency in the county of trial  
29 for (i) the official use of the agency or (ii) sale, trade, or exchange by the agency to a federally  
30 licensed firearm dealer in accordance with all applicable State and federal firearm laws. The  
31 court may order a disposition of the firearm pursuant to this subdivision ~~only upon the written~~  
32 ~~request of the head or chief of the law enforcement agency and~~ only if the firearm has a legible,  
33 unique identification number. If the law enforcement agency sells the firearm, then the  
34 proceeds of the sale shall be remitted to the appropriate county finance officer as provided by  
35 G.S. 115C-452 to be used to maintain free public schools. The receiving law enforcement  
36 agency shall maintain a record and inventory of all firearms received pursuant to this  
37 subdivision."

38  
39       **SECTION 25.** Reserved.

40  
41       **SECTION 26.(a)** G.S. 15A-145.5(f) reads as rewritten:

42       "(f) Any other applicable State or local government agency shall expunge from its  
43 records entries made as a result of the conviction ordered expunged under this section upon  
44 receipt from the petitioner of an order entered pursuant to this section. The agency shall also  
45 vacate any administrative actions taken against a person whose record is expunged under this  
46 section as a result of the charges or convictions expunged. A person whose administrative  
47 action has been vacated by an occupational licensing board pursuant to an expunction under  
48 this section may then reapply for licensure and must satisfy the board's then current education  
49 and preliminary licensing requirements in order to obtain licensure. This subsection shall not  
50 apply to the Department of Justice for DNA records and samples stored in the State DNA  
51 Database and the State DNA ~~Databank or to fingerprint records~~Databank."

1           **SECTION 26.(b)** This Part is effective when it becomes law and applies to  
2 expunctions issued pursuant to G.S. 15A-145.5 before, on, or after that date.

3  
4           **SECTION 27.(a)** G.S. 15A-150 reads as rewritten:

5 **"§ 15A-150. Notification requirements.**

6           (a) Notification to AOC. – The clerk of superior court in each county in North Carolina  
7 shall, as soon as practicable after each term of court, file with the Administrative Office of the  
8 Courts the names of the following:

- 9           (1) Persons granted an expunction under this Article.
- 10           (2) Persons granted a conditional discharge under G.S. 14-50.29.
- 11           (3) Persons granted a conditional discharge under G.S. 90-96 or G.S. 90-113.14.
- 12           (4) Repealed by Session Laws 2010-174, s. 7, effective October 1, 2010.
- 13           (5) Persons granted a conditional discharge under G.S. 14-204.

14           (b) Notification to Other State and Local Agencies. – The clerk of superior court in  
15 each county in North Carolina shall send a certified copy of an order granting an expunction to  
16 a person named in subsection (a) of this section to all of the agencies listed in this subsection.  
17 An agency receiving an order under this subsection shall expunge from its records all entries  
18 made as a result of the charge or conviction ordered expunged, except as provided in  
19 G.S. 15A-151. The list of agencies is as follows:

- 20           (1) The sheriff, chief of police, or other arresting agency.
- 21           (2) When applicable, the Division of Motor Vehicles and the Division of Adult  
22 Correction of the Department of Public Safety.
- 23           (3) Any State or local agency identified by the petition as bearing record of the  
24 offense that has been expunged.
- 25           (4) The State Bureau of Investigation (SBI).

26           (c) Notification to ~~SBI and FBI.~~ – ~~An arresting agency that receives a certified copy of~~  
27 ~~an order under this section shall forward a copy of the order with the form supplied by the State~~  
28 ~~Bureau of Investigation to the State Bureau of Investigation.~~ The State Bureau of Investigation  
29 shall forward the order received under this section to the Federal Bureau of Investigation.

30           (d) Notification to Private Entities. – A State agency that receives a certified copy of an  
31 order under this section shall notify any private entity with which it has a licensing agreement  
32 for bulk extracts of data from the agency criminal record database to delete the record in  
33 question. The private entity shall notify any other entity to which it subsequently provides in a  
34 bulk extract data from the agency criminal database to delete the record in question from its  
35 database."

36           **SECTION 27.(b)** This section becomes effective December 1, 2014, and applies to  
37 petitions filed on or after that date.

38  
39           **SECTION 28.(a)** G.S. 15A-1368.4(d) reads as rewritten:

40           "(d) Reintegrative Conditions. – Appropriate reintegrative conditions, for which a  
41 supervisee may receive earned time credits against the length of the supervision period, and  
42 repeated violation that may result in revocation of post-release supervision, are:

43           ....

- 44           (5) In the case of a supervisee who attended a basic skills program during  
45 incarceration, continue attending a basic skills program in pursuit of a  
46 ~~General Education Development Degree~~ an adult high school equivalency  
47 diploma or adult high school diploma."

48           **SECTION 28.(b)** G.S. 15A-1374(b) reads as rewritten:

49           "(b) Appropriate Conditions. – As conditions of parole, the Commission may require  
50 that the parolee comply with one or more of the following conditions:

51           ....

(11c) In the case of a parolee who was attending a basic skills program during incarceration, continue attending a basic skills program in pursuit of a ~~General Education Development Degree~~ an adult high school equivalency diploma or adult high school diploma.

...."

**SECTION 28.(c)** G.S. 90-113.40(d1) reads as rewritten:

"(d1) The Board shall issue a certificate certifying an applicant as a "Certified Criminal Justice Addictions Professional", with the acronym "CCJP", if in addition to meeting the requirements of subdivisions (a)(1) through (5a) of this section, the applicant:

....

(3) Has provided documentation of supervised work experience providing direct service to clients or offenders involved in one of the three branches of the criminal justice system, which include law enforcement, the judiciary, and corrections. The applicant must meet one of the following criteria:

- a. Criteria A. – In addition to having a high school ~~degree~~ diploma or ~~GED~~ an adult high school equivalency diploma, the applicant has a minimum of 6,000 hours of documented work experience in direct services in criminal justice or addictions services or any combination of these services that have been obtained during the past 10 years.
- b. Criteria B. – In addition to having an associate degree, the applicant has a minimum of 5,000 hours of documented work experience in direct services in criminal justice or addictions services or any combination of these services obtained during the past 10 years.
- c. Criteria C. – In addition to having at least a bachelors degree, the applicant has a minimum of 4,000 hours of documented work experience in direct services in criminal justice or addictions services, or any combination of these services, and this experience has been obtained during the past 10 years.
- d. Criteria D. – In addition to having at least a masters degree in a human services field, the applicant has a minimum of 2,000 hours of documented work experience in direct services in criminal justice or addictions services or any combination of these services that has been obtained during the past 10 years.
- e. Criteria E. – In addition to having at least a masters degree in a human services field with a specialty from a regionally accredited college or university that includes 180 hours of substance abuse specific education or training, the applicant has a minimum of 2,000 hours of postgraduate supervised substance abuse counseling experience.
- f. Criteria F. – In addition to having obtained the credential of a certified clinical addictions specialist or other advanced credential in a human services field from an organization that has obtained deemed status with the Board, the applicant has a minimum of 1,000 hours of documented work experience in direct services in criminal justice or addictions services that has been obtained during the past 10 years.

...."

**SECTION 28.(d)** G.S. 108A-29(n) reads as rewritten:

"(n) If after evaluation of an individual the Division of Employment Security believes it necessary, the Division or the county department of social services also may refer an individual to a Job Preparedness provider. The local community college should include ~~General Education~~

1 ~~Development, adult high school equivalency diploma, Adult Basic Education, or Human~~  
2 Resources Development programs that are already in existence as a part of the Job  
3 Preparedness component. Additionally, the Division or the county department of social services  
4 may refer an individual to a literacy council. Through a Memorandum of Understanding  
5 between the Division of Employment Security, the local department of social services, and  
6 other contracted entities, a system shall be established to monitor an individual's progress  
7 through close communications with the agencies assisting the individual. The Division of  
8 Employment Security or Job Preparedness provider shall adopt rules to accomplish this  
9 subsection."

10 **SECTION 28.(e)** G.S. 115D-5(s) reads as rewritten:

11 "(s) The State Board of Community Colleges may establish, retain and budget fees  
12 charged to students taking ~~the General Education Development (GED)~~ an adult high school  
13 equivalency diploma test, including fees for retesting. Fees collected for this purpose shall be  
14 used only to (i) offset the costs of the ~~GED~~ test, including the cost of scoring the test, (ii) offset  
15 the costs of printing ~~GED certificates, adult high school equivalency diplomas,~~ and (iii) meet  
16 federal and State reporting requirements related to the test."

17 **SECTION 28.(f)** G.S. 115D-31.3(e) reads as rewritten:

18 "(e) Mandatory Performance Measures. – The State Board of Community Colleges shall  
19 evaluate each college on the following eight performance measures:

20 ....

21 (2) Attainment of ~~General Educational Development (GED)~~ adult high school  
22 equivalency diplomas by students.

23 ...."

24 **SECTION 28.(g)** G.S. 116-143.4 reads as rewritten:

25 **"§ 116-143.4. Admissions status of persons charged in-State tuition.**

26 A person eligible for the in-State tuition rate pursuant to this Article shall be considered an  
27 in-State applicant for the purpose of admission; provided that, a person eligible for in-State  
28 tuition pursuant to G.S. 116-143.3(c) shall be considered an in-State applicant for the purpose  
29 of admission only if at the time of seeking admission he is enrolled in a high school located in  
30 North Carolina or enrolled in a ~~general education development (GED)~~ an adult high school  
31 equivalency diploma program in an institution located in this State."

32 **SECTION 28.(h)** G.S. 162-59.1 reads as rewritten:

33 **"§ 162-59.1. Person having custody to approve prisoners for participation in education**  
34 **and other programs.**

35 The person having custody of a prisoner convicted of a misdemeanor offense may approve  
36 that prisoner's participation in a ~~general education development diploma program (GED~~  
37 ~~program)~~ an adult high school equivalency diploma program or in any other education,  
38 rehabilitation, or training program. The person having custody of the prisoner may revoke this  
39 approval at any time. For purposes of this section, the person having custody of the prisoner is  
40 the sheriff, except that when the prisoner is confined in a district confinement facility the  
41 person having custody of the prisoner is the jail administrator."

42 **SECTION 28.(i)** G.S. 162-60 reads as rewritten:

43 **"§ 162-60. Reduction in sentence allowed for work, education, and other programs.**

44 (a) A prisoner who has faithfully performed the duties assigned to the prisoner under  
45 G.S. 162-58 is entitled to a reduction in the prisoner's sentence of four days for each 30 days of  
46 work performed.

47 (b) A prisoner who is convicted of a misdemeanor offense and housed in a local  
48 confinement facility and who faithfully participates in a ~~general education development~~  
49 ~~diploma program (GED program)~~ an adult high school equivalency diploma program or in any  
50 other education, rehabilitation, or training program is entitled to a reduction in the prisoner's

1 sentence of four days for each 30 days of classes attended, up to the maximum credit allowed  
2 under G.S. 15A-1340.20(d).

3 (c) The person having custody of the prisoner, as defined in G.S. 162-59, is the sole  
4 judge as to whether the prisoner has faithfully performed the assigned duties under G.S. 162-58  
5 or has faithfully participated in a ~~GED~~ an adult high school equivalency diploma program or  
6 other education, rehabilitation, or training program under subsection (b) of this section. A  
7 prisoner who escapes or attempts to escape while performing work pursuant to G.S. 162-58 or  
8 while participating in a ~~GED~~ an adult high school equivalency diploma program or other  
9 education, rehabilitation, or training program shall forfeit any reduction in sentence that the  
10 prisoner would have been entitled to under this section."

11  
12 **SECTION 28.3.** G.S. 20-4.01 reads as rewritten:

13 **"§ 20-4.01. Definitions.**

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

16 ...

17 (41a) **Serious Traffic Violation.** – A conviction of one of the following offenses  
18 when operating a commercial or other motor vehicle:

- 19 a. Excessive speeding, involving a single charge of any speed 15 miles  
20 per hour or more above the posted speed limit.  
21 b. Careless and reckless driving.  
22 c. A violation of any State or local law relating to motor vehicle traffic  
23 control, other than a parking violation, arising in connection with a  
24 fatal accident.  
25 d. Improper or erratic lane changes.  
26 e. Following the vehicle ahead too closely.  
27 f. Driving a commercial motor vehicle without obtaining a commercial  
28 drivers license.  
29 g. Driving a commercial motor vehicle without a commercial drivers  
30 license in the driver's possession.  
31 h. Driving a commercial motor vehicle without the proper class of  
32 commercial drivers license or endorsements for the specific vehicle  
33 group being operated or for the passenger or type of cargo being  
34 transported.  
35 i. Unlawful use of a mobile telephone under G.S. 20-137.4A or Part  
36 390 or Part 392 of Title 49 of the Code of Federal Regulations while  
37 operating a commercial motor vehicle.

38 ...."

39  
40 **SECTION 28.5.(a)** G.S. 20-37.13(a) reads as rewritten:

41 "(a) No person shall be issued a commercial drivers license unless the ~~person~~ meets all  
42 of the following requirements:

- 43 (1) Is a resident of this ~~State~~ State.  
44 (2) Is 21 years of ~~age~~ age.  
45 (3) Has passed a knowledge test and a skills test for driving a commercial motor  
46 vehicle that comply with minimum federal standards established by federal  
47 regulation enumerated in 49 C.F.R., Part 383, ~~Subparts F, G and H; and~~  
48 Subparts F, G, and H.  
49 (4) Has satisfied all other requirements of the Commercial Motor Vehicle Safety  
50 Act in addition to other requirements of this Chapter or federal regulation.  
51 (5) Has held a commercial learner's permit for a minimum of fourteen days.

1 For the purpose of skills testing and determining commercial drivers license classification,  
2 only the manufacturer's GVWR shall be used.

3 The tests shall be prescribed and conducted by the Division. Provided, a person who is at  
4 least 18 years of age may be issued a commercial drivers license if the person is exempt from,  
5 or not subject to, the age requirements of the federal Motor Carrier Safety Regulations  
6 contained in 49 C.F.R., Part 391, as adopted by the Division."

7 **SECTION 28.5.(b)** G.S. 20-37.13 is amended by adding two new subsections to  
8 read:

9 "(g) The issuance of a commercial driver learner's permit is a precondition to the initial  
10 issuance of a commercial drivers license. The issuance of a commercial driver learner's permit  
11 is also a precondition to the upgrade of a commercial drivers license if the upgrade requires a  
12 skills test.

13  
14 (h) The Division shall promptly notify any driver who fails to meet the medical  
15 certification requirements in accordance with 49 C.F.R. § 383.71. The Division shall give the  
16 driver 60 days to provide the required documentation. If the driver fails to provide the required  
17 commercial drivers license medical certification documentation within the period allowed, the  
18 Division shall automatically downgrade a commercial driver license to a class C regular driver  
19 license."

20  
21 **SECTION 29.(a)** G.S. 20-58.4A(a) reads as rewritten:

22 "(a) Implementation. – No later than ~~July 1, 2014~~, January 1, 2015, the Division shall  
23 implement a statewide electronic lien system to process the notification, release, and  
24 maintenance of security interests and certificate of title data where a lien is notated, through  
25 electronic means instead of paper documents otherwise required by this Chapter. The Division  
26 may contract with a qualified vendor or vendors to develop and implement this statewide  
27 electronic lien system, or the Division may develop and make available to qualified service  
28 providers a well-defined set of information services that will enable secure access to the data  
29 and internal application components necessary to facilitate the creation of an electronic lien  
30 system."

31 **SECTION 29.(b)** G.S. 20-58.4A(i) reads as rewritten:

32 "(i) Mandatory Participation. – Beginning ~~July 1, 2015~~, January 1, 2016, all individuals  
33 and lienholders who are normally engaged in the business or practice of financing motor  
34 vehicles, and who conduct at least five transactions annually, shall utilize the electronic lien  
35 system implemented in subsection (a) of this section to record information concerning the  
36 perfection and release of a security interest in a vehicle."

37  
38 **SECTION 30.** G.S. 20-79(d) reads as rewritten:

39 "(d) Restrictions on Use. – A dealer license plate may be displayed only on a motor  
40 vehicle that meets all of the following requirements:

41 ....

42 (5) Is driven on a highway by a person who meets one of the following  
43 descriptions:

44 ...

45 f. Is an officer, sales representative, or other employee of ~~a~~an  
46 independent or franchised motor vehicle dealer or is an immediate  
47 family member of an officer, sales representative, or other employee  
48 of ~~a~~an independent or franchised motor vehicle dealer.

49 ...."

50  
51 **SECTION 31.** G.S. 24-1.1A(e) reads as rewritten:



1       "(e) The term "home loan" shall mean a loan, other than an open-end credit plan, where  
2 the principal amount is less than three hundred thousand dollars (\$300,000) secured by a first  
3 mortgage or first deed of trust on real estate upon which there is located or there is to be located  
4 one or more single-family dwellings or dwelling ~~units~~-units, or secured by an equivalent first  
5 security interest in a manufactured home."

6  
7       **SECTION 32.** G.S. 28A-19-1(c) reads as rewritten:

8       "(c) In an action pending against the decedent at the time of the decedent's death, which  
9 action survives at law, the court may order the substitution of the personal representative or  
10 collector for the decedent on motion therefor and that motion will constitute the presentation of  
11 a claim, ~~provided that substitution occurs within the time specified for the presentation of~~  
12 ~~claims under G.S. 28A-19-3, any claim pending in the action, provided that the substitution or a~~  
13 motion for substitution is made within the time specified for the presentation of claims under  
14 G.S. 28A-19-3, and no further presentation is necessary. Such claim will be deemed to have  
15 been presented from the time of the substitution, or motion therefor. Neither the timely  
16 substitution of the personal representative nor timely motion therefor as provided in this  
17 subsection extends the time for filing additional claims."

18  
19       **SECTION 32.5.** G.S. 28A-21-2.2(a)(2) reads as rewritten:

20       "(2) The date by which an action for recovery of a rejected claim must be  
21 commenced under ~~G.S. 28A-19-6~~-G.S. 28A-19-16."

22  
23       **SECTION 33.(a)** Article 2 of Chapter 39 of the General Statutes is amended by  
24 adding a new section to read:

25       "**§ 39-13.7. Tenancy by the entireties trusts in real property.**

26       Any real property held by a husband and wife as a tenancy by the entireties and conveyed  
27 to their joint revocable or irrevocable trust, or to their separate revocable or irrevocable trusts,  
28 shall have the same immunity from the claims of the spouses' separate creditors as would exist  
29 if the spouses had continued to hold the property as a tenancy by the entireties, so long as (i)  
30 the spouses remain husband and wife, (ii) the real property continues to be held in the trust or  
31 trusts, and (iii) the spouses remain the beneficial owners of the real property."

32       **SECTION 33.(b)** This section becomes effective January 1, 2015, and applies to  
33 real property transferred to a trust on or after that date.

34  
35       **SECTION 34.** G.S. 41-23(h) reads as rewritten:

36       "(h) The provisions of ~~G.S. 41-15 and G.S. 41-15,~~ the common law rule against  
37 ~~perpetuities~~-perpetuities, and the common law rule against accumulations do not apply to trusts  
38 created or administered in this State."

39  
40       **SECTION 35.** Reserved.

41  
42       **SECTION 36.** G.S. 45A-4(a) reads as rewritten:

43       "(a) The settlement agent shall cause recordation of the deed, if any, the deed of trust or  
44 mortgage, or other loan documents required to be recorded at settlement. The settlement agent  
45 shall not disburse any of the closing funds prior to ~~the recordation of any deeds or loan~~  
46 ~~documents required to be filed by the lender, if applicable, and verification that the closing~~  
47 ~~funds used to fund disbursement are deposited in the settlement agent's trust or escrow account~~  
48 in one or more forms prescribed by this Chapter. A settlement agent may disburse funds from  
49 the settlement agent's trust or escrow account (to either the applicable register of deeds or  
50 directly to a private company authorized to electronically record documents with the office of  
51 the register of deeds) as necessary to record any deeds, deeds of trust and any other documents

1 required to be filed in connection with the closing, including excise tax (revenue stamps) and  
2 recording fees, but the settlement agent may not disburse any other funds from its trust or  
3 escrow account until the deeds, deeds of trust and other required loan documents have been  
4 recorded in the office of the register of deeds. Unless otherwise provided in this Chapter, a  
5 settlement agent shall not cause a disbursement of settlement proceeds unless those settlement  
6 proceeds are collected funds. Notwithstanding that a deposit made by a settlement agent to its  
7 trust or escrow account does not constitute collected funds, the settlement agent may cause a  
8 disbursement of settlement proceeds from its trust or escrow account in reliance on that deposit  
9 if the deposit is in one or more of the following forms:

- 10 (1) A certified check;
- 11 (2) A check issued by the State, the United States, a political subdivision of the  
12 State, or an agency or instrumentality of the United States, including an  
13 agricultural credit association;
- 14 (3) A cashier's check, teller's check, or official bank check drawn on or issued  
15 by a financial institution insured by the Federal Deposit Insurance  
16 Corporation or a comparable agency of the federal or state government;
- 17 (4) A check drawn on the trust account of an attorney licensed to practice in the  
18 State of North Carolina;
- 19 (5) A check or checks drawn on the trust or escrow account of a real estate  
20 broker licensed under Chapter 93A of the General Statutes;
- 21 (6) A personal or commercial check or checks in an aggregate amount not  
22 exceeding five thousand dollars (\$5,000) per closing if the settlement agent  
23 making the deposit has reasonable and prudent grounds to believe that the  
24 deposit will be irrevocably credited to the settlement agent's trust or escrow  
25 account;
- 26 (7) A check drawn on the account of or issued by a mortgage banker licensed  
27 under Article 19A of Chapter 53 of the General Statutes that has posted with  
28 the Commissioner of Banks a surety bond in the amount of at least three  
29 hundred thousand dollars (\$300,000). The surety bond shall be in a form  
30 satisfactory to the Commissioner and shall run to the State for the benefit of  
31 any settlement agent with a claim against the licensee for a dishonored  
32 check."

33  
34 **SECTION 37.** G.S. 50-13.4(c1) reads as rewritten:

35 "(c1) Effective July 1, 1990, the Conference of Chief District Judges shall prescribe  
36 uniform statewide presumptive guidelines for the computation of child support obligations of  
37 each parent as provided in Chapter 50 or elsewhere in the General Statutes and shall develop  
38 criteria for determining when, in a particular case, application of the guidelines would be unjust  
39 or inappropriate. ~~Prior to May 1, 1990 these guidelines and criteria shall be reported to the~~  
40 ~~General Assembly by the Administrative Office of the Courts by delivering copies to the~~  
41 ~~President Pro Tempore of the Senate and the Speaker of the House of Representatives.~~ The  
42 purpose of the guidelines and criteria shall be to ensure that payments ordered for the support  
43 of a minor child are in such amount as to meet the reasonable needs of the child for health,  
44 education, and maintenance, having due regard to the estates, earnings, conditions, accustomed  
45 standard of living of the child and the parties, the child care and homemaker contributions of  
46 each party, and other facts of the particular case. The guidelines shall include a procedure for  
47 setting child support, if any, in a joint or shared custody arrangement which shall reflect the  
48 other statutory requirements herein.

49 Periodically, but at least once every four years, the Conference of Chief District Judges  
50 shall review the guidelines to determine whether their application results in appropriate child  
51 support award amounts. The Conference may modify the guidelines accordingly. The

1 Conference shall give the Department of Health and Human Services, the Administrative  
2 Office of the Courts, and the general public an opportunity to provide the Conference with  
3 information relevant to the development and review of the guidelines. Any modifications of the  
4 guidelines or criteria shall be reported to the General Assembly by the Administrative Office of  
5 the Courts before they become effective by delivering copies to the President Pro Tempore of  
6 the Senate and the Speaker of the House of Representatives. The guidelines, when adopted or  
7 modified, shall be provided to the Department of Health and Human Services and the  
8 Administrative Office of the Courts, which shall disseminate them to the public through local  
9 IV-D offices, clerks of court, and the media.

10 ~~Until July 1, 1990, the advisory guidelines adopted by the Conference of Chief District~~  
11 ~~Judges pursuant to this subsection as formerly written shall operate as presumptive guidelines~~  
12 ~~and the factors adopted by the Conference of Chief District Judges pursuant to this subsection~~  
13 ~~as formerly written shall constitute criteria for varying from the amount of support determined~~  
14 ~~by the guidelines."~~

15  
16 **SECTION 38.(a)** G.S. 50A-370(a) reads as rewritten:

17 "(a) After a deploying parent receives notice of deployment and during the deployment,  
18 a court may issue a temporary order granting custodial responsibility unless prohibited by the  
19 Servicemembers Civil Relief Act, 50 U.S.C. app. §§ 521-522. A court may not issue a  
20 permanent order granting custodial responsibility in the absence of the deploying parent  
21 without the consent of the deploying parent."

22 **SECTION 38.(b)** G.S. 50A-379(a) reads as rewritten:

23 "(a) Except for an order in accordance with G.S. 50A-373 or as otherwise provided in  
24 subsection (b) of this section, and consistent with the Servicemembers Civil Relief Act, 50  
25 U.S.C. app. §§ 521-522, on motion of a deploying or other parent or any nonparent to whom  
26 caretaking authority, decision-making authority, or limited contact has been granted, the court  
27 may modify or terminate a grant of caretaking authority, decision-making authority, or limited  
28 contact made pursuant to this Article if the modification or termination is consistent with this  
29 Part and the court finds it is in the best interest of the child. Any modification shall be  
30 temporary and terminates following the conclusion of deployment of the deployed parent  
31 according to the procedures under Part 4 of this Article, unless the grant has been terminated  
32 before that time by court order."

33 **SECTION 38.(c)** G.S. 50A-385(c) reads as rewritten:

34 "(c) In the absence of an agreement to terminate, the temporary agreement granting  
35 custodial responsibility terminates 60 days from the date of ~~one of the following:~~

- 36 (1) ~~The date the deploying parent gives notice to the other parent that the~~  
37 ~~deploying parent has returned from deployment.~~  
38 (2) ~~The date stated in an order terminating the temporary grant of custodial~~  
39 ~~responsibility.~~  
40 (3) ~~The death of the deploying parent.~~ the deploying parent gives notice to the

41 other parent that the deploying parent has returned from deployment, unless earlier terminated  
42 upon the date stated in an order terminating the temporary grant of custodial responsibility or  
43 the death of the deploying parent."

44 **SECTION 38.(d)** G.S. 50A-388(a) reads as rewritten:

45 "(a) A temporary order for custodial responsibility issued under Part 3 of this Article  
46 shall terminate, if no agreement between the parties to terminate a temporary order for  
47 custodial responsibility has been filed, 60 days from ~~(i) the date the deploying parent gives~~  
48 ~~notice of having returned from deployment to the other parent or and any nonparent granted~~  
49 ~~custodial responsibility responsibility, when applicable, or (ii) upon the death of the deploying~~  
50 ~~parent parent, whichever occurs first."~~

**SECTION 39.** G.S. 53-244.050(b)(1a) reads as rewritten:

"(1a) Each individual applicant for licensure as a transitional mortgage loan originator shall:

- a. Be at least 18 years of age;
- b. Have an active license to originate mortgage loans pursuant to the laws of any state or territory of the United States other than North Carolina; ~~Carolina~~; Carolina or be a registered loan originator;
- c. Have a valid unique identifier, registration, and fingerprints on file with the Nationwide Mortgage Licensing System and Registry;
- d. Have been employed for a period of no less than two years as a mortgage loan originator; and
- e. Have provided certification of employment with a mortgage lender or mortgage broker licensed under this Article, including an attestation by the employer that the applicant is in his or her employ."

**SECTION 39.2.** G.S. 58-2-46(4) is repealed.

**SECTION 39.4.** G.S. 66-58(b) reads as rewritten:

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

...

(8b) North Carolina Center for the Advancement of Teaching (NCCAT) with regard to:

- a. Agreements for the use of NCCAT's facilities, equipment, services, and staff, for meetings and educational programs provided by State agencies, the constituent institutions of The University of North Carolina and the North Carolina Community College System, public schools, units of local government, and nonprofit corporations.
- b. The provision of housing and meals to participants in these meetings and programs.

...."

**SECTION 39.5.(a)** G.S. 74F-16 reads as rewritten:

**"§ 74F-16. Exemptions.**

The provisions of this Chapter do not apply to:

...

(6) ~~A merchant, or retail or hardware store, when the merchant or store does not purport to be a locksmith and lawfully (i) rekeys a lock at the time of sale of the lock, (ii) duplicates a key, except for duplicating a transponder type key that requires programming, or (iii) installs as a service a lock on a door if both the door and lock were purchased from the same merchant store, so long as all of the following apply:~~

- a. It is lawfully duplicating keys or installing, servicing, repairing, rebuilding, reprograming, rekeying, or maintaining locks in the normal course of its business.
- b. It maintains a physical location in this State.
- c. It maintains a sales and use tax permit in accordance with G.S. 105-164.16.
- d. It does not represent itself as a locksmith.

...."

**SECTION 39.5.(b)** If Senate Bill 734, 2013 Regular Session, becomes law, Section 2.5 is repealed.

1  
2           **SECTION 39.7.** G.S. 86A-15(b) reads as rewritten:

3   **"§ 86A-15. Sanitary rules and regulations; inspections.**

4       "(b) All barbershops, barber schools and colleges, and any other place where barber  
5 service is rendered, shall be open for inspection at all times during business hours to any  
6 members of the Board of Barber Examiners or its agents or assistants. Initial inspections  
7 conducted by the Board pursuant to this Chapter shall not be delayed if the sole reason for  
8 delay is the lack of a certificate of occupancy by a unit of local government. A copy of the  
9 sanitary rules and regulations set out in this section shall be furnished by the Board to the  
10 owner or manager of each barbershop or barber school, or any other place where barber service  
11 is rendered in the State, and that copy shall be posted in a conspicuous place in each barbershop  
12 or barber school. The Board shall have the right to make additional rules and regulations  
13 governing barbers and barbershops and barber schools for the proper administration and  
14 enforcement of this section, but no such additional rules or regulations shall be in effect until  
15 those rules and regulations have been furnished to each barbershop within the State."  
16

17           **SECTION 40.** G.S. 90-85.15B reads as rewritten:

18   **"§ 90-85.15B. Immunizing pharmacists.**

19       (a) Except as provided in subsection (b) and (c) of this section, an immunizing  
20 pharmacist may administer vaccinations or immunizations only if the vaccinations or  
21 immunizations are recommended or required by the Centers for Disease Control and Prevention  
22 and administered to persons at least 18 years of age pursuant to a specific prescription order.

23       (b) An immunizing pharmacist may administer the vaccinations or immunizations listed  
24 in subdivisions (1) through (5) of this subsection to persons at least 18 years of age if the  
25 vaccinations or immunizations are administered under written protocols as defined in 21 NCAC  
26 46 .2507(b)(12) and 21 NCAC 32U .0101(b)(12) and in accordance with the supervising  
27 physician's responsibilities as defined in 21 NCAC 46 .2507(e) and 21 NCAC 32U .0101(e),  
28 and the physician is licensed in and has a practice physically located in North Carolina:

29           (1) Pneumococcal polysaccharide or pneumococcal conjugate vaccines.

30           (2) Herpes zoster vaccine.

31           (3) Hepatitis B vaccine.

32           (4) Meningococcal polysaccharide or meningococcal conjugate vaccines.

33           (5) Tetanus-diphtheria, tetanus and diphtheria toxoids and pertussis, tetanus and  
34 diphtheria toxoids and acellular pertussis, or tetanus toxoid vaccines.  
35 However, a pharmacist shall not administer any of these vaccines if the  
36 patient discloses that the patient has an open wound, puncture, or tissue tear.

37       (c) An immunizing pharmacist may administer the influenza vaccine to persons at least  
38 14 years of age pursuant to 21 NCAC 46 .2507 and 21 NCAC 32U .0101.

39       (d) An immunizing pharmacist who administers a vaccine or immunization to any  
40 patient pursuant to this section shall do all of the following:

41           (1) Maintain a record of any vaccine or immunization administered to the  
42 patient in a patient profile.

43           (2) Within 72 hours after administration of the vaccine or immunization, notify  
44 any primary care provider identified by the patient. If the patient does not  
45 identify a primary care provider, the immunizing pharmacist shall direct the  
46 patient to information describing the benefits to a patient of having a primary  
47 care physician, prepared by any of the following: North Carolina Medical  
48 Board, North Carolina Academy of Family Physicians, North Carolina  
49 Medical Society, or Community Care of North Carolina.

50           (3) Except for influenza vaccines administered under ~~G.S. 90-85.15B(b)(6),~~  
51 G.S. 90-85.15B(c), access the North Carolina Immunization Registry prior

1 to administering the vaccine or immunization and record any vaccine or  
 2 immunization administered to the patient in the registry within 72 hours after  
 3 the administration. In the event the registry is not operable, an immunizing  
 4 pharmacist shall report as soon as reasonably possible."  
 5

6 **SECTION 41.(a)** G.S. 90-95(d1) reads as rewritten:

- 7 "(d1) (1) Except as authorized by this Article, it is unlawful for any person to:  
 8 a. Possess an immediate precursor chemical with intent to manufacture  
 9 a controlled substance; or  
 10 b. Possess or distribute an immediate precursor chemical knowing, or  
 11 having reasonable cause to believe, that the immediate precursor  
 12 chemical will be used to manufacture a controlled substance; ~~or~~ or  
 13 c. Possess a pseudoephedrine product if the person has a prior  
 14 conviction for the possession or manufacture of methamphetamine.

15 ~~Any Except where the conduct is covered under subdivision (2) of this~~  
 16 ~~subsection, any person who violates this subsection-subdivision shall be~~  
 17 ~~punished as a Class H felon, unless the immediate precursor is one that can~~  
 18 ~~be used to manufacture methamphetamine.felon.~~

- 19 (2) Except as authorized by this Article, it is unlawful for any person to:

- 20 a. Possess an immediate precursor chemical with intent to manufacture  
 21 methamphetamine; or  
 22 b. Possess or distribute an immediate precursor chemical knowing, or  
 23 having reasonable cause to believe, that the immediate precursor  
 24 chemical will be used to manufacture methamphetamine.

25 Any person who violates this subdivision shall be punished as a Class F  
 26 felon."

27 **SECTION 41.(b)** This section becomes effective October 1, 2014 and applies to  
 28 offenses committed on or after that date.  
 29

30 **SECTION 42.(a)** G.S. 90D-5(b)(6) reads as rewritten:

31 "(b) Composition and Terms. – The Board shall consist of nine members who shall serve  
 32 staggered terms. The initial Board members shall be selected on or before July 1, 2003, as  
 33 follows:

- 34 ...  
 35 (6) A member of ~~Self Help for Hard of Hearing (SHHH)~~ the Hearing Loss  
 36 Association of America-North Carolina State Association (HLAA-NC) with  
 37 knowledge of the interpreting process and deafness. This member shall be  
 38 appointed by the General Assembly, upon recommendation of the President  
 39 Pro Tempore of the Senate, and serve for a term of three years.

40 ...."

41 **SECTION 42.(b)** G.S. 90D-7 reads as rewritten:

42 **"§ 90D-7. Requirements for licensure.**

43 (a) Upon application to the Board and the payment of the required fees, an applicant  
 44 may be licensed as an interpreter or transliterator if the applicant meets all of the following  
 45 qualifications:

- 46 (1) Is 18 years of age or older.  
 47 (2) Is of good moral character as determined by the Board.  
 48 (3) Meets one of the following criteria:  
 49 a. Holds a valid National Association of the Deaf (NAD), level 4 or 5  
 50 certification.

- 1                   b.     Is nationally certified by the Registry of Interpreters for the Deaf,  
2                   Inc., (RID).  
3                   c.     ~~Has a national certification recognized by the National Cued Speech~~  
4                   ~~Association (NCSA).~~Holds a valid Testing, Evaluation and  
5                   Certification Unit, Inc., (TECUnit) national certification in cued  
6                   language transliteration.  
7                   d.     Holds a quality assurance North Carolina Interpreter Classification  
8                   System (NCICS) level A or B classification in effect on January 1,  
9                   2000.  
10                  e.     Holds a current Cued Language Transliterators State Level  
11                  Assessment (CLTSLA) level 3 or above classification.

12       (b)     ~~Effective July 1, 2008, any person who applies for initial licensure as an interpreter~~  
13     ~~or transliterator shall hold at least a two-year degree from a regionally accredited institution.~~

14       (c)     The Department of Justice may provide a criminal record check to the Board for a  
15     person who has applied for a new, provisional, or renewal license through the Board. The  
16     Board shall provide to the Department of Justice, along with the request, the fingerprints of the  
17     applicant, any additional information required by the Department of Justice, and a form signed  
18     by the applicant consenting to the check of the criminal record and to the use of the fingerprints  
19     and other identifying information required by the State or national repositories. The applicant's  
20     fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's  
21     criminal history record file, and the State Bureau of Investigation shall forward a set of the  
22     fingerprints to the Federal Bureau of Investigation for a national criminal history check. The  
23     Board shall keep all information pursuant to this subdivision privileged, in accordance with  
24     applicable State law and federal guidelines, and the information shall be confidential and shall  
25     not be a public record under Chapter 132 of the General Statutes.

26       The Department of Justice may charge each applicant a fee for conducting the checks of  
27     criminal history records authorized by this subsection."

28             **SECTION 42.(c)** G.S. 90D-8 reads as rewritten:

29     "**§ 90D-8. Provisional license.**

30       (a)     Upon application to the Board and the payment of the required fees, an applicant  
31     may be issued a one-time provisional license as an interpreter or transliterator if the applicant  
32     meets all of the following qualifications:

- 33             (1)    Is at least 18 years of age.  
34             (2)    Is of good moral character as determined by the Board.  
35             (3)    Completes two continuing education units approved by the Board. These  
36             units must be completed for each renewable year.  
37             (4)    Satisfies one of the following:  
38               a.     Holds a quality assurance North Carolina Interpreter Classification  
39               System (NCICS) level C classification.  
40               b.     Holds a valid National Association of the Deaf (NAD) level 2 or 3  
41               certification.  
42               c.     Holds a current Educational Interpreter Performance Assessment  
43               (EIPA) level 3 or above classification.  
44               d.     Repealed by Session Laws 2005-299, s. 2, effective August 22, 2005.  
45               e.     Holds at least a two-year interpreting degree from a regionally  
46               accredited institution.

47       (a1)    Upon application to the Board, payment of the required fees, and meeting the  
48     requirements for a provisional license under subdivisions (1) and (2) of subsection (a) of this  
49     section, the Board may also issue a provisional license to any of the following categories of  
50     persons seeking a provisional license:

- 1 (1) ~~A certified deaf interpreter (CDI) who completes 30 hours of training,~~  
 2 ~~including "Role and Function", "Code of Ethics", and interpreting~~  
 3 ~~professional studies coursework.~~ A deaf interpreter who completes 16 hours  
 4 of training in interpreting coursework or workshops, including role and  
 5 function or ethics, and 20 hours in the 12 months immediately preceding the  
 6 date of application in the provision of interpreting services.
- 7 (2) An oral interpreter who completes a total of 40 hours of training in  
 8 interpreting coursework or workshops related to oral interpreting.
- 9 (3) ~~A person providing cued speech interpreting or transliterating services who~~  
 10 ~~completes a total of 40 hours of training in interpreting coursework or~~  
 11 ~~workshops related to cued speech.~~ A cued language transliterator who holds a  
 12 current Cued Language Transliterator State Level Assessment (CLTSLA)  
 13 level 2 classification.
- 14 (4) A person providing interpreting or transliterating services who has a  
 15 recognized credential from another state in the field of interpreting or  
 16 transliterating.
- 17 (5) An interpreter or transliterator who has accumulated 200 hours per year in  
 18 the provision of interpreting or transliterating services, in this State or  
 19 another state, totaling 400 hours for the two years immediately preceding the  
 20 date of application.

21 (b) A provisional license issued under this section shall be valid for one year. Upon  
 22 expiration, a provisional license may be renewed for an additional one-year period in the  
 23 discretion of the Board. However, a provisional license shall not be renewed more than three  
 24 times. The Board may, in its discretion, grant an extension after the third time the provisional  
 25 license has been renewed under circumstances to be established in rules adopted by the Board.

26 (c) ~~Effective July 1, 2008, any person who applies for initial licensure on a provisional~~  
 27 ~~basis as an interpreter or transliterator shall hold at least a two-year degree from a regionally~~  
 28 ~~accredited institution."~~

29  
 30 **SECTION 42.3.(a)** G.S. 93D-1.1 reads as rewritten:

31 "**§ 93D-1.1. Hearing aid specialist; scope of practice.**

32 The scope of practice of a hearing aid specialist regulated pursuant to this Chapter shall  
 33 include the following activities:

- 34 ...
- 35 (12) ~~Taking~~ Making ear impressions, and preparing, designing, and modifying  
 36 ear molds.
- 37 ...
- 38 (14) Providing supervision and in-service training for ~~those entering the hearing~~  
 39 ~~aid dispensing profession.~~ apprentices in fitting and selling hearing aids.
- 40 (15) ~~Providing hearing health education.~~
- 41 (16) ~~Providing community services for individuals with hearing loss and the~~  
 42 ~~deaf."~~

43 **SECTION 42.3.(b)** G.S. 93D-3(d) reads as rewritten:

44 "(d) Members of the Board shall be entitled to travel, per diem, and other expenses  
 45 authorized by G.S. 93B-5. The expenses shall be paid from the fees and assessments received  
 46 by the Board under the provisions of this Chapter. No part of these expenses or any other  
 47 expenses of the Board, in any manner whatsoever, shall be paid out of the State treasury. All  
 48 moneys received in excess of expense allowance and mileage, as above provided, shall be held  
 49 by the secretary-treasurer as a special fund for meeting other expenses of the Board and  
 50 carrying out the provisions of this Chapter.



1 (e) The Board shall make an annual report of its proceedings in accordance with  
2 G.S. 93B-2."

3 **SECTION 42.3.(c)** G.S. 93D-15 reads as rewritten:

4 **"§ 93D-15. Violation of Chapter.**

5 Any person who violates any of the provisions of this Chapter and any person who holds  
6 himself out to the public as a hearing aid specialist without having first obtained a license or  
7 apprenticeship registration as provided for herein ~~shall be deemed~~ is guilty of a Class 2  
8 misdemeanor."

9  
10 **SECTION 42.7.(a)** G.S. 106-568.43 reads as rewritten:

11 **"§ 106-568.43. Referendum.**

12 (a) The Association may conduct among tobacco growers a referendum upon the  
13 question of whether an assessment shall be levied on tobacco ~~sold~~ produced in this State.

14 (b) The Association shall determine the amount of the proposed assessment and the date  
15 by which the referendum ballot must be returned by mail as provided in this section.

16 (c) The amount of the proposed assessment shall be stated on the referendum ballot.  
17 The amount may not exceed fifteen cents (15¢) for each hundred pounds of tobacco ~~marketed~~  
18 produced in this State. If the assessment is approved in the referendum, the Association may set  
19 the assessment at an amount equal to or less than the amount stated on the ballot. If the  
20 Association sets a lower amount than the amount approved by referendum, it may increase the  
21 amount annually without a referendum by no more than one cent (1¢) for each hundred pounds  
22 of tobacco ~~marketed~~ produced in this State. The increased rate may not exceed the amount  
23 approved by referendum and may not exceed the maximum allowable rate of fifteen cents (15¢)  
24 for each hundred pounds.

25 (d) The Association shall mail a referendum ballot to all known tobacco growers in the  
26 State for whom the Association has a current and valid mailing address at least three months  
27 prior to the date the ballot must be returned. Additionally, the Association must, for the greater  
28 of three months or 90 days before the date the ballot must be returned, (i) provide a printable  
29 referendum ballot on the Association's official Web site and (ii) make hard copies of the  
30 referendum ballot available at all county North Carolina Cooperative Extension Service offices.  
31 The ballots shall be returned to the Commissioner of Agriculture by the date set by the  
32 Association. The Department shall be responsible for counting the votes and reporting the  
33 results of the referendum to the Association.

34 (e) All tobacco growers may vote in the referendum. Any dispute over eligibility to  
35 vote or any other matter relating to the referendum shall be determined by the Association. The  
36 Association shall make reasonable efforts to provide tobacco growers with notice of the  
37 referendum and an opportunity to vote."

38  
39 **SECTION 42.7.(b)** G.S. 106-568.44 reads as rewritten:

40 **"§ 106-568.44. Payment and collection of assessment.**

41 (a) The assessment shall not be collected unless more than two-thirds of the votes cast  
42 in the referendum are in favor of the assessment. If more than two-thirds of the votes cast in the  
43 referendum are in favor of the assessment, then the Association shall notify the Department of  
44 the amount of the assessment and the effective date of the assessment. The Department shall  
45 notify all tobacco buyers of the assessment.

46 (b) Each tobacco ~~producer-grower~~ shall pay the assessment on all tobacco produced in  
47 this State and sold to a buyer.

48 (c) A buyer shall collect the assessment when buying tobacco produced in this State by  
49 deducting the assessment from the price paid to the ~~producer-grower~~. The buyer shall remit  
50 collected assessments to the Department no later than the 10th day of the following month. The  
51 Department shall provide forms to buyers for reporting the assessment. If the total assessments

1 collected by a buyer in a month are less than twenty-five dollars (\$25.00), the buyer may keep  
2 the assessments until the total amount due is at least twenty-five dollars (\$25.00) or the end of  
3 the calendar quarter, whichever comes first. All buyers shall file at least one report in each  
4 calendar quarter in which they purchase tobacco from a ~~producer, grower~~, regardless of the  
5 amount due.

6 (d) A buyer shall keep records of the amount of tobacco purchased and the date  
7 purchased. All information or records regarding purchases of tobacco by individual buyers  
8 shall be kept confidential by employees or agents of the Department and the Association and  
9 shall not be disclosed except by court order.

10 (e) The Association may bring an action to recover any unpaid assessments, plus the  
11 reasonable costs, including attorneys' fees, incurred in the action."  
12

13 **SECTION 43.** Article 68 of Chapter 106 of the General Statutes is repealed.  
14

15 **SECTION 44.(a)** G.S. 108A-116 reads as rewritten:

16 "**§ 108A-116. Production of customers' financial records in cases of suspected financial**  
17 **exploitation; immunity; records may not be used against account owner.**

18 (a) An investigating entity may, under the conditions specified in this section, ~~obtain~~  
19 petition the district court to issue a subpoena directing a financial institution to provide to the  
20 investigating entity the financial records of a disabled adult or older adult customer. The  
21 petition shall be filed in the county of residence of the disabled adult or older adult customer  
22 whose financial records are being subpoenaed. The court shall hear the case within two  
23 business days after the filing of the petition. The court shall issue the subpoena ~~may be issued~~  
24 by any judge of the superior court, judge of the district court, or magistrate in the county of  
25 residence of the disabled adult or older adult customer whose financial records are being  
26 subpoenaed, upon finding that all of the following conditions are met:

- 27 (1) The investigating entity is investigating, pursuant to the investigating entity's  
28 statutory authority, a credible report that the disabled adult or older adult is  
29 being or has been financially exploited.  
30 (2) The disabled adult's or older adult's financial records are needed in order to  
31 substantiate or evaluate the report.  
32 (3) Time is of the essence in order to prevent further exploitation of that  
33 disabled adult or older adult.

34 (b) Delivery of the subpoena may be effected by hand, via certified mail, return receipt  
35 requested, or through a designated delivery service authorized pursuant to 26 U.S.C. §  
36 7502(f)(2) and may be addressed to the financial institution's local branch or office vice  
37 president, its local branch or office manager or assistant branch or office manager, or the agent  
38 for service of process listed by the financial institution with the North Carolina Secretary of  
39 State or, if there is none, with the agent for service of process listed by the financial institution  
40 in any state in which it is domiciled.

41 (b1) A financial institution may challenge the subpoena by filing a motion to quash or  
42 modify the subpoena within two business days after receipt of delivery of the subpoena  
43 pursuant to subsection (b). The subpoena may be challenged only for the following reasons:

- 44 (1) There is a procedural defect with the subpoena.  
45 (2) The subpoena contains insufficient information to identify the records  
46 subject to the subpoena.  
47 (3) The financial institution is otherwise prevented from promptly complying  
48 with the subpoena.  
49 (4) The petition was filed or subpoena requested for an improper purpose or  
50 based upon insufficient grounds.

1 Within two business days after the motion is filed, the court shall hear the motion and issue an  
2 order upholding, modifying, or quashing the subpoena.

3 (c) A Upon receipt of a subpoena delivered pursuant to subsection (b) or, if the  
4 subpoena is challenged pursuant to subsection (b1), entry of a court order upholding or  
5 modifying a subpoena, a financial institution shall promptly provide to the head of an  
6 investigating entity, or his or her designated agent, the financial records of a disabled adult or  
7 older adult customer upon receipt of a subpoena delivered pursuant to subsection (b) of this  
8 section identifying the disabled adult or older adult customer.

9 (d) All produced copies of the disabled adult's or older adult's financial records, as well  
10 as any information obtained pursuant to the duty to report found in G.S. 108A-115, shall be  
11 kept confidential by the investigating entity unless required by court ~~rules~~order to be disclosed  
12 to a party to a court proceeding or introduced and admitted into evidence in an open court  
13 proceeding.

14 (e) No financial institution or investigating entity, or officer or employee thereof, who  
15 acts in good faith in providing, seeking, or obtaining financial records or any other information  
16 in accordance with this section, or in providing testimony in any judicial proceeding based  
17 upon the contents thereof, may be held liable in any action for doing so.

18 (f) No customer may be subject to indictment, criminal prosecution, criminal  
19 punishment, or criminal penalty by reason of or on account of anything disclosed by a financial  
20 institution pursuant to this section, nor may any information obtained through such disclosure  
21 be used as evidence against the customer in any criminal or civil proceeding. Notwithstanding  
22 the foregoing, information obtained may be used against a person who is a joint account owner  
23 accused of financial exploitation of a disabled adult or older adult joint account holder, but  
24 solely for criminal or civil proceedings directly related to the alleged financial exploitation of  
25 the disabled adult or older adult joint account holder.

26 (g) The petition and the court's entire record of the proceedings under this section is not  
27 a matter of public record. Records qualifying under this subsection shall be maintained  
28 separately from other records, shall be withheld from public inspection, and may be examined  
29 only by order of the court."

30 **SECTION 44.(b)** G.S. 108A-117 reads as rewritten:

31 "**§ 108A-117. Notice to customer; delayed notice.**

32 (a) Upon the issuance of a subpoena pursuant to G.S. 108A-116, the investigating entity  
33 shall immediately provide the customer with written notice of its action by first-class mail to  
34 the customer's last known address, unless an order for delayed notice is obtained pursuant to  
35 subsection (b) of this section. The notice shall be sufficient to inform the customer of the name  
36 of the investigating entity that has obtained the subpoena, the financial records subject to  
37 production pursuant to the subpoena, and the purpose of the investigation.

38 (b) An investigating entity may include in its application for a subpoena pursuant to  
39 G.S. 108A-116 a request for an order delaying the customer notice required pursuant to  
40 subsection (a) of this section. The ~~judge or magistrate court~~ issuing the subpoena may order a  
41 delayed notice in accordance with subsection (c) of this section if it finds, based on affidavit or  
42 oral testimony under oath or affirmation before the issuing ~~judge or magistrate court~~, that all of  
43 the following conditions are met:

- 44 (1) The investigating entity is investigating a credible report that the adult is  
45 being or has been financially exploited.
- 46 (2) There is reason to believe that the notice will result in at least one of the  
47 following:
  - 48 a. Endangering the life or physical safety of any person.
  - 49 b. Flight from prosecution.
  - 50 c. Destruction of or tampering with evidence.
  - 51 d. Intimidation of potential witnesses.

1 e. Serious jeopardy to an investigation or official proceeding.

2 f. Undue delay of a trial or official proceeding.

3 (c) Upon making the findings required in subsection (b) of this section, the ~~judge or~~  
4 ~~magistrate court~~ shall enter an ex parte order granting the requested delay for a period not to  
5 exceed 30 days. If the court finds there is reason to believe that the notice may endanger the life  
6 or physical safety of any person, the court may order that the delay be for a period not to  
7 exceed 180 days. An order delaying notice shall direct that:

8 (1) The financial institution not disclose to any person the existence of the  
9 investigation, of the subpoena, or of the fact that the customer's financial  
10 records have been provided to the investigating entity for the duration of the  
11 period of delay authorized in the order;

12 (2) The investigating entity deliver a copy of the order to the financial institution  
13 along with the subpoena that is delivered pursuant to G.S. 108-116(b); and

14 (3) The order be sealed until otherwise ordered by the ~~judge or magistrate court.~~

15 (d) Upon application by the investigating entity, further extensions of the delay of  
16 notice may be granted by order of a ~~judge or magistrate court~~ in the county of residence of the  
17 disabled adult or older adult customer whose financial records are being subpoenaed, upon a  
18 finding of the continued existence of the conditions set forth in subdivisions (1) and (2) of  
19 subsection (b) of this section, and subject to the requirements of subsection (c) of this section.  
20 If the initial delay was granted for a period not to exceed 30 days, the delay may be extended  
21 by additional periods of up to 30 days each and the total delay in notice granted under this  
22 section shall not exceed 90 days. If the initial delay was granted for a period not to exceed 180  
23 days, the delay may be extended by additional periods of up to 180 days each and may continue  
24 to be extended until the court finds the notice would no longer endanger the life or physical  
25 safety of any person.

26 (e) Upon the expiration of the period of delay of notice granted under this section,  
27 including any extensions thereof, the customer shall be served with a copy of the notice  
28 required by subsection (a) of this section."

29 **SECTION 44.(c)** G.S. 7A-246 reads as rewritten:

30 "**§ 7A-246. Special proceedings; exceptions; guardianship and trust administration.**

31 The superior court division is the proper division, without regard to the amount in  
32 controversy, for the hearing and trial of all special proceedings except proceedings under the  
33 Protection of the Abused, Neglected or Exploited Disabled Adult Act (~~Chapter 108A, Article 6,~~  
34 ~~of the General Statutes~~), (Article 6 of Chapter 108A of the General Statutes), proceedings for  
35 the protection of disabled and older adults from financial exploitation (Article 6A of Chapter  
36 108A of the General Statutes), proceedings for involuntary commitment to treatment facilities  
37 (~~Chapter 122C, Article 5,~~ Article 5 of Chapter 122C of the General Statutes), adoption  
38 proceedings (Chapter 48 of the General Statutes) and of all proceedings involving the  
39 appointment of guardians and the administration by legal guardians and trustees of express  
40 trusts of the estates of their wards and beneficiaries, according to the practice and procedure  
41 provided by law for the particular proceeding."

42 **SECTION 44.(d)** The Administrative Office of the Courts shall develop the  
43 appropriate forms and procedures to implement the processes provided under G.S. 108A-116  
44 and G.S. 108A-117.

45 **SECTION 44.(e)** This section is effective when it becomes law and applies to  
46 petitions for a subpoena filed on or after that date.

47  
48 **SECTION 45.(a)** G.S. 114-15.1 reads as rewritten:

49 "**§ 114-15.1. Department heads to report possible violations of criminal statutes involving**  
50 **misuse of State property to State Bureau of Investigation.**

1 Any person employed by the State of North Carolina, its agencies or institutions, who  
2 receives any information or evidence of an attempted arson, or arson, damage of, theft from, or  
3 theft of, or embezzlement from, or embezzlement of, or misuse of, any state-owned personal  
4 property, buildings or other real property, shall as soon as possible, but not later than three days  
5 from receipt of the information or evidence, report such information or evidence to his  
6 immediate supervisor, who shall in turn report such information or evidence to the head of the  
7 respective department, agency, or institution. The head of any department, agency, or  
8 institution receiving such information or evidence shall, within a reasonable time but no later  
9 than 10 days from receipt thereof, report such ~~information~~information, excluding damage or  
10 loss resulting from motor vehicle accidents or unintentional loss of property, in writing to the  
11 Director of the State Bureau of Investigation.

12 Upon receipt of notification and information as provided for in this section, the State  
13 Bureau of Investigation shall, if appropriate, conduct an investigation.

14 The employees of all State departments, agencies and institutions are hereby required to  
15 cooperate with the State Bureau of Investigation, its officers and agents, as far as may be  
16 possible, in aid of such investigation.

17 If such investigation reveals a possible violation of the criminal laws, the results thereof  
18 shall be reported by the State Bureau of Investigation to the district attorney of any district if  
19 the same concerns persons or offenses in his district."

20 **SECTION 45.(b)** This section becomes effective June 30, 2014.

21  
22 **SECTION 46.** G.S. 114-61 reads as rewritten:

23 **"§ 114-61. Forensic Science Advisory Board.**

24 (a) Creation and Membership. – The North Carolina Forensic Science Advisory Board  
25 (Board) is hereby established as an advisory board within the Department of Justice. The Board  
26 shall consist of ~~46~~15 members, consisting of the State Crime Laboratory Director, and ~~45~~14  
27 members appointed by the Attorney General as follows:

- 28 (1) A forensic scientist or any other person with an advanced degree who has  
29 received substantial education, training, or experience in the subject of  
30 laboratory standards or quality assurance regulation and monitoring.
- 31 (2) The Chief Medical Examiner of the State.
- 32 (3) A forensic scientist with an advanced degree who has ~~received substantial~~  
33 education, training, or experience in the discipline of molecular biology.
- 34 (4) A forensic scientist with an advanced degree who has experience in the  
35 discipline of population genetics.
- 36 (5) A scientist with an advanced degree who has experience in the discipline of  
37 forensic chemistry.
- 38 (6) A scientist with an advanced degree who has experience in the discipline of  
39 forensic biology.
- 40 (7) A forensic scientist or any other person with an advanced degree who has  
41 ~~received substantial~~ education, training, or experience in the discipline of  
42 trace evidence.
- 43 (8) A scientist with a ~~doctoral~~an advanced degree who has experience in the  
44 discipline of forensic ~~toxicology and is certified by the American Board of~~  
45 ~~Forensic Toxicologists.~~toxicology.
- 46 (9) A member of the International Association for Identification.
- 47 (10) A member of the Association of Firearms and ~~Toolmark~~Tool Mark  
48 Examiners.
- 49 (11) A member of the International Association for Chemical Testing.
- 50 (12) ~~A director of a private or federal forensic laboratory located in the State.~~
- 51 (13) A member of the American Society of Crime Laboratory Directors.

1 (14) A member of the Academy of Forensic Sciences.

2 (15) A member of the American Statistical Association.

3 A chairman shall be elected from among the members appointed, and staff shall be  
4 provided by the Department of Justice.

5 (b) Meetings. – The Board shall meet ~~quarterly~~ bi-annually and at such other times and  
6 places as it determines. Members of the Board cannot designate a proxy to vote in their  
7 absence.

8 (c) Terms. – Members of the Board initially appointed shall serve the following terms:  
9 five members shall serve a term of two years; five members shall serve a term of three years;  
10 and five members shall serve a term of four years. Thereafter, all appointments shall be for a  
11 term of four years. A vacancy other than by expiration of term shall be filled by the Attorney  
12 General for the unexpired term. Members of the Board cannot designate a proxy to vote in their  
13 absence.

14 (d) Terms. – Expenses. – Members of the Board shall be paid reasonable and necessary  
15 expenses incurred in the performance of their duties. Members of the Board who are State  
16 officers or employees shall receive no compensation for serving on the Board but may be  
17 reimbursed for their expenses in accordance with G.S. 138-6. Members of the Board who are  
18 full-time salaried public officers or employees other than State officers or employees shall  
19 receive no compensation for serving on the Board but may be reimbursed for their expenses in  
20 accordance with G.S. 138-5(b). All other members of the Board may receive compensation and  
21 reimbursement for expenses in accordance with G.S. 138-5.

22 (e) Functions. – The Board may review State Crime Laboratory operations and make  
23 recommendations concerning the services furnished to user agencies. The Board shall review  
24 and make recommendations as necessary to the Laboratory Director concerning any of the  
25 following:

26 (1) New scientific programs, protocols, and methods of testing.

27 (2) Plans for the implementation of new programs; sustaining existing programs  
28 and improving upon them where possible; and the elimination of programs  
29 which are no longer needed.

30 (3) Protocols for testing and examination methods and guidelines for the  
31 presentation of results in court.

32 (4) Qualification standards for the various forensic scientists of the Laboratory.

33 (f) Review Process. – Upon request of the Laboratory Director, the Board shall review  
34 analytical work, reports, and conclusions of scientists employed by the Laboratory. Records  
35 reviewed by this Board retain their confidential status and continue to be considered records of  
36 a criminal investigation as defined in G.S. 132-1.4. These records shall be reviewed only in a  
37 closed session meeting pursuant to G.S. 143-318.11 of the Board, and each member of the  
38 Board shall, prior to receiving any documents to review, sign a confidentiality agreement  
39 agreeing to maintain the confidentiality of and not to disclose the documents nor the contents of  
40 the documents reviewed. The Board shall recommend to the Laboratory a review process to use  
41 when there is a request that the Laboratory retest or reexamine evidence that has been  
42 previously examined by the Laboratory."  
43

44 **SECTION 47.** G.S. 114-70(b) reads as rewritten:

45 "(b) Membership. – The Commission shall consist of 12 members as follows:

46 (1) The President Pro Tempore of the Senate shall appoint one representative  
47 from each of the following:

48 a. The public at large.

49 b. A county sheriff's office.

50 c. A city or town police department.

51 d. Legal Aid of North Carolina.

- 1 (2) The Speaker of the House of Representatives shall appoint one  
2 representative from each of the following:  
3 a. The public at large.  
4 b. North Carolina Coalition Against Human Trafficking.  
5 c. A faith-based shelter or benefits organization providing services to  
6 victims of human trafficking.  
7 d. A district ~~attorney~~attorney or an assistant district attorney.  
8 office
- 9 (3) The Governor shall appoint one representative from each of the following:  
10 a. The Department of Labor.  
11 b. The Department of Justice.  
12 c. The Department of Public Safety.  
13 d. A health care representative."  
14

15 **SECTION 48.** G.S. 115C-64.16(e) reads as rewritten:

16 "(e) Grants. – Any grants awarded by the Commission may be spent over a five-year  
17 period from the initial award. Grants may be awarded for new or existing projects."  
18

19 **SECTION 49.** Reserved.  
20

21 **SECTION 49.2.** G.S. 115C-174.13 reads as rewritten:

22 **"§ 115C-174.13. Public records exemption.**

23 (a) Until the State Board of Education designates that a test is released, any test developed,  
24 adopted, or provided by the State Board of Education, as provided in this Article, is not a public  
25 record within the meaning of G.S. 132-1. The State Board of Education may develop rules to  
26 allow inspection of a test prior to release, but shall require that individuals inspecting the test  
27 meet the same standards for confidentiality required for employees of local boards of education  
28 in test administration. As used in this section, the term "test" includes both the test and related  
29 test materials.

30 (b) Any written material containing the identifiable scores of individual students on any  
31 test taken pursuant to the provisions of this Article is not a public record within the meaning of  
32 G.S. 132-1 and shall not be made public by any person, except as permitted under the  
33 provisions of the Family Educational and Privacy Rights Act of 1974, 20 U.S.C. 1232g."  
34

35 **SECTION 49.5.** G.S. 115C-238.29E(c) reads as rewritten:

36 "(c) A charter school shall operate under the written charter signed by the State Board  
37 and the applicant. A charter school is not required to enter into any other contract. The charter  
38 shall incorporate the information provided in the application, as modified during the charter  
39 approval process, and any terms and conditions imposed on the charter school by the State  
40 Board of Education. The State Board of Education shall not impose any terms and conditions  
41 that restrict membership of the board of directors of the nonprofit corporation operating the  
42 charter school, but shall require the board of directors to adopt a conflict of interest policy. No  
43 other terms may be imposed on the charter school as a condition for receipt of local funds."  
44

45 **SECTION 49.7.** G.S. 115C-296(b1) reads as rewritten:

46 "(b1) The State Board of Education shall require teacher education programs, master's  
47 degree programs in education, and master's degree programs in school administration to submit  
48 annual performance reports. The performance reports shall provide the State Board of  
49 Education with a focused review of the programs and the current process of accrediting these  
50 programs in order to ensure that the programs produce graduates that are well prepared to teach  
51 ~~[, as follows];~~teach, as follows:

1 ...  
2 (4) Annual State Board of Education report. – The educator preparation program  
3 report cards shall be submitted to the Joint Legislative Education Oversight  
4 Committee on an annual basis by ~~October 1~~November 15.  
5 ...."

6  
7 **SECTION 50.(a)** G.S. 115C-307(g) reads as rewritten:

8 "(g) To Make Required Reports. – A teacher shall make all reports required by the local  
9 board of education. The superintendent shall not approve the voucher for a teacher's pay until  
10 the required monthly and annual reports are made.

11 The superintendent may require a teacher to make reports to the principal.

12 A teacher shall be given access to the information in the student information management  
13 system to expedite the process of preparing reports or otherwise providing information. A  
14 teacher shall not be required by the local board, the superintendent, or the principal to (i)  
15 provide information that is already available on the student information management system;  
16 (ii) provide the same written information more than once during a school year unless the  
17 information has changed during the ensuing period; or (iii) complete forms, for children with  
18 disabilities, that are not necessary to ensure compliance with the federal Individuals with  
19 Disabilities Education Act (IDEA). Notwithstanding the forgoing, a local board may require  
20 information available on its student information management system or require the same  
21 information twice if the superintendent determines that there is (i) a compelling need and (ii) no  
22 more expeditious manner of providing the information to the local board. A school  
23 improvement team may request that the superintendent consider the elimination of a redundant  
24 reporting requirement for the teachers at its school if it identifies in its school improvement  
25 plan a more expeditious manner of providing the information to the local board. The  
26 superintendent shall recommend to the local board whether the reporting requirement should be  
27 eliminated for that school. If the superintendent does not recommend elimination of the  
28 reporting requirement, the school improvement team may request a hearing by the local board  
29 as provided in G.S. 115C-45(c).

30 A teacher shall not be required to use the student information management system or other  
31 designated software to report data more frequently than the schedule required to provide such  
32 data to the State or federal government. Local boards of education shall permit teachers to use  
33 other comprehensive software to document student performance at all other times, if the  
34 software meets the following requirements:

- 35 (1) Is capable of generating classroom reports, individual student progress  
36 reports and student learning profiles.  
37 (2) Can be customized to provide the teacher's school or local school  
38 administrative unit with uniform data collection.  
39 (3) Requires data files to be securely stored and password protected.  
40 (4) Requires accessibility from multiple digital platforms.  
41 (5) Enables oversight by school-based and district-based administrators.  
42 (6) Requires a licensing agreement that includes requirements for data  
43 confidentiality of personally identifiable information of students in  
44 compliance with the Family Educational Rights and Privacy Act, 20 U.S.C.  
45 § 1232g.

46 Any teacher who knowingly and willfully makes or procures another to make any false  
47 report or records, requisitions, or payrolls, respecting daily attendance of pupils in the public  
48 schools, payroll data sheets, or other reports required to be made to any board or officer in the  
49 performance of their duties, shall be guilty of a Class 1 misdemeanor and the certificate of such  
50 person to teach in the public schools of North Carolina shall be revoked by the Superintendent  
51 of Public Instruction."



1           **SECTION 50.(b)** This section becomes effective July 1, 2014, and applies  
2 beginning with the 2014-2015 school year.

3  
4           **SECTION 51.(a)** G.S. 115D-12(a) reads as rewritten:

5 **"§ 115D-12. Each institution to have board of trustees; selection of trustees.**

6           (a) Each community college established or operated pursuant to this Chapter shall be  
7 governed by a board of trustees consisting of 13 members, or of additional members if selected  
8 according to the special procedure prescribed by the third paragraph of this subsection, who  
9 shall be selected by the following agencies. No member of the General Assembly may be  
10 appointed to a local board of trustees for a community college.

11           Group One – four trustees, elected by the board of education of the public school  
12 administrative unit located in the administrative area of the institution. If there are two or more  
13 public school administrative units, whether city or county units, or both, located within the  
14 administrative area, the trustees shall be elected jointly by all of the boards of education of  
15 those units, each board having one vote in the election of each trustee, except as provided in  
16 G.S. 115D-59. No board of education shall elect a member of the board of education or any  
17 person employed by the board of education to serve as a trustee, however, any such person  
18 currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the  
19 trustee's current term.

20           Group Two – four trustees, elected by the board of commissioners of the county in which  
21 the institution is located. Provided, however, if the administrative area of the institution is  
22 composed of two or more counties, the trustees shall be elected jointly by the boards of  
23 commissioners of all those counties, each board having one vote in the election of each trustee.  
24 Provided, also, the county commissioners of the county in which the community college has  
25 established a satellite campus may elect an additional two members if the board of trustees of  
26 the community college agrees. No more than one trustee from Group Two may be a member of  
27 ~~a each appointing~~ board of county commissioners. Should the boards of education or the boards  
28 of commissioners involved be unable to agree on one or more trustees the senior resident  
29 superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1  
30 where the institution is located shall fill the position or positions by appointment.

31           Group Three – four trustees, appointed by the Governor.

32           Group Four – the president of the student government or the chairman of the executive  
33 board of the student body of each community college established pursuant to this Chapter shall  
34 be an ex officio nonvoting member of the board of trustees of each said institution."

35           **SECTION 51.(b)** This section applies only to the Boards of Trustees of Central  
36 Carolina Community College.

37           **SECTION 51.(c)** This section is effective when it becomes law and applies to  
38 appointments made on or after that date.

39  
40           **SECTION 51.5.** G.S. 115D-15(a) reads as rewritten:

41           "(a) The board of trustees of any institution organized under this Chapter may, with the  
42 prior approval of the North Carolina Community Colleges System Office, convey a  
43 right-of-way or easement for highway construction or for utility installations or modifications.  
44 When in the opinion of the board of trustees the use of any other real property owned or held  
45 by the board of trustees is unnecessary or undesirable for the purposes of the institution, the  
46 board of trustees, subject to prior approval of the State Board of Community Colleges, may  
47 ~~sell, exchange, or lease the property.~~ sell or dispose of the property. For purposes of this  
48 section, "dispose" means "lease, exchange, or demolish." The board of trustees may dispose of  
49 any personal property owned or held by the board of trustees without approval of the State  
50 Board of Community Colleges. Personal property titled to the State Board of Community  
51 Colleges consistent with G.S. 115D-14 and G.S. 115D-58.5 may be transferred to another

1 community college at no cost and without the approval of the Department of Administration,  
2 Division of Surplus Property.

3 Article 12 of Chapter 160A of the General Statutes shall apply to the disposal or sale of any  
4 real or personal property under this subsection. Personal property also may be disposed of  
5 under procedures adopted by the North Carolina Department of Administration. The proceeds  
6 of any sale or lease shall be used for capital outlay purposes, except as provided in subsection  
7 (b) of this section."  
8

9 **SECTION 52.** Part 5 of Article 1 of Chapter 116 of the General Statutes is  
10 amended by adding a new section to read:

11 **§ 116-43.17. Confidentiality of research data, records, and information of a proprietary**  
12 **nature.**

13 Research data, records, or information of a proprietary nature, produced or collected by or  
14 for state institutions of higher learning in the conduct of commercial, scientific, or technical  
15 research where the data, records, or information has not been patented, published, or  
16 copyrighted are not public records as defined by G.S. 132-1."  
17

18 **SECTION 53.(a)** G.S. 120-31 is amended by adding a new subsection to read:

19 "(c1) Six members of the Commission constitute a quorum."

20 **SECTION 53.(b)** G.S. 120-31(f) reads as rewritten:

21 "(f) In any case where any provision of law or any rule of the Legislative Services  
22 Commission ~~required~~ requires approval of any action by the Legislative Services Commission,  
23 approval of that action by the President Pro Tempore of the Senate and by the Speaker of the  
24 House of Representatives constitutes approval of the Commission."  
25

26 **SECTION 54.** Reserved.  
27

28 **SECTION 55.(a)** G.S. 122A-5.10, 122A-5.11, and 122A-5.12 are repealed.

29 **SECTION 55.(b)** This section becomes effective January 1, 2015.  
30

31 **SECTION 55.2.** G.S. 124-18 reads as rewritten:

32 **§ 124-18. Dividends required of State-owned railroad company.**

33 Any State-owned railroad company that has trackage in more than two counties shall issue  
34 an annual cash dividend to the State. The amount of the annual dividend is twenty-five percent  
35 (25%) of the company's income from the prior year's trackage rights agreements. The dividend  
36 is due by ~~January~~ February 15 of each year, and interest shall accrue at the annual rate of prime  
37 plus one percent (1%) if the payment is not paid by the due date. The Directors of any  
38 State-owned railroad company who vote for or assent to the dividend required under this  
39 section shall not be held liable under G.S. 55-8-33."  
40

41 **SECTION 55.4.(a)** The Revisor of Statutes is authorized to change in the General  
42 Statutes the title of Chapter 126 of the General Statutes to read "North Carolina Human  
43 Resources Act," consistent with the title change in Section 9.1 of S.L. 2013-382.

44 **SECTION 55.4.(b)** G.S. 115C-21(a)(1) reads as rewritten:

45 "(1) To organize and establish a Department of Public Instruction which shall  
46 include such divisions and departments as the State Board considers  
47 necessary for supervision and administration of the public school system. All  
48 appointments of administrative and supervisory personnel to the staff of the  
49 Department of Public Instruction are subject to the approval of the State  
50 Board of Education, which may terminate these appointments for cause in

1 conformity with Chapter 126 of the General Statutes, the ~~State Personnel~~  
2 ~~System~~ North Carolina Human Resources Act."

3 **SECTION 55.4.(c)** Except as otherwise provided in this section, the General  
4 Statutes are amended by deleting the phrase "State Personnel System" wherever it appears and  
5 substituting "State Human Resources system". The Revisor of Statutes is authorized to make  
6 the substitutions enacted in this subsection and to capitalize the word "system" in "State Human  
7 Resources system" if the phrase appears in a title.

8 **SECTION 55.5.** G.S. 130A-320, as amended by S.L. 2014-41, reads as rewritten:  
9 "**§ 130A-320. Sanitation of watersheds; rules; inspections; local source protection**  
10 **planning.**

11 (a) The Commission shall adopt rules governing the sanitation of watersheds from  
12 which public drinking water supplies are obtained. In adopting these rules the Commission is  
13 authorized to consider the different classes of watersheds, taking into account general  
14 topography, nature of watershed development, density of population and need for frequency of  
15 sampling of raw water. The rules shall govern the keeping of livestock, operation of  
16 recreational areas, maintenance of residences and places of business, disposal of sewage,  
17 establishment of cemeteries or burying grounds, and any other factors which would endanger  
18 the public water supply.

19 (b) Any supplier of water operating a public water system and furnishing water from  
20 unfiltered surface supplies shall inspect the watershed area at least quarterly, and more often  
21 when the Department determines that more frequent inspections are necessary.

22 (c) Every supplier of water operating a public water system treating and furnishing  
23 water from ~~unfiltered~~ surface supplies shall create and implement a source water protection  
24 plan (SWPP). The Commission shall adopt rules that provide all of the following:

- 25 (1) A standardized format for use by suppliers of water in creating their SWPP.  
26 The Commission may create different formats and required plan elements  
27 for public water systems based on the system type, source type, watershed  
28 classification, population served, source susceptibility to contamination,  
29 proximity of potential contamination sources to the intake, lack of water  
30 supply alternatives, or other characteristics the Commission finds to be  
31 relevant.
- 32 (2) Schedules for creating a SWPP, implementing mandatory provisions of the  
33 SWPP, and for review and update of the SWPP by suppliers of water.
- 34 (3) Reporting requirements sufficient for the Department to monitor the  
35 creation, implementation, and revision by suppliers of water. The  
36 Commission may provide different reporting requirements based on the  
37 public water system characteristics set forth in subdivision (1) of this  
38 subsection."  
39

40 **SECTION 56.(a)** G.S. 131E-6(3) reads as rewritten:

41 "(3) "Corporation, foreign or domestic, authorized to do business in North  
42 Carolina" ~~means~~ means any of the following:

- 43 a. A corporation for profit or having a capital stock which is created  
44 and organized under Chapter 55 of the General Statutes or any other  
45 general or special act of this State, or a State.
- 46 b. A foreign corporation which has procured a certificate of authority to  
47 transact business in this State pursuant to Article 10 of Chapter 55 of  
48 the General Statutes.
- 49 c. A limited liability company formed under Chapter 57D of the  
50 General Statutes.

1                   d.     A foreign limited liability company that has procured a certificate of  
2                             authority to transact business in this State pursuant to Article 7 of  
3                             Chapter 57D of the General Statutes."

4                   **SECTION 56.(b)** This section becomes effective October 1, 2014.

5  
6                   **SECTION 56.2.** G.S. 136-18(37) reads as rewritten:

7                   **" § 136-18. Powers of Department of Transportation.**

8                   ...  
9                   (37) To permit ~~private~~ use of and encroachment upon the right-of-way of a State  
10                            highway or road for the purpose of construction and maintenance of a  
11                            ~~privately owned bridge for pedestrians or motor vehicles,~~bridge owned by a  
12                            private or public entity, if the bridge shall not unreasonably interfere with or  
13                            obstruct the public use of the right-of-way. Any agreement for an  
14                            encroachment authorized by this subdivision shall be approved by the Board  
15                            of Transportation, upon a finding that the encroachment is necessary and  
16                            appropriate, in the sole discretion of the Board. Locations, plans, and  
17                            specifications for any pedestrian or vehicular bridge authorized by the Board  
18                            for construction pursuant to this subdivision shall be approved by the  
19                            Department of Transportation. For any bridge subject to this subdivision, the  
20                            Department shall retain the right to reject any plans, specifications, or  
21                            materials used or proposed to be used, inspect and approve all materials to  
22                            be used, inspect the construction, maintenance, or repair, and require the  
23                            replacement, reconstruction, repair, or demolition of any partially or wholly  
24                            completed bridge that, in the sole discretion of the Department, is unsafe or  
25                            substandard in design or construction. An encroachment agreement  
26                            authorized by this subdivision may include a requirement to purchase and  
27                            maintain liability insurance in an amount determined by the Department of  
28                            Transportation. The Department shall ensure that any bridge constructed  
29                            pursuant to this subdivision is regularly inspected for safety. The owner shall  
30                            have the bridge inspected every two years by a qualified private engineering  
31                            firm based on National Bridge Inspection Standards and shall provide the  
32                            Department copies of the Bridge Inspection Reports where they shall be kept  
33                            on file. Any bridge authorized and constructed pursuant to this subdivision  
34                            shall be subject to all other rules and conditions of the Department of  
35                            Transportation for encroachments.

36                   ..."

37  
38                   **SECTION 56.5.** G.S. 136-82(d) reads as rewritten:

39                   "(d) Use of Toll Proceeds. – The Department of Transportation shall credit the proceeds  
40                   from tolls collected on North Carolina Ferry System routes and receipts generated under  
41                   subsection ~~(e)~~(f) of this section to reserve accounts within the Highway Fund for each of the  
42                   Highway Divisions in which system terminals are located and fares are earned. For the  
43                   purposes of this subsection, fares are earned based on the terminals from which a passenger trip  
44                   originates and terminates. Commuter pass receipts shall be credited proportionately to each  
45                   reserve account based on the distribution of trips originating and terminating in each Highway  
46                   Division. The proceeds credited to each reserve account shall be used exclusively for  
47                   prioritized North Carolina Ferry System ferry passenger vessel replacement projects in the  
48                   Division in which the proceeds are earned. Proceeds may be used to fund ferry passenger vessel  
49                   replacement projects or supplement funds allocated for ferry passenger vessel replacement  
50                   projects approved in the Transportation Improvement Program."

1           **SECTION 56.6.** G.S. 136-189.11(e)(1) reads as rewritten:

2           "(1) Limitation on variance. – The Department, in obligating funds in accordance  
3           with this section, shall ensure that the percentage amount obligated to  
4           Statewide Strategic Mobility Projects, Regional Impact Projects, and  
5           Division Need Projects does not vary by more than ~~five percent (5%)~~ ten  
6           percent (10%) over any five-year period from the percentage required to be  
7           allocated to each of those categories by this section. Funds obligated among  
8           distribution regions or divisions pursuant to this section may vary up to ten  
9           percent (10%) over any five-year period."

10           **SECTION 56.7.** G.S. 143-64.17B reads as rewritten:

11           "**§ 143-64.17B. Guaranteed energy savings contracts.**

12           (a) A governmental unit may enter into a guaranteed energy savings contract with a  
13           qualified provider if all of the following apply:

14           (1) The term of the contract does not exceed 20 years from the date of the  
15           installation and acceptance by the governmental unit of the energy  
16           conservation measures provided for under the contract.

17           (2) The governmental unit finds that the energy savings resulting from the  
18           performance of the contract will equal or exceed the total cost of the  
19           contract.

20           (3) The energy conservation measures to be installed under the contract are for  
21           an existing building or utility ~~system~~ system, or utility consuming device or  
22           equipment when the utility cost is paid by the governmental unit.

23           (b) Before entering into a guaranteed energy savings contract, the governmental unit  
24           shall provide published notice of the time and place or of the meeting at which it proposes to  
25           award the contract, the names of the parties to the proposed contract, and the contract's purpose.  
26           The notice must be published at least 15 days before the date of the proposed award or meeting.

27           (c) A qualified provider entering into a guaranteed energy savings contract under this  
28           Part shall provide security to the governmental unit in the form acceptable to the Office of the  
29           State Treasurer and in an amount equal to one hundred percent (100%) of the guaranteed  
30           savings for the term of the guaranteed energy savings contract to assure the provider's faithful  
31           performance. Any bonds required by this subsection shall be subject to the provisions of Article  
32           3 of Chapter 44A of the General Statutes. If the savings resulting from a guaranteed energy  
33           savings contract are not as great as projected under the contract and all required shortfall  
34           payments to the governmental unit have not been made, the governmental unit may terminate  
35           the contract without incurring any additional obligation to the qualified provider.

36           (d) As used in this section, "total cost" shall include, but not be limited to, costs of  
37           construction, costs of financing, and costs of maintenance and training during the term of the  
38           ~~contract~~ contract less the application of the utility company, State, or federal incentives, grants,  
39           or rebates. "Total cost" does not include any obligations on termination of the contract before  
40           its expiration, provided that those obligations are disclosed when the contract is executed.

41           (e) A guaranteed energy savings contract may not require the governmental unit to  
42           purchase a maintenance contract or other maintenance agreement from the qualified provider  
43           who installs energy conservation measures under the contract if the unit of government takes  
44           appropriate action to budget for its own forces or another provider to maintain new systems  
45           installed and existing systems affected by the guaranteed energy savings contract.

46           (f) In the case of a State governmental unit, a qualified provider shall, when feasible,  
47           after the acceptance of the proposal of the qualified provider by the State governmental unit,  
48           conduct an investment grade audit. During this investment grade audit, the qualified provider  
49           shall perform in accordance with Part 1 of this Article a life cycle cost analysis of each energy  
50           conservation measure in the final proposal. If the results of the audit are not within ten percent  
51

1 (10%) of both the guaranteed savings contained in the proposal and the total proposal amount,  
2 either the State governmental unit or the qualified provider may terminate the project without  
3 incurring any additional obligation to the other party. However, if the State governmental unit  
4 terminates the project after the audit is conducted and the results of the audit are within ten  
5 percent (10%) of both the guaranteed savings contained in the proposal and the total proposal  
6 amount, the State governmental unit shall reimburse the qualified provider the reasonable cost  
7 incurred in conducting the audit, and the results of the audit shall become the property of the  
8 State governmental unit.

9 (g) A qualified provider shall provide an annual reconciliation statement based upon the  
10 results of the measurement and verification review. The statement shall disclose any shortfalls  
11 or surplus between guaranteed energy and operational savings specified in the guaranteed  
12 energy savings contract and actual, not stipulated, energy and operational savings incurred  
13 during a given guarantee year. Any guaranteed energy and operational savings shall be  
14 determined by using one of the measurement and verification methodologies listed in the  
15 United States Department of Energy's Measurement and Verification Guidelines for Energy  
16 Savings Performance Contracting, the International Performance Measurement and  
17 Verification Protocol (IPMVP) maintained by the Efficiency Valuation Organization, or  
18 Guideline 14-2002 of the American Society of Heating, Refrigerating, and Air-Conditioning  
19 Engineers. If due to existing data limitations or the nonconformance of specific project  
20 characteristics, none of the three methodologies listed in this subsection is sufficient for  
21 measuring guaranteed savings, the qualified provider shall develop an alternate method that is  
22 compatible with one of the three methodologies and mutually agreeable to the governmental  
23 unit. The guarantee year shall consist of a 12-month term commencing from the time that the  
24 energy conservation measures become fully operational. A qualified provider shall pay the  
25 governmental unit or its assignee any shortfall in the guaranteed energy and operational savings  
26 after the total year savings have been determined. In the case of a governmental unit, a surplus  
27 in any one year shall not be carried forward or applied to a shortfall in any other year."  
28

29 **SECTION 57.** G.S. 143B-431A(b), as enacted by S.L. 2014-18, reads as rewritten:

30 "(b) Contract. – The Department of Commerce is authorized to contract with a North  
31 Carolina nonprofit corporation to perform one or more of the Department's functions, powers,  
32 duties, and obligations set forth in G.S. 143B-431, except as provided in this subsection. The  
33 contract entered into pursuant to this section is exempt from Articles 3 and 3C of Chapter 143  
34 of the General Statutes. If the Department contracts with a North Carolina nonprofit  
35 corporation to promote and grow the travel and tourism industries, then all funds appropriated  
36 to the Department for tourism marketing purposes shall be used for a research-based,  
37 comprehensive marketing program directed toward consumers in key markets most likely to  
38 travel to North Carolina and not for ancillary activities, such as statewide branding and  
39 business development marketing. The Department may not contract with a North Carolina  
40 nonprofit corporation regarding any of the following:

41 ...."

42  
43 **SECTION 57.7.** G.S. 143B-1157 reads as rewritten:

44 "**§ 143B-1157. State Community Corrections Advisory Board.**

45 (a) The State Board shall act as an advisory body to the Secretary with regard to this  
46 Subpart. The State Board shall consist of 23 members as follows, to be appointed as provided  
47 in subsection (b) of this section:

- 48 (1) A member of the Senate.
- 49 (2) A member of the House of Representatives.
- 50 (3) A judge of the superior court.
- 51 (4) A judge of the district court.

- 1 (5) A district attorney.
- 2 (6) A criminal defense attorney.
- 3 (7) A county sheriff.
- 4 (8) A chief of a city police department.
- 5 (9) Two county commissioners, one from a predominantly urban county and one
- 6 from a predominantly rural county.
- 7 (10) A representative of an existing community-based corrections program.
- 8 (11) A member of the public who has been the victim of a crime.
- 9 (12) Two rehabilitated ex-offenders.
- 10 (13) A member of the business community.
- 11 (14) Three members of the general public, one of whom is a person recovering
- 12 from chemical dependency or who is a previous consumer of substance
- 13 abuse treatment services.
- 14 (15) A victim service provider.
- 15 (16) A member selected from each of the following service areas: mental health,
- 16 substance abuse, and employment and training.
- 17 (17) A clerk of superior court.
- 18 (b) The membership of the State Board shall be selected as follows:
- 19 (1) The Governor shall appoint the following members: the county sheriff, the
- 20 chief of a city police department, the member of the public who has been the
- 21 victim of a crime, ~~a two rehabilitated ex-offender,~~ex-offenders, and the
- 22 members selected from each of the service areas.
- 23 (2) The Lieutenant Governor shall appoint the following members: the member
- 24 of the business community, one member of the general public who is a
- 25 person recovering from chemical dependency or who is a previous consumer
- 26 of substance abuse treatment services, and the victim service provider.
- 27 (3) The Chief Justice of the North Carolina Supreme Court shall appoint the
- 28 following members: the superior court judge, the district court judge, the
- 29 district attorney, the clerk of superior court, the criminal defense attorney,
- 30 and the representative of an existing community-based corrections program.
- 31 (4) The President Pro Tempore of the Senate shall appoint the following
- 32 members: the member of the Senate, the county commissioner from a
- 33 predominantly urban county, and one member of the general public.
- 34 (5) The Speaker of the House of Representatives shall appoint the following
- 35 members: the member of the House of Representatives, the county
- 36 commissioner from a predominantly rural county, and one member of the
- 37 general public.

38 In appointing the members of the State Board, the appointing authorities shall make  
39 every effort to ensure fair geographic representation of the State Board membership and to  
40 ensure that minority persons and women are fairly represented.

41 (c) The initial members shall serve staggered terms; one-third shall be appointed for  
42 a term of one year, one-third shall be appointed for a term of two years, and one-third shall be  
43 appointed for a term of three years. The members identified in subdivisions (1) through (7) of  
44 subsection (a) of this section shall be appointed initially for a term of one year. The members  
45 identified in subdivisions (8) through (13) in subsection (a) of this section shall be appointed  
46 initially for a term of two years. The members identified in subdivisions (14) through (16) of  
47 subsection (a) of this section shall each be appointed for a term of three years. The additional  
48 member identified in subdivision (17) in subsection (a) of this section shall be appointed  
49 initially for a term of three years. The terms of office of the initial members appointed under  
50 this section commence effective July 1, 2011.

1 At the end of their respective terms of office their successors shall be appointed for  
 2 terms of three ~~years~~years effective July 1. A vacancy occurring before the expiration of the  
 3 term of office shall be filled in the same manner as original appointments for the remainder of  
 4 the term. Members may be reappointed without limitation.

5 ..."

6  
 7 **SECTION 58.** G.S. 147-86.11(e) reads as rewritten:

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

10 ....

11 (4) Unpaid billings due to a State agency other than amounts owed by patients  
 12 to the University of North Carolina Health Care ~~System or System~~, East  
 13 Carolina University's Division of Health ~~Sciences Sciences~~, or by customers  
 14 of the North Carolina Turnpike Authority shall be turned over to the  
 15 Attorney General for collection no more than 90 days after the due date of  
 16 the billing, except that a State agency need not turn over to the Attorney  
 17 General unpaid billings of less than five hundred dollars (\$500.00), or (for  
 18 institutions where applicable) amounts owed by all patients which are less  
 19 than the federally established deductible applicable to Part A of the  
 20 Medicare program, and instead may handle these unpaid bills pursuant to  
 21 agency debt collection procedures.

22 (4a) The University of North Carolina Health Care System and East Carolina  
 23 University's Division of Health Sciences may turn over to the Attorney  
 24 General for collection accounts owed by patients.

25 (4b) The North Carolina Turnpike Authority may turn over to the Attorney  
 26 General for collection amounts owed to the North Carolina Turnpike  
 27 Authority.

28 ...."

29  
 30 **SECTION 59.** G.S. 153A-205 reads as rewritten:

31 **"§ 153A-205. Improvements to subdivision and residential streets.**

32 (a) A county may finance the local share of the cost of improvements made under the  
 33 supervision of the Department of Transportation to subdivision and residential streets that are a  
 34 part of the State maintained system located in the county and outside of a city and shall levy  
 35 and collect pursuant to the procedures of Article 9 of Chapter 153A of the General Statutes  
 36 special assessments against benefited property to recoup that portion of the costs financed by  
 37 the county. The local share is that share required by policies of the ~~Secondary Roads Council,~~  
 38 Department of Transportation and may be paid by the county from funds not otherwise limited  
 39 as to use by law. Land owned, leased, or controlled by a railroad company is exempt from such  
 40 assessments to the same extent that it would be exempt from street assessments of a city under  
 41 G.S. 160A-222. No project may be commenced under this section unless it has been approved  
 42 by the Department of Transportation.

43 (b) A county may finance the local share of the cost of improvements made under the  
 44 supervision of the Department of Transportation to subdivision and residential streets located in  
 45 the county and outside of a city in order to bring those streets up to the standards of the  
 46 ~~Secondary Roads Council-Department of Transportation~~ so that they may become a part of the  
 47 State-maintained system and shall levy and collect pursuant to the procedures of Article 9 of  
 48 Chapter 153A of the General Statutes special assessments against benefited property to recoup  
 49 that portion of the costs financed by the county. The local share is that share required by  
 50 policies of the ~~Secondary Roads Council,~~ Department of Transportation and may be paid by the  
 51 county from funds not otherwise limited as to use by law. Land owned, leased, or controlled by



1 a railroad company is exempt from such assessments to the same extent that it would be exempt  
2 from street assessments of a city under G.S. 160A-222. No project may be commenced under  
3 this section unless it has been approved by the Department of Transportation.

4 (c) Before a county may finance all or a portion of the cost of improvements to a  
5 subdivision or residential street, it must receive a petition for the improvements signed by at  
6 least seventy-five percent (75%) of the owners of property to be assessed, who must represent  
7 at least seventy-five percent (75%) of all the lineal feet of frontage of the lands abutting on the  
8 street or portion thereof to be improved. The petition shall state that portion of the cost of the  
9 improvement to be assessed, which shall be the local share required by policies of the  
10 ~~Secondary Roads Council.~~ Department of Transportation. A county may treat as a unit and  
11 consider as one street two or more connecting State-maintained subdivision or residential  
12 streets in a petition filed under this subsection calling for the improvement of subdivision or  
13 residential streets subject to property owner sharing in the cost of improvement under policies  
14 of the Department of Transportation.

15 Property owned by the United States shall not be included in determining the lineal feet of  
16 frontage on the improvement, nor shall the United States be included in determining the  
17 number of owners of property abutting the improvement. Property owned by the State of North  
18 Carolina shall be included in determining frontage and the number of owners only if the State  
19 has consented to assessment as provided in G.S. 153A-189. Property owned, leased, or  
20 controlled by railroad companies shall be included in determining frontage and the number of  
21 owners to the extent the property is subject to assessment under G.S. 160A-222. Property  
22 owned, leased, or controlled by railroad companies that is not subject to assessment shall not be  
23 included in determining frontage or the number of owners.

24 No right of action or defense asserting the invalidity of street assessments on grounds that  
25 the county did not comply with this subsection in securing a valid petition may be asserted  
26 except in an action or proceeding begun within 90 days after the day of publication of the  
27 notice of adoption of the preliminary assessment resolution.

28 (d) This section is intended to provide a means of assisting in financing improvements  
29 to subdivision and residential streets that are on the State highway system or that will, as a  
30 result of the improvements, become a part of the system. By financing improvements under this  
31 section, a county does not thereby acquire or assume any responsibility for the street or streets  
32 involved, and a county has no liability arising from the construction of such an improvement or  
33 the maintenance of such a street. Nothing in this section shall be construed to alter the  
34 conditions and procedures under which State system streets or other public streets are  
35 transferred to municipal street systems pursuant to G.S. 136-66.1 and 136-66.2 upon  
36 annexation by, or incorporation of, a municipality."  
37

38 **SECTION 60.** Reserved.

39 **SECTION 61.** Section 2 1/2 of Chapter 954 of the 1965 Session Laws is repealed.

40 **SECTION 61.5.** Section 7 of S.L. 2009-369 reads as rewritten:

41 **"SECTION 7.** This act becomes effective December 1, 2009, and applies to applications  
42 for reinstatement that occur on or after that date. This act expires ~~December 1, 2014.~~December  
43 1, 2016."  
44  
45

46 **SECTION 61.7.** Section 13 of S.L. 2009-521, as amended by Section 24 of S.L.  
47 2011-326, and by Section 71.6 of S.L. 2012-194, reads as rewritten:

48 **"SECTION 13.** Any natural hair care specialist who submits proof to the Board that the  
49 natural hair care specialist is actively engaged in the practice of a natural hair care specialist on  
50 the effective date of this act, ~~passes an examination conducted by the Board~~ act and pays the  
51

1 required fee under G.S. 88B-20 shall be licensed without having to satisfy the requirements of  
2 G.S. 88B-10.1, enacted by Section 2 of this act. A cosmetic art shop that practices natural hair  
3 care only and that submits proof to the Board that the shop is actively engaged in the practice of  
4 natural hair care on the effective date of this act shall have five years from the date of this act  
5 to comply with the requirements of G.S. 88B-14. All persons who do not make application to  
6 the Board within five years of the effective date of this act shall be required to complete all  
7 training and examination requirements prescribed by the Board and to otherwise comply with  
8 the provisions of Chapter 88B of the General Statutes."  
9

10 **SECTION 61.8.(a)** S.L. 2011-259 is repealed.

11 **SECTION 61.8.(b)** The State Board of Education shall establish a two-year  
12 Dropout Prevention and Recovery Pilot Program (Pilot Program). The State Board of  
13 Education shall select one charter school that has been approved by the State Board under  
14 G.S.115C-238.29D to provide the educational services and programming for the Pilot Program.  
15 The purpose of the Pilot Program is to reengage students and increase the graduation rates in  
16 North Carolina through an educational program that provides flexible scheduling and a blended  
17 learning environment with individualized and self-paced learning options.

18 **SECTION 61.8.(c)** To be eligible to participate in the Pilot Program, the charter  
19 school's enrollment must only include high school students who have dropped out of high  
20 school. The charter school, its affiliated charter management organization, or its education  
21 management organization must be accredited by the Southern Association of Colleges and  
22 Schools as an indicator of quality instructional programming. All teachers employed by the  
23 charter school participating in the Pilot Program shall be licensed teachers under  
24 G.S. 115C-296.

25 **SECTION 61.8.(d)** The charter school participating in the Pilot Program shall  
26 develop and implement an alternative accountability model that meets the guidelines adopted  
27 by the State Board of Education for alternative learning programs under G.S. 115C-12(24).

28 **SECTION 61.8.(e)** In addition to the allotments and adjustments made for charter  
29 schools as provided in G.S. 115C-238.29H, for the charter school participating in the Pilot  
30 Program, the allotment shall also be adjusted on the basis of the average daily membership  
31 in the fifth month of the school year. If the average daily membership in the fifth month of the  
32 school year exceeds the first month average daily membership by at least twenty percent  
33 (20%), the State Board of Education shall provide additional funding in March from the ADM  
34 Contingency Reserve on the basis of the average daily membership in the fifth month of the  
35 school year for the remainder of the fiscal year. Additionally, the Pilot Program charter school  
36 shall receive a one-time payment equal to the difference between the average of the average  
37 daily membership over the first five months of the school year and the first month average daily  
38 membership, multiplied by the average per pupil allocation for average daily membership from  
39 the local school administrative unit allotments in which the Pilot Program charter school is  
40 located multiplied by fifty-six percent (56%).

41 **SECTION 61.8.(f)** Existing charter schools meeting the criteria as provided in this  
42 Section may apply to participate in the Pilot Program no later than August 31, 2014. The State  
43 Board of Education shall select by September 30, 2014 the participant for the Pilot Program for  
44 the 2014-2015 and 2015-2016 school years.

45 **SECTION 61.8.(g)** The State Board of Education shall submit a report to the Joint  
46 Legislative Education Oversight Committee by March 15, 2016 on the outcomes of the  
47 Dropout Prevention and Recovery Pilot Program, including (i) the number of students who  
48 dropped out of high school, enrolled in the program, and completed a high school diploma, (ii)  
49 results of the alternative accountability model, and (iii) the impact on the ADM Contingency  
50 Reserve. The report shall also include any recommendations to enhance the effectiveness and  
51 the efficiency of the Pilot Program funding and accountability models.

1           **SECTION 61.8.(h)** The Joint Legislative Education Oversight Committee shall  
2 report to the 2016 Session of the 2015 General Assembly on necessary legislation to transition  
3 the Pilot Program into alternative charter schools serving high school students who have  
4 dropped out of high school.

5           **SECTION 61.8.(i)** This section is effective when it becomes law. The Pilot  
6 Program shall begin with the 2014-2015 school year and shall conclude at the end of the  
7 2015-2016 school year.

8  
9           **SECTION 62.** S.L. 2012-1 is repealed.

10  
11           **SECTION 63.** Reserved.

12  
13           **SECTION 64.** Section 8.49 of S.L. 2013-360 reads as rewritten:  
14 **"PILOT PROGRAM TO RAISE THE HIGH SCHOOL DROPOUT AGE FROM**  
15 **SIXTEEN TO EIGHTEEN**

16           "SECTION 8.49.(a) Notwithstanding any provisions in Part I of Article 26 of Chapter  
17 115C of the General Statutes, G.S. 7B-1501(27), ~~115C-378~~, 115C-238.66(3), 116-235(b)(2),  
18 and ~~143B-805(20)~~, 143B-805(20) to the contrary, the State Board of Education shall authorize  
19 the Hickory Public Schools and the Newton-Conover City Schools to establish and implement  
20 a pilot program pursuant to this section to increase the high school dropout age from 16 years  
21 of age to the completion of the school year coinciding with the calendar year in which a student  
22 reaches 18 years of age, unless the student has previously graduated from high school.

23           "SECTION 8.49.(a1) For the purposes of implementing the pilot program authorized by  
24 this section, a local school administrative unit that is participating in the pilot program shall  
25 have the authority to provide that, if the principal or the principal's designee determines that a  
26 student's parent, guardian, or custodian, or a student who is 18 years of age, has not made a  
27 good-faith effort to comply with the compulsory attendance requirements of the pilot program,  
28 the principal shall notify the district attorney and, if the student is less than 18 years of age, the  
29 director of social services of the county where the student resides. If the principal or the  
30 principal's designee determines that a parent, guardian, or custodian of a student less than 18  
31 years of age has made a good-faith effort to comply with the law, the principal may file a  
32 complaint with the juvenile court counselor pursuant to Chapter 7B of the General Statutes that  
33 the student is habitually absent from school without a valid excuse. Upon receiving notification  
34 by the principal or the principal's designee, the director of social services shall determine  
35 whether to undertake an investigation under G.S. 7B-302.

36           "SECTION 8.49.(a2) The local boards of education of the participating local school  
37 administrative units shall prescribe specific rules to address under what circumstances a student  
38 who is 18 years of age who is required to attend school as part of the pilot program shall be  
39 excused from attendance, including if the student has attained a high school equivalency  
40 certificate or a student has enlisted as a member of the Armed Forces.

41           "SECTION 8.49.(a3) For the purposes of implementing the pilot program authorized by  
42 this section, any (i) parent, guardian, or other person having charge or control of a student  
43 enrolled in a school located within a participating local school administrative unit and (ii)  
44 student who is 18 years of age enrolled in a school located within a participating local school  
45 administrative unit who violates the compulsory attendance provisions of the pilot program  
46 without a lawful exception recognized under Part I of Article 26 of Chapter 115C of the  
47 General Statutes or the provisions of this section shall be guilty of a Class 1 misdemeanor.

48           "SECTION 8.49.(a4) If an affidavit is made by the student, parent of the student, or by  
49 any other person that any student who is required to attend school under the requirements of the  
50 pilot program is not able to attend school by reason of necessity to work or labor for the support  
51 of himself or herself or the support of the family, then the school social worker of the

1 applicable school located within the participating school administrative unit shall diligently  
2 inquire into the matter and bring it to the attention of an appropriate court, depending on the  
3 age of the student. The court shall proceed to find whether as a matter of fact the student is  
4 unable to attend the school or such parents, or persons standing in loco parentis, are unable to  
5 send the student to school for the term of compulsory attendance for the reasons given. If the  
6 court finds, after careful investigation, that the student or the parents have made or are making  
7 a bona fide effort to comply with the compulsory attendance law, and by reason of illness, lack  
8 of earning capacity, or any other cause which the court may deem valid and sufficient, the  
9 student is unable to attend school, then the court shall find and state what help is needed for the  
10 student or family to enable compliance with the attendance requirements under the pilot  
11 program.

12 "SECTION 8.49.(b) Each local school administrative unit may use any funds available to it  
13 to implement the pilot program in accordance with this section to (i) employ up to three  
14 additional teachers and (ii) fund additional student-related costs, such as transportation and  
15 technology costs, including additional computers, to serve a greater number of students as a  
16 result of the pilot program. Each local school administrative unit may also use any funds  
17 available to it to operate a night school program for students at risk of dropping out of high  
18 school. To the extent possible, the local school administrative units shall partner with Catawba  
19 Valley Community College in administering the pilot program.

20 "SECTION 8.49.(c) The local school administrative units, in collaboration with the State  
21 Board of Education, shall report to the Joint Legislative Education Oversight Committee, the  
22 House Appropriations Subcommittee on Education, and the Senate Appropriations Committee  
23 on Education/Higher Education on or before ~~January 1, 2016.~~ January 15, 2016. The report shall  
24 include at least all of the following information:

- 25 (1) An analysis of the graduation rate in each local school administrative unit  
26 and the impact of the pilot program on the graduation rate.
- 27 (2) The teen crime statistics for Catawba County.
- 28 (3) The number of reported cases of violations of compulsory attendance laws in  
29 Catawba County and the disposition of those cases.
- 30 (3a) Implementation of enforcement mechanisms for violations of the  
31 compulsory attendance requirements of the pilot program, including the  
32 imposition of criminal penalties.
- 33 (4) The number of at-risk students served in any night programs established as  
34 part of the pilot program and student graduation and performance outcomes  
35 for those students.
- 36 (5) All relevant data to assist in determining the effectiveness of the program  
37 and specific legislative recommendations, including the continuation,  
38 modification, or expansion of the program statewide.

39 "SECTION 8.49.(d) The State Board of Education shall not authorize a pilot program  
40 under subsection (a) of this section except upon receipt of a copy of a joint resolution adopted  
41 by the boards of education for the Hickory Public Schools and the Newton-Conover City  
42 Schools setting forth a date to begin establishment and implementation of the pilot program."  
43

44 SECTION 65. Section 9.6(k) of S.L. 2013-360 reads as rewritten:

45 "SECTION 9.6.(k) Subsections (c) and (d) of this section become effective July 1, 2014,  
46 and apply to all employees employed as of that date and employees hired or reemployed on or  
47 after that date."

48  
49 SECTION 66.(a) Section 5 of S.L. 2013-417 reads as rewritten:

50 "SECTION 5. The Social Services Commission shall adopt rules implementing this act.  
51 The Social Services Commission ~~may~~ shall issue temporary rules, in addition to its permanent

1 rule-making authority, to enforce this act. Rules for the implementation of Section 4 of this act  
2 shall be adopted no later than ~~February 1, 2014~~; October 31, 2014. The Department of Health  
3 and Human Services shall continue the substance abuse screening processes in place as of  
4 January 1, 2014, for applicants and recipients of Work First Program benefits until Section 4 of  
5 this act is fully implemented. The Department shall notify each county department of social  
6 services and the General Assembly of the date of full implementation of Section 4 of this act."

7 **SECTION 66.(b)** Section 6 of S.L. 2013-417 reads as rewritten:

8 "SECTION 6. The Department of Health and Human Services shall report to the General  
9 Assembly no later than ~~April 1, 2014~~, the first of each calendar quarter beginning April 1,  
10 2014, and ending December 1, 2015, on the implementation of Section 4 of this act."

11 **SECTION 66.(c)** Section 8 of S.L. 2013-417 reads as rewritten:

12 "SECTION 8. Section 4 of this act becomes effective ~~August 1, 2014~~; July 1, 2015. The  
13 remainder of this act becomes effective October 1, 2013."

14  
15 **SECTION 67.** Section 8(c) of S.L. 2014-4 reads as rewritten:

16 "SECTION 8.(c) This section is effective when it becomes law, except that  
17 ~~113-391A(d), G.S. 113-391.1(d)~~, as enacted by Section 8(a) of this act, shall become effective  
18 December 1, 2014."

19  
20 **SECTION 68.** If House Bill 712, 2013 Regular Session, becomes law, the lead-in  
21 language for Section 7 of that bill is amended by deleting the citation "Article 9 of Chapter 115  
22 of the General Statutes" and replacing it with the citation "Article 9 of Chapter 115C of the  
23 General Statutes".

### 24 25 **PART III. UNIFORM STATE BOARD OF EDUCATION REPORT DATES**

26  
27 **SECTION 80.** G.S. 115C-83.4(b) reads as rewritten:

28 "(b) The State Board of Education shall report biennially to the Joint Legislative  
29 Education Oversight Committee by ~~October 1~~ October 15 of each even-numbered year on the  
30 implementation, evaluation, and revisions to the comprehensive plan for reading achievement  
31 and shall include recommendations for legislative changes to enable implementation of current  
32 empirical research in reading development."

33  
34 **SECTION 81.** G.S. 115C-83.10(c) reads as rewritten:

35 "(c) The State Board of Education shall establish a uniform format for local boards of  
36 education to report the required information listed in subsections (a) and (b) of this section and  
37 shall provide the format to local boards of education no later than 90 days prior to the annual  
38 due date. The State Board of Education shall compile annually this information and submit a  
39 State-level summary to the Governor, the President Pro Tempore of the Senate, the Speaker of  
40 the House of Representatives, and the Joint Legislative Education Oversight Committee by  
41 ~~October 1~~ October 15 of each year, beginning with the 2014-2015 school year."

42  
43 **SECTION 82.** G.S. 115C-102.6B reads as rewritten:

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

48 The Board shall report annually by ~~February 1~~ February 15 of each year to the Joint  
49 Legislative Education Oversight Committee on the status of the State School Technology  
50 Plan."

1           **SECTION 83.** G.S. 115C-156.2(b) reads as rewritten:

2           "(b) Beginning in 2014, the State Board of Education shall report to the Joint Legislative  
3 Education Oversight Committee by ~~September 1~~ September 15 of each year on the number of  
4 students in career and technical education courses who earned (i) community college credit and  
5 (ii) related industry certifications and credentials."  
6

7           **SECTION 84.** G.S. 115C-83.4A(h) reads as rewritten:

8           "(h) Beginning ~~October 1~~, October 15, 2014, the State Board of Education shall report  
9 annually to the Joint Legislative Education Oversight Committee on advanced courses in North  
10 Carolina. The report shall include, at a minimum, the following information:

11           ...."

12  
13           **SECTION 85.** G.S. 115C-238.29I(c) reads as rewritten:

14           "(c) The State Board of Education shall review and evaluate the educational  
15 effectiveness of the charter schools authorized under this Part and the effect of charter schools  
16 on the public schools in the local school administrative unit in which the charter schools are  
17 located. The Board shall report annually no later than ~~January 1~~ January 15 to the Joint  
18 Legislative Education Oversight Committee on the following:

- 19           (1) The current and projected impact of charter schools on the delivery of  
20 services by the public schools.  
21           (2) Student academic progress in the charter schools as measured, where  
22 available, against the academic year immediately preceding the first  
23 academic year of the charter schools' operation.  
24           (3) Best practices resulting from charter school operations.  
25           (4) Other information the State Board considers appropriate."  
26

27           **SECTION 86.** Section 7.15(b) of S.L. 2003-284 reads as rewritten:

28           "**SECTION 7.15.(b)** The Department of Public Instruction shall prepare a current  
29 head count of the number of students classified with limited English proficiency by ~~December~~  
30 December 15 of each year.

31           Students in the head count shall be assessed at least once every three years to  
32 determine their level of English proficiency. A student who scores "superior" on the standard  
33 English language proficiency assessment instrument used in this State shall not be included in  
34 the head count of students with limited English proficiency."  
35

36           **SECTION 87.** Section 7.9(b) of S.L. 2007-323 reads as rewritten:

37           "**SECTION 7.9.(b)** The Department of Public Instruction shall prepare a current  
38 head count of the number of students classified with limited English proficiency by ~~December~~  
39 December 15 of each year.

40           Students in the head count shall be assessed at least once every three years to  
41 determine their level of English proficiency. A student who scores "superior" on the standard  
42 English language proficiency assessment instrument used in this State shall not be included in  
43 the head count of students with limited English proficiency."  
44

45           **SECTION 88.** Section 7.22.(h) of S.L. 2011-145 reads as rewritten:

46           "**SECTION 7.22.(h)** Beginning in 2011, the Director of NCVPS shall submit an annual  
47 report on NCVPS to the State Board of Education no later than ~~December 1~~ December 15 of  
48 each year. The report shall use data from the previous fiscal year and shall include statistics on  
49 actual versus projected costs to local school administrative units and charter schools, student  
50 enrollment, virtual teacher salaries, and measures of academic achievement.

51           The Director of NCVPS shall continue to ensure the following:

- 1 (1) Course quality standards are established and met.
- 2 (2) All e-learning opportunities other than virtual charter schools offered by
- 3 State-funded entities to public school students are consolidated under the
- 4 NCVPS program, eliminating course duplication.
- 5 (3) All courses offered through NCVPS are aligned to the North Carolina
- 6 Standard Course of Study."
- 7

8 **SECTION 89.** Section 1(b) of S.L. 2013-1, as amended by Section 16.1 of S.L.  
9 2013-410, reads as rewritten:

10 "**SECTION 1.(b)** The State Board of Education shall make high school diploma  
11 endorsements, as provided under this section, available to students graduating from high school  
12 beginning with the 2014-2015 school year. The State Board of Education shall report to the  
13 Joint Legislative Education Oversight Committee on the progress toward establishing specific  
14 college and career endorsements for high school diplomas and for awarding these endorsements  
15 by February 1, 2014. The State Board of Education shall submit the report on the impact of  
16 awarding the high school endorsements on high school graduation, college acceptance and  
17 remediation, and post-high school employment rates by ~~September 1,~~September 15, 2016, and  
18 annually thereafter."

19  
20 **SECTION 90.** Section 3(b) of S.L. 2013-1 reads as rewritten:

21 "**SECTION 3.(b)** The State Board of Education and the State Board of Community  
22 Colleges shall jointly report to the Joint Legislative Education Oversight Committee by  
23 ~~October 1,~~October 15, 2014, on progress made on developing strategies to increase student  
24 engagement in career and technical education, especially in engineering and industrial  
25 technologies, and in other occupations with high numbers of employment opportunities."

26  
27 **SECTION 91.** Section 7.6(c) of S.L. 2013-360 reads as rewritten:

28 "**SECTION 7.6.(c)** By ~~October 1,~~October 15, 2013, and quarterly thereafter, the Office of  
29 the State CIO and DPI shall report on the establishment of public school cooperative  
30 purchasing agreements, savings resulting from the establishment of the agreements, and any  
31 issues impacting the establishment of the agreements. The reports shall be made to the Joint  
32 Legislative Oversight Committee on Information Technology, the Joint Legislative Education  
33 Oversight Committee, and the Fiscal Research Division."

34  
35 **SECTION 92.** Section 8.3(j) of S.L. 2013-360 reads as rewritten:

36 "**SECTION 8.3.(j)** Reports. – For the 2013-2015 fiscal biennium, the State Board  
37 of Education shall report to the Fiscal Research Division prior to ~~May 1~~May 15 of each year if  
38 it determines that counties have supplanted funds."

39  
40 **SECTION 93 .** Section 8.4(i) of S.L. 2013-360 reads as rewritten:

41 "**SECTION 8.4.(i)** Reports. – For the 2013-2015 fiscal biennium, the State Board  
42 of Education shall report to the Fiscal Research Division prior to ~~May 1~~May 15 of each fiscal  
43 year if it determines that counties have supplanted funds."

44  
45 **PART V. EFFECTIVE DATE.**

46 **SECTION 94.** Except as otherwise provided, this act is effective when it becomes  
47 law.