

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 264
Mar 4, 2019
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30103-MNz-5

Short Title: GSC Technical Corrections 2019. (Public)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS
RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-308(a) reads as rewritten:

"(a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

- (1) Foreclosure under power of sale in deed of trust or mortgage.....\$300.00
If the property is sold under the power of sale, an additional amount will be charged, determined by the following formula: forty-five cents (.45) per one hundred dollars (\$100.00), or major fraction thereof, of the final sale price. If the amount determined by the formula is less than ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will be collected. If the amount determined by the formula is more than five hundred dollars (\$500.00), a maximum five hundred-dollar (\$500.00) fee will be collected.
- (2) Proceeding supplemental to execution..... 30.00
- (3) Confession of judgment 25.00
- (4) Taking a deposition 10.00
- (5) Execution..... 25.00
- (6) Notice of resumption of former name 10.00
- (7) Taking an acknowledgment or administering an oath, or both, with or without seal, each certificate (except that oaths of office shall be administered to public officials without charge)..... 2.00
- (8) Bond, taking justification or approving 10.00
- (9) Certificate, under seal..... 3.00
- (10) Exemplification of records..... 10.00
- (11) Recording or docketing (including indexing) any document
– first page..... 6.00
– each additional page or fraction thereof 25
- (12) Preparation of copies – first page (of each document copied) 2.00
– each additional page or fraction thereof 25
- (13) Preparation and docketing of transcript of judgment..... 10.00
- (14) Substitution of trustee in deed of trust 10.00
- (15) Execution of passport application – the amount allowed by federal law



- 1 (16) Repealed by Session Laws 1989, c. 783, s. 2.
- 2 (17) Criminal record search except if search is requested by an agency of
- 3 the State or any of its political subdivisions or by an agency of the
- 4 United States or by a petitioner in a proceeding under Article 2 of
- 5 General Statutes Chapter 20.....25.00
- 6 (18) Filing the affirmations, acknowledgments, agreements and resulting
- 7 orders entered into under the provisions of G.S. 110-132 and
- 8 G.S. 110-1336.00
- 9 (19) Repealed by Session Laws 1989, c. 783, s. 3.
- 10 (20) Filing a motion to assert a right of access under G.S. 1-72.130.00
- 11 (21) In civil matters, except in actions commenced or prosecuted by a
- 12 child support enforcement agency established pursuant to Part D of
- 13 Title IV of the Social Security Act, all alias and pluries summons
- 14 issued and all endorsements issued on an original summons ... ~~\$15.00~~15.00."

15 **SECTION 2.** G.S. 7B-3101(a) reads as rewritten:

16 "(a) Notwithstanding G.S. 7B-3000, the juvenile court counselor shall deliver verbal and
 17 written notification of any of the following actions to the principal of the school that the juvenile
 18 attends:

- 19 (1) A petition is filed under G.S. 7B-1802 that alleges delinquency for an offense
- 20 that would be a felony if committed by an ~~adult~~;adult.
- 21 (2) The court transfers jurisdiction over a juvenile to ~~the~~the superior court under
- 22 ~~G.S. 7B-2200~~;G.S. 7B-2200.
- 23 (3) The court dismisses under G.S. 7B-2411 the petition that alleges delinquency
- 24 for an offense that would be a felony if committed by an ~~adult~~;adult.
- 25 (4) The court issues a dispositional order under Article 25 of Chapter 7B of the
- 26 General Statutes including, but not limited to, an order of probation that
- 27 requires school attendance, concerning a juvenile alleged or found delinquent
- 28 for an offense that would be a felony if committed by an ~~adult~~;oradult.
- 29 (5) The court modifies or vacates any order or disposition under G.S. 7B-2600
- 30 concerning a juvenile alleged or found delinquent for an offense that would
- 31 be a felony if committed by an adult.

32 Notification of the school principal in person or by telephone shall be made before the
 33 beginning of the next school day. Delivery shall be made as soon as practicable but at least within
 34 five days of the action. Delivery shall be made in person or by certified mail. Notification that a
 35 petition has been filed shall describe the nature of the offense. Notification of a dispositional
 36 order, a modified or vacated order, or a transfer to superior court shall describe the court's action
 37 and any applicable disposition requirements. As used in this subsection, the term "offense" ~~shall~~
 38 does not include any offense under Chapter 20 of the General Statutes."

39 **SECTION 3.** G.S. 14-43.15 reads as rewritten:

40 **"§ 14-43.15. Minor victims.**

41 Any minor victim of a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 shall be alleged to
 42 be abused and neglected and the provisions of Subchapter I of Chapter 7B of the General ~~Statutes~~
 43 ~~{Statutes}~~Statutes shall apply."

44 **SECTION 4.(a)** G.S. 14-50.21 reads as rewritten:

45 **"§ 14-50.21. Separate offense.**

46 Any offense committed in violation of ~~G.S. 14-50.16~~G.S. 14-50.17 through G.S. 14-50.20
 47 shall be considered a separate offense."

48 **SECTION 4.(b)** G.S. 14-50.25 reads as rewritten:

49 **"§ 14-50.25. Reports of disposition; criminal gang activity.**

50 When a defendant is found guilty of a criminal offense, other than an offense under
 51 ~~G.S. 14-50.16~~G.S. 14-50.17 through G.S. 14-50.20, the presiding judge shall determine whether

1 the offense involved criminal gang activity. If the judge so determines, then the judge shall
2 indicate on the form reflecting the judgment that the offense involved criminal gang activity. The
3 clerk of court shall ensure that the official record of the defendant's conviction includes a notation
4 of the court's determination."

5 **SECTION 5.** G.S. 55-16-22 reads as rewritten:

6 "**§ 55-16-22. Annual report.**

7 (a) Requirement. – Except as provided in subsections (a1) and (a2) of this section, each
8 domestic corporation and each foreign corporation authorized to transact business in this State
9 shall deliver an annual report directly to the Secretary of State in electronic form or in paper form
10 as prescribed by the Secretary of State under this section.

11 (a1) Insurers. – Each insurance company subject to the provisions of Chapter 58 of the
12 General Statutes shall deliver an annual report to the Secretary of State.

13 (a2) Professional Corporations Exempt. – A corporation governed by Chapter 55B of the
14 General Statutes is exempt from this section.

15 (a3) Form; Required Information. – The annual report required by this section shall be in
16 a form prescribed by the Secretary of State. The Secretary of State shall prescribe the form needed
17 to file an annual report electronically and shall provide this form by electronic means. The annual
18 report shall set forth all of the following:

19 ...

20 If the information contained in the most recently filed annual report has not changed, a
21 certification to that effect may be made instead of setting forth the information required by
22 subdivisions (2) through (5) of this subsection.

23 (a4) ~~[Form; Certain Veteran Owned Businesses.]~~ Form; Certain Veteran-Owned
24 Businesses. – The ~~Secretary of Revenue and the~~ Secretary of State shall also provide appropriate
25 space and instructions on the annual report form for a domestic corporation or foreign corporation
26 to voluntarily indicate whether or not the corporation is a veteran-owned small business or a
27 service-disabled veteran-owned small business.

28 (b) Currency of Information. – Information in the annual report must be current as of the
29 date the annual report is executed on behalf of the corporation.

30 (c) Due Date. – An annual report is due by the fifteenth day of the fourth month following
31 the close of the corporation's fiscal year.

32 (d) Incomplete Information. – If an annual report does not contain the information
33 required by this section, the Secretary of State shall promptly notify the reporting domestic or
34 foreign corporation in writing and return the report to it for correction. If the report is corrected
35 to contain the information required by this section and submitted to the Secretary of State within
36 30 days after the effective date of notice, it is deemed to be timely filed.

37 (e) Amendments. – Amendments to any previously filed annual report may be filed with
38 the Secretary of State at any time for the purpose of correcting, updating, or augmenting the
39 information contained in the annual report.

40 (f) Expired.

41 (g) Repealed by Session Laws 2017-204, s. 1.13, effective August 11, 2017.

42 (h) Delinquency. – If the Secretary of State does not receive an annual report within 60
43 days of the date the report is due, the Secretary of State may presume that the annual report is
44 delinquent. This presumption may be rebutted by evidence of delivery presented by the filing
45 corporation."

46 **SECTION 6.** G.S. 120-37(c) and (f) read as rewritten:

47 "(c) The principal clerks shall be full-time officers. Each principal clerk shall be entitled
48 to other benefits available to permanent legislative employees and shall be paid an annual salary
49 of one hundred eleven ~~[thousand]~~ thousand one hundred seven dollars (\$111,107), payable
50 monthly. Each principal clerk shall also receive such additional compensation as approved by
51 the Speaker of the House of Representatives or the President Pro Tempore of the Senate,

1 respectively, for additional employment duties beyond those provided by the rules of their House.
2 The Legislative Services Commission shall review the salary of the principal clerks prior to
3 submission of the proposed operating budget of the General Assembly to the Governor and shall
4 make appropriate recommendations for changes in those salaries. Any changes enacted by the
5 General Assembly shall be by amendment to this paragraph.

6 ...

7 (f) Following adjournment sine die of each session of the General Assembly, each
8 principal clerk shall retain in ~~his-the clerk's~~ office for a period of two years every bill and
9 resolution considered by but not enacted or adopted by ~~his-the clerk's~~ house, together with the
10 calendar books and other records deemed worthy of retention. At the end of two years, these
11 materials shall be turned over to the Office of Archives and History of the Department of Natural
12 and Cultural Resources for ultimate retention or disposition."

13 **SECTION 7.(a)** G.S. 7A-304 reads as rewritten:

14 "**§ 7A-304. Costs in criminal actions.**

15 (a) In every criminal case in the superior or district court, wherein the defendant is
16 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
17 prosecuting witness, the following costs shall be assessed and collected. No costs may be
18 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of
19 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs
20 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a),
21 (11), (12), or (13) of this ~~section-subsection~~. No court may waive or remit all or part of any court
22 fines or costs without providing notice and opportunity to be heard by all government entities
23 directly affected. The court shall provide notice to the government entities directly affected of (i)
24 the date and time of the hearing and (ii) the right to be heard and make an objection to the
25 remission or waiver of all or part of the order of court costs at least 15 days prior to hearing.
26 Notice shall be made to the government entities affected by first-class mail to the address
27 provided for receipt of court costs paid pursuant to the order. ~~{The costs are listed below:}~~The
28 costs are listed below:

29 ...

30 (6) For support of the General Court of Justice, the sum of two hundred dollars
31 (\$200.00) is payable by a defendant who fails to appear to answer the charge
32 as scheduled, unless within 20 days after the scheduled appearance, the person
33 either appears in court to answer the charge or disposes of the charge pursuant
34 to G.S. 7A-146, and the sum of fifty dollars (\$50.00) is payable by a defendant
35 who fails to pay a fine, penalty, or costs within 40 days of the date specified
36 in the court's judgment. Upon a showing to the court that the defendant failed
37 to appear because of an error or omission of a judicial official, a prosecutor,
38 or a law-enforcement officer, the court shall waive the fee for failure to appear.
39 These fees shall be remitted to the State Treasurer.

40 (7) For the services of the North Carolina State Crime Laboratory facilities, the
41 district or superior court judge shall, upon conviction, order payment of the
42 sum of six hundred dollars (\$600.00) to be remitted to the Department of
43 Justice for support of the Laboratory. This cost shall be assessed only in cases
44 in which, as part of the investigation leading to the defendant's conviction, the
45 laboratories have performed DNA analysis of the crime, tests of bodily fluids
46 of the defendant for the presence of alcohol or controlled substances, or
47 analysis of any controlled substance possessed by the defendant or the
48 defendant's agent.

49 (8) For the services of any crime laboratory facility operated by a local
50 government or group of local governments, the district or superior court judge
51 shall, upon conviction, order payment of the sum of six hundred dollars

- 1 (\$600.00) to be remitted to the general fund of the local governmental unit
2 that operates the laboratory to be used for law enforcement purposes. The cost
3 shall be assessed only in cases in which, as part of the investigation leading to
4 the defendant's conviction, the laboratory has performed DNA analysis of the
5 crime, test of bodily fluids of the defendant for the presence of alcohol or
6 controlled substances, or analysis of any controlled substance possessed by
7 the defendant or the defendant's agent. The costs shall be assessed only if the
8 court finds that the work performed at the local government's laboratory is the
9 equivalent of the same kind of work performed by the North Carolina State
10 Crime Laboratory under subdivision (7) of this subsection.
- 11 (8a) For the services of any private hospital performing toxicological testing under
12 contract with a prosecutorial district, the district or superior court judge shall,
13 upon conviction, order payment of the sum of six hundred dollars (\$600.00)
14 to be remitted to the State Treasurer for the support of the General Court of
15 Justice. The cost shall be assessed only in cases in which, as part of the
16 investigation leading to the defendant's conviction, the laboratory has
17 performed testing of bodily fluids of the defendant for the presence of alcohol
18 or controlled substances. The costs shall be assessed only if the court finds
19 that the work performed by the local hospital is the equivalent of the same
20 kind of work performed by the North Carolina State Crime Laboratory under
21 subdivision (7) of this subsection.
- 22 ...
- 23 (11) For the services of an expert witness employed by the North Carolina State
24 Crime Laboratory who completes a chemical analysis pursuant to
25 G.S. 20-139.1, a forensic analysis pursuant to G.S. 8-58.20, or a digital
26 forensics analysis and provides testimony about that analysis in a defendant's
27 trial, the district or superior court judge shall, upon conviction of the
28 defendant, order payment of the sum of six hundred dollars (\$600.00) to be
29 remitted to the Department of Justice for support of the State Crime
30 Laboratory. This cost shall be assessed only in cases in which the expert
31 witness provides testimony about the chemical or forensic analysis in the
32 defendant's trial and shall be in addition to any cost assessed under subdivision
33 (7) or (9a) of this subsection.
- 34 (12) For the services of an expert witness employed by a crime laboratory operated
35 by a local government or group of local governments who completes a
36 chemical analysis pursuant to G.S. 20-139.1, a forensic analysis pursuant to
37 G.S. 8-58.20, or a digital forensics analysis and provides testimony about that
38 analysis in a defendant's trial, the district or superior court judge shall, upon
39 conviction of the defendant, order payment of the sum of six hundred dollars
40 (\$600.00) to be remitted to the general fund of the local governmental unit
41 that operates the laboratory to be used for the local law enforcement
42 laboratory. This cost shall be assessed only in cases in which the expert
43 witness provides testimony about the chemical or forensic analysis in the
44 defendant's trial and shall be in addition to any cost assessed under subdivision
45 (8) or (9b) of this subsection.
- 46 (13) For the services of an expert witness employed by a private hospital
47 performing toxicological testing under contract with a prosecutorial district
48 who completes a chemical analysis pursuant to G.S. 20-139.1 and provides
49 testimony about that analysis in a defendant's trial, the district or superior court
50 judge shall, upon conviction of the defendant, order payment of the sum of six
51 hundred dollars (\$600.00) to be remitted to the State Treasurer for the support

of the General Court of Justice. This cost shall be assessed only in cases in which the expert witness provides testimony about the chemical analysis in the defendant's trial and shall be in addition to any cost assessed under subdivision (8a) of this subsection.

(d) (1) In any criminal case in which the liability for costs, fines, restitution, attorneys' fees, or any other lawful charge has been finally determined, the clerk of superior court shall, unless otherwise ordered by the presiding judge, disburse such the funds when paid in accordance with the following priorities:

(2) Sums in restitution received by the clerk of superior court shall be disbursed when:

(g) Changes to the costs or fees in this section apply to costs or fees assessed or collected on or after the effective date of the change. However, in misdemeanor or infraction cases disposed of on or after the effective date by written appearance, waiver of trial or hearing, or plea of guilt or admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), and within the time limit imposed by ~~G.S. 7A-304(a)(6)~~, subdivision (a)(6) of this section, in which the citation or other criminal process was issued before the effective date, the costs or fees shall be the lesser of those specified in this section as amended, or those specified in the notice portion of the defendant's or respondent's copy of the citation or other criminal process, if any costs or fees are specified in that notice."

SECTION 7.(b) G.S. 105-164.3 reads as rewritten:

"§ 105-164.3. Definitions.

The following definitions apply in this Article:

(30b) Prosthetic device. – A replacement, corrective, or supporting device worn on or in the body that meets one of the conditions of this subdivision. The term includes repair and replacement parts for the device. ~~{The conditions are as follows:}~~The conditions are as follows:

- a. Artificially replaces a missing portion of the body.
- b. Prevents or corrects a physical deformity or malfunction.
- c. Supports a weak or deformed portion of the body.

...."

SECTION 7.(c) G.S. 105-282.1 reads as rewritten:

"§ 105-282.1. Applications for property tax exemption or exclusion; annual review of property exempted or excluded from property tax.

(a) Application. – Every owner of property claiming exemption or exclusion from property taxes under the provisions of this Subchapter has the burden of establishing that the property is entitled to it. If the property for which the exemption or exclusion is claimed is appraised by the Department of Revenue, the application shall be filed with the Department. Otherwise, the application shall be filed with the assessor of the county in which the property is situated. An application must contain a complete and accurate statement of the facts that entitle the property to the exemption or exclusion and must indicate the municipality, if any, in which the property is located. Each application filed with the Department of Revenue or an assessor shall be submitted on a form approved by the Department. Application forms shall be made available by the assessor and the Department, as appropriate.

Except as provided below, an owner claiming an exemption or exclusion from property taxes must file an application for the exemption or exclusion annually during the listing period:

...

- 1 (2) Single application required. – An owner of one or more of the following
 2 properties eligible for a property tax benefit must file an application for the
 3 benefit to receive it. Once the application has been approved, the owner does
 4 not need to file an application in subsequent years unless new or additional
 5 property is acquired or improvements are added or removed, necessitating a
 6 change in the valuation of the property, or there is a change in the use of the
 7 property or the qualifications or eligibility of the taxpayer necessitating a
 8 review of the benefit. ~~[The properties are as follows:]~~The properties are as
 9 follows:
 10 a. Property exempted from taxation under G.S. 105-278.3, 105-278.4,
 11 105-278.5, 105-278.6, 105-278.7, or 105-278.8.
 12 b. Special classes of property excluded from taxation under
 13 G.S. 105-275(3), (7), (8), (12), (17), (18), (19), (20), (21), (31e), (35),
 14 (36), (38), (39), (41), (45), (46), (47), (48), or (49) or under
 15 G.S. 131A-21.
 16 c. Special classes of property classified for taxation at a reduced
 17 valuation under G.S. 105-277(h), 105-277.1, 105-277.1C, 105-277.10,
 18 105-277.13, 105-277.14, 105-277.15, 105-277.17, or 105-278.
 19 d. Property owned by a nonprofit homeowners' association but where the
 20 value of the property is included in the appraisals of property owned
 21 by members of the association under G.S. 105-277.8.
 22 e. Repealed by Session Laws 2008-35, s. 1.2, effective for taxes imposed
 23 for taxable years beginning on or after July 1, 2008.

24"

25 **SECTION 7.(d)** G.S. 143B-437.56(a1) reads as rewritten:

26 "(a1) Notwithstanding the percentage specified by subsection (a) of this section, the amount
 27 of the grant awarded for a high-yield or transformative project shall be enhanced as provided in
 28 this subsection if the applicable conditions of this subsection are met. A business receiving an
 29 enhanced percentage of withholdings under this subsection that fails to maintain the minimum
 30 job creation requirement or meet all terms of the agreement will be disqualified from receiving
 31 the enhanced percentage and will have the applicable percentage set forth in subsection (a) of
 32 this section applied in the year in which the failure occurs and all remaining years of the grant
 33 term. ~~[The enhanced percentages are as follows:]~~The enhanced percentages are as follows:

- 34 (1) If the project is a high-yield project, the business has met the investment and
 35 job creation requirements, and, for three consecutive years, the business has
 36 met all terms of the agreement, the amount of the grant awarded shall be no
 37 more than one hundred percent (100%) of the withholdings of eligible
 38 positions for each year the business maintains the minimum job creation
 39 requirement and meets all terms of the agreement. Ninety percent (90%) of
 40 the annual grant approved for disbursement shall be payable to the business,
 41 and ten percent (10%) shall be payable to the Utility Account pursuant to
 42 G.S. 143B-437.61.
 43 (2) If the project is a transformative project and the business has met the
 44 investment and job creation requirements and all terms of the agreement, the
 45 amount of the grant awarded shall be no more than one hundred percent
 46 (100%) of the withholdings of eligible and expansion positions for each year
 47 the business maintains the minimum job creation requirement and meets all
 48 terms of the agreement. Ninety percent (90%) of the annual grant approved
 49 for disbursement shall be payable to the business, and ten percent (10%) shall
 50 be payable to the Utility Account pursuant to G.S. 143B-437.61."

1 **SECTION 8.** The introductory language of Section 13A.1(a) of S.L. 2018-5 reads
2 as rewritten:
3 **"SECTION 13A.1.(a)** ~~G.S. 143B-344.62~~ G.S. 143B-344.60 reads as rewritten:"
4 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes
5 law.