

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 582  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S582-PCS15243-MN-2

Short Title: Agency Technical Corrections.

(Public)

Sponsors:

Referred to:

April 4, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE AGENCY TECHNICAL CORRECTIONS.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 14-27.23(c) and G.S. 14-27.28(c) are repealed.

5 SECTION 1.5. G.S. 14-208.18(c) reads as rewritten:

6 "(c) The subdivisions of subsection (a) of this section are applicable as follows:

7 ...  
8 (2) Subdivision (2) of subsection (a) of this section applies to persons required  
9 to register under this Article if either of the following applies:

10 a. The person has committed any offense in Article 7B of this Chapter  
11 or any federal offense or offense committed in another state, which if  
12 committed in this State is substantially similar to an offense in  
13 Article 7B of this Chapter, and a finding has been made in any  
14 criminal or civil proceeding that the person presents, or may present,  
15 a danger to minors under the age of 18.

16 b. The person has committed any offense where the victim of the  
17 offense was under the age of 18 years at the time of the  
18 ~~offense~~ offense or has committed an offense in violation of  
19 G.S. 14-202.3."

20 SECTION 2. G.S. 14-313(d) reads as rewritten:

21 "(d) Sending or assisting a person less than 18 years to purchase or receive tobacco  
22 products or cigarette wrapping papers. – If any person shall send a person less than 18 years of  
23 age to purchase, acquire, receive, or attempt to purchase, acquire, or receive tobacco products  
24 or cigarette wrapping papers, or if any person shall aid or abet a person who is less than 18  
25 years of age in purchasing, acquiring, or receiving or attempting to purchase, acquire, or  
26 receive tobacco products or cigarette wrapping papers, the person shall be guilty of a Class 2  
27 ~~misdemeanor; provided, however, persons~~ misdemeanor. The following exceptions to this  
28 subsection apply:

29 (1) Persons under the age of 18 may be enlisted by police or local sheriffs'  
30 departments to test compliance if the testing is under the direct supervision  
31 of that law enforcement department and written parental consent is ~~provided;~~  
32 provided.

33 (2) The Department of Health and Human Services may enlist persons under the  
34 age of 18 to test compliance under Subchapter IX of Chapter 9 of Title 21 of  
35 the United States Code if testing is under the direct supervision of



\* S 5 8 2 - P C S 1 5 2 4 3 - M N - 2 \*

1 commissioned officers of the federal Food and Drug Administration and  
 2 written parental consent is provided.

- 3 (3) ~~provided further, that the~~ The Department of Health and Human Services  
 4 shall have the authority, pursuant to a written plan prepared by the Secretary  
 5 of Health and Human Services, to use persons under 18 years of age in  
 6 annual, random, unannounced inspections, provided that prior written  
 7 parental consent is given for the involvement of these persons and that the  
 8 inspections are conducted for the sole purpose of preparing a scientifically  
 9 and methodologically valid statistical study of the extent of success the State  
 10 has achieved in reducing the availability of tobacco products to persons  
 11 under the age of 18, and preparing any report to the extent required by  
 12 section 1926 of the federal Public Health Service Act (42 USC § 300x-26)."

13 **SECTION 2.5.(a)** G.S. 18B-1000 reads as rewritten:

14 **"§ 18B-1000. Definitions concerning establishments.**

15 The following requirements and definitions shall apply to this Chapter:

16 ...

- 17 (11) Sports and entertainment venue. – Stadiums, ballparks, and other similar  
 18 facilities with a permanently constructed seating capacity of 3,000 or more  
 19 which are not located on the campus of a school, college, or university."

20 **SECTION 2.5.(b)** G.S. 18B-1001 reads as rewritten:

21 **"§ 18B-1001. Kinds of ABC permits; places eligible.**

22 When the issuance of the permit is lawful in the jurisdiction in which the premises are  
 23 located, the Commission may issue the following kinds of permits:

- 24 (1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit  
 25 authorizes (i) the retail sale of malt beverages for consumption on the  
 26 premises, (ii) the retail sale of malt beverages in the manufacturer's original  
 27 container for consumption off the premises, and (iii) the retail sale of malt  
 28 beverages in a cleaned, sanitized, resealable container that is filled or refilled  
 29 and sealed for consumption off the premises and that identifies the permittee  
 30 and the date the container was filled or refilled. It also authorizes the holder  
 31 of the permit to ship malt beverages in closed containers to individual  
 32 purchasers inside and outside the State. The permit may be issued for any of  
 33 the following:
- 34 a. Restaurants;
  - 35 b. Hotels;
  - 36 c. Eating establishments;
  - 37 d. Food businesses;
  - 38 e. Retail businesses;
  - 39 f. Private clubs;
  - 40 g. Convention centers;
  - 41 h. Community theatres;
  - 42 i. Breweries as authorized by G.S. 18B-1104(7) and ~~(8)~~-(8);
  - 43 j. Sports and entertainment venues.

44 ...

- 45 (3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine  
 46 permit authorizes (i) the retail sale of unfortified wine for consumption on  
 47 the premises, either alone or mixed with other beverages, (ii) the retail sale  
 48 of unfortified wine in the manufacturer's original container for consumption  
 49 off the premises, and (iii) the retail sale of unfortified wine dispensed from a  
 50 tap connected to a pressurized container utilizing carbon dioxide or similar  
 51 gas into a cleaned, sanitized, resealable container that is filled or refilled and

sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

- a. Restaurants;
- b. Hotels;
- c. Eating establishments;
- d. Private clubs;
- e. Convention centers;
- f. Cooking schools;
- g. Community theatres;
- h. Wineries;
- i. ~~Wine producers-producers;~~
- j. Sports and entertainment venues.

...  
(10)

Mixed Beverages Permit. – A mixed beverages permit authorizes the retail sale of mixed beverages for consumption on the premises. The permit also authorizes a mixed beverages permittee (i) to obtain a purchase-transportation permit under G.S. 18B-403 and 18B-404, (ii) to obtain an antique spirituous liquor permit under subdivision (20) of this section, and (iii) to use for culinary purposes spirituous liquor lawfully purchased for use in mixed beverages. The permit may be issued for any of the following:

- a. Restaurants;
- b. Hotels;
- c. Private clubs;
- d. Convention centers;
- e. Community theatres;
- f. Nonprofit organizations; and
- g. ~~Political organizations-organizations;~~
- h. Sports and entertainment venues.

...."

**SECTION 3.** G.S. 18C-112(a) reads as rewritten:

1       "(a) Of the members of the Commission appointed by the Governor, at least one member  
2 shall have a minimum of five years' experience in law enforcement. Notwithstanding  
3 subsection (e) of this section, a member serving in this slot may be an elected law enforcement  
4 official."

5               **SECTION 4.** G.S. 28A-2B-2 reads as rewritten:

6       "**§ 28A-2B-2. Venue.**

7       The venue for a petition under G.S. 28A-2B-1 is the county of this State in which the  
8 petitioner whose will or codicil is the subject of the petition ~~is domiciled.~~ resides."

9               **SECTION 5.(a)** G.S. 39-35 reads as rewritten:

10       "**§ 31D-5-505. Requisites of release ~~or limitation~~ as against creditors and purchasers for**  
11 **value.**

12       No release ~~or limitation~~ of a power of appointment after March 8, 1943, which is made by  
13 the owner of the legal title to real property in this State shall be valid as against creditors and  
14 purchasers for a valuable consideration until an instrument in writing setting forth the release ~~or~~  
15 ~~limitation~~ is executed and acknowledged in the manner required for a deed and recorded in the  
16 county where the real property is."

17               **SECTION 5.(b)** If House Bill 229, 2017 Regular Session, becomes law, the  
18 Revisor of Statutes shall cause to be printed all explanatory comments of the drafters of this  
19 section, as the Revisor may deem appropriate.

20               **SECTION 6.(a)** G.S. 36C-5-505 reads as rewritten:

21       "**§ 36C-5-505. Creditor's claim against settlor.**

22       ...

23       (c) Subject to the Uniform Voidable Transactions Act, Article 3A of Chapter 39 of the  
24 General Statutes, for purposes of this section, property contributed to the following trusts is not  
25 considered to have been contributed by the settlor and a person who would otherwise be treated  
26 as a settlor or a deemed settlor of the following trusts may not be treated as a settlor:

27               (1) If the settlor is a beneficiary after the death of the settlor's spouse:

- 28               a. An irrevocable inter vivos marital trust that is treated as a general  
29 power of appointment trust described in section 2523(e) of the  
30 Internal Revenue Code.
- 31               b. An irrevocable inter vivos marital trust that is treated as a qualified  
32 terminable interest trust under section 2523(f) of the Internal  
33 Revenue Code.
- 34               c. An irrevocable inter vivos trust of which the settlor's spouse is a  
35 beneficiary during the spouse's lifetime but which does not qualify  
36 for the federal gift tax marital deduction, and during the lifetime of  
37 the settlor's spouse (i) the settlor's spouse is the only beneficiary or  
38 (ii) the settlor's spouse and ~~the settlor's issue~~ any issue of the settlor  
39 or the settlor's spouse, or both, are the only beneficiaries.
- 40               d. Another trust, to the extent that the property of the other trust is  
41 attributable to property passing from a trust described in  
42 sub-subdivisions a., b., and c. of this subdivision.

43               For purposes of this subdivision, notwithstanding the provisions of  
44 G.S. 36C-1-103(3), the settlor is a beneficiary whether so named under the  
45 initial trust instrument or through the exercise of a limited or general power  
46 of appointment.

47               (2) An irrevocable inter vivos trust for the benefit of a person if the settlor is the  
48 person's spouse, regardless of whether or when that person was a settlor of  
49 an irrevocable inter vivos trust for the benefit of the person's spouse.

1 For purposes of this subsection, the "settlor's spouse" refers to the person to whom the  
2 settlor was married at the time the irrevocable inter vivos trust was created, notwithstanding a  
3 subsequent dissolution of the marriage."

4 **SECTION 6.(b)** The Revisor of Statutes shall cause to be printed all explanatory  
5 comments of the drafters of this section, as the Revisor may deem appropriate.

6 **SECTION 7.** G.S. 42A-37(a) reads as rewritten:

7 "(a) Any member of the Armed Forces of the United States who executes a vacation  
8 rental agreement and subsequently receives (i) an order for deployment with a military unit for  
9 a period overlapping with the rental period or (ii) permanent change of station orders requiring  
10 the member to relocate on a date prior to the beginning of the lease term may terminate the  
11 member's vacation rental agreement by providing the landlord or landlord's agent with a written  
12 notice of termination within 10 calendar days of receipt of the order. The notice must be  
13 accompanied by either a copy of the official military orders or a written verification signed by  
14 the member's commanding officer. Termination of a lease pursuant to this subsection is  
15 effective immediately upon receipt of the notice by the landlord or landlord's agent. All monies  
16 paid by the terminating member, with the exception of nonrefundable fees paid to third parties  
17 as described in ~~G.S. 42-16(a)~~, G.S. 42A-16, in connection with the vacation rental agreement  
18 shall be refunded to the member within 30 days of termination of the agreement."

19 **SECTION 8.** G.S. 45-10 reads as rewritten:

20 **"§ 45-10. Substitution of trustees in mortgages and deeds of trust.**

21 (a) In addition to the rights and remedies now provided by law, the ~~holders or owners of~~  
22 ~~a majority in amount of the indebtedness, notes, bonds, or other instruments evidencing a~~  
23 ~~promise or promises to pay money and secured by mortgages, deeds of trust, or other~~  
24 ~~instruments conveying real property, or creating a lien thereon,~~ noteholders may, in their  
25 discretion, substitute a trustee whether the trustee then named in the instrument is the original  
26 or a substituted trustee or a holder or owner of any or all of the obligations secured thereby, by  
27 the execution of a written document properly recorded pursuant to Chapter 47 of the North  
28 Carolina General Statutes. An attorney who serves as the trustee or substitute trustee shall not  
29 represent either the noteholders or the interests of the borrower while initiating a foreclosure  
30 proceeding.

31 ...

32 (d) In this section, the term "noteholders" means the holders or owners of a majority in  
33 the amount of the indebtedness, notes, bonds, or other instruments evidencing a promise to pay  
34 money and secured by mortgages, deeds of trust, or other instruments conveying real property,  
35 or creating a lien thereon."

36 **SECTION 9.(a)** Article 3 of Chapter 58 of the General Statutes is amended by  
37 adding a new section to read:

38 **"§ 58-3-226. Reimbursement contracts and assignment of benefits.**

39 (a) Definitions. – The following definitions apply in this section:

- 40 (1) Health benefit plan. – As defined in G.S. 58-3-167. The phrase also applies  
41 to limited-scope dental and vision insurance.
- 42 (2) Health care provider. – As defined in G.S. 58-3-225.
- 43 (3) Insured. – An individual who is eligible to receive benefits from the health  
44 benefit plan.
- 45 (4) Insurer. – As defined in G.S. 58-3-167.
- 46 (5) Third party administrator. – As defined in G.S. 58-56-2.

47 (b) Reimbursement Contracts. – A reimbursement contract between a health care  
48 provider and an insurer or a third-party administrator shall require that reimbursement shall be  
49 made directly to the health care provider for any service provided by the health care provider  
50 under the reimbursement contract and covered under the health benefit plan.

1       (c) Assignment of Benefits. – An insurer or a third-party administrator shall accept and  
 2 honor a completed assignment of benefits agreement that assigns the insured's reimbursement  
 3 benefits to a health care provider. The assignment of benefits agreement must be validly  
 4 executed by the insured. This subsection applies only if there is no reimbursement contract  
 5 between a health care provider and an insurer or a third-party administrator."

6           **SECTION 9.(b)** This section is effective October 1, 2017, and applies to  
 7 reimbursement contracts and assignment of benefit agreements entered into or amended on or  
 8 after that date.

9           **SECTION 10.(a)** G.S. 58-10-345(g) reads as rewritten:

10       (g) The Commissioner is authorized to retain legal, financial, and audit services from  
 11 outside the Department, the costs of which shall be reimbursed by the business entity.  
 12 G.S. 58-2-160 shall apply to ~~audits, investigations,~~ audits and processing conducted under the  
 13 authority of this section."

14           **SECTION 10.(b)** G.S. 58-10-355 reads as rewritten:

15 **"§ 58-10-355. Organizational audit.**

16       In addition to the processing of the application, an organizational ~~investigation or~~ audit may  
 17 be performed before an applicant business entity is licensed. Such investigation or audit shall  
 18 consist of a general ~~survey review~~ of the applicant business entity's corporate records, including  
 19 charters, bylaws, and minute books; verification of capital and surplus; verification of principal  
 20 place of business; determination of assets and liabilities; and a review of such other factors as  
 21 the Commissioner deems necessary."

22           **SECTION 10.(c)** G.S. 58-10-385(a) reads as rewritten:

23       (a) Every captive insurance company shall report to the Commissioner within 30 days  
 24 after any change in its executive officers or directors, including in its report a biographical  
 25 affidavit for each new officer or director. The change shall be deemed approved unless it is  
 26 disapproved within 30 days from the completion of the Commissioner's review of the  
 27 biographical affidavit."

28           **SECTION 11.(a)** G.S. 58-57-90 reads as rewritten:

29 **"§ 58-57-90. Credit property insurance; personal household property coverage.**

30       (a) As used in this Article, the term "single interest credit property" insurance means  
 31 insurance of the personal ~~household~~-property of the debtor against loss, with the creditor as sole  
 32 beneficiary; and the term "dual credit property" insurance means insurance of personal  
 33 ~~household~~-property of the debtor, with the creditor as primary beneficiary and the debtor as  
 34 beneficiary of proceeds not paid to the creditor. For the purpose of this Article, "personal  
 35 ~~household~~-property" means household furniture, ~~furnishings and furnishings,~~ appliances  
 36 designed for household ~~use and use,~~ and other personal property of the debtor, exclusive of an  
 37 automobile, not used by the debtor in a business trade or profession.

38       ...."

39           **SECTION 11.(b)** G.S. 58-57-110(a) reads as rewritten:

40       (a) ~~Each~~ Beginning September 1, 2018, and every third year thereafter, the  
 41 Commissioner shall prescribe a minimum incurred loss ratio standard requirement to develop a  
 42 premium rate reasonable in relation to the benefits provided by credit unemployment insurance  
 43 coverage. This minimum incurred loss ratio standard shall be effective January 1 in the year  
 44 after it is prescribed and shall remain in effect until a new minimum incurred loss ratio standard  
 45 requirement is prescribed. The following requirements must be met:

46       ...."

47           **SECTION 12.(a)** G.S. 66-58 reads as rewritten:

48 **"§ 66-58. Sale of merchandise or services by governmental units.**

49       ...

50       (c) The provisions of subsection (a) shall not prohibit:

51       ...

- 1           (4) ~~The operation of lunch counters by the Department of Health and Human~~  
2           ~~Services as blind enterprises of the type operated on January 1, 1951, in~~  
3           ~~State buildings in the City of Raleigh.~~ The operation of food and vending  
4           services under Article 3 of Chapter 111 of the General Statutes.

5           ...."

6           **SECTION 12.(b)** Article 3 of Chapter 111 of the General Statutes is amended by  
7 adding a new section to read:

8 **"§ 111-47.4. Food service at certain State properties or facilities.**

9           Notwithstanding any other provision of this Article, the Department of Health and Human  
10 Services may operate or contract for the operation of food or vending services at State property  
11 or State facilities allocated to the Department of Administration or the Department of  
12 Insurance. The net proceeds of revenue generated by food and vending services at such State  
13 property or State facilities by the Department of Health and Human Services, or a vendor with  
14 whom the Department of Health and Human Services has contracted, shall be credited to the  
15 Division of Services for the Blind of the Department of Health and Human Services for the  
16 purposes specified in G.S. 111-43. Nothing in this section shall be construed to remove an  
17 exemption granted in G.S. 111-42(c)."

18           **SECTION 12.(c)** G.S. 146-29.1 is amended by adding a new subsection to read:

19           "(i) This section shall not apply to leases entered into by the Department of Health and  
20 Human Services for the operation of food and vending services under Article 3 of Chapter 111  
21 of the General Statutes."

22           **SECTION 13.(a)** G.S. 90-92(a) reads as rewritten:

23           "(a) This schedule includes the controlled substances listed or to be listed by whatever  
24 official name, common or usual name, chemical name, or trade name designated. In  
25 determining that a substance comes within this schedule, the Commission shall find: a low  
26 potential for abuse relative to the substances listed in Schedule III of this Article; currently  
27 accepted medical use in the United States; and limited physical or psychological dependence  
28 relative to the substances listed in Schedule III of this Article. The following controlled  
29 substances are included in this schedule:

30           ...

- 31           (5) Narcotic Drugs. – Unless specifically excepted or unless listed in another  
32 schedule, any material, compound, mixture, or preparation containing  
33 limited quantities of any of the following narcotic drugs, or any salts thereof:  
34           a. Not more than 1 milligram of difenoxin and not less than 25  
35           micrograms of atropine sulfate per dosage unit.  
36           b. Buprenorphine.  
37           c. 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its  
38 salts, optical and geometric isomers, and salts of these isomers  
39 (including tramadol)."

40           **SECTION 13.(b)** If House Bill 464, 2017 Regular Session, becomes law, the  
41 sub-subdivision c. added to G.S. 90-92(a)(5) by Section 6 of that act is repealed.

42           **SECTION 13.(c)** This section becomes effective December 1, 2017, and  
43 subsection (a) of this section applies to offenses committed on or after that date.

44           **SECTION 14.** G.S. 90-113.74 reads as rewritten:

45 **"§ 90-113.74. Confidentiality.**

46           (a) Prescription information submitted to the Department is privileged and confidential,  
47 is not a public record pursuant to G.S. 132-1, is not subject to subpoena or discovery or any  
48 other use in civil proceedings, and except as otherwise provided below may only be used (i) for  
49 investigative or evidentiary purposes related to violations of State or federal law, (ii) for  
50 regulatory activities, or (iii) to inform medical records or clinical care. Except as otherwise

1 provided by this section, prescription information shall not be disclosed or disseminated to any  
2 person or entity by any person or entity authorized to review prescription information.

3 (b) The Department may use prescription information data in the controlled substances  
4 reporting system only for purposes of implementing this Article in accordance with its  
5 provisions.

6 (b1) The Department may review the prescription information data in the controlled  
7 substances reporting system and upon review may:

8 (1) Notify practitioners that a patient may have obtained prescriptions for  
9 controlled substances in a manner that may represent abuse, diversion of  
10 controlled substances, or an increased risk of harm to the patient.

11 (2) Report information regarding the prescribing practices of a practitioner to  
12 the agency responsible for licensing, registering, or certifying the  
13 practitioner pursuant to rules adopted by the agency as set forth below in  
14 subsection (b2) of this section.

15 (b2) In order to receive a report pursuant to subdivision (2) of subsection (b1) of this  
16 section, an agency responsible for licensing, registering, or certifying a practitioner with  
17 prescriptive or dispensing authority shall adopt rules setting the criteria by which the  
18 Department may report the information to the agency. The criteria for reporting established by  
19 rule shall not establish the standard of care for prescribing or dispensing, and it shall not be a  
20 basis for disciplinary action by an agency that the Department reported a practitioner to an  
21 agency based on the criteria.

22 (c) The Department shall release data in the controlled substances reporting system to  
23 the following persons only:

24 (1) Persons authorized to prescribe or dispense controlled substances for the  
25 purpose of providing medical or pharmaceutical care for their patients. A  
26 person authorized to receive data pursuant to this paragraph may delegate  
27 the authority to receive the data to other persons working under his or her  
28 direction and supervision, provided the Department approves the delegation.

29 (2) An individual who requests the individual's own controlled substances  
30 reporting system information.

31 (3) Special agents of the North Carolina State Bureau of Investigation who are  
32 assigned to the Diversion & Environmental Crimes Unit and whose primary  
33 duties involve the investigation of diversion and illegal use of prescription  
34 medication. SBI agents assigned to the Diversion & Environmental Crimes  
35 Unit may then provide this information to other SBI agents who are engaged  
36 in a bona fide specific investigation related to enforcement of laws  
37 governing licit drugs. The SBI shall notify the Office of the Attorney  
38 General of North Carolina of each request for inspection of records  
39 maintained by the Department.

40 (4) Primary monitoring authorities for other states pursuant to a specific ongoing  
41 investigation involving a designated person, if information concerns the  
42 dispensing of a Schedule II through V controlled substance to an ultimate  
43 user who resides in the other state or the dispensing of a Schedule II through  
44 V controlled substance prescribed by a licensed health care practitioner  
45 whose principal place of business is located in the other state.

46 (5) To a sheriff or designated deputy sheriff or a police chief or a designated  
47 police investigator who is assigned to investigate the diversion and illegal  
48 use of prescription medication or pharmaceutical products identified in  
49 Article 5 of this Chapter of the General Statutes as Schedule II through V  
50 controlled substances and who is engaged in a bona fide specific



1 investigation related to the enforcement of laws governing licit drugs  
 2 pursuant to a lawful court order specifically issued for that purpose.

3 (6) The Division of Medical Assistance for purposes of administering the State  
 4 Medical Assistance Plan.

5 (7) Licensing boards with jurisdiction over health care disciplines pursuant to an  
 6 ongoing investigation by the licensing board of a specific individual licensed  
 7 by the board.

8 (8) Any county medical examiner appointed by the Chief Medical Examiner  
 9 pursuant to G.S. 130A-382 and the Chief Medical Examiner, for the purpose  
 10 of investigating the death of an individual.

11 (9) The federal Drug Enforcement Administration's Office of Diversion Control.

12 (10) The North Carolina Health Information Exchange Authority (NC HIE  
 13 Authority), established under Article 29B of this Chapter, through  
 14 Web-service calls.

15 (11) The North Carolina State Opioid Treatment Authority for purposes of  
 16 approving, denying, or evaluating programs.

17 ...

18 (f) The Department shall, on a quarterly basis, purge from the controlled substances  
 19 reporting system database all information more than six years old. The Department shall  
 20 maintain in a separate database all information purged from the controlled substances reporting  
 21 system database pursuant to this subsection and may release data from that separate database  
 22 only as provided in subsection (d) of this section.

23 ...."

24 **SECTION 15.(a)** Section 7.18(b) of S.L. 2008-107 is repealed.

25 **SECTION 15.(b)** Section 31.7(b) of S.L. 2015-241 reads as rewritten:

26 **"SECTION 31.7.(b)** Reporting. – The following reports are required:

27 (1) By ~~October 1, 2015~~, October 15, 2017, and every six months thereafter, each  
 28 State agency shall report on the status of agency capital projects to the Joint  
 29 Legislative Commission on Governmental Operations.

30 (2) By ~~October 1, 2015~~, October 15, 2017, and quarterly thereafter, each State  
 31 agency shall report on the status of agency capital projects to the Fiscal  
 32 Research Division of the General Assembly and to the Office of State  
 33 Budget and Management."

34 **SECTION 16.** G.S. 143-47.7 reads as rewritten:

35 **"§ 143-47.7. Notice and record of appointment required.**

36 (a) Within 30 days after acceptance of appointment by a person appointed to public  
 37 office, the appointing authority shall file written notice of the appointment with the Governor,  
 38 the Secretary of State, the Legislative Library, ~~the State Library~~, the State Ethics Commission,  
 39 and the State Controller. For the purposes of this section, a copy of the letter from the  
 40 appointing authority, a copy of the properly executed notice of appointment as set forth in  
 41 subsection (c) of this section, or a copy of the properly executed Commission of Appointment  
 42 shall be sufficient to be filed if the copy contains the information required in subsection (b) of  
 43 this section.

44 (b) The notice required by this Article shall contain the following information:

45 (1) The name and office of the appointing authority;

46 (2) The public office to which the appointment is made;

47 (3) The name and address of the appointee;

48 (4) The county of residence of the appointee;

49 (5) The citation to the law or other authority authorizing the appointment;

50 (6) The specific statutory qualification for the public office to which the  
 51 appointment is made, if applicable;

- 1 (7) The name of the person the appointee replaces, if applicable;
- 2 (8) The date the term of the appointment begins; and
- 3 (9) The date the term of the appointment ends.

4 (c) The following form may be used to comply with the requirements of this section:

5 "NOTICE OF APPOINTMENT

6 Notice is given that \_\_\_\_\_ is hereby appointed to the following  
7 Name

8 public office:

9 Public Office: \_\_\_\_\_

10 Citation to Law or Other Authority Authorizing the Appointment:

11 \_\_\_\_\_  
12 Specific Statutory Qualification for the Public Office, if Applicable:

13 \_\_\_\_\_  
14 Address of the Appointee: \_\_\_\_\_

15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 County of Residence of the Appointee: \_\_\_\_\_

18 Date Term of Appointment Begins: \_\_\_\_\_

19 Date Term of Appointment Ends: \_\_\_\_\_

20 Name of Person the Appointee Replaces, if applicable:  
21 \_\_\_\_\_

22 \_\_\_\_\_  
23 Date of Appointment

\_\_\_\_\_ Signature

\_\_\_\_\_ Office of Appointing Authority

24  
25  
26 Distribution:

27 Governor

28 Secretary of State

29 Legislative Library

30 ~~State Library~~

31 State Ethics Commission

32 State Controller"

33 **SECTION 17.(a)** Subdivision (3) of G.S. 143-320 is recodified as subdivision (3a)  
34 of G.S. 143B-135.44.

35 **SECTION 17.(b)** Subsections (a) and (d) of G.S. 143-323 are recodified as  
36 subsections (a) and (b) of G.S. 143B-135.58, to be entitled "Additional powers and duties of the  
37 Department regarding recreation."

38 **SECTION 17.(c)** G.S. 143B-135.58, as enacted by subsection (b) of this section,  
39 reads as rewritten:

40 "**§ 143B-135.58. Additional powers and duties of the Department regarding recreation.**

41 (a) Recreation. – The Department of ~~Environmental Quality~~ shall have the following  
42 powers and duties with respect to recreation:

- 43 (1) To study and appraise the recreation needs of the State and to assemble and  
44 disseminate information relative to recreation.
- 45 (2) To cooperate in the promotion and organization of local recreation systems  
46 for counties, municipalities, and other political subdivisions of the State, to  
47 aid them in the administration, finance, planning, personnel, coordination  
48 and cooperation of recreation organizations and programs.
- 49 (3) To aid in recruiting, training, and placing recreation workers, and to promote  
50 recreation institutes and conferences.
- 51 (4) To establish and promote recreation standards.

- 1 (5) To cooperate with appropriate State, federal, and local agencies and private  
2 membership groups and commercial recreation interests in the promotion of  
3 recreation opportunities, and to represent the State in recreation conferences,  
4 study groups, and other matters of recreation concern.
- 5 (6) To accept gifts, devises, and endowments. The funds, if given as an  
6 endowment, shall be invested in securities designated by the donor, or if  
7 there is no such designation, in securities in which the State sinking fund  
8 may be invested. All such gifts and devises and all proceeds from such  
9 invested endowments shall be used for carrying out the purposes for which  
10 they were made.
- 11 (7) To advise agencies, departments, organizations and groups in the planning,  
12 application and use of federal and State funds which are assigned or  
13 administered by the State for recreation programs and services on land and  
14 water recreation areas and on which the State renders advisory or other  
15 recreation services or upon which the State exercises control.
- 16 (8) To act jointly, when advisable, with any other State, local or federal agency,  
17 institution, private individual or group in order to better carry out the  
18 Department's objectives and responsibilities.

19 (b) Federal Assistance. – The Department, with the approval of the Governor, may  
20 apply for and accept grants from the federal government and its agencies and from any  
21 foundation, corporation, association, or individual, and may comply with the terms, conditions,  
22 and limitations of the grant, in order to accomplish any of the purposes of the Department.  
23 Grant funds shall be expended pursuant to the ~~Executive Budget Act~~ State Budget Act. The  
24 Director of the Department's Division of Parks and Recreation shall be designated as having the  
25 authority and responsibility to accept and administer funding through the federal Land and  
26 Water Conservation Fund or any successor fund established for similar purposes, and the  
27 Secretary may designate additional personnel to assist the Director in the responsibilities  
28 imposed by this subsection."

29 **SECTION 17.(d)** G.S. 143-166.13(a) reads as rewritten:

30 "(a) The following persons who are subject to the Criminal Justice Training and  
31 Standards Act are entitled to benefits under this Article:

32 ...  
33 (21) Sworn State Law Enforcement Officers with the power of arrest, Department  
34 of Natural and Cultural Resources."

35 **SECTION 18.** G.S. 143-548 reads as rewritten:

36 "**§ 143-548. Vocational Rehabilitation Council.**

37 ...  
38 (d1) Terms of Appointment. –

- 39 (1) Length of Term. – Each member of the Council shall serve for a term of not  
40 more than three years, except that:
- 41 a. A member appointed to fill a vacancy occurring prior to the  
42 expiration of the term for which a predecessor was appointed shall be  
43 appointed for the remainder of that term;
- 44 b. The terms of service of the members initially appointed are as  
45 specified by the appointing authority for a fewer number of years as  
46 will provide for the expiration of terms on a staggered basis and shall  
47 include the members of the existing Council to the extent possible  
48 with appropriate adjustments to their terms;
- 49 c. The appointing authority shall have the power to remove any  
50 member of the Council from office in accordance with the provisions  
51 of G.S. 143B-16; and

d. A member may continue to serve until a successor for the position is appointed;

- (2) Number of Terms. – No member of the Council other than the representative of the Client Assistance ~~Program~~ Program, the representative of a parent training and information center, and the representative of the directors of projects carried out under section 121 of the Rehabilitation Act of 1973, 29 U.S.C. § 741, as amended, may serve more than two consecutive full terms.

...."

**SECTION 19.** G.S. 143B-68 reads as rewritten:

**"§ 143B-68. Public Librarian Certification Commission – members; selection; quorum; compensation.**

The Public Librarian Certification Commission of the Department of Natural and Cultural Resources shall consist of five members as follows: (i) ~~the chairman of the North Carolina Association of Library Trustees,~~ (ii) the chairman of the public libraries section of the North Carolina Library Association, ~~(iii) an individual~~ (ii) two individuals named by the Governor upon the nomination of the North Carolina Library Association, ~~(iv)~~ (iii) the dean of a State or regionally accredited graduate school of librarianship in North Carolina appointed by the Governor and ~~(v)~~ (iv) one member at large appointed by the Governor.

The members shall serve four-year terms or while holding the appropriate ~~chairmanships~~ chairmanship. Any appointment to fill a vacancy created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, and nonfeasance according to the provisions of G.S. 143B-13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem, and necessary travel expenses in accordance with the provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of the Department through the regular staff of the Department."

**SECTION 20.(a)** The title of Part 39 of Article 2 of Chapter 143B of the General Statutes reads as rewritten:

"North Carolina Zoological ~~Park Council~~ Park."

**SECTION 20.(b)** Part 39 of Article 2 of Chapter 143B of the General Statutes, as amended by subsection (a) of this section, is amended by adding a new section to read:

**"§ 143B-135.204. Powers and duties of the Secretary.**

(a) Operation of Park. – The Secretary of the Department of Natural and Cultural Resources may adopt rules governing the operation of the Zoological Park, including rules regulating its use and enjoyment by the public. Nothing in this subsection is intended to limit the power of the North Carolina Zoological Park Council to establish and set admissions fees as set forth in G.S. 143B-135.205.

(b) Park Property. – The Secretary of the Department of Natural and Cultural Resources may acquire, dispose of, and develop Zoological Park property, both real and personal. A sale, lease, or trade under this subsection must be conducted in accordance with generally accepted practices for zoos and aquariums that are accredited by the American Association of Zoos and Aquariums."

**SECTION 21.** G.S. 143B-135.234(a) reads as rewritten:

"(a) Fund Established. – The Clean Water Management Trust Fund is established as a special revenue fund to be administered by the Department of ~~Environmental Quality~~ Natural and Cultural Resources. The Fund receives revenue from the following sources and may receive revenue from other sources:

...."

1           **SECTION 21.4.(a)** G.S. 147-86.70 reads as rewritten:

2   "**§ 147-86.70. Policy and definitions.**

3           ...  
4           (b)   Definitions. – The following definitions apply in this section:

5           ...  
6           (11)   Representative payee. – Any individual who has been designated as a  
7                representative payee for an eligible individual by the Social Security  
8                Administration pursuant to 42 U.S.C. § 1007."

9           **SECTION 21.4.(b)** G.S. 147-86.71 reads as rewritten:

10  "**§ 147-86.71. ABLÉ Program.**

11           ...  
12           (b)   Accounts. – The following provisions apply to an ABLÉ account:

13           (1)   An account ~~owner or contributor~~owner, contributor, or representative payee  
14                may establish an account by making an initial contribution to the ABLÉ  
15                Program Trust, signing an application form approved by the Board or its  
16                designee, and naming the designated beneficiary. If the contributor is not the  
17                account owner, the account owner or the account owner's guardian, trustee,  
18                or agent shall also sign the application form.

19           ...  
20           (d)   Limitations. – The Board, in administering the ABLÉ Program Trust, shall ensure  
21                each of the following:

22           ...  
23           (9)   A ~~trustee~~trustee, representative payee, or guardian appointed as a signatory  
24                of an ABLÉ account does not have or acquire any beneficial interest in the  
25                account and administers the account for the benefit of the designated  
26                beneficiary."

27           **SECTION 21.5(a)** G.S. 95-25.8 reads as rewritten:

28  "**§ 95-25.8. Withholding of wages.**

29           ...  
30           (a1)   Notwithstanding subsection (a) of this section and except as provided in  
31                G.S. 143B-426.40A and under federal law, an employer shall not withhold or divert any portion  
32                of an employee's wages for the purpose of paying a membership fee or dues to a membership  
33                association organized under 26 U.S.C. § 501(c)(5) or 26 U.S.C. § 501(c)(6).

34           ...."

35           **SECTION 21.5.(b)** G.S. 95-79 reads as rewritten:

36  "**§ 95-79. Certain agreements declared illegal.**

37           ...  
38           (b)   Any provision that directly or indirectly conditions the purchase of agricultural  
39                ~~products or products,~~ the terms of an agreement for the purchase of agricultural ~~products~~  
40                products, or the terms of an agreement not to sue or to settle litigation upon an agricultural  
41                producer's status as a union or nonunion employer or entry into or refusal to enter into an  
42                agreement with a labor union or labor organization is invalid and unenforceable as against  
43                public policy in restraint of trade or commerce in the State of North Carolina. For purposes of  
44                this subsection, the term "agricultural producer" means any producer engaged in any service or  
45                activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938,  
46                29 U.S.C. § 203, or section 3121(g) of the Internal Revenue Code of 1986, 26 U.S.C. § 3121."

47           **SECTION 21.5.(c)** Subsection (a) of this section is effective when it becomes law  
48                and applies to agreements between employers and employees or membership associations  
49                entered into, renewed, or extended on or after that date. Subsection (b) of this section is  
50                effective when it becomes law and applies to agreements and settlements entered into, renewed,  
51                or extended on or after that date.

1           **SECTION 22.(a)** G.S. 153A-335, as amended by Section 2.5(a) of S.L. 2017-10,  
2 reads as rewritten:

3 **"§ 153A-335. "Subdivision" defined.**

4 ...

5       (c) The county ~~may~~shall require only a plat for recordation for the division of a tract or  
6 parcel of land in single ownership if all of the following criteria are met:

- 7           (1) The tract or parcel to be divided is not exempted under subdivision (2) of  
8 subsection (a) of this section.
- 9           (2) No part of the tract or parcel to be divided has been divided under this  
10 subsection in the 10 years prior to division.
- 11           (3) The entire area of the tract or parcel to be divided is greater than five acres.
- 12           (4) After division, no more than three lots result from the division.
- 13           (5) After division, all resultant lots comply with all of the following:
  - 14               a. Any lot dimension size requirements of the applicable land-use  
15 regulations, if any.
  - 16               b. The use of the lots is in conformity with the applicable zoning  
17 requirements, if any.
  - 18               c. ~~A~~Each lot either fronts an existing public right-of-way or may be  
19 accessed by a recorded permanent means of ingress and egress~~is~~  
20 ~~recorded for each lot~~egress, and such is indicated on the plat."

21           **SECTION 22.(b)** G.S. 160A-376, as amended by Section 2.5(b) of S.L. 2017-10,  
22 reads as rewritten:

23 **"§ 160A-376. Definition.**

24 ...

25       (c) The city ~~may~~shall require only a plat for recordation for the division of a tract or  
26 parcel of land in single ownership if all of the following criteria are met:

- 27           (1) The tract or parcel to be divided is not exempted under subdivision (2) of  
28 subsection (a) of this section.
- 29           (2) No part of the tract or parcel to be divided has been divided under this  
30 subsection in the 10 years prior to division.
- 31           (3) The entire area of the tract or parcel to be divided is greater than five acres.
- 32           (4) After division, no more than three lots result from the division.
- 33           (5) After division, all resultant lots comply with all of the following:
  - 34               a. Any lot dimension size requirements of the applicable land-use  
35 regulations, if any.
  - 36               b. The use of the lots is in conformity with the applicable zoning  
37 requirements, if any.
  - 38               c. ~~A~~Each lot either fronts an existing public right-of-way or may be  
39 accessed by a recorded permanent means of ingress and egress~~is~~  
40 ~~recorded for each lot~~egress, and such is indicated on the plat."

41           **SECTION 22.(c)** Section 2.5(c) of S.L. 2017-10 reads as rewritten:

42 **"SECTION 2.5.(c)** This section becomes effective ~~July 1, 2017~~August 1, 2017."

43           **SECTION 22.(d)** Subsection (c) of this section becomes effective July 1, 2017.  
44 The remainder of this section becomes effective August 1, 2017.

45           **SECTION 23.(a)** G.S. 159-32 reads as rewritten:

46 **"§ 159-32. Daily deposits.**

47       Except as otherwise provided by law, all taxes and other moneys collected or received by  
48 an officer or employee of a local government or public authority shall be deposited in  
49 accordance with this section. Each officer and employee of a local government or public  
50 authority whose duty it is to collect or receive any taxes or other moneys ~~shall~~shall, on a daily  
51 basis, deposit his~~or~~ submit to a properly licensed and recognized cash collection service all

1 collections and ~~receipts daily. If receipts.~~ However, if the governing board gives its approval,  
2 deposits or submissions to a properly licensed and recognized cash collection service shall be  
3 required only when the moneys on hand amount to ~~as much as two hundred fifty dollars~~  
4 ~~(\$250.00), but in any event a deposit shall be made on the last business day of the month.~~  
5 (\$250.00) or greater. Until deposited or officially submitted to a properly licensed and  
6 recognized cash collection service, all moneys must be maintained in a secure location. All  
7 deposits shall be made with the finance officer or in an official depository. Deposits in an  
8 official depository shall be immediately reported to the finance officer by means of a duplicate  
9 deposit ticket. The finance officer may at any time audit the accounts of any officer or  
10 employee collecting or receiving taxes or other moneys, and may prescribe the form and detail  
11 of these accounts. The accounts of such an officer or employee shall be audited at least  
12 annually."

13 **SECTION 23.(b)** This section becomes effective October 1, 2018.

14 **SECTION 24.** Section 3 of S.L. 2016-81 reads as rewritten:

15 "**SECTION 3.** This act becomes effective ~~October 1, 2015.~~October 1, 2016."

16 **SECTION 25.** Section 3.3 of S.L. 2017-10 reads as rewritten:

17 "**SECTION 3.3.** The Division of Waste Management of the Department of Environmental  
18 Quality shall examine whether solid waste management activities in the State are being  
19 conducted in a manner most beneficial to the citizens of the State in terms of efficiency and  
20 cost-effectiveness, with a focus on solid waste disposal capacity across the State, particularly  
21 areas of the State that have insufficient disposal capacity, as well as areas of the State with  
22 disposal capacity that is underutilized, resulting in transport of waste to other jurisdictions. The  
23 Department shall develop economic estimates of the short- and long-term costs of waste  
24 transport in these situations versus full utilization of capacity, or expansion of capacity, in the  
25 originating jurisdiction. The Department shall also provide information on landfill capacity that  
26 is permitted but not yet constructed and expansion opportunities for future landfill capacity.  
27 The Department shall submit a report, including any legislative recommendations, to the  
28 Environmental Review Commission no later than ~~May 1, 2017.~~March 1, 2018."

29 **SECTION 26.** Except as otherwise provided in this act, this act is effective when it  
30 becomes law.