

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 582  
House Committee Substitute Favorable 6/28/17  
Third Edition Engrossed 6/28/17  
Proposed Conference Committee Substitute S582-PCCS15256-ML-3

Short Title: Budget & Agency Technical Corrections.

(Public)

Sponsors:

Referred to:

April 4, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT (I) TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO  
3 THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2017 AND TO RELATED  
4 LEGISLATION AND (II) TO MAKE AGENCY TECHNICAL CORRECTIONS.

5 The General Assembly of North Carolina enacts:

6  
7 **PART I. GENERAL PROVISIONS**

8 **SECTION 1.1.** Section 5.3(e) of S.L. 2017-57 reads as rewritten:

9 "SECTION 5.3.(e) Grant funds awarded under this section shall be subject to a matching  
10 requirement from the recipient county as follows:

- 11 (1) For a county designated as a development tier one area, the grant shall not  
12 exceed three dollars (\$3.00) in grant funds for every one dollar (\$1.00)  
13 provided by the county. Grant funds awarded to a tier one county shall not  
14 exceed fifteen million dollars (\$15,000,000).  
15 (2) For a county designated as a development tier two area, the grant shall not  
16 exceed one dollar (\$1.00) for every one dollar (\$1.00) in grant funds  
17 provided by the county. Grant funds awarded to a tier two county shall not  
18 exceed ten million dollars (\$10,000,000).

19 Grant funds shall be used for the construction of new capital projects school buildings only.  
20 Grant funds shall not be used for real property acquisition or for operational lease agreements.  
21 Notwithstanding subdivision (2) of this subsection, grant funds shall only be awarded to  
22 development tier one counties until the 2020-2021 fiscal year. Grant funds shall not be awarded  
23 to any county that has received over eight million seven hundred fifty thousand dollars  
24 (\$8,750,000) in funds from the Public School Building Capital Fund from the 2012-2013 fiscal  
25 year to the 2016-2017 fiscal year."

26 **SECTION 1.2.** Section 3 of S.L. 2017-119 reads as rewritten:

27 "SECTION 3. Implementation. – The following actions and policy shall be taken to  
28 implement this section:

29 ...

- 30 (7) All the following shall apply to the funds allocated to the Lumber River  
31 Council of Government as provided in sub-subdivision (1)b. of Section 1 of  
32 this act:  
33 a. The Housing Finance Agency (HFA) shall coordinate with the  
34 Lumber River Council of Government (COG) to create a 30- to



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1                   ~~35-unit~~36-unit multifamily affordable housing complex (housing  
2                   complex) within the Fair Bluff Town limits. All funds allocated to  
3                   the COG under this act shall be used solely for the development,  
4                   management, maintenance, and preservation of the housing complex.  
5                   When filling units in the affordable housing complex, priority shall  
6                   be given to low-income residents of Fair Bluff affected by the  
7                   flooding and damage caused by Hurricane Matthew.

8                   ...."

9                   **SECTION 1.3.** Section 3 of S.L. 2017-137 reads as rewritten:

10                   "**SECTION 3.** ~~This Section 2.5 of this act becomes effective January 1, 2018. The~~  
11 ~~remainder of this act becomes effective October 1, 2017. Section 2017, and Section 1 applies to~~  
12 ~~plans prepared for acquisitions policies issued or renewed on or after the effective that date.~~"

13                   **SECTION 1.4.** The Department of Administration shall study the utilization of  
14 buildings by State agencies in the downtown Raleigh area and report its findings to the Joint  
15 Legislative Committee on Governmental Operations no later than April 1, 2018.

## 16 17 **PART II. EDUCATION**

18                   **SECTION 2.1.** G.S. 115D-5(x), as enacted by Section 7.22(g) of S.L. 2017-57,  
19 reads as rewritten:

20                   "(x) In addition to the evaluation of cooperative innovative high schools by the State  
21 Board of Education pursuant to G.S. 115C-238.55, the State Board of Community Colleges, in  
22 conjunction with the State Board of Education and the Board of Governors of The University  
23 of North Carolina, shall evaluate the success of students participating in the Career and College  
24 Promise Program, including the College Transfer pathway and the Career and Technical  
25 Education pathway. Success shall be measured by high school retention rates, high school  
26 completion rates, high school dropout rates, certification and associate degree completion,  
27 admission to four-year institutions, postgraduation employment in career or study-related  
28 fields, and employer satisfaction of employees who participated in the programs. The Boards  
29 shall jointly report by ~~January~~March 15 of each year to the Joint Legislative Education  
30 Oversight Committee."

31                   **SECTION 2.2.** G.S. 115C-64.17(c), as enacted by Section 7.23F(b) of S.L.  
32 2017-57, reads as rewritten:

33                   "(c) Selection of Recipients. – For the 2017-2018 fiscal year, the Commission shall  
34 accept applications for a grant until November ~~1, 30,~~ 2017. For subsequent fiscal years that  
35 funds are made available for the Program, the Commission shall accept applications for a grant  
36 until August 1 of each year. The Commission shall select recipients in a manner that considers  
37 diversity among the pool of applicants, including geographic location, location of industries in  
38 the area in which a local school administrative unit is located, and the size of the student  
39 population served by the unit, in order to award funds to the extent possible to grant recipients  
40 that represent different regions and characteristics of the State. The Commission shall  
41 recommend recipients of the grants to the State Board of Education. The State Board, upon  
42 consultation with the Superintendent of Public Instruction, shall approve the recipients of grant  
43 awards."

44                   **SECTION 2.3.(a)** Section 8.2(b) of S.L. 2017-57 reads as rewritten:

45                   "**SECTION 8.2.(b)** This section applies to teachers entering the profession in the  
46 2017-2018 fiscal year ~~year~~ who were hired prior to the effective date of Section 8.2A of this  
47 act."

48                   **SECTION 2.3.(b)** S.L. 2017-57 is amended by adding a new section to read:

49 **SUPPORT FOR LATER-HIRED HIGHLY QUALIFIED NC TEACHING**  
50 **GRADUATES**

1 "SECTION 8.2A.(a) For purposes of this section, a "highly qualified graduate" or  
2 "graduate" is an individual entering the teaching profession and hired on or after the effective  
3 date of this section who has graduated from an approved educator preparation program located  
4 in North Carolina with both of the following criteria:

- 5 (1) A grade point average of 3.75 or higher on a 4.0 scale, or its equivalent.
- 6 (2) A score of the following or higher on an edTPA assessment or an equivalent  
7 score on a nationally normed and valid pedagogy assessment used to  
8 determine clinical practice performance:
  - 9 a. A score of 42 for the World Languages and Classical Languages  
10 edTPA assessment.
  - 11 b. A score of 57 for the Elementary Education edTPA assessment.
  - 12 c. A score of 48 for all other edTPA assessments.

13 Notwithstanding Section 8.1(a) of this act, a highly qualified graduate who is employed by  
14 a local board of education shall receive a salary supplement each month at the highest level for  
15 which the graduate qualifies, as follows:

- 16 (1) A graduate accepts initial employment at a school identified as  
17 low-performing by the State Board of Education pursuant to  
18 G.S. 115C-105.37 shall receive a salary supplement during the graduate's  
19 first three years of employment as a teacher, without a break in service,  
20 equivalent to the difference between the State-funded salary of the graduate  
21 and the State-funded salary of a similarly situated teacher with three years of  
22 experience on the "A" Teachers salary schedule, as long as the graduate (i)  
23 remains teaching at the same school or (ii) accepts subsequent employment  
24 at another low-performing school or local school administrative unit  
25 identified as low-performing.
- 26 (2) A graduate licensed and employed to teach in the areas of special education,  
27 science, technology, engineering, or mathematics shall receive a salary  
28 supplement during the graduate's first two years of employment as a teacher,  
29 without a break in service, equivalent to the difference between the  
30 State-funded salary of the graduate and the State-funded salary of a similarly  
31 situated teacher with two years of experience on the "A" Teachers salary  
32 schedule, as long as the graduate continues teaching in one of those areas.
- 33 (3) All other graduates shall receive a salary supplement during the graduate's  
34 first year of employment as a teacher, without a break in service, equivalent  
35 to the difference between the State-funded salary of the graduate and the  
36 State-funded salary of a similarly situated teacher with one year of  
37 experience on the "A" Teachers salary schedule.

38 "SECTION 8.2A.(b) This section is effective when it becomes law and applies to teachers  
39 entering the profession in the 2017-2018 fiscal year hired on or after that date."

40 SECTION 2.4.(a) Section 8.3(c) of S.L. 2017-57 reads as rewritten:

41 "SECTION 8.3.(c) A principal compensated in accordance with this section for the  
42 2017-2018 fiscal year shall receive an amount equal to the greater of the following:

- 43 (1) The applicable amount determined pursuant to subsection (a) of this section.
- 44 (2) For principals who were eligible for longevity in the 2016-2017 fiscal year,  
45 the sum of the following:
  - 46 a. The salary the principal received in the 2016-2017 fiscal year  
47 pursuant to Section 9.1 or Section 9.2 of S.L. 2016-94.
  - 48 b. The longevity that the principal would have received as provided for  
49 State employees under the North Carolina Human Resources Act for  
50 the 2016-2017 fiscal year based on the principal's current years of  
51 service.

- 1 (3) For principals who were not eligible for longevity in the 2016-2017 school  
2 fiscal year, the salary the principal received in the 2016-2017 fiscal year  
3 pursuant to Section 9.1 or Section 9.2 of S.L. 2016-94."

4 **SECTION 2.4.(b)** Section 8.5(e) of S.L. 2017-57 reads as rewritten:

5 "**SECTION 8.5.(e)** An assistant principal compensated in accordance with this section for  
6 the 2017-2018 fiscal year shall receive an amount equal to the greater of the following:

- 7 (1) The applicable amount determined pursuant to subsections (a) through (c) of  
8 this section.  
9 (2) For assistant principals who were eligible for longevity in the 2016-2017  
10 fiscal year, the sum of the following:  
11 a. The salary the assistant principal received in the 2016-2017 fiscal  
12 year pursuant to Section 9.1 or Section 9.2 of S.L. 2016-94.  
13 b. The longevity that the assistant principal would have received as  
14 provided for State employees under the North Carolina Human  
15 Resources Act for the 2016-2017 fiscal year based on the assistant  
16 principal's current years of service.  
17 (3) For assistant principals who were not eligible for longevity in the 2016-2017  
18 fiscal year, the salary the assistant principal received in the 2016-2017 fiscal  
19 year pursuant to Section 9.1 or Section 9.2 of S.L. 2016-94."

20 **SECTION 2.4.(c)** This section is effective when it becomes law and applies  
21 retroactively to July 1, 2017.

### 22 23 **PART III. HEALTH AND HUMAN SERVICES**

24 **SECTION 3.1.** Section 12F.1 of S.L. 2016-94 reads as rewritten:

25 "**SECTION 12F.1.(a)** Definitions. – As used in this section, the following terms have the  
26 following meanings:

- 27 (1) Department. – The North Carolina Department of Health and Human  
28 Services.  
29 (2) FQHC. – A federally qualified health center located in this State.  
30 (3) Prescriber. – Anyone authorized to prescribe drugs pursuant to the laws of  
31 this State.  
32 (4) Program participant. – An individual who (i) has been clinically assessed  
33 and diagnosed with opioid addiction, (ii) is selected by an FQHC to  
34 participate in the pilot program authorized by this section, and (iii) as part of  
35 the pilot program, receives the nonnarcotic, nonaddictive, extended-release,  
36 injectable formulation of opioid antagonist approved by the United States  
37 Food and Drug Administration for the prevention of relapse to opioid  
38 dependence.  
39 ~~(5) Randomized control group member. – An individual who (i) has been~~  
40 ~~clinically assessed and diagnosed with opioid addiction, (ii) is selected by a~~  
41 ~~FQHC to participate in the pilot program authorized by this section, and (iii)~~  
42 ~~as part of the pilot program, does not receive the nonnarcotic, nonaddictive,~~  
43 ~~extended-release, injectable formulation of opioid antagonist approved by~~  
44 ~~the United States Food and Drug Administration for the prevention of~~  
45 ~~relapse to opioid dependence.~~

46 "**SECTION 12F.1.(b)** Pilot Program. – The Department shall oversee the administration of  
47 a three-year pilot program to be conducted by designated FQHCs to address North Carolina's  
48 growing opioid addiction and overdose crisis. The goal of the pilot program is to study the  
49 effectiveness of combining behavioral therapy with the utilization of a nonnarcotic,  
50 nonaddictive, extended-release, injectable formulation of opioid antagonist approved by the  
51 United States Food and Drug Administration for the prevention of relapse to opioid

1 dependence. In conducting the pilot program, selected FQHCs may collaborate with the  
2 Department, the North Carolina Institute of Medicine (NCIOM), and any other qualified entity  
3 or State agency that may be of assistance in accomplishing the objectives of the pilot program.  
4 Prior to the initiation of this pilot program, the Department shall, in collaboration with the  
5 NCIOM or any other qualified entity, determine the number of program participants ~~and~~  
6 ~~randomized control group members~~ needed to participate in the pilot program in order to ensure  
7 sufficient statistical significance to support any conclusions about the effectiveness of the pilot  
8 program.

9 **"SECTION 12F.1.(c)** Selection of Participating FQHCs. – Not later than 30 days after the  
10 effective date of this section, the Department shall select a minimum of three and not more than  
11 five FQHCs located in different areas of the State to participate in the pilot program authorized  
12 by this section, giving first priority to FQHCs that have received supplemental grant funds from  
13 the United States Department of Health and Human Services, Health Resources and Services  
14 Administration, for substance abuse service expansion with a focus on medication-assisted  
15 treatment in opioid use disorders.

16 **"SECTION 12F.1.(d)** Selection of Program Participants. – Not later than 60 days after the  
17 effective date of this section, the Department shall develop, in collaboration with the NCIOM  
18 or any other qualified entity, a methodology for selecting program participants ~~and randomized~~  
19 ~~control group members~~ at each FQHC. Only individuals who have been clinically assessed and  
20 diagnosed with opioid addiction may be selected and treated as program ~~participants and~~  
21 ~~randomized control group members.~~ participants. Individuals who have been referred from local  
22 criminal justice agencies may be selected as program ~~participants and randomized control~~  
23 ~~group members.~~ participants.

24 **"SECTION 12F.1.(e)** Treatment Standards. – As a condition of participating in the pilot  
25 program authorized by this section, each FQHC shall sign a written participation agreement  
26 provided by the Department that requires the FQHC to adhere to at least all of the following  
27 treatment standards for the duration of its participation in the pilot program:

- 28 (1) Treatment may be provided to program participants ~~and randomized control~~  
29 ~~group members~~ only by a treatment provider who is affiliated with a  
30 participating FQHC.
- 31 (2) Only individuals who have been clinically assessed and diagnosed with  
32 opioid addiction may be selected and treated as program ~~participants and~~  
33 ~~randomized control group members.~~ participants.
- 34 (3) Treatment providers at participating FQHCs shall do all of the following:
  - 35 a. Provide treatment based on an integrated service delivery model that  
36 consists of the coordination of care between a prescriber and an  
37 addiction services provider.
  - 38 b. Conduct any necessary additional professional, comprehensive  
39 substance use disorder and mental health diagnostic assessments of  
40 individuals under consideration for selection as pilot program  
41 participants to determine if they would benefit from substance use  
42 disorder treatment and monitoring.
  - 43 c. Determine, based on the assessments described in sub-subdivision b.  
44 of this subdivision, the treatment needs of the program participants  
45 served by the treatment provider.
  - 46 d. Develop individualized treatment goals and objectives for each  
47 program participant.
  - 48 e. Provide program participants with access to medication-assisted  
49 treatment utilizing a nonnarcotic, nonaddictive, extended-release,  
50 injectable formulation of opioid antagonist.

- 1 f. In addition to medication-assisted treatment, provide program  
 2 participants with other types of therapies, including behavioral  
 3 therapies, outpatient programs, and community support, for opioid  
 4 use disorder and any other disorders that are determined by the  
 5 treatment provider to be co-occurring disorders.
- 6 g. In the case of medication-assisted treatment provided under the pilot  
 7 program, a drug may be used only if it has been approved by the  
 8 United States Food and Drug Administration for use in combination  
 9 with behavioral therapy for the prevention of relapse to opioid  
 10 dependence.
- 11 h. Comply with all applicable federal opioid treatment standards.
- 12 i. Monitor the progress of program participants ~~and randomized control~~  
 13 ~~group members~~ through the use of regular drug testing, including  
 14 urinalysis.

15 **"SECTION 12F.1.(f)** FQHC Reports. – No later than 60 days after the effective date of  
 16 this section, the Department shall, in collaboration with the NCIOM or any other qualified  
 17 entity, develop a standardized methodology for the collection of information on program  
 18 participants ~~and randomized control group members~~ at each FQHC. As a condition of  
 19 participating in the pilot program authorized by this section, each selected FQHC must agree to  
 20 follow this standardized methodology for (i) collecting information on program participants  
 21 ~~and randomized control group members~~ and (ii) annually reporting that information to the  
 22 Department, in the format prescribed by the Department. The annual report shall include at  
 23 least all of the following information, in the format prescribed by the Department:

- 24 (1) For each program ~~partieipant~~ ~~and randomized control group~~  
 25 ~~member, participant,~~ that individual's age, sex, and length of treatment. This  
 26 information shall be reported to the Department in a manner that does not  
 27 disclose personally identifying information about program ~~participants and~~  
 28 ~~randomized control group members, participants.~~
- 29 (2) The total number of program participants ~~and the total number of~~  
 30 ~~randomized control group members~~ who successfully transitioned to opioid  
 31 abstinence for a minimum of 30 days, 60 days, 90 days, six months, 12  
 32 months, and 18 months.
- 33 ~~(3) A comparison of program participants to the randomized control group~~  
 34 ~~members.~~
- 35 ~~(4)~~(3) The amount of State appropriations expended on a per program participant  
 36 basis at each participating FQHC.

37 **"SECTION 12F.1.(g)** Evaluation of Pilot Program. – By November 1, 2020, the  
 38 Department shall conduct and submit to the Joint Legislative Oversight Committee on Health  
 39 and Human Services a comprehensive evaluation of the effectiveness of this pilot program in  
 40 addressing North Carolina's growing opioid addiction and overdose crisis. The Department may  
 41 contract with an institution of higher education or other qualified entity with expertise in  
 42 evaluating programs similar to the pilot program authorized by this section. The comprehensive  
 43 evaluation shall include whether this pilot program was successful as measured by at least all of  
 44 the following:

- 45 (1) The total number of program participants who successfully transitioned to  
 46 opioid abstinence for a minimum of 30 days, 60 days, 90 days, six months,  
 47 12 months, and 18 months.
- 48 ~~(2) A comparison of the program participants to the randomized control group~~  
 49 ~~members.~~
- 50 ~~(3)~~(2) A cost-benefit analysis of the pilot program.

1 "SECTION 12F.1.(h) Expiration. – The pilot program conducted at each selected FQHC  
2 shall expire no later than three years after the date of its commencement at that particular  
3 FQHC.

4 "SECTION 12F.1.(i) Funds in the amount of five hundred thousand dollars (\$500,000)  
5 from the federal Substance Abuse Prevention and Treatment Block Grant shall be allocated to  
6 the Department of Health and Human Services, Division of Mental Health, Developmental  
7 Disabilities, and Substance Abuse Services, for the 2016-2017 fiscal year. These funds shall be  
8 allocated to the FQHCs selected to participate in the pilot program authorized by this section on  
9 a per program participant basis to offset the cost of the following services:

- 10 (1) Medication dispensed to program participants.
- 11 (2) Provider fees for services rendered to program participants.
- 12 (3) Up to 14 days of detoxification services.
- 13 (4) Behavioral therapy for program participants.
- 14 (5) Drug testing and monitoring of program participants.

15 "SECTION 12F.1.(j) Subsection (i) of this section becomes effective July 1, 2016. The  
16 remainder of this section is effective when it becomes law."

17 SECTION 3.2.(a) G.S. 147-86.70(b)(1) reads as rewritten:

18 "(b) Definitions. – The following definitions apply in this section:

- 19 (1) ABLE account. – An account established and owned by an eligible  
20 individual and maintained under this Article. A parent, guardian, guardian or  
21 agent under a power of attorney may act on behalf of an account owner."

22 SECTION 3.2.(b) G.S. 147-86.71 reads as rewritten:

23 "§ 147-86.71. ABLE Program.

24 ...

25 (b) Accounts. – The following provisions apply to an ABLE account:

- 26 (1) An account owner or contributor may establish an account by making an  
27 initial contribution to the ABLE Program Trust, signing an application form  
28 approved by the Board or its designee, and naming the designated  
29 beneficiary. If the contributor is not the account owner, the account owner or  
30 the account owner's parent, guardian, trustee, or agent shall also sign the  
31 application form."

32 ...

33 (d) Limitations. – The Board, in administering the ABLE Program Trust, shall ensure  
34 each of the following:

35 ...

- 36 (9) A ~~trustee~~ parent, trustee, or guardian appointed as a signatory of an ABLE  
37 account does not have or acquire any beneficial interest in the account and  
38 administers the account for the benefit of the designated beneficiary."

39 SECTION 3.3. Section 11F.9 of S.L. 2017-57 reads as rewritten:

40 "~~SECTION 11F.9.(a) Of the funds appropriated to the Department of Health and Human~~  
41 ~~Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse~~  
42 ~~Services, the sum of one hundred fifty thousand dollars (\$150,000) in nonrecurring funds for~~  
43 ~~the 2017-2018 fiscal year and the sum of three hundred thousand dollars (\$300,000) in~~  
44 ~~nonrecurring funds for the 2018-2019 fiscal year shall be used to develop and implement an~~  
45 ~~adult and pediatric traumatic brain injury pilot program. The Department of Health and Human~~  
46 ~~Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse~~  
47 ~~Services, shall establish an adult and pediatric traumatic brain injury pilot program, to be~~  
48 ~~conducted at not less than three and not more than five trauma hospitals licensed in this State.~~  
49 The purpose of the pilot program is to increase compliance with internationally approved  
50 evidence-based treatment guidelines for severe adult and pediatric traumatic brain injury in

1 order to reduce patient mortality, improve patient level of recovery, and reduce long-term care  
2 costs.

3 ~~"SECTION 11F.9.(b)~~ The Department of Health and Human Services shall establish up to  
4 three program sites to implement the adult and pediatric traumatic brain injury pilot program  
5 authorized by this section, all of which shall be trauma hospitals. Each program site shall be  
6 awarded up to one hundred thousand dollars (\$100,000) for the development and  
7 implementation of an interactive quality assessment and quality assurance clinical decision  
8 support tool to provide real-time, evidence-based medical care guidance for intensive care unit  
9 patients with severe adult or pediatric traumatic brain injury.

10 ~~"SECTION 11F.9.(e)(b)~~ The Department of Health and Human Services shall contract  
11 with a private entity to assist participating trauma hospitals in implementing the tool described  
12 in subsection (b) of this section. Of the funds appropriated in this act to the Department of  
13 Health and Human Services, Division of Mental Health, Developmental Disabilities, and  
14 Substance Abuse Services, the sum of one hundred fifty thousand dollars (\$150,000) in  
15 nonrecurring funds for the 2017-2018 fiscal year and the sum of three hundred thousand dollars  
16 (\$300,000) in nonrecurring funds for the 2018-2019 fiscal year shall be used to enter into a  
17 contract with an independent entity to operate the pilot program authorized by this section. In  
18 so doing, the Department of Health and Human Services, Division of Mental Health,  
19 Developmental Disabilities, and Substance Abuse Services, shall select an independent entity  
20 that has (i) developed software for an interactive quality assessment and quality assurance  
21 clinical decision support tool that provides real-time, evidence-based medical care guidance for  
22 intensive care unit patients with severe adult or pediatric traumatic brain injury and (ii) prior  
23 experience assisting trauma hospitals in other states in implementing this software. In  
24 consideration for payments made to the independent entity under the contract, the independent  
25 entity shall assume responsibility for all of the following:

- 26 (1) Initiating and operating the pilot program, including the selection of not less  
27 than three and not more than five trauma hospitals licensed in this State to  
28 serve as pilot program sites.  
29 (2) Assisting participating trauma hospitals in implementing the software  
30 developed by the independent entity for use as an interactive quality  
31 assessment and quality assurance clinical decision support tool to provide  
32 real-time, evidence-based medical care guidance for intensive care unit  
33 patients with severe adult or pediatric traumatic brain injury. In providing  
34 such implementation assistance, the private-independent entity shall utilize  
35 the treatment guidelines and practice recommendations that have been peer  
36 reviewed and approved by the American Association of Neurological  
37 Surgeons and are recognized as the current standard of care for individuals  
38 with severe traumatic brain injury.

39 ~~"SECTION 11F.9.(d)(c)~~ By February 1, 2018, the Department of Health and Human  
40 Services shall submit a progress report on the development and implementation of the pilot  
41 program authorized by this section to the Joint Legislative Oversight Committee on Health and  
42 Human Services and the Fiscal Research Division.

43 ~~"SECTION 11F.9.(e)(d)~~ By January 7, 2019, the Department of Health and Human  
44 Services shall submit a final report of the pilot program authorized by this section to the Joint  
45 Legislative Oversight Committee on Health and Human Services and the Fiscal Research  
46 Division. At a minimum, the final report shall include all of the following:

- 47 (1) The number and outcome of patients served at each program site, broken  
48 down by patient age and county of origin.  
49 (2) A breakdown of expenditures at each program site by type of service.  
50 (2) An estimate of the cost to expand the program incrementally and statewide.



- 1 (3) An estimate of any potential savings of State funds associated with  
2 expansion of the program.  
3 (4) If expansion of the program is recommended, a time line for expanding the  
4 program."

5 **SECTION 3.4.** Part XI of S.L. 2017-57 is amended by adding a new section to  
6 read:

7 **"FUNDS FOR THE TOWN OF BOLTON**

8 **"SECTION 11D.3A.** Notwithstanding any other provision of law or descriptive language  
9 to the contrary in the Committee Report described in Section 39.2 of this act, nonrecurring  
10 funds appropriated in this act to the Department of Health and Human Services, Division of  
11 Aging and Adult Services, for the 2017-2018 fiscal year for allocation to the Bolton Senior  
12 Center shall instead be allocated to the Town of Bolton."

13  
14 **PART IV. AGRICULTURE AND NATURAL AND ECONOMIC RESOURCES**

15 **SECTION 4.1.** Section 15.9A of S.L. 2017-57 reads as rewritten:

16 **"SECTION 15.9A.** The funds appropriated in this act to the Department of Commerce as a  
17 grant-in-aid to the Town of Haw River shall be used to provide grants, loans, or both for a  
18 historic mill renovation project. In addition to the provisions governing reporting, oversight,  
19 and administration of grant funds contained in G.S. 143C-6-23, the Town of Haw River shall  
20 enter into an agreement with any ~~subgrantee entity~~ receiving ~~funds-funds~~ (recipient). The  
21 agreement shall contain, at a minimum, (i) a provision that funds received under the agreement  
22 may be used only for mill rehabilitation purposes, (ii) a provision allowing the Town of Haw  
23 River to inspect all records of the ~~subgrantee-recipient~~ that may be used to confirm compliance  
24 with the agreement, (iii) a provision establishing methods for determining compliance with the  
25 agreement, and (iv) a provision requiring recapture or repayment of all ~~grant~~-funds if the  
26 ~~subgrantee-recipient~~ fails to comply with the terms of the agreement. In the event of a violation  
27 of the agreement, the Town of Haw River shall take action to ~~recapture all grant~~ recoup all  
28 funds. The Town may retain up to twenty percent (20%) of the funds described in this section  
29 for the historic mill renovation project for infrastructure improvements necessary for and  
30 directly related to the project. For purposes of this section, the phrase "infrastructure  
31 improvements" is defined as street improvements, site improvements, including site utilities,  
32 sidewalks, parking, hardscape products, costs for demolition, engineering, and architecture, and  
33 fixtures for any spaces in the historic mill renovation project leased and used by the Town. The  
34 Commerce Finance Center shall, in cooperation with the Town of Haw River, conduct an  
35 annual review of the mill restoration project and shall submit a report to the Joint Legislative  
36 Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal  
37 Research Division on April 1 each year beginning April 1, 2021, until project completion."

38 **SECTION 4.2.** Section 13.22 of S.L. 2017-57, as amended by Section 4.2 of S.L.  
39 2017-197, reads as rewritten:

40 **"SECTION 13.22.(a)** The following allocations are made from funds appropriated by this  
41 act to the Division of Water Infrastructure of the Department of Environmental Quality for  
42 water and sewer infrastructure grants:

- 43 ...
- 44 (4) The sum of one hundred thousand dollars (\$100,000) for the 2017-2018  
45 fiscal year to Davidson County ~~for the Wil-Cox bridge sewer expansion to~~  
46 be allocated as follows:
- 47 a. Fifty thousand dollars (\$50,000) for a sewer project.
- 48 b. Notwithstanding any other provision of this section or Chapter 159G  
49 of the General Statutes to the contrary, fifty thousand dollars  
50 (\$50,000) for preservation and restoration work on the Wil-Cox  
51 bridge.

1       ...."

2           **SECTION 4.3.** Section 15.14B(c) of S.L. 2014-100 reads as rewritten:

3       "**SECTION 15.14B.(c)** This section becomes effective January 1, 2015, and expires July  
4 1, 2020-2015. The Secretary shall not award a grant for any qualifying expenses for which a  
5 taxpayer receives a tax credit under G.S. 105-130.47 or G.S. 105-151.29."

6           **SECTION 4.4.** Section 10.24 of S.L. 2017-57 reads as rewritten:

7       "...

8       "**SECTION 10.24.(e)** The Committee shall develop a business plan for the Food  
9 Processing Research Center at the North Carolina Research Campus (Center) to implement.  
10 The business plan required by this subsection shall include processes for designing and  
11 marketing the Center. Of the funds appropriated in this act to North Carolina State University  
12 for the Center, the University shall allocate not more than the sum of one hundred thousand  
13 dollars (\$100,000) in nonrecurring funds for the 2017-2018 fiscal year to the Committee to  
14 cover costs incurred by the Committee in developing a business plan required under this  
15 subsection. The business plan required under this subsection shall ensure all of the following:

- 16           (1) The financial stability for the Center, including sources and uses for funds to  
17 operate the facility and maintain equipment for the Center.
- 18           (2) The creation and implementation of revenue models that can be used to  
19 support the expenses of the facility with the goal of positioning the facility to  
20 ultimately cease to need State funds for continued operations.
- 21           (3) The creation and implementation of policies that protect the State's  
22 investment in the initiative and provide for a return to the taxpayers by  
23 increasing job opportunities, private sector investment, and increased  
24 markets for value-added agricultural products.
- 25           (4) Any other provision the Committee deems necessary to carry out the intent  
26 and accomplish the goals established in this section.

27       Upon completion of the business plan required under this subsection, the Committee  
28 shall submit the business plan to the University.

29       "**SECTION 10.24.(f)** No less than 30 days prior to expending or encumbering any other  
30 funds provided in this act to the University for the Center, the University shall submit the  
31 business plan required under subsection (e) of this section to the Joint Legislative Commission  
32 on Government Operations. The business plan required under subsection (e) of this section is  
33 binding, and the University shall not deviate from the plan without having the plan amended by  
34 the Committee, which may adopt amendments by a majority vote.

35       ...."

36       **SECTION 4.5.(a)** Of the funds appropriated in S.L. 2017-57 to the Wildlife  
37 Resources Commission, an additional fifty thousand dollars (\$50,000) in recurring funds is  
38 allocated to the Outdoor Heritage Advisory Council to provide support for the operation of the  
39 Council, including the salaries and benefits of Council personnel.

40       **SECTION 4.5.(b)** Part 36 of Article 7 of Chapter 143B of the General Statutes is  
41 amended by adding a new section to read:

42       "**§ 143B-344.62. Outdoor Heritage Advisory Council – executive director; staff.**

43       The Council may, subject to appropriations or other funds that accrue to it, employ an  
44 executive director to carry out the day-to-day responsibilities and business of the Council. The  
45 executive director shall serve at the pleasure of the Council. The executive director, also subject  
46 to appropriations or other funds that accrue to the Council, may hire additional staff and  
47 consultants to assist in the discharge of the executive director's responsibilities, as determined  
48 by the Council."

49       **SECTION 4.6.(a)** G.S. 97-2(2) reads as rewritten:

- 50           "(2) Employee. – The term "employee" means every person engaged in an  
51 employment under any appointment or contract of hire or apprenticeship,

1 express or implied, oral or written, including aliens, and also minors,  
2 whether lawfully or unlawfully employed, but excluding persons whose  
3 employment is both casual and not in the course of the trade, business,  
4 profession, or occupation of his employer, and as relating to those so  
5 employed by the State, the term "employee" shall include all officers and  
6 employees of the State, including such as are elected by the people, or by the  
7 General Assembly, or appointed by the Governor to serve on a per diem,  
8 part-time or fee basis, either with or without the confirmation of the Senate;  
9 as relating to municipal corporations and political subdivisions of the State,  
10 the term "employee" shall include all officers and employees thereof,  
11 including such as are elected by the people. The term "employee" shall  
12 include members of the North Carolina National Guard while on State active  
13 duty under orders of the Governor and members of the North Carolina State  
14 Defense Militia while on State active duty under orders of the Governor. The  
15 term "employee" shall include deputy sheriffs and all persons acting in the  
16 capacity of deputy sheriffs, whether appointed by the sheriff or by the  
17 governing body of the county and whether serving on a fee basis or on a  
18 salary basis, or whether deputy sheriffs serving upon a full-time basis or a  
19 part-time basis, and including deputy sheriffs appointed to serve in an  
20 emergency, but as to those so appointed, only during the continuation of the  
21 emergency. The sheriff shall furnish to the board of county commissioners a  
22 complete list of all deputy sheriffs named or appointed by him immediately  
23 after their appointment and notify the board of commissioners of any  
24 changes made therein promptly after such changes are made. Any reference  
25 to an employee who has been injured shall, when the employee is dead,  
26 include also the employee's legal representative, dependents, and other  
27 persons to whom compensation may be payable: Provided, further, that any  
28 employee, as herein defined, of a municipality, county, or of the State of  
29 North Carolina, while engaged in the discharge of the employee's official  
30 duty outside the jurisdictional or territorial limits of the municipality, county,  
31 or the State of North Carolina and while acting pursuant to authorization or  
32 instruction from any superior officer, shall have the same rights under this  
33 Article as if such duty or activity were performed within the territorial  
34 boundary limits of their employer.

35 Except as otherwise provided herein, every executive officer elected or  
36 appointed and empowered in accordance with the charter and bylaws of a  
37 corporation shall be considered as an employee of such corporation under  
38 this Article.

39 Any such executive officer of a corporation may, notwithstanding any  
40 other provision of this Article, be exempt from the coverage of the  
41 corporation's insurance contract by such corporation's specifically excluding  
42 such executive officer in such contract of insurance, and the exclusion to  
43 remove such executive officer from the coverage shall continue for the  
44 period such contract of insurance is in effect, and during such period such  
45 executive officers thus exempted from the coverage of the insurance contract  
46 shall not be employees of such corporation under this Article.

47 All county agricultural extension service employees who do not receive  
48 official federal appointments as employees of the United States Department  
49 of Agriculture and who are field faculty members with professional rank as  
50 designated in the memorandum of understanding between the North  
51 Carolina Agricultural Extension Service, North Carolina State University, A

1 & T State University, and the boards of county commissioners shall be  
2 deemed to be employees of the State of North Carolina. All other county  
3 agricultural extension service employees paid from State or county funds  
4 shall be deemed to be employees of the county board of commissioners in  
5 the county in which the employee is employed for purposes of workers'  
6 compensation.

7 The term "employee" shall also include members of the Civil Air Patrol  
8 currently certified pursuant to G.S. 143B-1031(a) when performing duties in  
9 the course and scope of a State-approved mission pursuant to Subpart C of  
10 Part 5 of Article 13 of Chapter 143B of the General Statutes.

11 "Employee" shall not include any person performing voluntary service as  
12 a ski patrolman who receives no compensation for such services other than  
13 meals or lodging or the use of ski tow or ski lift facilities or any combination  
14 thereof.

15 "Employee" shall not include any person elected or appointed and  
16 empowered as an executive officer, director, or committee member under the  
17 charter, articles, or bylaws of a nonprofit corporation subject to Chapter  
18 47A, 47C, 47F, 55A, or 59B of the General Statutes, or any organization  
19 exempt from federal income tax under section 501(c)(3) of the Internal  
20 Revenue Code, who performs only voluntary service for the nonprofit  
21 corporation, provided that the person receives no remuneration for the  
22 voluntary service other than reasonable reimbursement for expenses incurred  
23 in connection with the voluntary service. When a nonprofit corporation as  
24 described herein employs one or more persons who do receive remuneration  
25 other than reasonable reimbursement for expenses, then any volunteer  
26 officers, directors, or committee members excluded from the definition of  
27 "employee" by operation of this paragraph shall be counted as employees for  
28 the sole purpose of determining the number of persons regularly employed  
29 in the same business or establishment pursuant to G.S. 97-2(1). Other than  
30 for the limited purpose of determining the number of persons regularly  
31 employed in the same business or establishment, such volunteer nonprofit  
32 officers, directors, or committee members shall not be "employees" under  
33 the Act. Nothing herein shall prohibit a nonprofit corporation as described  
34 herein from voluntarily electing to provide for workers' compensation  
35 benefits in the manner provided in G.S. 97-93 for volunteer officers,  
36 directors, or committee members excluded from the definition of  
37 "employee" by operation of this paragraph. This paragraph shall not apply to  
38 any volunteer firefighter, volunteer member of an organized rescue squad, an  
39 authorized pickup firefighter when that individual is engaged in emergency  
40 fire suppression activities for the North Carolina Forest Service, a duly  
41 appointed and sworn member of an auxiliary police department organized  
42 pursuant to G.S. 160A-282, or a senior member of the State Civil Air Patrol  
43 functioning under Subpart C of Part 5 of Article 13 of Chapter 143B of the  
44 General Statutes, even if such person is elected or appointed and empowered  
45 as an executive officer, director, or committee member under the charter,  
46 articles, or bylaws of a nonprofit corporation as described herein.

47 Any sole proprietor or partner of a business or any member of a limited  
48 liability company may elect to be included as an employee under the  
49 workers' compensation coverage of such business if he is actively engaged in  
50 the operation of the business and if the insurer is notified of his election to  
51 be so included. Any such sole proprietor or partner or member of a limited

1 liability company shall, upon such election, be entitled to employee benefits  
2 and be subject to employee responsibilities prescribed in this Article.

3 "Employee" shall include an authorized pickup firefighter of the North  
4 Carolina Forest Service of the Department of Agriculture and Consumer  
5 Services when that individual is engaged in emergency fire suppression  
6 activities for the North Carolina Forest Service. As used in this section,  
7 "authorized pickup firefighter" means an individual who has completed  
8 required fire suppression training as a wildland firefighter and who is  
9 available as needed by the North Carolina Forest Service for emergency fire  
10 suppression activities, including immediate dispatch to wildfires and standby  
11 for initial attack on fires during periods of high fire danger.

12 ~~It shall be a rebuttable presumption that the term "employee" shall not~~  
13 ~~include any person performing services in the sale of newspapers or~~  
14 ~~magazines to ultimate consumers under an arrangement whereby the~~  
15 ~~newspapers or magazines are to be sold by that person at a fixed price and~~  
16 ~~the person's compensation is based on the retention of the excess of the fixed~~  
17 ~~price over the amount at which the newspapers or magazines are charged to~~  
18 ~~the person."~~

19 **SECTION 4.6.(b)** This section becomes effective January 1, 2018.

20 **SECTION 4.7.(a)** Section 15.8(a) of S.L. 2017-57, as amended by Section 4.8(a)  
21 of S.L. 2017-197, reads as rewritten:

22 "**SECTION 15.8.(a)** Of the funds appropriated in this act to the Rural Economic  
23 Development Division of the Department of Commerce, the sum of five million ~~eight-seven~~  
24 hundred seventy-five thousand dollars (~~\$5,875,000~~)(\$5,775,000) in nonrecurring funds for the  
25 2017-2018 fiscal year shall be used to provide grants-in-aid for downtown revitalization  
26 projects for each of the following counties and municipalities in the following amounts:

27 ...

28 (7) One hundred thousand dollars (\$100,000) each to the City of Archdale, the  
29 City of Asheboro, the Village of Clemmons, the unincorporated community  
30 of Cliffside in Rutherford County, the Town of Emerald Isle, the City of  
31 Hendersonville, the City of Kannapolis, the Town of Kernersville, the City  
32 of Lumberton, the Town of Oakboro, the Town of Old Fort, the Town of  
33 Pembroke, the City of Randleman, the City of Roxboro, the City of Trinity,  
34 and the Town of Troy, and the Town of Yadkinville.Troy.

35 ...."

36 **SECTION 4.7.(b)** Section 15.8 of S.L. 2017-57 is amended by adding new  
37 subsections to read:

38 "**SECTION 15.8.(f)** Of the funds appropriated in this act to the Rural Economic  
39 Development Division of the Department of Commerce, the sum of twenty-five thousand  
40 dollars (\$25,000) in nonrecurring funds for the 2017-2018 fiscal year shall be used to provide a  
41 grant-in-aid to the Town of Dover to be used for parks and recreation projects.

42 "**SECTION 15.8.(g)** Notwithstanding G.S. 143B-472.127, of the funds appropriated in this  
43 act to the Rural Economic Development Division of the Department of Commerce, the sum of  
44 seventy-five thousand dollars (\$75,000) in nonrecurring funds for the 2017-2018 fiscal year  
45 shall be used to provide a grant-in-aid to Lincoln County for the Voice Interoperability Plan for  
46 Emergency Responders network."

47 **SECTION 4.8.(a)** G.S. 143B-293.2(a1) reads as rewritten:

48 "(a1) Members Selection. – The North Carolina Oil and Gas Commission shall consist of  
49 nine members appointed as follows:

50 ...

1 (3) One appointed by the General Assembly upon recommendation of the  
2 Speaker of the House of Representatives in conformance with G.S. 120-121,  
3 who is a ~~representative~~member of a nongovernmental conservation interest.

4 ...

5 (5) One appointed by the General Assembly upon recommendation of the  
6 President Pro Tempore of the Senate in conformance with G.S. 120-121,  
7 who is a ~~representative~~member of a nongovernmental conservation interest.

8 ...."

9 **SECTION 4.8.(b)** This section applies to appointments made on or after the  
10 effective date of this act.

11 **SECTION 4.9.** Section 14.19 of S.L. 2017-57 reads as rewritten:

12 "**SECTION 14.19.** Of the funds appropriated by this act to the Division of North Carolina  
13 Aquariums in the North Carolina Department of Natural and Cultural Resources, the sum of  
14 three hundred thousand dollars (\$300,000) in nonrecurring funds for the 2017-2018 fiscal year  
15 is allocated for planning and permitting of Blake Farms satellite aquarium area in Scotts Hill,  
16 North Carolina, and the Division is authorized to expend funds ~~for this purpose to engage~~  
17 architects and other program consultants to (i) collaborate with Blake Farms to design and  
18 permit the building housing the satellite aquarium area and (ii) produce schematic, design, and  
19 final construction documents for the satellite aquarium area."

20 **SECTION 4.10.(a)** Section 37.2(e) of S.L. 2016-94, as amended by Section  
21 36.3(g) of S.L. 2017-57, reads as rewritten:

22 "**SECTION 37.2.(e)** Notwithstanding any provision of law to the contrary, funds  
23 appropriated for a water resources development project shall be used to provide no more than  
24 fifty percent (50%) of the nonfederal portion of funds for the project. This subsection applies to  
25 funds appropriated in this act and to funds appropriated prior to the 2015-2017 fiscal biennium  
26 that are unencumbered and proposed for reallocation to provide the nonfederal portion of funds  
27 for water resources development projects. The limitation on fund usage contained in this  
28 subsection applies only to projects in which a local government or local governments  
29 participate. This subsection shall not apply to, and there shall be no local match required for,  
30 any of the following, notwithstanding any other provision of law:

31 (1) The Environmental Quality Incentives Program. Furthermore, Section  
32 36.3(e) of S.L. 2013-360, Section 36.2(e) of S.L. 2014-100, and Section  
33 31.3(e) of S.L. 2015-241 shall not apply to funds made available as part of  
34 the Environmental Quality Incentives Program in any fiscal year. ~~Any Funds~~  
35 appropriated during the 2015-2017 biennium and any remaining balance of  
36 funds appropriated prior to the 2015-2017 fiscal biennium for Environmental  
37 Quality Incentives Program projects shall be paid out to each of the original  
38 grantees for the full grant award amount, except that the Secretary may  
39 retain ten percent (10%) of the State share of funding until the Natural  
40 Resources Conservation Service of the United States Department of  
41 Agriculture has provided a final practice approval for the project.

42 ...."

43 **SECTION 4.10.(b)** G.S. 143-215.72(d) reads as rewritten:

44 "(d) The following procedures apply only to grants for the purpose set forth in  
45 G.S. 143-215.71(8):

46 (1) A nongovernmental entity managing, administering, or executing the grant  
47 on behalf of a unit of local government may apply as a co-applicant for the  
48 grant and may be included as a responsible party on any required resolution  
49 issued by the unit of local government.

50 (2) ~~The~~ Upon request signed by the grant applicant and co-applicant, the  
51 Department may shall make periodic payments to the co-applicant for its

1 share of nonfederal costs of a project prior to receipt of a final practice  
2 approval from the Natural Resources Conservation Service if the grantee has  
3 submitted a certified reimbursement request or invoice."  
4

## 5 PART V. JUSTICE AND PUBLIC SAFETY

6 **SECTION 5.1.** G.S. 97-13 is amended by adding a new subsection to read:

7 "(c1) Certain Inmates. – Notwithstanding the thirty dollars (\$30.00) per week limit in  
8 subsection (c) of this section, the average weekly wage of inmates employed pursuant to the  
9 Prison Industry Enhancement Program shall be calculated pursuant to G.S. 97-2(5)."

10 **SECTION 5.2.(a)** G.S. 114-2(1) reads as rewritten:

11 "(1) To defend all actions in the appellate division in which the State shall be  
12 interested, or a party, and to appear for the State in any other court or  
13 tribunal in any cause or matter, civil or criminal, in which the State may be a  
14 party or interested. The duty to represent the State in criminal appeals shall  
15 not be delegated to any district attorney's office or any other entity."

16 **SECTION 5.2.(b)** G.S. 7A-61 reads as rewritten:

### 17 "§ 7A-61. Duties of district attorney.

18 The district attorney shall prepare the trial dockets, prosecute in a timely manner in the  
19 name of the State all criminal actions and infractions requiring prosecution in the superior and  
20 district courts of ~~his~~the district attorney's prosecutorial ~~district, district and~~ advise the officers of  
21 justice in ~~his~~the district attorney's district, ~~district, and perform such duties related to appeals to~~  
22 ~~the Appellate Division from his district as the Attorney General may require. Effective January~~  
23 ~~1, 1971, the~~ The district attorney shall also represent the State in juvenile cases in the superior  
24 and district courts in which the juvenile is represented by an attorney. The district attorney shall  
25 provide to the Attorney General any case files, records and additional information necessary for  
26 the Attorney General to conduct appeals to the Appellate Division for cases from the district  
27 attorney's prosecutorial district. The Attorney General shall not delegate to the district attorney,  
28 or any other entity, the duty to represent the State in criminal and juvenile appeals. Each district  
29 attorney shall devote his full time to the duties of his office and shall not engage in the private  
30 practice of law."

31 **SECTION 5.2.(c)** This section is effective July 1, 2017. It shall be the obligation of  
32 the Attorney General to work with each District Attorney to ensure that all criminal appeals  
33 delegated on or after July 1, 2017, to a District Attorney's office shall be properly returned to  
34 the Attorney General's office. Notwithstanding the previous two sentences, actions taken by  
35 the office of a District Attorney related to a criminal appeal delegated to that office on or after  
36 July 1, 2017, shall be deemed to have been taken with full legal authority to act on behalf of the  
37 State.

38 **SECTION 5.3.** Part XVII of S.L. 2017-57 is amended by adding a new section to  
39 read:

### 40 "DWI MISDEMEANOR CLARIFICATIONS/EXPERT TESTIMONY REVISIONS

41 "SECTION 17.8.(a) G.S. 15-1 reads as rewritten:

#### 42 "§ 15-1. Statute of limitations for misdemeanors.

43 The crimes of deceit and malicious mischief, and the crime of petit larceny where the value  
44 of the property does not exceed five dollars (\$5.00), and all misdemeanors except malicious  
45 misdemeanors, shall be ~~presented or found by the grand jury charged~~ within two years after the  
46 commission of the same, and not afterwards: Provided, that if any ~~indictment found within that~~  
47 ~~time-pleading~~ shall be defective, so that no judgment can be given thereon, another prosecution  
48 may be instituted for the same offense, within one year after the first shall have been  
49 abandoned by the State.""

50 "SECTION 17.8.(b) G.S. 8C-1, Rule 702(a1), reads as rewritten:

#### 51 "Rule 702. Testimony by experts.

1 ...  
2 (a1) ~~A witness, qualified under subsection (a) of this section and with proper foundation,~~  
3 Notwithstanding any other provision of law, a witness may give expert testimony solely on the  
4 issue of impairment and not on the issue of specific alcohol concentration level relating to the  
5 following:

- 6 (1) The results of a Horizontal Gaze Nystagmus (HGN) Test when the test is  
7 administered in accordance with the person's training by a person who has  
8 successfully completed training in HGN.  
9 (2) Whether a person was under the influence of one or more impairing  
10 substances, and the category of such impairing substance or ~~substances. A~~  
11 ~~witness who has received training and substances, if the witness~~ holds a  
12 current certification as a Drug Recognition Expert, issued by the State  
13 Department of Health and Human Services, ~~shall be qualified to give the~~  
14 ~~testimony under this subdivision.~~Services."

15 "**SECTION 17.8.(c)** Subsection (a) of this section becomes effective December 1, 2017,  
16 and applies to offenses committed on or after that date. The remainder of the section is  
17 effective when it becomes law.""

## 18 PART VI. TRANSPORTATION

19 **SECTION 6.1.** Section 34.28A(b) of S.L. 2017-57 reads as rewritten:

20 "**SECTION 34.28A.(b)** Submission of Analysis. – The Departments shall jointly submit  
21 the findings of the analysis required under subsection (a) of this section, including any  
22 legislative recommendations, to the Joint Legislative Transportation Oversight Committee and  
23 the Joint Legislative Oversight Committee on Agriculture and Natural and Economic  
24 Resources by ~~February~~April 1, 2018."

25 **SECTION 6.2.** Section 34.29 of S.L. 2017-57 reads as rewritten:

26 "**SECTION 34.29.** The Department of Transportation shall study the use of its new dredge  
27 vessel, the Dredge Manteo. As part of this study, the Department shall include (i) an  
28 approximation of the annual cost to the State to operate and maintain the dredge vessel and (ii)  
29 a plan to allow use of the dredge vessel by other State departments and agencies. The  
30 Department shall report its findings, including any recommended legislation, to the Joint  
31 Legislative Transportation Oversight Committee by ~~December 1, 2017.~~April 1, 2018."

## 32 PART VII. FINANCE

33 **SECTION 7.1.(a)** G.S. 105-244.4(a), as enacted by S.L. 2017-204, reads as  
34 rewritten:

35 "(a) Reduction – The Secretary may reduce an assessment against a taxpayer who  
36 requests relief for State and local sales and use taxes in the amount as provided in this section  
37 and waive any penalties imposed as part of the assessment when the assessment is the result of  
38 an audit of the taxpayer by the Department and all of the following apply:

- 39 ...  
40 (5) The taxpayer meets one of the following:  
41 a. The taxpayer received a proposed assessment dated on or before  
42 August 15, 2017, did not file a request for review, paid the tax due,  
43 and files a written request with the Secretary ~~no later than 120 days~~  
44 following the receipt of a proposed assessment on or before  
45 December 29, 2017, to request the amount of sales or use taxes be  
46 reduced as provided in this section citing the specific reasons  
47 therefor.  
48 b. The taxpayer received a proposed assessment dated on or before  
49 September 30, 2017, timely filed a request for review, and files a  
50  
51



1 written request with the Secretary on or before December 29, 2017,  
 2 to request the amount of sales or use taxes be reduced as provided in  
 3 this section citing the specific reasons therefor. The Department does  
 4 not need to take further action on the taxpayer's request for review  
 5 unless the taxpayer states in writing, when filing a request for  
 6 reduction under this section, that the reduction does not resolve the  
 7 taxpayer's objection to the proposed assessment and that the taxpayer  
 8 wishes to continue the Departmental review.

9 c. ~~A~~The taxpayer who does not agree with a proposed assessment must  
 10 also file receives a proposed assessment after September 30, 2017,  
 11 and timely files a request for review within 120 days of the date of  
 12 the notice of proposed assessment as provided in G.S. 105-241.11 in  
 13 order for a request to reduce the amount of tax as allowed by this  
 14 section to be considered by the Secretary and files a written request  
 15 with the Secretary no later than 45 days from the date of the notice of  
 16 the proposed assessment to request the amount of sales or use taxes  
 17 be reduced as provided in this section citing the specific reasons  
 18 therefor."

19 **SECTION 7.1.(b)** This section becomes effective August 11, 2017.

20 **SECTION 7.2.(a)** Section 38.8(a) of S.L. 2017-57 reads as rewritten:

21 "SECTION 38.8.(a) Article 5F of Chapter 105 of the General Statutes,  
 22 G.S. 105-164.13(5a), and ~~G.S. 105-163.13(57a)~~G.S. 105-164.13(57a) are repealed."

23 **SECTION 7.2.(b)** This section is effective when it becomes law and applies  
 24 retroactively to sales made on or after July 1, 2017.

## 25 **PART VIII. AGENCY TECHNICAL CORRECTIONS**

26 **SECTION 8.1.** G.S. 18B-1114.1, as amended by Section 18 of S.L. 2017-87 and  
 27 by Section 19 of S.L. 2017-108, reads as rewritten:

28 **"§ 18B-1114.1. Authorization of winery special event permit.**

29 (a) Authorization. – The holder of an unfortified winery permit, a limited winery  
 30 permit, a viticulture/enology course authorization, or a wine producer permit may obtain a  
 31 winery special permit allowing the winery or wine producer to give free tastings of its wine,  
 32 and to sell its wine by the glass or in closed containers, at trade shows, conventions, shopping  
 33 malls, wine festivals, street festivals, holiday festivals, agricultural festivals, farmers markets,  
 34 balloon races, local fund-raisers, ~~farmers markets,~~ and other similar events approved by the  
 35 Commission.

36 (b) Limitation. – A winery special event permit is valid only in a jurisdiction that has  
 37 approved the establishment of ABC stores or has approved the sale of unfortified wine."

38 **SECTION 8.2.** G.S. 28A-2B-2 reads as rewritten:

39 **"§ 28A-2B-2. Venue.**

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

42 **SECTION 8.3.** G.S. 28A-21-2, as amended by Section 10 of S.L. 2017-158, reads  
 43 as rewritten:

44 **"§ 28A-21-2. Final accounts.**

45 (a) Unless the time for filing the final account has been extended by the clerk of  
 46 superior court, the personal representative or collector must file the final account for settlement  
 47 within one year after qualifying or within six months after receiving a State estate or  
 48 inheritance tax release, or in the time period for filing an annual account pursuant to  
 49 G.S. 28A-21-1, whichever is later. ~~If no estate or inheritance tax return was required to be filed~~  
 50 ~~for the estate, the personal representative or collector shall so certify in the final account filed~~  
 51

1 with the clerk of superior court. Such certification shall list the amount and value of all of the  
2 decedent's property, and with respect to real estate, its particular location within or outside the  
3 State, including any property transferred by the decedent over which the decedent had retained  
4 any interest, or any property transferred within three years prior to the date of the decedent's  
5 death, and after being filed and accepted by the clerk of superior court shall be prima facie  
6 evidence that such property is free of any State inheritance or State estate tax liability. The  
7 personal representative or collector shall produce vouchers for all payments or verified proof  
8 for all payments in lieu of vouchers. With the approval of the clerk of superior court, such  
9 account may be filed voluntarily at any time. In all cases, the accounting shall be reviewed,  
10 audited and recorded by the clerk of superior court in the manner prescribed in G.S. 28A-21-1.

11 (a1) If no estate or inheritance tax return was required to be filed for the estate, the  
12 personal representative or collector shall so certify in the final account filed with the clerk of  
13 superior court. Such certification shall list the amount and value of all of the decedent's  
14 property and, with respect to real estate, its particular location within or outside the State,  
15 including any property transferred by the decedent over which the decedent had retained any  
16 interest, or any property transferred within three years prior to the date of the decedent's death,  
17 and, after being filed and accepted by the clerk of superior court, shall be prima facie evidence  
18 that such property is free from any State inheritance or State estate tax liability. This subsection  
19 only applies to estates of decedents who died before January 1, 2013.

20 (a2) The personal representative or collector shall produce vouchers for all payments or  
21 verified proof for all payments in lieu of vouchers. With the approval of the clerk of superior  
22 court, such account may be filed voluntarily at any time. In all cases, the accounting shall be  
23 reviewed, audited, and recorded by the clerk of superior court in the manner prescribed by  
24 G.S. 28A-21-1.

25 (b) Except as provided in subsection (a), after the date specified in the general notice to  
26 creditors as provided for in G.S. 28A-14-1, if all of the debts and other claims against the estate  
27 of the decedent duly presented and legally owing have been paid in the case of a solvent estate  
28 or satisfied pro rata according to applicable statutes in the case of an insolvent estate, the  
29 personal representative or collector may file the personal representative's or collector's final  
30 account to be reviewed, audited and recorded by the clerk of superior court. Nothing in this  
31 subsection shall be construed as limiting the right of the surviving spouse or minor children to  
32 file for allowances under G.S. 30-15 through 30-18 and the right of a surviving spouse to file  
33 for property rights under G.S. 29-30."

34 **SECTION 8.4.(a)** G.S. 31D-5-505, as recodified by Section 13(b) of S.L.  
35 2017-102, reads as rewritten:

36 "**§ 31D-5-505. Requisites of release or limitation as against creditors and purchasers for**  
37 **value.**

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

43 **SECTION 8.4.(b)** The Revisor of Statutes shall cause to be printed all explanatory  
44 comments of the drafters of this section, as the Revisor may deem appropriate.

45 **SECTION 8.5.(a)** G.S. 36C-5-505 reads as rewritten:

46 "**§ 36C-5-505. Creditor's claim against settlor.**

47 ...

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

- 1 (1) If the settlor is a beneficiary after the death of the settlor's spouse:  
 2 a. An irrevocable inter vivos marital trust that is treated as a general  
 3 power of appointment trust described in section 2523(e) of the  
 4 Internal Revenue Code.  
 5 b. An irrevocable inter vivos marital trust that is treated as a qualified  
 6 terminable interest trust under section 2523(f) of the Internal  
 7 Revenue Code.  
 8 c. An irrevocable inter vivos trust of which the settlor's spouse is a  
 9 beneficiary during the spouse's lifetime but which does not qualify  
 10 for the federal gift tax marital deduction, and during the lifetime of  
 11 the settlor's spouse (i) the settlor's spouse is the only beneficiary or  
 12 (ii) the settlor's spouse and ~~the settlor's issue~~ any issue of the settlor  
 13 or the settlor's spouse, or both, are the only beneficiaries.  
 14 d. Another trust, to the extent that the property of the other trust is  
 15 attributable to property passing from a trust described in  
 16 sub-subdivisions a., b., and c. of this subdivision.

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

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

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

27 **SECTION 8.5.(b)** The Revisor of Statutes shall cause to be printed all explanatory  
 28 comments of the drafters of this section, as the Revisor may deem appropriate.

29 **SECTION 8.6.** G.S. 42A-37(a) reads as rewritten:

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

42 **SECTION 8.7.(a)** G.S. 57D-1-03, as amended by Section 4 of S.L. 2017-90, reads  
 43 as rewritten:

44 "**§ 57D-1-03. Definitions.**

45 ~~In this Chapter unless otherwise specifically provided:~~ Unless otherwise specifically  
 46 provided, the following definitions apply in this Chapter:

47 ...

48 ~~(33b)~~(32b) Service-disabled veteran-owned small business. – A business that  
 49 satisfies both of the following requirements:

- 50 a. The business's net annual receipts do not exceed one million dollars  
 51 (\$1,000,000).

- 1                   b.       One or more service-disabled veterans own more than fifty percent  
2                               (50%) of the business."

3                   **SECTION 8.7.(b)** This section becomes effective January 1, 2018.

4                   **SECTION 8.8.(a)** G.S. 90-92(a) reads as rewritten:

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

12                   ...

13                   (5)       Narcotic Drugs. – Unless specifically excepted or unless listed in another  
14                   schedule, any material, compound, mixture, or preparation containing  
15                   limited quantities of any of the following narcotic drugs, or any salts thereof:

16                   a.       Not more than 1 milligram of difenoxin and not less than 25  
17                   micrograms of atropine sulfate per dosage unit.

18                   b.       Buprenorphine.

19                   c.       2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its  
20                   salts, optical and geometric isomers, and salts of these isomers  
21                   (including tramadol)."

22                   **SECTION 8.8.(b)** The sub-subdivision c. added to G.S. 90-92(a)(5) by Section 6  
23                   of S.L. 2017-115 is repealed.

24                   **SECTION 8.8.(c)** This section becomes effective December 1, 2017, and  
25                   subsection (a) of this section applies to offenses committed on or after that date.

26                   **SECTION 8.9.(a)** G.S. 135-7(g)(2), as enacted by Section 5(a) of S.L. 2017-129,  
27                   reads as rewritten:

28                   "(2)       Funding of the LEIA. – In the event that the General Assembly creates or  
29                   modifies any provision for the retirement of, or payment of retirement  
30                   benefits to, public officers or public employees that has a cost savings as  
31                   measured by actuarial note required by Article 15 of Chapter 120 of the  
32                   General Statutes, the Board of Trustees may direct up to one hundredth  
33                   percent (0.01%) of the required contributions to fund the LEIA. These funds  
34                   must be deposited in a separate fund from the fund into which regular  
35                   employer contributions are deposited for the Retirement System. The Board  
36                   of ~~Trustee~~ Trustees shall not direct any employer contributions into the  
37                   LEIA after November 1, 2021."

38                   **SECTION 8.9.(b)** This section becomes effective October 1, 2017.

39                   **SECTION 8.10.** G.S. 143-47.7 reads as rewritten:

40                   "**§ 143-47.7. Notice and record of appointment required.**

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

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

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

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

- 1 (3) The name and address of the appointee;
- 2 (4) The county of residence of the appointee;
- 3 (5) The citation to the law or other authority authorizing the appointment;
- 4 (6) The specific statutory qualification for the public office to which the
- 5 appointment is made, if applicable;
- 6 (7) The name of the person the appointee replaces, if applicable;
- 7 (8) The date the term of the appointment begins; and
- 8 (9) The date the term of the appointment ends.

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

10 "NOTICE OF APPOINTMENT

11 Notice is given that \_\_\_\_\_ is hereby appointed to the following

12 Name \_\_\_\_\_

13 public office:

14 Public Office: \_\_\_\_\_

15 Citation to Law or Other Authority Authorizing the Appointment: \_\_\_\_\_

16 \_\_\_\_\_

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

18 \_\_\_\_\_

19 Address of the Appointee: \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 County of Residence of the Appointee: \_\_\_\_\_

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

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

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

26 \_\_\_\_\_

27 \_\_\_\_\_

28 Date of Appointment \_\_\_\_\_ Signature \_\_\_\_\_

29 \_\_\_\_\_

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

- 31 Distribution:
- 32 Governor
  - 33 Secretary of State
  - 34 Legislative Library
  - 35 ~~State Library~~
  - 36 State Ethics Commission
  - 37 State Controller""

38 **SECTION 8.11.** G.S. 143-138(b4)(2a), as enacted by Section 8(b) of S.L.  
39 2017-108 and Section 8(a) of S.L. 2017-130, reads as rewritten:

40 "(2a) A "therapeutic equine facility" is an equine facility as described in  
41 ~~sub-subdivision a. of subdivision (1) of this subsection~~ sub-subdivision (1)a.  
42 of this subsection operated by an organization exempt from federal income  
43 tax under section 501(c)(3) of the Internal Revenue Code that provides  
44 therapeutic equine-related activities for persons who are physically,  
45 intellectually, or emotionally challenged."

46 **SECTION 8.12.** G.S. 143B-68 reads as rewritten:

47 **"§ 143B-68. Public Librarian Certification Commission – members; selection; quorum;  
48 compensation.**

49 The Public Librarian Certification Commission of the Department of Natural and Cultural  
50 Resources shall consist of five members as follows: (i) ~~the chairman of the North Carolina~~  
51 ~~Association of Library Trustees,~~ (ii) the chairman of the public libraries section of the North

1 Carolina Library Association, ~~(iii) an individual~~ (ii) two individuals named by the Governor  
2 upon the nomination of the North Carolina Library Association, ~~(iv)~~ (iii) the dean of a State or  
3 regionally accredited graduate school of librarianship in North Carolina appointed by the  
4 Governor and ~~(v) Governor~~, and (iv) one member at large appointed by the Governor.

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

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

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

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

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

16 **SECTION 8.13.** Part XII of S.L. 2006-248 is repealed.

17 **SECTION 8.14.** Section 6A.19(e) of S.L. 2011-145 is repealed.

18  
19 **PART IX. EFFECTIVE DATE**

20 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes  
21 law.