

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 821*

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S821-ASU-84 [v.12]

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Amends Title [NO]
Third Edition

Date _____, 2016

Senator Apodaca

1 moves to amend the bill on page 15, lines 11-12, by adding the following between the lines:

2
3 **"SECTION 14.5.** G.S. 7A-45.1(a10) reads as rewritten:

4 "(a10) Except for the judgeships abolished pursuant to subsection (a8) of this section, upon
5 the retirement, resignation, removal from office, death, or expiration of the term of any special
6 superior court judge on or after September 1, 2014, each judgeship shall be filled for a full
7 five-year term beginning upon the judge's taking office according to the following procedure
8 prescribed by the General Assembly pursuant to Article IV, Section 9(1) of the North Carolina
9 Constitution. As each judgeship becomes vacant or the term expires, the Governor shall submit the
10 name of a nominee for that judgeship to the General Assembly for confirmation by ratified joint
11 resolution. Upon each such confirmation, the Governor shall appoint the confirmed nominee to
12 that judgeship. The term of the special superior court judge commencing on March 1, 2011, shall
13 expire on the earlier of (i) the date on which the office shall become vacant through retirement,
14 resignation, removal from office, or death or (ii) September 30, 2016.

15 However, upon the failure of the Governor to submit the name of a nominee within 90 days of
16 the occurrence of the vacancy or within 90 days of the expiration of the judge's term, as
17 applicable, the President Pro Tempore of the Senate and the Speaker of the House of
18 Representatives jointly shall submit the name of a nominee to the General Assembly. The
19 appointment shall then be made by enactment of a bill. The bill shall state the name of the person
20 being appointed, the office to which the appointment is being made, and the county of residence of
21 the appointee.

22 The Governor may withdraw any nomination prior to it failing on any reading, and in case of
23 such withdrawal the Governor shall submit a different nomination within 45 days of withdrawal. If
24 a nomination shall fail any reading, the Governor shall submit a different nomination within 45
25 days of such failure. In either case of failure to submit a new nomination within 45 days, the
26 President Pro Tempore of the Senate and the Speaker of the House of Representatives shall submit
27 the name of a nominee to the General Assembly under the procedure provided in the preceding
28 paragraph.

29 No person shall occupy a special superior court judgeship authorized under this subsection in
30 any capacity, or have any right to, claim upon, or powers of those judgeships, unless that person's
31 nomination has been confirmed by the General Assembly by joint resolution or appointed through
32 the enactment of a bill upon the failure of the Governor to submit a nominee. Until confirmed by



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1 the General Assembly and appointed by the Governor, or appointed by the General Assembly
2 upon the failure of the Governor to appoint a nominee, and qualified by taking the oath of office, a
3 nominee is neither a de jure nor a de facto officer.""; and

4
5 on page 15, lines 12-13, by adding the following between the lines:

6
7 **"SECTION 15.5.** G.S. 36C-8-816(31) reads as rewritten:

8 "(31) Distribute the assets of an inoperative trust consistent with the authority granted
9 under ~~G.S. 28A-22-110~~; G.S. 28A-22-10; and""; and

10
11 on page 17, lines 29-30, by adding the following between the lines:

12
13 **"SECTION 18.2.** G.S. 115C-401.2(e), as enacted by S.L. 2016-11, is amended by
14 adding a new subdivision to read:

15 "(6) Using a student's information, including covered information, solely to identify
16 or display information on nonprofit institutions of higher education or
17 scholarship providers to the student if the provider secures the express written
18 consent of the parent or student who is at least 13 years of age given in
19 response to clear and conspicuous notice."

20 **SECTION 18.4.** G.S. 143B-139.6A reads as rewritten:

21 **"§ 143B-139.6A. Secretary's responsibilities regarding availability of early intervention**
22 **services.**

23 The Secretary of the Department of Health and Human Services shall ensure, in cooperation
24 with other appropriate agencies, that all types of early intervention services specified in the
25 "Individuals with Disabilities Education Act" (IDEA), P.L. 102-119, the federal early intervention
26 legislation, are available to all eligible infants and toddlers and their families to the extent funded
27 by the General Assembly.

28 The Secretary shall coordinate and facilitate the development and administration of the early
29 intervention system for eligible infants and toddlers and shall assign among the cooperating
30 agencies the responsibility, including financial responsibility, for services. The Secretary shall be
31 advised by the Interagency Coordinating Council for Children from Birth to Five with Disabilities
32 and Their Families, established by G.S. 143B-179.5, and may enter into formal interagency
33 agreements to establish the collaborative relationships with the Department of Public Instruction,
34 other appropriate agencies, and other public and private service providers necessary to administer
35 the system and deliver the services.

36 As part of the permission to refer parents to services under the early intervention system for
37 eligible infants and toddlers, the Secretary shall include the Governor Morehead School for the
38 Blind, the Eastern North Carolina School for the Deaf, and the North Carolina School for the Deaf
39 as agencies included on any permission to refer release form provided to parents for contact
40 regarding services.

41 The Secretary shall adopt rules to implement the early intervention system, in consultation
42 with all other appropriate agencies.""; and

43

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1 on page 18, lines 17-18, by adding the following between the lines:

2 "SECTION 19.2. G.S. 147-86.59 reads as rewritten:

3 "§ 147-86.59. Certification required.

4 (a) A State agency shall ~~require~~ certify that a person that attempts to contract with the
5 State or political subdivision of the State, ~~including a contract renewal or assumption, to certify, at~~
6 ~~the time~~ State is not identified on a list created by the State Treasurer pursuant to G.S. 147-86.58
7 when the bid is submitted or the contract is entered into, renewed, or assigned, that the person or
8 the assignee is not identified on a list created by the State Treasurer pursuant to G.S. 147-86.58.
9 assigned. "Attempts to contract" include a contract renewal or assumption. A State agency shall
10 include certification information in the procurement record. If a State agency and the same person
11 enter into multiple contracts or multiple contract renewals or assumptions within 180 days after a
12 certification is made, a new certification need not be made.

13 (b) A person that contracts with the State or a political subdivision of the State, including a
14 contract renewal or assumption, shall not utilize on the contract with the State agency any
15 subcontractor that is identified on a list created pursuant to G.S. 147-86.58.

16 (c) Upon receiving information that a person who has ~~made the certification~~ been certified
17 as required by subsection (a) of this section is in violation thereof, the State agency shall review
18 the information and offer the person an opportunity to respond. If the person fails to demonstrate
19 that the person should not have been identified on the list created pursuant to G.S. 147-86.58
20 within 90 days after the determination of the violation, then the State agency shall take action as
21 may be appropriate and provided for by law, rule, or contract.""; and
22

23 on page 18, lines 18-19, by adding the following between the lines:

24 "SECTION 20.5.(a) Section 10 of S.L. 2015-125 reads as rewritten:

25 "SECTION 10. Sections 8 and 9 of this act become effective July 1, 2015. Section 3 of this
26 act becomes effective October 1, 2016. The remainder of this act becomes effective July 1, 2016,
27 and applies to offenses committed on or after that date."

28 SECTION 20.5.(b) If House Bill 959, 2015 Regular Session, becomes law, Section
29 13.(f) of the act is repealed.

30 SECTION 20.5.(c) If House Bill 959, 2015 Regular Session, becomes law, Section
31 13.(j) of the act reads as rewritten:

32 "SECTION 13.(j) This section becomes effective ~~December 1, 2016, and applies to~~
33 ~~offenses committed on or after that date.~~ July 1, 2016."

34 SECTION 20.5.(d) This section becomes effective July 1, 2016.""; and
35
36

37 on page 18, lines 27-28, by adding the following between the lines:

38 "SECTION 22.5. If House Bill 630, 2015 Regular Session, becomes law, that act is
39 amended by adding a new bill section to read:

40 "SECTION 1.1. For purposes of G.S. 130A-309.216, as enacted by Section 1 of this
41 act, the term "an impoundment owner" shall be construed to mean Duke Energy Progress, LLC,
42 and Duke Energy Carolinas, LLC, as a single entity, and as such, G.S. 130A-309.216, as enacted
43

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- 1 by Section 1 of this act, requires installation and operation of a total of three ash beneficiation
2 projects in the State."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**