

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 469
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Proposed Conference Committee Substitute S469-PCCS15342-RB-3

Short Title: Technical Corrections.

(Public)

Sponsors:

Referred to:

March 30, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS TECHNICAL, CLARIFYING, AND CONFORMING
3 CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

4 The General Assembly of North Carolina enacts:

5
6 **MODIFY THE REQUIREMENTS FOR APPLICATIONS FOR STUDENTS WITH**
7 **DISABILITIES SCHOLARSHIP GRANTS AND MAKE TECHNICAL CHANGES TO**
8 **THE OPPORTUNITY SCHOLARSHIP GRANT PROGRAM**

9 **SECTION 1.(a)** G.S. 115C-112.5(2) reads as rewritten:

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

12 ...

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

- 14 1. Was enrolled in a North Carolina public school or a
15 Department of Defense Elementary and Secondary School,
16 established pursuant to 10 U.S.C. § 2164 and located in North
17 Carolina, during the ~~previous semester~~ spring semester prior to
18 the school year for which the student is applying. The
19 Authority shall not count actual days of attendance to
20 determine whether a child was enrolled in a qualifying school
21 for the ~~previous~~ that semester for the purposes of eligibility
22 under this sub-sub-subdivision.
- 23 2. Received special education or related services through the
24 North Carolina public schools as a preschool child with a
25 disability during the ~~previous semester~~ spring semester prior to
26 the school year for which the student is applying.
- 27 3. ~~Was approved for~~ Received a scholarship for the ~~previous~~
28 ~~semester~~ school year prior to the school year for which the
29 student is applying.
- 30 4. Is a child who is identified as a child with a disability prior to
31 the end of the year of initial enrollment in kindergarten or first



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1 grade. An award by the Authority based on eligibility under
 2 this sub-sub-subdivision shall be conditional. If documentation
 3 is not provided to the Authority that the child is a child with a
 4 disability prior to the end of the year of initial enrollment, (i)
 5 no reimbursement shall be awarded and (ii) the child shall not
 6 qualify the following year as an eligible student under
 7 sub-sub-subdivision 3. of this section.

8 5. Is a child whose parent or legal guardian is on full-time duty
 9 status in the active uniformed service of the United States,
 10 including members of the National Guard and Reserve on
 11 active duty orders pursuant to 10 U.S.C. § 12301, et seq., and
 12 10 U.S.C. § 12401, et seq.

13 6. Is a child who has been domiciled in the State for at least six
 14 months.

15 7. Is a child in foster care as defined in G.S. 131D-10.2(9).

16 8. Is a child whose adoption decree was entered not more than
 17 one year prior to submission of the scholarship application.

18 9. Is a child who meets both of the following:

19 I. Was enrolled in a nonpublic school that meets the
 20 requirements of Article 39 of this Chapter during the
 21 spring semester prior to the school year for which the
 22 student is applying.

23 II. Was enrolled for the entire school year immediately
 24 prior to the school year in which the student enrolled in
 25 the nonpublic school in one of the following:

26 A. A North Carolina public school.

27 B. A Department of Defense Elementary and
 28 Secondary School, established pursuant to 10
 29 U.S.C. § 2164 and located in North Carolina."

30 **SECTION 1.(b)** G.S. 115C-112.6(a2) reads as rewritten:

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

33 (1) First priority shall be given to eligible students who received a scholarship
 34 ~~during for the previous school year~~ prior to the school year for which
 35 students are applying.

36 (2) After scholarships have been awarded under subdivision (1) of this subsection,
 37 scholarships shall be awarded to students who are eligible under
 38 G.S. 115C-112.5(2)f.1., 2., 4., 5., 7., ~~and 8., and 9.~~

39 (3) After scholarships have been awarded under subdivision (2) of this subsection,
 40 scholarships shall be awarded to students who are eligible under
 41 G.S. 115C-112.5(2)f.6."

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

45 (1) Was enrolled in a North Carolina public school or a Department of Defense
 46 Elementary and Secondary School for the entire 2016-2017 school year.

47 (2) Was enrolled in a nonpublic school that meets the requirements of Article 39
 48 of this Chapter in the 2017-2018 and 2018-2019 school years.

49 (3) Meets the eligibility requirements of G.S. 115C-112.5(2)a. through e.

50 (4) Submits a scholarship application for the 2019-2020 school year.

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

4 **SECTION 1.(d)** G.S. 115C-562.1(3)a. reads as rewritten:

5 "a. Meets one of the following criteria:

- 6 1. Was a full-time student (i) assigned to and attending a public
7 school pursuant to G.S. 115C-366 or (ii) enrolled in a
8 Department of Defense Elementary and Secondary School,
9 established pursuant to 10 U.S.C. § 2164 and located in North
10 Carolina, during the ~~previous semester~~ spring semester prior to
11 the school year for which the student is applying.
- 12 2. Received a scholarship grant ~~during for the previous~~ school
13 year-year prior to the school year for which the student is
14 applying.

15"

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

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

20
21 **CHANGE THE ADMINISTRATOR OF THE TRANSFORMING PRINCIPAL**
22 **PREPARATION PROGRAM TO THE NC PRINCIPAL FELLOWS COMMISSION**

23 **SECTION 2.(a)** Part 4 of Article 23 of Chapter 116 of the General Statutes reads as
24 rewritten:

25 "Part 4. Transforming Principal Preparation Grant Program.

26 **"§ 116-209.70. Purpose and definitions.**

27 (a) Purpose. – The purpose of this Part is to establish the Transforming Principal
28 Preparation Grant Program as a competitive grant program for eligible entities to elevate
29 educators in North Carolina public schools by transforming the preparation of principals across
30 the State. The Authority shall administer this Program ~~through a cooperative agreement with a~~
31 ~~private, nonprofit corporation~~ in collaboration with the North Carolina Principal Fellows
32 Commission to provide funds for the preparation and support of highly effective future school
33 principals in North Carolina.

34 (b) Definitions. – For the purposes of this Part, the following definitions apply:

35 (1) Commission. – The North Carolina Principal Fellows Commission
36 established pursuant to G.S. 116-74.41.

37 (1a) Eligible entity. – A for-profit or nonprofit organization or an institution of
38 higher education that has an evidence-based plan for preparing school leaders
39 who implement school leadership practices linked to increased student
40 achievement.

41 ...

42 **"§ 116-209.71. Transforming Principal Preparation Grant Program established;**
43 **administration.**

44 (a) Program Authorized. – The Authority shall award grants through the Transforming
45 Principal Preparation Grant Program to eligible entities to support programs that develop
46 well-prepared school leaders in accordance with the provisions of this Part. The Authority shall
47 establish any necessary rules to administer the Program.

48 (b) ~~Contract with a Nonprofit~~ Collaboration with the Commission for Administration. –
49 The Authority shall ~~contract with a private, nonprofit corporation~~ collaborate with the
50 Commission for the administration of the Program, including the Commission making
51 recommendations to the Authority for the award of grants, as authorized by this Part. ~~The~~

1 ~~nonprofit corporation contracting with the Authority shall meet at least the following~~
2 ~~requirements:~~

- 3 (1) ~~The nonprofit corporation shall be a nonprofit corporation organized pursuant~~
4 ~~to Chapter 55A of the General Statutes and shall comply at all times with the~~
5 ~~provisions of section 501(c)(3) of the Internal Revenue Code.~~
6 (2) ~~The nonprofit corporation shall employ sufficient staff who have~~
7 ~~demonstrated a capacity for the development and implementation of grant~~
8 ~~selection criteria and a selection process to promote innovative school leader~~
9 ~~education programs, including:~~
10 a. ~~Focus on school leader talent.~~
11 b. ~~Expertise supporting judgments about grant renewal based on~~
12 ~~achievement of or substantial school leader progress toward~~
13 ~~measurable results in student achievement.~~
14 c. ~~Expectation of creating positive experiences working with the~~
15 ~~educational community in North Carolina to establish the foundation~~
16 ~~for successfully administering the programs set forth in this section.~~
17 (3) ~~The nonprofit corporation shall comply with the limitations on lobbying set~~
18 ~~forth in section 501(c)(3) of the Internal Revenue Code.~~
19 (4) ~~No State officer or employee may serve on the board of the nonprofit~~
20 ~~corporation.~~
21 (5) ~~The board of the nonprofit corporation shall meet at least quarterly at the call~~
22 ~~of its chair.~~

23 **"§ 116-209.72. Grant applications; priority.**

24 (a) ~~Application Requirements.~~ – Subject to the availability of funds for this purpose, the
25 ~~nonprofit corporation entering into a contract with the Authority under~~
26 ~~G.S. 116-209.71~~Commission shall issue a request for proposal with guidelines and criteria for
27 applying for a grant. An eligible entity that seeks a grant under the Program shall submit to the
28 ~~nonprofit corporation~~Commission an application at such time, in such manner, and accompanied
29 by such information as the ~~nonprofit~~Commission may require. An applicant shall include at least
30 the following information in its application for consideration by the ~~nonprofit~~
31 ~~corporation:~~Commission:

32 ...

33 (b) ~~Application Priority.~~ – The ~~nonprofit corporation~~Commission shall evaluate the
34 applicants for grants by giving priority to an eligible entity with a record of preparing principals
35 demonstrating the following:

- 36 (1) Improvement in student achievement.
37 (2) Placement as school leaders in eligible schools.
38 (3) A proposed focus on and, if applicable, a record of serving high-need schools,
39 high-need local school administrative units, or both.
40 (4) A detailed plan and commitment to share lessons learned and to improve the
41 capacity of other entities in reaching similar outcomes.
42 (5) A service area that is underserved by existing principal preparation programs
43 or demonstrates unmet need despite current available programs.

44 **"§ 116-209.73. Recipient selection; use of grant funds; duration and conditions of grants;**
45 **reporting requirements.**

46 (a) ~~Selection.~~ – After evaluation of grant applications pursuant to G.S. 116-209.72, the
47 ~~nonprofit corporation~~Commission shall recommend to the Authority the recipients of grants
48 under the Program for each fiscal year.

49 ...

1 (c) Duration and Conditions of Grants. – The ~~nonprofit corporation~~Commission shall
2 also recommend to the Authority the duration and renewal of grants to eligible entities according
3 to the following:

4 (1) The duration of grants shall be as follows:

5 a. Grants shall be no more than five years in duration.

6 b. The ~~nonprofit corporation~~Commission may recommend renewal of a
7 grant based on compliance with the grant terms and performance,
8 including allowing the grantee to scale up or replicate the successful
9 program as provided in subdivision (2) of this subsection.

10 (1a) The following conditions shall apply during the grant period:

11 e.a. The ~~nonprofit~~Commission shall develop a process with the Authority
12 for early retrieval of grant funds from grant recipients due to
13 noncompliance with grant terms, including participation in third-party
14 evaluation activities.

15 b. Grantees shall develop and enforce requirements to provide for
16 program graduates to serve a minimum of four years as school-based
17 administrators in North Carolina. The terms of forgivable loans to
18 program participants, including requirements for forgiveness or
19 repayment, shall be consistent with the provisions of G.S. 116-74.43.
20 Requirements are subject to the approval of the ~~nonprofit~~Commission.
21

22 (2) In evaluating performance for purposes of grant renewal and making
23 recommendations to the Authority, the ~~nonprofit corporation~~Commission
24 shall consider at least the following:

25 a. For all grantees, the primary consideration in renewing grants shall be
26 the extent to which program participants improved student
27 achievement in eligible schools.

28 b. Other criteria from data received in the annual report in subsection (d)
29 of this section may include the following:

30 1. The percentage of program completers who are placed as
31 school leaders in this State within three years of receiving a
32 grant.

33 2. The percentage of program completers who are rated proficient
34 or above on the North Carolina School Executive Evaluation
35 Rubric.

36 (d) Reporting Requirements for Grant Recipients. – Recipients of grants under the
37 program shall participate in all evaluation activities required by the ~~nonprofit~~Commission and
38 submit an annual report to the ~~nonprofit corporation~~Contracting with the AuthorityCommission
39 with any information requested by the ~~nonprofit corporation~~Commission. The recipients shall
40 comply with additional report requests made by the ~~nonprofit~~Commission. Whenever
41 practicable and within a reasonable amount of time, grant recipients shall also make all materials
42 developed as part of the program and with grant funds publically available to contribute to the
43 broader sharing of promising practices. Materials shall not include personally identifiable
44 information regarding individuals involved or associated with the program, including, without
45 limitation, applicants, participants, supervisors, evaluators, faculty, and staff, without their prior
46 written consent. The ~~nonprofit corporation~~Commission shall work with recipients, local school
47 administrative units, and public schools, as needed, to enable the collection, analysis, and
48 evaluation of at least the following relevant data, within necessary privacy constraints:

49 (1) Student achievement in eligible schools.

50 (2) The percentage of program completers who are placed as school leaders
51 within three years in the State.

- 1 (3) The percentage of program completers rated proficient or above on school
2 leader evaluation and support systems.
- 3 (4) The percentage of program completers that are school leaders who have
4 remained employed in a North Carolina public school for two or more years
5 of initial placement.

6 **"§ 116-209.74. Reports.**

7 The ~~nonprofit corporation administering the Program~~ Commission shall provide the State
8 Board of Education, the Authority, and the Joint Legislative Education Oversight Committee
9 with the data collected from grant recipients in accordance with G.S. 116-209.73 on an annual
10 basis.

11 **"§ 116-209.75. Funds for administration.**

12 The Authority may use up to twenty thousand dollars (\$20,000) each fiscal year from the
13 funds appropriated for the Program for its administrative costs. The Authority shall provide for
14 the expenses of the Commission to administer the Program pursuant to G.S. 116-74.42(a2)."

15 **SECTION 2.(b)** G.S. 116-74.42(a2) reads as rewritten:

16 "(a2) Use of Monies in the Trust Fund. – ~~The~~ Except as otherwise provided in subdivision
17 (5) of this subsection, the monies in the Trust Fund may be used only for scholarship loans
18 granted under the Principal Fellows Program, administrative costs, and costs associated with
19 program operations in accordance with this Article. The Authority may use up to eight hundred
20 thousand dollars (\$800,000) from the Trust Fund each fiscal year for the following:

- 21 (1) ~~(i) its~~ The Authority's Principal Fellows Program administrative costs,
22 including recovery of funds advanced under the ~~program;~~ program.
- 23 (2) ~~(ii) the~~ The salary and benefits of the director of the Principal Fellows
24 program; Program.
- 25 (3) ~~(iii) the~~ The expenses of the ~~Commission;~~ Commission for the Principal
26 Fellows Program, including applicant recruitment; and recruitment.
- 27 (4) ~~(iv) funds~~ Funds provided to the Commission for ~~program~~ Principal Fellows
28 Program monitoring and evaluation and extracurricular enhancement
29 activities for program recipients.
- 30 (5) The expenses of the Commission to administer the Transforming Principal
31 Preparation Grant Program in accordance with Part 4 of Article 23 of this
32 Chapter."

33 **SECTION 2.(c)** Section 11.9(m) of S.L. 2015-241, as amended by Section 4.3 of
34 S.L. 2016-123, Section 10A.5 of S.L. 2017-57, and Section 10A.4(d) of S.L. 2018-5, is repealed.

35 **SECTION 2.(d)** Section 11.9(o) of S.L. 2015-241, as enacted by Section 10A.5 of
36 S.L. 2017-57 and amended by Section 10A.4 of S.L. 2018-5, reads as rewritten:

37 **"SECTION 11.9.(o)** ~~Beginning with~~ For the 2017-2018 2017-2019 fiscal year, biennium,
38 the funds appropriated for this program, the sum of four million two hundred thousand dollars
39 (\$4,200,000) shall be allocated each fiscal year to the State Education Assistance Authority
40 (Authority) to award grants to selected recipients.

41 Beginning with the 2019-2020 fiscal year, of the funds appropriated for this program, the
42 sum of four million five hundred sixty thousand dollars (\$4,560,000) shall be allocated each
43 fiscal year to the Authority to award grants to selected recipients."

44 **SECTION 2.(e)** Notwithstanding G.S. 116-209.73, a grantee shall not impose the
45 requirement for a program graduate to serve a minimum of four years as a school-based
46 administrator in North Carolina for any program participant who entered the school leader
47 preparation program prior to July 1, 2019.

48 **SECTION 2.(f)** Notwithstanding any provision of Part 4 of Article 23 of Chapter
49 116 of the General Statutes to the contrary, the nonprofit corporation contracting with the State
50 Education Assistance Authority pursuant to G.S. 116-209.71, as of the date this act becomes law,
51 shall not enter into or execute any new contracts, including the award of new grants, associated

1 with the Transforming Principal Preparation Grant Program on or after the date this act becomes
2 law.

3 **SECTION 2.(g)** As soon as practicable, but no later than June 30, 2019, the nonprofit
4 corporation contracting with the State Education Assistance Authority pursuant to
5 G.S. 116-209.71, as of the date this act becomes law, shall transfer to the North Carolina Principal
6 Fellows Commission all of the data in its possession that was collected from grant recipients in
7 accordance with G.S. 116-209.73, including any data collected during the 2018-2019 fiscal year.

8 **SECTION 2.(h)** Subsections (a) through (d) of this section become effective July 1,
9 2019, and apply to the administration of the Transforming Principal Preparation Grant Program
10 and the award of grants under the Program on or after that date. The remainder of this section is
11 effective when this act becomes law.

12 13 **MODIFIED USE OF DOROTHEA DIX HOSPITAL PROPERTY FUNDS TO** 14 **PURCHASE ADDITIONAL BEHAVIORAL HEALTH BEDS**

15 **SECTION 3.** Section 3.9 of S.L. 2018-97 is repealed.

16 17 **DELAY EFFECTIVE DATE FOR AUTOMOBILE TRANSFER OF TITLE** 18 **AMENDMENTS**

19 **SECTION 4.** Subsection 2(h) of S.L. 2018-42 reads as rewritten:

20 "**SECTION 2.(h)** Subsection 2(f) of this section is effective when it becomes law.
21 The remainder of this section becomes effective ~~January 1, 2019~~, March 1, 2019."

22 23 **CABLE SERVICE FRANCHISES/REPEAL ANNUAL SERVICE REPORT**

24 **SECTION 5.(a)** G.S. 66-353 is repealed.

25 **SECTION 5.(b)** This section is effective when it becomes law and applies to annual
26 service reports required to be filed on or after that date.

27 28 **CLARIFY USE OF GRANT FUNDS**

29 **SECTION 6.(a)** Notwithstanding any provision of S.L. 2018-5 or the Committee
30 Report described in Section 39.2 of that act to the contrary, the funds provided to Dragonfly
31 House in Fund Code 1331 shall be allocated to the Davie County Sheriff's Office to be provided
32 to Dragonfly House Children's Advocacy Center, Inc., in Mocksville, North Carolina.

33 **SECTION 6.(b)** Notwithstanding any provision of S.L. 2018-5 or the Committee
34 Report described in Section 39.2 of that act to the contrary, the grant-in-aid provided to Patriot's
35 Charity in Fund Code 1100 shall be provided to Patriot Military Family Foundation.

36 **SECTION 6.(c)** Section 26.3 of S.L. 2018-5, as amended by Section 6.1 of S.L.
37 2018-97, reads as rewritten:

38 **"STATE BUDGET AND MANAGEMENT SPECIAL PROVISIONS**

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

- 43 ...
- 44 (3) To provide law enforcement grants-in-aid to the following local governments:
- 45 ...
- 46 b. \$15,000 to the Bryson City ~~Police~~ Fire Department for a ~~K-9 transport~~
47 unit.equipment upgrades.
- 48 ...

49 "

50 **SECTION 6.(d)** Section 15.9 of S.L. 2018-5, as amended by Section 4.6 of S.L.
51 2018-97, is amended by adding a new subsection to read:

1 "SECTION 15.9.(f) Notwithstanding any other provision of law or a provision of the
2 Committee Report described in Section 39.2 of this act to the contrary, the grant-in-aid in the
3 amount of seven hundred thousand dollars (\$700,000) provided to the Town of Cedar Point for
4 downtown revitalization in Section 15.8(a) of this act shall instead be provided as follows for the
5 purpose of downtown revitalization or any other purpose provided below:

- 6 (1) Ninety thousand dollars (\$90,000) to the Town of Trenton.
- 7 (2) Ninety thousand dollars (\$90,000) to the Town of Pollocksville.
- 8 (3) Twenty thousand dollars (\$20,000) to the Town of Maysville.
- 9 (4) One hundred thousand dollars (\$100,000) to the Town of Princeton.
- 10 (5) Fifty thousand dollars (\$50,000) to the Town of Mount Olive.
- 11 (6) One hundred thousand dollars (\$100,000) to the City of Goldsboro.
- 12 (7) Fifty thousand dollars (\$50,000) to the City of Kinston.
- 13 (8) Fifty thousand dollars (\$50,000) to the City of New Bern.
- 14 (9) Twenty-five thousand dollars (\$25,000) to the Town of Pink Hill.
- 15 (10) Twenty-five thousand dollars (\$25,000) to the Town of Lillington.
- 16 (11) Fifty thousand dollars (\$50,000) to the Town of Tabor City.
- 17 (12) Fifty thousand dollars (\$50,000) to Tyrell County for the purpose of disaster
18 recovery assistance."

19 **SECTION 6.(e)** Section 5.6(b)(6) of S.L. 2018-5, as enacted by Section 9.2 of S.L.
20 2018-97, reads as rewritten:

- 21 "(6) Storm debris removal. – Twenty thousand dollars (\$20,000) to the ~~Department~~
22 ~~of Environmental Quality, Division of Water Resources,~~Office of State
23 Budget and Management, to be used to provide a grant-in-aid to Transylvania
24 County for the purpose of storm debris cleanup in streams and rivers in the
25 County. There shall be no non-State match required for the funds appropriated
26 by this subdivision."

28 **SMALL WIRELESS FACILITIES/EXEMPT FROM CERTAIN FEES IMPOSED BY** 29 **CITIES**

30 **SECTION 7.(a)** G.S. 160A-400.54(e) reads as rewritten:

31 "(e) ~~A~~Subject to the limitations provided in G.S. 160A-296(a)(6), a city may charge an
32 application fee that shall not exceed the lesser of (i) the actual, direct, and reasonable costs to
33 process and review applications for collocated small wireless facilities; (ii) the amount charged
34 by the city for permitting of any similar activity; or (iii) one hundred dollars (\$100.00) per facility
35 for the first five small wireless facilities addressed in an application, plus fifty dollars (\$50.00)
36 for each additional small wireless facility addressed in the application. In any dispute concerning
37 the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements
38 of this subsection."

39 **SECTION 7.(b)** G.S. 160A-400.54(f) reads as rewritten:

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

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

1 In any dispute concerning the appropriateness of a fee, the city has the burden of proving that
2 the fee meets the requirements of this subsection."
3

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

6 **SECTION 8.(a)** Section 3(c) of S.L. 2018-121 reads as rewritten:

7 "**SECTION 3.(c)** The merging of Montgomery County into Prosecutorial District 28, as
8 enacted by this section, becomes effective January 1, 2019. All open investigations and pending
9 cases in Montgomery County are transferred to Prosecutorial District 28, effective January 1,
10 2019. The total number of ADAs in District 28 is ~~nine-six.~~"

11 **SECTION 8.(b)** G.S. 1-267.1 reads as rewritten:

12 "**§ 1-267.1. Three-judge panel for actions challenging plans apportioning or redistricting**
13 **State legislative or congressional districts; claims challenging the facial validity**
14 **of an act of the General Assembly.**

15 ...

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

38 ...

39 (b2) For each challenge to the validity of statutes and acts subject to subsection (a1) of this
40 section, the Chief Justice of the Supreme Court shall appoint three resident superior court judges
41 to a three-judge panel of the Superior Court of Wake County to hear the challenge. The Chief
42 Justice shall appoint a presiding judge of each three-judge panel. To ensure that members of each
43 three-judge panel are drawn from different regions of the State, the Chief Justice shall appoint to
44 each three-judge panel one resident superior court judge from the ~~First, Second, or Fourth~~First
45 or Second Judicial Division, one resident superior court judge from the ~~Seventh or Eighth~~Third
46 or Fourth Judicial Division, and one resident superior court judge from the ~~Third, Fifth, or~~
47 ~~Sixth~~Fifth Judicial Division. Should any member of a three-judge panel be disqualified or
48 otherwise unable to serve on the three-judge panel or be removed from the panel at the discretion
49 of the Chief Justice, the Chief Justice shall appoint as a replacement another resident superior
50 court judge from the same group of judicial divisions as the resident superior court judge being
51 replaced.

1"

2 SECTION 8.(c) This section becomes effective January 1, 2019.

3
4 **LAW ENFORCEMENT OFFICERS/TECHNICAL CORRECTION TO RETIREMENT**
5 **DATES**

6 SECTION 9.(a) G.S. 135-5(b19), as amended by S.L. 2018-22, Section 3(b), reads
7 as rewritten:

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

12"

13 SECTION 9.(b) G.S. 135-5(b21), as enacted by S.L. 2018-22, Section 3(c), reads as
14 rewritten:

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

18"

19 SECTION 9.(c) G.S. 128-27(b21), as amended by S.L. 2018-22, Section 3(f), reads
20 as rewritten:

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

25"

26 SECTION 9.(d) G.S. 128-27 as enacted by S.L. 2018-22, Section 3(g), reads as
27 rewritten:

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

31"

32 SECTION 9.(e) This section becomes effective July 1, 2019.

33
34 **TECHNICAL CORRECTION/INCORRECT INTERNAL CROSS-REFERENCE**

35 SECTION 10. G.S. 58-51-37(l) reads as rewritten:

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

38
39 **TECHNICAL CORRECTIONS/HUMAN TRAFFICKING RESTORATIVE JUSTICE**
40 **EFFECTIVE DATES**

41 SECTION 11.(a) Section 2(b) of S.L. 2018-75 reads as rewritten:

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

44 SECTION 11.(b) Section 3(b) of S.L. 2018-75 reads as rewritten:

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

47 SECTION 11.(c) Section 4(b) of S.L. 2018-75 reads as rewritten:

48 "SECTION 4.(b) ~~G.S. 14-43.20(b), as amended by subsection (a) of this section, becomes~~
49 ~~effective December 1, 2018, and applies to offenses committed on or after that date.~~
50 G.S. 14-43.20(f), as enacted by subsection (a) of this section, becomes effective December 1,
51 2018, and applies to orders for restitution entered on or after that date. The remainder of this

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

3 **SECTION 11.(d)** Section 5 of S.L. 2018-75 is repealed.

4 **SECTION 11.(e)** Section 10 of S.L. 2018-75 reads as rewritten:

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

8
9 **CLARIFY REQUIREMENTS FOR NON-STATE ENTITIES TO RECEIVE STATE**
10 **FUNDS UNDER CERTAIN APPROPRIATIONS ACTS**

11 **SECTION 12.(a)** Section 6.2 of S.L. 2018-5 reads as rewritten:

12 "**NON-STATE ENTITIES/REPORT AND REVERSION REQUIREMENTS FOR**
13 **RECEIVING FUNDS**

14 ...

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

22 **SECTION 12.(b)** The Office of State Budget shall review its rules governing
23 disbursement of State funds to non-State entities to determine if its rules are in compliance with
24 the requirements set forth in G.S. 143C-6-23. By March 1, 2019, the Office of State Budget and
25 Management shall submit the findings of the review required under this subsection to the Fiscal
26 Research Division and the chairs of the House of Representatives Committee on Appropriations
27 and the Senate Appropriations/Base Budget Committee.

28
29 **SPECIAL EVENT ONE-TIME PERMIT**

30 **SECTION 13.(a)** G.S. 18B-1002(a) is amended by adding a new subdivision to read:

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

46 **SECTION 13.(b)** G.S. 18B-1006(a) is amended by adding a new subdivision to read:

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

48
49 **DMV DISCLOSURE OF SOCIAL SECURITY NUMBERS**

50 **SECTION 14.** G.S. 20-7(b2) reads as rewritten:

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

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

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

23 24 LEGACY MEDICAL CARE FACILITY EXEMPTION

25 SECTION 15. G.S. 131E-184(h) reads as rewritten:

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

- 29 (1) Its intention to acquire or reopen a Legacy Medical Care Facility within the
30 same county and the same service area as the facility that ceased continuous
31 operations. If the Legacy Medical Care Facility will become operational in a
32 new location within the same county and the same service area as the facility
33 that ceased continuous operations, then the person responsible for giving the
34 written notice required by this section shall notify the Department, as soon as
35 reasonably practicable and prior to becoming operational, of the new location
36 of the Legacy Medical Care Facility. For purposes of this subdivision, "service
37 area" means the service area identified in the North Carolina State Medical
38 Facilities Plan in effect at the time the written notice required by this section
39 is given to the Department.
- 40 (2) That the facility will be operational within 36 months of the notice.

41 The Department shall extend the time by which a facility must be operational in order to be
42 exempt from certificate of need review under this subsection by one additional 36-month period
43 if the person seeking to reopen or acquire the Legacy Medical Care Facility gives the Department
44 written notice of extension within 36 months of the original notice of intent to acquire or reopen
45 the Legacy Medical Care Facility. The written notice of extension must notify the Department
46 (i) that the person has undertaken all reasonable efforts to make the facility operational within 36
47 months of the notice of intent, (ii) that, despite these reasonable efforts, the person does not
48 anticipate the facility will be operational within that time, and (iii) of its intention that the facility
49 will be operational within 36 months of the notice of extension."
50

1 **SALES UNDER POWER OF SALE/POSTPONEMENT OF SALE NOTICE**
2 **TECHNICAL CORRECTION**

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

4 "**§ 45-21.21. Postponement of sale; notice of cancellation.**

5 ...

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

9 (1) At the time and place advertised for the sale, publicly announce the
10 cancellation thereof;

11 (2) On the same day, attach to or enter on the original notice of sale or a copy
12 thereof, posted at the courthouse door, as provided by G.S. 45-21.17, a notice
13 of the cancellation;

14 (3) Give written or oral notice of cancellation to each party entitled to notice of
15 sale under G.S. 45-21.17; and

16 (4) Hand-deliver the written notice required under subdivision (2) of this
17 subsection to the Clerk's office.

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

22"

23
24 **DERELICT AND ABANDONED VESSELS STUDY/REVISE DATE FOR SUBMISSION**
25 **OF RECOMMENDATIONS**

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

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

42
43 **PUBLIC SCHOOL BUSES/TRAVEL OUTSIDE OF STATE**

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

45 "**§ 115C-242. Use and operation of school buses.**

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

50 (1) A school bus may be used for the transportation of pupils enrolled in and
51 employees in the operation of the school to which such bus is assigned by the

1 superintendent of the local school administrative unit. Except as otherwise
 2 ~~herein provided, provided in this section,~~ such transportation shall be limited
 3 to transportation to and from such school for the regularly organized school
 4 day, and from and to the points designated by the principal of the school to
 5 which such bus is assigned, for the receiving and discharging of passengers.
 6 Transportation may be outside of the State when the superintendent
 7 determines travel outside of the State provides the most direct route to and
 8 from the school.

9 (1a) No pupil or employee shall be so transported upon any bus other than the bus
 10 to which such pupil or employee has been assigned pursuant to the provisions
 11 of this ~~Article: Article,~~ except for the following:

- 12 a. ~~Provided, that children~~ Children enrolled in a Headstart program or
 13 any NC Pre-K program may be transported on public school buses,
 14 and any additional costs associated with such contractual
 15 arrangements shall be incurred by the benefitting Head Start or NC
 16 Pre-K ~~program: program.~~
- 17 b. ~~Provided further, that children~~ Children with disabilities may be
 18 transported to and from the nearest appropriate private school having
 19 a special education program approved by the State Board of Education
 20 if the children to be transported are or have been placed in that program
 21 by a local school administrative unit as a result of the State or the unit's
 22 duty to provide such children with a free appropriate public education.

23"

24
 25 **CERTIFICATES OF RELIEF**

26 **SECTION 19.** G.S. 15A-173.2(f) reads as rewritten:

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

34 **TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE STATE**
 35 **HEALTH PLAN/CHARTER SCHOOL CLARIFICATION**

36 **SECTION 20.(a)** G.S. 115C-218.90(a) is amended by adding a new subdivision to
 37 read:

38 "(4a) The board of directors of a municipal charter school may elect to become a
 39 participating employer in the Teachers' and State Employees' Retirement
 40 System and the State Health Plan for Teachers and State Employees."

41 **SECTION 20.(b)** G.S. 135-4(cc) reads as rewritten:

42 "(cc) Credit for Employment in a Charter School Operated by a Private Nonprofit
 43 Corporation: Corporation or a Charter School Operated by a Municipality. – Any member may
 44 purchase creditable service for any employment as an employee of a charter school operated by
 45 a private nonprofit corporation or a charter school operated by a municipality whose board of
 46 directors did not elect to participate in the Retirement System under G.S. 135-5.3 upon
 47 completion of five years of membership service by making a lump-sum payment into the Annuity
 48 Savings Fund. The payment by the member shall be equal to the full liability of the service credits
 49 calculated on the basis of the assumptions used for purposes of the actuarial valuation of the
 50 Retirement System's liabilities, taking into account the additional retirement allowance arising
 51 on account of the additional service credits commencing at the earliest age at which the member

1 could retire with an unreduced retirement allowance, as determined by the Board of Trustees
2 upon the advice of the actuary plus an administrative expense fee to be determined by the Board
3 of Trustees. Creditable service purchased under this subsection shall not exceed a total of five
4 years. Notwithstanding the foregoing provisions of this subsection that provide for the purchase
5 of service credits, the terms "full cost", "full liability", and "full actuarial cost" include assumed
6 annual postretirement allowance increases, as determined by the Board of Trustees, from the
7 earliest age at which a member could retire on an unreduced service allowance."

8 **SECTION 20.(c)** G.S. 135-5.3 reads as rewritten:

9 **"§ 135-5.3. Optional participation for charter schools operated by private nonprofit**
10 **~~corporations~~corporations or municipalities.**

11 ...

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

16"

17 **SECTION 20.(d)** G.S. 135-48.47(a) reads as rewritten:

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

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

25 **SECTION 20.(e)** G.S. 135-48.54 reads as rewritten:

26 **"§ 135-48.54. Optional participation for charter schools operated by private nonprofit**
27 **~~corporations~~corporations or municipalities.**

28 ...

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

35"

36 **SECTION 20.(f)** Subsection (a) of this section applies only to the Town of Cornelius,
37 the Town of Huntersville, the Town of Matthews, and the Town of Mint Hill.

39 SPECIAL ANNUAL LEAVE OFFSET CLARIFICATION

40 **SECTION 21.(a)** Section 35.26 of S.L. 2018-5 reads as rewritten:

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

44 **"SECTION 35.26.(b)** Except as provided by subsection (c) of this section, the additional
45 leave shall be accounted for separately with the leave provided by Section 28.3A of S.L.
46 2002-126, by Section 30.12B(a) of S.L. 2003-284, by Section 29.14A of S.L. 2005-276, by
47 Section 35.10A of S.L. 2014-100, and by Section 35.18A of S.L. 2017-57 and shall remain
48 available during the length of the employee's employment, notwithstanding any other limitation
49 on the total number of days of annual leave that may be carried forward. Part-time permanent
50 employees shall receive a pro rata amount of the five days awarded by this section.

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

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

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

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

16 SECTION 21.(b) This section is effective when it becomes law and applies
17 retroactively to July 1, 2018.

18 EXPAND PRINCIPAL ADM HOLD HARMLESS ELIGIBILITY/CERTAIN SCHOOLS 19 AFFECTED BY HURRICANE FLORENCE

20 SECTION 22. Section 2.2(b) of S.L. 2018-138 reads as rewritten:

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

- 23 (1) The school is located in a county designated under a major disaster declaration
24 by the President of the United States under the Stafford Act (P.L. 93-288) as
25 a result of Hurricane Florence.
26 (2) The school was closed for at least ~~15~~10 school days during the months of
27 September 2018, October 2018, and November 2018 as a result of Hurricane
28 Florence."
29
30

31 HUMAN TRAFFICKING VICTIM RECORDS

32 SECTION 23. G.S. 14-43.17 reads as rewritten:

33 "§ 14-43.17. **Victim confidentiality; penalty for unlawful disclosure.**

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

- 38 (1) A victim.
39 (2) An alleged victim.
40 (3) An immediate family member of a victim or alleged victim. For purposes of
41 this subdivision, the term "immediate family member" means a spouse, child,
42 sibling, parent, grandparent, grandchild, or the spouse of an immediate family
43 member. This term includes stepparents, stepchildren, stepsiblings, and
44 adoptive relationships.

45 ...

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

48 SAMARCAND TRAINING ACADEMY POSITION CLASSIFICATIONS

1 **SECTION 24.(a)** The Office of State Human Resources shall establish two new
2 position classifications for the Samarcand Training Academy within the Department of Public
3 Safety as follows:

4 (1) Director, Samarcand Training Academy – Salary Grade GN18.

5 (2) Deputy Director, Samarcand Training Academy – Salary Grade GN17.

6 **SECTION 24.(b)** The Office of State Human Resources shall reclassify position
7 number 60065357 with the title "Samarcand Director."

8 **SECTION 24.(c)** The Office of State Human Resources shall collaborate with the
9 Department of Public Safety to create job descriptions for the new positions established pursuant
10 to this section.

11 12 **COUNTY BOARD OF ELECTION MEMBERSHIP**

13 **SECTION 25.(a)** If House Bill 1029, 2017 Regular Session becomes law,
14 G.S. 163-30, as re-recodified and amended by that act, reads as rewritten:

15 **"§ 163-30. County boards of elections; appointments; terms of office; qualifications;
16 vacancies; oath of office; instructional meetings.**

17 (a) In every county of the State there shall be a county board of elections, to consist of
18 five persons of good moral character who are registered voters in the county in which they are to
19 act. Members of county boards of elections shall be appointed by the State Board of Elections on
20 the last Tuesday in June, and every two years thereafter, and their terms of office shall continue
21 for two years from the specified date of appointment and until their successors are appointed and
22 qualified. Four members of county boards of elections shall be appointed by the State Board on
23 the last Tuesday in June and every two years thereafter, and their terms of office shall continue
24 for two years from the specified date of appointment and until their successors are appointed and
25 qualified. One member of the county boards of elections shall be appointed by the Governor to
26 be the chair of the county board on the last Tuesday in June and every two years thereafter, and
27 that member's term of office shall continue for two years from the specified date of appointment
28 and until a successor is appointed and qualified. Of the appointments to each county board of
29 elections by the State Board, ~~not more than two members each of the county board of elections~~
30 shall belong to the same two political party-parties having the highest number of registered
31 affiliates as reflected by the latest registration statistics published by the State Board.

32 (b) No person shall be eligible to serve as a member of a county board of elections who
33 meets any of the following criteria:

34 (1) Holds any elective office under the government of the United States, or of the
35 State of North Carolina or any political subdivision thereof.

36 (2) Holds any office in a state, congressional district, county or precinct political
37 party or organization. Provided, however, that the position of delegate to a
38 political party convention shall not be considered an office for the purpose of
39 this subdivision.

40 (3) Is a campaign manager or treasurer of any candidate or political party in a
41 primary or election.

42 (4) Is a candidate for nomination or election.

43 (5) Is the wife, husband, son, son in law, daughter, daughter in law, mother,
44 mother in law, father, father in law, sister, sister in law, brother, brother in
45 law, aunt, uncle, niece, or nephew of any candidate for nomination or election.
46 Upon any member of the board of elections becoming ineligible, that
47 member's seat shall be declared vacant. This subdivision only applies if the
48 county board of elections is conducting the election for which the relative is a
49 candidate.

50 (c) The State chair of ~~each political party~~ the two political parties having the highest
51 number of registered affiliates as reflected by the latest registration statistics published by the

1 State Board shall have the right to recommend to the State Board three registered voters in each
2 county for appointment to the board of elections for that county. If such recommendations are
3 received by the State Board 15 or more days before the last Tuesday in June 2019, and each two
4 years thereafter, it shall be the duty of the State Board to appoint the county boards from the
5 names thus recommended.

6 (d) Whenever a vacancy occurs in the membership of a county board of elections for any
7 cause the State chair of the political party of the vacating member shall have the right to
8 recommend two registered voters of the affected county for such office, and it shall be the duty
9 of the State Board to fill the vacancy from the names thus recommended.

10 (e) At the meeting of the county board of elections required by G.S. 163 31 to be held on
11 Tuesday following the third Monday in July in the year of their appointment the members shall
12 take the following oath of office:

13 "I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United
14 States; that I will be faithful and bear true allegiance to the State of North Carolina and to the
15 constitutional powers and authorities which are or may be established for the government thereof;
16 that I will endeavor to support, maintain and defend the Constitution of said State, not
17 inconsistent with the Constitution of the United States; and that I will well and truly execute the
18 duties of the office of member of the _____ County Board of Elections to the best of my
19 knowledge and ability, according to law; so help me God."

20 (f) Each member of the county board of elections shall attend each instructional meeting
21 held pursuant to G.S. 163-46, unless excused for good cause by the chair of the board, and shall
22 be paid the sum of twenty-five dollars (\$25.00) per day for attending each of those meetings."

23 **SECTION 25.(b)** This section is effective when House Bill 1029, 2017 Regular
24 Session becomes law.

25 26 **AMEND THE REQUIREMENTS FOR DEVELOPMENT IN VEGETATIVE BUFFERS** 27 **AND FOR STORMWATER CONTROLS FOR REDEVELOPMENT**

28 **SECTION 26.(a)** G.S. 143-214.7(b2) reads as rewritten:

29 "(b2) For purposes of implementing stormwater programs, "built-upon area" means
30 impervious surface and partially impervious surface to the extent that the partially impervious
31 surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon
32 area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57
33 stone, as designated by the American Society for Testing and Materials, laid at least four inches
34 thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved
35 as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters
36 per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel,
37 mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on
38 portions of driveways and parking areas that will not be compacted by the weight of a vehicle,
39 such as the area between sections of pavement that support the weight of a vehicle. The owner
40 or developer of a property may opt out of any of the exemptions from "built-upon area" set out
41 in this subsection. For State stormwater programs and local stormwater programs approved
42 pursuant to subsection (d) of this section, all of the following shall apply:

- 43 (1) The volume, velocity, and discharge rates of water associated with the
44 one-year, 24-hour storm and the difference in stormwater runoff from the
45 predevelopment and postdevelopment conditions for the one-year, 24-hour
46 storm shall be calculated using any acceptable engineering hydrologic and
47 hydraulic methods.
- 48 (2) Development may occur within the area that would otherwise be required to
49 be placed within a vegetative buffer required by the Commission pursuant to
50 G.S. 143-214.1 and G.S. 143-214.7 ~~to protect classified shellfish waters,~~
51 ~~outstanding resource waters, and high quality waters~~ provided the stormwater

1 runoff from the entire impervious area of the development is collected and
2 treated from the entire impervious area collected, treated, and discharged so
3 that it passes through a segment of the vegetative buffer and is managed so
4 that it otherwise complies with all applicable State and federal stormwater
5 management requirements.

- 6 (3) The requirements that apply to development activities within one-half mile of
7 and draining to Class SA waters or within one-half mile of Class SA waters
8 and draining to unnamed freshwater tributaries shall not apply to development
9 activities and associated stormwater discharges that do not occur within
10 one-half mile of and draining to Class SA waters or are not within one-half
11 mile of Class SA waters and draining to unnamed freshwater tributaries."

12 **SECTION 26.(b)** G.S. 143-214.7(b3) reads as rewritten:

13 "(b3) Stormwater runoff rules and programs shall not require private property owners to
14 install new or increased stormwater controls for (i) preexisting development or (ii)
15 redevelopment activities that do not remove or decrease existing stormwater controls. When a
16 preexisting development is redeveloped, either in whole or in part, increased stormwater controls
17 shall only be required for the amount of impervious surface being created that exceeds the amount
18 of impervious surface that existed before the redevelopment. This subsection applies to all local
19 governments regardless of the source of their regulatory authority. Local governments shall
20 include the requirements of this subsection in their stormwater ordinances."

21
22 **RESTART SCHOOL MODEL OPTION FOR WAYNE COUNTY BOARD OF**
23 **EDUCATION/CONFORMING CHANGES**

24 **SECTION 27.(a)** Notwithstanding G.S. 115C-75.7, the Wayne County Board of
25 Education may apply, no later than February 1, 2019, to the State Board of Education for
26 authorization to adopt the restart model for the operation of Carver Heights Elementary School
27 pursuant to G.S. 115C-105.37B(a)(2). Application to the State Board for operation of Carver
28 Heights Elementary School as a restart model school shall be in lieu of adopting a resolution by
29 February 1, 2019, on whether the Wayne County Board of Education has determined to (i) close
30 the elementary school or (ii) transfer the elementary school into the North Carolina Innovative
31 School District (ISD) as a prospective innovative school selected by the State Board for the
32 2019-2020 school year. However, notwithstanding any provision of Article 7A of Chapter 115C
33 of the General Statutes to the contrary, Carver Heights Elementary School may still be transferred
34 to the ISD in accordance with the following:

- 35 (1) If the Wayne County Board of Education applies to the State Board to operate
36 Carver Heights Elementary School as a restart model school and one of the
37 following occurs:
38 a. The State Board does not authorize that Carver Heights Elementary
39 School be operated as a restart model school based on the local board
40 of education's application. The school shall then be transferred to the
41 ISD beginning with the 2019-2020 school year.
42 b. The State Board authorizes that Carver Heights Elementary School be
43 operated as a restart model school beginning with the 2019-2020
44 school year and, at the conclusion of the 2020-2021 school year, the
45 school still meets the definition of a qualifying school under
46 G.S. 115C-75.5(5), notwithstanding the provision in that definition
47 that the school had not adopted one of the models established in
48 G.S. 115C-105.37B for the immediately prior school year. The school
49 shall then be transferred to the ISD beginning with the 2021-2022
50 school year.

- 1 (2) If the Wayne County Board of Education fails to apply to the State Board of
2 Education for authorization to adopt the restart model for the operation of
3 Carver Heights Elementary School pursuant to this section by February 1,
4 2019, and has taken no other action as required by G.S. 115C-75.7(c), the
5 school shall then be transferred to the ISD beginning with the 2019-2020
6 school year.

7 **SECTION 27.(b)** Section 8 of S.L. 2016-110, as amended by Section 7.26E(f) of
8 S.L. 2017-57, reads as rewritten:

9 "SECTION 8. This act is effective when it becomes law and supervision of innovative
10 schools by the Innovative School District shall begin with the 2018-2019 school year. In the
11 discretion of the State Board of Education (i) the ISD Superintendent may not be required during
12 the 2017-2018 school year to recommend qualifying schools for inclusion in the ISD for the
13 2018-2019 school year and (ii) the time line for selection of innovative schools for the 2018-2019
14 school year provided in G.S. 115C-75.7 may be varied, but in no event may the local board of
15 education's decision occur later than April 1, 2018. The State Board of Education may select up
16 to five qualifying schools to transfer to the ISD beginning with the 2018-2019 school year but
17 ~~shall select at least two qualifying schools to transfer to the ISD no later than the 2019-2020~~
18 ~~school year and~~ shall have selected five qualifying schools for transfer to the ISD no later than
19 the 2020-2021 school year."
20

21 **EFFECTIVE DATE AND SEVERABILITY**

22 **SECTION 28.(a)** Except as otherwise provided, this act is effective when it becomes
23 law.

24 **SECTION 28.(b)** If any section or provision of this act is declared unconstitutional
25 or invalid by the courts, it does not affect the validity of this act as a whole or any part other than
26 the part declared to be unconstitutional or invalid.