

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 469  
Second Edition Engrossed 4/25/17  
House Committee Substitute Favorable 6/22/17  
House Committee Substitute #2 Favorable 6/27/17  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S469-PCS35387-MLfa-25

Short Title: Technical Corrections.

(Public)

Sponsors:

Referred to:

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL, CLARIFYING, AND CONFORMING  
CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

The General Assembly of North Carolina enacts:

**CABLE SERVICE FRANCHISES/REPEAL ANNUAL SERVICE REPORT**

**SECTION 1.(a)** G.S. 66-353 is repealed.

**SECTION 1.(b)** This section is effective when it becomes law and applies to annual  
service reports required to be filed on or after that date.

**CLARIFY USE OF GRANT FUNDS**

**SECTION 2.(a)** Notwithstanding any provision of S.L. 2018-5 or the Committee  
Report described in Section 39.2 of that act to the contrary, the funds provided to Dragonfly  
House in Fund Code 1331 shall be allocated to the Davie County Sheriff's Office to be provided  
to Dragonfly House Children's Advocacy Center, Inc., in Mocksville, North Carolina.

**SECTION 2.(b)** Notwithstanding any provision of S.L. 2018-5 or the Committee  
Report described in Section 39.2 of that act to the contrary, the grant-in-aid provided to Patriot's  
Charity in Fund Code 1100 shall be provided to Patriot Military Family Foundation.

**SECTION 2.(c)** Section 26.3 of S.L. 2018-5, as amended by Section 6.1 of S.L.  
2018-97, reads as rewritten:

**"STATE BUDGET AND MANAGEMENT SPECIAL PROVISIONS**

**"SECTION 26.3.** Of the funds appropriated in this act to the Office of State Budget and  
Management, Special Appropriations, the sum of three million one hundred sixty-five thousand  
three hundred seven dollars (\$3,165,307) in nonrecurring funds for the 2018-2019 fiscal year  
shall be allocated as follows:

...

(3) To provide law enforcement grants-in-aid to the following local governments:

...

b. \$15,000 to the Bryson City ~~Police~~ Fire Department for a ~~K-9 transport~~  
unit.equipment upgrades.

...

...."



\* S 4 6 9 - P C S 3 5 3 8 7 - M L F A - 2 5 \*



"(f) A Subject to the limitations provided in G.S. 160A-296(a)(6), a city may impose a technical consulting fee for each application, not to exceed five hundred dollars (\$500.00), to offset the cost of reviewing and processing applications required by this section. The fee must be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. A city may engage an outside consultant for technical consultation and the review of an application. The fee imposed by a city for the review of the application shall not be used for either of the following:

- (1) Travel expenses incurred in the review of a collocation application by an outside consultant or other third party.
- (2) Direct payment or reimbursement for an outside consultant or other third party based on a contingent fee basis or results-based arrangement.

In any dispute concerning the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements of this subsection."

## **TECHNICAL CORRECTIONS/ASSISTANT DISTRICT ATTORNEY ALLOCATION AND NUMBER OF JUDICIAL DIVISIONS**

**SECTION 5.(a)** Section 3(c) of S.L. 2018-121 reads as rewritten:

"**SECTION 3.(c)** The merging of Montgomery County into Prosecutorial District 28, as enacted by this section, becomes effective January 1, 2019. All open investigations and pending cases in Montgomery County are transferred to Prosecutorial District 28, effective January 1, 2019. The total number of ADAs in District 28 is ~~nine~~six."

**SECTION 5.(b)** G.S. 1-267.1 reads as rewritten:

**"§ 1-267.1. Three-judge panel for actions challenging plans apportioning or redistricting State legislative or congressional districts; claims challenging the facial validity of an act of the General Assembly.**

...

(b) Whenever any person files in the Superior Court of Wake County any action challenging the validity of any act of the General Assembly that apportions or redistricts State legislative or congressional districts, a copy of the complaint shall be served upon the senior resident superior court judge of Wake County, who shall be the presiding judge of the three-judge panel required by subsection (a) of this section. Upon receipt of that complaint, the senior resident superior court judge of Wake County shall notify the Chief Justice, who shall appoint two additional resident superior court judges to the three-judge panel of the Superior Court of Wake County to hear and determine the action. Before making those appointments, the Chief Justice shall consult with the North Carolina Conference of Superior Court Judges, which shall provide the Chief Justice with a list of recommended appointments. To ensure that members of the three-judge panel are drawn from different regions of the State, the Chief Justice shall appoint to the three-judge panel one resident superior court judge from the First through ~~Fourth~~Third Judicial Divisions and one resident superior court judge from the ~~Fifth~~Fourth through ~~Eighth~~Fifth Judicial Divisions. In order to ensure fairness, to avoid the appearance of impropriety, and to avoid political bias, no member of the panel, including the senior resident superior court judge of Wake County, may be a former member of the General Assembly. Should the senior resident superior court judge of Wake County be disqualified or otherwise unable to serve on the three-judge panel, the Chief Justice shall appoint another resident superior court judge of Wake County as the presiding judge of the three-judge panel. Should any other member of the three-judge panel be disqualified or otherwise unable to serve on the three-judge panel, the Chief Justice shall appoint as a replacement another resident superior court judge from the same group of judicial divisions as the resident superior court judge being replaced.

...

(b2) For each challenge to the validity of statutes and acts subject to subsection (a1) of this section, the Chief Justice of the Supreme Court shall appoint three resident superior court judges

1 to a three-judge panel of the Superior Court of Wake County to hear the challenge. The Chief  
 2 Justice shall appoint a presiding judge of each three-judge panel. To ensure that members of each  
 3 three-judge panel are drawn from different regions of the State, the Chief Justice shall appoint to  
 4 each three-judge panel one resident superior court judge from the ~~First, Second, or Fourth~~First  
 5 or Second Judicial Division, one resident superior court judge from the ~~Seventh or Eighth~~Third  
 6 or Fourth Judicial Division, and one resident superior court judge from the ~~Third, Fifth, or~~  
 7 ~~Sixth~~Fifth Judicial Division. Should any member of a three-judge panel be disqualified or  
 8 otherwise unable to serve on the three-judge panel or be removed from the panel at the discretion  
 9 of the Chief Justice, the Chief Justice shall appoint as a replacement another resident superior  
 10 court judge from the same group of judicial divisions as the resident superior court judge being  
 11 replaced.

12 ...."

#### 13 14 **LAW ENFORCEMENT OFFICERS/TECHNICAL CORRECTION TO RETIREMENT** 15 **DATES**

16 **SECTION 6.(a)** G.S. 135-5(b19), as amended by S.L. 2018-22, Section 3(b), reads  
 17 as rewritten:

18 "(b19) Service Retirement Allowance of Members Retiring on or After July 1, 2002, but  
 19 Before July 1, ~~2018, 2019.~~ – Upon retirement from service in accordance with subsection (a) or  
 20 (a1) of this section, on or after July 1, 2002, but before July 1, ~~2018, 2019,~~ a member shall receive  
 21 the following service retirement allowance:

22 ...."

23 **SECTION 6.(b)** G.S. 135-5(b21), as enacted by S.L. 2018-22, Section 3(c), reads as  
 24 rewritten:

25 "(b21) Service Retirement Allowance of Members Retiring on or After July 1, ~~2018, 2019.~~  
 26 – Upon retirement from service on or after July 1, ~~2018, 2019,~~ in accordance with subsection (a)  
 27 or (a1) of this section, a member shall receive the following service retirement allowance:

28 ...."

29 **SECTION 6.(c)** G.S. 128-27(b21), as amended by S.L. 2018-22, Section 3(f), reads  
 30 as rewritten:

31 "(b21) Service Retirement Allowance of Member Retiring on or After July 1, 2003, but  
 32 Before July 1, ~~2018, 2019.~~ – Upon retirement from service in accordance with subsection (a) or  
 33 (a1) above, on or after July 1, 2003, but before July 1, ~~2018, 2019,~~ a member shall receive the  
 34 following service retirement allowance:

35 ...."

36 **SECTION 6.(d)** G.S. 128-27 as enacted by S.L. 2018-22, Section 3(g), reads as  
 37 rewritten:

38 "(b22) Service Retirement Allowance of Member Retiring on or After July 1, ~~2018, 2019.~~ –  
 39 Upon retirement from service in accordance with subsection (a) or (a1) of this section, on or after  
 40 July 1, ~~2018, 2019,~~ a member shall receive the following service retirement allowance:

41 ...."

42 **SECTION 6.(e)** This section becomes effective July 1, 2019.

#### 43 44 **TECHNICAL CORRECTION/INCORRECT INTERNAL CROSS-REFERENCE**

45 **SECTION 7.** G.S. 58-51-37(*l*) reads as rewritten:

46 "*l*) An insurer's use of a lock-in program developed pursuant ~~G.S. 58-51-37~~to  
 47 G.S. 58-51-37.1 is not a violation of this section."

#### 48 49 **TECHNICAL CORRECTIONS/HUMAN TRAFFICKING RESTORATIVE JUSTICE** 50 **EFFECTIVE DATES**

51 **SECTION 8.(a)** Section 2(b) of S.L. 2018-75 reads as rewritten:

1 "SECTION 2.(b) This section becomes effective December 1, ~~2018,2018~~, and applies to  
2 offenses committed on or after that date."

3 SECTION 8.(b) Section 3(b) of S.L. 2018-75 reads as rewritten:

4 "SECTION 3.(b) This section becomes effective December 1, ~~2018,2018~~, and applies to  
5 offenses committed on or after that date."

6 SECTION 8.(c) Section 4(b) of S.L. 2018-75 reads as rewritten:

7 "SECTION 4.(b) ~~G.S. 14-43.20(b), as amended by subsection (a) of this section, becomes~~  
8 ~~effective December 1, 2018, and applies to offenses committed on or after that date.~~  
9 G.S. 14-43.20(f), as enacted by subsection (a) of this section, becomes effective December 1,  
10 2018, and applies to orders for restitution entered on or after that date. The remainder of this  
11 section becomes effective December 1, ~~2018,2018~~, and applies to offenses committed on or after  
12 that date."

13 SECTION 8.(d) Section 5 of S.L. 2018-75 is repealed.

14 SECTION 8.(e) Section 10 of S.L. 2018-75 reads as rewritten:

15 "SECTION 10. Section 1 of this act becomes effective December 1, 2018, and applies to  
16 offenses committed on or after that date. Except as otherwise provided, this act is effective when  
17 it becomes law."  
18

## 19 CLARIFY REQUIREMENTS FOR NON-STATE ENTITIES TO RECEIVE STATE 20 FUNDS UNDER CERTAIN APPROPRIATIONS ACTS

21 SECTION 9.(a) Section 6.2 of S.L. 2018-5 reads as rewritten:

22 "~~NON-STATE ENTITIES/REPORT AND REVERSION REQUIREMENTS~~ FOR  
23 RECEIVING FUNDS

24 ...

25 "SECTION 6.2.(d) No Certification Required. – Notwithstanding any rule or regulation to  
26 the contrary, a State agency administering funds appropriated in this act or S.L. 2017-57 for a  
27 non-State entity subject to the requirements of G.S. 143C-6-23 shall not require submission of  
28 any documentation attesting or certifying (i) that it is an organization that is exempt from taxation  
29 under Section 501(c)(3) of the Internal Revenue Code or (ii) that it is a nonprofit organization,  
30 unless State statute or federal law specifically requires such attestation or certification."

31 SECTION 9.(b) The Office of State Budget shall review its rules governing  
32 disbursement of State funds to non-State entities to determine if its rules are in compliance with  
33 the requirements set forth in G.S. 143C-6-23. By March 1, 2019, the Office of State Budget and  
34 Management shall submit the findings of the review required under this subsection to the Fiscal  
35 Research Division and the chairs of the House of Representatives Committee on Appropriations  
36 and the Senate Appropriations/Base Budget Committee.  
37

## 38 GRANT-IN-AID TO VETERANS LIFE HOME/CLARIFICATION

39 SECTION 10. Section 19.4 of S.L. 2018-5, as enacted by Section 6.5 of S.L.  
40 2018-97, reads as rewritten:

41 "**PROVIDE GRANT-IN-AID TO VETERANS LIFE HOME**

42 "SECTION 19.4. Notwithstanding ~~G.S. 143B-1293(b)~~, ~~G.S. 143B-1294(c)~~ or any other  
43 provision of law, the sum of five hundred thousand dollars (\$500,000) in nonrecurring funds for  
44 the 2018-2019 fiscal year is transferred from the North Carolina Veterans Home Trust Fund to  
45 the Office of State Budget and Management to provide a grant-in-aid to The Veterans Leadership  
46 Council of North Carolina-Cares to be used for the Veterans Life Center in Butner. To the extent  
47 any of the funds described in this section are deemed unappropriated, the funds are appropriated  
48 for the purpose set forth in this section. ~~The Office of State Budget and Management and the~~  
49 Office of State Controller shall take all steps necessary to effectuate the transfer required by this  
50 section."  
51

**SPECIAL ANNUAL LEAVE OFFSET CLARIFICATION**

**SECTION 11.(a)** Section 35.26 of S.L. 2018-5 reads as rewritten:

**"SECTION 35.26.(a)** Any person who is (i) a full-time permanent employee of the State or a community college institution on July 1, 2018, and (ii) eligible to earn annual leave shall have a one-time additional five days of annual leave credited on July 1, 2018.

**"SECTION 35.26.(b)** Except as provided by subsection (c) of this section, the additional leave shall be accounted for separately with the leave provided by Section 28.3A of S.L. 2002-126, by Section 30.12B(a) of S.L. 2003-284, by Section 29.14A of S.L. 2005-276, by Section 35.10A of S.L. 2014-100, and by Section 35.18A of S.L. 2017-57 and shall remain available during the length of the employee's employment, notwithstanding any other limitation on the total number of days of annual leave that may be carried forward. Part-time permanent employees shall receive a pro rata amount of the five days awarded by this section.

**"SECTION 35.26.(c)** The additional leave awarded under this section has no cash value and is not eligible for cash in. If not used prior to the time of separation or retirement, the bonus leave cannot be paid out and is lost.

**"SECTION 35.26.(d)** Notwithstanding any provision of G.S. 126-8 to the contrary, any vacation leave remaining on December 31 of each year in excess of 30 days shall be reduced by the number of days awarded in this section that were actually used by the employee during the year such that the calculation of vacation leave days that would convert to sick leave shall reflect a deduction of those days of special annual leave awarded in this section that were used by the employee during the year.

**"SECTION 35.26.(e)** The number of days awarded by this section that carry forward to each following year shall equal the number of days awarded in this section remaining on December 31 of each year plus the number of days awarded in this section that were deducted from vacation leave in excess of 30 days for the calculation of sick leave.

**"SECTION 35.26.(f)** No employee may be required to take the additional leave awarded by this section."

**SECTION 11.(b)** This section is effective when it becomes law and applies retroactively to July 1, 2018.

**SPECIAL EVENT ONE-TIME PERMIT**

**SECTION 12.(a)** G.S. 18B-1002(a) is amended by adding a new subdivision to read:

**"(6)** A permit may be issued to a professional sports organization to allow the retail sale of malt beverages, unfortified wine, fortified wine, or mixed beverages for consumption on the premises at a professional sporting event held at a stadium (i) with a seating capacity of at least 40,000 people and (ii) that is owned or leased by a constituent institution of The University of North Carolina located in a county with a population of at least 900,000 people according to the most recent federal decennial census. The issuance of this permit also allows the issuance of a purchase-transportation permit under G.S. 18B-403 and G.S. 18B-404. For purposes of this subdivision, the term "professional sports organization" means an organization that is a member of an association or league of professional sports organizations that (i) has 6 or more members, (ii) has total combined revenues from all members that exceeds ten million dollars (\$10,000,000) per year, and (iii) governs the conduct of its members and regulates the contests and exhibitions in which its member organizations regularly engage."

**SECTION 12.(b)** G.S. 18B-1006(a) is amended by adding a new subdivision to read:

**"(9)** Special one-time permits described in G.S. 18B-1002(a)(6)."

**ELECTRIC STANDUP SCOOTERS**

1           **SECTION 12.5.(a)** G.S. 20-4.01 reads as rewritten:

2   "**§ 20-4.01. Definitions.**

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

5       ...

6       (7c)   Electric Standup Scooter. – A device with no more than three twelve-inch or  
7           smaller diameter wheels that has handlebars, is designed to be stood upon by  
8           the user while riding, and is powered by an electric motor that is capable of  
9           propelling the device with or without human propulsion at a speed no greater  
10          than 20 miles per hour on a paved level surface.

11       (7e)(7d)   Employer. – Any person who owns or leases a commercial motor vehicle  
12           or assigns a person to drive a commercial motor vehicle and would be subject  
13           to the alcohol and controlled substance testing provisions of 49 C.F.R. § 382  
14           and also includes any consortium or third-party administrator administering  
15           the alcohol and controlled substance testing program on behalf of  
16           owner-operators subject to the provisions of 49 C.F.R. § 382.

17       ...

18       (23)   Motor Vehicle. – Every vehicle which is self-propelled and every vehicle  
19           designed to run upon the highways which is pulled by a self-propelled vehicle.  
20           Except as specifically provided otherwise, this term shall not include ~~mopeds~~  
21           ~~or mopeds~~, electric assisted bicycles, bicycles, or electric standup scooters.

22       ...

23       (27)   Passenger Vehicles. –

24       ...

25       j.       Moped. – A vehicle, other than a motor-driven ~~bicycle or bicycle~~,  
26           electric assisted bicycle, or electric standup scooter, that has two or  
27           three wheels, no external shifting device, a motor that does not exceed  
28           50 cubic centimeters piston displacement and cannot propel the  
29           vehicle at a speed greater than 30 miles per hour on a level surface.  
30           The motor may be powered by electricity, alternative fuel, motor fuel,  
31           or a combination of each.

32       ...

33       (49)   Vehicle. – Every device in, upon, or by which any person or property is or  
34           may be transported or drawn upon a highway, excepting devices moved by  
35           human power or used exclusively upon fixed rails or tracks; provided, that for  
36           the purposes of this Chapter ~~bicycles and bicycles~~, electric assisted bicycles  
37           bicycles, and electric standup scooters shall be deemed vehicles and every  
38           rider of a bicycle or bicycle, an electric assisted bicycle-bicycle, or electric  
39           standup scooter upon a highway shall be subject to the provisions of this  
40           Chapter applicable to the driver of a vehicle except those which by their nature  
41           can have no application. This term shall not include a device which is designed  
42           for and intended to be used as a means of transportation for a person with a  
43           mobility impairment, or who uses the device for mobility enhancement, is  
44           suitable for use both inside and outside a building, including on sidewalks,  
45           and is limited by design to 15 miles per hour when the device is being operated  
46           by a person with a mobility impairment, or who uses the device for mobility  
47           enhancement. This term shall not include an electric personal assistive  
48           mobility device as defined in subdivision (7b) of this section. Unless the  
49           context requires otherwise, and except as provided under G.S. 20-109.2,  
50           47-20.6, or 47-20.7, a manufactured home shall be deemed a vehicle.

51       ...."

1           **SECTION 12.5(b)** G.S. 20-51 is amended by adding a new subdivision to read:

2           "(18) Electric standup scooters as defined in G.S. 20-4.01(7c)."

3  
4           **DMV DISCLOSURE OF SOCIAL SECURITY NUMBERS**

5           **SECTION 12.6.** G.S. 20-7(b2) reads as rewritten:

6           "(b2) Disclosure of Social Security Number. – The social security number of an applicant  
7 is not a public record. The Division may not disclose an applicant's social security number except  
8 as allowed under federal law. A violation of the disclosure restrictions is punishable as provided  
9 in 42 U.S.C. § 408, and amendments to that law.

10          In accordance with 42 U.S.C. 405 and 42 U.S.C. 666, and amendments thereto, the Division  
11 may disclose a social security number obtained under subsection (b1) of this section only as  
12 follows:

- 13           (1) For the purpose of administering the drivers license laws.  
14           (2) To the Department of Health and Human Services, Child Support  
15 Enforcement Program for the purpose of establishing paternity or child  
16 support or enforcing a child support order.  
17           (3) To the Department of Revenue for the purpose of verifying taxpayer identity.  
18           (4) To the Office of Indigent Defense Services of the Judicial Department for the  
19 purpose of verifying the identity of a represented client and enforcing a court  
20 order to pay for the legal services rendered.  
21           (5) To each county jury commission for the purpose of verifying the identity of  
22 deceased persons whose names should be removed from jury lists.  
23           (6) To the State Chief Information Officer for the purposes of G.S. 143B-1385.  
24           (7) To the Department of Commerce, Division of Employment Security, for the  
25 purpose of verifying employer and claimant identity.  
26           (8) To the Judicial Department for the purpose of administering the criminal and  
27 motor vehicle laws."  
28

29           **INDUSTRIAL COMMISSION CASE MANAGEMENT SYSTEMS FUNDS**

30           **SECTION 13.** Section 15.19(b) of S.L. 2017-57 reads as rewritten:

31           "**SECTION 15.19.(b)** The Industrial Commission may retain the additional revenue up to  
32 one million two hundred thousand dollars (\$1,200,000) of the ~~fee charged to parties for the filing~~  
33 ~~of compromise settlement agreements~~ receipts collected by the Industrial Commission to be used  
34 for the purpose of replacing and maintaining the Industrial Commission's case management  
35 systems and related expenditures. To the extent the funds described in this subsection are deemed  
36 unappropriated, the funds are appropriated for the purpose set forth in this subsection."  
37

38           **TECHNICAL CORRECTION/INCORRECT FACILITY NAME**

39           **SECTION 14.** G.S. 131E-184(h) reads as rewritten:

40           "(h) The Department shall exempt from certificate of need review the acquisition or  
41 reopening of a Legacy Medical Care Facility. The person seeking to operate a Legacy Medical  
42 Care Facility shall give the Department written notice of all of the following:

- 43           (1) Its intention to acquire or reopen a Legacy Medical Care Facility within the  
44 same county and the same service area as the facility that ceased continuous  
45 operations. If the Legacy Medical Care Facility will become operational in a  
46 new location within the same county and the same service area as the facility  
47 that ceased continuous operations, then the person responsible for giving the  
48 written notice required by this section shall notify the Department, as soon as  
49 reasonably practicable and prior to becoming operational, of the new location  
50 of the Legacy Medical Care Facility. For purposes of this subdivision, "service  
51 area" means the service area identified in the North Carolina State Medical



1 Facilities Plan in effect at the time the written notice required by this section  
2 is given to the Department."  
3

#### 4 **OUTDOOR HERITAGE SALARY AUTHORIZATION**

5 **SECTION 15.** G.S. 143B-344.62 reads as rewritten:

6 **"§ 143B-344.62. Outdoor Heritage Advisory Council – executive director; staff.**

7 The Council may, subject to appropriations or other funds that accrue to it, employ an  
8 executive director to carry out the day-to-day responsibilities and business of the Council. The  
9 executive director shall serve at the pleasure of the ~~Council~~ Council, and the director's salary  
10 shall be fixed by the Council. The executive director, also subject to appropriations or other funds  
11 that accrue to the Council, may hire additional staff and consultants to assist in the discharge of  
12 the executive director's responsibilities, as determined by the Council."  
13

#### 14 **SALES UNDER POWER OF SALE/POSTPONEMENT OF SALE NOTICE** 15 **TECHNICAL CORRECTION**

16 **SECTION 16.** G.S. 45-21.21 reads as rewritten:

17 **"§ 45-21.21. Postponement of sale; notice of cancellation.**

18 ...

19 (h) If the notice required by subsection ~~(b)~~(g) of this section is not received by the Clerk  
20 prior to the scheduled time of the sale, then the person exercising the power of sale shall  
21 personally, or through his or her agent or attorney, do all of the following:

- 22 (1) At the time and place advertised for the sale, publicly announce the  
23 cancellation thereof;
- 24 (2) On the same day, attach to or enter on the original notice of sale or a copy  
25 thereof, posted at the courthouse door, as provided by G.S. 45-21.17, a notice  
26 of the cancellation;
- 27 (3) Give written or oral notice of cancellation to each party entitled to notice of  
28 sale under G.S. 45-21.17; and
- 29 (4) Hand-deliver the written notice required under subdivision (2) of this  
30 subsection to the Clerk's office.

31 (i) So that the ~~notices~~notice required by subsection ~~(b)~~(g) of this section may be delivered  
32 in the time frame required therein, the Clerk's office shall, upon request, provide to the person  
33 exercising the power of sale an e-mail address and/or fax telephone number to use for delivery  
34 of said notices.

35 ...."  
36

#### 37 **DERELICT AND ABANDONED VESSELS STUDY/REVISE DATE FOR SUBMISSION** 38 **OF RECOMMENDATIONS**

39 **SECTION 17.** Section 2.8 of S.L. 2018-138 reads as rewritten:

40 **"SECTION 2.8.** The Wildlife Resources Commission shall recommend legislation,  
41 including appropriate funding levels, needed (i) to facilitate the identification of owners or other  
42 responsible persons for abandoned or derelict vessels for the purpose of requiring those persons  
43 to take responsibility for their vessels and (ii) in cases where no responsible owner may be found,  
44 to provide the State with the authority to expeditiously remove or otherwise dispose of the  
45 abandoned and derelict vessels. In developing its recommendations, the Commission shall  
46 consult with a technical working group that includes the Division of Coastal Management of the  
47 Department of Environmental Quality, the North Carolina Coastal Federation, the National  
48 Oceanic and Atmospheric Administration Marine Debris program, marine salvage industry  
49 experts, commercial and recreational boat owners, and other interested stakeholders. The  
50 Commission shall provide its recommendations no later than ~~March 1~~ April 30, 2019, to the  
51 chairs of the House Environment Committee; the House Appropriations, Agriculture and Natural

1 and Economic Resources Committee; the Senate Agriculture/Environment/Natural Resources  
2 Committee; the Senate Appropriations Committee on Agriculture, Natural, and Economic  
3 Resources; and the Fiscal Research Division."  
4

5 **EXPAND PRINCIPAL ADM HOLD HARMLESS ELIGIBILITY/CERTAIN SCHOOLS**  
6 **AFFECTED BY HURRICANE FLORENCE**

7 **SECTION 18.** Section 2.2(b) of S.L. 2018-138 reads as rewritten:

8 "SECTION 2.2.(b) This act applies only to principals supervising schools that meet both of  
9 the following requirements:

- 10 (1) The school is located in a county designated under a major disaster declaration  
11 by the President of the United States under the Stafford Act (P.L. 93-288) as  
12 a result of Hurricane Florence.  
13 (2) The school was closed for at least ~~15~~10 school days during the months of  
14 September 2018, October 2018, and November 2018 as a result of Hurricane  
15 Florence."  
16

17 **PUBLIC SCHOOL BUSES/TRAVEL OUTSIDE OF STATE**

18 **SECTION 19.** G.S. 115C-242 reads as rewritten:

19 "**§ 115C-242. Use and operation of school buses.**

20 Public school buses may be used for the following purposes only, and it shall be the duty of  
21 the superintendent of the school of each local school administrative unit to supervise the use of  
22 all school buses operated by such local school administrative unit so as to assure and require  
23 compliance with this section:

- 24 (1) A school bus may be used for the transportation of pupils enrolled in and  
25 employees in the operation of the school to which such bus is assigned by the  
26 superintendent of the local school administrative unit. Except as otherwise  
27 ~~herein provided, provided in this section,~~ such transportation shall be limited  
28 to transportation to and from such school for the regularly organized school  
29 day, and from and to the points designated by the principal of the school to  
30 which such bus is assigned, for the receiving and discharging of passengers.  
31 Transportation may be outside of the State when the superintendent  
32 determines travel outside of the State provides the most direct route to and  
33 from the school.

- 34 (1a) No pupil or employee shall be so transported upon any bus other than the bus  
35 to which such pupil or employee has been assigned pursuant to the provisions  
36 of this ~~Article~~: Article, except for the following:

- 37 a. ~~Provided, that children~~ Children enrolled in a Headstart program or  
38 any NC Pre-K program may be transported on public school buses,  
39 and any additional costs associated with such contractual  
40 arrangements shall be incurred by the benefitting Head Start or NC  
41 Pre-K ~~program~~: program.  
42 b. ~~Provided further, that children~~ Children with disabilities may be  
43 transported to and from the nearest appropriate private school having  
44 a special education program approved by the State Board of Education  
45 if the children to be transported are or have been placed in that program  
46 by a local school administrative unit as a result of the State or the unit's  
47 duty to provide such children with a free appropriate public education.

48 ...."  
49

50 **INNOVATIVE SCHOOL DISTRICT REVISIONS**



1 student performance in the school in accordance with G.S. 115C-75.7(c1).  
 2 The State Board may impose additional requirements as a condition of  
 3 approving the plan, and a local board selected as IS operator under this  
 4 subdivision shall be subject to the conditions and requirements of the plan as  
 5 approved by the State Board of Education. If a plan is not agreed to and  
 6 approved by January 15, the State Board shall select another entity as IS  
 7 operator in accordance with this Article.

8 ...

9 (c) ~~The~~ When practicable, the selected IS operator is encouraged to hold public  
 10 informational sessions and other outreach to the community, prospective innovative school, and  
 11 local board of education of a prospective innovative school prior to a local board's adoption of  
 12 the resolution required by G.S. 115C-75.7(c).

13 (d) ~~The contract between the~~ State Board of Education ~~and IS operator~~ shall require, as a  
 14 minimum, that the IS operator meet the same requirements as established for charter schools in  
 15 the following statutes:

16 ...

17 **"§ 115C-75.9. Management of innovative schools.**

18 (a) Direct Management by IS Operator. – An innovative school shall be subject to direct  
 19 management by an IS operator selected by the State Board of Education, upon the  
 20 recommendation of the ISD Superintendent, for a five-year ~~contract~~ contract, or, if the IS  
 21 operator is a local board of education, according to the requirements of a five-year approved plan.  
 22 In the event that temporary management is necessary due to contract termination, lack of a  
 23 qualified IS operator under G.S. 115C-75.8(b1), failure to comply with the requirements of an  
 24 approved plan, or other unforeseen emergency, the ISD is authorized to act as an IS operator.

25 (b) Role of IS Operator. – ~~The~~ Except as otherwise provided in this Article, the IS  
 26 operator shall be authorized to have a direct role in making decisions about school finance, human  
 27 capital, and curriculum and instruction for the innovative school while developing the leadership  
 28 capacity in such schools.

29 (c) Assignment to Innovative Schools. – All innovative schools shall remain open to  
 30 enrollment in the same manner with the same attendance zone as prior to becoming an innovative  
 31 school. If a local board of education's reassignment of students within the local school  
 32 administrative unit due to student population changes or openings or closures of other schools  
 33 impacts the innovative school, the IS operator may appeal to the ISD Superintendent and request  
 34 a hearing before the State Board of Education regarding the reassignment. Notwithstanding  
 35 G.S. 115C-366, the State Board of Education shall, after hearing from both the local board of  
 36 education and IS operator, determine whether the reassignment of students impacting the  
 37 innovative school may proceed. If the IS operator is a local board of education, the ISD  
 38 Superintendent may review the potential impact of any changes regarding student enrollment at  
 39 an innovative school and may request a hearing before the State Board of Education regarding  
 40 any proposed assignments.

41 (d) Facility and Capital Expenditures. – Facility and capital expenditures shall be  
 42 provided as follows:

- 43 (1) In addition to the transfer of funds as provided in G.S. 115C-75.10, the local  
 44 board of education shall be responsible for facility and capital expenditures at  
 45 the qualifying school.
- 46 (2) All IS operators ~~and other than~~ local boards of education shall enter into an  
 47 occupancy agreement with local boards of education establishing the terms of  
 48 occupancy for the IS operator not otherwise addressed in statute. If the parties  
 49 are unable to reach agreement, either party may petition the State Board of  
 50 Education to resolve any issues in dispute.

51 ...

1 (f) Memorandums of Understanding for Alternate Arrangements. – Notwithstanding this  
2 section, the IS operator, if other than a local board of education, in consultation with the ISD  
3 Superintendent, may elect to enter into a memorandum of understanding for alternate  
4 arrangements with the local board of education to address any of the following:

- 5 (1) Facility and capital expenditures.
- 6 (2) Transportation services.
- 7 (3) Services for Children with Disabilities.

8 If the IS operator elects to use a memorandum of understanding for alternate arrangements,  
9 the IS operator and local board of education shall finalize the memorandum of understanding  
10 within 30 days of the initial request by the IS operator. If the parties have not completed the  
11 memorandum of understanding within 30 days, the State Board of Education shall resolve any  
12 issues in dispute. An IS operator that is a local board of education shall provide facility and  
13 capital expenditures, transportation services, and services for children with disabilities in the  
14 same manner as provided for other schools in the local school administrative unit in that school  
15 year.

16 (g) Student Records. – The local board of education shall make available in a timely  
17 fashion all student records to the innovative school at no cost for all students of that school.

18 (h) Innovative School Employees. – The IS operator shall select and hire the school  
19 principal for an innovative school. Within the limits of the school budget, the IS operator or its  
20 designee shall select staff members in accordance with guidance from the ISD Superintendent.  
21 Before finalizing staffing recommendations, the IS operator and the ISD Superintendent or the  
22 Superintendent's designee shall interview all existing staff members at the qualifying school and  
23 review student growth and performance data for those staff members for whom it is available.  
24 Notwithstanding Article 21A of this Chapter, the IS operator and the ISD Superintendent shall  
25 be permitted to examine personnel files of existing staff members for the qualifying school. The  
26 following requirements shall apply to employees of a school that is transferring to the ISD:

27 (1) The If the IS operator is not a local board of education, the following shall  
28 apply:

- 29 a. The IS operator shall have the authority to decide whether any  
30 administrator, teacher, or staff member previously assigned to a  
31 qualifying school selected to become an innovative school shall  
32 continue as an employee of the innovative school.
- 33 b. Any such employees retained shall become employees of the ISD. An  
34 employee hired to work in an innovative school shall be an employee  
35 of the ISD, and the employees shall be under the exclusive control of  
36 the ISD.
- 37 c. All employees of the ISD shall be eligible for enrollment in the  
38 Teachers' and State Employees' Retirement System of North Carolina,  
39 the State Health Plan, and other benefits available to State employees.
- 40 d. The IS operator shall provide funds to the ISD in an amount sufficient  
41 to provide salary and benefits for employees of the ISD working in the  
42 innovative school based on the terms of employment established by  
43 the IS operator.

44 (2) If the IS operator is a local board of education, the following shall apply:

- 45 a. The ISD Superintendent shall have authority to direct the local board  
46 of education, in its capacity as IS operator, as to whether any  
47 administrator, teacher, or staff member previously assigned to a  
48 qualifying school selected to become an innovative school shall  
49 continue as an employee of the innovative school. If an employee is  
50 not given the option to continue as an employee for the innovative

1 school, the local board may exercise its discretion pursuant to  
2 subsection (j) of this section.

- 3 b. Any employees retained at the innovative school shall remain  
4 employees of the local board of education, and shall be under the  
5 control of the local board of education acting in its capacity as the IS  
6 operator under the direction of the ISD Superintendent. The ISD  
7 Superintendent shall have the authority to direct the local board of  
8 education, in its capacity as the IS operator, to remove an employee  
9 from assignment to the innovative school.

10 ...  
11 **"§ 115C-75.10. Innovative schools funds.**

12 (a) Funding Allocation. – The State Board of Education shall allocate the following to  
13 the ISD for each innovative school:

- 14 (1) An amount equal to the average per pupil allocation for average daily  
15 membership from the local school administrative unit allotments in which the  
16 innovative school was located for each child attending the innovative school  
17 except for the allocations for (i) children with disabilities, (ii) children with  
18 limited English proficiency, and (iii) transportation. The State Board of  
19 Education shall provide the allocation for transportation to the local school  
20 administrative unit in which the innovative school is located.  
21 (2) An additional amount for each child attending the innovative school who is a  
22 child with disabilities.  
23 (3) An additional amount for children with limited English proficiency attending  
24 the innovative school, based on a formula adopted by the State Board of  
25 Education.

26 (a1) Student Support Services. – If the IS operator is a local board of education, funding  
27 for student support and operational services shall be provided in the same manner and degree as  
28 in the prior school year. For the purposes of this subsection, student support and operational  
29 services include cafeteria services, custodial services, broadband and utilities, and student  
30 information services, and instructional services include alternative education, special education  
31 services, test administration services, textbooks, technology, media resources, instructional  
32 equipment, and other resources.

33 (b) Designated Funding.— Funding shall be allocated to the ISD for the innovative school  
34 by the State Board of Education and local board of education as follows:

35 (b) Local Funding Allocation Selection. – ~~State and~~ For an innovative school with an IS  
36 operator other than a local board of education, local funding for an innovative school shall be  
37 allocated as provided in subsection (b) subdivision (1) or subsection (c) subdivision (2) of this  
38 section-subsection. The IS operator shall select one of the allocation methods as the method to  
39 be used for the innovative school.

- 40 (1) ~~The State Board of Education shall allocate the following to the ISD for each~~  
41 ~~innovative school:~~

- 42 a. ~~An amount equal to the average per pupil allocation for average daily~~  
43 ~~membership from the local school administrative unit allotments in~~  
44 ~~which the innovative school was located for each child attending the~~  
45 ~~innovative school except for the allocations for (i) children with~~  
46 ~~disabilities, (ii) children with limited English proficiency, and (iii)~~  
47 ~~transportation. The State Board of Education shall provide the~~  
48 ~~allocation for transportation to the local school administrative unit in~~  
49 ~~which the innovative school is located.~~

- 50 b. ~~An additional amount for each child attending the innovative school~~  
51 ~~who is a child with disabilities.~~

1 e. ~~An additional amount for children with limited English proficiency~~  
2 ~~attending the innovative school, based on a formula adopted by the~~  
3 ~~State Board of Education.~~

4 (2) Designated Funding. – The local school administrative unit in which the  
5 innovative school is located shall transfer to the ISD for the innovative school  
6 an amount equal to the per pupil share of the local current expense fund of the  
7 local school administrative unit for the fiscal year. The per pupil share of the  
8 local current expense fund shall be transferred to the ISD for the innovative  
9 school within 30 days of the receipt of monies into the local current expense  
10 fund. The local school administrative unit and ISD may use the process for  
11 mediation of differences between the State Board of Education and a charter  
12 school provided in G.S. 115C-218.95(d) to resolve differences on calculation  
13 and transference of the per pupil share of the local current expense fund. The  
14 amount transferred under this subsection that consists of revenue derived from  
15 supplemental taxes shall be transferred only to an innovative school located  
16 in the tax district for which these taxes are levied and in which the student  
17 resides. The local school administrative unit shall also provide the ISD with  
18 all of the following information within the 30-day time period provided in this  
19 subsection:

- 20 a. The total amount of monies the local school administrative unit has in  
21 each of the funds listed in G.S. 115C-426(c).  
22 b. The student membership numbers used to calculate the per pupil share  
23 of the local current expense fund.  
24 c. How the per pupil share of the local current expense fund was  
25 calculated.  
26 d. Any additional records requested by the ISD from the local school  
27 administrative unit in order for the ISD to audit and verify the  
28 calculation and transfer of the per pupil share of the local current  
29 expense fund.

30 (e)(2) Funding Memorandum of Understanding. – The IS operator, in consultation  
31 with the ISD Superintendent, may enter into a funding memorandum of  
32 understanding with the local board of education of the local school  
33 administrative unit where the innovative school is located for all student  
34 support and operational services and instructional services to be provided by  
35 the local board of education in the same manner and degree as in the prior  
36 school year or funding in an amount equivalent to the amount the local board  
37 of education would have expended on those services if provided. For the  
38 purposes of this subsection, student support and operational services include  
39 cafeteria services, custodial services, broadband and utilities, and student  
40 information services, and instructional services include alternative education,  
41 special education services, test administration services, textbooks,  
42 technology, media resources, instructional equipment, and other resources.  
43 The IS operator and local board of education shall finalize the funding  
44 memorandum of understanding within 30 days of the initial request for the  
45 memorandum by the IS operator. If the parties have not completed the funding  
46 memorandum of understanding within 30 days, the State Board of Education  
47 shall resolve any issues in dispute.

48 (d) ISD Funding Management. – The ISD may seek, manage, and expend federal money  
49 and grants, State funding, and other funding with the same authority as a local school  
50 administrative unit, including decisions related to allocation of State funds among innovative

1 schools, and shall be considered a local school administrative unit for all federal funding  
2 purposes.

3 **"§ 115C-75.11. Accountability and governance for innovative schools.**

4 ...

5 (b) ~~The IS operator operator, if not a local board of education,~~ shall select, approve, or  
6 remove the school principal of an innovative school that it is managing in accordance with this  
7 Article. If the IS operator is a local board of education, the ISD Superintendent shall have  
8 authority to select, approve, or remove the school principal of the innovative school.

9 ...

10 **"§ 115C-75.12. Term of supervision for an innovative school.**

11 (a) An innovative school shall remain under the supervision of the ISD for a minimum  
12 of five consecutive years through a contract with an IS ~~operator operator,~~ or an approved plan if  
13 the IS operator is a local board of education. The following shall apply to the term of a contract  
14 with an IS operator of an innovative school:

15 ...

- 16 (2) Nonrenewal of contract based on performance. – If, by the end of the five-year  
17 contract, the innovative school's average annual percentage growth during the  
18 term of the contract does not exceed the average annual percentage growth of  
19 other qualifying schools during the same term, the State Board of Education  
20 shall not renew the contract of the IS operator and ~~develop a transition plan to~~  
21 ~~return the school to the local school administrative unit.~~ shall close the school.

22 ...

23 (a1) The following shall apply to the period of an approved plan for an IS operator that is  
24 a local board of education:

- 25 (1) Revocation of approval of the plan based on performance. – If, during the  
26 five-year plan, the innovative school's annual percentage growth does not  
27 exceed the average annual percentage growth of other qualifying schools for  
28 three consecutive years, the State Board of Education, upon the  
29 recommendation of the ISD Superintendent, may revoke approval of the plan  
30 previously approved under G.S. 115C-75.7(c1) at the conclusion of the  
31 academic year and contract with an IS operator in accordance with  
32 G.S. 115C-75.8(b)(1) or G.S. 115C-75.8(b)(2) to assume the remainder of the  
33 five-year period.
- 34 (2) Nonrenewal of the approved plan based on performance. – If, by the end of  
35 the five-year period, the innovative school's average annual percentage growth  
36 over the period during which the approved plan has been implemented does  
37 not exceed the average annual percentage growth of other qualifying schools  
38 during the same period, the State Board of Education shall not renew the  
39 approved plan and shall close the school.
- 40 (3) State Board of Education optional extension of approved plan for three years.  
41 – If, by the end of the five-year period, the innovative school remains a  
42 qualifying school but has exceeded the average annual percentage growth of  
43 other qualifying schools and has shown growth over the period during which  
44 the approved plan has been implemented, the State Board of Education, upon  
45 the recommendation of the ISD Superintendent in his or her discretion, may  
46 continue the approved plan for an additional three-year period. The ISD  
47 Superintendent and IS operator shall engage the school and the school  
48 community in developing a transition plan for the school to leave the  
49 supervision of the ISD at the conclusion of the three-year extension of the  
50 approved plan. If the State Board of Education does not elect to continue the  
51 approved plan, the State Board of Education may do any of the following:



- 1           a.       Select another IS operator for a three-year contract.  
 2           b.       Close the school as provided in subdivision (2) of this subsection.  
 3           c.       Develop a transition plan to return the school to the local school  
 4                    administrative unit for the next school year.  
 5       (4)   IS operator option to extend approved plan for three years. – If, by the end of  
 6       the five-year period, the innovative school receives a grade of C or higher  
 7       under G.S. 115C-12(9)c1., the IS operator shall have the option to extend the  
 8       approved plan for another three-year period. The ISD Superintendent and IS  
 9       operator shall engage the school and the school community in developing a  
 10       transition plan for the school to leave the supervision of the ISD at the  
 11       conclusion of the three-year extension of the approved plan. If the IS operator  
 12       does not elect to continue the approved plan, the State Board of Education  
 13       may select another IS operator for a three-year contract or may develop a  
 14       transition plan to return the school to the local school administrative unit for  
 15       the next school year.  
 16       (5)   Revocation of approved plan on other grounds. – The State Board of  
 17       Education, upon the recommendation of the ISD Superintendent, may revoke  
 18       an approved plan at any time during the plan period for failure to comply with  
 19       the requirements of the approved plan. The State Board of Education shall  
 20       select another IS operator in accordance with this Article for the remaining  
 21       period of the plan. The ISD is authorized to act as a temporary IS operator  
 22       during the transition period, if necessary.  
 23       (6)   In the event that approval is revoked and another IS operator must be selected,  
 24       the local board of education shall continue to be responsible for providing  
 25       student services as specified in the approved plan.  
 26       (b)   An innovative school shall remain under the supervision of the ISD for no more than  
 27       eight years.  
 28       (c)   The State Board of Education shall make all decisions related to contracts or approved  
 29       plans for IS operators no later than May 1, except as provided in subdivision (5) of subsection  
 30       (a) of this ~~section~~ section and subdivision (5) of subsection (a1) of this section."

31       **SECTION 20.(b)** This section is effective when it becomes law and applies  
 32       beginning with the 2019-2020 school year.  
 33

#### 34   **EXTEND AGRICULTURAL DISASTER PROGRAM DEADLINE**

35       **SECTION 21.(a)** Section 5.11(e) of S.L. 2018-136 reads as rewritten:

36       **"SECTION 5.11.(e)** A person seeking financial assistance for losses of agricultural  
 37       commodities shall submit to the Department a Form 578 on file with the USDA Farm Service  
 38       Agency or a form provided by the Department for reporting acreage or plantings of crops not  
 39       typically reported on Form 578, along with any other documentation deemed appropriate by the  
 40       Department, on or before ~~December 10, 2018~~ December 20, 2018. For nursery crops,  
 41       fruit-bearing trees and bushes, and specialty crops where the survival level is not immediately  
 42       known, the Department may extend this deadline to May 1, 2019, upon written request by the  
 43       person received on or before ~~December 10, 2018~~ December 20, 2018, and upon approval by the  
 44       Department. A person receiving assistance under this program must provide a signed affidavit,  
 45       under penalty of perjury, certifying that each fact of the loss presented by the person is accurate."

46       **SECTION 21.(b)** Section 5.11(g) of S.L. 2018-136 reads as rewritten:

47       **"SECTION 5.11.(g)** A person seeking financial assistance for losses of livestock or poultry  
 48       shall submit documentation of loss and indemnity received from the USDA Livestock Indemnity  
 49       Program, along with any other documentation deemed appropriate by the Department, to the  
 50       Department on or before ~~December 10, 2018~~ December 20, 2018. The Department may extend  
 51       this deadline to March 1, 2019, upon written request by the person received on or before

1 ~~December 10, 2018, December 20, 2018,~~ and upon approval by the Department. A person  
 2 receiving assistance under this program must provide a signed affidavit, under penalty of perjury,  
 3 certifying that each fact of the loss presented by the person is accurate."

4 **SECTION 21.(c)** Section 5.11(h) of S.L. 2018-136 reads as rewritten:

5 **"SECTION 5.11.(h)** The Department shall administer the financial assistance program  
 6 authorized by this section in accordance with the following criteria:

7 ...

8 (3) The Department shall gather all claim information, except from those  
 9 applicants granted a deadline extension, no later than ~~December 10,~~  
 10 ~~2018, December 20, 2018.~~ The Department shall, as closely as possible,  
 11 estimate the amount of the appropriation needed to be held in reserve for  
 12 payments related to losses of livestock, poultry, nursery, bush, tree, and  
 13 specialty crops for which losses will not be fully known or calculated. The  
 14 Department shall set aside funds as it deems appropriate based on the  
 15 estimated percentage of these losses.

16 ...."

17  
 18 **MODIFY DISABILITY SCHOLARSHIP APPLICATION REQUIREMENTS AND**  
 19 **TECHNICAL CHANGES FOR THE OPPORTUNITY SCHOLARSHIP PROGRAM**

20 **SECTION 22.(a)** G.S. 115C-112.5(2) reads as rewritten:

21 "(2) Eligible student. – A child under the age of 22 who resides in North Carolina  
 22 and meets all of the following criteria:

23 ...

24 f. Meets at least one of the following requirements:

- 25 1. Was enrolled in a North Carolina public school or a  
 26 Department of Defense Elementary and Secondary School,  
 27 established pursuant to 10 U.S.C. § 2164 and located in North  
 28 Carolina, during the ~~previous semester.~~spring semester prior to  
 29 the school year for which the student is applying. The  
 30 Authority shall not count actual days of attendance to  
 31 determine whether a child was enrolled in a qualifying school  
 32 for ~~the previous~~that semester for the purposes of eligibility  
 33 under this sub-sub-subdivision.
- 34 2. Received special education or related services through the  
 35 North Carolina public schools as a preschool child with a  
 36 disability during the ~~previous semester.~~spring semester prior to  
 37 the school year for which the student is applying.
- 38 3. ~~Was approved for~~Received a scholarship for the ~~previous~~  
 39 ~~semester.~~school year prior to the school year for which the  
 40 student is applying.
- 41 4. Is a child who is identified as a child with a disability prior to  
 42 the end of the year of initial enrollment in kindergarten or first  
 43 grade. An award by the Authority based on eligibility under  
 44 this sub-sub-subdivision shall be conditional. If documentation  
 45 is not provided to the Authority that the child is a child with a  
 46 disability prior to the end of the year of initial enrollment, (i)  
 47 no reimbursement shall be awarded and (ii) the child shall not  
 48 qualify the following year as an eligible student under  
 49 sub-sub-subdivision 3. of this section.
- 50 5. Is a child whose parent or legal guardian is on full-time duty  
 51 status in the active uniformed service of the United States,

- 1 including members of the National Guard and Reserve on  
 2 active duty orders pursuant to 10 U.S.C. § 12301, et seq., and  
 3 10 U.S.C. § 12401, et seq.
- 4 6. Is a child who has been domiciled in the State for at least six  
 5 months.
- 6 7. Is a child in foster care as defined in G.S. 131D-10.2(9).
- 7 8. Is a child whose adoption decree was entered not more than  
 8 one year prior to submission of the scholarship application.
- 9 9. Is a child that meets both of the following:
- 10 I. Was enrolled in a nonpublic school that meets the  
 11 requirements of Article 39 of this Chapter during the  
 12 spring semester prior to the school year for which the  
 13 student is applying.
- 14 II. Was enrolled for the entire school year immediately  
 15 prior to the school year in which the student enrolled in  
 16 the nonpublic school in one of the following:
- 17 A. A North Carolina public school.
- 18 B. A Department of Defense Elementary and  
 19 Secondary School, established pursuant to 10  
 20 U.S.C. § 2164 and located in North Carolina."

21 **SECTION 22.(b)** G.S. 115C-112.6(a2) reads as rewritten:

22 "(a2) Priority of Awards. – The Authority shall award scholarships according to the  
 23 following criteria for applications received by March 15 each year:

- 24 (1) First priority shall be given to eligible students who received a scholarship  
 25 duringfor the previous school year-year prior to the school year for which  
 26 students are applying.
- 27 (2) After scholarships have been awarded under subdivision (1) of this subsection,  
 28 scholarships shall be awarded to students who are eligible under  
 29 G.S. 115C-112.5(2)f.1., 2., 4., 5., 7., ~~and 8-8., and 9.~~
- 30 (3) After scholarships have been awarded under subdivision (2) of this subsection,  
 31 scholarships shall be awarded to students who are eligible under  
 32 G.S. 115C-112.5(2)f.6."

33 **SECTION 22.(c)** Any student who meets the following requirements shall qualify  
 34 as an eligible student and shall be eligible to receive a scholarship pursuant to Part 1H of Article  
 35 9 of Chapter 115C of the General Statutes:

- 36 (a) Was enrolled in a North Carolina public school or a Department of Defense  
 37 Elementary and Secondary School for the entire 2016-2017 school year.
- 38 (b) Was enrolled in a nonpublic school that meets the requirements of Article 39 of this  
 39 Chapter in the 2017-2018 and 2018-2019 school years.
- 40 (c) Meets the eligibility requirements of G.S. 115C-112.5(2)a. through e.
- 41 (d) Submits a scholarship application for the 2019-2020 school year.

42 A student who becomes eligible for a scholarship in the 2019-2020 school year solely  
 43 due to this section shall receive priority in award of scholarships over all applicants except those  
 44 previously awarded scholarships.

45 **SECTION 22.(d)** G.S. 115C-562.1(3)a. reads as rewritten:

46 "a. Meets one of the following criteria:

- 47 1. Was a full-time student (i) assigned to and attending a public  
 48 school pursuant to G.S. 115C-366 or (ii) enrolled in a  
 49 Department of Defense Elementary and Secondary School,  
 50 established pursuant to 10 U.S.C. § 2164 and located in North

1 Carolina, during the ~~previous semester~~ spring semester prior to  
 2 the school year for which the student is applying.

- 3 2. Received a scholarship grant ~~during for the previous~~ school  
 4 year-year prior to the school year for which the student is  
 5 applying.

6 ...."

7 **SECTION 22.(e)** G.S. 115C-562.2(a)(1) reads as rewritten:

- 8 "(1) First priority shall be given to eligible students who received a scholarship  
 9 grant during for the previous school year prior to the school year for which the  
 10 students are applying if those students have applied by March 1."

11  
 12 **"HUMAN TRAFFICKING VICTIM RECORDS**

13 **SECTION 22.2.** G.S. 14-43.17 reads as rewritten:

14 **"§ 14-43.17. Victim confidentiality; penalty for unlawful disclosure.**

15 (a) Confidentiality Requirement. – Except as otherwise provided in  
 16 ~~subsection~~ subsections (b) and (d) of this section, the name, address, or other information that  
 17 reasonably could be expected to lead directly to the identity of any of the following, is  
 18 confidential and shall not be considered a public record as that term is defined in G.S. 132-1:

- 19 (1) A victim.  
 20 (2) An alleged victim.  
 21 (3) An immediate family member of a victim or alleged victim. For purposes of  
 22 this subdivision, the term "immediate family member" means a spouse, child,  
 23 sibling, parent, grandparent, grandchild, or the spouse of an immediate family  
 24 member. This term includes stepparents, stepchildren, stepsiblings, and  
 25 adoptive relationships.

26 ...

27 (d) Court Records. – This section does not apply to records that have been made part of  
 28 a court file in the custody of the General Court of Justice."

29  
 30 **CERTIFICATES OF RELIEF**

31 **SECTION 22.3.** G.S. 15A-173.2(f) reads as rewritten:

32 "(f) A Certificate of Relief is automatically revoked pursuant to G.S. 15A-173.4(b) if the  
 33 individual is subsequently convicted of a felony or misdemeanor other than a traffic violation.  
 34 The Administrative Office of the Courts shall provide the following declaration on the ~~forms that~~  
 35 ~~record criminal judgments:~~ Petition and Order for a Certificate of Relief: "Any Certificate of  
 36 Relief is automatically revoked for a subsequent conviction of a felony or misdemeanor other  
 37 than a traffic violation in this State."

38  
 39 **TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE STATE**  
 40 **HEALTH PLAN/CHARTER SCHOOL CLARIFICATION**

41 **SECTION 22.5.(a)** G.S. 115C-218.90(a) is amended by adding a new subdivision  
 42 to read:

43 "(4a) The board of directors of a municipal charter school may elect to become a  
 44 participating employer in the Teachers' and State Employees' Retirement  
 45 System and the State Health Plan for Teachers and State Employees."

46 **SECTION 22.5.(b)** G.S. 135-4(cc) reads as rewritten:

47 "(cc) Credit for Employment in a Charter School Operated by a Private Nonprofit  
 48 Corporation ~~Corporation~~ or a Charter School Operated by a Municipality. – Any member may  
 49 purchase creditable service for any employment as an employee of a charter school operated by  
 50 a private nonprofit corporation or a charter school operated by a municipality whose board of  
 51 directors did not elect to participate in the Retirement System under G.S. 135-5.3 upon

1 completion of five years of membership service by making a lump-sum payment into the Annuity  
2 Savings Fund. The payment by the member shall be equal to the full liability of the service credits  
3 calculated on the basis of the assumptions used for purposes of the actuarial valuation of the  
4 Retirement System's liabilities, taking into account the additional retirement allowance arising  
5 on account of the additional service credits commencing at the earliest age at which the member  
6 could retire with an unreduced retirement allowance, as determined by the Board of Trustees  
7 upon the advice of the actuary plus an administrative expense fee to be determined by the Board  
8 of Trustees. Creditable service purchased under this subsection shall not exceed a total of five  
9 years. Notwithstanding the foregoing provisions of this subsection that provide for the purchase  
10 of service credits, the terms "full cost", "full liability", and "full actuarial cost" include assumed  
11 annual postretirement allowance increases, as determined by the Board of Trustees, from the  
12 earliest age at which a member could retire on an unreduced service allowance."

13 **SECTION 22.5.(c)** G.S. 135-5.3 reads as rewritten:

14 "**§ 135-5.3. Optional participation for charter schools operated by private nonprofit**  
15 **corporations, corporations or municipalities.**

16 ...

17 (b1) The board of directors of a charter school operated by a private nonprofit corporation  
18 ~~and~~ or a charter school operated by a municipality that has received State Board of Education  
19 approval under G.S. 115C-218.5 may elect to become a participating employer in the Retirement  
20 System in accordance with this Article.

21 ...."

22 **SECTION 22.5.(d)** G.S. 135-48.47(a) reads as rewritten:

23 "(a) Eligibility. – The employees and dependents of employees of local government units  
24 are eligible to participate in the State Health Plan, as provided in this section. This section does  
25 not apply to employees of a charter school operated by a municipality.

26 Employees and dependents participating under this section are not guaranteed participation  
27 in the Plan, and participation is contingent on their respective local government units (i) electing  
28 to participate in the Plan and (ii) complying with the provisions of this section and this Article,  
29 as well as any policies adopted by the Plan."

30 **SECTION 22.5.(e)** G.S. 135-48.54 reads as rewritten:

31 "**§ 135-48.54. Optional participation for charter schools operated by private nonprofit**  
32 **corporations, corporations or municipalities.**

33 ...

34 (b) No later than two years after both parties have signed the written charter under  
35 G.S. 115C-218.15, the board of directors of a charter school operated by a private nonprofit  
36 corporation or a charter school operated by a municipality shall elect whether to become a  
37 participating employer in the Plan in accordance with this Article. This election shall be in writing  
38 and filed with the Plan and the State Board of Education. This election is effective for each charter  
39 school employee as of the date of that employee's entry into eligible service.

40 ...."

41 **SECTION 22.5.(f)** Subsection (a) of this section applies only to the Town of  
42 Cornelius, the Town of Huntersville, the Town of Matthews, and the Town of Mint Hill.

43 **SECTION 22.5.(g)** This section is effective when it becomes law.

44  
45 **EFFECTIVE DATE**

46 **SECTION 23.** Except as otherwise provided, this act is effective when it becomes  
47 law.